

HAYWARD CITY COUNCIL

RESOLUTION NO. 17-

Introduced by Council Member _____

RESOLUTION TO ADOPT A ZONING TEXT AMENDMENT TO CHAPTER 10
(PLANNING, ZONING, AND SUBDIVISIONS) OF THE HAYWARD MUNICIPAL
CODE RELATED TO THE DEVELOPMENT OF ACCESSORY DWELLING UNITS

WHEREAS, on September 27, 2016, Governor Brown signed Assembly Bill 2299 (Bloom) and Senate Bill 1069 (Wieckowski) into law, requiring local agencies to revise and ease restrictions on the development of Accessory Dwelling Units (ADUs);

WHEREAS, on January 1, 2017, Assembly Bill 2299 and Senate Bill 1069 became effective rendering any local ordinance that failed to fully meet the requirements of State law null and void, unless and until the local agency adopts an ordinance that complies with the provisions of the State;

WHEREAS, on March 14, 2017, the City Council held a work session to review State legislation related to the development of ADUs and to provide policy direction to City staff;

WHEREAS, the adoption of an ordinance regarding ADUs in single-family and multi-family zones by cities and counties is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15282(h) of the Public Resources Code;

WHEREAS, on July 27, 2017, the Planning Commission considered Zoning Text Amendment Application No. 201701087 at a public hearing, and voted (4-0-0), that the City Council approve the Zoning Text Amendment; and

WHEREAS, on October 8, 2017, Governor Brown signed two additional pieces of legislation, Assembly Bill 494 and Senate Bill 229, clarifying language related to the previously adopted amendments to Section 65852.2 of the Government Code; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on October 30, 2017.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows:

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- A. The proposed text amendment is statutorily exempt from the provisions of the CEQA pursuant to Section 15282(h) of the Public Resources Code that exempts the adoption of an ordinance regarding accessory dwelling units in single-family and multi-family zones by cities and counties that implement the provisions of Section 65852.2 of the California Government Code. Therefore, no environmental review is necessary.

FINDINGS FOR A ZONING TEXT AMENDMENT TO THE HAYWARD MUNICIPAL CODE

A. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward;

The proposed text amendment will promote the public health, safety, convenience, and general welfare of the residents of Hayward by providing the flexibility to create a diverse type of housing options for students, young professionals, small families, disabled individuals, extended families, senior citizens, and residents to live, work, study, and play. Additionally, the State Legislature finds, as substantial proof, that ADUs are a valuable form of rental housing stock in California, homeowners benefit from the creation of ADUs as added income, ADUs offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character, and California is in a severe housing crisis. The owner occupancy deed restriction will also ensure that all ADUs are compatible with existing single-family neighborhoods they are to be located in. It will maintain accountability with the property owner to verify that all ADU rentals are compliant with health, safety, general welfare, and housing conditions for prospective tenants.

B. The proposed change is in conformance with all applicable, officially adopted policies and plans;

The proposed Zoning Text Amendment will be consistent with the following goals, policies, and objectives of the Hayward 2040 General Plan and the Complete Communities Strategic Plan:

Infill Development in Neighborhood Land Use Policy LU-3.7: The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features.

Diversity of Housing Types Policy H-3.1: The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size.

Flexible Development Standards Policy H-4.1: The City shall review and adjust as appropriate residential development standards, regulations, ordinances,

departmental processing procedures, and residential fees that are determined to be a constraint on the development of housing.

Complete Communities Strategic Plan Goal 2: Provide a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources.

C. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified; and

No properties are proposed to be reclassified with the proposed text amendment. The zoning districts in which ADUs will be permitted within the proposed regulations will remain consistent with the previous voided regulations. Therefore, streets and public facilities existing and proposed will be adequate to serve the potential development of ADUs as accessory, secondary uses.

D. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.

No properties are proposed to be reclassified with the proposed text amendment. A beneficial effect will be achieved with the proposed revision to the HMC, as it will allow for more flexible development standards than which previously existed and spur greater development of ADUs with infill development consistent with the existing neighborhood character and scale.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the findings in support of Zoning Text Amendment Application No. 201701087, subject to the adoption of the companion Ordinance.

BE IT RESOLVED that this resolution shall become effective on the date that the companion Ordinance (Ordinance No. 17-__) becomes effective.

IN COUNCIL, HAYWARD, CALIFORNIA 30th of October 2017.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward