

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-

Introduced by Councilmember _____

RESOLUTION ADOPTING THE MITIGATED NEGATIVE
DECLARATION AND THE MITIGATION MONITORING AND
REPORTING PROGRAM AND APPROVING ZONE CHANGE
APPLICATION PL-2014-0343 PERTAINING TO A ZONE CHANGE
FROM AGRICULTURE (A) TO SINGLE-FAMILY RESIDENTIAL (RS
B10) FOR 890 AND 900 CALHOUN STREET

WHEREAS, on July 9, 2014, Aman Pohyar (Applicant), submitted Zone Change Application No. PL-2014-0343 for the properties located at 890 and 900 Calhoun, requesting a zoning reclassification from Agriculture to Single-Family Residential Special Lot Standard Combing district, Minimum Lot Size 10,000 square feet (the “Project”); and

WHEREAS, a Mitigated Negative Declaration/Initial Study (MND) and Mitigation Monitoring and Reporting Program (MMRP) have been prepared to assess and mitigate the potential environmental impacts of the Project, with availability of such documents being duly noticed; and

WHEREAS, the Planning Commission considered the Project at a legally noticed public hearing held on October 15, 2015, and denied the Project, due to neighbors’ concerns that the zone change would result in increased traffic and change the rural character of the area; and

WHEREAS, the Applicant appealed the Planning Commission decision to the City Council on October 26, 2015; and

WHEREAS, notice of a public hearing was published in the manner required by law and a hearing was duly held by the City Council on December 1, 2015.

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

1. Pursuant to CEQA Guidelines Section 15220, an Initial Study (“IS”) was prepared for this project with the finding that a Mitigated Negative Declaration (“MND”) was appropriate because all potentially significant impacts could be reduced to a level of insignificance.
2. That the proposed MND was prepared by the City of Hayward as the Lead Agency and

was circulated with a twenty (20) day public review period, beginning on September 14, 2015 and ending on October 5, 2015.

3. That the proposed MND was independently reviewed, considered and analyzed by the City Council and reflects the independent judgment of the City Council; that such independent judgment is based on substantial evidence in the record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the proposed MND and the administrative record as a whole); that the City Council adopts the proposed MND and its findings and conclusions as its source of environmental information; and that the proposed MND is legally adequate and was completed in compliance with CEQA.
4. That the proposed MND identified all potential significant adverse impacts and feasible mitigation measures that would reduce these impacts to less-than-significant levels, and that all of the applicable mitigation measures identified in the MND and Mitigation Monitoring and Reporting Program will be adopted and implemented. Based on the MND and the whole record before the City Council, there is no substantial evidence that the project will have a significant effect on the environment.
5. That the project complies with CEQA, and that the proposed MND was presented to the City Council, which reviewed and considered the information contained therein prior to approving the project. The custodian of the record of proceedings upon which this decision is based in the Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA 94541.
6. The monitoring and reporting of mitigation measures in connection with the project will be conducted in accordance with the attached Mitigation Monitoring and Reporting Program (attached as Exhibit "A"). Adoption of this program will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. All proposed mitigation measures are capable of being fully implemented and monitored by the efforts of the project sponsor, City of Hayward, or other identified public agencies of responsibility.

ZONE CHANGE

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

The zone change would allow a modest increase in the housing stock on lots approximately 18,000 to 20,000 square feet, with densities feathering out, providing a suitable transition to the surrounding open space and agricultural lands while maintaining the character of the neighborhood and allowing the existing livestock to remain as a legal nonconforming use. Also, any new future single-family dwelling would have to, as conditioned, comply with the Hillside Design Guidelines and be subject to Site Plan Review. Also, recommendations in geotechnical reports would be required to be implemented for proposed new homes with

recommendations on the foundation and siting of the building to minimize damage from an earthquake.

2. **The proposed zone change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans.**

The rezoning of the properties would bring the zoning into conformance with the Low Density Residential General Plan Designation and the Mission-Garin Neighborhood Plan's Preferred Land Use Alternative.

3. **The public streets and facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified.**

The public streets and facilities are adequate to serve additional single-family dwellings that could be constructed as a result of the zone change. Calhoun Street is an existing street that extends up to 1002 Calhoun and would be able handle the potential minimal increase in traffic. Electric, Water and Sewer lines extend up to 900 Calhoun Street and a fire hydrant is located at 886 Calhoun Street.

4. **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.**

The Mission-Garin Neighborhood Plan identified these parcels as "potential for additional housing units on vacant and underutilized parcels". Rezoning the property as proposed would allow for a modest increase in the number of dwelling units from two to potentially four to five dwellings on lots that would range from approximately 18,000 to 20,000 square feet. Such modest increase in the number of housing units on such sized lots would not undermine the character of the neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program (Exhibit "A") and approves the Zone Change application, subject to the adoption of the companion ordinance (Ordinance No. 15-XXX) to rezone the property located at 890 and 900 Calhoun Street from Agriculture to Single-Family Residential Special Combining Lot B10 district and subject to the attached condition of approval (Exhibit "B").

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2015

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

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

Exhibit A

MITIGATION MONITORING AND REPORTING PROGRAM

Zone Change Application No. PL-2014-0343

890 and 900 Calhoun Street

Aman Pohyar (Applicant)

Aman Pohyar (Owner – 900 Calhoun Street)

Servando B. Zepeda (Owner – 890 Calhoun Street)

Mitigation Measure: Geotechnical Reports shall be prepared for all new buildings and the reports' recommendations shall be approved by the City and incorporated into the design and construction phases of future buildings. Future buildings shall also comply with the California and City of Hayward Building Codes.

Implementation Responsibility: Future project proponents

Verification Responsibility: City Building Division

Monitoring Schedule during Plan Review: Prior to approval of building permit

Monitoring Schedule during Construction/Implementation: On-going during construction and prior to issuance of certificate of occupancy

Exhibit B

CONDITIONS OF APPROVAL

**ZONE CHANGE APPLICATION NO. PL-2014-0343
Request to rezone 890 and 900 Calhoun Street
from Agriculture to Single-Family Residential B10 (RS B10)**

Aman Pohyar (Applicant)
Aman Pohyar (Owner – 900 Calhoun Street)
Servando B. Zepeda (Owner – 890 Calhoun Street)

The site is located at 890 and 900 Calhoun Street in the Agriculture (A), (APN 078C-0647-005-00/078C-0647-001-02).

If determined to be necessary for the public safety and general welfare, the City may impose additional conditions or restrictions on this zone change.

Condition of Approval

1. Further development of these sites shall comply with the Hillside Design Guidelines and be subject to Site Plan Review.