

HAYWARD CITY COUNCIL

RESOLUTION NO. 20-__

Introduced by Council Member _____

RESOLUTION ADOPTING THE ADDENDUM TO THE HAYWARD 2040 GENERAL PLAN ENVIRONMENTAL IMPACT REPORT FOR PARCEL GROUP 9 LOCATED AT THE INTERSECTION OF APPLE AVENUE AND OAK STREET (ASSESSOR PARCEL NOS. 415-0160-052-00, & 415-0170-037-00) REZONING FROM HIGH DENSITY RESIDENTIAL (RH) AND COMMERCIAL OFFICE (CO) TO GENERAL COMMERCIAL (CG); CITY OF HAYWARD (APPLICANT/OWNER)

WHEREAS, in the mid-1960s, Caltrans purchased more than 400 parcels of property for construction of a 14-mile 238 Corridor Bypass Freeway to run through the City of Hayward and parts of unincorporated Alameda County; and

WHEREAS, in 1971, a lawsuit, filed in federal court on behalf of residents to be displaced by the freeway construction, blocked the project. Caltrans subsequently abandoned the freeway plan; and

WHEREAS, in 2011, the City approached Caltrans with a proposal to allow the City to take responsibility for the disposition and development of some Caltrans-owned property; and

WHEREAS, in January 2016, Caltrans agreed to negotiate, and a Purchase and Sale Agreement was approved by City Council and the California Transportation Commission; and

WHEREAS, on February 4, 2020, the City of Hayward submitted a rezoning application and addendum to the 2040 Hayward General Plan EIR (Application No. 202000605) , to rezone Parcel Group 9 (Assessor Parcel Nos. 415-0160-052-00, & 415-0170-037-00) from High Density Residential (RH) and Commercial Office (CO) to General Commercial (CG); and

WHEREAS, on May 1, 2020, notice of the Planning Commission public hearing was mailed to all property owners and residents within 300 feet of the project site as well as those who requested such notice; and was published in The Daily Review; and

WHEREAS, on May 14, 2020, the Planning Commission held a duly noticed public hearing on the proposed project and voted unanimously to recommend City Council approval of the rezoning and addendum to the Hayward 2040 General Plan; and

WHEREAS, on June 5, 2020, notice of the City Council public hearing regarding the project was mailed to all property owners and residents within 300 feet of the project site as well as those who requested such notice; and was published in The Daily Review; and

WHEREAS, on June 16, 2020, the City Council held a public hearing and accepted public testimony on the proposed project.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the following findings:

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- A. On July 2014, City Council certified the Hayward 2040 General Plan Environmental Impact Report (GP EIR)¹. In accordance with CEQA Guidelines Section 15164, LSA prepared an Addendum (Attachment IV) which tiers off the Hayward 2040 GP EIR and analyzes proposed land use changes and the possible development of a 150-room hotel project.

The purpose of the Addendum is to describe and evaluate the proposed project, assess the proposed modifications to the project evaluated in the Hayward 2040 GP EIR, and identify the reasons for the City's conclusion that changes to the proposed project and associated environmental effects meets the requirements set forward by CEQA Guidelines Section 15164 , while not activating the need to prepare a subsequent or supplemental EIR as set forward by CEQA Guidelines Section 15162.

Further, the Addendum highlights that no new or more severe significant impacts were identified for the proposed project that were not identified and mitigated in the Hayward 2040 GP EIR, and no new mitigation measure would be required for the proposed project.

Overall, there would be no substantial change proposed in the project or the circumstances under which the project is being undertaken, nor is there any new information that would require additional environmental review. Therefore, pursuant to CEQA Guidelines Section 15164:

“The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of subsequent EIR have occurred.”

Therefore, the proposed project complies with CEQA requirements and no subsequent EIR or other CEQA evaluation is required for the project.

¹ General Plan EIR https://www.hayward-ca.gov/sites/default/files/documents/Hayward%20GPU%20Final%20EIR_5-19-14_0.pdf

REZONE AND ADDENDUM TO HAYWARD 2040 GENERAL PLAN EIR**A. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward.**

As proposed, the rezone would allow for the reclassification of the site to be in line with the land uses allowed per the Hayward 2040 General Plan. No project would be entitled by way of the rezone and any proposed planning application would be required to obtain the necessary land use entitlements. The project would also be subject to, but not limited to, the development standards of the General Commercial zoning districts, the Hayward Municipal Code, and policies as set forward by the Hayward 2040 General Plan. Additionally, the General Plan envisioned and allows for residential, retail, entertainment, and lodging uses on this site. As such, the proposed rezone would be considered a minor land use change and would not be detrimental to public health, safety, convenience, and the general welfare of the community.

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

Pursuant to the Hayward 2040 General Plan, the parcels have a General Plan designation of Commercial High Density Residential (CHDR), which allows for several uses including residential, retail, entertainment, and lodging². However, the existing Residential High Density (RH)³ & Commercial Office (CO)⁴ zones preclude retail, entertainment and limit the allowed lodging uses. If the parcels are rezoned to General Commercial (CG)⁵, the site would be more consistent with the policies and land uses envisioned in the General Plan. Further, if the parcels are reclassified, most of the allowed uses pursuant to the existing RH and CO zones would be maintained, including multifamily residential uses, if developed above a commercial use.

Therefore, by way of the proposed rezone, all future projects would conform with the intent of the Hayward 2040 General Plan and better align with all other adopted policies and plans.

² Hayward 2040 General Plan https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf

³ Residential High Density Allowed Uses
https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.500HIDEREDIRH

⁴ Office Commercial Allowed Uses
https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.1100COOFDICO

⁵ General Commercial Allowed Uses
https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.1000GECODICG

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

There is no project being proposed in association with the proposed rezone. However, if approved, the City is likely to release an RFP to develop the site and solicit proposals for development. Currently, the vacant site obtains access by way of two public streets: Apple Avenue and Oak Street. No changes are currently proposed to these roadways; however, any new project application filed with the City may require revisions to the existing access and circulation. Additionally, any project would be required to provide the necessary on and off-site improvements, consistent with adopted policies. Those improvements would include, but not to be limited to the construction of a formal driveway approach, sidewalk upgrades, American with Disability Act (ADA) upgrades, lighting upgrades, noise attenuation measures, and other improvements as required by way of the Hayward Municipal Code, the Hayward 2040 General Plan, and as conditioned by the multiple City Departments and Divisions.

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.

Approval of the rezone would reclassify the RH parcel and the CO parcel as GC, making it compatible with the existing underlining General Plan designation of CHDR, which allows for residential, retail, entertainment and lodging uses. The current zoning designations of RH and CO preclude retail, entertainment and limit the allowed lodging uses. By rezoning the site to GC, the allowed uses would be extended to include retail, entertainment and lodging uses.

Thereby, the property would be compatible with the present General Plan designation and with the future General Plan designation as envisioned by the Hayward 2040 General Plan. If the site is left with its current zoning designation, it would remain inconsistent with the General Plan land use designation by preventing retail uses, entertainment uses, and limit lodging uses. Therefore, the proposed rezoning would be beneficial to apply the appropriate land use and development standards of any new development with the adopted policies of the General Plan, which would not be obtainable under the existing land use regulations.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the Addendum to the Hayward 2040 General Plan and approves the Rezoning Application (No. 202000605).

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2020

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