

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Councilmember \_\_\_\_\_

RESOLUTION DETERMINING PROJECT IS EXEMPT FROM ENVIRONMENTAL IMPACT ANALYSIS, PER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING AMENDMENTS TO THE HAYWARD MUNICIPAL CODE REGARDING LIVESTOCK, HOUSEHOLD PETS, AND APIARIES.

WHEREAS, at the direction of the City Council, staff has prepared revisions to Sections 10-1.200, 10-1.300, and 10-1.2735 of the Hayward Municipal Code related to livestock, household pets, and apiaries; and amendments to the City's Definitions Section of the Zoning Ordinance (Section 10-1.3500) (the "Project"); and

WHEREAS, the Planning Commission considered the Project at a legally noticed public hearing held on December 17, 2015, and unanimously recommended, with two Commissioners absent, that the City Council approve the proposed text amendments (Application No. 201505957 TA); and

WHEREAS, notice of a public hearing was published in the manner required by law and the hearing was duly held by the City Council on January 12, 2016.

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- A. The text amendment is exempt from environmental review under California Environmental Quality Act (CEQA) Guidelines Sections 15321 (exemption for governmental regulatory activities) and 15061(b)(3) (projects clearly not impacting the environment).

TEXT AMENDMENTS

- 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 standards are consistent with best practices for managing livestock in

urban areas, and similar standards have been adopted by many other jurisdictions in the Bay Area. While some standards are reduced from what is currently required, sufficient separation requirements are maintained to ensure preservation of the public health, safety, convenience, and general welfare of the residents of Hayward without creating an unnecessary burden on applicants. In addition, these reduced standards will allow many more properties to become eligible for the keeping of some small livestock and/or bees, which will allow the residents of those properties to have access to a dependable, local food source. Having access to a dependable, local food source increases the resiliency of the residents of Hayward and can provide health benefits by ensuring a dependable supply of a staple protein source when food prices increase.

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

Providing residents more access to healthy food sources is consistent with Hayward General Plan Community Health and Quality of Life Element Goal 3, relating to access to healthy foods. Recognizing that Livestock and Beehives can potentially become nuisances for neighboring residences, regulation of these facilities is consistent with the intent of HMC Chapter 5, Article 7, Community Preservation and Improvement. The proposed regulations would allow the keeping of some types of livestock and bees in many residential areas, subject to specific performance standards. The standards will ensure that the keeping of such animals does not have a negative impact on neighboring residents. Further, the proposed text amendments will ensure that the City has a mechanism to enforce the proposed regulations as a public nuisance if the animals or bees are not maintained properly.

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

No properties are proposed to be reclassified. New businesses are required to have adequate streets and facilities before operating, as currently mandated.

**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. The proposed regulations and text amendment would provide clarification regarding which types of activities are permissible and which are not permissible, to help ensure that such activities are operated in a manner that would not generate impacts to surrounding properties and neighborhoods.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts findings in support of the text amendments, subject to the adoption of the companion ordinances.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2016

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