

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-

Introduced by Council Member _____

RESOLUTION TO ADOPT A ZONING TEXT AMENDMENT TO CHAPTER 10, ARTICLE 1 (ZONING ORDINANCE) OF THE HAYWARD MUNICIPAL CODE RELATED TO HEIGHT REGULATIONS FOR AIRPORT TERMINAL DISTRICT PROPERTIES LOCATED WITHIN THE BOUNDARIES OF THE HAYWARD EXECUTIVE AIRPORT

WHEREAS, on November 7, 2017, the Airport Manager submitted a City-initiated request to amend Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code (HMC) to allow an increase in height for new development within the boundaries of the Hayward Executive Airport to make the properties more marketable.

WHEREAS, the proposed amendments would allow an increase in height for new development on certain Air Terminal (AT) District properties (AT-Commercial, AT-Aviation Commercial, AT-Operations, AT-Recreational, and AT-Industrial Park) located within the boundaries of the Hayward Executive Airport, with special findings that the increased height will not pose a safety hazard pursuant to Federal Aviation Administration (FAA) review and approval, and if staff finds that the proposed increase in height will result in a better site layout for future projects or provide additional amenities that would not be achievable under current zoning regulations.

WHEREAS, on December 14, 2017, the Planning Commission considered Zoning Text Amendment Application No. 201706359 at a public hearing, and voted (6-0-1), that the City Council approve the Zoning Text Amendment; 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 January 16, 2018.

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- A. The proposed project is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3), as an activity that is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed project includes zoning text amendments to allow for an increase in building height within the boundaries of the Hayward Executive Airport provided that the FAA reviews and approves the proposed height increase, and if the

proposed increase in height will result in a better site layout, or additional amenities that would not be achievable under current zoning regulations. Future development projects would be evaluated on a case-by-case basis for environmental impacts pursuant to CEQA.

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 zoning text amendments would allow for an increase in height for new development on properties located within the boundaries of the Hayward Executive Airport. The increase in height would be subject to special findings that it would not pose a safety concern based on the FAA's review and approval of the development, and that the increase in height would result in a more beneficial site layout. Flexibility in height would allow developers to combine uses on a single site, provide amenities such as increased landscaping, and offer enhance architecture with higher ground floor entrances, higher internal ceilings and varied roof pitches that might not otherwise be achievable under current zoning standards. Such site and building enhancements would promote higher quality development and a variety of uses and amenities that would promote the general welfare of the residents, employees and visitors to Hayward. Further, the Airport property is hundreds of acres in size and separated from nearby neighborhoods with wide roadways and tree-lined medians. The site can accommodate taller structures without disrupting the scale and pattern of development in the surrounding area.

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

The proposed text amendments would not conflict with the underlying General Plan designation purposes, allowable uses, or development standards. The proposed text amendments are consistent with the following Land Use and Economic Development General Plan Policies to provide flexibility in development standards and to offer incentives for amenity rich development that would not be achievable under current zoning regulations:

- Policy LU-5.2, Flexible Land Use Regulations. To maintain flexible land use regulations that allow the establishment of economically productive uses in regional and community centers.
- Policy ED-6.7, Business Incentives. To provide incentives to attract, expand, and retain businesses that offer high quality jobs, generate local sales tax revenue, and/or provide needed goods or services to residents.

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. Rather, the proposed text amendments would allow for an increase in building height provided that the FAA reviews and approves the proposed height increase and if the proposed increase in height will result in a better site layout, or additional amenities that would not be achievable under current zoning regulations

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 text amendments would allow property owners to install perimeter fences around vacant properties in order to secure and protect the properties. Fence design and performance standards will ensure that the fences are aesthetically pleasing and contribute to a positive image of the City until such time as the properties are ready for development.

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. 201706359, 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. 18-__) becomes effective.

IN COUNCIL, HAYWARD, CALIFORNIA 16th of January 2018.

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