

**CITY OF HAYWARD PLANNING COMMISSION
BUSINESS FRIENDLY HAYWARD
PROPOSED TEXT AMENDMENTS TO THE HAYWARD MUNICIPAL CODE
CHAPTER 10, ARTICLES 1, 2, 24 AND 28 AND CHAPTER 6, ARTICLE 2
AND ZONING MAP AMENDMENTS**

DRAFT FINDINGS FOR APPROVAL

PROPOSED AMENDMENT FINDINGS

Pursuant to HMC Section 10-1.3425, the decision-making body shall make the following findings prior to recommending approval or approving zoning text and zoning map 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 Zoning Map and Text Amendments will promote the public health, safety, convenience and general welfare of the residents, business owners, and patrons of Hayward by supporting new businesses and activities aligned with community interests and priorities and general market demands. The Amendments will further enliven commercial areas, including Downtown, the Mission Boulevard corridor, and various commercial hubs throughout the city, allowing residents to increasingly meet their retail, entertainment, recreational, and service needs in Hayward, rather than having to travel to nearby communities.

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

The proposed Zoning Map and Text Amendments are consistent with the goals and policies set forth in the *Hayward 2040 General Plan* in that the updated regulations are designed to protect and enhance commercial activity in the city. The proposed Zoning Map Amendments establish updated use, development, and permitting regulations for commercial and mixed-use zoning districts in alignment with the *Hayward 2040 General Plan*, the *Downtown Specific Plan*, and the *Hayward Strategic Roadmap*. Specifically, the proposed Amendments are consistent with the following goals and policies set forth in the *Hayward 2040 General Plan*:

- Policy LU-1.6: Encourage the integration of a variety of compatible land uses into new and established neighborhoods to provide residents with convenient access to goods, services, parks and recreation, and other community amenities.
- Policy LU-2.1: Encourage private-sector investment in Downtown to transform it into a safe, vibrant, and prosperous arts and entertainment district that offers enhanced shopping, dining, recreational, and cultural experiences and events for residents, families, college students, and visitors.
- Policy LU-2.2: Maintain the Downtown as a center for shopping and commerce, social and cultural activities, and political and civic functions.
- Policy LU-2.12: Encourage the redevelopment of the Mission Boulevard

corridor to create an attractive mixed-use boulevard with a variety of commercial functions and residential densities that support walking and transit.

- Policy LU-2.16: Encourage the development of uses and amenities to attract creative-class professionals and businesses to Hayward, including restaurants and cafes; art studios and galleries; entertainment and cultural venues; housing and live-work units; exercise and physical fitness facilities; office space and business incubators; and community-operated workspaces where people with common interests can meet, collaborate, and develop their business ideas and products (e.g. hacklabs, hackerspaces, or makerspaces).
- Policy LU-2.17: Encourage the establishment of youth and family entertainment uses within the Downtown and/or the Mission Boulevard Corridor. Appropriate uses include ice skating, climbing walls, bowling alleys, trampoline gyms, indoor miniature golf, arcades, billiards, climbing and play structures, water play or “spray parks”, and family-friendly dining.
- Policy LU-3.1: Promote efforts to make neighborhoods more complete by encouraging the development of a mix of complementary uses and amenities that meet the daily needs of residents. Such uses and amenities may include parks, community centers, religious institutions, daycare centers, libraries, schools, community gardens, and neighborhood commercial and mixed-use developments.
- Policy LU-5.1: Encourage a mix of retail, service, dining, recreation, entertainment, and cultural uses and activities in regional and community centers to meet a range of neighborhood and citywide needs.
- Policy LU-5.2: Maintain flexible land use regulations that allow the establishment of economically productive uses in regional and community centers.
- Policy ED-1.3: Encourage commercial and industrial development by ensuring the availability of suitable sites for development and providing appropriate zoning.
- Policy ED-1.11: Encourage the establishment and expansion of commercial businesses that increase local spending within Hayward and provide needed goods and services to local residents and businesses.
- Policy ED-2.8: Encourage the formation and operation of home-based businesses that are compatible with the surrounding neighborhood.
- Goal ED-6: Achieve recognition as the most desirable and business-friendly place to locate and conduct business in the East Bay.
- Policy ED-6.2: Strive to enhance land use certainty for businesses by identifying and removing unnecessary regulatory barriers that discourage private-sector investment.

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

The proposed Zoning Map and Text Amendments make small changes to the allowable uses in the city’s commercial and mixed-use zoning districts. The proposed uses are

consistent with land uses envisioned in the Hayward 2040 General Plan and analyzed in the related Program Environmental Impact Report. While the city's commercial and mixed-use areas are generally built out and have adequate streets and public facilities to serve the areas, each new project would be evaluated on a case-by-case for environmental impacts and would be required to install or upgrade utilities, upgrade roadways or install frontage improvements as standard conditions of approval to ensure that the future development or land use is adequately served.

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.

The proposed Zoning Map and Text Amendments include allowable uses and development standards to ensure that future commercial uses and development are compatible with existing development. This includes allowing a wider variety of uses that have been identified as desirable by the community (including recreational facilities, community centers, beer and wine sales, live entertainment, and events) through simpler permitted processes. The proposed Amendments would achieve a beneficial effect by promoting diverse, mixed-use commercial hubs and clusters throughout Hayward, enhancing economic activity and community amenities.

ENVIRONMENTAL REVIEW

In accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, a lead 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 a subsequent EIR have occurred. Under Section 15162, a subsequent EIR need not be prepared unless the lead agency determines one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from

those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed project is entirely consistent with the Hayward 2040 General Plan. Thus, no new or unanticipated levels of development are expected as a result of the proposed project that were not previously identified in the General Plan and General Plan EIR, and no new or unanticipated traffic, employment density, or construction impacts are expected to be generated as a result of adoption of these regulations. Therefore, the proposed project substantially conforms to the Goals and Policies set forth in the Hayward 2040 General Plan and were adequately analyzed in the related Program EIR. As such, no further environmental review is necessary.