

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-\_\_\_\_\_

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

RESOLUTION APPROVING THE RE-USE OF THE ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE HAYWARD 2040 GENERAL PLAN AND APPROVING THE ZONE CHANGE APPLICATION 201601906 PERTAINING TO THE LOT LOCATED AT 619 SHEPHERD AVENUE.

WHEREAS, on April 11, 2016, Thinh Duc Nguyen (Applicant/Property Owner) submitted Zone Change Application No. 201601906, requesting a zone change for one parcel (APN 453-0040-025-02) located at 619 Shepherd Avenue. The zone change would convert the properties from Single-Family Residential District (RS), to Medium Density Residential District (RM) to facilitate additional development on the site; and

WHEREAS, a Program Environmental Impact Report (EIR) was certified for the Hayward 2040 General Plan per City Council Resolution 14-108, adopted on July 1, 2014, which covers the environmental impacts of the zone change; and

WHEREAS, the Planning Commission considered the Project at a public hearing held on June 23, 2016, and recommended that the City Council approve the Zone Change Application No. 201601906; 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 July 5, 2016.

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

1. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168, an Environmental Impact Report (EIR) was prepared for the Hayward 2040 General Plan which is considered a Program EIR.
2. That the Program EIR for the Hayward 2040 General Plan Update was adopted by the City Council, Resolution 14-108, on July 1, 2014.
3. That the Program EIR covers the subject zone change as a subsequent action contemplated with the adoption of the Hayward 2040 General Plan Update and is consistent with the General Plan Land Use diagram.

4. That the project complies with CEQA, and that the City Council has reviewed and considered the information 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 94544.

#### ZONE CHANGE

- 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 zone change will promote the public health and safety in that any future construction on the site must be built in conformance with all applicable codes City codes and require the issuance of Building Permits, ensuring safe and habitable construction. The proposed zone change will also promote the convenience and general welfare of the residents of Hayward in that the subject site is a large lot, approximately 9,200 square feet in area, developed with only a single 1,062 square foot single-story house, thus there is ample land area and opportunity to provide additional housing on the site, which would provide additional needed housing for existing and future residents of Hayward.

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

The proposed zone change is in conformance with the purposes of the Zoning Ordinance and all applicable official adopted policies and plans in that the RM (Medium Density Residential) zoning district is consistent with the sites General Plan Land Use designation of Medium Density Residential and is the same as the majority of the lots on the block. Additionally, any future development, through the Site Plan Review process and Building Permit issuance be required to be consistent with and comply with all applicable policies and codes.

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

Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified in that the subject site is located in the southern part of Hayward within an existing developed area served by existing City utilities and transportation network. Any additional development on the site, up to two additional units, can be served by the existing utilities with any necessary improvements or upgrades required. Additionally, the existing road network can absorb any additional traffic generated by additional units without and upgrades to the network.

- 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.**

All uses permitted when the property is reclassified will be compatible with present and potential future uses in that the uses permitted under the RM (Medium Density Residential)

zoning district, such as multi-family as well as single-family residential dwellings, are consistent with the mixed development pattern of single- and multi-family dwellings existing in the immediate neighborhood. Further, by rezoning the subject site to RM, up to two additional dwelling units could be provided which is currently not allowed under the RS zoning, thus resulting in a beneficial effect of more housing being achieved.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby approves Zone Change Application 201601906, subject to the adoption of the companion ordinance (Ordinance No. 16-\_\_\_\_\_) rezoning the parcel located at 619 Shepherd Avenue (APN 453-0040-025-02) from Single-Family Residential District (RS), to Medium Density Residential District (RM) to facilitate additional development on the parcel.

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