



DATE: October 21, 2025

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: 900 Calhoun Rezoning: Proposed Zoning Map Amendment of a 0.94-Acre Site Located at 900 Calhoun Street (Assessor's Parcel Number (APN) 078C-0647-001-02) from Agriculture (A) District to Low Density Residential- Minimum Lot Size – 10,000 square feet (RLB10) District Consistent with the Low Density Residential General Plan Land Use Designation, Application No. MTA-25-0002. Applicant and Property Owner: Aman Pohyar.

RECOMMENDATION

That the City Council decline the Planning Commission's recommendation and introduce the Ordinance (Attachment II) approving the Zone Change to the Low Density Residential- Minimum Lot Size 10,000 sf District and adopts the Resolution (Attachment III) approving the proposed Zone Change (Attachment IV) and Findings that No Further Environmental Review is Required Pursuant to the California Environmental Quality Act, based on the analysis set forth in the Staff Report (Attachment I) and based on the Findings and subject to the Conditions of Approval contained in the resolution.

SUMMARY

The applicant is requesting approval of a Zone Change from Agriculture (A) District to Low Density Residential- Minimum Lot Size – 10,000 square feet (RLB10) District at 900 Calhoun Street to allow for the applicant to potentially subdivide the subject property in the future, which is not permitted under the current zoning.

The proposed zone change does not include a specific development or subdivision proposal at this time. However, any future development would be required to obtain the applicable entitlement and be consistent with the applicable zoning and general plan regulations. The proposed zone change would be fully consistent with the site's current Low Density Residential (LDR) land use designation in the *Hayward 2040 General Plan*.

FISCAL IMPACT

The project does not include any development at this time and therefore, it will have no fiscal impact. The fiscal impact of any future development will be evaluated when received.

BACKGROUND

From 1993 to 2005, the Mellow Mule Company operated a horse boarding business at 900 Calhoun Street. Prior to 1993, the subject property was vacant and undeveloped.

In 2013, a two-story detached residence with an attached three-car garage was constructed on the subject property and in July 2014, the Planning Division received a Zone Change application to rezone the subject property and an adjacent property at 890 Calhoun Street from Agriculture (A) District to Low Density Residential- Min. Lot Size – 10,000 square feet (RLB10) District.

On October 15, 2015¹, the Planning Commission denied application 6:1, against the recommendation of staff, citing neighbor's concerns regarding increased traffic and changes to the street's rural character. On December 1, 2015², the City Council upheld the Planning Commission decision and denied the application 7:0.

Following the denial, the applicant sued the City, alleging that the denial violated state law which requires zoning to be consistent with an adopted general plan. The City prevailed in the lawsuit because charter cities, at the time, were not required to have general plan and zoning consistency. However, state law was amended in 2019 to require charter cities like Hayward to have consistency between zoning and an adopted general plan.

In 2021, the Building Division issued permits to allow the construction of an Accessory Dwelling Unit (ADU), two-car garage and storage room in the rear. Construction associated with these permits is still ongoing and has not been finalized yet.

On July 3, 2025, the Planning Division received a Zone Change application to rezone just the subject property from Agriculture (A) District to Low Density Residential- Minimum Lot Size – 10,000 square feet (RLB10) District.

On September 25, 2025³, the Planning Commission held a public hearing on the proposed project where the Commissioners recommended 6:1 that the City Council deny the proposed zone change. The majority of Commissioners expressed concern regarding the existing general plan land use designation and future development that would result if they approved this rezoning. The dissenting Commissioner recommended approval because the project is fully consistent with the General Plan which is the principle guiding document for the Planning Commission.

Staff responded to comments during the meeting. Following the meeting, staff conducted additional research to address the Commissioners' concerns. On May 19, 1987⁴, the City Council approved the Mission-Garin Neighborhood Plan⁵ which redesignated the subject property from Agriculture (A) to Low Density Residential (LDR), rendering it inconsistent with zoning. The decision to redesignate the subject property was based on recommendations from a

¹ October 15, 2015, PC Public Hearing: <https://hayward.legistar.com/MeetingDetail.aspx?ID=418393&GUID=21B52AFC-8C0B-4909-B3B8-FE619621BB0B&Options=info&Search=>

² December 1, 2015 CC Public Hearing: <https://hayward.legistar.com/LegislationDetail.aspx?ID=2522119&GUID=5E4DBA2D-CC1F-4035-A836-0E09AE88DA89&Options=&Search=>

³ September 25, 2025 PC Public Hearing: <https://hayward.legistar.com/MeetingDetail.aspx?ID=1337450&GUID=F852353F-0CE2-404F-AD3B-169489DD1955&Options=info&Search=>

⁴ May 19, 1987 CC Resolution 87-123: <https://portal.laserfiche.com/Portal/DocView.aspx?id=54375&repo=r-b6d2994c&searchid=9119ba45-f0b1-4bc4-b614-b29fa11f91d7>

⁵ Mission-Garin Neighborhood Plan: <https://www.hayward-ca.gov/sites/default/files/documents/Mission-GarinPoliciesStrategies.pdf>

neighborhood task force, including two residents from Calhoun Street⁶ and several community meetings. Following this decision, the City should have updated the zoning accordingly and it is unclear why this was never done. If the City wanted to redesignate the subject property back, the City would need to amend the General Plan Environmental Impact Report at the City's expense. Furthermore, the City would need to upzone another property to ensure the City's overall capacity for housing does not decrease in accordance with State Law.

Furthermore, even if the rezoning application is denied, the subject property is permitted to construct a maximum of 8 units as permitted by the existing General Plan land use designation. However, if the rezoning application is denied, the City will only be able to apply objective standards that allow the permitted density. As such, the City may be unable to enforce existing height, setback, and open space requirements. For further discussion on this topic, see the "California State Law" section under "Policy and Code Compliance Context" below.

PROJECT DESCRIPTION

Existing Conditions: The project site is located within the Mission-Garin neighborhood, in east Hayward. The site is composed of a 0.94-acre rectangular lot that is generally sloped towards the rear with steep slopes in the northeast corner of the site (Figure 1). The northeastern corner of the site is also located within the Seismic Landslide zone (Figure 2). Furthermore, the entire site is located within the Alquist Priolo Fault zone with an approximate 40-foot stretch of a fault trace bisecting the northeastern corner of the site (Figure 3).



Figure 1 (Left): A map showing the elevation contours for the subject property.

Figure 2 (Middle): A map showing the Seismic Landslide zone in blue for the subject property

Figure 3 (Right): A map showing the Alquist Priolo Fault zone in light red and Alquist Priolo Fault traces as a dark red line for the subject property.

As noted previously, the site is currently developed with a two-story detached residence with a three-car garage, a detached ADU with a two-car garage, storage and other minor site improvements. The project site is directly adjacent to Holy Sepulchre Cemetery and Parcel Group 4⁷ to the north, Mellow Mule Company to the east, detached residences to the south and a rural estate with ancillary agriculture uses to the west.

⁶ CC Resolution 86-220: <https://portal.laserfiche.com/Portal/DocView.aspx?id=51008&repo=r-b6d2994c&searchid=9119ba45-f0b1-4bc4-b614-b29fa11f91d7>

⁷ California State Route 238 Corridor Lands: <https://www.hayward-ca.gov/your-government/departments/city-managers-office/238>

Project Description: The project proposes a Zone Change from A District⁸ to RLB10 District⁹ to allow for a greater variety of housing types on the site and to create consistency with the Hayward 2040 General Plan. The applicant has indicated that the Zone Change request is to allow for a future subdivision of the subject property which is not permitted under the current zoning. The current zoning district requires a minimum lot size of one acre which the site is non-conforming to. The proposed zoning requires a minimum lot size of 10,000 square feet thus allowing for a potential future subdivision.

POLICY CONTEXT AND CODE COMPLIANCE

California State Law: California State Law, specifically California Government Code (Gov. Code) Section 65860 (a)¹⁰, requires all zoning ordinances to be consistent with the adopted general plan. This requirement has applied to charter cities since 2019. If a zoning ordinance becomes inconsistent with a general plan due to amendment of the general plan, the zoning ordinance must be amended within a reasonable time to make it consistent with the general plan, as amended, (Gov. Code section 65860(c)(1)).

If a zoning ordinance becomes inconsistent with the general plan and a local agency receives a development project application that is consistent with the general plan but inconsistent with applicable zoning, the City must do one of the following: (1) amend the zoning ordinance within 180 days from the receipt of the project application to be consistent with the general plan, or (2) process the application but only apply the objective general plan standards to the proposed project which facilitates development at the density allowed on the site by the general plan.

If the City received a development application for the subject property as it is currently zoned, the City would have to allow the development of up to 8 total units (as allowed by the general plan) but could not apply any objective standards that would prohibit the allowed density. These standards include but are not limited to height, setbacks, and open space.

Hayward 2040 General Plan: The project site is designated as Low Density Residential (LDR)¹¹ in the *Hayward 2040 General Plan*, which allows residential densities ranging from 4.3 to 8.7 dwelling units per acre. This land use designation allows for detached residential units, second units and other supporting uses. The proposed Zone Change to RLB10 District is consistent with the applicable LDR *Hayward 2040 General Plan* land use designation. The project is also consistent with the following policies of the General Plan:

- *H-3.1 Diversity of Housing Types.* The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments.

⁸ Hayward Municipal Code Section 10-1.2000 Agriculture District:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.2000AGDIA

⁹ Hayward Municipal Code Section 10-1.200 Residential Districts:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.200REDI

¹⁰ California Government Code 65860: https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65860&lawCode=GOV

¹¹ Hayward 2040 General Plan Land Use Designations: <https://www.hayward-ca.gov/your-government/documents/general-plan/residential-land-use-designations>

- H-3.4 Residential Uses Close to Services. The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.
- H-3.6 Flexible Standards and Regulations. The City shall allow flexibility within the City's standards and regulations to encourage a variety of housing types.
- LU-1.3 Growth and Infill Development. The City shall direct local population and employment growth toward infill development sites within the city, especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan.

The project's consistency with the *Hayward 2040 General Plan* is discussed further in the project resolution (Attachment III).

Zoning Ordinance: The project site is located within an Agriculture (A) District that allows for the development of a detached residence and a variety of agriculture uses including crops and tree farms, ranches and produce sales. The applicant is requesting to rezone the project site to RL District to allow for a wider range of housing types, including the possibility of subdivision. Future development of the site will be subject to review by the City and be subject to applicable regulations. In accordance with Section 10-1.3425¹² of the Hayward Municipal Code, the following findings are required in order to approve the proposed Zone Change:

- Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward.
- The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans.
- Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified.
- 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 project's consistency with the findings is discussed in Attachment III.

DISCUSSION

Staff believe the City Council can approve of the proposed project based on the analysis below and per the findings and conditions of approval (Attachment III). Staff also believe the project complies with the intent of City development policies and regulations, including the Hayward 2040 General Plan, and the Zoning Ordinance. Key findings from staff's analysis are described below.

The State of California is experiencing a housing crisis, with housing demand far outstripping supply. The recently adopted Hayward Housing Element found that Hayward is one of many cities in the State that is severely impacted by the housing crisis, experiencing high rates of cost burden, homelessness, overcrowding, and potential displacement of existing residents. The

¹² Rezoning Findings:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.3400AM_S10-1.3425PLCOPR

proposed rezoning would remove barriers to allow for a greater variety of housing types on the site, which is not obtainable under current regulations.

Furthermore, the proposed rezoning would bring the site into further conformance with local regulations. The project site does not currently conform with the minimum lot size and average lot width prescribed in the existing A District. Additionally, the existing A District allows for 40-foot-tall buildings by right and a riding stable, a riding academy, a kennel, an asphalt or concrete batch plant and a quarry with a use permit. Those developments and uses would not be compatible or consistent with surrounding development. However, the proposed zoning would be consistent with the existing LDR General Plan land use designation.

ENVIRONMENTAL REVIEW

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168, a Program Environmental Impact Report (EIR) was prepared for the *Hayward 2040 General Plan*. On July 1, 2014¹³, the City Council adopted Resolution No. 14-108, approving the Hayward 2040 General Plan Program Environmental Impact Report (EIR).

In accordance with Section 15164 of the CEQA Guidelines, a lead agency shall prepare an addendum to a previously certified EIR if changes are necessary. However, none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. The Program EIR covers the subject zoning map amendments, and the proposed amendments are fully consistent with the General Plan Land Use diagram.

Based the analysis provided in this staff report, no new or unanticipated levels of development are anticipated that were not previously identified in the General Plan and General Plan EIR, and no new or unanticipated traffic, residential or employment density, or construction impacts are expected to be generated because of the rezoning. Therefore, the proposed Amendments substantially conform to the Goals and Policies set forth in the General Plan that were analyzed in the related Program EIR. No further environmental review is necessary.

ECONOMIC IMPACT

The proposed project may result in the redevelopment of an underutilized site in an existing residential setting. Any future development would connect to existing public utilities and services and is not expected to have a negative result on the City regarding public utilities or public services. Furthermore, future development would result in new residents moving into Hayward, which should generate demand for goods and services, thereby providing stimulus for new or existing jobs and services in the City's economy.

STRATEGIC ROADMAP

This project supports the Strategic Priority of Preserve, Protect and Produce Housing for All, however, it is not tied to implementation of any specific projects.

¹³ July 1, 2014 City Council Public Hearing: <https://haywardlegistar.com/MeetingDetail.aspx?ID=454197&GUID=D9DE9F92-CD16-42A8-B5DC-7A907388002D&Options=info&Search=>

SUSTAINABILITY FEATURES

The project does not include any development and therefore, there are no project specific sustainability features at this time. However, the proposed project may result in residential development on an infill site. Infill residential development helps preserve wild spaces and previously undeveloped land by reducing the need for sprawl. Furthermore, infill development has the potential to reduce vehicle miles traveled, and in turn, improve regional air quality.

PUBLIC CONTACT

On July 22, 2025, a Notice of Receipt of Application was mailed out to 50 property owners, residents, businesses, and community groups (Mission-Garin Neighborhood Task Force and South Hayward Parish) within 300 feet of the project site.

On August 29, 2025, a notice of public hearing was published in the *Daily Review*. On September 4, 2025, notices of this public hearing were sent to all property owners and residents within a 300-foot radius of the project site. To date, staff has received two written public comments (Attachment V) in opposition to the project citing a desire to maintain the rural character of the neighborhood and concerns regarding losing agriculture zoning. At the September 25th Planning Commission Public Hearing, there were five public comments in opposition to the project expressing similar concerns regarding future development and the loss of agriculture land.

NEXT STEPS

If the City Council approves the proposed project, the applicant will prepare plans for a Tentative Map application to subdivide the existing property.

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Recommended by: Sara Buizer, AICP, Development Services Director

Approved By:



Jayanti Addleman, Interim City Manager