

DATE: January 28, 2010

TO: Planning Commission

FROM: Tim R. Koonze, Associate Planner

SUBJECT: **Text Amendment Application No. PL-2009-0595 – City of Hayward (Applicant) - Request to Amend the Zoning and Subdivision Ordinances to Provide Stimulus for Development by Increasing the Term of the Initial Approval of Development Applications**

RECOMMENDATION

That the Planning Commission recommends that the City Council adopt the negative declaration and approve the text amendments subject to the attached findings.

BACKGROUND

In light of the current recession and in pursuit of making Hayward a more desirable place to build and conduct business, the Planning Director is proposing various amendments to the Zoning and Subdivision Ordinances to increase the term of the initial approval of development applications. These text changes are designed to support the General Plan Policies that promote infill development and expand the housing supply.

Zoning Ordinance -

Staff recommends the following changes to the Zoning Ordinance which would affect Site Plan Review (SPR), Administrative Use Permit (AUP), Conditional Use Permit (CUP) and Variance applications (Development Applications):

- Change the initial approval time of Development Applications from 12 months to 36 months;
- Clarify that Development Applications be processed by the Planning Commission when accompanying a tentative tract map;
- Clarify that the approval time for Development Applications associated with subdivisions shall coincide with that of the subdivision;
- Clarify that the Planning Director has the authority to approve extensions; and
- Clarify that conditions of approval may be added or modified as a result of processing an extension of time.

The extension to the initial approval time for development applications recognizes that, it may take a longer period of time before developers are prepared to move forward with their projects and it is unlikely that there would be significant changes in local ordinances or policies during that time. The 36 month approval would coincide with the proposed 36 month approval for subdivisions as provided for in the State Map Act; many applications are proposed in conjunction with a tentative map. The other changes to the Zoning Ordinance would clarify existing practices and the proposed extended approval times may provide incentive for developers to choose Hayward over other jurisdictions.

Subdivision Ordinance -

In addition to changes in the Zoning Ordinance, staff recommends the following changes to the Subdivision Ordinance which would affect Tentative Tract Map, Vesting Tentative Tract Map, Tentative Parcel Map and Vesting Tentative Parcel Map applications:

- Change the initial tentative map approval time limits from 24 months to 36 months as prescribed in the Subdivision Map Act;
- Clarify that conditions of approval may be added or modified as a result of processing an extension of time;
- Redefine subdivision map type definitions to conform with the Subdivision Map Act for clarity;
- Clarify approval authorities;
- Clarify the process in which the life of a tentative map may be extended either by the State Legislature or by the local approving body.

In addition to the changes mentioned above, a stimulus package is being proposed to City Council on February 23, 2010, that would include a deferment of payment of Park-in-Lieu fees and the Supplemental Building Construction and Improvement Tax. Currently these fees are paid prior to the issuance of a Certificate of Occupancy. If approved, the stimulus package would allow these fees to be deferred until the close of escrow or one year after the issuance of a Certificate of Occupancy, whichever occurs first.

Previous Reviews -

On June 23, 2009, during a work session, the City Council was presented a Local Economic/Incentives Stimulus Package to Encourage Green Building and New Development. The proposed incentives included extensions of initial period for discretionary approvals, deferring certain development fees, and revisions to the Inclusionary Housing Ordinance. Staff was directed by Council to proceed with the incentive program.

DISCUSSION AND STAFF ANALYSIS

Zoning Ordinance Modifications and Changes -

Staff is proposing to change the Lapse of Approval section of all Development Applications to change the initial approval period from one year to three years. Although most cities have 12 to 24 month initial approval periods, some of the more progressive cities such as the City of Sunnyvale, have extended the initial approval to 36 months. The additional 24 months would give applicants more confidence in the approval they received and allow them additional time to secure funds for their projects. In addition, the 36 month approval period coincides with the proposed 36 month initial approval for all subdivision applications (see Attachment B, Sec. 10-1.3055 a(1), Sec. 10-1.3155 a(1), Sec. 10-1.3255 a(1), and Sec. 10-1.3355 a(1)).

The current ordinance does not address what happens to the Development Application approval once a building permit application is submitted. Currently all development applications include a condition of approval that states that Development Application approval becomes void 24 months after issuance of the building permit, or 36 months after the Development Application approval, whichever is later. However, the development application approval may remain in effect if the Planning Director determines that there has been a substantial amount of construction done or substantial sums have been expended in reliance upon the Development Application. Staff is proposing to include this language in the Lapse of Approval section of all Development Application types (see Attachment B, Sec. 10-1.3055 a(2), Sec. 10-1.3155 a(2), Sec. 10-1.3255 a(2), and Sec. 10-1.3355 a(2)).

Zoning Ordinance Section 10-1.3010 currently provides that when a SPR application accompanies a "condominium" project the application shall be processed and reviewed by the Planning Commission. Staff is proposing to modify this provision by eliminating the word "condominium" and replacing it with "any subdivision requiring legislative approval". This requirement is also proposed to be included in the AUP, CUP and Variance sections (see Attachment B, Sec. 10-1.3010 b(1), Sec. 10-1.3155 a(1) and b(1), Sec. 10-1.3255 a(1) and b(1), and Sec. 10-1.3355 a(1) and b(1)).

The SPR, AUP and CUP sections of the Zoning Ordinance already provide that applications involved with subdivisions would have an initial life of 24 months. The intent of this provision is for Development Application approvals to have the same approval time as tentative maps. However, it is not uncommon for the State to extend the life of tentative maps during times of economic hardship.

For example, the State has passed legislation that allows an automatic 36 month approval beyond any approvals allowed by local ordinances. To ensure that Development Applications have the same life as subdivisions, staff is proposing to add Section 10-1.160(c) to the General Provisions section stating that the length of approvals for Development Applications associated with subdivisions shall be the same as the subdivision.

Current regulations allow two 12 month extension periods for Development Applications at the discretion of the Planning Director. A request for the one-year extension, approval of which is not

guaranteed, must be submitted to the Planning Division at least 15 days prior to the above date. This prohibits developers from prolonged inactivity after submittal or issuance of a building permit.

Staff is proposing to modify the Zoning Ordinance to allow the Planning Director the flexibility of granting extensions for periods of time that would be appropriate for the specific Development Application, as long as the total length of extensions would not exceed 24 months. The amendment would also allow conditions of approval to be modified or added as a result of granting a time extension. If this text amendment was to be approved, Section 10-1.120 of the General Provisions (Reviewing Authorities) would also have to be amended maintaining consistency throughout the ordinance (see Attachment B, Sec. 10-1.3055 b(1) and c, Sec. 10-1.3155 b(1) and c, Sec. 10-1.3255 b(1) and c, and Sec. 10-1.3355 b(1) and c).

Subdivision Ordinance Modifications and Changes -

The proposed changes ensure that the City's Subdivision Ordinance conforms to the current State Subdivision Map Act and clarify policies and practices already in use.

Staff is proposing to change the initial tentative map approval time limits from 24 months to 36 months (see Attachment C, Sec. 10-3.246 a). This additional initial life of the tentative map is allowed by the Subdivision Map Act. It is staff's opinion that it is unlikely that a significant ordinance or policy change affecting development would occur in the initial 36 month period. The additional 12 months would give applicants more confidence in the approval they received and allow them additional time to secure funds for their projects. In addition to the change of initial approval, staff is proposing to increase the extension of time applicants may request from 36 months to 72 months (see Attachment C, Sec. 10-3.246 c)1). Last July, the State Legislature passed Senate Bill 1185, giving local governments the discretion to grant an additional 12 months to the life of a map from 60 months to 72 months as codified in Section 66452.6(e) of the Subdivision Map Act. With signs pointing to a slow recovery for the new housing market, these extensions would give applicants with approved projects delayed by the economic downturn extra time to obtain a final map or a parcel map and avoid going through the entitlement process again.

Furthermore, amendment is made to allow the Planning Director's approval authority to approve the first extension request for a tentative tract map upon the determination that the circumstances under which the map was approved have not changed to the extent which would warrant a change in the design or improvement of the tentative map (see Attachment C, Sec. 10-3.246 c)1). Currently all requests for extensions are processed to the approving body; this amendment would reduce the review cycle and processing cost incurred by the developer. These changes match the current practices of surrounding local agencies.

Finally, staff proposes several minor changes for clarification such as the definitions of subdivision map types, clarifying the process in which the life of a tentative map may be extended either by the State Legislature or by the local approving body, and the approval authority of the Planning Director (see Attachment C, Sec. 10-3.115, Sec. 10-3.150, Sec. 10-3.165, Sec. 10-3.246, and Sec. 10-3.247).

ENVIRONMENTAL REVIEW

An Initial Study and Negative Declaration have been prepared pursuant to the California Environmental Quality Act (CEQA) guidelines. The Initial Study has determined that the proposed project could not result in significant effects on the environment.

PUBLIC OUTREACH

On January 18, 2010, a Notice of Public Hearing and Availability of a Negative Declaration was published in *The Daily Review*. At the time of completion of this report, the Planning Division had not received any correspondence related to such notice.

SCHEDULE

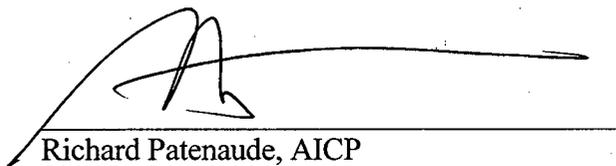
The text amendment along with the previously mentioned fee deferrals are scheduled for a public hearing before the City Council on February 23, 2010.

Prepared by:



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Recommended by:



Richard Patenaude, AICP
Planning Manager

Attachment A:	Findings for Approval
Attachment B:	Proposed Zoning Ordinance Changes
Attachment C:	Proposed Subdivision Changes
Attachment D:	Negative Declaration and Initial Study

FINDINGS FOR APPROVAL

Text Amendment Application No. PL-2009-0595 – Request to Amend the Zoning and Subdivision Ordinances to Provide Stimulus for Development by Increasing the Term of the Initial Approval of Development Applications and Providing an Automatic One-Year Time Extension – City of Hayward (Applicant)

- A. Approval of Text Amendment Application PL-2009-0595 will not cause a significant impact on the environment as documented in the Initial Study. A Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA).
- B. Substantial proof exists that the proposed changes will promote the public health, safety, convenience and general welfare of the residents of Hayward in that the text changes are designed to provide a stimulus package encouraging developers to build in Hayward. Development would stimulate growth while improving neighborhoods by developing underutilized properties.
- C. The proposed changes are in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans in that the text changes are designed to support the General Plan Policies that promotes infill development and expands the housing supply.
- D. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the amendment is adopted in that the amendment does not alter the review process designed to ensure that development is consistent with the available services.
- E. All uses permitted when the amendment is adopted will be compatible with present and potential future uses as the amendment does not propose any change to the type of permitted uses.

SEC. 10-1.100 GENERAL PROVISIONS

SEC. 10-1.120 REVIEWING AUTHORITIES.

- c. The Director of ~~Community and Economic Development Services~~, hereinafter referred to as "Planning Director," shall perform the duties and functions of day-to-day and long-range management of the ~~Community and Economic Development Services~~ Department. This includes the acceptance and processing of all land use permit applications (i.e., variances, development permits, etc.). All officers and employees who have the primary responsibility for the administration and interpretation of this Zoning Ordinance may act in his or her stead. The Planning Director has final approval authority for and enforcement of Administrative Use Permits, Site Plan Reviews, ~~and Administrative Variances, and extensions of time. all of which may be appealed to the Planning Commission.~~ **In addition**, the Planning Director may impose conditions of approval or make interpretations of this Zoning Ordinance. **Any decision of the Planning Director, regarding the entitlements referenced above, which may be appealed to the Planning Commission.**

SEC. 10-1.160 RELATIONSHIP TO OTHER REGULATIONS.

- c. **When processed as part of a subdivision map application, the term of approval for all development applications shall be co-terminus with that of the subdivision map.**

SEC. 10-1.3000 SITE PLAN REVIEW

SEC. 10-1.3010 WHEN REQUIRED.

b. Subdivision.

- (1) When an application for a site plan review involves a **subdivision map requiring approval by an advisory agency, as that term is defined in the City's Subdivision ordinance**, ~~condominium~~ the project shall be processed and reviewed (~~separately or concurrently~~) by the Planning Commission. An application approved by the Planning Commission shall also be reviewed by the City Council on appeal or on a call-up basis. The action of the City council shall be final.

SEC. 10-1.3055 LAPSE OF APPROVAL.

a. General.

Site Plan Review approval is void **36 months** ~~one year (24 months if a subdivision is concurrently involved)~~ after the effective date of approval unless:

- (1) **Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of the approval is granted by the Planning Director.** ~~either a building permit has been issued or a building permit application has been submitted for processing and said application has not expired; or~~
- (2) ~~bb~~**If a building permit is issued for construction of improvements authorized by the site plan review approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the site plan review approval. A request for a one-year extension, must be submitted in writing to the Planning Division at least 15 days prior to the above date.**
- (3) Business operations have commenced in accordance with all applicable conditions of approval.

b. One-Year 24-Month Extension(s).

- (1) **The Planning Director may grant an extension(s) for whatever time period is deemed appropriate, provided the cumulative total of time extensions(s) does not exceed 24 months. Decisions of the Planning Director regarding time extension(s) may be appealed to the Planning Commission or the City Council as appropriate. A maximum of two one-year extensions may be approved by the Planning Director or, on appeal, by the Planning Commission or the City Council.**

- (2) A request for an extension of time must be filed with the Planning Division at least 15 days prior to the anniversary date of approval, and action on the request shall be taken within 30 days.
- (3) Notice of said action shall be given pursuant to Section 10-1.2820.
- (4) In making a decision on approval of an extension, the following shall be considered:
 - (a) the cause for delay in submittal of the building permit; and
 - (b) whether the proposal is in conformance with existing development regulations.
- (5) **Conditions of approval may be added or modified by the Planning Director as a result of the processing of an extension of time.**

SEC. 10-1.3100 ADMINISTRATIVE USE PERMIT

SEC. 10-1.3120 ADMINISTRATIVE OPTIONS

The Planning Director may approve, conditionally approve, disapprove, or refer an administrative use permit application to the Planning Commission, with or without a recommendation. Except for referrals, action must be based on the findings listed below in Section 10-1.3125.

If after applying for an **administrative use permit** ~~site plan review~~ application the applicant fails to provide changes or additional information necessary to make a decision on the project and there is no activity taking place in connection with the application for a period of 6 months, the application shall be closed and the applicant so informed.

SEC. 10-1.3155 LAPSE OF APPROVAL.

a. General.

Administrative Use Permit approval is void **36 months** ~~one year (24 months if a subdivision is concurrently involved)~~ after the effective date of approval unless:

- (1) **Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of the approval is granted by the Planning Director.** ~~either a building permit has been issued or a building permit application has been submitted for processing and said application has not expired; or~~
- (2) **If a building permit is issued for construction of improvements authorized by the administrative use permit approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the administrative use permit approval. A request for a one-year extension must be submitted in writing to the Planning Division at least 15 days prior to the above date.**
- (3) **Business operations have commenced in accordance with all applicable conditions of approval.**

b. One-Year 24-Month Extension(s).

- (1) **The Planning Director may grant an extension(s) for whatever time period is deemed appropriate, provided the cumulative total of time extensions(s) does not exceed 24 months. Decisions of the Planning Director regarding time extension(s) may be appealed to the Planning Commission or the City Council as appropriate.** ~~A maximum of two one-year extensions may be approved by the Planning Director or, on appeal, by the Planning Commission or the City Council.~~
- (2) A request for an extension of time must be filed with the Planning Division at least 15 days prior to the anniversary date of approval, and action on the request shall be taken within 30 days.
- (3) Notice of said action shall be given pursuant to Section 10-1.2820.
- (4) In making a decision on approval of an extension, the following shall be considered:
 - (a) the cause for delay in submittal of the building permit; and
 - (b) whether the proposal is in conformance with existing development regulations.
- (5) **Conditions of approval may be added or modified as a result of the processing of an extension of time.**

SEC. 10-1.3200 CONDITIONAL USE PERMIT

SEC. 10-1.3220 ADMINISTRATIVE OPTIONS

The Planning Director may approve, conditionally approve, disapprove, or refer an administrative use permit application to the Planning Commission, with or without a recommendation. Except for referrals, action must be based on the findings listed below in Section 10-1.3125.

If after applying for a **conditional use permit** ~~site plan review~~ application the applicant fails to provide changes or additional information necessary to make a decision on the project and there is no activity taking place in connection with the application for a period of 6 months, the application shall be closed and the applicant so informed.

SEC. 10-1.3255 LAPSE OF APPROVAL.

a. General.

Conditional Use Permit approval is void **36 months** ~~one year (24 months if a subdivision is concurrently involved)~~ after the effective date of approval unless:

- (1) **Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of the approval is granted by the Planning Director.** ~~either a building permit has been issued or a building permit application has been submitted for processing and said application has not expired; or~~
- (2) **If a building permit is issued for construction of improvements authorized by the conditional use permit approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the conditional use permit approval. A request for a one-year extension must be submitted in writing to the Planning Division at least 15 days prior to the above date.**
- (3) Business operations have commenced in accordance with all applicable conditions of approval.

b. One-Year 24-Month Extension(s).

- (1) **The Planning Director may grant an extension(s) for whatever time period is deemed appropriate, provided the cumulative total of time extensions(s) does not exceed 24 months. Decisions of the Planning Director regarding time extension(s) may be appealed to the Planning Commission or the City Council as appropriate. ~~A maximum of two one-year extensions may be approved by the Planning Director or, on appeal, by the Planning Commission or the City Council.~~**
- (2) A request for an extension of time must be filed with the Planning Division at least 15 days prior to the anniversary date of approval, and action on the request shall be taken within 30 days.
- (3) Notice of said action shall be given pursuant to Section 10-1.2820.
- (4) In making a decision on approval of an extension, the following shall be considered:
 - (c) the cause for delay in submittal of the building permit; and
 - (d) whether the proposal is in conformance with existing development regulations.
- (5) **Conditions of approval may be added or modified as a result of the processing of an extension of time.**

SEC. 10-1.3300 VARIANCE

SEC. 10-1.3355 LAPSE OF APPROVAL.

a. General.

Variance approval is void **36 months** ~~one year~~ after the effective date of approval unless:

- (1) **Prior to the expectation of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of the approval is granted by the Planning Director.** ~~either a building permit has been issued or a building permit application has been submitted for processing and said application has not expired; or~~
- (2) **If a building permit is issued for construction of improvements authorized by the variance approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the variance approval. A request for a one-year extension must be submitted in writing to the Planning Division at least 15 days prior to the above date.**
- (3) Business operations have commenced in accordance with all applicable conditions of approval.

b. One-Year 24-Month Extension(s).

- (1) **The Planning Director may grant an extension(s) for whatever time period is deemed appropriate, provided the cumulative total of time extensions(s) does not exceed 24 months. Decisions of the Planning Director regarding time extension(s) may be appealed to the Planning Commission or the City Council as appropriate.** ~~A maximum of two one-year extensions may be approved by the Planning Director or, on appeal, by the Planning Commission or the City Council.~~
- (2) A request for an extension of time must be filed with the Planning Division at least 15 days prior to the anniversary date of approval, and action on the request shall be taken within 30 days.
- (3) Notice of said action shall be given pursuant to Section 10-1.2820.
- (4) In making a decision on approval of an extension, the following shall be considered:
 - (a) the cause for delay in submittal of the building permit; and
 - (b) whether the proposal is in conformance with existing development regulations.
- (5) **Conditions of approval may be added or modified as a result of the processing of an extension of time.**

SUBDIVISION ORDINANCE

SEC. 10-3.115 MAPS.

- a. Final Map. Subject to the provisions of this article and the Subdivision Map Act, a final map is a map that delineates the division of land into five or more parcels, five or more condominiums as defined in section 783 of the Civil Code, a community apartment project containing five or more parcels, or the conversion of a dwelling into condominium, community apartment, or a stock cooperative containing five or more dwelling units.
- b. Parcel Map. A map delineating a division of land, where said division can be done by parcel map as provided for by the Subdivision Map Act.
- c. Tentative Map – Final Map. **It is also commonly referred to as a tentative map or tentative tract map.** A tentative map—~~final map or tentative tract map~~ is a map made for the purpose of showing the design and improvement of a proposed **major subdivision and the existing conditions in and around it preparatory to the approval of the proposed subdivision by a final map.** **Tentative map is required for all subdivision creating five or more parcels, as codified in the Subdivision Map Act Section 66426 or its successor.**
- d. Tentative Map - Parcel Map. **It is also commonly referred to as a tentative parcel map.** A tentative map—~~parcel map~~ is a map made for the purpose of showing the design and improvement of a proposed **minor subdivision and the existing conditions in and around it preparatory to the approval of the proposed subdivision by a parcel map.**
- e. Vesting Tentative Map. ~~A tentative map (c) or (d) which is filed to obtain the rights conferred by Chapter 4.5 of the Subdivision Map Act.~~ **A vesting tentative map is a map that meets the requirements of the Subdivision Map Act Section 66452 or its successor. The vesting tentative map must have printed conspicuously on its face the words “Vesting Tentative Map” when filed to obtain the rights conferred by Chapter 4.5 of the Subdivision Map Act.**

SEC. 10-3.150 ADVISORY AGENCY/APPROVAL AUTHORITY.

- a. Tentative Map—~~Final Map~~. **If the tentative map is a tentative tract map or vesting tentative tract map,** the Planning Commission, or the City Council in the case of referral, shall have final jurisdiction to approve, conditionally approve, or disapprove ~~tentative maps for final maps~~ **the tentative map** where:
 - (1) The proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans;
 - (2) The proposed subdivision meets the requirements of the City Zoning Ordinance; and

- (3) No approval of variances or other exceptions are required for the approval of the subdivision.

The Planning Commission shall be the advisory agency, and the City Council shall have final jurisdiction to approve, conditionally approve, or disapprove all other tentative maps ~~for final maps~~.

The Planning Director, whose decision shall be final, shall make a determination regarding Nos. 1, 2, and 3 above, and whether the Planning Commission or the City Council has the jurisdiction for approval, conditional approval, or disapproval of maps.

- b. ~~Tentative Map~~– Parcel Map; Vesting Tentative ~~Map~~– Parcel Map. The Planning Director, **or his or her designee**, or the Planning Commission in the case of referral, shall have final jurisdiction to approve, conditionally approve, or disapprove tentative **parcel** maps or vesting tentative parcel maps ~~for parcel map~~ where:

- (1) The proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans;
- (2) The proposed subdivision meets the requirements of the City Zoning Ordinance; and
- (3) No approval of variances or other exceptions are required for the approval of the subdivision.

The Planning Commission, or the City Council in the case of referral, shall have final jurisdiction to approve, conditionally approve, or disapprove all other tentative **parcel** maps ~~for parcel maps~~.

The Planning Director, whose decision shall be final, shall make a determination regarding Nos. 1, 2, and 3 above, and whether the Planning Director or the Planning Commission has the jurisdiction for approval, conditional approval, or disapproval of maps.

- e. ~~Vesting Tentative Map~~. ~~Where a tentative map is a vesting tentative tract map, the Planning Commission shall be the advisory agency with the City Council having the final jurisdiction.~~

- d. c. Lot Line Adjustment Map. The Planning Director, **or his or her designee**, or the Planning Commission in the case of referral, shall have final jurisdiction in the review and approval of Lot Line Adjustments **pursuant to the Subdivision Map Act Section 66412(d), or any successor statute**.

- d. **Certificate of Compliance**. The Planning Director, **or his or her designee**, shall have the authority to approve or conditionally approve the application for a **Certificate of Compliance pursuant to the Subdivision Map Act Section 66499.35**.

- e. **Certificate of Merger.** The Planning Director, or his or her designee, shall have the authority to approve or deny the application for a Certificate of Merger authorized by Section 10-3.499 of this Subdivision Ordinance, in accordance with the provision of the Subdivision Map Act Section 66499.20.3/4.

SEC. 10-3.165 PLANNING DIRECTOR.

- a. The Director of ~~Community and Economic Development Services~~/Planning Director (referred to herein as "Planning Director") shall be responsible for reporting to the Planning Commission and the City Council as to whether the design and improvements of proposed subdivisions are consistent with the General Plan and any special plans adopted by the City ~~and for approving applications for and issuing Certificate of Merger authorized by section 10-3.44 of this article.~~
- b. The Planning Director, **or his or her designee**, shall administer the provisions of the Subdivision Map Act Section 66499.35 and issue Certificates of Compliance or Conditional Certificates of Compliance.
- c. The Planning Director, **or his or her designee**, shall administer the provisions of the Subdivision Map Act Section 66499.36 (Notice of Violation). The Planning Director shall act as the advisory agency on these matters. Appeals of the Planning Director's actions shall be in the same manner as under Certificates of Compliance.
- d. The Planning Director, **or his or her designee**, shall have final jurisdiction to approve, conditionally approve, or disapprove Lot Line Adjustment applications.
- e. The Planning Director, **or his or her designee**, shall administer the provisions of the Subdivision Map Act Section 66499.20.3/4 and authorized by section 10-3.499 of this article to approve and issue Certificates of Merger.

SEC. 10-3.246 TIME EXTENSION - TENTATIVE MAP AND VESTING TENTATIVE MAP.

~~An approved tentative map shall expire 24 months after its approval. The approving body may, however, grant an extension(s) of time to file a final or parcel map for whatever time period it deems appropriate, provided the cumulative total of time extension(s) does not exceed 36 months. However, if the subdivider is subject to a requirement of \$125,000 or more of off-site public improvements and the final map is approved and filed in phases pursuant to section 66456.1 of the Subdivision Map Act, each filing of a final map shall extend the expiration of the approved tentative map by 36 months.~~

~~_____ No time extensions will be granted on vesting tentative maps except for those approved in connection with a development agreement. In such cases, the approving body may grant an extension(s) of time to file a final vesting map for whatever time it deems appropriate, not to exceed a cumulative total of 36 months, if the vesting tentative map was approved in connection with a project for which a development agreement has been approved pursuant to the provisions of Article 9, Chapter 10, of the Hayward Municipal Code.~~

- a. **Expiration.** An approved or conditionally approved tentative map shall expire 36 months after its approval. The expiration of the tentative map terminates all proceeding, and no final or parcel map may be filed without first processing a new tentative map, unless an extension is granted as set forth below.
- b. **Statutory Extensions.**
 1. **Off-Site Public Improvements.** If the subdivider is required to expend \$178,000 or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way which abut the boundary of the property to be subdivided and which are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 36 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

Commencing January 1, 2005, and each calendar year thereafter, the amount of one hundred seventy-eight thousand dollars (\$178,000) shall be annually increased by operation of law according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

For purposes of this section, final map 'filing' date is the date the City Council meeting at which the Council receives the map.

2. **Development Moratorium.** The period of time specified in Section 10-3.246 (a) of this section shall not include any period of time during which a development moratorium, defined by the Subdivision Map Act Section 66452.6(f), and imposed after approval of the tentative map, is in existence. The length of the moratorium shall not exceed five years. Once a development moratorium is terminated, the tentative map shall be valid for the same period of time as was left to run on the tentative map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the tentative map shall be valid for 120 days following the termination of the moratorium.
3. **Development Agreement.** A tentative map on property subject to a development agreement authorized by Article 2.5 of Chapter 4 of Division 1 of Title 7 of the California Government Code, Section 65864, et. seq., and the provisions of Article 9, Chapter 10 of the City of Hayward Municipal Code may

be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement.

c. Discretionary Extensions.

- 1. General.** Prior to the expiration of an approved or conditionally approved tentative map, the person filing the tentative map may request an extension of the tentative map approval or conditional approval by written application to the Planning Director, such application to be filed at least fifteen days before the approval or conditional approval is due to expire. The application shall state the reasons for requesting the extension. Upon a timely filing of the application for extension by the subdivider, the tentative map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. In granting an extension, new conditions may be imposed or existing conditions may be revised. Upon application of the subdivider, the first extension of the term of the map, not exceeding 36 months, may be granted by the Planning Director, who is designated the advisory agency for this purpose, upon the determination that circumstances under which the map was approved or conditionally approved have not changed to the extent which would warrant a change in the design or improvement of the tentative map. If the Planning Director denies the subdivider's application for an extension, the subdivider may appeal to the Planning Commission within 15 days after the Planning Director has denied the initial extension. The Planning Commission may grant, conditionally grant, or deny subdivider's request for extension. The time at which the map expires may be extended for a period or periods not exceeding a total of six years. If the Planning Commission denies a subdivider's application for an extension, the subdivider may appeal to the City Council within 15 days after the Planning Commission has denied the extension.
- 2. Pending Litigation.** The period of time specified in Section 10-3.246(a) shall not include any period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction if the stay of such period of time is approved by the City Council. Not later than ten days after service of the initial petition or complaint in such lawsuit upon the City, the subdivider may file a written request with the City Clerk for such a stay. Within forty days after the filing of such request, the City Council shall either stay the time for up to five years, or deny the requested stay. The City Council shall act upon such request after a hearing, notice of which shall be given to the subdivider. The subdivider shall be entitled to present evidence at the hearing in support of said stay, and the City Manager and the City Attorney may recommend to the City Council whether to grant or deny said stay. The decision of the City Council shall be final and shall be subject to judicial review within the time and to the extent provided by law.

- d. Subdivision Map and Improvement Plans Review.** A tentative map remains valid during the period that the reviews of a subdivision map (final map or parcel map) and improvement plans by the City is underway, and the subdivider is actively pursuing approval of a final map or parcel map. However, under no circumstances will the map remain valid for a period of

more than 12 months after the expiration date of the approved or conditional approved tentative map. In addition, if the City Engineer determines at any time during the review period that the subdivider is not actively pursuing the approval of the final map or parcel map, as evidenced by the subdivider's failure to adhere to time deadlines as set forth by the City Engineer, the privileges granted by this section will end and the map will expire, provided the expiration date of the tentative map has passed.

~~SEC. 10-3.247 TIME EXTENSION FINAL MAP PARCEL MAP (VESTING).~~ When a final map or parcel map of an approved vesting tentative map is filed with the County Recorder, the vesting rights shall be valid for one year from the date of the final map or parcel map filing. The final map of a vesting tentative map which was approved in connection with a project for which a development agreement was approved pursuant to the provisions of Article 9, Chapter 10, of the Hayward Municipal Code shall be valid for two years from the date such final vesting map is filed with the County Recorder. The City Council may upon request by the subdivider extend vesting rights for one additional year.



**DEPARTMENT OF
COMMUNITY AND ECONOMIC DEVELOPMENT
Planning Division**

NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. PROJECT DESCRIPTION:

Request to Amend the Zoning Ordinance and Subdivision Ordinance To Provide Stimulus for Development By Increasing the Term of the Initial Approval of Development Applications and Providing a One-Year Time Extension for Applications That Are Active or Approved by December 31, 2012
City of Hayward (Applicant)

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

The proposed project could not have a significant effect on the environment.

III. FINDINGS SUPPORTING DECLARATION:

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.
2. The project will not result in any development that would adversely affect any scenic resources.
3. The project will not result in any development that would have an adverse effect on agricultural land.
4. The project will not result in any development that would have significant impacts related to changes into air quality.
5. The project will not result in any development that would have significant impacts to biological resources such as wildlife and wetlands.
6. The project will not result in any development that would have significant impacts to known cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains.

7. The text amendment will not affect on geological hazards.
8. The text amendment will not affect water quality standards.
9. The text amendment is not in conflict with the policies of the City General Policies Plan, and the Zoning Ordinance.
10. The text amendment could not result in a significant impact to mineral resources since no construction will take place as part of this project.
11. The text amendment could not result in a significant noise impact.
12. The text amendment could not result in a significant impact to public services.
13. The text amendment could not result in a significant impact to traffic or result in changes to traffic patterns or emergency vehicle access.
14. The text amendment could not result in a significant impact to parking.

IV. PERSON WHO PREPARED INITIAL STUDY:

Signature: _____
Tim R. Koonze, Associate Planner

Dated: December 18, 2009

V. COPY OF INITIAL STUDY IS ATTACHED

For additional information, please contact the City of Hayward Planning Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4207

DISTRIBUTION/POSTING

- Provide copies to project applicants and all organizations and individuals requesting it in writing. Provide copy to Alameda County Clerks Office.
- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
- Project file.
- Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.



DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
Planning Division

INITIAL STUDY CHECKLIST FORM

Project title: Revisions to the Zoning Ordinance and Subdivision Ordinance – Request to Amend the Zoning Ordinance and Subdivision Ordinance To Provide Stimulus for Development By Increasing the Term of the Initial Approval of Development Applications and Providing a One-Year Time Extension for Applications That Are Active or Approved by December 31, 2012 - City of Hayward - Applicant.

Lead agency name and address:

City of Hayward, 777 "B" Street, Hayward, CA 94541-5007

Contact person:

Tim R. Koonze, Associate Planner
(510) 583-4207 tim.koonze@hayward-ca.gov

**Project location:
Project sponsor's name and address:**

Citywide
City of Hayward
777 B Street
Hayward, CA 94541

General Plan:

N/A

Zoning:

N/A

Description of project:

Request to amend the Zoning Ordinance and Subdivision Ordinance To provide stimulus for development by increasing the term of the initial approval of development applications and providing a one-year time extension for applications that are active or approved by December 31, 2012.

Surrounding land uses and setting:

N/A

Other public agencies whose approval is required:

None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Potentially Significant Unless Mitigation Incorporation" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature:

Date: April 9, 2009

Tim R. Koonze, Associate Planner, City of Hayward

ENVIRONMENTAL ISSUES:

I. AESTHETICS -- Would the project:

- a) Have a substantial adverse effect on a scenic vista?
Comment: The text amendment would not result in any development that would have an effect on a scenic vista.
- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
Comment: The text amendment would not result in any development that would substantially damage scenic resources..
- c) Substantially degrade the existing visual character or quality of the site and its surroundings?
Comment: The text amendment would not result in any development that would substantially degrade the existing character or quality of the site and its surroundings.
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?
Comment: The text amendment would not result in any development that would create a new source of substantially light or glare which would adversely affect day or nighttime views in the area.

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
Comment: The text amendment would not result in any development that would affect farmland.
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
Comment: Refer to II.a) above.
- c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?
Comment: Refer to II.a) above.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- a) Conflict with or obstruct implementation of the applicable air quality plan?
Comment: The text amendment would not obstruct implementation of the Bay Area Air Quality Management District's Clean Air Plan.

- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Comment: *The text amendment would not violate any air quality standard or contribute substantially to existing or projected air quality violation.*

- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Comment: *Refer to III.a).*

- d) Expose sensitive receptors to substantial pollutant concentrations?

Comment: *The text amendment would not result in any development that would expose sensitive receptors to substantial pollutant concentrations.*

- e) Create objectionable odors affecting a substantial number of people?

Comment: *The text amendment would not result in any development that would create objectionable odors affecting a substantial number of people.*

IV. BIOLOGICAL RESOURCES -- Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Comment: *The text amendment would not result in any development that would have a substantial adverse effect on any fish or wildlife species or regional plans, policies, or regulations set forth by the California Department of Fish and Game or US Fish and Wildlife Service.*

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

Comment: *Refer to IV.a) above.*

- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Comment: *Refer to IV.a) above.*

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Comment: *Refer to IV.a) above.*

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Comment: *Refer to IV.a) above.*

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?

Comment: *The text amendment would not result in any development that would conflict with any habitat conservation plans.*

V. CULTURAL RESOURCES -- Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?
- Comment:** *The text amendment would not result in any development that would cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.*
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- Comment:** *The text amendment would not result in any development that would cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.*
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- Comment:** *The text amendment would not result in any development that would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.*
- d) Disturb any human remains, including those interred outside of formal cemeteries?
- Comment:** *The text amendment would not result in any development that would cause any human remains, including those interred outside of formal cemeteries to be disturbed.*

VI. GEOLOGY AND SOILS -- Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
- i) Rupture of a known earthquake fault, as delineated on the most recent Hayward Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
- Comment:** *The text amendment would not result in any development that would expose people to any geological hazard.*
- ii) Strong seismic ground shaking?
- Comment:** *See VI.ai.*
- iii) Seismic-related ground failure, including liquefaction?
- Comment:** *See VI.ai.*
- iv) Landslides?
- Comment:** *See VI.ai.*
- b) Result in substantial soil erosion or the loss of topsoil?
- Comment:** *The text amendment would not result in any development that would result in substantial soil erosion or the loss of topsoil.*
- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
- Comment:** *See VI.ai.*
- d) Be located on expansive soil, as defined in the Uniform Building Code, creating substantial risks to life or property?
- Comment:** *See VI.ai.*

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Comment: *The text amendment would not result in the construction of any structure that would create a need for septic tank or alternative wastewater disposal systems.*

VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Comment: *The text amendment would not result in any development that would create any hazard related to hazardous materials.*

- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Comment: *Refer to VI.ai.*

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Comment: *Refer to VI.ai.*

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Comment: *Refer to VI.ai.*

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

Comment: *The text amendment would not result in any development that would have an affect or be affected by a public or private airport.*

- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

Comment: *Refer to VI.ai.*

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Comment: *The text amendment would not have an affect or interfere with any known emergency response plan or emergency evacuation plan.*

- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Comment: *The text amendment would not result in any development that would cause people to be exposed to wild land fires.*

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

- a) Violate any water quality standards or waste discharge requirements?

Comment: *The text amendment would not result in any development that would cause a violation of any water quality standards or waste discharge requirements.*

- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

Comment: *The text amendment would not result in any development that would affect ground water supplies or interfere substantially with ground water recharge.*

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?

Comment: *The text amendment would not result in any development that would affect on the existing drainage pattern.*

- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Comment: *Refer to VIII.c.*

- e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

Comment: *Refer to VIII.c.*

- f) Otherwise substantially degrade water quality?

Comment: *The text amendment would not result in any development that would affect on the water quality.*

- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

Comment: *There is no housing associated with this project.*

- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

Comment: *There are no structures associated with the text amendment.*

- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Comment: *Refer to VIII.g.*

- j) Inundation by seiche, tsunami, or mudflow?

Comment: *Refer to VIII.g.*

IX. LAND USE AND PLANNING - Would the project:

- a) Physically divide an established community?

Comment: *The text amendment would not result in any development that would physically divide an established community.*

- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Comment: *The text amendment would not be in conflict with the Zoning Ordinance or the General Plan.*

- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?
- Comment:** *The text amendment would result in any development that would conflict with a habitat conservation plan or a natural community conservation plan.*

X. MINERAL RESOURCES – Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- Comment:** *The text amendment would not result in any development that would affect any mineral resource.*
- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?
- Comment:** *Refer to X.a*

XI. NOISE - Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- Comment:** *The text amendment would not result in any development that would expose of persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance,*
- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- Comment:** *Refer to XI.a.*
- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- Comment:** *Refer to XI.a.*
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- Comment:** *See XI.a.*
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- Comment:** *The text amendment would not result in any development that would have an affect or be affected by a public or private airport.*
- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?
- Comment:** *Refer to XI.e.*

XII. POPULATION AND HOUSING -- Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- Comment:** *The text amendment would not induce substantial population growth in any area of the City.*

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

Comment: *The text amendment would not result in any development that would displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere*

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Comment: *The text amendment would not result in any development that would displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.*

XIII. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- a) Fire protection?

Comment: *No new fire protection facilities will be required as a result of the text amendment.*

- b) Police protection?

Comment: *No new fire protection facilities will be required as a result of the text amendment.*

- c) Schools?

Comment: *No new school facilities will be required as a result of the text amendment.*

- d) Parks?

Comment: *The text amendment will not generate additional use of the park systems in the area.*

- e) Other public facilities?

Comment: *No other public facilities will be significantly impacted.*

XIV. RECREATION --

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Comment: *The text amendment would not affect recreational facilities.*

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Comment: *Refer to XIV.a.*

XV. TRANSPORTATION/TRAFFIC -- Would the project:

- a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

Comment: *The text amendment would not cause an increase in traffic which*

is substantial in relation to the existing traffic load and capacity of the street system.

- b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?
Comment: .Refer to XV.a.
- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
Comment: Refer to XV.a.
- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
Comment: The text amendment would not include any construction that would modify a traffic or roadway design.
- e) Result in inadequate emergency access?
Comment: The text amendment would not include any construction that would result in inadequate emergency access.
- f) Result in inadequate parking capacity?
Comment: The text amendment would not affect parking capacity.
- g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?
Comment: The text amendment would not conflict with adopted policies, plans, or programs supporting alternative transportation.

XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
Comment: Refer to VIII.a.
- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
Comment: Refer to VIII.a.
- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
Comment: Refer to VIII.a.
- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?
Comment: The text amendment would not result in any development that would affect on sufficient water supply.
- e) Result in a determination by the wastewater treatment provider, which serves or may serve the project, that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
Comment: The text amendment would not result in any development that would affect on sufficient wastewater facilities.
- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Comment: The text amendment would not result in any development that would affect sufficient landfill capacity.

- g) Comply with federal, state, and local statutes and regulations related to solid waste?

Comment: The text amendment would not result in any development that would affect the ability to meet solid waste regulations.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Comment: The text amendment is an extension of time, therefore would not result in any development that would have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Comments: The text amendment is an extension of time, therefore would not result in any development that would have a cumulative effect nor a substantial negative environmental effect.

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Comments: The text amendment is an extension of time, therefore would not result in any development that would not have an adverse environmental effect on human beings.