

HAYWARD CITY COUNCIL

RESOLUTION NO. 09-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION ADOPTING MITIGATED NEGATIVE  
DECLARATION AND MITIGATION MONITORING AND  
REPORTING PROGRAM, APPROVING PRE-ZONING, AND  
APPROVING AMENDMENT TO ARTICLE 3 OF CHAPTER 11  
OF THE HAYWARD MUNICIPAL CODE RELATING TO THE  
MT. EDEN ANNEXATION PHASE II PROJECT

WHEREAS, in 2008, the City initiated the Mt. Eden Annexation Phase II Study (the "Study"), as authorized by the City Council, to analyze the impacts of possible annexation to the City and pre-zoning of the two remaining unincorporated islands in the Mt. Eden area of Alameda County, generally referred to as the West-Mohr Island and the Mohr-Depot Road Island (the "Project"); and

WHEREAS, over the course of the past year and half, community meetings and work sessions has been held to analyze the results of the Study and disseminate information associated with the proposed Project; and

WHEREAS, City staff and consultants have prepared a Draft Initial Study and Mitigated Negative Declaration ("IS/MND") to analyze the potential environmental impacts of the proposed Project, which was made available for public comments, during the period from August 29, 2009, to September 29, 2009, pursuant to the requirements of the California Environmental Quality Act ("CEQA"); and

WHEREAS, the proposed amendment to Article 3 of Chapter 11 of the Hayward Municipal Code, permits certain parcels in the Mt. Eden Annexation Phase II area up to ten years to connect to the City's public sewer systems provided that certain conditions are satisfied; and

WHEREAS, a work session was held with the Planning Commission on September 17, 2009, to receive comments on the proposed Project and the draft IS/MND; and

WHEREAS, the Planning Commission held a public hearing on October 15, 2009, during which it considered the IS/MND and the proposed Project and has recommended that the City Council adopt the MND and the Mitigation Monitoring and Reporting Program. The Planning Commission further recommended approval of an amendment to the Zoning Ordinance that would establish pre-zoning designations for the two unincorporated areas that are proposed for annexation; and

WHEREAS, the City Council held a public hearing on November 3, 2009, during which it considered the reports and documents presented by City staff relative to the

proposed Project and the IS/MND; the Planning Commission's recommendation; the written and oral comments; the adoption of the MND and Mitigation Monitoring and Reporting Program; the pre-zoning of the parcels within the Mt. Eden Annexation Phase II area; and to receive comments from the public.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the following findings and determinations, hereby adopts the MND and Mitigation Monitoring and Reporting Program and approves the pre-zoning for the Mt. Eden Annexation Phase II area.

#### CEQA

1. The project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA), and an Initial Study has been prepared for the Project. The Initial Study has determined that the Project, with the recommended mitigation measures, will not result in significant effects on the environment, and a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared and are hereby adopted.

#### Pre-zoning

2. Substantial proof exists that the proposed pre-zoning will promote the public health, safety, convenience, and general welfare of the residents of Hayward. The proposed annexation and associated public infrastructure improvements and future development would result in improved fire suppression capabilities, police protection, storm drain capacity, and roadways in the area. Police service should improve as the City can serve the area more efficiently than the County. Additionally, future development would be subject to City regulations and City development review, which is generally more intensive than that of the County in this area, which is expected to improve property conditions and reduce or eliminate any potentially harmful site contaminants.
3. The proposed changes are in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans. The General Plan contains policies and strategies that encourage annexation of remaining unincorporated islands into the City:
  - Seek to achieve more congruous boundaries to provide for the efficient delivery of public services and to create a greater sense of community. (Land Use Chapter, Policy 11)
  - Evaluate annexing unincorporated islands and adjoining urbanized county areas within the Sphere of Influence in light of desires of affected residents and fiscal impacts on the city. (Land Use Chapter, Policy 11, Strategy 1)

The annexation will achieve more congruous boundaries for the City and the County and improvements in the efficiency with which services can be provided are expected.

The Mt. Eden Neighborhood Plan contains a policy that encourages the Residential Single-Family (RS) and the RS-B4 (4,000 square foot minimum lot size) zoning districts that:

- Allow “Limited Medium Density” development between West Street and Depot Road for continuity with density of recent small lot single-family development. (Residential Land Use, Policy 1, Strategy 2)

The Limited Medium Density Residential (LMDR) General Plan designation allows between 8.7 and 12 residential units per acre, which is equivalent to lot sizes ranging from 5,006 to 3,630 square feet. The LMDR land use designation exists in the majority of the annexation area and no land use designation changes are proposed.

One of the purposes of the Hayward Zoning Ordinance is to “accommodate expansion of development into vacant and under-utilized lands within environmental and infrastructure constraints”. The annexation will allow for in-fill development in the neighborhood as utility services are provided.

The purpose of the Light Manufacturing, Planning /Research and Development (LM) zoning district is “to provide for limited manufacturing and other light industrial uses within the Industrial Corridor which are compatible with business parks and adjacent residential areas.” Staff is recommending such designation for one property, consistent with that indicated in the Mt. Eden Neighborhood Plan, to provide a buffer between the properties zoned Industrial to the west, and residentially designated properties to the east.

The purpose of the Public Facilities (PF) zoning district is “to promote and encourage a suitable environment devoted to publicly owned government buildings and facilities, public community centers, libraries and museums, public educational facilities, public school districts facilities, public transit stations, public parking lots and structures, and other such uses directly or indirectly serving the general public.” The PF zoning designation that is recommended is consistent with the use of the property by Chabot College

The purpose of the Agriculture (A) zoning district is to preserve agricultural areas until such time as orderly development may take place. The A zoning is appropriate for the Herman-Mohr and Mohr-Fry estates as these properties have development potential and the owners have yet to determine the most appropriate uses.

4. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified. As noted in the draft environmental IS/MND, proposed infrastructure improvements, including roadway improvements and widening, extension of public sewer lines and upgrades to the existing storm drainage network, would be compliant with City standards and sufficient to serve potential future development.

5. 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 Mohr-West and Mohr-Depot islands are completely surrounded by properties in the City. Existing residential uses will be zoned for residential use. The Chabot College property will be consistent with the PF zoning district. The home on the property on Depot Road to be zoned LM will become a legal, nonconforming use. The Mohr-Fry estate and the Herman-Mohr estate will be zoned agricultural to protect the historic resources and to require discretionary approval prior to any change in use. Annexation and subsequent infrastructure improvements would allow for future development, which will lead to improved property conditions and aesthetics, which is currently not possible under existing conditions.

NOW, THEREFORE BE IT RESOLVED, based on the findings set forth above, that the proposed pre-zoning for the Mt. Eden Annexation Phase II area, is hereby approved, subject to the adoption of the companion ordinance.

BE IT FURTHER RESOLVED, based on the findings set forth above, that the proposed amendment to Article 3 of Chapter 11, is hereby approved, subject to the adoption of the companion ordinance.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2009

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward