

FINDINGS FOR APPROVAL – Route 238 Bypass Land Use Study

GENERAL PLAN AMENDMENT APPLICATION NO. PL-2009-0276 and ZONE CHANGE APPLICATION NO. PL-2009-0277

Findings for Approval – California Environmental Quality Act:

The final EIR has been completed in compliance with the California Environmental Quality Act (CEQA). The final EIR was presented to the Planning Commission and that the Planning Commission reviewed and considered the information contained in the final EIR prior to recommending approval of the project. The project, as conditioned, will not have a significant effect on the environment and the final EIR reflects the City's independent judgment and analysis.

Findings for Approval – General Plan Amendment

- (1) Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward.

The land use changes proposed will promote the public health, safety and general welfare of the residents of Hayward by preserving and enhancing the aesthetic quality of the City by increasing opportunities for open space and park areas and for allowing an appropriate mix of land use designations in an orderly manner that is consistent with surrounding designations.

- (2) The proposed change is in conformance with the purposes of the General Plan and all applicable, officially adopted policies and plans.

The proposed land use changes are in conformance with the purposes of the General Plan as well as the neighborhood plans and policies in that the revised designations will retain and enhance established neighborhoods, allow for the infill and reuse of areas that were previously set aside for a freeway, maintain and enhance environmental resources by creating a continuous trail, and establish Hayward as a unique and distinctive place with the inclusion of the new General Plan designation Sustainable Mixed Use.

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

A Program-level Environmental Impact Report (EIR) was prepared which analyzed the physical environmental impacts of implementing the land use designations of three alternatives. It was determined that adequate facilities exist to serve the properties when they are ultimately developed. The basis of the analysis, which determined adequate facilities exist to serve future development, was a review of the most intensive land use alternative, Alternative A. The staff recommended land use alternative is less intensive than Alternative A, thus adequate facilities do exist to serve future development. In addition, future

development will be required to be part of a Community Facilities District to off-set any potential impacts to police and fire services.

- (4) 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 staff recommended land use designations involve some reclassification so that properties are more compatible with surrounding land use designations and also help to further goals established in existing neighborhood plans. The creation of the new land use designation "Sustainable Mixed Use" does not currently exist and would allow for the future development of the quarry site in a sustainable manner in that it will allow for either a high density, car-independent mixed use development or allow for a LEED Silver certified school with a neighborhood park. This specific designation will more easily allow sustainable development to occur in this location or other locations as appropriate that would otherwise be more challenging with existing designations.

Findings for Approval – Zone Change:

- (1) Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward.

The changes proposed will promote the public health, safety and general welfare of the residents of Hayward by preserving and enhancing the aesthetic quality of the City by increasing opportunities for open space and park areas and for allowing an appropriate mix of zoning designations in an orderly manner that is consistent with surrounding designations.

- (2) The proposed change is in conformance with the purposes of the zoning ordinance and all applicable, officially adopted policies and plans.

The proposed zone changes are in conformance with the purposes of the zoning ordinance in that the revised designations will retain and enhance established neighborhoods, allow for the infill and reuse of areas that were previously set aside for a freeway, maintain and enhance environmental resources by creating a continuous trail, and establish Hayward as a unique and distinctive place with the inclusion of the new zoning district Sustainable Mixed Use.

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

A Program-level Environmental Impact Report (EIR) was prepared which analyzed the physical environmental impacts of implementing the land use designations of three alternatives. It was determined that adequate facilities exist to serve the properties when they are ultimately developed. The basis of the analysis, which determined adequate facilities exist to serve future development, was a review of the most intensive land use alternative, Alternative A. The staff recommended land use alternative and accompanying zoning

districts are less intensive than what was shown for Alternative A, thus adequate facilities do exist to serve future development. In addition, future development will be required to be part of a Community Facilities District to off-set any potential impacts to police and fire services.

- (4) 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 staff recommended zoning districts involve some reclassification so that properties are more compatible with surrounding zoning districts and also help to further goals established in existing neighborhood plans. The creation of the new zoning district "Sustainable Mixed Use" does not currently exist and would allow for the future development of the quarry site in a sustainable manner in that it will allow for either a high density, car-independent mixed use development or allow for a LEED Silver certified school with a neighborhood park. This specific designation will more easily allow sustainable development to occur in this location that would otherwise be more challenging with existing designations.