



CITY OF HAYWARD
777 B STREET, HAYWARD, CA 94541-5007
(510) 583-4205 / www.hayward-ca.gov
LIVE BROADCAST – LOCAL CABLE CHANNEL 15

MEMBERS OF THE AUDIENCE WISHING TO ADDRESS THE PLANNING COMMISSION:

Obtain a speaker's identification card, fill in the requested information, and give the card to the Commission Secretary. The Secretary will give the card to the Commission Chair who will call on you when the item in which you are interested is being considered. When your name is called, walk to the rostrum, state your name and address for the record and proceed with your comments. Copies of staff reports for agenda items are available from the Commission Secretary and on the City's website the Friday before the meeting.

AGENDA
HAYWARD PLANNING COMMISSION
THURSDAY, FEBRUARY 10, 2011 AT 7:00 PM
COUNCIL CHAMBERS

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT: (The PUBLIC COMMENTS section provides an opportunity to address the Planning Commission on items not listed on the agenda. The Commission welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Commission is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff for further action).

NON-ACTION ITEMS: (Work Session items are non-action items. Although the Commission may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda).

WORK SESSION:

1. Draft Mission Boulevard Corridor Specific Plan

ACTION ITEMS: (The Commission will permit comment as each item is called for Public Hearing. Please submit a speaker card to the City Clerk if you wish to speak on a public hearing item).

PUBLIC HEARINGS: For agenda item No. 2, the Planning Commission can either recommend approval to the City Council or deny the application. Any denial action is appealable. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision.



Assistance will be provided to persons requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons needing accommodation should contact Debbie Summers 48 hours in advance of the meeting at (510) 583-4205, or by using the TDD line for those with speech and hearing disabilities at (510) 247-3340.

2. General Plan Amendment Application No. PL-2010-0368 and Zone Change Application No. PL-2010-0369 - Woody Karp of Eden Housing (Applicant); City of Hayward Redevelopment Agency (Owner) - Request to Change the General Plan Designation from Medium Density Residential to High Density Residential and to Change the Zoning from Medium Density Residential to Planned Development to Accommodate 22 Affordable Senior Housing Rental Units using Density Bonus Provisions.

The project is located on a 0.5-acre parcel at the southwest corner of B and Grand Streets, adjacent to the existing Eden Housing senior housing facility and across Grand Street from the Downtown Hayward BART station

COMMISSION REPORTS:

3. Oral Report on Planning and Zoning Matters
4. Commissioners' Announcements, Referrals

APPROVAL OF MINUTES

5. September 23, 2010

ADJOURNMENT

PUBLIC COMMENT RULES: The Chair may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens for organization. Speakers will be asked for their name and their address before speaking and are expected to honor the allotted time. A Speaker's Card must be completed by each speaker and is available from the City Clerk at the meeting.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing. **PLEASE TAKE FURTHER NOTICE** that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

NOTE: Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Permit Center, first floor at the above address.



DATE: February 10, 2011
TO: Planning Commission
FROM: Erik J Pearson, AICP, Senior Planner
SUBJECT: Draft Mission Boulevard Corridor Specific Plan

RECOMMENDATION

That the Planning Commission reads and comments on this informational report, and provides comments to staff on any issues of concern related to this regional planning effort.

SUMMARY

The draft Mission Boulevard Corridor Specific Plan (MBCSP) is available on the project webpage at <http://www.hayward-ca.gov/forums/MBCSP/mbcspforum.shtm>. In response to comments received at the City Council and Planning Commission work session in June 2010, staff has prepared a Preferred Regulating Plan and two Alternative Regulating Plans. Staff is seeking the Council's comments on the draft document, which includes development policies, a form-based code, infrastructure needs, implementation strategies, and fiscal impacts. Comments on the draft MBCSP will help guide the preparation of the Environmental Impact Report (EIR). Staff anticipates presenting a revised MBCSP and draft EIR (DEIR) to the Council in July.

BACKGROUND

This project, which includes a Specific Plan, Form-Based Code, and Economic Strategy, covers properties along the northern portion of the Mission Boulevard Corridor, from Harder Road to the northern City limit, with the exception of the Downtown. The project area comprises approximately 600 parcels on 240 acres and has a total length of approximately two miles. The South Hayward BART Form-Based Code, which will be presented to Council for adoption on May 24, 2011, addresses properties along the portion of Mission Boulevard between Harder Road and Industrial Boulevard.

The City Council authorized the Mission Boulevard Corridor Specific Plan project, as well as a contract with a consultant team led by Hall Alminana, Inc. (Hall-Alminana) on November 17, 2009. On March 23, 2010, staff presented Council with an overview of the project and on March 25, 2010, a similar presentation was made to the Planning Commission. A community meeting and kick-off to the week-long charrette was held on April 8, 2010. The charrette was held April 12 through April 16, 2010. The charrette concluded with a presentation of a draft regulating plan and

conceptual architectural drawings. Reports and presentations for all past meetings mentioned in this report can be accessed on the project webpage <http://www.hayward-ca.gov/forums/MBCSP/mbcspforum.shtml>.

Following the kick-off meeting and public design Charrette in April 2010, staff presented alternative regulating plans during work sessions to the Council and Planning Commission on June 22 and June 24, 2010. Minutes from those two work meetings are attached to this report as Attachments I and II. Staff has provided a summary of the comments made at those meetings below. In response to a suggestion made at the June 22 Council work session, a field trip for Council Members and Planning Commissioners was held on October 2, 2010, to view various street configurations and neighborhood characteristics in San Francisco. Specifically, the group viewed various sidewalk widths, landscape medians, and parks.

DISCUSSION

The draft Mission Boulevard Corridor Specific Plan includes a Specific Plan, a Regulating Plan and Form-based Code (Chapters Three and Four), the Synoptic Survey presented at the charrette (Appendix A), an Economic Strategy (presented in June 2010, and now included as Appendix B), and a Fiscal Impact Analysis (Appendix C). Once adopted, the Form-Based Code portion will be incorporated into the Hayward Municipal Code, and will be available on-line.

Specific Plan – As noted in Chapter 1 of the draft MBCSP, State law requires a specific plan to include the following:

- The distribution, location and extent of all land uses, including open space.
- The proposed distribution, location, extent and intensity of major components of public infrastructure, such as transportation and water and sewer systems.
- The standards and criteria by which development will proceed.
- A program of implementation measures, such as financing measures, policies, regulations and public works projects.
- A statement of the relationship of the Specific Plan to the General Plan.

Chapter 1 also addresses the Specific Plan's consistency with the General Plan. Chapter 2 includes the vision, goals, and principles that will guide development in the area. Chapter 3 describes and includes the Regulating Plan, as well as a Thoroughfare Plan. Chapter 4 is the Form-Based Code. Chapter 5 includes a discussion of the existing infrastructure and utility systems as well as the demands that new development would place on these systems. Chapter 5 also includes a Mobility Plan, which addresses automobiles, bicycles, pedestrians, and public transit, and parking and transportation demand management (TDM) information. A later version of the Plan will include a more detailed parking and TDM strategy as an appendix. Chapter 6 is the Implementation Plan and includes summaries of the Economic Strategy and the Fiscal Impact Analysis.

Preferred Regulating Plan – During the June work sessions, staff presented a Regulating Plan, which identifies various zones and densities on a map developed during the charrette as well as seven variables identified to further refine and improve the Plan. Each variable is presented below, along with the comments made during the June 2010, work sessions. Staff used the direction

received on each variable to develop the Preferred Regulating Plan and two Alternative Regulating Plans. The Alternative Regulating Plans will be evaluated in the Environmental Impact Report as the California Environmental Quality Act (CEQA) requires the evaluation of alternatives for a project. Section 3 of the draft MBCSP includes the Preferred Regulating Plan and the Alternative Regulating Plans are the last two pages of the document.

Variable # 1 - Street Design for Mission Boulevard North of A Street – The design of Mission Boulevard in the southern segment of the project area has been defined by the Route 238 Corridor Improvement project, whose construction is underway. North of A Street, there is a plan to improve the streetscape of Mission Boulevard and to fund these improvements through the Route 238 Bypass Local Alternative Transportation Improvement Program (LATIP) when funds become available from the sale of surplus right of way. Part of these improvements would include undergrounding of existing utilities and the City Council has already designated this area as an underground district. Alternatives include:

1. Maintain the existing street and sidewalk configuration, but improve the area with new paving, lighting, undergrounding of utilities, and new street furniture. **(Alternative 'A' Regulating Plan)**
2. Install a five-foot-wide landscape median, reduce parking lanes from eight feet to seven feet, and reduce the width of the sidewalks from ten feet to eight and a half feet. The median should start about one hundred feet north of A Street to address lane width needs at the A Street intersection. **(Alternative 'B' Regulating Plan)**
3. Install a four-foot-wide landscape median, maintain the existing four travel lanes at eleven feet width each, reduce parking lanes from eight feet to seven feet, and reduce the sidewalks from ten feet to nine feet. The median should start about one hundred feet north of A Street to address lane width needs at the A Street intersection. Essentially, this option differs from option #2 by adding the reduced median width of one foot to sidewalk widths. **(Preferred Regulating Plan)**
4. Install a three-foot-wide landscape median, reduce from four to two travel lanes, add diagonal parking, and maintain ten-foot wide sidewalks. This particular alternative would not be considered consistent with the recent proposal to obtain LATIP funding to improve this section of Mission Boulevard consistent with the remainder of the Route 238 Corridor Improvement Project.

Comments made by the Council and Planning Commission included:

- Option # 1 would be beneficial because it would allow wider sidewalks;
- Option # 4 would not work due to the transition needed to the south side of A Street;
- Diagonal parking is desirable;
- Perhaps bulb-outs could be added;
- A wider median is preferable;
- Diagonal parking and the median would both be problematic for existing businesses along Mission Boulevard;
- Wider sidewalks are preferred;
- Collectively, the Planning Commission favored Option # 3.

Staff recommends that Option #3 be designated the preferred alternative, because it allows for a landscaped median that can accommodate planting as well as travel lanes of sufficient width to be safe. Having nine-foot-wide sidewalks, while not optimum, would still allow for active building frontages while maintaining a proper path of travel for pedestrians. The various regulating plans are indicated on page SC46 of Chapter 4 of the draft Plan (AV-80-58-BR on Table 2).

Variable # 2 - Building Heights – On Mission Boulevard north of A Street, staff studied the topography of the area and considered the potential impacts that new buildings would have on the views currently enjoyed by residents of the Prospect Hill neighborhood. The Alternatives presented were:

1. Maintain the T5 zone as shown on the Plan, with a maximum height limit of six stories.
2. Create an overlay zone to allow for higher density while limiting building heights.
3. Change the zone designation from T5 to T4.

Staff recommended the creation of an overlay zone in this portion of the T5 zone that would establish a minimum height of two stories and a maximum height of three stories. Both the Council and Planning Commission agreed that the area should be zoned T5 and should have an overlay zone(s) limiting building heights. The Planning Commission also suggested that green roofs on buildings in this area would improve the views from Prospect Hill. The preferred Regulating Plan shows two overlay zones – a three-story limit for most of the area between Simon Street and Smalley Avenue and a four story limit for the portion where there is a greater difference in elevation between Mission Boulevard and Prospect Street. The Alternative ‘A’ Regulating Plan has only one overlay zone limiting building heights to three stories and the Alternative ‘B’ Regulating Plan has no overlay zone.

Variable # 3 - Open Space North of A Street – Due to the existence of the Hayward earthquake fault trace that runs through several parcels on the east side of Mission Boulevard, north of A Street, a park (“Big Mike” Park) was proposed during the charrette for three parcels between Hotel Avenue and Simon Street. An alternative scenario would include extending the planned park further south from the park to A Street by designating such area as a Civic Space zone.

Staff is recommended the expansion of the Civic Space zone, due to the fault trace and the lack of parkland in the neighborhood. The Council favored expanding the park, but not if it means displacing existing businesses. The Commission favored expansion of the park area, but noted that it would need to be designed to deter loitering. The Preferred Regulating Plan shows the park area expanded to A Street. The Alternative ‘A’ Regulating Plan shows the park area starting at Hotel Avenue and the Alternative ‘B’ Regulating Plan shows only three parcels for the park.

Variable # 4 - Zoning Designation Between Jackson Street and Fletcher Lane – The area between Jackson Street and Fletcher Lane is within a half-mile of the downtown BART station, which is generally considered a comfortable walking distance to a transit station. This area was shown on the regulating plan as T4. Staff presented the possibility of a T5 designation to the area to allow higher residential density.

Staff recommended changing the designation for the area on the west side of Mission Boulevard between Jackson Street and Fletcher Lane to the T5 zone, in order to maximize density within walking distance of the Hayward BART station. The Council noted that the residents of Pinedale Court should be consulted to gauge their reaction to the possibility of higher densities adjacent to their neighborhood. The Commission noted that Jackson Street may be considered a barrier that would prevent people from walking to BART.

In response to Council's suggestion, staff met with residents of Pinedale Court on September 28, 2010. Ten residents attended the meeting and nine of the ten residents indicated they would prefer to see T4, not T5, in the area. Pinedale residents also thought that Jackson Street makes a physical and logical boundary for the T5 and the Downtown area. Following that discussion, there was another alternative discussed that would create a transition area of T4 between the Pinedale residents' current T3 and the newly proposed T5 south of Jackson Street. A few of the Pinedale residents (approx. 2-3) said that they were then able to envision T5 for the area between Fletcher Lane and Jackson Street.

The Preferred Regulating Plan shows T5 for the area between Fletcher Lane and Jackson Street as the Council and Commission did not indicate a strong preference and staff advocates higher residential densities for areas within a half mile of the BART station. Furthermore, the area on the south side of Fletcher would be T4 and would provide a buffer to the Pinedale neighborhood. The Alternatives 'A' and 'B' Regulating Plans show all the area as T4.

The idea of connecting the end of Pinedale Court with Groom Street to the south was also discussed. Most of the residents recognized the safety and convenience benefits that the connection would offer. One resident was very opposed as he thought a street connection would allow undesirable people into their neighborhood.

Variable # 5 - Open Space South of Jackson Street – The active Hayward fault trace bisects the parcel at the southeast corner of Mission Boulevard and Jackson Street, which is currently developed with the St. Regis retirement home. Due to the restrictions associated with building within the fault zone, designation of the parcel as a Civic Space zone was presented as an alternative to the T4 zone shown on the Charrette Regulating Plan.

Staff recommended no change to the T4 designation of this parcel, given its size and because Memorial Park is in close proximity. Both the Council and the Commission agreed with staff's recommendation. The Preferred Regulating Plan shows the parcel as T4, while both the Alternative 'A' and 'B' Regulating Plans show the parcel as Civic Space.

Variable # 6 – Slip Lane on Mission Boulevard from Torrano Avenue to Harder Road – Given the lot configuration of the parcels in this area and potential for larger retail developments that would make a slip lane more feasible to implement and provide more active frontages, staff recommended that a slip lane be shown in the Regulating Plan for this area along Mission Boulevard. Both the Council and the Commission agreed with staff's recommendation. Because the lots north of Torrano Avenue are deep, the Preferred Regulating Plan shows a slip lane from

just south of Berry Avenue to Harder Road. The Alternative 'A' and 'B' Regulating Plans show no slip lanes in this area.

Variable # 7 - Zoning for Area Between Mission Boulevard, Harder Road, Torrano Avenue, and BART Tracks – While the areas to the north and east are designated as T4, this area will have larger block sizes and, given the existing uses along Dollar Street, light industrial uses not allowed in a typical T4 zone might be permitted in this area. Staff suggested the following alternatives:

1. Create a T4-2 zone that encourages residential development. This zone can also allow commercial and light industrial uses. Standards would be established to ensure compatibility between uses.
2. Create a T4-2 zone that favors commercial and light industrial development.

Staff recommends a T4-2 zone that allows for commercial and light industrial uses as well as some residential development. Neither the Council nor the Commission expressed a strong opinion for either alternative. The Preferred Regulating Plan shows the area as T4-2, which the draft Form-Based Code describes as a zone where light industrial buildings and warehouses may be allowed. The Alternative 'A' and 'B' Regulating Plans have no T4-2 zone.

Form-Based Code – The draft Form-Based Code is presented as Chapter 4 of the draft Mission Boulevard Corridor Specific Plan and is similar in organization to the current draft South Hayward BART/Mission Boulevard Form-Based Code presented to the Council and Planning Commission in the Spring of 2010. The draft Form-Based Code for the Mission Boulevard Corridor has several significant differences from the current Zoning Ordinance that warrant special attention and are described below.

Agriculture and Livestock – The current Zoning Ordinance allows the keeping of livestock (including chickens) in the Single-Family Residential zoning district only with the approval of an Administrative Use Permit. The Zoning Ordinance does not allow livestock in the commercial zoning districts. In an effort to enable local, sustainable food production, Table 13C in the draft Code allows several different types of food production. As indicated on page SC26 of the Code, the keeping of up to four chickens would be allowed in "Vegetable Gardens" in T3, T4-1, and T4-2 without the need for a permit. Vegetable Gardens are identified on Table 13C as being garden/food production areas located on a parcel having one or more residential units. A later version of the Code will include standards for location, shelter, and maintenance of livestock.

T3 Standards – The Plan area includes some single-family neighborhoods, which have been shown as T3 on the Regulating Plan. This zone is most similar in terms of allowable density and lot size to the Single-Family Residential (RS) district in the current Zoning Ordinance and permits single-family homes. Following are some significant differences between the current development standards of RS and the proposed T3:

- T3 would allow urban farms and community gardens as "by right" uses and multiple-family housing and commercial offices would be permitted with a conditional use permit. None of these uses are permitted in RS.

- As indicated in Table 12A on page SC57 of Chapter 4, T3 would require a minimum lot width of 35 feet, while RS requires 50 feet.
- Minimum setbacks would be 18 in the front yard and 10 feet in the rear yard in T3, while RS requires 20 feet for both front and rear yards. (T3 would still require a rear setback of 20 feet for a two-story home.)
- T3 would require only a one-car garage and would limit garages to two-cars. RS requires two-car garages.
- T3 would limit the width of driveways to 10 feet in the first layer. RS allows 20-foot-wide driveways.
- T3 would not allow garages on the front of a house – they would have to be located in the third layer. RS allows garages on the front façade of a house.

Extremely Low Income Housing – The Housing Element of the General Plan, which was adopted in June 2010, includes “Program 20: Extremely Low Income and Special Needs Housing,” as required by State law. The draft Mission Boulevard Corridor Specific Plan contains the language necessary to implement Program 20 of the Housing Element. Program 20 is found on pages 5-101 and 5-102 of the Housing Element and requires homeless shelters, transitional housing, and supportive housing to be addressed in a city’s zoning ordinance. Specifically, Emergency Homeless Shelters are required to be permitted “by right” in at least one zoning district. When the Council considered the Housing Element, staff identified the General Commercial (CG) District as the one where homeless shelters would be permitted. Much of the Mission Boulevard Corridor project area is currently zoned CG.

Page 5-82 of the Housing Element states, “A review of capacity within this zoning district indicates that the City has 114 parcels zoned CG, totaling approximately 54 acres that are considered either vacant or underutilized.” Staff has identified 152 qualifying parcels totaling 60 acres that are vacant or underutilized in the project area. The draft Code allows shelters only on parcels fronting on Mission Boulevard. This and other development and operational standards are included in Section 10-25.295 of the draft Code. Given the capacity for homeless shelters fronting Mission Boulevard in the Mission Boulevard Corridor area, revision to the CG regulations to allow emergency homeless shelters in other parts of the City would no longer be necessary.

To comply with Senate Bill 2 (SB 2) and to implement Program 20 of the Housing Element, Table 9 (Allowed Functions) in Chapter 4 of the Plan includes Transitional Housing, Supportive Housing, and Emergency Homeless Shelters, as “By Right” uses in the T4-1, T4-2, and T5 zones. Group Transitional Housing and Group Supportive Housing (entailing more than six residents) would be permitted with a conditional use permit in T4-1, T4-2, and T5. Single Room Occupancy (SRO) housing must be permitted in the City, but there are no minimum capacity requirements as there are with emergency homeless shelters. Staff recommends, as shown in Table 9, that SROs be permitted only in the T5 zone and only with a conditional use permit. State law does allow separation requirements for SROs; however, if they are only permitted in the T5, then a separation requirement may be considered to be too restrictive to meet the intent of SB 2.

Assembly Uses – To address concerns raised by the Council regarding assembly uses located on prime retail sites, language has been included in Section 10-25.235 that requires separation of at least one-half mile between assembly uses that front onto Mission Boulevard. A review of existing

assembly uses in the project area found that, if the Council adopts this requirement, then no new assembly uses would be permitted in the area between Carlos Bee Boulevard and Harder Road.

Automobile Sales – The current zoning ordinance allows new car dealerships as a “by right” use and used car dealerships as conditional uses requiring a conditional use permit. The draft Code would allow all automobile dealerships by right. The definition of Retail Sales reads “a Function characterizing establishments engaged in the sale of goods and merchandise, including new and used automobiles.” Display lots would no longer be permitted along a street frontage. Display of vehicles would be subject to the same location restrictions as “parking,” except when cars are displayed in a showroom. Vehicles displayed in a “shopfront” would be permitted in Layer 2 (front portion of building) and either indoor or outdoor display would be permitted in Layer 3 (rear portion of a property) as depicted in Tables 12A through 12D. Display of vehicles would not be permitted in Layer 1 (generally the area between the front property line and the front façade of the building).

Infrastructure Plan – Chapter 5 addresses public utilities such as storm drainage, wastewater facilities, water supply and demand, and water distribution. The changes to Zoning and General Plan land use designations that will result from the adoption of the Mission Boulevard Corridor Specific Plan will not significantly affect the City’s storm water and water supply facilities. Due to existing deficiencies downstream of the Specific Plan area, future development may be tasked with upsizing specific segments of the sewer mains that are currently operating beyond capacity. The infrastructure plan also includes a Mobility Plan, which addresses travel by automobile, bicycle, pedestrian, and public transit, and parking and transportation demand management. The primary goal of the Mobility Plan is to accommodate the needs of all modes of transportation and it includes policies for managing parking and transportation demand. However, staff intends to present City-wide implementation ordinances to the Council at a later date.

Implementation Plan – Chapter 6 includes a conceptual financing plan for future development, which projects the number of housing units and square feet of commercial space anticipated to be built over the next 20 years. The Plan provides suggestions for the types of development that the City might encourage in different portions of the Plan area. Three opportunity sites are identified: between Harder Road and Torrano Avenue; the east side of the intersection at Mission Boulevard and Carlos Bee Boulevard; and the area between Sycamore Avenue and Pinedale Court. More detail is provided in Appendix B of the Plan (Market Analysis and Economic Development Strategy), which was presented to the Council in June 2010.

ENVIRONMENTAL REVIEW

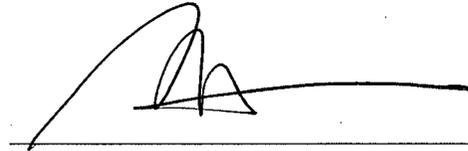
Pursuant to the California Environmental Quality Act (CEQA), staff and the consultant team will prepare a program-level Environmental Impact Report (EIR) for the project that will examine, at a general program level, the potentially significant environmental effects of development that could occur as a result of the Specific Plan and Form-Based Code. The EIR will also consider impacts resulting from the development of key redevelopment sites identified in the Economic Strategy. The EIR will include a visual analysis showing the impacts of potential development within the Specific Plan area, a greenhouse gas emissions impact analysis per the latest State guidance, and a traffic impact analysis. The EIR will provide alternatives and/or mitigation measures to reduce or avoid significant impacts.

The Planning Commission work session on June 24, 2010 also served as a public scoping meeting for the EIR where the public and Commissioners identified specific issues to be addressed in the EIR. The Planning Commission made two suggestions regarding the preparation of the EIR. The Commission asked that, if possible, data from the 2010 Census be incorporated into the EIR. The Commission also suggested that no development be permitted in flood plains and that a green belt or linear park might parallel the BART tracks.

SCHEDULE & NEXT STEPS

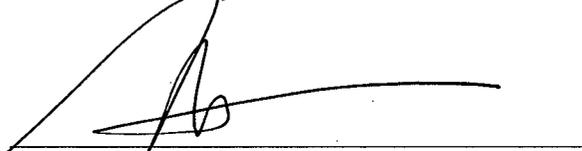
Staff anticipates releasing the draft EIR in late June 2011 and holding work sessions and a community workshop in July to present the draft EIR and revised Plan. Final adoption of the EIR and Plan are tentatively scheduled for late this calendar year.

Prepared by:



for Erik J. Pearson, AICP
Senior Planner

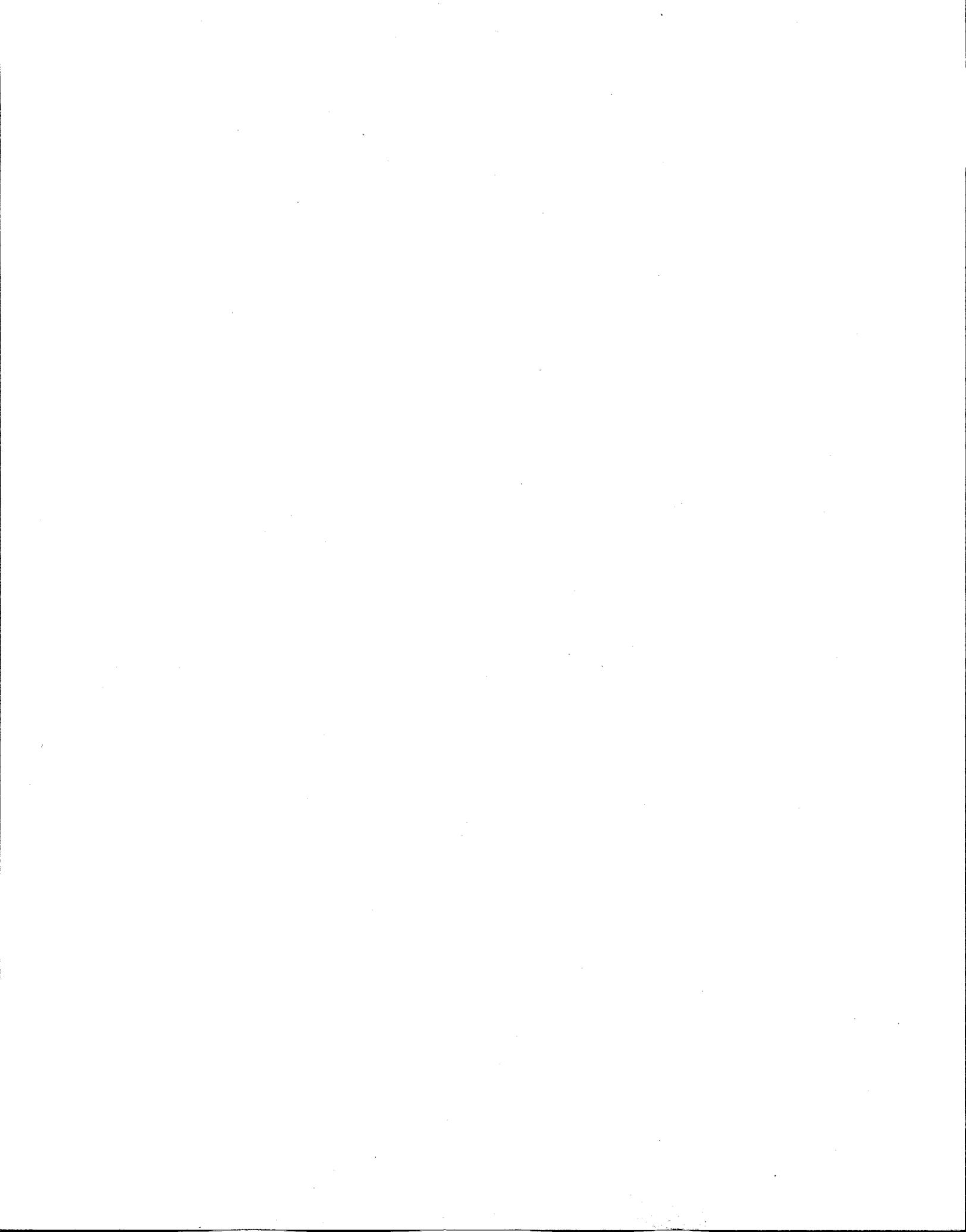
Recommended by:



Richard Patenaude, AICP
Planning Manager

Attachments:

- Attachment I Minutes of the June 22, 2010 City Council meeting
- Attachment II Minutes of the June 24, 2010 Planning Commission meeting





**MINUTES OF THE SPECIAL CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING OF
THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, June 22, 2010, 7:00 p.m.**

MEETING

The Special Meeting of the City Council/Redevelopment Agency was called to order by Mayor/Chair Sweeney at 7:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member May.

ROLL CALL

Present: COUNCIL/RA MEMBERS Zermeño, Quirk, Halliday, May, Dowling,
Henson
MAYOR/Chair Sweeney
Absent: COUNCIL/RA MEMBER None

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson reported that Council met with Real Property Negotiators pursuant to Government Code 54956.8 regarding the Green Shutter Building - APN 428-0066-024 and 428-0066-039 and regarding Residual Burbank School Site - APN 431-0024-001. There was no reportable action on the items discussed.

PUBLIC COMMENTS

Mr. Henry Villalobos, Sycamore Avenue resident, suggested establishing an International Cultural Center.

Mr. Jim Drake, Franklin Avenue resident, mentioned the weeds in the area where Grove Street crosses Mission Boulevard need to be maintained. Mayor Sweeney directed City Manager David to respond to Mr. Drake regarding any issues.

Mr. Ralph Farias, Belmont Avenue resident, noted that during his campaign for Council, he met an elderly person who was in need of assistance. Mr. Farias suggested that the Keep Hayward Clean and Green (KHCG) Task Force conduct outreach to seniors. He also asked about the status of the Mission Boulevard Realignment project during which the City had begun the process of adding speed bumps in his neighborhood but then the project was stopped. He mentioned that his daughter was almost hit by a car. Mayor Sweeney clarified that the KHCG Task Force is comprised of volunteers and suggested Mr. Farias join the members to help clean up Hayward.

Ms. Liz Gonzales, Scrips Street resident, addressed gang issues and how related incidents are getting more dangerous. Ms. Gonzalez said there are too many vacant lots and the City needs more grocery stores. Ms. Gonzales also said that the Highway 92 project has become dangerous with the narrow traffic lanes and was concerned about the elderly traveling in that area. Ms.

Gonzales suggested the City work with Caltrans to improve safety on 92 and added that the City of Oakland has a clean-up grant that Hayward might want to emulate. Mayor Sweeney suggested Ms. Gonzales speak with Public Works Director Bauman for an update with the Highway 92 Project.

Mr. Sergio Morales, Tiburcio Vasquez Center staff and Tennyson High School Health Center representative, thanked Council for the support of the Tennyson Health Center through the Peer Advocate Program, which received funding, thanks to the recommendation of the Human Services Commission. He asked for Council's continued support. Ernesto and Andres, both graduates of Tennyson High School spoke favorably of the Peer Advocate Program.

WORK SESSION

1. Mission Boulevard Corridor Specific Plan

Development Services Director Rizk introduced Senior Planner Pearson who in turn introduced the Hall-Alminana team made up of Laura Hall and Robert Alminana, and Kevin Colin of Lamphier-Gregory. The team gave an update of the project.

In response to Mayor Sweeney, Ms. Hall of Hall-Alminana, explained that transect zones (T-zones) are based on character and form. She noted that T-zones are mixed use and the focus is on how the zones connect lower and higher density areas. Mayor Sweeney also asked Ms. Hall about challenges and opportunities that the Charrette process provided within the Mission Corridors. Ms. Hall noted that the design challenge is for the Route 238 Corridor Project and the Mission Boulevard Corridor Specific Plan to work cohesively.

Council Member Halliday mentioned that the Alquist Priolo Fault Zone covers the north area of the project and asked how it affects development investment potential such as a three-story apartment building. Mr. Alminana noted that only storage buildings can be built within a 150 foot circumference of the fault. Director of Development Services Rizk said that new developers wanting to build housing in the fault zone area may need to conduct trenching and fault investigations. Mr. Rizk said the area where the fault trace swings down closer to Mission Boulevard, north of downtown, is indicated as Civic Space (CP) which could accommodate a park or non-habitable reuse of a building. Ms. Halliday supported the idea of a park and the narrowing of the roads and instead of medians suggested having small spaced out peninsulas of landscaping and trees in the parking lanes. She also favored the three-story maximum height of buildings.

Council Member Henson was supportive of the wider medians north of A Street. Mr. Henson noted that Mattox Road presents a good opportunity for traffic patterns and uses that could produce revenue for the City. Mr. Henson added that the southern end of that area is in need of commercial development and suggested a Trader Joe's would meet the needs of students and faculty of the college. Mr. Henson was supportive of the Big Mike Park and suggested taking a critical look at the Specific Plan process. He was also in favor of coordinating a "village" which would compliment proposals in the plan.



**MINUTES OF THE SPECIAL CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING OF
THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, June 22, 2010, 7:00 p.m.**

Council Member Dowling commented that there are good concepts in the plan and mentioned that there are underutilized parcels. Mr. Dowling expressed concern regarding the need to attract high end uses in the area vacated by the car dealerships south of Harder and Carlos Bee and suggested that the City might have to establish a moratorium in that area until a plan is in place. He said this is an opportunity to attract higher end stores such as Trader Joe's that could serve the college and surrounding areas. He said that even though a median strip north of A Street is desired, the makeup of that area lends itself to used car dealerships and auto parts stores and he does not see this changing in the near future. Mr. Dowling concurred with Council Member Halliday that improvements can be made by landscaping the sidewalks and parking strips. He supported the three-story height limit north of A Street and the Big Mike Park but noted that the park should end at Hotel Street.

Council Member Zermeño did not support narrowing of sidewalks on Mission and Foothill Boulevards as this would be counterproductive in attracting people to the area. In response to Mr. Zermeño's inquiry about establishing a roundabout on Mission Boulevard, Ms. Hall responded the only available area would be north of A Street and explained that even though roundabouts look nice, they are not pedestrian friendly. Mr. Zermeño supported the Big Mike Park and suggested removing the buildings behind the statue.

Council Member Quirk was in agreement with Council Member Zermeño's comments to not narrow the sidewalks. Ms. Hall suggested, and Mr. Quirk concurred, that a field trip for Council would be helpful to see the difference between a nine foot and ten foot sidewalk. Mr. Quirk said the city should have a plan in place for the area between Simon and A Streets that, due to the fault line, does not allow for any future development that includes housing. He said current residents and business owners should be allowed to stay until circumstances force the City to convert the area to public space. Mr. Quirk suggested the Pinedale Court residents be made aware of the proposed higher densities that Council is considering.

Mayor Sweeney appreciated the good ideas and creativity and noted that the recommended changes north of A Street are positive. Mayor Sweeney commented that the two to three-story limit should be extended south of Simon Street as this would be more in keeping with the neighborhood. He noted the higher height limits for the area closer to A Street makes sense and requested to see more of a transition. He added that the comments regarding the challenges of the fault line are well taken and agreed with Ms. Hall's comments that the City should take advantage of future opportunities to create more public space. Mayor Sweeney also commented that slip lanes have potential and that it is important to make sure that the proposed densities for the Pinedale Court area are in keeping with the existing neighborhood. Mayor Sweeney stated that it is critically important to make sure that the lighting design is done correctly to ensure public safety and to make sure quality shopping is available to encourage pedestrian-oriented growth. Mayor Sweeney said the key is to retain retail opportunities and not to give in to developers who want to build homes.

CONSENT CALENDAR

Consent Items No. 5 was removed for further discussion.

2. Approval of Minutes of the Special City Council/Redevelopment Agency Meeting on June 1, 2010

It was moved by Council/RA Member Dowling, seconded by Council/RA Member Henson, and carried unanimously, to approve the minutes of the Special City Council/Redevelopment Agency Meeting of June 1, 2010.

3. Approval and Appropriations of the Operating and Capital Budgets for FY 2011; Approval and Appropriations of the FY 2011 Redevelopment Agency Budget; Approval of the FY 2011 Gann Appropriations Limit; Approval of Amending the FY 2011 Master Fee Schedule Establishing Landing Fees for the Hayward Executive Airport; and confirmation of the FY 2012 proposed budget

Staff report submitted by Interim Director of Finance Stark, Director of Public Works Bauman, and Redevelopment Director Bartlett, dated June 22, 2010, was filed.

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried unanimously, to adopt the following:

Resolution 10-083, "Resolution Approving the Operating Budget of the City of Hayward for Fiscal Year 2011; Adopting Appropriations for Fiscal Year 2011"

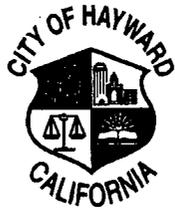
Resolution 10-084, "Resolution Approving Capital Improvement Projects for Fiscal Year 2011"

Redevelopment Resolution 10-11, "Resolution Approving the Budget of the Redevelopment Agency of the City of Hayward and Adopting Appropriations for Fiscal Year 2011"

Resolution 10-085, "Resolution Establishing the Appropriation Limit for Fiscal Year 2011"

Resolution 10-086, "Resolution Amending the Master Fee Schedule for Fiscal Year 2011 Relating to the Public Works Department, Establishing Landing Fees for the Hayward Executive Airport"

Resolution 10-087, "Resolution Confirming the Proposed Operating Budget of the City of Hayward for Fiscal Year 2012"



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Resolution 10-088, "Resolution Confirming the Proposed Redevelopment Agency Budget of the City of Hayward for Fiscal Year 2012"

4. Amendment of Catastrophic Injury/Illness Time Bank Provisions for Select Bargaining Units and Unrepresented Management Employees

Staff report submitted by Human Resources Director Robustelli, dated June 22, 2010, was filed.

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried unanimously, to adopt the following:

Resolution 10-089, "Resolution Approving Amendment to the Memoranda of Understanding for SEIU Local 1021 Maintenance, Clerical and Related, and Confidential Bargaining Units Concerning Catastrophic Injury/Illness Time Bank"

Resolution 10-090, "Resolution Approving Amendment to the Memorandum of Understanding for Local 21, International Federation of Professional and Technical Engineers Bargaining Unit Concerning Catastrophic Injury/Illness Time Bank"

Resolution 10-091, "Resolution Approving Amendment to the Memorandum of Understanding for the Hayward Association of Management Employees Bargaining Unit Concerning Catastrophic Injury/Illness Time Bank"

Resolution 10-092, "Resolution Approving Amendment to the Memorandum of Understanding for the Hayward Police Officers' Association Bargaining Unit Concerning Catastrophic Injury/Illness Time Bank"

Resolution 10-093, "Resolution Approving Amendment to the Memorandum of Understanding for the Police Management Unit Concerning Catastrophic Injury/Illness Time Bank"

Resolution 10-094, "Resolution to Authorize the Amendment to the Salary and Benefits Resolution for Unrepresented Management Employees Concerning Catastrophic Injury/Illness Time Bank"

5. Resolution to Implement a Five Percent (5%) Reduction to Salary and Benefits for the Mayor and City Council Members Effective Immediately

Staff report submitted by Human Resources Director Robustelli, dated June 22, 2010, was filed.

Ms. Wilson, Greenbrier Lane resident, commended Mayor Sweeney and Council for their great leadership and for supporting the residents of Hayward.

Council Member Henson noted that the reduction was a continuation of what Council has done in previous years and the actions were based on the foresight of Council. Mr. Henson said that Council was also supportive of requests made of the City's employees.

It was moved by Council Member Henson, seconded by Council Members Zermeño and Halliday, and carried unanimously, to adopt the following:

Resolution 10-105, "Resolution Amending Salaries and Benefits for the Mayor and City Council through June 30, 2011"

6. Implementation of Cost Saving Measures Proposed by Employee Bargaining Units, Unrepresented Management Employees, and the Council-Appointed City Manager, City Attorney, and City Clerk for FY 2011 and FY 2012

Staff report submitted by Human Resources Director Robustelli, dated June 22, 2010, was filed.

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried unanimously, to adopt the following:

Resolution 10-095, "Resolution Authorizing Amendment to the Salary and Benefits Resolution for the Unrepresented Management Employees and to the Employment Agreements for the Council-Appointed City Manager, City Attorney, and City Clerk for Mandatory 104-Hour Furlough for FY 2011"

Resolution 10-096, "Resolution Authorizing Amendment to the Memorandum of Understanding for the Hayward Association of Management Employees Bargaining Unit"

Resolution 10-097, "Resolution Authorizing Amendment to the Memorandum of Understanding for Local 21 International Federation of Professional and Technical Engineers Bargaining Unit"



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Resolution 10-098, "Resolution Authorizing Amendment to the Memoranda of Understanding for SEIU Local 1021 Maintenance, Clerical and Related, and Confidential Bargaining Units"

Resolution 10-099, "Resolution Authorizing Amendment to the Memorandum of Understanding for the Hayward Fire Chiefs Association Bargaining Unit"

Resolution 10-100, "Resolution Authorizing Amendment to the Memoranda of Understanding for the Hayward Fire Officers – IAFF Local 1909 Bargaining Unit"

Resolution 10-101, "Resolution Authorizing Amendment to the Memorandum of Understanding for the International Association of Firefighters – IAFF Local 1909 Bargaining Unit"

Resolution 10-102, "Resolution Authorizing Amendment to the Memorandum of Understanding for the Police Management Unit"

Resolution 10-103, "Resolution Authorizing Amendment to the Memorandum of Understanding for the Hayward Police Officers' Association Bargaining Unit"

7. Public Renewal of Hayward Area Shoreline Planning Agency (HASPA) Joint Exercise of Powers Agreement

Staff report submitted by Senior Planner Pearson, dated June 22, 2010, was filed.

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried unanimously, to adopt the following:

Resolution 10-104, "Resolution Authorizing the City Manager to Execute Renewal of an Agreement Between the City Of Hayward, East Bay Regional Park District, and Hayward Area Recreation and Park District Titled the Hayward Area Shoreline Planning Agency Joint Exercise of Powers Agreement"

PUBLIC HEARING

8. Housing Element of the General Plan

Staff report submitted by Senior Planner Pearson, dated June 22, 2010, was filed.

Development Services Director Rizk introduced Senior Planner Pearson who provided a synopsis of the report. Mr. Pearson indicated that Council received a letter from San Francisco Baykeeper on June 18, 2010, and he noted that staff prepared a response to the letter dated June 21, 2010, which is available in the Office of the City Clerk.

Mayor Sweeney commented that he was not impressed with some of the State requirements and acknowledged the efforts of staff.

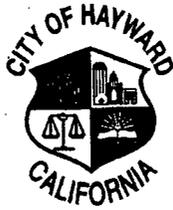
In response to Council Member Henson's inquiry about legal issues concerning the Inclusionary Housing Element, Director of Development Services Rizk noted that staff has conducted outreach to developers and Redevelopment Director Bartlett is drafting a report that addresses the current legal issues and will be presented to Council at the Work Session on June 29, 2010. In response to Mr. Henson's inquiry regarding the City of Pleasanton and the Regional Housing Needs Allocation (RHNA), Senior Planner Pearson said that the RHNA numbers were not adjusted in light of Pleasanton's policies. In response to Mr. Henson's inquiry about amending the General Commercial (CG) zoning district, Mr. Pearson explained that recent State law requires the City to identify one zoning district to allow homeless shelters without a discretionary permit and the City decided to utilize CG because there are several parcels available within walking distance of BART yet not in the core of downtown. Mr. Henson supported the homeless plan. In response to Mr. Henson's concerns if the City's policies and regulations covering independent adult group homes will be addressed in the Housing Element, Mr. Pearson said the issues will be addressed within the zoning ordinance amendments with language to incorporate performance and operating standards for group homes with requirements for onsite managers and additionally, the issue of unsupervised adults during daylight hours will be addressed.

Senior Planner Pearson confirmed for Council Member Zermefio that the State requirement is to identify the zoning district where the homeless shelters will be allowed. In response to Mr. Zermefio's question about the Quarry area development makeup, Mr. Pearson said the units are based on the General Plan Designation that was applied to the property during the Route 238 Bypass Land Use Study and will be a combination of condominiums and attached and detached single family homes. Mr. Zermefio asked if there is still a concern about the stability of the hill and Mr. Pearson said there are concerns about the stability of the hill and that a geotechnical report would need to be done. In regards to Mr. Zermefio's question about subdivisions, Mr. Pearson said that the City would encourage development in which subdivisions could occur in the future.

Director of Development Services Rizk addressed Mayor Sweeney's comments indicating that it had been a challenge addressing all of the comments from the state. Mr. Rizk noted the Quarry parcel is 24 plus acres and there is flexibility in that area to provide a variety of housing.

Mayor Sweeney opened the public hearing at 8:45 p.m.

Mr. Alex Arensberg, on behalf of San Francisco Baykeeper, referred to a letter submitted for the record.



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Mayor Sweeney closed the public hearing at 8:48 p.m.

Council Member Quirk noted that Mr. Arensberg did not refer to the reply letter from Senior Planner Pearson and indicated that on large developments, the City has a policy to utilize impact development (LID) requirements. He noted that staff had answered Baykeeper's questions.

Council Member Quirk made a motion per staff's recommendation, seconded by Council Members Henson and Zermeño.

Director of Development Services Rizk noted that Council Member Quirk and Senior Planner Pearson addressed the comments by Baykeeper and added that the City's current practices promote LID practices.

Council Member Halliday mentioned that the comments were well taken and the effort to be environmentally friendly should be left to other ordinances. Ms. Halliday expressed appreciation for items included in the Housing Element including the provision for consideration of child care impacts, the acknowledgement of universal design, and the recommendation to implement rules and regulations for adult group homes. In response to Ms. Halliday's inquiry about adding an annual or periodic review for group homes with continuous issues, City Manager David said that the Police Department's new CAD/RMS System can begin to collect this data and criteria can be set up to have the Police Department forward the data to the Planning or Development Services Department for group homes that are acquiring a number of service calls. Ms. Halliday commended staff on their hard work.

Mayor Sweeney commented that some of the State requirements do not make sense, such as dealing with the parcels on the Carlos Bee Boulevard site in bits and pieces that may not fit together rather than taking a more logical planning approach. Mayor Sweeney mentioned having discussions with Caltrans regarding other Route 238 parcels about a year ago and at that time Caltrans wanted the City to buy multiple acres rather than piece by piece.

It was moved by Council Member Quirk, seconded by Council Members Henson and Zermeño, and carried with Mayor Sweeney voting no, to adopt the following:

Resolution 10-106, "Resolution Adopting Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and Adopting the Housing Element of the City Of Hayward General Plan"

9. Downtown Business Improvement Area Consideration of Annual Levy

Staff report submitted by Redevelopment Project Manager Ortega, dated June 22, 2010, was filed.

Redevelopment Agency Director Bartlett provided a synopsis of the report.

There being no comments, Mayor Sweeney opened and closed the public hearing at 8:58 p.m.

It was moved by Council Member Henson, seconded by Council Member Dowling, and carried with Council Member May voting no, to adopt the following:

Redevelopment Resolution 10-12, "Resolution Confirming the Annual Report and Authorizing the Downtown Business Improvement Area (DBIA) Levy for Calendar Year 2011"

10. Resolution in Opposition to the Multi-Billion Dollar Water Bond Act of 2010

Staff report submitted by City Manager David, dated June 22, 2010, was filed.

City Manager David noted that the item was placed on the agenda at the request of Council Members.

Council Member Quirk mentioned his involvements in different forums as both an attendee and a participant. Mr. Quirk noted that the positive aspects of the Water Bond 2010 include rehabilitating the wetlands in areas of the delta. He said the highest priority is the \$3 billion for water storage. Mr. Quirk noted that the problem with the Water Bond 2010 is that it will create another \$600 to \$800 million a year deficit in the General Fund. He said that the State cannot afford this. Mr. Quirk hoped that Council would take a stand in opposing the Water Bond 2010.

There being no public comments Mayor Sweeney opened and closed the public hearing at 9:02 pm

Council Member Halliday thanked the Sustainability Committee for bringing this item forward and expressed serious concern along the same lines as Council Member Quirk. Ms. Halliday noted Hayward residents are already paying high water rates to pay for work that was undertaken by the San Francisco Public Utilities (SFPUC) to protect and safeguard the water system. Ms. Halliday noted that the Water Bond 2010 will require the Northern California residents to help pay for improvements to the water system for Southern California. Ms. Halliday expressed support for the motion.

Council Member Dowling noted that there are positive aspects of the bill and said that members in the environmental community would like to tear down Hetch-Hetchy Dam, which provides water to Hayward, San Francisco, and other communities. Mr. Dowling added that the Central Valley is going through a water crisis and that agriculture is one of the State's biggest imports. Mr. Dowling said he is not in favor of sending more water to Southern California without them paying for some of the costs. He said that he did not have enough information about the proposed bill and therefore opposed the motion.



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Council Member Zermefio supported the Water Bond 2010 because it encourages and educates residents on how to collect rainwater.

Council Member Henson noted that part of the issue with the proposed bill is one of trust of the Governor, the legislature and how the proposal would be managed. He noted there is more to learn about this issue and expressed concern about the bonding capacity and the long term effects with so many other needs of the State. Mr. Henson supported the motion.

Mayor Sweeney supported the motion and commented that Council Member Quirk did an excellent job in pointing out the fiscal reasons of why it makes sense to oppose the Water Bond 2010. Mayor Sweeney said that as fresh water from the delta gets diverted to the Central Valley and Southern California, then more salt water comes into the bay and up to the delta with devastating environmental impacts. He noted the bill was placed on the ballot by legislatures from the Central Valley and Southern California and the legislatures from the Bay Area opposed the measure. He said the measure is not good for Hayward, the Bay Area and for Northern California and therefore supported the motion.

It was moved by Council Member Quirk, seconded by Council Member Zermeno, and carried with Council Member May abstaining and Council Member Dowling voting no, to adopt the following:

Resolution 10-107, "Resolution in Opposition to the Multi-Billion Dollar Water Bond Act of 2010"

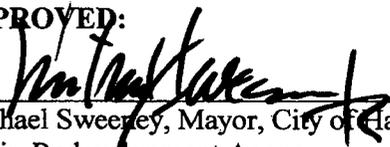
COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

There were no items.

ADJOURNMENT

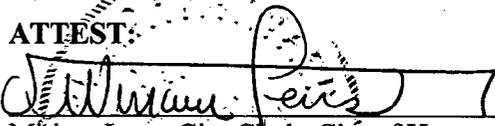
Mayor/Chair Sweeney adjourned the meeting at 9:08 p.m.

APPROVED:



Michael Sweeney, Mayor, City of Hayward
Chair, Redevelopment Agency

ATTEST:



Miriam Lens, City Clerk, City of Hayward
Secretary, Redevelopment Agency



**MINUTES OF THE REGULAR MEETING OF THE
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MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair Mendall.

ROLL CALL

Present: COMMISSIONERS: Márquez, Loché, Peixoto, Lavelle,
CHAIRPERSON: Mendall
Absent: COMMISSIONER: McKillop, Thnay

Chair Mendall led in the Pledge of Allegiance.

Staff Members Present: Conneely, Patenaude, Pearson, Philis

General Public Present: 5

PUBLIC COMMENTS

Chair Mendall presented Commissioner Marvin Peixoto with a Resolution recognizing his six years on the Planning Commission and congratulated him for his successful campaign for City Council. Commissioner Peixoto thanked the Commissioners and acknowledged their intelligence, analytical skills and dedication to the City and said he was proud to have served with them.

Chair Mendall then announced that Item #2, the Public Hearing regarding the appeal of Administrative Use Permit for the Verizon tower at Stonebrae, would be continued until July 22, 2010, because three Commissioners had to recuse themselves and with another absent, there wasn't a quorum.

WORK SESSION

1. Mission Boulevard Corridor Specific Plan Environmental Impact Report

Senior Planner Erik Pearson introduced the consultants for the project and Laura Hall of Hall-Alminana started the presentation with an overview of the project including goals and steps taken to-date. Consultant Robert Alminana presented the alternatives to the Specific Plan starting with Variable 1: Design of Mission Boulevard North of A Street (landscaped median, etc.).

Chair Mendall asked if any of the four alternatives for Variable 1 would best lend themselves to future improvements such as reducing the number of traffic lanes from four to two and extending sidewalks out 10 feet (similar to Alternative 4) when LATIP funding would not be impacted. Mr. Alminana pointed out that Alternative 1 also has 10-foot sidewalks, but the 3-foot-wide landscaped

median would be too narrow to support any trees. Chair Mendall said he preferred the first alternative because the median strip would be eliminated and would concentrate landscaping to trees along a wide sidewalk that could also accommodate café seating. Chair Mendall said Alternative 1 would be the least expensive to modify later.

Commissioner Peixoto said he like Alternative 3, but asked if the rationale behind the landscaped median strip and wide sidewalks was to accommodate pedestrians in that specific area, or to serve as a gateway to the downtown. Mr. Alminana said both; the area is within walking distance of downtown and does serve as a transition to the downtown area. Mr. Alminana explained that from a design point of view, a landscaped median breaks up the road space and serves as a balance between the horizontal road and the vertical height of the buildings. He said the median also provides pedestrians with a safety point when crossing the street, and when looking from one side of the street to the other, shortens views to one direction of traffic. Mr. Alminana suggested a field trip to San Francisco so the Commissioners could experience this design element for themselves.

Commissioner Peixoto said the wide, walker-friendly sidewalks and landscaped median do not blend well with the proposed downtown loop that will have five lanes of traffic traveling in the same direction. He said the two theories don't mesh and he asked Mr. Alminana if he saw any problem there. Mr. Alminana said yes, he understood the concern, but pointed out that the area is near downtown and a design that favors pedestrian traffic is still desirable and might balance the loop. Mr. Alminana also pointed out that times change and the loop might not be there forever. Commissioner Peixoto also expressed concern that the "traffic calming measures" incorporated into the Variable will end abruptly at the loop and drivers will race through town from that point on. Mr. Alminana said he hoped that would not be the case.

Commissioner Lavelle thanked Commissioner Peixoto for bringing up the loop and said that the City can't do Alternative 4 because they can't possibly have single lanes of traffic in each direction in the block prior to five traffic lanes in one direction. She also commented that the width of the median is meaningless if it is not maintained. She said she agrees with Chair Mendall's statement to eliminate medians if in 10 years they are covered with weeds and dried out. She asked if the purpose of the median strip is to slow down traffic or to beautify the area. Mr. Alminana said both. Medians shorten the perspective of space, he explained, and intuitively drivers will slow down. Commissioner Lavelle pointed out to Commissioner Peixoto that slowing traffic down before the loop may be beneficial. Commissioner Lavelle said that as a bicyclist she prefers Alternative 3.

Commissioner Loché said he thought Alternative 1 would be his choice, but after seeing and hearing the presentation he said he preferred having a median. He said visually, the median is more appealing and gives you a safer feeling, although he does favor wide sidewalks. Commissioner Loché asked Mr. Alminana to explain why, according to the report, narrower traffic lanes could be safer. Mr. Alminana said none of the alternatives actually change the lane width, which is 11 feet to allow for trucks. Senior Planner Pearson said 12 feet is standard for truck routes and confirmed Public Works doesn't want to go any narrower than 11 feet.

Commissioner Márquez said she prefers Alternative 3 because the wider sidewalks allow for sidewalk seating and boutique displays like a flower shop.



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Chair Mendall said in conclusion, the Commission seems to favor the staff recommendation of Alternative 3.

Variable 2: Reduce allowable Building Heights from 4-6 to 2-3 on Mission Blvd. between Hotel Ave. & Simon Street, Mr. Alminana said studies have shown that shorter buildings improve views and overall aesthetics and do not impact the desired density levels.

Chair Mendall said he visited Prospect Hill and found that three story buildings do not obstruct views. He said five and six stories would definitely obstruct views and would be too high in general. He said in certain areas, where the hill is a little taller, he might consider four stories so he didn't want to restrict all developments to three stories. After speaking with a Prospect Hill resident and looking at the area from his perspective, Chair Mendall pointed out that if a rooftop is unattractive, it doesn't matter how many stories the building is. He said four stories with a garden rooftop would be preferable to three stories with an ugly roof. He concluded by saying that if someone wants to build a four story building they should be required to have a rooftop garden. Mr. Alminana said this could be accomplished by creating two overlays that would allow for four story buildings within the T-5 Urban Center Zone.

Commissioner Loché said he would prefer the T-4 General Urban zoning to allow buildings up to four stories both north and south of Simon Street so densities could be more easily met and open space maintained around the buildings. He pointed out that that area is still within the half-mile radius of the BART station and stressed that meeting the densities requirements is important.

Commissioner Márquez said she preferred Mr. Alminana's suggestion of two overlays to meet density goals and still maintain views for the historic homes on Prospect Hill.

Chair Mendall asked if any of the Commissioners favored requiring a rooftop garden for buildings over four stories. Commissioners Lavelle, Peixoto and Loché all favored considering the idea and considering the requirement on a case-by-case basis. Commissioner Loché suggested adding stipulations for taller buildings including green rooftops or other alternatives that might come up.

Commissioner Lavelle asked staff if garden rooftops were included in the City's Climate Action Plan. Staff wasn't sure, but Commissioner Lavelle said she thought both green and white roofs were included in the Plan. Chair Mendall suggested the two goals be tied together and that staff warn potential developers early on that a green roof, or an attractive option, will be required. Senior Planner Pearson said the requirement could also be included in the Code.

Variable 3: Designate parcels on Mission Blvd. between A Street and "Big Mike Park" as Civic Space. Mr. Alminana explained that because there are two fault traces in this area, no habitable buildings are allowed within 50 feet of either side of the traces. He said that many of the existing buildings in this area have been designated to have either medium or high historic integrity, including two residential units.

Commissioner Lavelle said the City has had mixed results when creating small parks. For example, the park at B and Mission (Newman Park) was attractive at first but now staff finds that people tend to loiter there so she said she had mixed feelings about designating the space for civic use only. Commissioner Lavelle said that although she understands that a park-like atmosphere is strongly desired, she wondered if the parcels would be better used for retail or other uses. She also said that she does not particularly care for "Big Mike" and doesn't see the reasoning behind using him as park feature. Mr. Alminana said there's also been some confusion with people thinking "Mike" refers to the Mayor.

Commissioner Peixoto asked Mr. Alminana to list the types of buildings that could be developed in this area. Mr. Alminana explained that storage facilities and parking garages are acceptable uses.

Chair Mendall said given a choice between storage space, a parking garage or civic space he prefers designating those parcels as civic space. He pointed out that the existing buildings won't be torn down, but as they deteriorate or get torn down it is better that the land is already designated civic space. Chair Mendall said that the area is underserved by parks and this appears to be the only available location. He suggested keeping the existing historic structures permanently and consider integrating them into the park area. Regarding "Big Mike", he said he's not enamored with the statue and certainly doesn't like the name for a park.

After confirming that the parcels could not be used for retail, Commissioner Márquez said she definitely preferred that the space be held as civic space.

Commissioner Loché also agreed that with the limited options, civic space is the best option.

Chair Mendall suggested that historic features, like "Big Mike" or water towers, etc., could be moved to create a historic area or at least a themed civic space.

Variable 4: Designate area between Jackson Street, Mission Blvd., and Fletcher Lane as T5 (rather than T4, thus increasing densities). Mr. Alminana explained that the main reason for this proposal is that the area is within a half-mile walking radius from BART.

Commissioner Loché said because Jackson Street is so busy it will probably act like a border for most pedestrians regardless of the distance from BART. Before raising densities, he said that should be taken into consideration.

Chair Mendall said he agrees with Commissioner Loché that pedestrians will not want to walk across the busy intersection, but concluded he didn't hear any strong feelings from the other Commissioners one way or the other.

Variable 5: Designate parcel at southeast corner of Mission Blvd. and Jackson Street as Civic Space. Mr. Alminana explained that the presence of a fault line is the main reason behind this proposal. He said staff recommendation is to leave designation as T4 rather than Civic Space.

Chair Mendall said this doesn't seem like the best place for Civic Space. Because there are other parks close by, he said he would prefer to use the funds to make another park bigger. Commissioner



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Lavelle pointed out that the retirement community at that location isn't moving any time soon, so she didn't see the point in changing the designation. She agreed to follow staff's recommendation.

Variable 6: Include slip lane on west side of Mission Boulevard between Torrano Avenue and Harder Road. Mr. Alminana said a slip lane has three elements: a landscaped median that divides it from the main road, one lane of traffic and one lane of parking. All elements favor access, he said, as well as being a positive calming feature for the surrounding businesses and neighbors, and is pedestrian and bicycle friendly. Mr. Alminana said a slip lane could be made a requirement between Torrano and Harder Road and would probably increase property values.

Chair Mendall said slip lanes would make Mission more attractive and inviting both visually and for potential pedestrians and cyclists. He emphasized that slip lanes are the essential component to making Mission look and feel the way that the Commission is hoping. He also said he agreed that values would be increased with the slip lane and a sense of community created. Chair Mendall said he would like to see slip lanes added to as many portions of Mission as possible.

Mr. Alminana described the dimensions of the proposed slip lanes.

Commissioner Loché said he also thinks slip lanes are a great idea and staff should be looking for more opportunities to include them.

Commissioner Peixoto said he preferred that parking be angular along the slip lanes rather than parallel. He agreed with Chair Mendell and Commissioner Loché that slip lanes should be utilized as often as possible. Commissioner Peixoto said in San Lorenzo, slip lanes along Hesperian protected the children walking to school.

Mr. Alminana said slip lanes are being proposed for the Pinedale and Carlos Bee areas of Mission as well.

Commissioner Lavelle pointed out that the lots on the east side of Mission Blvd. aren't wide enough to have slip lanes. She said in Berkeley, along Shattuck Avenue, the slip lanes are very effective in allowing for pedestrian and bicycle traffic.

Commissioner Márquez said she agrees with the other Commissioners that slip lanes are more inviting and look better visually. She confirmed with Mr. Alminana that angled slots provides more parking than parallel although Mr. Alminana pointed out that angled parking requires eight more feet. Chair Mendall said it may be a good trade for property owners to allow the City to make slip lanes with angular street parking so they would have to provide less parking themselves. Chair Mendell summarized that all five Commissioners preferred the slip lane and that three Commissioners favored the use of slip lanes where ever applicable.

Variable 7: Change zoning from SD to T4-2 and change location of new thoroughfare in southwest corner of Specific Plan area (Mission Blvd. between Torrano Ave and Harder Road). Mr. Alminana

explained that the T4-2 zoning would keep the existing light industrial but allow for a slip lane and some residential housing.

Commissioner Lavelle thanked Mr. Alminana for explaining the details of the proposed change and said she supported the slip lane between Torrano and Harder because the speed of traffic travelling on Harder did not accommodate drivers turning left.

Chair Mendall said the proposal seems like old thinking and he asked why they are separating industrial from residential. Mr. Alminana said the change to T4-2 would add the possibility of blending the two types. Ms. Hall explained that changing to just a T4 designation wouldn't allow for residential, but T4-2 would. Chair Mendall said he was supportive of higher densities along Mission, but not along the BART tracks where offices would look down into residential lots or units. Mr. Alminana pointed out that the lots between Mission and Dollar can only have one transit zone so an overlay district would have to be created. Chair Mendall clarified that he meant the lots between Dollar Street and the BART tracks, not those between Mission and Dollar, and concluded that he was suggesting an overlay district just to control building height along the BART tracks.

Finally, Mr. Alminana addressed an "Opportunity Site" located at Mission and Carlos Bee Blvds. Mr. Alminana showed two alternatives for this corner, the first to include a Trader Joe's-like store and a sports bar to service local residents and Cal State East Bay students and faculty, but requiring some acquisition of land from the mini-storage facility next door. The second alternative would be a much smaller retail opportunity, Mr. Alminana explained, because parking would have to be provided, but would not involve buying land from the mini-storage. He said the second alternative would include either a sports bar or a Trader Joe's-like store, but not both.

Chair Mendall said he liked both options and rather than decide now, would prefer staying open to both possibilities. He pointed out that the mini-storage is being utilized and is a relatively new building. Until the economy improves, he said, and a retailer expressed a desire to purchase the land from the mini-storage he would prefer keeping both options available.

Commissioner Lavelle asked if a decision is needed one way or the other. Mr. Alminana said no, they just wanted to make the Commissioners aware of the opportunity, but indicated that the first option was preferred. Commissioner Lavelle said regardless of what retail use comes in with the second option, there wouldn't be enough parking and there would have to be a bus stop nearby to serve students and residents. She said she prefers the first option because the truck unloading would happen behind the buildings.

Commissioner Márquez asked what was behind the property and Mr. Alminana explained that the mini-storage facility was L-shaped and completely surrounded the area.

Mr. Alminana then introduced Kevin Colin who explained that the California Environmental Quality Act (CEQA) is at the Notice of Preparation phase, which will be followed by the Draft Environmental Impact Report (EIR) and Final EIR phases. Mr. Colin explained that this was one of two junctures in the process when comments and suggestions were invited.

Commissioner Lavelle asked if the most recent U.S. Census information would be utilized in the review. Mr. Colin said he wasn't sure if the information would be finalized and legally reliable in



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 24, 2010, 7:00 p.m.
777 B Street, Hayward, CA 94541**

time, but indicated that the most current data available would be used. Senior Planner said the DEIR will be presented before the finalized results of the Census will be available.

Chair Mendall said given concerns about global warming and ocean levels rising, he would like to see those concerns mitigated by not planning any development on flood plains. He said he would like to see a green belt, or linear park, along the BART tracks for as much as possible and hopefully, someday, have it run through the entire length of the City.

PUBLIC HEARING

2. Appeal of Administrative Use Permit Application No. PL-2009-0570 – Pamela Noble, Verizon Wireless (Applicant) / Stonebrae, L.P. (Owner) – Install a 100-Foot-High Stealth Monopole with Supporting Generator and Cabinets - The Project is located at 222 Country Club Drive, within Stonebrae Country Club

Public Hearing continued to July 22, 2010

COMMISSION REPORTS:

3. Oral Report on Planning and Zoning Matters

Planning Manager Richard Patenaude said the next meeting is July 22, 2010, and besides the continuation of the appeal there will be a hearing for Clear Channel's proposal for a replacement billboard along Highway 92, and consideration of a tattoo shop on Jackson Street.

Regarding tonight's continuation, Chair Mendall pointed out that there will not be a quorum on July 22nd either. Planning Manager Patenaude said he would look into that.

4. Commissioners' Announcements, Referrals

Chair Mendall said when he was on Prospect Hill, a resident asked him if M Street (which he thought might have connected Prospect to Mission), is an actual street because it appears on some maps. Chair Mendall said that if it is confirmed that M Street isn't viable any longer, it should be removed from any City maps and other map services if possible. Mr. Patenaude said he work with Public Works to correct the situation.

Chair Mendall said that three members of the Planning Commission also sit on the Sustainability Committee and he apologized for not providing an opportunity for more frequent updates on discussions and recommendations. He said they have been working on a Residential Energy Conservation Ordinance which would apply to existing residential structures and would probably be followed by a Commercial Energy Conservation Ordinance. Also being discussed, he said, is a potential ban on Styrofoam containers frequently used at restaurants. He said the City of Fremont recently passed a ban and Hayward may follow suit.

Chair Mendall suggested the other Planning Commissioners receive the agenda for the Sustainability Committee so they can see what is coming up on the schedule.

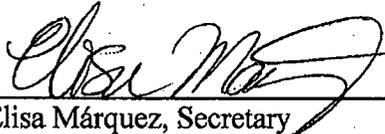
APPROVAL OF MINUTES

5. Minutes from May 13, 2010 were unanimously approved with one minor change.
6. Minutes from May 27, 2010 were unanimously approved.

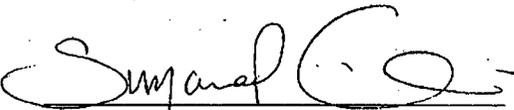
ADJOURNMENT

Chair Mendall adjourned the meeting at 8:48 p.m.

APPROVED:


Elisa Márquez, Secretary
Planning Commissioner

ATTEST:


Suzanne Philis, Senior Secretary
Office of the City Clerk



2

DATE: February 10, 2011

TO: Planning Commission

FROM: Sara Buizer, AICP, Senior Planner

SUBJECT: **General Plan Amendment Application No. PL-2010-0368 and Zone Change Application No. PL-2010-0369 - Woody Karp of Eden Housing (Applicant); City of Hayward Redevelopment Agency (Owner) - Request to Change the General Plan Designation from Medium Density Residential to High Density Residential and to Change the Zoning from Medium Density Residential to Planned Development to Accommodate 22 Affordable Senior Housing Rental Units using Density Bonus Provisions**

The project is located on a 0.5-acre parcel at the southwest corner of B and Grand Streets, adjacent to the existing Eden Housing senior housing facility and across Grand Street from the Downtown Hayward BART station

RECOMMENDATION

Staff recommends that the Planning Commission recommends approval to the City Council of the proposed project, including the adoption of the attached Negative Declaration (ND), and approval of the General Plan Amendment and Zone Change to build 22 affordable senior housing rental units using density bonus provisions and related incentives and waivers, subject to the attached Findings and Conditions of Approval.

SUMMARY

The proposed development is a combination two and three-story, L-shaped building with a gross square footage of 20,813 on a 0.5-acre parcel located at the corner of B and Grand Streets across from the Downtown Hayward BART station. The architectural design is contemporary but incorporates elements of the Craftsman style as required by the "B" Street Special Design Streetcar District. The project requires a General Plan Amendment and a Zone Change to accommodate the proposed density of 22 units necessary to satisfy the remaining very-low-income inclusionary housing units for the Cannery Place Development. Staff is supportive of the proposed development, inclusive of the density bonus and requested incentives and waiver, since without the requested exceptions, the project would not be economically feasible and the benefit to the City is a well-designed project that provides an additional 22 units of affordable senior housing.

BACKGROUND

In 2005, when the Cannery Place residential development was approved, the City and developer entered into an Inclusionary Housing Agreement which specified the developer would provide very-low income units off-site and moderate-income units on-site. The majority of the obligation for off-site units was fulfilled by the development of the Eden Housing Senior Housing facility (Phase I) located at the corner of C and Grand Streets. In December 2009, the Cannery Place developer approached the City and requested another modification to their Inclusionary Housing Agreement. This request involved the donation of land at the corner of B and Grand Streets for ultimate development of an additional 22 very-low-income units to satisfy their off-site inclusionary housing obligation. With adoption of the Inclusionary Housing Agreement Amendment, the City Redevelopment Agency became the owner of the subject property. Eden Housing submitted a request to develop the site at B and Grand Streets on October 4, 2010.

DISCUSSION AND STAFF ANALYSIS

In order to accommodate the 22 units on the 0.5-acre site, both the General Plan and Zoning designations must be modified and the development must also take advantage of a density bonus under State and City Density Bonus Law.

Density Bonus-

The applicant, Eden Housing, has applied to construct an affordable senior housing facility. Given the proposed project is comprised entirely of affordable senior housing units, under State Density Bonus Law the project is entitled to a mandatory 35% density bonus. The proposed development, under a High Density land use designation, would be allowed a total of 17 units, but, with the mandatory 35% density bonus, an additional 5 units would be permitted for a total of 22 units.

A project that applies for a density bonus also has an opportunity to request up to three incentives and waivers of an unlimited number of development standards if it can be determined without those, the project would not be feasible. An incentive is a reduction in a site development standard that results in actual cost reductions for the project, whereas a waiver is a modification of development standards that is needed to make the project economically feasible. The applicant in this case has requested the maximum number of incentives and waivers. The incentives requested include: (1) a reduction in the required amount of group open space; (2) a deferral of the requirement to underground utilities; and (3) a request to not sub-meter the water system. The waivers requested include: (1) a modification to the required parking spaces sizes; and (2) a relaxation of the covered parking requirements.

Incentives-

The project has requested an incentive to provide less than the required group open space. Based on the number of units, the development is required to provide 7,700 square feet of group open space. The project will be providing 6,305 square feet of group open space. Some of the proposed group open space will be provided within the building, while a portion will be provided by the outdoor courtyard. Staff is supportive of this incentive as the project is for seniors who will enjoy the indoor

gathering spaces as much as the exterior one. The project site is also relatively small as compared with the Phase I development and in order to achieve the desired density, some sacrifices are necessary. The project given its proximity to Phase I, will be able to take advantage of sharing facilities such as the group gathering spaces included in Phase I which constitute almost 6000 square feet. In addition, the project site is within walking distance of other amenities future residents can take advantage of including the Public Library and Cannery Park.

The applicant is requesting a deferral to the utility undergrounding requirement along B Street. The costs associated with undergrounding the utilities at this time due to the need to place them within B Street instead of under the sidewalk, as is typically done because of the potential impacts to the established Sycamore trees, would make the project cost prohibitive. Public Works staff has indicated they are supportive of a deferral of this requirement at this time, but will require the applicant to participate when undergrounding of utilities occurs along B Street in the future.

The applicant is also requesting an exception to the requirement that the water service be sub-metered for each unit. The water is provided to the tenants by Eden Housing. The water is centrally heated and then distributed to each unit. Based on discussions with Public Works Utilities staff, they are supportive of such a request to not sub-meter the water because it is centrally distributed.

Waivers-

The applicant is requesting a modification to the required parking space sizes. All required parking spaces must be 9 feet by 19 feet. The applicant is proposing that three of the 11 parking spaces they are providing be 8 feet by 19 feet, which is consistent with the City's compact parking space size. Given the small site, the density and the desire to save an existing tree located in the southeast corner of the site, staff is supportive of this waiver. In addition, by allowing three of the eleven spaces to have an 8 foot width, the project can provide parking at the ratio of 0.5 spaces per unit which is consistent with the parking ratio established for Phase I.

The second waiver the applicant is requesting is to allow for a portion of the parking spaces to be uncovered where typically all required parking spaces are required to be covered. The project is providing cover for five of the eleven parking spaces. The covered parking spaces are located below the proposed building. The other six parking spaces will be uncovered. These six parking spaces are those that are adjacent to the outdoor courtyard area and the applicant would prefer to leave those spaces uncovered to maximize the open feel of the courtyard area and to maintain a clear and visible pedestrian connection between the proposed project and Phase I. Staff is supportive of the request given the concerns of the applicant and the desire to maintain the connection between the two phases of the senior housing facility.

Without the granting of the incentive and waivers, the project would not be economically feasible given the size of the property, the need to maintain consistency with the "B" Street Special Design Streetcar District, and the need to achieve the site density. Staff is supportive of the incentives and waivers since the tradeoff is a well-designed project that provides an additional 22 units of affordable senior housing.

General Plan Amendment-

The applicant has requested to modify the General Plan designation from Medium Density Residential to High Density Residential. In addition, given the proposed project is comprised entirely of affordable senior units, under State Density Bonus Law, the project is entitled to a mandatory 35% density bonus. The proposed development, under a High Density land use designation, would be allowed a total of 17 units, but, with the mandatory 35% density bonus, an additional 5 units would be permitted for a total of 22 units, satisfying the inclusionary housing obligation for the Cannery Place development. In addition, the High Density Residential land use designation, which allows for a range of 17-34 units per net acre is more consistent with the Downtown City Center Retail and Office Commercial land use density on the adjacent Phase I property, which has a range of 30 to 65 units per net acre. Staff is supportive of the request to modify the General Plan land use designation, as it will not only satisfy the inclusionary housing requirements for the Cannery Place development and allow for Eden Housing to construct the second phase of their development, but the City will gain 22 affordable senior housing units on a site that is in close proximity to transportation and services.

Findings for General Plan Amendment Application-

In order to support the changes proposed to the General Plan, the Planning Commission must make the following findings as follows:

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

The increase in land use density for the site will allow Eden Housing to construct the second phase of its project and will provide an additional 22 very-low-income rental units for seniors, a growing population. The location of the project site, across from the Downtown Hayward BART station and just west of downtown, is an ideal location as it allows for the future residents to be near alternative transportation as well as services.

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

The General Plan modification will allow for the construction of 22 additional affordable housing units for seniors. The General Plan has a goal to assist in the development of affordable housing, including programs which specifically aim to provide incentives to developers to allow them to construct affordable housing in the City. Another goal is to provide suitable sites for housing developments including encouraging development that takes advantage of convenient access to the BART station. The proposed project is not only convenient, as it is across the street from the Downtown BART station and near services provided in downtown, but is adjacent to the existing senior housing facility and will be able to take advantage of shared facilities.

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

The project site is located at the corner of B Street and Grand Street and has adequate public facilities to serve the proposed use.

- (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 proposed use is residential and is compatible with the surrounding uses which are also primarily residential uses. The project incorporates appropriate design elements of the Craftsman style in accordance with the "B" Street Special Design Streetcar District. In addition, without the modification to the General Plan land use designation, the density would not permit the construction of 22 very-low-income senior housing units.

Rezoning to Planned Development District-

Project Description-

The proposed development is a combination two and three-story building that has a gross square footage of 20,813 on a 0.5 acre parcel. The proposed building is L-shaped with the main entrance oriented toward the corner of B and Grand Streets in a similar fashion that the Phase I project is oriented toward the corner of C and Grand Streets. Access to the proposed parking is off Grand Street behind the building and will be situated between the existing Phase I and the proposed Phase II. Also situated behind the proposed building is an outdoor courtyard including raised vegetable beds that will be part of the development's group open space. The two-story portion of the structure faces B Street, while the three-story portion of the structure faces Grand Street and the existing Phase I. The project proposes to use a combination of horizontal lap siding and board siding for exterior materials. The architectural design is contemporary but incorporates elements of the Craftsman style as required by the "B" Street Special Design Streetcar District.

Zone Change Analysis-

The proposal involves a modification of the current zoning designation from Medium Density Residential to Planned Development. Under the current designation, the project would not be feasible without modifications to some of the development standards. The purpose of the Planned Development designation is to encourage development through efficient and attractive space utilization that might not be achieved through strict application of the development standards.

The development is proposed to have a 10-foot setback along B Street where a 20-foot setback would be required. This reduction allows the development to take advantage of a larger group gathering space behind the building for future tenants and protection of an existing redwood tree, while still allowing for a landscape frontage along B Street. In addition, other buildings along B Street west of the project site have varying setbacks, and in some cases the front setback is 10 feet, so the proposed building would not be out of character with the neighborhood.

The project also is showing a reduction in the total number of required parking spaces. The project provides 11 parking spaces, a ratio of 0.5 spaces per unit. The amount of parking required for the development is 1.7 parking spaces per unit, for a total of 37 parking spaces. However, Phase I, which is adjacent to the project site, is located within the City's Central Parking District. Multiple-family dwellings providing housing exclusively for the elderly within the Central Parking District may provide parking at 0.5 parking spaces per unit. Given the proximity of the proposed development to public transportation and services as well as the integration of shared facilities with Phase I, staff is supportive of the request to provide parking at the 0.5 parking space per unit ratio.

Findings for the Zone Change/Preliminary Development Plan-

In order for a Planned Development District to be approved, certain findings must be made as follows:

- (1) The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies.

The proposed development of a senior housing facility is in harmony with the surrounding area which is primarily residential. The project as it is an affordable senior housing facility is consistent with General Plan policies that encourage providing housing that can accommodate a range of sizes, location and tenure as well as policies related to encouraging housing near transit and services which this development will achieve.

- (2) Streets and utilities, existing or proposed, are adequate to serve the development.

The project site is surrounded by existing streets and there are utilities available to the site with adequate capacity to serve the proposed development.

- (3) The development creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development.

The development of 22 very-low-income senior rental units is a residential development that will be sustainable over time. As the population ages, there will be a need to provide housing opportunities for this population. Having a facility closely located to public transit and services will also be beneficial to the sustainability of the development.

- (4) Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards.

The development is seeking a zone change to Planned Development to allow for a modified building setback along B Street and to allow for a reduction in the required number of parking spaces. Staff is supportive of the B Street setback as the setback will allow for increased space behind the proposed building for group gathering space for the future

tenants and still allow for sufficient landscaping along B Street to enhance the streetscape. Staff is also supportive of the reduction in parking spaces as the development will provide 0.5 parking spaces per unit, which is consistent with what was allowed for the first phase of the development and typical of what has been required for senior housing facilities. Without the Planned Development zoning, the project would not likely be developed, and with the allowance, the city is adding 22 additional very low income senior housing units to our housing stock.

ENVIRONMENTAL REVIEW

This proposal is defined as a "project" under the parameters set forth in the California Environmental Quality Act (CEQA) Guidelines. Staff has prepared a Negative Declaration and Initial Study (see attached), which indicates there will be no significant environmental impacts resulting from the project.

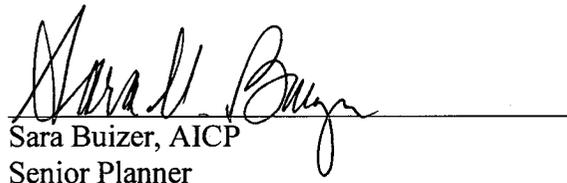
PUBLIC CONTACT

An initial notice of the application was sent to property owners and residents within 300 feet of the project site as well as the Burbank Neighborhood Task Force. Staff received a comment from a neighbor that was not supportive of affordable housing at this location. The applicant has also made attempts to reach out to the neighbors in an effort to hear any concerns they may have about the proposal. Notice of this Planning Commission meeting was sent to all owners and residents within a 300-foot radius of the site as well as the Burbank Neighborhood Task Force.

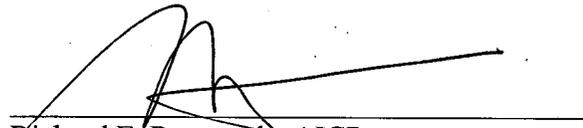
NEXT STEPS

Following the Planning Commission hearing and assuming the Commission recommends approval of the project, the City Council will hear the item along with the Planning Commission's recommendation and render a decision on the proposed General Plan Amendment and Zone Change Applications. Should the Council approve the project, the applicant will work toward complying with the conditions of approval to allow approval of a precise development plan, and ultimate construction of the project.

Prepared by:


Sara Buizer, AICP
Senior Planner

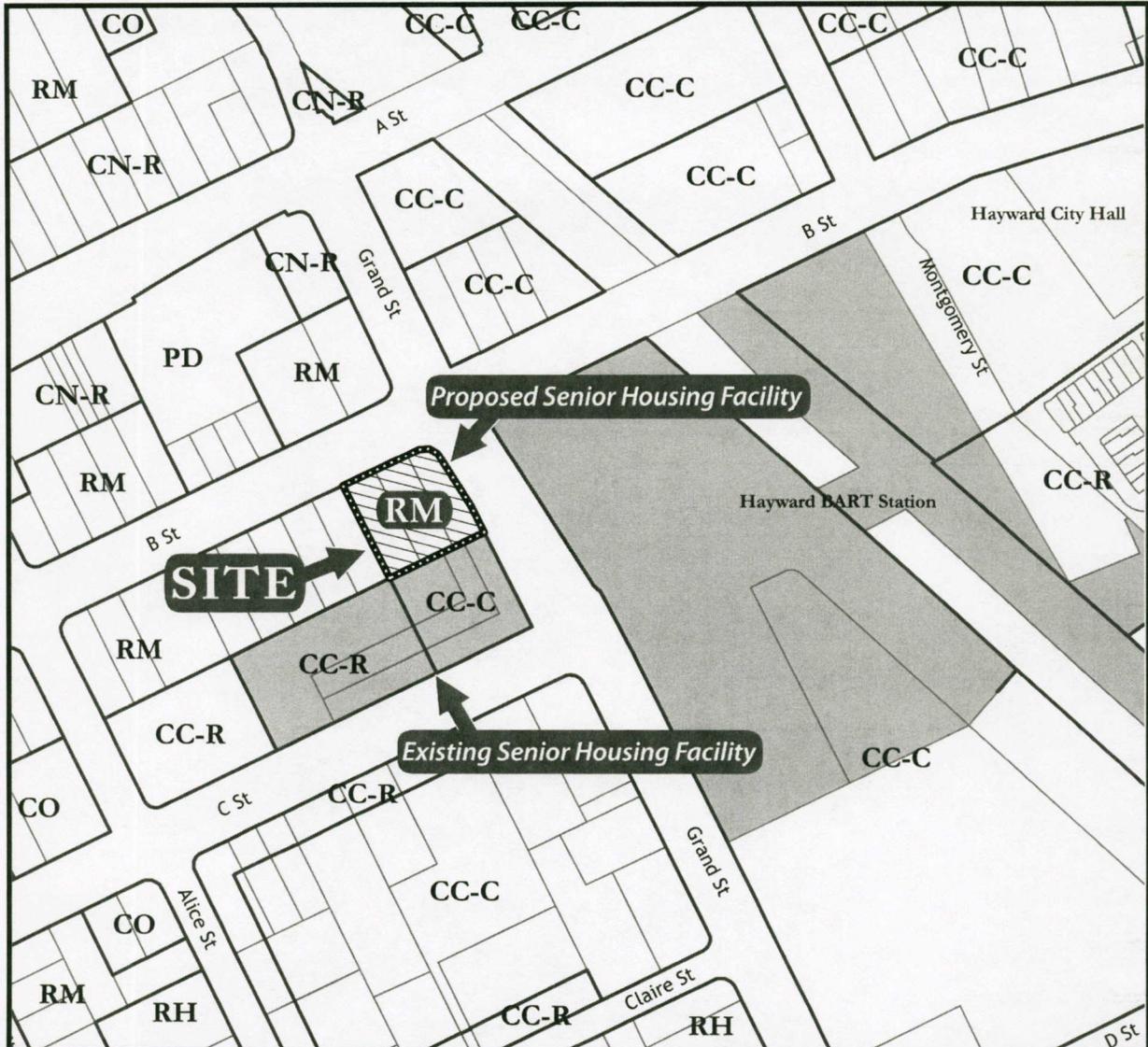
Recommended by:

A handwritten signature in black ink, appearing to read 'R. Patenaude', is written over a horizontal line.

Richard E. Patenaude, AICP
Planning Manager

Attachments:

- Attachment I Area and Zoning Map
- Attachment II Findings
- Attachment III Conditions
- Attachment IV Negative Declaration
Plans



Area & Zoning Map

PL-2010-0368 GPA
 PL-2010-0369 ZC
 PL-2010-0370 SPR

Address: 581,585, 597 B Street
Applicant: Woody Karp
Owner: City of Hayward
 Redevelopment Agency

Zoning Classifications

- RESIDENTIAL**
 RH High Density Residential, min lot size 1250 sqft
 RM Medium Density Residential, min lot size 2500 sqft
- COMMERCIAL**
 CN-R Neighborhood Commercial/Residential
 CO Commercial Office
- CENTRAL CITY**
 CC-C Central City - Commercial
 CC-P Central City - Plaza
 CC-R Central City - Residential
- OTHER**
 PD Planned Development



FINDINGS FOR APPROVAL

General Plan Amendment Application No. PL-2010-0368 and Zone Change Application No. PL-2010-0369

Findings for Approval – California Environmental Quality Act:

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 adversely affect any scenic resources.
3. The project will not have an adverse effect on agricultural land since the property is surrounded by urban uses and it is too small to be used for agriculture.
4. The project will not result in significant impacts related to changes into air quality. When the property is developed the City will require the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any grading or building permit.
5. The project will not result in significant impacts to biological resources such as wildlife and wetlands since the site contains no such habitat and it is surrounded by urban uses.
6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains.
7. The project site is not located within a “State of California Earthquake Fault Zone”, however, may experience ground shaking due to the proximity to active faults in the region. Construction will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground shaking.
8. The project will not lead to the exposure of people to hazardous materials.
9. The project will meet all water quality standards. Drainage improvements will be made to accommodate storm water runoff for any future developments.
10. The project is consistent with the policies of the City General Policies Plan, the Downtown Design Plan, the City of Hayward Design Guidelines and the Zoning Ordinance.
11. The project could not result in a significant impact to mineral resources since the site is too small to be developed to extract mineral resources.

12. The project will not have a significant noise impact.
13. The project will not result in a significant impact to public services.
14. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access.

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 increase in land use density for the site will allow for Eden Housing to construct the second phase of their project and will provide an additional 22 very low income rental units for seniors, a growing population. The location of the project site, across from the downtown Hayward BART station and just west of downtown, is an ideal location as it allows for the future residents to be near alternative transportation as well as services.

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

The General Plan modification will allow for the construction of 22 additional affordable housing units for seniors. The General Plan has a goal to assist in the development of affordable housing, including programs which specifically aim to provide incentives to developers to allow them to construct affordable housing in the City. Another goal is to provide suitable sites for housing developments including encouraging development that takes advantage of convenient access to the BART station. The proposed project is not only convenient as it is across the street from the downtown BART station and near services provided in downtown, but is adjacent to the existing senior housing facility and will be able to take advantage of shared facilities.

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

The project site is located at the corner of B Street and Grand Street and has adequate public facilities to serve the proposed use.

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 proposed use is residential and is compatible with the surrounding uses which are also primarily residential uses. In addition, without the modification to the general Plan land use designation, the density would not support the construction of an additional 22 very low income senior housing units.

Findings for Approval – Zone Change:

1. The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies.

The proposed development of a senior housing facility is in harmony with the surrounding area which is primarily residential. The project as it is an affordable senior housing facility is consistent with General Plan policies that encourage providing housing that can accommodate a range of sizes, location and tenure as well as policies related to encouraging housing near transit and services which this development will achieve.

2. Streets and utilities, existing or proposed, are adequate to serve the development.

The project site is surrounded by existing streets and there are utilities available to the site with adequate capacity to serve the proposed development.

3. The development creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development.

The development of 22 very low income senior rental units is a residential development that will be sustainable over time. As the population ages, there will be a need to provide housing opportunities for this population. Having a facility closely located to public transit and services will also be beneficial to the sustainability of the development.

4. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards.

The development is seeking a zone change to Planned Development to allow for a modified building setback along B Street and to allow for a reduction in the required number of parking spaces. Staff is supportive of the B Street setback as the setback will allow for increased space behind the proposed building for group gathering space for the future tenants and still allow for sufficient landscaping along B Street to enhance the streetscape. Staff is also supportive of the reduction in parking spaces as the development will provide 0.5 parking spaces per unit, which is consistent with what was allowed for the first phase of the development and typical of what has been required for senior housing facilities. Without the Planned Development zoning, the project would not likely be developed and with the allowance, the city is adding 22 additional very low income senior housing units to our housing stock.

CONDITIONS OF APPROVAL

General Plan Amendment Application No. PL-2010-0368 and Zone Change Application No. PL-2010-0369

Eden Housing (Applicant)

Planning Division

1. General Plan Amendment Application No. PL-2010-0368 and Zone Change Application No. PL-2010-0369 is approved subject to the plans labeled Exhibit "A" and the conditions listed below. The Preliminary Development Plan Approval becomes void one year after the effective date of approval, unless prior to that time a Precise Development Plan has been submitted for review and processing in accordance with all conditions of the Preliminary Development Plan approval. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the expiration date.
2. If a building permit is issued for construction of improvements authorized by the General Plan Amendment and Zone Change approvals, said approvals shall be void two years after issuance of the building permit, or three years after approval of the Precise Development Plan Approval, 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 Precise Plan approval.
3. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
4. Prior to application for a Building Permit or a Grading Permit, a Precise Development Plan shall be submitted for review and approval and include the following:
 1. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plans.
 2. A lighting plan, prepared by a qualified illumination engineer meeting the requirements of the City's Building Security Ordinance. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of units within the project.

The fixtures shall be decorative and designed to keep the light from spilling onto adjacent properties. Wall-mounted light fixtures shall not be mounted greater than 12

feet in height unless otherwise permitted by the Planning Director. Luminaires shall be of a design that complements the architectural style of the building and shall be approved by the Planning Director prior to issuance of the building permit. The maximum height of the luminaires shall be 12 feet unless otherwise permitted by the Planning Director. The lighting and its related photometric plan shall be reviewed and approved by the Planning Director. Lighting standards shall be placed so as to not conflict with the location of trees or where they would shine directly into windows.

3. A color board shall be submitted for review and approval by the Planning Director.
4. The developer shall work with Planning staff to design secure bicycle parking to the extent feasible.
5. In conjunction with the Precise Plan submittal and prior to issuance of a building permit:
 - a) The developer shall cause to be recorded a covenant agreement to ensure that the 22 rental units remain affordable to low and very low income seniors for a minimum of 55 years. The agreement shall be approved by the Planning Director prior to recordation.
 - b) The developer shall cause the three parcels to be merged into one.
 - c) The developer shall submit a soils investigation report for review and approval by the City Engineer.
 - d) The developer shall submit improvement plans for review and approval by the City Engineer.
6. Prior to the installation of any signs, the applicant shall submit a Sign Permit Application to the Planning Director for review and approval.
7. The owner shall maintain in good repair all fencing, parking and driveway surfaces, common landscaping, lighting, exterior elevations, trash enclosures, drainage facilities, project signs, etc. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within 72 hours of occurrence.
8. No mechanical equipment, or solar collectors, may be placed on the roof unless it is incorporated into the design of the roof. Prior to construction, documentation shall be provided that the roof-mounted mechanical equipment is adequately screened.
9. In the event that archaeological resources, prehistoric or historic artifacts are discovered during construction of excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be consulted to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.

10. Construction noise from the development of this site shall adhere to standard restrictions on hours and days of operation as specified in the City of Hayward Municipal Code, Article 1, Section 4.103(2). Construction equipment is required to have sound reduction devices to reduce noise impacts on surrounding properties. The name and telephone number of an individual responsible for responding to complaints regarding noise, and who is hired by the developer, shall be posted at the site during construction.
11. Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
12. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
13. Any future modification to the approved site plan shall require review and approval by the Planning Commission.

Development Services

1. A Parcel Merger Application with an initial deposit in the amount of \$3,000 shall be submitted prior to or concurrent with the Building Permit Application. All parcels must be under common ownership and title must be held in the exact manner for each parcel.
2. Parcel Merger Notice shall be executed and recorded prior to the issuance of any building permits.
3. A strip of land at the corner of B and Grand Streets shall be dedicated to the City for the installation of that new pedestrian ramp. The dedication of right-of-way shall be completed prior to the issuance of any building permits.
4. Prior to the issuance of any permits for any construction activity on-site, the Developer's Engineer shall submit a completed Development Building Application Form Information consisting of: 1) Impervious Material Form and 2) Operation and Maintenance Information Form.
5. Prior to the issuance of any permits the owner/developer shall execute a Storm Treatment Measures Maintenance Agreement (as prepared by the City of Hayward and is available in the Engineering and Transportation Division); the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.

Improvement Plans

6. Concurrent with the Precise Plan submittal, submit five sets of Improvement plans, hydrology and hydraulic calculations and drainage area map, detailed C.3 plan and calculations, and a \$3,000 initial deposit to cover staff's review time charges.
7. Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.
8. All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.
9. The applicant/developer's Registered Civil Engineer shall perform all design work unless otherwise indicated.
10. The improvement plan shall, in general, include all items depicted on the improvement plans received on December 3, 2010, and shall incorporate s follows
11. Prior to the issuance of any permits for any construction activity on-site, detailed Improvement plans including grading, erosion and sediment control measures and drainage plans with supporting calculations, and a completed Drainage Review Checklist shall be submitted for review and approval of the City Engineer. Subject plans shall include standard improvements and all items depicted on the improvement plans labeled C-1, C-2 and C-3 received on December 3, 2010, and shall incorporate the following conditions and design requirements:
 - a. New driveway approach on Grand Street shall be installed per City Standard SD-109.
 - b. Parking and circulation areas shall be designed to conform to the City off-street parking regulations.
 - c. All paved slopes shall have a minimum 0.5% grade.
 - d. The on-site storm drain system shall be a private system owned and maintained by the owners.
 - e. The development shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all areas tributary to the project site.
 - f. The stormwater runoff generated from the site shall be collected and discharged to existing underground storm pipe system in the complex and shall not disperse as surface flow to the adjacent parking lot.
 - g. All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods.
 - h. The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be submitted, which shall meet the approval of the City Engineer.

- i. The storm drain design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).
12. The Project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants into storm water runoff to the maximum extent practicable. It is highly recommended that grassy swale be installed to intercept the surface runoff and using an engineered soil fill with a minimum infiltration rate of 5 inches per hour.
13. The project shall be designed to direct runoff to the landscaped yards and common space, prior to entering into the underground pipe system. Unit pavers should also be considered for impervious areas such as the driveways, parking areas.
14. The applicant/developer shall be responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
15. Required water system improvements shall be completed and operational prior to the start of combustible construction.
16. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
 - a. Grading and construction activities shall be limited to the hours 7:30 AM to 6:00 PM on weekdays; there shall be no grading or construction activities on the weekend or national holidays.
 - b. Grading and construction equipment shall be properly muffled.
 - c. Unnecessary idling of grading and construction equipment is prohibited.
 - d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential units.
 - e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise.
 - f. The developer shall participate in the City's recycling program during construction.
 - g. Daily clean up of trash and debris shall occur along all peripheral streets and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
 - h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions.
 - i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site.
 - j. All unpaved access roads, parking areas and staging areas at construction sites shall be paved, have water applied three times daily, or non-toxic soil stabilizers applied.
 - k. All paved access roads, parking areas and staging areas at construction sites shall be swept daily (with water sweepers).
 - l. Inactive construction areas (previously graded areas inactive for 10-days or more) shall have non-toxic soil stabilizers applied, or shall be hydroseeded.

- m. Exposed stockpiles (dirt, sand, etc.) shall be enclosed, covered, watered twice daily or applied with non-toxic soil binders.
 - n. Construction debris shall be gathered on a regular basis and placed in a dumpster or other container that is emptied or removed on a weekly basis. When appropriate, tarps on the ground are to be used to collect fallen debris or splatters that could contribute to storm water pollution.
 - o. All dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site shall be removed. During wet weather, driving vehicles off paved areas and other outdoor work areas shall be avoided.
 - p. The sidewalks and public street pavement adjoining the project site shall be broom-swept on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping.
 - q. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
 - r. Filter materials (such as sandbags, filter fabric, etc.) shall be installed at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; 3) street washing activities; or 4) saw cutting asphalt or concrete activities, or in order to retain any debris or dirt flowing into the storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles shall be properly disposed in the trash.
 - s. A contained and covered area shall be created on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill.
 - t. Cleaning machinery, tools, brushes, etc., or rinsing containers, into a street, gutter, storm drain or stream is prohibited (see City's *"Building Maintenance/Remodeling"* flyer for more information).
 - u. Concrete/gunite supply trucks or concrete/plasters finishing operations shall not discharge washwater into street gutters or drains.
 - v. The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
17. A representative of the project soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe all grading operations and provide any recommended corrective measures to the contractor and the City Engineer.

Landscape Division

1. Provide a revised arborist report to include all existing trees within the project impact area, street trees on B and Grand Street, including health, species, caliper, approximate height, canopy diameter, and value using the latest edition of "Guide for Plant Appraisal" by the International

- Society of Arboriculture for the City's review and approval. Provide ISA worksheet per each tree are subjected for valuation.
2. The width of the ADA ramp landing is 4 feet including the width of grooves. See the City Standard Detail SD-108. Modify the entry planting area and the arbor configuration to the courtyard.
 3. *Platanus acerifolia* 'Yarwood' was specified for as street trees for the Eden Housing on Grand and C Street according to the approved landscape improvement plan dated 2/5/2007. Add this to the plant list.
 4. Proposed tree location at the corner of Grand and B Street on Sheet L1.1 and A1.1 should be the same. Revise one of the plans.
 5. All existing trees that are proposed to be saved shall be preserved in accordance with the arborist's recommendations. The report shall include detailed tree protection measures prior, during and post construction. A tree preservation bond shall be posted for all existing trees to remain.
 6. A separate tree removal permit shall be required prior to issuance of a grading permit.
 7. Pruning existing tree branches larger than 1 inch shall require a tree pruning permit per Tree Preservation Ordinance.
 8. Provide hose bib(s) shall be provided in the vegetable garden area.
 9. Prior to the approval of the improvement plans, a detailed landscaping and irrigation plan for the site shall be prepared by a licensed landscape architect and submitted for review and approval by the City's Landscape Architect. Planting and irrigation shall comply with the City's *Hayward Environmentally Friendly Landscape Guidelines and Checklist for professional, Bay-Friendly Water Efficient Landscape Ordinance, and Municipal Codes*.
 10. Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department. The size of Mylar shall be 22" x 34" without an exception. A 4" wide x 4" high blank signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain two signature lines and dates for City of Hayward, Landscape Architect/Planner and City Engineer. Upon completion of installation, As-built/Record Mylar shall be submitted to the Engineering Department by the developer.
 11. A copy of the approved and signed landscape and irrigation improvement plans shall be included in the building permit submittal set. Building permit shall not be issued without the approved landscape and irrigation improvement plans.
 12. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code.

Public Works – Utilities*Water-*

1. City records indicate that there are two existing ¾" water service lines with 5/8" water meters on the parcels (account # 04-00750.01 & 04-00800.02). If the existing water services and meters cannot be reused, they must be abandoned by the City Water Distribution Personnel at the owner's/applicant's expense.
2. It is highly recommended that each unit have an individual domestic water meter. The current cost for one 5/8" meter and ¾" service line is **\$8,606** (\$2,880 installation cost + \$5,726 facilities fee).
3. Based on the water fixture shown on the plans, it is estimated that the finished structure will have a total of 245.5 fixture units. If a single water meter and service line are installed for domestic use, a minimum 2" water service line and 2" domestic water meter shall be installed. The current cost for a 2" meter and 2" water service line is **\$45,810** (\$4,300 installation cost + \$45,810 facilities fee).
4. If a single water meter and service line are installed for domestic use, the service will be considered commercial and will require a Reduced Pressure Backflow Prevention Assembly to be installed by the applicant/developer.
5. If there will be 5,000 square feet or more of landscaping, a separate irrigation water meter shall be installed for landscaping purposes.
6. The applicant/developer shall install a Reduced Pressure Backflow Prevention Assembly on each irrigation water meter, per City Standard SD-202.
7. All fire services shall be installed by City Water Distribution Personnel at the applicant's/developer's expense, per City Standard SD-204. Minimum sizing shall be per Fire Department's requirements.
8. Water meters and services to be located a minimum of two feet from top of driveway flare as per City Standard Details SD-213 thru SD-218.
9. Water mains and services, including the meters, must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and on foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade piping materials.

Sewer-

1. The developments sanitary sewer laterals shall have cleanouts and be constructed per City Standard Detail SD-312.
2. The current Sanitary Sewer Connection fee for a multi-family residential unit is \$6,457 per unit. Sewer Connection fees are due and payable prior to final inspection.

Fire Department

Project Site Requirements-

1. The minimum fire flow is 2500gpm based on construction type of VA and building area of 20,813 square feet. A fire flow reduction of up to 50 percents is allowed when the building is provided with automatic sprinkler system in accordance with NFPA 13. The resulting fire flow shall not be less than 1,500gpm.
2. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be provided for all apparatus access road.
3. Fire apparatus access roads shall be designed and maintained to support the imposed load of fire apparatus 75,000 lbs and shall be surfaced so as to provide all-weather driving capability.
4. Fire apparatus access roads 20 to 26 feet wide shall be posted on both sides as a fire lane, 26 feet to 32 feet shall be posted on one side of the road as a fire lane. "No Parking" sign shall meet the City of Hayward Fire Department fire lane requirements.
5. The fire department connection should face to the new 26' fire apparatus road.

Building Requirements-

1. Submit for proper building permits for the construction/ alterations of the building to the Building Department.
2. Fire sprinkler system shall be installed in accordance with NFPA 13 and California Fire Code. Separate submittals and additional permits are required for the installation of fire sprinkler systems.
3. Fire alarm system shall be installed in accordance with NFPA 72 and California Fire Code, and additional permits are required for the installation of fire alarm system.



DEPARTMENT OF
DEVELOPMENT SERVICES
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 change the General Plan designation from Medium Density Residential to High Density Residential and to change the Zoning from Medium Density Residential to Planned Development and to build 22 affordable senior housing rental units with density bonus and incentives and waivers. The project site is located within the urbanized downtown area of Hayward and surrounded by existing residential uses. The existing Eden Housing affordable senior housing facility is located just south. The downtown BART station is located east of the site.

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 adversely affect any scenic resources.
3. The project will not have an adverse effect on agricultural land since the property is surrounded by urban uses and it is too small to be used for agriculture.
4. The project will not result in significant impacts related to changes into air quality. When the property is developed the City will require the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any grading or building permit.
5. The project will not result in significant impacts to biological resources such as wildlife and wetlands since the site contains no such habitat and it is surrounded by urban uses.
6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains.

7. The project site is not located within a "State of California Earthquake Fault Zone", however, may experience ground shaking due to the proximity to active faults in the region. Construction will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground shaking.
8. The project will not lead to the exposure of people to hazardous materials.
9. The project will meet all water quality standards. Drainage improvements will be made to accommodate storm water runoff for any future developments.
10. The project is consistent with the policies of the City General Policies Plan, the Downtown Design Plan, the City of Hayward Design Guidelines and the Zoning Ordinance.
11. The project could not result in a significant impact to mineral resources since the site is too small to be developed to extract mineral resources.
12. The project will not have a significant noise impact.
13. The project will not result in a significant impact to public services.
14. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access.

IV. PERSON WHO PREPARED INITIAL STUDY: Sara Buizer, AICP, Senior Planner

Signature: _____

Sara M. Buizer

Dated: _____

1/26/11

V. COPY OF INITIAL STUDY IS ATTACHED

For additional information, please contact the City of Hayward Development Services Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4114



CITY OF
HAYWARD
HEART OF THE BAY

DEPARTMENT OF DEVELOPMENT SERVICES
Planning Division

INITIAL STUDY CHECKLIST

Project Title: Eden Housing Phase II

Lead agency name/address: City of Hayward / 777 B Street, Hayward, CA 94541

Contact person: Sara Buizer, AICP, Senior Planner

Project location: Corner of B Street and Grand Street

Project sponsors

Name and Address: Eden Housing / 22645 Grand Street, Hayward, CA 94541

General Plan Designation: Medium Density Residential

Zoning: Medium Density Residential

Project description: Request to change the General Plan designation from Medium Density Residential to High Density Residential and to change the Zoning from Medium Density Residential to Planned Development and to build 22 affordable senior housing rental units with density bonus and incentives and waivers.

Surrounding land uses and setting: The project site is located within the urbanized downtown area of Hayward and surrounded by existing residential uses. The existing Eden Housing affordable senior housing facility is located just south. The downtown BART station is located east of the site.

Other public agencies whose approval is required: None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

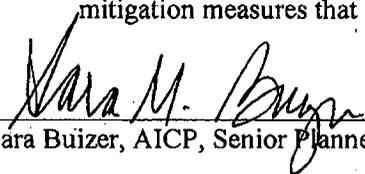
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <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.


 Sara Buizer, AICP, Senior Planner

1/26/11
 Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? Comment <i>There are no designated scenic vistas in the vicinity of the project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? Comment <i>The project is not located within a state scenic highway; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? Comment <i>The existing site is a vacant lot and the proposed senior housing facility will add to the visual character of the site; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? Comment <i>The new residential units will add some additional light to this vacant corner, but the amount is considered less than significant given the surrounding developed area; no mitigation is required.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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II. AGRICULTURE AND FOREST

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. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- 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 project does not involve any Prime Farmland, Unique Farmland or Farmland of Statewide Importance; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? **Comment** *The project site is not zoned for agricultural uses no under a Williamson Act contract; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? **Comment** *The project does not involve the rezoning of forest land or timberland; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Result in the loss of forest land or conversion of forest land to non-forest use? **Comment** *The project does not involve the loss of forest land or involve conversion of forest land; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? Comment <i>The project does not involve changes to the environment that could result in conversion of Farmland or forest land; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 <i>The project is a small in-fill project located across from the downtown Hayward BART station and will not conflict with the goals of the air quality plan; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? Comment <i>The Bay Area Air Quality Management District (BAAQMD) has established screening criteria as part of their CEQA guidance to assist in determining if a proposed project could result in potentially significant air quality impacts. Based on the District's criteria, the proposed project screens below what would require additional evaluation; thus the proposed project will not violate any air quality standard and there is no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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 <i>The proposed project meets the screening criteria in Table 3-1 of the Air District's CEQA Guidelines; thus, it can be determined that the project would result in a less-than-significant cumulative impact to air quality from criteria air pollutants and precursor emissions.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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d) Expose sensitive receptors to substantial pollutant concentrations? Comment <i>The project is a small in-fill development located across from the downtown Hayward BART station that will not involve exposing sensitive receptors to substantial pollutant concentrations; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create objectionable odors affecting a substantial number of people? Comment <i>The project is a small in-fill residential development that will not create any objectionable odors; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 <i>The project area is largely developed and does not contain plant or wildlife special-status species; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? Comment <i>The project area is largely developed and does not contain any riparian habitat or sensitive natural communities; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 <i>The project site, located in an urban setting, contains no wetlands; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 <i>The project site, located in an urban setting, contains no wildlife corridors thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? **Comment** *The project site does not contain any significant stands of trees. There is one tree on site that will be protected during construction; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment *The project site is not located in an area covered by an adopted habitat Conservation Plan or Natural Community Conservation Plan; thus, no impact.*

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 project site is located in an area of Hayward that has historic or architectural character. The project has been designed to comply with the design standards of the Streetcar District; thus the impact to a historical resource is considered to be less-than-significant.*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? **Comment** *There are no known archaeological resources in the vicinity; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? **Comment** *There are no known paleontological resources or unique geological features on or near the site; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Disturb any human remains, including those interred outside of formal cemeteries? Comment <i>There are no known human remains nor cemeteries nearby the project site; however, standard procedures for grading operations would be followed during development, which require that if any such remains or resources are discovered, grading operations are halted and the resources/remains are evaluated by a qualified professional and, if necessary, mitigation plans are formulated and implemented. These standard measures would be applied to the project should it be approved.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo 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 <i>The project site is located approximately 1600 feet west of the Hayward Fault zone; however, the building will be designed and constructed to withstand an earthquake; thus the impact is considered less-than-significant.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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ii) Strong seismic ground shaking? Comment <i>The project site is located within the downtown Hayward area which will most likely experience strong ground shaking in the event of an earthquake rupturing on the Hayward Fault; however, the building will be designed and constructed to withstand an earthquake; thus the impact is considered less-than-significant.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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iii) Seismic-related ground failure, including liquefaction? Comment <i>The project site is not located in an area prone to liquefaction due to seismic related ground failure; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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iv) Landslides? Comment <i>The project site is a flat lot located in the downtown Hayward area and not located in an area impacted by landslides; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil? Comment <i>The project site is a flat, vacant lot whereby minimal grading will take place to prepare the site for construction. The project will implement soil erosion measures during construction; thus the impact is considered less-than-significant.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 <i>The project is not proposed on soil that is unstable; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? Comment <i>The project site does not contain any expansive soils; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? Comment <i>The project will be connected to an existing sewer system with sufficient capacity and does not involve septic tanks or other alternative wastewater; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. GREENHOUSE GAS EMISSIONS --
Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Comment <i>The project falls below the allowable screening criteria established by the Bay Area Air Quality Management District thus would not exceed the threshold of significance for Greenhouse gas emissions; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? Comment <i>The project is a small in-fill residential project for low income seniors that is located across the street from the downtown BSART station and nearby community services and is consistent with applicable plans and policies for reducing greenhouse gas emissions; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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VIII. 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 project is an in-fill residential project that does not involve the transport or use of hazardous materials; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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** *The project does not involve the use of any hazardous materials so there will be no accidental release of hazardous materials; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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** *The project is an in-fill residential project that does not involve the use of hazardous materials; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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** *The project site is not on a list of hazardous materials sites; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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 project is not located within an airport land use plan area; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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** *The project is not located within the vicinity of a private air strip; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? **Comment** *The project site is located at the corner of B street and Grand Street within an urbanized area and will not interfere with an adopted emergency response plans or evacuation plan; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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 project site is not located within the City's Wildland Interface Area; thus no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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IX. HYDROLOGY AND WATER QUALITY -

- Would the project:

a) Violate any water quality standards or waste discharge requirements? **Comment** *The project will comply with all water quality and wastewater discharge requirements of the city; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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 project will be connected to the existing water supply and will not involve the use of water wells and will not deplete groundwater supplies or interfere with groundwater recharge; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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 which would result in substantial erosion or siltation on- or off-site? **Comment** *The project site is an infill site that was previously developed with residential uses. All drainage from the site is required to be treated before it enters the storm drain system and there is sufficient capacity to handle any drainage from the property; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 <i>The project site is an infill site that was previously developed with residential uses. All drainage from the site is required to be treated before it enters the storm drain system and managed such that post-development run-off rates do not exceed pre-development run-off rates; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? Comment <i>The project site is an infill site that was previously developed with residential uses. All drainage from the site is required to be treated before it enters the storm drain system and there is sufficient capacity to handle any drainage from the property; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? Comment <i>The project site is an infill site that was previously developed with residential uses. All drainage from the site is required to be treated before it enters the storm drain system; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 <i>The project site is not located within a 100-year flood hazard area; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? Comment <i>The project site is not located within a 100-year flood hazard area; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 <i>The project site is not located within a 100-year flood hazard area; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? Comment <i>The project site is not located within a 100-year flood hazard area; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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X. LAND USE AND PLANNING -- Would the project:

a) Physically divide an established community?
Comment *The project site is a small in-fill site located within an existing community; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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 project involves a General Plan Amendment to increase the land use designation to support the proposed 22 units. The project site is adjacent to an existing low income senior housing facility and across the street from the downtown Hayward BART station. Although the project involves increasing the land use density, because the project is for low income seniors and is within walking distance of transit and services, the impact is considered less-than-significant.*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c) Conflict with any applicable habitat conservation plan or natural community conservation plan? **Comment** *The project site is not covered by any habitat conservation plan or natural community conservation plan; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XI. 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** *There are no known mineral resources on the project site; thus no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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** *The project site is not identified as a site known to have mineral resources; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XII. 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 project site is located within an already developed neighborhood and will not generate any noise levels in excess of standards established in the general Plan; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? **Comment** *The project site is not located in an area where people will be exposed to groundborne vibrations nor will the project generate any groundborne vibrations; thus no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? **Comment** *The project is a residential development for low income seniors and will not involve an increase in the ambient noise levels in the area; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? **Comment** *Existing residential development will experience a slight increase in ambient noise levels during the construction of the proposed project; construction is limited to the allowable hours per the City's Noise Ordinance; thus the impact is considered less-than-significant and no mitigation is required.*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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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 project is not located within an airport land use plan area; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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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** *The project is not located within the vicinity of a private air strip; thus, no impact*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XIII. 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 project involves the construction of 22 new residential units for low income seniors, however, residential development has been envisioned at this location and was anticipated in the City's General Plan; thus, the impact is less than significant and no mitigation is required.*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? **Comment** *The project involves the development of additional low income senior housing on a vacant lot and no housing will be displaced as a result of this project; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? **Comment** *The project involves the development of additional low income senior housing on a vacant lot and nobody will be displaced as a result of this project; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XIV. PUBLIC SERVICES --

a) 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:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Fire protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Police protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities? <u>Comment</u> <i>The project is an in-fill 22-unit affordable senior housing development located within an urbanized area that is already served by police and fire. Since the residential development will be for seniors only, there will not be any impacts to schools. The proposed project will be providing some group open space areas for use by the future residents so there should not be any real impacts to parks. No mitigation is required.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XV. 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 project is an in-fill 22-unit affordable senior housing development located within an urbanized area. The proposed project will be providing some group open space areas for use by the future residents so there should not be any real impacts to the use of neighborhood or regional parks that would deteriorate the facilities; thus no impact.*

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 *The proposed senior housing facility will be including group gathering spaces as well as taking advantage of the adjacent facilities existing group open spaces and will not require the construction or expansion of additional recreational facilities; thus, no impact.*

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVI. TRANSPORTATION/TRAFFIC --

Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? **Comment** *The project will not conflict with any plan regarding effective performance of the circulation system., The project is a residential project for low income seniors and will be located across from the downtown BART station; thus, no impact*

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? **Comment.** *No level of service will be impacted by the construction of a low income senior housing facility on an existing in-fill lot. The project is proposed on a small lot across from the downtown BART station; thus, no impact.*

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** *The project involves no change to air traffic patterns; thus, no impact.*

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 project has been designed to meet all City requirements, including site distance and will not increase any hazards; thus no impact.*

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in inadequate emergency access? Comment <i>The project is on an in-fill site completely accessible and will not result in inadequate emergency access; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? Comment <i>The project does not involve any conflicts or changes to policies, plans or programs related to public transit, bicycle or pedestrian facilities. The project site is located across from the downtown BART station and future residents will likely take advantage of this proximity and utilize the transit service; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVII. UTILITIES AND SERVICE SYSTEMS

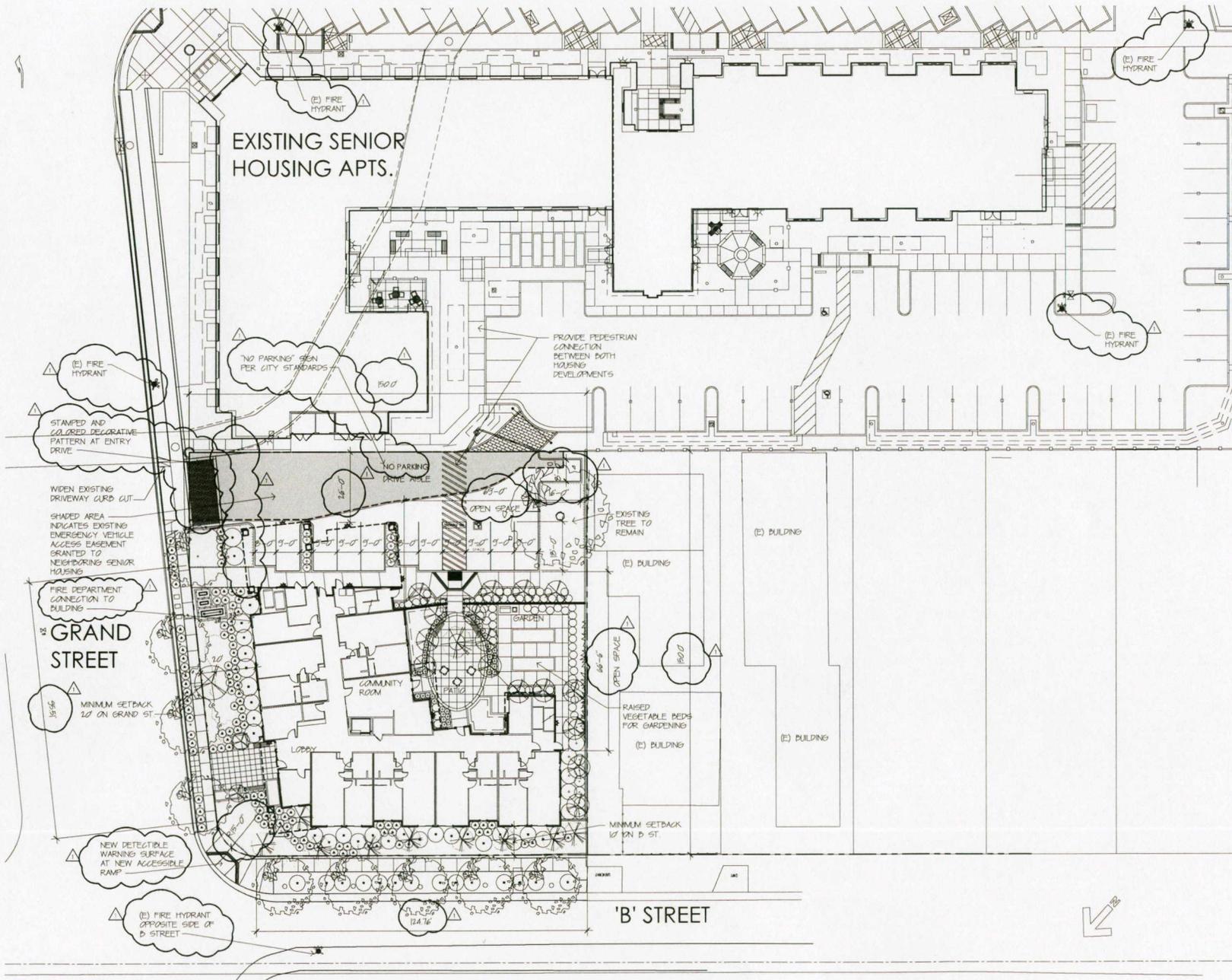
-- Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Comment <i>The project will not exceed wastewater treatment requirements; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Comment <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Comment <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? Comment <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVIII. 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 <i>The project will not have any impacts on wildlife or fish habitat nor eliminate a plant or animal community; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)? Comment <i>As evidenced in the checklist above, it has been determined that the project will not have any significant impacts; thus no impact to cumulative impacts.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? Comment <i>The project will not have any environmental impacts thus will not cause substantial adverse effects on human beings; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



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HAYWARD SENIOR HOUSING II

B STREET & GRAND HAYWARD, CA

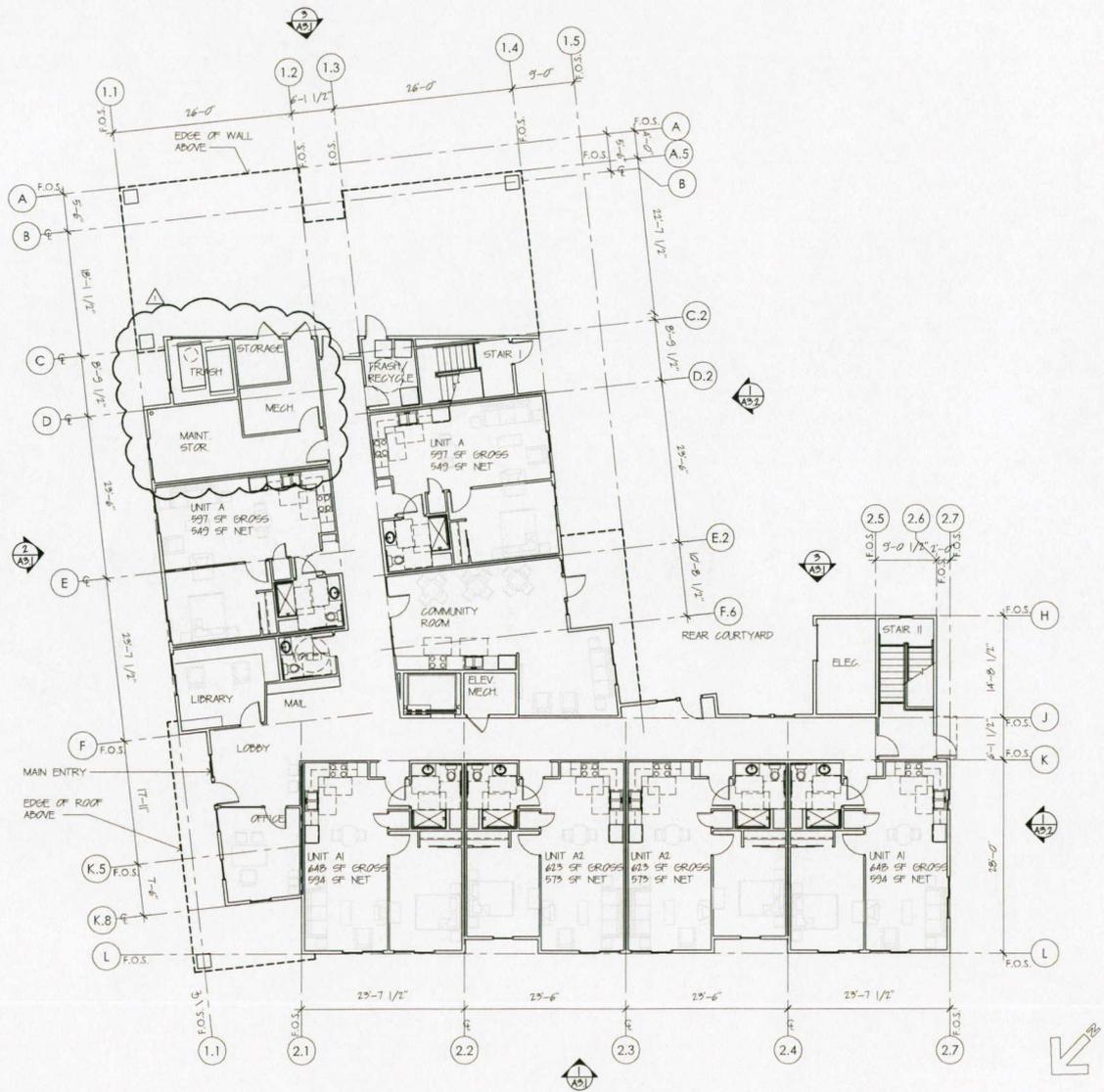
Revision	Date
PLANNING SUBMITTAL	10 SEP 2010
PLANNING REVISIONS	3 DEC 2010



Job Number: 1036
Drawn by: TDD
Checked by: GS
Date: 10 SEPT 2010
Scale: 1/16" = 1'-0"

Title
SITE PLAN

Sheet
A1.1



1 BUILDING PLAN: FIRST FLOOR
Scale: 1/8" = 1'-0"

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Revision Date
PLANNING SUBMITTAL 10 SEP 2010
PLANNING REVISIONS 9 DEC 2010

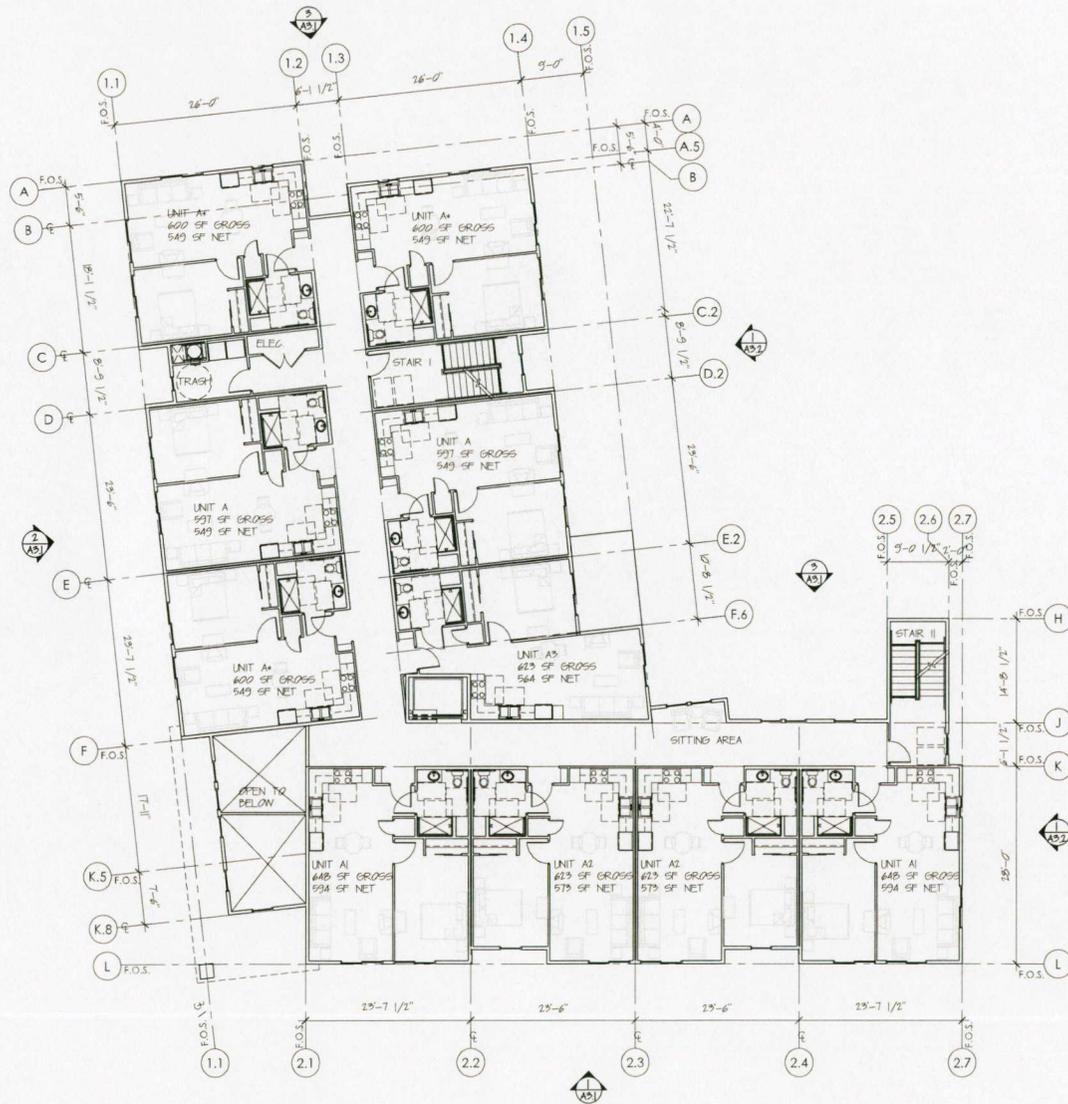


Job Number: 1036
Drawn by: GS
Checked by: TBD
Date: 28 SEPT 2010
Scale: 1/8" = 1'-0"

Title
BUILDING PLANS
FIRST FLOOR

Sheet

A2.1



1 BUILDING PLAN: SECOND FLOOR
Scale: 1/8" = 1'-0"

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Revision Date
PLANNING SUBMITTAL 10 SEP 2010
PLANNING REVISIONS 3 DEC 2010

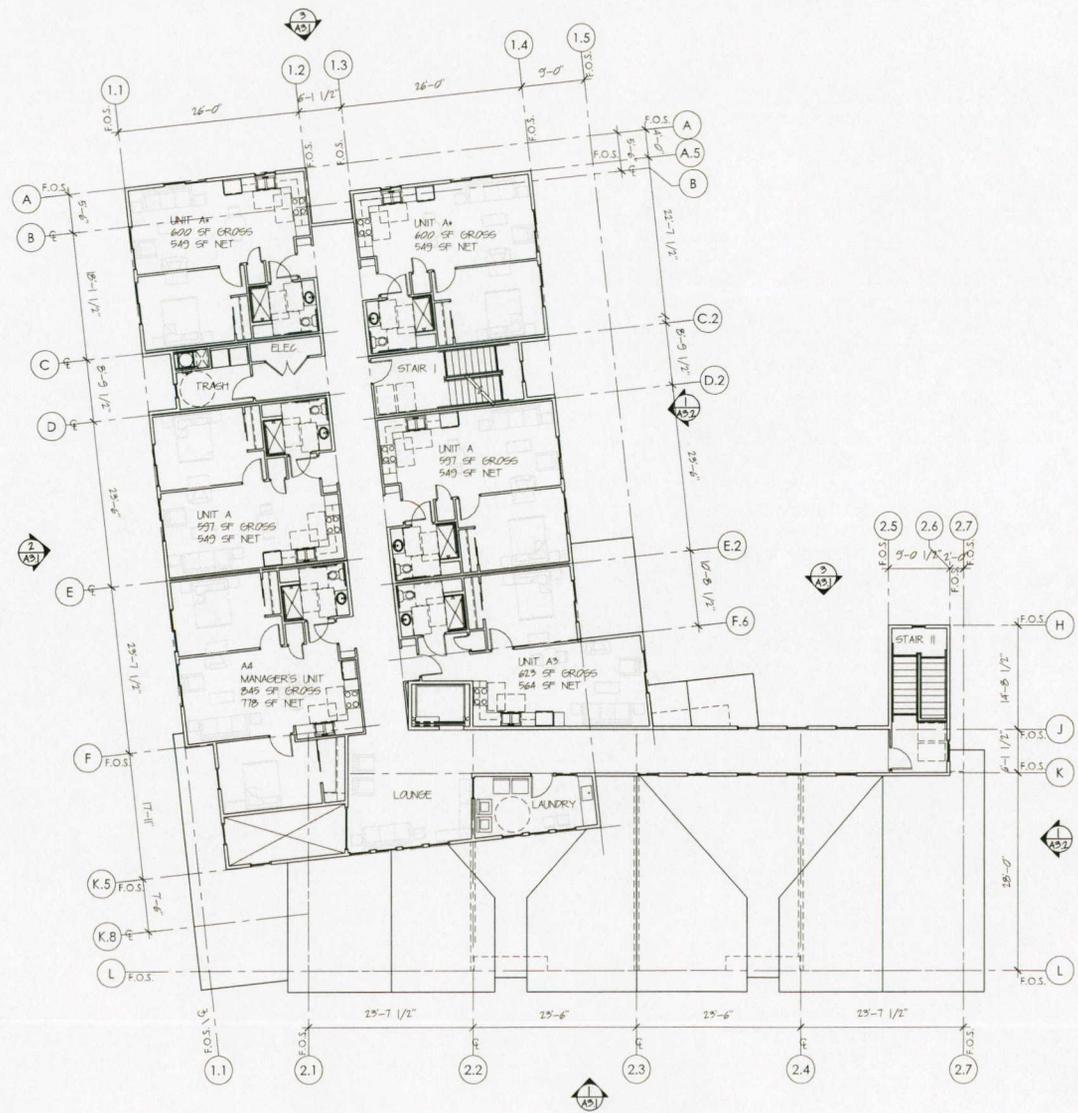


Job Number: 1036
Drawn by: GS
Checked by: TBD
Date: 28 SEPT 2010
Scale: 1/8" = 1'-0"

Title
BUILDING PLANS
SECOND FLOOR

Sheet

A2.2



1 BUILDING PLAN: THIRD FLOOR
Scale: 1/8" = 1'-0"

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Revision	Date
PLANNING SUBMITTAL	10 SEP 2010
PLANNING REVISIONS	9 DEC 2010



Job Number: 1036
Drawn by: GS
Checked by: TBD
Date: 28 SEPT 2010
Scale: 1/8" = 1'-0"

Title
BUILDING PLANS
THIRD FLOOR

Sheet

A2.3



3 BUILDING ELEVATIONS: SOUTHEAST (FACING PARKING)
Scale: 1/8" = 1'-0"



2 BUILDING ELEVATIONS: NORTHEAST (FACING GRAND STREET)
Scale: 1/8" = 1'-0"



1 BUILDING ELEVATIONS: NORTHWEST (FACING 'B' STREET)
Scale: 1/8" = 1'-0"

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HAYWARD, CA

Revision	Date
PLANNING SUBMITTAL	20 SEP 2010
PLANNING REVISIONS	9 DEC 2010



Job Number: 1036
Drawn by: DD/WJ
Checked by: TEO/OS
Date: 28 SEPT 2010
Scale: 1/8" = 1'-0"

Title
BUILDING ELEVATIONS

Sheet

A3.1

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HAYWARD SENIOR
HOUSING II

B STREET & GRAND
HAYWARD, CA

Revision	Date
PLANNING SUBMITTAL	10 SEP 2010
▲ PLANNING REVISIONS	9 DEC 2010

Stamp



Job Number: 1076
 Drawn by: ED/W
 Checked by: TBO/GS
 Date: 18 SEPT 2010
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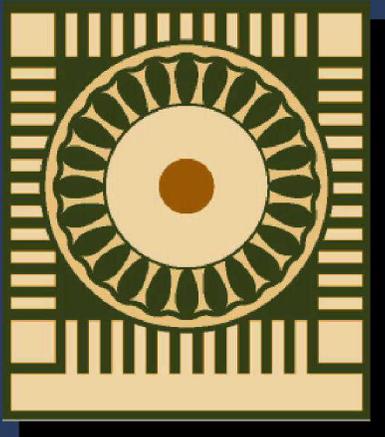
Title
 BUILDING ELEVATIONS

Sheet

A3.2



1 BUILDING ELEVATIONS: SOUTHWEST
 Scale: 1/8"=1'-0"



CITY OF
HAYWARD
HEART OF THE BAY

General Plan Amendment and Zone Change for Eden Housing Phase II

Sara Buizer, AICP, *Senior Planner*

Planning Division
Development Services



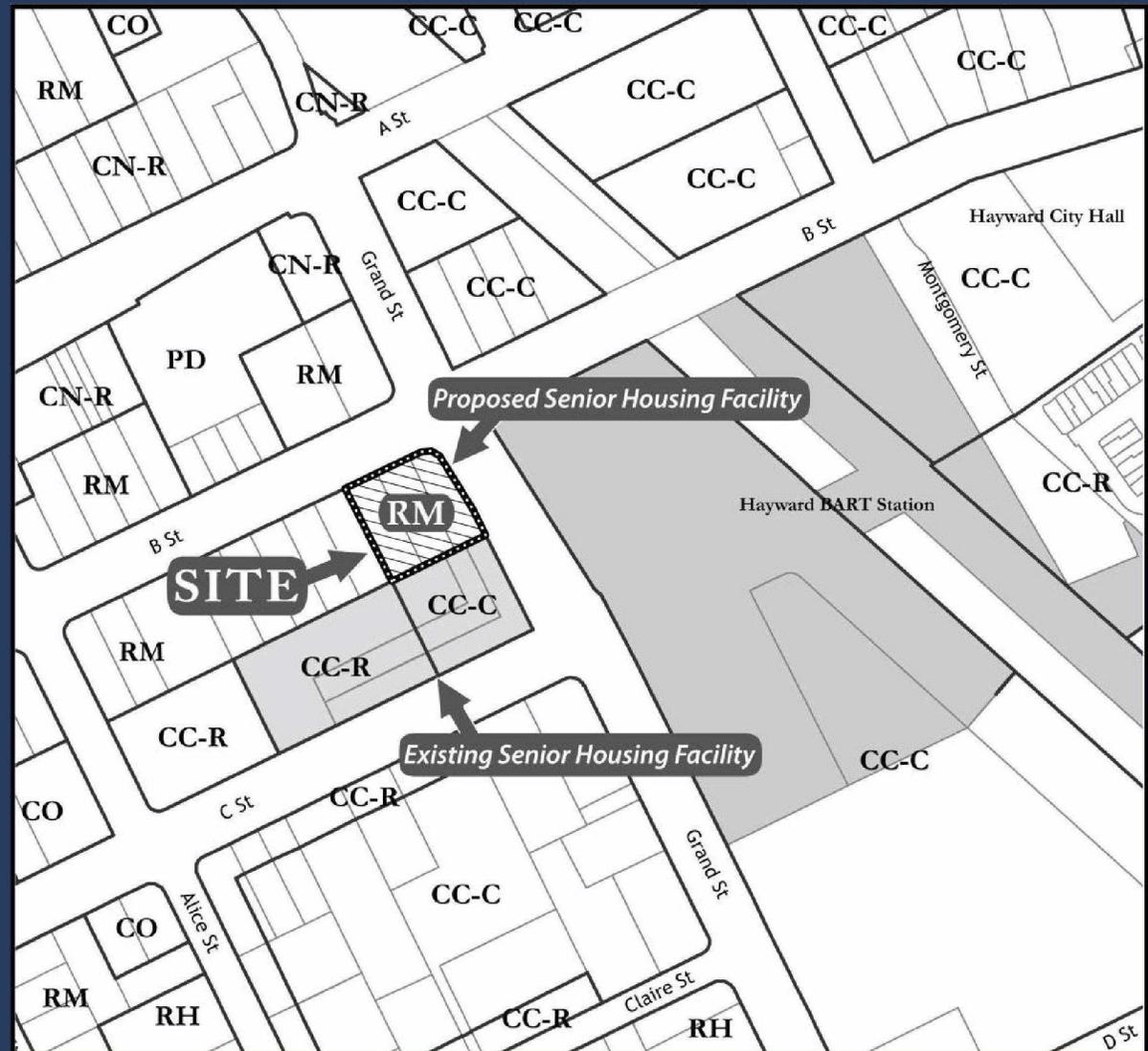
- Modify General Plan Designation (MDR  HDR)
- Zone Change (RM  PD)
- Construct 22 Very-Low Income Senior Housing Apartments using density bonus provisions



Eden Housing Phase II

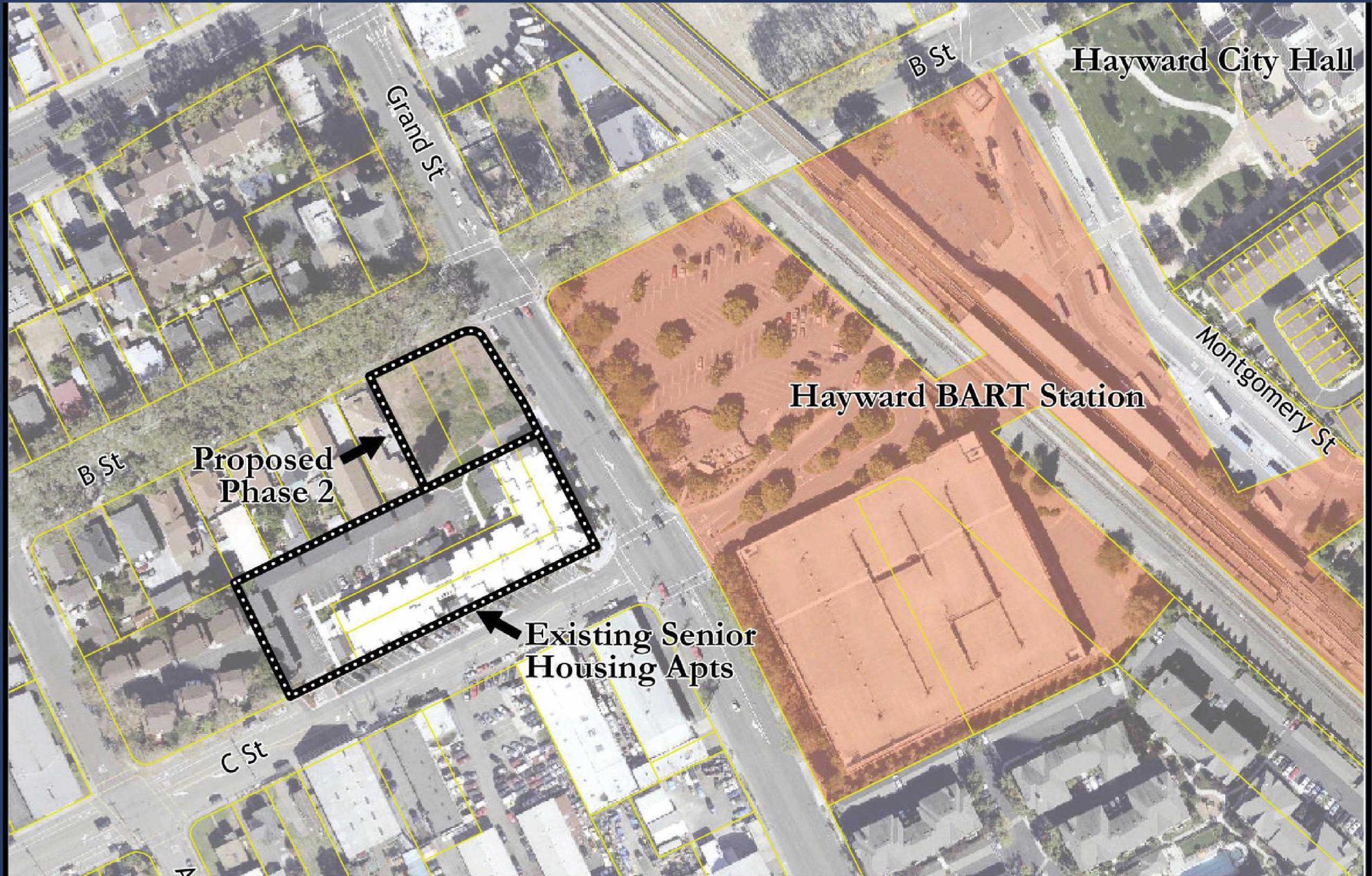
Location Map

- 0.5 acre site
- Adjacent to (e) Eden Senior Housing Facility
- Across from Hayward BART station



Eden Housing Phase II

Location Map

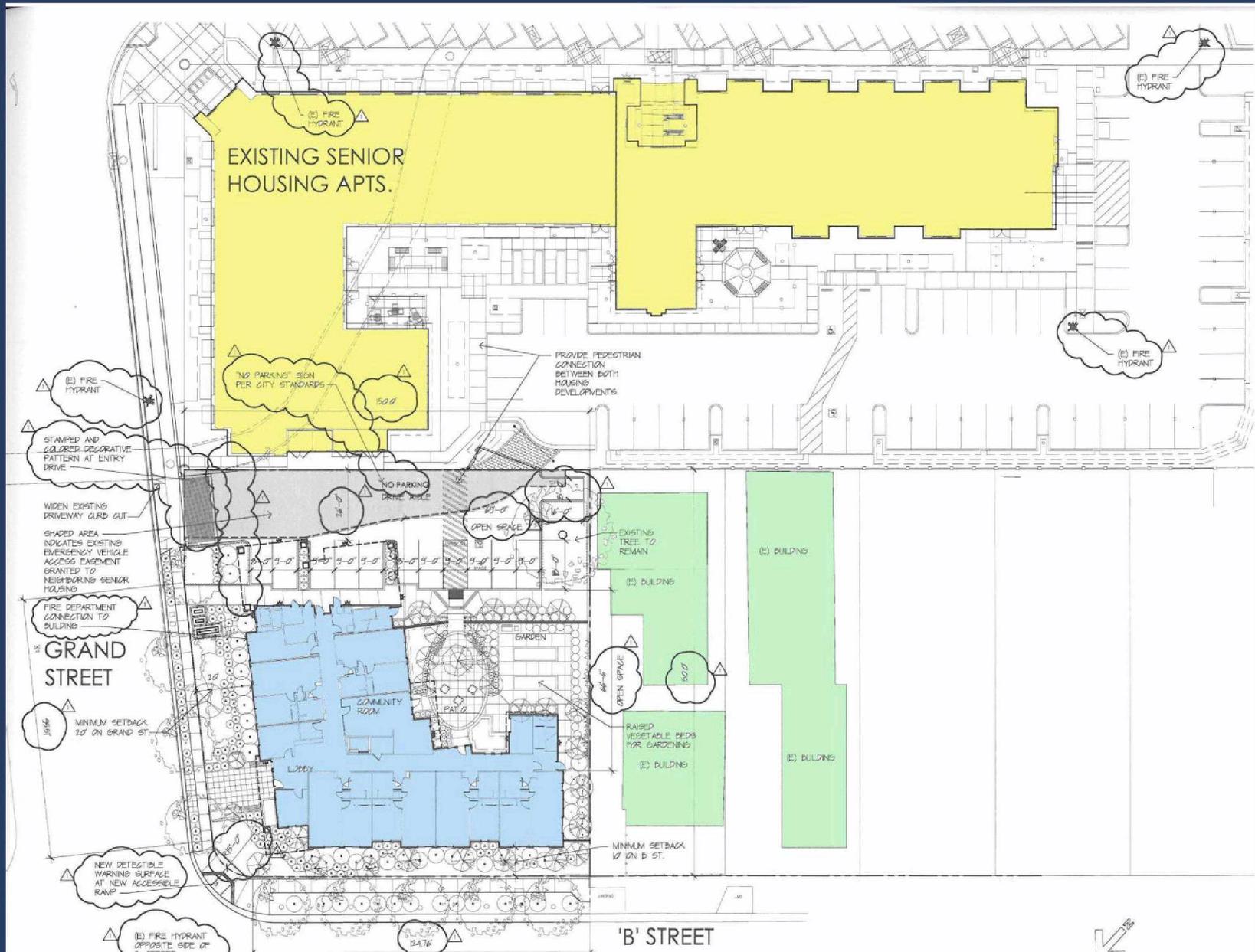


HAYWARD



Eden Housing Phase II

Site Plan



Eden Housing Phase II

Detailed Site Plan

Project Details

- 2-3 story structure
- 22 total very-low income units for Seniors
- 11 parking spaces
- 6300 sq. ft. of group open space
- Connectivity to (e) facility



Eden Housing Phase II

Building Elevation



HAYWARD

View of Proposed Facility



Incentives

- Reduction in group open space
- Deferral of requirement to underground utilities
- Exception to sub-metering water requirement

Waivers

- Modification to parking space dimensions
- Reduction in covered parking requirements



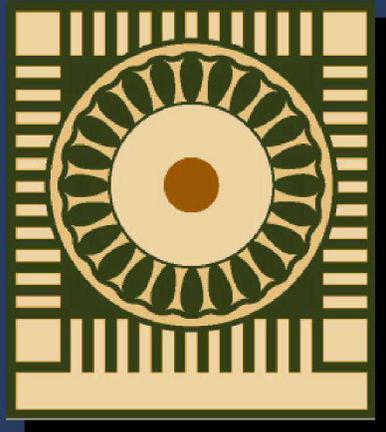
Eden Housing Phase II

QUESTIONS?



HAYWARD





General Plan Amendment and Zone Change for Eden Housing Phase II





**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, September 23, 2010, 7:00 p.m.
777 B Street, Hayward, CA 94541**

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair Mendall.

ROLL CALL

Present: COMMISSIONERS: Faria, Márquez, Loché, Lamnin, McDermott, Lavelle
CHAIRPERSON: Mendall
Absent: COMMISSIONER:

Commissioner Lavelle led in the Pledge of Allegiance.

Staff Members Present: Buizer, Conneely, Koonze, Pearson, Philis, Rizk

General Public Present: 15

ELECTION OF OFFICERS

Commissioner Lavelle thanked Chair Mendall for doing an outstanding job as Chair over the past year and said she looked forward to continuing to work with him and the new members. Commission Lavelle then nominated Commissioner Loché to serve as Chair, Commissioner Márquez as Vice Chair, and Commissioner Faria as Secretary. Commissioner Mendall seconded the motion. An oral vote was taken and the decision was unanimous.

Chair Loché thanked Commissioner Mendall and said he appreciated his leadership over the last year and hoped to emulate it. He then introduced the three new Commissioners, Sara Lamnin, Dianne McDermott and Mariellen Faria, saying he looked forward to working with them.

PUBLIC COMMENTS

None

PUBLIC HEARING

Chair Loché noted that Public Hearing Item #2 would be heard first.

1. Appeal of Approval of Administrative Use Permit Application No. PL-2009-0570 – Marianne Klinkowski, Klinkowski Properties, LLC (Appellant) / Pamela Noble, Verizon Wireless (Applicant) / Stonebrae, L.P. (Owner) – Request to Install a 100-Foot-High Stealth Telecommunications Monopole - The Project Is Located at 222 Country Club Drive, within Stonebrae Country Club (Continued from July 22, 2010)



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Chair Loché disclosed that he met with a Stonebrae representative last week. Commissioner Mendall said he also met with Executive Director of Stonebrae, Steve Miller, a few weeks ago. Commissioner Márquez and McDermott also said they met with Mr. Miller.

Commissioner Lavelle recused herself from the item due to a conflict of interest.

Associate Planner Tim Koonze gave the report noting that an amendment moves the monopole to 24 feet away from the neighboring Carden property versus 5 feet as was previously proposed. Because of this move, he explained, signal shields must be installed and will be visible so Verizon proposes installing a “stealth” pole which would look like a pine tree and plant pine trees around the monopole to help camouflage the pole.

Commissioner Márquez asked for clarification and Mr. Koonze reiterated that Verizon is now proposing that the monopole be located 24 feet away from the property line. The pole would be designed to look like a pine tree and, with the planting of the pine trees, would no longer need the eucalyptus trees on the Carden property for camouflage. Staff is requesting that Verizon plant real pine trees so the pole doesn't stand alone. Commissioner Márquez asked how many pine trees would be planted, noting that there are about 20 eucalyptus trees in the existing groove. Mr. Koonze said the City is proposing that 10 trees be planted with the City's landscape architect to determine the type and location of the trees. Mr. Koonze pointed out that the eucalyptus trees are not scheduled to be removed so both kinds of trees would hide the pole. Commissioner Márquez asked if the owners of the trees on the Carden property would be subject to the City's tree ordinance and be required to replace the trees if they decide to cut the eucalyptus trees down. Mr. Koonze said if the trees were cut down now with just a single family home on the property, there would be no repercussions. If a development was proposed for the area, Mr. Koonze explained that under the tree preservation ordinance, the developer would have to replace the trees.

Commissioner Mendall asked if City staff received any comments from the appellant since the proposal was amended. Staff said the amendment to move the pole 24 feet away from the property line came in three or four days ago so there hadn't been time for comment. Commissioner Mendall confirmed that the current owners of the Carden property were in the audience and would be addressing the change later in the meeting.

Regarding a letter that was distributed at the beginning of the meeting, Chair Loché ask staff to comment on the complaint that proper notice was not given to interested neighbors regarding the proposed monopole. Associate Planner Koonze explained that notice was distributed pursuant to state law which requires that all property owners and residents within 300 feet of the project site be noticed. The same residents were noticed for the administrative approval and the Planning Commission public hearing.

Chair Loché opened the Public Hearing at 7:51 p.m.



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Steve Miller, executive director, owner and developer of Stonebrae Country Club, welcomed the three new commissioners and thanked them for their commitment to the City. As property owner Mr. Miller said he supported the latest amendment to the staff report and was available to answer any questions. He emphasized that Verizon chose this site because the City encouraged them to do so because the City needs emergency services coverage for the hills and the elementary school. He said service to the area is vital and he didn't want that forgotten during discussions.

Ken Klinkowski, address on Front Lap Drive in Cupertino, said that he has a degree in electrical engineering and the proposal to shield errant signals with one row of trees is "weak". He also pointed out that pine trees only grow 2 or 3 feet a year, and with the eucalyptus trees there that will likely inhibit their growth, so the 100 foot tower will be visible for quite some time.

Chair Loché asked staff how long until the pine trees shield the pole and Associate Planner Koonze said the City's landscape architect recommended this variety and while he didn't know how fast they grew, he was told they were one of the faster growing trees. Mr. Koonze reminded the Commissioners that, as far as the City knows, the eucalyptus trees were going to stay so there should be time for the pine trees to grow.

Director of Development Services David Rizk said tree growth depends on watering but expects the trees to take a couple of decades to grow as tall as the monopole. Mr. Rizk also said that the City's Technological Services Director has supported a similar position as expressed by Mr. Miller that the City's emergency communications would be enhanced by the proposed pole.

Marianne Klinkowski, appellant and owner of the Carden property, said they will be removing the eucalyptus trees to maximize views of the golf course and the surrounding hillside and the views of their neighbors at Bailey Ranch. Mrs. Klinkowski said this is the first time she'd seen the fake pine tree monopole and would like to take a closer look. If it looks like a fake Christmas tree, she said, it might not be something that would look really good. Mrs. Klinkowski said she looked into the proposed 24-inch-box Canary Island pines and even being planted already 10-15 feet tall, the maximum growth is three feet per year so it's going to take 30 years for them to camouflage the stealth pole. She said the CEQA exemption doesn't apply because having the pole visible will definitely be an unavoidable significant negative visual impact. Once the eucalyptus trees are removed, she said, the monopole will be all that can be seen along with the new grove which will take 30 years to grow.

Jonathan Wei, resident of Bay Heights Street at the Bailey Ranch subdivision, said his house is outside the 300 foot radius so he didn't receive notice. Mr. Wei showed a PowerPoint presentation that showed there is already another communication pole in the area and that the 300 foot notice radius only included one house. Mr. Wei said the eucalyptus trees may be cut down because there's no law to protect them, and it will take 10 to hundreds of years to grow trees tall enough to cover the 100 foot pole. He said he looked on the internet and the proposed pine trees only grow to 80 feet. Mr. Wei also pointed out that the antennae will face Stonebrae, and as a Verizon customer living at Bailey Ranch, that pole probably won't help him. He said he's not sure 911 will work with



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this pole unless you are a Verizon customer living in Stonebrae. Mr. Wei concluded by saying there are already other poles up there and he doesn't "buy it" that this pole needs to be located at this spot to not interfere with other signals.

Eddie Fernandez, Aqua Vista Court resident, said he's not concerned about the cosmetics of the pole, and even though EMFs can't be discussed because federal law says the levels are fine, he thinks that government is moving away from the people and big business is ruling the roost. While law may say levels are fine, Mr. Fernandez said, he still thinks the pole poses a danger to the kids going to school nearby. He asked if kids start getting cancer, who is going to jump in and take care of them. He said he doesn't buy the federal law thing.

Pamela Nobel representing Verizon, the applicant, business address on Crow Canyon Place in San Ramon, said Mr. Koonze's report was excellent and wanted to emphasize that Verizon worked diligently with staff and the property owner to respond to concerns expressed at the last Planning Commission meeting. Ms. Nobel said they moved the pole and complied with codes to make it a stealth structure. She pointed out that stealth structures usually stand on their own, but they are going the extra mile to add landscaping so the pole will blend in. She said she didn't know until tonight that the owners intended to remove the eucalyptus trees and said it will be very expensive so in her personal opinion the trees will be there for a very long time, but Verizon isn't counting on the trees to be there and are planting their own. Ms. Nobel concluded by saying that Verizon supports and accepts the recommendation and conditions. She added that the RF Engineer was present and available to answer any questions.

Commissioner Mendall thanked Ms. Nobel for coming and asked if the pine trees will be irrigated. Ms. Nobel said it was her understanding that because the trees are adjacent to the golf course, Stonebrae will water them, but she said she would let Mr. Miller commit to that. Mr. Miller was called back to the podium. Mr. Miller said Stonebrae would like the opportunity to develop an effective landscaping plan and submit that to the City. He said irrigation of that area will occur in conjunction with the golf course and he assured the Commission that the trees would be watered.

Commissioner Mendall asked for confirmation that the stealth monopole does not rely on the trees for screening, that it is built into the stealth design, and Ms. Nobel said yes.

Commissioner Lamnin asked about the need for the pole to be 100 feet. Ms Nobel said she will defer to the RF engineer but it had to do with the topography of the area. Commissioner Lamnin asked about whether Verizon monitors radiation levels and if they would be open to monitoring levels at this site. Ms. Nobel said all telecommunication companies regulated by FCC have to monitor levels to stay in compliance. Ms. Nobel reiterated that the proposed levels for this monopole are far below even allowable levels and will continue to be. Commissioner Lamnin confirmed that levels would continue to be monitored and Ms. Nobel said yes, but that she'd let the engineer elaborate on that process.



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Christine Klinkowski Clark, resident of Harrison Street in Oakland, identified herself as the daughter of Ken and Marianne Klinkowski and said she has a Masters degree in biology. She said there's been a huge outreach to involve anyone in the Bailey Hills neighborhood with a view of the pole to give them an opportunity to comment on the proposal. Ms. Clark said she wasn't sure if a visible impact report had been done from Bailey Ranch. She said the eucalyptus trees could be cut down at any time per a letter written by the City to her uncle. Regarding a tree restoration plan, she said neighbors want to make sure the trees are watered and monitored so they don't fail. She also reiterated Mr. Wei's question of whether this is the best place for the tower and asked why Verizon doesn't agree to a joint tower with AT&T which has a pole just three miles away. She concluded by saying she doesn't know what visual impact the trees will have because there hasn't been a visual impact assessment and this is the first they've heard of the pole being located 24 feet away from the property line.

Stefano Iachella, RF Design Engineer for Verizon Wireless, address on Nolte Drive in Concord, responded to Commissioner Mendall's question of why the pole is so tall by saying that the land to the east rises to about that high. Commissioner Mendall asked why this location. Mr. Iachella said a number of locations were considered but Verizon chose this site because they had to be on the western side of the property to shoot the signal in the correct direction without shooting it across the bay. Commissioner Mendall asked if service will improve on the western side of the tower and Mr. Iachella said yes, the trees and the shield don't stop the signal completely, they just help with interference. Finally, Commissioner Mendall confirmed that the tower would produce radiation levels of less than 1% of allowable levels and staff corrected him saying the tower would produce .002% of allowable levels.

Commissioner McDermott said the report indicated that the tower generator would make 60 dba of noise. She asked for a point of reference of how loud 60 dba was compared to another sound. Mr. Iachella didn't have an example and while staff didn't have an equivalent sound, Associate Planner Koonze said that the code allows for a maximum noise level of 65dba in a residential area. He pointed out that the generator will not be running all the time.

Chair Loché closed the Public Hearing at 8:22 p.m.

Commissioner Mendall told staff not to apologize for the revisions to the report because they made the plan better. He also said the appeal led to improvements in the plan and that he appreciated that the applicant was agreeable to the changes. He said he had friends that play golf at Stonebrae and even before this matter came up they had complained about the lack of cell phone coverage. The point being, he said, there is a need for cellular coverage and the tower would enhance the City's emergency coverage. Commissioner Mendall said he's seen a stealth tree pole and unless he looks right at it, he doesn't notice that it isn't a real tree, especially the pine and palm varieties. He said he's pleased the pole is stealth and includes the blockage that they need and that 10 more trees are going to be planted. He said the City should require that all poles be stealth poles.



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Commissioner Mendall made a motion pursuant to staff recommendation to find the proposed project Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15303, New Construction of Limited Small New Facilities, and uphold the Planning Director's approval of the Administrative Use Permit. He also acknowledged the following additions to the original application: that monopole is located 24 feet from the property line, that the pole is a stealth design that looks like a pine tree, that 10 living pine trees are planted to screen the pole, and that those trees are watered and maintained. Commissioner Faria seconded the motion.

Commissioner Faria agreed with Commissioner Mendall that it does take a second look to realize the stealth trees are not real. She also agreed that the proposal is a public safety issue and that the City should move forward.

Commissioner Lamnin said she was also in favor of the motion. She said she knows there are neighbors and property owners both in favor and against the installment of the pole, but she does see a need. She said the visual impact assessment and sphere of influence of the pole exceeds the 300 foot radius and reviewing the City's noticing policy in situations like this would be a good service to the community. She also agreed with suggestions to require that all monopoles be stealth and to consolidate services when possible.

Commissioner Márquez said she will be supporting the motion and was pleased that the applicant had made changes in response to concerns expressed at the meeting in July. In regards to radiation emission levels, she said the applicant said there would be effective monitoring in place. She said she supported the motion mainly because of public safety for the children at the school and residents.

Commissioner McDermott said there had been a great deal of compromise by the applicant to accommodate the requests made and still provide the service needed for the area. She said she appreciated that.

Chair Loché said he agreed with what had been stated and that this application was far superior to what the Commission had seen in the past. He said he applauds Verizon for making the improvements and moving the pole 24 feet away from the property line. He said initially, his main concern was that the pole was five feet from the property line and he didn't see that as necessary. He said he will be supporting the motion.

There being no other comments, the motion passed 6:0:1 with the following vote:

AYES:	Commissioners Faria, Márquez, Lamnin, McDermott Chair Loché
NOES:	
ABSENT:	
ABSTAINED:	Commissioner Lavelle



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2. Zone Change Application No. PL-2010-0120 - Anderson Pugash for Simeon Commercial Properties (Applicant) / Sim First LLC (Owner) – A Request to Modify a Planned Development District to Allow a Neighborhood-Serving Retail Center including a Drive-Thru Coffee Shop and Neighborhood Serving Retail Uses on a 1.5-Acre Parcel at the Mt. Eden Business Park - The Project Is Located at 26251 Industrial Boulevard Adjacent to and North of State Highway 92

Due to a timing conflict, this item was heard first.

Senior Planner Erik Pearson gave a synopsis of the report indicating that one email was received from the owner of the Fairfield Inn & Suites stating opposition to a convenience market at that location due to possible loitering and the inability on the City's part to enforce limited hours of operation.

Commissioner Lamnin asked if the owner of this property also owned the business park development nearby. Senior Planner Pearson couldn't confirm that they owned the entire business park, just the 1.5 acre parcel under consideration. Commissioner Lamnin then cited Condition of Approval number 17 that discussed trash receptacles and asked if there are any plans for recycling bins. Mr. Pearson said the City's standard requirement says the trash enclosure must have equal sized areas for trash and recycling. Commissioner Lamnin asked if the requirement pertained to the receptacles for the customers too, but staff said only to the business.

Commissioner McDermott started with an apology explaining that she was new and to make an informed decision she may have to ask repetitive questions. She asked what input Fairfield Marriott would have on moving their existing sign, which she said, had good visibility for those traveling down Highway 92. Senior Planner Pearson said that hasn't been discussed and the owner of the parcel would have to agree to the relocation of the sign and that he didn't know if an easement existed for the sign. Commissioner McDermott asked the difference between an M and B occupancy as stated in the Conditions of Approval. Mr. Pearson explained that those were classifications used by the Building Division to determine appropriate construction type. Mr. Pearson explained that M and B are rated for retail use and that the building was not designed for hazardous materials.

Commissioner Lavelle thanked Mr. Pearson for presenting the report and Associate Planner Arlyne Camire, who was unable to attend the meeting, for the thoroughness of her report. Commissioner Lavelle said regarding the letter from the Fairfield Inn that objected to the convenient store on the basis of safety, she asked staff to comment on Condition of Approval number 21 and the proposed exterior lighting for the area and whether the City could require more lighting. Senior Planner Pearson said the City has lighting standards and a required lighting plan that will show where the fixtures will be situated. Commissioner Lavelle asked if the hours of operation for the coffee shop would be different than the other retail uses. Mr. Pearson said that was yet to be determined and could be included as a condition of approval. Commissioner Lavelle said



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hours of operation should be taken into consideration when determining the lighting plan. She emphasized the importance of good lighting to make customers feel safe and hotel guests willing to cross the street to utilize the businesses.

Commissioner Lamnin said she visited the site at 5:30 pm that day and noticed traffic was fairly busy at the Highway 92 on and off-ramps. She asked staff if the current street configuration was expected to be problematic. Senior Planner Pearson said he shared the plans with the Engineering and Transportation division of Public Works and they didn't see any issues with the driveway location.

Commissioner Márquez said the report indicates that a drive-thru Starbucks would mostly likely be a tenant; she asked if there were any updates on the information. Staff said the owner could provide that update. Commissioner Márquez then asked if there were any updates on whether an AC Transit bus stop would be added to serve the area and staff indicated they didn't know.

Chair Loché opened the Public Hearing at 7:20 p.m.

Russ Pitto, business address on Montgomery St. in San Francisco, CEO of Simeon Commercial Properties (Applicant) said he started this project in 1997 and spent 10 years trying unsuccessfully to find a stand-alone restaurant for the 1.5 acre site. In 2008, he said his company came back to the Planning Commission with this same exact plan and now tonight is the third time through. Regarding Commissioner Lamnin's question about ownership, Mr. Pitto said Simeon developed the project as a joint venture, but said they no longer own the larger Mt. Eden project although they do own the land. Mr. Pitto said in 2008 Starbucks had already signed an agreement, but the City Council rejected a proposed 7-11 convenience store. He said the market crashed, the project was shelved, and Simeon missed the deadline to extend permits so they had to reapply and meet updated standards. Mr. Pitto said Starbucks is definitely ready to go, although the lease will have to be renegotiated once approvals are received. He said no other spaces are leased yet, but potential tenants are waiting to see if the project is approved.

Commissioner Faria asked Mr. Pitto when he anticipates the project starting. Mr. Pitto said once Council approves the project, they will renegotiate the lease with Starbucks. He said Simeon will need to recalculate their costs based on the new Green Building requirements, but said they want to start construction next February or March. Commissioner Faria confirmed that Simeon wasn't just renewing approvals for a later date and Mr. Pitto said, "No, we want to go."

Commissioner Márquez asked about the hours of operation for Starbucks. Mr. Pitto said he didn't remember the terms of the previous lease, but couldn't imagine them going past 10:00 pm.

Commissioner Lamnin asked if Mr. Pitto has considered any local businesses as potential tenants. Mr. Pitto said they just hired the leasing firm Colliers, based in the East Bay, and they have many contacts including local businesses. Mr. Pitto said he'd like to conduct more pre-leasing and pointed out that residents and businesses in the area are looking forward to getting some services.



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Commissioner Mendall asked if Mr. Pitto if he would have problem with a condition that limited hours of operation to 5:00 am-10:00 pm for all businesses in the complex. Mr. Pitto said they hadn't agreed to that condition and didn't want to preclude any businesses, like a restaurant or brew pub, which might want to stay open after 10:00 pm.

Mr. Pitto asked staff if each business would have to apply individually for a use permit and Senior Planner Pearson said most tenants won't be required to have a use permit. What triggered the need for a use permit in the past, Mr. Pearson explained, was 7-11 wanted to include alcohol sales.

Mr. Pitto concluded by saying that it would be an encumbrance to the project to put a cap on hours of operation because some restaurants might want to stay open after 10:00 pm.

Chair Loché closed the Public Hearing at 7:29 p.m.

Commissioner Mendall praised Associate Planner Camire's staff report, saying he was pleased to see the cool roof requirement, and that all businesses are required to apply for the County's Green Business Certification. He said green building requirements will cost the landlord money, but suggested they charge higher rents because ultimately businesses will save money on future energy costs. Commissioner Mendall said the last time this application came before the Commission he voted against it because of the requested liquor license. That being removed, he said he had no objections and was in favor of the project.

Regarding hours of operation, Senior Planner Pearson indicated that in the conditions of approval from 2008, the list of permitted uses included a restaurant, convenience store, coffee shop, and a coffee shop with a drive-thru window with a limit on operating hours between 5:00 am and 10:00 pm. He said those hours were approved in 2008 and could be applied to the current application if the Commission desired to do so.

Chair Loché asked for clarification and Mr. Pearson reiterated that those hours of operation also applied to the coffee shop and convenience store.

Commissioner Lavelle said she was in favor of the project last time and would still like to see the project go forward. She pointed out that one of the benefits of the project's delay is now the applicant is subject to the Green Building Ordinance. She said it will be terrific to have another Starbucks on the way to Highway 92 and that students and businesses will appreciate the new services. She encouraged Mr. Pitto to pursue a mixed variety of businesses including local businesses. She also mentioned that Hayward has some great taco makers so a taqueria at that location would be appreciated. She also expressed concern that a past development had a difficult time finding tenants and ended up bringing in a cigarette store. She said she hoped Simeon wouldn't follow that example.



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Commissioner Lavelle made a motion per staff recommendation that the City Council approve the revised Negative Declaration and approve the modification to the Planned Development District without any hour of operation restrictions. Commissioner Mendall seconded the motion.

Commissioner Mendall said he works near the development and the one coffee shop in that area recently closed down. He also mentioned that there are no pizzerias in the area either. Commissioner Mendall commented that high traffic times would most likely be mornings, lunch and possibly early dinner time so he said limiting hours wasn't necessary. He said he's very supportive of the motion and looks forward to the project being built and going there for lunch.

Commissioner Lamnin also spoke in favor of the motion. She commented that when she met with hotel representatives and asked them what kind of services guests are wanting, the number one request was food and restaurants. She pointed out that people from all over the world come to the Life Chiropractic to learn so there's a huge opportunity there.

Commissioner McDermott said she also works in the area and there is also a strong need for retail businesses. She agreed with Commissioner Mendall that not much business will take place in the evening but most certainly due to morning, lunch and some going home traffic. She said she also supported the motion.

Commissioner Márquez said she will also be supporting the motion and agreed with the earlier comments, but wanted the Commissioners to keep in mind that Chabot College, Heald Business School and Life Chiropractic are close by so students may use the Starbucks as a study location when determining hours of operation.

Chair Loché said he agreed with most of the comments made and mentioned that having alcohol for off-premises consumption as part of the previous application was a sticking point for him, so he was glad it has been removed. He said he looked forward to this project moving forward.

There being no other comments, the motion passed 7:0:0 with the following vote:

AYES:	Commissioners Faria, Márquez, Loché, Lamnin, McDermott, Lavelle Chair Loché
NOES:	None
ABSENT:	None
ABSTAINED:	None

Commissioner Lavelle returned to the dais.



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3. Zone Change PL-2010-0029 - Lloyd Partin, Hayward Executive Airport Manager, for the City of Hayward (Applicant) / City of Hayward (Owner) – A Request to Change Portions of Air Terminal-Operations Subdistrict to Air-Terminal-Aviation Commercial and Air Terminal-Commercial Subdistricts, and Air Terminal-Industrial Park Subdistrict to Air Terminal-Aviation Commercial and Air-Terminal-Commercial Subdistricts, and to Adjust Zoning District Boundaries at the 543-Acre Hayward Executive Airport to Reflect Existing and Planned Airport Development Consistent with the Federal Aviation Administration Approved “Hayward Executive Airport Master Plan” - The Project is Located at Hayward Executive Airport, 20301 Skywest Drive, in the Air Terminal Zoning District (AT)

Senior Planner Sara Buizer gave the report.

Commissioner Faria asked about a letter submitted to the Commission expressing concern about impacts to tenants and signage because of the zone designation changes. Senior Planner Buizer explained that the property mentioned in the letter is across Winton Avenue and is therefore not airport property and not subject to the new designations. She said if the owner wants to modify any allowed uses for his property he would need to apply to City. Commissioner Faria asked if signage would vary in the different zones across the street from each other. Ms. Buizer said it's possible; regulations vary by zoning district. If the business owner across the street wanted his sign regulations to match the Airport Terminal sign regulations, she said, he might have to apply for a zoning designation change so the same regulations would apply.

Commissioner Lavelle thanked staff and Associate Planner Arlyne Camire, who was unable to attend the meeting, for her report. Ms. Lavelle pointed out that on the environmental checklist almost every box is checked “no impact”, but on page 18 the box is checked for “less than significant impact” regarding traffic and asked why traffic might be impacted if the new zoning wouldn't change anything. Ms. Lavelle said that several letters received expressed concern about increased traffic, so she asked what would change if no new construction was proposed. Because she didn't write the report, Senior Planner Buizer said she was unable to answer that question. Commissioner Lavelle suggested that if that finding could be amended and changed to “no impact” that would allay the concerns of nearby residents and business owners. She said she understands that what the Commission is being asked to vote on won't increase traffic and she wants to convey that to the public.

Commissioner Mendall said he was having a difficult time figuring out if the zone changes shifted boundaries with density of use staying the same, or if the changes allowed a higher level of density of use, which would mean more traffic. Senior Planner Buizer said the answer is two-fold. She said the changes could potentially include an intensity of use compared to what is seen now, but it's not going to be an intensity of use from what was envisioned on the Master Plan for the Hayward Executive Airport that was adopted by Council. She explained that the changes proposed would just allow the City to follow its vision and an environmental impact report that considered traffic was generated for the Master Plan. Commissioner Mendall explained that he was not familiar with airport zoning and he was having a hard time understanding what the changes would do and he said



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members of the public probably had a similar reaction. Commissioner Mendall asked staff if they could quantify the increase in density with a percentage. Senior Planner Buizer apologized and explained that she was standing in for another staff person and didn't have enough familiarity with the project to answer that question.

Commissioner McDermott said in reviewing the letters received the primary concern was that there would be an increase in air traffic. Senior Planner Buizer said she didn't think so, but referred to the question to Hayward Executive Airport Manager Lloyd Partin.

Mr. Partin explained that the Master Plan was crafted in 2002 with anticipated development in mind. What staff discovered in looking at the zoning designations, he said, was inconsistencies with the existing uses so the purpose of the zone changes is to clean that up, and make uses consistent with zoning requirements. In terms of air traffic, he said in 1980 Hayward airport was the sixth busiest in the United States of America with over 400,000 operations. He said now the airport is down to about 100,000 operations a year (there's been a significant decline in air traffic in last 10 years due to impacts on aviation nationwide, he said), and while more air traffic above current levels is anticipated, he said not to what the Master Plan predicted which was 220,000 annual operations by the year 2020. Mr. Partin said three years ago traffic peaked at 158,000 annual operations, and then decreased. The airport is now experiencing a small increase in air traffic, he said, and he hopes it will get busier, however, it will never reach the levels anticipated by 2020.

Regarding vehicle traffic on Hesperian Boulevard, Commissioner Lamnin asked if there are any plans for traffic mitigation. Director of Development Services David Rizk said he wasn't sure if that was a project under the Capital Improvement Program, but thought that any project-related impacts as a result of the rezoning would have been anticipated in the EIR when the Master Plan was adopted for the airport.

Chair Loché opened the Public Hearing at 8:49 p.m.

Samantha Bloodhart, president of the Skywest Townhomes Board of Directors, resident of Castlewood Way, and owner of an aviation-related business, said her main concern was a discrepancy in a zoning designation between the staff PowerPoint presentation and the staff report. She said the PowerPoint map for existing designations for the Skywest Golf Course had a zoning of AT-R, recreation, but the staff report said the proposed change was to AT-AC, aviation commercial. She said she wasn't very happy to see that and wanted to know if it was a mistake. She also said she appreciated that the City notified the San Lorenzo Village Homeowner Association of the meeting but she asked that the City also notify the Skywest Townhome Board so they could pass the information on to residents. She said she was also concerned that the changes proposed did not get reviewed by the Alameda County Airport Land Use Commission and there was no reference made that the proposed changes are compatible with Caltrans policies regarding overruns for runways, especially if the zoning is changing for the golf course. Ms. Bloodhart distributed handouts of those Caltrans land use requirements to the Commissioners. Chair Loché suggested she submit a written request regarding notification to the board.



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Senior Planner Buizer asked Ms. Bloodhart to show her the documents where the two different zoning designations were located. Ms. Bloodhart said that the staff report was posted on the City's website. Ms. Buizer said the map on the website must have an error because the staff report received by the Commissioners indicated that AT-R zoning was not changing. Ms. Bloodhart said she just wanted confirmation of that. Commissioner Mendall assured her the report would be corrected for the City Council report.

Andy Wilson, Cal-Pilot's Director-at-Large and a Greenbrier Lane resident, said he's received several calls of concern about the AT-R zone change at the golf course, but that had been clarified and the Cal-Pilots would go along with that. He said they would welcome new business at the airport and expansion of the airport because it's a revenue-generator for the City. Mr. Wilson said the Cal-Pilots welcome the zoning designation updates, but as pilots they would like to see the involvement of the Alameda County Airport Land Use Commission. He explained that in California, each county has to have a land use commission and they should be reviewing changes at the airport including the proposed changes.

Commissioner Lamnin asked if there is still a waiting list for hangar space and Airport Manager Partin said yes, there are over 100 people on the list.

Chair Loché closed the Public Hearing at 8:57 p.m.

Commissioner Mendall said he was not clear what he was voting on, but at the same time he does understand the purpose of the proposed changes. He said personally he felt like moving it to the City Council without a recommendation because he was just not sure what the changes meant.

Director of Development Services Rizk reiterated that any future development projects would be subject to the rules and regulations of the City as well as environmental review. Regarding the AT-C zoning proposed for the area along West Winton, he said that is to reflect existing uses that are already there like a restaurant and other commercial-type uses that would be more appropriate on that side of the airport.

Commissioner Lavelle pointed out that this was a more complicated topic than what they usually deal with, but said she didn't think it was necessary to be intimately familiar with every element of the Master Plan or the zoning designations. She said staff had done due diligence when preparing the report, and it was unfortunate Associate Planner Camire was not present to answer their detailed questions, otherwise it seemed pretty straight-forward to her and all they were doing was making a recommendation to Council so they could take action. Commissioner Lavelle made a motion to recommend that Council approve the revised Negative Declaration and to approve the amendment to the Zoning District Map. Commissioner Márquez seconded the motion.



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Commissioner Márquez said she agreed that this was a new area, but agreed with Commissioner Lavelle that the Planning Commission was just being asked to make the zoning designations conform to what has already been adopted.

Commissioner Lamnin suggested a friendly amendment that the proposal be reviewed by the Alameda County Airport Land Use Commission. Commissioner Lavelle asked staff if that was acceptable and appropriate for the Commission to make that request or was it already mandatory.

Director of Development Services Rizk directed the question to Airport Manager Partin but pointed out that the approved Airport Master Plan was reviewed by the Alameda County Airport Land Use Commission. Mr. Partin said the Land Use Commission met that day and they are reviewing the airport layout plan which includes the rezoning designations. He said a compatible land use plan that was drafted and the report will be posted on the County's website on Friday and the comment period will be open for 45 days.

Chair Loché noted that Commissioner Lamnin withdrew her friendly amendment.

There being no other comments, the motion passed 6:0:1 with the following vote:

AYES:	Commissioners Faria, Márquez, Lamnin, McDermott, Lavelle Chair Loché
NOES:	None
ABSENT:	None
ABSTAINED:	Commissioner Mendall

COMMISSION REPORTS:

4. Oral Report on Planning and Zoning Matters

None

5. Commissioners' Announcements, Referrals

Commissioner Mendall announced that Commissioners Lamnin and McDermott were appointed to the Council Sustainability Committee and that he was appointed to the newly-formed Climate Action Management Team, which will meet in October.

APPROVAL OF MINUTES

6. Minutes from June 24, 2010 were approved with Commissioners Faria, Lamnin and McDermott abstaining



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7. Minutes from July 22, 2010 were approved with one minor correction with Commissioners Faria, Lamnin and McDermott abstaining

ADJOURNMENT

Chair Loché adjourned the meeting at 9:05 p.m.

APPROVED:

Mariellen Faria, Secretary
Planning Commissioner

ATTEST:

Suzanne Philis, Senior Secretary
Office of the City Clerk