



CITY OF HAYWARD
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(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, JUNE 23, 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).

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

PUBLIC HEARINGS: For agenda item No. 1 the decision of the Planning Commission is final unless appealed. 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. For agenda item No. 2 the Planning Commission may make a recommendation to the City Council.

1. **Conditional Use Permit Application No. PL-2011-0031 – Tribeni Enterprises (Applicant) / Anwar Mirza (Owner) – To Allow a Banquet Hall in Conjunction with an Existing Restaurant - The Property Is Located at 24989 Santa Clara Street**



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-2011-0195, Text Amendment Application No. PL-2011-0196, and Zone Change Application No. PL-2011-0197 – City of Hayward (Applicant)** - Certification of a Supplemental Environmental Impact Report and Introduction and Adoption of Zoning Changes and Amendments to the General Plan, Zone Ordinance and Related Municipal Code Sections to Enact and Implement the South Hayward BART/Mission Boulevard Form-Based Code

COMMISSION REPORTS:

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

APPROVAL OF MINUTES

5. June 9, 2011

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: June 23, 2011

TO: Planning Commission

FROM: Tim R. Koonze, Associate Planner

SUBJECT: **Conditional Use Permit Application No. PL-2011-0031 – Tribeni Enterprises (Applicant) / Anwar Mirza (Owner) – To Allow a Banquet Hall in Conjunction with an Existing Restaurant**

The Property Is Located at 24989 Santa Clara Street, within the Gateway Shopping Center, in a Planned Development (PD) Zoning District.

RECOMMENDATION

That the Planning Commission finds that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15301, Existing Facilities, and approves the conditional use permit subject to the attached findings and conditions of approval.

BACKGROUND

On August 1, 1989, the City Council approved a Planned Development District that created the Gateway Shopping Center. The center is bounded by Jackson Street, Santa Clara Street, and West Harder Road. The dead-end portion of West Harder Road that lie between the single-family residential neighborhood and the shopping center is zoned Limited Access Commercial. Beyond the abutting streets are single-family and multi-family residential neighborhoods.

The shopping center was approved with two anchor tenants: a grocery store and a drug store. When Rite Aid closed its stores, the operators of the then Albertsons/Sav-On store reached an agreement with the shopping center owners to not allow another drug store; for this reason, the subsequent owner of the anchor site previously occupied by Rite Aid had difficulty leasing the space.

On July 6, 2004, the City Council modified the Planned Development District, allowing the smaller anchor space to be subdivided into three leasable spaces. The approval included a list of potential uses that could be beneficial to the residents of Hayward. Full service restaurants are on the approved list of uses, and a banquet hall is considered a compatible use in conjunction with a restaurant.

On December 21, 2006, the City issued a business license for the space closest to Jackson Street to Kenkoy's Grill, a sit-down restaurant specializing in Filipino cuisine. On February 4, 2011, the City issued a business license for the Golden Peacock restaurant which occupies the two remaining spaces.

The Golden Peacock restaurant, operated by Tribeni Enterprises, formally opened on May 15, 2011. The restaurant seats 130 patrons and the proposed banquet facility would have a capacity for 732 guests. The banquet facility has folding partitions that could create three separate banquet rooms. The hours of operation for the banquet facility would be limited to 9:00 a.m. to 11:00 p.m. Sunday through Thursday and from 9:00 a.m. to 1:00 a.m. on Friday and Saturday.

DISCUSSION AND STAFF ANALYSIS

Project Description -

The list of uses created for the three tenant spaces includes a full service restaurant. Small banquets are permitted as an ancillary use to the restaurant provided that the banquets are catered by the on-site restaurant. This conditional use permit application is a request to allow a banquet hall at this location. The Planning Director has determined that a Conditional Use Permit (CUP) is appropriate for this as it is similar to other uses permitted in by CUP in the Neighborhood Commercial (CN) District, such as dance or night clubs or banquet halls that directly abut residential districts. The CN District permits banquet halls as primary uses where no alcohol is served. Full service banquet halls (alcohol is served) are permitted with a CUP when abutting a residential property, but the Zoning Ordinance is silent regarding full-service facilities that abut other commercial districts.

It is anticipated that the majority of the banquets would be conducted on weekends. The applicant is proposing to have catered banquets that would include private events, such as birthday parties, wedding receptions, corporate functions and public events, such as a New Year's Eve gala, Valentine's Day dance, and similar functions where patrons would pay an entrance fee to participate in the event.

The applicant expressed the need to use outside caterers in the banquet portion of the facility in order to meet the needs of Hayward's diversified community. There are many patrons, of diverse nationalities, that wish to use the facility and would like to serve food from their specific ethnic background at their event.

Proper management of the facility and adequate security are imperative for successful and safe events. Staff from the Hayward Police Department has been working with the applicant on these issues and, in conjunction with Planning staff, has prepared conditions of approval to help ensure that these two areas of concern are properly addressed. Prior to the event, the operators must enter into a signed contract with their patrons. The person who signs the contract must provide a valid driver's license and must attend the entire event. This will help ensure that reputable people are renting the space and, by attending the entire event, will be held accountable as to how that event is operated. It will also ensure that the people renting the hall are aware of the conditions of operation,

which include conformance with the noise thresholds of the City's Noise Ordinance. . The facility has a liquor license that allows alcohol to be served at the restaurant and during banquet events. Alcohol service would end one-half hour before the end of the event, but at no time would it be served later than midnight.

In addition, the applicant is responsible for ensuring that a reputable security company, approved by the Hayward Police, is hired to provide security. Two security guards are required for the first two hundred patrons and one additional guard for every additional one hundred patrons. There must be only one point of entry and exit, where a guard would be stationed, and there is a requirement that a digital security camera be trained on that door. All doors would be used for egress in the case of an emergency.

The applicant would be required to maintain the area in front of its business from trash or litter originating from the establishment. There is also a condition of approval that requires graffiti to be removed within 48 hours after the applicant or owner has become aware of the occurrence.

The applicant managed a similar facility in Fremont also named the Golden Peacock from 2003 through 2009. According to the Fremont Police Department, the facility averaged only two police calls a year with the most severe calls being related to vandalism and public drunkenness. Fremont Police considered the banquet hall to be a well run facility with very few problems.

Staff is in support of the project as it would provide a facility that is needed in the community. The operators have experience in operating a similar business in a safe and successful manner. With the closing of Centennial Hall, Holiday Bowl and other similar businesses, the City has fewer banquet facilities to serve the community.

Conditional Use Permit Findings -

In order for the Conditional Use Permit to be approved, the following findings must be made.

A. *The proposed banquet facility is a use that is desirable for the public convenience or welfare.*

With the closing of Centennial Hall, Holiday Bowl and other similar businesses, the City has fewer banquet facilities to serve the community. The proposed banquet facility is a use that is desirable for the public convenience and welfare in that it would provide a use that is lacking in the community.

B. *The proposed banquet facility will not impair the character and integrity of the surrounding neighborhood.*

The temporary events would occur within an existing building with minimal change to the interior improvements. The conditions of approval require the facility to keep the doors

close that face the residential neighborhood and to comply with the City's Noise Ordinance. Therefore, the banquet facility will not impair the character and integrity of the surrounding neighborhood.

C. *The proposed banquet facility will not be detrimental to the public health, safety, or general welfare.*

The operators have run similar businesses in a nearby city with minimal impact to the surrounding area. The Hayward Police Department has approved a security plan proposed by the applicant and these requirements are reflected in the conditions of approval. Through compliance with the conditions of approval the banquet facility will not be detrimental to the public health, safety or general welfare.

D. *The proposed auto auction will be in harmony with applicable City policies as well as the intent and purpose of the zoning district involved.*

The proposed use is consistent with the policies specified in the General Plan in that it "seeks to increase the number and availability of multi-purpose facilities in order to provide a variety of community services, recreational activities, and cultural amenities that are accessible to and benefit a cross-section of the community".

Public Comments -

The applicant held a few banquet events between January 2011 and mid-May 2011, prior to the restaurant being opened. When the City became aware of this activity, staff informed the applicant to cease all banquet functions until the restaurant was in operation and explained that only banquets that were catered in-house by the restaurant are allowed without a use permit. Banquets using outside caterers would not be allowed until a conditional use permit was approved.

The applicant held a New Year's Eve celebration on December 31, 2010. That evening, the City received a noise complaint from a neighbor that lives approximately 165 feet west of the restaurant business in a single-family neighborhood. During that event, a door was left open at the rear of the facility that allowed the sound of the music to reach the adjacent neighborhood. After discussions with staff, the facility operators agreed that if any events were permitted in the future, the doors facing the residential area would be kept closed and that it would be the applicant's responsibility to ensure that the sound of the music generated at the facility would not reach the adjoining residential neighbors.

On May 6 and May 29, 2011, the City received noise complaints from the same neighbor. The complainant reported that the sound of the bass from music emanating from the banquet facility could be heard inside the house even with all the windows and doors closed. On both occasions, the police officers responding to the calls found that the nearby freeway noise was louder than the noise coming from the banquet event and made an audio determination that there was no violation, therefore, no reports were filed. The City received no other complaints from neighbors.

ENVIRONMENTAL REVIEW

The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, Existing Facilities.

PUBLIC OUTREACH

On June 13, 2011, a Notice of Public Hearing was published in *The Daily Review*. At the time of completion of this report, the Planning Division had not received any correspondence related to such notice.

SCHEDULE

The Planning Commission decision begins a 10-day appeal period. If approved and there is no appeal within that time period, the applicant may proceed with the approved use. If denied, the decision could be appealed and the application would be scheduled for a public hearing before the City Council.

Prepared by:



Tim R. Koonze
Associate Planner

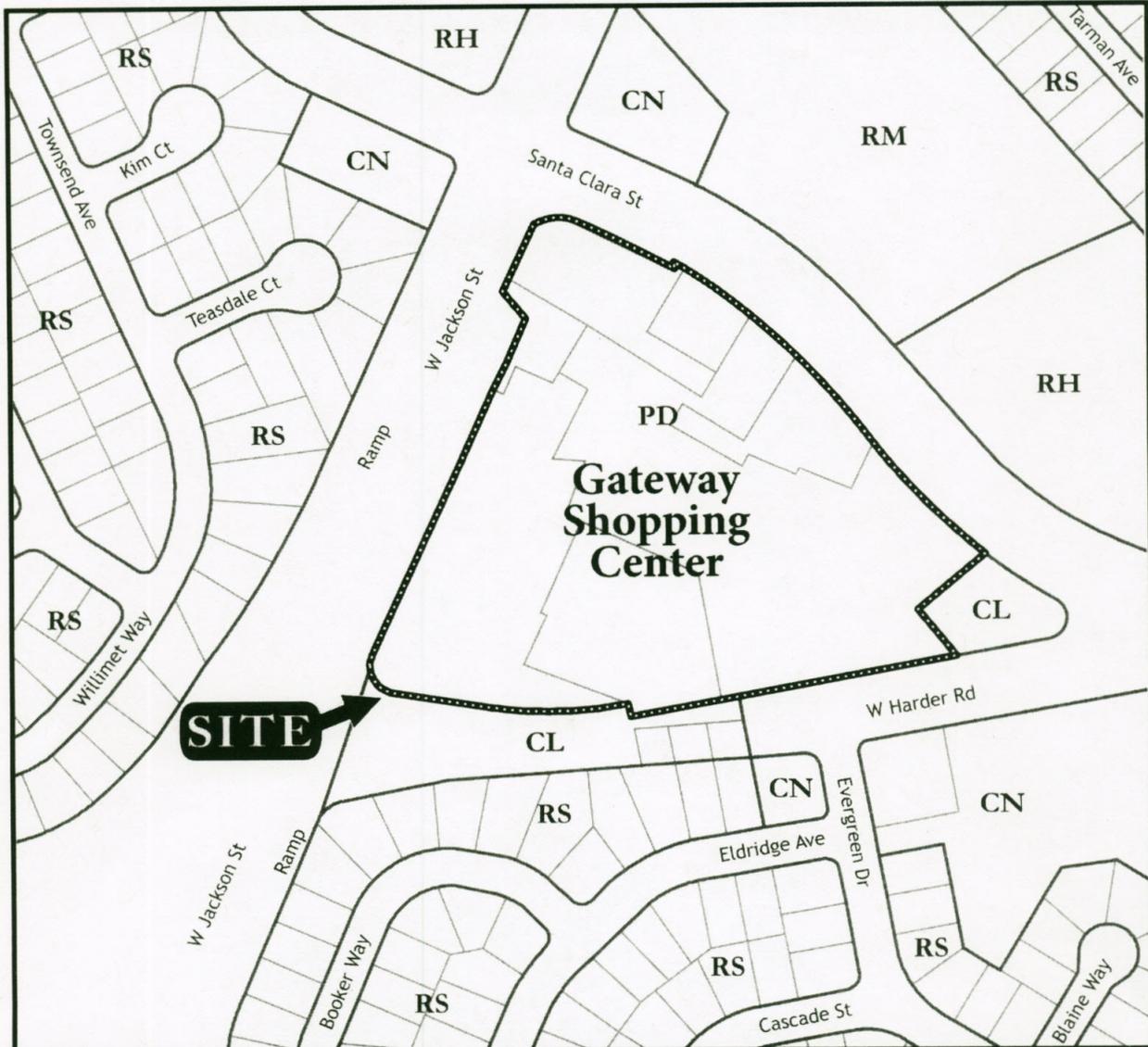
Recommended by:



Richard E. Patenaude, AICP
Planning Manager

Attachments:

- Attachment I: Area Map
- Attachment II: Findings for Approval
- Attachment III: Conditions of Approval
- Attachment IV: Floor Plan



Area & Zoning Map

PL-2011-0031 AUP

Address: 24981, 24989 Santa Clara

Applicant: Ravindra Bhatnagar

Owner: Rina Ahmed &
Anwar Mirza

Zoning Classifications

RESIDENTIAL

RH High Density Residential, min lot size 1250 sqft

RM Medium Density Residential, min lot size 2500 sqft

RS Single Family Residential, min lot size 5000 sqft

COMMERCIAL

CL Limited Access Commercial

CN Neighborhood Commercial

OTHER

PD Planned Development



**CITY OF HAYWARD
PLANNING DIVISION**

June 23, 2011

Conditional Use Permit Application No. PL-2011-0031 – Tribeni Enterprises (Applicant) / Anwar Mirza (Owner) – To Allow a Banquet Hall in Conjunction with an Existing Restaurant

The Property Is Located at 24989 Santa Clara Street, within the Gateway Shopping Center, in a Planned Development (PD) Zoning District.

FINDINGS FOR APPROVAL

A. The approval of Conditional Use Permit No. 2011-0031, as conditioned will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgment and is exempt from CEQA under section 15301 (Existing Facilities).

B. *The temporary events are desirable for the public convenience or welfare.*

With the closing of Centennial Hall, Holliday Bowl and other similar businesses, the City has fewer banquet facilities to serve the community. The proposed banquet facility is a use that is desirable for the public convenience and welfare in that it would provide a use that is lacking in the community.

C. *The temporary events will not impair the character and integrity of the surrounding neighborhood.*

The temporary events would occur within an existing building with minimal change to the interior improvements. The conditions of approval require the facility to keep the doors closed that face the residential neighborhood and to comply with the City's Noise Ordinance. Therefore, the banquet facility will not impair the character and integrity of the surrounding neighborhood.

D. *The temporary events will not be detrimental to the public health, safety, or general welfare.*

The operators have run similar businesses in a nearby City with minimal impact to the surrounding area. The City Police Department has approved the security plan proposed by the applicant and these requirements are reflected in the conditions of approval. Through the imposition of and compliance with the conditions of approval the banquet facility will not be detrimental to the public health, safety or general welfare.

**CITY OF HAYWARD
PLANNING DIVISION**

June 23, 2011

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The Property Is Located at 24989 Santa Clara Street, within the Gateway Shopping Center, in a Planned Development (PD) Zoning District.

Conditional Use Permit Application No. PL-2011-0031, authorizing the facility have a banquet hall in conjunction with the existing restaurant, is approved subject to the plans labeled "Exhibit A", and the conditions listed below.

Any modification to this permit shall require review and approval by the Planning Director. If determined to be necessary for the public safety and general welfare, the City may impose additional conditions or restrictions on this permit.

CONDITIONS OF APPROVAL

1. 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 cost, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. The permittee shall pay to the City of Hayward the costs associated with the Hayward Police Department responding to calls associated with the Golden Peacock facility.
3. A copy of the conditions of approval for the conditional use permit must be kept on the premises of the establishment and posted in a place where it may readily be viewed by the general public.
4. In order for banquets to be held at this facility, the restaurant associated with the facility shall be fully operational.
5. The occupant capacities shall be limited to 130 for the restaurant and 757 for the banquet facility pursuant to the California Fire Code.
6. Hours of operation shall be limited to 9:00 a.m. to 11:00 p.m. Sunday through Thursday and from 9:00 a.m. to 1:00 a.m. on Friday and Saturday.
7. The activities on the premises shall not create a noise level at any point outside of the property plane that exceeds seventy (70) dBA between the hours of 7:00 a.m. and 9:00 p.m. or sixty (60) dBA between the hours of 9:00 p.m. and 7:00 a.m. and all other aspects of the City's Noise Ordinance. If the sound from banquet activities is audible at the neighboring residential properties to City of Hayward staff responding to a complaint, it is grounds for modification and/or revocation of the use permit and/or administrative citation under the City's Noise Ordinance.

8. While banquets are being held, all exterior doors are to remain closed with the exception of the front door when used for normal ingress/egress.
9. A representative from the management of the Golden Peacock shall be on the premises the entire time a banquet event is being held.
10. The exterior of the premises, including the adjacent sidewalk and parking lot shall be illuminated during all hours of darkness during which the premises are open for business in a manner so persons standing in those areas are identifiable by law enforcement personnel. The lighting shall meet Title 24 of the California Building Code.
11. The exterior of the premises shall be kept clean including the sidewalk and landscape area across the frontage of their establishment. The management shall ensure that no trash or litter originating from the establishment is deposited on neighboring properties or in the parking lot. Paint and windows shall be kept clean and cracked or broken glass must be replaced immediately.
12. The applicant shall be responsible for graffiti-free maintenance on all exterior elevations of the building. Graffiti shall be removed within 48 hours after the applicant or owner has become aware of the occurrence.
13. Not more than 25 percent of the store front windows shall be obstructed to allow a clear view into the establishment.
14. All caterers providing service to the banquet facility must have a City of Hayward business license.
15. No pay phones shall be permitted on the exterior of the building or premises. Pay telephone(s) maintained on the interior of the premises shall be limited to outgoing calls only.

Contracts – Licensee/Permittee Responsibilities

16. Prior to the event the Licensee/Permittee shall maintain signed contracts for all events booked at the premise which clearly include the following at a minimum:
 - a. Type of event (dinner, wedding, birthday party etc.);
 - b. Number of expected guests;
 - c. Alcoholic beverages service requested;
 - d. Live Music, Dee-Jay and/or Dancing (Licensee/Permittee shall maintain valid Dance Permit through City of Hayward);
 - e. Names, home addresses, and telephone numbers (home or business and mobile) of all event hosts/applicants - *who must be in attendance at the event at all times*;
 - f. Photocopies of a valid form of identification (California ID Card, Driver's License or Passport);
 - g. Notification by the Licensee/Permittee of any event in excess of four hundred (400) people shall be reported via written notification by mail, email or telephone, fourteen (14) days prior to the event to the Hayward Police Department Vice/Intelligence/ABC Unit. Notification shall include a copy of any and all contract information.

17. Licensee/Permittee shall maintain a reputable security company or private patrol operator to assist with security services at large events. The security/private patrol company shall be one in good standing with the California Department of Consumer Affairs and possess a valid California Security/Private Patrol Operator's License. The security/private patrol operator company selected shall maintain a written contract between said company and the Licensee/Permittee. The security/private patrol operator shall be approved by the Hayward Police Department prior to deployment and a copy of the contract between the company and the licensee/permittee shall be provided to the Hayward Police Department.

Security/Private Patrol Operators/Security Camera Systems

18. The following additional security/private patrol officer standards shall be maintained during each event:
 - a. All individual security guards/private patrol operators shall possess valid California Guard Cards issued by the California Department of Consumer Affairs.
 - b. Event hosts shall not provide their own security guards/private patrol operators.
 - c. All security/private patrol guards shall be on site during the entire duration of the event, to include thirty (30) minutes after its conclusion.
 - d. All security/private patrol guards/operators shall not carry any firearms during the event.
 - e. All security/private patrol guards/operators shall wear visible "Uniforms" that clearly identify them as security personnel. Uniforms shall have the appropriate security company identification and include patches/insignias and security guard/private patrol operator badges.
 - f. All security/private patrol guards/operators shall not consume any drugs or alcohol before (how long before? – this is too vague) or during any scheduled event.
 - g. All security/private patrol guards/operators shall report any crimes or public safety issues to the Hayward Police Department without delay by calling 911 or the Hayward Police Department Communications Center at (510) 293-7000.
 - h. *There shall be a minimum of two (2) security guards/private patrol operators at each event where two hundred persons (200) or more are in attendance.*
 1. There shall be one (1) additional security guard/private patrol operator for each one-hundred (100) persons expected to be in attendance to the event and only up to the maximum capacity of the business.
 2. There shall be at minimum, one (1) security guard/private patrol operate at the main entrance of the business during these events. This location shall be the only point of entry and exit for the entire event.
 - i. All security/private patrol operators shall periodically conduct security checks of adjacent parking lots to discourage loitering, consuming alcoholic beverages and smoking outside the facility.

- j. At the conclusion of all events, security/private patrol operators shall assist in the dispersing of any crowds in the parking lots or loitering about the outside of the business.
 - k. All security/private patrol operators shall assist the Hayward Police Department with the investigation of any incidents that may occur during the duration of any event to personnel of the Hayward Police Department.
19. The licensee/permittee shall maintain a fully operational digitally recorded CCTV Security system that covers all points of entry, exits, exterior barriers of the property, banquet locations and/or all overall locations where alcoholic beverages can be consumed. This system must have remote access (via internet or wireless system) that has real-time viewing capabilities by the permittee/licensee and accessible to the Hayward Police Department during any emergency. The recording capabilities must be that of a system that can maintain storage of recordings for a minimum of thirty (30) days and be provided to the any peace officer upon request.

Alcoholic Beverage Control/Service

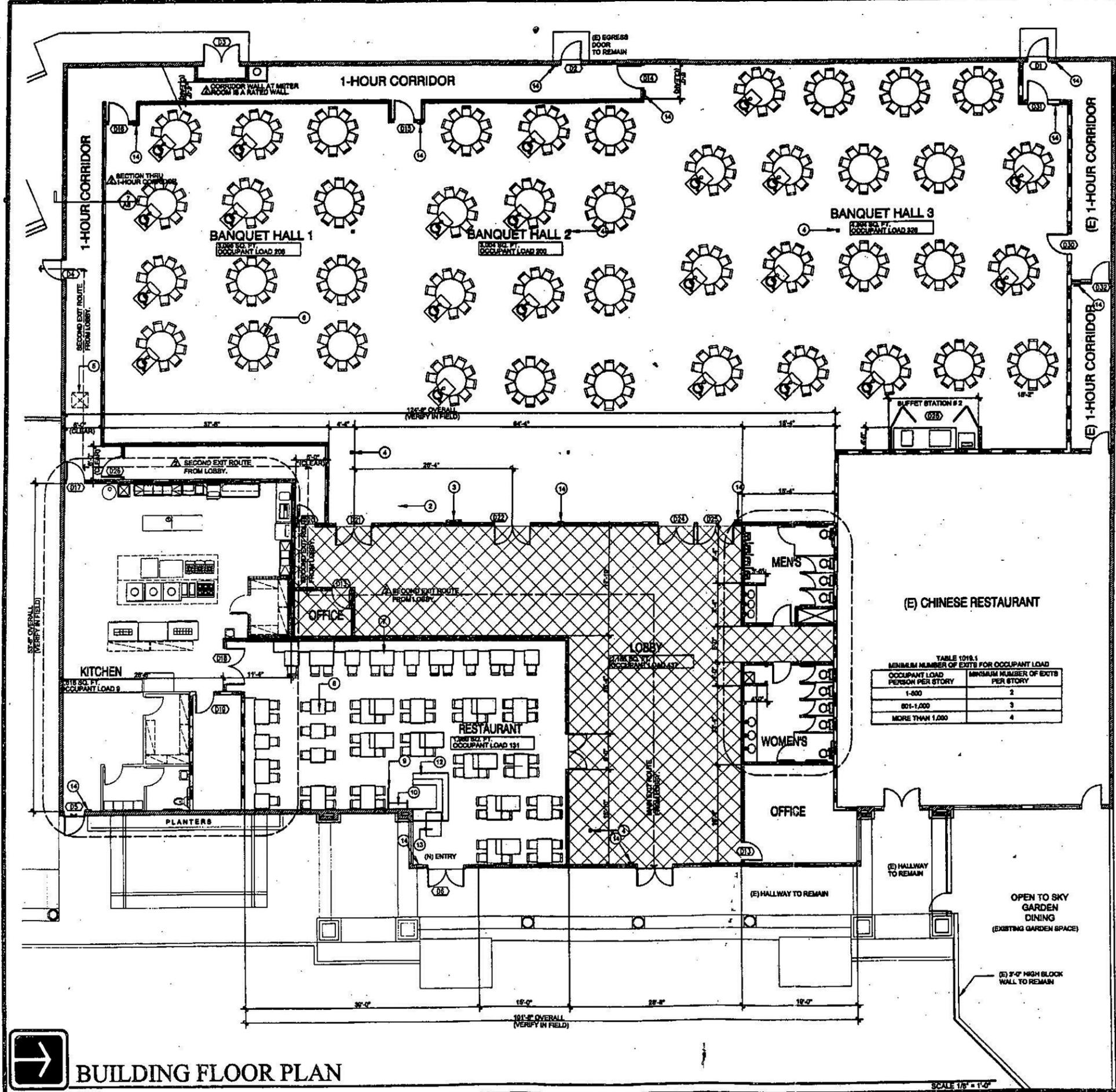
20. Licensee/Permittee shall maintain a valid ABC Type 47 License and abide by all conditions imposed by the California Department of Alcoholic Beverage Control.
21. Alcoholic Beverages may only be served from 10:00 a.m. to 12:00 a.m. daily. Alcoholic Beverages shall only be consumed inside the business.
22. Licensee/Permittee shall be the only personnel authorized to dispense all alcoholic beverages and shall be supervised by personnel who have obtained proper training in the dispersing of alcoholic beverages by a LEADS Class conducted by the California Department of Alcoholic Beverage Control. (ABC District Office 510-622-4970)
23. There shall be no type of "Bottle Service" or sales of individual bottles of distilled spirits or sales of "Buckets of Beer." The sales of bottled wine (750ml) are permitted.
24. Officers, employees, volunteers and representatives of the licensee/permittee shall not consume any alcoholic beverages on the premises during the event.
25. Peace officers, as listed in section 830.1 of the California Penal Code, and the Director and other persons employed by the Department of Alcoholic Beverage Control for the administration and enforcement of the Alcoholic Beverage Control Act are hereby authorized to visit and inspect the premise, at any time the licensee is exercising the privileges authorized by the Daily General Permit on such premises.

Calls For Service/Critical Incidents

26. The occurrence of more than two (2) "Critical Incidents" during business hours with in a one (1) year period may constitute grounds for revocation of this permit.
- a. "Critical Incident" is defined as any event in the sole discretion of the Police Chief that results in a crime of violence or large unruly gathering necessitating a police response of five or more police officers. Crimes of violence may

include, but are not limited to discharge of firearms, robbery, physical assault, or assault with a deadly weapon.

- b. "Premises or its adjoining grounds" will include with the structure of 24989 Santa Clara Street, the sidewalk where queuing of admission occurs, the area to the rear of the business and including any parking lots within 50 feet of the building.
27. Nothing in this condition restricts the authority of the City or Chief of Police to seek revocation of this permit for a single incident of extreme severity.
28. If it comes to the attention of the Planning Director that there are problems occurring as a result of the restaurant or banquet operations, the Planning Director may call the use permit application up to the Planning Commission for consideration of imposing additional conditions or revocation.



BUILDING FLOOR PLAN

SCALE 1/8" = 1'-0"

GENERAL NOTES ATTACHMENT IV

- REMOVE AND CAP UNUSED (E)
- CUT ALL UNUSED PLUMBING LINES WITH WALL, CEILING, OR WALL CAVITIES AND CAP. ALL LINES SHALL NOT BE EXPOSED OUTSIDE THE FINISH SURFACE.
- PROTECT AND/OR REPAIR UNDERFLOOR DUCTING AND PREPARE FOR RE-USE. CLEAN ALL REMAINING DUCTWORK.
- SHORE AND BRACE ALL WALL, FLOOR, CEILING, AND ROOF STRUCTURES AFFECTED BY THE DEMOLITION WORKS. CONTRACTOR TO PROVIDE SHORING AND ENGINEERING PLANS PRIOR TO COMMENCING DEMOLITION WORKS.
- REMOVE AND DISPOSE ALL PLUMBING FIXTURES. COORDINATE WITH OWNER TO IDENTIFY (E) KITCHEN EQUIPMENT THAT MAY BE SALVAGED AND RETURNED TO OWNER. CAREFULLY REMOVE AND PACK ITEMS THAT ARE TO BE SALVAGED AND STORE IN A SAFE PLACE DURING CONSTRUCTION.
- CAREFULLY REMOVE CEILING AND WALL MATERIALS AND FINISHES AFFECTED BY THE SCOPE OF NEW WORK (EITHER IDENTIFIED OR NOT IDENTIFIED IN THE SET OF CONTRACT DOCUMENTS). PREPARE REMAINING CEILING TO RECEIVE (E) FINISH PER MANUFACTURER'S RECOMMENDATION AND/OR MATCH WITH (E) ADJACENT SURFACES.
- BATTISOUND INSULATION THAT ARE AFFECTED BY THE SCOPE OF WORK SHALL BE REMOVED AND REPLACED IN KIND.
- SEE 8A-6 FOR TYPICAL COVE BASE DETAILS FOR KITCHEN AREAS.
- SEE 8A-6 FOR KITCHEN EQUIPMENT ELEVATIONS.
- SEE 1A-6 FOR TYPICAL EQUIPMENT BLOCKING DETAIL.

KEYED DRAWING NOTES

- FOLDING PARTITION WITH VINYL COVERING & STAINLESS STEEL TRACK TOP AND BOTTOM.
- FOLDING PARTITION IN STACK POSITION WITH POCKET STORAGE.
- MAXIMUM OCCUPANCY SIGN. SEE 3A-6.
- (E) STEEL COLUMN CLADDED.
- CLOSE EXISTING ROOF HATCH. RELOCATE TO OUTSIDE OF BUILDING.
- BANQUET TABLE SINGLE LEG 31" HIGH, 28" CLEAR KNEE SPACE.
- 30"x42" DINING TABLE SINGLE LEG 31" HIGH, 28" CLEAR KNEE SPACE.
- 30"x48" DINING TABLE SINGLE LEG 31" HIGH, 28" CLEAR KNEE SPACE.
- PLASTIC LAMINATE LOW WALL 48" HIGH.
- CASH REGISTER IN 48" HIGH PLASTIC LAMINATE COUNTER & DRAWERS, OPEN SHELVING EXHIBIT.
- RECEPTION COUNTER WITH 36" HIGH INNER COUNTER WITH DRAWERS & 42" HIGH OUTER COUNTER IN PLASTIC LAMINATE.
- ACCESSIBLE COUNTER 36" HIGH WITH 28" CLEAR KNEE SPACE, CUSTOMER SIDE IN PLASTIC LAMINATE.
- 48" DIAMETER X 28" HIGH FREE-STANDING WATER FEATURE WITH SELF-CONTAINED PUMP TO BE PROVIDED WITH ELECTRICAL SUPPLY.
- LOCATION OF TACTILE AND LOW LEVEL EXIT SIGNS. SEE DETAIL 2/A8.

GROUP A OCCUPANCIES THAT HAVE AN OCCUPANT LOAD GREATER THAN 300 SHALL BE PROVIDED WITH AT LEAST 0.30" TOTAL EXIT WIDTH FOR EACH OCCUPANT SERVED. 1026.2 CBC 2007

ROOMS	OCCUPANT LOAD	NO. OF EXITS REQUIRED	NO. OF EXITS PROVIDED	WIDTH OF EXITS IN INCHES
BANQUET HALL 1	208	2	2	100"
BANQUET HALL 2	200	2	2	150"
BANQUET HALL 3	320	2	4	216"
LOBBY	877	3	3	180"
RESTAURANT	308	2	2	180"
KITCHEN	9	1	2	72"

SYMBOLS AND LEGENDS

- (N) STUD WALL OR WALL IN-FILL WITH BATT/ROCK INSULATION.
- (E) WALL STUDS WITH (N) WALL FINISH ON ONE SIDE.
- (E) WALL STUDS WITH (N) WALL FINISH ON BOTH SIDES.
- (E) WALL STUDS AND WALL FINISHES TO REMAIN. PATCH AS NEEDED TO MATCH WITH ADJACENT FINISH.
- (E) ONE-HOUR RATED WALL.
- (N) ONE-HOUR RATED WALL.
- 30"x48" ACCESSIBLE SPACE
- 60" DIAMETER ACCESSIBLE TURNING PAD
- K-TYPE FIRE EXTINGUISHER
- ILLUMINATED EXIT SIGN ABOVE DOOR. SIGN MOUNTED ON CEILING AND AT FLOOR LEVEL. EXIT PATH ILLUMINATION IS PROVIDED WITH EMERGENCY BACK-UP POWER SUPPLY. MEANS OF EGRESS SHALL BE ILLUMINATED WITH A MINIMUM INTENSITY OF NOT LESS THAN 1-FOOT CANDLE AT THE FLOOR LEVEL.

NCRD
NOR-CAL RESTAURANT DESIGN
 THE EXPERTS IN RESTAURANT DESIGN & PLANNING. OVER 25 YEARS IN THE BUSINESS.
 NORRIS J. MITCHELL
 PROJECT DESIGNER
 310 SOUTH CENTRAL BOULEVARD
 17TH FLOOR, CALIFORNIA 94539
 PHONE NO. (925) 221-7050
 FAX NO. (925) 221-7051

REVISIONS:

NO.	DESCRIPTION

PROPOSED NEW TENANT IMPROVEMENTS FOR:
GOLDEN PEACOCK BANQUETS & RESTAURANT
 24888 SANTA CLARA AVENUE
 HAYWARD, CALIFORNIA 94541

NORRIS M.
 N. J. P.
 AUGUST 2009
 AS SHOWN
 2009-20

REVISED SHEET
A-4
 SHEET 4 OF 41

TOILET ROOMS & KITCHEN ADDENDUM # 1 TO PERMIT # BI-2009-1960

DATE: June 23, 2011

TO: Planning Commission

FROM: Development Services Director

SUBJECT: **General Plan Amendment Application No. PL-2011-0195, Text Amendment Application No. PL-2011-0196, and Zone Change Application No. PL-2011-0197 – City of Hayward (Applicant) - Certification of a Supplemental Environmental Impact Report and Introduction and Adoption of Zoning Changes and Amendments to the General Plan, Zone Ordinance and Related Municipal Code Sections to Enact and Implement the South Hayward BART/Mission Boulevard Form-Based Code**

RECOMMENDATION

Making required findings, that the Planning Commission recommends that the City Council take the following actions regarding the South Hayward BART/Mission Boulevard Form-Based Code (Code) and Supplemental Program Environmental Impact Report (SEIR)¹:

- Certify the South Hayward BART/Mission Boulevard Form-Based Code Supplemental Program Environmental Impact Report and related Mitigation Monitoring and Reporting Program (Attachments I and II) and Re-adopt a Statement of Overriding Considerations (Attachment III);
- Amend the General Plan Land Use Map to revise all existing designations in the Code project area to the Sustainable Mixed Use, Parks and Recreation, and Public and Quasi-Public designations (Attachments IV and V);
- Approve a General Plan Text Amendment to General Plan Appendix C to allow densities with a Sustainable Mixed Use designation up to 100.0 dwelling units per net acre, versus the currently allowed 55.0 units per net acre (Attachment VI), and to Appendix D, the Zoning Consistency Matrix (Attachment VII);
- Approve a Zoning Ordinance Text Amendment to include the South Hayward BART/Mission Boulevard Form-Based Code as a new Article 24 to Chapter 10 of the Hayward Municipal Code (Attachment VIII);
- Approve a Zoning Map Amendment to revise all existing designations in the Project area to be consistent with the Regulating Plan of the South Hayward BART/Mission Boulevard Form-Based Code (Attachments IX and X);
- Repeal the South Hayward BART/Mission Boulevard Special Design Overlay District (Section 10-1.2635 of the Hayward Municipal Code); and
- Repeal the 2006 South Hayward BART/Mission Boulevard Concept Design Plan.

¹ Information on the Form-Based Code Project is available on the City's website at: <http://www.hayward-ca.gov/forums/SHBARTFBC/shbartfbcforum.shtm>.

SUMMARY

The South Hayward BART/Mission Boulevard Form-Based Code (Code) is intended to replace the zoning and related regulations associated with the area along Mission Boulevard and surrounding the South Hayward BART station area east of the BART tracks (see Attachment IX). The Code area comprises approximately 240 acres in the southern part of Hayward and is generally bounded by Harder Road to the north, the BART tracks to the west, Industrial Parkway to the south, and properties along the east side of Mission Boulevard to the east. The Code follows the *SmartCode* template that promotes walkability and neighborhood focus and connectivity; attractive public realms along streets; and planned civic spaces, including open space -- all of which are integrated into the urban fabric. As stated on pages SC6 and SC7 of the Code, the Code seeks to ensure:

For the Community

- a. That neighborhoods and transit-oriented development are compact, pedestrian-oriented and mixed-use.
- b. That neighborhoods should be the preferred pattern of development and that districts specializing in a single use should be the exception.
- c. That ordinary activities of daily living occur within walking distance of most dwellings, allowing independence to those who do not drive.
- d. That interconnected networks of thoroughfares be designed to disperse traffic and reduce the length of automobile trips.
- e. That within neighborhoods, a range of housing types and price levels be provided to accommodate diverse ages and incomes.
- f. That affordable housing should be distributed throughout the region to match job opportunities and to avoid concentrations of poverty.
- f. That appropriate building densities and land uses be provided within walking distance of transit stops.
- g. That civic, institutional, and commercial activity should be embedded in neighborhoods, not isolated in remote single-use complexes.
- h. That schools be sized and located to enable children to safely walk or bicycle to them.
- i. That a range of open space including parks, squares, plazas and playgrounds be distributed within neighborhoods.
- j. That the region should include a framework of transit, pedestrian, and bicycle systems that provide alternatives to the automobile.

For the Transect (see later discussion for definition)

- a. That communities should provide meaningful choices in living arrangements as manifested by distinct physical environments.
- b. That the transect zone descriptions shall constitute the intent of the Code with regard to the general character of each of these environments within the Code area.

For the Block and Building

- a. That buildings and landscaping contribute to the physical definition of thoroughfares as civic places.
- b. That development adequately accommodates automobiles while respecting the pedestrian and the spatial form of public areas.

- c. That the design of streets and buildings reinforce safe environments, but not at the expense of accessibility.
- d. That architecture and landscape design grow from local climate, topography, history, and building practice.
- e. That buildings provide their inhabitants with a clear sense of geography and climate through energy efficient methods.
- f. That civic buildings and public gathering places be provided as locations that reinforce community identity and support self-government.
- g. That civic buildings be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the city.
- h. That the preservation and renewal of historic buildings be facilitated to affirm the continuity and evolution of society.
- i. That the harmonious and orderly evolution of urban areas be secured through form-based codes.

The Code contains two transect zones of T4 and T5 (see later discussion), two transit-oriented development (TOD) overlay zones near the South Hayward BART station, a civic/open space zone (CS), and new development standards, including new land use densities and heights; elimination of non-residential parking standards, and maximum (versus the typical minimum) residential parking standards.

The Code would not downzone (reduce densities for) any properties, except some properties south of Valle Vista Avenue on the east side of Mission Boulevard that are proposed to comprise a park/community center site of 5.2 acres. In addition, the densities shown in the attached Code would exceed the densities for some properties established as part of the 2006 South Hayward BART/Mission Boulevard Concept Design Plan and the 2009 238 Bypass Land Use Study. The attached map (Attachment XI) identifies those properties where proposed densities would exceed existing densities. Based on the densities shown in the attached Code, approximately 700 net new additional living units could be accommodated in the Code area compared with existing designations.

BACKGROUND

On July 28, 2008 and December 2, 2008, the City Council held work sessions to discuss whether to prepare a form-based code for the area encompassed by the 2006 South Hayward BART/Mission Boulevard Concept Design Plan. The Council directed staff to present the item to the Planning Commission, which was done during a January 15, 2009 work session. The City Council ultimately authorized the hiring of Hall Alminana, Inc. (Hall Alminana) in May of 2009 to prepare a form-based code and related technical studies.

A charrette is a collaborative session where design questions and problems are tackled in small groups over multiple sessions to quickly generate a design or plan that integrates the shared values of those participating. A public design charrette was held September 30 through October 4 in 2009, which provided the public an opportunity for input on the formation of the Code contents. The attached charrette poster (Attachment XII) summarizes the input received during the charrette, and is available on the City's website.

An initial draft Form-Based Code (dated March, 2010) was presented during work sessions to City Council on April 27, 2010, and to the Planning Commission on May 13, 2010. As discussed later in this report, revisions to the draft South Hayward BART/Mission Boulevard Form-Based Code have been made since those work sessions that reflect input received from the Council, Commission, and the public. On October 2, 2010, some members of the City Council and Planning Commission toured portions of San Francisco with staff and the project consultant team to view examples of development that were reflective of form-based code principles.

In July of 2010, the Redevelopment Agency Board authorized the Agency's Executive Director to enter into a contract with Lamphier-Gregory to prepare a Supplemental Program Environmental Impact Report (SEIR) for the South Hayward BART/Mission Boulevard Form-Based Code project. A contract was subsequently executed, a Draft SEIR was prepared and discussed during a April 26, 2011 City Council work session and a April 28, 2011 Planning Commission meeting, and a final SEIR has been prepared. The draft and final SEIR are included as Attachments I and II and are discussed later in this report.

Finally, as discussed later in this report, various technical studies have been prepared as part of this project, including a Synoptic Survey that summarizes existing conditions within the Project area that was presented during the October, 2009 public charrette, a parking and transportation demand management (TDM) Strategy document that contains case studies and eight recommendations for parking management and TDM policies in the Code area that was presented to Council and the Commission in the spring of 2010, and a Market Analysis and Fiscal Impact Analysis that were previously presented to the Council and Commission that identify the level of anticipated future development associated with the Code and the fiscal impacts of such development.

DISCUSSION

Overview of the Form-Based Code – The Form-Based Code would replace the 2006 Concept Design Plan and the majority of existing Zoning Regulations that are applicable to the Concept Design Plan area, which entails approximately 240 acres along Mission Boulevard, centered on the South Hayward BART Station. Adoption of the Form-Based Code would also entail amendments to the General Plan Land Use Map and Zoning Map, as shown in Attachments IV and IX.

The South Hayward BART/Mission Boulevard Form-Based Code is consistent with the Smart Code template, and identifies “Transect” zones. Transect zones are based on the concept of the “Transect,” which is a system of ordering human habitats in a range from the most natural to the most urban. The Transect describes the physical character of place at any scale according to the density and intensity of land use and urbanism.

The Form-Based Code would establish a new Civic Space zone and two new “Transect” zones: T5 (Urban Center Zone: 35-55 units per net acre) and T4 (Urban General Zone: 17.5-35 units per net acre, similar to the existing High Density Residential Zoning District density). The T5 zone also includes two density overlay zones: Overlay Zone 1, which allows densities of 75-100 units per net acre, generally within one-quarter mile of the South Hayward BART station; and Overlay Zone 2, which allows densities of 40-65 units per net acre, generally within the area between one-quarter to one-half mile of the South Hayward BART station. New roadways or

“thoroughfares” are also envisioned, which would further help to promote pedestrian activity and safety and increased access to the South Hayward BART station and bus transfer facility, while also reducing reliance on the automobile. Figure 1-1 in Attachment VIII shows the new Regulating Plan for the Form-Based Code that indicates where different zones are located along with their development densities.

Summary of the Form-Based Code Contents - The following sections provide a brief summary of the contents of the attached Code. The Code’s organization follows that of the Model Smart Code².

Regulating Plan (Figure 1-1) – This is a map of the Form-Based Code area that indicates the various zones and densities associated with the Code. It shows a continuous linear open space/path along the east side of the BART tracks between Harder Road and Industrial Parkway within and adjacent to the Code area.

Purpose and Applicability of the Code (pages SC5 to SC10) – This section indicates that the Code seeks to implement the policies and objectives of the Hayward General Plan, particularly those related to smart growth principles. Purposes of the Code related to the community, Transect, block, and building scale are identified, which are stated in the beginning of this report. The Code identifies two Transect zones (the T-4 General Urban Zone and the T-5 Urban Center Zone) out of a possible six zones that could exist under the Smart Code. These zones describe the physical form and character of a place, according to the Density and intensity of its land use and Urbanism. The Transect is defined in the Definitions section of the Code as, “a cross-section of the environment showing a range of different habitats.”

Section 10-24.135(b) on page SC8 of the Code indicates that the no conditions requiring the reduction of density, floor area or height shall be imposed on a project “when the corresponding requirements of this Code are met.” Such provision provides predictability for developers, one of the objectives of the Code. As indicated at the bottom of page SC9, the Code’s provisions would supersede provisions of certain sections of the Zoning Ordinance, Off-Street Parking Regulations, the Subdivision Ordinance, and the Sign Regulations. For example, the parking standards applicable to the rest of the City that specify the amount of parking required for various uses would be replaced with new standards that specify a maximum number of spaces (with ownership units allowed slightly more spaces than rental units, to encourage more ownership housing), rather than the typical minimum number of spaces, with non-residential uses not being required to provide any off-street parking.

Regulating Plan and Transect Zones (pages SC11 to SC40) – These sections of the Code comprise the development standards of the Code, and indicate that the Regulating Plan (Figure 1-1) would serve as the zoning map for the Code area. The sections are described briefly in the following paragraphs.

² The Smart Code is an integrated land development ordinance. It folds zoning, subdivision regulations, urban design, public works standards and basic architectural controls into one compact document. It is also a unified ordinance, spanning scales from the region to the community to the building. The SmartCode was released by [Duany Plater-Zyberk and Company \(DPZ\)](http://www.smartcodecentral.org) in 2003, after two decades of research and implementation. The code is open source and free of charge. <http://www.smartcodecentral.org>.

Section 10-24.210: Special requirements are included for mandatory and recommended Shopfront Frontage areas, as well as for Terminated Vista locations.

Section 10-24.215: Transect zones in the Regulating Plan are referenced, with the T4 zone indicated in much of the Code area, except where the more intensive T5 zone is indicated. As shown in the Regulating Plan (Figure 1-1 at the beginning of the Code), the T5 zone is generally shown within a half-mile of the South Hayward BART station and at two selected neighborhood centers: the Mission Plaza Shopping Center site and at the K-Mart site at Harder Road and Mission Boulevard, both of which are envisioned for redevelopment. Planned Terminated Vistas are also shown at selected locations in the Regulating Plan. Two Transit-Oriented Development (TOD) density overlay zones are shown in the area near the BART station. The TOD Density Overlay 1 zone pertains to those properties very near the South Hayward BART station, with a density of 75 to 100 dwelling units per acre. The TOD Density Overlay 2 zone, with a density range of 40 to 65 dwelling units per acre, applies to other properties generally within a quarter-mile of the BART station, including around the Mission Boulevard/Tennyson Road intersection.

Section 10-24.220: This section of the Code contains standards for the Civic Space (CS) Zone, which indicates that new Civic Buildings or alterations to existing Civic Buildings require Site Plan approval by the Planning Commission. The provisions also indicate that Civic Buildings should be designed in compliance with the standards applicable to the abutting Transect Zone, but that deviation is permissible and encouraged to achieve the Civic Space zone objectives. The purpose of the CS Zone is stated to be “for the provision of public Open Space, Civic Buildings, and Civic uses.” Table 10 (page SC57) identifies the four types of civic spaces and the transect zones where such spaces would be located. The Regulating Plan indicates that such spaces would be located at the BART Station (plaza), at the southwest corner of Mission Boulevard and Valle Vista Avenue where a future park and community center are envisioned on 5.2 acres (park/square), along the south side of the South Hayward BART mixed-use project site between Dixon Street and Mission Boulevard (park), at the southwest corner of the Code area along the east side of the BART tracks off Industrial Parkway across from the Mission Hills of Hayward golf course complex (linear park), in the area around a future Bowman Elementary School site off Mission Boulevard (park/square), and along Zeile Creek in the northern part of the Code area near the existing K-Mart site (small neighborhood park).

The remaining sections in this portion of the Code contain written standards related to the following items, most of which are graphically depicted and/or summarized in Tables 11, 12A and 12B (pages SC58 to SC60).

Section 10-24.225 (Building Disposition): These provisions reference lot coverage standards, setback requirements for principal buildings and outbuildings, and façade standards for both the T4 and T5 zones contained in Tables 11, 12A and 12B. One outbuilding of up to 440 square feet is indicated as allowed on each lot.

Section 10-24.230 (Building Configuration): The maximum height allowed for each story is identified (14 feet, except for commercial uses on the ground floor, which can be 25 feet). Also, standards for the T4 and T5 zones regarding how buildings are to be configured along thoroughfares (e.g., porch/fence, terrace/lightwell, forecourt, stoop, shopfront, gallery, or arcade) is addressed (see

Table 5 in the Code), with an indication that all developments shall provide at least 15% (T4) or 10% (T5) of their lot areas as common open space. In the T5 zone, awnings, arcades, and galleries are allowed to encroach into the sidewalk to within 2 feet of the curb, but must clear the sidewalk vertically by at least 8 feet. Stoops or open porches, balconies, and bay windows may encroach by up to 50% of the front layer (setback) in the T4 zone, and up to the property line in the T5 zone. The provisions also indicate a residential or lodging use on the ground floor in the T5 zone must be at least 2 feet above average sidewalk grade.

Section 10-24.235 (Building Functions) – Building functions, or uses, allowed in the T4, T5 and Civic Space zones are detailed in Table 9 on page SC56 of the Code (see later discussion regarding revisions to Table 9). Functions are indicated as being allowed or permitted “by right” (no discretionary use review), or by an administrative use permit or conditional use permit in each zone.

Section 10-24.240 (Density Standards) – This section references Table 11 and identifies the density standards for the two TOD overlay zones: TOD 1: 75 to 100 units per acre and TOD 2: 40 to 65 units per acre. The section indicates second dwelling units do not count toward density calculations and also references Section 10-24.275(h), which allows a residential density bonus approval from the Planning Commission where street dedication and construction occurs.

Section 10-24.245 (Parking Standards) – These provisions indicate there is no requirement for off-street parking spaces for non-residential development, no minimum parking space requirements for residential development, but maximum standards in the T4 zone of 1.75 spaces per rental unit and 2.0 spaces per ownership unit, and 1.5 spaces and 1.8 spaces for each rental and ownership unit (respectively) in the T5 zone (note additional allowance for ownership units, to promote those types of developments). Tandem parking is allowed in multi-family developments, provided such spaces are assigned to the same unit. Also, bicycle parking standards have been added on pages SC18 to SC20, which incorporate standards of California’s new Green Building Code.

Section 10-24.250 (Architectural Standards) – The text on pages SC21 and SC22 addresses architectural standards, including building materials and architectural feature details.

Section 10-24.255 (Fence and Wall Standards) – This section references Table 6 and contains standards related to fences and walls, indicating the maximum height for fences, hedges, and walls is 6 feet in the side or rear setback, 4 feet along thoroughfares (Principal or Secondary Frontage Area), and 8 feet along side or rear property lines that border the BART tracks, a drainage channel or parking lot. Also, the provisions require anti-graffiti coating for all solid walls, decorative or otherwise, unless covered with a mural or vines.

Section 10-24.260 (Landscape Standards) – These provisions establish a threshold for amount of impermeable surface coverage on lots, restrict mechanical and related structures and features to portions of the lot that are located away from the street frontage or they must be screened, requires security lighting in accordance with current City security standards, and details standards for trees along thoroughfares in the two Transect zones.

Section 10-24.265 (Visitability Standards) - This section indicates standards to encourage accessibility and activity at the street level (related to universal design), including requiring at least

one zero-step entrance to each building form an accessible path and requiring first floor interior doors to provide at least 32 inches of clear passage.

Section 10-24.270 (Sustainability Standards)— The Code text contains standards related to wind power (see Table 13A in the Code), solar power (Table 13B), food production (Table 13C), and stormwater management techniques (Table 13D). The wind power provisions include standards related to location, number, height, lighting, access, noise, aesthetics/maintenance, etc. for such facilities. Horizontal axis wind turbines are prohibited in the Code area.

Section 10-24.275 (Thoroughfare Standards and Plan) - Referencing Table 2 and Figures 1-2 and 1-3 in the Code, this section identifies purposes of the standards and plan, contains standards for each type of thoroughfare (with an emphasis on promoting pedestrian movement and accommodating bicycle movement), identifies where those various thoroughfares are located throughout the Code area (Figure 1-2: Thoroughfare Plan) and where new thoroughfares are proposed (Figure 1-3), indicates lighting and planting along thoroughfares shall be in accordance with Tables 3 and 4 of the Code. The provisions also identify on page SC31 incentives to encourage property owners to dedicate new thoroughfares: including application processing priority, increased density (four additional units for every 100 linear feet of street or slip lane dedication and construction) and height (one additional story for the principal building for new thoroughfare and dedication). Finally, the provisions on pages SC31 and SC32 also require that applicants for planning permits involving a new thoroughfare submit a petition and supporting material to establish a precise plan line for the new thoroughfare, which is to be processed to the City Council without an application fee.

Section 10-24.280 (Subdivision Standards) – These pages of the Code describe standards for subdividing land, merging land, or adjusting lot lines, including establishing maximum lot widths.

Section 10-24.285 (Sign Standards) – Code pages SC33 through SC36 contain standards related to sign, many of which are consistent with the City’s Sign Ordinance provisions.

Section 10-24.285 (Telecommunication Facility Standards) – This section includes standards associated with such facilities, which are consistent with the Municipal Code provisions for such facilities.

Section 10-24.295 (Affordable and Special Needs Housing) – In accordance with Hayward’s adopted Housing Element, this section has been expanded since the previous Code version, and includes standards associated with emergency homeless shelters, large group transitional housing, large group supportive housing, small group transitional housing, and small group supportive housing. The standards require a 300-foot separation between such facilities, cap the maximum number of occupants in homeless shelters at 60, and require an on-site manager for homeless shelters. Also, the standards require that the operator of any such facility execute a “Good Neighbor” agreement with surrounding neighbors.

Standards and Tables (pages SC41 to SC64) - This section of the Code contains various tables that relate to and summarize the previous section’s content. Table 1 on page SC42 describes the various zones; Table 2 on pages SC43 to SC49 shows standards for 14 different thoroughfare types; Tables 3 and 4 on pages SC50 and SC51 show the various public lighting fixture and planting

styles; Table 5 shows details on various public frontages; Table 6 relates to fences and walls; Table 7 has been revised and shows maximum stories allowed in each zone (including the two TOD overlay zones); Table 8 on page SC55 includes information on building disposition; Table 9 on page SC56 lists the various functions (uses) permitted in the various zones; Table 10 provides information on the four different types of civic spaces; Tables 11 and 12A & 12B provide a summary of the various standards for the two transect zones, including graphics to help depict desired development configurations; and Tables 13A through 13D show facilities and standards related to sustainability.

Procedures (pages SC65 to SC77) - These sections outline the general approval requirements and processes, with reviewing authorities and roles summarized in Table 14. The provisions require Site Plan Review for all new development, unless waived by the Planning Director in accordance with Zoning Ordinance criteria. Prohibited uses are also identified, as are structures, land uses, and activities that are exempt from the planning permit requirements of the Code. The remaining portions of this section outline the variance process to obtain deviations to standards, which include exceptions (require findings to be made by the Planning Commission) and warrants (require findings to be made by the Planning Director, including special findings related to work on historic buildings and civic buildings), and indicates that the Planning Commission shall review the outcomes of the Code every five years and forward any findings regarding such review to the City Council.

Definitions and Rules of Interpretation (pages SC78 to SC91) - Terms used in the Code are defined in this section, some of which are graphically depicted in Table 15. Rules of interpretation are also identified here, as well as the process and findings required for issuing official interpretations.

Form-Based Code Comparison to Existing Land Use & Development Rules - The Form-Based Code consolidates existing land use and development rules into a single, concise document. In doing so, the Form-Based Code makes the community's expectations clear to prospective developers. Prior ambiguous, conflicting, or antiquated rules are removed and will no longer apply. In comparing the Form-Based Code to prior land use and development rules, the following would be accomplished:

- Nine (9) zoning designations consolidated into three zones (i.e., T4, T5 and Civic Space) with two TOD overlays;
- A simplified land use classification scheme more in line with contemporary commercial activities, which provides the Development Services Director/Planning Director greater ability to interpret the classification of specific proposed businesses; and
- Continuance of the prior decision-making bodies and steps for changes to existing development and/or new development.

Summary of Major Revisions Made to the Form-Based Code Version Presented to the City Council on April 27, 2010 and to the Planning Commission on May 13, 2010 – The City Council and Planning Commission last held public work sessions on the Draft Form-Based Code in the

Spring of 2010³. The minutes from those work sessions are included with this report as Attachments XIII and XIV.

Council members reiterated the desire to see safe, high-quality development associated with the Form-Based Code that would include adequate public safety services and lighting, including residential development to support future retail and commercial uses, and emphasized that the Dixon Street area should provide future residents with appropriate amenities and be the core of such development. Some Council members also encouraged a linear park along the drainage channel at the rear of the K-Mart store site at the Harder Road/Mission Boulevard intersection.

During their work session, Planning Commissioners asked questions about whether residential units along Mission Boulevard would have stoops, asked for clarification on how heights of buildings would be measured, asked for clarification on what type of vehicles the recommended new thoroughfares (roadways) would serve, and expressed concerns with spillover parking impacts. Commissioners also expressed concerns with the width of new roadways shown, and asked how transportation demand and parking management strategies that had been identified in a separate document (see later discussion) could address parking concerns. Some Commissioners reiterated the importance of having civic spaces/facilities built with new residential development, and that new development should be high-quality and safe. Commissioners also asked about the need and purpose of a future community services district, encouraged flexibility in the Code that would allow additional future frontage roads or “slip” lanes, and had an involved discussion regarding how the City would ensure, even with density bonuses, that future new thoroughfares identified in the Code would be built.

The major revisions that have been made to the Form-Based Code document since those work sessions are summarized below and in the next section, most of which were made in response to input received by staff:

- a. The Regulating Plan (Figure 1-1) was moved to the front of the Code, and properties that were previously identified with a Planned Development (PD) District designation are now identified with Form-Based Code designations, for consistency purposes. Also, the pedestrian/bike bridge envisioned over Tennyson Road north of the South Hayward BART station site has been specifically identified on the Regulating Plan.
- b. Page SC17: Related to concerns with ensuring valuable properties along Mission Boulevard are available for future commercial and retail development, a new Section 10-24.235(a)(v) was added that prohibits new assembly uses and religious facilities from being built on parcels that front Mission Boulevard, when they would be located within a half-mile of another assembly use or religious facility. Currently, due to the number and location of existing assembly uses and religious facilities, no additional assembly uses or religious facilities would be allowed along the Mission Boulevard frontage in the Form-Based Code area; however, such uses would be allowed with a use permit within the Code area on parcels that do not front Mission Boulevard, and throughout other portions

³ The April 27, 2010 City Council meeting staff report and draft Code are available on the City’s website at: <http://www.hayward-ca.gov/citygov/meetings/cca/2010/cca042710.htm>, and the May 13, 2010 Planning Commission meeting staff report and draft Code are available on the City’s website at: <http://www.hayward-ca.gov/citygov/meetings/pca/2010/pca051310.htm>.

- of the City, per existing Zoning Ordinance regulations.
- c. Page SC27: A new Section 10-24.270(a)(iii)(3) was added to clarify that chickens are only allowed in Vegetable Gardens and in accordance with the standards in Section 10-1.2735(f) of the Zoning Ordinance.
 - d. Page SC31: Section 10-24.275(h)(ii)(2) has been revised to indicate the density bonus is also available to developers who dedicate and construct new slip lanes (frontage roads) along Mission Boulevard.
 - e. Page SC37: Section 10-24.295 regarding Group Home Standards was added, in accordance with the City's adopted Housing Element.
 - f. Page SC56, Table 9 (Allowed Functions): Revisions to Table 9 were made as follows:
 - i. Consistent with State law, transitional and supportive housing, and small group home/residential care facility uses were added as being permitted "by right", except for group transitional housing and group supportive housing, which require a conditional use permit;
 - ii. Live-Work uses are indicated as a permitted use "by right", versus an administrative use (requiring an administrative use permit)
 - iii. Small and large motion picture theaters were added as allowed as conditional uses in all zones, except small motion picture theaters are allowed "by right" in the Civic Space zone;
 - iv. Religious facilities changed from a conditional use in the T4 and T4 zones to an administrative use in all zones;
 - v. Educational facilities changed from being allowed as a permitted use "by right" only in the Civic Space zone to also being allowed as an administrative use in the T4 and T5 zones

Summary of Major Revisions Made to the Form-Based Code Version Associated with the Draft Supplemental Program Environmental Impact Report Released on April 5, 2011 – As summarized later in this report, the City Council held a work session on April 26, 2011, and the Planning Commission held a public meeting on April 28, 2011, regarding the Draft Supplemental Program Environmental Impact Report. Input received at those meetings resulted in further revisions to the attached Form-Based Code document, which are identified below:

- a. Revisions to Tables 7, 11, and 12B: The maximum number of stories allowed in the T5 zone and the TOD 2 Overlay zone has been reduced from six stories to five stories.
- b. Revisions to Table 7: A maximum height limit in feet has been established for each zone, as follows:
 - i. 57 feet to midpoint of eave/ridge in the T4 zone (4 stories maximum) – previously, a building could have been 77 feet tall;
 - ii. 68 feet to midpoint of eave/ridge in the T5 zone and TOD 2 Overlay zone (5 stories maximum) – previously, a building could have been 91 feet tall;
 - iii. 79 feet to midpoint of eave/ridge in the TOD 1 Overlay zone (6 stories maximum) – previously, a building could have been 105 feet tall.
- c. Pages SC18 to SC20: Bicycle parking standards have been added (Section 10-24.245 (a)(viii)&(ix) and Tables A2 and A2), which incorporate California's new Green Building Code standards.

- d. Pages SC37 to SC40: Section 24-10.295 has been expanded to provide standards for various types of affordable and supportive housing, consistent with State law and the City's adopted Housing Element.

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. Program 20 requires homeless shelters, transitional housing, and supportive housing to be addressed in a city's zoning ordinance. Specifically, Emergency Homeless Shelters are required by State law to be permitted "by right" in at least one zoning district. By allowing shelters in the T4 zone only on parcels that front Mission Boulevard in both the South Hayward BART and Mission Boulevard Form-Based Codes, the City would have the number of acres of vacant or underutilized land that could accommodate shelters that was identified in the Housing Element analysis. This and other development and operational standards, including a 300-foot separation requirement and performance criteria, are now included in Section 10-24.295 of the Form-Based Code.

- e. Page SC56, Table 9 (Allowed Functions): Revisions to Table 9 were made as follows:
- i. To comply with Senate Bill 2 (SB 2) and to implement Program 20 of the Housing Element, Table 9 allows Emergency Homeless Shelters as a "by right" use in the T4 zone, allows Small Group Transitional Housing and Small Group Supportive Housing as "by right" uses in the T4 and T5 zones, and Large Group Transitional Housing and Large Group Supportive Housing as conditional uses in the T4 and T5 zones.
 - ii. To ensure such large facilities are appropriately located, Indoor Recreation in the Civic Space zone is now shown as a conditional use, versus a permitted use "by right";
 - iii. To encourage more public-serving uses in the Civic Space zone, Retail Sales are indicated as a conditional use, versus a permitted use "by right", in that zone;
 - iv. Small Motion Picture Theaters and Live Performance Theater uses were changed from a conditional use to a permitted use "by right" in the T4 and T5 zones, consistent with other zoning district provisions;
 - v. All civic uses are listed as conditional uses in the Civic Space zone, except for Park and Recreation and Wind Energy uses, which are listed as permitted "by right", to ensure public review during public hearing of such facilities;
 - vi. Vegetable Garden and Vertical Farm are listed as "by right" uses in the Civic Space zone, consistent with other listed agricultural uses in that zone;
 - vii. Civil support uses are listed as allowed in the Civic Space zone, generally similar to how they are listed in the T4 and T5 zones.
 - viii. Certain educational facilities are now allowed as conditional uses in the Civic Space zone, to ensure public review of such facilities occurs.

STAFF ANALYSIS

General Plan Amendment Related to Land Use Map Changes and Text Changes – The project involves a modification to the General Plan Land Use Map designation of various properties as shown in Attachment IV. The project also involves a General Plan text amendment to Appendix C of the General Plan that would entail increasing the upper residential density limit allowed in the "Sustainable Mixed Use" land use category from 55.0 to 100.0 units per net acre, and revisions to Appendix D (Zoning Consistency Matrix) that incorporate the Form-Based Code designations, which are reflected in Attachments VI and VII.

In order to approve the General Plan Amendments, the City Council would be required to make certain findings, upon recommendation from the Planning Commission. Staff provides reasons below to support such findings, which are also reflected in Attachment XVII.

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

The changes proposed to the General Plan text and land use map related to the Form-Based Code will promote the public health, safety and general welfare of the residents of Hayward by preserving and enhancing the aesthetic quality of the City by increasing opportunities for open space and park areas and by allowing for an appropriate mix of land uses and forms in an orderly manner near a transit station and along a transit corridor, consistent with regional and local policies that promote transit-oriented development.

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

The proposed General Plan amendments related to the Form-Based Code would further the following policies and strategies of the Land Use Chapter of the General Plan, as reflected in the Regulating Plan of the Code and the stated purposes of the Code:

Transit-Oriented Development

2. Support higher-intensity and well-designed quality development in areas within ½ mile of transit stations and ¼ mile of major bus routes in order to encourage nonautomotive modes of travel.
 1. Encourage mixed-use zoning that supports integrated commercial and residential uses, including live-work spaces, in activity centers and along major transit corridors.
 2. Encourage high-density residential development along major arterials and near major activity or transit centers, and explore the establishment of minimum densities in these areas.
 3. Consider shared parking arrangements for mixed-use developments within the Downtown area and along major arterials.
 4. Encourage design that orients development to the transit station and facilitates the use of transit.

South Hayward BART Station Area

6. Seek to integrate greater intensity of development and enhance the surrounding neighborhood within ½ mile of the South Hayward BART Station.
 1. Develop a conceptual design plan for the South Hayward BART Station area to determine appropriate land use and infrastructure needs.
 2. Create opportunities to integrate mixed-use development in the South Hayward BART Station vicinity to achieve a balance of land uses.
 3. Provide park and recreational facilities to support existing and planned residential development.

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

Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified to the recommended General Plan Land Use designations, as required by the mitigation measures of the Supplemental Environmental Impact Report and as indicated by the New Thoroughfare Plan of the Form-Based Code.

(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 Form-Based Code reflects the City's development goals and objectives as articulated in the General Plan, for the reasons identified in the *Purpose* section of the Code. Additionally, the Form-Based Code will promote transit-oriented development in the South Hayward BART/Mission Boulevard transit corridor and thereby help relieve regional automobile congestion and reduce air pollution, and create a distinctively attractive mixed-use area that seeks to integrate a greater intensity of development and enhance the neighborhood surrounding the South Hayward BART Station, including along Mission Boulevard. The Code will locate high-density housing close to the South Hayward BART Station and Mission Boulevard transit corridor and will help the City accommodate its share of regional housing without expansion into areas that are less suitable for residential development. Additionally, the Form-Based Code will provide opportunities for new commercial development, particularly neighborhood-serving retail development, which will stimulate economic activity and provide benefits for the City and its residents. The Code will also provide opportunity for development of new public facilities, including a new community center and park, as well as opportunity for the expansion of Bowman Elementary School with potential for a joint school-park facility at that site.

Zoning Map Changes and Code Text Changes – In order to approve the Form-Based Code as new Article 24 of Chapter 10 of the Hayward Municipal Code, and revisions to the Zoning Map (see Attachments VIII, IX, and X), the City Council, after recommendation from the Planning Commission, must make certain findings. Staff provides reasons below to support such findings, which are also reflected in Attachment XVIII.

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

The Form-Based Code will promote the public health, safety and general welfare of the residents of Hayward in that opportunities would be created for the development of much-needed housing in close proximity to the South Hayward BART station and along the Mission Boulevard transit corridor, which will promote smart growth principles and non-reliance on automobiles, resulting in less traffic and air pollution. The Code will help preserve and enhance the aesthetic quality of the City by increasing opportunities for open space and park areas and for allowing an appropriate mix of land uses and forms in an orderly manner near a transit station and along a transit corridor, consistent with regional and local policies that promote transit-oriented development.

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

The Form-Based Code conforms to the General Plan, as amended herein, and reflects the City's development goals and objectives as articulated in the General Plan, and as reflected in the stated purpose of the Code reflected in the SUMMARY section of this report. The Code would provide opportunity to integrate greater intensity of development and enhance the neighborhoods surrounding the South Hayward BART station.

(3) Streets and public facilities existing or proposed are adequate to serve all uses permitted when the text amendment and zone classification is adopted.

Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified to the recommended General Plan Land Use designations, as required by the mitigation measures of the Supplemental Environmental Impact Report and as indicated by the New Thoroughfare Plan of the Form-Based Code.

(4) All uses permitted when the text amendment is adopted will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.

A beneficial effect will be achieved with the Form-Based Code that is not obtainable under existing regulations because higher-density transit-oriented development around the South Hayward BART Station and along Mission Boulevard would be possible that would result in less traffic than would be generated by more traditional development, due to the proximity of residents to public transit and also because much-needed housing would be provided that would not otherwise be developed.

ENVIRONMENTAL REVIEW

In December of 2010, the City prepared an Initial Study and issued a Notice of Preparation (NOP), indicating it was going to prepare a Supplemental Program Environmental Impact Report (SEIR) associated with the Form-Based Code, and asking for input as to what the Draft SEIR should address. The Draft SEIR “tiers” off two EIRs previously certified by the City: the 2006 South Hayward BART/Mission Boulevard Concept Design Plan Program EIR⁴ and the 2009 Route 238 Bypass Land Use Study Program EIR⁵.

Comments received in response to the NOP are included in the South Hayward BART/Mission Boulevard Form-Based Code Draft SEIR, which was released for public review and comment on April 6, 2011. The public review/comment period on the Draft SEIR ran through Friday, May 20, 2011. A City Council work session was held on April 26, 2011, and a Planning Commission meeting was held on April 28, 2011, to allow input on the Draft SEIR. (Minutes from those two

⁴The 2006 South Hayward BART/Mission Boulevard Concept Design Plan and related EIR are available on the City's website at: <http://www.hayward-ca.gov/forums/SHBART/shbartforum.shtm>.

⁵The 2009 Route 238 Bypass Land Use Study information and related EIR are available on the City's website at: <http://www.hayward-ca.gov/forums/rte-238blus/238blus.shtm>.

meetings are included as Attachments XV and XVI to this report.)

What is a "Supplemental" EIR?-Supplemental Environmental Impact Reports (SEIR) evaluate the potential environmental impacts that might reasonably be anticipated to result from modifications to previously approved projects. In short, the primary purpose of an SEIR is to address the impact difference between the previous and current projects. Another purpose of an SEIR is to evaluate potential environmental impacts based on new information that became available after certification of the previous California Environmental Quality Act (CEQA) Documents.

Prior to drafting the SEIR, a number of environmental topics were addressed in an Initial Study and determined to result in: (a) no new significant impact; and/or (b) no substantial increase in the severity of previously identified significant impacts. These topics included: Agricultural Resources; Biology; Cultural Resources; Geology/Soils; Hazards; Hydrology/Water Quality; Land Use/Planning; Mineral Resources; Noise; Population; Housing; Public Services; Recreation; and Utilities/Service. Pursuant to CEQA, those topics are not addressed further in the Draft SEIR.

However, the Initial Study did reveal new potentially significant impacts and/or substantial increases in the severity of previously determined significant impacts under the remaining CEQA topics of: Air Quality; Aesthetics; Greenhouse Gas Emissions; and Transportation/Traffic. In the case of the Draft SEIR, the following new information is addressed: (1) the CEQA Guidelines were amended to include requirements for addressing greenhouse gas emissions and global climate change; and (2) new thresholds and guidelines for determining air quality impacts were approved by the Bay Area Air Quality Management District (BAAQMD).

Summary of Draft Supplemental Environmental Impact Report (Attachment I) – The Draft SEIR is a programmatic EIR that assesses impacts at a general, versus project-specific, level. The 2006 Concept Design Plan EIR and 2009 Route 238 Bypass Land Use Study EIR were also programmatic EIRs. The Draft SEIR evaluated the environmental effects associated with future land use and development pursuant to implementation of the Form-Based Code. It is envisioned that development consistent with the Form-Based Code could result in approximately 770 more housing units and roughly 218,600 square feet of additional commercial space than would be expected per the Concept Design Plan that was analyzed in the 2006 Concept Design Plan EIR.

Following the first introductory chapter, Chapter 2 of the Draft SEIR provides an Executive Summary and Impact Overview Table, and Chapter 3 contains a detailed project description. Chapters 4 through 7 include analyses and identify impacts and mitigation measures associated with the following four environmental impact topic areas: Aesthetics; Air Quality; Greenhouse Gas Emissions; and Traffic. The Draft SEIR indicates, as explained in greater detail below, that implementation of the Form-Based Code would have no impact, a less than significant impact, or a less than significant impact after mitigation for these four environmental topic areas.

As reflected in the Draft SEIR, the five impacts identified below were identified as potentially significant and requiring mitigation. Note that the traffic impacts analysis assumes the Route 238 Corridor Improvement Project is completed, which is anticipated to occur by the end of 2012. Other impacts identified in Chapters 4 through 7 are categorized as less than significant.

Impact Air-2: Siting of Sensitive Receptors Near Highway Emissions and Related Risks -

To mitigate these impacts, and in accordance with new guidelines of the Bay Area Air Quality Management District (BAAQMD), the Draft SEIR recommended that an overlay zone be established extending 500 feet from Mission Boulevard or a reduced distance if coordinated with BAAQMD. The mitigation measure would require: (a) shielded or buffered outdoor areas for sensitive receptors; (b) installation of compliant air filtration systems for buildings containing sensitive receptors; or (c) in lieu of items (a) and (b), demonstrate through a Health Risk Assessment that no threat to health exists. ***If this project's SEIR is ultimately certified by City Council, the Form-Based Code would need to be revised to reflect this mitigation measure.***

Impact Traf-1: LOS at Dixon Street-East 12th Street/Tennyson Road –

To mitigate this impact to a less-than-significant level and improve level of service (LOS) to LOS D in the AM peak-hour, the Draft SEIR recommended that an exclusive right turn pocket and a shared through-left turn lane be created in the southbound direction on the East 12th Street approach, as well as other minor intersection improvements.

Impact Traf-2: LOS at Mission Boulevard/Industrial Parkway –

The Draft SEIR indicated that an overlapping signal with the southbound left protected phase be added for the westbound right turn lane, which would reduce this impact to a less-than-significant level and improve the LOS at the intersection to LOS D in the AM peak-hour.

Impact Traf-3: LOS at Mission Boulevard/Tennyson Road –

Split phasing signal timing in the eastbound and westbound directions is already being constructed as part of the Route 238 Corridor Improvement Project. However, in addition to the split phasing, the following would need to be accomplished to reduce this impact to a less-than-significant level and improve the intersection to LOS D in the AM peak-hour: (a) convert the eastbound through lane to an eastbound shared through-left lane; (b) stripe the westbound approach to a shared left-through lane and an exclusive right turn lane; (c) provide overlap phasing for westbound and eastbound right turns; and (d) prohibit northbound and southbound U-turns to avoid conflicts with the right turn overlap phasing.

Impact Traf-4: LOS at Mission Boulevard/Harder Road –

To mitigate this impact to a less-than-significant level and improve the LOS at the intersection to LOS D in the PM peak-hour, the Draft SEIR said to convert the signal phasing of this intersection to split phasing with right-turn overlap phasing in the eastbound and westbound directions during the northbound and southbound protected left-turn phase, and implement additional intersection improvement measures. (Note this mitigation measure was revised in the Final SEIR as indicated below.)

Chapter 8 of the Draft SEIR identifies the previous three alternatives analyzed in the 2006 Concept Design Plan EIR and the three alternatives analyzed in the 2009 Route 238 Bypass Land Use Study EIR, as well as a "No Project" alternative that would essentially reflect development consistent with current land use/zoning regulations. Because the Draft SEIR for the Form-Based Code identified one new potentially significant, but mitigatable impact related to the level of service at Mission Boulevard and Harder Road, the "No Project" alternative is identified as the environmentally superior alternative in Chapter 8. In cases where the "No Project" alternative is identified as the environmentally superior alternative, the CEQA requires that the second most environmentally

superior alternative be identified. The Form-Based Code project would generally represent the next-best alternative in terms of the fewest impacts, and it would meet the City's objectives to the same extent as the projects evaluated in the previous EIRs.

Chapter 9 of the Draft SEIR addresses growth inducement (not created by the project beyond what was previously analyzed), significant irreversible changes (none identified), significant and unavoidable impacts, and cumulative impacts (none identified, other than those identified in Chapter 4 through 7). Although no new significant and unavoidable impacts related to implementation of the Form-Based Code have been identified, four previously identified significant and unavoidable impacts identified in the previous two EIRs would still exist, for which re-adoption of the statement of overriding considerations by the City Council is appropriate. Those include: air quality impacts associated with inconsistency with the Regional Air Quality Plan (Concept Design Plan EIR Impact 4.2-1); cumulative air quality impacts (Concept Design Plan EIR Impact 4.2-2); and cumulative traffic impacts (Concept Design Plan EIR Impact 4.7-4 and Route 238 Bypass Land Use Study EIR Impact 4.11-1).

Summary of Final SEIR (Attachment II) – The City received and responded to comments from the April 26 City Council work session and April 28 Planning Commission public meeting, as well as comments from Tony Varni, Charlie Cameron, and Sherman Lewis. Those responses are included as Chapter 13 in the attached Final SEIR.

Also, revisions to the Draft SEIR are included in Chapter 12 of the Final SEIR. The only revision relates to the mitigation measure associated with impacts at the Mission Boulevard/Harder Road intersection regarding PM peak hour traffic impacts. Staff and its consultants re-evaluated the potential impacts at this intersection and developed an alternative measure that would still result in a LOS D at the intersection and would eliminate the need for right-of-way take that the measure in the Draft SEIR would have required. The revised mitigation measure language is shown below:

~~Convert the signal phasing of this intersection to split phasing with right-turn overlap phasing in the eastbound and westbound directions during the northbound and southbound protected left-turn phase. In conjunction with the signal phasing changes, accomplish the following: (a) convert one eastbound exclusive left turn lane into a shared left and through; (b) convert one eastbound through lane into an exclusive right; and (c) provide overlap phasing for the westbound right turns and for the eastbound right turns, and (d) prohibit northbound and southbound U-turns to avoid conflicts with the right turn overlap phasing.~~

Also, it should be noted that certain mitigation measures from the two previous EIRs from which this SEIR "tiers" off are still applicable. Some of those measures, related to response to Comment 1-2 in the Final SEIR, include funding for services and facilities related to public service impacts of development in the Form-Based Code area, as follows:

Mitigation PS-1: (Fire Services) If the City determines new or replacement equipment is needed, future developers shall:

- a) Pay a fair share contribution to the City of Hayward to finance the acquisition of equipment to serve proposed developments, including those

associated with mid to high rise structures (3 to 7 stories); and

b) Pay a fair share contribution to the City of Hayward to finance the acquisition of traffic pre-emption devices along Mission Boulevard, as determined by the Hayward Fire Chief, to ensure emergency equipment can access new construction in the project area.

(Concept Design Plan EIR Mitigation Measure 4.8-1)

Mitigation PS-2: (Police Services) If the City determines new or replacement equipment is needed, future developers shall pay a fair-share contribution to the City of Hayward to finance the acquisition of such equipment, including, but not limited to vehicles. (Concept Design Plan EIR Mitigation Measure 4.8-2)

Mitigation PS-3: (Public Services/Fire Services) The City of Hayward shall prepare and adopt a mechanism to finance public safety staffing and improvements within the Project area prior to the construction of the first dwelling unit within the Project area. Such a mechanism may include a Community Facilities District or equivalent mechanism that will provide for adequate funding to meet City and County staffing, facility and equipment standards, as determined by each respective jurisdiction. (238 Land Use Study EIR Mitigation Measure 4.12-1)

Also, as stated previously, certain significant and unavoidable impacts identified in the previous EIRs related to air quality, cumulative air quality, and cumulative traffic impacts would be subject to re-adoption of a statement of overriding considerations by the City Council if this SEIR is to be certified.

TECHNICAL STUDIES

*Synoptic Survey (October 8, 2009)*⁶ – The Synoptic Survey is a tool used by urban designers to measure the physical elements of a community. A Synoptic Survey was developed for the Code project and a draft of it was presented to the public during the charrette in early October of 2009. The Synoptic Survey identified existing conditions within the Code area, including existing land use patterns, building forms, thoroughfare conditions and characteristics, and regulations, and included several photographs of the Project area.

*Market Analysis (September, 2009)*⁷ – The City’s economic consultant, Economics Research Associates|AECOM (ERA|AECOM), projected in the fall of 2009 that future demand would equal 8,900 new residential units in the City of Hayward between 2010 and 2030. Of this total, about 5,700 would be single-family units, and another 3,170 units will be multi-family units. ERA|AECOM estimated that the primary market area, defined as the area bounded by the railroad tracks on the west, the Hayward Hills to the east, Harder Road on the north, and Whipple Road to the south, could support demand for between 1,300 and 1,600 market rate residential units over this 20-year period, nearly all of which will be multi-family units. In

⁶ The Synoptic Survey is available on the City’s website at:

http://www.ci.hayward.ca.us/forums/SHBARTFBC/pdf/Synoptic_Survey-Lower_Quality.pdf .

⁷ The Market Analysis is available on the City’s website at: http://www.hayward-ca.gov/forums/SHBARTFBC/pdf/Market_Analysis_FINAL_REPORT.pdf .

addition, ERA|AECOM indicated that the City will likely encourage the use of public and non-profit agency resources to add new below market housing into this area. An example of that indication is the proposed Eden Housing affordable units proposed as part of the South Hayward BART Mixed-Use project near the South Hayward BART station. Including below market housing, ERA|AECOM indicated that the primary market area would experience the construction of 2,000 multi-family units over the next two decades.

Regarding analysis of the retail markets, ERA|AECOM projected demand for retail space within the Form-Based Code Project area for near and medium term (2010 to 2020) and long term (2020 to 2030). ERA|AECOM's analysis indicates that Hayward is able to support approximately an additional 500,000 square feet of retail space in the short term through 2020. In the long term (2020 to 2030), Hayward can support an additional 686,000 square feet of new retail space. Overall, the City of Hayward's retail demand analysis shows potential for approximately 1.19 million square feet of retail over the next 20 years. This would represent an increase of approximately 16 percent over the existing supply of retail space. Given projected population and income growth in the primary market area, ERA|AECOM estimates that the Form-Based Code Project area could capture approximately 14 to 17 percent of total citywide retail demand over the next two decades. From 2010 to 2030, ERA|AECOM's demand analysis shows potential for approximately 170,000 to 205,000 square feet of retail and restaurants, with the majority (60 percent) of that demand materializing over the 2020-2030 period.

*Fiscal Impact Analysis (February 25, 2010)*⁸ – ERA|AECOM also prepared an analysis of the fiscal impact of the potential development that the Form-Based Code may encourage in the Project area. ERA|AECOM analyzed two scenarios that reflect the level of development likely to be encouraged by the Form-Based Code at two points in time. The level of development assumed in the first scenario, Scenario 1, is based on the approved South Hayward BART Mixed-Use project, which has been approved to be rephrased, which ERA|AECOM assumes will be completed and fully integrated into the project area by the year 2020. Scenario 1, therefore, is an analysis of the development impacts on the City's General Fund and Redevelopment Agency Tax Increment in the year 2020.

The level of development assumed in Scenario 2 is based on the demand projected in ERA|AECOM's market study summarized in the preceding section. In the market study, ERA|AECOM presented high and low demand estimates for residential and retail uses by the year 2030. ERA|AECOM used a midpoint between the high and low demand projections to estimate the level of development. Therefore, Scenario 2 is an analysis of the development impacts on the City's General Fund and Agency Tax Increments in the year 2030.

As detailed in the report, ERA|AECOM estimates that the development spurred by the Form Based Code in the project area will have a net negative impact on the General Fund of approximately \$379,000 per year in Scenario 1 and approximately \$403,000 in Scenario 2. However, such deficits would be more than offset by anticipated tax increment revenue accruing to the Hayward Redevelopment Agency. If the City's central concern is the impact on the

⁸ The Fiscal Impact Analysis is available on the City's website at: <http://www.hayward-ca.gov/forums/SHBARTFBC/pdf/2010/South%20Hayward%20BART%20Area%20Fiscal%20Impact%20Report%204-23-2010.pdf>.

General Fund balance, it could impose a new Community Services District (CSD) Fee on all new housing to offset the service requirements of the new population. In fact, the aforementioned South Hayward BART Mixed-Use project includes a condition of approval requiring that development to be part of a future CSD. Assuming a CSD of \$500 per unit per year on all new housing developed from this point forward, including affordable housing units, then the General Fund balance would be positive as well. The fiscal analysis conclusions are summarized below.

	Scenario 1	Scenario 2
	2020	2030
Estimated Annual General Fund Revenues Generated from South Hayward BART Station Area FBC	\$380,360	\$1,224,635
Estimated Annual General Fund Expenditures Generated from South Hayward BART Station Area FBC	\$759,235	\$1,627,218
Assumed CSD for New Housing at \$500 per Unit ¹	\$394,000	\$886,500
Net Impact on City of Hayward General Fund	\$15,125	\$483,917
Annual Tax Increment Accrued to Redevelopment Agency as a result of new development in the S. Hayward BART Station Area FBC	\$505,941	\$1,835,880

¹ For all units including affordable units

*Parking and Transportation Demand Management Strategy (January, 2010)*⁹ – The Project’s traffic consultant, Nelson/Nygaard Consulting Associates (N/N), prepared a coherent parking and transportation demand management (TDM) strategy document (Strategy) to complement and support the vision of the new Form-Based Code. The eight fundamental recommendations in the Strategy are based on the premise that parking and TDM policy must be planned with a clear view of the City’s overall goals, in order for these policies to contribute to the community’s vision. The recommendations contained in the document by N/N, along with specific case studies, are designed to provide a long-range strategy: that is, an overall policy framework that can remain useful and viable, even as new buildings are added, blocks are redeveloped, new streets are introduced, and land uses change over time. The eight recommendations identified in the document are: create a commercial parking benefit district, invest meter revenues in TDM programs, provide universal transit passes, require parking cash out, create residential parking benefit districts, “unbundle” parking costs, encourage car-sharing programs, and remove minimum parking requirements.

City staff is currently working with its consultant to develop recommendations (draft ordinance language) to present to the Planning Commission and City Council in the near future to

⁹ The Parking/TDM Strategy document is available on the City’s website at: http://www.hayward-ca.gov/forums/SHBARTFBC/pdf/2010/SO_HAYWARD_Parking_Strategy_FINALDRAFT.pdf.

implement some of the recommended strategies. Depending on timing, such recommendations will likely entail revisions to the two form-based codes being developed, as well as to the City's Municipal Code.

PUBLIC CONTACT/INPUT

Development of the Form-Based Code and Supplemental Environmental Impact Report have had extensive public outreach and input, including, but not limited to, the following publicly noticed meetings: December 2, 2008, January 15, 2009, May 26, 2009, September 29, 2009, September 30 through October 4, 2009 (charrette), April 7, 2010, April 27, 2010, May 13, 2010, April 26, 2011 and April 28, 2011.

As mentioned previously, an intensive five-day charrette was conducted from September 29 through October 4, 2009. During that process, input was received from the public about what the community desires in the South Hayward BART/Mission Boulevard area, and a draft Regulating Plan and related drawings were developed. Such input, as well as input received since the charrette, is reflected in the attached Form-Based Code.

On June 10, 2011, approximately 2,100 notices of this hearing were sent to property owners and tenants in the Form-Based Code project area and to those within 300 feet of the project area. Also, notice of this hearing was published in *The Daily Review* newspaper on Saturday, June 11, 2011.

A resident of the City, Brian Stanke, provided comments to the City Council during the April 27, 2010 work session when the first draft of the Form-Based Code was presented to the Council. Such comments from Mr. Stanke were expanded upon by him, and are included as Attachment XIX. Below are responses to Mr. Stanke's comments from staff:

- a. Mr. Stanke's Comment 1(g), regarding recommendation to increase densities by abolishing the second TOD overlay zone and change the base densities to 20 - 75 units per acre for the T4 zone and to 35 to 100 units per acre for the T5 zone: staff did not incorporate such changes into the Code. Although it is desirable to encourage as much density as possible near the BART station, balancing the massing and scale of buildings as one moves away from the station with the surrounding built environment and neighborhoods is equally important. Increasing densities without increasing allowable massing could result in developments with little variety in housing product/units.
- b. Comment 2(b), regarding building form: Table 8 on page SC55 and Table 11 on page SC58 have been revised to allow Courtyard buildings in the T4 zone.
- c. Comment 3(d), regarding reduced street widths: Staff has reduced street width in the Form-Based Code below existing City standards, but not to the widths suggested by Mr. Stanke. A standard street of 34 feet permits 7 foot parking lane on both sides and 20 foot clear area recommended by the Fire Department. Staff does not believe further reduction is appropriate.
- d. Comment 4(a): The Thoroughfare Plan in the Code (Figure 1-2) has been revised to indicate that a future two-way thoroughfare with a bicycle route (ST-60-34 BR) and bridge is envisioned over Zeile Creek between Collette Street and the K-Mart site.
- e. Comment 4(b): The Regulating Plan in the Code (Figure 1-1) has been correctly revised to show a pedestrian/bike bridge connection over Tennyson Road near the BART station.

- f. Comment 5, regarding additional slip lanes on Mission Boulevard: New language has been added to Figure 1-2 and on pages SC30 and SC31 of the Code (Section 10-24.275(g)(iii) and (h)(ii)) to indicate a slip lane may be added on either side of Mission Boulevard, and a bonus density would be available to those who dedicate and construct such lanes.
- g. Comment 6: The complex at the southwest corner of Tennyson Road and Mission Boulevard is now shown as being in the T5 TOD Density Overlay 1 zone, versus the previously identified Planned Development (PD) zoning district, as Mr. Stanke recommends.
- h. Comment 8: Regarding using transportation demand management (TDM) strategies identified in Nelson/Nygaard's document to assess future traffic impacts, the application of the various TDM programs will be looked at as appropriate on a case-by-case basis. However, all traffic impact analyses will be prepared consistent with the Alameda County Transportation Commission traffic model, as is required for large developments.

Staff also received a letter dated June 6, 2011 from Mark Niskanen, regarding concerns that the new thoroughfare shown in the Form-Based Code would have on future development potential for the former skating rink site at 29212 Mission Boulevard. Staff met and communicated with Mr. Niskanen to discuss his concerns. Given that this parcel is the only parcel in the Code area where a new thoroughfare dead ends (since the property to the north owned by CalTrans is outside the Code area), staff is recommending that this portion of the new thoroughfare be realigned, so that it is reduced in length (in the northern direction) and turns 90 degrees westward to Mission Boulevard through the properties just to the south of this property. Such change is reflected in Figures 1-1, 1-2, and 1-3 of the attached Form-Based Code. Mr. Niskanen submitted a letter on June 15, which reflects these conversations and staff recommendation (Attachment XX).

NEXT STEPS

Staff will forward the recommendations of the Planning Commission on the South Hayward BART/Mission Boulevard Form-Based Code and Supplemental Program EIR to the City Council, to be heard at a noticed public hearing, tentatively scheduled for July 26, 2011.

Prepared and Recommended by:



David Rizk, AICP
Development Services Director

ATTACHMENTS:

Attachment I: South Hayward BART/Mission Boulevard Form-Based Code Draft Supplemental Environmental Impact Report

Attachment II: South Hayward BART/Mission Boulevard Form-Based Code Final Supplemental Environmental Impact Report and Mitigation Monitoring and Reporting Program

Attachment III: Statement of Overriding Considerations

Attachment IV: Proposed New General Plan Land Use Designations (map)

Attachment V: Properties within Form-Based Code Project Area Showing Proposed New General Plan Land Use Designations (list)

Attachment VI: Proposed Text Amendments to Appendix C of the General Plan

Attachment VII: Proposed Revised General Plan Appendix D (Zoning Consistency Matrix)

Attachment VIII: South Hayward BART/Mission Boulevard Form-Based Code (June 15, 2011)

Attachment IX: Proposed New Zoning Designations (map)

Attachment X: Properties within Form-Based Code Project Area Showing Proposed New Zoning Designation (list)

Attachment XI: Map Showing Properties where Densities are Increased

Attachment XII: Charrette Poster (October, 2010)

Attachment XIII: Minutes from the April 27, 2010 City Council Meeting on the Draft Code

Attachment XIV: Minutes from the May 13, 2010 Planning Commission Meeting on the Draft Code

Attachment XV: Minutes from the April 26, 2011 City Council Meeting on the Draft SEIR

Attachment XVI: Minutes from the April 28, 2011 Planning Commission Meeting on the Draft SEIR

Attachment XVII: Findings for General Plan Map and Text Amendments

Attachment XVIII: Findings for Zoning Ordinance Map and Text Amendments

Attachment XIX: Comments from Brian Stanke, dated April 30, 2010

Attachment XX: Letter from Mark Niskanen, dated June 15, 2011

South Hayward BART/Mission Boulevard Form-Based Code Draft Supplemental
Environmental Impact Report (**previously distributed**)

It can also be found on the City's website at:

<http://www.hayward-ca.gov/forums/SHBARTFBC/pdf/2011/SHBART-MissionBlvdSEIR-FINAL.pdf>

South Hayward BART/Mission Boulevard Form-Based Code Final Supplemental
Environmental Impact Report and Mitigation Monitoring and Reporting Program

This document is located at:

<http://www.hayward-ca.gov/forums/SHBARTFBC/pdf/2011/South%20Hayward%20BART%20FBC%20Final%20SEIR.pdf>

**Statement of Overriding Considerations Associated with the
South Hayward BART/Mission Boulevard Form-Based Code (Form-Based Code)
Supplemental Program Environmental Impact Report (SEIR)**

1. The City of Hayward adopts and makes this statement of overriding considerations related to adoption of the South Hayward BART/Mission Boulevard Form-Based Code and associated amendments to the General Plan and Zoning Ordinance, and the resulting previously determined unavoidable and significant impacts related to air quality and regional traffic, in order to explain why the benefits of implementing the project override and outweigh such impacts.
2. The Form-Based Code project would not result in any new significant and unavoidable impacts, nor result in a substantial increase the severity of previously identified significant and unavoidable impacts in the previously certified 2006 Concept Design Plan Program EIR (SCH No. 2005092093) and the previously certified 2009 238 Bypass Land Use Study Program EIR (SCH No. 2008072066).
3. The mitigations set forth in the SEIR for the Form-Based Code and the accompanying Mitigation Monitoring and Reporting Program (MMRP), and the mitigations set forth in the certified 2006 Concept Design Plan Program EIR (SCH No. 2005092093) and the certified 2009 Route 238 Bypass Land Use Study Program EIR (SCH No. 2008072066) will reduce all of the environmental impacts of the Form-Based Code project to an insignificant level, with the exception of the following impacts previously identified in those EIRs as follows:

2006 Concept Design Plan Program EIR

- Air Quality – Inconsistency with Air Quality Plan (Impact 4.2-1)
- Air Quality – Cumulative Air Quality Impacts (Impact 4.2-2)
- Traffic – Cumulative Traffic Impacts (Impact 4.7-4)

2009 Route 238 Bypass Land Use Study Program EIR

- Traffic – Cumulative Traffic Impacts (Impact 4.11-1)

This EIR identified one significant and unavoidable impact, which would be a ten second increase in vehicular delay in the PM peak hour at the intersection of Foothill Boulevard and D Street (Impact 4.11-1). Due to existing physical constraints at this intersection, roadway improvements to increase vehicular capacity were deemed not feasible and therefore, no mitigation was identified to reduce this significant and unavoidable impact. However, the land use alternative adopted by the City of Hayward for the Route 238 Bypass Land Use Study project resulted in reduced delays at this intersection and a less-than-significant impact, rather than a significant and unavoidable impact. Accordingly, a statement of overriding considerations was not adopted for the adopted land use alternative adopted per the Route 238 Bypass Land Use Study project.

**Statement of Overriding Considerations Associated with the
South Hayward BART/Mission Boulevard Form-Based Code (Form-Based Code)
Supplemental Program Environmental Impact Report (SEIR)**

4. In compliance with CEQA Guidelines §15093, the City of Hayward hereby makes findings that acknowledge the continued presence of previously determined significant and unavoidable impacts and hereby readopts the previous statements of overriding considerations for those previously determined significant and unavoidable impacts that would remain under the Form-Based Code Project, as revised from those projects analyzed in the two previous certified EIRs referenced above.
5. The City of Hayward adopts and makes this Statement of Overriding Considerations related to the adoption of the South Hayward BART/Mission Boulevard Form-Based Code and related land use actions and unavoidable and significant impacts relates to air quality and regional traffic referenced above, in order to explain why the benefits of implemented the Code override and outweigh such impacts.

Adoption and implementation of the Form-Based Code and related land use actions will provide substantial benefits to the City by providing for much needed housing in the City, some of which would be affordable in accordance with the City's Inclusionary Zoning Ordinance and redevelopment area provisions, and assisting the City in meeting quantified housing objectives contained in the Housing Element of the General Plan, without substantially impacting local traffic patterns compared with traditional development trends. In addition, the Form-Based Code project promotes the conversion of older commercial uses and areas that are no longer economically feasible to a state-of-the art, urban-scale mixed-use neighborhood and will help create a vibrant livable neighborhood with high-quality, safe, and well-used public spaces. The Form-Based Code project will also provide opportunities for intensified land uses to encourage the development of a transit-friendly, smart-growth area near an existing BART station, consistent with regional planning objectives and encourage highest intensity residential uses and essential community services within a short walking distance of an existing BART station, which will lessen reliance on the automobile and reduce traffic and congestion and air pollution. Additionally, the Form-Based Code project will increase local jobs and economic return to the City and provide landowners with incentives to remediate soil and groundwater contamination conditions, as well as offer dedication of new thoroughfares, which will reduce block sizes that will encourage pedestrian movement. The Form-Based Code project will also provide economic incentives to provide missing public infrastructure, improvements and upgrade older facilities and provide opportunity for the development of new public facilities, including a community center and the expansion of Bowman School. Finally, the Form-Based Code project will encourage coordinated development that enhances existing neighborhoods, promotes design that relates to existing neighborhoods through building height, setbacks and massing that

**Statement of Overriding Considerations Associated with the
South Hayward BART/Mission Boulevard Form-Based Code (Form-Based Code)
Supplemental Program Environmental Impact Report (SEIR)**

steps down to transition to existing buildings and encourages development is oriented toward the street and scaled to the pedestrian.

For all the foregoing reasons, the City of Hayward finds that the significant and unavoidable impacts identified in the previously certified 2006 Concept Design Plan Program EIR (SCH No. 2005092093) and the previously certified 2009 Route 238 Bypass Land Use Study Program EIR (SCH No. 2008072066), are outweighed by the benefits identified above and therefore, readopts the statement of overriding considerations associated with the Concept Design Plan EIR, which is attached [hereto](#).

**Statement of Overriding Considerations Associated with the
South Hayward BART/Mission Boulevard Form-Based Code (Form-Based Code)
Supplemental Program Environmental Impact Report (SEIR)**

STATEMENT OF OVERRIDING CONSIDERATIONS
Addressing the Significant and Unavoidable Impacts identified in the
South Hayward BART/Mission Boulevard Concept Design Plan Project
Final Environmental Impact Report

The City of Hayward adopts and makes this statement of overriding considerations related to adoption of the South Hayward BART/Mission Boulevard Concept Design Plan and associated amendments to the General Plan and Zoning Ordinance, and the resulting unavoidable and significant impacts related to air quality and regional traffic, in order to explain why the benefits of implementing the project override and outweigh such impacts.

Significant and Unavoidable Impacts

Inconsistency with an Air Quality Plan (Impact 4.2-1): Each of the three proposed concept plan alternatives would generate additional population in the City of Hayward that would exceed population projections contained in the regional Clean Air Plan.

As noted in the DEIR, however, such impact would be temporary and would be eliminated once the Association of Bay Area Governments (ABAG) recognizes amendments to the Hayward General Plan related to this project, and incorporates the anticipated additional population in its next round of projections.

Cumulative Air Quality Impacts (Impact 4.2-2): Each of the three proposed concept plan alternatives would result in the generation of significant quantities of ozone precursors which are a constituent of regional air pollution.

Cumulative Traffic Impacts (Impact 4.7-4): Some roadways in the Hayward area will continue to operate at less than acceptable levels. Therefore, cumulative traffic impacts anticipated by the South Hayward BART project are expected to be *potentially significant*.

The Environmental Impact Report on the South Hayward BART/Mission Boulevard Concept Design Plan project utilizes analyses in the General Plan Update EIR related to cumulative traffic impacts associated with regional traffic to conclude that such impacts are significant and unavoidable. As reflected in Table 6.6 and Figure 6.5 of the General Plan Update EIR, some intersections and roadway segments throughout the City are expected to operate at Levels of Service E or F in the year 2025. The General Plan Update EIR indicates that regional through traffic accounts for up to 25 to 30 percent of the peak hour trips on some major arterials within the City and that “the City’s ability to mitigate this traffic through land use planning is limited.” The General Plan Update EIR concluded that “it is likely that some roadways will continue to operate at less than acceptable levels due to physical constraints, funding limitations, and

regional growth patterns. Therefore, the overall traffic impact is expected to be significant and unavoidable.”

Benefits of Project

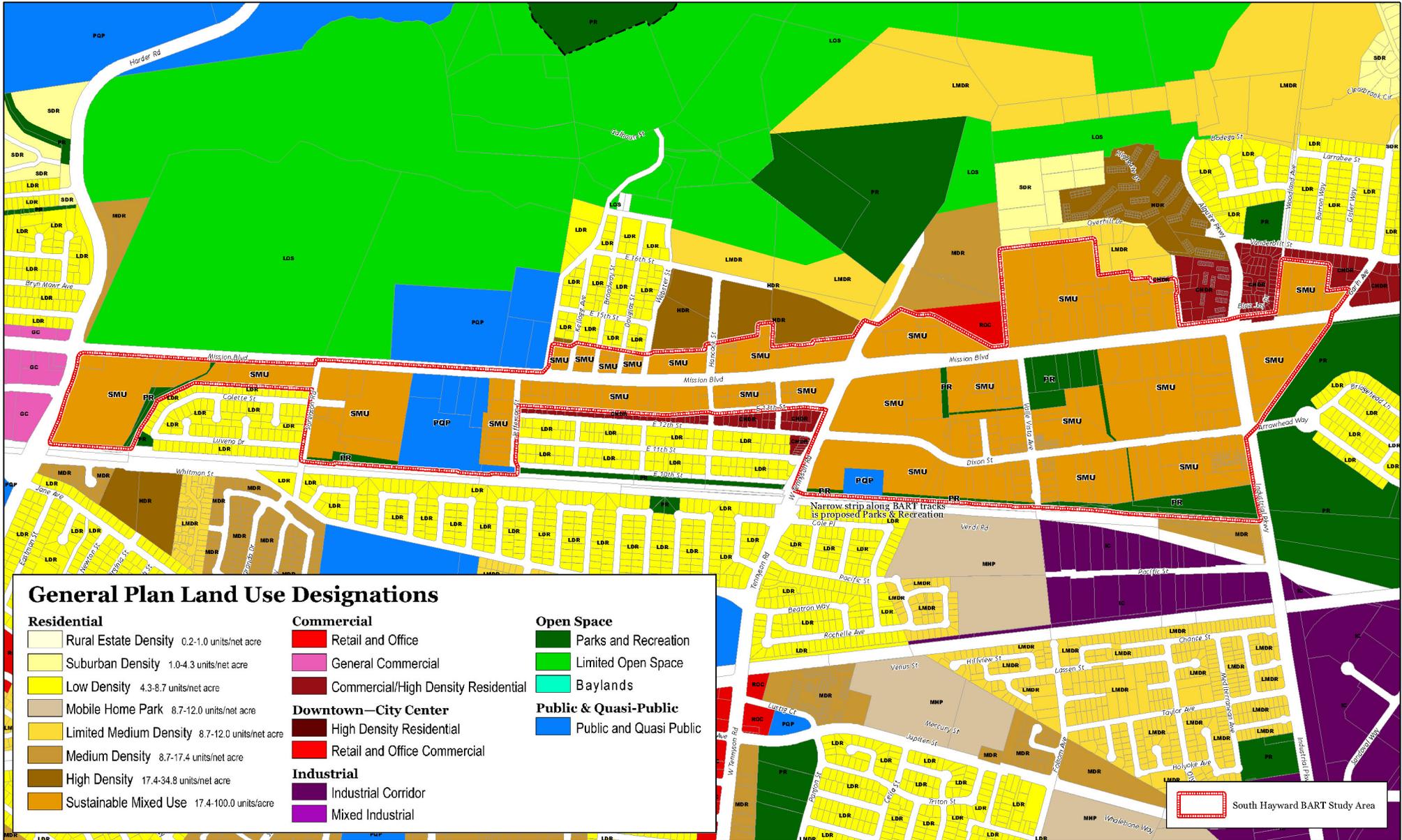
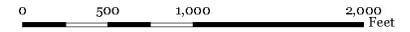
Adoption and implementation of the South Hayward BART/Mission Boulevard Concept Design Plan and related amendments to the General Plan and Zoning Ordinance (the “Project”) will provide substantial benefits to the City of Hayward by:

1. Providing for additional much-needed housing in the City, some of which would be affordable in accordance with the City’s Inclusionary Housing Plan and Redevelopment Area provisions, and assisting the City in meeting quantified housing objectives contained in the Housing Element of the Hayward General Plan, without substantially increasing local traffic impacts compared with traditional development trends;
2. Promoting the conversion of older commercial uses and areas that are no longer economically feasible to a state-of-the-art, urban-scale mixed use neighborhood;
3. Helping to create a vibrant, livable neighborhood with high-quality, safe, well-used public spaces;
4. Providing opportunities for intensified land uses to encourage the development of a transit-friendly, smart-growth area near an existing BART station, consistent with regional planning objectives;
5. Encouraging the highest-intensity residential uses and essential community services within a short walking distance to the South Hayward BART Station, thereby reducing reliance on the automobile, which will lessen traffic congestion and air pollution;
6. Increasing local jobs and economic return to the City of Hayward and Hayward Redevelopment Agency;
7. Providing incentives for landowners to remediate identified soil and groundwater contamination conditions;
8. Providing economic incentives to provide missing public infrastructure improvements or upgrade older such facilities;
9. Providing opportunities for development of new public facilities, including a community center and the expansion of Bowman School;
10. Encouraging coordinated development that enhances the existing neighborhood fabric;
11. Managing public and private parking resources to enhance the livability of the neighborhood;
12. Encouraging development that is oriented towards the street and is scaled to the pedestrian; and
13. Promoting design that relates to the existing neighborhoods through building height, setbacks and massing that steps down to transition to existing buildings.

Therefore, the City of Hayward finds that the significant and unavoidable impacts associated with adoption of the South Hayward BART/Mission Boulevard Concept Design Plan Project are acceptable in light of the above benefits.



Proposed General Plan Designations



General Plan Land Use Designations

Residential	Commercial	Open Space
Rural Estate Density 0.2-1.0 units/net acre	Retail and Office	Parks and Recreation
Suburban Density 1.0-4.3 units/net acre	General Commercial	Limited Open Space
Low Density 4.3-8.7 units/net acre	Commercial/High Density Residential	Baylands
Mobile Home Park 8.7-12.0 units/net acre	Downtown—City Center	Public & Quasi-Public
Limited Medium Density 8.7-12.0 units/net acre	High Density Residential	Public and Quasi Public
Medium Density 8.7-17.4 units/net acre	Retail and Office Commercial	
High Density 17.4-34.8 units/net acre	Industrial	
Sustainable Mixed Use 17.4-100.0 units/acre	Industrial Corridor	
	Mixed Industrial	

South Hayward BART Study Area

RECOMMENDED GENERAL PLAN LAND USE DESIGNATIONS
SOUTH HAYWARD BART FORM-BASED CODE

APN	Parcel Address	Existing General Plan Designation	Proposed General Plan Designation	Acres
078C-0435-001-03	VALLE VISTA AVE	HDR	PR	0.002
078C-0626-001-13	MISSION BLVD	CHDR	SMU	0.003
078C-0438-057-00	29300 DIXON ST 312	HDR	SMU	0.004
078C-0438-065-00	29300 DIXON ST 215	HDR	SMU	0.004
078C-0438-052-00	325 VALLE VISTA AVE	HDR	SMU	0.004
078C-0438-050-00	325 VALLE VISTA AVE 210	HDR	SMU	0.004
078C-0438-054-00	29300 DIXON ST 311	HDR	SMU	0.004
078C-0438-061-00	325 VALLE VISTA AVE 114	HDR	SMU	0.004
078C-0438-053-00	325 VALLE VISTA AVE 211	HDR	SMU	0.004
078C-0438-063-00	325 VALLE VISTA AVE	HDR	SMU	0.004
078C-0438-056-00	29300 DIXON ST 212	HDR	SMU	0.004
078C-0438-059-00	325 VALLE VISTA AVE	HDR	SMU	0.004
078C-0438-051-00	325 VALLE VISTA AVE	HDR	SMU	0.004
078C-0438-066-00	325 VALLE VISTA AVE	HDR	SMU	0.004
083-0455-010-01	PACIFIC ST	HDR	PR	0.004
078C-0438-058-00	29300 DIXON ST 113	HDR	SMU	0.005
078C-0438-062-00	29300 DIXON ST 214	HDR	SMU	0.005
078C-0438-064-00	29300 DIXON ST 115	HDR	SMU	0.005
078C-0438-069-00	325 VALLE VISTA AVE	HDR	SMU	0.005
078C-0438-055-00	29300 DIXON ST 112	HDR	SMU	0.005
078C-0438-070-00	325 VALLE VISTA AVE	HDR	SMU	0.005
078C-0438-060-00	325 VALLE VISTA AVE	HDR	SMU	0.005
078C-0438-067-00	29300 DIXON ST 116	HDR	SMU	0.005
078C-0433-009-01	216 VALLE VISTA AVE	HDR	SMU, PR	0.005
078C-0438-068-00	29300 DIXON ST 216	HDR	SMU	0.005
078C-0436-133-00	260 INDUSTRIAL PKWY 24	HDR	SMU	0.006
078C-0436-135-00	260 INDUSTRIAL PKWY 26	HDR	SMU	0.006
078C-0436-134-00	260 INDUSTRIAL PKWY 25	HDR	SMU	0.006
078C-0436-127-00	260 INDUSTRIAL PKWY 18	HDR	SMU	0.007
078C-0436-137-00	260 INDUSTRIAL PKWY 28	HDR	SMU	0.007
078C-0436-131-00	260 INDUSTRIAL PKWY 22	HDR	SMU	0.007
078C-0436-128-00	260 INDUSTRIAL PKWY 19	HDR	SMU	0.007
078C-0436-129-00	260 INDUSTRIAL PKWY 20	HDR	SMU	0.007
078C-0436-136-00	260 INDUSTRIAL PKWY 27	HDR	SMU	0.007
078C-0436-130-00	260 INDUSTRIAL PKWY 21	HDR	SMU	0.008
078C-0438-038-00	29300 DIXON ST 206	HDR	SMU	0.008
078C-0436-132-00	260 INDUSTRIAL PKWY 23	HDR	SMU	0.009
078C-0438-023-00	29300 DIXON ST 201	HDR	SMU	0.009
078C-0438-039-00	325 VALLE VISTA AVE	HDR	SMU	0.009
078C-0438-025-00	325 VALLE VISTA AVE 102	HDR	SMU	0.009
078C-0438-029-00	29300 DIXON ST	HDR	SMU	0.009
078C-0436-126-00	260 INDUSTRIAL PKWY 17	HDR	SMU	0.009
078C-0438-037-00	29300 DIXON ST 106	HDR	SMU	0.009
078C-0438-033-00	29300 DIXON ST 304	HDR	SMU	0.009

RECOMMENDED GENERAL PLAN LAND USE DESIGNATIONS
SOUTH HAYWARD BART FORM-BASED CODE

Attachment V

APN	Parcel Address	Existing General Plan Designation	Proposed General Plan Designation	Acres
078C-0438-045-00	29300 DIXON ST 308	HDR	SMU	0.009
078C-0438-024-00	29300 DIXON ST 301	HDR	SMU	0.009
078C-0438-049-00	325 VALLE VISTA AVE	HDR	SMU	0.009
078C-0438-036-00	325 VALLE VISTA AVE 305	HDR	SMU	0.010
078C-0455-008-12	MISSION BLVD	HDR	SMU	0.010
078C-0436-145-00	260 INDUSTRIAL PKWY 36	HDR	SMU	0.010
078C-0438-027-00	29300 DIXON ST 302	HDR	SMU	0.010
078C-0438-048-00	29300 DIXON ST 309	HDR	SMU	0.010
078C-0438-032-00	325 VALLE VISTA AVE 204	HDR	SMU	0.010
078C-0438-028-00	325 VALLE VISTA AVE	HDR	SMU	0.010
078C-0438-046-00	325 VALLE VISTA AVE 109	HDR	SMU	0.010
078C-0438-035-00	29300 DIXON ST 205	HDR	SMU	0.010
078C-0438-031-00	325 VALLE VISTA AVE 104	HDR	SMU	0.010
078C-0438-044-00	325 VALLE VISTA AVE	HDR	SMU	0.010
078C-0438-022-00	29300 DIXON ST 101	HDR	SMU	0.010
078C-0438-034-00	29300 DIXON ST 105	HDR	SMU	0.010
078C-0436-144-00	260 INDUSTRIAL PKWY 35	HDR	SMU	0.010
078C-0436-112-00	260 INDUSTRIAL PKWY 3	HDR	SMU	0.010
078C-0438-043-00	29300 DIXON ST 108	HDR	SMU	0.010
078C-0438-026-00	325 VALLE VISTA AVE	HDR	SMU	0.010
078C-0438-042-00	29300 DIXON ST 307	HDR	SMU	0.010
078C-0438-041-00	325 VALLE VISTA AVE 207	HDR	SMU	0.010
078C-0438-030-00	325 VALLE VISTA AVE	HDR	SMU	0.010
078C-0436-140-00	260 INDUSTRIAL PKWY 31	HDR	SMU	0.011
078C-0436-138-00	260 INDUSTRIAL PKWY 29	HDR	SMU	0.011
078C-0436-143-00	260 INDUSTRIAL PKWY 34	HDR	SMU	0.011
078C-0436-117-00	260 INDUSTRIAL PKWY 8	HDR	SMU	0.011
078C-0438-047-00	325 VALLE VISTA AVE	HDR	SMU	0.011
078C-0436-148-00	260 INDUSTRIAL PKWY 39	HDR	SMU	0.011
078C-0436-111-00	260 INDUSTRIAL PKWY 2	HDR	SMU	0.011
078C-0438-040-00	325 VALLE VISTA AVE	HDR	SMU	0.011
452-0056-017-00	SORENSEN RD	CHDR	SMU	0.011
078C-0436-116-00	260 INDUSTRIAL PKWY 7	HDR	SMU	0.011
078C-0436-113-00	260 INDUSTRIAL PKWY 4	HDR	SMU	0.011
078C-0436-141-00	260 INDUSTRIAL PKWY 32	HDR	SMU	0.012
078C-0436-139-00	260 INDUSTRIAL PKWY 30	HDR	SMU	0.012
078C-0436-114-00	260 INDUSTRIAL PKWY 5	HDR	SMU	0.012
078C-0436-142-00	260 INDUSTRIAL PKWY 33	HDR	SMU	0.012
078C-0436-147-00	260 INDUSTRIAL PKWY 38	HDR	SMU	0.012
078C-0436-146-00	260 INDUSTRIAL PKWY 37	HDR	SMU	0.012
078C-0436-123-00	260 INDUSTRIAL PKWY 14	HDR	SMU	0.012
078C-0436-118-00	260 INDUSTRIAL PKWY 9	HDR	SMU	0.012
078C-0436-124-00	260 INDUSTRIAL PKWY 15	HDR	SMU	0.013
078C-0436-122-00	260 INDUSTRIAL PKWY 13	HDR	SMU	0.013

RECOMMENDED GENERAL PLAN LAND USE DESIGNATIONS
SOUTH HAYWARD BART FORM-BASED CODE

Attachment V

APN	Parcel Address	Existing General Plan Designation	Proposed General Plan Designation	Acres
078C-0436-119-00	260 INDUSTRIAL PKWY 10	HDR	SMU	0.013
078C-0436-121-00	260 INDUSTRIAL PKWY 12	HDR	SMU	0.013
078C-0436-120-00	260 INDUSTRIAL PKWY 11	HDR	SMU	0.013
078C-0626-014-00	813 HANCOCK ST 5	HDR	SMU	0.013
078C-0626-013-00	811 HANCOCK ST	HDR	SMU	0.013
078C-0626-011-00	807 HANCOCK ST	HDR	SMU	0.013
078C-0436-115-00	260 INDUSTRIAL PKWY 6	HDR	SMU	0.013
078C-0436-149-00	260 INDUSTRIAL PKWY 40	HDR	SMU	0.013
078C-0626-012-00	809 HANCOCK ST 3	HDR	SMU	0.013
078C-0436-110-00	260 INDUSTRIAL PKWY 1	HDR	SMU	0.013
078C-0436-125-00	260 INDUSTRIAL PKWY 16	HDR	SMU	0.014
078C-0626-010-00	805 HANCOCK ST	HDR	SMU	0.014
078C-0626-015-00	815 HANCOCK ST	HDR	SMU	0.014
078C-0436-152-00	260 INDUSTRIAL PKWY 43	HDR	SMU	0.014
078C-0436-153-00	260 INDUSTRIAL PKWY 44	HDR	SMU	0.015
078C-0436-155-00	260 INDUSTRIAL PKWY 46	HDR	SMU	0.015
078C-0436-151-00	260 INDUSTRIAL PKWY 42	HDR	SMU	0.015
078C-0436-156-00	260 INDUSTRIAL PKWY 47	HDR	SMU	0.015
078C-0436-154-00	260 INDUSTRIAL PKWY 45	HDR	SMU	0.016
078C-0436-157-00	260 INDUSTRIAL PKWY 48	HDR	SMU	0.016
078C-0436-150-00	260 INDUSTRIAL PKWY 41	HDR	SMU	0.017
078C-0438-071-00	325 VALLE VISTA AVE 217	HDR	SMU	0.018
078C-0438-072-00	29300 DIXON ST 317	HDR	SMU	0.020
078C-0434-021-00	29245 DIXON ST	HDR	SMU	0.022
078C-0434-018-00	29239 DIXON ST	HDR	SMU	0.022
078C-0438-015-01	29553 MISSION BLVD	MBR	SMU	0.026
078C-0440-019-00	29192 DIXON ST	HDR	SMU	0.028
078C-0440-018-00	29190 DIXON ST	HDR	SMU	0.028
078C-0440-020-00	29194 DIXON ST	HDR	SMU	0.028
078C-0440-021-00	29196 DIXON ST	HDR	SMU	0.028
078C-0440-017-00	29188 DIXON ST	HDR	SMU	0.028
078C-0440-022-00	29198 DIXON ST	HDR	SMU	0.028
078C-0434-020-00	29243 DIXON ST	HDR	SMU	0.029
078C-0434-019-00	29241 DIXON ST	HDR	SMU	0.030
083-0455-009-00	PACIFIC ST	HDR	PR	0.037
452-0020-011-00	WHITMAN ST	HDR	PR	0.056
078C-0434-002-01	VALLE VISTA AVE	HDR	SMU	0.060
078C-0644-007-00	27690 MISSION BLVD	HDR	SMU	0.068
078C-0644-006-00	720 BROADWAY ST	HDR	SMU	0.069
078C-0434-002-02	VALLE VISTA AVE	HDR	SMU	0.072
078C-0434-017-03	VALLE VISTA AVE	HDR	PR	0.074
078C-0637-015-00	DOUGLAS ST	HDR	SMU	0.075
078C-0441-001-24	MISSION BLVD	LOS	SMU	0.078
078C-0644-008-00	27654 MISSION BLVD	HDR	SMU	0.079

RECOMMENDED GENERAL PLAN LAND USE DESIGNATIONS
SOUTH HAYWARD BART FORM-BASED CODE

Attachment V

APN	Parcel Address	Existing General Plan Designation	Proposed General Plan Designation	Acres
452-0084-086-02	28475 MISSION BLVD	CHDR	SMU	0.080
452-0084-075-02	28293 MISSION BLVD	MBR	SMU	0.083
452-0084-088-00	28495 MISSION BLVD	CHDR	SMU	0.083
078C-0434-017-02	VALLE VISTA AVE	HDR	PR	0.084
452-0084-077-00	28368 E 13TH ST	MBR	SMU	0.084
452-0084-087-00	28485 MISSION BLVD	CHDR	SMU	0.084
452-0084-076-02	28390 E 13TH ST	MBR	SMU	0.086
452-0084-098-00	28458 E 13TH ST	CHDR	SMU	0.087
452-0084-079-00	28320 E 13TH ST	MBR	SMU	0.087
452-0084-081-00	28276 E 13TH ST	MBR	SMU	0.088
452-0084-074-00	28285 MISSION BLVD	MBR	SMU	0.088
078C-0637-014-00	737 DOUGLAS ST	HDR	SMU	0.089
452-0084-080-00	28298 E 13TH ST	MBR	SMU	0.092
452-0084-078-00	28348 E 13TH ST	MBR	SMU	0.093
452-0084-084-00	28200 E 13TH ST	MBR	SMU	0.093
452-0084-073-00	MISSION BLVD	MBR	SMU	0.093
078C-0644-010-00	KELLOGG AVE	HDR	SMU	0.095
078C-0433-004-09	292 VALLE VISTA AVE	HDR	SMU	0.101
078C-0433-012-00	VALLE VISTA AVE	HDR	SMU, PR	0.102
078C-0433-004-13	29187 DIXON ST	HDR	SMU	0.115
078C-0433-004-07	29185 DIXON ST	HDR	SMU	0.115
078C-0433-004-11	29183 DIXON ST	HDR	SMU	0.119
078C-0455-007-13	643 GREELEY CT	HDR	SMU	0.121
078C-0440-016-02	29170 DIXON ST	HDR	SMU	0.121
078C-0440-003-06	308 COPPERFIELD AVE	HDR	SMU	0.122
078C-0638-009-00	727 BROADWAY ST	HDR	SMU	0.125
078C-0433-008-03	218 VALLE VISTA AVE	HDR	SMU, PR	0.125
078C-0644-005-00	744 BROADWAY ST	HDR	SMU	0.133
078C-0455-007-06	627 GREELEY CT	HDR	SMU	0.135
452-0068-034-02	27550 E 12TH ST	HDR, CHDR	SMU, CHDR	0.137
452-0080-043-02	28075 MISSION BLVD	HDR	SMU	0.139
452-0068-017-00	27511 MISSION BLVD	HDR	SMU	0.141
078C-0438-001-09	29314 DIXON ST	HDR	SMU	0.142
078C-0440-007-00	316 COPPERFIELD AVE	HDR	SMU	0.143
078C-0434-022-00	DIXON ST	HDR	SMU	0.144
078C-0433-002-08	29175 DIXON ST	HDR	SMU	0.145
078C-0440-014-00	323 COPPERFIELD AVE	HDR	SMU	0.146
078C-0440-010-00	338 COPPERFIELD AVE	HDR	SMU	0.147
078C-0434-006-06	29213 DIXON ST	HDR	SMU	0.147
078C-0638-010-00	743 BROADWAY ST	LDR	SMU, LDR	0.147
078C-0440-009-00	332 COPPERFIELD AVE	HDR	SMU	0.148
078C-0440-008-00	324 COPPERFIELD AVE	HDR	SMU	0.148
078C-0440-012-00	339 COPPERFIELD AVE	HDR	SMU	0.149
078C-0455-007-14	635 GREELEY CT	HDR	SMU	0.149

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APN	Parcel Address	Existing General Plan Designation	Proposed General Plan Designation	Acres
078C-0440-013-00	331 COPPERFIELD AVE	HDR	SMU	0.149
078C-0637-013-01	27820 MISSION BLVD	HDR	SMU	0.149
078C-0440-015-00	315 COPPERFIELD AVE	HDR	SMU	0.150
078C-0455-001-05	648 OVERHILL DR	HDR	SMU	0.153
078C-0644-011-00	KELLOGG AVE	HDR	SMU	0.154
078C-0434-003-02	227 VALLE VISTA AVE	HDR	SMU	0.159
452-0084-089-00	28521 MISSION BLVD	CHDR	SMU	0.162
078C-0437-002-02	29660 DIXON ST	HDR	SMU	0.164
078C-0455-008-06	657 OVERHILL DR	HDR	SMU	0.165
078C-0434-004-02	231 VALLE VISTA AVE	HDR	SMU	0.165
452-0084-097-00	28470 E 13TH ST	CHDR	SMU	0.167
452-0084-099-02	28406 E 13TH ST	CHDR	SMU	0.169
078C-0644-009-00	27630 MISSION BLVD	HDR	SMU	0.169
452-0068-020-03	27651 MISSION BLVD	HDR	SMU	0.170
452-0068-020-04	27641 MISSION BLVD	HDR	SMU	0.172
078C-0455-007-16	GREELEY CT	HDR	SMU	0.173
452-0084-090-00	28529 MISSION BLVD	CHDR	SMU	0.174
078G-2651-013-00	339 INDUSTRIAL PKWY	ROC	SMU	0.175
078C-0447-005-00	398 VALLE VISTA AVE	ROC	SMU	0.176
452-0084-096-00	28538 E 13TH ST	CHDR	SMU	0.177
078C-0638-004-00	744 DOUGLAS ST	LDR	SMU, LDR	0.177
078C-0436-004-02	29683 DIXON ST	HDR	SMU	0.178
452-0084-085-02	28200 E 13TH ST	MBR	SMU	0.178
452-0084-083-00	28202 E 13TH ST	MBR	SMU	0.181
078C-0437-003-09	29668 DIXON ST	HDR	SMU	0.181
078C-0436-002-02	29659 DIXON ST	HDR	SMU	0.183
078C-0436-006-02	29695 DIXON ST	HDR	SMU	0.183
078C-0437-001-02	29642 DIXON ST	HDR	SMU	0.183
078C-0626-002-03	MISSION BLVD	HDR	SMU	0.184
078C-0436-003-02	29667 DIXON ST	HDR	SMU	0.184
078C-0436-008-03	29697 DIXON ST	HDR	SMU	0.186
452-0084-082-00	28240 E 13TH ST	MBR	SMU	0.187
078C-0436-005-02	29689 DIXON ST	HDR	SMU	0.188
078C-0638-007-01	27702 MISSION BLVD	HDR	SMU	0.189
078C-0434-005-02	241 VALLE VISTA AVE	HDR	SMU	0.190
078C-0440-001-02	29018 DIXON ST	HDR	SMU	0.195
078C-0433-007-04	224 VALLE VISTA AVE	HDR	SMU	0.202
078C-0626-003-23	28546 MISSION BLVD	ROC	SMU	0.215
078C-0433-006-02	232 VALLE VISTA AVE	HDR	SMU	0.215
078C-0638-005-01	DOUGLAS ST	HDR	SMU	0.221
452-0068-010-00	604 JEFFERSON ST	CHDR	SMU	0.223
452-0056-002-01	677 SORENSON RD	CHDR	SMU	0.224
078C-0626-016-00	813 HANCOCK ST	HDR	SMU	0.227
452-0068-018-00	27541 MISSION BLVD	HDR	SMU	0.227

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APN	Parcel Address	Existing General Plan Designation	Proposed General Plan Designation	Acres
078C-0455-006-08	29426 MISSION BLVD	ROC	SMU	0.229
452-0068-022-00	27703 MISSION BLVD	HDR	SMU	0.230
452-0080-042-00	28049 MISSION BLVD	HDR	SMU	0.232
452-0068-009-00	592 JEFFERSON ST	MDR	SMU	0.234
078C-0455-006-03	29404 MISSION BLVD	ROC	SMU	0.235
078C-0440-004-02	29182 DIXON ST	HDR	SMU	0.235
452-0068-008-00	586 JEFFERSON ST	MDR	SMU	0.240
078C-0434-006-04	249 VALLE VISTA AVE	HDR	SMU	0.244
078G-2651-011-02	411 INDUSTRIAL PKWY	ROC	SMU	0.246
452-0068-014-02	27451 MISSION BLVD	CHDR	SMU	0.249
452-0080-037-00	27931 MISSION BLVD	HDR	SMU	0.249
078C-0434-016-02	VALLE VISTA AVE	HDR	PR	0.251
452-0020-006-10	MISSION BLVD	HDR	SMU, PR	0.257
078C-0440-023-00	VALLE VISTA AVE	HDR	SMU	0.265
078C-0637-011-02	27826 MISSION BLVD	HDR	SMU	0.266
452-0084-069-02	28105 MISSION BLVD	MBR	SMU	0.271
452-0084-070-01	28149 MISSION BLVD	MBR	SMU	0.273
452-0068-004-02	542 JEFFERSON ST	MDR	SMU	0.273
078G-2651-008-00	29875 MISSION BLVD	ROC	SMU	0.277
452-0080-045-01	650 HANCOCK ST	HDR, CHDR	SMU, CHDR	0.283
452-0068-016-01	27467 MISSION BLVD	CHDR	SMU	0.285
452-0068-031-01	27580 E 12TH ST	HDR, CHDR	SMU, CHDR	0.290
452-0068-005-02	556 JEFFERSON ST	MDR	SMU	0.292
452-0068-007-01	574 JEFFERSON ST	MDR	SMU	0.300
452-0068-013-00	629 JEFFERSON ST	CHDR	SMU	0.312
078C-0455-001-03	29272 MISSION BLVD	HDR	SMU	0.318
452-0068-112-00	27369 MISSION BLVD	CHDR	SMU	0.320
083-0251-085-02	29862 MISSION BLVD	ROC	SMU	0.333
078C-0433-005-02	240 VALLE VISTA AVE	HDR	SMU	0.337
452-0084-072-00	28257 MISSION BLVD	MBR	SMU	0.344
078C-0437-003-07	29686 DIXON ST	HDR	SMU	0.351
078C-0438-003-02	349 VALLE VISTA AVE	HDR	SMU	0.352
452-0068-024-05	27915 MISSION BLVD	HDR	SMU	0.356
078C-0438-004-02	363 VALLE VISTA AVE	MBR	SMU	0.368
078C-0432-002-07	29017 DIXON ST	HDR	SMU, PR	0.376
078C-0447-007-06	378 VALLE VISTA AVE	ROC	SMU, PR	0.379
452-0068-111-00	27423 MISSION BLVD	CHDR	SMU	0.381
078C-0432-006-06	29061 DIXON ST	HDR	SMU, PR	0.384
452-0068-002-01	532 JEFFERSON ST	MDR	SMU	0.385
078C-0455-001-07	29290 MISSION BLVD	HDR	SMU	0.394
078C-0437-003-05	328 INDUSTRIAL PKWY	HDR	SMU	0.396
078G-2651-009-02	29705 MISSION BLVD	ROC	SMU	0.404
078C-0447-006-02	380 VALLE VISTA AVE	ROC	SMU	0.412
078C-0434-012-06	29367 DIXON ST	HDR	SMU	0.414

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452-0056-015-00	26825 COLETTE ST	CHDR	SMU	0.428
078C-0436-001-15	29615 DIXON ST	HDR	SMU	0.436
078C-0455-007-04	29444 MISSION BLVD	HDR	SMU	0.436
078C-0447-003-01	29115 MISSION BLVD	ROC	SMU	0.436
078C-0438-006-00	29213 MISSION BLVD	PR	PR	0.438
078C-0436-010-04	INDUSTRIAL PKWY	HDR	SMU	0.439
078C-0433-003-06	DIXON ST	HDR	SMU, PR	0.441
078C-0447-003-02	29131 MISSION BLVD	ROC	SMU	0.446
452-0068-019-00	27575 MISSION BLVD	HDR	SMU	0.447
452-0068-023-00	27787 MISSION BLVD	HDR	SMU	0.458
452-0068-024-03	27795 MISSION BLVD	HDR	SMU	0.459
083-0251-084-00	29874 MISSION BLVD	ROC	SMU	0.463
078C-0626-003-12	28534 MISSION BLVD	ROC	SMU	0.467
078C-0455-003-00	29350 MISSION BLVD	HDR	SMU	0.469
078C-0455-002-00	29338 MISSION BLVD	HDR	SMU	0.469
078C-0626-006-01	28000 MISSION BLVD	CHDR	SMU	0.487
452-0020-010-02	MISSION BLVD	HDR	SMU, PR	0.507
452-0020-004-03	26135 MISSION BLVD	GC	SMU	0.515
452-0068-011-02	620 JEFFERSON ST	CHDR	SMU	0.517
078C-0441-001-23	MISSION BLVD	LOS	LOS	0.521
078C-0455-007-15	619 GREELEY CT	HDR	SMU	0.526
078C-0438-015-02	29553 MISSION BLVD	MBR	SMU	0.527
078C-0450-001-02	29583 MISSION BLVD	MBR	SMU	0.536
452-0068-095-03	520 JEFFERSON ST	PQP	PQP, SMU	0.557
078C-0447-004-00	29159 MISSION BLVD	ROC	SMU	0.565
078C-0432-013-01	29009 DIXON ST	HDR	SMU, PR	0.573
078C-0626-002-04	28244 MISSION BLVD	HDR	SMU	0.573
078C-0455-005-02	29380 MISSION BLVD	HDR	SMU	0.584
452-0068-024-06	27823 MISSION BLVD	HDR	SMU	0.587
078C-0626-007-03	28030 MISSION BLVD	CHDR	SMU	0.605
078C-0645-013-03	27572 MISSION BLVD	HDR	SMU	0.613
078C-0438-014-00	29547 MISSION BLVD	MBR	SMU	0.623
078C-0437-008-02	390 INDUSTRIAL PKWY	HDR	SMU	0.625
078C-0626-001-15	28150 MISSION BLVD	CHDR	SMU	0.626
452-0056-003-00	26801 MISSION BLVD	ROC	SMU	0.645
452-0084-095-05	650 TENNYSON RD	CHDR	SMU	0.653
078C-0441-001-16	28901 MISSION BLVD	SAR	SMU	0.676
452-0020-008-00	26359 MISSION BLVD	HDR	SMU	0.677
078C-0438-008-00	MISSION BLVD	PR	PR	0.677
078C-0455-008-11	29498 MISSION BLVD	HDR	SMU	0.682
078C-0438-009-00	29335 MISSION BLVD	PR	PR	0.691
078C-0450-003-08	29671 MISSION BLVD	CHDR	SMU	0.696
083-0455-010-02	PACIFIC ST	HDR	PR	0.696
078C-0447-002-01	29097 MISSION BLVD	ROC	SMU	0.701

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APN	Parcel Address	Existing General Plan Designation	Proposed General Plan Designation	Acres
078C-0436-001-06	29633 DIXON ST	HDR	SMU	0.718
078C-0436-001-07	29629 DIXON ST	HDR	SMU	0.719
078C-0626-003-25	28590 MISSION BLVD	ROC	SMU	0.729
078C-0450-006-10	418 INDUSTRIAL PKWY	HDR	SMU	0.740
078C-0435-005-02	29571 DIXON ST	HDR	SMU	0.757
083-0460-011-00	INDUSTRIAL PKWY	HDR	PR	0.762
078C-0436-010-03	INDUSTRIAL PKWY	HDR	SMU	0.763
078C-0455-006-01	29414 MISSION BLVD	ROC	SMU	0.771
078C-0433-001-06	29125 DIXON ST	HDR	SMU, PR	0.785
078C-0435-001-04	29397 DIXON ST	HDR	SMU	0.786
452-0080-038-03	27955 MISSION BLVD	HDR, CHDR	SMU, CHDR	0.799
083-0251-086-04	29800 WOODLAND AVE	ROC	SMU	0.802
083-0251-085-04	29824 MISSION BLVD	ROC	SMU	0.806
078G-2651-010-03	29851 MISSION BLVD	ROC	SMU	0.810
078C-0626-009-01	28090 MISSION BLVD	CHDR	SMU	0.811
078C-0435-002-01	DIXON ST	HDR	SMU, PR	0.812
452-0080-039-02	28001 MISSION BLVD	HDR	SMU	0.833
078C-0434-011-11	29359 DIXON ST	HDR	SMU	0.835
078C-0438-013-06	29497 MISSION BLVD	MBR	SMU	0.837
078C-0436-158-00	260 INDUSTRIAL PKWY	HDR	SMU	0.842
078C-0438-012-00	29479 MISSION BLVD	MBR	SMU	0.846
078C-0438-010-00	29339 MISSION BLVD	PR	PR	0.852
078C-0461-005-00	28722 MISSION BLVD	ROC	SMU	0.869
078C-0461-004-00	28700 MISSION BLVD	ROC	SMU	0.894
078C-0440-006-02	350 VALLE VISTA AVE	HDR	SMU	0.901
078C-0461-007-00	28870 MISSION BLVD	HDR	SMU	0.911
078C-0626-003-26	28564 MISSION BLVD	ROC	SMU	0.922
078C-0438-019-04	29360 DIXON ST	HDR	SMU	0.923
078C-0435-003-02	29495 DIXON ST	HDR	SMU	0.926
078C-0455-004-00	29362 MISSION BLVD	HDR	SMU	0.936
452-0068-030-01	27695 MISSION BLVD	HDR, CHDR	SMU, CHDR	0.937
078C-0455-008-13	29490 MISSION BLVD	HDR	SMU	0.942
452-0020-007-06	26295 MISSION BLVD	HDR	SMU, PR	0.981
078C-0438-018-02	29536 DIXON ST	HDR	SMU	0.987
078C-0435-006-00	29599 DIXON ST	HDR	SMU	0.987
078C-0438-005-00	381 VALLE VISTA AVE	PR	PR	0.992
078C-0438-020-00	29324 DIXON ST	HDR	SMU	1.002
452-0056-007-00	27177 MISSION BLVD	PQP	PQP	1.005
078C-0435-004-02	29529 DIXON ST	HDR	SMU	1.014
452-0056-006-00	27151 MISSION BLVD	PQP	PQP	1.015
452-0020-006-11	26253 MISSION BLVD	HDR	SMU, PR	1.043
078C-0433-002-10	29163 DIXON ST	HDR	SMU, PR	1.045
078C-0435-002-04	29405 DIXON ST	HDR	SMU	1.059
078C-0440-002-06	29034 DIXON ST	HDR	SMU	1.112

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078C-0450-008-03	422 INDUSTRIAL PKWY	CHDR	SMU	1.126
078C-0438-073-00	325 VALLE VISTA AVE	HDR	SMU	1.132
078C-0437-007-03	338 INDUSTRIAL PKWY	HDR	SMU	1.177
078C-0626-001-20	28168 MISSION BLVD	HDR	SMU	1.212
452-0056-005-00	27143 MISSION BLVD	PQP	PQP	1.223
078G-2651-014-00	375 INDUSTRIAL PKWY	ROC	SMU	1.230
078C-0438-011-01	MISSION BLVD	MBR, PR	SMU, PR	1.262
078C-0461-006-04	28824 MISSION BLVD	ROC	SMU	1.331
078C-0438-011-02	29459 MISSION BLVD	MBR	SMU	1.339
078C-0432-005-08	29039 DIXON ST	HDR	SMU, PR	1.357
078C-0434-015-05	29371 DIXON ST	HDR	SMU	1.359
078C-0438-007-00	29263 MISSION BLVD	PQP	PR	1.383
078C-0441-001-28	TENNYSON RD	SAR	SMU	1.442
452-0056-008-00	27283 MISSION BLVD	PQP	PQP, SMU	1.457
452-0056-001-15	26781 MISSION BLVD	CHDR	SMU	1.500
078C-0434-009-08	29289 DIXON ST	HDR	SMU	1.576
083-0251-086-06	29824 MISSION BLVD	ROC	SMU	1.592
078C-0461-009-01	28900 MISSION BLVD	HDR	SMU	1.594
078C-0441-001-25	28955 MISSION BLVD	CHDR	SMU, PR	1.751
078C-0447-002-02	29083 MISSION BLVD	ROC	SMU, PR	1.795
078C-0455-006-07	29438 MISSION BLVD	ROC	SMU	1.917
452-0056-014-00	605 SORENSON RD	LDR	SMU, PR	2.102
078C-0441-001-17	28937 MISSION BLVD	SAR	SMU	2.201
452-0056-013-00	26869 MISSION BLVD	ROC	SMU, PR	2.268
078C-0455-005-01	29390 MISSION BLVD	HDR	SMU	2.451
452-0036-030-05	26601 MISSION BLVD	HDR, CHDR	SMU	2.697
078C-0438-016-05	29596 DIXON ST	HDR	SMU	3.090
083-0460-006-03	INDUSTRIAL PKWY	HDR	PR	3.373
078G-2651-012-08	INDUSTRIAL PKWY	ROC	SMU	3.424
078C-0455-001-08	29312 MISSION BLVD	HDR	SMU	4.154
078C-0455-001-04	29212 MISSION BLVD	HDR	SMU	4.656
078C-0438-019-01	DIXON ST	MBR, PR	SMU, PR	5.854
078C-0441-001-20	655 W TENNYSON RD	CHDR	SMU	6.230
452-0056-016-00	26953 MISSION BLVD	ROC	SMU	6.273
078C-0626-003-24	28472 MISSION BLVD	HDR	SMU, HDR	6.459
452-0056-009-02	MISSION BLVD	PQP	PQP, SMU	7.808
078C-0441-001-29	DIXON ST	PQP, SAR	SMU, PQP, PR	9.805
452-0020-009-01	26231 MISSION BLVD	GC	SMU	10.477

Proposed Amendments to Appendix C of the Hayward General Plan

Sustainable Mixed Use. Mixed Use Developments may include residential with retail and/or office/commercial uses, or educational and cultural facilities with public open space. Residential densities range from 25.0 – ~~55.0~~ 100.0 dwelling units per net acre for mixed use projects that include a residential component. This land use designation is located along major transit corridors, near transit stations or in close proximity to public higher educational facilities or large employment centers. To facilitate transit-oriented development in these areas, developments will have reduced parking requirements. Neighborhood serving retail uses are highly recommended for residential component mixed use projects to reduce car trips.

GENERAL PLAN AND ZONING CONSISTENCY MATRIX

GENERAL PLAN LAND USE MAP DESIGNATION

RESIDENTIAL

Rural Estate Density (0.2-1.0 du/net acre)

Suburban Density (1.0-4.3 du/net acre)

Low Density (4.3-8.7 du/net acre)

Mobile Home Park (8.7-12.0 du/net acre)

Limited Medium Density (8.7-12.0 du/net acre)

Medium Density (8.7-12.0 du/net acre)

High Density (17.4-34.8 du/net acre)

Mission Boulevard Residential (34.8-55.0 du/net acre)

Station Area Residential (75.0-100.0 du/net acre)

COMMERCIAL

Retail and Office Commercial

General Commercial

Commercial

Commercial/High Density Residential

DOWNTOWN-CITY CENTER AREA

High Density Residential

Retail and Office Commercial

INDUSTRIAL

Industrial

Industrial Corridor

Mixed Industrial

OPEN SPACE

Parks And Recreation

Baylands

Limited Open Space

PUBLIC AND QUASI-PUBLIC

Public and Quasi-Public

Mixed-Use

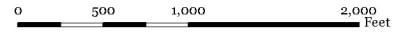
Sustainable Mixed Use (17.4-100.0 du/net acre)

ZONING DISTRICT

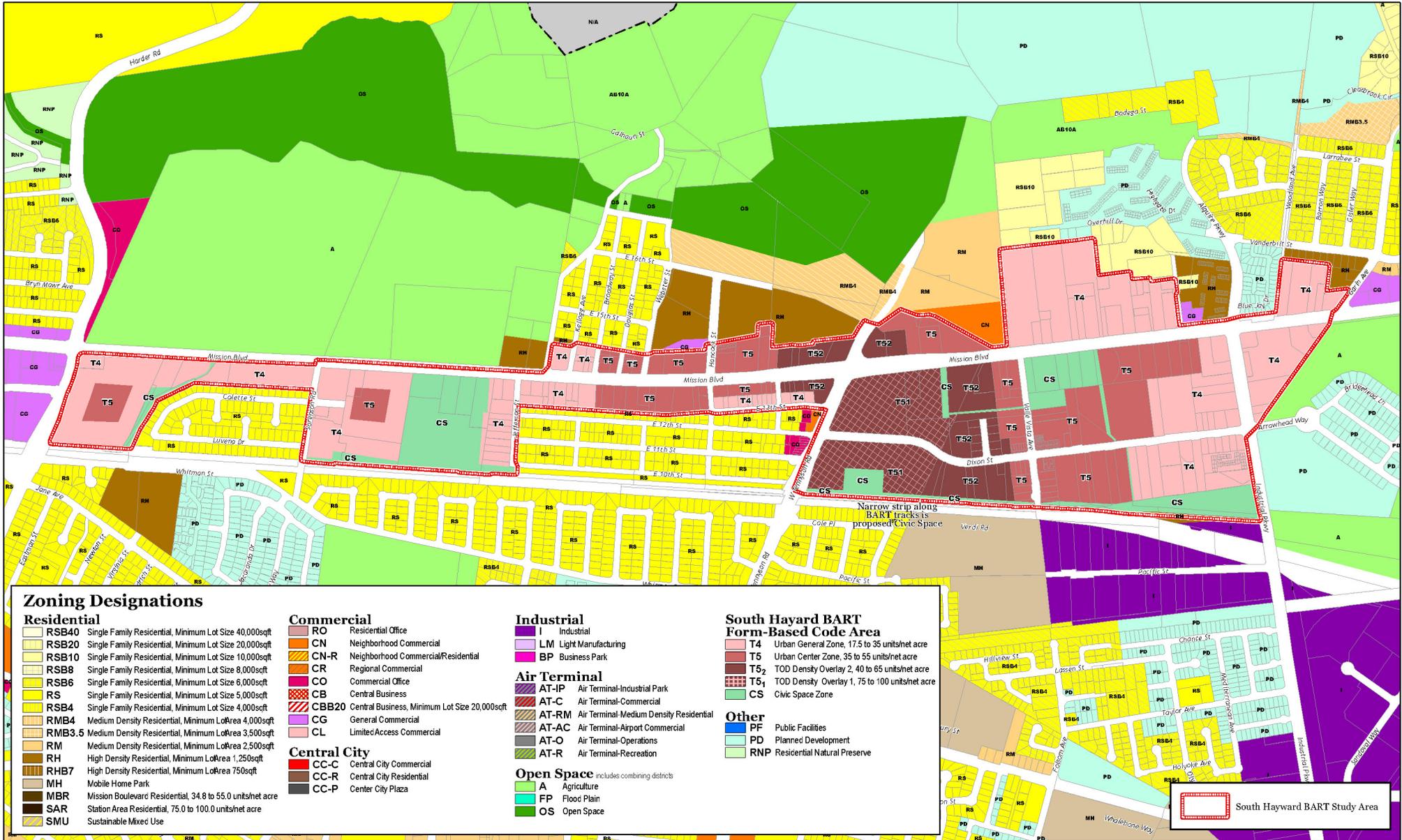
ZONING DISTRICT		Density (Minimum Lot Area/Unit)	RESIDENTIAL	COMMERCIAL	CENTRAL CITY	SOUTH HAYWARD BART/MISSION BLVD FORM-BASED CODE	INDUSTRIAL	AIR TERMINAL	OPEN SPACE	OTHER
RSB40	Single-Family	(40,000)	●							
RSB20		(20,000)	●							
RSB10		(10,000)	●							
RSB8		(8,000)	●	⊗						
RSB6		(6,000)	●	⊗						
RS		(5,000)	●	⊗						
RSB4		(4,000)	●	⊗						
RMB4	Medium Density	(4,000)	●	⊗						
RMB3.5		(3,500)	●	⊗						
RM		(2,500)	●	⊗						
RH	High Density	(1,250)	●	⊗						
RHB7		(1,250)	●	⊗						
MBR	Mission Boulevard Residential	34.8-55.0 units per net acre								
SAR	Station Area Residential	75.0-100.0 units per net acre								
SMU	Sustainable Mixed Use	25.0-55.0 units per net acre								●
MHP	Mobile Home Park		●							
RO	Residential Office			⊗						
COMMERCIAL										
CN	Neighborhood Commercial		⊗	⊗						
CN-R	Neighborhood Commercial/Residential		⊗	⊗						
CO	Commercial Office		⊗	⊗						
CB	Central Business		⊗	⊗						
CG	General Commercial		⊗	⊗						
CL	Limited Access Commercial		⊗	⊗						
CR	Regional Commercial		⊗	⊗						
CENTRAL CITY										
CC-C	Central City Commercial				⊗					
CC-P	Central City Plaza				⊗					
CC-R	Central City Residential				⊗					
SOUTH HAYWARD BART/MISSION BLVD FORM-BASED CODE										
T4	General Urban	17.5-35.0 units per net acre								●
T5	Urban Center	35.0-100.0 units per net acre								●
CS	Civic Space									●
INDUSTRIAL										
I	Industrial									
LM	Light Manufacturing									
BP	Business Park									
AIR TERMINAL										
AT-IP	Industrial Park									
AT-C	Commercial									
AT-RM	Medium Density Residential									
AT-AC	Aviation Commercial									
AT-O	Operations									
AT-R	Recreational									
OPEN SPACE (Parcel Size)										
A	Agricultural	1 Acre	⊗	⊗	⊗				⊗	⊗
AB5A		5 Acres								
AB10A		10 Acres								
AB100A		100 Acres								
AB160A		160 Acres								
FP	Flood Plain									
OS	Open Space		⊗	⊗	⊗				⊗	⊗
OTHER										
RNP	Residential Natural Preservation		⊗	⊗	⊗					
SD	Special Design		⊗	⊗	⊗					
PD	Planned Development		⊗	⊗	⊗					
PF	Public Facilities		⊗	⊗	⊗					

● Consistent ⊗ Potentially Consistent □ Not Consistent

FOOTNOTES: Decisions on the appropriateness of any "CONSISTENT" zoning district will need to consider the specific situation. Determinations on the consistency of districts listed as "POTENTIALLY CONSISTENT DISTRICTS" must consider compatibility with other uses and overall densities in the area, as well as the particular need to be served.



Proposed Form-Based Code Zoning Designations



Zoning Designations

Residential

- RSB40 Single Family Residential, Minimum Lot Size 40,000sqft
- RSB20 Single Family Residential, Minimum Lot Size 20,000sqft
- RSB10 Single Family Residential, Minimum Lot Size 10,000sqft
- RSB8 Single Family Residential, Minimum Lot Size 8,000sqft
- RSB6 Single Family Residential, Minimum Lot Size 6,000sqft
- RS Single Family Residential, Minimum Lot Size 5,000sqft
- RSB4 Single Family Residential, Minimum Lot Size 4,000sqft
- RMB4 Medium Density Residential, Minimum Lot Area 4,000sqft
- RMB3.5 Medium Density Residential, Minimum Lot Area 3,500sqft
- RM Medium Density Residential, Minimum Lot Area 2,500sqft
- RH High Density Residential, Minimum Lot Area 1,250sqft
- RHB7 High Density Residential, Minimum Lot Area 750sqft
- MH Mobile Home Park
- MBR Mission Boulevard Residential, 34.8 to 55.0 units/net acre
- SAR Station Area Residential, 75.0 to 100.0 units/net acre
- SMU Sustainable Mixed Use

Commercial

- RO Residential Office
- CN Neighborhood Commercial
- CN-R Neighborhood Commercial/Residential
- CR Regional Commercial
- CO Commercial Office
- CB Central Business
- CBB20 Central Business, Minimum Lot Size 20,000sqft
- CG General Commercial
- CL Limited Access Commercial
- CC-C Central City Commercial
- CC-R Central City Residential
- CC-P Center City Plaza

Industrial

- I Industrial
- LM Light Manufacturing
- BP Business Park
- AT-IP Air Terminal-Industrial Park
- AT-C Air Terminal-Commercial
- AT-RM Air Terminal-Medium Density Residential
- AT-AC Air Terminal-Airport Commercial
- AT-O Air Terminal-Operations
- AT-R Air Terminal-Recreation

Open Space

- A Agriculture
- FP Flood Plain
- OS Open Space

South Hayward BART Form-Based Code Area

- T4 Urban General Zone, 17.5 to 35 units/net acre
- T5 Urban Center Zone, 35 to 55 units/net acre
- T5.2 TOD Density Overlay 2, 40 to 65 units/net acre
- T5.1 TOD Density Overlay 1, 75 to 100 units/net acre
- CS Civic Space Zone

Other

- PF Public Facilities
- PD Planned Development
- RNP Residential Natural Preserve

 South Hayward BART Study Area

RECOMMENDED ZONING DESIGNATIONS
SOUTH HAYWARD BART FORM-BASED CODE

Attachment X

APN	Parcel Address	Existing Zoning Designation	Proposed Zoning (Form-Based Code) Designation	Acres
078C-0435-001-03	VALLE VISTA AVE	RH	CS	0.002
078C-0626-001-13	MISSION BLVD	CG	T5	0.003
078C-0438-057-00	29300 DIXON ST 312	RH	T5	0.004
078C-0438-065-00	29300 DIXON ST 215	RH	T5	0.004
078C-0438-052-00	325 VALLE VISTA AVE	RH	T5	0.004
078C-0438-050-00	325 VALLE VISTA AVE 210	RH	T5	0.004
078C-0438-054-00	29300 DIXON ST 311	RH	T5	0.004
078C-0438-061-00	325 VALLE VISTA AVE 114	RH	T5	0.004
078C-0438-053-00	325 VALLE VISTA AVE 211	RH	T5	0.004
078C-0438-063-00	325 VALLE VISTA AVE	RH	T5	0.004
078C-0438-056-00	29300 DIXON ST 212	RH	T5	0.004
078C-0438-059-00	325 VALLE VISTA AVE	RH	T5	0.004
078C-0438-051-00	325 VALLE VISTA AVE	RH	T5	0.004
078C-0438-066-00	325 VALLE VISTA AVE	RH	T5	0.004
083-0455-010-01	PACIFIC ST	RH	CS	0.004
078C-0438-058-00	29300 DIXON ST 113	RH	T5	0.005
078C-0438-062-00	29300 DIXON ST 214	RH	T5	0.005
078C-0438-064-00	29300 DIXON ST 115	RH	T5	0.005
078C-0438-069-00	325 VALLE VISTA AVE	RH	T5	0.005
078C-0438-055-00	29300 DIXON ST 112	RH	T5	0.005
078C-0438-070-00	325 VALLE VISTA AVE	RH	T5	0.005
078C-0438-060-00	325 VALLE VISTA AVE	RH	T5	0.005
078C-0438-067-00	29300 DIXON ST 116	RH	T5	0.005
078C-0433-009-01	216 VALLE VISTA AVE	RH	CS	0.005
078C-0438-068-00	29300 DIXON ST 216	RH	T5	0.005
078C-0436-133-00	260 INDUSTRIAL PKWY 24	RH	T4	0.006
078C-0436-135-00	260 INDUSTRIAL PKWY 26	RH	T4	0.006
078C-0436-134-00	260 INDUSTRIAL PKWY 25	RH	T4	0.006
078C-0436-127-00	260 INDUSTRIAL PKWY 18	RH	T4	0.007
078C-0436-137-00	260 INDUSTRIAL PKWY 28	RH	T4	0.007
078C-0436-131-00	260 INDUSTRIAL PKWY 22	RH	T4	0.007
078C-0436-128-00	260 INDUSTRIAL PKWY 19	RH	T4	0.007
078C-0436-129-00	260 INDUSTRIAL PKWY 20	RH	T4	0.007
078C-0436-136-00	260 INDUSTRIAL PKWY 27	RH	T4	0.007
078C-0436-130-00	260 INDUSTRIAL PKWY 21	RH	T4	0.008
078C-0438-038-00	29300 DIXON ST 206	RH	T5	0.008
078C-0436-132-00	260 INDUSTRIAL PKWY 23	RH	T4	0.009
078C-0438-023-00	29300 DIXON ST 201	RH	T5	0.009
078C-0438-039-00	325 VALLE VISTA AVE	RH	T5	0.009
078C-0438-025-00	325 VALLE VISTA AVE 102	RH	T5	0.009
078C-0438-029-00	29300 DIXON ST	RH	T5	0.009

RECOMMENDED ZONING DESIGNATIONS
SOUTH HAYWARD BART FORM-BASED CODE

Attachment X

APN	Parcel Address	Existing Zoning Designation	Proposed Zoning (Form-Based Code) Designation	Acres
078C-0436-126-00	260 INDUSTRIAL PKWY 17	RH	T4	0.009
078C-0438-037-00	29300 DIXON ST 106	RH	T5	0.009
078C-0438-033-00	29300 DIXON ST 304	RH	T5	0.009
078C-0438-045-00	29300 DIXON ST 308	RH	T5	0.009
078C-0438-024-00	29300 DIXON ST 301	RH	T5	0.009
078C-0438-049-00	325 VALLE VISTA AVE	RH	T5	0.009
078C-0438-036-00	325 VALLE VISTA AVE 305	RH	T5	0.010
078C-0455-008-12	MISSION BLVD	RH	T4	0.010
078C-0436-145-00	260 INDUSTRIAL PKWY 36	RH	T4	0.010
078C-0438-027-00	29300 DIXON ST 302	RH	T5	0.010
078C-0438-048-00	29300 DIXON ST 309	RH	T5	0.010
078C-0438-032-00	325 VALLE VISTA AVE 204	RH	T5	0.010
078C-0438-028-00	325 VALLE VISTA AVE	RH	T5	0.010
078C-0438-046-00	325 VALLE VISTA AVE 109	RH	T5	0.010
078C-0438-035-00	29300 DIXON ST 205	RH	T5	0.010
078C-0438-031-00	325 VALLE VISTA AVE 104	RH	T5	0.010
078C-0438-044-00	325 VALLE VISTA AVE	RH	T5	0.010
078C-0438-022-00	29300 DIXON ST 101	RH	T5	0.010
078C-0438-034-00	29300 DIXON ST 105	RH	T5	0.010
078C-0436-144-00	260 INDUSTRIAL PKWY 35	RH	T4	0.010
078C-0436-112-00	260 INDUSTRIAL PKWY 3	RH	T4	0.010
078C-0438-043-00	29300 DIXON ST 108	RH	T5	0.010
078C-0438-026-00	325 VALLE VISTA AVE	RH	T5	0.010
078C-0438-042-00	29300 DIXON ST 307	RH	T5	0.010
078C-0438-041-00	325 VALLE VISTA AVE 207	RH	T5	0.010
078C-0438-030-00	325 VALLE VISTA AVE	RH	T5	0.010
078C-0436-140-00	260 INDUSTRIAL PKWY 31	RH	T4	0.011
078C-0436-138-00	260 INDUSTRIAL PKWY 29	RH	T4	0.011
078C-0436-143-00	260 INDUSTRIAL PKWY 34	RH	T4	0.011
078C-0436-117-00	260 INDUSTRIAL PKWY 8	RH	T4	0.011
078C-0438-047-00	325 VALLE VISTA AVE	RH	T5	0.011
078C-0436-148-00	260 INDUSTRIAL PKWY 39	RH	T4	0.011
078C-0436-111-00	260 INDUSTRIAL PKWY 2	RH	T4	0.011
078C-0438-040-00	325 VALLE VISTA AVE	RH	T5	0.011
452-0056-017-00	SORENSON RD	RH	T4	0.011
078C-0436-116-00	260 INDUSTRIAL PKWY 7	RH	T4	0.011
078C-0436-113-00	260 INDUSTRIAL PKWY 4	RH	T4	0.011
078C-0436-141-00	260 INDUSTRIAL PKWY 32	RH	T4	0.012
078C-0436-139-00	260 INDUSTRIAL PKWY 30	RH	T4	0.012
078C-0436-114-00	260 INDUSTRIAL PKWY 5	RH	T4	0.012
078C-0436-142-00	260 INDUSTRIAL PKWY 33	RH	T4	0.012

RECOMMENDED ZONING DESIGNATIONS
SOUTH HAYWARD BART FORM-BASED CODE

Attachment X

APN	Parcel Address	Existing Zoning Designation	Proposed Zoning (Form-Based Code) Designation	Acres
078C-0436-147-00	260 INDUSTRIAL PKWY 38	RH	T4	0.012
078C-0436-146-00	260 INDUSTRIAL PKWY 37	RH	T4	0.012
078C-0436-123-00	260 INDUSTRIAL PKWY 14	RH	T4	0.012
078C-0436-118-00	260 INDUSTRIAL PKWY 9	RH	T4	0.012
078C-0436-124-00	260 INDUSTRIAL PKWY 15	RH	T4	0.013
078C-0436-122-00	260 INDUSTRIAL PKWY 13	RH	T4	0.013
078C-0436-119-00	260 INDUSTRIAL PKWY 10	RH	T4	0.013
078C-0436-121-00	260 INDUSTRIAL PKWY 12	RH	T4	0.013
078C-0436-120-00	260 INDUSTRIAL PKWY 11	RH	T4	0.013
078C-0626-014-00	813 HANCOCK ST 5	RH	T5	0.013
078C-0626-013-00	811 HANCOCK ST	RH	T5	0.013
078C-0626-011-00	807 HANCOCK ST	RH	T5	0.013
078C-0436-115-00	260 INDUSTRIAL PKWY 6	RH	T4	0.013
078C-0436-149-00	260 INDUSTRIAL PKWY 40	RH	T4	0.013
078C-0626-012-00	809 HANCOCK ST 3	RH	T5	0.013
078C-0436-110-00	260 INDUSTRIAL PKWY 1	RH	T4	0.013
078C-0436-125-00	260 INDUSTRIAL PKWY 16	RH	T4	0.014
078C-0626-010-00	805 HANCOCK ST	RH	T5	0.014
078C-0626-015-00	815 HANCOCK ST	RH	T5	0.014
078C-0436-152-00	260 INDUSTRIAL PKWY 43	RH	T4	0.014
078C-0436-153-00	260 INDUSTRIAL PKWY 44	RH	T4	0.015
078C-0436-155-00	260 INDUSTRIAL PKWY 46	RH	T4	0.015
078C-0436-151-00	260 INDUSTRIAL PKWY 42	RH	T4	0.015
078C-0436-156-00	260 INDUSTRIAL PKWY 47	RH	T4	0.015
078C-0436-154-00	260 INDUSTRIAL PKWY 45	RH	T4	0.016
078C-0436-157-00	260 INDUSTRIAL PKWY 48	RH	T4	0.016
078C-0436-150-00	260 INDUSTRIAL PKWY 41	RH	T4	0.017
078C-0438-071-00	325 VALLE VISTA AVE 217	RH	T5	0.018
078C-0438-072-00	29300 DIXON ST 317	RH	T5	0.020
078C-0434-021-00	29245 DIXON ST	RH	T5	0.022
078C-0434-018-00	29239 DIXON ST	RH	T5	0.022
078C-0438-015-01	29553 MISSION BLVD	MBR	T5	0.026
078C-0440-019-00	29192 DIXON ST	PD	T5	0.028
078C-0440-018-00	29190 DIXON ST	PD	T5	0.028
078C-0440-020-00	29194 DIXON ST	PD	T5	0.028
078C-0440-021-00	29196 DIXON ST	PD	T5	0.028
078C-0440-017-00	29188 DIXON ST	PD	T5	0.028
078C-0440-022-00	29198 DIXON ST	PD	T5	0.028
078C-0434-020-00	29243 DIXON ST	RH	T5	0.029
078C-0434-019-00	29241 DIXON ST	RH	T5	0.030
083-0455-009-00	PACIFIC ST	RH	CS	0.037

RECOMMENDED ZONING DESIGNATIONS
SOUTH HAYWARD BART FORM-BASED CODE

Attachment X

APN	Parcel Address	Existing Zoning Designation	Proposed Zoning (Form-Based Code) Designation	Acres
452-0020-011-00	WHITMAN ST	RH	CS	0.056
078C-0434-002-01	VALLE VISTA AVE	RH	T5	0.060
078C-0644-007-00	27690 MISSION BLVD	RH	T4	0.068
078C-0644-006-00	720 BROADWAY ST	RH	T4	0.069
078C-0434-002-02	VALLE VISTA AVE	RH	T5	0.072
078C-0434-017-03	VALLE VISTA AVE	RH	CS	0.074
078C-0637-015-00	DOUGLAS ST	RH	T5	0.075
078C-0441-001-24	MISSION BLVD	OS	T51	0.078
078C-0644-008-00	27654 MISSION BLVD	RH	T4	0.079
452-0084-086-02	28475 MISSION BLVD	CN	T52	0.080
452-0084-075-02	28293 MISSION BLVD	MBR	T5	0.083
452-0084-088-00	28495 MISSION BLVD	CN	T52	0.083
078C-0434-017-02	VALLE VISTA AVE	RH	CS	0.084
452-0084-077-00	28368 E 13TH ST	MBR	T4	0.084
452-0084-087-00	28485 MISSION BLVD	CN	T52	0.084
452-0084-076-02	28390 E 13TH ST	MBR	T4	0.086
452-0084-098-00	28458 E 13TH ST	CN	T4	0.087
452-0084-079-00	28320 E 13TH ST	MBR	T4	0.087
452-0084-081-00	28276 E 13TH ST	MBR	T4	0.088
452-0084-074-00	28285 MISSION BLVD	MBR	T5	0.088
078C-0637-014-00	737 DOUGLAS ST	RH	T5	0.089
452-0084-080-00	28298 E 13TH ST	MBR	T4	0.092
452-0084-078-00	28348 E 13TH ST	MBR	T4	0.093
452-0084-084-00	28200 E 13TH ST	MBR	T4	0.093
452-0084-073-00	MISSION BLVD	MBR	T5	0.093
078C-0644-010-00	KELLOGG AVE	RH	T4	0.095
078C-0433-004-09	292 VALLE VISTA AVE	RH	T5	0.101
078C-0433-012-00	VALLE VISTA AVE	RH	T52, CS	0.102
078C-0433-004-13	29187 DIXON ST	RH	T5	0.115
078C-0433-004-07	29185 DIXON ST	RH	T5	0.115
078C-0433-004-11	29183 DIXON ST	RH	T5	0.119
078C-0455-007-13	643 GREELEY CT	RH	T4	0.121
078C-0440-016-02	29170 DIXON ST	RH	T52	0.121
078C-0440-003-06	308 COPPERFIELD AVE	RH	T52	0.122
078C-0638-009-00	727 BROADWAY ST	RH	T5	0.125
078C-0433-008-03	218 VALLE VISTA AVE	RH	T5, CS	0.125
078C-0644-005-00	744 BROADWAY ST	RH	T4	0.133
078C-0455-007-06	627 GREELEY CT	RH	T4	0.135
452-0068-034-02	27550 E 12TH ST	RH, RS	T4, RS	0.137
452-0080-043-02	28075 MISSION BLVD	RH	T5	0.139
452-0068-017-00	27511 MISSION BLVD	RH	T4	0.141

RECOMMENDED ZONING DESIGNATIONS
SOUTH HAYWARD BART FORM-BASED CODE

Attachment X

APN	Parcel Address	Existing Zoning Designation	Proposed Zoning (Form-Based Code) Designation	Acres
078C-0438-001-09	29314 DIXON ST	RH	T5	0.142
078C-0440-007-00	316 COPPERFIELD AVE	RH	T52	0.143
078C-0434-022-00	DIXON ST	RH	T5	0.144
078C-0433-002-08	29175 DIXON ST	RH	T52	0.145
078C-0440-014-00	323 COPPERFIELD AVE	RH	T52	0.146
078C-0440-010-00	338 COPPERFIELD AVE	RH	T52	0.147
078C-0434-006-06	29213 DIXON ST	RH	T5	0.147
078C-0638-010-00	743 BROADWAY ST	RS	T5, RS	0.147
078C-0440-009-00	332 COPPERFIELD AVE	RH	T52	0.148
078C-0440-008-00	324 COPPERFIELD AVE	RH	T52	0.148
078C-0440-012-00	339 COPPERFIELD AVE	RH	T52	0.149
078C-0455-007-14	635 GREELEY CT	RH	T4	0.149
078C-0440-013-00	331 COPPERFIELD AVE	RH	T52	0.149
078C-0637-013-01	27820 MISSION BLVD	RH	T5	0.149
078C-0440-015-00	315 COPPERFIELD AVE	RH	T52	0.150
078C-0455-001-05	648 OVERHILL DR	RH	T4	0.153
078C-0644-011-00	KELLOGG AVE	RH	T4	0.154
078C-0434-003-02	227 VALLE VISTA AVE	RH	T5	0.159
452-0084-089-00	28521 MISSION BLVD	CN	T52	0.162
078C-0437-002-02	29660 DIXON ST	RH	T4	0.164
078C-0455-008-06	657 OVERHILL DR	RH	T4	0.165
078C-0434-004-02	231 VALLE VISTA AVE	RH	T5	0.165
452-0084-097-00	28470 E 13TH ST	CN	T4	0.167
452-0084-099-02	28406 E 13TH ST	CN	T4	0.169
078C-0644-009-00	27630 MISSION BLVD	RH	T4	0.169
452-0068-020-03	27651 MISSION BLVD	RH	T4	0.170
452-0068-020-04	27641 MISSION BLVD	RH	T4	0.172
078C-0455-007-16	GREELEY CT	RH	T4	0.173
452-0084-090-00	28529 MISSION BLVD	CN	T52	0.174
078G-2651-013-00	339 INDUSTRIAL PKWY	CG	T4	0.175
078C-0447-005-00	398 VALLE VISTA AVE	CN	T5	0.176
452-0084-096-00	28538 E 13TH ST	CN	T4	0.177
078C-0638-004-00	744 DOUGLAS ST	RS	T5, RS	0.177
078C-0436-004-02	29683 DIXON ST	RH	T4	0.178
452-0084-085-02	28200 E 13TH ST	MBR	T4	0.178
452-0084-083-00	28202 E 13TH ST	MBR	T4	0.181
078C-0437-003-09	29668 DIXON ST	RH	T4	0.181
078C-0436-002-02	29659 DIXON ST	RH	T4	0.183
078C-0436-006-02	29695 DIXON ST	RH	T4	0.183
078C-0437-001-02	29642 DIXON ST	RH	T4	0.183
078C-0626-002-03	MISSION BLVD	RH	T5	0.184

RECOMMENDED ZONING DESIGNATIONS
SOUTH HAYWARD BART FORM-BASED CODE

Attachment X

APN	Parcel Address	Existing Zoning Designation	Proposed Zoning (Form-Based Code) Designation	Acres
078C-0436-003-02	29667 DIXON ST	RH	T4	0.184
078C-0436-008-03	29697 DIXON ST	RH	T4	0.186
452-0084-082-00	28240 E 13TH ST	MBR	T4	0.187
078C-0436-005-02	29689 DIXON ST	RH	T4	0.188
078C-0638-007-01	27702 MISSION BLVD	RH	T5	0.189
078C-0434-005-02	241 VALLE VISTA AVE	RH	T5	0.190
078C-0440-001-02	29018 DIXON ST	RH	T52	0.195
078C-0433-007-04	224 VALLE VISTA AVE	RH	T5	0.202
078C-0626-003-23	28546 MISSION BLVD	CG	T52	0.215
078C-0433-006-02	232 VALLE VISTA AVE	RH	T5	0.215
078C-0638-005-01	DOUGLAS ST	RH	T5	0.221
452-0068-010-00	604 JEFFERSON ST	RM	T4	0.223
452-0056-002-01	677 SORENSON RD	RH	T4	0.224
078C-0626-016-00	813 HANCOCK ST	RH	T5	0.227
452-0068-018-00	27541 MISSION BLVD	RH	T4	0.227
078C-0455-006-08	29426 MISSION BLVD	RS	T4	0.229
452-0068-022-00	27703 MISSION BLVD	RH	T5	0.230
452-0080-042-00	28049 MISSION BLVD	RH	T5	0.232
452-0068-009-00	592 JEFFERSON ST	RM	T4	0.234
078C-0455-006-03	29404 MISSION BLVD	CN	T4	0.235
078C-0440-004-02	29182 DIXON ST	RH	T52	0.235
452-0068-008-00	586 JEFFERSON ST	RM	T4	0.240
078C-0434-006-04	249 VALLE VISTA AVE	RH	T5	0.244
078G-2651-011-02	411 INDUSTRIAL PKWY	CG	T4	0.246
452-0068-014-02	27451 MISSION BLVD	CN	T4	0.249
452-0080-037-00	27931 MISSION BLVD	RH	T5	0.249
078C-0434-016-02	VALLE VISTA AVE	RH	CS	0.251
452-0020-006-10	MISSION BLVD	RH	CS	0.257
078C-0440-023-00	VALLE VISTA AVE	PD	T5	0.265
078C-0637-011-02	27826 MISSION BLVD	RH	T5	0.266
452-0084-069-02	28105 MISSION BLVD	MBR	T5	0.271
452-0084-070-01	28149 MISSION BLVD	MBR	T5	0.273
452-0068-004-02	542 JEFFERSON ST	RM	T4	0.273
078G-2651-008-00	29875 MISSION BLVD	CG	T4	0.277
452-0080-045-01	650 HANCOCK ST	RH, RS	T5, RS	0.283
452-0068-016-01	27467 MISSION BLVD	CN	T4	0.285
452-0068-031-01	27580 E 12TH ST	RH, RS	T4, RS	0.290
452-0068-005-02	556 JEFFERSON ST	RM	T4	0.292
452-0068-007-01	574 JEFFERSON ST	RM	T4	0.300
452-0068-013-00	629 JEFFERSON ST	CN	T4	0.312
078C-0455-001-03	29272 MISSION BLVD	RH	T4	0.318

RECOMMENDED ZONING DESIGNATIONS
SOUTH HAYWARD BART FORM-BASED CODE

Attachment X

APN	Parcel Address	Existing Zoning Designation	Proposed Zoning (Form-Based Code) Designation	Acres
452-0068-112-00	27369 MISSION BLVD	CN	T4	0.320
083-0251-085-02	29862 MISSION BLVD	CN	T4	0.333
078C-0433-005-02	240 VALLE VISTA AVE	RH	T5	0.337
452-0084-072-00	28257 MISSION BLVD	MBR	T5	0.344
078C-0437-003-07	29686 DIXON ST	RH	T4	0.351
078C-0438-003-02	349 VALLE VISTA AVE	RH	T5	0.352
452-0068-024-05	27915 MISSION BLVD	RH	T5	0.356
078C-0438-004-02	363 VALLE VISTA AVE	RH	T5	0.368
078C-0432-002-07	29017 DIXON ST	RH	T52, CS	0.376
078C-0447-007-06	378 VALLE VISTA AVE	CN	T5, CS	0.379
452-0068-111-00	27423 MISSION BLVD	CN	T4	0.381
078C-0432-006-06	29061 DIXON ST	RH	T52, CS	0.384
452-0068-002-01	532 JEFFERSON ST	RM	T4	0.385
078C-0455-001-07	29290 MISSION BLVD	RH	T4	0.394
078C-0437-003-05	328 INDUSTRIAL PKWY	RH	T4	0.396
078G-2651-009-02	29705 MISSION BLVD	CG	T4	0.404
078C-0447-006-02	380 VALLE VISTA AVE	CN	T5	0.412
078C-0434-012-06	29367 DIXON ST	RH	T5	0.414
452-0056-015-00	26825 COLETTE ST	RH	T4	0.428
078C-0436-001-15	29615 DIXON ST	RH	T4	0.436
078C-0455-007-04	29444 MISSION BLVD	RH	T4	0.436
078C-0447-003-01	29115 MISSION BLVD	CN	T5	0.436
078C-0438-006-00	29213 MISSION BLVD	OS	CS	0.438
078C-0436-010-04	INDUSTRIAL PKWY	RH	T4	0.439
078C-0433-003-06	DIXON ST	RH	T52, CS	0.441
078C-0447-003-02	29131 MISSION BLVD	CN	T5	0.446
452-0068-019-00	27575 MISSION BLVD	RH	T4	0.447
452-0068-023-00	27787 MISSION BLVD	RH	T5	0.458
452-0068-024-03	27795 MISSION BLVD	RH	T5	0.459
083-0251-084-00	29874 MISSION BLVD	CN	T4	0.463
078C-0626-003-12	28534 MISSION BLVD	CG	T52	0.467
078C-0455-003-00	29350 MISSION BLVD	RH	T4	0.469
078C-0455-002-00	29338 MISSION BLVD	RH	T4	0.469
078C-0626-006-01	28000 MISSION BLVD	CN	T5	0.487
452-0020-010-02	MISSION BLVD	RH	CS	0.507
452-0020-004-03	26135 MISSION BLVD	CG	T4	0.515
452-0068-011-02	620 JEFFERSON ST	RM	T4	0.517
078C-0441-001-23	MISSION BLVD	OS	CS	0.521
078C-0455-007-15	619 GREELEY CT	RH	T4	0.526
078C-0438-015-02	29553 MISSION BLVD	MBR	T5	0.527
078C-0450-001-02	29583 MISSION BLVD	MBR	T5	0.536

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452-0068-095-03	520 JEFFERSON ST	PF	T4, CS	0.557
078C-0447-004-00	29159 MISSION BLVD	CN	T5	0.565
078C-0432-013-01	29009 DIXON ST	RH	T52, CS	0.573
078C-0626-002-04	28244 MISSION BLVD	RH	T5	0.573
078C-0455-005-02	29380 MISSION BLVD	RH	T4	0.584
452-0068-024-06	27823 MISSION BLVD	RH	T5	0.587
078C-0626-007-03	28030 MISSION BLVD	CN	T5	0.605
078C-0645-013-03	27572 MISSION BLVD	RH	T4	0.613
078C-0438-014-00	29547 MISSION BLVD	MBR	T5	0.623
078C-0437-008-02	390 INDUSTRIAL PKWY	RH	T4	0.625
078C-0626-001-15	28150 MISSION BLVD	CG	T5	0.626
452-0056-003-00	26801 MISSION BLVD	CN	T5, T4	0.645
452-0084-095-05	650 TENNYSON RD	CN	T52	0.653
078C-0441-001-16	28901 MISSION BLVD	PD	T51	0.676
452-0020-008-00	26359 MISSION BLVD	RH	T4	0.677
078C-0438-008-00	MISSION BLVD	OS	CS	0.677
078C-0455-008-11	29498 MISSION BLVD	RH	T4	0.682
078C-0438-009-00	29335 MISSION BLVD	OS	CS	0.691
078C-0450-003-08	29671 MISSION BLVD	CN	T4	0.696
083-0455-010-02	PACIFIC ST	RH	CS, RH	0.696
078C-0447-002-01	29097 MISSION BLVD	CN	T52	0.701
078C-0436-001-06	29633 DIXON ST	RH	T4	0.718
078C-0436-001-07	29629 DIXON ST	RH	T4	0.719
078C-0626-003-25	28590 MISSION BLVD	CG	T52	0.729
078C-0450-006-10	418 INDUSTRIAL PKWY	RH	T4	0.740
078C-0435-005-02	29571 DIXON ST	RH	T4	0.757
083-0460-011-00	INDUSTRIAL PKWY	RH	CS	0.762
078C-0436-010-03	INDUSTRIAL PKWY	RH	T4	0.763
078C-0455-006-01	29414 MISSION BLVD	CN	T4	0.771
078C-0433-001-06	29125 DIXON ST	RH	T52, CS	0.785
078C-0435-001-04	29397 DIXON ST	RH	T5	0.786
452-0080-038-03	27955 MISSION BLVD	RH, RS	T5, RS	0.799
083-0251-086-04	29800 WOODLAND AVE	CN	T4	0.802
083-0251-085-04	29824 MISSION BLVD	CN	T4	0.806
078G-2651-010-03	29851 MISSION BLVD	CG	T4	0.810
078C-0626-009-01	28090 MISSION BLVD	CN	T5	0.811
078C-0435-002-01	DIXON ST	RH	T4, CS	0.812
452-0080-039-02	28001 MISSION BLVD	RH	T5	0.833
078C-0434-011-11	29359 DIXON ST	RH	T5	0.835
078C-0438-013-06	29497 MISSION BLVD	MBR	T5	0.837
078C-0436-158-00	260 INDUSTRIAL PKWY	RH	T4	0.842

RECOMMENDED ZONING DESIGNATIONS
SOUTH HAYWARD BART FORM-BASED CODE

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APN	Parcel Address	Existing Zoning Designation	Proposed Zoning (Form-Based Code) Designation	Acres
078C-0438-012-00	29479 MISSION BLVD	MBR	T5	0.846
078C-0438-010-00	29339 MISSION BLVD	OS	CS	0.852
078C-0461-005-00	28722 MISSION BLVD	CG	T52	0.869
078C-0461-004-00	28700 MISSION BLVD	CG	T52	0.894
078C-0440-006-02	350 VALLE VISTA AVE	RH	T5	0.901
078C-0461-007-00	28870 MISSION BLVD	RH	T5	0.911
078C-0626-003-26	28564 MISSION BLVD	CG	T52	0.922
078C-0438-019-04	29360 DIXON ST	RH	T5	0.923
078C-0435-003-02	29495 DIXON ST	RH	T4	0.926
078C-0455-004-00	29362 MISSION BLVD	RH	T4	0.936
452-0068-030-01	27695 MISSION BLVD	RH, RS	T4, RS	0.937
078C-0455-008-13	29490 MISSION BLVD	RH	T4	0.942
452-0020-007-06	26295 MISSION BLVD	RH	T4, CS	0.981
078C-0438-018-02	29536 DIXON ST	RH	T4	0.987
078C-0435-006-00	29599 DIXON ST	RH	T4	0.987
078C-0438-005-00	381 VALLE VISTA AVE	OS	CS	0.992
078C-0438-020-00	29324 DIXON ST	RH	T5	1.002
452-0056-007-00	27177 MISSION BLVD	CG	CS	1.005
078C-0435-004-02	29529 DIXON ST	RH	T4	1.014
452-0056-006-00	27151 MISSION BLVD	CG	CS	1.015
452-0020-006-11	26253 MISSION BLVD	RH	T4, CS	1.043
078C-0433-002-10	29163 DIXON ST	RH	T52, CS	1.045
078C-0435-002-04	29405 DIXON ST	RH	T5	1.059
078C-0440-002-06	29034 DIXON ST	RH	T52	1.112
078C-0450-008-03	422 INDUSTRIAL PKWY	CN	T4	1.126
078C-0438-073-00	325 VALLE VISTA AVE	RH	T5	1.132
078C-0437-007-03	338 INDUSTRIAL PKWY	RH	T4	1.177
078C-0626-001-20	28168 MISSION BLVD	RH	T5	1.212
452-0056-005-00	27143 MISSION BLVD	CG	CS	1.223
078G-2651-014-00	375 INDUSTRIAL PKWY	CG	T4	1.230
078C-0438-011-01	MISSION BLVD	MBR, OS	T5, CS	1.262
078C-0461-006-04	28824 MISSION BLVD	CG	T5	1.331
078C-0438-011-02	29459 MISSION BLVD	MBR	T5	1.339
078C-0432-005-08	29039 DIXON ST	RH	T52, CS	1.357
078C-0434-015-05	29371 DIXON ST	RH	T5	1.359
078C-0438-007-00	29263 MISSION BLVD	OS	CS	1.383
078C-0441-001-28	TENNYSON RD	PD	T51	1.442
452-0056-008-00	27283 MISSION BLVD	CG	T4, CS	1.457
452-0056-001-15	26781 MISSION BLVD	CG	T4	1.500
078C-0434-009-08	29289 DIXON ST	RH	T5	1.576
083-0251-086-06	29824 MISSION BLVD	CN	T4	1.592

RECOMMENDED ZONING DESIGNATIONS
SOUTH HAYWARD BART FORM-BASED CODE

Attachment X

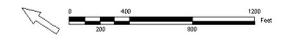
APN	Parcel Address	Existing Zoning Designation	Proposed Zoning (Form-Based Code) Designation	Acres
078C-0461-009-01	28900 MISSION BLVD	RH	T5	1.594
078C-0441-001-25	28955 MISSION BLVD	RH	T51, T52, CS	1.751
078C-0447-002-02	29083 MISSION BLVD	CN	T52, CS	1.795
078C-0455-006-07	29438 MISSION BLVD	CN, RS	T4	1.917
452-0056-014-00	605 SORENSON RD	RH	T4, CS	2.102
078C-0441-001-17	28937 MISSION BLVD	PD	T51	2.201
452-0056-013-00	26869 MISSION BLVD	CN	T4, CS	2.268
078C-0455-005-01	29390 MISSION BLVD	RH	T4	2.451
452-0036-030-05	26601 MISSION BLVD	RH, CN	T4	2.697
078C-0438-016-05	29596 DIXON ST	RH	T4	3.090
083-0460-006-03	INDUSTRIAL PKWY	RH	CS	3.373
078G-2651-012-08	INDUSTRIAL PKWY	CG	T4	3.424
078C-0455-001-08	29312 MISSION BLVD	RH	T4	4.154
078C-0455-001-04	29212 MISSION BLVD	RH	T4	4.656
078C-0438-019-01	DIXON ST	MBR, OS	T5, CS	5.854
078C-0441-001-20	655 W TENNYSON RD	PD	T51	6.230
452-0056-016-00	26953 MISSION BLVD	CN	T5, T4	6.273
078C-0626-003-24	28472 MISSION BLVD	RH	T5, RH	6.459
452-0056-009-02	MISSION BLVD	PF	T4, CS	7.808
078C-0441-001-29	DIXON ST	PD	T51, CS	9.805
452-0020-009-01	26231 MISSION BLVD	CG	T5, T4	10.477

Up-Zoned Parcels



Legend

---	Project Area				
□	Parcels				
		Proposed Zoning Designations		Existing Zoning Designations	
■	T4 Urban General Zone (17.5 - 35 du/ac)	(RS)	Single Family Residential (4.3 du/ac)		
■	T5 Urban Center Zone (35 - 55 du/ac)	(RM)	Medium Density Residential (8.7 - 17.4 du/ac)		
■	TOD Density Overlay 2 (40 - 65 du/ac)	(RH)	High Density Residential (17.4 - 34.8 du/ac)		
		(CN)	Neighborhood Commercial (8.7 - 34.8 du/ac)		
		(CN-R)	Neighborhood Commercial-Residential (17.4 - 25 du/ac)		
		(CG)	General Commercial (8.7 - 34.8 du/ac)		
		(OS)	Open Space		



South Hayward BART / Mission Boulevard Form-Based Code

The Charrette Process and Form-Based Codes



Benefits of the Charrette Process

The charrette is a design process that takes place in the community where the project site is located and in the presence of those affected and affected by the outcome. The process catalyzes agreement by engaging in ongoing negotiation during the stage of maximum flexibility – the moment of design conception.

The principal advantage of a charrette is the efficiency of the process, the assent which it earns and the accurate response to problems and opportunities. Ultimately, the purpose of a charrette is to give those concerned enough information to make rational decisions.



Project Timeline



Benefits of Form-Based Codes

Form-based codes are multi-disciplinary zoning codes that link the design of circulation and public space networks to the design of private buildings and lots.

It is the high quality of these interconnections – the connections between public space and private buildings – that makes great cities and towns.

The South Hayward BART/Mission Boulevard Form-Based Code will contain the following elements, all informed by the results of the public charrette:

- Regulating Plan:** A plan of the regulated area designating the locations where different building form standards apply. These standards are based upon clear intentions as to the desired physical character of the area being coded.
- Building Form Standards:** Regulations controlling the configuration, features and functions of buildings that define and shape the public realm.
- Street Standards:** Specifications for elements within the public realm, e.g., sidewalks, travel lanes, street trees and street furnishings.



Examples of the community's preferred images

Example of Gradual Development

These three concept drawings illustrate how the area around Bowman Elementary School could redevelop over time, transitioning from an auto-oriented strip center to a connected, mixed-use neighborhood centered on the school and becoming a civic heart of South Hayward in the process.



Volunteer Contributions

A number of local citizens, including a landscape architecture graduate, an urban planner and a member of city planning staff, volunteered to work on the project alongside the design team. Their drawings are below.



Why Block Perimeter Matters



Block perimeter, defined as the total length in feet of all block faces, correlates closely with safety and walkability.

Blocks in historic Downtown Hayward (see diagram above) create a public realm that is generally walkable and convivial. As a contrast, some blocks near the South Hayward BART station are 3-4 times as large. The streets that border the large blocks have little pedestrian activity and are often unsafe or perceived to be so.

The diagram of the project area below shows recommended new streets to increase walkability and safety while protecting and improving property values and encouraging redevelopment.



What does Success look Like?

In the words of Community members:

"There will be public places that will keep us together instead of places that push us apart."



Creek Park - Modeling the successful Nuestro Parqucito linear park adjacent to the BART tracks on E. 10th Street, this new park and street behind the existing deep lots on Dixon Street is intended to increase safety, provide play areas for children, enhance a sense of community and improve property values in this neighborhood.



Existing conditions

"I can give up one of my cars because I'll be able to safely walk to shops, services and BART."



Valle Vista Community Center Neighborhood - South Hayward residents have long envisioned a Community Center along Valle Vista Street that includes classrooms, auditorium, gym, teen room, pre-school space, computer lab, dance/exercise studio, etc. This drawing shows a new Community Center and park centering a walkable neighborhood with plentiful 'eyes on the street' for safety and livability. A carefully designed multi-family building at the end of Valle Vista Street terminates the vista and provides the neighborhood with a strong sense of enclosure and beauty.



Existing conditions

"It's safer."



Dixon Street - New multi-family buildings with stoops, front doors and windows all facing the street, along with a new public substation (or perhaps a corner store), will increase sociability and safety in an unstable area that currently has few 'eyes on the street'.



Existing conditions

The Regulating Plan

Contents of the Plan

The Regulating Plan (DRAFT shown on right) is a map that contains the following urban design elements:

- **Transect zones**
- **Civic spaces**
- **Terminated vistas**
- **Building frontage recommendations**

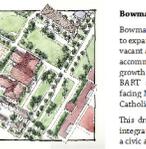
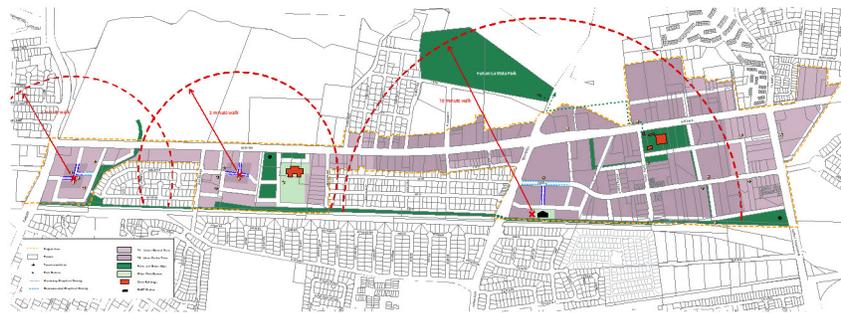
It lays out the Transect zones to reflect the 1/4-mile 'five-minute walk' or 'pedestrian shed' that has been an informal standard for neighborhoods and small villages since the earliest cities, and the 1/2-mile 'ten-minute walk' to transit. The goal is to meet the daily needs of citizens within each pedestrian shed.

T4 and T5 Transect Zones

The South Hayward BART light rail station supports urban habitats of T4 and T5 through increased mobility choices. They are defined as follows:

T4 General Urban Zone - consists primarily of higher density mixed-use buildings that accommodate retail, office and residential including rowhouses and apartment buildings. It has a tight network of houses, townhouses and apartment buildings with scattered commercial activity and a balance between landscape and buildings.

T5 Urban Center Zone - consists primarily of higher density mixed-use buildings that accommodate retail, office and residential including rowhouses and apartment buildings. It has a tight network of streets with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.



About the Transect

Transect of Hayward



A transect is a continuous cross-section of natural habitats for plants and animals, ranging, for example, from shorelines to wetlands to uplands.

The transect in a form-based code is extended to the human habitat, ranging from the most rural to the most urban environments. This provides a diversity of habitat types for a diversity of human interests.

The Transect of Hayward ranges from T5 in downtown and in proximity to the South Hayward BART station to T1 and T2 in the below-mentioned foothills and illustrates the historic architecture and urban form of single-family homes in T3 and multi-family homes in T4.

This redevelopment opportunity is presented as a mixed-use development with housing (or a hotel) along with a series of small shops and/or cafes and a new public plaza. The new secondary drive along the existing golf course provides benefits to both this area as well as to the golf course because the lot now has frontage on three sides as opposed to the former two.

PREPARED FOR

The City of Hayward
November, 2009

CHARRETTE DATES

September 29 - October 4, 2009

URBAN DESIGN TEAM

HALL ALMINANA, INC.
Laura Hall
Robert Alminana
Chris Ross

ARCHITECTURE
Eric Brown,
Brown Design Studio

ILLUSTRATIONS
Dede Christopher,
Christopher Illustrations

PLANNING & CODING
Kevin Colin,
Lamphier-Gregory

MARKET ANALYSIS

Bill Lee & Ernesto Vilchis,
ERA | AECOM

PARKING ANALYSIS

Patrick Slegman,
Nelson\Nygaard Consulting Associates

CONTACT & DOWNLOAD INFORMATION

If you would like more information about the South Hayward BART/Mission Boulevard Area Form-Based Code, please contact:
David Risk, Hayward Development Services Director, at (510) 583-3650.

You can download a copy of this poster at the City of Hayward's website at <http://www.ci.hayward.ca.us/>.



CITY OF
HAYWARD
HEART OF THE BAY



**MINUTES OF THE SPECIAL CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING OF
THE CITY OF HAYWARD**

City Council Chambers

777 B Street, Hayward, CA 94541

Tuesday, April 27, 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 Dowling.

ROLL CALL

Present: COUNCIL/RA MEMBERS Zermefio, Quirk, Halliday, May, Dowling,
Henson

MAYOR/Chair Sweeney

Absent: COUNCIL/RA MEMBER None

PRESENTATION Business Recognition Award

Mayor Sweeney presented the May 2010 Business Recognition Award to ConXtech. ConXtech designs and delivers innovative, mass customizable, and sustainable structural steel building systems and components. ConXtech, located at 24493 Clawiter Road, has 60 employees. The Business Recognition Award was presented to ConXtech in recognition of the contributions this company has made to the community by: locating their corporate headquarters in Hayward; providing job opportunities to local residents; being an industrial leader; and contributing to the overall economic well-being of the Hayward community. The award was accepted by Robert Simmons, Founder and CEO, and Kelly Luttrell, Co-Founder, Vice President Business Development.

CLOSED SESSION ANNOUNCEMENT

Mayor Sweeney reported that Council met pursuant to Government Code 54957 regarding public employment for the City Manager and City Attorney and Government Code 54956.9 (a) regarding Rental Housing Owners Association of Southern Alameda County, Inc. v. City of Hayward Superior Court Case No. HG09433908. There was no reportable action on the items discussed.

PUBLIC COMMENTS

Dulce Andrade, Youth Commissioner and delegate, along with Cynthia Munoz, Daniel Manzanarez and Carlos Ruiz, delegates to the Youth Leadership Summit, provided a summary of the Youth Leadership Summit seminar. They spoke about the benefits of their attendance. Mr. Jose Flores, La Familia Youth Services Director, invited all to attend the Cinco de Mayo celebration at City Hall.

Ms. Odessa C. Staggers, Chair of the Hayward-South Alameda County - National Association for the Advancement of Colored People (NAACP), on behalf of the NAACP, presented Council Member Quirk with a plaque and Silver Lifetime Membership to NAACP in recognition of his involvement for the advancement of colored people. It was noted that he is the second Council Member to be awarded with this membership. Council Member Quirk noted he is honored to be a part of the NAACP.

Mr. Jim Drake, Franklin Avenue resident, addressed the Hayward Unified School District Board's intention to place a measure on the November ballot to substitute a simple majority vote for the current two-thirds vote required to pass a measure and noted the School Board wants to put a \$250 parcel tax on Hayward residents. He questioned the need to raise funds given the hefty remuneration that some district staff receives when the District's test scores ranks poorly.

Mr. Ben Henderson, CEO and Director of East Bay Aviators, Inc, announced its third annual Open House at the Hayward Executive Airport on July 10, 2010, sponsored by the East Bay Aviators, Inc., the Bay Area Black Pilots Association, Tuskegee Airman, and Hayward Airport. Mr. Henderson described the scheduled events and invited all to attend.

Mr. Brian Spanke, Hayward resident, thanked staff for the opportunity to participate in the South Hayward/Mission Boulevard Form-Base Code project and provided written comments. Mr. Spanke expressed concern regarding the following: the low density levels in the T4 and T5 zones; that the T4 zone should be changed to allow for courtyard-style buildings; residential streets marked 34' should be 28'; the Kmart site and Colette connection does not have a street type; the bike/pedestrian overpass at Tennyson is missing; and the proposed slip lanes along Mission Boulevard have disappeared.

Mr. Jesús Armas, with business address on Main Street and HUSD Board member, clarified for the audience that the Board has not made any recommendations about a parcel tax, but the Board has decided to endorse a petition, and if the petition qualifies, it will be presented to the voters.

WORK SESSION

1. Draft South Hayward BART Mission Boulevard Form-Based Code

Director of Development Services Rizk introduced the project team members and their areas of expertise. Ms. Laura Hall, Principal Hall-Alminana, gave an update of the community engagement process to date. Mr. Robert Alminana gave an overview of the attachments in the report. Mr. Kevin Colin spoke about Code Administration. Mr. Bill Lee provided an overview of the economic and fiscal impacts.

Council Member Dowling acknowledged work done by staff, consultants and community. Mr. Dowling expressed concern regarding vacant areas and property owners who will be resistant to the proposed project, noting the Caltrans and Dixon Street properties, and asked if property owners had been contacted. Mr. Dowling did not consider it practical to put new streets where there is existing successful development. He suggested staff should concentrate on the South Hayward BART area. Director of Development Services Department Rizk described planned incentives for current and



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future owners to improve their properties by adding value to the land and this will be done by increasing densities. Mr. Rizk explained the purpose of the form-based code and what areas it promotes based on the Smart Code template. Mr. Colins referred to a non-conformity provision that allows the retail use of the property to remain if property owners are resistant.

Council Member Henson asked if the form-based code addresses the relocation of businesses in the areas on the west side of Mission to a more appropriate location. Director of Development Services Rizk noted the relocation of businesses would be through the efforts of the City and Redevelopment Agency. Mr. Rizk reiterated the purpose of the form-based code is to incentivize owners to sell to allow development to occur. Mr. Henson stressed the importance that Dixon Street needs to be transformed to provide amenities to the citizens living near a transit village. Mr. Henson asked about the availability of parking in the Dixon area and inquired about emergency vehicle movement. Mr. Alminana explained the design vision for the Dixon Street area and noted that in meetings with the Fire Chief no access problems for emergency vehicles were found.

Council Member Halliday supported the proposal and noted this project will provide the City with a roadmap for the future. Ms. Halliday referred to the Smart Growth Manual and cited the sections that referred to the principles of regional design. Ms. Halliday stated that the City recognized the need for increased density in urban areas. Ms. Halliday asked if the garages planned for the South Hayward BART station included street level retail that follows the standards from the Smart Growth Manual. Director of Development Services Rizk responded that the plan has been approved and the principles are integrated into the plan. Mr. Rizk added that staff is pursuing grants to help improve the South Hayward BART area.

Council Member Quirk mentioned that there is a Dixon Street property owner who is willing to participate in the process. He noted that the Kmart property is a large lot and if parking requirements are reduced there will be room for additional stores. In response to Mr. Quirk's concerns regarding disabled accessibility, Mr. Colins explained this is covered under the Universal Access in the Code. Mr. Quirk asked for renderings in regards to how the wheelchair ramps could be integrated into the new building designs. In response to Mr. Quirk's concerns regarding access, overpasses and crossings, Director of Development Services Rizk noted the items are still on the plans if funding can be found. Mr. Quirk spoke about the need for a linear park along a stream in the area near the Kmart lot. Mr. Quirk commended work done by staff and consultants and the recommendations provided by Mr. Brian Stanke.

Council Member Zermefio was delighted by all the changes that are occurring in Hayward. Mr. Zermefio's concern was that staff makes sure that, with this growth, the infrastructure for additional support and safety personnel is taken into consideration.

Council Member May indicated that the north side of Hayward needs higher density and that with increased density the City will be able to attract solid retailers. Ms. May commented that large retailers study the demographics of a neighborhood and she stated that she is a proponent of

live/work spaces and sees a need for this type of development in Hayward. In response to Ms. May's inquiry about the demand of live/work spaces, Ms. Laura Hall explained that even when developers increase the number of live/work units to be built, there is still a shortage. Ms. May stated that she appreciates the concept of higher density.

Mayor Sweeney commented that the community appreciated the opportunity to be involved and noted that involvement is one of the strong points of the Plan. Mayor Sweeney concurred with Council Member Henson that Dixon Street is a key area and will be a test of whether or not the form-based code will work. Mayor Sweeney stated key issues that need to be addressed are proper lighting and safety. Mr. Sweeney also indicated that Hayward presently has a large amount of affordable housing and quality of housing will be critically important to the success of the entire corridor. He referred to the Community Services District as being a support for the general fund and its purpose is to ensure that the infrastructure provides for additional support personnel. He directed staff to review this and make sure that it is adequate for the increased demand for police, fire and public works. He noted that overpasses are not community oriented and the funds could be better spent on something else. Mayor Sweeney suggested that staff take a second look at lighting, safety, and housing that can support the retail, commercial and shopping opportunities to make this area pedestrian friendly. Mayor Sweeney confirmed for Director of Development Services Rizk that Council does want the traffic impact analysis as the next step. Mayor Sweeney asked for assurance that this plan does not give away density, and spoke about the need to replace the existing long narrow lots and neighbors working together.

CONSENT CALENDAR

Consent Items 2 and 3 were removed for further discussion at the request of Mr. Jim Drake.

2. Authorization for Executive Director to Negotiate and Execute a Professional Services Agreement with the Bay Area Homebuyer Agency in an Amount not to Exceed \$80,000 and Supplemental Appropriation of \$200,000 for the First-Time Homebuyer Program

Staff report submitted by Housing Development Specialist Cortez, dated April 27, 2010, was filed.

Mr. Jim Drake, Franklin Street resident, inquired if this is a local business and how many hours are being worked for the \$80,000.

Redevelopment Director Bartlett noted that the Bay Area Homebuyer Agency is being contracted to organize seminars for prospective first time homebuyers, conduct outreach, and provide a number of services. Mayor Sweeney suggested that Mr. Drake meet with Redevelopment Director Bartlett to further discuss his concerns.

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



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RA Resolution 10-07, "Resolution Authorizing the Appropriations of Funds from Fund 453, the Redevelopment Agency First-Time Homebuyer Program Revolving Loan Fund, for the First-Time Homebuyer Program"

RA Resolution 10-08, "Resolution Authorizing the Executive Director to Negotiate and Execute an Agreement with Bay Area Homebuyer Agency to Provide Consulting Services Related to the Agency's Affordable Housing Programs"

3. **Carlos Bee Boulevard Realignment: Approval of Plans and Specifications and Call for Bids; and Authorization for the City Manager to Execute an Amendment to the Professional Services Agreement with BKF Engineers**

Mr. Drake, Franklin Street resident, asked what the amount of the contract was with BKF Engineers and about their hourly rates. He also asked if BKF Engineers was a local business.

Public Works Director Bauman responded that BKF Engineers was hired to perform the design of the Carlos Bee Boulevard Realignment Project and that during the design there were revisions made that called for an amendment to the original contract. Mr. Bauman noted that the total cost of the project is \$1.4 million and the design portion was cost efficient at \$125,000. Mr. Bauman confirmed for Mayor Sweeney that the City was successful in obtaining federal highway monies in the amount of \$750,000 to partially fund the project. Mayor Sweeney requested Mr. Bauman to meet with Mr. Drake to further discuss his concerns.

In response to Council Member Henson, Public Works Director Bauman confirmed that whenever federal funds are involved, the Federal Disadvantaged Business Enterprise Program (DBE) needs to be followed.

Staff report submitted by Deputy Director of Public Works Fakhrai, dated April 27, 2010, was filed.

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

Resolution 10-059, "Resolution Approving Plans and Specifications for Carlos Bee Boulevard Realignment Project, Project No. 5105, and Call for Bids"

Resolution 10-060, "Resolution Authorizing an Increase in Additional Professional Services with BKF Engineers for the Carlos Bee Boulevard Realignment Project, Project No. 5105"

PUBLIC HEARING

4. Master Fee Schedule Update

Staff report submitted by Accounting/Revenue Manager Gudino, dated April 27, 2010, was filed.

Interim Director of Finance Susan Stark presented a synopsis of the report.

In response to Council Member Henson's inquiry, City Attorney Lawson confirmed that the rent stabilization administration fee increase is for both mobilehome and residential properties. Mr. Henson acknowledged the work done by staff and inquired about the new fees under the Airport Division. Public Works Director Bauman responded that the fees that went to the Airport Committee would need to be incorporated as part of the budget review.

Council Member Dowling expressed concern from the community about the increase in child care facility inspection fees and asked Fire Chief Bueno to address the issue. In response, Fire Chief Bueno noted that there have been adjustments and reductions in some areas and that the Fire Department has met with child care administrators in an attempt to resolve any issues. Fire Marshall Arteaga indicated that all of the inspections performed are governed by the State Fire Code and noted that according to the State Fire Code, large child care facilities (nine or more children) are subject to annual inspections. It was noted that small child care facilities consisting of eight children or less, are not covered by the Code and that the Fire Department performs inspections when the business first opens as required by the State.

In response to Council Member Dowling's inquiry, Acting City Manager David clarified that the proposed new fees for rental of chairs and tables is for the City Hall Rotunda. Ms. David stated that there is a large amount of staff time spent setting up and taking down the tables and chairs. Ms. David added that several times when there is no advance notice for an event, staff ends up working overtime. Mr. Dowling suggested that staff take a look at this issue and noted that the Rotunda is a facility that is underutilized and its rates need to be competitive.

Council Member Halliday spoke on behalf of mid-size child care facilities whose fire inspection fees were raised by 400%. Fire Marshall Arteaga restated that the State Fire Code mandates that the child care facilities that serve over eight children be required to have annual inspections. Ms. Halliday noted that it is necessary to provide the public with information in regards to the process involved with an inspection and to ensure that the fees correspond with the actual services. She indicated the providers are appreciative of the services provided and noted that the City benefits from having quality child care providers.

Council Member Zermeño commented that inspection fees are tax deductible and there are more benefits in having the fire inspections.



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In response to Mayor Sweeney, Fire Marshall Arteaga mentioned that typical child care facility violations involve the lack of exit doors, a two-story residence where children occupy the second floor without the proper sprinkler system, required by code, and an inadequate evacuation plan in case of fire.

There being no comments, Mayor Sweeney opened and closed the public hearing at 9:36 p.m.

Council Member Henson made a motion per staff recommendation. Council Member Quirk seconded the motion.

Council Member Quirk added to the motion that for identified organizations that are forgiven the facility rental fee at City Hall that they also be forgiven the chair and table rental fee. Council Member Henson concurred with the motion on the floor.

In response to Council Member Halliday's inquiry, Acting City Manager David mentioned a meeting with midsize child care providers (between eight and eighteen) where it was suggested that Fire perform two annual inspections at the cost of one. Ms. David noted that this would reduce revenue and does not cover the inspection costs. Ms. Halliday stated that one of the City's goals should be to analyze these costs to ensure that they truly reflect the time and effort spent. She also suggested that the City look for ways to be more efficient and reduce costs and then pass those savings on to citizens who utilize these services. Ms. Halliday asked to include in the motion that staff be directed to consider if inspection fees could be reduced for the midsize child care providers.

Fire Chief Bueno noted that the number of complaints has not changed with the increase in fees and the increase in compliance has been significant. He also noted that this would constitute a significant loss to revenue.

Ms. Halliday withdrew her request and asked that providers be dealt with on a case by case basis and to offer assistance in hardship situations.

It was moved by Council Member Henson, seconded by Council Member Quirk, and unanimously carried, to adopt the following with an amendment to the Maintenance Services fees regarding the fee for rental of chairs and tables. Identified organizations that are already forgiven the facility rental fee at City Hall will also be forgiven the chair and table fee.

Resolution 10-061, "Resolution Adopting a Revised Master Fee Schedule Relating to Fees and Charges for Departments in the City of Hayward and Rescinding Resolution No. 09-084 and All Amendments Thereto"

LEGISLATIVE BUSINESS

5. Proposed New Alameda County Transportation Commission Joint Powers Agreement

Staff report submitted by Deputy Director of Public Works Fakhrai, dated April 27, 2010, was filed.

Public Works Director Bauman provided a synopsis of the report and presented Alameda County Transportation Authority/Alameda County Transportation Improvement Authority (ACTA/ACTIA) Deputy Director Art Dao and Alameda County Congestion Management Agency (ACCMA) Executive Director Dennis Fay.

Mr. Art Dao and Mr. Fay presented a joint PowerPoint presentation outlining the advantages of merging the two agencies and about the approval of the Joint Powers Agreement (JPA). They provided materials for the record.

Council Member Henson, as a member of the committee that explored the JPA that will create the Alameda County Transportation Commission (ACTC), explained the membership composition based on population and the allocation of votes. Mr. Henson indicated that the threshold set for 152,000 residents would equal 2 votes for Hayward. Mr. Henson noted the benefits of working as Hayward's representative on the Board of Supervisors and working with other cities. Mr. Henson noted the timeline as presented in the report.

Council Member Dowling commended Council Member Henson for his efforts on the committee and noted that with the formation of this new commission the City will have two votes.

Council Member Henson acknowledged the work of Mr. Dao and Mr. Fay. Mr. Henson indicated that a County poll was commissioned for the Vehicle Registration Fee (VRF) and the results showed that 61% supported a \$10 increase in VRF fee. He reiterated that the area that garnered the largest amount of support was for repair and rehabilitation of local streets and roads.

There being no comments, Mayor Sweeney opened and closed the public hearing at 10:12 p.m.

In response to Council Member Halliday's inquiry about the half-cent sales tax increase for the 2012 ballot, Mr. Dao explained that this would extend the half-cent sales tax from 2022 to a future date. Mr. Dao explained that if the tax is extended this would be used to bond against future revenue and explained how these monies could be utilized for future endeavors. Mr. Dao noted that part of these monies would be used to restore the lost monies to transit operations for local, street, and roads. Ms. Halliday supported using part of these monies to augment the cost of public transit options that will help reduce congestion and encourage residents to get out of their cars.

Mr. Henson concurred with Council Member Halliday's comments and noted that in the draft evaluation, bicycle and pedestrian safety and transit effectiveness and efficiency are listed as fundable options. Council Member Henson offered a motion per the staff recommendation and Council Member Quirk seconded it.



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Mayor Sweeney commended Council Member Henson for doing a great job of representing the City. The Mayor commented that the merger of the two agencies makes sense and asked for annual reports that will show cost savings. He noted that the voting structure could make it more difficult when voters are asked to support funding for local road and streets improvements. In regard to the VRF, Mayor Sweeney noted that it is not acceptable that the State takes money away from local governments and expects tax-payers to fund projects for local communities. He noted that it would be unfortunate if local mayors and city councils decided to not go to the voters and organize a No campaign if the State continues taking monies.

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

Resolution 10-062, "Resolution Approving the Creation of the Alameda County Transportation Commission and the Joint Powers Agreement Therefore and Approving an Amendment to the Joint Powers Agreement for the Alameda County Congestion Management Agency"

COUNCIL REPORTS

There were none.

ADJOURNMENT

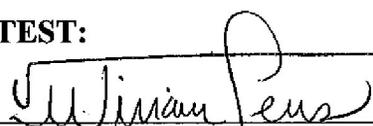
Mayor/Chair Sweeney adjourned the meeting at 10:21 p.m., in memory of Jerrel "Jerry" Cooper, a teacher, a friend, a Hayward resident, artist, father, and husband of former Hayward Mayor Cooper. Mr. Sweeney noted that a memorial service was scheduled for April 28, 2010 at Chapel of the Chimes. Mr. Sweeney asked staff to work with the family to find a suitable place to plant a tree in his memory.

APPROVED:

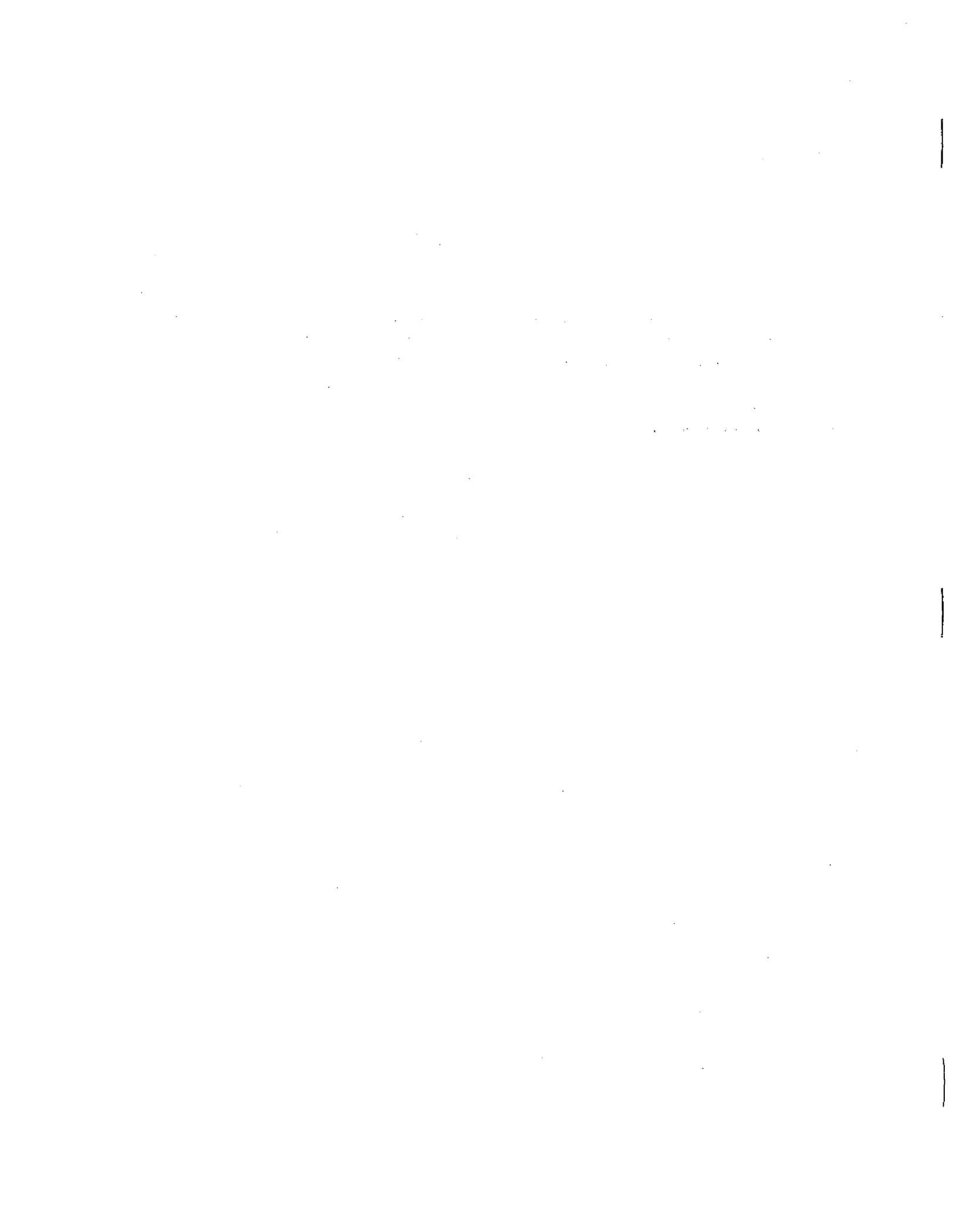


Michael Sweeney, Mayor, City of Hayward
Chair, Redevelopment Agency

ATTEST:



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



South Hayward BART / Mission Boulevard Form-Based Code

Before & After

Transect of Hayward

Draft Regulating Plan

PREPARED FOR
 The City of Hayward
 November, 2009

CHARRETTE DATES
 September 29 – October 4, 2009

URBAN DESIGN TEAM
 HALL ALMINANA, INC.
 Laura Hall
 Robert Alminana
 Chris Ross

ARCHITECTURE
 Eric Brown,
 Brown Design Studio

ILLUSTRATIONS
 Dede Christopher,
 Christopher Illustrations

PLANNING & CODING
 Kevin Colin,
 Lamphier-Gregory

MARKET ANALYSIS
 Bill Lee & Ernesto Vilchis,
 ERA|AECOM

PARKING ANALYSIS
 Patrick Slegman,
 Nelson\Nygaard Consulting Associates

CONTACT & DOWNLOAD INFORMATION

If you would like more information about the South Hayward BART/ Mission Boulevard Area Form-Based Code, please contact:
 David Risk, Hayward Development Services Director, at (510) 583-3650.

You can **download** a copy of this poster at the City of Hayward's website at <http://www.ci.hayward.ca.us/>.

CITY OF HAYWARD
 HEART OF THE BAY



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, May 13, 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: McKillop, Loché, Peixoto, Thnay, Lavelle
CHAIRPERSON: Mendall
Absent: COMMISSIONER: Márquez

Commissioner McKillop led in the Pledge of Allegiance.

Staff Members Present: Conneely, Cruz, Fakhrai, Pearson, Rizk

General Public Present: 8

PUBLIC COMMENTS

None

WORK SESSION

1. Draft South Hayward BART/Mission Boulevard Form-Based Code

Director of Development Services David Rizk introduced the consultants for this project including Laura Hall of Hall Alminana, Robert Alminana (Architect, Hall Alminana), and Kevin Colin (Planner, Lamphier-Gregory). Ms. Hall gave a brief overview of the project before introducing Mr. Alminana who presented the highlights of the proposed code updates. Kevin Colin explained the process from pre-application to construction and Director of Development Services Rizk summarized the Next Steps.

Commissioner Peixoto asked if the residential housing along Mission Boulevard would have stoops. Robert Alminana said not unless there was a slip lane that ran parallel to Mission because the setback for a stoop is very shallow. Commissioner Peixoto then asked how the City can control building height using a form-based code. Mr. Alminana explained that the form-based code measures building height by stories as well as feet just for that purpose. Only the first floor is measured in feet because of the retail use, he said. Mr. Peixoto said during the presentation he saw a detail on one of the buildings that he really liked and he asked if those kinds of details are written into the code. Mr. Alminana explained that what Mr. Peixoto noticed is called an expression line and it occurs between the second and third floor and those types of details are definitely written into the code.

Commissioner Loché asked Mr. Alminana for a more detailed explanation of the colors and the types of transportation they represent for the thoroughfares shown in the presentation and report. Commissioner Loché also asked how frequently a Community Service District (CSD) is used as a solution to offset costs to the General Fund. Director of Development Services Rizk explained that as revenues grow tighter, more cities are turning to CSDs as a solution, especially cities that experience fast growth. In Hayward, Mr. Rizk said a CSD has been established in the Cannery area as one of the conditions of approval.

Commissioner Thnay asked for more information regarding the parking requirements for the project. Mr. Alminana explained that because this is a transit-oriented neighborhood, developers have the option to not meet minimum parking standards. The same is true for non-residential areas, Mr. Alminana explained, however, a retailer or employer may choose to meet certain standards. Using the area surrounding BART in East Dublin as a current example, Commissioner Thnay expressed concern that this policy may lead to serious parking shortages and suggested giving residents more time to get into the habit of using alternative forms of transportation. Mr. Thnay was also concerned that retail developers may rely on each other to provide the necessary parking rather than realistically plan for it themselves. Mr. Alminana pointed out that there are eight different parking strategies included in the Nelson/Nygaard report and between them there should be a way to provide sufficient parking.

Commissioner Thnay approved of the solar aspect of the sustainability proposals, but questioned the practicality of the wind turbines saying the area isn't that windy. If the City is going to charge residents a CSD fee, Mr. Thnay said the services that are used should be proven sufficient. Commissioner Thnay then expressed concern that the proposed traffic lanes are too narrow and suggested they be reconsidered. He also suggested that the thoroughfare map that Mr. Loché referred to earlier, be more reader-friendly with the definitions included on the map.

Commissioner McKillop said she thought staff was going to reconsider the parking requirements for the project and asked for an update. Director of Development Services Rizk said staff is addressing the recommendations in the Nelson/Nygaard report which does suggest elimination of minimum parking standards, but also suggests creating a residential parking district and doing cash-outs on meters. Mr. Rizk said staff is also considering other transportation demand management (TDM) and parking strategies that the City could implement along with the code to address some of the concerns expressed.

Commissioner McKillop asked the consultants if these same problems had arisen on previous projects and how were they dealt with. Mr. Alminana pointed out that every time parking is provided, especially free parking, the public is being encouraged to drive. He said that when parking is more difficult people start doing other things like using CarShare, taking the bus, riding their bikes or just walking. Mr. Alminana also pointed out that while there won't be minimum parking standards, there will still be parking. He said the money saved by developers could be used for something else. Director Rizk directed the Commissioners to a link in the staff report that details several case studies of cities that have successfully implemented the recommended parking strategies.

Chair Mendall asked if a parking plan is going to come back to the Planning Commission. Director Rizk said he is hoping that funding can be found to develop a comprehensive parking and TDM



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strategy and bring that before the Commission for consideration. Chair Mendall said he preferred that to another staff report.

Commissioner Lavelle asked the consultants to explain the design principles behind the creation of the proposed smaller and odd-shaped blocks at, for example, the corner of Mission Boulevard and Harder Road. Mr. Alminana explained that the smaller blocks are designed with pedestrians, and pedestrian safety, in mind. The roads, he continued, are all linked together and lead to the center of this commercial neighborhood. When Commissioner Lavelle asked if big stores like Kmart would have to be eliminated, Mr. Alminana said no, they can still exist, the parking would just be in the back and there would still be room for other small stores on the surrounding blocks.

Commissioner Lavelle also asked why, according to the report, the Planning Commission will be asked to review the progress of the form-based code every five years. Director of Development Services Rizk said the City wants to monitor progress to make sure development is reflecting the City's priorities and visions and that the code is still what they want. Commissioner Lavelle asked if this review would occur in conjunction with new proposals (that would come before the Commission anyway) or separately. Director Rizk said that depends on the kind of review required for the project, for example, a conditional use permit versus an administrative use permit, but most likely the review would occur on a periodical basis not related to a specific proposal. Commissioner Lavelle asked if changes to the code could be made based at the time of the review and Mr. Rizk concurred this could be an outcome.

Kevin Colin, Planner for Lamphier-Gregory, commented that he included that five-year review provision because of the piecemeal way the current zoning ordinance has been maintained. Presuming five years is enough time to plan and build something, he said the review will allow everyone to evaluate what has been done and take the time to consciously review the big and small picture in terms of accomplishing overall goals.

Commissioner Lavelle commented that safety is a key issue for pedestrians and she liked the smaller walkable blocks and that residents have street options other than Mission Boulevard. Ms. Lavelle felt strongly that civic spaces need to be concurrently developed with housing so residents have immediate access to areas for walking and biking when they move in. She emphasized that these civic spaces are critical or people will go back in their cars.

Finally, Commissioner Lavelle asked staff how they see implementation of the code as enticing to developers to come to Hayward to do something as new and as modern as a form-based code in these extremely challenging economic times. Director of Development Services Rizk explained that by adding density to any development means adding value. He said there's also a provision for developers who dedicate street frontage that they are allowed additional units above what is typically allowed; this provision will act like an incentive because it also adds value. Planning is also seeking grants to make some public infrastructure improvements in the area, Mr. Rizk said, and is working with the Redevelopment Agency as effectively as possible, although the State has been taking RDA monies and tax increment revenue is also down. Mr. Rizk said Planning will also

work with Redevelopment to market the code and let developers know what is happening in Hayward. He also pointed out that the South Hayward BART area has big growth potential and the Montana-Witteck-Eden Housing project will hopefully serve as a catalyst as well as the sale of open land by the State. Mr. Rizk said that even during an economic downturn, now is a good time to be laying out these plans and hopefully, in the not too distant future, the vision will be realized.

Chair Mendall asked if \$500 to \$600 per year is a standard charge for a Community Service District (CSD) to create and maintain park areas, lighting, and landscaping. Director of Development Services said \$500 was not an unusual amount for a large new development, but pointed out that an amount has not been assessed, that was just the figure the economist used to break even, and that an analysis will have to be conducted to determine the per unit assessment. Chair Mendall said he did not have a problem with that kind of assessment.

Chair Mendall asked Mr. Alminana to explain what is meant by the phrase "by warrant" as now stated in the code. Mr. Colin explained that two new categories of variances are going to be created under the form-based code and they are calibrated according to the urban design principles of the code. For example, if a developer wanted to change a fence height by six inches, Mr. Colin explained, "by warrant" would allow Mr. Rizk to give or deny that approval. If the developer wanted to change the building height, or some element that is specifically articulated in the code, they would have to come before the Planning Commission, he said. The phrase is a differentiation to help ease the administration to incentivize following the code versus challenging the code, Mr. Colin said.

Chair Mendall commented that during conversations regarding the Mission Boulevard Corridor form-based code project there was discussion of a frontage street. He asked if a similar road was being considered along Mission for this project, especially between Industrial and Tennyson, and possibly between Tennyson and Harder. Chair Mendall said he didn't want any decisions made that precluded adding this safety feature. Mr. Alminana said that a frontage road was currently not included in the project and to include one the plans would have to be modified. Director of Development Services Rizk said staff will discuss a frontage road with the consultant. Referred to as a "slip lane," Mr. Rizk said that the concept design plan included one and residents have spoken in favor of it. Mr. Rizk said staff will have to look at the impacts on private property, especially along northern Mission where all parking lanes would have to be eliminated, and whether or not a slip lane would add value to those properties. Chair Mendall said he would like the idea considered.

Chair Mendall said he would like more detail regarding the proposed "mini neighborhoods" that Mr. Alminana touched on when responding to Commissioner Lavelle's question about block size. Mr. Alminana reiterated what he said earlier and Chair Mendall suggested that the project be promoted on a neighborhood by neighborhood basis so residents can focus on their particular area rather than the entire project. Chair Mendall also requested that the thoroughfare map have the road description right on the map rather than asking people to flip to a different page for definitions. Regarding the earlier discussion about parking, Chair Mendall pointed out that when dividing existing big blocks into smaller, walkable blocks, the City will be adding roads and all those roads will have "a ton" of new street parking. Chair Mendall said he favors the five-year review period.

Finally, Chair Mendall expressed frustration with the project's plan to up-zone a large number of parcels without asking the owners for anything in return. He acknowledged that owners would be



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giving up land for new roads, but said the City is giving up leverage by rezoning these parcels without requiring owners to set aside a percentage of the land for neighborhood parks. Director of Development Services Rizk explained that the City does have a park in-lieu fee in place for potential developers and those per unit fees would go toward acquiring land for parks, and building and maintaining them. He said developers also have to reserve 10-15% per lot for open space. Mr. Rizk continued by saying that through the regulations and standards of the form-based code itself, developers will transform the underutilized area and that is a direct benefit to the City. Chair Mendall said he understood that but expressed concern that the code didn't provide any leverage if a property owner decided not to participate after being upzoned. Mr. Rizk explained that the code would require landowners to allow for new roads and the added densities and more productive use of the land should offset any complaints from them. Mr. Rizk said the economist also did an analysis of land values with and without the roads, and the values increased because more housing units face the street. Chair Mendall said that was valuable in terms of convincing landowners why they should participate, but he said to protect City interests, the parcel shouldn't be upzoned until the road is built.

Ms. Hall explained that the plan contains regulations that are also laws and these laws would require landowners to comply with the form-based code. Ms. Hall also suggested that rather than thinking the City is giving away densities, that, she admitted, in the past has been manifested into some really ugly developments, a better way to think about it is to realize the developers are providing more services, improving transit, and actually giving a gift to the City, but only if they follow the code.

Chair Mendall reiterated "IF" they do it right. He said he just wants to make sure the developers do it right when it comes to dedicating their land to build new streets. Ms. Hall asked Chair Mendall what language would reassure him that they would. Chair Mendall said that he would like to see written that all of the density "bonuses" are conditional based upon the creation of the new streets. Director of Development Services Rizk said projects would have that condition and the City has added the higher densities to make that condition more palatable for the potential developer. Mr. Rizk also reiterated that by adopting the code the City is gaining the reassurance that the same standards are being followed project by project to create an integrated plan. He said simply, "How do we ensure that the dedication comes with the development proposal? We require it."

Chair Mendall said he wished that was enough to reassure him, but some parcels are losing (he approximated) half the land to new streets while adjacent parcels benefit without the same cost. "That is a really bum deal for the person who's losing half their property, so why would they agree to that?" he asked. "They wouldn't." Yes, we're offering them incentives, yes we're asking them nicely, but that just doesn't seem like enough, he said. Mr. Rizk said he thinks it is enough and staff has considered the placement of the new streets and many of them (primarily those running west to east) are on the undeveloped Caltrans properties. Regarding the proposed road that will run parallel to the BART tracks, Mr. Rizk said that over time that will become a viable asset to developers. Chair Mendall replied that it would only take one property owner along that street to say "no" and

the street wouldn't work. Mr. Rizk said the City could always use eminent domain, but he said the City is hoping it won't come to that point with the incentives built into the code.

Commissioner Thnay asked for confirmation that once the form-based code is adopted, and old codes will be abandoned and potential developers will only have the one option. "This is the plan for the future," he said. "Anyone who wants to come in needs to buy into this." Regarding retail opportunities under a form-based code, Commissioner Thnay asked if the City will have a "plan line" or regulations that will keep retailers and developers from creating haphazard access points, or driveways, from the main road.

To address the concerns expressed by Chair Mendall, Mr. Alminana said the thoroughfares and smaller block divisions were studied very carefully and most fall on Caltrans property. The roads that do traverse private property, especially key lots, Mr. Alminana said the owners have already been contacted and have expressed excitement about the pending project. Regarding the proposed road that runs along the BART track, Mr. Alminana concurred that all property owners may not agree to participate, but he continued saying that once the holdouts see the benefits being enjoyed by the participant leaders, they will eventually follow suit. Mr. Alminana acknowledged that total participation just doesn't happen. Director of Development Services Rizk, in response to Commissioner Thnay's question, said there will still be a precise plan process which would consider proposed roadways and access points.

Commissioner Thnay asked for confirmation that the property owners whose parcels were upzoned would be responsible to fund a higher proportion of the civic space requirements based on the higher densities. Mr. Rizk said yes, the park in-lieu fee would be charged on a per unit basis and would go toward large park areas that include civic buildings like a community center and that is in addition to the common open spaces which are also known as group open spaces. Commissioner Thnay concluded that property owners would be paying for the upzone indirectly.

Director of Development Services Rizk recognized that Chair Mendall's concerns had not been completely satisfied, but rather than take more time, Chair Mendall requested that the issue be readdressed in a follow-up report or discussion. Chair Mendall then concluded the work session discussion.

PUBLIC HEARING

2. Determination that the recommended FY11-FY20 Capital Improvement Program is consistent with the City's General Plan

Deputy Director of Public Works Morad Fakhrai gave a synopsis of the report noting that last year, as it had for the previous four years, the City of Hayward's Capital Improvement Program received an Award of Excellence from the California Society of Municipal Financial Officers.

Commissioner Peixoto thanked Deputy Director Fakhrai for the report and noted that during a recent visit to the Fairway Park neighborhood, residents indicated that the barriers placed at residential intersections have been effective in slowing down traffic. However, Mr. Peixoto noted that the barriers resemble large yellow garbage cans and he asked Mr. Fakhrai if there is any plan to replace those with something more attractive. Mr. Fakhrai said yes, the barriers will be replaced with median landscaping in the next fiscal year (within the next 14 months).



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Commissioner Lavelle thanked Mr. Fakhrai for the report and noted that the most challenging number was \$205 million in unmet needs. She expressed hope that some of the City's improved development would bring much needed financial resources to Hayward. Commissioner Lavelle made a motion for the Planning Commission to find that the FY11-FY20 Capital Improvement Program is consistent with the City's General Plan. Commissioner Peixoto seconded the motion.

Chair Mendall said he loved the mural program and said he would like to see murals in South Hayward and other parts of the City. Deputy Director Fakhrai said the mural program is now an annual program with a budget of \$90,000 per year. Chair Mendall cited the statistic that it costs the City \$120 to paint over a "tag" on a utility box and only \$150 to have an artist paint a mural. Mr. Fakhrai said the utility box mural program has been very successful, noting that most of the City's downtown traffic signal control boxes have been painted and while PG&E has been cooperative, allowing the City to paint its utility boxes, AT&T has not (Mr. Fakhrai said staff is working on that).

Chair Mendall commented that in the future he would like to see a progress report or a line item in the Capital Improvement Program that shows monies spent to meet Climate Action Plan and other City efficiency goals. Deputy Director Fakhrai said that under Utilities, the report does contain information on several on-going projects and long-term goals that work towards the City's sustainability efforts.

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

AYES:	Commissioners McKillop, Loché, Peixoto, Lavelle, Thnay Chair Mendall
NOES:	None
ABSENT:	Commissioner Márquez
ABSTAINED:	None

3. Housing Element of the General Plan

Senior Planner Erik Pearson indicated that staff has been in regular contact with the State Department of Housing and Community Development and that at its recommendation staff has added a new program (addressing large sites identified for potential housing development), a description of which was distributed to the Commissioners prior to the meeting. Mr. Pearson then introduced Veronica Tam, of Veronica Tam & Associates, LLC, the consultant responsible for preparing the Housing Element of the General Plan, who provided a brief overview of the comments made by the State.

Senior Planner Pearson added that pursuant to the California Environmental Quality Act, an initial study and Mitigated Negative Declaration had been prepared and staff is asking that the

Commission recommend to Council that they adopt the Mitigated Negative Declaration and the Housing Element.

Commissioner Peixoto asked Ms. Tam why the State wanted a more detailed report on the City's processing procedures and timeframe. Ms. Tam explained that the State wanted to see how long a single-family and a multi-family project would take to progress through the City's approval process. Commissioner Peixoto then asked Ms. Tam if the Inclusionary Housing Ordinance was a tool to assist the City to meet the stated goals of the Housing Element or if it was a State requirement. Ms. Tam replied that the ordinance was not a requirement, but a tool the City uses to achieve its affordable housing development goals. Ms. Tam confirmed for Mr. Peixoto that if a City has enough money to subsidize affordable housing projects they wouldn't need to apply for inclusionary housing assistance funding. Mr. Peixoto asked Ms. Tam if the City of Pleasanton has an inclusionary ordinance and Ms. Tam said she didn't know. Director of Development Services Rizk indicated that he didn't know either.

Chair Mendall opened and closed the Public Hearing at 9:25 p.m.

Commissioner Thnay made the motion that the Planning Commission recommend that the City Council adopt the Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Program, and the Housing Element, including the new program addressing large potential development sites. Commissioner Peixoto seconded the motion.

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

AYES:	Commissioners McKillop, Loché, Peixoto, Lavelle, Thnay Chair Mendall
NOES:	None
ABSENT:	Márquez,
ABSTAINED:	None

ADDITIONAL MATTERS

4. Oral Report on Planning and Zoning Matters

None

5. Commissioners' Announcements, Referrals

Commissioner Lavelle invited the Commissioners to attend the Volunteer Open House sponsored by the Office of the City Clerk on Monday, May 24th at City Hall. The event will give potential members an opportunity to meet representatives from the City's various boards, commissions, committees and task force and ask questions. Chair Mendall encouraged the Commissioners to attend the Volunteer Open House.



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ADJOURNMENT

Chair Mendall adjourned the meeting at 9:29 p.m.

APPROVED:

Elisa Márquez, Secretary
Planning Commissioner

ATTEST:

Suzanne Philis, Senior Secretary
Office of the City Clerk



**MINUTES OF THE CITY COUNCIL MEETING OF
THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, April 26, 2011, 7:00 p.m.

MEETING

The Meeting of the City Council was called to order by Mayor Sweeney at 7:00 p.m., followed by the Pledge of Allegiance led by Mayor Sweeney.

ROLL CALL

Present: COUNCIL MEMBERS Zermefio, Halliday, Peixoto, Salinas, Henson
MAYOR Sweeney
Absent: COUNCIL MEMBER Quirk

Mayor Sweeney noted that Council Member Quirk was out ill.

CLOSED SESSION ANNOUNCEMENT

Mayor Sweeney reported that Council met with labor negotiators pursuant to Government Code 54957.6, and pursuant to Government Code 54956.9 regarding anticipated litigation, and took no reportable action.

PRESENTATION

Affordable Housing Week – May 6 - 15, 2011

Mayor Sweeney proclaimed May 6 - 15, 2011, as Affordable Housing Week in the City of Hayward. Mayor Sweeney noted that for the past 15 years East Bay Housing agencies have partnered with area communities to call attention to the ongoing need for affordable housing. It was noted that even though homeownership and affordability lag, Hayward is proactive in response to this housing crisis and also has award winning affordable housing.

Mr. Jim Obendorf, Habitat for Humanity East Bay's Vice President and Chief Financial Officer, accepted the proclamation on behalf of Habitat for Humanity East Bay and the East Bay Housing Organization and thanked the Mayor, City Council, and staff for the support.

PUBLIC COMMENTS

Ms. Betty DeForest, Westwood Street resident, read a letter from the South Hayward Parish regarding the proposed Gang Injunction Program and expressed concern that community members interested in gang injunction policy were not informed about a prior public work session. On behalf of the South Hayward Parish, Ms DeForest offered to partner with the City on this endeavor. Mayor Sweeney asked the City Clerk to inform individuals or groups that requested information about future gang injunction meetings and asked the City Manager to encourage the Police Department to engage individuals and agencies in the process.

Mr. Benjamin Goulart, Main Street resident and Chabot College student, expressed concern about the new power plant being built in Hayward. Mayor Sweeney provided clarification about the actions that were taken by City Council and the California Energy Commission in prior years and informed Mr. Goulart that the Public Works Department could provide additional information.

Mr. Anthony Varni, representing the Felson family, spoke about the South Hayward BART/Mission Boulevard Form-Based Code staff report. Mr. Varni noted that the Felsons own apartment units that look over the 238 Bypass study area. Referring to the building configuration of the proposed project, he mentioned that the current building setback requirement is two feet from the sidewalk and expressed that because of traffic and vehicular speed on Mission Boulevard, there should be a greater setback and more property depth. He said if the project is not built correctly, it will negatively impact future projects.

Mr. Jim Drake, Franklin Avenue resident, expressed concern that Caltrans criterion was not being utilized during the construction of the mini-loop. Mr. Drake said the contractor on Harder Road, Top Grade, was not performing the work properly which could result in costly street maintenance. Mayor Sweeney requested Director of Public Works Bauman to look into Mr. Drake's concerns.

WORK SESSION (60-Minute Limit)

1. Draft Supplemental Environmental Impact Report for the South Hayward BART/Mission Boulevard Form-Based Code

Staff report submitted by Development Services Director Rizk, dated April 26, 2011, was filed.

Development Services Director Rizk introduced consultant Mr. Kevin Colin with Lamphier-Gregory, who provided a synopsis of the report.

Development Services Director Rizk noted Council was in receipt of an email from Dr. Sherman Lewis and that staff will address Dr. Lewis' comments as they prepare the final Supplement Environmental Impact Report (SEIR). Regarding Mr. Varni's concerns about setbacks and the proximity of buildings along Mission Boulevard, Mr. Rizk said these are addressed through plan aesthetics, the site plan mitigation review, and the air quality mitigation measures. Mr. Rizk mentioned that for the final Draft Environmental Impact Report (EIR) staff will be recommending an overall height limit in feet and if the developer chooses to build the maximum number of stories, each story will have a maximum height. He said staff will be coming back with revisions to the Form-Based Code.

Council Member Henson emphasized the need to address specific transportation need should the City move forward with the Sustainable Community Strategy (SCS). Mr. Colin confirmed for Mr. Henson that the California Environmental Quality Act (CEQA) guidelines for air quality mitigation measures are mandatory. In response to Mr. Henson's inquiry about traffic impact and mitigation recommendations, Director of Public Works Bauman noted that the Form-Based Code would cause four intersections to operate at E and F levels of service. He spoke about the four traffic mitigation



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measures to counterbalance and added that, as a result of an oversight, there will be a revision to the SEIR to reflect a mitigation change that is not going to include a right-of-way take for the Mission Boulevard/Harder Road intersection.

Council Member Zermefio suggested naming one of the proposed new streets after Cesar Chavez and said he hoped to have the Form-Based Code adopted prior to the Council's August recess as it would create jobs and spur activity.

In response to Council Member Peixoto's question if measuring building height in feet or stories to maximize density had been resolved, Mr. Colin said staff will be returning with a Code and Environmental Impact Report (EIR) with building height measured in both feet and stories to prevent further confusion.

Council Member Halliday stressed the importance of clarity for this process and the protection of views throughout as much as possible. Ms. Halliday was glad that the Mission Boulevard/Harder Road Intersection revision did not include a right-of-way take. She reiterated that the goal is to reduce greenhouse gas emissions through traffic signaling that will increase traffic flow and hoped that by creating a transit-oriented district, people will be encouraged to walk to neighborhood retail centers and use public transit.

Council Member Salinas inquired if community participation was achieved with neighborhoods that will be affected by the proposed developments. Development Services Director Rizk responded that community meetings were not held, but over 2300 notices were mailed regarding the work session. Mr. Salinas suggested utilizing the Neighborhood Partnership Program meetings to engage the community. Mr. Salinas commented that he would like to see a significant effort made in the area of alternative public transportation methods and suggested starting a shuttle service.

Mayor Sweeney asked staff and the consultant to be sure to taper down building height and scale, particularly for the areas south of the South Hayward BART station from Valle Vista to the other side of Tennyson Road. He suggested more T4 and fewer T5 zones. In response to Mayor Sweeney's inquiry of whether the Draft EIR addressed the possible elimination of the Redevelopment Agency (RDA), Development Services Director Rizk reported that if the RDA was eliminated there would be a negative balance to the General Fund that could be offset by a community services district.

CONSENT

2. New Sidewalk - Bellina Street: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Fakhrai, dated April 26, 2011, was filed.

It was moved by Council Member Zermefio, seconded by Council Member Halliday, and carried with Council Member Quirk absent, to adopt the following:

Resolution 11-038, "Resolution Approving Plans and Specifications for the New Sidewalk – Bellina Street Project, Project No. 5163, and Call for Bids"

PUBLIC HEARING

3. Master Fee Schedule Update *** To be continued to May 3, 2011 ***

Staff report submitted by Interim Finance Director Stark, dated April 26, 2011, was filed.

City Manager David noted that the item was continued to honor noticing requirements.

It was moved by Council Member Henson, seconded by Council Member Peixoto, and carried with Council Member Quirk absent, to continue the item until May 3, 2011.

LEGISLATIVE BUSINESS

4. Adoption of Interim Moratorium Ordinance Regarding Supermarkets of 20,000 Square Feet or More or Large Retail Stores Containing at least 10,000 Square Feet or Ten Percent of Area Devoted to Sale of Grocery or Non-Taxable Items

Staff report submitted by Development Services Director Rizk, dated April 26, 2011, was filed.

Development Services Director Rizk presented the report.

Development Services Director Rizk confirmed for Council Member Henson that if the interim ordinance is approved, the building permit application at Whipple Road would be on hold to allow staff the necessary time to conduct impact studies and return to Council with a recommendation.

Mayor Sweeney opened the public hearing at 8:16 p.m.

Ms. Desirae Smith, Willow Avenue resident, supported the proposed interim moratorium ordinance and stated Hayward needs grocery stores to serve the community. Ms. Smith noted the interim moratorium would allow staff the time to analyze the best locations for grocery stores.

Ms. Susanne Horton, Revere Avenue resident, supported the proposed interim ordinance and suggested that after neighborhood assessments are conducted, staff should be able to attract full-service grocery stores to serve the needs of the community.



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Ms. Simone Williams, Sevilla Road resident, supported the proposed interim ordinance and said there are too many discount dollar stores in Hayward.

Ms. Carol Sturholm, El Dorado Avenue resident, supported the proposed moratorium and noted the need for quality full-service grocery stores that provide good paying jobs.

Mr. Manuel Ratinho, Cathy Way resident, supported the moratorium to allow Council the opportunity to evaluate the need for more full-service grocery stores. He stated there are too many warehouse, discount and ethnic stores in Hayward.

Ms. Tiffany Hawkins, Pulaski Drive resident, noted that the South Hayward neighborhood does not have any full-service grocery stores and suggested the former Holiday Bowl location would be an excellent location for a full-service grocery store. She supported the interim moratorium if it will help South Hayward attract a full-service grocery store.

Ms. Dorothy Bera, Audubon Street resident, supported the proposed interim moratorium and noted the closest full-service grocery store is about seven miles away in Union City. She hoped that the interim moratorium will help Council in identifying and attracting more full-service grocery stores to South Hayward.

Mr. Edward Bogue, Poinciana Street resident and Southgate Homeowners Association President, talked about the ongoing efforts to attract a full-service grocery store to Southland Mall and noted that a petition and e-mails were submitted in support of a full-service store and there was a strong support from the mobile home park residents along Winton Avenue and local businesses surrounding Southland Mall. He noted that with ongoing negotiations to bring a full-service store it would seem difficult to place a moratorium and end the negotiations. He added that Southland Mall was designed, planned and used for a full-service grocery store as part of a super regional center. Mr. Bogue suggested exempting Southland Mall from the proposed interim moratorium.

Ms. Roxanne Stone, San Jose resident and Wing Stop business owner located on Whipple Road, noted the Circuit City closure has been detrimental to her business. She said it has taken the owner a long time to attract interest to the former Circuit City site and asked Council to consider voting against the interim moratorium.

Ms. Etenesh Nemti, Blossom Way resident and Quizno business owner, said the former Circuit City was the anchor store for the area and since its closure 75% of businesses have closed. Ms. Nemti noted that implementing an interim moratorium jeopardizes more businesses. She added a large supermarket would support and help the businesses in the area and serve the community.

Ms. Josie Sutton, Jane Avenue resident, supported the proposed interim moratorium ordinance. Ms. Sutton said the available stores do not fully service the needs of the community.

Ms. Kristina Lawson with Miller Star & Regalia, representing Hayward 880, LLC, owners of the property at 2480 Whipple Road, former site of the Circuit City store, noted the site has sat vacant and blighted for years and this is only the second proposal that her clients have received. Ms. Lawson submitted a letter outlining the legal concerns and a letter outlining her client's concerns. The letter is available in the Office of the City Clerk. Ms. Lawson added the property has an existing approved 2004 Conditional Use Permit (CUP) for which a complete traffic study was conducted and the owner performed the required changes.

Ms. Veronica Curley, Southland Mall General Manager, opposed the proposed interim moratorium ordinance for supermarkets and mentioned the former Lucky site has been vacant since 2008. Ms. Curley said Southland Mall agreed with the community that there should be a full-service grocery store in that location and said the Mall has recently been in communication with two interested parties. Ms. Curley requested that Southland Mall be exempt from the proposed moratorium and asked for Council's support.

Dr. Marco Chavez, current co-owner of the former Mervyns headquarters on Foothill Boulevard, opposed the proposed interim moratorium and felt the moratorium will devalue Hayward projects and diminish the options available to potential interested parties. Dr. Chavez said his property is located in the downtown area where there is need for new businesses to help generate revenue and help neighboring businesses. He acknowledged that there is a concern in the South Hayward area but this should not be a city-wide moratorium and that the moratorium will stop all interested activity on his property.

Mayor Sweeney closed the public hearing at 8:41 p.m.

Development Services Director Rizk confirmed for Council Member Halliday that the proposed moratorium would apply to Southland Mall and all grocery store situations. In response to Ms. Halliday's question if a 45-day moratorium is sufficient time for staff to conduct an analysis and submit a recommendation to Council, Mr. Rizk replied this item requires substantial research and analysis and the speakers' comments asking for a full-service grocery store would require further research. Ms. Halliday expressed concern that the City could lose potential grocery store tenants during the moratorium.

Regarding Council Member Henson's question about exempting a specific property from the proposed moratorium, City Attorney Lawson responded that the City would need more supporting evidence to consider exemptions.

Development Services Director Rizk clarified for Council Member Salinas that if a permit application is received during the 45 days a moratorium is in effect, a proposed tenant would have to wait until the moratorium ends or until Council takes action to end the moratorium. Mr. Salinas was in favor of continuing the item for one week to give Council the opportunity to review and study the documents that were presented.

Council Member Zermefio asked whether prospective applicants could start negotiating with the moratorium in effect as written. Development Services Director Rizk noted that the moratorium



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would allow the processing of applications, but not the issuance of permits. Mr. Zermefio commented that ethnic and thrift stores are good stores that serve a diverse community.

Mayor Sweeney noted that the majority of speakers' comments indicated support for full-service grocery stores, but not discount stores. In response to Mayor Sweeney, City Attorney Lawson stated the proposed interim ordinance and staff report do not address discount stores, and therefore, the proposal could not be used as a vehicle for addressing discount stores. However, if there was interest for staff to review this, then staff could review the issue of discount stores and bring back a separate report to Council. Mayor Sweeney hoped the business owners understood the message that the community's general consensus is no more discount stores.

Council Member Salinas made a motion to continue the item for one week in order to have an opportunity to review legal implications.

Council Member Henson seconded the item and mentioned that continuing the item for one week will give Ms. Curley the opportunity to share and verify that Southland Mall is in negotiations with a grocery store. Mr. Henson mentioned that he is a Fairway Park resident and understands the community comments about the need for a full-service grocery store and noted the increased costs of shopping at convenience stores. Mr. Henson emphasized that there is a valid need, particularly in the South Hayward and Southgate neighborhoods, for a full-service grocery store.

Council Member Salinas reiterated Council Member Zermefio's comments about ethnic stores and mentioned Mi Pueblo on Hesperian Boulevard is one of the cleanest stores in Hayward and is also a full-service restaurant.

It was moved by Council Member Salinas, seconded by Council Member Henson, and carried with Council Member Quirk absent, to continue the item to May 3, 2011.

5. Opposition to AB 438 (Williams) County Free Libraries

Staff report submitted by City Manager David, dated April 26, 2011, was filed.

City Manager David provided a synopsis of the report and confirmed for Council Member Halliday that the City is not contemplating contracting out library services.

There being no public comments, Mayor Sweeney opened and closed the public hearing at 9:03 p.m.

It was moved by Council Member Zermefio, seconded by Council Member Halliday, and carried with Council Member Quirk absent, to adopt the following:

Resolution 11-039, "A Resolution Opposing AB438 (Williams)
County Free Libraries"

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Halliday announced nine Plan Bay Area community workshops and noted that the workshop for Alameda County is scheduled on May 19, 2011, at 5:30 p.m., at the David Brower Center in Berkeley.

Council Member Zermefio noted that a Chabot College student was in attendance taking notes. Mr. Zermefio commended Mt. Eden High School graduate Nathaly Arriola for her appointment as a Hispanic Media Press Secretary for U.S. Senate Majority Leader Reid. He also noted that she will speak at an upcoming Hayward Youth Commission meeting.

Council Member Salinas acknowledged Hayward High School senior Irmay Garcia for being selected as one of many national Gates Millennium Scholars of 2011.

ADJOURNMENT

Mayor Sweeney adjourned the meeting at 9:07 p.m.

APPROVED:

Michael Sweeney, Mayor, City of Hayward

ATTEST:

Miriam Lens, City Clerk, City of Hayward



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, April 28, 2011, 7:00 p.m.
777 B Street, Hayward, CA 94541**

MEETING

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

ROLL CALL

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

Commissioner Lamnin led in the Pledge of Allegiance.

Staff Members Present: Conneely, Patenaude, Philis, Rizk

General Public Present: 7

PUBLIC COMMENTS

None

ACTION ITEMS

PUBLIC HEARING

1. Draft Supplemental Environmental Impact Report for the South Hayward BART/Mission Boulevard Form-Based Code

Development Services Director David Rizk provided background and context for the purpose of the hearing and then introduced consultant Kevin Colin, of Lamphier-Gregory, who gave the report.

Development Services Director Rizk explained that public comments on the Draft Supplemental EIR would be accepted through May 20, 2011. He then introduced traffic consultant Damian Stefanakis, with Dowling Associates, and Don Frascinella, the City's Transportation Manager, who were available to answer any technical questions about traffic mitigation.

Commission Mendall asked Mr. Colin to talk a little more about the screening required between major roads and housing to control emission impacts on residents. Mr. Colin explained that per the form-based code principle of keeping eyes on the street and basic aesthetics, screening would not include walls, berms, or mess screening but instead the building would provide the screening by keeping open spaces on the other side, away from busy streets like Mission Boulevard. He said that a developer seeking to put open space facing Mission would have to get a variance. Commissioner

Mendall asked about a café with sidewalk seating on Mission and Mr. Colin said the mitigation would only apply to land uses where the occupancy is dominated by children, the elderly, or a health facility. Mr. Colin clarified that an ice cream parlor would qualify as a retail use and the mitigation requirement would not apply. Development Services Director Rizk pointed out that form-based code envisions mixed-use which would include residential which would normally be a sensitive receptor. Mr. Rizk said another option is a developer could pay for a health risk assessment which may or may not show that such screening or buildings would be necessary in order to comply. He mentioned that the primary concern is automobile emissions and particulate matter kicked up by automobiles and that's why buildings can help mitigate the impact. Commissioner Mendall said he wanted to be sure the City wasn't making it harder for a developer to create a frontage use. Mr. Colin agreed saying how to not create a disincentive to investment was discussed. Mr. Colin also mentioned that the air quality model used from the Air Quality District is a coarse grain analysis; a refined analysis would have been too costly.

Regarding Attachment 3 (Regulating Plan of the Form-Based Code) of the staff report, Commissioner Mendall asked if he was interpreting the map correctly that showed the green belt along BART tracks being continuous from Industrial Boulevard to Harder Road with an interruption at Tennyson Road. Development Services Director Rizk said Mr. Mendall was correct and the City has the intent to create a beltway along BART through the entire project area. Commissioner Mendall said he was thrilled to see that, but asked why Attachment 2 (Proposed New Zoning Destinations) didn't also show it. Mr. Rizk said it was just a graphic production issue and the regulating plan will be the formal document regarding zoning.

Commissioner Mendall asked about changes to the South Hayward BART Mixed-Use and Mission Paradise projects and asked staff to provide an update. Development Services Director Rizk said the City Council considered a rephrasing/reconfiguring of the South Hayward project at a March 8th work session. Right now, he said, Wittek-Montana and Eden Housing are pursuing development of the property between Dixon Street and Mission Boulevard. The affordable housing units originally envisioned proximate to the BART station would be part of the new initial phase. Mr. Rizk said the City is still working with proponents of the development and will be recommending the formation of a Joint Powers Authority with BART to help manage land uses, fees, parking, etc. Mr. Rizk said the City is also working with the State Housing and Community Development Department on the Proposition 1C grants. Grant amounts will not meet the originally approved \$47 million, but most, if not all, of the \$17 million TOD Proposition 1C grant will be available because the number of affordable units is still quite high. Mr. Rizk said most of the \$30 million infill infrastructure grant was for the proposed BART parking structure, which is no longer being pursued in the initial phase. Right now, he said the City is working on formalizing agreements with BART and the developers.

Commissioner Mendall asked if the parking garage was on hold and what would replace the proposed grocery store with affordable senior housing above if the grocery store pulled out and the housing moved somewhere else. Development Services Director Rizk said they may not be affordable units, but the plan is still to have residential units over a grocer. He said that project is still entitled and the plans still applicable, but the developers and timing may change.

Planning Manager Richard Patenaude provided an update on the Mission Paradise project saying that the entitlement period is almost up, but the architect has indicated that they will go ahead with



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the project and will ask for an extension of time. Mr. Patenaude said that the design will remain the same, but the occupancy of the project may change.

Commissioner Lavelle said the report was a little overwhelming and asked for clarification regarding the proposed traffic mitigation at Mission Boulevard and Harder Road where the report discussed a conversion from signal phasing into split phasing. Mr. Colin apologized and said that particular mitigation was going to be revised and introduced Damien Stefanakis to explain what is going to be proposed in the final EIR (Environmental Impact Report). Mr. Stefanakis said that particular intersection is “tricky” and two mitigations are going to be proposed. Looking at the 2025 scenario of evening peak traffic (northbound being the commute direction), Mr. Stefanakis said their analysis revealed an “impacted” or “E” level of service, due to over 500 vehicles making right-hand turns onto Mission from Harder. Previous analysis didn’t take into consideration the form-based code overlays raising land uses in the area, he said. Signal phasing is now standard, Mr. Stefanakis explained, so to give more green time they proposed split phasing which allows all lanes travelling in one direction the right of way (for example, all westbound lanes, then all eastbound, then all southbound, etc.). Lane modifications could allow for both double left and double right-hand turns, he said, and to create even more turn time, a right turn overlap phasing would give green turn arrows to both traffic turning right onto Mission and traffic turning left onto Harder. He pointed out that this solution wasn’t ideal because it could create complications with pedestrians.

Chair Loché asked why this eastbound right is anticipated to be so heavy. Mr. Stefanakis said peak time volume is already high (208 cars) and 2025 volumes are anticipated to be higher. He said to have almost a 100% growth in 15 years is “incredible.”

Commissioner Lavelle said with the City’s emphasis on transit-orientated development, hopefully more people will live closer to where they work and not drive quite so much although she pointed out that incoming Cal-State East Bay students and visitors could raise volumes. Mr. Stefanakis agreed that land uses in the study area would contribute to the higher volumes.

Mr. Stefanakis then explained that because these mitigations would create lane offsets (or “jogs in the road” when turning) that were too dramatic, they went back to the drawing board and determined that the neither split phasing nor lane shuffling was necessary, and that only one right-hand turn lane was needed. He said they realized they were analyzing the intersection “conservatively” and determined that overlap phasing with right-hand turns allowed on a red to utilize gaps in the southbound traffic would allow 50 cars to move through the intersection and traffic flow to achieve standard service levels. Mr. Stefanakis said this alternative mitigation was a lot cleaner, less confusing, and Public Works has reviewed it and found it acceptable.

Director of Development Services Rizk explained that the alternative eliminates the need for any right-away takes and confirmed for Commissioner Lavelle that the alternate mitigation will be included in the final SEIR (Supplemental Environmental Impact Report).

Commissioner Lamnin asked if trees and vegetation are helpful in screening for sensitive receptors. Mr. Colin said they are, but not to the degree of shielding a building would provide. He also pointed out that it takes a while for the trees to mature and depending on the species of tree they may shed leaves in the winter. Mr. Colin agreed that trees would look nicer but would not satisfy the requirements of the Air Quality District. Commissioner Lamnin pointed out there was a 14 year window until traffic mitigation measures are needed, but asked if any are being implemented now at busy intersections with the Route 238 Corridor Improvement Project currently underway. Mr. Colin said the mitigation at Mission/Tennyson is under construction, but the rest are not being completed at this time. He said Public Works will be responsible for monitoring conditions over time and noted that traffic counts on Mission have gone down.

Commissioner Lamnin asked if there was any impact to the historic properties in the project area and Mr. Colin said no and any proposed changes would be reviewed through the City's Historic Preservation Program.

Commissioner Lamnin asked if light industrial was included in the form-based code under T4 or T5 zoning. Director of Development Services Rizk said that zoning designation was applicable under the Mission Boulevard Specific Corridor Plan which is farther north, but remembered that light industrial fell under the T4-2 zoning.

Commissioner Lamnin said she appreciated the updates on the Wittek-Montana and Mission Paradise projects and asked if any outreach had been conducted to Mandela Markets out of Oakland. She said she understood that they wanted to come to Hayward and their retail model seemed to match the Hayward community. Director of Development Service Rizk said he thought the City's economic development staffing had been promoting the site to grocers including ethnic markets.

Commissioner Faria asked if the lane widths were going to change with the current corridor improvement or under form-based code and if a change would impact the proposed right-hand turns. Mr. Colin said the form-based code wouldn't impact the corridor project design, but he didn't know what the proposed lane widths were going to be and deferred to Mr. Stefanakis and City staff who indicated that traffic lanes would remain 12 feet. Mr. Colin clarified for Commissioner Faria that under the Mission Boulevard Specific Plan lane widths north of A Street on Mission Boulevard would change, but not on the southern portion of Mission where they would remain a little wider.

Regarding mitigation measures for sensitive receptors, Chair Loché said the report's definition included residences, schools, day care centers, playgrounds, and medical facilities, and asked if there were any other uses not listed. Mr. Colin explained that sensitive receptors include uses that include young children, the elderly, and those whose respiratory systems might be vulnerable, and that the Development Director will determine how that definition is interpreted. Mr. Colin said the definition can be refined or clarified in the mitigation measure for the final SEIR. Chair Loché said he was concerned the definition could grow or become broader and that it might be impacted by the mitigation measures. Mr. Rizk said the City would use Bay Area Air Quality Management District (BAAQMD) guidelines when making those types of decisions.

Chair Loché asked for more information about the health risk assessment. He understood it was "not a free pass," and asked how the assessment would be conducted. Mr. Colin explained that the



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model used for the supplemental EIR did not identify specific locations, heights or designs of buildings, but an assessment would look at the specifics of a proposed development including those considerations as well as the building's interface with the roadway, weather, prevailing wind patterns and determine, using the Air District's methodology, if there is a health risk to a sensitive receptor. That report would be prepared in consultation with the BAAQMD and city staff in a CEQA review process for that particular project. Mr. Colin confirmed for Chair Loché that depending on the result of the assessment, different measures could be taken to mitigate any risk. Mr. Colin said Air District requirements are stricter, new, and evolving. Director of Development Services Rizk commented that standards today could be different in 10 to 15 year from now so while conducting a health risk assessment now may have some value it really depends on the timing and condition of the proposed future development.

Commissioner Lammin asked if a disclosure will be required for developers building in this sensitive receptor area. Director of Development Service Rizk said if the SEIR is adopted, a disclosure will be part of the form-based code, but Council will decide if the disclosure is explicit.

Commissioner Mendall confirmed with Mr. Colin that a mixed use development with residential patios on the Mission Boulevard side would require a health risk assessment and that it may find that patios on the first floor are a risk, but not on the second and third floor. Commissioner Mendall said he agreed that a full health risk assessment didn't make sense at this time. Director of Development Services Rizk pointed out the City didn't have the money for it anyway.

Chair Loché opened the Public Hearing at 7:58 p.m.

Charlie Cameron, Post Office Box 55, Hayward, said the report contained a number of errors, including the reference to "Industrial Parkway West." Mr. Cameron pointed out there is no "west" of Mission Boulevard on Industrial Parkway. He said he picked up a Fremont-Hayward map dated November 2002 at a Keep Hayward Clean and Green event at the Hayward BART station and it also referred to "Industrial Parkway West." Mr. Cameron also brought to the Commission's attention that AC Transit held a public hearing the day before and they are proposing to raise fares to close a \$21 million deficit. He said they will decide next month whether to raise fares 10 cents this year in August and another 15 cents in three years and in increments every three years after. He said by the time this project is done, the adult cash fare will be \$2.50. He pointed out that the Mission Paradise project is only three blocks from BART. He said there is almost no accessible public transit on Dixon Street. He concluded by saying that staff should review his comments.

Anthony Varni, attorney representing the Felson Family, said he will be submitting comments in writing.

Chair Loché closed the Public Hearing at 8:02 p.m.

Planning Manager Patenaude said all comments made by Commissioners will be incorporated into the Final SEIR.

Commissioner Mendall said he was pleased with the process and thinks the city is on the right track, moving in the right direction.

WORK SESSION

2. Telecommunications Facilities

Planning Manager Patenaude said at the request of Commissioners he was pleased to finally bring this topic to a Work Session. He said he would focus on pole aesthetics and notification to commissioners about proposed poles, but wouldn't talk too much about legalities as the City's ordinance regarding telecommunication poles was quite old, although he said he did include some sections for reference. He started by giving an overview of past and current projects and ended by asking for comments from the Commissioners. Mr. Patenaude suggested that Commissioners receive initial project notifications so they can contact him if they have a concern or question about a proposed telecommunications pole.

Commissioner Mendall said because paper notification cards were sent in the past by mail or via Planning Commission packets, they weren't timely. Now that notices are sent electronically, he encouraged staff to send more. Regarding the ability of a council member to be able to call an item up for review, he asked if Council can ask the Planning Commission to review an item. Planning Manager Patenaude said under City ordinance, if a council member asks to review a particular item it would go to Council, not the Planning Commission. Commissioner Mendall said it seemed logical for Council to be able to ask the Planning Commission to review an item. Mr. Patenaude pointed out that if enough members of the public have a concern, staff can request that Planning Commission review the project. He also noted that when receiving a notification, Commissioners can contact City staff with concerns during the review period. Commissioner Mendall said the role of Planning Commissioners is to also act as liaison between residents who may have concerns and City staff and to provide a check and balance by asking questions about proposed City projects. He concluded by saying extra notifications are only a good thing.

Commissioner Mendall said that, regarding facilities in general, he has no complaints regarding how rooftop antennae are currently installed, but said the City should never put up a monopole that does NOT look like a tree. He said a monopole, even in an industrial area, impacts the views of thousands of people and should be as attractive as possible. He pointed out that the City and PG&E are spending millions of dollars to underground utility poles because they are a visual blight and so are telecommunication poles.

Planning Manager Patenaude said his point is well taken and staff should look at poles from residential viewpoints. Commissioner Mendall reiterated that staff review should be from everyone's viewpoint unless the pole is completely shielded by buildings and that's not possible because they have to be above rooftops. Commissioner Mendall said he appreciated the opportunity to comment on the subject, saying it is great that existing poles were being utilized by several companies, but he insisted that all new poles should always be disguised as trees.



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Planning Manager Patenaude said the City hasn't received very many new applications and co-locations have been a very positive trend.

Commissioner Lavelle thanked staff for the discussion and agreed with Commissioner Mendall that notifications by e-mail are preferred. Regarding a chart for applications received over the last few years, Planning Manager confirmed that cell phone and data service carriers are the primary applicants. Commissioner Lavelle said most people appreciate the need for cell phones and mentioned that she recently attended a golf tournament at Stonebrae and her Verizon cell phone had excellent reception while her friends with AT&T had problems. She said the Commission's recent approval of a monopole at Stonebrae had a good result.

Commissioner Lavelle asked staff why a couple of past projects were denied. Planning Manager Patenaude explained that one application involved a rooftop installation on the Phoenix Motel and the screening was not attractive and didn't work well with architecture. The applicant wasn't willing to work with the City to modify the screening so the application was denied and the applicant didn't appeal the decision, he said. Commissioner Lavelle said it seemed unusual for an applicant to not to work with the City and Mr. Patenaude said most applications go back and forth and work out very well. Commissioner Lavelle said the other denied application was from a year ago and involved T-Mobile seeking a variance request that was also denied. Planning Manager Patenaude said the monopole was too close to a residential area in Union City and under City ordinance the variance would require Planning Commission review, which T-Mobile didn't want, so the application was denied.

Commissioner Lavelle said while trees are a good solution for shielding poles she asked staff to consider artistic ways to disguise monopoles. She said using creativity to shield the less attractive part of these poles is always a good idea. She also said not all poles need to be disguised if residents aren't complaining. Using the analogy of ski lifts, she pointed out that people may be looking at the scenery, not at the poles themselves.

Regarding the statement: "If the public interest would be furthered by having the Planning Commission review such application," which appears in several places in the report, Commissioner Lavelle asked what circumstances would cause staff to ask for Commission review. Planning Manager Patenaude explained that if notification cards generate a large response from the public, staff can ask for Planning Commission review. Commissioner Lavelle said she takes some comfort from the fact that that hasn't happened since she's been on the Commission. Mr. Patenaude said staff tries to make sure poles blend in with the neighborhood and pointed out that most callers express concern regarding radio waves rather than aesthetics. He said applications come with reports that outline emissions and if it's a co-location, has to include the other antenna that is already on the pole. He said emissions for both have to remain below Federal limits, but he's never had a monopole that came close.

Commissioner Lavelle asked what happens to abandoned antenna or equipment. Planning Manager Patenaude said the conditions of approval for the facility require that equipment be removed within

180 days of abandonment, although he said that issue hasn't come up. If equipment wasn't removed by the deadline, he said Community Preservation staff would take action. Commissioner Lavelle asked if a public complaint would have to be made or if staff would know during the natural course of business. Mr. Patenaude said conditions require City notification of abandonment, and each project facility has to submit an annual report, but how the City actually finds out could vary.

Regarding cumulative radio frequencies generated from a co-location of multiple providers and the annual report submitted regarding emissions, Commission Faria asked that report would be shared with the Planning Commission if there were any concerns. Planning Manager Patenaude said only if levels were out of compliance or if the provider was unable to bring levels back into compliance. Commissioner Faria confirmed that staff would work with the company to get back in compliance and Mr. Patenaude said yes.

Commissioner Faria said she appreciated the notifications being sent via e-mail. Regarding the two stealth poles Mr. Patenaude highlighted in his report, she said she's familiar with the poles and a person would really have to pay attention to see that they are different. They blend in very well, she said, and look like part of the environment. She said she appreciates that they are not an eyesore and commented that the antenna at the Vic Hubbard location at A Street and Highway 880 is an eyesore and the City should take any opportunity to hide it.

Commissioner Lamnin said she also appreciates the e-mail notifications and suggested staff utilize community events that the City is already participating in to educate the public about the purpose of the notification cards and the significance of them. She also suggested that staff put information on the website about the radiation related to telecommunication facilities and antennae if that's a common public health concern. Planning Manager Patenaude said he didn't believe anything was currently on the website and Commissioner Lamnin pointed out that resources staff frequently refer people to could be included.

Commissioner Lamnin asked how long a company would have to bring a pole back into compliance. Planning Manager said he didn't think there was time limit in the ordinance and noted that would be a good addition for future municipal code amendments. Commissioner Lamnin asked if there was a maximum limit of antenna on one pole or building. Mr. Patenaude said three carriers are allowed on one pole. In general, he said there is no maximum on rooftops or building façades, staff just confirms it's aesthetically pleasing and meet distance requirements from schools and residential.

Regarding the check and balance role of the Planning Commission, Commissioner Lamnin asked if an application for a government-owned or operated antennae over 60 feet should be reviewed by the Planning Commission to have a community role in the decision. Planning Manager Patenaude said once the application exceeds government exemptions the public would be notified and the City would hear any concerns. Regarding disguising monopoles, Commissioner Lamnin said she sees the poles even when they are faux trees so a balance is needed in how the City addresses the surrounding area and agreed with Commissioner Lavelle that the City should be creative in how poles are disguised and aware of the community impact.

Commissioner Mendall agreed with Commissioner Lavelle that monopoles don't have to be a faux tree, but it should always be decorative. He said all poles are ugly and are all blight and the City



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should always try to mitigate that. Commissioner Mendall clarified and said e-mail notifications should be for everything, not just antenna applications. Planning Manager Patenaude pointed out that lately, most applications have been for communication towers. Commissioner Mendall said anytime the City receives an application for co-location, landscape improvement should be required or at least confirm the landscaping is currently acceptable. He asked staff if Commissioner comments have provided clarification and Mr. Patenaude said all comments made have been very beneficial and said he especially appreciates Commissioner Lavelle's suggestion about more creative solutions to monopoles because sometimes a stand-alone tree isn't as good looking as when they are placed in a grove.

Director of Development Services Rizk said he also appreciates the comments and understands that Commissioners want higher scrutiny by staff of any new pole application. In response to Commissioner Lavelle's suggestion, he asked staff to investigate if any carriers are combining wind energy facilities with the monopoles. He didn't think the pole would generate enough energy to support its own needs, but could at least supplement it and provide some aesthetic interest.

Commissioner Lamnin mentioned lighting be added to poles and Planning Manager Patenaude said that's already being done at Weekes Park and the former Sunset High School field.

Commissioner Mendall said his wife pointed out that a utility box in their neighborhood was a constant target for graffiti and he asked what the City can do to require abatement. Planning Manager Patenaude said abatement is part of the conditional use permit and requires correction within 48 hours. He said new boxes should be within an enclosure and Commissioner Mendall said the enclosure itself is what is it getting tagged and the property owner said he wasn't allowed to paint over the graffiti because the land is leased. Mr. Patenaude asked him for the location so he could follow up. Director of Development Services Rizk suggested he create an Access Hayward case and Commissioner Mendall said he would but because graffiti abatement is part of the conditions of approval, suggested the City threaten to revoke the permit so the owner comes up with a better solution like painting a mural on it. Mr. Rizk pointed out that graffiti is a public nuisance whether there is a use permit in place or not.

Commissioner Faria asked if the City has received any complaints about satellite dishes and staff said no, for the most part they are exempt if they are placed properly.

Chair Loché asked if the City always co-locates antennae and Planning Manager Patenaude said the City encourages co-location and places a condition of approval, per City ordinance, that they agree to co-location in the future. He pointed out that most carriers want to co-locate because of the cost involved in the installation of a new monopole. Mr. Patenaude said a couple years ago the City wasn't receiving as many requests for co-location, but that's changed with the economy.

Chair Loché said he also thought Commissioner Lavelle's suggestion to be more creative was a great one and commented that Hayward is a very creative, artsy place and if anyone can come up

with a way to be more creative, Hayward can. He cited former Councilmember Dowling's idea to paint murals on City utility boxes.

COMMISSION REPORTS:

3. Oral Report on Planning and Zoning Matters

Planning Manager Patenaude pointed out that Commissioners received binders for the Capital Improvement Program which will be discussed at the May 12th meeting. Future meeting topics would be discussed at that time too, he said.

4. Commissioners' Announcements, Referrals

Commissioner Mendall said he went to Mission Bay in San Diego about a month ago and commented that their utility boxes are painted too and Hayward's are much better. "The artists in Hayward are so much better—they really are," he said.

Commissioner Lamnin said she had received several complaints from Walker Landing/Eden Housing residents about high levels of traffic cutting through the neighborhood and because residents hadn't received any response from Eden Housing, she said she was asking the City to evaluate the situation. Planning Manager Patenaude asked if the traffic was occurring on Saklan or North Lane and Commissioner Lamnin responded that parents were most concerned about the safety of kids playing on North Lane in front of the complex and across the street.

Commissioner Lamnin also reminded everyone of the South Hayward Community Festival on Sunday from 1-4 p.m. She said there would be over 90 booths of community information, health screenings and referrals, music and memorials acknowledging the May 1st Workers Rights Day and Holocaust Remembrance Day.

Commissioner Lavelle said she went shopping at the newly opened Fresh & Easy and said it was great and encouraged everyone to shop there soon to receive a free musical shopping bag. Commissioner Mendall said the folks from that part of town are really happy and he welcomed the new store.

APPROVAL OF MINUTES

5. Minutes from March 10, 2011 approved with Commissioners Marquez and McDermott absent.

ADJOURNMENT

Chair Loché adjourned the meeting at 9:02 p.m.



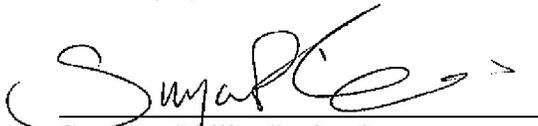
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APPROVED:



Mariellen Faria, Secretary
Planning Commissioner

ATTEST:



Suzanne Philis, Senior Secretary
Office of the City Clerk

**Findings for the General Plan Amendment Associated with the
South Hayward BART/Mission Boulevard Form-Based Code Project
(Application No. PL-2011-0195)**

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

The changes proposed to the General Plan text and land use map related to the Form-Based Code will promote the public health, safety and general welfare of the residents of Hayward by preserving and enhancing the aesthetic quality of the City by increasing opportunities for open space and park areas and by allowing for an appropriate mix of land uses and forms in an orderly manner near a transit station and along a transit corridor, consistent with regional and local policies that promote transit-oriented development.

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

The proposed General Plan amendments related to the Form-Based Code would further the following policies and strategies of the Land Use Chapter of the General Plan, as reflected in the Regulating Plan of the Code and the stated purposes of the Code:

Transit-Oriented Development

2. Support higher-intensity and well-designed quality development in areas within ½ mile of transit stations and ¼ mile of major bus routes in order to encourage nonautomotive modes of travel.
 1. Encourage mixed-use zoning that supports integrated commercial and residential uses, including live-work spaces, in activity centers and along major transit corridors.
 2. Encourage high-density residential development along major arterials and near major activity or transit centers, and explore the establishment of minimum densities in these areas.
 3. Consider shared parking arrangements for mixed-use developments within the Downtown area and along major arterials.
 4. Encourage design that orients development to the transit station and facilitates the use of transit.

South Hayward BART Station Area

6. Seek to integrate greater intensity of development and enhance the surrounding neighborhood within ½ mile of the South Hayward BART Station.
 1. Develop a conceptual design plan for the South Hayward BART Station area to determine appropriate land use and infrastructure needs.
 2. Create opportunities to integrate mixed-use development in the South Hayward BART Station vicinity to achieve a balance of land uses.
 3. Provide park and recreational facilities to support existing and planned residential development.

**Findings for the General Plan Amendment Associated with the
South Hayward BART/Mission Boulevard Form-Based Code Project
(Application No. PL-2011-0195)**

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

Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified to the recommended General Plan Land Use designations, as required by the mitigation measures of the Supplemental Environmental Impact Report and as indicated by the New Thoroughfare Plan of the Form-Based Code.

(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 Form-Based Code reflects the City's development goals and objectives as articulated in the General Plan, for the reasons identified in the *Purpose* section of the Code. Additionally, the Form-Based Code will promote transit-oriented development in the South Hayward BART/Mission Boulevard transit corridor and thereby help relieve regional automobile congestion and reduce air pollution, and create a distinctively attractive mixed-use area that seeks to integrate a greater intensity of development and enhance the neighborhood surrounding the South Hayward BART Station, including along Mission Boulevard. The Code will locate high-density housing close to the South Hayward BART Station and Mission Boulevard transit corridor and will help the City accommodate its share of regional housing without expansion into areas that are less suitable for residential development. Additionally, the Form-Based Code will provide opportunities for new commercial development, particularly neighborhood-serving retail development, which will stimulate economic activity and provide benefits for the City and its residents. The Code will also provide opportunity for development of new public facilities, including a new community center and park, as well as opportunity for the expansion of Bowman Elementary School with potential for a joint school-park facility at that site.

**Findings for Text Amendment and Zone Change Associated with the
South Hayward BART/Mission Boulevard Form-Based Code Project
(Text Amendment Application No. PL-2011-0196, and Zone Change Application No. PL-2011-0197)**

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

The Form-Based Code will promote the public health, safety and general welfare of the residents of Hayward in that opportunities would be created for the development of much-needed housing in close proximity to the South Hayward BART station and along the Mission Boulevard transit corridor, which will promote smart growth principles and non-reliance on automobiles, resulting in less traffic and air pollution. The Code will help preserve and enhance the aesthetic quality of the City by increasing opportunities for open space and park areas and for allowing an appropriate mix of land uses and forms in an orderly manner near a transit station and along a transit corridor, consistent with regional and local policies that promote transit-oriented development.

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

The Form-Based Code conforms to the General Plan, as amended herein, and reflects the City's development goals and objectives as articulated in the General Plan, as reflected in the stated purposes of the Code below. The Code would provide opportunity to integrate greater intensity of development and enhance the neighborhoods surrounding the South Hayward BART station.

For the Community

- a. That neighborhoods and transit-oriented development are compact, pedestrian-oriented and mixed-use.
- b. That neighborhoods should be the preferred pattern of development and that districts specializing in a single use should be the exception.
- c. That ordinary activities of daily living occur within walking distance of most dwellings, allowing independence to those who do not drive.
- d. That interconnected networks of thoroughfares be designed to disperse traffic and reduce the length of automobile trips.
- e. That within neighborhoods, a range of housing types and price levels be provided to accommodate diverse ages and incomes.
- f. That affordable housing should be distributed throughout the region to match job opportunities and to avoid concentrations of poverty.
- f. That appropriate building densities and land uses be provided within walking distance of transit stops.
- g. That civic, institutional, and commercial activity should be embedded in neighborhoods, not isolated in remote single-use complexes.
- h. That schools be sized and located to enable children to safely walk or bicycle to them.
- i. That a range of open space including parks, squares, plazas and playgrounds be distributed within neighborhoods.
- j. That the region should include a framework of transit, pedestrian, and bicycle systems that provide alternatives to the automobile.

**Findings for Text Amendment and Zone Change Associated with the
South Hayward BART/Mission Boulevard Form-Based Code Project
(Text Amendment Application No. PL-2011-0196, and Zone Change Application No. PL-2011-0197)**

For the Transect

- a. That communities should provide meaningful choices in living arrangements as manifested by distinct physical environments.
- b. That the transect zone descriptions shall constitute the intent of the Code with regard to the general character of each of these environments within the Code area.

For the Block and Building

- a. That buildings and landscaping contribute to the physical definition of thoroughfares as civic places.
- b. That development adequately accommodates automobiles while respecting the pedestrian and the spatial form of public areas.
- c. That the design of streets and buildings reinforce safe environments, but not at the expense of accessibility.
- d. That architecture and landscape design grow from local climate, topography, history, and building practice.
- e. That buildings provide their inhabitants with a clear sense of geography and climate through energy efficient methods.
- f. That civic buildings and public gathering places be provided as locations that reinforce community identity and support self-government.
- g. That civic buildings be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the city.
- h. That the preservation and renewal of historic buildings be facilitated to affirm the continuity and evolution of society.
- i. That the harmonious and orderly evolution of urban areas be secured through form-based codes.

(3) Streets and public facilities existing or proposed are adequate to serve all uses permitted when the text amendment and zone classification is adopted.

Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified to the recommended General Plan Land Use designations, as required by the mitigation measures of the Supplemental Environmental Impact Report and as indicated by the New Thoroughfare Plan of the Form-Based Code.

(4) All uses permitted when the text amendment is adopted will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.

A beneficial effect will be achieved with the Form-Based Code that is not obtainable under existing regulations because higher-density transit-oriented development around the South Hayward BART Station and along Mission Boulevard would be possible that would result in less traffic than would be generated by more traditional development, due to the proximity of residents to public transit and also because much-needed housing would be provided that would not otherwise be developed.

April 30, 2010

Dear Mayor Sweeney, City Council, City Staff, and Hall Alminana,

In reviewing the draft South Hayward Form-based Code I am impressed with the progress so far, but have noticed several critical area where attentional adjustments are needed. The following comments are meant to continue the positive iterative process that this code has followed so far. I look forward to hearing your responses.

Areas where adjustments are needed:

1. Density

- a) The allowable number of units on a parcel and actual units build on it has a direct, strong, and positive correlation with the value of said land. The higher the difference between the density of a existing complex and the number of units allowed if the property was redeveloped the higher the likelihood that the property will be redeveloped.
- b) Likewise the higher the number of units built within a 10-15 minute walking radius the more people and purchasing power available to support new and exist retail development.
- c) Therefore - the higher the density the higher the:
 - Likelihood of redevelopment
 - Property tax base
 - Sales tax potential (purchasing power)
 - Revenue from the Community Services District fee
- d) The T4 district allows two to four story buildings,
 - Two to three story rowhouses can accommodate up to 45 homes per acre
 - Three to four story buildings can allow over 80 homes per acre (see photos below)
- e) The T5 district allows six story buildings,
 - These structures can easily accommodate over 125 homes per acre
 - As an Olson Co. rep. testified several years ago a 55/acre max. makes over 4 story buildings economically infeasible.
- f) Urbanist Jane Jacobs recommends neighborhoods can at least 100 and preferably over 125 units per acre to:
 - Support walk-to retail (lesser densities leave too few potential customers)
 - Create the urban vitality necessary to keep a neighborhood from falling into the "grey zone" of too dense to be suburban, but insufficient to be urban
- g) **Therefore** - I would ask the city to abolish the second TOD overlay and change the base densities to:
 - **T4 20 - 75 /acre**
 - **T5 35 - 100 /acre**

2. Building form

- a) On page SC47 the Courtyard building type is described as, "This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public Thoroughfare... The high security provided by the continuous enclosure is useful for crime-prone areas." As the single most crime and traffic resistant building type available it should be widely built along Mission Blvd. and in the Dixon Street area.
 - I lived in years in a city full of of two to four story courtyard buildings that worked wonderfully (see photos below), and I would could share my experiences.
- b) **Therefore** - Table 8 on page SC47 and Table 11 on page SC50 should be altered **allow Courtyard** buildings **in T4.**

3. Streets

- a) The proposed new streets are essential to the success of the form-code over time. At the same time they are most likely the most expensive element of the plan in capital expense and required land concessions.
- b) Therefore - any oversizing of streets and right of ways will impact land owner by reducing lot sizes more than necessary and city expenses to build and maintain over sized streets.
- c) The proposed 34' streets appear to be larger than is recommended for residential access road per the Third Edition of "Residential Streets" a joint publication of ULI-the Urban Land Institute, in partnership with the National Association of Home Builders, the American Society of Civil Engineers, and the Institute of Transportation Engineers.
- d) **Therefore** - The city should reexamine and alter both the proposed width of new streets in the form code and the city street design standards in general **to narrow the curb to curb distance in them in conformance with the recommendations of "Residential Streets."**

- **Local streets:**

- **No parking expected** **18 feet**
- **Low or Restricted (one side/alternating) parking** **22-24 feet**
- **Normal (both sides) residential parking** **24-26 feet**
- **Residential collector streets:** **32-36 feet***
- **Alleys:** **11-12 feet**

* These widths can be adjusted to add bicycle lanes on those residential collectors where there is sufficient vehicle traffic to warrant the installation of a class II bicycle lanes.

4. Street network connectivity

- a) **Connecting Colette to Harder** via a new bridge over Ziele creek is critical to enable residents west of Mission to reach both Harder and Tennyson Road. **Please verify that it does have a street type assigned and will be designed for two way traffic.**
- b) **Extend the bicycle pedestrian path from Pacquiao Nuevo (sp?) directly over the Tennyson Road underpass to the South Hayward BART station.** This vital connection would mean that people traveling north from the BART station would not face the drop off and fences intended (and failing) to keep them from crossing Tennyson below the BART tracks. Instead people could walk or bike directly from the BART station across the Tennyson underpass to the park or to stairs leading to the north sidewalk of Tennyson. Forcing people east to Dixon or west to Whitman to cross Tennyson is a hassle and leads people not walking or crossing unsafely at the bottom of the underpass.

5. Mission Blvd.

- a) The previously proposed slip lanes along Mission Blvd. have disappeared. While they are less necessary along the sections that will retain on-street parking, they are still desirable in the long term. **A small 15-20 foot setback along Mission** would allow for future installation in a couple of decades as part of a street reconstruction to add BRT or light rail. A setback is not a taking when it is in exchange for higher density and a lower parking mandate.

6. I am concerned as to why the apartment complex around Dixon Street from the BART station is proposed as Planned Development rather than **T5 with TOD overlay 1**. After the Wittek-Montana site, this is the second best site in the entire area for a high- quality high-value Transit-oriented development. As a matter of long term policy it should allow and encourage the most intense development.

7. Council member May and Mayor Sweeney raised the concern at the meeting regarding demographics and having enough population at the right income level on make the retail work. Insisting on high quality buildings made of durable materials will push developers to build

higher quality for higher income levels. This will also pay dividends in that good quality buildings can last centuries, adapting to differing uses over time.

8. As the city embarks on a traffic study and eventual EIR the Transportation Demand Management policies developed by Nelson\Nygaard should be used to calculate the reduced traffic generated by new TOD.

It will take many years of effort to implement but we can do great things in South Hayward. I hope you improve the draft plan by incorporating the suggestions I have recommended above.

Sincerely,

Brian Stanke, AICP

Examples of existing higher density three story buildings in Alameda



Stacked Flats on 2021 Clinton - 7 du @ 40.7 du/ac



Stacked Flats on 2301 San Antonio - 7 du @ 67.8 du/ac



Stacked Flats on 2045 Clinton - 15 du @ 87.1 du/ac

Photos by Brian Stanke

Examples of two to four story courtyard buildings





J.B. ANDERSON

LAND USE PLANNING

139 S. Stockton Avenue, Ripon, CA 95366

Phone: (209) 599-8377

Fax (209) 599-8399

June 15, 2011

Mr. David Rizk, AICP
Director of Development Services
777 B Street
Hayward, California 94541

Subject: City of Hayward South Hayward Bart/Mission Boulevard Form Based and New Thoroughfare Plan, dated January 5, 2011 – Retraction from Letter, dated June 6, 2011

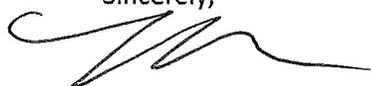
Dear Mr. Rizk:

On behalf of Livermore Acres, Inc., Property Owner of 29212 Mission Boulevard, the purpose of this letter is to retract the comments and concerns expressed in our Letter, dated June 6, 2011 (attached), and express support for the modifications to the Form Based Code Staff is recommending to the Planning Commission on June 23, 2011. These modifications, detailed in the attached email, dated June 14, 2011, consist of the removal of the proposed New Thoroughfare from the Livermore Acres, Inc. Property, and a return westward to Mission Boulevard on adjacent properties. Based on our discussion, it is my understanding this modification will be incorporated into the revised Draft Form Based Code/New Thoroughfare Plan presented to the City's Planning Commission on June 23, 2011.

On behalf of Livermore Acres, Inc., I would like to thank City Staff, and express our appreciation for considering our concerns on the City's Form Based Code and New Thoroughfare Plan, and making the efforts to come to an agreeable resolution.

Should you have any questions, please feel free to contact me at the phone number listed above.

Sincerely,



Mark Niskanen
Senior Planner

cc: Livermore Acres, Inc. Board of Directors
Mr. Anthony Varni, Varni, Fraser, Hartwell, & Rogers
Project File

Attachments

Mark Niskanen

From: David Rizk [David.Rizk@hayward-ca.gov]
Sent: Tuesday, June 14, 2011 4:10 PM
To: Mark Niskanen
Cc: Richard Patenaude
Subject: RE: Warrants and Exceptions to Thoroughfare Plan

Mark:

Per our discussion just now, staff is going to recommend to the Planning Commission that the new thoroughfare shown on your property be removed, and a "return" westward to Mission Boulevard on the adjacent properties to the south be provided/shown. We will revise the draft Form-Based Code in line with this recommendation. The staff report for the June 23 Planning Commission hearing will be on the City's website this Friday. Thanks for your input on the draft Code.

David Rizk, AICP
 Director of Development Services
 City of Hayward
 77 B Street
 Hayward, CA 94541
 (510) 583-4004
 Fax: (510) 583-3649
 david.rizk@hayward-ca.gov
 www.hayward-ca.gov

From: Mark Niskanen [mailto:mark@jbandersonplanning.com]
Sent: Tuesday, June 14, 2011 3:45 PM
To: David Rizk
Subject: RE: Warrants and Exceptions to Thoroughfare Plan

absolutely. I am in the office until 5pm.

Mark

Mark Niskanen
Senior Planner
J.B. Anderson Land Use Planning
39 S. Stockton Avenue
Stockton, CA 95366
 (909) 599.8377 Office
 (909) 402.0196 Mobile

From: David Rizk [mailto:David.Rizk@hayward-ca.gov]
Sent: Tuesday, June 14, 2011 3:28 PM
To: Mark Niskanen
Cc: Richard Patenaude
Subject: RE: Warrants and Exceptions to Thoroughfare Plan

Do you have a few minutes to discuss over the phone? I've attached an aerial showing parcels and related lengths of the thoroughfare segments.

6/14/2011

June 6, 2011

Mr. David Rizk, AICP
Director of Development Services
City of Hayward
777 B Street
Hayward, California 94541

Subject: City of Hayward South Hayward Bart/Mission Boulevard Form Based Code, dated January 5, 2011 and Property Located 29212 Mission Boulevard, Owned by Livermore Acres, Inc.

Dear Mr. Rizk:

The purpose of this letter is to provide comment on the City of Hayward *South Hayward Bart/Mission Boulevard Form Based Code* ("Form Based Code"), dated January 5, 2011. It is our understanding that City Staff is scheduled to present the City's Draft Form Based Code, along with its Environmental Impact Report (EIR), to the City's Planning Commission for review and consideration on June 23, 2011, and subsequently to the City Council in July 2011. On behalf of Livermore Acres, Inc., we appreciate the opportunity to provide our comments and concerns on the Form Based Code.

For the purposes of organization, three (3) categories have been provided below: Background Information, which provides a summary of the Subject Property located within the Draft Form Based Code Project Area; a summary of concerns based on our review of the Draft Form Based Code; and, a conclusion.

Background Information

Our Firm represents Livermore Acres, Inc., which owns Property within the proposed Form Based Code Project Area. Specifically, this Property is located at 29212 Mission Boulevard (hereinafter referred to as the "Subject Property"), and for your reference, I have attached an exhibit illustrating the Property's location. The Subject Property is approximately 4.89-acres in size, and is bounded by vacant lands owned and controlled by the California Department of Transportation to the north, commercial lands to the south, Mission Boulevard the west, and vacant lands to the east. You may be aware that in February 2003, the City adopted a Zone Change (PL-2001-0340) to allow for the development of 200-unit retirement center commonly known as the Valle Vista Retirement Center for the Subject Property. This approval and entitlement has since expired, but the Subject Property remains designated for High Density Residential (HDR) land uses in accordance with the Hayward General Plan. In addition, in accordance with the City's Draft Form Based Code, the Zone District of Transect Zone 4 – Urban General is being considered for the Subject Property, which permits a residential density range consistent with the General Plan land use designation (17.5 – 35 dwelling units/per acre). In

accordance with this density range, the Subject Property could yield approximately 86 to 165 residential dwelling units.

Form Based Code Concerns

1. New Thoroughfare Through Subject Property

It is our understanding that in addition to the Form Based Code, the City has also prepared a Thoroughfare Plan, which provides a circulation network for vehicular and pedestrian traffic within the Form Based Code Project Area.

As part of the Thoroughfare Plan, the Draft Form Based Code is suggesting a New Thoroughfare through the Subject Property. This New Thoroughfare is designated as ST-56-34-BR, which allows for a fifty-six (56) foot right-of-way consisting of two (2) travel lanes, seven (7) foot parking lanes, six (6) foot planter strip, and a five (5) foot sidewalk in accordance with Table 2. As illustrated in Figure 1-2, the proposed New Thoroughfare essentially splits the Subject Property into two (2) parcels, as illustrated on Figure 1-2 of the Draft Form Based Code. Based on our calculations, the addition of the New Thoroughfare through the Subject Property reduces the acreage from 4.89-acres to 4.56-acres, representing a reduction of approximately 0.33-acres. Please note that this acreage reduction does not include setback requirements, which would require an additional six (6) to twenty-four (24) feet on each side of the New Thoroughfare.

Ultimately, the proposed New Thoroughfare will impact the the number of units that could be developed on the Subject Property, even when considering the density incentive allowed per Section 10-24.275(4) of the Form Based Code.

In addition, with the proposed location and alignment of the New Thoroughfare, it significantly impacts the ability for the Subject Property to develop as intended by the City's General Plan and Zoning Ordinance by splitting the Subject Property into two (2) separate parcels that, due to their acreages (approximately 2.25-acres), will prove difficult in developing a quality High Density Residential Project.

2. Off-Site Concerns

As illustrated on Figure 1-2, the proposed New Thoroughfare terminates at the northern end of the Subject Property, and is aligned from the south via neighboring properties and a "T-Intersection." Based on our review of the Draft Form Based Code, it is unclear how the City will treat the Subject Property and its associated New Thoroughfare improvements should it develop prior to the neighboring properties. Meaning, assuming the Subject Property would develop first, would the City require the acquisition of right-of-way, and installation of New Thoroughfare improvements along the proposed alignment on off-site properties? Or, will the City require only the on-site improvements for the New Thoroughfare?

Conclusion

Based on the impacts the proposed New Thoroughfare will have on the Subject Property, as described above, and its future ability to develop as suggested by the City's General Plan and

Zoning Ordinance, we are opposed to the suggested alignment of the New Thoroughfare on the Subject Property, and request it be removed from the Draft Form Based Code.

As an alternative, we suggest an alternative approach for review and consideration by the City of Hayward as it relates to the New Thoroughfare alignment through the Subject Property. Because Properties to the north of the Subject Property are owned and controlled by the California Department of Transportation, it is likely that the proposed New Thoroughfare would dead-end at the northern edge of the Subject Property. As such, we suggest removing the New Thoroughfare alignment from the Subject Property, but maintaining the alignment for Properties south of the Subject Property. This alternative will allow the Subject Property to be developed in a manner consistent with the City's General Plan and Zoning Ordinance, as well as it was envisioned as part of the Valle Vista Retirement Community, adopted by the City in 2003. Moreso, this approach would allow the City to maintain their intent with the New Thoroughfare as described in Section 10-24.275 of the Draft Form Based Code by accommodating alternate street patterns.

On behalf of Livermore Acres, Inc., I appreciate your time in reviewing our concerns with the City's Draft Form Based Code, and look forward to future discussions with City Staff on this matter. Should you have any questions, or need further information, please do not hesitate to contact me.

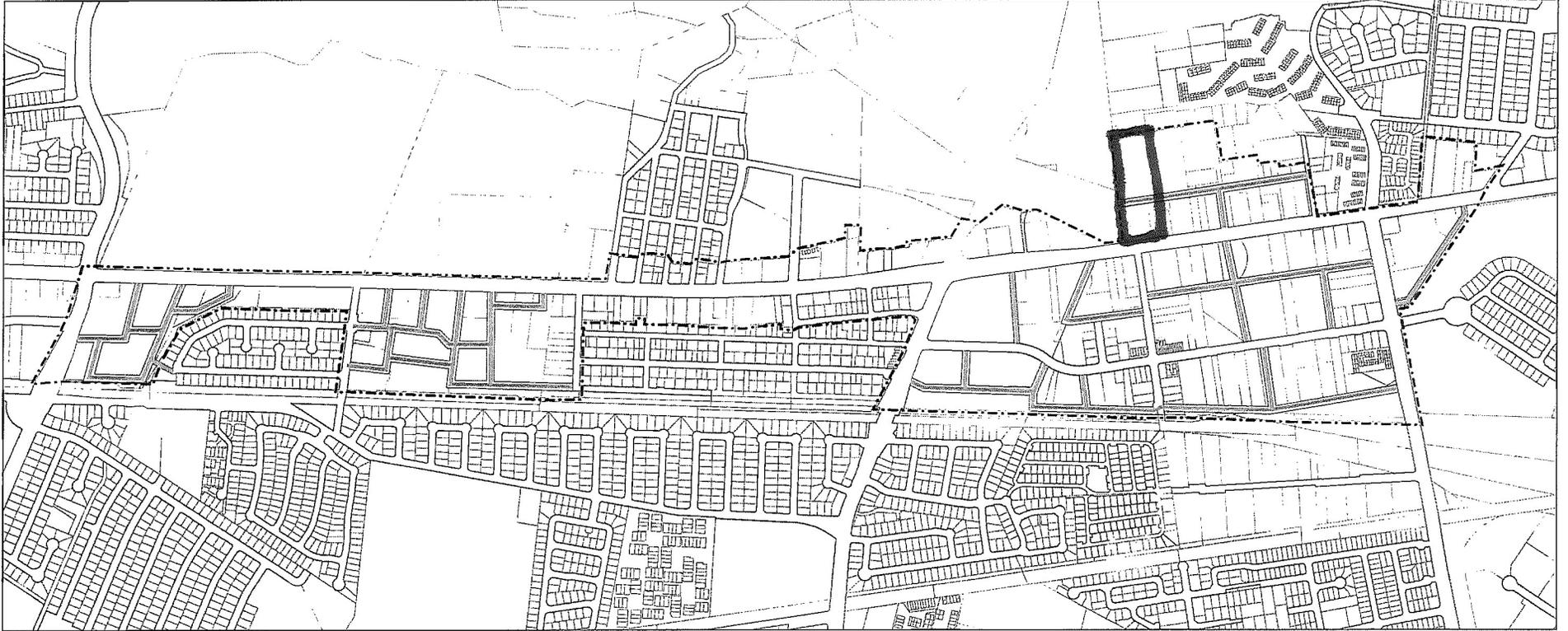
Sincerely,



Mark Niskanen
Senior Planner

cc: Livermore Acres, Inc. Board of Directors
Mr. Anthony Varni - Varni, Fraser, Hartwell & Rogers
Project File

Attachment



Legend

- - - - - Project Area
- ▭ Parcels
- Existing Thoroughfares
- New Thoroughfares





**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 9, 2011, 7:00 p.m.
777 B Street, Hayward, CA 94541**

MEETING

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

ROLL CALL

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

Vice Chair Márquez led in the Pledge of Allegiance.

Staff Members Present: Conneely, Patenaude, Pearson, Philis

General Public Present: 4

PUBLIC COMMENTS

None

WORK SESSION

1. Update on Efforts to Develop a Residential Energy Conservation Ordinance (RECO) for Single-Family Homes

Vice Chair Márquez announced that Public Comments regarding the RECO would be heard first.

David Stark, Public Affairs Director of the Bay East Association of Realtors, introduced himself and commented that over the last 18 months his Association and community members had been working with the City on the development of the RECO. He said the staff recommendation asked Commissioners to *not* pursue the ordinance and his Association supported that, preferring instead, that the City find ways to inspire and support residents to make energy efficient improvements to their homes on a voluntary basis.

Mr. Stark mentioned that he used to work for the City of Hayward running the First Time Homebuyers Program (FTHP), and 20 years ago, when it started, the City reached out to the real estate community and asked them for help setting up the program. What resulted, he said, was a very successful program that generated hundreds of new Hayward homebuyers. He said the City had another opportunity with its Climate Action planning to work with the residential real estate community, and the contacts they have with current homeowners, to bring them together to share the information and resources the City has to offer. He encouraged the Commissioners to ask staff to continue to work with the real estate

community, in the tradition of the FTHP, to make sure the programs the City was developing really made sense to not just new homeowners, but existing homeowners.

Heather Reyes, Leonardo Way resident, agreed with Mr. Stark's comments and said she was all for reducing her carbon footprint, but only on a voluntary basis. She encouraged the City to take the necessary steps to notify homeowners saying she didn't see the information about the RECO included in her water bill and doesn't routinely check the Hayward website for new information. Ms. Reyes suggested the City send a separate mailer that focused only on the RECO. At other meetings the lack of participation on a voluntary basis was brought up and she blamed the lack of knowledge. She said she was also concerned about the upfront costs of the proposed improvements. She said that while she supported making her home more energy-efficient, she couldn't afford to make the suggested improvements even with the available rebates. When she purchased her home under a first-time homebuyers program, she said she was given \$8,000 from the federal government, but had to stay in the home for three years to keep it. She suggested a similar program for energy efficiency improvements. She concluded by saying that the issue for many homeowners was a lack of knowledge and finances.

Vice Chair Márquez then introduced Senior Planner Erik Pearson who noted that the City Council discussed the RECO at their May 31st meeting and determined that an ordinance should not be adopted at this time. He then gave a brief synopsis of the report.

Commissioner Faria asked what would happen in the case of older homes that had already made improvements over many years. She asked if the City knew how many homes would be close to compliance. Senior Planner Pearson said the City did not have that information but when looking at the number of homes that would be exempt from the RECO, found that approximately 40% of homes that would be subject to the RECO would be exempt due to low income, disability, or low energy use. Commissioner Faria asked if permit records could be used as a data source and Mr. Pearson said it could, but gathering the information would take too long as older records were held on Microfiche. Commissioner Faria commented that without knowing if residents had already made improvements, how could the City know if energy levels would significantly drop any further.

Commissioner Lavelle thanked staff for the report saying it was very educational for the four commissioners who did not serve on the Sustainability Committee. She also complimented the Council and members of the Committee for listening to not only the real estate community, but to residents who had indicated that they were not ready for a mandatory program for energy conservation. She agreed with Commissioner Faria that many households had already made improvements, but not only to save energy, but to save money and she believed that was also the reason why so many had spoken out against the mandatory RECO. Commissioner Lavelle said it was important to maintain property values and keep homes affordable in Hayward because doing so also impacted the City government and the school district. She said residents were not ready for the financial burden of a RECO and suggested that energy efficiency information be distributed at downtown Hayward events. She also pointed out that she was not aware of the rebates available and residents could make some of the improvements themselves without hiring a contractor.

Commissioner Lamnin said she really appreciated all the work completed to reach this point. She said at the last Sustainability Committee meeting there had been discussion about the first step in the process being an assessment to determine some of the answers to Commissioner Faria's questions. She



**MINUTES OF THE REGULAR MEETING OF THE
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said she understands the labor involved in making that assessment, but said there were resources available to make an assessment a viable option to target the highest energy users first. Mr. Pearson said there were plans to conduct an assessment in a way that was quicker and cheaper than what currently exists.

Commissioner Mendall said he attended 10-12 public meetings regarding the RECO and was very pleased by the number of people who offered their suggestions and criticisms. He said the City took those comments to heart and made a lot of adjustments to the proposed RECO incorporating some very good suggestions. He also concluded, however, that there wasn't community support for a mandatory ordinance and emphasized that the input made all the difference. The Council and Planning Commission heard what the community said and had acted based on that input, he said.

Regarding the comments made by Ms. Reyes, Commissioner McDermott said community outreach was an important component of anything the City tried to do, and noted that based on the response there was some success with the mailings. Commissioner McDermott said communication via water bills was an OK method, but had hoped that the notice would be on a different colored piece of paper. She also said that notification should have been sent out earlier noting that some people received the information after the meeting had taken place. She concluded by saying that it had been an educational process with very interesting comments, very passionate pleas from the real estate community and homeowners, and although it wasn't a bad idea, it was just not a good time.

Vice Chair Márquez acknowledged the hard work by staff and noted how pleased she was to see how public comments had been incorporated into the report. She asked staff to address an email received from Julie Machado that discussed energy efficiency in historic homes. Senior Planner Pearson pointed out that many of the proposed improvements involve insulation and making improvements to the interior of the home that would not affect the historical integrity of the home. He said also it was possible to find window replacements that fit with the historical character of the home. Planning Manager Richard Patenaude said the State Historic Building Code allows the Building Official to use alternate methods to perform improvement work on a historical structure so the historic character is not compromised. Vice Chair Márquez said it would be helpful to include this information in future reports or notices.

Vice Chair Márquez asked staff to provide some background on Proposition 26 which was mentioned in the staff report. Assistant City Attorney Maureen Conneely said Proposition 26 was passed last November and redefined more broadly what a "tax" was and included some regulatory programs that potentially sweep in the scope of Proposition 226. She said the Proposition was so new and hadn't been tested by the court, boundaries had not been set. Ms. Conneely said she wanted the Commission to be aware that some analysis might have to be completed related to the Proposition and RECO, but mentioned that hopefully by the time Hayward adopted a RECO some of the issues might have been addressed in court.

Echoing comments made earlier, Vice Chair Márquez also supported the idea of a separate flyer or more colorful paper to provide residents with more information. She also thanked Planning

Commissioner McDermott, Lamnin and Mendall for their hard work on the on the Sustainability Committee.

ACTION ITEMS

2. None

COMMISSION REPORTS:

3. Oral Report on Planning and Zoning Matters

Planning Manager Patenaude said only one more meeting was scheduled before the summer break and that was on June 23 when the Commission would review a use permit request and hold a Public Hearing for the S. Hayward/Mission Blvd. Form-Based Code.

4. Commissioners' Announcements, Referrals

Based on the comments heard, Commissioner Lamnin suggested holding a Work Session and invite the community to discuss the best way to reach out to residents with City information and what topics should take priority. She suggested inviting the residents who have commented in the past, union members, youth organizations, and schools and colleges.

Commissioner Mendall asked staff for more information about a current construction project on Industrial Boulevard along the storm water drainage canal. He said trees are being removed and orange striping marks were being made. Planning Manager Patenaude said he wasn't aware of any projects in that area, but would contact Public Works and relay the information to the Commissioners.

Commissioner Mendall also commented that he downloaded the City's "Access Hayward" iPhone app and had quickly become addicted to it. He explained that the program allowed him to take a picture of graffiti or any other community preservation problem and submit it to the City for handling. He said he was very impressed at how quickly items were being fixed or addressed.

Vice Chair Márquez supported Commissioner Lamnin's idea to reach out the community and suggested an online or hard copy survey at Community Partnership Meetings to determine what does work. She also expressed concern about the potential traffic hazard along Mission Boulevard that Saturday due to the Cal State East Bay graduation ceremony. Staff said they would contact Public Works and relay any information back to the Commission. Vice Chair Márquez suggested using some of the empty lots along Mission for excess parking and setting up a shuttle to the campus.

APPROVAL OF MINUTES

5. Minutes from May 12, 2011, approved unanimously.
6. Minutes from May 26, 2011, with minor changes and Commissioner Lavelle abstaining.

ADJOURNMENT

Vice Chair Márquez adjourned the meeting at 7:44 p.m.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 9, 2011, 7:00 p.m.
777 B Street, Hayward, CA 94541**

APPROVED:

Mariellen Faria, Secretary
Planning Commissioner

ATTEST:

Suzanne Philis, Senior Secretary
Office of the City Clerk