



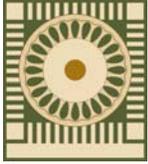
CITY OF
HAYWARD
HEART OF THE BAY

PLANNING COMMISSION

NOVEMBER 3, 2011

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CITY OF HAYWARD
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AGENDA
HAYWARD PLANNING COMMISSION
Thursday, November 03, 2011 , AT 7:00 PM
COUNCIL CHAMBERS

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. 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 are expected to honor the allotted time.

ROLL CALL

SALUTE TO FLAG

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

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

WORK SESSIONS:

1. Historic Preservation Program – Implementation Update

[Staff Report](#)

[Attachment I - Historic Preservation Ordinance](#)

[Attachment II - Photos of Officially Designated Properties](#)

[Attachment III - Photos of Properties Recommended for Official Designation](#)

[Attachment IV - Draft City Council Minutes of October 11, 2011](#)



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 Sonja Dal Bianco 48 hours in advance of the meeting at (510) 583-4204, or by using the TDD line for those with speech and hearing disabilities at (510) 247-3340.

2. Downtown Plan Update

[Staff Report](#)
[Attachment I](#)
[Attachment II](#)

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).

None.

COMMISSION REPORTS:

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

APPROVAL OF MINUTES

5. October 6, 2011

[Draft Planning Commission Meeting Minutes, October 6, 2011](#)

ADJOURNMENT

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. Copies of staff reports for agenda items are available from the Commission Secretary and on the City's website the Friday before the meeting.

DATE: November 3, 2011
TO: Planning Commission
FROM: Development Services Director
SUBJECT: Historic Preservation Program – Implementation Update

RECOMMENDATION

That the Planning Commission reads and comments on this report.

SUMMARY

On June 1, 2010, the City Council adopted the City’s Historic Preservation Program. This program includes documents that provide the City of Hayward with a current and comprehensive inventory of potential and existing historical resources; an understanding as to why and how some of these resources can and do meet local, state, and national criteria (the Historic Context Statement); and a well-defined historic preservation ordinance to direct and guide decision-making policies.

The City Council’s Fiscal Year 2012 Land Use Priorities includes continued implementation of the Historic Preservation Program elements. This report follows City Council work sessions on February 22, 2011,¹ and October 11, 2011,² regarding continued program implementation in developing the City’s first historic district, developing local planning and zoning incentives, and adding properties to the City’s historic register.

BACKGROUND

The City of Hayward’s Historic Preservation Ordinance (Ordinance) addresses current standards and practices of historic preservation to provide stronger protections for historical resources. The ordinance, among other issues, addresses the process for determining when historical alteration, demolition, or relocation permits are required. Sections 10-11.050 to 10-11.070 of the ordinance (Attachment I) contain provisions that make it unlawful to alter character-defining features of an historical resource without an historical alteration permit, sets the procedure and standards for

¹ See agenda report at page 5 of the packet at <http://www.hayward-ca.gov/citygov/meetings/cca/2011/CCA11PDF/cca022211full.pdf> and page 2 of the meeting minutes at <http://www.hayward-ca.gov/citygov/meetings/cca/2011/CCA11PDF/cca031511full.pdf> .

² See agenda report at page 7 of the City Council packet at <http://www.hayward-ca.gov/citygov/meetings/cca/2011/CCA11PDF/cca101111full.pdf> . See draft minutes, Attachment IV.

making such alterations, contains provisions and procedures regarding the demolition of an historical resource, and includes provisions and procedures for the relocation of an historical resource. Post-1946 single-family tract homes were exempted from the Ordinance provisions.

In addition, the City Council stated that its policy in regard to the official designation of historical resources is that it is to generally be a voluntary process on the part of the property owner unless the structure is of significant community value. The Ordinance itself permits an application for designation from only the property owner, the Planning Director, the Planning Commission or the City Council. Should an application be submitted, the Planning Director would be required to determine the merit of the application prior to sending it to the Planning Commission for hearing based on appropriate documentation. In order to be designated, a property must be an “Historical Resource” as defined by Section 10-11.030k. An “Historical Resource” would be any building, structure, site, object, historic district and archaeological resource that has been determined to have a) age; b) integrity; and c) historical significance.

The Council has also considered a request of the Rental Housing Owners Association that all post-1946 multi-family residential structures be exempt from the Ordinance provisions, as were tract homes. The Association feels that the provisions of the Ordinance, especially the requirement for alteration permits, are overly-burdensome for the property owners. In this regard, staff met with the Association on a number of occasions, the latest being in August 2011, to discuss the Ordinance requirements and proposed planning and zoning incentives (see below). Staff is reluctant to remove another class of structures from being subject to the Ordinance provisions, and the Council has not directed staff to do so. Staff has recently worked successfully with owners of multi-family structures in making appropriate changes, without requiring an alteration permit, or looking at alternatives.

DISCUSSION

When the City Council adopted the documents and ordinance of the Historic Preservation Program in 2010, staff indicated that the Program would be rounded out by other elements that would go beyond merely identifying the City’s potential historic properties. Following is a discussion of the work program items that are in process.

Prospect Hill Historic District – A local historic district is a defined geographic area that has historic, architectural, social or geographical significance to the community. Designation of a district by the City of Hayward is a formal recognition of its contribution as an historic resource in the community. Historic districts reflect pride in the character of neighborhoods and a desire on the part of neighborhoods and the City to protect their assets. Historic districts are an important planning tool for the City, a way to improve the quality of life, and a way to ensure that new development enhances the character and scale of a neighborhood.

As part of the Historic Resources Survey & Inventory Report, the City’s consultant, *Circa: Historic Property Development*, recommended that the Upper B Street area be the focus of efforts toward designation of the City’s first historic district. *Circa* believed that, while other historic districts within the City may display a higher level of overall integrity, Upper B Street faces the greatest immediate threat to its contributing resources. However, because of resident interest and existing

community organization within the Prospect Hill neighborhood, staff felt it more prudent to investigate its designation first as an historic district. Should this effort be successful, it could serve as a model for later review of the Upper B Street and the B Street Streetcar Districts.

Work is underway toward investigating historic district status for Prospect Hill. On June 16, 2011, a neighborhood meeting was held at City Hall to introduce the concept; approximately 20 persons attended this meeting. The consensus from this meeting was to proceed. In August, staff attended the “Understanding Design Guidelines for Historic Districts” workshop, sponsored by the California Preservation Foundation. On September 1, 2011, staff met with the initial neighborhood leadership team to determine the next steps. Once more-detailed information can be developed, including benefits and obligations, to present to the property owners, another neighborhood meeting will be scheduled in early November. Should interest continue, neighborhood committees will be formed in January 2012 to survey the district properties in more detail, finalize district boundaries, and develop design guidelines. Staff expects that this work would take a year or more to complete before a proposal is brought before the Planning Commission and the City Council, given the work will be performed by City staff and the residents. Council members expressed support for the work being done toward potential designation of the Prospect Hill Historic District.

Potential Benefits to the District:

- Owning property in an historic district ensures that the neighborhood will be protected from unmanaged change. Because the review process requires public comment, private citizens are given more control over development and alterations in their neighborhood than in areas where no historic district is in place.
- Incentive programs for the District would include eligibility for the Mills Act (see discussion below), stronger eligibility for state and federal tax credits for qualified rehabilitation projects, and zoning and parking requirement waivers.
- Pride and interest in the neighborhood by the rest of the community.
- The effect of designation on property values in any given historic district is unknown. There’s no guarantee that every home in a historic district will increase in value, but several studies indicate an overall rise in value for historic neighborhoods and areas surrounding a historic district.³

Obligations of Residents in the District:

- Proper maintenance of residences to prevent deterioration.
- Obtaining City approval for exterior alterations to properties to ensure the historic character of the structure is maintained. Most minor projects involving windows, doors, railings, etc. are handled administratively and usually do not require a hearing. Maintenance, including a change in paint color, is not subject to review by the City. Interior alterations are not reviewed.

³ A selection of study reports, some supported by major real estate concerns, can be found at www.houselogic.com/articles/neighborhood-historic-designation-can-raise-property-values; www.uncg.edu/iss/RECENT/propertyvalues.html; and www.c21keyrealty.com/2011/08/neighborhood-historic-designation-can-raise-property-values .)

- The standard for proposed changes to historic properties is the *U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties*.⁴ These standards are based on a common sense approach to protecting and enhancing historic structures.

Local Planning and Zoning Incentives – One of the best ways to create buy-in for historic preservation is to provide incentives for those who might participate. One of the incentives, adopted by the City Council with the Program, is the Mills Act Property Tax Abatement Program, which is described in more detail below. Others may include zoning incentives (such as flexibility in zoning development standards for additions, etc.), fee waivers, funding programs, use of the State Historic Building Code, zoning overlays, etc. Staff envisions developing materials for Mills Act participation and other programs beginning Winter 2011/2012; it is expected that a package of other incentives could be enacted, after property owner input, following Planning Commission and City Council review and approval during Spring 2012. Council members generally expressed support for this effort.

Mills Act Property Tax Abatement Program – As a preservation incentive, historic property agreements, or “Mills Act contracts,” offer advantages to both the local government and the property owner. These agreements provide property tax relief for owners of qualified historic properties who contract with the city or county to abide by “reasonable” preservation requirements. Commonly referred to as the Mills Act, the law provides an income-based tax formula for eligible properties subject to historic property agreements. This legislation was modeled after the Williamson Act, which had been widely used to preserve open space and agricultural land.

The use of Mills Act contracts gives communities the flexibility to deal with historic structures on a case by case basis. The local government has the option to choose which properties are suitable for the incentive by evaluating various factors, such as the significance of the building to the community, development pressure on the site and/or the need for rehabilitation. These contracts can be used both as a tool to rehabilitate and preserve an individual building, and as part of a broader community-wide program. At a minimum, the Act requires the owner to prevent deterioration of the property. To monitor compliance, the contract must include a provision providing for periodic examinations of the premises “as may be necessary.”

For owners of historic properties, Mills Act contracts offer several distinct advantages. Unlike some preservation tools, participation on the part of the property owner is completely voluntary. Also, historic property agreements are one of the few incentives available to homeowners. In areas where land value represents a large portion of the market value, such as high density commercial and residential districts, the Mills Act method of valuation adjusts the property tax to reflect the actual use of the site. This results in a *property tax reduction often exceeding 50%*. Another important benefit of this incentive is that, because historic properties continue to be protected by the contract when sold, the reduced property tax valuation is passed on to the new owner. Because sale of the property does not trigger a Proposition 13 reassessment, the existence of a Mills Act contract can be a real selling point when the property is on the market.

⁴ Such standards can be found at <http://www.nps.gov/history/hps/tps/standguide/>.

The minimum term of a Mills Act contract is 10 years. If the property is sold, the contract shall be binding on all successors in interest, who shall have “the same rights and obligations under the contract as the original owner who entered into the contract.” Mills Act contracts are automatically extended on a yearly basis, unless the property owner or local government provides notice of their intent not to renew. Conversely, if the agreement is violated, the city or county may cancel the contract and require payment of a substantial fee.

To specifically limit the impact on City revenues, staff had recommended that single-family dwellings valued in excess of \$1,500,000, and that multi-family residences, commercial, and industrial properties valued in excess of \$3,000,000 not be eligible for the program. Council members expressed a concern that determining eligibility by setting values on individual properties may restrict participation for otherwise-deserving properties. However, the Council limited the total reduction of property taxes under this program at any one time to not exceed \$200,000 annually for all properties in the program. This number could be changed at a later date by Council resolution should it be determined that 1) the use of this program is such that the cap is reached, and 2) there is a marked improvement in City revenues. Currently, there are no Mills Act contracts in the City of Hayward. To encourage participation, staff intends to hold a workshop during the spring of 2012 following publication of the application materials to the City’s website.

Addition of Properties to Historic Register - While the City Council stated that its policy in regard to the official designation of historical resources is that it is to generally be a voluntary process on the part of the property owner, the Council expressed the desire to pursue the designation of structures of significant community value. Such designations could be celebratory, highlighting the community benefit of preserving Hayward’s history.

The following table is a list of the existing officially-designated Architecturally- & Historically-Significant Buildings. These properties were designated prior to adoption of the current Ordinance. Photos of the properties are found in Attachment II.

<i>Address</i>	<i>Description</i>
24072 Myrtle Street	Victorian House
21800 Hesperian Blvd.	Site & Victorian Bldg.
944-952 B Street	IOOF Lodge
1105 C Street	IDES Lodge
22701 Main Street	Hayward Museum
22738 Mission Blvd.	Historic City Hall
24077 Second St.	The Castle (Standon Hall)
27355 Hesperian Blvd.	Oliver Estate
714 B Street	Victorian House
1325 B Street	Queen Anne Victorian House
22248 Main Street	Victorian House
199 C Street	Hunts Water Tower

The following table on the next page contains a list of the Downtown properties that retain a high level of architectural integrity according to the Historical Resources Survey & Inventory Report. Staff recommends that this list be used in determining the next group of properties to be added to the City's official register of historic sites, and staff is seeking Planning Commission comments regarding priorities for this list. These properties span a range of time from 1890 to 1956, and the list represents varied architectural styles that are befitting the time during which they were built. Photos of the properties are found in Attachment III.

Staff recommends either of two ways of prioritizing the first group of potential designations from this list: 1) those constructed in 1949 or earlier (15 of 22 listed properties); or 2) those within the Downtown Core (marked with an asterisk, 11 properties). While not expressing a preference to either of these ways to prioritize the process, the City Council directed staff to proceed with the addition of properties to the City's Historic Register. Property research will begin in Winter/Spring 2012 to determine each property's historical significance according to the Historic Preservation Ordinance, with designation hearings beginning the summer of 2012. Staff expects that the addition of all these properties will require several rounds of hearings; future rounds could also include properties outside of the Downtown, such as the Mohr-Fry Estate on Hesperian Boulevard. While not commenting on a preference toward prioritization, Council members expressed support for the addition of historic properties to the City's historic register. Council members also recommended that staff look into the designation of specific properties that recognize the contribution of Hayward's diverse population groups.

<i>Address</i>	<i>Date Built</i>	<i>Notes</i>
1077 A Street	1956	
722 B Street	c 1890	
742 B Street	?	Neumanali's; moved from adjacent parcel
808 B Street @ Watkins Street*	1900	Ace Hardware
954 B Street*	1924	Pizza House
1004 B Street @ Main Street*	1927	Former Bank
1019 B Street*	1950	
1037 B Street*	1920	
1058 B Street*	1944	Bank of the West
822 C Street @ Watkins Street	1936	U.S. Post Office
951 C Street	1948	Casper's Hot Dogs
1044 C Street	1927/1931	Herndon Professional Building
22519 Main Street*	1925	Turf Club
22561 Main Street*	1918	Chamber of Commerce
22632 Main Street @ B Street*	1918/1926	Green Shutter Hotel
22641 Main Street*	1952	
22701 Main Street*	1927	Historical Society
22737 Main Street	1932	Veterans Memorial Bldg.

22777 Main Street @ D Street	1954	Bay Cities Credit Union
22564 Mission Blvd.	1914	
22642 Mission Blvd.	1902	Most-recently Ace Loan
22877 Mission Blvd. @ Willis Ave.	1956	The Ranch Restaurant

*** Structures within Downtown Core
Highlighted properties were built after 1949**

NEXT STEPS

No further action is necessary. Staff will continue to work to implement the Historic Preservation Program and work with the public in educating it on the Ordinance provisions, including development of the web page in Winter 2011/2012.

The following schedule is anticipated for the major program components:

Prospect Hill Historic District

- Neighborhood Meeting – early-November 2011
- Neighborhood Committees Formed – January 2012
- Public Hearings – early-2013

Local Planning and Zoning Incentives

- Mills Act Information/Application Development – Winter 2011/2012
- Mills Act Workshop – Spring 2012
- Development of Other Incentives – Spring 2012

Addition of Properties to Historic Register (first round)

- Research Begins – Winter/Spring 2012
- Public Hearings – Summer 2012

Prepared by: Richard E. Patenaude, AICP, Planning Manager

Recommended by:



Richard E. Patenaude, AICP, Planning Manager

Approved by:

A handwritten signature in black ink that reads "David Rizk". The signature is written in a cursive, flowing style.

David Rizk, AICP, Development Services Director

Attachments:

- Attachment I Historic Preservation Ordinance
- Attachment II Photos of Officially-Designated Properties
- Attachment III Photos of Properties Recommended for Official Designation
- Attachment IV Draft Minutes – City Council Work Session – 10/11/2011

ARTICLE 11

HISTORIC PRESERVATION ORDINANCE

Section	Subject Matter
10-11.010	PURPOSE
10-11.020	APPLICABILITY
10-11.030	DEFINITIONS
10-11.040	IDENTIFICATION OF HISTORICAL RESOURCES
10-11.050	REQUIREMENT TO OBTAIN HISTORICAL ALTERATION PERMIT AND/OR HISTORICAL RESOURCE DEMOLITION OR RELOCATION PERMIT
10-11.060	HISTORICAL ALTERATION PERMIT PROCESS
10-11.070	HISTORICAL RESOURCES DEMOLITION OR RELOCATION PERMIT PROCESS
10-11.080	HISTORICAL RESOURCES DESIGNATION CRITERIA
10-11.090	HISTORICAL RESOURCES DESIGNATION PROCESS
10-11.100	INCENTIVES FOR THE PRESERVATION OF DESIGNATED HISTORICAL RESOURCES
10-11.110	ADOPTED SURVEY LIST
10-11.120	APPEALS
10-11.130	ORDINARY MAINTENANCE AND REPAIR
10-11.140	DUTY TO KEEP IN GOOD REPAIR
10-11.150	CONDITIONS OF APPROVAL FOR DEVELOPMENT PROJECTS LOCATED WITHIN ARCHAEOLOGICALLY SENSITIVE AREAS, AND/OR WITHIN OR ADJACENT TO KNOWN ARCHAEOLOGICAL SITES
10-11.160	ENFORCEMENT; ADMINISTRATIVE CITATIONS

ARTICLE 11

HISTORIC PRESERVATION ORDINANCE

SEC. 10-11.010 PURPOSE. The purpose of this Article is to promote the public health, safety and general welfare of the inhabitants of the City by providing for the identification, protection, enhancement, perpetuation and use of historical resources, including buildings, structures, signs, objects, features, sites, historic and prehistoric archaeological sites, places, districts, designed landscapes, cultural landscapes and areas within the City that reflect special elements of the City's architectural, artistic, cultural, engineering, aesthetic, historical, political, social and other heritage. The protection of historical resources will achieve the following objectives:

- a. To safeguard the heritage of the City as embodied and reflected in such resources;
- b. To encourage public knowledge, understanding and appreciation of the City's past;
- c. To foster civic and neighborhood pride and a sense of identity based on community character and the recognition and use of historical resources;
- d. To promote the enjoyment and use of historical resources appropriate for the education and recreation of the inhabitants of the City;
- e. To preserve historic architectural styles and design preferences reflecting phases of the City's history and to encourage complementary contemporary design and construction;
- f. To enhance property values and to increase economic and financial benefits to the City and its inhabitants;
- g. To protect and enhance the City's attraction to tourists and visitors (thereby stimulating business and industry);
- h. To identify as early as possible and resolve conflicts between the preservation of the historical resources and alternative land uses;
- i. To integrate the preservation of historical resources and the extraction of relevant data from such resources into public and private land management and development processes; and
- j. To conserve and recycle valuable community resources by continuing use and maintenance of the historic built environment.

SEC. 10-11.020 APPLICABILITY. This Article shall apply to all historical resources and potentially significant historical resources within the City.

SEC. 10-11.030 DEFINITIONS. Terms used in this Article are defined as follows:

- a. "Adopted Survey List" means a list of resources (e.g., object, building, structure, site, area, place, record, or manuscript), adopted by the City of Hayward, which the City has determined to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of Hayward but which have not been officially designated on the local register of historical resources. Resources listed on the adopted survey list shall be considered historical resources, as that term is hereinafter defined.
- b. "Age" means the characteristic of being at least fifty years old.
- c. "Alteration" means exterior change or modification of character-defining features, through public or private action, of any historical resource or any potentially significant historical resource, or of any contributing resource located within an historic district, which may include, but not be limited to, exterior changes to or modification of structure, architectural details or visual characteristics, such as surface texture, grading, surface paving, new structures, cutting or removal of trees and other natural features, disturbance of archeological sites or areas and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, significant plantings and landscape accessories, to the extent that such would affect the exterior character-defining features of the property containing the resource.
- d. "Association" means the direct link between an important historic event or persons and a historic property for design, engineering or construction value and/or the ability to yield important information about prehistory or history.
- e. "Buildings" means structures created to shelter human activity. Historic buildings are considered in their entirety. A building that has lost its basic structural elements is usually considered a "ruin" and is a site, as that term is hereinafter defined.
- f. "Character-Defining Features" means those physical characteristics of an historical resource or potentially significant historical resource that convey its historical significance and justify its inclusion in, or eligibility for inclusion in, the national, state or local register. Character-defining features of a resource are documented by a qualified professional on a Primary Record survey form and/or a full historic evaluation and also may consist of features mutually agreed upon by a property owner and the Planning Director or designated City staff.
- g. "Design" means the combination of elements that create the form, plan, space, structure and style of a property.
- h. "Designated Historical Resource" means any historical resource that has been designated and placed on a local register of historical resources pursuant to this Article.
- i. "Evaluation" means an intensive survey to determine the historical significance of a resource. An evaluation consists of completed Department of Parks and Recreation (DPR) 523 series survey forms, including: 1) Primary Record (523A); 2) Building,

Structure, Object Record (523B); and 3) any additional survey form appropriate for documentation of the subject resource.

- j. "Feeling" means a property's expression of the aesthetic or historic sense of a particular period of time and results from the presence of physical features that, taken together, convey the property's historic character.
- k. "Historical Resources" means any buildings, structures, sites, objects, historic district and archaeological resources that have been determined to have a) age; b) integrity; and c) historical significance. For the purposes of this Article and of the California Environmental Quality Act (CEQA), the term "historical resources" shall include the following:
 - (1) A resource listed in, or determined to be eligible by the State Historical Resources Commission for listing in, the National Register or the California Register of Historical Resources.
 - (2) A resource designated in a local register of historical resources or identified as historically significant in an adopted survey list.
 - (3) Any object, building, structure, site, area, place, record, or manuscript that the City of Hayward determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California or of Hayward.
- l. "Historic Context Statement" means a document adopted by the City Council that describes historic periods and themes in Hayward's history, which is used as a tool to assist with the assessment of a property's historic significance by providing a framework against which to objectively qualify the property's relationship to larger themes and events.
- m. "Historic District" means a geographically-definable area – urban or rural, small or large – possessing a significant concentration, linkage, or continuity of sites, buildings, structures and/or objects united by past events or aesthetically by plan or physical development. An historic district may also comprise individual elements separated geographically but linked by association or history. A contributing resource within an historic district is an historical resource which contributes to the character of a historic district as described in National Register Bulletin 15.
- n. "Historical Significance" means, in national, state or local history, architecture, archaeology, engineering and culture that is present in districts, sites, buildings, structures and objects, which possess age, integrity and association with an important historical context with reference to the following:
 - (1) An association with events that have made a significant contribution to the broad patterns of national, state and/or local history and cultural heritage; or
 - (2) An association with the lives of persons significant in national, state and/or local past; or
 - (3) The embodiment of the distinctive characteristics of a type, period, region, or method of construction, or that represent the work of a master or important creative individual, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

- (4) Details that have yielded, or may be likely to yield, information important in prehistory or history.
- o. "Historic Preservation Officer" means the Planning Director, or his or her designee, when such a designation is relevant for consultation with federal agencies for the purpose of Section 106 procedures. This designation may be used for other consultations affecting community historical resources.
- p. "Integrity" means the ability of a property to convey its historical significance. Evaluation of integrity is grounded in an understanding of a property's physical features and how they relate to its historical significance. There are seven aspects or qualities that, in various combinations, define integrity: location, design, setting, materials, workmanship, feeling and association. To retain historic integrity, a property will possess several, and usually most, of the aspects. Determining which of the seven aspects are most important to a property requires knowing why, where and when the property is significant.
- q. "Interior Architectural Feature" means any portion of the interior of a public space in a publicly-owned building, or of a space in a privately-owned building, designated as an historical resource, where the interior space is generally accessible for use and viewing by the general public. The feature must meet the criteria for historical significance, as that term is defined hereinabove. Proposed changes to designated interior architectural features must follow the same procedures outlined in this Article for alteration to exterior features.
- r. "Local Register" means a list of properties officially designated as historically significant by the City of Hayward pursuant to a local ordinance or resolution adopted by the City Council.
- s. "Location" means the place where the historic property was constructed or the place where the historic event occurred.
- t. "Object" means a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by design or nature, moveable yet related to a specific setting or environment.
- u. "Potentially Significant Historical Resource" means a resource that is identified through a reconnaissance survey and/or by the City to have (a) age and (b) integrity, but historical significance has not yet been evaluated or determined. The fact that a resource is not listed in or determined to be eligible for listing in the California Register, or is not listed in a local register, does not preclude the City from determining that the resource is a potentially significant historical resource, such that further evaluation can be required to evaluate the resource for historic significance.
- v. "Preservation" means the act or process of applying measures necessary to sustain the existing form, integrity and materials of an historical resource. Work including preliminary measures to protect and stabilize the resource generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

- w. "Qualified Historic Consultant" means a consultant that meets the Secretary of the Interior's Professional Qualification Standards.
- x. "Reconnaissance Survey" means a preliminary historic survey of a defined geographic area, which identifies resources warranting further evaluation to determine historical significance, and which may also identify geographic areas and/or properties that do not have potential historical resources and will not be subject to historic review, provided the timeframe of the reconnaissance survey remains valid for such determination. A reconnaissance survey will generally include DPR 523 Primary Record survey forms (DPR 523A) or equivalent information for those resources determined to warrant future further evaluation.
- y. "Reconstruction" means the act or process of depicting, by means of new construction, the form, features and detailing of a non-surviving site, landscape, building, structure, or object, for the purpose of replicating its appearance at a specific period of time and in its historic location.
- z. "Rehabilitation" means the act or process of making possible a compatible use for a resource through repair, alterations and additions while preserving those portions or features which convey its historical, cultural, or architectural value.
- aa. "Restoration" means the act or process of accurately depicting the form, features and character of a resource as it appeared at a particular period in time by means of the removal of features from other periods in its history and reconstructing missing features from the restoration period.
- bb. "Setting" means the physical environment of an historical resource. Whereas location refers to the specific place where a property was built or an event occurred, setting refers to the character of the place in which the property played its historical role.
- cc. "Site" means the location of a significant event, a prehistoric or historic occupation or activity, or a building, structure or landscape, whether standing, existing, ruined or vanished, where the location itself possesses historic, cultural, or archaeological value, regardless of the value of any existing structure. A site can possess associative significance or information potential or both, and can be significant under any or all of the four criteria for historical significance identified above.
- dd. "Standards" means the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties, which is the body of information that provides acceptable approaches for preserving, rehabilitating, restoring and reconstructing historical resources or potentially significant historical resources. A project that follows the Secretary's Standards is considered not to result in a significant impact to the resource under CEQA.
- ee. "Structure" means a man-made feature made of interdependent and interrelated parts in a definite pattern of organization. The term "structure" is distinguished from "buildings," which are constructed primarily for human shelter. If a structure has lost its historic configuration or pattern of organization through deterioration or demolition, it is usually considered a "ruin" and is a site, as that term is defined hereinabove.

- ff. "Substantial Adverse Change" means the demolition, destruction, relocation, or alteration of the character-defining features of an historical resource or its immediate surroundings, such that the significance of an historical resource would be materially impaired. A project that may cause a substantial adverse change to an historical resource is a project that may have a significant effect on the environment under CEQA.
- gg. "Unique Archaeological Resource" means an archaeological artifact, object or site, about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:
 - (1) The resource contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
 - (2) The resource has a special and particular quality, such as being the oldest of its type or the best available example of its type.
 - (3) The resource is directly associated with a scientifically recognized important prehistoric or historic event or person.
- hh. "Workmanship" means the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.

SEC. 10-11.040 IDENTIFICATION OF HISTORICAL RESOURCES.

- a. The City's 2009 Reconnaissance Survey excludes certain properties from further historic evaluation and identifies those properties requiring a full evaluation, as part of future development proposals, to determine whether a property is an historical resource.
- b. The City of Hayward may periodically update its 2009 Reconnaissance Survey and/or survey additional properties located within the City limits, for the purposes of identifying those properties or geographic areas that are determined not to be or contain potentially significant historical resources, as well as identifying those properties or areas that may contain potentially significant historical resources and will require additional evaluation in order to make determinations of age, integrity and/or significance.
- c. The City of Hayward may require that applicants for development projects and building permits retain qualified historic consultants to prepare evaluations to be used by the City to determine whether a property or site is an historical resource or a potentially significant historical resource, as part of development review and/or environmental review processes. The City may require a peer review of any evaluation report submitted directly by an applicant.
- d. Reconnaissance surveys and evaluations shall use the adopted Hayward Historic Context Statement as a tool for understanding whether and why the property has historical significance.

- e. The City of Hayward shall maintain a comprehensive record of reconnaissance surveys, evaluations and historic reports completed for properties located within the City limits, including those records completed as part of the 2009 Reconnaissance Survey and those records submitted by individual applicants.
- f. The City of Hayward shall maintain a local register of designated historical resources. The local register shall include only those resources formally designated as historical resources in accordance with the processes set forth in this Article. The City of Hayward shall also maintain an adopted survey list identifying resources considered to be historically significant to Hayward but not officially designated on the local register.
- g. The City of Hayward may publish or adopt archaeological sensitivity maps and/or may request the assistance of the Northwest Information Center, the area's historical resources information system located at Sonoma State University, for information about known archaeological sites, or about potential historic or prehistoric resources that may be determined to be significant or unique.

SEC. 10-11.050 REQUIREMENT TO OBTAIN HISTORICAL ALTERATION PERMIT AND/OR HISTORICAL RESOURCE DEMOLITION OR RELOCATION PERMIT.

Development projects and building permit applications involving structures or buildings at least 50 years in age or which are located within an historic district shall include the following steps in the development review process to determine if an historical alteration permit and/or historical resource demolition or relocation permit is required. Residential properties developed pursuant to a tentative tract map after 1946 are exempted from obtaining historical permits as defined herein. Building permit applications involving only interior improvements are not subject to the provisions of this Article, unless the building interior is specifically listed, or has the potential to be listed, on the local register as a designated historical resource. Nothing in this Article relieves a property owner or developer from any independent obligation under CEQA to conduct environmental review.

- a. City staff shall consult the comprehensive record of reconnaissance surveys and evaluations on file with the Planning Division to determine whether the subject resource has been previously reviewed, and if so, the status of the resource (i.e., historical resource, potentially significant historical resource, not a significant resource, or requires evaluation).
- b. If the subject resource has not been previously reviewed, or if the Planning Director determines the existing reconnaissance survey and/or evaluation is no longer valid due to the age of the survey or analysis (more than five years old), or as a result of substantial change to the physical condition of the resource or its setting, the applicant, at his or her own expense, may be required to provide an evaluation. Evaluations shall be prepared by a qualified historic consultant and shall use the California Register Criteria for Evaluation and the adopted Hayward Historic Context Statement to determine historical significance.
- c. Resources that are surveyed, and/or evaluated and determined not to have historical significance shall require no further historic review.

- d. Resources that are surveyed, evaluated and determined to be an historical resource or a potentially significant historical resource shall be subject to CEQA review and the discretionary permit requirements established by this Article for any proposed alteration, demolition or relocation of the resource.
- e. The Planning Director may waive the requirement for a discretionary alteration permit if either of the following apply: (1) the resource is located in a geographic area that has been determined by a current, valid reconnaissance survey, or other survey or evaluation conducted by the City or applicant, not to be or contain potentially significant historical resources; or (2) the nature of work is minor and incidental; will not adversely affect the external appearance of the character-defining features of existing significant improvements, buildings and structures on the site; and the proposed project or building permit application is consistent with the Secretary of the Interior's Standards.

SEC. 10-11.060 HISTORICAL ALTERATION PERMIT PROCESS.

- a. Unless waived by the Planning Director pursuant to subsection 10-11.050(e), it shall be unlawful for any person to alter or modify character-defining features of a potentially significant historical resource or an historical resource, a designated historical resource, a resource listed on the City's adopted survey list, or a resource that lies within an historic district, without first obtaining an historical alteration permit as outlined below. Neither the Planning Director nor the Building Official shall grant any permit to carry out such work without the approval of an historical alteration permit.
- b. If an historical alteration permit is required pursuant to Section 10-11.050, the following procedures will be followed in processing the permit application:
 - (1) Historical alteration permit applications shall be submitted to the Planning Division for review and approval. Applications shall be accompanied by materials as required by the Planning Director and reasonably necessary for the proper review of the project, including but not limited to, information regarding the age and construction of a building or structure and building permit records.
 - (2) The Planning Director or designated staff shall determine whether the application will be processed as a "minor" or "major" historical alteration permit.
 - (i) "Minor" historical alteration permits shall apply to alterations with a valuation of less than \$10,000, or as determined to be minor by the Planning Director.
 - (ii) "Major" historical alteration permits shall apply to alterations with a valuation of \$10,000 or greater, unless the proposed alteration is determined to be minor by the Planning Director.
- c. City staff will review applications for compliance with the Secretary of the Interior's Standards and may require that the applicant deposit funds for the City to retain the services of a qualified historic consultant, if necessary.

- d. Environmental review of an historical alteration permit application will be required as follows:
 - (1) If the proposed alteration or modification is in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, the potential impact on historical resources shall be considered less than significant and the project exempt from CEQA, unless other factors are identified which could cause other potentially significant environmental impacts.
 - (2) If the proposed alteration or modification is not in compliance with the Secretary of the Interior's Standards, then CEQA review will be required.
- e. Historical alteration permit applications (both minor and major) require the review and approval of the Planning Director, or designated staff, except as provided below:
 - (1) Any application involving preparation of an initial study, negative declaration or environmental impact report shall be referred to the Planning Commission for approval at a duly noticed public hearing.
 - (2) The Planning Director may also require that an historical alteration permit application be reviewed and approved by the Planning Commission, at his/her discretion.
- f. As part of the review process, the Planning Director or Planning Commission may impose conditions on a project to bring the proposed work into compliance with the Secretary of the Interior's standards.
- g. The Planning Director's or Planning Commission's decision to approve, conditionally approve or deny an historical alteration permit may be appealed in accordance with the provisions of this Article.
- h. Reconstruction of potentially significant historical resources and historical resources shall comply with the Secretary of the Interior's Standards and require an historical alteration permit as described above. If all of the conditions of reconstruction as defined in this Article and by the Standards for Reconstruction cannot be met, then reconstruction should not be undertaken until CEQA analysis is completed. Reconstruction, though not encouraged, may be a viable option.

SEC. 10-11.070 HISTORICAL RESOURCES DEMOLITION OR RELOCATION PERMIT PROCESS.

- a. It shall be unlawful for any person to tear down, demolish, remove or relocate an historical resource, a potentially significant historical resource, a designated historical resource, a resource that has been listed on the City's adopted survey list, or a resource that lies within an historic district, without first obtaining an historical resource demolition or relocation permit as outlined below. Neither the Planning Director nor the Building Official shall grant any permit to carry out such work without the prior approval of an historical resources demolition or relocation permit by the Planning Commission.

- b. If an historical resource demolition or relocation permit is required pursuant to Section 10-11.050, the following procedures will be followed in processing the permit application:
- (1) Applications for an historical resource demolition or relocation permit shall be submitted to the Planning Division for review and consideration by the Planning Commission. Applications shall be accompanied by materials as required by the Planning Director and reasonably necessary for the proper review of the project, including but not limited to information regarding the age and construction of a building or structure and building permit records.
 - (2) City staff will review applications for compliance with the Secretary of the Interior's Standards and may require that the applicant deposit funds for the City to retain the services of a qualified historic consultant, if necessary.
 - (3) Environmental review of an historical resource demolition or relocation permit application will be conducted as follows:
 - (i) If the proposed demolition or relocation is in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, the potential impact on historical resources shall be considered less than significant and the project exempt from CEQA, unless other factors are identified associated with the proposed project that could cause potentially significant environmental impacts.
 - (ii) If the proposed demolition or relocation is not in compliance with the Secretary of the Interior's Standards, then the project is not exempt and CEQA review will be required.
 - (4) Notice of public hearing for the Planning Commission's consideration of an historical resource demolition or relocation permit application shall be provided in the manner prescribed in Government Code Sections 65090 and 65091, or any successor statute thereto.
 - (5) The Planning Commission shall complete its review and shall render its decision after the conclusion of a public hearing on the application. In reviewing permits sought to wholly or partially relocate or demolish an historical resource, a potentially significant historical resource, or resources within an historical resource site or historic district, the Planning Commission may approve, conditionally approve or disapprove the issuance of the permit or permits. The Planning Commission may condition approval of the permit to bring the proposed work into compliance with the Secretary of the Interior's Standards.
 - (6) The Planning Commission's decision to approve or deny an historical resource demolition or relocation permit may be appealed to the City Council in accordance with the provisions of this Article.
 - (7) In the case of a proposal to relocate a designated historical structure listed on the National Register of Historic Places, the applicant must first obtain written approval from the Keeper of the National Register prior to relocation to ensure that the resource will retain its National Register status.
 - (8) In the case of a proposal to relocate a designated historical structure that is not listed on the National Register of Historic Places but is a locally designated historical resource, the Planning Director shall obtain sufficient information to ensure the new location substantially recreates the original

location in terms of siting, setback, ordinal orientation and all other features that marked the original location, in order to retain its local register status.

SEC. 10-11.080 HISTORICAL RESOURCES DESIGNATION CRITERIA. For the purposes of this Article, an object, building, structure, site, area, district, unique archaeological resource, place, record, or manuscript may be classified a designated historical resource and placed on the local register by the Planning Commission pursuant to Section 10-11.090, if the resource is determined through survey and documentation to be an "Historical Resource" as defined in this Article.

SEC. 10-11.090 HISTORICAL RESOURCES DESIGNATION PROCESS. Historical resources and historic districts shall be designated and placed on the local register by the Planning Commission in the following manner:

- a. The City of Hayward or any property owner may request the designation of an historical resource or a potentially significant historical resource or the designation of an historic district by submitting an application for such designation to the Planning Division. The Planning Director, Planning Commission or City Council may also initiate such proceedings on their own motion.
- b. The Planning Director will conduct a study of the proposed designation and make a preliminary determination based on such documentation as may be required, as to the appropriateness for designation. If the Planning Director determines the application merits consideration, the Planning Commission shall conduct a public hearing to consider designation of the historical resource or historic district.
- c. No building alteration, demolition or relocation permit for any improvement, building or structure proposed for designation or located within a historic district that is proposed for designation shall be issued while the application for designation, or any appeal related thereto, is pending.
- d. Notice of the date, place, time and purpose of public hearings to consider designation of historical resources and historic districts shall be given in the manner prescribed in Government Code Sections 65090 and 65091, or any successor statute thereto.
- e. At the conclusion of the public hearing for the designation of a proposed historical resource or historic district, the Planning Commission shall approve in whole or in part, or disapprove in whole or in part, the application for designation of the resource as an historical resource on the local register.
- f. The Planning Commission's decision to approve, conditionally approve or deny the formal designation of an historical resource or historic district may be appealed in accordance with the provisions of this Article.

SEC. 10-11.100 INCENTIVES FOR THE PRESERVATION OF DESIGNATED HISTORICAL RESOURCES.

- a. Nothing in this Article shall prevent the City Council from waiving or reducing any processing fees for permits or other procedures for an owner of a designated historical resource undertaking work on the resource. The Planning Director is

authorized to accelerate the processing of any required applications involving a designated historical resource.

- b. Nothing in this Article shall prevent the City of Hayward from establishing a funding program and guidelines for use by owners of a designated historical resource, as defined in this Article. Funding subsidies may be available for an owner undertaking work on an historical resource who is prevented by economic constraints from completing work in compliance with the Secretary of the Interior's Standards. The Planning Director may develop an application for requested subsidies. Evaluation criteria could include the significance of the historical resource, owner need and necessity for the work to be undertaken. All work undertaken shall meet the Secretary of the Interior's Standards for the Treatment of Historic Properties. Emergency measures to ensure the stability of a damaged designated historical resource shall be an allowable cost.
- c. Nothing in this Article shall prevent the City of Hayward from adopting the provisions of the Mills Act, adopted in 1972 by the State of California and amended in 1984, to allow an owner of a designated historical resource to have the property tax amount abated based on the provisions of the Act. The owner and the City shall enter into an agreement which defines the actions to be taken by the owner to ensure the restoration, protection and continued compatible use of the property.
- d. Nothing in this Article shall prevent the City of Hayward from adopting the provisions of the Marks Historical Rehabilitation Act. Under the provisions of this Act, the City of Hayward may issue tax-exempt revenue bonds for the purpose of financing the historical rehabilitation of buildings with significance to the City of Hayward, the State of California, or the United States.
- e. Nothing in this Article shall prevent the City of Hayward from participating in the development of an historic easement for a designated historical resource, including cultural/historic landscapes and all other historical resource types. The purpose of the easement is to protect the City's historical resources for the benefit of the community by allowing the owner to obtain a tax credit for the restoration, protection, or continued compatible use of the historical resource. The value of the revised deed restrictions may be held by the City or appropriate historical society or preservation organization with the expertise to oversee the enforcement of the easement for the current owner and any subsequent property owner.
- f. Historical resources and designated historical resources shall be eligible to use the California Historical Building Code, which can allow for alternate methods of meeting building code requirements.

SEC. 10-11.110 ADOPTED SURVEY LIST. Historical resources may be placed on the adopted survey list by the City Council in the following manner:

- a. The City of Hayward or any property owner may request the inclusion of an historical resource or potentially significant historical resource on the adopted survey list by submitting an application to the Planning Director. The Planning Commission or City Council may also initiate such proceedings on their own motion.

- b. The Planning Director will conduct a study of the proposed application and make a preliminary determination, based on such documentation as may be required, as to the appropriateness of the resource for inclusion on the adopted survey list and shall forward such analysis and recommendation to the Planning Commission and City Council for consideration at a public hearing.
- c. No alteration, demolition or relocation permits shall be issued for the subject resource while an application to include the resource on the adopted survey list, or any appeal related thereto, is pending.
- d. Notice of the date, place, time and purpose of public hearings to consider inclusion of resources onto the adopted survey list shall be given in the manner prescribed in Government Code Sections 65090 and 65091, or any successor statute thereto.

SEC. 10-11.120 APPEALS.

- a. The following actions by the Planning Commission may be appealed by an interested party to the City Council:
 - (1) A determination that an object, site or structure be placed on the local register as a designated historical resource or historic district or not be placed on the local register as a designated historical resource or historic district;
 - (2) A determination that an object site or structure be placed on the adopted survey list or not placed on the adopted survey list;
 - (3) The Planning Commission's decision to approve, conditionally approve or deny an historic alteration permit, an historical resource demolition permit or an historical resource relocation permit; and
 - (4) Any item acted on by the Planning Commission on appeal or referral from the Planning Director.
- b. The following actions by the Planning Director may be appealed by an interested party to the Planning Commission:
 - (1) The Director's decision to approve, conditionally approve or deny an historic alteration permit for a potentially historical resource or an historical resource or site.
- c. In the event that the applicant, any interested person or any member of the City Council is aggrieved by a decision of the Planning Commission or Planning Director, the aggrieved party may, within ten days of an action by the Planning Commission or fifteen days of an action by the Planning Director, appeal in writing to the appropriate body as outlined above. Notice of appeal shall be in the manner prescribed in Section 10-1.2820 of the City's Zoning Ordinance. The appellate body may affirm, modify or reverse the original decision. Action by the appellate body shall be final, unless there is a further appeal to the City Council, in which case, the City Council action shall be final.

SEC. 10-11.130 ORDINARY MAINTENANCE AND REPAIR. Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature, or interior feature identified as a resource, in or on any property covered by this Article that does not involve a change in design, material or external appearance thereof; nor does this Article

prevent the construction, reconstruction, alteration, restoration, demolition or relocation of any such feature when the Building Official certifies to the Planning Director that such action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the use of the California Historical Building Code.

SEC. 10-11.140 DUTY TO KEEP IN GOOD REPAIR. The owner, occupant or other person in actual charge of a historical resource, or an improvement, building or structure in an historic district shall keep in good repair all of the exterior portions of such improvement, building or structure as necessary to prevent deterioration and decay of any exterior architectural feature.

SEC. 10-11.150 CONDITIONS OF APPROVAL FOR DEVELOPMENT PROJECTS LOCATED WITHIN ARCHAEOLOGICALLY SENSITIVE AREAS, AND/OR WITHIN OR ADJACENT TO KNOWN ARCHAEOLOGICAL SITES. Proposals for the development or redevelopment of a site identified as archaeologically sensitive by any archaeological sensitivity map adopted by the City shall be subject to the following review process and conditions of project approval:

- a. City staff will consult with the Northwest Information Center for information about whether the project is located within or adjacent to a known archaeological site, and if it is determined that it is so located, then a historical alteration permit shall be required for the project. CEQA review of the project shall consider potentially significant impacts on archaeological resources and identify appropriate mitigation measures to be imposed as conditions of approval, in addition to the conditions identified below.
- b. If the project is not located within or adjacent to a known archaeological site, then the project applicant has the option to either have an archaeological survey be completed for the site to determine what, if any, conditions of approval will be required as mitigation measures or agree to comply with the following conditions of approval, which shall be conclusively deemed to reduce potentially significant impacts on archaeological resources to a less-than-significant level. No archaeological resources report is required as part of any CEQA review of the project, provided the applicant accepts the following conditions and incorporates them into the project:
 - (1) An archaeologist shall be present on-site to monitor all ground-disturbing activities. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below:
 - (i) Work at the location of the find will halt immediately within thirty feet of the find. If an archaeologist is not present at the time of the discovery, the applicant shall contact an archaeologist for evaluation of the find to determine whether it qualifies as a unique archaeological resource as defined hereinabove.
 - (ii) If the find is determined not to be a unique archaeological resource, construction can continue. The archaeologist will prepare a brief informal memorandum/letter that describes and assesses the significance of the resource, including a discussion of the methods used to determine significance for the find.

- (iii) If the find appears to be significant and to qualify as a unique archaeological resource, the archaeologist will determine if the resource can be avoided and will detail avoidance procedures in a formal memorandum/letter.
 - (iv) If the resource cannot be avoided, the archaeologist shall develop an action plan to avoid or minimize impacts. The field crew shall not proceed until the action plan is approved by the Planning Director. The action plan shall be in conformance with California Public Resources Code 21083.2.
- (2) In addition to the conditions listed above, all development projects located within an archaeological sensitivity area and/or containing known archaeological resources on-site shall also be subject to the following measures as conditions of project approval:
- (i) This project may adversely impact undocumented human remains or result in the discovery of significant historic or archaeological materials. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply.
 - a. If human remains are encountered, they shall be treated with dignity and respect as due to them. Information about such a discovery shall be held in confidence by all project personnel and shared only on a need-to-know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.
 - b. Remains shall not be held by human hands. Surgical gloves shall be worn if remains need to be handled.
 - c. Surgical masks shall also be worn to minimize exposure to pathogens that may be associated with the remains.
 - (ii) In the event that known or suspected Native American remains are encountered or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials and historic structure remains, such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the exclusion zone as defined below.
 - (iii) An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area, plus a reasonable buffer zone, by the contractor foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on site at the time of discovery, by the monitoring archaeologist (typically 25 to 50 feet for single burial or archaeological find).

- (iv) The exclusion zone shall be secured (e.g., 24-hour surveillance) as directed by City or Alameda County representatives, if considered prudent to avoid further disturbances.
- (v) The contractor foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:
 - a. The City of Hayward Planning Director;
 - b. The contractor's point(s) of contact;
 - c. The Coroner of the County of Alameda (if human remains found);
 - d. The Native American Heritage Commission (NAHC) in Sacramento; and
 - e. The Yrgin band of Ohlones.
- (vi) The Coroner shall examine the remains after being notified of the discovery. If the remains are Native American, the Coroner shall notify the NAHC within 24 hours.
- (vii) The NAHC shall be responsible for identifying and immediately notifying the Most Likely Descendant (MLD) from the Yrgin band of Ohlones. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
- (viii) Within 24 hours of notification by the NAHC, the MLD will be granted permission to inspect the discovery site.
- (ix) Within 24 hours of notification by the NAHC, the MLD may recommend to the City's Planning Director the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the Amah Mutsun Tribal Band may be considered and carried out.
- (x) If the MLD recommendation is rejected by the City, the parties shall attempt to mediate the disagreement with the NAHC. If mediation fails then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.

SEC. 10-11.160 ENFORCEMENT; ADMINISTRATIVE CITATIONS.

- a. The City Manager, or his or her designee, shall have the authority to enforce the provisions of this Article.
- b. Any person who violates a provision of this Article is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. In addition to all other remedies or penalties provided by law, a violation of any of the sections contained in this Article is punishable by administrative penalties as set forth in Chapter 1, Article 7 of the Hayward Municipal Code. Any

person subject to administrative penalties pursuant to this Article shall have the right to request an administrative hearing in accordance with Hayward Municipal Code 1-7.07 through 1-7.10, inclusive. The administrative penalties imposed by this Article do not preclude other potential civil actions or criminal prosecution under any other provision of law

- c. In addition to any of the foregoing remedies, the City Attorney may maintain an action for injunctive relief to restrain or enjoin or to cause correction or removal of any violation of this Article.
- d. Any person who demolishes, alters, relocates or constructs a building or structure in violation of this Article shall be required to restore the building or structure and its site to its appearance prior to the violation. Any action to enforce this subsection shall be brought by the City Attorney. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.



1105 C St



1325 B St.jpg



199 C St.jpg



210800 Hesperian



22248 Main



22701 Main



22738 Mission



24072 Myrtle



24077 Second



27355 Hesperian



714 B St



944 B St



1004 B St



1019 B St



1037 B Street



1044 C St



1058 B St



1077 A St



22519 Main St



22561 Main St



22564 Mission



22632 Main St



22641 Main St



22642 Mission



22701 Main Street



22737 Main St



22777 Main St



22877 Mission



722 B St



742 B St



808B St



822 C St



951 C St



954 B St



**MINUTES OF THE SPECIAL JOINT CITY
COUNCIL/REDEVELOPMENT AGENCY/HOUSING
AUTHORITY MEETING OF
THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, October 11, 2011, 7:00 p.m.**

self-confidence in her and had enabled her to be comfortable when speaking in front of large audiences. She stated that the boxing club also deterred kids from crime and violence.

Mr. Mario Bamberger, Pompano Avenue resident and volunteer member/coach of the boxing club, asked for assistance in finding a place to operate the club in Hayward. He stated that the objectives of the club was to keep kids off the streets, teach kids positive values, and present them with better options in life. He commented that the boxing club, operated by volunteers, helped him turn his life around and he wanted the club to continue to be a resource for kids in a similar situation. Mr. Bamberger stated that the Alameda County Deputy Sheriff's Activities League was interested in working in collaboration with his boxing club.

WORK SESSION

1. Historic Preservation Program – Implementation Update

Staff report submitted by Planning Manager Patenaude, dated October 11, 2011, was filed.

Development Services Director Rizk announced the report and introduced Planning Manager Patenaude who provided a synopsis of the report and responded to questions.

Council Member Halliday stated that although she was in favor of historical preservation, she was concerned that the proposed Historic Preservation Program could potentially create additional costs for property owners. Ms. Halliday further asked about flexibility with zoning standards under the Mills Act Program and Planning Manager Patenaude noted that many historical properties do not comply with today's setback requirements and variances would need to be automatically provided.

Council Member Halliday referred to the City's list of potential historic properties and pointed out that the Historical Society Building should be listed as belonging to the City. In response to her questions if government agencies are subject to the same provisions, Planning Manager Patenaude responded that the federal government's mandate was probably more rigorous than the City's. Ms. Halliday noted that the Post Office building had a mural and other historical elements worthy of preservation.

Council Member Zermeño supported staff's recommendations on the proposed buildings. He asked if there was any historical value to the public library that needed to be preserved.

Planning Manager Patenaude indicated that the front portion of the library, along Mission Boulevard, retains historical integrity and added that once the new library is constructed, the City can then determine how it wants to proceed with preservation of the existing building. Mr. Zermeño also supported the preservation of the Post Office on C Street. In response to Mr. Zermeño's inquiry about

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the gas station on Winton Avenue/Hesperian Boulevard, Mr. Patenaude responded that the gas station did not seem to have historical value.

Council Member Henson supported the work done with the Prospect Hill Neighborhood and looked forward to forthcoming information. Mr. Henson recommended staff look into designating the homes inhabited by the first ethnic groups in Hayward as historical sites, e.g., the first Asian family, African-American family, Latino family, etc. He also suggested finding a location to establish a preservation park to create a meeting space.

Council Member Peixoto expressed enthusiasm for the residential component of the Historic Preservation Program. Council Member Peixoto stated that if someone came up with a great idea for the use of a building in the downtown business area, he would be opposed to the historicalness trumping the functionality of that building. Planning Manager Patenaude stated that the City's Ordinance does not govern interior spaces.

Council Member Salinas echoed Council Member Peixoto's comments and asked if this program would make it more difficult for businesses to open in the downtown area. Planning Manager Patenaude noted that there were examples of historic downtowns having lot of vibrancy and added that modern businesses have been able to take advantage of the style and structure of historic buildings. City Manager David noted that potential business owners in the downtown area were attracted to some of the historical structures due to the tax credits and tax benefits. Mr. Salinas supported the idea of transforming the City's historic buildings into beautiful shops and/or restaurants as other cities have already done.

Mayor Sweeney agreed with the perspective of the apartment owners that it would be unreasonable to require all property owners of post-1946 multi-family residential buildings to obtain historic alteration permits. He stated that the City should look at this on a case-by-case basis, pursuing historic designations for post-1946 multi-family structures under special circumstances by bringing this to the attention of the Planning Department or the City Council.

Mayor Sweeney agreed with Council Member Henson about preserving structures that were historic due to the individuals who lived there. Mayor Sweeney commented that the Historic Preservation Program should function well within the community.

2. General Fund Ten -Year Financial Plan Update

Staff report submitted by Director of Finance Vesely, dated October 11, 2011, was filed.

City Manger David announced the report and introduced Finance Director Vesely who provided a synopsis of the report.

Council Member Halliday expressed concern about the unfunded liability mentioned in the report and capital needs and noted that a portion of the City's budget should be directed towards these needs. In regards to workers compensation unfunded liability, Finance Director Vesely noted that, effective 2012, the City Council adopted a contribution towards workers compensation liability that would

DATE: November 3, 2011
TO: Planning Commission
FROM: Sara Buizer, AICP, Senior Planner
SUBJECT: Downtown Plan Update

RECOMMENDATION

That Planning Commission reviews and comments on this report, providing direction as staff begins the process for an update to the plan for downtown Hayward.

BACKGROUND

The City of Hayward has a number of documents that cover development for the downtown area: the [Downtown Hayward Redevelopment Plan](#), adopted in 1975 and revised in 2001; the [Downtown Hayward Design Plan](#), adopted 1987, revised 1992; the [Downtown Focal Point Master Plan](#), adopted 1991, [the Core Area Plan – A Component of the Downtown Hayward Design Plan](#), adopted 1992; the [Commercial Design Manual – Hayward Downtown Historic Rehabilitation District](#), adopted 1993; and [City of Hayward Design Guidelines](#), adopted 1993. While these documents all have served a purpose, over time goals, objectives and development patterns change.

For instance, *The Downtown Hayward Design Plan* and the *Core Area Plan* treat San Lorenzo Creek as the Foothill Boulevard entry point, calling for a tall building element, orientation of development toward the creek, and a pedestrian bridge. Today, this entry is thought to be at City Center Drive/Hazel Avenue. The *Core Area Plan* envisions a supermarket anchor at B Street/Foothill Boulevard where Cinema Place is now located; demolition of the historic buildings along the easterly side of Mission Boulevard and creating a “grand” boulevard over the Hayward Fault; and new housing where Fire Station #1, the Lucky supermarket parking lot, and the City Hall parking garage are now located. The *Downtown Focal Point Master Plan* envisioned the Main Public Library and retail uses where City Hall is now located. Because of these goal and development pattern changes and the recent emphasis on safety and sustainability, it is important to revisit the documents and evaluate what works and what doesn’t work in achieving the overall vision for the downtown.

October 25, 2011 City Council Work Session – The City Council held a work session on October 25, 2011 to provide input regarding the preparation of a Downtown Plan update. The Council agreed that it was important to have a mix of uses for a successful downtown, including retail, full-

service restaurants and entertainment uses. Many of the Council members mentioned the need for family-oriented businesses, including recreation and restaurants, as well as a desire for more entertainment uses such as a Performing Arts Center. One Council member suggested looking at the components of successful businesses in downtown to help with development of more successful business. Council members mentioned the need to coordinate with Cal State University and Chabot College to provide amenities that would appeal to college students. There was an interest in making sure there is adequate lighting and a strong, but not overbearing, police presence to create a safe place for the community. Many Council members mentioned challenges associated with absentee building owners, loitering, and the overt presence of the homeless as some of the biggest obstacles to realizing a successful downtown.

DISCUSSION

The planning and development guidance for downtown Hayward can be found in multiple documents that are nearly 20 years old. Staff proposes to update a plan for downtown Hayward to create one comprehensive document that identifies a vision for the Downtown that better aligns with the safe, clean and green priorities of the city and covers the entirety of the downtown area (see map, Attachment I). One of the fiscal year's goals of the City Council is an update to the Downtown Plan. Staff is hoping to achieve this in a number of ways.

The City has contracted with 4th-year undergraduate students from Cal Poly, San Luis Obispo, to prepare alternatives for a draft plan for downtown Hayward. The students will complete their work in a series of tasks that began in September and will continue through March 2012 (see project scope summary, Attachment II). The focus of the student's efforts will be within the core downtown area, between Foothill Boulevard and Grand Avenue, and between A and D Streets. In addition, they will be examining land use opportunity sites for future development within the Downtown Plan area, including, but not limited to, the property at Main and C Streets, the former Mervyn's headquarters site, the City Center property, the BART property at Montgomery Street between A and D Streets, and the vacant property on A Street across from the Lucky supermarket. The primary deliverable for the student's fall quarter work will be an Existing Conditions Report and Synoptic Survey for the downtown core area. With extensive public outreach and oversight by City staff, the students will develop draft Plan alternatives and a vision statement in the winter quarter during the first three months of 2012.

Secondarily, City staff will be applying for grant funding in early 2012 through the Strategic Growth Council's Sustainable Communities Grant program for preparation of a Downtown Specific Plan and related technical studies, to include a market demand analysis, transit access plan, and fiscal impact analysis. Although not covered by the grant, an environmental impact analysis will also be conducted to assess the potential impacts of the Plan and its implementation. As Commissioners may recall, staff applied for an earlier round of funding for this same project in August 2010, but was unsuccessful. Staff has since been in contact with the Strategic Growth Council staff for guidance on creating a more competitive application for this current round. Staff will be coordinating efforts this round with the regional transit agencies, BART and AC Transit, whose staff have indicated a willingness to be co-applicants with the City, to enhance access and use of transit services at the downtown Hayward BART station.

As staff is finalizing the grant application and as the Cal Poly students begin preparing draft Plan alternatives, staff is seeking some initial input from the Planning Commission. The following is a list of questions to initiate discussion and feedback that will be useful as the City moves forward on an update to the Downtown Plan.

1. What is your overall vision for downtown, i.e. do you visualize a downtown with a focus on nighttime entertainment uses, a focus on daytime office and retail uses, a focus on family-oriented activities, or some other focus, and do you have ideas of focus for specific areas of downtown, such as an entertainment district between Main Street and Foothill Boulevard on B Street?
2. If safety is a key component to a downtown, what are some things that make you feel safe in downtown, i.e. adequate lighting, public gathering spaces, police presence, 24-hour businesses, ground floor residential units and entry doors/windows on the street, etc.?
3. Do you feel there are adequate open space and recreational opportunities in downtown or in proximity to downtown? If no, any suggestions for ways to incorporate more or what types of open space and recreational opportunities would you like to see?
4. How often do you come to downtown, other than for business purposes? What types of uses would encourage you to spend more time in downtown?
5. What do you think is the biggest obstacle to transforming the downtown to be more aligned with your vision?
6. What do you think are positive uses or buildings in downtown of which you would like to see more?

PUBLIC CONTACT

As part of the work the Cal Poly undergraduates will be doing, there will be workshops and stakeholder interviews scheduled for November 4 and 5 to gather input about the downtown. In addition, there will be a focus group meeting scheduled for early December 2011. Staff is generating a list of stakeholders that will be used for workshop invitations, stakeholder interviews and the creation of a focus group. This list will include individuals for detailed focus group interviews, such as Council members, Planning Commissioners, Economic Development Committee members, Chamber of Commerce members, Downtown Business Improvement Association members, business owners, downtown building owners, commercial brokers, neighborhood associations, and Cal State East Bay representatives. Staff will also oversee public meetings, where appropriate, with these various groups. If the City is successful in obtaining the Sustainable Communities grant, additional public outreach will be part of that process including community meetings and workshops, as well as additional meetings with the stakeholders and committees listed above.

NEXT STEPS

Staff will forward any and all comments and direction received from the Planning Commission, as well as the initial feedback staff received from the City Council during a work session held on October 25, 2011, to the Cal Poly students for inclusion in the work and analysis they are conducting. This will also be used as guidance to staff as we move forward in updating a plan for downtown Hayward. If the City is not successful in obtaining the Sustainable Communities grant to cover the costs of a comprehensive plan update, there may be opportunities to complete some work by city staff, including zoning changes, to be aligned with the Vision generated by the student’s planning efforts.

Prepared by: Sara Buizer, AICP, Senior Planner

Recommended by:



Richard Patenaude, AICP
Planning Manager

Approved by:



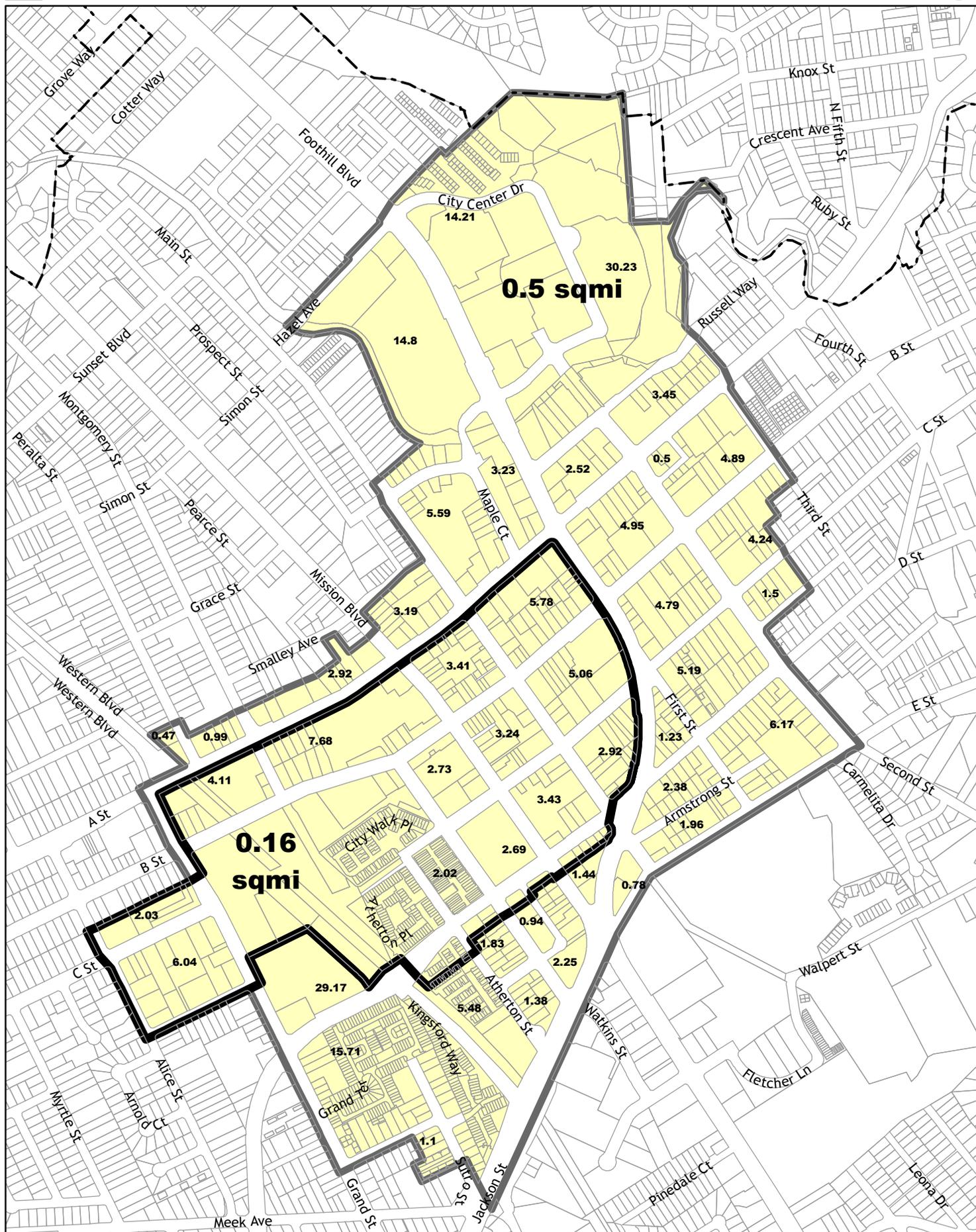
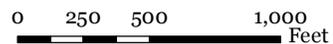
David Rizk, AICP
Development Services Director

Attachments:

- Attachment I Downtown Specific Plan Area Map
- Attachment II Cal Poly Work Program Summary



Downtown Hayward



HAYWARD DOWNTOWN SPECIFIC PLAN Summary Scope of Work

City and Regional Planning Department, Cal Poly San Luis Obispo
Community Planning Laboratories CRP 410-01/CRP 411-01
Fall and Winter Quarters--2011/2012

PROJECT APPROACH

The proposed project, Draft Downtown Specific Plan for Hayward, CA will be prepared as a collaborative planning effort between the City and Regional Planning Department at Cal Poly and the City of Hayward Development Services Department, with assistance from other appropriate City Departments and local, regional, and state agencies.

The work will be conducted in two phases with corresponding tasks and deliverables which include field work, surveys and interviews, community meetings and support materials, summary reports, and Draft Hayward Downtown Specific Plan. In developing the Plan, the Cal Poly team will incorporate the goals set forth in the City's General Plan as well as all applicable goals and policies from other City documents.

The plan will be largely developed through efficient and effective interaction with the community, City staff, decision makers, and key stakeholders. All participants in the Plan formulation process will be provided with a forum for expressing their ideas and concerns which will be incorporated into the final product.

PROJECT TEAM

Draft Hayward Downtown Specific Plan will be prepared by fourth – year undergraduate students in the City and Regional Planning Department enrolled in the Community Planning Laboratories I and II during the Fall and Winter quarters of the 2011/2012 Academic Year.

The Community Planning Laboratories (CRP 410 and CRP 411) are organized in a sequence of two, one quarter long studio classes. Designed to provide a cap-stone experience for the undergraduate seniors, these classes are structured to provide a bridge between the theoretical knowledge and the application of that knowledge to "real life" planning situations. The emphasis is on providing a mechanism which will assist the students in gaining working knowledge of the planning process in general, and planning at the city/community scale in particular. This is accomplished by engaging students in community-based projects which provide opportunities for working with the residents, staff and government officials throughout all stages of the planning process. To provide an added dimension of reality, the class is structured to simulate the working environment of a professional planning agency with the scope of work which follows the guidelines established by the planning and environmental laws of the state of California.

Plan preparation will be conducted as a class project under a close supervision of a faculty member and a graduate student assistant.

SUMMARY SCOPE OF WORK

The tasks listed below represent a summary of the scope of work to be conducted during two phases of the project; a more detailed timeline and description of each task is included in the attached *Hayward Downtown Specific Plan Scope of Work*. Upon the agreement between City staff and the project director, some tasks and meeting times may be modified if deemed necessary.

PHASE 1

Tasks:

T1: Project Overview/Staff Visit to Cal Poly	September 2011
T2: Review of City Policy Documents/Plans	September/October 2011
T3: Existing Conditions/Field Work/Surveys	October 2011
T4: Community Workshop #1/ Stakeholder Interviews	November 2011
T5: Preliminary Vision Statement/Interim Report	November 2011
T6: Focus Group Meeting	December 2011

Deliverables:

- Opinion Surveys and Stakeholder Interviews draft summary reports
- Draft Synoptic Survey document
- Workshop #1 Draft Summary report and supporting materials--PowerPoint, posters, maps
- Focus Group Meeting Materials—PowerPoint, posters, maps

PHASE 2

Tasks:

T7: Alternative Concept Plans	January 2012
T8: Community Workshop #2	February 2012
T9: Selection of a Preferred Concept Plan and Interim Presentation	February/March 2012
T10: Final Presentation—Proposed Draft Specific Plan	March 2012
T11: Draft Specific Plan Document	April 30, 2012

Deliverables:

- Public Outreach Summary Report—Opinion Survey, Visual Preference Survey, Stakeholder Interviews and Public Workshops with support materials (PowerPoint, posters, comments, attendance list)
- Final Synoptic Survey document
- PowerPoint/posters for Workshop #2 and Final Presentation
- Draft Downtown Specific Plan document

HAYWARD DOWNTOWN SPECIFIC PLAN -- SCOPE OF WORK

Cal Poly CRP 410/411: Community Planning Laboratory I & II
Fall and Winter Quarters 2011/2012

PHASE I: FALL QUARTER 2011 (September 19 - December 2)			
Work Program Tasks	Trips/Meetings/Purpose	Cal Poly Responsibilities	City Staff Responsibilities
T1. Project Overview <ul style="list-style-type: none"> • Project goals • Opportunities and constraints • Information needs • Responsibilities • Expectations • Deliverables 	City Staff Visits Cal Poly <i>September 21</i> Initial meeting with students to discuss the project area, scope of work, and City's expectations	Preliminary review of existing documents and information; prepare questions for staff	Provide an overview of the project area, project goals and City's expectations Approve Work Program and schedule
T2. Review of Existing Documents <ul style="list-style-type: none"> • Redevelopment Project Area reports • Downtown plans • Historic preservation survey/inventory • Mission Boulevard Specific Plan and Form-Based Code 		Review existing information and become familiar with the City's planning policies, development review and permitting process, and related planning documents Review CPTED Principles restaurant and entertainment regulations for compliance with stated City goals for Downtown.	Assist students with research and participate as necessary Provide existing data, documents, and base map information.
T3. Existing Conditions <ul style="list-style-type: none"> • Land Use Update • Synoptic Survey (Foothill Blvd., Mission St., Main St., B St. (C St. and D St.)) • Circulation • Public Facilities and Services • Natural Hazards/Resources 	Students Visit Hayward <i>September 30/October 1</i> <i>OR October 7/8</i> <i>(overnight trip, all students)</i> Field work, information gathering, and staff interviews	Become familiar with physical form, character, and historic patterns of urbanism/ architecture; conduct field surveys, and interview staff as needed for additional information Prepare public outreach program	Coordinate field trip and prepare an introduction letter for students conducting field survey Provide access to web site and set up staff interview appointments, and assist as necessary
T4. Community Workshop#1 Visioning and Stakeholders Interviews <ul style="list-style-type: none"> • Preliminary findings • Opinion Survey • Visual Preference Survey 	Visioning Workshop and Stakeholders Interviews <i>November 4 & 5</i> <i>(overnight trip, all students)</i> Present preliminary results, conduct opinion surveys and stakeholders interviews	Prepare and conduct workshop; develop surveys to establish community opinion and identify issues; interview stakeholders Prepare summary report to include survey/interviews results and Workshop #1 results	Send out workshop notices; provide facilities and technical/graphic support; attend and participate in the meeting.
T5. Preliminary Vision Statement and Interim Report	Potential Staff Visit to Cal Poly <i>November 18</i> Interim Report presentation	Prepare vision statement, planning goals, and draft final presentation for staff review	Review findings and provide feedback

<p>T6.Focus Group Meeting</p> <ul style="list-style-type: none"> Plan Vision and Goals Development Opportunity Sites Design Guidelines 	<p>Meeting in Hayward <i>December 3 (day trip, smaller group of students)</i></p> <p>Meet with Focus Group members</p>	<p>Organize meeting to engage focus group members in developing Specific Plan goals/identification of opportunity sites and design concepts</p> <p>Prepare summary report of the meeting outcome</p>	<p>Assist in developing a list of Focus Group members; send out invitations; provide facilities, and participate in the meeting</p>
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PHASE II: WINTER QUARTER 2012 (January 3 - March 9)			
Work Program Tasks	Trips/Meetings/Purpose	Cal Poly Responsibilities	City Staff Responsibilities
<p>T7. Alternative Concept Plan Development</p> <ul style="list-style-type: none"> Alternative Concept Plans Opportunity Sites/ Development Scenarios 		<p>Develop three land-use alternatives based on vision statement and Focus Group input, including identification of specific opportunity sites with development scenarios.</p>	<p>Provide feedback and assistance as needed</p>
<p>T8.Community Workshop #2 Alternative Concept Plans</p> <ul style="list-style-type: none"> Alternative Concept Plans/development scenarios 	<p>Community Workshop #2 in Hayward <i>Early February (2/4) (overnight trip, entire class)</i></p> <p>Present alternative concept plans for community review</p>	<p>Present land use alternative concept plans and engage community in selecting preferred development scenarios</p> <p>Prepare Workshop #2 summary report</p>	<p>Distribute Workshop announcements; reserve meeting room; provide refreshments and technical/graphic support</p>
<p>T9.Preferred Concept Plan and Draft Specific Plan Elements</p>	<p>Potential Staff Visit to Cal Poly <i>Early March (3/2)</i></p>	<p>Prepare Summary Draft Preferred Concept Plan and present to staff</p>	<p>Attend presentation and provide feedback</p>
<p>T10.Phase II Presentation</p> <ul style="list-style-type: none"> Proposed Draft Specific Plan 	<p>Public Meeting in Hayward – Joint Planning Commission/City Council <i>March 8, 2012 (overnight trip, smaller group)</i></p> <p>Present summary of findings</p>	<p>Prepare and present summary of findings—Preferred Land Use Alternative/Design Guidelines and Draft Specific Plan elements</p>	<p>Publicize the meeting, and provide facilities and technical/graphic support</p>
<p>T11:Draft Specific Plan Document</p>		<p>Prepare Draft Specific Plan document including: Description of Planning Process; Land Use and Open Space; Transportation, Circulation, and Parking; Streetscape and Landscaping; Urban Design Guidelines</p>	<p>Provide feedback as needed</p>



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, October 6, 2011, 7:00 p.m.
777 B Street, Hayward, CA94541**

MEETING

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

ROLL CALL

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

Commissioner Mendall led in the Pledge of Allegiance.

Staff Members Present: Camire, Conneely, Fakhrai, Patenaude, Philis

General Public Present: None

ELECTION OF OFFICERS

Commissioner Márquez made a motion to recommend continuing with the current slate of officers until the end of the calendar year. Planning Manager Patenaude explained that the term beginning in January would be short and the next Election of Officers would take place as scheduled, after the 2012 summer break. Commissioner Mendall seconded the motion.

Commissioner Lamnin asked why Commissioner Márquez made the recommendation and Commissioner Márquez explained that a number of meetings had been cancelled during the last term, she was due to promote from Vice Chair to Chair, she was a student finishing her last Master's degree class (which would end mid-December), and she needed to make school her priority. Commissioner Márquez said Commissioner/Secretary Faria (who was absent) had given her permission to state that the recommendation worked well for her too. Commissioner Márquez acknowledged the request was a lot to ask, and that she was committed and excited to assume the role of Chair, but that she would prefer to wait until January.

Commissioner Mendall asked Chair Loché if the recommendation was acceptable to him and Chair Loché said he enjoyed serving as chair and it was acceptable.

By a show of hands the motion was passed 6:0:1 (Faria absent).

PUBLIC COMMENTS

None

PUBLIC HEARING

1. Sale of Two City-Owned Properties Located North of Cabot Boulevard/West of the Hayward Airport and Between Breakwater Avenue and Whitesell Street and Grant of Conservation and Access Easements over Four Other Properties at the West End of West Winton Avenue to the East Bay Regional Parks District (EBRPD)

Deputy Public Works Director Morad Fakhrai gave a brief synopsis of the report.

Commissioner McDermott confirmed with Mr. Fakhrai that there were three purchase transactions: the conservation easement; the 3.79 acre parcel; and the 32.46 acre parcel. She also confirmed that the City was going to receive \$157,000 per acre for the 3.79 acres, which, per the agreement, was the price the City paid for the land, and \$21, 873 per acre for the 32.46 acres, and \$212,000 for the easement. Mr. Fakhrai explained that the purchase price for the smaller parcel was fixed per the agreement, but an appraisal was conducted for the larger parcel.

Commissioner Lamnin asked if the Park District's plans for the land were consistent with the rising tides evaluation and Deputy Public Works Director Fakhrai explained that the purchase of the land was part of the shoreline management program and the Park District would be doing a study for that program. Commissioner Lamnin also confirmed that the transaction was consistent with the preservation of endangered species.

Commissioner Mendall asked if the total of \$1.2 million for all parcels and easements was correct, and Mr. Fakhrai indicated the total was a little higher. Commissioner Mendall noted that the parcels were zoned Industrial and asked if the properties would be rezoned. Planning Manager Patenaude explained that rezoning would not be necessary as the zoning of the properties was consistent with the General Plan. Mr. Patenaude noted that staff was hoping to start a General Plan update in the next fiscal year, and eliminating any inconsistencies would be part of the update. Commissioner Mendall reiterated that any inconsistencies would be corrected with the General Plan update so there was no need to rezone the parcels now.

Commissioner Márquez asked Deputy Public Works Director Fakhrai if any comments had been received from the public and Mr. Fakhrai said no. Commissioner Márquez then asked Assistant City Attorney Maureen Conneely why a Public Notice wasn't sent out regarding the proposed transaction and Ms. Conneely explained that a notice was only required if the property was considered surplus, which it was not. Ms. Conneely also noted that statute allowed the City to dispose of property if it was in the interest of the public-at-large, and because the Park District's intent to preserve these properties in their natural state, that was the case.

Chair Loché said the report indicated that the purpose of the transaction was preservation so there was no need to rezone the parcels, but he confirmed rezoning would occur eventually, and Mr. Patenaude reiterated that rezoning would occur when the General Plan was updated.

Chair Loché opened and closed the Public Hearing at 7:19 p.m.

Commissioner Lamnin made a motion to find the proposed sale and grant of easements categorically exempt per Section 15325 *Transfers of Ownership of Interest in Land to Preserve Existing Natural Condition and Historical Resources* of the California Environmental Quality Act (CEQA); find the disposition of the properties consistent with the General Plan; and recommend to the City Council that it authorizes the City Manager to execute two deeds conveying the two City-owned properties and appropriate easement documents to the East Bay Regional Park District. Commissioner Lavelle seconded the motion.



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The motion passed 6:0:1 (Faria absent).

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

2. **General Plan Amendment No. PL-2011-0301** - Adoption of the Association of Bay Area Governments' Multi-Jurisdiction-Local Hazard Mitigation Plan ("Taming Natural Disasters") as the City's Local Hazard Mitigation Plan and an Implementation Appendix of the Conservation and Environmental Protection Element of the General Plan

Associate Planner Arlynn Camire gave a brief synopsis of the report.

Commissioner Márquez asked how long the fire department's Community Emergency Response Team (CERT) training takes and when staff didn't know, said she thought 6-9 months and suggested exploring faster, less detailed training options to educate the public. Planning Manager Patenaude suggested Associate Planner Camire address how the strategies were developed to help answer that question.

Associate Planner Camire explained that the strategies were developed over a year's time with department participation from Public Works, Planning, Neighborhood Services, and both Building Management and Fleet Management under Maintenance Services, the City Manager's Office, Fire and Police. Ms. Camire explained that it was each department's responsibility to execute the strategies developed. She explained that some of the strategies were in 2009 and some have been executed citing the adopted of the Historical Preservation ordinance as an example. Others are on-going, she said, including the distribution of bi-lingual literature by the Fire Department and she pointed out that would aid in educating the public without them having to complete the CERT training. Associate Planner Camire also noted that the City's website has information and interested parties can sign up for a Fire Department e-newsletter to learn about and prepare for natural disasters.

Planner Manager Patenaude noted that the Executive Administration Team, consisting of the City Manager and department heads, have committed to reviewing these strategies on an annual basis. Ms. Camire mentioned that the plan itself was reviewed on a five-year basis, noting this was the first year Hayward participated.

Commissioner McDermott asked why the City didn't choose to participate in 2005. Associate Planner Camire explained that she wasn't involved in the process in 2005, but after reviewing past memos the reason appeared to be the lack of staff resources and time. Commissioner McDermott asked if that wasn't still the case. Planning Manager Patenaude said that regardless of resource levels, staff was successful in participating now and the opportunity to join the program only comes around every five years. Commissioner McDermott emphasized that she was very supportive of participation and said the City's economic situation was probably no better now than in 2005. She commented that if a natural disaster did occur and the City was not participating in the program, funding would be lost. She mentioned that the City was fortunate nothing happened since 2005 that require that kind of assistance.

Commissioner McDermott asked staff if new homes in the areas designated as having a high fire danger were required to have sprinklers and Associate Planner Camire said yes, sprinklers were a basic requirement.

Commissioner Mendall asked if the inoperability of communications equipment between the City's departments and other jurisdictions was still a pending problem. When staff confirmed the issue had not been resolved he asked why it wasn't included on the list of potential mitigation measures. Associate Planner Camire said communications would have to be listed as a priority for one of the departments and she didn't know why it wasn't. Commissioner Mendall suggested the matter be addressed before it goes before Council.

Planning Manager Patenaude said staff may not have answers for items within other departments, but he could certainly take these matters back to the departments to address before it goes before Council.

Assistant City Attorney Conneely noted that the inoperability of the East Bay Regional Communications System will be addressed in a Joint Powers Authority agreement that will go before the City Council sometime this fall.

Commissioner Mendall reiterated that communications should be part of the mitigation measures. Regarding the next major earthquake on the Hayward fault and the impact predicted in the report, Commissioner Mendall asked why 100,000 people were expected to be homeless. He noted having experienced both the Loma Prieta and the North Ridge earthquakes and didn't remember the number of homeless being so high and he asked what made the Hayward fault different. Associate Planner Camire explained that the population density on and around the Hayward fault was higher and the earthquake was expected to be stronger. She also noted that the epicenter of the Loma Prieta earthquake was located in a mainly agricultural area and not in the urban Bay Area. Commissioner Mendall mentioned that areas impacted by the Loma Prieta also weren't subject to liquefaction and Ms. Camire confirmed that a majority of the city was subject to liquefaction. Commissioner Mendall said the number was "somboring."

Based on that number, Commissioner Márquez asked if discussions had begun with the Red Cross and if shelters had been identified. Associate Planner Camire said the City had a Comprehensive Emergency Management Plan that was studied as part of this process and in it shelters had been identified (although this information wasn't included in the mitigation plan), and discussions had begun with the Red Cross. Associate Planner Camire noted that the Comprehensive Emergency Management Plan was tested on an annual basis including regional tests.

Commissioner Márquez asked for more detail about the role of the police department noting that civil unrest was mentioned in the plan but how it would be handled was not. Associate Planner Camire said the Local Hazard Mitigation Plan focused on natural disasters rather than civil unrest as its own hazard. Commissioner Márquez asked if all the comments by the Commissioners would be shared with staff from the participating departments before going to Council and Planning Manager Patenaude said comments would be relayed.

Commissioner McDermott commented that by participating in the multi-jurisdictional program, grant funding for the above mentioned activities may become available to the City.

Commissioner Lamnin said she applauded the coordination between the City departments, but would like to see more coordination with agencies outside of the City. For example, she mentioned the Day Labor Center could provide assistance with clearing debris. She also mentioned the non-profit and faith communities because these groups could offer assistance and comfort while City services were focused on critical areas. Commissioner Lamnin expressed concern that the City would continue to address disaster preparedness as it had in the past. She said that when flying, passengers are told what to do in the case of an emergency every time, and pointed out that faith communities could relay emergency information to their parishioners on an annual basis. She asked how the information in the mitigation plan would be shared with the community in



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an accessible way. Using the airlines again as an example, she said that after flying two or three times, people tend to tune out the safety talk, but by infusing the talk with humor, they were able to reengage passenger's interest. Commissioner Lamnin said the City should find a similar tactic while remaining culturally appropriate. She suggested that the City's nine fire stations organize drills at three different stations, every three years. She also suggested every three years using the National Night Out event to remind residents to replenish emergency food and water supplies. She pointed out that this was a fun and engaging way to get people to think differently about preparing for a disaster. She said that Red Cross isn't particularly active in Hayward as other non-profit agencies and she suggested the City revisit how they could collaborate with non-profit and faith communities each year when the plan was reviewed.

Chair Loché said coordination between governments was always a good thing and said participation in the program was a good move. He said he wasn't surprised at the estimated number of homeless and from the report, and the sentence "The Hayward Fault is the single most urbanized fault in the United States," really jumped out at him. Chair Loché said he agreed with Commissioner Lamnin that the City needed to build awareness in the community, not only through the mitigation plan, about what needed to be done right now to prepare. He said the Planning Commission and City Council should be sounding the horn, but not just here, and the schools and churches should help make that happen. He said the City needed to be ready and joining the Association of Bay Area Governments was a good move.

Chair Loché opened and closed the Public Hearing at 7:48 p.m.

Commissioner Lavelle thanked staff for bringing the Local Hazard Mitigation Plan forward noting it was a critical part of the City's planning.

Commissioner Lavelle made a motion to recommend that the City Council find the general plan amendment exempt from Section 15061(b)(3) California Environmental Quality Act Guidelines and approve the General Plan Amendment adopting the Association of Bay Area Governments' "Taming Natural Disasters" as the City's Local Hazard Mitigation Plan to be an Appendix to the Conservation and Environmental Protection Element of the General Plan. Commissioner McDermott seconded the motion.

Commissioner Lavelle directed the Commissioners' attention to the participating staff members listed in the report and acknowledged and thanked Associate Planner Camire, Planning Manager Patenaude, and Assistant City Attorney Conneely for their contributions. Commissioner Lavelle noted that the estimated 100,000 of homeless after a major quake on the Hayward fault cited by Commissioner Mendall referred to the entire east bay region, not just Hayward. She commented that Hayward had a number of structures and apartments built before building codes were revised and noted that the City had made a tremendous effort to work with property owners to reinforce structures with problems like soft story construction.

Commissioner Lavelle reminded the Commission that making land use decisions was their major role and it was their duty and responsibility to provide information on how hazard mitigation was being met and to consider the location of new developments in relation to the fault before giving approval. She noted that Oct. 17th would be the 22nd anniversary of the Loma Prieta earthquake, and later in the month, the 20th anniversary of the Oakland Hills fire. She said the multi-agency response to a fire in the Hayward hills that occurred in August demonstrated the tremendous changes that have been made since then and pointed out that the word "inter-operability" didn't even exist in 1989 and the agencies that prepare and respond to disasters were more inter-governable than in the past in addition to working with non-profits including groups like the Red Cross. Commissioner Lavelle said she was happy to recommend adoption of the plan to City Council and she agreed

with Commissioner McDermott of the importance of participating so the City would have access to Federal funding.

Chair Loché said Commissioner Lavelle’s comment about the Commissions’ and City Council’s responsibility regarding development in the fault area was “right on.”

The motion passed 6:0:1 (Faria absent).

AYES: Commissioners Lamnin, Márquez, Mendall, McDermott, Lavelle
Chair Loché

NOES:

ABSENT: Commissioner Faria

ABSTAINED:

COMMISSION REPORTS

3. Oral Report on Planning and Zoning Matters

Planning Manager Patenaude gave an update of future meeting and work session topics. He also noted that the City had entered into an agreement with the City and Regional Planning Department at CalPoly San Luis Obispo to have third-year students, as part of their studio sessions, assist in the beginning work of a Downtown Plan. Mr. Patenaude said that he and Senior Planner Sara Buizer already introduced the project to the students who would be visiting the city for the first time on Friday and Saturday. He noted that several members of the planning staff were alumni of CalPoly.

Planning Manager Patenaude also mentioned that he provided the Commissioners with information about the Leadership Hayward Program and noted that Commissioners Márquez and Lamnin were alumni. He explained that class met once a month for nine months to prepare future community leaders who were both knowledgeable about the greater Hayward area and concerned about its well-being. The Program, he said, was in its 21st year, had 400 graduates, and provided a unique opportunity for participants to increase their understanding of Hayward’s complex social and economic issues. He said any citizen of Hayward could participate, and he encouraged Commissioners to do so, and invited everyone interested to contact the Hayward Chamber of Commerce if they had any questions or needed more information.

4. Commissioners’ Announcements, Referrals

As a member of the Sustainability Committee, Commissioner Lamnin said she was dismayed that City Hall didn’t have more recycling bins available. She also reminded everyone that the holidays were fast approaching and that a number of craft fairs and boutiques were happening in the community and encouraged everyone to Shop Hayward. Finally, Commissioner Lamnin noted that the striping on the east side of Carlos Bee at Mission Boulevard was inconsistent and asked staff to take a look.

APPROVAL OF MINUTES

5. Minutes from June 23, 2011, were approved with Commissioner Faria absent and Commissioner Márquez abstaining.

Referring to the portion of the minutes that discussed noise mitigation measures proposed for the Golden Peacock Banquet Hall, Commissioner McDermott asked if noise measurements had been taken at a nearby residence. Planning Manager Patenaude said the noise meters had been ordered but measurements had not



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
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been taken. Commissioner McDermott asked that staff report back to the Commission with those results and Planning Manager Patenaude noted that no noise complaints had been received since the discussion.

ADJOURNMENT

Chair Loché adjourned the meeting at 8:05 p.m.

APPROVED:

Mariellen Faria, Secretary
Planning Commissioner

ATTEST:

Suzanne Philis, Senior Secretary
Office of the City Clerk