



CITY OF
HAYWARD
HEART OF THE BAY

PLANNING COMMISSION

MAY 23, 2013

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CITY OF HAYWARD
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AGENDA
HAYWARD PLANNING COMMISSION
THURSDAY, MAY 23, 2013 , 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).

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

PUBLIC HEARINGS: For agenda item No. 1, the Planning Commission may make a recommendation to the City Council.

1. Revised Draft Mission Boulevard Corridor Specific Plan and Draft Environmental Impact Report

[Report](#)

[Attachment I - Minutes of the 02/10/11 Planning Commission Work Session](#)

[Attachment II - Minutes of the 02/15/11 City Council Work Session](#)

[Attachment III - MBCSP Table 9](#)

[Attachment IV - Letter from Moussa Group LLC dated 05-15-13](#)

COMMISSION REPORTS:



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

APPROVAL OF MINUTES

4. None.

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: May 23, 2013
TO: Planning Commission
FROM: Development Services Director
SUBJECT: Revised Draft Mission Boulevard Corridor Specific Plan and Draft Environmental Impact Report

RECOMMENDATION

That the Planning Commission reads and comments on this report, the Draft Environmental Impact Report, and the revised draft Mission Boulevard Corridor Specific Plan.

SUMMARY

The Mission Boulevard Corridor Specific Plan and its Form-Based Code are intended to protect and promote the public health, safety, comfort, convenience, prosperity and general welfare of the Hayward community by defining the desired form, character and uses of the Specific Plan area. The Form-Based Code is intended to ensure that existing and new buildings work together to define the pedestrian-oriented space of the streets and other public spaces within the Specific Plan area, are harmonious with each other in scale and character, and create an attractive, walkable neighborhood. The Form-Based Code is based on the Smart Growth template, which seeks the following six goals:

- a. Neighborhood Livability
- b. Better Access, Less Traffic
- c. Thriving Cities, Suburbs and Towns
- d. Shared Benefits
- e. Lower Costs, Lower Taxes
- f. Keeping Open Space Open

Goals for the community, transect zones (distinct physical environments), and for blocks and buildings are identified in Chapter 2 of the Specific Plan document.

The draft Environmental Impact Report (DEIR) and the revised draft of the Mission Boulevard Corridor Specific Plan (MBCSP), which includes a form-based code, are available at:

http://www.hayward-ca.gov/CITY-GOVERNMENT/SPECIAL-PROJECTS-&-STUDIES/mbcsp/pdf/2013/Mission_Blvd_Corridor_DEIR_130412_Full.pdf and http://www.hayward-ca.gov/CITY-GOVERNMENT/SPECIAL-PROJECTS-&-STUDIES/mbcsp/pdf/2013/0_Mission_Blvd_Specific_Plan_FBC_Draft_April_2013.pdf .

Staff is seeking the Commission's comments on the draft Specific Plan document, which includes development policies, a form-based code, infrastructure needs, implementation strategies, and fiscal impacts. Staff also seeks comments on the Draft Environmental Impact Report (DEIR) and Alternatives identified in the DEIR.

BACKGROUND

This project, which includes a Specific Plan, Form-Based Code (Chapter 4 of the Specific Plan), and Economic Strategy (Appendix B to the Specific Plan), covers properties along the northern portion of the Mission Boulevard Corridor, from Harder Road to the northern City limit, with the exception of the Downtown. The project area comprises approximately 600 parcels on 240 acres and has a total length of approximately two miles. The separate South Hayward BART Form-Based Code, adopted on October 11, 2011, addresses properties along the portion of Mission Boulevard immediately to the south between Harder Road and just south of Industrial Parkway.

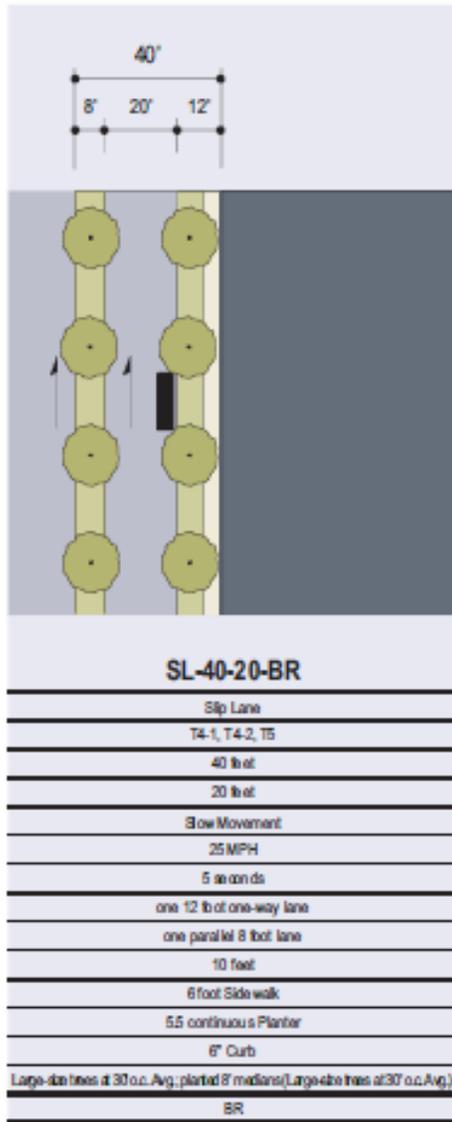
The City Council authorized the Mission Boulevard Corridor Specific Plan project, as well as a contract with a consultant team, led by Hall-Alminana, Inc. (consultant team has since disbanded), on November 17, 2009. On March 23, 2010, staff presented Council with an overview of the project and on March 25, 2010, a similar presentation was made to the Planning Commission. A week-long community charrette was held April 12 through April 16, 2010, and concluded with a presentation of a draft regulating plan and conceptual architectural drawings. Staff presented alternative regulating plans (essentially, zoning maps) during work sessions to the Council and Planning Commission on June 22 and June 24, 2010. Staff then presented a preferred regulating plan and two alternative regulating plans to the Council and Planning Commission on February 10 and February 15, 2011. Reports and presentations for all past meetings mentioned in this report can be accessed at <http://www.hayward-ca.gov/CITY-GOVERNMENT/SPECIAL-PROJECTS-&-STUDIES/mbcsp.shtm>.

The delay in getting the revised Specific Plan and DEIR documents to public hearings relates primarily to the primary consultant, Hall-Alminana, Inc., dissolving in early 2012 during the project process, requiring City staff to complete revisions and draft documents and to revise the project process moving forward. Additionally, changes/temporary reductions in Planning staff over the last several months created additional project delays, as did using a new traffic model to assess traffic impacts.

The draft Mission Boulevard Corridor Specific Plan includes a Regulating Plan and Form-based Code (Chapters 3 and 4), the Synoptic Survey presented at the charrette (Appendix A), an Economic Strategy (presented in June 2010, and now included as Appendix B), a Fiscal Impact Analysis (Appendix C), and a Parking and Transportation Demand Management (TDM) Strategy (Appendix D). Once adopted, the Form-Based Code portion will be incorporated into the Hayward Municipal Code as Article 25 of Chapter 10, and will be available on-line.

May 7, 2013 City Council Work Session – The City Council recently held a work session to discuss the draft Specific Plan and DEIR. Overall, the Council was supportive of the documents, but did express concerns with proposed slip lanes, thoughts on the proposed commercial overlay zone, and thoughts on eliminating parking along Sunset Boulevard near Mission Boulevard to mitigate traffic impacts.

Slip Lanes – Slip lanes are essentially one-way narrow streets separated from properties and Mission Boulevard by a landscaped island, and include one lane for parallel parking of vehicles. They are designed to remove pedestrians and customers or residents from the high-volume, high speed traffic along Mission Boulevard to a more controlled, less impacting environment. Below is a cross-section showing the design of such lanes.



The proposed slip lanes are shown in the draft Plan at three locations along Mission Boulevard (see Figure 1 in this report): 1) west side of Mission Boulevard between Pinedale Court and Sorenson Avenue; 2) east side of Mission Boulevard north of Carlos Bee Boulevard; and 3) west side of Mission Boulevard between Berry Avenue and Harder Road. These three locations are called out in the market analysis as being key opportunity sites for future development (see later discussion on Appendix B to the Specific Plan). As the properties where these lanes are shown are developed, the City would seek to have those developments include the design and installation of such lanes. Incentives in the form-based code for the dedication of the slip-lanes include residential unit density bonus and height exceptions (four units per acre for every 100 feet of lane and one additional story), expedited permit processing, and precise plan line application fee waiver.

Council expressed concern with safety as vehicles leave properties using the slip lanes and enter into Mission Boulevard. Staff has reviewed these concerns with the DEIR traffic consultant and have concluded that such lanes would not create a safety issue and would be similar to driveways where vehicles leave properties into Mission Boulevard. Concerns were also expressed about how such lanes, would impact future developments, particularly on shallower lots. Staff is still assessing those potential impacts.

Commercial Overlay Zones – As shown in Figure 1 later in this report, there are two areas in the Draft Specific Plan where this overlay zone is proposed, which would prohibit residential uses on the ground floor of buildings: on the east side of Mission Boulevard north and south of Carlos Bee Boulevard, and on the west side of Missoin Boulevard between just south of Berry Avenue and Harder Road. That second area shows that all of the former Ford auto dealership site (about nine acres) would be subject to the overlay zone, as recommended by the City Council Economic Development Committee. Most Council members who opined on the topic supported the commercial overlay zone extending only to the front 250 feet of the former Ford auto site, as shown in Figure 2 in this report.

Elimination of Sunset Boulevard parking spaces – As discussed later in this report under the DEIR section, mitigation of potential traffic impacts to insignificant levels at the Sunset/Mission intersection would require the elimination of approximately five to six parking spaces along Sunset near Mission. Although one Council member expressed opposition to elimination of spaces, staff feels the benefits to intersection traffic movement outweigh the negative impacts of eliminating minimal parking. Also, only when the level of service at the intersection justifies it would the spaces be removed.

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

- The distribution, location, and extent of all land uses, including open space.
 - The proposed distribution, location, extent, and intensity of major components of public infrastructure, such as transportation and water and sewer systems.
 - The standards and criteria by which development will proceed.
 - A program of implementation measures, such as financing measures, policies, regulations, and public works projects.
 - A statement of the relationship of the Specific Plan to the General Plan.
- Chapter 1 also addresses the Specific Plan’s consistency with the General Plan.
 - Chapter 2 includes the vision, goals, and principles that will guide development in the area.
 - Chapter 3 describes and includes the Regulating Plan (including a “zoning” map), as well as a Thoroughfare (roadway) Plan.
 - Chapter 4 is the Form-Based Code.
 - Chapter 5 includes a discussion of the existing infrastructure and utility systems, as well as the demands that new development would place on these systems. Chapter 5 also includes a Mobility Plan, which addresses automobiles, bicycles, pedestrians, public transit, and parking and transportation demand management (TDM) information.
 - Chapter 6 is the Implementation Plan and includes summaries of the Economic Strategy (Appendix B) and the Fiscal Impact Analysis (Appendix C).
- Appendix A is a synoptic survey that documents existing conditions and physical elements of the Form-Based Code area, as of early 2010. The Survey addresses land use patterns, regulations, form and character of buildings, and thoroughfares or roads. If designed well, the seemingly mundane details of a community, such as the perimeter distance of blocks,

lot widths, building types, frontage types and street widths, create places residents and visitors love. They also directly relate to the establishment of locally calibrated form-based code standards.

- Appendix B includes a 2010 market analysis and economic development strategy. It indicates that the project area can expect to see an additional 650 to 800 housing units over the next 20 years. In the southern portion of the project area (South of Jackson Street), the City can expect to see demand in the next ten years for:
 - an ethnic grocery store of 15,000 to 20,000 square feet (possibly Indian);
 - a specialty grocery store of another 15,000 to 20,000 square feet (like Trader Joe's);
 - a pub or sports bar of 8,000 square feet offering karaoke, ping pong, pool tables, dart board, Wii type sports and dancing;
 - a full service dinner restaurant of 8,000 square feet (like Le Cheval in Oakland and Walnut Creek);
 - smaller in-line shops and food service outlets with ethnic specialty foods and other items (e.g., ice cream or yogurt shop, sandwich shop, pizza parlor, coffee shop, tea shop, establishment selling sushi, dumplings or tacos, bakery, laundry, cleaners, beauty salon, etc.);
 - a cluster of other smaller restaurants (a selection from Indian, Chinese, Filipino, Korean, Japanese, Vietnamese, Thai, Middle Eastern, Mexican, South American and/or Southern); and
 - apparel, specialty stores and sundry outlets.

An additional 50,000 to 60,000 square feet of additional retail space can be expected in the next phase, assumed to occur between 2020 and 2030. Three sites are indicated as being prime for such development:

- Westside of Mission between Harder on the south and Torrano on the north;
- Westside of Mission between Sycamore on the south and Pinedale Court on the north; and
- Eastside of Mission both north and south of Carlos Bee.

Demand for retail growth north of A Street is projected to be 30,000 to 40,000 square feet over the next 20 years.

- Appendix C is a January, 2011 fiscal impact analysis indicating that implementation of the Specific Plan will result in a net positive fiscal impact to the City. Implementation of the Plan may contribute \$236,052 by 2020 and \$539,884 by 2030 to the General Fund annually. The Fiscal Impact Analysis indicates that approximately eighty percent of the estimated revenue would come in the form of sales taxes. Furthermore, if a Community Services/Facilities District is established, the City could see an additional \$168,000 per year by 2020 and \$400,000 per year by 2030 that would be used for services and facilities. (It should be noted that the Fiscal Impact Analysis assumed that the Hayward Redevelopment Agency would continue to exist, and estimated tax increment revenue to the Agency to be \$652,159 by 2020 and \$1,799,975 by 2030. Of course, all redevelopment agencies in California were discontinued, and therefore tax increment that would have accrued to the RDA will now be redistributed to the taxing entities, including a portion to the City, pursuant to a statutory formula.)
- Appendix D contains eight strategies related to parking and transportation demand management:

- Recommendation 1: Create a Commercial Parking Benefit District
- Recommendation 2: Invest Meter Revenues in Transportation Demand Management Programs
- Recommendation 3: Provide Universal Transit Passes
- Recommendation 4: Require Parking Cash Out
- Recommendation 5: Create Residential Parking Benefit Districts
- Recommendation 6: “Unbundle” Parking Costs
- Recommendation 7: Encourage Carsharing Programs
- Recommendation 8: Remove Minimum Parking Requirements

Recommendation 8 is already incorporated into the Form-Based Code. Staff will work on implementing the other recommendations into the Code, as well as into the South Hayward BART Form-Based Code, over the next fiscal year or two. The Alameda County Transportation Commission staff have recommended that such strategies be incorporated into the Code.

Other regulatory actions are included within the Specific Plan, to include a new Article 25 in Chapter 10 (Planning, Zoning and Subdivision Regulations) of the Hayward Municipal Code. In doing so, the Project would supplant many existing development standards applicable to the project area and as primarily expressed through existing, mapped Zoning Districts. However, as noted in the draft Form-Based Code, other regulations, including those Zoning Ordinance provisions affecting alcohol beverage establishments and drive-through establishments, would still apply in the Project area.

DISCUSSION

Preferred Regulating Plan – During the February 2011 work sessions, staff presented a Regulating Plan, which identifies various transect zones and densities on a map developed during the charrette, as well as variables to further refine and improve the Plan. Each variable, including a more recent one related to a commercial overlay zone that was reviewed by the Council Economic Development Committee and the City Council, is presented in the table below, along with the comments made during work sessions and meetings. Staff used the direction received on each variable to develop the Preferred Regulating Plan (Figure 1 in this report) and two Alternative Regulating Plans (Figures 2 and 3). The Alternative Regulating Plans are evaluated in the Draft Environmental Impact Report (DEIR), since the California Environmental Quality Act (CEQA) requires the evaluation of feasible alternatives for a project. Section 3 of the draft MBCSP includes the Preferred Regulating Plan and the two Alternative Regulating Plans (maps) are located below and in Chapter 22 (Alternatives) of the DEIR.

The Alternatives in the DEIR include a “No Project” Alternative, as well as the two Alternatives referenced above, which were initially evaluated for their feasibility and ability to achieve most of the project objectives while avoiding, reducing, or minimizing significant impacts identified for the proposed Project. It should be noted that not all the ‘variables’ identified in the table below were identified for purposes of avoiding or reducing adverse environmental effects. Rather, most variables were identified by City staff in anticipation that decision-makers may want to make slight adjustments to the proposed Project’s regulating plan and cross-section for Mission Boulevard. As such, the DEIR seeks to also identify whether those variables would result in new or different environmental effects, as compared to the Preferred Regulating Plan (Proposed Project).

Comments made by the Planning Commission during the work session on February 10, 2011 included the following (see Attachment I, meeting minutes):

- General agreement that buildings north of A Street should be limited in height to protect views from Prospect Hill and that if rooftops are visible from higher elevations, then they need to be attractive. Green roofs were suggested.
- Concern about building heights on Dollar Street and the view from west of the BART tracks.
- Questions about retail location and whether or not auto dealerships would be allowed.
- Regarding T5 zoning between Jackson Street and Fletcher Lane, Commissioners questioned whether people would actually walk from South of Jackson Street to the BART station.

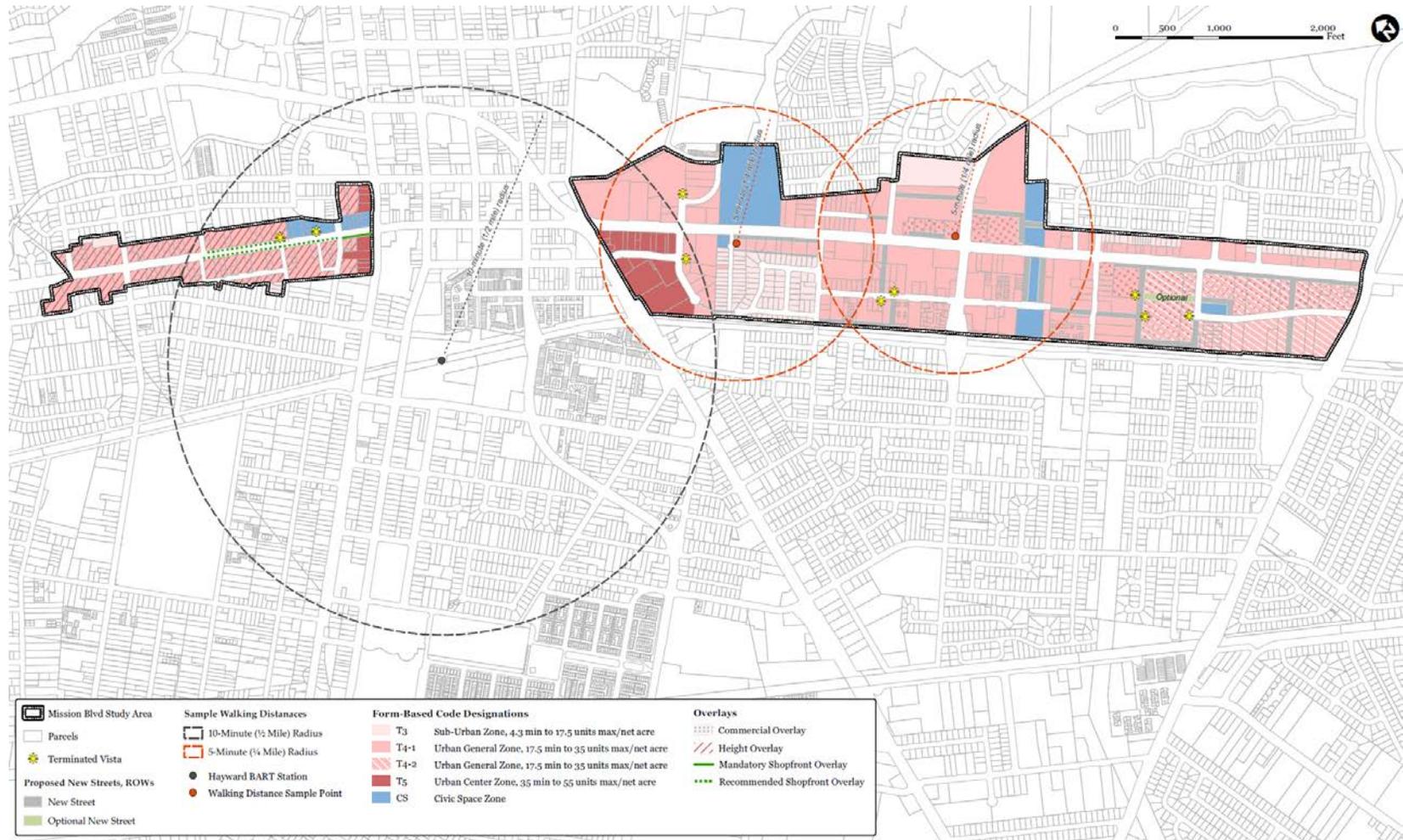
Comments made by the City Council during the work session on February 15, 2011 (see Attachment II, meeting minutes) included:

- Support for the concept drawings for the opportunity sites.
- Support for the idea of a three-story height limit on Mission Boulevard north of A Street.
- Agreed with proposed sidewalks, medians, and slip lanes.
- Expressed concern with allowing emergency homeless shelters in the project area.
- Supported concept of commercial and light industrial uses in the T4-2, but cautioned that the Code needs to anticipate potential conflicts with residents in the area.

REGULATING PLAN ALTERNATIVES

Variable		Preferred Regulating Plan (see Figure 1 below)	Alternative 'A' (See Figure 2 below)	Alternative 'B' (See Figure 3 below)
1.	Cross-section for Mission Blvd (North of Downtown along A Street)	Install four (4) foot wide landscape median, reduce parking lane lanes from eight (8) feet to seven (7) feet, reduce sidewalks from ten (10) feet to nine (9) feet, maintain existing travel lanes. (See Figures 3-11 to 3-14 of EIR)	Maintain existing cross-section, but add new paving, lighting, undergrounding of utilities, and new street furniture.	Install five (5) foot-wide landscape median, reduce parking lanes from eight (8) feet to seven (7) feet, reduce sidewalk width from ten (10) feet to 8.5 feet, maintain existing travel lanes.
2.	Building heights and Zoning designation north of A Street	T5 Zone on properties north of A Street; remainder with T4-1 Zone and Height Overlay.	T5 Zone from A Street to Simon Street with Height Overlay 1: (2 to 3 story) and Height Overlay 2: (2 to 4 story).	Proposed Project but without Height Overlay.
3.	Zoning Designation for properties south of Jackson St., east of Mission Blvd., north of Fletcher Ave.	T5 Zone	T4-1 Zone	T4-1 Zone
4.	Zoning of APN 445-001-002 (23950 Mission Blvd.)	T4 Zone	Civic Space	Civic Space
5.	Slip lane on west side of Mission Blvd. from north of Torrano Ave. to Harder Rd.	Included	No slip lane.	Included
6.	Zoning for area between Mission Blvd., Harder Rd., Torrano Ave., and BART tracks	T4-2 Zone	T4-2 Zone	T4-1 Zone
7.	Commercial Overlay between Berry Ave. and Harder Rd.	Over all portions of parcels	250 foot depth, as measured from Mission Blvd.	No Commercial Overlay

All environmental topics are analyzed for each Alternative, though at a much more general level than in Chapters 4 to 20 of the DEIR.



**Figure 1: Preferred Regulating Plan (Chapter 3 of Specific Plan)
 (See Figure 4 for Cross-Section of Mission Boulevard, North of A Street)**



Figure 2: Alternative 'A' Regulating Plan & Mission Blvd Cross-Section.



Figure 3: Alternative 'B' Regulating Plan & Mission Blvd Cross-Section

With input from the City Council, the City Council Economic Development Committee, the Planning Commission, and neighborhood groups and individuals, various changes have been made to the Specific Plan/Form-Based Code. The notable changes are discussed below.

Changes to the Specific Plan/Form-Based Code –

Regulating Plan of the Form-Based Code (Figure 1 above):

- The designation for the former Ford dealership was changed from T4-1 to T4-2, allowing a greater range of uses, and a commercial overlay was added to the area westerly of Mission Boulevard and southerly of Berry Avenue, prohibiting residential uses on the ground level.
- The designation for all properties to the north of A Street was changed to T4-1, except for the properties fronting on A Street, remaining at the higher-density T5 designation.
- A single height overlay is now proposed for the properties northerly of A Street. Buildings here shall be a minimum of two stories, and a maximum of three stories.
- The proposed road that bisects the Ford site would not be required in the event that a proposed development makes it infeasible to do so, as determined by the Planning Director. The proposed road parallel to Harder Road, off Dollar Street, has been deleted.

Form-Based Code:

- The dedication of Civic Space would be awarded incentives including:
 - expedited permit processing; and
 - a density bonus of up to four (4) units per one (1) acre of dedicated Civic Space; and
 - a building height bonus of one (1) story except at properties located north of A Street.
- Rooftop improvements on future buildings would be required to reduce visual impacts that could impact views from existing buildings at higher elevations on the east side of Mission Boulevard, as determined by the Planning Director. Architectural features integral to the building design and solar energy systems should not be screened from view.
- As is required in the South Hayward Form-Based Code, bicycle parking would be required in accordance with the most recent version of Section 5.106.4 of the California Green Building Standards Code (CalGreen).
- Designated Parking for Clean Air Vehicles would be required according to Section 5.106.5.2 of the California Green Building Standards Code (CalGreen).
- Regarding Special Needs Housing Facilities (including Single Room Occupancy (SRO), Emergency Homeless Shelters, Large Group Transitional Housing, Large Group Supportive Housing, Small Group Transitional Housing, and Small Group Supportive Housing):
 - A Good Neighbor Agreement acceptable to the Hayward Police Department would be required to be established between the operator of the facility and its neighbors.

- The Hayward Police Department would conduct periodic audits of all Police calls for service involving the housing facility. If, after reviewing the audit, the Police Chief determines that there has been an excessive number of calls for service involving the facility's operation, the Police Chief or her designee would meet with the owner and/or manager to discuss the calls for service and allow the owner/manager to make changes in operations to reduce the number of calls for service.
 - Homeless Shelters would only be located at parcels abutting Mission Boulevard south of Jackson Street.
 - Each emergency shelter would be required to have on-site state-licensed security employees, with at least one security employee present at all times the emergency shelter is in operation or is occupied by at least one resident.
- The Draft EIR includes a Highway Overlay Zone as a mitigation measure. Therefore, as is included in the South Hayward Form-Based Code, the Mission Boulevard Corridor Form-Based Code is recommended to include the Highway Overlay Zone as new Section 10-25.296. The Highway Overlay Zone would extend five hundred (500) feet from Mission Boulevard and W. Jackson Street. As a result of the application of the Highway Overlay Zone, future development projects within the zone would be required to adhere to a list of measures that would help improve indoor and exterior air quality (see Table 2-1 in the DEIR).
 - Similar to the South Hayward Form-Based Code, height limits in feet have been added to Table 7.
 - Several changes have been made to the Allowed Functions in Table 9. As shown in yellow in Attachment III, notes about the commercial overlay have been included and several uses are shown as prohibited.
 - Definitions have been added for Large Group Supportive Housing, Large Group Transitional Housing, Small Group Homes/Residential Care Facilities, Small Group Supportive Housing, and Small Group Transitional Housing.

Of particular relevance, based on input over the last few months, is:

- Whether or not to include the **slip lane** along the west side of Mission Boulevard between Harder Road and south of Berry Avenue, since some potential developers have expressed concern with how a new lane would impact development potential on those sites (see discussion under Public Contact section); (However, staff continues to recommend the slip lane be included in the Plan, since it will create a more desirable frontage for future residential development above the first floor and will also provide an area off the busy, high speed/high volume traffic of Mission Boulevard for customers to access businesses in that area); and
- Whether the proposed **commercial overlay zone** along the west side of Mission Boulevard from Harder Road to south of Berry Avenue should encompass all portions of the parcels fronting Mission Boulevard in that area (including the former Ford site) or just the first/front 250 feet of those parcels. The Council Economic Development Committee preferred entire parcels be subject to the commercial overlay zone and staff is supportive either way, given the City's consultant, Applied Development Economics, Inc., indicated, "The Ford site will easily accommodate a large format general line grocery store, but more specialized grocery stores would not need to utilize the entire site. Generally, a grocery store focused on organic or natural products will occupy much less than 50,000 square feet. This would require a site of

less than four acres, and would be best situated along the front portion of the Ford dealer site. The back portion of the site would be well suited for multi-family housing or other mixed use development. In general, the former auto row is unlikely to attract much interest from large format retail stores because of its location away from I-880. However, with the expanding CSUEB population and higher income residents nearby, the location can potentially support locally oriented services and retail stores.”

Mission North of A Street - Section 5.3 of the Specific Plan (the Mobility Plan) calls for changes to the design of Mission Boulevard north of Downtown along A Street. The primary goal of the Mobility Plan is “to encourage mode shift from auto dependency to alternative modes using regulatory, design, and pricing policies for managing parking demand and car travel.” The Plan envisions improvements to Mission Boulevard will be installed from just north of A Street to the City Limits at approximately Rose Street, with the intent of improving the physical appearance of Mission Boulevard, providing an incentive for more pedestrian activity, and incentivizing associated economic development activity on abutting private parcels.

The proposed typical street section includes maintaining the existing four (4) travel lanes (two northbound and two southbound), providing two (2) seven (7) foot parallel parking lanes, ten (10) foot sidewalks, as well as installation of a new four (4) foot landscape median. See Figure 4 below.

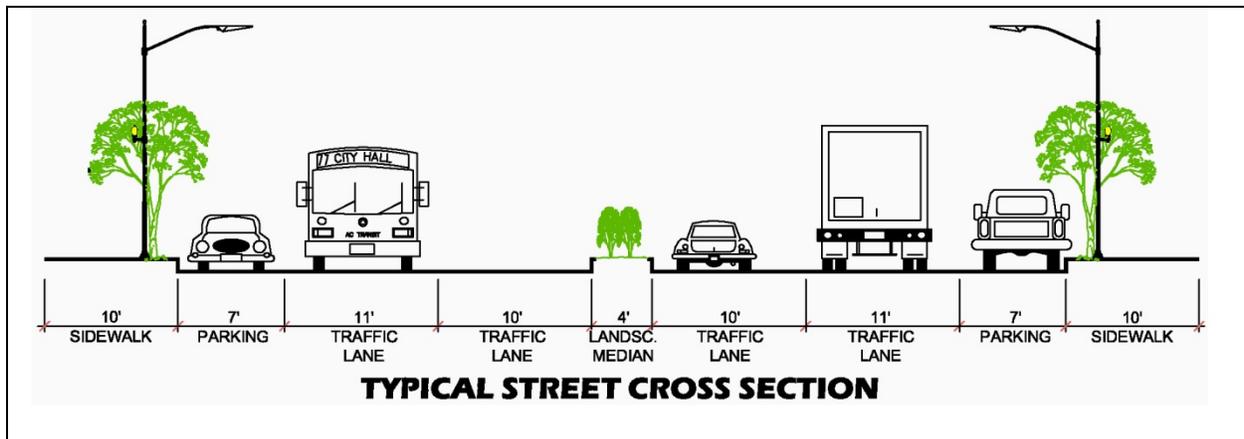


Figure 4 – Preferred Plan: Cross Section of Mission Boulevard North of A Street

Also included would be new pavement for parking and travel lanes and installation of new curb, gutter and sidewalks. In addition, overhead utilities would be placed underground, new (Light-Emitting Diode) LED street-lighting would be installed, and requisite signage and striping would be installed.

All of the work would be done within the existing eighty (80) foot right of way. No additional right of way is necessary. At Mission Boulevard and A Street, the project would tie into improvements constructed as part of the separate Route 238 Corridor Improvement Project.

Draft Environmental Impact Report - The California Environmental Quality Act and the California Environmental Quality Act Guidelines (together “CEQA”) require an Environmental Impact Report (EIR) to be prepared for any project which may have a significant impact on the environment. An EIR is an informational document, the purposes of which, according to CEQA are “...to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.” The information contained in the Mission Boulevard Specific Plan EIR is intended to be objective and impartial, and to enable the reader to arrive at an independent judgment regarding the significance of the impacts resulting from the proposed project.

Under CEQA, a significant impact on the environment is defined as, “...a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.”

The Mission Boulevard Specific Plan EIR document constitutes a Program EIR since the Project falls within the meaning of CEQA Guideline §15168. The scope of environmental analysis in this Program EIR is limited to those topics and issues that can be currently identified without being highly speculative. In accordance with CEQA Guidelines §15168 (c), “Subsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.

- (1) If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration.
- (2) If the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.
- (3) An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into subsequent actions in the program.
- (4) Where the subsequent activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR.
- (5) A program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed analysis of the program, many subsequent activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.”

In accordance with those provisions, it is anticipated that additional environmental review will occur as individual development approvals are requested in the future. It is further envisioned that

this Program EIR will be used as the basis for any further environmental analyses and documentation concerning those future land use entitlement requests.

An EIR does not control the lead agency's ultimate decision on the Project. However, the City of Hayward, as lead agency, will consider the information contained in the EIR prior to making a decision on the Project.

Together, this Draft EIR (DEIR) and a subsequent Final EIR (FEIR) will constitute the EIR for the Project. During the review period for this Draft EIR, interested individuals, organizations and agencies may offer their comments on its evaluation of Project impacts and alternatives. The comments received during the public review period (April 16 through May 31, 2013) will be compiled and presented together with responses to these comments in the Final EIR. The Hayward Planning Commission and City Council will review the EIR documents and determine whether or not the EIR provides a full and adequate appraisal of the Project's potential environmental effects, including feasible alternatives to lessen or avoid those environmental effects.

After reviewing the Draft EIR and the Final EIR and determining whether the EIR should be certified as adequate and complete, the Hayward Planning Commission will be in a position to provide a recommendation to the City Council. The City Council will consider the Planning Commission's recommendation before deciding whether to approve the Project as currently proposed, as revised, or whether to reject it. This determination will be based upon information presented on the entirety of the Project, its impacts and probable consequences, and the possible alternatives and mitigation measures available.

Potentially Significant Impacts Requiring Mitigation – The DEIR identifies one potentially significant impact in Chapter 19 (Transportation), as follows:

Impact Trans-2 (Cumulative 2035 Plus Project - Mission Boulevard and Sunset Boulevard): Under the Cumulative 2035 Plus Project condition, traffic generated by the Project would have a considerable cumulative impact on the delay at the Mission Boulevard and Sunset Boulevard intersection through an increase of 12.1 seconds of average delay during the PM peak-hour. The EIR also identifies a feasible mitigation measure for Impact Trans-2, but observes that its implementation would result in the removal of on-street parking spaces. The Hayward General Plan contains policy language that directs the City Council to balance the needs of traffic, turning, and parking. It is possible that the City Council may view the removal of on-street parking spaces as having adverse economic impact on neighboring businesses, which may rely on those spaces for customers. The City Council may also view the removal of on-street parking spaces as resulting in a negative pedestrian environment, the indirect result of which may cause adverse economic effects on neighboring business through decreased pedestrian activity. If the City of Hayward determines that the benefits of retaining on-street parking outweigh those achievable through implementation of Mitigation Measure Trans-2, Impact Trans-2 would be considered *Significant and Unavoidable*. In

that circumstance, the City of Hayward would need to adopt one or more of the findings required by CEQA (Public Resources Code §21081¹).

Alternatives - CEQA requires the analysis of alternatives in an EIR and CEQA Guidelines §15126.6(f) states “alternative(s) shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project.” As such, alternatives that do not avoid or substantially lessen significant effects of the project do not need to be analyzed in an EIR. The analysis in this EIR identifies the following three alternatives and their related environmental effects:

ALTERNATIVE #1: NO PROJECT ALTERNATIVE

Alternative Characteristics

CEQA requires analysis of a “no-project” alternative. The “no-project” alternative would retain all existing land use and development policies (e.g., General Plan) and regulations (e.g., Zoning Ordinance). Most properties along the corridor (fronting Mission Blvd.) would retain commercial land use designations. No new thoroughfares would be constructed.

Impact Analysis (for those subject areas where there is greater or less potential for significant impacts compared with those of the proposed Project):

- **Air Quality** – The “no-project” alternative would not result in the adoption of a Highway Overlay Zone, as included under Mitigation Measure Air-2a for the proposed Project. This would increase the exposure of sensitive receptors to toxic air contaminants resulting from mobile and stationary sources. As such, the “no-project” alternative would have more severe cumulative impacts relative to air quality.
- **Geology & Soils** – The “no-project” alternative would have increased adverse cumulative effects, as compared to the proposed Project, due to its retention of commercial land use

¹ 21081. Pursuant to the policy stated in Sections 21002 and 21002.1, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

(a) The public agency makes one or more of the following findings with respect to each significant effect:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

designations at some properties underlain by the Hayward Fault. In contrast, the proposed Project seeks to minimize adverse effects from seismic hazards at those properties by designating them as Civic Space.

- **Greenhouse Gas Emissions** – The “no-project” alternative may have reduced greenhouse gas emission impacts since the proposed Project includes an increase in jobs and households over that assumed in the General Plan EIR. However, it is possible that, since the “no-project” alternative would retain commercial-only land use designations that are separated from residential areas of Hayward, the “no-project” alternative would result in slightly increased greenhouse gas emissions. This potential increase may result from increased vehicle trips between households and businesses. In contrast, the Project seeks to locate households and businesses in closer proximity to enable walking and biking between destinations.
- **Noise** – As compared to the proposed Project, the “no-project” may have slightly less impacts related to cumulative noise levels resulting from vehicular traffic since it would not increase the number of residents and commercial floor area above that contemplated by the existing General Plan. It is also possible that, as individual development projects come forward under the “no-project” alternative, the City may identify the need for project-specific noise and ground-vibration mitigation measures, as is recommended in this EIR for the proposed Project.
- **Population & Housing** – For population and housing, there would be only a minor difference in impacts between the “no-project” alternative and proposed Project. Under the proposed Project, a slight increase in population would result as compared to the existing General Plan. However, that increase in population is not considered substantial.
- **Transportation** – The “no-project” alternative would have slightly reduced cumulative impacts on Level of Service (LOS) at two (2) intersections, as compared to the proposed Project. However, those two intersections would continue to operate at an unacceptable LOS without the Project.

ALTERNATIVE #2: ALTERNATE REGULATING PLAN ‘A’

Alternative Characteristics

As described in Table 22-1 in the DEIR, Alternative ‘A’ primarily consists of variations in zoning designations on the proposed Project regulating plan. However, no change would occur to the existing cross-section of Mission Blvd. north of A Street, except that new streetscape amenities would be provided.

Impact Analysis (for those subject areas where there is greater or less potential for significant impacts compared with those of the proposed Project):

- **Geology & Soils** – Alternative ‘A’ would have decreased adverse effects, as compared to the proposed Project, due to its Civic Zone designation for properties underlain by the Hayward Fault.
- **Recreation** – For recreation, there would be no measurable difference in impacts between Alternative ‘A’ and the proposed Project. Alternative ‘A’ would, in the cumulative scenario, increase the amount of park land in Hayward by 3.14 acres over the proposed Project. However, both Alternative ‘A’ and the proposed Project would continue to be provided with sufficient park land.

ALTERNATIVE #3: ALTERNATE REGULATING PLAN ‘B’

Alternative Characteristics

As described in Table 22-1 in the DEIR, Alternative ‘B’ also primarily consists of variations in zoning designations on the proposed Project regulating plan. However, with regard to the cross-section of Mission Blvd. north of A Street, Alternative ‘B’ would increase the landscaped median by one (1) foot and decrease the sidewalk width by one (1) foot.

Impact Analysis (for those subject areas where there is greater or less potential for significant impacts compared with the proposed Project):

- **Geology & Soils** – Like Alternative ‘A,’ Alternative ‘B’ would also have decreased adverse effects, as compared to the proposed Project, due to its Civic Zone designation for properties underlain by the Hayward Fault.
- **Recreation** – For recreation, there would be no measurable difference in impacts between Alternative ‘B’ and the proposed Project. Alternative ‘B’ would, in the cumulative scenario, increase the amount of park land in Hayward by 3.14 acres over the proposed Project. However, both Alternative ‘B’ and the proposed Project would continue to be provided with sufficient park land.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Alternatives ‘A’ and ‘B’ would be the environmentally superior alternatives because they would put in place a Highway Overlay Zone that would reduce cumulative air quality impacts related to sensitive receptors exposure to toxic air contaminants, and since they would also reduce cumulative seismic hazards at a property underlain by the Hayward Fault.

ECONOMIC IMPACT

Chapter 6, the Implementation Plan, and Appendix B, the Market Analysis and Economic Development Strategy, include recommendations for the development of new commercial properties and for attracting new businesses in the project area. The Form-Based Code supports the recently adopted

Economic Development Strategic Plan, including building on the goals and objectives of that Plan, and will help simplify the development review and approval processes, making development within the Code area more enticing for developers. Upon adoption of the Plan, staff plans to hold informational meetings with brokers and developers to ensure that the opportunities made available by the Plan and Code are widely known.

FISCAL IMPACT

A Fiscal Impact Analysis has been prepared and is included as Appendix C to the Plan. A summary of the analysis, included in Chapter 6, indicates that implementation of the Specific Plan will result in a positive fiscal impact. Implementation of the Plan may contribute \$236,052 by 2020 and \$539,884 by 2030 to the General Fund annually. The Fiscal Impact Analysis indicates that approximately eighty percent of the estimated revenue would come in the form of sales tax. Furthermore, a mitigation measure in the draft EIR calls for a Community Services District (CSD) or an equivalent financing mechanism to ensure that the City is able to ensure adequate funding for staffing, facility and equipment needs for police and fire services. The Fiscal Impact Analysis shows that with a CSD, the City could receive an additional \$168,000 per year by 2020 and \$400,000 per year by 2030.

Improvements to Mission Boulevard north of A Street will be paid for in part by Local Alternative Transportation Improvement Program (LATIP) funds. Approximately 250 feet of water main upgrade and about 400 feet of sewer main upgrade in Mission Boulevard will be paid for with capital improvement program funds. Improvements to other existing roadways will be accomplished as other City funds become available.

PUBLIC CONTACT

Since the February 2011 work sessions, staff met with the Prospect Hill Neighborhood Association on March 23, 2011. Also, the draft Mission Boulevard Specific Plan was discussed by the Council Economic Development Committee on February 4, 2013 and February 11, 2013. In addition, the Council considered the commercial overlay zone during a work session on February 26, 2013, when the draft Economic Development Strategic Plan was considered. Finally, the Council considered this project at a work session on May 7, 2013. Notice of this meeting was sent to all addresses in and within 300 feet of the project area.

Staff recently received a second letter from Ayman Moussa, property owner of 25375 Mission Boulevard (Attachment IV), who desires to establish a used auto dealership at this address (just north of the former Ford site). Planning staff are processing a conditional use permit application for the proposed business, and Mr. Moussa expresses concerns with the impacts that a slip lane would have on his property. He indicates that in addition to the loss of land to accommodate the slip lane and the cost for installing it, the business model of showcasing automobiles to the public travelling along Mission Boulevard is not consistent with the slip lane concept. He indicates as a commercial business owner, the incentives in the draft Code do not apply to him, which is generally true since they are geared more toward residential development, and encourages the City to not require the slip lane on his property. Staff is continuing to process the use permit application and hopes to come to some mutually acceptable resolution of the issue.

SCHEDULE & NEXT STEPS

Following are the key dates leading up to the final adoption hearing for the project:

May 31, 2013 End 45-day Public Review Period for DEIR
June 27, 2013 Planning Commission Hearing for Final EIR and Specific Plan
July 9, 2013 City Council Hearing – Introduce Ordinance and Adopt Resolution
July 23, 2013 City Council Hearing – Final Adoption

Prepared and Approved by:



David Rizk, AICP
Development Services Director

Attachments:

Attachment I Minutes of the February 10, 2011 Planning Commission work session
Attachment II Minutes of the February 15, 2011 City Council work session
Attachment III Revised Table 9
Attachment IV Letter from Moussa Group LLC dated May 15, 2013



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MEETING

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

ROLL CALL

Present:	COMMISSIONERS:	Faria, Mendall, Márquez, Lamnin, McDermott, Lavelle
	CHAIRPERSON:	Loché
Absent:	COMMISSIONER:	None

Commissioner Márquez led in the Pledge of Allegiance.

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

General Public Present: 14

PUBLIC COMMENTS

Jasmir Kaur, Union City resident, reading from a signed petition and speaking on behalf of businesses located on Mission Boulevard, said they would like to lodge a complaint against the ongoing construction. She said store owners have been negatively-impacted by the construction which is wrecking havoc on their businesses. Ms. Kaur said they have lost a tremendous amount of business due to parking restrictions, reduced lanes, and discontinued U-turns. She pointed out that for most of the store owners, the business is their only source of income and if conditions continue they could be ruined financially. They asked the Planning Commission to look into the situation and find a solution. She said the businesses are open to discussions with the City and hope to find an amicable solution. She added that delivery trucks have been receiving parking tickets.

Commissioner McDermott asked Ms. Kaur where her business is located on Mission Boulevard and Ms. Kaur replied between Harder and Jackson. Commissioner Mendall asked her if she's spoken to anyone in Public Works and Ms. Kaur said no, they have only spoken to the contractors doing the work. Commissioner Mendall asked staff to contact Public Works to see if there is anything they can do.

WORK SESSION

1. Draft Mission Boulevard Corridor Specific Plan

Senior Planner Erik Pearson introduced consultants Laura Hall and Robert Alminana of Hall-Alminana, but directed Commissioners' attention to an e-mail received from Greg Jones, the president of the Prospect Hill Neighborhood Association (PHNA). The PHNA made three points

they wanted the Commission to consider: extend the proposed landscape median at the north end of Mission Boulevard through the intersections of Sunset and Simon Streets, and possibly Rose Street, to limit the turning movements into the neighborhood; that building heights included in the form-based code be expressed in feet rather than stories and that building heights be limited to three stories for the area west of Prospect Hill; and three, that the PHNA supports the expansion of the civic space or green space between the intersection of A and Mission and the "Big Mike" statue. Senior Planner Pearson then introduced Mr. Alminana who gave a brief update.

Senior Planner Pearson concluded the presentation with information regarding the process of preparing the Environmental Impact Report (EIR). He said the draft EIR is scheduled to be completed by the end of June 2011 at which time it will be presented to the Planning Commission and City Council in work sessions in July, and using comments from those, present the final EIR in the fall. He listed some of the issues that will be addressed in the draft EIR.

Regarding Variable 1, Option 3, Commissioner Mendall confirmed with Mr. Alminana that the 10-foot sidewalks would remain even with the three-foot median. He said he was pleased to see the slip lanes added at Harder Road and asked if they could continue along the length of Mission Boulevard. Mr. Alminana said the northern portion of Mission has existing viable car dealerships that stop the slip lane from continuing any further. Mr. Alminana also reminded Commissioner Mendall that the area between Pinedale Court and Sycamore Avenue was identified as an "opportunity site." Senior Planner Pearson said north of A Street Mission Boulevard is narrower and has a lower speed limit, while in the southern area of the project one benefit of the slip lanes would be to provide a buffer for pedestrians. Commissioner Mendall said he's only talking about the area south of Jackson and in planning for the long term asked if it would be better to indicate the preference of having the slip lane running the entire length of Mission even if it's not possible to create it now.

Commissioner Mendall said the Planning Commission's suggestion to have two height limits did not seem to be reflected in Variable 7, regarding the height overlay between Mission Boulevard, Dollar Street and the BART tracks. Mr. Pearson said he was correct and that there must have been a misunderstanding. Commissioner Mendall said a four-story building on the other side of the BART tracks from residential homes was too tall.

Commissioner Mendall said he agreed with the e-mail from the PHNA regarding building heights being reflected in feet rather than stories, but said he thought that was already the case. Mr. Alminana said it wasn't, and explained that developers will try to squeeze in as many stories as possible when limits are set in feet. Mr. Alminana also pointed out that buildings can change uses more easily when expressed in stories rather than feet. Commissioner Mendall expressed concern that a developer could build a 60-foot, three-story building, but Senior Planner Pearson said there are a maximum number of feet per story in the configuration table for the form-based code.

Commissioner Lavelle thanked staff and the consultants for their work and said she was satisfied that many of the Commissioner's comments were included. She said her only question was regarding a comment that the draft form-based code would allow auto dealerships by-right rather than by conditions stated under a conditional use permit (CUP). She asked why that would be changed, in particular, for used car sales. Senior Planner Pearson said the design of the dealership property was more important than distinguishing between whether they sell used or new cars. Any



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new dealership would be required to have the building and/or showroom at the front of the property, he explained, and the outdoor display area at the rear or side of the building; the primary presence at the street frontage would be a building. Commissioner Lavelle asked if that would allow for property improvements especially for existing used car dealerships. Mr. Pearson said the existing used car dealership could stay as is until they ask to make a change and then they would be subject to the new code. Commissioner Lavelle said the appendix that lists proposed retail uses needs to be closely adhered to as the plan is implemented. She said that retail uses that have not been pursued have a great opportunity to bring to great shopping to Hayward including stores like Trader Joe's or stores like that.

Commissioner Lamnin pointed out that this is the first time she was looking at the form-based code as a Planning Commissioner and asked why car dealerships are being asked to keep outdoor displays away from the street. Senior Planner Pearson said the main reason was to maintain an attractive, walkable streetscape. Mr. Alminana said car sales should be treated like any other retail business in terms of the impact the display has on the public realm. Commissioner Lamnin said if that is the plan, there appears to be room for the slip lane to continue. She then asked if bicycle lanes are part of the transportation plan and Mr. Alminana said the City has a bicycle plan, which goes around the Specific Plan area, and most streets, except Mission Boulevard, are bike-friendly.

Commissioner Lamnin said she appreciated the comments regarding green roofs and urban farms, but asked if the farms needed refrigeration/storage and if that had been considered under allowed uses. Mr. Pearson said staff can look whether or not that need can be accommodated. Commissioner Lamnin said she understood the reasoning behind spreading assembly places a half mile apart but felt that was too far and asked staff to reconsider the restriction. She also expressed interest in seeing uses that would support Cal State East Bay students' needs especially at the main Mission intersections of Carlos Bee and Harder including research/development spaces and services that students might need including 24-hour copy shop, internet access, and a bagel shop, for example.

Regarding auto dealerships, Planning Manager Richard Patenaude said there is one dealership property in the north portion of Mission that is historic, and although somewhat dated and not the best maintained, could serve as an example of how the form-based code would address car dealership building layout. A newer example, he said is the Honda dealership, which is a new building, and does not have a lot of parking out front.

Commissioner Mendall asked how the suggestion from Commissioners regarding green roofs for the Prospect Hill area is captured in the Specific Plan. Mr. Alminana said there is no language in the Plan and that means nothing would stop them from being built. Commissioner Mendall said that's true, but green roofs are expensive and if developers aren't held to it, they will choose not to use a green roof. He emphasized that he will not be voting for a building at the maximum height if it has an ugly roof. He said he would like to see language in the Plan stating that preference because it wouldn't be fair to not give developers fair warning. He said he liked the auto dealership set-back requirements and he felt the distance limit on assemblies was perfect.

Commissioner McDermott asked Planning Manager Patenaude if the building at Mission and Tennyson Road was an example of the type of building layout the City envisions for car dealerships even though it now has a different retail use. Mr. Patenaude said that building doesn't have the same relationship with the street that the form-based code would require. Commissioner McDermott asked about the stakeholders noted in the report and asked why the Fire Department wasn't included. Mr. Alminana indicated that they were stakeholders, they just weren't included on the list.

Commissioner Márquez asked how slip lanes would impact the transportation system including AC Transit. Mr. Alminana said the system would not be impacted at all; the buses would still stop on the main street which would have a buffer, including a sidewalk, to provide room for stopping. She asked about pedestrian safety and Mr. Alminana said the slip lanes would have pedestrian crosswalks related to the bus stops. Commissioner Márquez asked to see some examples and Mr. Alminana said he will provide plans and images.

Regarding the e-mail from the PHNA president, Commissioner Lamnin asked if Point 1, regarding medians at Sunset and Simon Streets, was viable, and Mr. Pearson said input is needed from Public Works before that can be determined.

Chair Loché said it was a pleasure to see the input of the Commission reflected in the Specific Plan including requests for 10-foot sidewalks and extending the slip lane. Regarding Variable 4 and the rezoning to T5, he read some concerns from residents and asked Mr. Alminana to explain what those specific concerns were. Mr. Alminana said that the existing homes would be rezoned T3 for single family detached homes, and the area nearby to T5. The residents didn't want that much density that close to them, he said, but when it was pointed out that a T4 zone was in between as a buffer, a few indicated they could live with that. Residents also expressed doubt that people would walk from their neighborhood to BART because Jackson Street seemed like a barrier. Chair Loché confirmed that the T4 buffer alleviated some of the residents concerns and Mr. Alminana said yes.

PUBLIC HEARING

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

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

Senior Planner Sara Buizer gave a brief synopsis of the report.

Commissioner Márquez asked if the Inclusionary Housing Agreement is being fully met if the project is approved and Senior Planner Buizer said yes, these are very low income units that will



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satisfy that part of the agreement. Commissioner Márquez asked if any of the units are going to be two-bedroom and to describe the amenities including laundry facilities and Ms. Buizer asked her to defer those questions to the applicant. In response to Commissioner Márquez' question about the number of handicap parking spaces, Ms. Buizer said there would be one. Regarding visitor parking, Ms. Buizer said the parking spots are not designated for residents and noted there is sufficient street parking to accommodate guests. Commissioner Márquez asked what a reasonable timeline would be for the deferral of the undergrounding of utilities and Senior Planner Buizer explained there wasn't one in place yet because the City is trying to maintain the trees that run along B Street and there are issues relating to the tree roots. Ms. Buizer said that Public Works is looking at alternatives and said that although she wasn't sure of the timeline, Eden Housing would be required to pay their fair share regardless of when the undergrounding occurred.

Commissioner Faria asked if the setback will be the same for Phase II as is established by Phase I at C and Grand Streets. Senior Planner Buizer said the setback along Grand Street would be the same, but there was a portion of the building along B Street that would be a little closer. Commissioner Faria expressed concern about the number of parking spots, their reduced size, and the availability of storage area for scooters. Ms. Buizer deferred the question to the applicant because of his knowledge of the existing parking and storage facilities, but indicated that only some of the spots would be compact width and the handicap parking spot would be the required width. Commissioner Faria asked about the citizen concern noted in the report and Senior Planner Buizer explained that when the property had been owned by the Cannery Place developer market-rate townhomes were proposed for that location. The resident did not want more low-income housing coming into the City.

Commissioner Lavelle asked what kind of sign was envisioned that required condition of approval number six. Senior Planner Buizer explained that staff just wanted the opportunity to review any proposed sign and this condition allowed them to do so. Commissioner Lavelle asked if the sign would have to follow the street car style and Planning Manager Richard Patenaude said no, the sign would be subject to the multi-family housing sign regulations. Commissioner Lavelle asked if the list for condition of approval number 10, which was missing, was the same as the list for condition 11 and Ms. Buizer said yes. Commissioner Lavelle asked if condition of approval two, regarding individual water meters, could be removed since a single water meter was proposed for the project and that was addressed under condition number four and Senior Planner Buizer said yes, condition two could be removed.

Commissioner Mendall asked why the proposed units had to remain affordable for specifically 55 years under condition of approval 5A and the applicant indicated he would answer that question. Regarding condition of approval number eight, Commissioner Mendall asked why there were restrictions on the installment of solar collectors on the roof. He said he understood there is a communal benefit of having attractive buildings, but in terms of green elements there are societal benefits and the two cancel each other out. He said he would like to see the language regarding solar collectors removed from the condition. Commissioner Mendall asked staff to explain the benefits of deferring costs associated with the undergrounding of utilities if Eden Housing is still

responsible for those costs. The applicant again indicated that he would address that question, but Planning Manager Patenaude interjected that the City is still determining the location of the undergrounding whether it would be under the sidewalk area via an easement or under the street to avoid tree roots. Commissioner Mendall said it made sense to underground the utilities all at once, but said he still didn't understand why the timing of the undergrounding could create a financial hardship for the applicant. He also asked the applicant to explain the financial benefits of a single hot water heater for the facility.

Regarding the undergrounding of utilities, Commissioner McDermott said that if the cost was deferred, she would like some kind of time frame in place because leaving it open-ended concerned her. She also said 11 parking spots for 22 units didn't appear to be sufficient and she asked if this was consistent with Phase I and if parking was a problem there. Planning Manager Patenaude explained that it is not unusual to not have a time frame for the undergrounding especially when the whole street will be impacted. Regarding parking he said the half parking space per unit is the standard for downtown senior facilities because of the availability of nearby transit options, but he asked the applicant to address the question during the public hearing.

Commissioner Lamnin asked if this project was consistent with the City's green building standards. Senior Planner Buizer said staff will make that assessment when precise plans are submitted, but suggested that the architect for the applicant address the question. Commissioner Lamnin asked if the City's emergency services had been impacted by Phase I or if the City has received any complaints about parking and staff said no. Commissioner Lamnin asked if the City's paratransit roundabout shuttle stopped near the facility. Ms. Buizer said she wasn't sure about paratransit, but mentioned that 13 or 14 different AC Transit routes had stops at the BART station across the street from the facility. Finally, Commissioner Lamnin asked if the 7 a.m. construction start time was standard and Senior Planner Buizer said yes.

Chair Loché asked if there would be any cost savings to underground the utilities later rather than now and Senior Planner Buizer said potentially, explaining that projects generally have a lot of up-front costs and by deferring the undergrounding Eden Housing could budget the cost into a later phase of development. Director of Development Services Rizk pointed out that there could be some economies of scale savings when the undergrounding of utilities is done by one contractor along the whole street. Chair Loché mentioned the construction noise next to the existing senior housing and asked if hours of construction should be modified. Ms. Buizer said staff could consider it, but noted that modifying construction hours could make the project take longer. Chair Loché then asked if the open space requirement was met for Phase I or if any concessions were given. Senior Planner Buizer said Phase I was 120 square feet short of the required amount.

Chair Loché opened the Public Hearing at 8:40 p.m.

Woody Karp, applicant, thanked staff, and in particular Senior Planner Buizer for her report, explaining that the project is a partnership between Eden Housing and the City of Hayward, and having the Phases located together will allow them to provide residents with better services. He pointed out that certain amenities will be offered at both locations such as laundry facilities and a community room with a fully operational kitchen if family and friends want to visit. There would be no charge for the use of the community room, he said, only a cleaning deposit. Mr. Karp said also included in the required community space would be a sitting area with a large screen TV, and a



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combination library/computer learning center. There would be a Manager's Office at both facilities but only one Service Coordinator Office in Phase I.

Because the property is limited in size, Mr. Karp said reducing the setback along B Street allowed them to increase the private community space to include a BBQ, planting beds and a seating area. Regarding a storage area for scooters and bikes, Mr. Karp said most residents store their scooters in their apartment, but there will be a small shed-like structure available in this same outdoor area.

In response to earlier questions, Mr. Karp said most likely the sign envisioned for Phase II will be the name of the building recessed into a low cement wall at the corner of B and Grand. Regarding water, he said the exception from the individual water meter requirement in condition two was important because residents are not charged for water and the facility will use a central boiler at significant savings due to reduced piping. Regarding green building standards, Mr. Karp said Eden Housing recently completed a project in San Leandro that received a score of 184 on the green point rating program, which is the highest score received by any project to date, and Eden has an ongoing project in Fremont that could beat that score. He said that Eden Housing always tries to incorporate green building practices into their projects but cost is a huge factor. He said he appreciated Commissioner Mendall's earlier comments about solar panels. Mr. Karp stated that Eden Housing has received a grant and will be installing solar panels on Phase I buildings within the coming year. For Phase II, solar panels to heat water are already in the budget because of the significant operational cost savings, however, he said they will have to see if they can afford to also include solar panels to generate electricity.

Regarding deferral of undergrounding, Mr. Karp said Eden requested an exemption from that requirement and confirmed Commissioner's comments that deferral of costs to be included in operations would be a tremendous burden, even more so than in development. Mr. Karp explained that Eden Housing has no cash flow and said that the project is funded through HUD (Housing and Urban Development) which will cover the difference between what residents can pay and the cost to operate. He said if undergrounding is a cost Eden has to bear, they would have to budget it out of the development budget rather than operations. He said discussions will have to continue to come up with a dollar amount. Mr. Karp recognized the City as a significant partner by donating land and dollars to cover the gap funding, but he said Eden will be asking the City for more dollars to pay the City for a deferred expense.

Regarding an adequate number of parking spaces, Mr. Karp said Eden Housing has built many senior housing projects and have conducted studies on the impact and need of parking spaces. Using a recently completed project in San Leandro as an example, Mr. Karp said that project had 51 units and 26 parking spaces. At the city's request, he said, Eden was required to create a \$92,000 fund in reserve just in case more parking was needed. After a six month parking study that ended in December of 2010, he said he submitted a report that showed an average of 8-10 parking spaces available on the property and there has never been a complaint. Mr. Karp said he is confident parking in Hayward will be sufficient and if the number of parking spaces were increased, the size of the private courtyard would have to be sacrificed.

Chair Loché asked Mr. Karp if the project in San Leandro had a similar proximity to public transportation and Mr. Karp said access was great, but still not as good as Hayward.

Commissioner Mendall asked if 55-year limit was a HUD requirement and Mr. Karp said the number is based on a tax credit. He said the project is funded through both a HUD subsidy and through 4% tax credits and the tax credits require a 55 year regulatory period.

In response to Commissioner Márquez' question about unit size, Mr. Karp said there are 21 one-bedroom units and one two-bedroom manager or maintenance employee unit. Regarding age requirement, Mr. Karp said the HUD-mandated age restriction is 62 and above. Commissioner Márquez asked if any allowances are made for those younger than 62 that are wheelchair-dependent and Mr. Karp said no. Commissioner Márquez asked if residents in Phase I use East Bay and Hayward Paratransit services. Mr. Karp said he frequently sees the paratransit buses in front of the facility, and knows the services department works closely with residents to coordinate rides.

Commissioner Lavelle asked Mr. Karp who will be living in Phase II, to define what is meant by "very low" income, and if potential residents are Hayward residents. Mr. Karp explained that under the HUD 202 Program, "very low" income includes seniors at or below 50% of the area median income (ami). Since that is a pretty high threshold to meet, he said HUD will pay an operating subsidy which is the difference between what a resident can pay and the actual operating cost. Even seniors on SSI receiving less than 20% of median income levels will be covered, he said. The net result of that subsidy is Eden Housing has no surplus cash and it would be impossible to anticipate and pay any deferred fees through operations. Commissioner Lavelle pointed out that that's why the agency is called "non-profit." Regarding whether residents will come from Hayward, Mr. Karp said Phase I was different; residents were the parents of Hayward residents and the children agreed to underwrite the difference if their parents could not meet the 50% ami. For Phase II, HUD does not allow Eden Housing to give special treatment to Hayward residents, but Mr. Karp said outreach is primarily in this area. Mr. Karp confirmed that units will be assigned on a lottery basis as they anticipate receiving 10 applications per unit.

Mr. Karp introduced the project's architect, Gary Struthers, and said he was available to answer any questions.

In response to Commissioner McDermott's question regarding the length of the HUD contract, Mr. Karp said 40 years, after which they typically do a financial restructuring, but the regulatory restrictions extend to 55 years. Commissioner McDermott asked for the square footage of the units and Mr. Karp, after consulting with Mr. Struthers, said gross 600-650 square feet, net about 40 square feet less. Commissioner McDermott asked if the project was feasible if Eden had to pay the undergrounding fees and Mr. Karp said there needs to be a determination of what that cost is, but after speaking to PG&E representatives, Eden has budgeted \$70-80,000, but has increased their request to the Redevelopment Agency to cover any gaps. He pointed out that budgets based on schematic designs fluctuate and by the time they reach construction it will have changed. He said they are comfortable that they will be able to "figure it out."

Commissioner Lammin asked if the units were one story within themselves and had wide doorways and Mr. Karp said yes. She asked if there was a feedback mechanism for residents and Mr. Karp



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said not formalized. Commissioner Lamnin suggested that parking spaces are prioritized for Phase II residents and Mr. Karp said he preferred to let the property managers handle that.

Chair Loché said the deferral of undergrounding fees seemed more like a problem than a solution and Mr. Karp agreed saying because they didn't know what the timeframe would be, they wouldn't know what round they would receive funding. He said that would still be preferable to having the project complete and operational and then being asked to come up with \$80,000.

Maria Alegria, South San Francisco resident, said she owns the property next to the new development. She said she bought property in 2006 and has concerns about the tree they want to preserve. She said the tree is old and located at the property line, next to a garage at the back of her property, and that it drops leaves and debris on the garage and into gutters. She said she's concerned that the tree will fall down onto the garage or house during a storm. She also wanted to know what kind of fence, and how high a fence, will run between the properties because it will run along the driveway of her property. She said she knows she doesn't have much say in the matter but she wanted the Commissioners to think about these concerns.

Project architect Struthers said the fence will be a standard good neighbor wood fence not taller than 6 feet. Mr. Karp added that they built a new redwood fence along the back of the property and it would be their proposal to extend that same kind of fencing.

Chair Loché closed the Public Hearing at 9:15 p.m.

Commissioner Lavelle said this will be a wonderful addition to downtown and many of them are aware of the quality projects Eden Housing has brought to the Bay Area, starting right here in Hayward. She said this is a great opportunity for a much-needed type of residential community located close to BART and AC transit lines. She said the exemptions requested made sense and thinks there are enough public transportation options that the number of parking spaces will be acceptable. This is a great way to encourage families to stay close to their adult children who will probably also participate in their transportation needs, she said.

Commissioner Lavelle made a motion per staff recommendation to recommend approval to the City Council. Regarding the Conditions of Approval she said it will be very important for Eden Housing to work with City staff to prepare a lighting plan that keeps light deflected away from neighboring properties but still protects the safety of the senior residents entering and exiting the facility. She said she looks forward to the Grand Opening.

Commissioner Mendall seconded the motion.

Commissioner Mendall said the number of parking spaces will be fine because it is senior housing located across the street from a BART station. He said he agreed with the incentives and waivers, but he wants clarity on the cost of undergrounding so the applicant can budget for it. He said he wants to make sure the undergrounding occurs and would support a price cap. Planning Manager

Patenaude said staff could explore options when they are working through the precise plan.

Chair Loché asked if deferral details should be part of the motion and staff said no.

Commissioner Mendall said Eden Housing is one developer he is always glad to see; their projects are always outstanding, and they have been building “green” before it was required. Commissioner Mendall concluded it is a good spot, a good development, a wonderful addition, and looks forward to it being completed.

Planning Manager Patenaude confirmed with Commissioner Mendall that the removal of language restricting solar panels was part of the motion.

Commissioner Lamnin said she supported the motion, but asked how vital redevelopment money was to the project due to the governor’s proposal to cut California’s redevelopment agencies. Mr. Patenaude explained that’s why he suggested exploring that issue with all parties when the precise plan comes back to staff. Assistant City Attorney Maureen Conneely noted that the details of this proposal are still being negotiated and would be coming back to Council for both the land use entitlements and the disposition and development agreements. Commissioner Lamnin asked staff if the project could still happen if redevelopment funds were cut and staff said they didn’t know. Commissioner Lamnin concluded by asking staff to consider Ms. Alegria’s concerns about the tree.

Commissioner Márquez said she would be supporting the motion but encouraged future developments to include more 2-bedroom units. She pointed out that many seniors require live-in caregivers.

Chair Loché said he would also be supporting the motion and based on the location of the facility and that it is for seniors he was didn’t see a problem with a greater number of units with a lower number of parking spaces. He said his concerns about open space were also addressed because of the proximity of other open space options. He concluded by asking Commissioner Lavelle to repeat the motion with any additions.

Commissioner Lavelle moved that per staff recommendation the Planning Commission recommend approval to the City Council, including the adoption of the Negative Declaration, and approval of the General Plan Amendment and Zone Change to build 22 affordable senior housing rental units using density bonus provisions and related incentives and waivers, subject to the Findings and Conditions of Approval, with amendments to delete condition of approval number two, and remove language restricting installation of solar panels in condition of approval number eight.

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

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

NOES:

ABSENT:

ABSTAINED:



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COMMISSION REPORTS:

3. Oral Report on Planning and Zoning Matters

Planning Manager Patenaude announced a public meeting regarding the proposed 880/92 Reliever Route at Ochoa Elementary School next Thursday at 7 p.m.

Mr. Patenaude then gave an update on upcoming Commission meetings: March 10th, a Public Hearing for the Chalk It Up billiard hall, which would like to add a liquor license, and a work session on telecommunications facilities; April 14th, a work session on the regional sustainability community strategy; April 28th, a Public Hearing regarding the supplemental EIR for the South Hayward BART station project; May 26th, a Public Hearing on the South Hayward form-based code; June 9th, a work session on the Residential Energy Conservation Ordinance (RECO); June 23rd, a update of implementation of the Historic Preservation Program; and July 28th, a work session on the draft EIR for the project heard tonight.

Commissioner Lamnin asked if there would be a second meeting in March and staff said nothing was scheduled yet, but something could come up.

4. Commissioners' Announcements, Referrals

Commissioner Mendall complemented Senior Planner Buizer on her presentation and mentioned that at the last Sustainability Committee meeting they worked on refining RECO to make it easier to understand and expect to have a draft ordinance ready in the next month or so.

Commissioner McDermott reminded the commissioners that the Hayward Educational Foundation fundraiser was coming up at Cal State East Bay featuring former CBS anchor John Kessler and the Survivor Marquesas million dollar winner who lives in Hayward. The Foundation supports teacher grants in the Hayward area and she said commissioners should call her if are interested in buying tickets.

Commissioner Lamnin suggested that as soon as the July date is confirmed that staff should start publicizing the work session that will discuss the draft EIR for the Mission Boulevard Corridor Specific Plan so the community can be educated on what the City is trying to do and make sure residents attend. Commissioner Lamnin also announced that the South Hayward Parish is working with the community to try to end panhandling in Hayward. The Parish is asking business owners to offer a small brochure that informs the public that panhandler activities are a scam, she said. Commissioner Lamnin explained that the brochure lists all the food, housing, and employment programs that are available so people who really need these services can access them and stops panhandling from being profitable.

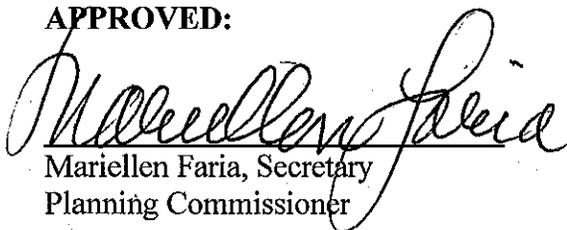
APPROVAL OF MINUTES

5. Minutes from September 23, 2010 were approved with minor changes.

ADJOURNMENT

Chair Loché adjourned the meeting at 9:35 p.m.

APPROVED:


Mariellen Faria, Secretary
Planning Commissioner

ATTEST:


Suzanne Philis, Senior Secretary
Office of the City Clerk



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MEETING

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

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Quirk, Halliday, Peixoto, Salinas,
Henson
MAYOR Sweeney
Absent: COUNCIL MEMBER None

CLOSED SESSION ANNOUNCEMENT

Mayor Sweeney reported that Council met pursuant to Government Code 54957, regarding the City Clerk's Performance Evaluation and pursuant to Government Code 54956.9, regarding Swanson, et al v. California Department of Transportation et al, Alameda County Superior Court Case No. RG09476468. There were no reportable items.

PUBLIC COMMENTS

Ms. Wynn Greich, Industrial Parkway SW resident, spoke about State Assembly Bill 2283 and the dangers of using biochemical cremations and recyclable toilet water and urged others to stop the bill by contacting their legislators. She referred to a San Mateo County Times newspaper article titled, "Treated Sewage Still Contaminated" and the book "The Deadly Feast" by Richard Rhodes, regarding Mad Cow disease and cannibalism.

Mr. Jim Drake, Franklin Avenue resident, favored the current Noise Ordinance and pointed out that the wording of the proposed Noise Ordinance is unclear. Mr. Drake was reminded that the public hearing for proposed amendments to the Noise Ordinance was forthcoming.

WORK SESSION

1. Draft Mission Boulevard Corridor Specific Plan

Staff report submitted by Senior Planner Pearson, dated February 15, 2011, was filed.

Development Services Director Rizk announced the report and introduced Senior Planner Pearson who in turn introduced the consultants from Hall-Alminana and then provided a synopsis of the report. Mr. Pearson noted that there was an error in the report related to the design of Mission

Boulevard, north of A Street, Option Three, and confirmed that the two traffic lanes would be reduced from 11 feet to 10 feet and sidewalks kept at 10-foot-wide, as noted in the Form-Based Code.

Senior Planner Pearson noted he received an e-mail from Greg Jones, President of the Prospect Hill Neighborhood Association (PHNA), which suggested that the three-story designation be made in feet-above-grade rather than "story" limitation, and for the actual design to incorporate the extension of the medians across Sunset and Simon Streets, and perhaps Rose Street, in order to eliminate left turns into the neighborhood. Mr. Pearson noted that staff has scheduled a meeting with the PHNA for March 23, 2011, to discuss further. Mr. Pearson also mentioned that an e-mail was received from Dr. Sherman Lewis related to the Mobility Plan and added that Mr. Lewis suggested that staff place more emphasis on non-automobile travel and less emphasis on parking. In response to Mr. Lewis' mention of the retail opportunity at the corner of Mission and Carlos Bee Boulevards, Mr. Pearson noted that there is no minimum amount of parking required, but staff expects the retailer would want to have parking.

Senior Planner Pearson added that comments expressed at the February 10, 2011, Planning Commission Work Session were in regards to the potential impacts to the properties west of the Dollar Street area because of the building height limits that are allowed in the T4-2 zone. Mr. Pearson pointed out that there is a significant buffer of 150 feet between the properties on the west side of Whitman Street and Dollar Street.

Council Member Zermeño commented that he liked the conceptual drawings for Opportunity 2-east side of Mission Boulevard at Carlos Bee Boulevard, and favored landscaped medians and asked if plans for expanding the "Big Mike" park include displacing existing businesses. Development Services Director Rizk noted that staff is laying the foundation for the land use designation in the Form-Based Code.

Council Member Henson referred to the PHNA e-mail and expressed concern regarding the increased traffic impact to the Prospect Hills neighborhood caused by the mini-loop and cut-through traffic. Council Member Henson mentioned that there was a representative from a dealership in the audience. In response to Mr. Henson's concern regarding hardship to existing auto dealerships, particularly on the northern side of Mission Boulevard, Senior Planner Pearson replied the draft Code, which does not allow display/parking lots along a street frontage, does not apply to existing auto dealerships. Mr. Henson told staff he would like more discussion on the light industrial proposal and the acceptable uses.

Council Member Salinas mentioned that during the field trip to San Francisco last year, he noticed that businesses that were fronted by the extended sidewalks were able to accommodate more people by having outdoor seating. In reference to the PHNA e-mail, he mentioned that he lives in the neighborhood, west side of Mission Boulevard, and agreed that Mission Boulevard is a major gateway into the City. He favored the idea of having auto dealership displays enclosed as this would help keep the streets clean and visually appealing. Mr. Salinas also agreed with the three-story height limit and about the importance of having clearly defined language. He also mentioned Program 20: Extremely Low Income and Special Needs Housing, and expressed concern about the



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amount of time and resources the City is investing on the draft Mission Boulevard Corridor Specific Plan and stated he would like to see the development be a revenue generator.

Council Member Halliday commended staff and consultants for incorporating community ideas into the proposed plan and was glad to see the Form-Based Code applied to a City project. She was in agreement with the proposed sidewalks with medians. She was content that staff continues to work with the PHNA and mentioned that it is important not to obstruct this neighborhood's westerly views. Ms. Halliday mentioned the mini-loop and concurred with the idea of slowing traffic down before getting into the loop. She commented on the PHNA e-mail regarding height in feet rather than in stories and asked staff to make sure this language is clear. Ms. Halliday favored mixed-uses and supported the T3 zone and inquired if retail use is permitted in this area. Senior Planner Pearson said that personal services with a use permit are allowed in T3 zones. She was pleased to see the inclusion of vegetable gardens.

Council Member Peixoto expressed concern that the two traffic concepts are conflicting, noting there are traffic calming measures in one area that eventually feed into five lanes that will cause traffic to speed up. Mr. Peixoto was also concerned with allowing Emergency Homeless Shelters in the General Commercial (CG) District, as there have been problems in the past with Single Room Occupancy and noted he would like other areas utilized that could meet the requirements for Program 20. Mr. Peixoto asked Robert Alminana of Hall-Alminana to explain the height designation related to feet versus stories and inquired if this will address PHNA concerns regarding height limits and obstruction of views. Mr. Alminana said height is commonly regulated in feet, but the disadvantage could be that some developers could try to cram as many stories in the height limit. As far as the advantage to having story heights, he mentioned that the use from residential to commercial/retail can be changed without demolishing the building. Mr. Alminana mentioned that studies were done for each property to ensure that views would not be obstructed. In response to Mr. Peixoto regarding the advantages of slip lanes, Mr. Alminana said slip lanes slow traffic down, are safer, are better for retailers, and create parking areas. Mr. Peixoto favored bringing the auto dealership structures close to the street.

Council Member Quirk agreed with the preservation of historic buildings and noted that when the time comes he would like to know the criteria for the selection process. Mr. Quirk said that the PHNA has a valid concern regarding height limits and the obstruction of views and added that there was Council consensus to not obstruct residential views. Mr. Quirk expressed concern regarding the actual heights for three and four stories and suggested the need for an overlay zone that addresses height as well as stories. Mr. Quirk suggested staff consider Dr. Lewis' suggestions of shifting from auto dependency to alternative transportation. He also requested that staff research the minimum space needed for Program 20 compliance. Mr. Quirk expressed concern about prohibiting locations for houses of worships and Mr. Pearson responded that the prohibition is limited to parcels that front Mission Boulevard and that there are other locations within the project area.

Mayor Sweeney was in agreement with Council Members regarding the need to ensure views are protected for the area north of A Street and suggested a lower T zone through that stretch. Mayor Sweeney expressed concern that future opportunities for commercial and light industrial would be lost if the area in Variable #7, T4-2 zone, west of Mission Boulevard, ends up being all residential and suggested staff consider how residential will interface with commercial/light industrial uses and cautioned staff that conflicts may arise. Mayor Sweeney requested staff address the issue of how they will adjust their strategies if the redevelopment agency is eliminated.

Council Member Henson asked staff to screen light industrial uses carefully as not all uses may be appropriate.

CONSENT

2. Approval of Minutes of the Special Joint City Council/Redevelopment Agency/Housing Authority Meeting on January 25, 2011

It was moved by Council/RA/HA Member Quirk, seconded by Council/RA/HA Member Zermefio, and carried unanimously, to approve the minutes of the Special Joint City Council/Redevelopment Agency/Housing Authority Meeting of January 25, 2011, as amended in the City Clerk's memorandum.

3. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting on February 1, 2011

It was moved by Council/RA Member Henson, seconded by Council/RA Member Zermefio, and carried unanimously, to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of February 1, 2011.

4. Adoption of Ordinance Reclassifying Portions of the Hayward Executive Airport to Zone Change Application No. PL-2010-0029

Staff report submitted by City Clerk Lens, dated February 15, 2011, was filed.

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

Ordinance 11-02, "An Ordinance Reclassifying Portions of the Hayward Executive Airport to Zone Change Application No. PL-2010-0029"

5. Revisions to the Council Member Handbook

Staff report submitted by City Clerk Lens and City Attorney Lawson, dated February 15, 2011, was filed.



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

Resolution 11-011, "Resolution Accepting the Additions and Revisions to the Council Member Handbook"

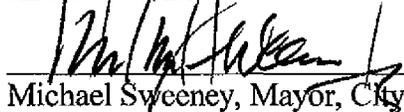
COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño highlighted the Daily Review article, "Teen stays focused – on college," about Mt. Eden High School senior Cindy Dam, who is also a secretary for the Hayward Youth Commission. He commended the positive article.

ADJOURNMENT

Mayor Sweeney adjourned the meeting at 8:38 p.m., in memory of Soledad Rica Llorente, a longtime City employee, a friend, a great mom, a Hayward resident, a scholar, and a leader from the Eden Shores Homeowners Association. Rica passed away on February 7, 2011. Council Member Halliday noted that Rica was a devoted servant and her death was a great loss to the City. She added that Rica was the Planning Commission Secretary and later became the Executive Assistant in the City Manager's Office where she performed an outstanding job. Council Member Henson noted that Rica's death was a tremendous loss to the City and added that, along with Council Members and many City employees, he attended a Celebration of Life Service for Rica on February 12, 2011 at Eden Shores. He mentioned that Rica had earned a Ph.D., was a professor at California State University East Bay, was a published author, and instilled her talents in her children and those whose lives she touched. Council Member Salinas noted that Rica was also a scholar in the area of Filipino American Studies and made significant research contributions with respect to Filipino families and their immigration patterns into this country. Council Member Zermeño mentioned that Rica moved to the area around 1991 and since then made significant strides. He mentioned she was a warm person and thanked Dios "God" for such a precious gift. Mayor Sweeney also mentioned that Rica had an underappreciated sense of humor. Mayor Sweeney asked staff to work with her family to find a suitable place to plant a tree in her memory. City Manager David relayed to everyone, on behalf of her children Andrew and Joanna, the family's appreciation for the City's outpouring of support in a time of need.

APPROVED:


Michael Sweeney, Mayor, City of Hayward

ATTEST:

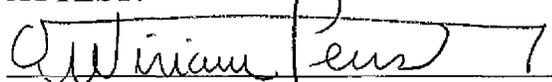

Miriam Lens, City Clerk, City of Hayward

TABLE 9. SPECIFIC FUNCTION USE

FORM-BASED CODE

Mission Boulevard Corridor

TABLE 9: Allowed Functions. This table allocates Functions and permit requirements to Zones within the Code area. See Definitions for descriptions of functions/uses and for special requirements.

a. RESIDENTIAL	T3	T4-1	T4-2	T5	CS
Multiple Family	CU	P ₁	P ₁	P	-
Second Dwelling Unit	P	P ₁	P ₁	P	-
Single Family	P	-	-	-	-
Live/Work	-	P ₁	P ₁	P	-
Small Group Transitional Housing	P	P ₁	P ₁	P	-
Large Group Transitional Housing	-	CU ₁	CU ₁	CU	-
Small Group Supportive Housing	P	P ₁	P ₁	P	-
Large Group Supportive Housing	-	CU ₁	CU ₁	CU	-
Emergency Homeless Shelter	-	P ₁	P ₁	-	-
Single Room Occupancy (SRO)	-	-	-	CU	-
b. LODGING					
Bed & Breakfast	CU	AU	AU	AU	-
Hotel	-	AU	AU	AU	-
c. OFFICE					
Office	CU	P	P	P	-
d. RETAIL					
Alcohol Sales	-	CU	CU	CU	-
Artisan/Craft Production	-	P	P	P	-
Appliance Repair Shop	-	P	P	P	-
Check Cashing & Loans	-	-	-	-	-
Dance/Nightclub	-	-	-	-	-
Equipment Rentals	-	AU	AU	AU	-
Home Occupation	P	P	P	P	-
Indoor Recreation	-	AU	AU	AU	CU
Kennel	-	AU	AU	AU	-
Liquor Store	-	-	-	-	-
Massage Establishment ₂	-	-	-	-	-
Media Production	-	AU	AU	P	-
Pawn Shop	-	-	-	-	-
Personal Services	CU	P	P	P	-
Printing and Publishing	-	AU	AU	P	-
Recycling Collection Area	-	AU	AU	AU	-
Restaurant	-	P	P	P	-
Retail Sales	-	P	P	P	CU
Tattoo Parlor	-	-	-	-	-
Tobacco Specialty Store	-	-	-	-	-
Small Motion Picture Theater	-	P	P	P	CU
Large Motion Picture Theater ₃	-	CU	CU	CU	CU
Live Performance Theater	-	P	P	P	CU

e. CIVIC	T3	T4-1	T4-2	T5	CS
Assembly	CU	AU	AU	AU	CU
Conference Center	-	-	AU	AU	CU
Cultural Facilities	CU	AU	AU	AU	CU
Park & Recreation	P	P	P	P	P
Parking Facility	-	AU	AU	AU	CU
Public Agency Facilities	CU	P	P	P	P
Wind Energy	P	P	P	P	P
f. OTHER: AGRICULTURE					
Vegetable Garden	P	P	P	-	P
Urban Farm	P	P	P	P	P
Community Garden	P	P	P	P	P
Green Roof	P	P	P	P	P
Vertical Farm	-	-	-	P	P
f. OTHER: AUTOMOTIVE					
Automobile Repair (Minor)	-	AU	AU	AU	-
Automobile Repair (Major)	-	CU	CU	CU	-
Drive -Through Facility	-	CU	CU	CU	-
Gas Station	-	CU	CU	CU	-
Taxi Company	-	AU	AU	AU	-
f. OTHER: CIVIL SUPPORT					
Fire Station	CU	P	P	P	P
Hospital	-	AU	AU	AU	AU
Medical/Dental Clinic	-	AU	AU	AU	CU
Mortuary	-	AU	AU	AU	-
Police Station	CU	P	P	P	P
f. OTHER: EDUCATION					
Day Care Center	CU	P	P	P	CU
Day Care Home	P	AU	AU	AU	-
Educational Facilities	-	AU	AU	AU	CU
Vocational School	-	AU	AU	AU	CU
f. OTHER: LIGHT INDUSTRIAL					
Research and Development	-	-	P	-	-
Wholesale	-	-	P	-	-
Manufacturing/Assembly of Clothing	-	-	P	-	-
Woodworking Shop	-	-	P	-	-
Light Manufacturing	-	-	P	-	-

(-) = NOT PERMITTED (AU) = ADMINISTRATIVE USE PERMIT
 (P) = BY RIGHT (CU) = CONDITIONAL USE PERMIT

- 1 - For properties located within the Commercial Overlay zone, Residential units are not permitted on the ground floor.
- 2 - Massage Establishments are only permitted where mandated by State law.
- 3 - An application for Conditional Use Permit for a Large Motion Picture Theater shall be accompanied by a study acceptable to the Planning Director documenting the absence of negative impact upon the downtown of the opening of another Large Motion Picture Theater.

Moussa Group LLC
25375 Mission Blvd
Hayward, CA 94544
May 15, 2013

Hayward City Council
777 B Street
Hayward, CA 94544

RECEIVED

MAY 16 2013

Development Services Department

Reference: 25375 Mission Blvd, Hayward, CA 94544

Dear Mr. David Rizk:

This letter follows my previous communication to your esteem council and it highlights some of the points that were presented by Mr. Rizk's and discussed by the city council members during the council's work session that took place on May 7th, 2013. A major discussion that shadowed the work session was the relevance and importance of the introduction of a "slip lane" along Mission Blvd.

While we appreciate all the ambitious efforts of the Development Services Department to introduce a beneficial form-based code, we cannot justify the need of a slip lane that if adopted would take away about 15,000 square feet of our property's area and blocks our products' visibility at the same time. It is also worth noting that the City of Hayward is unique in its own way and should not be compared to neighboring cities and towns. This uniqueness is a major part that motivated us to invest in Hayward and to purchase the property along Mission Blvd. To this matter we would like to mention a statement put forth by council member Mr. Marvin Peixoto asking the question "what do you see the advantages of a slip lane? Is that the state of the art on major boulevards today?" This statement was uncertainly answered by Mr. Rizk who also provided an unsatisfactory answer to the role that a slip lane would play in attracting prospective retail businesses to the discussed area.

Our understanding is that the main purpose of the proposed form-based code is to help with the revitalization of Mission Blvd and to present all of the possible alternatives that would attract businesses to fill the vacant parcels along Mission Blvd. We want to be part of this revitalization process but rest assured that the introduction of a slip lane would render the parcel vacant as our *one and only* intention is to operate this property as a car dealership. We have neither an intention to sell this property nor we have plans to residentially develop it. We purchased this property in December of 2012 because we believed in the vitality of Mission Boulevard as a major auto row. We are in the business of selling cars and this is the only thing we know what to do. Mr. Rizk talked about "compensating" property owners by providing incentives, height exceptions, expedited permits and other benefits. We would not benefit from none of these suggestions as we do not intent to build on this property any residential project. A mandatory slip lane

requirement forces us to quit the project and leave 25375 Mission Blvd a vacant parcel along the Boulevard. A fact is neither beneficial to your vision nor to ours.

We would like to reiterate our objections to the slip lane by stating the mutual benefits to the City of Hayward and to our entity under the current city rules. By allowing us to build a modern showroom according to the plans we submitted to your planning department, you would be helping in the following:

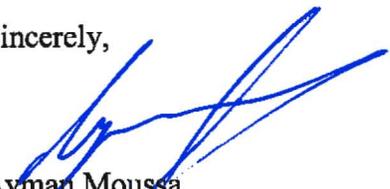
- 1- Demonstrate to other businesses that Mission Blvd is an attractive place to conduct business.
- 2- Bring to your admired city a company that would generate an estimated 10 million dollars in annual sales revenue in the first year of business. This is a great tax revenue for the city of Hayward. (Our current 6000 square foot lot in Daly City generated 4.4 million dollars in 2012.)
- 3- Help in hiring at least 10 employees in the first two years.
- 4- Transform the vacant parcel into an attractive business.

Another point we would like to address is the visibility issue. The slip lane would hinder the showcasing of our product. Mr. Rizk's admitted that this is a hard issue to tackle and suggested that a possible solution is to allow us park cars between the median and the slip lane. As we understand this solution, we can already see the risks we would be taking by doing that. In addition, we doubt that any insurance company would cover our cars if parked outside of our premises, the fact that increases our liabilities.

We believe in the City of Hayward and we would love to implement our business in the heart of the Bay. Our initial goal is to build a modern show room that would be used to retail quality preowned vehicle (3 years old), but our bigger goal is to bring in a franchise dealership. We already contacted Kia and Mitsubishi and both companies would like to see a showroom built first before granting us franchising rights. The modern look of our showroom can be compared to the existing dealerships like Nissan, Volkswagen, Toyota, and Honda. This, we believe, is a great addition to Mission Boulevard.

We ask you kindly to consider the severe impact the proposed elements of the based-form code especially the slip lane would have on the future of Mission Boulevard in general and our property in particular. While other big corporations may not mind losing square footage and spend money on developing a costly slip lane, Moussa Group LLC is a small business that is trying to leave a footprint by serving the community.

Sincerely,



Ayman Moussa
Managing Member
Moussa Group LLC