



DATE: April 25, 2013

TO: Planning Commission

FROM: David Rizk, AICP, Development Services Director

SUBJECT: **Site Plan Review Application No. PL-2013-0123, Associated with a Proposed 9-11 Memorial Along the East Side of Mission Boulevard, North of D Street**
Applicant: Michael L. Emerson (Hayward 911 Memorial); Property Owner: City of Hayward

RECOMMENDATION

That the Planning Commission finds that the proposed project is Categorical Exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15303, New Construction or Conversion of Small Structures, and recommends approval to the City Council of the Site Plan Review application for the proposed memorial, subject to the attached findings (Attachment III) and conditions of approval (Attachment IV).

BACKGROUND

Michael L. Emerson, a U.S. Marine Corps veteran and resident in the unincorporated Fairview Area, has proposed to design, manage, raise funds and secure volunteers to build a 9/11 memorial in Hayward. Mr. Emerson is offering-donating hundreds of hours of his time to design and manage this project and construction of the memorial.

Mr. Emerson previously organized support and built a Flight 93 Memorial related to the tragic events of 9/11 at Sugar Mill Landing Park in Union City off Dyer Street, which was dedicated in December of 2007 (<http://www.flight93memorialsfb.com/>).

Mr. Emerson was also the designer and project manager for the Castro Valley Veterans Memorial (CVVM) in Castro Valley at the Castro Valley Community Park, built to honor all of our Military Veterans. The memorial was completed at the end of October 2012 and dedicated on Veterans Day, November 11, 2012 (www.CVVM.info).

DISCUSSION

Project Description – The proposed 40-34 ft. by 40 ft. memorial, in honor of 9/11 heroes and Hayward first responders and military veterans and their families, is proposed in the center of the grassy area along the east side of Mission Boulevard, north of D Street on the City-owned property that contains the former City Hall and Giuliani Children's Park (see map, Attachment I). The

Hayward fault trace traverses the property, which precludes it from being developed with habitable buildings. Attachment II provides renderings of the proposed memorial, comprised of a center flag pole and red granite monument piece, and four black granite monuments with laser-etched images dedicated to those who lost their lives on September 11, 2001 at the Twin Towers in New York City, at the Pentagon in Washington, DC, and in Pennsylvania who were aboard Flight 93. There would be additional laser-etched images in a collage on each of the four black monument pieces, related to the events at each of those sites, with final design of those images conditioned (Attachment IV) to be approved by the City. The center piece would contain the following language:

THIS FLAG WAVES PROUDLY IN HONOR OF THE HEROES OF 9/11 AND LOCAL FIRST RESPONDERS, MILITARY VETERANS AND THEIR FAMILIES WHO HAVE MADE THE ULTIMATE SACRIFICE IN PURSUIT OF SAFETY FOR OUR COUNTRY AND THIS COMMUNITY.

Also, the names of Hayward police officers who died in the line of duty would be ~~laser etched~~engraved into the right side of the center monument piece, and the names of Hayward fire fighters would be etched on the left side of the center piece. Several low solid red granite benches would surround the five pieces, and there would be brick pavers with donor names or comments ~~upon~~around which the memorial monuments would be placed.

Site Plan Review Findings - In order for the application to be approved, the following findings must be made. Staff provides responses below and in Attachment IV in support of the findings.

A. The proposed use is compatible with on-site and surrounding uses and is an attractive addition to the City.

The memorial would entail the use of high quality materials and design along a major arterial street in downtown Hayward, to honor those who lost their lives during the tragic events of September 11, 2001 and local first responders and military heroes, including Hayward police officers and fire fighters, who lost their lives in the line of duty. The memorial is in scale with the overall memorial design and surrounding buildings, including the former Hayward City Hall at Giuliani Plaza, and would provide a location for those to honor and reflect on the memory of such national and local heroes.

B. The development takes into consideration physical and environmental constraints.

The memorial takes into consideration physical and environmental constraints, and is located across Mission Boulevard from the Hayward main library, adjacent to a municipal parking lot and near the City parking garage.

C. The development complies with the intent of City development policies and regulations.

The proposed memorial would be an attractive and unique addition to Downtown Hayward, and would attract local residents and business customers, as well as visitors, to Hayward. The memorial is consistent with the following General Plan policies and strategies:

Land Use Chapter

Policy 3: *Maintain the Downtown as a focal point for the City so that it continues to express the City's history, provides a venue for cultural vitality, and retains its role as a center for social, political, and other civic functions.*

Strategy 2: *Emphasize making the downtown a focal point for the City within a pedestrian-friendly environment.*

Community Facilities and Amenities Chapter

Policy 6, Strategy 4: Seek to establish vista points or view parks along public walkways or scenic routes.

Also, the proposed memorial is consistent with the stated purpose of the Central City – Commercial (CC-C) zoning subdistrict, which is to, "...establish a mix of business and other activities which will enhance the economic vitality of the downtown area. Permitted activities include, but are not limited to, retail, office, service, lodging, entertainment, education, and multi-family residential uses."

D. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

As conditioned, and ensured through a legal agreement or memorandum of understanding to be approved by the Hayward City Council, the memorial will be maintained so as to remain an attractive addition to the community of Hayward.

Environmental Review - The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) Guideline pursuant to Section 15303; New Construction or Conversion of Small Structures.

PUBLIC CONTACT

The memorial designer, Hayward resident Michael Emerson, presented the memorial concept to the Council Economic Development Committee on February 4, 2013, and to the City Council during public comments at the Council's February 5 meeting. Both the Committee and Council expressed interest in proceeding with development of the memorial.

No formal outreach regarding the memorial has occurred, but staff has received a letter of support from US Senator Diane Feinstein (Attachment VI).

On April 16, 2013, a notice of this public hearing was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest County Assessor's records. Also, notice of this public hearing was published in *The Daily Review* newspaper on April 19, 2013. As of the date the Planning Commission staff report was prepared, staff had not received any comments.

NEXT STEPS

The Planning Commissions' recommendation on the site plan review application and proposed memorial will be forwarded to the City Council, who will also review an agreement/MOU that will specify maintenance obligations, establish right of entry to construct on the City-owned property, etc. If the Council approves the project, Mr. Emerson will proceed with fund-raising and development of detailed design for the memorial.

Prepared and approved by:



David Rizk, AICP
Development Services Director

Attachments:

Attachment I	Area – Location Map
Attachment II	Renderings for Proposed Memorial
Attachment III	Findings in Support of the Site Plan Review Application
Attachment IV	Conditions of Approval
Attachment V	Letter of Support from US Senator Diane Feinstein