

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

### **RECOMMENDATION**

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

### **SUMMARY**

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

### **BACKGROUND**

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

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

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

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

## DISCUSSION

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

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

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

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

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

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

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

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

Comments made by the Council and Planning Commission included:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **ENVIRONMENTAL REVIEW**

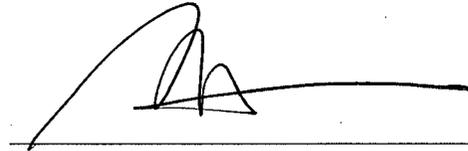
Pursuant to the California Environmental Quality Act (CEQA), staff and the consultant team will prepare a program-level Environmental Impact Report (EIR) for the project that will examine, at a general program level, the potentially significant environmental effects of development that could occur as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

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

## SCHEDULE & NEXT STEPS

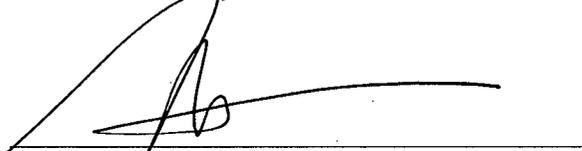
Staff anticipates releasing the draft EIR in late June 2011 and holding work sessions and a community workshop in July to present the draft EIR and revised Plan. Final adoption of the EIR and Plan are tentatively scheduled for late this calendar year.

Prepared by:



for Erik J. Pearson, AICP  
Senior Planner

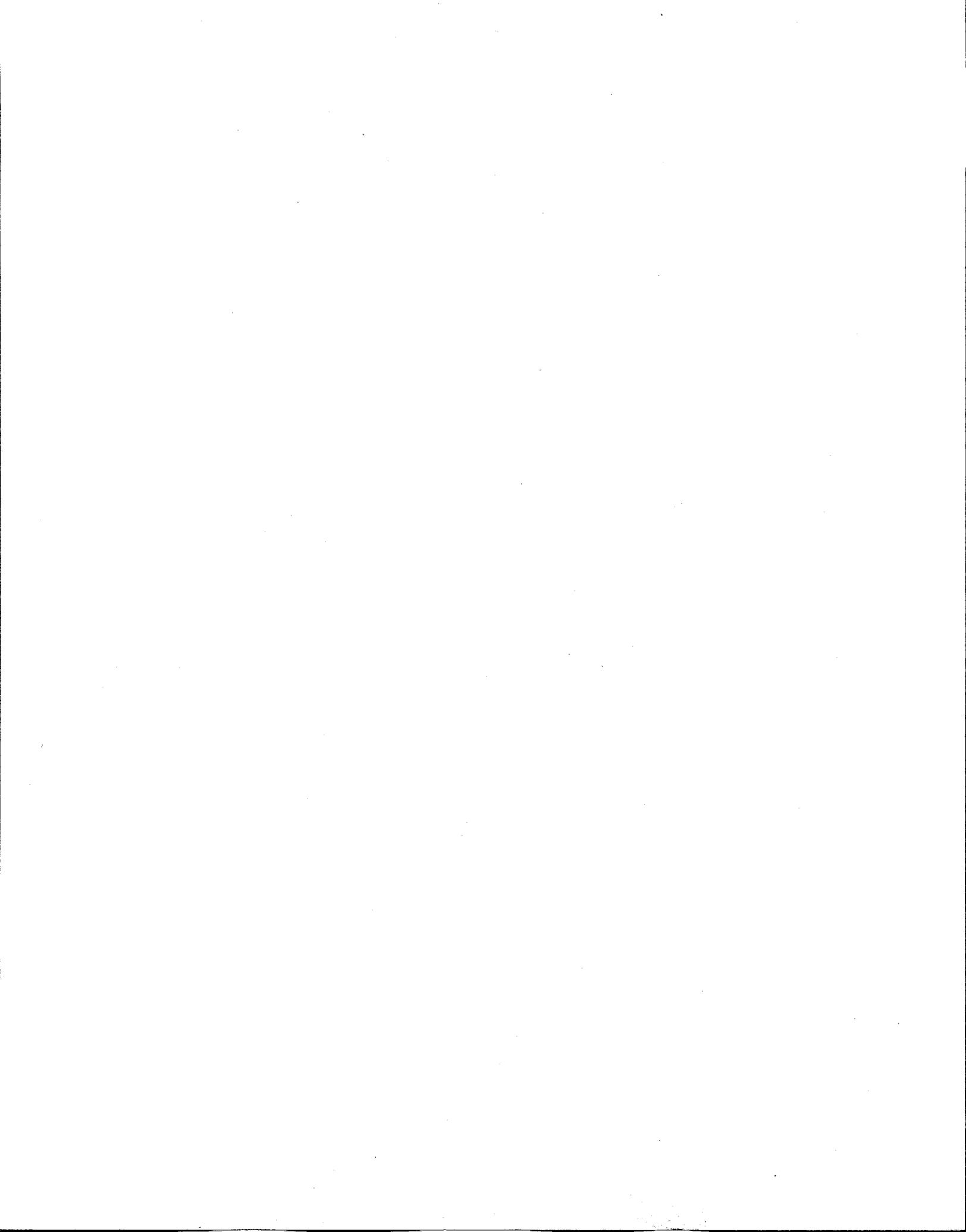
Recommended by:



Richard Patenaude, AICP  
Planning Manager

Attachments:

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





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

**MEETING**

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

**ROLL CALL**

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

**CLOSED SESSION ANNOUNCEMENT**

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

**PUBLIC COMMENTS**

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

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

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

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

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

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

## **WORK SESSION**

### **1. Mission Boulevard Corridor Specific Plan**

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

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

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

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



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

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

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

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

## CONSENT CALENDAR

Consent Items No. 5 was removed for further discussion.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

**PUBLIC HEARING**

**8. Housing Element of the General Plan**

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

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

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

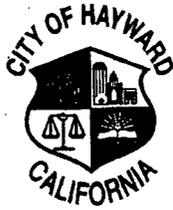
In response to Council Member Henson's inquiry about legal issues concerning the Inclusionary Housing Element, Director of Development Services Rizk noted that staff has conducted outreach to developers and Redevelopment Director Bartlett is drafting a report that addresses the current legal issues and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

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

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

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

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



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

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

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

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

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

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

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

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

9. Downtown Business Improvement Area Consideration of Annual Levy

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

Redevelopment Agency Director Bartlett provided a synopsis of the report.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

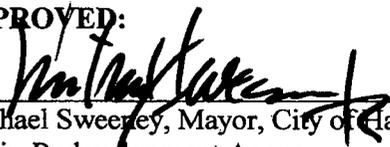
**COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS**

There were no items.

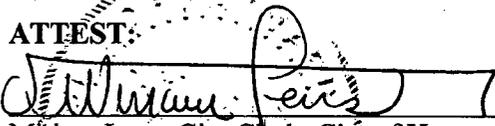
**ADJOURNMENT**

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

**APPROVED:**

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

**ATTEST:**

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



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## MEETING

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

## ROLL CALL

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

Chair Mendall led in the Pledge of Allegiance.

Staff Members Present: Conneely, Patenaude, Pearson, Philis

General Public Present: 5

## PUBLIC COMMENTS

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

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

## WORK SESSION

### 1. Mission Boulevard Corridor Specific Plan Environmental Impact Report

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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Council Chambers  
Thursday, June 24, 2010, 7:00 p.m.  
777 B Street, Hayward, CA 94541**

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

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

**PUBLIC HEARING**

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

*Public Hearing continued to July 22, 2010*

**COMMISSION REPORTS:**

3. Oral Report on Planning and Zoning Matters

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

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

4. Commissioners' Announcements, Referrals

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

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

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

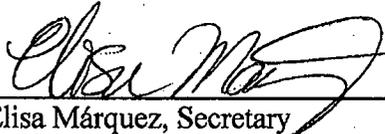
**APPROVAL OF MINUTES**

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

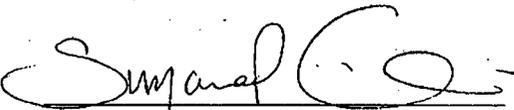
**ADJOURNMENT**

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

**APPROVED:**

  
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Elisa Márquez, Secretary  
Planning Commissioner

**ATTEST:**

  
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Suzanne Philis, Senior Secretary  
Office of the City Clerk