CITY OF
HAYWARD
HEART OF THE BAY

City Council Agenda

September 13, 2011

Mayor Michael Sweeney
Mayor Pro Tempore Francisco Zermeño
Council Member Barbara Halliday
Council Member Olden Henson
Council Member Bill Quirk
Council Member Marvin Peixoto
Council Member Mark Salinas

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CITY OF HAYWARD
HEART OF THE BAY

CITY COUNCIL MEETING FOR SEPTEMBER 13, 2011
777 B STREET, HAYWARD CA 94541
WWW.HAYWARD-CA.GOV

CLOSED SESSION
Closed Session Room 2B – 4:00 PM

1. **PUBLIC COMMENTS** (*Limited to items agendized for Closed Session)*

2. Conference with Labor Negotiators
   Pursuant to Government Code 54957.6
   - Lead Negotiators: City Manager David, City Attorney Lawson, Assistant City Manager Morariu, Human Resources Director Robustelli, Finance Director Vesely, and John Bartel with Bartel & Associates.
     Under Negotiation: All Bargaining Units

3. Conference with Legal Counsel
   Pursuant to Government Code 54956.9
   - Pending Litigation
     Bracy v. City of Hayward, Alameda County Superior Court, HG 10518975

4. Conference with Legal Counsel
   Pursuant to Government Code 54956.9
   - Pending Litigation
     Dillard v. A.C.A.P. Governing Board, Alameda County Superior Court No. RG 11572661

5. Conference with Legal Counsel
   Pursuant to Government Code 54956.9
   - Pending Litigation
     City of Hayward v. California State University Trustees
     Alameda County Superior Court Nos. RG 09-480852 and RG 09-481095

6. Conference with Legal Counsel
   Pursuant to Government Code 54956.9
   - Anticipated Litigation

7. Adjourn to Special Joint City Council/Redevelopment Agency/Housing Authority Meeting

SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT AGENCY/
HOUSING AUTHORITY MEETING
Council Chambers - 7:00 PM

CALL TO ORDER **Pledge of Allegiance** Council/RA/HA Member Zermeño

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

PRESENTATION Healthy Eating Active Living **(**HEAL) Cities Campaign
Presentation to the City by HEAL Director Charlotte Dickson

PROCLAMATION Chabot College – 50th Anniversary

PUBLIC COMMENTS: *(The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Work Session, or Informational Staff Presentation items. The Council 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 Council 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.)*

ACTION ITEMS: (*The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk anytime before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.)*

CONSENT

1. Approval of the Minutes of the Special Joint City Council/Redevelopment Agency/Housing Authority Meeting on July 26, 2011
   Draft Minutes

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

3. Resolution Adopting Integrated Pest Management Policy for the City of Hayward and the use of Pesticides on City of Hayward Property
   Staff Report
   Attachment I Resolution
   Attachment II IPM Policy

4. West Winton Landfill Drainage Culvert Repair and Cap Replacement Project: Award of Contract and Appropriation of Additional Funds
   Staff Report
   Attachment I Resolution Award
   Attachment II Resolution Appropriation
   Attachment III Location Map
   Attachment IV Bid Summary

5. Annual Report on Measure A (Utility Users Tax)
   Staff Report

6. Adoption of Enforceable Obligations Payment Schedule (EOPS) Required Under ABx1 26 (the Redevelopment "Dissolution Act")
   Staff Report
   Attachment I Resolution
   Attachment II EOPS
   Attachment III EOPS Notice Letter

The following order of business applies to items considered as part of Public Hearings and Legislative Business:

- *Disclosures*
- *Staff Presentation*
- *City Council Questions*
- *Public Input*
- *Council Discussion and Action*

PUBLIC HEARING

7. Designation of Additional Preferential Residential Permit Parking Areas
   Staff Report
   Attachment I Resolution
   Attachment II Location Map_Edloe/Ocie
   Attachment III Location Map CSUEB

8. Certification of a Supplemental Environmental Impact Report, Adoption of Amendments to the General Plan, and Introduction of Ordinances involving Zoning Reclassifications and Text Changes to the Zoning Ordinance and Related Municipal Code Sections, to Enact and Implement the South Hayward BART/Mission Boulevard Form-Based Code
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Attachment XVIII Revised Figure 1-1

LEGISLATIVE BUSINESS

9. Introduction of an Ordinance Amending Hayward Traffic Code Section 6.33 to Regulate Commercial Vehicle Parking in Residential Neighborhoods
   Staff Report
   Attachment I Ordinance

10. Introduction of Ordinance Amending the Hayward Municipal Code to Consolidate the Human Services Commission and the Citizens Advisory Commission into a Single and Unified Commission
   Staff Report
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COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Oral reports from Council Members on their activities, referrals to staff, and suggestions for future agenda items

ADJOURNMENT

NEXT REGULAR MEETING – 7:00 PM, TUESDAY, SEPTEMBER 20, 2011

PUBLIC COMMENT RULES: The Mayor 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 or organization. Speakers will be asked for their name and their address before speaking and are expected to honor the allotted time. A Speaker's Card must be completed by each speaker and is available from the City Clerk at the meeting.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that 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.

****Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. ****

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT AGENCY/HOUSING AUTHORITY MEETING OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, July 26, 2011, 7:00 p.m.

BOARD, COMMISSIONS, COMMITTEE AND TASK FORCE SELECTION
Room 2B - 4:30 PM

CALL TO ORDER

PUBLIC COMMENTS

Council Member Quirk noted that the City Salary Plan for FY 2012 did not reflect concessions.

City Attorney Lawson noted that an item came to staff's attention after the agenda was posted and, pursuant to Government Code 54954.2(b), it could be added to the Closed Session agenda. The item was entitled Eden Township Healthcare District v. Sutter Health, et, al, Court of Appeal No. A131616. The Council unanimously consented to add the item to the agenda.

Board/Commissions/Committee and Task Force - Selection of Members (Continued)

Due to an additional vacancy in the Keep Hayward Clean and Green Task Force, Council selected one additional applicant to fill the vacancy. The formal appointment and swearing in will occur at the Council meeting on Tuesday, September 20, 2011.

City Council adjourned to a Closed Session.

SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT AGENCY/ HOUSING AUTHORITY MEETING

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

ROLL CALL

Present:	COUNCIL/RA/HA MEMBERS, Quirk, Halliday, Peixoto, Salinas, Henson MAYOR/CHAIR Sweeney
Absent:	COUNCIL/RA/HA MEMBER Zermeño

CLOSED SESSION ANNOUNCEMENT

July 19, 2011
City Attorney Lawson reported that at its July 19, 2011 meeting, Council adjourned to a Closed Session and met with Labor Negotiators pursuant to Government Code 54957.6. The meeting

resulted in no reportable action.

July 26, 2011
City Attorney Lawson reported that prior to the Closed Session, Council unanimously consented to add an item to the agenda, pursuant to Government Code 54954.2(b), because the item came to staff's attention after the posting of the agenda. The item was entitled Eden Township Healthcare District v. Sutter Health, et, al, Court of Appeal No. A131616, and Council took no reportable action.

Mr. Lawson also reported that Council met with Real Property Negotiators, pursuant to Government Code 54956.8 regarding South Hayward BART Transit Oriented Development Project; with Legal Counsel, pursuant to Government Code 54956.9 regarding Reid, et al. v. City of Hayward, et al, Alameda County Superior Court, No. HG10542462; with Labor Negotiators, pursuant to Government Code 54957.6, regarding All Bargaining Units; and with Legal Counsel, pursuant to Government Code 54956.9 regarding California Redevelopment Association, et al v. Ana Matosantos, et al, California Supreme Court Case No. S194861. As it related to all the items, there was no reportable action taken.

PRESENTATIONS

Taste of Hayward Presentation of Proceeds to the Friends of the Library

Mayor Sweeney noted the City of Hayward, in partnership with the Hayward Public Library, hosted the first Taste of Hayward at City Hall on June 8, 2011. Mayor Sweeney spoke about the success of the event and indicated that all the proceeds, totaling $6,808, would benefit the Library's After School Homework Support Center. A short video was presented to showcase the successful event. Mayor Sweeney presented the Friends of the Library President Harrison and Library and Community Services Director Reinhart, with a symbolic check. Ms. Harrison expressed gratitude for the proceeds and urged the City to continue to hold the event in future years. Library and Community Services Director Reinhart thanked Council and City staff for their support and Economic Development Manager Brooks for organizing such a successful event.

Mayor Sweeney noted that Public Hearing Item No. 18 was postponed to September 13, 2011.

PUBLIC COMMENTS

Mr. Doug Ligibel, Grand Terrace resident, thanked Mayor Sweeney, Maintenance Services Director McGrath, and Mrs. DeeDee Ligibel, for their success in working with Caltrans to repair vandalized signs on the State Route 92 East-Calaroga overpass. Mr. Ligibel noted the negative impact on property values as crime issues continue to plague the downtown area. He submitted a Public Records Act Request for a report on expenditures and revenues for FY 2010 to 2011 resulting from the Utility User Tax, Measure A.

Mr. Charlie Peters, with business address on Main Street, provided an update on the resolution regarding corn ethanol in the gasoline. Mr. Peters noted meeting with a State Bureau of Automotive Repair (BAR) official regarding partial zero emission vehicles (PZEV).

Consent Item No. 4 was removed for further discussion.

CONSENT

1. Approval of the Minutes of the Special Joint City Council/Redevelopment Agency/Housing Authority Meeting on June 28, 2011

It was moved by Council/RA/HA Member Henson, seconded by Council/RA/HA Member Peixoto, and carried with Council/RA/HA Member Zermeño absent, to approve the minutes of the Special Joint City Council/Redevelopment Agency/Housing Authority Meeting of June 28, 2011.

2. Approval of the Minutes of the Special Joint City Council/Redevelopment Agency/Housing Authority Meeting on July 12, 2011

It was moved by Council/RA/HA Member Henson, seconded by Council/RA/HA Member Peixoto, and carried with Council/RA/HA Member Zermeño absent, to approve the minutes of the Special Joint City Council/Redevelopment Agency/Housing Authority Meeting of July 12, 2011.

3. Approval of Minutes of the Special Joint City Council/Redevelopment Agency/Housing Authority Meeting on July 19, 2011

It was moved by Council/RA/HA Member Henson, seconded by Council/RA/HA Member Peixoto, and carried with Council/RA/HA Member Zermeño absent, to approve the minutes of the Special Joint City Council/Redevelopment Agency/Housing Authority Meeting of July 19, 2011.

4. Resolution for the City of Hayward to Join the League of California Cities' Healthy Eating Active Living (HEAL) Cities Campaign

> Staff report submitted by Director of Development Services Rizk and Director of Library and Community Services Reinhart, dated July 26, 2011, was filed.

Ms. Sara Lamnin, Sebastopol Lane resident, as Chair of the Farming Hayward Group, expressed gratitude to staff and members of the Council Sustainability Committee for helping to promote healthier lifestyles.

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

> Resolution 11-134, "Resolution for City of Hayward to Join the League of California Cities' "Health Eating Active Living (HEAL) Cities" Campaign"

5. Adoption of City Salary Plan for Fiscal Year 2012

Staff report submitted by Human Resources Director Robustelli, dated July 26, 2011, was filed.

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

Resolution 11-124, "Resolution Approving the FY 2012 Salary Plan Designating Classifications of Employment in the City Government of the City of Hayward and Salary Range; and Superseding Resolution No. 10-191 and All Amendments Thereto"

6. Authorization for the City Manager to Negotiate and Execute a Professional Services Agreement for Dixon Street Improvements, Tennyson Road to Valle Vista Avenue (Transportation for Livable Communities Grant Project)

Staff report submitted by Director of Public Works Bauman, dated July 26, 2011, was filed.

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

Resolution 11-125, "Resolution Amending Resolution 11-094, As Amended, the Budget Resolution for Capital Improvement Projects for Fiscal Year 2012, Relating to an Appropriation of Funds from the Street System Improvements Fund (Fund 413) to the Dixon Street Improvements Project, Project No. 5167"

Resolution 11-126, "Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with BKF Engineers for Final Design Services for the Dixon Street Improvements, Tennyson Road to Valle Vista Avenue Project, Project No. 5167"

7. Signal Timing and Controller Replacement Program: Approval of Contracts and Amendment of Professional Services Agreement with TJKM Transportation Consultants

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

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

Resolution 11-127, "Resolution Approving Purchase Orders for Traffic Signal Controllers, Video Detection Systems and Traffic Control Software for the Signal Timing and Controller Replacement Program, Project No. 5107, and to Approve an Amendment to the Previously Approved Professional Services Agreement with TJKM Transportation Consultants, Inc., for Signal Retiming"

8. Sidewalk Rehabilitation and Wheelchair Ramps FY 2011 - Districts 2 and 3: Award of Contract

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

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

Resolution 11-128, "Resolution Awarding the Contract to Rosas Brothers Construction for the Sidewalk Rehabilitation and Wheelchair Ramps Project, Project Nos. 5135 and 5119"

9. West Winton Landfill Drainage Culvert Repair and Cap Replacement Project: Approval of Plans and Specifications and Call for Bids

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

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

Resolution 11-129, "Resolution Approving Plans and Specifications for the West Winton Landfill Drainage Culvert and Cap Replacement Project, Project No. 7504, and Call for Bids"

10. Adoption of Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code By Rezoning Certain Property in Connection with Zone Change Application No. PL-2010-0403 Relating to the Residual Burbank School Site Residential Development

Staff report submitted by City Clerk Lens, dated July 26, 2011, was filed.

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

> Ordinance 11-07, "An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. PL-2010-0403 Relating to the Residual Burbank School Site Residential Development"

11. Banking and Cash Management Services Contract Extension

> Staff report submitted by Interim Accounting Manager McGowan dated July 26, 2011, was filed.

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

> Resolution 11-130, "Resolution Authorizing the City Manager to Execute a One-Year Extension to the Existing Banking and Cash Management Contract with Bank of the West"

12. Authorization for City Manager to Execute a Master Agreement and Lease with Hayward Area Recreation and Park District for Park Sites and Designation of Alden E. Oliver Sports Park as an Additional Park Site

> Staff report submitted by Neighborhood Services Manager Korth, dated July 26, 2011, was filed.

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

> Resolution 11-131, "Resolution Authorizing the City Manager to Execute a Master Lease Agreement with the Hayward Area Recreation and Park District and Designating the Alden E. Oliver Sports Park as an Additional Park Site"

13. Airport Noise Monitoring Program: Approval of Support Services Contract

> Staff report submitted by Airport Manager McNeeley, dated July 26, 2011, was filed.

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

> Resolution 11-132, "Resolution Authorizing the City Manager to Execute a One Year Airport Noise Monitoring Service Agreement

with Bruel & Kjaer Ems, Inc. for $63,068 with Options for Five Additional Years"

14. Resolution Authorizing the City Manager to Enter Into an Agreement With IntelliBridge Partners to Provide Temporary Staffing in the Finance Department

Staff report submitted by Director of Human Resources Robustelli, dated July 26, 2011, was filed.

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

Resolution 11-133, "Resolution Authorizing the City Manager to Negotiate and Execute Agreements with Intellibridge Partners for Temporary Staffing of the Accounting Manager and Budget Officer Positions"

PUBLIC HEARING

15. Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 13 –Approving the Engineer's Report, Confirming the Assessment Diagrams and Assessments, and Ordering the Levy and Collection of Assessments for Fiscal Year 2012

Staff report submitted by Development Review Engineer Nguyen, dated July 26, 2011, was filed.

Development Services Director Rizk announced the item and introduced Development Review Engineer Nguyen who provided a synopsis of the staff report.

There being no public comments, Mayor Sweeney opened and closed the public hearing at 7:19 p.m.

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

Resolution 11-135, "Resolution Approving the Engineer's Report, Confirming the Assessment Diagrams and Assessments, and Ordering Levy and Collection of Assessments for Fiscal Year 2012 of the Landscaping and Lighting District No. 96-1, Zones 1-13"

16. Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane - Approve the Engineer's Report, Confirm the

Assessment Diagram and Assessment, and Order the Levy and Collection of Assessment for Fiscal Year 2012

> Staff report submitted by Development Review Engineer Nguyen, dated July 26, 2011, was filed.

Development Services Director Rizk introduced Development Review Engineer Nguyen who provided a synopsis of the staff report.

In response to Mr. Quirk's inquiry about the transfer of Landscape and Lighting District (LLD) funds to the Maintenance District, Director of Public Works Bauman responded that the only issue would be the availability of money and noted there was a limit to the amount that can be transferred.

There being no public comments, Mayor Sweeney opened and closed the public hearing at 7:25 p.m.

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

> Resolution 11-136, "Resolution Approving the Engineer's Report, Confirming the Assessment Diagram and Assessment, and Ordering Levy and Collection of Assessment for Fiscal Year 2012, Maintenance District No. 1, Storm Drain Pumping Station and Storm Drain Conduit – Pacheco Way, Stratford Road, and Ruus Lane (MD No. 1)"

17. Maintenance District No. 2 – Eden Shores Storm Water Facilities and Water Buffer - Approve the Engineer's Report, Confirm the Assessment Diagram and Assessment, and Order the Levy and Collection of Assessment for Fiscal Year 2012

> Staff report submitted by Development Review Engineer Nguyen, dated July 26, 2011, was filed.

Development Services Director Rizk introduced Development Review Engineer Nguyen who provided a synopsis of the staff report.

In response to Council Member Henson's inquiry about the effectiveness of the buffer in keeping domestic animals away from the wildlife area, Development Review Engineer Nguyen responded staff has not received any complaints or inquiries. City Manager David noted staff had received a complaint about cats invading the wildlife area, but after investigation, it was found that feral cats remained on the correct side of the barrier.

There being no public comments, Mayor Sweeney opened and closed the public hearing at 7:30 p.m.

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

Resolution 11-137, "Resolution Approving the Engineer's Report, Confirming the Assessment Diagram and Assessment, and Ordering Levy and Collection of Assessment for the Fiscal Year 2012, Maintenance District No. 2, Eden Shores Water Buffer Zone and Pre-Treatment Pond (MD No. 2)"

18. Certification of a Supplemental Environmental Impact Report, Adoption of Amendments to the General Plan, and Introduction of Ordinances involving Zoning Reclassifications and Text Changes to the Zoning Ordinance and Related Municipal Code Sections, to Enact and Implement the South Hayward BART/Mission Boulevard Form-Based Code

Mayor Sweeney announced that staff recommended continuing the item to September 13, 2011, and gave an opportunity for the public to speak on the item. There being no public comments, there was a motion to continue the item.

It was moved by Council Member Quirk, seconded by Council Member Halliday, and carried with Council Member Zermeño absent, to continue the item to September 13, 2011.

LEGISLATIVE BUSINESS

19. Introduction of an Ordinance to "Opt-In" to an Alternative Voluntary Redevelopment Program under ABx1 27, the Voluntary Program Act

Staff report submitted by Assistant City Manager/Interim Redevelopment Agency Director Morariu, dated July 26, 2011, was filed.

Assistant City Manager/Interim Redevelopment Agency Director Morariu provided a synopsis of the staff report and introduced Polly Marshall of Goldfarb & Lipman Attorneys, who provided an update regarding the lawsuit filed with the California Supreme Court (Court) by the California Redevelopment Association (CRA), California League of Cities (League), City of San Jose and City of Union City, against the State of California (State). Assistant City Manager/Interim Redevelopment Agency Director Morariu said if there was Council consensus, then staff recommended adopting the "opt-in" ordinance on August 2, 2011.

In response to Council Member Peixoto's inquiries about the Keyser Marston Baseline Fiscal Analysis, Assistant City Manager/Interim Redevelopment Agency Director Morariu explained the "delta" was the difference between the revenues received if the Redevelopment Agency (RDA) continued, versus being dissolved. She further explained the impact to the loss of funds throughout the City's various departments and noted there was a direct charge to the RDA for certain staff

services from the Economic Development Department.

Council Member Quirk acknowledged receiving an email from former City Manager Jones, who expressed concern about the payments to the State and wondered if Council should choose to "opt-in." At the request of Mr. Quirk, Assistant City Manager/Interim Redevelopment Agency Director Morariu explained that the impact to the General Fund loan would be approximately $9 million if the RDA were dissolved. Mr. Quirk said the State had made it impossible for the City to not "opt-in" because of the provisions in the bill.

Assistant City Manager/Interim Redevelopment Agency Director Morariu confirmed the current "pass-through" obligation was $1.4 million, and independent of Council actions, the other State obligations such as the Educational Revenue Augmentation Fund (ERAF) would still be in place. Mr. Henson expressed frustration with the process.

In response to Council Member Halliday's question of whether the Hayward Unified School District (HUSD) would be receiving more funds other than what the State was obligated to pay under Proposition 98, Assistant City Manager/Interim Redevelopment Agency Director Morariu responded that HUSD would not receive additional funds for FY 2012 and in future years the City's $960,000 payment could be additional revenue to HUSD, but that would be determined by the State. Ms. Halliday expressed her frustration with the process and the limitations placed upon the Cities and commented that the "opt-in" was not a voluntary option.

Council Member Salinas said he shared the frustration of his colleagues and commended the hard work of staff and the legal team to present complex, multi-layered information, and noted that Council was being pressured from every direction. Mr. Salinas said that this may be an opportunity to work with regional and state leaders.

Mayor Sweeney commented on the choices to "opt-in" or "opt-out" and the financial implications to the City for each choice. In response to the Mayor's inquiry about the use of the funds from the Residual Burbank sale to make the first payment of $4.1 million, Ms. Morariu said another option was to withhold the deposit to the Low Mod Housing Fund which was approximately $2 million. Mayor Sweeney said the cost of "opting-out" would be both the loss of assets and the repayment of the General Fund loan, and the choice to "opt-in" would be the risk that the State would come back and introduce additional legislation. Ms. Morariu noted staff was recommending to "opt-in" because of the significant risk to the approximately $28 million in assets.

Mayor/Chair Sweeney opened the public hearing at 8:11 p.m.

Ms. Andrea Osgood, Eden Housing representative, expressed support for the "opt-in" in order to continue Eden Housing's affordable housing work in the City. Ms. Osgood said retaining the RDA accomplished three City goals: improve blighted areas, create positive community assets, and encourage economic investment and local jobs.

Mr. Bill Vanderburgh, member of the Hayward Redevelopment Agency Committee and founder of Eden Housing, supported the "opt-in" option because it would provide more affordable housing and noted the success of projects that Eden Housing and the City had developed. Mr. Vanderburgh

thanked staff for the presentation and encouraged Council to support "opt-in" to be able to continue the work in achieving affordable housing goals.

Mr. Larry Lepore, Hayward Area Recreation and Park District (HARD) Superintendent, said HARD commiserates with the City in regards to the State take-away. He asked if HARD would be receiving the increased "pass-through" amounts and Assistant City Manager/Interim Redevelopment Agency Director Morariu said it was staff's understanding that the existing "pass-through" agreements would remain intact as currently structured.

Mayor/Chair Sweeney opened the public hearing at 8:18 p.m.

Council Member Quirk noted one reason for choosing the "opt-in" program was the risk of losing about $11 million from the General Fund. Mr. Quirk added that critical personnel resources would also be lost and the South Hayward BART expansion project would not be completed. Mr. Quirk made a motion to introduce an ordinance to "opt-in" to the Alternative Voluntary Redevelopment Program under the Voluntary Program Act in order to maintain the operations of the RDA and recommended that, for the remittance payment, staff review utilizing the $2.2 million from the housing fund, cash balance, and Residual Burbank sale proceeds.

Council Member Salinas seconded the motion.

Council Member Henson supported the motion reluctantly indicating there was too much at risk including City assets, the loss of City control, the achievements of City staff, and the critical South Hayward BART project. He said he was confident in the lawsuit and was supportive to "opt-in."

Council Member Halliday expressed support for the motion and expressed her frustration at what the State had done to the cities. She noted this action allowed the State to take locally generated property tax monies out of local control. She commented on how much the City had accomplished with RDA funds, which now would be lost with the State's actions. Ms. Halliday added a friendly amendment to note that, in view of the seriousness of the losses the City would be facing if Council chose to opt-out, that Council does not view the "opt-in" program as voluntary.

Council Member Salinas supported the motion and agreed with Council Member Halliday's comments. He said he supported the motion to preserve affordable housing and relationships with organizations such as Eden Housing. He invited the community to read the report to see what was at stake and how many of the City's projects were connected to the RDA.

Council Member Peixoto supported the motion to "opt-in" and agreed with Council Member Halliday. He expressed concern about the $28 million loss of assets and loss of staff time. Mr. Peixoto mentioned the State had created contradictions by requiring that the City put together the Housing Element that included a requirement to meet affordable housing levels.

Mayor Sweeney noted this was a problem created by the State legislature and finding a solution was a difficult task. Mayor Sweeney noted he would be voting against the motion because he thought the City may be better off in the long run to not be held hostage year after year by the State. Mayor Sweeney noted that if the State gets away with the extortion there were no guarantees the State would not come back for more and noted that extortion was wrong.

It was moved by Council Member Quirk, seconded by Council Member Salinas, and carried with Council Member Zermeño absent, to adopt the following with a friendly amendment that Council does not consider participation in the "opt-in" alternative to be voluntary.

AYES: Council Members Quirk, Halliday, Salinas, Peixoto Henson
NOES: MAYOR Sweeney
ABSENT: Council Member Zermeño
ABSTAINED: None

Introduction of Ordinance 11-_, "An Ordinance of the City Council of the City of Hayward Enacted Pursuant to Health and Safety Code Section 34193 to Elect and Implement Participation by the City of Hayward and the Redevelopment Agency of the City of Hayward in the Alternative Voluntary Redevelopment Program Pursuant to Part 1.9 of the California Community Redevelopment Law"

20. Reauthorization of the approval to execute the Standard Agreement and Disbursement Agreement with the Department of Housing and Community Development for Infill Infrastructure Grant Funds; Approval to Negotiate and Execute an Owner Participation Agreement (OPA) with the Developers of the South Hayward BART Station Transit-Oriented Development; Modification / Clarification of Certain Conditions of Approval for the South Hayward BART Station Transit-Oriented Development (TOD Project); and Approval to Execute a Joint Powers Authority (JPA) Agreement with the Bay Area Rapid Transit District (BART) to Address BART Parking and Access Issues

Staff report submitted by Public Works Director Bauman, Project Manager DeClercq, and Development Services Director Rizk, dated July 26, 2011, was filed.

Assistant City Manager/Interim Redevelopment Agency Director Morariu provided a synopsis of the report.

Public Works Director Bauman confirmed for Council Member Peixoto that the traffic signal on Dixon Street would be installed during Phase I of the South Hayward BART Station Transit-Oriented Development.

There being no public comments, Mayor Sweeney opened and closed the public hearing at 8:43 p.m.

Council Member Henson commended staff on their hard work on the Joint Operating Agreement (JPA), Owner Participation Agreement (OPA), and making sure that risk was minimized for the

City. Mr. Henson made the motion to move the items per staff recommendation. Council Member Halliday seconded the motion.

Council Member Halliday thanked Mr. Wittek and City staff for working to a successful outcome for the Landscape and Lighting District and for the assurance that the City and developer would work together to acquire the Caltrans parcel for the park, which would enhance the project.

Council Member Quirk echoed Council Member Halliday's comments and thanked Kurt Wittek, Joe Montana and their staff for giving the City guarantees that the General Fund was not at risk. He acknowledged Wittek and Montana for their persistence and mentioned the City appreciates their participation in this project.

Council Member Henson was pleased to see this project move forward and commented on how extremely important this project was for the South Hayward area and mentioned that the Wittek/Montana partnership with Eden Housing would provide affordable housing.

Staff confirmed for Mayor Sweeney that the community services facilities district was one of the Conditions of Approval.

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

> Resolution 11-138, "A Resolution of the City Council of the City of Hayward Reauthorizing the City Manager to Negotiate, Execute and Implement a Standard Agreement and Disbursement Agreement for Funding Under the Infill Infrastructure Grant Program, Proposition 1C"
>
> Resolution 11-139, "Resolution of the City Council of the City of Hayward Authorizing the City Manager to Negotiate, Execute and Implement an Owner Participation Agreement for the South Hayward BART Transit Oriented Development"
>
> Resolution 11-140, "A Resolution of the City Council of the City of Hayward Modifying Certain Conditions of Approval Associated with the South Hayward BART Transit Oriented Development"
>
> Resolution 11-141, "A Resolution of the City Council of the City of Hayward Authorizing the City Manager to Execute and Implement a Joint Exercise of Powers Agreement with San Francisco Bay Area Rapid Transit District ("BART") to Address Parking and Access Strategies Around the South Hayward BART Station"

21. Authorizing the City Manager to Negotiate a Disposition and Development Agreement with Habitat for Humanity East Bay for the Development of Certain Real Property Located at 123-197 "A" Street in Hayward as an Affordable Ownership Housing Project and to Submit an Application for State Grant Funds under the Building Equity and Growth in Neighborhoods (BEGIN) Program

Staff report submitted by Housing Development Specialist Cortez, dated July 26, 2011, was filed.

Assistant City Manager Morariu announced the report and introduced Housing Development Specialist Cortez who provided a synopsis of the report. Mr. Cortez noted a correction and revision to Resolution II. Mr. Cortez mentioned Mr. Ben Helber with Habitat for Humanity East Bay (Habitat) was in attendance and available to answer questions.

In response to Mayor Sweeney's inquiry if the proposed units were for Hayward residents, Housing Development Specialist Cortez said Habitat could market the units to give priority to Hayward residents. Mayor Sweeney pointed out that the language in the proposed resolution should be clear that there are no additional funds for the project. Assistant City Manager Morariu said if Council considers funding this project, staff can conduct an analysis for Council on whether low and moderate funds can be utilized.

Council Member Peixoto commended Housing Development Specialist Cortez for the presentation. In response to Mr. Peixoto's question about Community Development Block Grant (CDBG) funds, Mr. Cortez responded that Habitat had a portion of the needed $250,000 and would need to compete for the rest.

Mayor Sweeney opened the public hearing at 9:01 p.m.

Mr. Benjamin Helber with Habitat for Humanity East Bay thanked Mayor and Council for considering the Habitat project for Hayward. Mr. Helber said the proposed resolutions would enable Habitat to submit an application for the State Department of Housing and Community Development (HCD) Proposition 1-C Funds and after securing the HCD funds, Habitat would have to return to the City for the entitlement process and the finalization of the Disposition and Development Agreement (DDA). Mr. Helber added he was not part of the negotiations to work with the youth organization, but would conduct research and get back to Council with the requested information. He added that Habitat currently had an allocation of $29,500 CDBG funds for predevelopment and would need to compete in the standard annual Notice of Funding Availability (NOFA) process for the remainder of the needed funds.

In response to Council Member Peixoto's question of how the City would know if Habitat was able to procure the additional $225,000, Housing Development Specialist Cortez responded the funding was not guaranteed and Habitat would need to seek other funding resources. Mr. Helber mentioned Habitat's Board of Directors recently committed $1 million towards this project and these funds would be used to leverage other funding sources. Mr. Helber noted the budget outline was similar to other Habitat projects and explained Habitat's funding process.

Council Member Quirk disclosed he had met with Benjamin Helber and the content of their discussion was similar to the staff report. At the request of Mr. Quirk, Mr. Helber explained that equity was based on resale restrictions that Habitat would negotiate with the City, and would be indexed to the Area Median Income (AMI), and that the resale price could be adjusted by the AMI increase for that year. Mr. Quirk said he supported Habitat projects, in particular, the rebuilding of existing homes, as was done in Hayward.

Council Member Salinas disclosed he also had a conversation with Benjamin Helber and that the content was the same as reflected in the staff report. Mr. Salinas shared attending the Pompano presentation and expressed how beneficial the project was and he supported the project.

In response to Council Member Halliday's question about the consequences if there was no additional funding for the project, Assistant City Manager Morariu responded the City would not accept the BEGIN program funds and would not sign the standard agreement with HCD.

Council Member Henson was delighted this item was brought forward as it helped with homeownership, especially for the low-income population. In response to Mr. Henson's inquiry about the resident selection process, Mr. Cortez said staff would put forth their best efforts to identify local buyers. Mr. Cortez mentioned staff would work with Habitat to formulate a marketing strategy. Mr. Henson encouraged staff to try and locate Hayward families.

Mayor Sweeney closed the public hearing at 9:12 p.m.

Council Member Quirk made a motion per staff recommendation with an amendment that the City did not guarantee additional funding to Habitat for Humanity East Bay and to the extent legally permissibly, that properties be preferentially marketed to Hayward residents.

Council Member Salinas seconded the motion.

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

> Resolution 11-142, "Resolution Approving Negotiation of a Disposition and Development Agreement with Habitat for Humanity East Bay for the Development of a Moderate and Low Income Homeownership Housing Project at the Corner of A and Walnut Streets"
>
> Resolution 11-143, "Resolution Authorizing the Submittal of a Grant Application to the California State Department of Housing and Community Development for Funding Under the Begin Program to

Finance the Development of a Moderate and Low Income Homeownership Housing Project at the Corner of A and Walnut Streets"

22. Designation of Voting Delegates and Alternates for the League of California Cities 2011 Annual Conference

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

There being no discussion, Council Member Henson moved to designate Council Member Peixoto as the Voting Delegate and Council Member Halliday as the alternate for the League of California Cities 2011 Annual Conference. Council Member Quirk seconded the motion.

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

Resolution 11-144, "A Resolution Designating a Voting Delegate and an Alternate Voting Delegates as Hayward's Representatives to the League of California Cities 2011 Annual Conference"

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Halliday commended the City for winning the Helen Putnam Award for its Mural Art Program. Ms. Halliday noted that photographs of the Hayward Mural Art program will be displayed on September 21-23, 2011, during the League of California Cities Annual Conference.

Mayor Sweeney expressed Council frustration by the lack of response by State legislators regarding RDA and asked City Attorney if an inquiry could be made regarding the process for recalling a State Senator. City Attorney Lawson noted that the Council or a member of Council could make such an inquiry.

ADJOURNMENT

Mayor/Chair Sweeney adjourned the meeting at 9:18 p.m.

APPROVED:

_____

Michael Sweeney, Mayor, City of Hayward
Chair, Redevelopment Agency/Housing Authority

ATTEST:

_____

Miriam Lens, City Clerk, City of Hayward
Secretary, Redevelopment Agency/Housing Authority

MINUTES OF THE SPECIAL CITY COUNCIL/REDEVELOPMENT AGENCY/HOUSING AUTHORITY MEETING OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, August 2, 2011, 3:00 p.m.

MEETING

The Special Joint City Council/Redevelopment Agency/Housing Authority Meeting of the City Council was called to order by Mayor/Chair Sweeney at 3:00 p.m., followed by the Pledge of Allegiance led by Council/RA/HA Member Henson.

ROLL CALL

Present: COUNCIL/RA/HA MEMBERS, Quirk, Halliday, Peixoto, Salinas, Henson
MAYOR/CHAIR Sweeney
Absent: COUNCIL/RA/HA MEMBER Zermeño

PUBLIC COMMENTS

Mr. Frank Goulart, with Main Street business address, shared that Hayward Odd Fellows Lodge #129, the Hayward Area Recreation and Park District, and other non-profits, are sponsoring a series of concerts on Sundays at Memorial Park from August 7th through October 2nd. He mentioned donations will be accepted during the performances to benefit various non-profits and provided a schedule of the performing groups.

Mr. Andrew Slivka, Carpenter's Union Local 713 representative, spoke on behalf of the Union and expressed concern about the lack of labor standards for the South Hayward BART project and an enforcement mechanism that would ensure prevailing wage.

Mr. Obray Van Buren, UA Local 342-Plumbers and Steamfitters representative, expressed concern about labor standards for the South Hayward BART project. He added that projects should generate revenue by involving local workforce. Mr. Van Buren added that over 40% of workers on Hayward Unified School District projects were Hayward residents, which generated approximately $40 million that benefitted Hayward residents and businesses.

Mr. William McGee, Sunset Boulevard resident and Hayward Unified School District (HUSD) Board Member, introduced Stanley Dobbs, new HUSD Business Officer. Mr. McGee noted that the HUSD and The Black Star Project were sponsoring a "Million Father March" at Martin Luther King Middle School on August 23rd at 8:00 a.m. He shared that research has shown that children perform better in school when their fathers take an active role. He invited the Council to participate in the event.

Mr. Ben Henderson, Executive Director of East Bay Aviators, Inc., spoke about the successful Fourth Annual Hayward Executive Airport Open House held July 30th, sponsored by the Bay Area Black Pilots Association, the Tuskegee Airmen, and East Bay Aviators, Inc. He thanked Neighborhood Services Manager David Korth and the City for their support. Mr. Henderson said that approximately 100 children were exposed to the airport and some were taken on flights.

Council Member Quirk thanked Mr. Slivka and Mr. Van Buren for their comments and mentioned several Council Members had requested Eden Housing open negotiations for a Project Labor Agreement (PLA) and he asked them for suggestions on how best to monitor projects that did not have a PLA.

Council Member Quirk mentioned the Bay Conservation and Development Commission (BCDC) was conducting a study in response to sea level rise and that Council had agreed to send a letter to BCDC on this issue; however, because the comment period deadline was moved to September 1st, there was an urgency to add the item to the agenda. City Manager David clarified that the item had been scheduled to be heard on September 13th, but because the review period was moved to September 1st, Council needed to discuss and take action prior to the August recess.

It was moved by Council Member Quirk, seconded by Council Member Halliday, and carried with Council Member Zermeño absent, to add to the agenda, item No. 2, an item that would authorize the Mayor to send a letter to the BCDC.

Council Member Henson mentioned he continues to request that Eden Housing negotiate with Local 713, and for them to reach an agreement. He thanked the building trade representatives and noted Council Members may need to get involved and said he was willing to assist.

Mayor Sweeney requested staff have a response and update for Council regarding the issues raised by Mr. Slivka concerning labor standards and an enforcement mechanism for the September 13th Council meeting.

Council Member Henson suggested Council have a work session regarding the establishment of a Project Labor Agreement Policy for future projects. There was Council consensus to place this item on a future Council agenda.

Council Member Salinas reminded the community about the "National Night Out" event and asked neighborhoods to participate. Mr. Salinas also mentioned there were two weeks left of the "Let's Do Lunch Hayward and Breakfast Too" campaign and mentioned it was a coordinated effort among many agencies and thanked all the volunteers.

Mayor Sweeney noted Council Members would be participating in the "National Night Out" event in the evening. Mayor Sweeney asked staff to report back to Council and provide an update on the following items: the status on dry hydrants; an update on the California State University lawsuit; poaching of recyclables in unincorporated Alameda County; and an update on the Gang Injunction Program.

LEGISLATIVE BUSINESS

1. An Ordinance of the City Council of the City of Hayward Enacted Pursuant to Health and Safety Code Section 34193 to Elect and Implement Participation by the City of Hayward and Redevelopment Agency of the City of Hayward in the Alternative Voluntary

Redevelopment Program Pursuant to Part 1.9 of the California Community Redevelopment Law ***(Ordinance Introduced July 26, 2011)***

Staff report submitted by City Clerk Lens, dated August 2, 2011, was filed.

City Manager/Executive Director David noted the Ordinance was introduced July 26, 2011, and this was the second reading and staff was available to answer questions.

There being no public comments, Mayor/Chair Sweeney opened and closed the public hearing at 3:27 p.m.

Mayor/Chair Sweeney suggested a report come before the Council/Agency/Authority Board recommending that the City not take on any new redevelopment obligations until the General Fund was fully repaid for what it had put forward and said he welcomed staff suggestions.

Council/RA/HA Member Quirk mentioned housing funds were not eligible for the $800,000 a year payback and would need to be handled differently.

It was moved by Council/RA/HA Member Halliday, seconded by Council/RA/HA Member Quirk, and carried with Council/RA/HA Member Zermeño absent, that staff provide a report that indicates the Council/Agency/Authority Board will not take on any new redevelopment obligations until the General Fund is fully repaid for what it has put forward and to ask staff to offer suggestions.

It was moved by Council/RA/HA Member Quirk, seconded by Council/RA/HA Member Halliday, and carried with Council/RA/HA Member Zermeño absent and Mayor/Chair Sweeney voting no, to adopt the following:

Ordinance 11- 08, "An Ordinance of the City Council of the City of Hayward Enacted Pursuant to Health and Safety Code Section 34193 to Elect and Implement Participation by the City of Hayward and the Redevelopment Agency of the City of Hayward in the Alternative Voluntary Redevelopment Program Pursuant to Part 1.9 of the California Community Redevelopment Law"

2. Resolution Authorizing the Mayor to Sign a Letter to the San Francisco Bay Conservation and Development Commission Regarding the Proposed Bay Plan Amendments

Resolution and draft letter submitted by Development Services Director Risk, was filed.

Development Services Director Risk noted staff prepared a resolution and a draft letter, which was distributed through the Office of the City Clerk.

Council Member Quirk thanked Development Services Director Risk and Senior Planner Pearson for the excellent job drafting the resolution and a letter. Mr. Quirk noted the letter had the proper balance between having a plan for sea level rise and the City maintaining local autonomy.

There being no public comments, Mayor Sweeney opened and closed the public hearing at 3:34 p.m.

Council Member Henson supported the letter and the efforts and mentioned that he along with Council Member Halliday attended a Sustainable Community Strategy session where the San Francisco Bay Conservation and Development Commission (BCDC) made a presentation. Mr. Henson stressed how important it was for the City to start addressing the issue of sea level rise.

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

> Resolution 11- 145, "Resolution Authorizing the Mayor to Sign a Letter to the San Francisco Bay Conservation and Development Commission Regarding the Proposed Bay Plan Amendments"

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Henson reported on the successful open house event at the Hayward Executive Airport on July 31, 2011, and noted that children were exposed to aviation programs and adults learned more about the Airport.

Council Member Halliday reported receiving e-mails from Fairway Park neighbors who complimented staff on the completion of the roundabout project at Fairway Park and its improvement to pavement and landscaping. City Manager David recognized Deputy Director of Public Works Fakhrai for developing the plan, matching the resources, and working with the neighborhood.

Council Member Salinas reminded everyone to attend the Downtown Street Parties on August 18 and September 17, 2011. Mr. Salinas also acknowledged Economic Development Manager Brooks for organizing free events such as movies and concerts at the Hayward City Hall Plaza.

Mayor Sweeney adjourned to a Closed Session Conference with Legal Counsel at 3:40 p.m., and reconvened the meeting at 4:15 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson reported that Council met with legal counsel pursuant to Government Code 54956.9 regarding Eden Township Healthcare District v. Sutter Health, et al, Court of Appeal No. A131616, and took no reportable action.

ADJOURNMENT

Mayor/Chair Sweeney adjourned the meeting at 4:16 p.m.

APPROVED:

_____
Michael Sweeney, Mayor, City of Hayward
Chair, Redevelopment Agency/Housing Authority

ATTEST:

_____
Miriam Lens, City Clerk, City of Hayward
Secretary, Redevelopment Agency/Housing Authority

CITY OF
HAYWARD
HEART OF THE BAY

3

DATE: September 13, 2011

TO: Mayor and City Council

FROM: Maintenance Services Director

SUBJECT: Resolution Adopting Integrated Pest Management Policy for the City of Hayward and the use of Pesticides on City of Hayward Property

RECOMMENDATION

That Council adopts the attached resolution creating the attached Integrated Pest Management (IPM) Policies for City departments and City contractors who apply pesticides to City property(ies) to eliminate or reduce pesticide applications on City property(ies) to the maximum extent feasible. This policy will be incorporated in a revised Administrative Rule Number 7.2 – Proper Use and Safe Disposal of Mercury and Pesticides.

BACKGROUND

In September 2005, Administrative Rule Number 7.2 – Proper Use and Safe Disposal of Mercury and Pesticides was issued. The purpose of the administrative rule was to establish a policy regarding City use of mercury and mercury-containing products as well as pesticides in order to minimize impacts to the environment and comply with stormwater regulations.

The Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (the MRP) regulates stormwater discharges from municipalities and local agencies in Alameda, Contra Costa, San Mateo, and Santa Clara counties and in the cities of Fairfield, Suisun City, and Vallejo. Provision C.9., Pesticides Toxicity Control, of the MRP requires the City to adopt an Integrated Pest Management (IPM) ordinance or policy. Administrative Rule Number 7.2 was established in 2005 to address the City's use of mercury and mercury-containing products and pesticides in order to minimize impacts to environment and comply with stormwater regulations. On September 15, 2010, the California Regional Water Quality Control Board reviewed the various agencies' Annual Report and found most agencies' IPM ordinances or policies to be lacking some key elements, including the City of Hayward’s policy.

DISCUSSION

In order to comply with Provision C.9 of the Water Board Order No. R2-2009-0074 Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit, the City

Council must approve an Integrated Pest Management Policy. City staff will implement the policy by incorporating revisions to Administrative Rule Number 7.2, which addresses the Proper Use and Safe Disposal of Mercury and Pesticides. In order to comply with Provision C.9, the City must also submit a copy of the specifications requiring IPM in City contracts for pesticide application.

The new IPM Policy that the City Council will be approving is based on the City of Fremont's IPM Administrative Regulations. It is being recommended with the intent of: reducing City pesticide usage on City property; reducing the use of broad spectrum pesticide; creating awareness among City staff of less-toxic pest management techniques; educating all City Departments to practice the most appropriate approach to managing pests on City properties; reducing the adverse impacts to water quality; and applying this policy to contract services.

The new IPM policy will institute practices that reduce the use of pesticides whenever applicable, without reducing safety or workplace quality. The City, including all departments and contractors or individuals providing pest control services on City property, will follow the City's Integrated Pest Management policy and utilize generally accepted Best Management Practices (BMPs) to the maximum extent practicable for the control or management of pests in and around City buildings, facilities, parks and golf courses, urban landscape areas, rights-of-way, and other City properties. Applicators will use the most current IPM technologies available to ensure the long-term prevention or suppression of pest problems and to minimize negative impacts on the environment, non-target organisms, and human health. Applicators must implement the options or alternatives listed below in the following order, before recommending the use of or applying any pesticide on City property:

a. No controls (e.g., tolerating the pest infestation, use of resistant plant varieties or allowing normal life cycle of weeds);
b. Physical or mechanical controls (e.g., hand labor, mowing, exclusion);
c. Cultural controls (e.g., mulching, disking, alternative vegetation), good housekeeping (e.g. cleaning desk area);
d. Biological controls (e.g., natural enemies or predators);
e. Reduced-risk chemical controls (e.g., soaps or oils); or
f. Other chemical controls.

The adoption of this policy applies to City departments and City contractors who apply pesticides to City-owned properties and will not impact local business. Therefore, no added costs of doing City business will result from this policy. In addition, the Hayward Area Recreation District, which manages many City-owned park properties, would also be required to implement the various options outlined above before considering the use of pesticides. City staff will work closely with HARD staff on this education process.

FISCAL IMPACT

The City of Hayward also wishes to exercise its power to make economic decisions involving its own funds as a participant in the marketplace and to conduct its own business as a municipal corporation to ensure that purchases and expenditures of public monies are made in a manner consistent with integrated pest management policies and practices. However, the policy shall not be construed as requiring a department, purchaser, or contractor to procure products that do not

perform adequately for their intended use, exclude adequate competition, risk the health or safety of workers and citizens, or are not available at a reasonable price within a reasonable period of time.

PUBLIC CONTACT

Public Education & Outreach: City staff from the Public Works Water Pollution Source Control Program, in participation with the Alameda Countywide Clean Water program, will continue with its existing program to encourage people who live, work, and/or attend school in Hayward to:

1. Obtain information on IPM techniques to control pests and minimize pesticide use;
2. Use IPM technologies for dealing with pest problems;
3. Perform pesticide applications according to the manufacturer's instructions as detailed on the product label, and in accordance with all applicable state and local laws and regulations set forth to protect the environment, the public, and the applicator; and properly dispose of unused pesticides and their containers.
4. Maintenance Services Department, or its designees, will coordinate implementation of this policy. City employees involved with pesticide application as a normal part of their job duties and pest management contractors hired by the City will be trained as required by State of California Department of Pesticide Regulations rules, the County Agriculture Commissioner, and /or the Structural Pest Control Board and the City's NPDES permit.

SCHEDULE

Approval of Integrated Pest Management Policy	September 13, 2011
Implementation of Integrated Pest Management Policy	October 1, 2011

Prepared by: Kimberly DeLand, Administrative Secretary

Recommended by: Matt McGrath, Maintenance Services Director

Approved by:

_____

Fran David, City Manager

Attachments:

Attachment I: Resolution Adopting an Integrated Pest Management Policy
Attachment II: Integrated Pest Management Policy

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Councilmember _____

RESOLUTION ADOPTING INTEGRATED PEST MANAGEMENT POLICY FOR THE CITY OF HAYWARD AND THE USE OF PESTICIDES ON CITY OF HAYWARD PROPERTY

WHEREAS, it is hereby declared to be the policy of the City that the peace, health, safety, and welfare of the residents of Hayward require protection from the unnecessary use of pesticides on City properties to ensure the City maintains compliance with National Pollutant Discharge Elimination System (NPDES) permit requirements.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Hayward hereby approves the Integrated Pest Management Policy attached hereto in its entirety.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

_____
City Attorney of the City of Hayward

CITY OF HAYWARD
HEART OF THE BAY

INTEGRATED PEST MANAGEMENT

I. PURPOSE

This policy sets forth the guiding principles for development and implementation of Integrated Pest Management (IPM) practices on all City properties.

II. OBJECTIVES

A. Reduce or minimize pesticide use on City properties to ensure the City maintains compliance with National Pollutant Discharge Elimination System (NPDES) permit requirements.

B. Reduce the use of broad spectrum pesticides when feasible.

C. Create awareness among City staff of less-toxic pest management techniques.

D. Educate all City departments to practice the most appropriate approach to managing pests on City properties, including prevention.

E. Reduce the adverse impacts to water quality (both in local creeks and the San Francisco Bay) due to pesticide usage, particularly from copper-based, organophosphate, pyrethroid, carbaryl, and fipronil pesticides.

F. Establish IPM for Contract Services.

III. ORGANIZATIONS AFFECTED

A. Maintenance Services
B. Development Services
C. Facilities Management
D. Public Works
E. Purchasing
F. Contract Services

IV. POLICY

It is the policy of the City of Hayward to:

A. Comply with Federal requirements for local government to develop and implement an Integrated Pest Management policy or procedure to address urban stream impairment by pesticides, per Provision C.9 of the National Pollutant Discharge Elimination System (NPDES) permit, Order No. R2-2009-0074, from the California Regional Water Quality Control Board, as updated 10/14/09.

B. Adopt and implement a policy requiring the minimization of pesticide use and the use of Integrated Pest Management techniques in the co-permittee's operations, as required by co-permittees of the Alameda Countywide Clean Water Program.

This policy shall not be construed as requiring the City of Hayward, a department, purchaser or contractor to take any action that conflicts with local, state or federal requirements.

V. DEFINITIONS

A. *Biological control* - The use of biological technologies to manage unwanted pests. Examples of this type of control include, but are not limited to, the use of pheromone traps or beneficial insect release for control of certain types of weeds or invasive insects in landscapes.

B. *Cultural control* - The use of IPM control methods such as grazing, re-vegetation, disking, mulching, proper irrigation, seeding, and landscaping with competitive or tolerant species to manage unwanted weeds, rodents or plant diseases, plus good housekeeping.

C. *DPR* - Department of Pesticide Regulations for the State of California's Environmental Protection Agency. DPR, in partnership with the Federal Environmental Protection Agency (EPA) and the County Department of Agriculture, oversees all issues regarding the registration, licensing and enforcement of laws and regulations pertaining to pesticides.

D. *Integrated Pest Management (IPM*) - IPM is the strategic approach that focuses on long-term prevention of pests and their damage from reaching unacceptable levels by selecting and applying the most appropriate combination of available pest control methods. These include cultural, mechanical, biological and chemical technologies that are implemented for a given site and pest situation in ways that minimize economic, health and environmental risks.

E. *Mechanical controls* - The use of IPM control methods utilizing hand labor or equipment such as mowers, graders, weed-eaters, and chainsaws. Crack and crevice sealants and closing small entryways (i.e., around pipes and conduits) into buildings for insect and rodent management are also mechanical controls.

F. *PCA* - Pest Control Advisor is one licensed by the California Department of Pesticide Regulations according to Title 3, Article 5 of the California Code of Regulations. A licensed PCA, who is registered with the County Agricultural Commissioner, provides written pest control recommendations for agricultural pest management, including parks, cemeteries, and rights-of-way.

G. *Pesticides* - Defined in Section 12753 of the California Food and Agricultural Code as any spray adjuvant, or any substance, or mixture of substances intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest, as defined in Section 12754.5 (of the Food and Agricultural Code), which may infest or be detrimental to vegetation, man, animals or households, or be present in any agricultural or nonagricultural environment whatsoever. The term pesticide applies to herbicides, insecticides, fungicides, rodenticides and other substances used to control pests. Antimicrobial agents are not included in this definition of pesticides.

H. *QAL* - Qualified Applicator License is a licensed applicator according to Title 3, Article 3 of the California Code of Regulations. This license allows supervision of applications that may include residential, industrial, institutional, landscape, or rights-of-way sites.

I. *QAC* - Qualified Applicator Certificate is a certified applicator of pesticides according to Title 3, Article 3 of the California Code of Regulations. This certificate allows supervision of applications that may include residential, industrial, landscape, or rights-of-way sites.

J. *Structural Pest Control Operator (SPCO- Branch I, II or III)* - A licensed applicator for controlling pests that invade buildings and homes according to the requirements of the Structural Pest Control Board of the California Department of Consumer Affairs.

VI. RESPONSIBILITY

A. Maintenance Services Department; or its designees, will coordinate implementation of this policy.

B. Training

1. City employees involved with pesticide applications as a normal part of their job duties and pest management contractors hired by the City will be trained as required by State of California Department of Pesticide Regulations rules, the County Agricultural Commissioner, and/or the Structural Pest Control Board and the City's NPDES permit.
2. City staff responsible for pest management on City property will provide annual training to all employees who apply pesticides as a normal part of their job duties on:

a. Pesticide Safety;
b. The City's IPM policy; and
c. Appropriate Best Management Practices and Integrated Pest Management Technologies supported by the Alameda Countywide Clean Water Program.

3. Pest Control Advisors and Applicators, pest management contractors, and other "contract for service providers" serving City-owned properties will be licensed by the State of California Department of Pesticide Regulations (DPR) as a Pest Control Advisor or licensed Qualified Applicator.

C. Public Education and Outreach

The Water Pollution Source Control Program, in participation with the Alameda Countywide Clean Water Program, will continue with its existing program to encourage people who live, work, and/or attend school in Hayward to:

1. Obtain information on IPM techniques to control pests and minimize pesticide use;
2. Use IPM technologies for dealing with pest problems;
3. Perform pesticide applications according to the manufacturer's instructions as detailed on the product label, and in accordance with all applicable state and local laws and regulations set forth to protect the environment, the public, and the applicator; and properly dispose of unused pesticides and their containers.

D. Program Evaluation

1. Maintenance Services Department; or its designees**,** will periodically evaluate the success of this policy implementation by providing a report to other departments affected by the policy. This report will relate progress in meeting the objectives of this policy, and note barriers encountered, recommendations for resolution, cost analysis, and a description of assistance needed to continuously improve staff's ability to meet the policy objectives.

E. Reporting Requirements

The information outlined below is reported as a part of the City's NPDES Stormwater Permit Annual Report compiled by the Water Pollution Source Control Program. Each City department, pest management contractor, and/or other appropriately licensed contractors employed by the City to provide City services that involve pesticide application on City-owned properties will submit by July 15th to the Water Pollution Source Control Program:

1. Annual Storage/Inventory Report - due July 15 of each fiscal year. City staff will report on inventory stored on City-owned properties. Completed form should list:
   a. Product name
   b. Pesticide type (i.e. Pyrethoid, Carbamate, organophosphate, etc.)
   c. Quantity on hand (as of June 30)
   d. Pesticides that are no longer legal or appropriate for applications per Federal, State, County, or City requirements.

2. Annual Pesticide Use Summary Report – due July 15 of each fiscal year; required of all City staff and contractors. Completed reports for each service site should list:
   a. Manufacturer and product name.
   b. Pesticide type (i.e. Pyrethoid, Carbamate, organophosphate, etc.)
   c. The total quantity of each pesticide used during the prior fiscal year (from July 1st through June 30th) in order to provide an accounting of pesticide use at City-owned properties. Annual Storage /Inventory Report and Annual Pesticide Use Summary Report Forms may be obtained by contacting the Water Pollution Source Control Program.

VII. PROCEDURE

A. Pesticide Prevention

1 The City of Hayward will institute practices that reduce pesticides and result in the purchase of fewer pesticides whenever practicable and cost-effective, but without reducing safety or workplace quality.

2 The City of Hayward will instruct all employees to implement Good Housekeeping Practices in their workstations, vehicles, break rooms, etc., to prevent the conditions that provide a food source and habitat which attract unwanted pests.

B. Pest Control and Management

1. The City of Hayward, including all departments and staff herein, and contractors or individuals (QAL, QAC, SPCO) providing pest control services on City property (Applicators) will follow the City's Integrated Pest Management policy and utilize generally accepted Best Management Practices (BMPs) to the maximum extent practicable for the control or management of pests in and around City buildings and facilities, parks and golf courses, urban landscape areas, rights-of-way, and other City properties.
2. Applicators will use the most current IPM technologies available to ensure the long-term prevention or suppression of pest problems and to minimize negative impacts on the environment, non-target organisms, and human health.

3. Applicators must implement the options or alternatives listed below in the following order, before recommending the use of or applying any pesticide on City property:
   a. No controls (e.g., tolerating the pest infestation, use of resistant plant varieties or allowing normal life cycle of weeds);
   b. Physical or mechanical controls (e.g., hand labor, mowing, exclusion);
   c. Cultural controls (e.g., mulching, disking, alternative vegetation), good housekeeping (e.g. cleaning desk area);
   d. Biological controls (e.g., natural enemies or predators);
   e. Reduced-risk chemical controls (e.g., soaps or oils);
   f. Other chemical controls.

C. Pesticide Application

1 Only City of Hayward employees or appropriate licensed contractors employed by the City who are authorized and trained in pesticide application (i.e., hold PCA, QAL, QAC, or Structural Branch Operator I, II, or III certifications/licenses or individuals working under the supervision of one of the aforementioned certificate/license holders) may apply pesticides to or within City property.

2 City of Hayward employees are not to apply privately purchased pesticides. If there are no less-toxic products on hand, employees shall contact Maintenance Services Department to be given approved less-toxic pesticides (i.e. Orange Guard, insecticidal soap).

3 When recommending pesticides for use or applying pesticides, Applicators will select and apply IPM methods that will have the least impact on water quality, human health and the environment, yet are still effective.

4 Notification: Employees will be notified prior to pesticide application, particularly when pesticide application occurs within a building.

5 New contracts that are entered into with pest management contractors and other appropriately licensed contractors employed to provide services that involve pesticide application at City properties after October 1, 2011 shall include requirements that the contractors follow the requirements of the City's IPM policy and implement the most current IPM technologies and Best Management Practices.

6 Scouting and monitoring for pests to determine pesticide application needs and using spot treatments rather than area-wide applications.

7 As a result of this policy, the Maintenance Services Department, or its designees, will continue to monitor all pesticide application needs throughout the City of Hayward. The goal is to minimize pesticide usage by mulching, using alterative pest control approaches, and applying pesticides correctly, an ongoing training in this field. For example, the City has recently changed its pre-emergent application from Pendulum Aqua Cap to Dimension 2EW in efforts to prevent vegetation from building up a tolerance, thus enhancing effectiveness.

D. Restricted Chemicals

1 City of Hayward employees and/or contractors employed by the City who are trained to recommend or apply pesticides will not use or promote the use of:
   a. Acute Toxicity Category I chemicals as identified by the Environmental Protection Agency (EPA);
   b. Organophosphate pesticides (e.g., those containing Diazinon and chlorpyrifos);
   c Copper-based pesticides unless:
      1 Their use is judicious;
      2 Other approaches and techniques have been considered; and
      3 Adverse water-quality impacts are minimized to the maximum extent practicable.

2 Applicators will always avoid applications of pesticides that directly contact water, unless the pesticide is registered under Federal and California law for aquatic use.

3 Pesticides that are not approved for aquatic use will not be applied to areas immediately adjacent to water bodies where through drift, drainage, or erosion, there is a reasonable possibility of a pesticide being transported into surface water.

4 Discharges of pollutants from the use of aquatic pesticides to the waters of the United States require coverage under a NPDES permit. Those City employees or appropriately licensed contractors employed by the City who apply pesticides directly to waters of the United States will obtain a NPDES permit from the California State Water Quality Resources Control Board Region 2, prior to making any pesticide applications.

E. Posting of Pesticide Use

1 For vehicles used primarily by City staff, signs will be posted on the vehicles. Signs will contain the:
   a. Trade name and active ingredient of the pesticide product;
   b. Target pest;
   c. Date of posting;
   d. Signal word indicating the toxicity category of the pesticide product; and
   e. Name and contact number for the department responsible for the application.

2 Signs will have a standard design that is easily recognizable by the public and workers.

F. Best Management Practices (BMPs)

1 This section includes BMPs and control measures to protect water quality during the use of pesticides, when it is determined through an IPM process that pesticides must be used.

a. Follow all federal, state, and local laws and regulations governing the use, storage, and disposal of pesticides and training of pest control advisors and applicators.

b. Use the least toxic pesticides that will do the job, provided there is a choice. The agency will take into consideration the LD50, overall risk to the applicator, and impact to the environment (chronic and acute effects).

c. Apply pesticides at the appropriate time to maximize their effectiveness and minimize the likelihood of discharging pesticides in stormwater runoff. Avoid application of pesticides if rain is expected (this does not apply to the use of pre- emergent herbicide applications when required by the label for optimal results.)

d. Employ techniques to minimize off-target application (i.e. spray drift) of pesticides, including consideration of alternative application techniques. For example, when spraying is required, increase drop size, lower application pressure, use surfactants and adjuvants, use wick application, etc.

e. Apply pesticides only when wind speeds are low.

f. Mix and apply only as much material as is necessary for treatment. Calibrate application equipment prior to and during use to ensure desired application rate.

g. Do not mix or load pesticides in application equipment adjacent to a storm drain inlet, culvert, or watercourse.

h. Irrigate slowly to prevent runoff and do not over-water.

CITY OF
HAYWARD
HEART OF THE BAY

4

DATE: September 13, 2011

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: West Winton Landfill Drainage Culvert Repair and Cap Replacement Project: Award of Contract and Appropriation of Additional Funds

RECOMMENDATION

That Council adopts the attached resolutions:

1. Awarding the contract to O.C. Jones & Sons Inc., in the amount of $322,222; and
2. Appropriating an additional $180,000 to the project budget from the Sewer System Capital Improvement Fund in order to complete this project.

BACKGROUND

This drainage improvement project is in response to a Waste Discharge Requirement (WDR) that requires the City to address normal settlement of the landfill cap and areas of depression on the top of the West Winton landfill that allow water to pond. To correct the problem, Regional Water Quality Control Board (RWQCB) staff has asked the City to address drainage issues and to submit a grading and drainage improvement plan. In June 2011, City staff submitted a detailed workplan and drawings to the RWQCB identifying the required grading and drainage culvert construction to restore stormwater drainage. In July 2011, RWQCB gave approval to the workplan so the City could move ahead with the construction phase of the project. On July 26, City Council approved the plans and specifications and called for bids.

DISCUSSION

On August 23, 2011, the City received four bids that ranged in cost from $322,221.50 to $598,103. O.C. Jones & Sons Inc. submitted the low bid in the amount of $322,221.50, which is 19 % above the engineer's estimate. The higher than expected bids appear to be the result of reduced competition and the low number of bids received for the work. Considering the time of year and the need to complete the construction in response to the RWQCB requirements, staff finds the bid reasonable under the circumstances.

The City has applied for and received a Solid Waste Disposal and Co-Disposal Site Cleanup program grant through CalRecycle that will provide financial assistance in the form of a

reimbursement of up to $225,000 in matching funds for eligible construction costs. The City obtained the grant funding in March 2009 and, if not spent by December 31, 2011, the funding will expire. Based on the low bid received, staff anticipates receiving approximately $160,000 from the CalRecycle grant.

All bid documents and licenses are in order. Staff recommends award of contract to the low bidder, O.C. Jones & Sons Inc., in the amount of $322,221.50.

FISCAL IMPACT

The estimated project costs are as follows:

Project Mitigation and Design Services Prior Contracts - Consultant	$ 69,000
Construction Management and Administration Services – Consultant	$ 86,000
Administration, Inspection & Testing – City Staff	$ 29,000
Construction Contract	$322,222
Permitting Costs	$ 20,000
Total	**$526,222**

Past project costs for consultant and regulatory agency mitigation services, interaction and adjustment to project design, along with the increased project costs associated with the final design, drainage culvert modifications, and, as noted above, the higher than expected bids have all contributed to increasing the total project cost to $526,222. The FY2012 Capital Improvement Program (CIP) includes a total of $350,000 for the West Winton Landfill Grading and Drainage Repair Project in the Sewer Capital Improvement Fund. Staff requests an additional appropriation of $180,000 from the Sewer System Capital Improvement Fund to complete the project. As noted above, staff expects CalRecycle to reimburse the City 50% of actual construction costs or approximately $160,000 from the matching grant program leaving a net cost to the Fund of approximately $366,000, only $16,000 above the original CIP budget appropriation.

PUBLIC CONTACT

Staff has contacted the affected agencies (i.e., RWQCB, East Bay Regional Park District (EBRPD), and Alameda County Health) about this project. The construction work will be on the main landfill site and adjacent City properties; there will be minimal impact to businesses. However, traffic and shoreline visitor traffic detours/closures will be coordinated with EBRPD, as needed. During construction, staff and/or the contractor will provide notices to EBRPD. Signage will be posted to inform visitors of the nature and purpose of the work and will provide City contact for additional information.

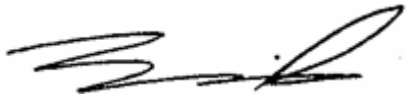
SCHEDULE

Award Construction Contract	September 13, 2011
Construction starts	October 2011
Construction ends	November 2011

Prepared by: Alex Ameri, Deputy Director of Public Works

Recommended by: Robert A. Bauman, Director of Public Works

Approved by:



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Fran David, City Manager

Attachments:

Attachment I - Resolution - Award
Attachment II - Resolution - Appropriation
Attachment III - Project Location Map
Attachment IV - Bid Summary

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-____

Introduced by Council Member _____

RESOLUTION AWARDING THE CONTRACT FOR THE WEST WINTON LANDFILL DRAINAGE CULVERT REPAIR AND CAP REPLACEMENT PROJECT, PROJECT NO. 7504 TO O.C. JONES & SONS, INC.

WHEREAS, by resolution on July 26, 2011, the City Council approved the plans and specifications for the West Winton Landfill Drainage Repair and Cap Replacement Project, Project No. 7504, and called for bids to be received on August 23, 2011; and

WHEREAS, on August 23, 2011, four bids were received ranging from $322,222 to $598,103; O.C. Jones & Sons, Inc. of Berkeley submitted the low bid in the amount of $322,222, which is 19 percent above the Engineer's Estimate of $270,000;

NOW, THEREFORE, BE IT RESOLVED that O.C. Jones & Sons, Inc. is hereby awarded the contract for the West Winton Landfill Drainage Culvert and Cap Replacement Project, Project No. 7504, in accordance with the plans and specifications adopted therefore and on file in the office of the City Clerk of the City of Hayward, at and for the price named and stated in the final proposal of the hereinabove specified bidder, and all other bids are hereby rejected.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute an agreement with O.C. Jones & Sons, Inc., in the name of and for and on behalf of the City of Hayward, in an amount not to exceed $322,222, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

_____
City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-____

Introduced by Council Member _____

RESOLUTION AMENDING RESOLUTION 11-094, BUDGET RESOLUTION FOR CAPITAL IMPROVEMENT PROJECTS FOR FISCAL YEAR 2012, FOR AN APPROPRIATION OF FUNDS FROM THE SEWER SYSTEM CAPITAL IMPROVEMENT FUND (FUND 613) TO THE WEST WINTON LANDFILL DRAINAGE CULVERT REPAIR AND CAP REPLACEMENT PROJECT NO. 7504

BE IT RESOLVED by the City Council of the City of Hayward that Resolution No. 11-094, Budget Resolution for Capital Projects for Fiscal Year 2012, is hereby amended by approving an additional appropriation of $180,000 from the Sewer System Capital Improvement Fund (Fund 613) to the West Winton Landfill Drainage Culvert Repair and Cap Replacement Project, Project No. 7504.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

_____
City Attorney of the City of Hayward

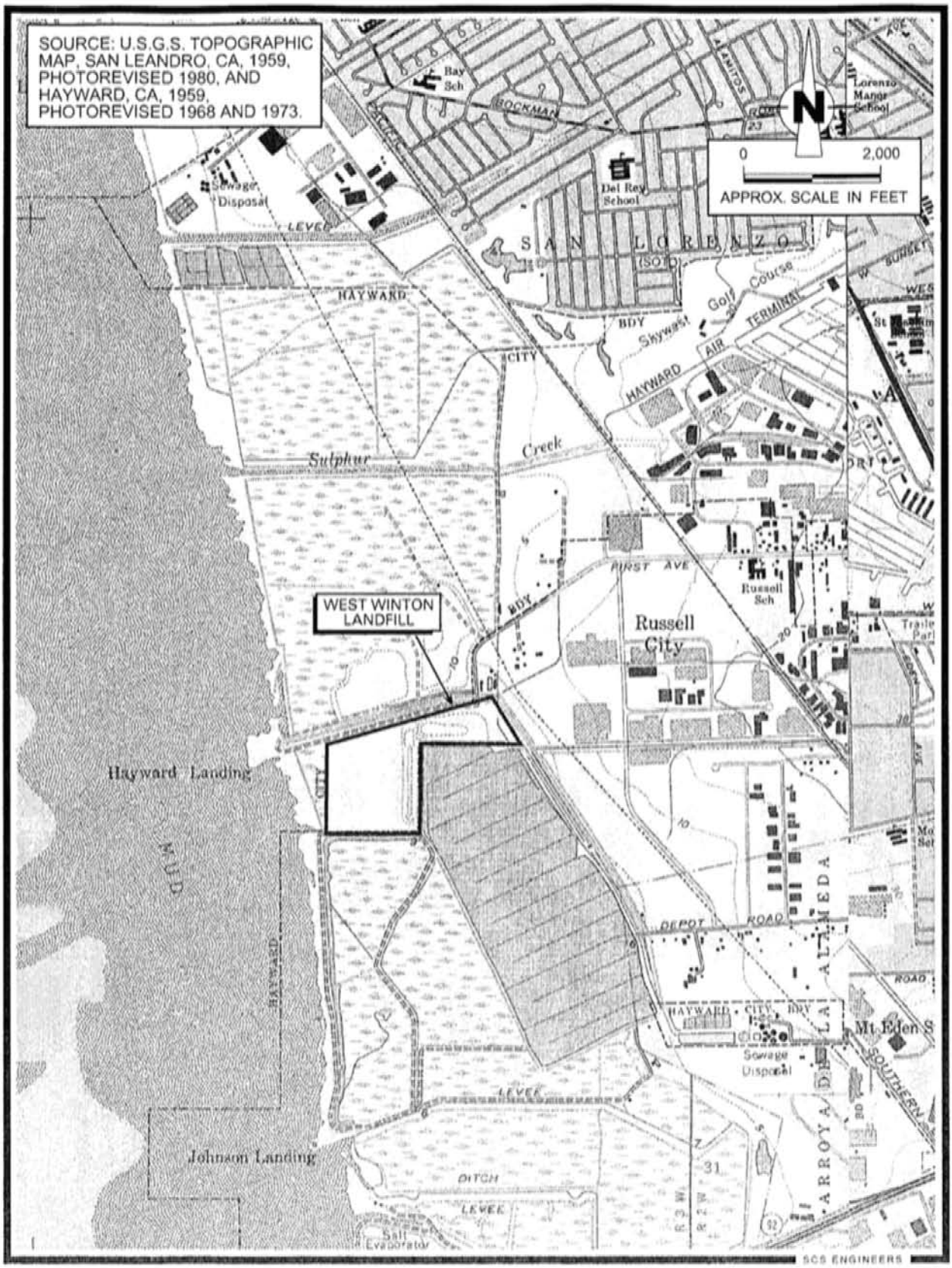

Figure 1. Project Site Location.

CITY OF HAYWARD
CONSTRUCTION OF WEST WINTON LANDFILL DRAINAGE CULVERT REPAIR & CAP REPLACEMENT
PROJECT NO. 613-7504
BIDS OPENED: 8/23/11
(NUMBER OF BIDS RECEIVED - 4)

BID SUMMARY				ENGINEER'S ESTIMATE		O.C. Jones & Sons, Inc. 1520 Fourth Street Berkeley, CA 94710 (510) 526-3424 (510) 526-0990 Fax	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1.01	1	LS	Mobilization	2,250.00	2,250.00	25,000.00	25,000.00
1.02	1	LS	Project Supervision and Management	7,200.00	7,200.00	2,500.00	2,500.00
1.03	1	LS	Survey and Layout	1,800.00	1,800.00	5,000.00	5,000.00
1.04	1	LS	As-Built Survey and Drawings	1,828.80	1,828.80	7,000.00	7,000.00
1.05	1	LS	Demobilization and Clean-up	2,700.00	2,700.00	4,300.00	4,300.00
2.01	6,680	LF	Supply and Install Straw Wattles	0.99	6,613.20	2.55	17,034.00
2.02	137,450	SF	Site Restoration (Revegetation of Disturbed Areas)	0.005	687.25	0.07	9,621.50
3.01	115,220	SF	Clearing and Stripping	0.023	2,650.06	0.10	11,522.00
4.01	115,220	SF	Beneath V-Ditch, Matching Grade to V-Ditch and Below 18-Inch HDPE Piping and Road Alignments	0.054	6,221.88	0.10	11,522.00
5.01	2,200	LF	V-Ditch Construction	36.23	79,706.00	1.93	4,246.00
5.02	50	HR	Waste Encountered (Contingency)	180.00	9,000.00	825.00	41,250.00
5.03	41,000	SF	Soil Surface Preparation to Accept 45-Mil Reinforced Polypropylene Liner	0.14	5,740.00	0.19	7,790.00
5.04	4,400	LF	Trench Liner Anchor Excavation	0.87	3,828.00	1.32	5,808.00
5.05	4,400	LF	Trench Liner Anchor Backfill	1.19	5,236.00	1.25	5,500.00
5.06	80	CY	Supply and Place Ballast 3/8-Inch Minus Neat Grout	135.73	10,858.40	147.85	11,828.00
5.07	350	CY	Remove and Haul Berm Material To The On Site Stockpile Area (North/South Sides and Portions Of The West Side)	10.97	3,839.50	7.00	2,450.00
5.08	800	CY	Remove and Haul On-Site Stockpile (Top Deck) Material	6.47	5,176.00	7.20	5,760.00
5.09	286	CY	Supply and Place Class II, Aggregate Base	29.40	8,408.40	41.00	11,726.00
5.10	6	CY	Supply and Place 4-Inch Rip Rap Around HDPE TEE Diffuser Locations	491.40	2,948.40	284.00	1,704.00
6.01	40,100	SF	Supply and Installation of 45-Mil Reinforced Polypropylene (Tan) Liner	0.69	27,669.00	0.99	39,699.00
7.01	5	EA	Supply and Installation of Utility Boxes, Covers and Extensions	265.50	1,327.50	375.00	1,875.00
7.02	22	EA	Supply and Installation of Delineator Posts On Utility Box Lids/ Vaults	46.31	1,018.82	38.00	836.00
7.03	4	EA	Supply and Installation of 10-feet Concrete K-Rails	675.00	2,700.00	725.00	2,900.00

CITY OF HAYWARD
CONSTRUCTION OF WEST WINTON LANDFILL DRAINAGE CULVERT REPAIR & CAP REPLACEMENT
PROJECT NO. 613-7504
BIDS OPENED: 8/23/11
(NUMBER OF BIDS RECEIVED - 4)

BID SUMMARY				ENGINEER'S ESTIMATE		O.C. Jones & Sons, Inc. 1520 Fourth Street Berkeley, CA 94710 (510) 526-3424 (510) 526-0990 Fax	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
8.01	2	LS	Remove and Replace Existing Corrugated Metal Piping (CMP) with 18-Inch Dia.SDR-17 HDPE Piping and TEE'S into V-Ditches, West Side	4,115.25	8,230.50	10,500.00	21,000.00
8.02	2	LS	Remove and Replace Existing Corrugated Metal Piping (CMP) with 18-Inch Dia.SDR-17 HDPE Piping and TEE'S into V-Ditches, East Side	6,309.00	12,618.00	9,500.00	19,000.00
8.03	2	LS	Remove and Replace 2-Inch HDPE Leachate Discharge Piping and 2-Inch Air HDPE Piping Under Two (2) V-Ditches	2,340.00	4,680.00	2,400.00	4,800.00
8.04	1	LS	Remove Corrugated Metal Piping (CMP) Southeast, Southwest and North Side Slopes	4,500.00	4,500.00	4,950.00	4,950.00
8.05	2,200	LF	Remove Corrugated Metal Piping (CMP) and Underliner, Top Deck, North and South Sides	6.54	14,388.00	4.50	9,900.00
9	1	LS	Recycling Implementation	1,000.00	1,000.00	700.00	700.00
10	1	LS	Administrative Change Orders	25,000.00	25,000.00	25,000.00	25,000.00
			TOTAL		**269,823.71**		**322,221.50**

CITY OF HAYWARD
CONSTRUCTION OF WEST WINTON LANDFILL DRAINAGE CULVERT REPAIR & CAP REPLACEMENT
PROJECT NO. 613-7504
BIDS OPENED: 8/23/11
(NUMBER OF BIDS RECEIVED - 4)

BID SUMMARY				ENGINEER'S ESTIMATE		Half Moon Bay Grading & Paving, Inc. 1780 Higgins Canyon Road Half Moon Bay, CA 94019 (650) 726-3588 (650) 726-3582 Fax	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1.01	1	LS	Mobilization	2,250.00	2,250.00	7,100.00	7,100.00
1.02	1	LS	Project Supervision and Management	7,200.00	7,200.00	6,500.00	6,500.00
1.03	1	LS	Survey and Layout	1,800.00	1,800.00	6,250.00	6,250.00
1.04	1	LS	As-Built Survey and Drawings	1,828.80	1,828.80	6,500.00	6,500.00
1.05	1	LS	Demobilization and Clean-up	2,700.00	2,700.00	7,500.00	7,500.00
2.01	6,680	LF	Supply and Install Straw Wattles	0.99	6,613.20	5.15	34,402.00
2.02	137,450	SF	Site Restoration (Revegetation of Disturbed Areas)	0.005	687.25	0.21	28,864.50
3.01	115,220	SF	Clearing and Stripping	0.023	2,650.06	0.25	28,805.00
4.01	115,220	SF	Beneath V-Ditch, Matching Grade to V-Ditch and Below 18-Inch HDPE Piping and Road Alignments	0.054	6,221.88	0.15	17,283.00
5.01	2,200	LF	V-Ditch Construction	36.23	79,706.00	4.15	9,130.00
5.02	50	HR	Waste Encountered (Contingency)	180.00	9,000.00	172.00	8,600.00
5.03	41,000	SF	Soil Surface Preparation to Accept 45-Mil Reinforced Polypropylene Liner	0.14	5,740.00	0.28	11,480.00
5.04	4,400	LF	Trench Liner Anchor Excavation	0.87	3,828.00	1.35	5,940.00
5.05	4,400	LF	Trench Liner Anchor Backfill	1.19	5,236.00	1.18	5,192.00
5.06	80	CY	Supply and Place Ballast 3/8-Inch Minus Neat Grout	135.73	10,858.40	108.00	8,640.00
5.07	350	CY	Remove and Haul Berm Material To The On Site Stockpile Area (North/South Sides and Portions Of The West Side)	10.97	3,839.50	18.50	6,475.00
5.08	800	CY	Remove and Haul On-Site Stockpile (Top Deck) Material	6.47	5,176.00	16.20	12,960.00
5.09	286	CY	Supply and Place Class II, Aggregate Base	29.40	8,408.40	35.00	10,010.00
5.10	6	CY	Supply and Place 4-Inch Rip Rap Around HDPE TEE Diffuser Locations	491.40	2,948.40	86.00	516.00
6.01	40,100	SF	Supply and Installation of 45-Mil Reinforced Polypropylene (Tan) Liner	0.69	27,669.00	1.01	40,501.00
7.01	5	EA	Supply and Installation of Utility Boxes, Covers and Extensions	265.50	1,327.50	98.00	490.00
7.02	22	EA	Supply and Installation of Delineator Posts On Utility Box Lids/ Vaults	46.31	1,018.82	25.00	550.00
7.03	4	EA	Supply and Installation of 10-feet Concrete K-Rails	675.00	2,700.00	510.00	2,040.00

CITY OF HAYWARD
CONSTRUCTION OF WEST WINTON LANDFILL DRAINAGE CULVERT REPAIR & CAP REPLACEMENT
PROJECT NO. 613-7504
BIDS OPENED: 8/23/11
(NUMBER OF BIDS RECEIVED - 4)

BID SUMMARY				ENGINEER'S ESTIMATE		Half Moon Bay Grading & Paving, Inc. 1780 Higgins Canyon Road Half Moon Bay, CA 94019 (650) 726-3588 (650) 726-3582 Fax	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
8.01	2	LS	Remove and Replace Existing Corrugated Metal Piping (CMP) with 18-Inch Dia.SDR-17 HDPE Piping and TEE'S into V-Ditches, West Side	4,115.25	8,230.50	5,800.00	11,600.00
8.02	2	LS	Remove and Replace Existing Corrugated Metal Piping (CMP) with 18-Inch Dia.SDR-17 HDPE Piping and TEE'S into V-Ditches, East Side	6,309.00	12,618.00	5,800.00	11,600.00
8.03	2	LS	Remove and Replace 2-Inch HDPE Leachate Discharge Piping and 2-Inch Air HDPE Piping Under Two (2) V-Ditches	2,340.00	4,680.00	4,650.00	9,300.00
8.04	1	LS	Remove Corrugated Metal Piping (CMP) Southeast, Southwest and North Side Slopes	4,500.00	4,500.00	2,300.00	2,300.00
8.05	2,200	LF	Remove Corrugated Metal Piping (CMP) and Underliner, Top Deck, North and South Sides	6.54	14,388.00	8.85	19,470.00
9	1	LS	Recycling Implementation	1,000.00	1,000.00	600.00	600.00
10	1	LS	Administrative Change Orders	25,000.00	25,000.00	25,000.00	25,000.00
			TOTAL		**269,823.71**		**345,598.50**

CITY OF HAYWARD
CONSTRUCTION OF WEST WINTON LANDFILL DRAINAGE CULVERT REPAIR & CAP REPLACEMENT
PROJECT NO. 613-7504
BIDS OPENED: 8/23/11
(NUMBER OF BIDS RECEIVED - 4)

BID SUMMARY				ENGINEER'S ESTIMATE		Granite Rock Company DBA Pavex Construction Division 120 Granite Rock Way San Jose, CA 95136 (408) 574-1400 (408) 365-9548 Fax	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1.01	1	LS	Mobilization	2,250.00	2,250.00	2,500.00	2,500.00
1.02	1	LS	Project Supervision and Management	7,200.00	7,200.00	7,000.00	7,000.00
1.03	1	LS	Survey and Layout	1,800.00	1,800.00	11,500.00	11,500.00
1.04	1	LS	As-Built Survey and Drawings	1,828.80	1,828.80	650.00	650.00
1.05	1	LS	Demobilization and Clean-up	2,700.00	2,700.00	2,920.00	2,920.00
2.01	6,680	LF	Supply and Install Straw Wattles	0.99	6,613.20	3.50	23,380.00
2.02	137,450	SF	Site Restoration (Revegetation of Disturbed Areas)	0.005	687.25	0.06	8,247.00
3.01	115,220	SF	Clearing and Stripping	0.023	2,650.06	0.05	5,761.00
4.01	115,220	SF	Beneath V-Ditch, Matching Grade to V-Ditch and Below 18-Inch HDPE Piping and Road Alignments	0.054	6,221.88	0.10	11,522.00
5.01	2,200	LF	V-Ditch Construction	36.23	79,706.00	6.90	15,180.00
5.02	50	HR	Waste Encountered (Contingency)	180.00	9,000.00	1,090.00	54,500.00
5.03	41,000	SF	Soil Surface Preparation to Accept 45-Mil Reinforced Polypropylene Liner	0.14	5,740.00	0.10	4,100.00
5.04	4,400	LF	Trench Liner Anchor Excavation	0.87	3,828.00	2.68	11,792.00
5.05	4,400	LF	Trench Liner Anchor Backfill	1.19	5,236.00	1.50	6,600.00
5.06	80	CY	Supply and Place Ballast 3/8-Inch Minus Neat Grout	135.73	10,858.40	160.00	12,800.00
5.07	350	CY	Remove and Haul Berm Material To The On Site Stockpile Area (North/South Sides and Portions Of The West Side)	10.97	3,839.50	3.80	1,330.00
5.08	800	CY	Remove and Haul On-Site Stockpile (Top Deck) Material	6.47	5,176.00	7.00	5,600.00
5.09	286	CY	Supply and Place Class II, Aggregate Base	29.40	8,408.40	68.00	19,448.00
5.10	6	CY	Supply and Place 4-Inch Rip Rap Around HDPE TEE Diffuser Locations	491.40	2,948.40	300.00	1,800.00
6.01	40,100	SF	Supply and Installation of 45-Mil Reinforced Polypropylene (Tan) Liner	0.69	27,669.00	1.14	45,714.00
7.01	5	EA	Supply and Installation of Utility Boxes, Covers and Extensions	265.50	1,327.50	750.00	3,750.00
7.02	22	EA	Supply and Installation of Delineator Posts On Utility Box Lids/ Vaults	46.31	1,018.82	45.00	990.00
7.03	4	EA	Supply and Installation of 10-feet Concrete K-Rails	675.00	2,700.00	700.00	2,800.00

CITY OF HAYWARD
CONSTRUCTION OF WEST WINTON LANDFILL DRAINAGE CULVERT REPAIR & CAP REPLACEMENT
PROJECT NO. 613-7504
BIDS OPENED: 8/23/11
(NUMBER OF BIDS RECEIVED - 4)

BID SUMMARY				ENGINEER'S ESTIMATE		Granite Rock Company DBA Pavex Construction Division 120 Granite Rock Way San Jose, CA 95136 (408) 574-1400 (408) 365-9548 Fax	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
8.01	2	LS	Remove and Replace Existing Corrugated Metal Piping (CMP) with 18-Inch Dia.SDR-17 HDPE Piping and TEE'S into V-Ditches, West Side	4,115.25	8,230.50	17,780.00	35,560.00
8.02	2	LS	Remove and Replace Existing Corrugated Metal Piping (CMP) with 18-Inch Dia.SDR-17 HDPE Piping and TEE'S into V-Ditches, East Side	6,309.00	12,618.00	17,780.00	35,560.00
8.03	2	LS	Remove and Replace 2-Inch HDPE Leachate Discharge Piping and 2-Inch Air HDPE Piping Under Two (2) V-Ditches	2,340.00	4,680.00	2,000.00	4,000.00
8.04	1	LS	Remove Corrugated Metal Piping (CMP) Southeast, Southwest and North Side Slopes	4,500.00	4,500.00	4,050.00	4,050.00
8.05	2,200	LF	Remove Corrugated Metal Piping (CMP) and Underliner, Top Deck, North and South Sides	6.54	14,388.00	3.40	7,480.00
9	1	LS	Recycling Implementation	1,000.00	1,000.00	250.00	250.00
10	1	LS	Administrative Change Orders	25,000.00	25,000.00	25,000.00	25,000.00
			TOTAL		**269,823.71**		**371,784.00**

CITY OF HAYWARD
CONSTRUCTION OF WEST WINTON LANDFILL DRAINAGE CULVERT REPAIR & CAP REPLACEMENT
PROJECT NO. 613-7504
BIDS OPENED: 8/23/11
(NUMBER OF BIDS RECEIVED - 4)

BID SUMMARY				ENGINEER'S ESTIMATE		W.R. Forde Associates 984 Hensley St Richmond, CA 94801 (510) 215-9338 (510) 215-9867 Fax	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1.01	1	LS	Mobilization	2,250.00	2,250.00	12,000.00	12,000.00
1.02	1	LS	Project Supervision and Management	7,200.00	7,200.00	10,000.00	10,000.00
1.03	1	LS	Survey and Layout	1,800.00	1,800.00	10,000.00	10,000.00
1.04	1	LS	As-Built Survey and Drawings	1,828.80	1,828.80	3,000.00	3,000.00
1.05	1	LS	Demobilization and Clean-up	2,700.00	2,700.00	5,000.00	5,000.00
2.01	6,680	LF	Supply and Install Straw Wattles	0.99	6,613.20	4.00	26,720.00
2.02	137,450	SF	Site Restoration (Revegetation of Disturbed Areas)	0.005	687.25	0.06	8,247.00
3.01	115,220	SF	Clearing and Stripping	0.023	2,650.06	0.50	57,610.00
4.01	115,220	SF	Beneath V-Ditch, Matching Grade to V-Ditch and Below 18-Inch HDPE Piping and Road Alignments	0.054	6,221.88	0.30	34,566.00
5.01	2,200	LF	V-Ditch Construction	36.23	79,706.00	25.00	55,000.00
5.02	50	HR	Waste Encountered (Contingency)	180.00	9,000.00	300.00	15,000.00
5.03	41,000	SF	Soil Surface Preparation to Accept 45-Mil Reinforced Polypropylene Liner	0.14	5,740.00	0.50	20,500.00
5.04	4,400	LF	Trench Liner Anchor Excavation	0.87	3,828.00	8.00	35,200.00
5.05	4,400	LF	Trench Liner Anchor Backfill	1.19	5,236.00	7.00	30,800.00
5.06	80	CY	Supply and Place Ballast 3/8-Inch Minus Neat Grout	135.73	10,858.40	200.00	16,000.00
5.07	350	CY	Remove and Haul Berm Material To The On Site Stockpile Area (North/South Sides and Portions Of The West Side)	10.97	3,839.50	15.00	5,250.00
5.08	800	CY	Remove and Haul On-Site Stockpile (Top Deck) Material	6.47	5,176.00	15.00	12,000.00
5.09	286	CY	Supply and Place Class II, Aggregate Base	29.40	8,408.40	65.00	18,590.00
5.10	6	CY	Supply and Place 4-Inch Rip Rap Around HDPE TEE Diffuser Locations	491.40	2,948.40	250.00	1,500.00
6.01	40,100	SF	Supply and Installation of 45-Mil Reinforced Polypropylene (Tan) Liner	0.69	27,669.00	1.20	48,120.00
7.01	5	EA	Supply and Installation of Utility Boxes, Covers and Extensions	265.50	1,327.50	2,500.00	12,500.00
7.02	22	EA	Supply and Installation of Delineator Posts On Utility Box Lids/ Vaults	46.31	1,018.82	50.00	1,100.00
7.03	4	EA	Supply and Installation of 10-feet Concrete K-Rails	675.00	2,700.00	1,500.00	6,000.00

CITY OF HAYWARD
CONSTRUCTION OF WEST WINTON LANDFILL DRAINAGE CULVERT REPAIR & CAP REPLACEMENT
PROJECT NO. 613-7504
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8.02	2	LS	Remove and Replace Existing Corrugated Metal Piping (CMP) with 18-Inch Dia.SDR-17 HDPE Piping and TEE'S into V-Ditches, East Side	6,309.00	12,618.00	15,000.00	30,000.00
8.03	2	LS	Remove and Replace 2-Inch HDPE Leachate Discharge Piping and 2-Inch Air HDPE Piping Under Two (2) V-Ditches	2,340.00	4,680.00	5,000.00	10,000.00
8.04	1	LS	Remove Corrugated Metal Piping (CMP) Southeast, Southwest and North Side Slopes	4,500.00	4,500.00	8,000.00	8,000.00
8.05	2,200	LF	Remove Corrugated Metal Piping (CMP) and Underliner, Top Deck, North and South Sides	6.54	14,388.00	22.00	48,400.00
9	1	LS	Recycling Implementation	1,000.00	1,000.00	2,000.00	2,000.00
10	1	LS	Administrative Change Orders	25,000.00	25,000.00	25,000.00	25,000.00
			TOTAL		**269,823.71**		**598,103.00**

CITY OF HAYWARD
HEART OF THE BAY

5

DATE: September 13, 2011

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Annual Report on Measure A (Utility Users Tax)

RECOMMENDATION

That the City Council receives and comments on this report.

BACKGROUND

The City, like the rest of the Country and the world, has been in the midst of a deep and long-term economic recession. While conducting long-term financial analysis in FY2007, it became evident that the City could not sustain any semblance of municipal operations without additional revenue; and certainly could not maintain public safety resources in support of Council's over-riding priority of a safe community.

In response, on March 3, 2009[1], Council declared a fiscal emergency and voted to place a 5.5% Utility Users Tax (UUT) measure on the Tuesday, May 19, 2009 Special Election ballot[2]. At the time, anecdotal responses gathered from all the community outreach and communication efforts, it appeared that a majority of voters supported a UUT, particularly if some critical factors were built into the administering Ordinance such as a sunset clause, accountability, a low-income exemption, guarantees of the revenue staying local and funding local services, and assurances that at least the then-current levels of public safety services and response times would be maintained. Staff also recommended, and Council approved, developing an energy conservation program.

[1] See this link for staff report, Resolutions, and Ordinance: http://www.hayward-ca.gov/citygov/meetings/cca/rp/2009/rp030309-05.pdf

[2] "To prevent severe cuts to Hayward city services including maintaining firefighters, paramedics, fire stations, and neighborhood police patrols; protecting emergency response times; preserving youth/ anti-gang programs; disaster preparedness; and job/economic development services; shall the City of Hayward adopt an ordinance enacting a Utility Users Tax of 5.5% on gas, electricity, video, and telecommunications services, for 10 years only, with exemptions available for low-income/ lifeline users; and all money dedicated to preserving Hayward city services?"

Measure A was successfully passed in the May mid-year election of 2009. As specified in the Council motion of March 3, 2009[3], Council's action directed staff to report to the community and to Council about revenues derived from the UUT. Section 8-18.240 of the Ordinance specifies that the City shall verify annually that UUT revenues had been "applied, exempted, collected, and remitted" in accordance with elements of the Ordinance, and that this annual verification be conducted by a "qualified, independent third party".

FY2011 is the first complete year of UUT tax collection, as collection/receipt of tax revenue did not begin in FY2010 until October/November 2009 due to proper notification to tax collectors/remitters and time to establish administrative processes on both ends of the transaction.

DISCUSSION

Certainly, it has been Council's intention and commitment to be absolutely transparent regarding the beneficial impact Measure A (UUT) revenues have had and will continue to have on the City's ability to provide services, both public safety as well as other critical services consistent with Council's adopted priorities of "Safe, Clean, and Green." Our books are now closed for FY2011, and the FY2012 budget has been adopted, allowing us to make a full and informed report to the community and the Council on the use of Measure A funds.

Reports on revenue collected as part of the UUT have been made frequently to the Council Budget & Finance Committee and to Council as part of the January-June budget processes in each of FY2010, FY2011, and FY2012; and have been made at almost every Neighborhood Partnership Meeting held since Measure A was passed. In addition, the UUT revenue received/budgeted in each year is specifically identified in each adopted budget: $10.9 million in FY2010 (actual), $14.7 million in FY2011 (estimated), and $14.8 million in FY2012 (Adopted Budget-projected).

In addition, per Section 8-18.240 of the UUT Ordinance, the City's outside auditor will acknowledge the UUT revenue separately in the annual audit; and it is and will continue to be separately identified in the Certified Annual Financial Report (CAFR). And, also in concurrence with this Section of the Ordinance, we currently contract with another outside firm that assists us in monitoring the collection and payment of UUT by service providers (i.e., utility and telecommunication companies serving Hayward residents and businesses.)

Maintenance of Public Safety staffing and response times and Disaster Preparedness Resources: The City has been able to maintain public safety service levels. At the time Measure A was passed, the City had 191 sworn police personnel and nine open, staffed, and operating Fire Stations 24/7/365. In the FY2012 Adopted Budget, these same levels were maintained.

[3] The relevant part of the March 3, 2009 motion made by Council Member Quirk is as follows: "*…and that as part of the annual budget process, that there be a report to the community and to Council about revenues derived from this proposed Utility Users Tax,…*".

Maintenance of Youth and Anti-Gang Programs: In addition, the City was able to maintain the Youth and Family Services Bureau, a critical piece of our gang prevention and intervention program, essentially intact for this fiscal year.

Maintenance of Economic Development Efforts: And, despite the insanity around Redevelopment in California, Council was able to continue funding a consistent economic development function within the City.

Energy Conservation Programs: The City has made available $350,000 of its $1.36M in federal American Recovery and Reinvestment Act (ARRA) energy efficiency and conservation block grant funds to help pay for energy efficiency improvements for the largest energy users in Hayward. That amount was actually increased from an original amount of $250,000 (taking $50,000 from the $250,000 residential energy efficiency program and $50,000 from the $250,000 non-profit/government energy efficiency program), due to the overwhelming interest from large energy users. Currently, all of the $350,000 for the large energy users program has been reserved, with energy efficiency improvements for the first business completed and reimbursement scheduled this month. It is anticipated that all improvements and expenditure of funds will be completed by not later than June of 2012.

All of the above was accomplished while closing a $20,000,000 gap between revenue and expenditures for FY2012. It is frightening to imagine how this picture would look without the $14,800,000 of Measure A revenue: the picture would be very bleak indeed.

In addition, we were able to continue a similar maintenance of effort around graffiti abatement and cleaning up of illegal dumping. We would not have been able to accomplish this without the UUT, unless we stripped the rest of program services and administrative infrastructure out of the organization: we would have had to close a $34,000,000-plus gap, which is more than 30% of our General Fund budget, and would have clearly involved severe reductions in Fire, Police, or both.[4]

ECONOMIC IMPACT

The availability of $14.8M in UUT revenue allowed the City to continue economic development efforts throughout the prime business corridors, including the Downtown. It continued public safety resources allowing residents and businesses to have quality public safety services, including the community-oriented District Command structure; thus making Hayward a more attractive place to live and to do business. In addition, it prevented the layoff of many employees, all of whom continue to spend their money in Hayward.

FINANCIAL IMPACT

UUT is General Fund revenue and is not targeted or restricted to any single use. However, consistent with their adopted priorities, Council continues to give strong support to public safety

[4]Readers need to be reminded here, that direct employee costs comprise 81% of the General Fund budget, and 75% of that 81% goes to Public Safety. Therefore, with a 30% reduction, there would be little left except Public Safety, and even that would have been radically reduced.

("Safe"), graffiti abatement and illegal dumping ("Clean"), and sustainability ("Green"). If this economy continues into FY2013 as expected, it will be a serious challenge to maintain current service levels in many areas despite the revenue from Measure A. However, without that money, the City would be in dire circumstances, including a complete inability to maintain public safety personnel and resources even close to current levels.

SCHEDULE OF FUTURE EVENTS AND PUBLIC CONTACT

As noted above, reports on revenue collected as part of the UUT have been made frequently to the Council Budget & Finance Committee and to Council as part of the annual budget processes in each year. Presentations (and thank you's to the community) have been made at almost every Neighborhood Partnership Meeting held since Measure A was passed. In addition, the UUT revenue received/budgeted for in each year is specifically identified in each adopted budget.

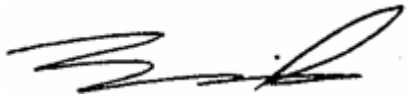
A report to Council will be made in late January/early February regarding the mid-year financials of the City, and will be the first full, formal financial report to Council and the community capturing the status of the FY2012 budget – revenue, expenditures, and recommended adjustments. This report will include the UUT revenue to date plus year-end projected.

Public information and discussion involving community priorities and the application of UUT and other revenue in support of those priorities will continue to be part of every Neighborhood Partnership and other community and budget development meetings.

Staff is now engaged in preparations for the next two-year budget (FY2013 and FY2014). The use and impact of UUT revenue will be a major part of both the public discussions and Council's deliberations related to that two-year budget. The FY2013 and FY2014 budget process will begin in September 2011 with increasing effort and intensity beginning in January 2012. Public Hearings and Council work sessions on the FY2013 and FY2014 budgets will begin in earnest no later than early April 2012.

An annual report on UUT revenue similar to this will be presented to Council and the community each year in September, after the formal closing of the year-end books.

Prepared and Approved by:



Fran David, City Manager

CITY OF
HAYWARD
HEART OF THE BAY

DATE: September 13, 2011

TO: Mayor and City Council
Agency Chair and Board Members

FROM: Assistant City Manager/Interim Redevelopment Agency Director

SUBJECT: Adoption of Enforceable Obligations Payment Schedule (EOPS) Required Under ABx1 26 (the Redevelopment "Dissolution Act")

RECOMMENDATION

That the Agency Board adopts the attached resolution (Attachment I) to: (1) adopt an Enforceable Obligation Payment Schedule pursuant to Part 1.8 of the California Community Redevelopment Law, under protest and with reservation; (2) ratify the Agency Executive Director's administrative adoption of the Enforceable Obligation Payment Schedule; and (3) authorize the Agency Executive Director to comply with noticing and other requirements associated with the Enforceable Obligation Payment Schedule, including but not limited to filing the Notice of Adoption of Enforceable Obligation Payment Schedule.

SUMMARY

The Redevelopment Restructuring Acts, consisting of ABx1 26 (the "Dissolution Act") and ABx1 27 (the "Voluntary Program Act"), enacted in late June, 2011, fundamentally restructured California Redevelopment (Division 24 of the Health and Safety Code). The Dissolution Act immediately suspended all new redevelopment activities and incurrence of indebtedness, and purported to dissolve redevelopment agencies, effective October 1, 2011. The Voluntary Program Act allowed redevelopment agencies to avoid dissolution if their sponsoring community opted in to an "alternative voluntary redevelopment program" (the "Voluntary Program") that requires annual contributions to local schools and special districts.

On August 11, 2011, the California Supreme Court agreed to review the California Redevelopment Association and League of California Cities' petition challenging the constitutionality of the Redevelopment Restructuring Acts. The Court's order also stays specified portions of the Redevelopment Restructuring Acts, indefinitely postponing certain provisions' effectiveness, as modified on August 17, 2011 (the "Stay").

On August 2, 2011, the City enacted an ordinance to participate in the Voluntary Program and exempt the Redevelopment Agency of the City of Hayward (the "Agency") from the requirements of the Dissolution Act (the "Continuation Ordinance"). Under the terms of the

Stay and pursuant to Section 34167(h) of the Redevelopment Law, after August 29, 2011, the Agency can make payments only on bond obligations (and not on any other obligations) until the Agency adopts an enforceable obligation payment schedule listing all of the obligations that are enforceable within definitions of the Dissolution Act.

To avoid defaulting under its enforceable obligations, the Agency has prepared and desires to adopt an Enforceable Obligation Payment Schedule (EOPS), under protest and reserving the Agency's rights to recognize and perform any and all obligations listed therein without regard to the provisions of the Redevelopment Restructuring Acts. The Agency Executive Director administratively approved the EOPS on August 30, 2011, posted it to the City's website, and forwarded it to the County Auditor/Controller. This action allowed the Agency to continue to make payments on enforceable obligations until such time as the Agency Board could officially adopt the EOPS at the next Board meeting, the action recommended at tonight's meeting.

BACKGROUND

Between June 28 and June 30, 2011, the Governor approved the State Budget for FY 2011/12, and signed a number of implementing trailer bills. Two of these trailer bills significantly modify the California Community Redevelopment Law ("CRL") and fundamentally alter the future of California redevelopment: ABx1 26 (the "Dissolution Act") and ABx1 27 (the "Voluntary Program Act") (together, the "Redevelopment Restructuring Acts"). The Dissolution Act first immediately suspends all new redevelopment activities and incurrence of indebtedness, and dissolves redevelopment agencies, effective October 1, 2011. The Voluntary Program Act then allows redevelopment agencies to avoid dissolution under the Dissolution Act by opting in to an "alternative voluntary redevelopment program" (the "Voluntary Program") that requires annual contributions to local schools and special districts.

The Voluntary Program is designed to generate $1.7 billion of local revenue for State use for FY 2011/12, and $400 million in each subsequent year if every sponsoring community/redevelopment agency agrees to participate. The formula for calculating each sponsoring community/redevelopment agency's share is similar, but not identical, to the formula used to calculate each redevelopment agency's share of the statewide $1.7 billion and $350 million Special Educational Revenue Augmentation Fund (SERAF) obligations in FYs 2009/10 and 2010/11, respectively. The State Department of Finance will provide information about the FY 2011/12 amount for each sponsoring community/redevelopment agency by August 1. The CRA has done the calculations for each sponsoring community/redevelopment agency and the amount for Hayward in FY2012 is estimated at **$4,073,124**. In subsequent years, the opt-in amount is estimated to be roughly **$958,382** (subject to increase under a complicated formula to the extent the Agency incurs new non-Housing Fund debt or other obligations on or after October 1, 2011). On August 2, 2011, the City reluctantly and under threat of Agency dissolution, enacted an ordinance to participate in the Voluntary Program and exempt the Redevelopment Agency of the City of Hayward (the "Agency") from the requirements of the Dissolution Act (the "Continuation Ordinance").

Section 34167(h) of the Dissolution Act requires redevelopment agencies to adopt an Enforceable Obligation Payment Schedule listing all of their obligations within sixty (60) days of

the effectiveness date of the Dissolution Act or Monday August 29, 2011, the next business day following the August 27, 2011 effective date. While redevelopment agencies whose sponsoring communities opted into the Voluntary Program were thought to be exempt from the requirements of the Dissolution Act, including the requirement to adopt an Enforceable Obligation Payment Schedule, the Supreme Court's order has resulted in the requirement that all agencies, even those that had completed the opt-in process, adopt an Enforceable Obligation Payment Schedule. Consequently, even though the City of Hayward opted into the Voluntary Program on August 2, 2011, the Agency may not be able to make routine loan payments or other payments after August 29, 2011 unless it adopts an Enforceable Obligation Payment Schedule.

On July 18, 2011, the California Redevelopment Association (CRA), the League of California Cities (League), the City of Union City, the City of San Jose, and John Shirey (as an individual taxpayer) filed a lawsuit challenging the validity and constitutionality of the Redevelopment Restructuring Acts. The lawsuit was filed directly with the California Supreme Court to accelerate the ultimate court decision, and includes a request that the Court issue a "stay" or injunction to prevent the Redevelopment Restructuring Acts from being operative pending the final court decision on the merits of the lawsuit. If the lawsuit is successful, and both ABx1 26 and ABx1 27 are declared unconstitutional, adopted opt-in ordinances will be inoperative by operation of law or can be rescinded, and redevelopment agencies will return to normal operations under the law as it existed prior to June 28, 2011. In the unlikely event that the Supreme Court were to find ABx1 27 (the Alternative Voluntary Program Act) unconstitutional while finding ABx1 26 (the Dissolution Act) constitutional, all agencies will dissolve and any adopted opt-in ordinances will be inoperative by operation of law.

On August 11, 2011, the California Supreme Court agreed to review the California Redevelopment Association and League of California Cities' petition challenging the constitutionality of the Redevelopment Restructuring Acts. The Court's order also stays specified portions of the Redevelopment Restructuring Acts, indefinitely postponing certain provisions' effectiveness, as modified on August 17, 2011 (the "Stay"). Under the terms of the Stay and pursuant to Section 34167(h) of the Redevelopment Law, after August 29, 2011, the Agency can make payments only on bond obligations (and not on any other obligations) until the Agency adopts an enforceable obligation payment schedule listing all of the obligations that are enforceable within definitions of the Dissolution Act. For all intents and purposes, the "Stay" has halted all redevelopment activities with the exception of actions related to enforceable obligations as identified on an adopted EOPS.

To avoid defaulting under its enforceable obligations, the Agency has prepared and desires to adopt an Enforceable Obligation Payment Schedule (EOPS), under protest and reserving the Agency's rights to recognize and perform any and all obligations listed therein without regard to the provisions of the Redevelopment Restructuring Acts. The Agency Executive Director administratively approved the EOPS on August 30, 2011, posted it to the City's website, and forwarded it to the County Auditor/Controller. This action allowed the Agency to continue to make payments on enforceable obligations until such time as the Agency Board could officially adopt the EOPS at the next Board meeting, the action being recommended at tonight's meeting.

DISCUSSION

The Agency's Enforceable Obligation Payment Schedule (Attachment II) lists all of the Agency's enforceable obligations and includes the following information for each obligation:

- Project name associated with the obligation;
- Payee;
- Description of the nature of the work, product, service, facility or other thing of value for which payment is to be made; and
- Payments the Agency is obligated to make, by month, through December 2011.

As identified in the Enforceable Obligation Payment Schedule, the Agency has several obligations that it must continue to pay after August 29, 2011. Some of the obligations include:

- The repayment agreement between the Redevelopment Agency and the General Fund totaling approximately $7.8 million;
- The loan from Housing Authority funds to the Agency to allow for payment of the FY10 and FY11 SERAF payments;
- A variety of consulting contracts for work currently underway, including environmental remediation, development of the Mission Blvd Specific Plan, and others;
- Legal fees;
- Agency employee payroll;
- Loans with property owners for the Foothill Façade Improvement Program;
- Agency insurance costs;
- Obligations related to existing development agreements, (e.g. utility payments for Cinema Place parking garage);
- The cooperative agreement between the Agency and the City;
- The cooperative agreement between the Agency and the Housing Authority; and
- Pass through obligations to other taxing entities.

To avoid defaulting on the Agency's enforceable obligations and to satisfy the requirements of the Stay, the Agency Executive Director took administrative actions preparing and adopting the Agency's Enforceable Obligation Payment Schedule because the Agency Board was in the midst of its summer recess when the Stay was issued. A notice of the Agency Executive Director's administrative approval of the Enforceable Obligation Payment Schedule was transmitted to the County Auditor-Controller on August 30, 2011.

Staff therefore recommends the Agency Board: (1) adopt the Enforceable Obligation Payment Schedule, under protest and reserving the Agency's rights to recognize and perform any and all obligations listed therein without regard to the provisions of the Redevelopment Restructuring Acts; and (2) ratify the Agency Executive Director's adoption of the Enforceable Obligation Payment Schedule, which actions were made under protest and reserving the Agency's rights to recognize and perform any and all obligations listed therein without regard to the provisions of the Redevelopment Restructuring Acts.

The Enforceable Obligation Payment Schedule must be adopted at a public meeting and there are no special notice requirements. Once adopted, the Enforceable Obligation Payment Schedule must be posted on the Agency's website. The Enforceable Obligation Payment Schedule must

also be transmitted to the State Department of Finance, State Controller, and County Auditor-Controller; however, notification providing the website location of the adopted Enforceable Obligation Payment Schedule is sufficient for this transmittal. Therefore, staff has prepared a letter (Attachment III) notifying the necessary parties regarding the Agency's adoption of the Enforceable Obligation Payment Schedule. The Agency can make any necessary amendments to the adopted Enforceable Obligation Payment Schedule at any of its future public meetings.

The review and action taken by the Agency is exempt under Section 15378(b)(4) of the California Environmental Quality Act ("CEQA") in that the activity is not defined as a "project," but instead is an action required to continue a governmental funding mechanism and does not commit funds to any specific project or program. A Notice of Exemption may be filed with the Alameda County Clerk in accordance with the CEQA guidelines.

ECONOMIC AND FISCAL IMPACT

Adopting the Enforceable Obligations Payment Schedule will allow the Agency to continue to make payments on its enforceable obligations after August 29, 2011.

NEXT STEPS

The adoption of the EOPS is one more step in a series of actions the Agency Board and City Council will need to take in order to comply with the requirements of ABx1 26 and ABx1 27. Following the adoption of the "opt-in" ordinance on August 2, 2011, the Council asked staff to return with a more comprehensive analysis of the Redevelopment Agency budget and scenarios related to securing Agency assets at risk. Staff is currently working on this analysis and plans to return to the Council in October for a more comprehensive discussion of this topic. Staff is also monitoring actions at the State legislature as bills to "clean-up" the RDA legislation are introduced and will continue to forward relevant information to the Agency Board and Council as it arises.

In addition, the Agency must submit its annual Statement of Indebtedness (SOI) no later than October 1, 2011. This document is critical in that it outlines all of the anticipated expenses of the Agency in order to allow the Agency to receive property tax increment. Under ABx1 27, this document gains even more significance in that, to the extent that obligations are not listed on the 2011 SOI, the annual remittance payment (estimated at $958,382) in FY2013 and beyond will be subject to formulaic increases based on new obligations listed on future SOIs. At a minimum, the ABx1 27 remittance payments to the State need to be listed on the SOI. In order to list the payment on the SOI, the Council and Agency Board need to approve an agreement authorizing the remittance payments. Staff intends to return at either the September 20 or September 27 meeting for approval of this agreement and any others that might be necessary to enable the Agency to list said agreements on this year's SOI.

Prepared and Recommended by: Kelly McAdoo Morariu, Assistant City Manager/Interim Redevelopment Agency Director

Approved by:

_____

Fran David, City Manager/Executive Director

Attachments:

Attachment I: Resolution Adopting an Enforceable Obligations Payment Schedule
Attachment II: City of Hayward RDA Enforceable Obligations Payment Schedule
Attachment III: Notice of Adoption of Enforceable Obligation Payment Schedule

REDEVELOPMENT AGENCY OF THE CITY OF HAYWARD

RESOLUTION NO. RA 11-_____

Introduced by Agency Member _____

RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF HAYWARD APPROVING AND ADOPTING THE ENFORCEABLE OBLIGATION PAYMENT SCHEDULE PURSUANT TO PART 1.8 OF THE REDEVELOPMENT LAW

WHEREAS, pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.; the "Redevelopment Law"), the City Council (the "City Council") of the City of Hayward (the "City") adopted in accordance with the Redevelopment Law, an ordinance in December 1975 adopting the Redevelopment Plan for the Downtown Hayward Redevelopment Project Area (the "Redevelopment Plan"), as amended from time to time; and

WHEREAS, the Redevelopment Agency of the City of Hayward (the "Agency") is responsible for implementing the Redevelopment Plan pursuant to the Redevelopment Law; and

WHEREAS, AB x1 26 (the "Dissolution Act") and AB x1 27 (the "Voluntary Program Act"), (together the "Redevelopment Restructuring Acts"), have been enacted to significantly modify the Redevelopment Law; and

WHEREAS, on August 11, 2011, the California Supreme Court (the “Court”) agreed to review the California Redevelopment Association and League of California Cities’ petition challenging the constitutionality of the Redevelopment Restructuring Acts and issued an order granting a partial stay on specified portions of the Redevelopment Restructuring Acts, as modified on August 17, 2011 (the “Stay”), including the provisions of the Voluntary Program Act; and

WHEREAS, under the terms of the Stay and pursuant to Section 34167(h) of the Redevelopment Law, after August 29, 2011, the Agency can make payments only on bond obligations until the Agency adopts an enforceable obligation payment schedule listing all of the obligations that are enforceable within the meaning of Section 34167(d) of the Redevelopment Law (the "Enforceable Obligation Payment Schedule"); and

WHEREAS, as further set forth in the staff report accompanying this Resolution (the "Staff Report"), under the terms of various Agency contracts and obligations, the Agency is required to make payments on its enforceable obligations after August 29, 2011; and

WHEREAS, to avoid defaulting under its enforceable obligations, the Agency Executive Director administratively prepared and adopted an Enforceable Obligation Payment Schedule, under protest and reserving the Agency’s rights to recognize and perform any and all obligations

listed therein without regard to the provisions of the Redevelopment Restructuring Acts, on August 30, 2011, because the Agency's governing board members were on summer recess at the time the Stay was issued and through August 29, 2011; and

WHEREAS, the Agency desires to adopt the Enforceable Obligation Payment Schedule and to ratify the Agency Executive Director's administrative adoption of the Enforceable Obligation Payment Schedule, under protest and reserving the Agency's rights to recognize and perform any and all obligations listed therein without regard to the provisions of the Redevelopment Restructuring Acts; and

WHEREAS, under Title 14 of the California Code of Regulations, Section 15378(b)(4), the adoption of the Enforceable Obligation Payment Schedule is exempt from the requirements of the California Environmental Quality Act ("CEQA"), in that it is not a project as the adoption of the Enforceable Obligation Payment Schedule will not have the potential of causing a significant environmental effect and it can be seen with certainty that there is no possibility that the adoption of the Enforceable Obligation Payment Schedule will have any significant effect on the environment; and

WHEREAS, the Agency Board has reviewed and duly considered the Staff Report, the Enforceable Obligation Payment Schedule, and documents and other written evidence presented at the meeting;

NOW, THEREFORE, BE IT RESOLVED, that the Agency Board finds that the above Recitals are true and correct and have served, together with the supporting documents, as the basis for the findings and approvals set forth below.

BE IT FURTHER RESOLVED, that the Agency Board finds, under Title 14 of the California Code of Regulations, Section 15378(b)(4), that this resolution is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project. The Agency Board therefore authorizes staff to file a Notice of Exemption with the County Clerk of the County of Alameda in accordance with the CEQA guidelines.

BE IT FURTHER RESOLVED, that the Agency Board hereby approves the Enforceable Obligation Payment Schedule, under protest and with a reservation of its rights to perform any and all obligations listed therein without regard to the provisions of the Redevelopment Restructuring Acts and to challenge any contrary determination by the State of California, the County Auditor-Controller or any other body under the provisions of the Redevelopment Restructuring Acts.

BE IT FURTHER RESOLVED, that the Agency Board herby ratifies the Agency Executive Director's administrative approval and adoption of the Enforceable Obligation Payment Schedule which was made under protest and with a reservation of its rights to perform any and all obligations listed therein without regard to the provisions of the Redevelopment Restructuring Acts and to challenge any contrary determination by the State of California, the County Auditor-Controller or any other body under the provisions of the Redevelopment Restructuring Acts.

BE IT FURTHER RESOLVED, that the Agency Board authorizes and directs the Agency Executive Director to: (1) post the Enforceable Obligation Payment Schedule on the City's website; (2) designate an Agency representative to whom all questions related to the Enforceable Obligation Payment Schedule can be directed; (3) notify, by mail or electronic means, the County Auditor-Controller, the Department of Finance, and the Controller of the Agency's action to adopt the Enforceable Obligation Payment Schedule and to provide those persons with the internet website location of the posted schedule and the contact information for the Agency's designated contact; and (4) to take such other actions and execute such other documents as are appropriate to effectuate the intent of this Resolution and to implement the Enforceable Obligation Payment Schedule on behalf of the Agency.

BE IT FURTHER RESOLVED, that this Resolution shall take immediate effect upon adoption.

The above and foregoing resolution was duly and regularly passed and adopted at a meeting by the Agency Board on the ____ day of September, 2011 by the following vote:

HAYWARD, CALIFORNIA

ADOPTED BY THE FOLLOWING VOTE:

AYES: AGENCY MEMBERS:
CHAIR:

NOES: AGENCY MEMBERS:

ABSTAIN: AGENCY MEMBERS:

ABSENT: AGENCY MEMBERS:

ATTEST: _____
Secretary of the Redevelopment Agency of the City of Hayward

APPROVED AS TO FORM:

_____
General Counsel

Name of Redevelopment Agency: Hayward Redevelopment Agency

Project Area(s) All

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (*)

	Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month[2]					
						Aug	Sept	Oct	Nov	Dec	Total[3]
1)	2004 Tax Allocation Bonds	Wells Fargo	Bond issue to fund non-housing projects	62,788,730.00	3,369,681.00		1,684,840.50				$ 1,684,840.50
2)	2006 Tax Allocation Bonds	Wells Fargo	Bond issue to fund non-housing projects	23,005,214.00	639,340.00		319,670.00				$ 319,670.00
3)	Repayment Agreement with City of Hayward	City of Hayward	To fund start-up costs of Hayward Redevelopment Project Area	7,789,843.00	800,000.00	800,000.00					$ 800,000.00
4)	SERAF	Hayward Housing Authority	Loan for SERAF FY10 and FY11 payments	3,876,516.00	0.00						$ -
5)	Low-Mod Housing Set Aside[1]	Hayward Housing Authority	20% Low & Mod Income Housing Set Aside Required by H & S Code	25,865,977.00	2,036,839.00					1,018,419.50	$ 1,018,419.50
6)	Contract for Restaurant Consulting	Five Star Restaurant	One-on-one restaurant consulting/retail attraction	14,287.50	14,287.50		14,287.50				$ 14,287.50
7)	Contract for Foothill Façade Program	SZFM Design Studio Inc	Develop façade improvement design for two blocks on Foothill Blvd.	4,664.85	4,664.85		4,664.85				$ 4,664.85
8)	Foothill Façade Loans	Multiple Property Owners	Matching loan funds for property owners along Foothill Blvd for façade improvement program	1,108,000.00	1,108,000.00					1,108,000.00	$ 1,108,000.00
9)	Tenant Improvement Loan	TBD	Loan for tenant improvement costs in Cinema Place project	25,000.00	25,000.00					25,000.00	$ 25,000.00
10)	Employee Costs	Employees of Agency	Payroll for employees	736,718.00	736,718.00	61,368.17	61,368.17	61,368.17	61,368.17	61,368.17	$ 306,840.85
11)	Agency insurance costs	City of Hayward	Liability Insurance	54,042.00	54,042.00	4,503.50	4,503.50	4,503.50	4,503.50	4,503.50	$ 22,517.50
12)	Legal fees	Goldfarb Lipman LLP	Outside legal counsel	66,880.48	66,880.48	5,573.37	5,573.37	5,573.37	5,573.37	5,573.37	$ 27,866.87
13)	Legal fees	Goldfarb Lipman LLP	Outside legal counsel	137.79	137.79	137.79					$ 137.79
14)	Contract for South Hayward Form Based Code	Hall Alminana, Inc	Consultant to prepare new form-based code for South Hayward BART/Mission Blvd. Area	2,313.47	2,313.47		2,313.47				$ 2,313.47
15)	Contract for Mission Blvd Specific Plan	Hall Alminana, Inc	Consultant to prepare specific plan for Mission Blvd corridor	213,649.44	213,649.44		53,412.36	53,412.36	53,412.36	53,412.36	$ 213,649.44
16)	Contract for Form Based Code EIR	Lamphier-Gregory	Consultant to prepare Supplemental Environmental Impact Report for South Hayward Form Based Code	5,653.17	5,653.17		5,653.17				$ 5,653.17
17)	Cost Allocation	City of Hayward	Payment for Administrative services (payroll, HR, etc) and overhead expenses	408,014.00	408,014.00	34,001.17	34,001.17	34,001.17	34,001.17	34,001.17	$ 170,005.85
18)	BIA Support	Hayward Business Improvement Association	Financial assistance to Downtown Business Association	55,000.00	55,000.00	4,583.33	4,583.33	4,583.33	4,583.33	4,583.33	$ 22,916.67
19)	Community Promotions	Various	Support to local non-profit organizations	75,000.00	75,000.00	6,250.00	6,250.00	6,250.00	6,250.00	6,250.00	$ 31,250.00
20)	Public Art	City of Hayward	Financial support for public art/graffiti abatement program in RDA project area	90,000.00	90,000.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	$ 37,500.00
21)	Contract for Security Services	ABC Security Services	Security Patrol Services for Cinema Place garage	64,160.20	64,160.20	5,346.68	5,346.68	5,346.68	5,346.68	5,346.68	$ 26,733.40
22)	Contract for Security Alarm	ADT Security Services	Alarm Service for Cinema Place garage	2,093.81	2,093.81	174.48	174.48	174.48	174.48	174.48	$ 872.40
23)	Contract for Elevator Maint and Repair	Mitsubishi Electric	Cinema Place Elevator	6,206.74	6,206.74					6,206.74	$ 6,206.74
24)	Contract for Sweeping	Montgomery Sweeping Service	Cinema Place Garage Sweeping	9,360.00	9,360.00	780.00	780.00	780.00	780.00	780.00	$ 3,900.00
25)	Utilities	PGE	Cinema Place Garage Utilities	24,500.00	24,500.00	2,041.67	2,041.67	2,041.67	2,041.67	2,041.67	$ 10,208.35
26)	Utilities	City of Hayward	Cinema Place Water Utilities	500.00	500.00	41.67	41.67	41.67	41.67	41.67	$ 208.35
27)	Contract for Env Remediation Work	AEDIS Architecture & Planning	Burbank School Env Remediation Work	6,504.54	6,504.54		6,504.54				$ 6,504.54
28)	Contract for Env Remediation Work	TRC	Burbank School Env Remediation Work	20,000.00	20,000.00		20,000.00				$ 20,000.00
29)	Contract for Mural	Andrew Kong Knight	Cinema Place Mural	11,643.53	11,643.53		5,821.77	5,821.77			$ 11,643.53
30)	Contract for Eng Services	FBA, Inc	Engineering Services - deconstruct Centennial Hall	4,800.00	4,800.00		4,800.00				$ 4,800.00
											$ -
	Totals - This Page			$ 126,335,409.52	$ 9,854,989.52	$ 932,301.84	$2,254,132.20	$ 191,398.17	$ 185,576.41	$ 2,343,202.65	$ 5,906,611.26
	Totals - Page 2			$ 67,692,872.79	$ 1,316,272.79	$ -	$ 70,936.79	$ 45,968.79	$ 45,968.79	$ 1,032,427.44	$ 1,195,301.81
	Totals - Other Obligations			$ -	$ 1,202,681.71	$ -	$ -	$ 1,202,681.71	$ -	$ -	$ 1,202,681.71
	Grand total - All Pages			$ 194,028,282.31	$ 12,373,944.02	$ 932,301.84	$2,325,068.99	$ 1,440,048.67	$ 231,545.20	$ 3,375,630.08	$ 8,304,594.79

*** This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.) If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.**

Note 1: The Total Outstanding Obligation Column for the Low-Moderate Housing Set Aside reflects the net present dollar value of the 20% tax increment through the life of the RDA project area.

Note 2: August payments only reflect payments to be made after 8/29/2011

Note 3: This total only reflects payments required between 8/29/2011 and 12/31/2011 and not the total outstanding obligation.

Name of Redevelopment Agency: Hayward Redevelopment Agency

Project Area(s) All

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (*)

	Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month[1]					
						Aug	Sept	Oct	Nov	Dec	Total[2]
31)	Contract for Env Remediation	ACC Environmental Consultants	Environmental Services - 22292 Foothill Blvd	3,580.00	3,580.00		3,580.00				$ 3,580.00
32)	Contract for Env Remediation	TRC	Residual Burbank Site - Removal Action Work	72,882.77	72,882.77		24,294.26	24,294.26	24,294.26		$ 72,882.77
33)	Contract for Env Remediation	AMEC Geomatrix Inc	Env Remediation - Cinema Place	195,070.82	195,070.82		21,674.54	21,674.54	21,674.54	21,674.54	$ 86,698.14
34)	Contract for Access Study	Nelson/Nygaard	Access Study - South Hayward BART TOD	1,388.00	1,388.00		1,388.00				$ 1,388.00
35)	Contract for Financial Analysis	Keyser Marston	Financial Analysis	20,000.00	20,000.00		20,000.00				$ 20,000.00
36)	Contract for CFD #2	Goodwin Consulting Group	Consultant to assist with creation of Community Facilities District #2 - Cannery Area	10,108.30	10,108.30						$ -
37)	Contract for Financial Analysis	Keyser Marston Associates	Consultant to assist with financial analysis of RDA projects	2,490.00	2,490.00						$ -
38)	Contract for Weed Removal	Art Cuevas Landscaping	Weed removal - various properties	1,935.50	1,935.50					1,935.50	$ 1,935.50
39)	Contract for Water Testing	SWRCB	Water testing at Cinema Place - monitoring of site	8,817.40	8,817.40					8,817.40	$ 8,817.40
40)	Cooperative Agreement (see subagreements below)	City of Hayward	To fund public improvements in the RDA project area	26,713,600.00							$ -
40a)	*Mission/South Hayward BART Public Improvements (one-time)*			*12,700,000.00*							$ -
40b)	*Facilitate Redevelopment of City Center Campus (one-time)*			*4,500,000.00*							$ -
40c)	*Reevaluate and update Downtown Plan (one-time)*			*500,000.00*							$ -
40d)	*Complete Downtown Gateways Project (one-time)*			*200,000.00*							$ -
40e)	*Acquiring Mission Blvd Properties (one-time)*			*5,500,000.00*							$ -
40f)	*Implementation of Downtown Retail Attraction Program (one-time)*			*2,500,000.00*							$ -
40g)	*Implementation of Neighborhood Revitalization Programs (one-time)*			*250,000.00*							$ -
40h)	*Remediation of Residual Burbank Site (one-time)*			*250,000.00*							$ -
40i)	*Cinema Place Garage Maintenance (annual)*			*66,600.00*							$ -
40j)	*Business Improvement District Funding (annual)*			*55,000.00*							$ -
40k)	*Management of Agency Owned Properties (annual)*			*20,000.00*							$ -
40l)	*Community Promotions (annual)*			*75,000.00*							$ -
40m)	*Public Art (annual)*			*90,000.00*							$ -
40n)	*Ongoing env monitoring at Burbank School (annual)*			*7,000.00*							$ -
41)	Cooperative Agreement (see subagreements below)	Hayward Housing Authority	To fund affordable housing projects in the City	39,663,000.00							$ -
41a)	*B&Grand Senior Housing (one-time)*			*1,320,000.00*							$ -
41b)	*A&Walnut Ownership Development (one-time)*			*1,210,000.00*							$ -
41c)	*South Hayward BART Senior and Family Housing (one-time)*			*7,700,000.00*							$ -
41d)	*Leidig Court (one-time)*			*220,000.00*							$ -

41e)	*Habitat for Humanity Ownership Development (one-time)*			*1,650,000.00*							$ -
41f)	*Purchase, Rehab, and Sale of Foreclosed Homes (one-time)*			*891,000.00*							$ -
41g)	*237 Units Promised under 238 Settlement Agreement (one-time)*			*15,642,000.00*							$ -
41h)	*Rehab of Existing Rental Housing Developments (annual)*			*1,650,000.00*							$ -
41i)	*First-time Homebuyer Program (annual)*			*5,500,000.00*							$ -
41j)	*Project Independence (Rental Assistance to Emancipated Youth) (annual)*			*330,000.00*							$ -
41k)	*Housing Rehab Loan and Minor Home Repair Programs (annual)*			*550,000.00*							$ -
41l)	*Monitoring and Enforcement for existing affordable housing projects and programs (annual)*			*3,000,000.00*							$ -
42)	First-time Homebuyer Program for 238 Settlement Agreement			1,000,000.00	1,000,000.00					1,000,000.00	$ 1,000,000.00
											$ -
											$ -
	Totals - This Page			$ 67,692,872.79	$ 1,316,272.79	$ -	$ 70,936.79	$ 45,968.79	$ 45,968.79	$ 1,032,427.44	$ 1,195,301.81

*** This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.) If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.**

Note 1: August payments only reflect payments to be made after 8/29/2011

Note 2: This total only reflects payments required between 8/29/2011 and 12/31/2011 and not the total outstanding obligation.

Name of Redevelopment Agency: Hayward Redevelopment Agency

Project Area(s) All

OTHER OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (*)

	Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year[1]	Payments by month[2]					
						Aug	Sept	Oct	Nov	Dec	Total[3]
1)	Pass Through Obligation	County General Fund	Pass Through Obligation	0.00	294,312.38			294,312.38			$ 294,312.38
2)	Pass Through Obligation	Chabot-Las Positas Comm Coll	Pass Through Obligation	0.00	33,001.87			33,001.87			$ 33,001.87
3)	Pass Through Obligation	Hayward U.S.D.	Pass Through Obligation	0.00	114,902.11			114,902.11			$ 114,902.11
4)	Pass Through Obligation	New Haven U.S.D.	Pass Through Obligation	0.00	1,155.67			1,155.67			$ 1,155.67
5)	Pass Through Obligation	County Sch TMR 1887	Pass Through Obligation	0.00	6.87			6.87			$ 6.87
6)	Pass Through Obligation	County Sch PHY HDCP	Pass Through Obligation	0.00	25.58			25.58			$ 25.58
7)	Pass Through Obligation	County Sch TMR PH CAP	Pass Through Obligation	0.00	0.57			0.57			$ 0.57
8)	Pass Through Obligation	County Sch TMR PH TUIT	Pass Through Obligation	0.00	3.46			3.46			$ 3.46
9)	Pass Through Obligation	County Supt Instr Pupils	Pass Through Obligation	0.00	2,164.85			2,164.85			$ 2,164.85
10)	Pass Through Obligation	County Supt Juv Hall Ed	Pass Through Obligation	0.00	448.09			448.09			$ 448.09
11)	Pass Through Obligation	County Supt Service	Pass Through Obligation	0.00	1,345.60			1,345.60			$ 1,345.60
12)	Pass Through Obligation	County Supt Capital	Pass Through Obligation	0.00	1,036.82			1,036.82			$ 1,036.82
13)	Pass Through Obligation	County Supt Dev Center	Pass Through Obligation	0.00	1,258.71			1,258.71			$ 1,258.71
14)	Pass Through Obligation	County Supt Audio Vis Cap	Pass Through Obligation	0.00	269.79			269.79			$ 269.79
15)	Pass Through Obligation	Flood Control	Pass Through Obligation	0.00	1,959.45			1,959.45			$ 1,959.45
16)	Pass Through Obligation	Flood Control Zone 2	Pass Through Obligation	0.00	17,146.99			17,146.99			$ 17,146.99
17)	Pass Through Obligation	Flood Control Zone 3A	Pass Through Obligation	0.00	12,162.44			12,162.44			$ 12,162.44
18)	Pass Through Obligation	Flood Control Zone 4	Pass Through Obligation	0.00	569.77			569.77			$ 569.77
19)	Pass Through Obligation	B.A. Air Quality Mgmt	Pass Through Obligation	0.00	2,732.84			2,732.84			$ 2,732.84
20)	Pass Through Obligation	Mosq. Abatement	Pass Through Obligation	0.00	1,339.50			1,339.50			$ 1,339.50
21)	Pass Through Obligation	AC Transit Sp Dist 1	Pass Through Obligation	0.00	68,346.65			68,346.65			$ 68,346.65
22)	Pass Through Obligation	BART	Pass Through Obligation	0.00	8,032.49			8,032.49			$ 8,032.49
23)	Pass Through Obligation	HARD	Pass Through Obligation	0.00	89,233.18			89,233.18			$ 89,233.18
24)	Pass Through Obligation	E.B. Regional Park	Pass Through Obligation	0.00	59,958.79			59,958.79			$ 59,958.79
25)	Pass Through Obligation	EBMUD	Pass Through Obligation	0.00	1,213.66			1,213.66			$ 1,213.66
26)	Pass Through Obligation	City of Hayward	Pass Through Obligation	0.00	235,030.64			235,030.64			$ 235,030.64
27)	ERAF Payment	County/State of CA	Statutory requirement	0.00	255,022.94			255,022.94			$ 255,022.94
28)											$ -
	Totals - Other Obligations			**$ -**	**$ 1,202,681.71**	**$ -**	**$ -**	**$ 1,202,681.71**	**$ -**	**$ -**	**$ 1,202,681.71**

*** This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.) If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.**

Note 1: These are the 2010 payment amounts and will be adjusted; the 2011 payments will be calculated and payable as of October 1, 2011.

Note 2: August payments only reflect payments to be made after 8/29/2011

Note 3: This total only reflects payments required between 8/29/2011 and 12/31/2011 and not the total outstanding obligation.

September 14, 2011

Ana Matosantos, Director
Chris Hill
Department of Finance
915 L Street
Sacramento, CA 95814

John Chiang, Controller
Jones Kasonso
California State Controller's Office
P.O. Box 942850
Sacramento, CA 94250

Patrick O'Connell, Auditor -Controller
Alameda County Auditor-Controller Agency
1221 Oak Street, Room 249
Oakland, CA 94612

Subject: Notification of Adoption and Posting, by the Redevelopment Agency of the City of Hayward, of the Enforceable Obligation Payment Schedule Under Protest and with Reservation

To Whom it May Concern:

This letter serves as the formal notification that that the Redevelopment Agency of the City of Hayward (the "Agency"), at a public meeting of the Agency Board held on September 13, 2011, approved and adopted the Enforceable Obligation Payment Schedule containing all of the obligations which the Agency has determined are enforceable obligations under Health and Safety Code Section 34167(d) (the "Enforceable Obligation Payment Schedule”), under protest and reserving the Agency’s rights to recognize and perform any and all obligations listed therein without regard to the provisions of AB x1 26 and AB x1 27 (the "Redevelopment Restructuring Acts").

As you were previously notified by letter dated August 30, 2011, the Agency Executive Director administratively approved and adopted the Enforceable Obligation Payment Schedule on August 30, 2011, because the Agency Board was in the midst of their summer recess when the California Supreme Court issued the order requiring all agencies to adopt an Enforceable Obligation Payment Schedule. The Agency Board also ratified the Agency Executive Director’s adoption of the Enforceable Obligation Payment Schedule which actions were also taken under protest and reserving the Agency’s rights to recognize and perform any and all obligations listed therein without regard to the provisions of AB x1 26 and AB x1 27 (the "Redevelopment Restructuring Acts").

As previously noted, a copy of the Enforceable Obligation Payment Schedule can be found at the following website: http://www.hayward-ca.gov/departments/citymanager/documents/2011/Hayward_eops_for_submittal_8_29_2011.pdf.

Please address any and all correspondence related to the Enforceable Obligation Payment Schedule to Kelly McAdoo Morariu, Assistant City Manager, who can be reached via telephone at (510) 583-4305 or via email at Kelly.Morariu@hayward-ca.gov. A copy of the Enforceable Obligation Payment Schedule can also be found at the Office of the City Clerk located at 777 B Street, 4th Floor, Hayward, CA, 94541.

Sincerely,

Fran David
City Manager/Executive Director

CITY OF
HAYWARD
HEART OF THE BAY

____7____

DATE: September 13, 2011

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Designation of Additional Preferential Residential Permit Parking Areas

RECOMMENDATION

That Council holds a public hearing and approves the attached resolution (Attachment I) that designates the Edloe/Ocie and the University Court-Modoc Avenue-Highland Boulevard ("University") areas as Preferential Residential Permit Parking Areas under Section 3.95 of the Hayward Traffic Regulations. These areas, as shown in Attachments II and III, will be subject to the procedure and fees approved by Council on May 31, 2011.

BACKGROUND

In 1987, Council adopted a resolution that approved a Preferential Residential Permit Parking Program. The Preferential Residential Permit Parking Program restricts on-street parking to residential permit-holders during posted hours.

In order to begin the designation process, residents are required to submit a petition to Engineering and Transportation Division staff to initiate a parking permit program in their neighborhood. The petition must include signatures from at least fifty-five percent of the residents within the proposed area and include six adjacent block faces (one block face is defined as 800 feet or less in length). If the petition requirements are met, staff provides a recommendation to the Director of Public Works, who determines whether to recommend a request to the City Council to add the area to the program. Additionally, the Director of Public Works can recommend an area with less than six block faces and/or make additional adjustments to the requested area, if the need for preferential residential permit parking is justified. When an area is added to the program, only residents who live along posted streets may obtain parking permits (as defined below) to utilize on-street parking during the posted hours, although they would still be limited to seventy-two hours in the same location, based on the City's existing parking regulations.

Since 1987, Council has made updates to the fee structure in response to public concerns and has tried to make the program more self-sustaining. On May 31, 2011, Council approved a revised fee structure for newly designated areas as follows:

Biennial Fee (2 residential or visitor permits)	$50.00
Renewal Fee (2 residential or visitor permits)	$50.00
Each additional residential permit (biennial)	$25.00
Each additional visitor permit (biennial)	$25.00

There are two areas currently covered by the Preferential Residential Permit Parking Program: (1) the Eden Gardens neighborhood near Chabot College, which is in effect Monday through Friday (except holidays) between 8:00 A.M. and 8:00 P.M.; and (2) Santa Clara Street near Alameda County offices and the Post Office, which is also in effect Monday through Friday (except holidays) between 8:00 A.M. and 6:00 P.M. Existing permit holders in these two areas are not affected by the new fee structure although new applicants in these existing areas will be subject to the new fee requirements when they apply.

DISCUSSION

Over the last several years, staff has received requests for additional residential permit parking areas. However, staff decided not to process any new designations until the City could revisit the current program and determine whether the program, as it existed, was sufficient or whether changes were needed to make the program more efficient and self-sustaining. Although there were several inquiries, only two new areas took serious steps towards obtaining a preferential residential permit parking designation.

Residents in the University and the Ocie/Edloe areas have expressed a desire to resolve parking availability issues within their areas. Staff has received petitions from the residents in these two areas that exceed the required 55% threshold needed for designation of a permit parking area. Staff has observed the parking situation in both areas and has concluded that the majority of those vehicles utilizing the on-street parking are not area residents.

In the case of the streets in the vicinity of the Cal State campus, those using the on-street parking are overwhelmingly Cal State University students. In addition to occupying the spaces that should be available for residents, staff has received complaints about unsafe and illegal parking (e,g., blocking driveways, fire hydrants, parking on corners), as well as trash being left on the street.

In the case of the Edloe/Ocie area, the majority of those utilizing the on-street parking are those who conduct business with Alameda County offices on Winton Avenue and are trying to avoid paying for parking either in the paid surface lots or in the parking structure off Amador. Such individuals have been documented by photographs and through observations by residents of those streets.

Based upon the signatures received, staff recommends including the following streets into the preferred residential permit parking program:

1. Edloe and Ocie:

- Edloe Drive between Ocie Way and Winton Avenue
- Ocie Way east of Santa Clara Street

Permit parking will be in effect for these two streets Monday through Friday (except weekends and holidays) between 8:00 AM and 4:00 PM; and

2. University

- University Court on the west side from 25561 to Highland Boulevard
- University Court on the east side from 25584 south to Hayward Boulevard (to include the residences of Ridgeview and Deerfield Condominiums)
- Modoc Avenue
- Highland Boulevard on the north side between 1858 and 1898
- Highland Boulevard on the south side between 1829 and Modoc Avenue

Permit parking will be in effect for these streets Monday through Friday (except weekends and holidays) between 8:00 AM and 9:00 PM.

In addition to these, staff received a request to expand the existing designated area around Santa Clara Street to west of Woodmead Park, including the streets of Broadmore Avenue, Lagunitas Lane, Beechmont Lane and the north side of Elmhurst Street. However, for various reasons, the requestors did not pursue this request and did not submit a petition to the City. Therefore, this area will not be considered for a preferential residential permit parking designation at this time.

ECONOMIC IMPACT

There are about 120 residences in the two areas. Assuming that each participant purchases two residential permits at $50, this would generate at least $6,000 bi-annually for the City. If each resident chooses to purchase an additional visitor permit, this could generate another $3,000. Thus, the added areas have the potential to bring in about $9,000 bi-annually to the City, which would cover the costs necessary to maintain the program. As noted in the May 31, 2011 City Council report, it is estimated full cost recovery for implementing a new area may occur over an 8-1/2 year period.

FISCAL IMPACT

The revenue to be generated from the additional designated areas will be used to partially offset the costs incurred by Engineering and Transportation staff (working with the public to obtain the signatures, and preparation of maps and petitions), Maintenance Services (preparation and installation of signs), Revenue (printing and distributing the permits, and collecting the fees) and the Police Department (enforcement).

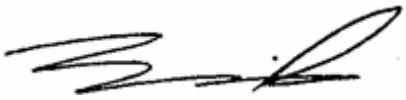
PUBLIC CONTACT

Per Section 3.95 of the Traffic Regulations, on September 3, 2011, a public hearing notice was duly printed in *The Daily Review* newspaper, ten days before the public hearing. In addition, staff provided written notification of the public hearing to each of the affected residents of the proposed designated areas. Staff has not received any objections to the proposed designation as of the submission of this report.

Prepared by: Morad Fakhrai, Deputy Director of Public Works

Recommended by: Robert A. Bauman, Director of Public Works

Approved by:



Fran David, City Manager

Attachments:

Attachment I:	Resolution Designating Additional Preferred Residential Permit Parking Areas
Attachment II:	Proposed Designation in the Edloe/Ocie Area
Attachment III:	Proposed Designation in the Cal State East Bay University Vicinity

HAYWARD CITY COUNCIL

RESOLUTION NO.11- _____

Introduced by Councilmember _____

RESOLUTION DESIGNATING EDLOE DRIVE, OCIE WAY, MODOC AVENUE, AND PORTIONS OF UNIVERSITY COURT AND HIGHLAND BOULEVARD AS PREFERRED RESIDENTIAL PERMIT PARKING AREAS

WHEREAS, Section 3.95 of the Hayward Traffic Regulations, as amended May 31, 2011, allows the City to designate certain streets for preferred residential permit parking if certain conditions are met as described by the Traffic Regulations; and

WHEREAS, greater than 55 percent of the residents of the above areas have agreed to the designation of these streets for preferred residential permit parking and have agreed to pay the fees adopted on May 31, 2011 associated with this designation; and

WHEREAS, a public hearing was duly advertised at least ten days prior to the public hearing; and

WHEREAS, a public hearing was held on September 13, 2011.

NOW, THEREFORE, BE IT RESOLVED, that the City Council designates the following streets for preferred residential permit parking:

- Edloe Drive between Ocie Way and Winton Avenue
- Ocie Way west of Santa Clara Street

Permit parking will be in effect for these two streets between 8:00 AM and 4:00 PM Monday through Friday (weekends and holidays excepted).

- University Court on the west side from 25561 to Highland Boulevard
- University Court on the east side from 25584 south to Hayward Boulevard (to include the residences of Ridgeview Condominiums and Deerfield Condominiums)
- Modoc Avenue
- Highland Boulevard on the north side between 1858 and 1898
- Highland Boulevard on the south side between 1829 and Modoc Avenue

Permit parking will be in effect for these streets between Monday through Friday (except weekends and holidays) 8:00 AM and 9:00 PM.

IN COUNCIL, HAYWARD, CALIFORNIA September 13. 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

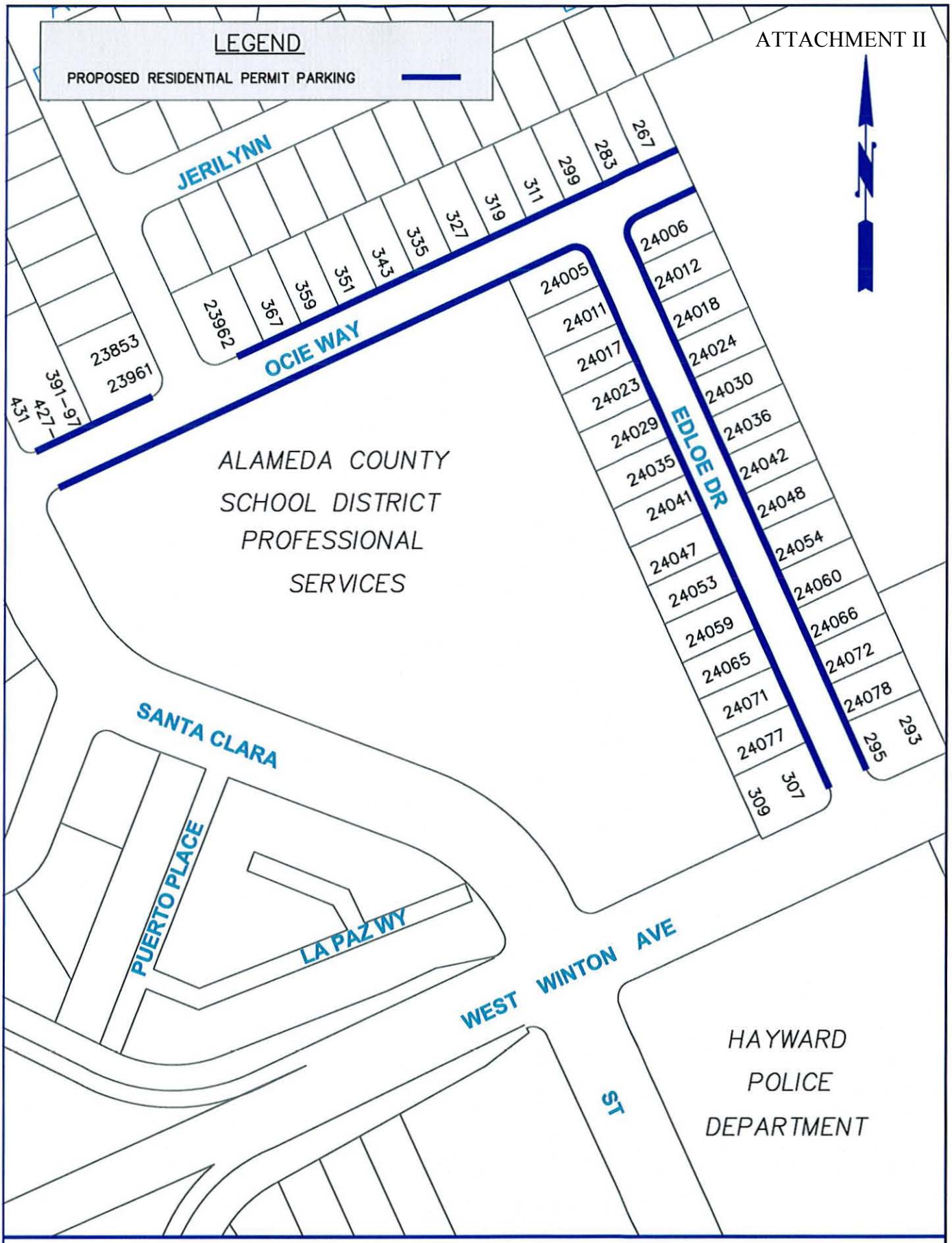
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

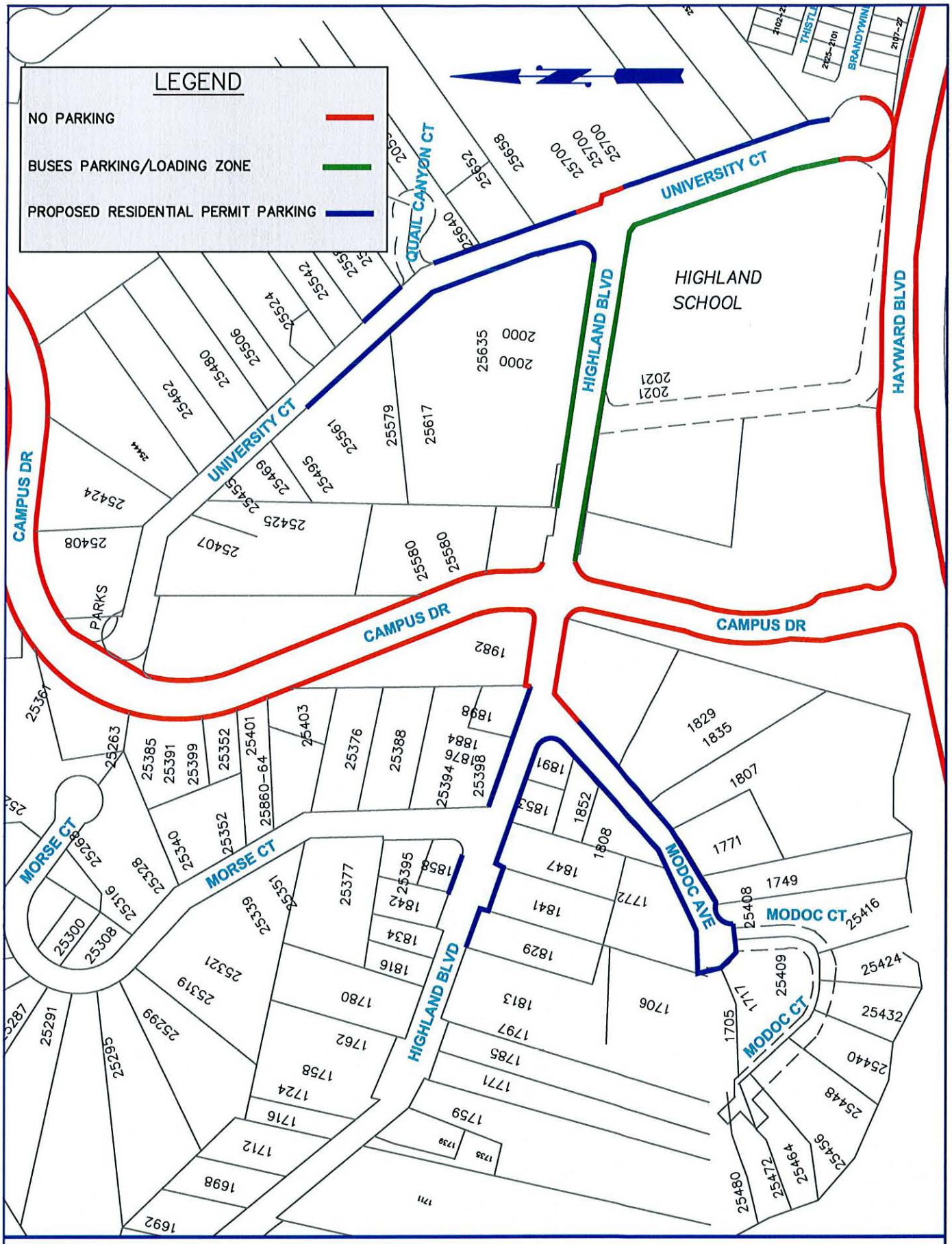
ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

_____
City Attorney of the City of Hayward



Proposed Preferential Permit Parking Area
(Ocie Way - Edloe Dr)



Proposed Preferential Permit Parking Area
(Modoc Ave - Highland Blvd - University Ct)

CITY OF HAYWARD
HEART OF THE BAY

DATE: September 13, 2011 (continued from July 26, 2011)

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Certification of a Supplemental Environmental Impact Report, Adoption of Amendments to the General Plan, and Introduction of Ordinances involving Zoning Reclassifications and Text Changes to the Zoning Ordinance and Related Municipal Code Sections, to Enact and Implement the South Hayward BART/Mission Boulevard Form-Based Code

RECOMMENDATION

That the City Council adopts the attached resolution (Attachment I) and introduces the attached ordinances (Attachments II and III), incorporating three recommendations from the Planning Commission regarding modifications to the Form-Based Code that are described in the *Background* section of this report and the air impact mitigation measure overlay zone as described on page 15 of this report, that would take the following actions regarding the South Hayward BART/Mission Boulevard Form-Based Code (Code) and Supplemental Program Environmental Impact Report (SEIR)[1]:

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

[1]Information on the Form-Based Code Project, including drafts of the Form-Based Code and the Draft and Final Supplemental Program Environmental Impact Report, is available on the City's website at:http://www.hayward-ca.gov/forums/SHBARTFBC/shbartfbcforum.shtm.

- Repeal the Mission Boulevard Residential (MBR) Zoning District (Hayward Municipal Code Sections 10-1.550 et seq), the Station Area Residential (SAR) Zoning District (Hayward Municipal Code Sections 10-1.650 et seq), the South Hayward BART/Mission Boulevard Special Design Overlay District(SD-6) (Section 10-1.2635 of the Hayward Municipal Code), and amend or repeal associated Off-Street Parking regulations (Hayward Municipal Code Sections 10-2.1000(f), 10-2.204, 10-2.404(a)(b)&(c), 10-2.407(b)&(c), 10-2.417, 10-2.418, and 10-2.419); and
- Repeal the 2006 South Hayward BART/Mission Boulevard Concept Design Plan.

SUMMARY

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

As stated on pages SC5 through SC7 of the Code, the Code seeks to implement policies of the General Plan for the South Hayward BART area, one of five "focus" areas identified in the General Plan Land Use Chapter. A form-based code is a new type of zoning code that specifically addresses the important relationship between the fronts of the buildings (the building facades) and the streets, plazas and parks (the public realm) to ensure that the resulting built environment is safe, walkable and lively.

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

The Code would not downzone (reduce densities for) any properties, except for the following properties proposed to have a Civic Space designation: four privately owned properties envisioned in the Hayward Unified School District's Master Facilities Plan to be part of a future Bowman School expansion along Mission Boulevard that currently have a Public/Quasi-Public General Plan Land Use designation (see later discussion about these properties in the Public Contact section of this report), and a triangular-shaped property owned by the State east of the BART tracks along Industrial Parkway that has a current zoning designation of High Density Residential. In addition, the densities shown in the attached Code would exceed the densities for some properties established as part of the 2006 South Hayward BART/Mission Boulevard Concept Design Plan and the 2009 238 Bypass Land Use Study. The attached map (Attachment VI) identifies those properties where proposed densities would exceed existing densities. Based on the densities shown in the attached Code, approximately 700 net new additional living units could be accommodated in the Code area compared with existing designations.

Should the Council introduce an ordinance on September 13 establishing the South Hayward BART/Mission Boulevard Form-Based Code and subsequently adopt it as currently scheduled on September 20, 2011, a new set of zoning standards and regulations would be established at that time as a result of adoption of the Code for the properties in the South Hayward BART station area.

Staff revised the draft July 26 staff report in response to two communications received after July 26 related to concerns with the uses listed in the T4 zone and with a new thoroughfare shown connecting the residential neighborhood and Haymont Mini Park to the K-Mart site, which is reflected in the latter part of the "Public Contact/Input" section at the end of this report. Staff also revised the draft July report in response to actions by the City Council associated with the Hayward Redevelopment Agency, which is reflected in the end of the "Economic and Fiscal Impacts" section of this report.

BACKGROUND

On July 28, 2008 and December 2, 2008, the City Council held work sessions to discuss whether to prepare a form-based code for the area encompassed by the 2006 South Hayward BART/Mission Boulevard Concept Design Plan. The Council directed staff to present the item to the Planning Commission, which was done during a January 15, 2009 work session. The City Council ultimately authorized the hiring of Hall Alminana, Inc. (Hall Alminana) in May of 2009 to prepare a form-based code and related technical studies. The Council decided to authorize development of a form-based code that would combine the concept, vision and design guidelines of the 2006 South Hayward BART/Mission Boulevard Concept Design Plan with zoning regulations, subdivision standards, and design standards (not guidelines) all in one clear concise and comprehensive document. With the Code, the Council wanted to encourage future development that would be pedestrian- and transit-friendly, that would accurately reflect the community's vision and support the economic revitalization of the Mission Boulevard corridor, while also providing developers with a clear, predictable and efficient review and entitlement process.

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

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

In July of 2010, the Redevelopment Agency Board authorized the Agency's Executive Director to enter into a contract with Lamphier-Gregory to prepare a Supplemental Program Environmental

Impact Report (SEIR), in accordance with the California Environmental Quality Act (CEQA), for the South Hayward BART/Mission Boulevard Form-Based Code project. A contract was subsequently executed, a Draft SEIR was prepared and discussed during a April 26, 2011 City Council work session and a April 28, 2011 Planning Commission meeting, and a final SEIR has been prepared. The Draft and Final SEIR are included as Attachments IV and V and are discussed later in this report.

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

Planning Commission Recommendation –As indicated in the attached draft meeting minutes (Attachment VIII), the Planning Commission, on June 23, 2011, recommended (6-0-1) that the Council approve the South Hayward BART/Mission Boulevard Form-Based Code and related Supplemental Program Environmental Impact Report, with the following revisions to the Code:

1. Delete Section 10-24.135(b) on page SC8 of the Code, which would provide more flexibility to City decision-makers when reviewing projects (see later discussion);
2. Downgrade the Mission Paradise project site along the east side of Mission Boulevard between Hancock and Webster Streets, and properties to the north of that site, from T5 (5 stories and 68 foot height limit) to T4 zoning (4 stories and 57 foot height limit), in response to concerns that buildings allowed by T5 zoning would negatively impact the existing residential complex to the east of such sites (see Attachment IX); and
3. Require rooftop improvements to reduce visual impacts on future buildings that could impact views from existing buildings at higher elevations on the east side of Mission Boulevard (see later discussion on page 7 of this report).

The attached Form-Based Code does not reflect the three recommended revisions by the Planning Commission and the air impact mitigation measure identified on page 1 of this report, but should Council introduce the Code with these revisions, staff will develop a final Code document that incorporates these changes.

DISCUSSION

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

The South Hayward BART/Mission Boulevard Form-Based Code is consistent with the Smart

Code template, and identifies "Transect" zones. Transect zones are based on the concept of the "Transect," which is a system of ordering human habitats in a range from the most natural to the most urban. The Transect describes the physical character of place at any scale according to the density and intensity of land use and urbanism.

The Form-Based Code would establish a new Civic Space zone and two new mixed use "Transect" zones: T5 (Urban Center Zone: allows residential uses at 35-55 units per net acre)and T4 (Urban General Zone: 17.5-35 units per net acre, similar in density to the existing High Density Residential Zoning District density). The T5 zone also includes two density overlay zones: Overlay Zone 1, which allows residential densities of 75-100 units per net acre, generally located adjacent to South Hayward BART station site; and Overlay Zone 2, which allows residential densities of 40-65 units per net acre, generally within one-quarter mile of the South Hayward BART station. New roadways, or "thoroughfares," are also envisioned, which would further help to promote pedestrian activity and safety, and increased access to the South Hayward BART station and bus transfer facility, while also reducing reliance on the automobile. Figure 1-1 in the attached Form-Based Code (Attachment III, Exhibit A) shows the new Regulating Plan for the Form-Based Code that indicates where different zones are located along with their development densities. The Regulating Plan is a map that indicates what zones of the Code apply to each property within the Code area – similar to what a zoning map does. (See later discussion under the *Public Contact/Input* section of this report regarding revisions to the Regulating Plan.)

Summary of the Form-Based Code Contents– Staff recommends that Council reviews the contents of the Code and, to that end, this report provides a brief summary of the contents of the Code in the following paragraphs. The Code's organization follows that of the Model SmartCode[2].

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

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

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

Transect is defined in the Definitions section of the Code as, "a cross-section of the environment showing a range of different habitats."

Section 10-24.135(b) on page SC8 of the Code indicates that no conditions requiring the reduction of density, floor area or height shall be imposed on a project "when the corresponding requirements of this Code are met." The Planning Commission recommended that this sub-section be deleted. Such provision would provide greater predictability for developers, one of the objectives of the Code, but would also reduce the ability for the Planning Director, Planning Commission, or City Council to utilize the Municipal Code's Site Plan Review provisions to require reduction in height, massing, etc., on a project-by-project basis. Staff concurs with the recommended deletion of this provision and recommends that the Council approve this deletion as part of its action to introduce the Form-Based Code ordinance. Such deletion is reflected in Attachment III.

Also, as indicated at the bottom of page SC9in the Code and in Attachment III, the Code's provisions would supersede provisions of certain sections of the Zoning Ordinance, Off-Street Parking Regulations, the Subdivision Ordinance, and the Sign Regulations. For example, the parking standards applicable to the rest of the City that specify the amount of parking required for various uses would be replaced with new standards that specify a maximum number of spaces (with ownership units allowed slightly more spaces than rental units, to encourage more ownership housing), rather than the typical minimum number of spaces, with non-residential uses not being required to provide any off-street parking.

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

Section 10-24.210: Special requirements are included for mandatory and recommended Shopfront Frontage areas (where retail shops or shopfronts with associated design elements are mandatory or recommended), as well as for Terminated Vista locations (where buildings located at the end of a selected thoroughfare should contain distinguishing features). Such locations are shown on the Regulating Plan.

Section 10-24.215: Transect zones in the Regulating Plan are referenced, with the T4 zone indicated in much of the Code area, except where the more intensive T5 zone is indicated. As shown in the Regulating Plan (Figure 1-1 at the beginning of the Code), the T5 zone is generally shown within a half-mile of the South Hayward BART station and at two selected neighborhood centers: the Mission Plaza Shopping Center site and at the K-Mart site at Harder Road and Mission Boulevard, both of which are envisioned for redevelopment. Planned Terminated Vistas are also shown at selected locations in the Regulating Plan. Two Transit-Oriented Development (TOD) density overlay zones are shown in the area near the BART station. The TOD Density Overlay1 zone pertains to those properties very near the South Hayward BART station, with a density of 75 to 100 dwelling units per acre. The TOD Density Overlay 2 zone, with a density range of 40 to 65 dwelling units per acre, applies to other properties generally within a quarter- mile of the BART station, including around the Mission Boulevard/Tennyson Road intersection.

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

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

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

Section 10-24.230 (Building Configuration): Building configuration standards are some of the most important in the Code, since they address how buildings should relate to the public realm along sidewalks and thoroughfares, where they are most visible. The maximum height allowed for each story is identified (14 feet, except for commercial uses on the ground floor, which can be 25 feet). Also, standards for the T4 and T5 zones regarding how buildings are to be configured along thoroughfares (e.g., porch/fence, terrace/lightwell, forecourt, stoop, shopfront, gallery, or arcade) are addressed (see Table 5 in the Code), with an indication that all developments shall provide at least 15% (T4) or 10% (T5) of their lot areas as common open space. In the T5 zone, awnings, arcades, and galleries are allowed to encroach into the sidewalk to within 2 feet of the curb, but must clear the sidewalk vertically by at least 8 feet. Stoops or open porches, balconies, and bay windows may encroach by up to 50% of the front layer (setback) in the T4 zone, and up to the property line in the T5 zone. The provisions also indicate a residential or lodging use on the ground floor in the T5 zone must be at least 2 feet above average sidewalk grade.

In response to the Planning Commission's recommendation regarding concerns with visibility of roofs on future buildings from adjacent properties to the east of Mission Boulevard, staff recommends, as reflected in Attachment III, that the following provision be introduced and added to Section 10-24.230(a) of the Form-Based Code: "Require rooftop improvements to reduce visual impacts on future buildings 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."

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

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

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

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

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

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

Section 10-24.265 (Visitability Standards) - This section indicates standards to encourage accessibility and activity at the street level (related to universal design), including requiring at least one zero-step entrance to each building from an accessible path and requiring first floor interior doors to provide at least 32 inches of clear passage.

Section 10-24.270 (Sustainability Standards)–The Code text contains standards related to wind power (see Table 13A in the Code), solar power (Table 13B), food production (Table 13C), and stormwater management techniques (Table 13D). The wind power provisions include standards

related to location, number, height, lighting, access, noise, aesthetics/maintenance, etc. for such facilities. Horizontal axis wind turbines, which are the traditional "windmill-like" turbines, are prohibited in the Code area.

Section 10-24.275 (Thoroughfare Standards and Plan) -Referencing Table 2 and Figures1-2 and 1-3 in the Code, this section identifies purposes of the thoroughfare standards and plan, contains standards for each type of thoroughfare (with an emphasis on promoting pedestrian movement and accommodating bicycle movement), identifies where those various thoroughfares are located throughout the Code area (Figure 1-2: Thoroughfare Plan) and where new thoroughfares are proposed (Figure 1-3), indicates lighting and planting along thoroughfares shall be in accordance with Tables 3 and 4 of the Code.

The provisions also identify, on page SC31, incentives to encourage property owners to dedicate new thoroughfares including: application processing priority; increased density (four additional units for every 100 linear feet of street or slip lane dedication and construction); and height (one additional story for the principal building for new thoroughfare and dedication).

Finally, the provisions on pages SC31 and SC32 also require that applicants for planning permits involving a new thoroughfare submit a petition and supporting material to establish a precise plan line for the new thoroughfare, which is to be processed to the City Council without an application fee.

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

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

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

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

Standards and Tables (pages SC41 to SC64) - This section of the Code contains various tables that relate to and summarize the previous section's content. Table 1 on page SC42 describes the various zones; Table 2 on pages SC43 to SC49 shows standards for 14 different thoroughfare types; Tables 3 and 4on pages SC50 and SC51 show the various public lighting fixture and planting styles; Table 5 shows details on various public frontages; Table 6 relates to fences and walls; Table 7 has been revised from the previous Code version and shows maximum stories allowed in each zone

(including the two TOD overlay zones); Table 8 on page SC55 includes information on building disposition; Table 9 on page SC56 lists the various functions (uses) permitted in the various zones; Table 10 provides information on the four different types of civic spaces; Tables 11 and 12A & 12B provide a summary of the various standards for the two transect zones, including graphics to help depict desired development configurations; and Tables 13A through 13D show facilities and standards related to sustainability.

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

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

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

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

Summary of Major Revisions Made to the Form-Based Code Version Presented to the City Council on April 27, 2010 and to the Planning Commission on May 13, 2010– Other than the June 23, 2011 hearing before the Planning Commission, the City Council and Planning Commission last held public work sessions on the Draft Form-Based Code in the spring of 2010[3]. The minutes from those work sessions are included with this report as Attachments X

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

and XI.

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

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

The major revisions that have been made to the Form-Based Code document (Attachment III, Exhibit A) since those work sessions, and which were presented to the Planning Commission on June 23, are summarized below and in the next section, most of which were made in response to input received by staff from a variety of sources:

a. The Regulating Plan (Figure 1-1) was moved to the front of the Code, and properties that were previously identified with a Planned Development (PD) District designation are now identified with Form-Based Code designations, for consistency purposes. Also, the pedestrian/bike bridge envisioned over Tennyson Road north of the South Hayward BART station site has been specifically identified on the Regulating Plan.
b. Page SC17: Related to concerns with ensuring valuable properties along Mission Boulevard are available for future commercial and retail development, a new Section 10-24.235(a)(v) was added that prohibits new assembly uses and religions facilities from being built on parcels that front Mission Boulevard, when they would be located within a half-mile of another assembly use or religious facility. Currently, due to the number and location of existing assembly uses and religious facilities, no additional assembly uses or religious facilities would be allowed along the Mission Boulevard frontage in the Form-Based Code area; however, such uses would be allowed with a use permit within the Code area on parcels that do not front Mission Boulevard, and throughout other portions of the City, per existing Zoning Ordinance regulations.
c. Page SC27: A new Section 10-24.270(a)(iii)(3)was added to clarify that chickens are

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meeting staff report and draft Code are available on the City's website at: http://www.hayward-ca.gov/citygov/meetings/pca/2010/pca051310.htm.

only allowed in Vegetable Gardens and in accordance with the standards in Section 10-1.2735(f) of the Zoning Ordinance.

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

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

a. Revisions to Tables 7, 11, and 12B: The maximum number of stories allowed in the T5 zone and the TOD 2 Overlay zone has been reduced from six stories to five stories.
b. Revisions to Table 7: A maximum height limit in feet has been established for each zone, as follows:
    i. 57 feet to midpoint of eave/ridge in the T4 zone (4 stories maximum) – previously, a building could have been 77 feet tall;
    ii. 68 feet to midpoint of eave/ridge in the T5 zone and TOD 2 Overlay zone (5 stories maximum) – previously, a building could have been 91 feet tall;
    iii. 79 feet to midpoint of eave/ridge in the TOD 1 Overlay zone (6 stories maximum)– previously, a building could have been 105 feet tall.
c. Pages SC18 to SC20: Bicycle parking standards have been added(Section 10-24.245(a)(viii)&(ix) and Tables A1and A2), which incorporate California's new Green Building Code standards.
d. Pages SC37 to SC40: Section 24-10.295 has been expanded to provide standards for various types of affordable and supportive housing, consistent with State law and the City's adopted Housing Element. The Housing Element of the General Plan, which was adopted in June 2010, includes "Program 20: Extremely Low Income and Special Needs

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

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

STAFF ANALYSIS

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

In order to approve the General Plan Amendments, the City Council must make certain findings, upon recommendation from the Planning Commission. The Planning Commission made the findings and staff supports the findings identified in the attached resolution (Attachment I).

Zoning Map Changes and Code Text Changes –In order to approve the Form-Based Code as new Article 24 of Chapter 10 of the Hayward Municipal Code and revisions to the Zoning Map and modifications to other Code provisions as reflected in Attachments II and III, the City Council, after recommendation from the Planning Commission, must make certain findings. Findings made by the Commission and supported by staff are reflected in the attached resolution (Attachment I).

ENVIRONMENTAL REVIEW

In December of 2010, the City prepared an Initial Study and issued a Notice of Preparation (NOP), indicating it was going to prepare a Supplemental Program Environmental Impact Report (SEIR) associated with the Form-Based Code, and asking for input as to what the Draft SEIR should address. The Draft SEIR "tiers" off two EIRs previously certified by the City: the 2006 South Hayward BART/Mission Boulevard Concept Design Plan Program EIR[4] and the 2009 Route 238 Bypass Land Use Study Program EIR[5].

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

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

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

However, the Initial Study did reveal new potentially significant impacts and/or substantial increases in the severity of previously determined significant impacts under the remaining CEQA

[4]The 2006 South Hayward BART/Mission Boulevard Concept Design Plan and related EIR are available on the City's website at: http://www.hayward-ca.gov/forums/SHBART/shbartforum.shtm.
[5]The 2009 Route 238 Bypass Land Use Study information and related EIR are available on the City's website at: http://www.hayward-ca.gov/forums/rte-238blus/238blus.shtm.

topics of: Air Quality; Aesthetics; Greenhouse Gas Emissions; and Transportation/Traffic. In the case of the Draft SEIR, the following new information is addressed: (1) the CEQA Guidelines were amended to include requirements for addressing greenhouse gas emissions and global climate change; and (2) new thresholds and guidelines for determining air quality impacts were approved by the Bay Area Air Quality Management District (BAAQMD).

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

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

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

Impact Air-2: Siting of Sensitive Receptors Near Highway Emissions and Related Risks -
To mitigate these impacts, and in accordance with new guidelines of the Bay Area Air Quality Management District (BAAQMD), the Draft SEIR recommended that an overlay zone be established extending 500 feet from Mission Boulevard or a reduced distance if coordinated with BAAQMD. The mitigation measure would require: (a) shielded or buffered outdoor areas for sensitive receptors; (b) installation of compliant air filtration systems for buildings containing sensitive receptors; or (c) in lieu of items (a) and (b), demonstrate through a Health Risk Assessment that no threat to health exists. ***If this project's SEIR is ultimately certified by City Council, the Form-Based Code would need to be revised to reflect this mitigation measure. Staff is recommending that the Council incorporates this measure with introduction of the Form-Based Code ordinance (language included in Attachment III), and staff will add it to a revised Form-Based Code to be presented to Council at a subsequent meeting with adoption of the ordinance.***

Impact Traf-1: LOS at Dixon Street-East 12th Street/Tennyson Road–
To mitigate this impact to a less-than-significant level and improve level of service (LOS) to LOS Din the AM peak-hour, the Draft SEIR recommended that an exclusive right turn

pocket and a shared through-left turn lane be created in the southbound direction on the East 12th Street approach, as well as other minor intersection improvements.

Impact Traf-2: LOS at Mission Boulevard/Industrial Parkway–
The Draft SEIR indicated that an overlapping signal with the southbound left protected phase be added for the westbound right turn lane, which would reduce this impact to a less-than-significant level and improve the LOS at the intersection to LOS Din the AM peak-hour.

Impact Traf-3: LOS at Mission Boulevard/Tennyson Road–
Split phasing signal timing in the eastbound and westbound directions is already being constructed as part of the Route 238 Corridor Improvement Project. However, in addition to the split phasing, the following would need to be accomplished to reduce this impact to a less-than-significant level and improve the intersection to LOS Din the AM peak-hour: (a) convert the eastbound through lane to an eastbound shared through-left lane; (b) stripe the westbound approach to a shared left-through lane and an exclusive right turn lane; (c) provide overlap phasing for westbound and eastbound right turns; and (d) prohibit northbound and southbound U-turns to avoid conflicts with the right turn overlap phasing.

Impact Traf-4: LOS at Mission Boulevard/Harder Road–
To mitigate this impact to a less-than-significant level and improve the LOS at the intersection to LOS D in the PM peak-hour, the Draft SEIR said to convert the signal phasing of this intersection to split phasing with right-turn overlap phasing in the eastbound and westbound directions during the northbound and southbound protected left-turn phase, and implement additional intersection improvement measures. (Note this mitigation measure was revised in the Final SEIR as indicated below and does not need to be incorporated into the Code itself since it does not involve design issues on private properties.)

Chapter 8 of the Draft SEIR identifies the previous three alternatives analyzed in the 2006 Concept Design Plan EIR and the three alternatives analyzed in the 2009 Route 238 Bypass Land Use Study EIR, as well as a “No Project” alternative that would essentially reflect development consistent with current land use/zoning regulations. Because the Draft SEIR for the Form-Based Code identified one new potentially significant, but mitigable impact related to the level of service at Mission Boulevard and Harder Road, the “No Project” alternative is identified as the environmentally superior alternative in Chapter 8. In cases where the "No Project" alternative is identified as the environmentally superior alternative, the CEQA requires that the second most environmentally superior alternative be identified. The Form-Based Code project would generally represent the next-best alternative in terms of the fewest impacts, and it would meet the City’s objectives to the same extent as the projects evaluated in the previous EIRs.

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

Plan EIR Impact 4.2-1); cumulative air quality impacts (Concept Design Plan EIR Impact 4.2-2); and cumulative traffic impacts (Concept Design Plan EIR Impact 4.7-4 and Route 238 Bypass Land Use Study EIR Impact 4.11-1).

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

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

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

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

> **Mitigation PS-1: (Fire Services)** If the City determines new or replacement equipment is needed, future developers shall:
>
> > a) Pay a fair share contribution to the City of Hayward to finance the acquisition of equipment to serve proposed developments, including those associated with mid to high rise structures (3 to 7 stories); and
> >
> > b) Pay a fair share contribution to the City of Hayward to finance the acquisition of traffic pre-emption devices along Mission Boulevard, as determined by the Hayward Fire Chief, to ensure emergency equipment can access new construction in the project area.
>
> (Concept Design Plan EIR Mitigation Measure 4.8-1)
>
> **Mitigation PS-2: (Police Services)** If the City determines new or replacement equipment is needed, future developers shall pay a fair-share contribution to the City of Hayward to finance the acquisition of such equipment, including, but not limited to vehicles. (Concept Design Plan EIR Mitigation Measure 4.8-2)

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

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

TECHNICAL STUDIES

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

Parking and Transportation Demand Management Strategy (January 2010)[7]– The Project's traffic consultant, Nelson/Nygaard Consulting Associates (N/N), prepared a coherent parking and transportation demand management (TDM) strategy document (Strategy) to complement and support the vision of the new Form-Based Code. The eight fundamental recommendations in the Strategy are based on the premise that parking and TDM policy must be planned with a clear view of the City's overall goals, in order for these policies to contribute to the community's vision. The recommendations contained in the document by N/N, along with specific case studies, are designed to provide a long-range strategy: that is, an overall policy framework that can remain useful and viable, even as new buildings are added, blocks are redeveloped, new streets are introduced, and land uses change over time. The eight recommendations identified in the document are: create a commercial parking benefit district; invest meter revenues in TDM programs; provide universal transit passes; require parking cash out; create residential parking benefit districts; "unbundle" parking costs (separating the costs of parking spaces from the costs of units to allow residents to pay for parking spaces separately); encourage car-sharing programs; and remove minimum parking requirements.

City staff is currently working with its consultant to develop recommendations (draft ordinance language)to present to the Planning Commission and City Council in the near future to implement some of the recommended strategies. Depending on timing, such recommendations

[6]The Synoptic Survey is available on the City's website at:http://www.ci.hayward.ca.us/forums/SHBARTFBC/pdf/Synoptic_Survey-Lower_Quality.pdf .
[7] The Parking/TDM Strategy document is available on the City's website at: http://www.hayward-ca.gov/forums/SHBARTFBC/pdf/2010/SO_HAYWARD_Parking_Strategy_FINALDRAFT.pdf .

will likely entail revisions to the two form-based codes being developed, as well as to the City's Municipal Code.

ECONOMIC AND FISCAL IMPACTS

Market Analysis (September 2009)[8]– The City's economic consultant, Economics Research Associates|AECOM (ERA|AECOM), projected in the fall of 2009 that future demand would equal 8,900 new residential units in the City of Hayward between 2010 and 2030. Of this total, about 5,700 would be single-family units, and another 3,170 units will be multi-family units. ERA|AECOM estimated that the primary market area, defined as the area bounded by the railroad tracks on the west, the Hayward Hills to the east, Harder Road on the north, and Whipple Road to the south, could support demand for between 1,300 and 1,600 market rate residential units over this 20-year period, nearly all of which will be multi-family units. In addition, ERA|AECOM indicated that the City will likely encourage the use of public and non-profit agency resources to add new below market housing into this area. An example of that indication is the Eden Housing affordable housing project proposed as part of the South Hayward BART Mixed-Use project near the South Hayward BART station. Including below market housing, ERA|AECOM indicated that the primary market area would experience the construction of 2,000 multi-family units over the next two decades.

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

Fiscal Impact Analysis (February 25, 2010)[9]– ERA|AECOM also prepared an analysis of the fiscal impact of the potential development that the Form-Based Code may encourage in the Project area. ERA|AECOM analyzed two scenarios that reflect the level of development likely to be encouraged by the Form-Based Code at two points in time. The level of development assumed in the first scenario, Scenario 1, is based on the originally approved South Hayward BART

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

Mixed-Use project, which has been subsequently approved to be re-phased and which ERA|AECOM assumes will be completed and fully integrated into the project area by the year 2020. Scenario 1, therefore, is an analysis of the development impacts on the City's General Fund and Redevelopment Agency Tax Increment in the year 2020.

The level of development assumed in Scenario 2 is based on the demand projected in ERA|AECOM's market study summarized in the preceding section. In the market study, ERA|AECOM presented high and low demand estimates for residential and retail uses by the year 2030. ERA|AECOM used a midpoint between the high and low demand projections to estimate the level of development. Therefore, Scenario 2 is an analysis of the development impacts on the City's General Fund and Agency Tax Increments in the year2030.

As detailed in the report, ERA|AECOM estimates that the development spurred by the Form-Based Code in the project area will have a net negative impact on the General Fund of approximately $379,000 per year in Scenario 1 and approximately $403,000 in Scenario 2. However, such deficits would be more than offset by anticipated tax increment revenue accruing to the Hayward Redevelopment Agency. If the City's central concern is the impact on the General Fund services, it could impose a new Community Services District (CSD) Fee on all new housing to offset the service requirements of the new population. In fact, the aforementioned South Hayward BART Mixed-Use project includes a condition of approval requiring that development to be part of a future CSD. Assuming a CSD assessment levy of $500 per unit per year on all new housing developed from this point forward, including affordable housing units, the General Fund balance would be positive as well. The fiscal analysis conclusions are summarized in the table below.

PROJECTIONS	Scenario 1 (by 2020)	Scenario 2 (by 2030)
Projected number of units	788	1,773
Estimated Annual General Fund Revenues Generated from South Hayward BART Area Form-Based Code	$380,360	$1,224,635
Estimated Annual General Fund Expenditures Generated from South Hayward BART Area Form-Based Code	$759,235	$1,627,218
Net Annual Fiscal Impact to General Fund w/o CSD	**-$378,875**	**-$402,583**
Assumed CSD for New Housing at $500 per unit, including affordable units	$394,000	$886,500
Net Annual Fiscal Impact to General Fund with CSD	**$15,125**	**$483,917**
OPT-IN SCENARIO		
Annual Tax Increment Accrued to Redevelopment Agency as a result of new development in the South Hayward BART Area Form-Based Code	$505,941	$1,835,880
Net Overall Annual Fiscal Impact w/o CSD (Opt In)	**$127,066**	**$1,433,297**
Net Overall Annual Fiscal Impact with CSD (Opt In)	**$521,066**	**$2,319,797**

OPT-OUT SCENARIO		
Approximate estimated redistributed General Fund property tax revenue	$171,006	$681,816
Net Overall Annual Fiscal Impact w/o CSD (Opt out)	**-$207,869**	**$279,233**
Net Overall Annual Fiscal Impact with CSD (Opt out)	**$186,131**	**$1,165,733**

As shown in the table above, annual General Fund shortfalls are projected to be $378,875 in 2020 and $402,583 in 2030. As stated previously, such shortfalls would be more than offset by projected tax increment revenue accrued to the Redevelopment Agency. The City Council took action in July and August to ensure that the Redevelopment Agency would continue to exist and accrue tax increment revenues, subject to semi-annual payments to local school and special districts (the State's Voluntary Program Act "opt in" scenario). Based on a recent fiscal impact analysis conducted by the City's consultant, the annual payments required by the "opt in" scenario beginning in fiscal year 2013 could be accommodated with projected tax increment revenue that would be generated by existing current development, and the consultant is working with staff to identify sources for the initial one-time payment estimated at $4.1million due this fiscal year. Development associated with the Form-Based Code would generate additional tax increment revenue in amounts shown in the table above. Additionally, establishing community services districts (CSDs) for future projects, as required by the Program Supplemental EIR as previously discussed in this report, and levying assessments to pay for such services as police and fire, would generate additional revenue to further help create an overall positive fiscal impact to the City, as shown in the table above, associated with future development per the Form-Based Code. The overall projected annual fiscal impact to the City/Agency in 2030 would be over $2.3 million.

Without the "opt-in" scenario, the annual tax increment accrued to the Redevelopment Agency, as reflected in the line item in the table under the "opt in" scenario, would not occur. For comparison purposes, staff has provided fiscal information in the last part of the table showing a rough estimate of the fiscal impacts to the City if the City Council had chosen not to "opt in," both with or without CSD revenues. As the table above shows, there would still be a net positive fiscal impact to the General Fund associated with development envisioned with the Form-Based Code, with or without the Redevelopment Agency, assuming CSD assessment revenues. Without such assessment revenues, there is projected to be a negative fiscal impact to the General Fund in 2020 under the "opt out" scenario of approximately $207,000. In summary, the overall financial impact to the City would be more positive with the City of Hayward Redevelopment Agency.

As of the date of this report, the California Supreme Court has accepted original jurisdiction of a legal challenge, initiated by the California Redevelopment Association and others, to the redevelopment legislation enacted this past June and has indicated its intent to rule on the lawsuit before January 15, 2012.

PUBLIC CONTACT/INPUT

Development of the Form-Based Code and Supplemental Environmental Impact Report have had extensive public outreach and input, including, but not limited to, the following publicly noticed meetings: December 2, 2008; January 15, 2009; May 26, 2009; September 29, 2009; September 30

through October 4, 2009 (charrette); April 7, 2010; April 27, 2010; May 13, 2010; April 26, 2011; and April 28, 2011.

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

On June 10, 2011, July 8, 2011, and again on September 2, 2011, approximately 2,100 notices of this hearing were sent to property owners and tenants in the Form-Based Code project area and to those within 300 feet of the project area. Also, notice of this hearing was published in *The Daily Review* newspaper on June 11, 2011, on July 16, 2011, and again on September 3, 2011. Staff has received approximately 15 phone calls/inquiries from owners and residents in response to the notices, primarily involving inquiries regarding how the proposed rezoning would impact their properties. Two property owners, Jim Pestana (27283 Mission Boulevard) and Richard Ersted (undeveloped property to the east of Mission Boulevard near the planned eastward extension of Tennyson Road), submitted letters to Council, which are discussed later in this report.

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

a. Mr. Stanke's Comment 1(g), regarding recommendation to increase densities by abolishing the second TOD overlay zone and change the base densities to 20 - 75 units per acre for the T4 zone and to 35 to 100 units per acre for the T5 zone: staff did not incorporate such changes into the Code. Although it is desirable to encourage as much density as possible near the BART station, balancing the massing and scale of buildings as one moves away from the station with the surrounding built environment and neighborhoods is equally important. Increasing densities without increasing allowable massing could result in developments with little variety in housing product/units.
b. Comment 2(b), regarding building form: Table 8 on page SC55 and Table 11 on page SC58 have been revised to allow Courtyard buildings in the T4 zone.
c. Comment 3(d), regarding reduced street widths: Staff has reduced street width in the Form-Based Code below existing City standards, but not to the widths suggested by Mr. Stanke. A standard street of 34 feet permits 7 foot parking lane on both sides and 20 foot clear area recommended by the Fire Department. Staff does not believe further reduction is appropriate.
d. Comment 4(a): The Thoroughfare Plan in the Code (Figure 1-2) has been revised to indicate that a future two-way thoroughfare with a bicycle route (ST-60-34 BR) and bridge is envisioned over Zeile Creek between Collette Street and the K-Mart site.
e. Comment 4(b): The Regulating Plan in the Code (Figure 1-1) has been correctly revised to show a pedestrian/bike bridge connection over Tennyson Road near the BART station.
f. Comment 5, regarding additional slip lanes on Mission Boulevard: New language has been added to Figure 1-2 and on pages SC30 and SC31 of the Code (Section 10-24.275(g)(iii) and (h)(ii)) to indicate a slip lane may be added on either side of Mission

Boulevard, and a bonus density would be available to those who dedicate and construct such lanes.

g. Comment 6: The complex at the southwest corner of Tennyson Road and Mission Boulevard is now shown as being in the T5 TOD Density Overlay 1 zone, versus the previously identified Planned Development (PD) zoning district, as Mr. Stanke recommends.
h. Comment 8: Regarding using transportation demand management (TDM) strategies identified in Nelson/Nygaard's document to assess future traffic impacts, the application of the various TDM programs will be looked at as appropriate on a case-by-case basis. However, all traffic impact analyses will be prepared consistent with the Alameda County Transportation Commission traffic model, as is required for large developments.

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

Since the June 23, 2011 Planning Commission meeting, a letter was submitted to each City Council member from Jim Pestana (Attachment XVI), who owns and operates an auto repair business at 27283 Mission Boulevard. Mr. Pestana's property, as well as three other properties north of his along Mission Boulevard, are located between the Bowman Elementary School property and Mission Boulevard and are currently zoned with a General Commercial designation. Those properties were proposed to be rezoned to the Civic Space (CS) zone in the Form-Based Code as presented to the Planning Commission, which was indicated in the draft Regulating Plan developed during the public design charrette in October of 2009. Such designation relates to the Hayward Unified School District's (HUSD) 2006 Facilities Master Plan, which indicates plans to expand Bowman School out to Mission Boulevard as part of a second local school bond phase. Recent conversations with HUSD staff indicate that the District has no immediate plans to acquire such property and expand the school site in the foreseeable future.

The CS Zone would generally allow parks and public/quasi-public uses and buildings, as well as retail uses associated with such uses and buildings, but would not allow auto repair businesses. Therefore, if the properties are rezoned to the CS Zone, Mr. Pestana's auto repair business would be considered nonconforming, and would not be allowed to expand or intensify. The City's nonconforming use provisions, however, do allow for repairs and maintenance of facilities housing nonconforming uses. Mr. Pestana raises concerns in his letter with the proposed CS zoning and how that would impact the value of his property.

In response to Mr. Pestana's concerns, staff is recommending that the Council consider rezoning the four properties in question to T4, versus CS, in the Form-Based Code, to match the recommended zoning of properties to the north and south of these four. The T4 zone would allow for a variety of

retail uses, including major automobile repair (with a conditional use permit) or minor repair (with an administrative use permit). TheT4 designation would likely increase the potential value of the properties compared with the CS zoning, which could impact the ability of HUSD to purchase the properties in the future for a future school expansion.

In summary, a designation of CS zoning would likely be more beneficial to the HUSD if it plans to purchase the properties in the future, and T4 zoning would benefit the property owners. Given that School District staff has indicated that HUSD has no immediate plans for the school expansion, staff is recommending that the four properties in question be designated with the T4 Zone, which has been reflected in the attached Ordinance (Attachment II), but not reflected in the attached Code. Should the Council wish to designate the properties as a CS Zone, staff recommends action on the item be continued.

A letter was received in mid-August from Richard Ersted, representing the owners of the undeveloped property located east of Mission Boulevard and west of the planned La Vista development (Attachment XVII). Mr. Ersted expresses concerns with certain uses listed as being allowed in Table 9 of the Form-Based Code for the T4 zone. Mr. Ersted requests that alcohol sales businesses, check cashing and loan businesses, dance/nightclubs, massage parlors, pawn shops, and tattoo parlors be prohibited in the T4 zone in the Form-Based Code, citing inconsistency of those uses with residential uses and zones.

While staff agrees that such uses may not be compatible with residential uses, such uses could be compatible with commercial and retail uses, and they are allowed as conditional uses in the General Commercial zoning district, which is the zoning designation for some of the properties along Mission Boulevard in the project area. Also, all the uses listed by Mr. Ersted are indicated in Table 9 as conditional uses, which would allow the Planning Commission the discretionary authority to determine whether or not such uses would be allowed. Findings required to approve a conditional use include a determination that such use would be, "desirable for the public convenience or welfare," that it "will not impair the character and integrity of the zoning district and surrounding area," and that it "will not be detrimental to the public health, safety, or general welfare." In summary, because Mission Boulevard is conducive to retail/commercial establishments, some properties in the Code area have a General Commercial zoning district designation that allows such uses, and listed uses of concern require conditional use permits, staff does not recommend amending Table 9.

Staff also received an inquiry in late July from a gentleman that owns property adjacent to the Haymont Mini Park near the BART tracks at the intersection of Luvena Drive and Colette Street, south of the K-Mart store site at Harder Road/Mission Boulevard. The gentleman expressed concerns with the new thoroughfare shown through the Park and adjacent to his property that would connect that single-family neighborhood with the redeveloped K-Mart site. After reconsideration, staff is recommending that such new thoroughfare be eliminated and that such connection only be a pedestrian/bike path, which would entail a crossing over the concrete lined channel of Zeile Creek. Such connection would still encourage pedestrian and bike movement/activity, would not allow increased vehicular traffic through the neighborhood, and would eliminate less of the Mini Park compared with a new thoroughfare. Attachment XVIII shows a revised Regulating Plan (Figure 1-1 of the Code), with all relevant revisions discussed in this report. Such figure will be incorporated

into the final version of the Code, and is referenced in Attachment III (Text Amendment Ordinance) as Exhibit "B".

NEXT STEPS

Should the City Council adopt the attached resolution and introduce the attached ordinances regarding the South Hayward BART/Mission Boulevard Form-Based Code and Supplemental Program EIR, staff will present the ordinances to Council, along with a revised Code that incorporates Council's direction, for adoption at the September 20 City Council meeting. Should the Council adopt the ordinances, they would be effective immediately, and the Form-Based Code would be in effect on September 20, 2011. Should Council not accept staff's recommendations and wish to modify the attached ordinances and/or resolution, including those related to the proposed zoning for the properties between Bowman School and Mission Boulevard, staff will modify the documents as directed, and present the final resolution, ordinances, and Form-Based Code for adoption on September 20, or a later date, depending on the complexity of changes.

Prepared and Recommended by: David Rizk, AICP, Development Services Director

Approved by:

Fran David, City Manager

ATTACHMENTS:

Attachment I:	Draft Resolution regarding Supplemental Program Environmental Impact Report and General Plan Amendment (General Plan Amendment Application No. PL-2011-0195),
Attachment II:	Draft Ordinance Rezoning Certain Property (Zone Change Application No. PL-2011-0196)
Attachment III:	Draft Ordinance Regarding Text Amendment (Text Amendment Application No. PL-2011-0197)
Attachment III:	Exhibit A: South Hayward BART/Mission Boulevard Form-Based Code (June 15, 2011)
Attachment IV:	South Hayward BART/Mission Boulevard Form-Based Code Draft Supplemental Environmental Impact Report *(previously distributed to Council members)*
Attachment V:	South Hayward BART/Mission Boulevard Form-Based Code Final Supplemental Environmental Impact Report and Mitigation Monitoring and Reporting Program*(previously distributed to Council members)*

Attachment VI: Map Showing Properties where Densities will be increased
Attachment VII: Charrette Poster (October, 2010)
Attachment VIII: Draft minutes of the June 23, 2011 Planning Commission meeting
Attachment IX: Area recommended by the Planning Commission to be zoned T4 versus T5
Attachment X: Minutes from the April 27, 2010 City Council Meeting on the Draft Code
Attachment XI: Minutes from the May 13, 2010 Planning Commission Meeting on the Draft Code
Attachment XII: Minutes from the April 26, 2011 City Council Meeting on the Draft SEIR
Attachment XIII: Minutes from the April 28, 2011 Planning Commission Meeting on the Draft SEIR
Attachment XIV: Comments from Brian Stanke, dated April 30, 2010
Attachment XV: Letter from Mark Niskanen, dated June 15, 2011
Attachment XVI: Letter from Jim Pestana to Council Member Quirk, dated July 19, 2011
Attachment XVII: Letter from Richard Ersted, dated August 15, 2011
Attachment XVIII: Figure 1-1: Regulating Plan (revised August 29, 2011) (will be Exhibit B to Attachment III (Text Amendment Ordinance) once Ordinance is adopted)

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-____

RESOLUTION CERTIFYING THE FINAL SUPPLEMENTAL PROGRAM ENVIRONMENTAL IMPACT REPORT, READOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND APPROVING THE MITIGATION MONITORING AND REPORTING PROGRAM, REPEALING THE SOUTH HAYWARD BART/MISSION BOULEVARD CONCEPT DESIGN PLAN, ADOPTING THE SOUTH HAYWARD BART/MISSION BOULEVARD FORM-BASED CODE, APPROVING THE RELATED GENERAL PLAN AMENDMENTS, ZONING RECLASSIFICATIONS AND TEXT CHANGES FOR THE SOUTH HAYWARD BART/MISSION BOULEVARD FORM-BASED CODE AREA

WHEREAS, on December 2, 2008, the City Council/Redevelopment Agency Board authorized the Executive Director of the Redevelopment Agency to enter into a contract with Hall Alminana, Inc. for the preparation of a South Hayward BART/Mission Boulevard Form-Based Code (the "Form-Based Code"), which area is comprised of approximately 240 acres extending both north and south along Mission Boulevard, generally between Harder Road and Industrial Parkway (the "Project Area"); and

WHEREAS, the Form-Based Code was subsequently prepared with extensive community outreach including, but not limited to, a week-long public charrette and the following publicly noticed meetings: January 15, 2009, May 26, 2009, September 29, 2009, September 30 through October 4, 2009, March 2, 2010, April 7, 2010, April 15, 2010, April 27, 2010, May 13, 2010, April 26, 2011 and April 28, 2011. To achieve the goals envisioned by the Form-Based Code, the General Plan and the Planning, Zoning and Subdivision Regulations must be amended to change certain land use designations and sections of text (collectively the "Related Land Use Actions"); and

WHEREAS, the Related Land Use Actions include amendments to the General Plan Land Use Map changing the land use designation for all properties within the Project Area, as set forth in Exhibits "A" and "B", as well as amendments to the text of General Plan Appendices C and D , as set forth in Exhibits "C" and "D" (General Plan Amendment Application No. PL-2011-0195); text changes to the Planning, Zoning and Subdivision Regulations to add the Form-Based Code, text changes to the Zoning Ordinance and Off-Street Parking Regulations to repeal provisions contrary to and in conflict with the Form-Based Code, and rezoning all properties in the Project Area to conform to and adequately implement the proposed amended General Plan (Text Amendment Classification Application No. PL-2011-0196 and Zone Change Application No. PL-2011-0197), all as more specifically set forth in the accompanying Ordinance Nos. 11-____ and 11-____; and

WHEREAS, a draft and final Supplemental Program Environmental Impact Report

("Supplemental EIR") has been prepared to assess the potential environmental impacts of the proposed Form-Based Code and Related Land Use Actions (collectively the "Project"), describing alternatives to the Form-Based Code and potential feasible mitigation measures. The Supplemental EIR relates to and, as provided for by California Environmental Quality Act (CEQA) Guidelines Section 15163, serves as a supplement to the South Hayward BART/Mission Boulevard Concept Design Plan Program EIR (State Clearinghouse No. 2005092093), certified by the Hayward City Council on June 27, 2006, and the Route 238 Bypass Land Use Study Program EIR, (State Clearinghouse No. 2008072066), certified by the Hayward City Council on June 30, 2009, (collectively these documents referred to herein as the "Previous CEQA Documents"); and

WHEREAS, the Planning Commission has considered the Supplemental EIR and the Project at a public hearing held on June 23, 2011, and has recommended the City Council certify the Supplemental EIR, re-adopt the Statement of Overriding Considerations previously adopted in conjunction with certification of the Previous CEQA Documents, approve the proposed mitigation measures and Mitigation Monitoring and Reporting Program, with such Program attached hereto as Exhibit "F", and to adopt General Plan Amendment Application No. PL-2011-0195, Text Amendment Classification Application No. PL-2011-0196, and Zone Change Application No. PL-2011-0197, that adopt the Form-Based Code; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on September 13, 2011.

NOW, THEREFORE, the City Council hereby adopts the following findings and actions:

I. Form-Based Code. The purposes of the Form-Based Code, as articulated in Section 10-24.115, include the following:

> "Chapter 2 of the Hayward General Plan ("Land Use Element") describes how the City's Planning Area is comprised of certain neighborhoods (see General Plan Figure 2-2), including the Mission/Garin neighborhood, and further designates, among other things, certain significant Focus Areas (see General Plan Figure 2-3) for the implementation of smart growth principles. This Code implements such principles for portions of the South Hayward BART Area and Mission Boulevard Corridor.
>
> This Code carries out the policies of the Hayward General Plan by classifying and regulating the types and intensities of development and land uses within the Code area consistent with, and in furtherance of, the policies and objectives of the General Plan. This Code is adopted to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of the community. More specifically, the purposes of this Code are to ensure:
>
> FOR THE COMMUNITY
>
> a. That neighborhoods and Transit-Oriented Development is compact, pedestrian-oriented

and mixed-use.

b. That neighborhoods should be the preferred pattern of development and that districts specializing in a single use should be the exception.

c. That ordinary activities of daily living occur within walking distance of most dwellings, allowing independence to those who do not drive.

d. That interconnected networks of Thoroughfares be designed to disperse traffic and reduce the length of automobile trips.

e. That within neighborhoods, a range of housing types and price levels be provided to accommodate diverse ages and incomes.

f. That affordable housing should be distributed throughout the region to match job opportunities and to avoid concentrations of poverty.

f. That appropriate building Densities and land uses be provided within walking distance of transit stops.

g. That Civic, institutional, and Commercial activity should be embedded in neighborhoods, not isolated in remote single-use complexes.

h. That schools be sized and located to enable children to safely walk or bicycle to them.

i. That a range of Open Space including Parks, Squares, Plazas and playgrounds be distributed within neighborhoods.

j. That the region should include a framework of transit, pedestrian, and bicycle systems that provide alternatives to the automobile.

FOR THE TRANSECT

a. That communities should provide meaningful choices in living arrangements as manifested by distinct physical environments.

b. That the Transect Zone descriptions on Table 1 including, in particular the T-4 General Urban Zone, T-5 Urban Center Zone, and CS Civic Spaces, shall constitute the Intent of this Code with regard to the general character of each of these environments within the Code area.

FOR THE BLOCK AND THE BUILDING

a. That buildings and landscaping contribute to the physical definition of Thoroughfares as Civic places.

b. That development adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.

c. That the design of streets and buildings reinforce safe environments, but not at the expense of accessibility.

d. That architecture and landscape design grow from local climate, topography, history, and building practice.

e. That buildings provide their inhabitants with a clear sense of geography and climate through energy efficient methods.

f. That Civic Buildings and public gathering places be provided as locations that reinforce community identity and support self-government.

g. That Civic Buildings be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the city.

h. That the preservation and renewal of historic buildings be facilitated to affirm the continuity and evolution of society.

i. That the harmonious and orderly evolution of urban areas be secured through form-based codes.

A. General Plan Amendments. The Project proposes changes to the General Plan Land Use Map, as identified in attached Exhibits "A" and "B", and text changes to General Plan Appendix C (Land Use Map), as identified in attached Exhibit "C", and changes to Appendix D (General Plan and Zoning Consistency Matrix), as identified in Exhibit "D".

B. General Plan Amendments - Findings of Approval.

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

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

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

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

Transit-Oriented Development

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

South Hayward BART Station Area

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

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

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

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

The Form-Based Code reflects the City's development goals and objectives as articulated in the General Plan, for the reasons identified in the *Purpose* section of the Code. Additionally, the Form-Based Code will promote transit-oriented development in the South Hayward BART/Mission Boulevard transit corridor and thereby help relieve regional automobile congestion and reduce air pollution, and create a distinctively attractive mixed-use area that seeks to integrate a greater intensity of development and enhance the neighborhood surrounding the South Hayward BART Station, including along Mission Boulevard. The Code will locate high-density housing close to the South Hayward BART Station and Mission Boulevard transit corridor and will help the City

accommodate its share of regional housing without expansion into areas that are less suitable for residential development. Additionally, the Form-Based Code will provide opportunities for new commercial development, particularly neighborhood-serving retail development, which will stimulate economic activity and provide benefits for the City and its residents. The Code will also provide opportunity for development of new public facilities, including a new community center and park, as well as opportunity for the expansion of Bowman Elementary School with potential for a joint school-park facility at that site.

C. South Hayward BART/Mission Boulevard Concept Design Plan - Repeal. The Project is intended to replace the South Hayward BART/Mission Boulevard Concept Design Plan (the "Concept Design Plan") in its entirety, including its related components within the Zoning Ordinance and Off-Street Parking Regulations. Therefore, the repeal of the Concept Design Plan and its related components, as described and accomplished through Ordinance No. ____, is necessary to prevent, amongst other things, conflicting and contradictory development regulations within the Project Area.

D. Planning, Zoning and Subdivision Regulations - Text Changes. The Form-Based Code is to be included within the Planning, Zoning and Subdivision Regulations, Chapter 10 of the Hayward Municipal Code, as a new Article 24 titled the "South Hayward BART/Mission Boulevard Form-Based Code." All necessary procedural requirements and evaluation standards to be applicable within the Project Area, including the relationship of Article 24 to existing, unaltered Planning, Zoning and Subdivision Regulations, are provided therein.

E. Planning, Zoning and Subdivision Regulations Text Changes and Zoning Ordinance Reclassifications - Findings for Approval. Application of the Form-Based Code to properties requires the reclassification of all properties in the Project area, as described in Ordinance No. 11-____. The proposed text amendments conform to the General Plan, as amended and described above under Section I, Form-Based Code, and reflect the City's development goals and objectives as articulated in the General Plan.

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

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

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

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

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

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

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

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

II. Supplemental EIR. The Previous CEQA Documents evaluated the potentially significant environmental effects associated with land use and development within the Project area under their respective projects. The Supplemental EIR evaluates the potential environmental impacts that might reasonably be anticipated to result from several modifications to the previous projects, as evaluated in their respective Program EIRs. The proposed modifications include: (1) new General Plan and zoning designation changes; (2) mixed-use zoning throughout the Project area; (3) increased residential densities, and (4) increased commercial space.

The Supplemental EIR also evaluates the potential environmental impacts that might reasonably be anticipated to result from the following circumstances that have changed since certification of the Previous CEQA Documents: (1) the Route 238 Corridor Improvement Project has started construction; (2) the South Hayward Mixed Use transit-oriented development project was approved; and (3) the Mission Paradise development project was approved.

The Supplemental EIR also evaluates the potential environmental impacts based on the following new information which has become available after certification of the Previous CEQA Documents: (1) the CEQA Guidelines were amended to include requirements for addressing greenhouse gas emissions and global climate change; and (2) new thresholds and guidelines for determining air quality impacts were approved by the Bay Area Air Quality Management District (BAAQMD).

A. Supplemental EIR - Certification. The City Council has reviewed the documents

comprising the Draft and Final Supplemental Program EIR for the South Hayward BART/Mission Boulevard Form-Based Code and the Related Land Use Actions and hereby finds the Supplemental EIR reflects the independent judgment of the City Council and its staff, and that it is an adequate and extensive assessment of the environmental impacts of the Form-Based Code. Moreover, the City Council finds the Supplemental EIR is in accord with CEQA Guidelines Section 15163(b) in that it contains only the information necessary to make the Previous CEQA Documents adequately apply to the Project in the changed situation described above. Accordingly, the City Council hereby certifies such Supplemental EIR as having been prepared in compliance with the requirements of the California Environmental Quality Act ("CEQA"). The City Council also incorporated by this reference the findings contained in the Supplemental EIR as to the environmental effects of the Form-Based Code, together with the additional findings contained in this Resolution.

B. Supplemental EIR - Consideration of Project Alternatives. The Supplemental EIR evaluated the potentially significant impacts of the Project, acknowledged the six (6) previously considered but ultimately rejected alternatives considered in the Previous CEQA Documents, and determined that, under the current Project, all previously considered alternatives remained feasible. The Supplemental EIR also investigated whether any of the previously considered alternatives would avoid or substantially lessen the environmental effects of the Project, and determined the current Project represents the environmentally superior alternative with the fewest impacts and which would meet the City objectives to the same extent as the project evaluated in the Previous CEQA Documents.

C. Significant Environmental Impacts. The Supplemental EIR indicates that all potentially significant impacts can be avoided or mitigated to the less-than-significant level, but that certain significant impacts associated with the Previous CEQA Documents would remain under the Project. Specifically, the significant impacts relating to cumulative air quality through the generation of ozone precursors which are a constituent of regional air pollution, and cumulative traffic impacts related to regional traffic growth and roadway congestion.

D. Statement of Overriding Considerations. The City of Hayward re-adopts and hereby incorporates by reference the findings related to the Statement of Overriding Considerations contained in Section V of City Council Resolution No. 06-089, more particularly described in Exhibit E attached to this resolution.

III. General Plan Amendment. Based on the foregoing findings, the City Council hereby determines that it is in the public interest and hereby approves and adopts the General Plan amendments set forth in Application No. PL-2011-0195 and text amendments to the Planning, Zoning and Subdivision Regulations set forth in Application No. PL-2011-0197, subject to adoption of the companion ordinance.

IV. Concept Design Repeal. Based on the foregoing findings, the City Council hereby determines that it is in the public interest and hereby approves, in whole, the repeal of the South Hayward BART/Mission Boulevard Concept Design Plan.

V. Planning, Zoning and Subdivision Regulations Amendments. Based on the foregoing findings, the City Council hereby determines that it is in the public interest and hereby approves and adopts the Form-Based Code as a new Article 24 to Chapter 10, Planning Zoning, and Subdivision Regulations of the Hayward Municipal Code.

VI. Zoning Ordinance and Off-Street Parking Ordinance Amendments. Based on the foregoing findings, the City Council hereby determines that it is in the public interest and hereby approves and adopts the Zoning Ordinance and Off-Street Parking Ordinance text amendments set forth in Application No. PL-2011-0197, subject to adoption of the companion ordinance.

VII. Zoning Ordinance Reclassifications. Based on the foregoing findings, the City Council hereby determines that it is in the public interest and hereby approves and adopts the Zoning Ordinance Reclassifications set forth in Application No. PL-2011-0197, subject to adoption of the companion ordinance.

VIII. Mitigation Measures. The City Council also finds that the proposed mitigations set forth in the Supplemental EIR, including those previously adopted in the Previous CEQA Documents, and the accompanying Mitigation Monitoring and Reporting Program will reduce all the environmental impacts of the Project to a less than significant level. The City Council accordingly approves the mitigation measures and Mitigation Monitoring and Reporting Program, as set forth in Exhibit "F".

IX. Administrative Record. A copy of the Supplemental EIR, Previous CEQA Documents, staff reports and communications to the Planning Commission and City Council are on file in the office of the City Clerk. In addition, other documents comprising the administrative record on this matter are on file in the office of the Development Services Department.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

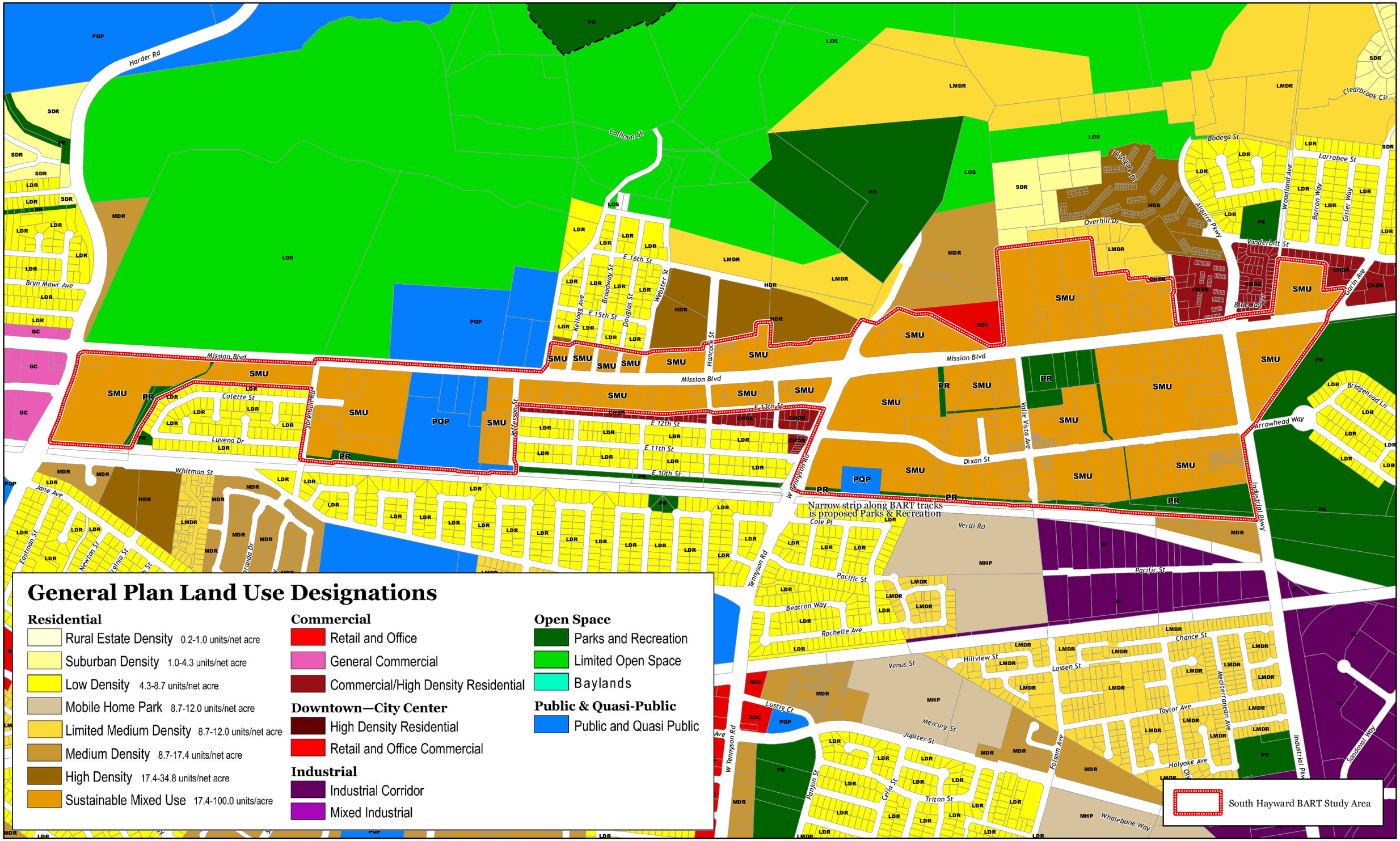
APPROVED AS TO FORM:

_____
City Attorney of the City of Hayward

Proposed General Plan Designations

Exhibit A

0 500 1,000 2,000 Feet



June, 2011

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

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

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

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

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

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

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

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

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

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

Mobile Home Park. Typical density is between 8.7-12.0 dwelling units pare acre. This designation covers all mobile home parks and development is limited to mobile home parks.

High Density. Typical density is between 17.4-34.8 dwelling units per net acre. Typical development includes apartments or condominiums within multi-story buildings near major activity centers or along major arterials. Planned Developments may include a variety of housing types within the overall density range.

Downtown-City Center Area. Residential densities range from 40-110 dwelling units per net acre, although the highest densities are reserved for specific areas (see Downtown Hayward Design Plan). Typical development throughout the remaining area will be 3-5 story apartments or condominiums.

Mission Boulevard Residential. Residential densities range from 34.8-55.0 dwelling units per net acre. Typical developments include condominiums or apartments within multi-story buildings along Mission Boulevard in the vicinity of the South Hayward BART Station. To facilitate transit-oriented development along a major transit corridor, developments are required to meet minimum densities.

Station Area Residential. Residential densities range from 75.0-100.0 dwelling units per net acre. Typical developments include condominiums or apartments over ground-floor neighborhood serving retail uses within multi-story buildings in proximity to the South Hayward BART Station. To facilitate transit-oriented development near the South Hayward BART Station, developments are required to meet minimum densities.

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

Commercial

Retail and Office Commercial. These areas include the regional shopping center (Southland), community shopping centers, concentrations of offices and professional services, and portions of the downtown area and South Hayward BART Station area where mixed retail and office uses are encouraged. Not shown are neighborhood convenience centers that support and are compatible with residential areas.

General Commercial. These areas include concentrations of special uses which are automobile-oriented in terms of product or access, such as automobile sales and service, building supplies, home furnishings etc. Clustering of these uses along major arterials is appropriate where direct access and adequate parking are provided.

Commercial/High-Density Residential. These areas may include Retail and Office or General Commercial uses. Certain areas along major arterials or at key intersections may be appropriate for high-density residential use or mixed commercial/residential use. Development proposals

GENERAL PLAN AND ZONING CONSISTENCY MATRIX

ZONING DISTRICT		Density (Minimum Lot Area/Unit)	RESIDENTIAL	Rural Estate Density (0.2-1.0 du/net acre)	Suburban Density (1.0-4.3 du/net acre)	Low Density (4.3-8.7 du/net acre)	Mobile Home Park (8.7-12.0 du/net acre)	Limited Medium Density (8.7-12.0 du/net acre)	Medium Density (8.7-12.0 du/net acre)	High Density (8.7-17.4 du/net acre)	Mission Boulevard Residential (17.4-34.8 du/net acre)	Station Area Residential (34.8-55.0 du/net acre)	COMMERCIAL	Retail and Office Commercial	General Commercial	Commercial/High Density Residential	DOWNTOWN-CITY CENTER AREA	High Density Residential	Retail and Office Commercial	INDUSTRIAL	Industrial Corridor	Mixed Industrial	OPEN SPACE	Parks And Recreation	Baylands	Limited Open Space	PUBLIC AND QUASI-PUBLIC	Public and Quasi-Public	Mixed-Use	Sustainable Mixed Use (17.4-100.0 du/net acre)
RSB40	Single-Family	(40,000)	●	●																			⊗				⊗			
RSB20		(20,000)		●																			⊗				⊗			
RSB10		(10,000)		●	●		⊗	⊗															⊗				⊗			
RSB8		(8,000)			●		⊗	⊗															⊗				⊗			
RSB6		(6,000)			●		⊗	⊗															⊗				⊗			
RS		(5,000)			●		⊗	⊗															⊗				⊗			
RSB4		(4,000)					●	●	⊗														⊗				⊗			
RMB4	Medium Density	(4,000)					●	●	⊗						⊗								⊗				⊗			
RMB3.5		(3,500)					●	●	⊗						⊗								⊗				⊗			
RM		(2,500)						●	⊗						⊗								⊗				⊗			
RH	High Density	(1,250)							●						●		⊗						⊗				⊗			
RHB7		(1,250)							●						●		⊗						⊗				⊗			
SMU	Sustainable Mixed Use	25.0-55.0 units per net acre																												●
MHP	Mobile Home Park					●																								
RO	Residential Office							⊗	⊗				⊗		⊗		⊗	⊗												
COMMERCIAL																														
CN	Neighborhood Commercial			⊗	⊗		⊗	⊗	⊗				●	●	●								⊗				⊗			
CN-R	Neighborhood Commercial/Residential							⊗	⊗				⊗		⊗								⊗				⊗			
CO	Commercial Office							⊗	⊗				●	●	●								⊗				⊗			
CB	Central Business												●	●	●								⊗				⊗			
CG	General Commercial												⊗	●	●						⊗		⊗				⊗			
CL	Limited Access Commercial												●	●	●								⊗							
CR	Regional Commercial												●	●	⊗					⊗	⊗									
CENTRAL CITY																														
CC-C	Central City Commercial																⊗	●					⊗				⊗			
CC-P	Central City Plaza																⊗	●					⊗				⊗			
CC-R	Central City Residential																●	⊗					⊗				⊗			
SOUTH HAYWARD BART/MISSION BLVD FORM-BASED CODE																														
T4	General Urban	17.5-35.0 units per net acre																												●
T5	Urban Center	35.0-100.0 units per net acre																												●
CS	Civic Space																						●				●			●
INDUSTRIAL																														
I	Industrial																			●	⊗									
LM	Light Manufacturing																			●	⊗									
BP	Business Park																			●	⊗									
AIR TERMINAL																														
AT-IP	Industrial Park																			●										
AT-C	Commercial												●	●	●															
AT-RM	Medium Density Residential							●																						
AT-AC	Aviation Commercial																										●			
AT-O	Operations																										●			
AT-R	Recreational																						●							
OPEN SPACE		(Parcel Size)																												
A	Agricultural	1 Acre		⊗	⊗	⊗		⊗	⊗	⊗			⊗	⊗	⊗					⊗	⊗		●	●			●			
AB5A		5 Acres																					●	●	●		●			
AB10A		10 Acres																					●	●	●		●			
AB100A		100 Acres																					●	●	●		●			
AB160A		160 Acres																					●	●	●					
FP	Flood Plain																						●	●						
OS	Open Space			⊗	⊗	⊗		⊗	⊗	⊗			⊗	⊗	⊗		⊗	⊗		⊗	⊗		●	⊗	⊗		⊗			
OTHER																														
RNP	Residential Natural Preservation			⊗	⊗	⊗																								
SD	Special Design			⊗	⊗	⊗		⊗	⊗	⊗			⊗	⊗	⊗		⊗	⊗		⊗	⊗		⊗	⊗	⊗		⊗			
PD	Planned Development			⊗	⊗	⊗		⊗	⊗	⊗			⊗	⊗	⊗		⊗	⊗		⊗	⊗		⊗	⊗	⊗		⊗			
PF	Public Facilities																						⊗	⊗	⊗		●			

● Consistent ⊗ Potentially Consistent ○ Not Consistent

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

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

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

2. The Form-Based Code project would not result in any new significant and unavoidable impacts, nor result in a substantial increase the severity of previously identified significant and unavoidable impacts in the previously certified 2006 Concept Design Plan Program EIR (SCH No. 2005092093) and the previously certified 2009 238 Bypass Land Use Study Program EIR (SCH No. 2008072066).

3. The mitigations set forth in the SEIR for the Form-Based Code and the accompanying Mitigation Monitoring and Reporting Program (MMRP), and the mitigations set forth in the certified 2006 Concept Design Plan Program EIR (SCH No. 2005092093) and the certified 2009 Route 238 Bypass Land Use Study Program EIR (SCH No. 2008072066) will reduce all of the environmental impacts of the Form-Based Code project to an insignificant level, with the exception of the impacts previously identified in those EIRs as follows:

   <u>2006 Concept Design Plan Program EIR</u>
   - Air Quality – Inconsistency with Air Quality Plan (Impact 4.2-1)
   - Air Quality – Cumulative Air Quality Impacts (Impact 4.2-2)
   - Traffic – Cumulative Traffic Impacts (Impact 4.7-4)

   <u>2009 Route 238 Bypass Land Use Study Program EIR</u>
   - Traffic – Cumulative Traffic Impacts (Impact 4.11-1)

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

4. In compliance with CEQA Guidelines §15093, the City of Hayward hereby makes findings that acknowledge the continued presence of previously determined significant and unavoidable impacts and hereby readopts the previous statement of overriding

considerations for those previously determined significant and unavoidable impacts that would remain under the Form-Based Code Project, as revised from those projects analyzed in the two previous certified EIRs referenced above.

5. The City of Hayward adopts and makes this Statement of Overriding Considerations related to the adoption of the South Hayward BART/Mission Boulevard Form-Based Code and related land use actions and unavoidable and significant impacts relates to air quality and regional traffic referenced above, in order to explain why the benefits of implemented the Code override and outweigh such impacts.

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

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

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

Significant and Unavoidable Impacts

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

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

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

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

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

Benefits of Project

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

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

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

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
Mitigation Aes-1: (Visual Character) Development projects submitted to the City of Hayward within the project area shall be subject to design review to ensure that privacy impacts on surrounding properties and effects of shade and shadow are reduced to a less-than-significant impact. Design of future buildings shall include "stepping down" of taller buildings, appropriate siting of windows and balconies to maximize privacy and establishment of view corridors to nearby hills. (Mitigation Measure 4.1-1 in Concept Design Plan EIR).	During Site Plan Review, prior to building permit issuance	Individual Project Developers		Hayward Planning Division	
Mitigation Aes-2: (Views, Scenic Resources, Landforms and Visual Character) Development projects submitted to the City of Hayward within the Project area shall be subject to design review to ensure: a) Adherence to General Plan policies, Design Guidelines, Hillside Design Guidelines and applicable Neighborhood Plans to minimize the grading, appropriate siting of new roads and structures and planting of replacement vegetation to ensure that hillside development integrates into the existing appearance of hillside properties. b) Appropriate use of building material and colors to minimize reflection of windows and roofs to the community to the west. c) Design of future buildings within flatter portions of the	Prior to approval of development project in Project area	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
Project area to include "stepping down" of taller buildings, appropriate siting of windows and balconies to maximize privacy and establishment of view corridors to nearby hills. (Mitigation Measure 4.1-1 in 238 Land Use Study EIR).					
Mitigation Aes-3: (Light and Glare Impacts) Lighting Plans shall be submitted as part of all future development projects. Lighting Plans shall include lighting fixtures to be employed and specific measures to be taken to ensure that lighting is directed downward so that light and glare will be minimized. (Mitigation Measure 4.1-3 in Concept Design Plan EIR).	During Site Plan Review, prior to building permit issuance	Individual Project Developers		Hayward Planning Division	
Mitigation Aes-4 (Light and Glare Impacts) Lighting Plans shall be submitted to the City of Hayward Development Services Department as part of all future development projects. Lighting Plans shall include specific measures to reduce future lighting to a less-than-significant level, including but not limited to limiting the number of intensity of lighting fixtures to the minimum required for safety and security purposes, directing lighting fixtures downward so that light and glare will be minimized, turning off unneeded lights and similar features (Mitigation Measure 4.1-2 in 238 Land Use Study EIR).	Prior to issuance of building permits for development project in Project area	Individual Project Developers		Hayward Planning Division and Public Works Department	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
Mitigation Air-1: (Inconsistency with Air Quality Plan) Mitigation Measure 4.6.1 contained in Section 4.6, Population and Housing, directs the City of Hayward to consult with the Association of Bay Area Governments to include the build-out population for the approved concept plan alternative for this project. However, even with current General Plan goals and strategies and adherence to Mitigation Measure 4.6.1, the project would be inconsistent with the Clean Air Plan and would be a significant and unavoidable impact. (Concept Design Plan EIR Mitigation Measure 4.2-1)	As part of next regional population update round	Hayward Planning Division		Hayward Planning Division	
Mitigation Air-2: Highway Overlay Zone. The Project shall include an overlay zone extending 500 feet from Mission Boulevard or a reduced distance if coordinated with BAAQMD. This overlay zone shall include the following considerations and mitigation: Indoor Air Quality: In accordance with the recommendations of the California Air Resources Board (CARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential health risk due to exposure to diesel particulate matter to achieve an acceptable interior air quality level for sensitive receptors. The appropriate measures shall include one of the following methods:	On-going; throughout life of Project	Hayward Planning Division for overlay zone application; individual project developers for indoor/exterior air quality measures		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
(a). Development project applicants shall implement all of the following features that have been found to reduce the air quality risk to sensitive receptors and shall be included in the project construction plans. These features shall be submitted to the Development Services Department for review and approval prior to the issuance of a demolition, grading, or building permit and shall be maintained on an ongoing basis during operation of the project. i. For sensitive uses (residences, schools, day care centers, playgrounds, and medical facilities) sited within the overlay zone from Mission Boulevard, the applicant shall install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual unit, that meets or exceeds an efficiency standard of MERV 13. The HV system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85% supply filters shall be used. Project applicants shall maintain, repair and/or replace HV system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HV system and the filter. The manual shall include the operating instructions and the maintenance and replacement schedule. This manual shall be included in the CC&Rs for residential projects and/or distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the					

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
HV system and the filters. (b) Alternative to (a) above, a project applicant proposing siting of sensitive uses (residences, schools, day care centers, playgrounds, and medical facilities) within the overlay zone around Mission Boulevard shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to air polluters prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Development Services Department for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required. Exterior Air Quality: (c) To the maximum extent practicable, individual and common exterior open space proposed as a part of developments in the Project area, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants. (d) Alternative to (c) above, an HRA could be prepared and implemented to take into account the risk specifics of the site, as					

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
more fully described in item (b) above.					
Mitigation Bio-1. The following steps shall be taken to protect special-status plant species within the Project area. These steps shall be added as conditions of approval for individual development proposals for vacant or substantially vacant properties within the Project area and for any development proposal adjacent to any wetland area, creek or other body of water: a) Rare plant surveys shall be undertaken by a qualified biologist (as approved by the City of Hayward) for all areas that are not mapped as developed or disturbed/ruderal, including riparian forest, oak woodland, non-native annual grassland, coastal scrub, and wetland areas. Surveys should focus on those species with a moderate potential to occur in the Project area, and should include protocol-level surveys in February and May of riparian areas and other suitable habitats for western leatherwood and Diablo helianthella. General protocol-level rare plant surveys are necessary in early spring (February-April), late spring (May- June), and late summer (July-September) to determine the presence or absence of any other plant species with potential to occur in undeveloped habitats of the Project area. b) If species are identified, development activities shall avoid these areas and appropriate buffer areas established around such species. The size and location of any buffer shall be determined by a qualified biologist.	Prior to issuance of grading or building permits	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
c) If avoidance is not feasible, as determined by the City of Hayward, rare plants or their seeds, shall be transplanted to a suitable alternative protected habitat. Such transplantation shall occur pursuant to permits and approvals from appropriate biologic regulatory agencies. A monitoring program shall be established to ensure that transplanted species will thrive. (238 Land Use Study EIR Mitigation Measure 4.3-1)					
Mitigation Bio-2. The following steps shall be taken to protect California redlegged frog species within the Project area: a) Protocol-level surveys shall be performed in all perennial creeks, reservoirs, and deep pools of water before development occurs in or near these areas within the Project area. b) If red-legged frogs are found, development activities shall avoid these areas and appropriate buffer areas established around such species. The size and location of any buffer shall be determined by a qualified biologist. c) If avoidance is not feasible, as determined by the City of Hayward, red-legged frogs shall be relocated to a suitable alternative protected habitat. Such relocation shall occur pursuant to permits and approvals from appropriate biological regulatory agencies. A monitoring program shall be established to ensure that relocated	Prior to issuance of grading or building permits	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
species will thrive. (238 Land Use Study EIR Mitigation Measure 4.3-2a)					
Mitigation Bio-3. Clearing of vegetation and the initiation of construction shall be restricted to the non-breeding season between September and January of each year. If these activities cannot be done in the non-breeding season, a qualified biologist (as approved by the City of Hayward) shall perform pre-construction bird surveys within 30 days of the onset of construction or clearing of vegetation. If nesting birds are discovered in the vicinity of a development site, a buffer area shall be established around the nest(s) until the nest is vacated. The size of the buffer would be dependent on the particular species of nesting bird and shall be determined by a qualified biologist. (238 Land Use Study EIR Mitigation Measure 4.3-2b)	Prior to issuance of grading or building permits; and is stipulated by the measure.	Individual Project Developers		Hayward Planning Division	
Mitigation Bio-4. Preconstruction bat surveys shall be undertaken prior to grading, tree removal or other construction occurring between November 1 and August 31 of the year. Pre-construction bat surveys shall be undertaken by a qualified biologist (as approved by the City of Hayward) involve surveying trees, rock outcrops, bridges, and buildings subject to removal or demolition for evidence of bat use (guano accumulation, or acoustic or visual detections). If evidence of bat use is found, the biologists shall conduct a minimum	Prior to issuance of grading or building permits	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
of three acoustic surveys between April and September under appropriate conditions using an acoustic detector, to determine whether a site is occupied. If bats are found, they should be excluded from occupied roosts in the presence of a qualified biologist during the fall prior to construction. (238 Land Use Study EIR Mitigation Measure 4.3-2c)					
Mitigation Bio-1: (Biological Resources/Impacts to Wetlands and Other Waters) The following steps shall be taken to protect wetlands and other waters of the U.S. a) The amendment to the Hayward General Plan shall include a policy or policies requiring retention of appropriate riparian and wildlife corridors adjacent to major creeks that flow through the Project area. The width of corridors shall be based on site-specific biological assessments of each creek.). b) In order to ensure that all jurisdictional wetlands and other waters are identified, formal jurisdictional delineations of wetlands and other waters shall be conducted on a project specific basis as part of the normal environmental review process for specific development projects. Jurisdictional delineations should follow the methodology set forth in the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual and should be submitted to the Corps for verification prior to project development.	Prior to issuance of grading permits for development projects in Project area	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
c) Future development proposals within the Project area should avoid development on and impacts on identified wetlands and other waters. d) If avoidance of wetlands or other waters is not possible, then impacts should be minimized to the maximum extent that is practicable. If impacts to wetlands or other waters cannot be minimized and are unavoidable, these impacts should be compensated for by developing and implementing a comprehensive mitigation plan, acceptable to the Corps, CDFG, and RWQCB to offset these losses. It is recommended that mitigation be conducted within the Project area. If this is not possible, then an off-site mitigation area should be selected that is as close to the Project area as possible and acceptable to the resource agencies. Necessary state and federal permits shall be obtained prior to any work within or in close proximity to wetlands or other waters of the U.S. (238 Land Use Study EIR Mitigation Measure 4.3-3)					
Mitigation Bio-2: (Biological Resources/Impacts to Tree Resources) Tree surveys shall be conducted by a certified arborist on all properties proposed for development and under the jurisdiction of the tree ordinances. Impacts to trees will require removal permits pursuant to the Hayward Tree Preservation Ordinance or the Alameda County Tree Ordinance in County rights-of-way. Replacement trees shall be provided based on the	Prior to issuance of grading permits for development projects, or removal of	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
replacement value of protected trees that are removed. (238 Land Use Study EIR Mitigation Measure 4.3-4)	major trees				
Mitigation Cult-1: (Cultural Resources/Impacts to Historic Resources) a) Specific development proposals that involve any structure older than 45 years shall be reviewed by the Hayward Planning Division to ensure consistency with the City's Historic Preservation Program and applicable CEQA Guideline provisions. If substantial changes to a historic resource is proposed, modifications may be required in the design of such project to ensure consistency with the Historic Preservation Program. b) Future construction adjacent to any identified historic structure shall be complementary to the historic structure in terms of providing appropriate setbacks, consistent design and use of colors, as determined by the Hayward Planning Division. (238 Land Use Study EIR Mitigation Measure 4.4-1)	Prior to issuance of demolition permits for any structure 45 years of age or older within Project area	Individual Project Developers		Hayward Planning Division	
Mitigation Geo-1: (Geology & Soils/Seismic Fault Rupture and Fault Creep) Site-specific geologic fault investigations shall be undertaken for all new individual development projects within the State-defined Earthquake Fault Zone. Each investigation shall include a confirmation that new habitable structures would not be placed on or within 50 feet of an active fault trace, as defined by state and local regulations. Additionally, all new dwellings, roads	Prior to issuance of grading permits for development projects within an	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
and utility lines shall be subject to site-specific geotechnical evaluations with a requirement that all future utility lines that cross faults be fitted with shut-off valves. Implementation of these evaluations shall be required to ensure consistency with the California Building Code and all other applicable seismic safety requirements. (238 Land Use Study EIR Mitigation Measure 4.5-1)	identified Earthquake Fault Zone within Project area				
Mitigation Geo-2: (Geology & Soils/Seismic Ground Shaking) Site-specific geotechnical investigations shall be required for each building or group of buildings (such as in a subdivision), roads and utility lines constructed in the Project area. Investigations shall be completed by a geotechnical engineer registered in California or equivalent as approved by the City. Design and construction of structures shall be in accordance with the recommendations contained in the reports. Generally, such recommendations will address compaction of foundation soils, construction types of foundations and similar items. Implementation of these evaluations shall be required to ensure consistency with the California Building Code and all other applicable seismic safety requirements. (238 Land Use Study EIR Mitigation Measure 4.5-2)	Prior to issuance of grading permits for development projects within Project area	Individual Project Developers		Hayward Planning Division	
Mitigation Geo-3: (Geology & Soils/Ground Failure and Landslides) Site-specific geotechnical investigations required as	Prior to issuance of	Individual Project		Hayward Planning	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
part of Mitigation Measure 4.5-2 shall also address the potential for landslides, including seismically induced landslides and include specific design and construction recommendations to reduce landslides and other seismic ground failure hazards to less-than-significant levels. Recommendations included within site-specific geotechnical investigations shall be incorporated into individual grading and building plans for future development. (238 Land Use Study EIR Mitigation Measure 4.5-3)	grading permits for development projects within Project area	Developers		Division	
Mitigation Haz-1: (Demolition and Hazardous Air Emissions) Prior to commencement of demolition or deconstruction activities within the project area, project developers shall contact the Alameda County Environmental Health Department, Bay Area Air Quality Management District, Department of Toxic Substances Control and the Hazardous Materials Division of the Hayward Fire Department for required site clearances, necessary permits and facility closure with regard to demolition and deconstruction and removal of hazardous material from the site. All work shall be performed by licensed contractors in accord with State and Federal OSHA standards. Worker safety plans shall be included for all demolition or deconstruction plans. (Concept Design Plan EIR Mitigation Measure 4.3-1a)	Prior to issuance of demolition permits	Individual Project Developers		Alameda County Environmental Health Department, Bay Area Air Quality Management District, Hazardous Materials Division of the Hayward Fire Department, and Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
Mitigation Haz-2: (Demolition and Hazardous Air Emissions) Prior to commencement of grading activities within the project area, project developers shall conduct investigations by qualified hazardous material consultants to determine the presence or absence of asbestos containing material in the soil. If such material is identified that meets actionable levels from applicable regulatory agencies, remediation plans shall be prepared and implemented to remediate any hazards to acceptable levels and shall identify methods for removal and disposal of hazardous materials. Worker safety plans shall also be prepared and implemented. All required approvals and clearances shall be obtained from appropriate regulatory agencies, including but not limited to the Hayward Fire Department, California Department of Toxic and Substances Control and Bay Area Air Quality Management District. (Concept Design Plan EIR Mitigation Measure 4.3-1b)	Prior to issuance of grading or demolition permits	Individual Project Developers		Hayward Fire Department, Department of Toxic Substances Control, Bay Area Air Quality Management District, Hayward Planning Division	
Mitigation Haz-3: (Potential Soil and Groundwater Contamination) Prior to approval of building or demolition permits, project developer(s) shall prepare a Phase I environmental site analysis and, if warranted by such analysis as determined by the Hazardous Materials Office of the Hayward Fire Department or other regulatory agency, a Phase II environmental site analysis shall also be conducted. Recommendations included in the Phase II analysis for remediation of hazardous conditions shall be followed, including contact with appropriate regulatory agencies to obtain necessary permits and clearances. No construction (including	Prior to issuance of grading permits	Individual Project Developers		Hayward Public Works Department and Alameda County Flood Control and Water Conservation District	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
grading) shall be allowed on a contaminated site until written clearances are obtained from appropriate regulatory agencies. (Concept Design Plan EIR Mitigation Measure 4.3-2)					
Mitigation Haz-4: (Hazards/Demolition and Hazardous Air Emissions) Prior to commencement of demolition or deconstruction activities within the project area, project developers shall contact the Alameda County Environmental Health Department, Bay Area Air Quality Management District, Department of Toxic Substances Control and the Hazardous Materials Division of the Hayward Fire Department, for required site clearances, necessary permits and facility closure with regard to demolition and deconstruction and removal of hazardous material from the site. All work shall be performed by licensed contractors in accord with State and Federal OSHA standards. Worker safety plans shall be included for all demolition or deconstruction plans. (238 Land Use Study EIR Mitigation Measure 4.6-1a)	Prior to issuance of demolition permits within Project area	Individual Project Developers		Hayward Planning Division	
Mitigation Haz-5: (Hazards/Demolition and Hazardous Air Emissions) Prior to commencement of grading activities within the project area, project developers shall conduct investigations by qualified hazardous material consultants to determine the presence or absence of asbestos containing material in the soil. If such material is identified that meets actionable levels from applicable	Prior to issuance of demolition permits within Project area	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
regulatory agencies, a remediation plan shall be prepared to remediate any hazards to acceptable levels, including methods of removal and disposal of hazardous material, worker safety plans and obtaining necessary approvals and clearances from appropriate regulatory agencies, including but not limited to the Hayward Fire Department, Department of Toxic and Substances Control and Bay Area Air Quality Management District. (238 Land Use Study EIR Mitigation Measure 4.6-1b)					
Mitigation Haz-6: (Hazards/Potential Soil and Groundwater Contamination) Prior to approval of building or demolition permits, project developer(s) shall prepare a Phase I environmental site analysis and, if warranted by such analysis as determined by the Hazardous Materials section of the Hayward Fire Department or other regulatory agency, a Phase II environmental site analysis shall also be conducted. Recommendations included in the Phase II analysis for remediation of hazardous conditions shall be followed, including contact with appropriate regulatory agencies to obtain necessary permits and clearances. No construction (including grading) shall be allowed on a contaminated site until written clearances are obtained from appropriate regulatory agencies. (238 Land Use Study EIR Mitigation Measure 4.6-2)	Prior to issuance of demolition or building permits, as applicable within Project area	Individual Project Developers		Hayward Planning Division	
Mitigation Hyd-1: (Drainage Impacts) Site-specific drainage	Prior to	Individual		Hayward Public	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
plans shall be prepared for all future construction within the project area prior to project approval. Each report shall include a summary of existing (pre-project) drainage flows from the project site, anticipated increases in the amount and rate of stormwater flows from the site and an analysis of the ability of downstream facilities to accommodate peak flow increases. The analysis shall also include a summary of new or improved drainage facilities needed to accommodate stormwater increases. Each drainage plan shall be reviewed and approved by the Hayward Public Works Department staff and Alameda Flood Control and Water Conservation District staff prior to approval of the proposed development project. (Concept Design Plan EIR Mitigation Measure 4.4-1)	issuance of grading permits	Project Developers		Works Department and Alameda County Flood Control and Water Conservation District	
Mitigation Hyd-2: (Hydrology/Drainage Impacts) Site-specific drainage plans shall be prepared for all future construction within the Project area prior to approval of a grading permit, or a building permit in the event a grading permit is not required. Each report shall include a summary of existing (pre-project) drainage flows from the project site, anticipated increases in the amount and rate of stormwater flows from the site and an analysis of the ability of downstream facilities to accommodate peak flow increases. The analysis shall also include a summary of new or improved drainage facilities needed to accommodate stormwater increases. Each drainage plan shall be reviewed and approved by the Hayward Public Works Department staff and Alameda County Flood Control and Water Conservation District staff prior to approval of a grading	Prior to issuance of grading or building permits, as applicable, within Project area	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
or building permit. (238 Land Use Study EIR Mitigation Measure 4.7-1)					
Mitigation Hyd-3: (Flooding Impacts) Prior to construction within a 100-year flood plain area, project developers shall either: a) Submit a hydrology and hydraulic study prepared by a California-registered civil engineer proposing to remove the site from the 100-year flood hazard area through increasing the topographic elevation of the site or similar steps to minimize flood hazards. The study shall demonstrate that flood waters would not be increased on any surrounding sites, to the satisfaction of City staff. b) Comply with Section 9-4.110, General Construction Standards, of the Hayward Municipal Code, which establishes minimum health and safety standards for construction in a flood hazard area. c) Apply to the City for a Conditional Letter of Map Revision (CLOMR) to remove the site from the FEMA Flood Insurance Rate Map 100-year flood hazard area. (Concept Design Plan EIR Mitigation Measure 4.4-2)	Prior to issuance of grading or building permits for any property within a 100-year flood plain	Individual Project Developers		Hayward Public Works Department and Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
Mitigation Hyd-4: (Hydrology/Flooding Impacts) Prior to construction within a 100-year flood hazard area, developers of site-specific projects shall either: a) Submit a hydrology and hydraulic study prepared by a California-registered civil engineer proposing to remove the site from the 100-year flood hazard area through increasing the topographic elevation of the site or similar steps to minimize flood hazards. The study shall demonstrate that flood waters would not be increased on any surrounding sites, to the satisfaction of City staff. b) Comply with Section 9-4.110, General Construction Standards, of the Hayward Municipal Code, which establishes minimum health and safety standards for construction in a flood hazard area. c) Apply to the City for a Conditional Letter of Map Revision (CLOMR) to remove the site from the FEMA Flood Insurance Rate Map 100-year flood hazard area. (238 Land Use Study EIR Mitigation Measure (4.7-2)	Prior to issuance of grading permits within Project area	Individual Project Developers		Hayward Planning Division	
Mitigation Noise-1: (Permanent Noise Impacts) Site-specific acoustic reports shall be prepared for future residential projects within the project area. Each report shall include a summary of existing noise levels, an analysis of potential noise exposure levels, consistency with City of Hayward noise exposure levels and specific measures to reduce exposure levels to City of Hayward noise	Prior to discretionary project approvals	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
standards. (Concept Design Plan EIR Mitigation Measure 4.5-2)					
Mitigation Noise-2: (Noise/Land Use Noise Compatibility) A site-specific noise study shall be performed for future individual development proposals within the Project area adjacent to major roadways or other noise sources, as determined by the Development Services Director to determine compatibility with the existing and future noise environment and applicable noise regulations. If noise levels exceed applicable standards, then noise reduction measures shall be incorporated into the project design to ensure consistency with local and state noise standards. Noise reduction measures could include, but would not be limited to, noise barriers and site orientation for outdoor spaces and sound rated building constructions for indoor spaces. The analysis must consider the following criteria and guidelines: a) General Plan Policies for Noise including Appendix N of the General Plan which contains Noise Guidelines for Review of New Development) b) General Plan EIR Mitigation Measure 7.3: Project-Specific Noise Analysis/Abatement State Building Code, Chapter 1207 (insulation from exterior noise in new residential construction). (238 Land Use Study EIR Mitigation Measure 4.9-1)	Prior to issuance of grading or building permits, as applicable, within Project area	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
Mitigation Noise-3: (Noise/Traffic Noise Impacts) Consistent with Mitigation Measure 7.4 of the City of Hayward General Plan Update EIR, an acoustical study shall be performed for each development proposal within the Project area that has potential to significantly increase existing noise levels. If it is determined that a proposed development would result in a substantial increase in ambient noise levels along nearby roadways, the study shall identify and implement noise abatement measures which will reduce project-related noise effects to a level consistent with City and State standards. Such measures could include the installation of noise barriers such as berms or sound walls). (238 Land Use Study EIR Mitigation Measure 4.9-2)	Prior to issuance of building permits within Project area	Individual Project Developers		Hayward Planning Division	
Mitigation Noise-4: (Noise/Operational Noise Impacts) Consistent with Mitigation Measure 7.2 of the City of Hayward General Plan Update EIR, the City of Hayward shall review individual projects using the City's General Plan as guidance to determine whether or not an operational noise source would generate significant noise impacts. Noise reduction measures including but not limited to setbacks, site plan revisions, operational constraints, buffering, and sound insulation shall be incorporated into final development plans to reduce operational noise to a less than significant level. (238 Land Use Study EIR Mitigation Measure 4.9-3)	Prior to issuance of building permits within Project area	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
Mitigation Noise-5: (Construction Noise Impacts) Construction Noise Management Plans shall be prepared for all development projects within the project area, including public and private projects. Each plan shall specify measures to be taken to minimize construction noise on surrounding developed properties. Noise Management Plans shall be approved by City staff prior to issuance of grading or building permits and shall contain, at minimum, a listing of hours of construction operations, a requirement for the use of mufflers on construction equipment, limitation on on-site speed limits, identification of haul routes to minimize travel through residential areas and identification of noise monitors. Specific noise management measures shall be included in appropriate contractor plans and specifications. (Concept Design Plan EIR Mitigation Measure 4.5-1)	Prior to issuance of grading or building permits	Individual Project Developers		Hayward Public Works Department and Hayward Planning Division	
Mitigation Noise-6: (Noise/Construction Noise Impacts) The City shall require reasonable construction practices for individual development projects within the Project area, consistent with Mitigation Measure 7.1 of the City of Hayward General Plan Update EIR. Measures should include but are not limited to the following: a) Requiring all equipment to have mufflers and be properly maintained; b) Limiting the amount of time that equipment is allowed to	Prior to issuance of building permits within Project area	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
stand idle with a running engine; c) Shielding construction activity and equipment from nearby noise sensitive uses by appropriate construction phasing, using existing buildings and structures as noise shields, construction of temporary noise barriers and similar techniques; and d) Providing advance notice to nearby residents of major noise activities. (238 Land Use Study EIR Mitigation Measure 4.9-4)					
Mitigation Pop-1. (Population & Housing/Population Increase) The City of Hayward shall consult with ABAG to ensure buildout populations for the project area are included in future regional projections. (Concept Design Plan EIR Mitigation Measure 4.6-1)	During next regional population update	City of Hayward and ABAG		Hayward Planning Division	
Mitigation Pop-2: (Population & Housing/Population Increase) The City of Hayward shall consult with ABAG to ensure that final build-out populations for the project area are included in future regional projections. (238 Land Use Study EIR Mitigation Measure 4.10-1)	During next regional population update	City of Hayward and Association of Bay Area Government s		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
Mitigation PS-1: (Fire Services) If the City determines new or replacement equipment is needed, future developers shall: a) Pay a fair share contribution to the City of Hayward to finance the acquisition of equipment to serve proposed developments, including those associated with mid to high rise structures (3 to 7 stories); and b) Pay a fair share contribution to the City of Hayward to finance the acquisition of traffic pre-emption devices along Mission Boulevard, as determined by the Hayward Fire Chief, to ensure emergency equipment can access new construction in the project area. (Concept Design Plan EIR Mitigation Measure 4.8-1)	Prior to finalization of development projects.	Individual Project Developers		Hayward Fire Department	
Mitigation PS-2: (Police Services) If the City determines new or replacement equipment is needed, future developers shall pay a fair share contribution to the City of Hayward to finance the acquisition of such equipment, including, but not limited to vehicles. (Concept Design Plan EIR Mitigation Measure 4.8-2)	Prior to finalization of development projects	Individual Project Developers		Hayward Police Department	
Mitigation PS-3: (Public Services/Fire Services) The City of Hayward shall prepare and adopt a mechanism to finance public safety staffing and improvements within the Project area prior to the	Prior to issuance of building	City of Hayward		Hayward Planning	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
construction of the first dwelling unit within the Project area. Such a mechanism may include a Community Facilities District or equivalent mechanism that will provide for adequate funding to meet City and County staffing, facility and equipment standards, as determined by each respective jurisdiction. (238 Land Use Study EIR Mitigation Measure 4.12-1)	permits within Project area			Division	
Mitigation PS-4: (Public Services/Police Services) Approval of the proposed Project with any of the proposed Alternatives could represent a significant impact to the Hayward Police Department and Alameda County Sheriff Department, since the amount of future development and resulting calls for service may not be adequately served by existing department resources. (238 Land Use Study EIR Mitigation Measure 4.12-2)	Prior to issuance of building permits within Project area	City of Hayward		Hayward Planning Division	
Traf-1: (LOS at Dixon Street/Tennyson Road) Create an exclusive right turn pocket and a shared through-left turn lane in the southbound direction (on the East 12th Street approach). Lane geometries in the northbound direction would include an exclusive left-turn pocket and a shared through-right turn lane. Signal phasing would be changed to split phasing in the northbound and southbound directions, with a southbound right-turn overlap	As dictated by traffic analyses of future development projects, as determined by the Hayward	Hayward Public Works Department		Hayward Public Works Department	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
during eastbound and westbound protected left turn phases. U-turns in the eastbound direction would be prohibited to minimize conflicts with southbound right-turning vehicles.	Public Works Director				
Traf-2: (LOS at Mission Boulevard/Industrial Parkway) For the westbound right turn lane, provide an overlapping signal with the southbound left protected phase.	As dictated by traffic analyses of future development projects, as determined by the Hayward Public Works Director	Hayward Public Works Department		Hayward Public Works Department	
Traf-3: (LOS at Mission Boulevard/Tennyson Road) Split phasing signal timing in the eastbound and westbound directions is already being constructed as part of the Route 238 Corridor Improvement Project. However, in addition to the split phasing, the following would need to be accomplished: (a) convert the eastbound through lane to an eastbound shared through-left lane, and (b) stripe the westbound approach to a shared left-through lane and an exclusive right turn lane, and (c) provide overlap phasing for westbound and eastbound right turns; and (d) prohibit northbound	As dictated by traffic analyses of future development projects, as determined by the Hayward	Hayward Public Works Department		Hayward Public Works Department	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
and southbound U-turns to avoid conflicts with the right turn overlap phasing .	Public Works Director				
Traf-4: (LOS at Mission Boulevard/Harder Road) Convert the signal phasing of this intersection to right-turn overlap phasing in the eastbound direction during the northbound and southbound protected left-turn phase. In conjunction with the signal phasing prohibit northbound U-turns to avoid conflicts with the right turn overlap phasing	As dictated by traffic analyses of future development projects, as determined by the Hayward Public Works Director	Hayward Public Works Department		Hayward Public Works Department	

ORDINANCE NO. 11-_____

AN ORDINANCE RECLASSIFYING THE ZONING DESIGNATION FOR PROPERTIES IN THE SOUTH HAYWARD BART/MISSION BOULEVARD FORM-BASED CODE AREA

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Reclassification - Description. Zone Change Application No. PL-2011-0197 concerns the reclassification of multiple properties affected by the adoption of the South Hayward BART/Mission Boulevard Form-Based Code (the "Properties"), by rezoning such Properties to Civic Space Zone (CS), General Urban Zone (T4), Urban Center Zone (T5), TOD Density Overlay 1, and TOD Density Overlay 2, as more particularly set forth in Exhibits “A” and “B” attached hereto and made a part hereof.

Section 2. Reclassification - Findings of Approval. The City Council has previously adopted Resolution No. 11-____ approving the text changes requested in Text Amendment Application No. PL-2011-0196, related to the adoption of the South Hayward BART/Mission Boulevard Form-Based Code. Based on the findings and determinations in Resolution No. 11-___, the City Council hereby approves the rezoning of Properties, as set forth in Exhibits “A and “B,” attached hereto and made a part hereof.

Section 3. Zoning District Index Map. The City Council directs the Development Services Director to amend the Zoning District Index Map on file with the Clerk and the Development Services Department in accordance with the reclassification approved by this Ordinance.

Section 4. Effective Date. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective upon adoption.

Section 5. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional invalid or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance which shall continue in full force and effect provided that the remainder of the ordinance absent the unexcised portion can be reasonably interpreted to give effect to the intentions of the City Council.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the _____ day of _____, 2011, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the _____ day of _____, 2011, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

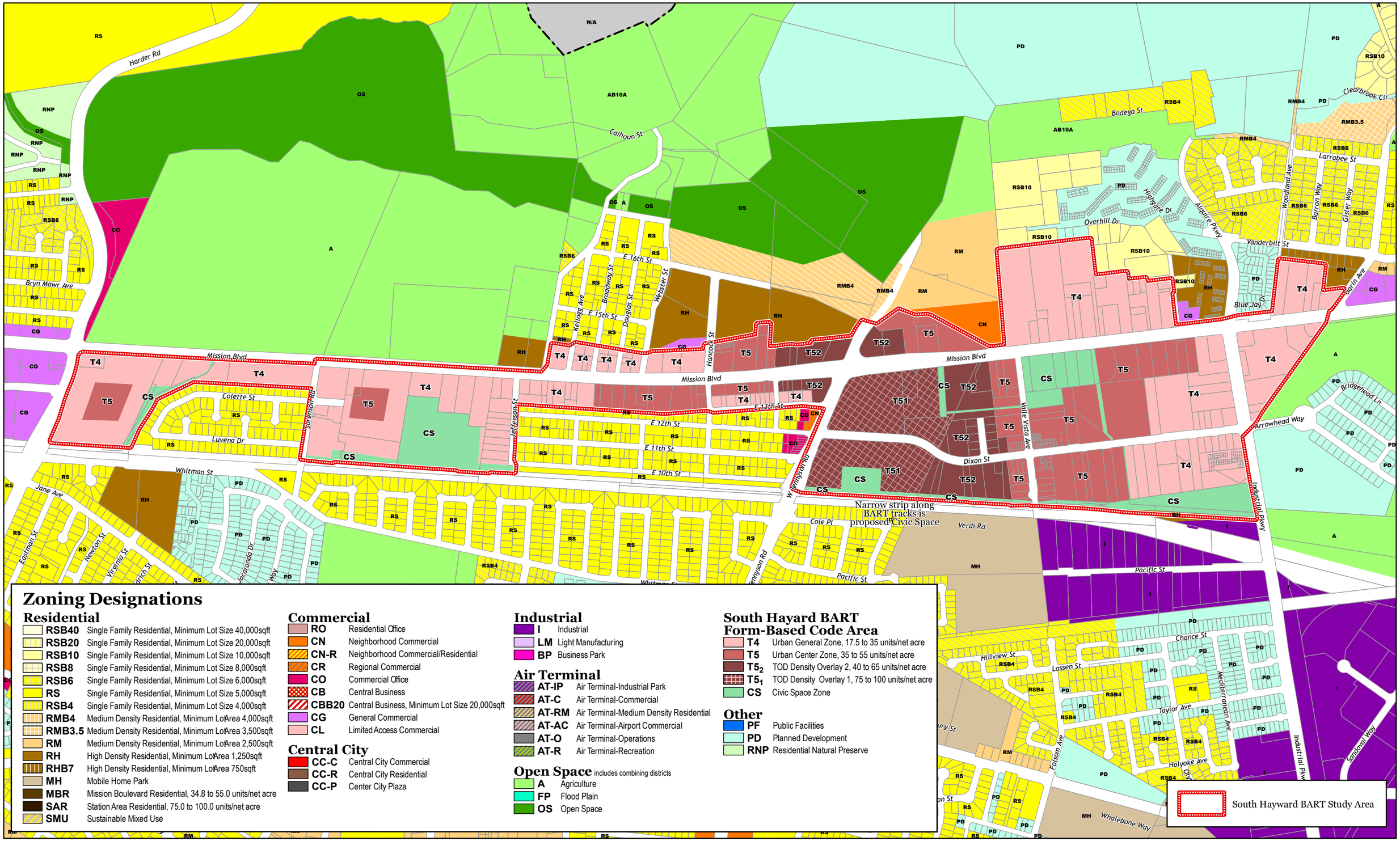
APPROVED AS TO FORM:

_____
City Attorney of the City of Hayward

Proposed Form-Based Code Zoning Designations

Exhibit A

0 500 1,000 2,000 Feet



APN	Parcel Address	Existing Zoning Designation	Proposed Zoning (Form-Based Code) Designation	Acres
078C-0435-001-03	VALLE VISTA AVE	RH	CS	0.002
078C-0432-002-07	29017 DIXON ST	RH	T52, CS	0.003
078C-0432-005-08	29039 DIXON ST	RH	T52, CS	0.004
078C-0432-006-06	29061 DIXON ST	RH	T52, CS	0.004
078C-0432-013-01	29009 DIXON ST	RH	T52, CS	0.004
078C-0433-001-06	29125 DIXON ST	RH	T52, CS	0.004
078C-0433-002-08	29175 DIXON ST	RH	T52	0.004
078C-0433-002-10	29163 DIXON ST	RH	T52, CS	0.004
078C-0433-003-06	DIXON ST	RH	T52, CS	0.004
078C-0433-004-07	29185 DIXON ST	RH	T5	0.004
078C-0433-004-09	292 VALLE VISTA AVE	RH	T5	0.004
078C-0433-004-11	29183 DIXON ST	RH	T5	0.004
078C-0433-004-13	29187 DIXON ST	RH	T5	0.004
078C-0433-005-02	240 VALLE VISTA AVE	RH	T5	0.004
078C-0433-006-02	232 VALLE VISTA AVE	RH	T5	0.004
078C-0433-007-04	224 VALLE VISTA AVE	RH	T5	0.005
078C-0433-008-03	218 VALLE VISTA AVE	RH	T5, CS	0.005
078C-0433-009-01	216 VALLE VISTA AVE	RH	CS	0.005
078C-0433-012-00	VALLE VISTA AVE	RH	T52, CS	0.005
078C-0434-002-01	VALLE VISTA AVE	RH	T5	0.005
078C-0434-002-02	VALLE VISTA AVE	RH	T5	0.005
078C-0434-003-02	227 VALLE VISTA AVE	RH	T5	0.005
078C-0434-004-02	231 VALLE VISTA AVE	RH	T5	0.005
078C-0434-005-02	241 VALLE VISTA AVE	RH	T5	0.005
078C-0434-006-04	249 VALLE VISTA AVE	RH	T5	0.005
078C-0434-006-06	29213 DIXON ST	RH	T5	0.006
078C-0434-009-08	29289 DIXON ST	RH	T5	0.006
078C-0434-011-11	29359 DIXON ST	RH	T5	0.006
078C-0434-012-06	29367 DIXON ST	RH	T5	0.007
078C-0434-015-05	29371 DIXON ST	RH	T5	0.007
078C-0434-016-02	VALLE VISTA AVE	RH	CS	0.007
078C-0434-017-02	VALLE VISTA AVE	RH	CS	0.007
078C-0434-017-03	VALLE VISTA AVE	RH	CS	0.007
078C-0434-018-00	29239 DIXON ST	RH	T5	0.007
078C-0434-019-00	29241 DIXON ST	RH	T5	0.008
078C-0434-020-00	29243 DIXON ST	RH	T5	0.008
078C-0434-021-00	29245 DIXON ST	RH	T5	0.009
078C-0434-022-00	DIXON ST	RH	T5	0.009
078C-0435-001-04	29397 DIXON ST	RH	T5	0.009
078C-0435-002-01	DIXON ST	RH	T4, CS	0.009
078C-0435-002-04	29405 DIXON ST	RH	T5	0.009

APN	Parcel Address	Existing Zoning Designation	Proposed Zoning (Form-Based Code) Designation	Acres
078C-0435-003-02	29495 DIXON ST	RH	T4	0.009
078C-0435-004-02	29529 DIXON ST	RH	T4	0.009
078C-0435-005-02	29571 DIXON ST	RH	T4	0.009
078C-0435-006-00	29599 DIXON ST	RH	T4	0.009
078C-0436-001-06	29633 DIXON ST	RH	T4	0.009
078C-0436-001-07	29629 DIXON ST	RH	T4	0.009
078C-0436-001-15	29615 DIXON ST	RH	T4	0.010
078C-0436-002-02	29659 DIXON ST	RH	T4	0.010
078C-0436-003-02	29667 DIXON ST	RH	T4	0.010
078C-0436-004-02	29683 DIXON ST	RH	T4	0.010
078C-0436-005-02	29689 DIXON ST	RH	T4	0.010
078C-0436-006-02	29695 DIXON ST	RH	T4	0.010
078C-0436-008-03	29697 DIXON ST	RH	T4	0.010
078C-0436-010-03	INDUSTRIAL PKWY	RH	T4	0.010
078C-0436-010-04	INDUSTRIAL PKWY	RH	T4	0.010
078C-0436-110-00	260 INDUSTRIAL PKWY 1	RH	T4	0.010
078C-0436-111-00	260 INDUSTRIAL PKWY 2	RH	T4	0.010
078C-0436-112-00	260 INDUSTRIAL PKWY 3	RH	T4	0.010
078C-0436-113-00	260 INDUSTRIAL PKWY 4	RH	T4	0.010
078C-0436-114-00	260 INDUSTRIAL PKWY 5	RH	T4	0.010
078C-0436-115-00	260 INDUSTRIAL PKWY 6	RH	T4	0.010
078C-0436-116-00	260 INDUSTRIAL PKWY 7	RH	T4	0.010
078C-0436-117-00	260 INDUSTRIAL PKWY 8	RH	T4	0.010
078C-0436-118-00	260 INDUSTRIAL PKWY 9	RH	T4	0.010
078C-0436-119-00	260 INDUSTRIAL PKWY 10	RH	T4	0.010
078C-0436-120-00	260 INDUSTRIAL PKWY 11	RH	T4	0.010
078C-0436-121-00	260 INDUSTRIAL PKWY 12	RH	T4	0.011
078C-0436-122-00	260 INDUSTRIAL PKWY 13	RH	T4	0.011
078C-0436-123-00	260 INDUSTRIAL PKWY 14	RH	T4	0.011
078C-0436-124-00	260 INDUSTRIAL PKWY 15	RH	T4	0.011
078C-0436-125-00	260 INDUSTRIAL PKWY 16	RH	T4	0.011
078C-0436-126-00	260 INDUSTRIAL PKWY 17	RH	T4	0.011
078C-0436-127-00	260 INDUSTRIAL PKWY 18	RH	T4	0.011
078C-0436-128-00	260 INDUSTRIAL PKWY 19	RH	T4	0.011
078C-0436-129-00	260 INDUSTRIAL PKWY 20	RH	T4	0.011
078C-0436-130-00	260 INDUSTRIAL PKWY 21	RH	T4	0.011
078C-0436-131-00	260 INDUSTRIAL PKWY 22	RH	T4	0.011
078C-0436-132-00	260 INDUSTRIAL PKWY 23	RH	T4	0.012
078C-0436-133-00	260 INDUSTRIAL PKWY 24	RH	T4	0.012
078C-0436-134-00	260 INDUSTRIAL PKWY 25	RH	T4	0.012
078C-0436-135-00	260 INDUSTRIAL PKWY 26	RH	T4	0.012

APN	Parcel Address	Existing Zoning Designation	Proposed Zoning (Form-Based Code) Designation	Acres
078C-0436-136-00	260 INDUSTRIAL PKWY 27	RH	T4	0.012
078C-0436-137-00	260 INDUSTRIAL PKWY 28	RH	T4	0.012
078C-0436-138-00	260 INDUSTRIAL PKWY 29	RH	T4	0.012
078C-0436-139-00	260 INDUSTRIAL PKWY 30	RH	T4	0.012
078C-0436-140-00	260 INDUSTRIAL PKWY 31	RH	T4	0.013
078C-0436-141-00	260 INDUSTRIAL PKWY 32	RH	T4	0.013
078C-0436-142-00	260 INDUSTRIAL PKWY 33	RH	T4	0.013
078C-0436-143-00	260 INDUSTRIAL PKWY 34	RH	T4	0.013
078C-0436-144-00	260 INDUSTRIAL PKWY 35	RH	T4	0.013
078C-0436-145-00	260 INDUSTRIAL PKWY 36	RH	T4	0.013
078C-0436-146-00	260 INDUSTRIAL PKWY 37	RH	T4	0.013
078C-0436-147-00	260 INDUSTRIAL PKWY 38	RH	T4	0.013
078C-0436-148-00	260 INDUSTRIAL PKWY 39	RH	T4	0.013
078C-0436-149-00	260 INDUSTRIAL PKWY 40	RH	T4	0.013
078C-0436-150-00	260 INDUSTRIAL PKWY 41	RH	T4	0.013
078C-0436-151-00	260 INDUSTRIAL PKWY 42	RH	T4	0.013
078C-0436-152-00	260 INDUSTRIAL PKWY 43	RH	T4	0.014
078C-0436-153-00	260 INDUSTRIAL PKWY 44	RH	T4	0.014
078C-0436-154-00	260 INDUSTRIAL PKWY 45	RH	T4	0.014
078C-0436-155-00	260 INDUSTRIAL PKWY 46	RH	T4	0.014
078C-0436-156-00	260 INDUSTRIAL PKWY 47	RH	T4	0.015
078C-0436-157-00	260 INDUSTRIAL PKWY 48	RH	T4	0.015
078C-0436-158-00	260 INDUSTRIAL PKWY	RH	T4	0.015
078C-0437-001-02	29642 DIXON ST	RH	T4	0.015
078C-0437-002-02	29660 DIXON ST	RH	T4	0.016
078C-0437-003-05	328 INDUSTRIAL PKWY	RH	T4	0.016
078C-0437-003-07	29686 DIXON ST	RH	T4	0.017
078C-0437-003-09	29668 DIXON ST	RH	T4	0.018
078C-0437-007-03	338 INDUSTRIAL PKWY	RH	T4	0.020
078C-0437-008-02	390 INDUSTRIAL PKWY	RH	T4	0.022
078C-0438-001-09	29314 DIXON ST	RH	T5	0.022
078C-0438-003-02	349 VALLE VISTA AVE	RH	T5	0.026
078C-0438-004-02	363 VALLE VISTA AVE	RH	T5	0.028
078C-0438-005-00	381 VALLE VISTA AVE	OS	CS	0.028
078C-0438-006-00	29213 MISSION BLVD	OS	CS	0.028
078C-0438-007-00	29263 MISSION BLVD	OS	CS	0.028
078C-0438-008-00	MISSION BLVD	OS	CS	0.028
078C-0438-009-00	29335 MISSION BLVD	OS	CS	0.028
078C-0438-010-00	29339 MISSION BLVD	OS	CS	0.029
078C-0438-011-01	MISSION BLVD	MBR, OS	T5, CS	0.030
078C-0438-011-02	29459 MISSION BLVD	MBR	T5	0.037

APN	Parcel Address	Existing Zoning Designation	Proposed Zoning (Form-Based Code) Designation	Acres
078C-0438-012-00	29479 MISSION BLVD	MBR	T5	0.056
078C-0438-013-06	29497 MISSION BLVD	MBR	T5	0.060
078C-0438-014-00	29547 MISSION BLVD	MBR	T5	0.068
078C-0438-015-01	29553 MISSION BLVD	MBR	T5	0.069
078C-0438-015-02	29553 MISSION BLVD	MBR	T5	0.072
078C-0438-016-05	29596 DIXON ST	RH	T4	0.074
078C-0438-018-02	29536 DIXON ST	RH	T4	0.075
078C-0438-019-01	DIXON ST	MBR, OS	T5, CS	0.078
078C-0438-019-04	29360 DIXON ST	RH	T5	0.079
078C-0438-020-00	29324 DIXON ST	RH	T5	0.080
078C-0438-022-00	29300 DIXON ST 101	RH	T5	0.083
078C-0438-023-00	29300 DIXON ST 201	RH	T5	0.083
078C-0438-024-00	29300 DIXON ST 301	RH	T5	0.084
078C-0438-025-00	325 VALLE VISTA AVE 102	RH	T5	0.084
078C-0438-026-00	325 VALLE VISTA AVE	RH	T5	0.084
078C-0438-027-00	29300 DIXON ST 302	RH	T5	0.086
078C-0438-028-00	325 VALLE VISTA AVE	RH	T5	0.087
078C-0438-029-00	29300 DIXON ST	RH	T5	0.087
078C-0438-030-00	325 VALLE VISTA AVE	RH	T5	0.088
078C-0438-031-00	325 VALLE VISTA AVE 104	RH	T5	0.088
078C-0438-032-00	325 VALLE VISTA AVE 204	RH	T5	0.089
078C-0438-033-00	29300 DIXON ST 304	RH	T5	0.092
078C-0438-034-00	29300 DIXON ST 105	RH	T5	0.093
078C-0438-035-00	29300 DIXON ST 205	RH	T5	0.093
078C-0438-036-00	325 VALLE VISTA AVE 305	RH	T5	0.093
078C-0438-037-00	29300 DIXON ST 106	RH	T5	0.095
078C-0438-038-00	29300 DIXON ST 206	RH	T5	0.101
078C-0438-039-00	325 VALLE VISTA AVE	RH	T5	0.102
078C-0438-040-00	325 VALLE VISTA AVE	RH	T5	0.115
078C-0438-041-00	325 VALLE VISTA AVE 207	RH	T5	0.115
078C-0438-042-00	29300 DIXON ST 307	RH	T5	0.119
078C-0438-043-00	29300 DIXON ST 108	RH	T5	0.121
078C-0438-044-00	325 VALLE VISTA AVE	RH	T5	0.121
078C-0438-045-00	29300 DIXON ST 308	RH	T5	0.122
078C-0438-046-00	325 VALLE VISTA AVE 109	RH	T5	0.125
078C-0438-047-00	325 VALLE VISTA AVE	RH	T5	0.125
078C-0438-048-00	29300 DIXON ST 309	RH	T5	0.133
078C-0438-049-00	325 VALLE VISTA AVE	RH	T5	0.135
078C-0438-050-00	325 VALLE VISTA AVE 210	RH	T5	0.137
078C-0438-051-00	325 VALLE VISTA AVE	RH	T5	0.139
078C-0438-052-00	325 VALLE VISTA AVE	RH	T5	0.141

APN	Parcel Address	Existing Zoning Designation	Proposed Zoning (Form-Based Code) Designation	Acres
078C-0438-053-00	325 VALLE VISTA AVE 211	RH	T5	0.142
078C-0438-054-00	29300 DIXON ST 311	RH	T5	0.143
078C-0438-055-00	29300 DIXON ST 112	RH	T5	0.144
078C-0438-056-00	29300 DIXON ST 212	RH	T5	0.145
078C-0438-057-00	29300 DIXON ST 312	RH	T5	0.146
078C-0438-058-00	29300 DIXON ST 113	RH	T5	0.147
078C-0438-059-00	325 VALLE VISTA AVE	RH	T5	0.147
078C-0438-060-00	325 VALLE VISTA AVE	RH	T5	0.147
078C-0438-061-00	325 VALLE VISTA AVE 114	RH	T5	0.148
078C-0438-062-00	29300 DIXON ST 214	RH	T5	0.148
078C-0438-063-00	325 VALLE VISTA AVE	RH	T5	0.149
078C-0438-064-00	29300 DIXON ST 115	RH	T5	0.149
078C-0438-065-00	29300 DIXON ST 215	RH	T5	0.149
078C-0438-066-00	325 VALLE VISTA AVE	RH	T5	0.149
078C-0438-067-00	29300 DIXON ST 116	RH	T5	0.150
078C-0438-068-00	29300 DIXON ST 216	RH	T5	0.153
078C-0438-069-00	325 VALLE VISTA AVE	RH	T5	0.154
078C-0438-070-00	325 VALLE VISTA AVE	RH	T5	0.159
078C-0438-071-00	325 VALLE VISTA AVE 217	RH	T5	0.162
078C-0438-072-00	29300 DIXON ST 317	RH	T5	0.164
078C-0438-073-00	325 VALLE VISTA AVE	RH	T5	0.165
078C-0440-001-02	29018 DIXON ST	RH	T52	0.165
078C-0440-002-06	29034 DIXON ST	RH	T52	0.167
078C-0440-003-06	308 COPPERFIELD AVE	RH	T52	0.169
078C-0440-004-02	29182 DIXON ST	RH	T52	0.169
078C-0440-006-02	350 VALLE VISTA AVE	RH	T5	0.170
078C-0440-007-00	316 COPPERFIELD AVE	RH	T52	0.172
078C-0440-008-00	324 COPPERFIELD AVE	RH	T52	0.173
078C-0440-009-00	332 COPPERFIELD AVE	RH	T52	0.174
078C-0440-010-00	338 COPPERFIELD AVE	RH	T52	0.175
078C-0440-012-00	339 COPPERFIELD AVE	RH	T52	0.176
078C-0440-013-00	331 COPPERFIELD AVE	RH	T52	0.177
078C-0440-014-00	323 COPPERFIELD AVE	RH	T52	0.177
078C-0440-015-00	315 COPPERFIELD AVE	RH	T52	0.178
078C-0440-016-02	29170 DIXON ST	RH	T52	0.178
078C-0440-017-00	29188 DIXON ST	PD	T5	0.181
078C-0440-018-00	29190 DIXON ST	PD	T5	0.181
078C-0440-019-00	29192 DIXON ST	PD	T5	0.183
078C-0440-020-00	29194 DIXON ST	PD	T5	0.183
078C-0440-021-00	29196 DIXON ST	PD	T5	0.183
078C-0440-022-00	29198 DIXON ST	PD	T5	0.184

APN	Parcel Address	Existing Zoning Designation	Proposed Zoning (Form-Based Code) Designation	Acres
078C-0440-023-00	VALLE VISTA AVE	PD	T5	0.184
078C-0441-001-16	28901 MISSION BLVD	PD	T51	0.186
078C-0441-001-17	28937 MISSION BLVD	PD	T51	0.187
078C-0441-001-20	655 W TENNYSON RD	PD	T51	0.188
078C-0441-001-23	MISSION BLVD	OS	CS	0.189
078C-0441-001-24	MISSION BLVD	OS	T51	0.190
078C-0441-001-25	28955 MISSION BLVD	RH	T51, T52, CS	0.195
078C-0441-001-28	TENNYSON RD	PD	T51	0.202
078C-0441-001-29	DIXON ST	PD	T51, CS	0.215
078C-0447-002-01	29097 MISSION BLVD	CN	T52	0.215
078C-0447-002-02	29083 MISSION BLVD	CN	T52, CS	0.221
078C-0447-003-01	29115 MISSION BLVD	CN	T5	0.223
078C-0447-003-02	29131 MISSION BLVD	CN	T5	0.224
078C-0447-004-00	29159 MISSION BLVD	CN	T5	0.227
078C-0447-005-00	398 VALLE VISTA AVE	CN	T5	0.227
078C-0447-006-02	380 VALLE VISTA AVE	CN	T5	0.229
078C-0447-007-06	378 VALLE VISTA AVE	CN	T5, CS	0.230
078C-0450-001-02	29583 MISSION BLVD	MBR	T5	0.232
078C-0450-003-08	29671 MISSION BLVD	CN	T4	0.234
078C-0450-006-10	418 INDUSTRIAL PKWY	RH	T4	0.235
078C-0450-008-03	422 INDUSTRIAL PKWY	CN	T4	0.235
078C-0455-001-03	29272 MISSION BLVD	RH	T4	0.240
078C-0455-001-04	29212 MISSION BLVD	RH	T4	0.244
078C-0455-001-05	648 OVERHILL DR	RH	T4	0.246
078C-0455-001-07	29290 MISSION BLVD	RH	T4	0.249
078C-0455-001-08	29312 MISSION BLVD	RH	T4	0.249
078C-0455-002-00	29338 MISSION BLVD	RH	T4	0.251
078C-0455-003-00	29350 MISSION BLVD	RH	T4	0.257
078C-0455-004-00	29362 MISSION BLVD	RH	T4	0.265
078C-0455-005-01	29390 MISSION BLVD	RH	T4	0.266
078C-0455-005-02	29380 MISSION BLVD	RH	T4	0.271
078C-0455-006-01	29414 MISSION BLVD	CN	T4	0.273
078C-0455-006-03	29404 MISSION BLVD	CN	T4	0.273
078C-0455-006-07	29438 MISSION BLVD	CN, RS	T4	0.277
078C-0455-006-08	29426 MISSION BLVD	RS	T4	0.283
078C-0455-007-04	29444 MISSION BLVD	RH	T4	0.285
078C-0455-007-06	627 GREELEY CT	RH	T4	0.290
078C-0455-007-13	643 GREELEY CT	RH	T4	0.292
078C-0455-007-14	635 GREELEY CT	RH	T4	0.300
078C-0455-007-15	619 GREELEY CT	RH	T4	0.312
078C-0455-007-16	GREELEY CT	RH	T4	0.318

APN	Parcel Address	Existing Zoning Designation	Proposed Zoning (Form-Based Code) Designation	Acres
078C-0455-008-06	657 OVERHILL DR	RH	T4	0.320
078C-0455-008-11	29498 MISSION BLVD	RH	T4	0.333
078C-0455-008-12	MISSION BLVD	RH	T4	0.337
078C-0455-008-13	29490 MISSION BLVD	RH	T4	0.344
078C-0461-004-00	28700 MISSION BLVD	CG	T52	0.351
078C-0461-005-00	28722 MISSION BLVD	CG	T52	0.352
078C-0461-006-04	28824 MISSION BLVD	CG	T5	0.356
078C-0461-007-00	28870 MISSION BLVD	RH	T5	0.368
078C-0461-009-01	28900 MISSION BLVD	RH	T5	0.376
078C-0626-001-13	MISSION BLVD	CG	T5	0.379
078C-0626-001-15	28150 MISSION BLVD	CG	T5	0.381
078C-0626-001-20	28168 MISSION BLVD	RH	T5	0.384
078C-0626-002-03	MISSION BLVD	RH	T5	0.385
078C-0626-002-04	28244 MISSION BLVD	RH	T5	0.394
078C-0626-003-12	28534 MISSION BLVD	CG	T52	0.396
078C-0626-003-23	28546 MISSION BLVD	CG	T52	0.404
078C-0626-003-24	28472 MISSION BLVD	RH	T5, RH	0.412
078C-0626-003-25	28590 MISSION BLVD	CG	T52	0.414
078C-0626-003-26	28564 MISSION BLVD	CG	T52	0.428
078C-0626-006-01	28000 MISSION BLVD	CN	T4	0.436
078C-0626-007-03	28030 MISSION BLVD	CN	T4	0.436
078C-0626-009-01	28090 MISSION BLVD	CN	T4	0.436
078C-0626-010-00	805 HANCOCK ST	RH	T5	0.438
078C-0626-011-00	807 HANCOCK ST	RH	T5	0.439
078C-0626-012-00	809 HANCOCK ST 3	RH	T5	0.441
078C-0626-013-00	811 HANCOCK ST	RH	T5	0.446
078C-0626-014-00	813 HANCOCK ST 5	RH	T5	0.447
078C-0626-015-00	815 HANCOCK ST	RH	T5	0.458
078C-0626-016-00	813 HANCOCK ST	RH	T5	0.459
078C-0637-011-02	27826 MISSION BLVD	RH	T4	0.463
078C-0637-013-01	27820 MISSION BLVD	RH	T4	0.467
078C-0637-014-00	737 DOUGLAS ST	RH	T4	0.469
078C-0637-015-00	DOUGLAS ST	RH	T4	0.469
078C-0638-004-00	744 DOUGLAS ST	RS	T5, RS	0.487
078C-0638-005-01	DOUGLAS ST	RH	T4	0.507
078C-0638-007-01	27702 MISSION BLVD	RH	T4	0.515
078C-0638-009-00	727 BROADWAY ST	RH	T4	0.517
078C-0638-010-00	743 BROADWAY ST	RS	T5, RS	0.521
078C-0644-005-00	744 BROADWAY ST	RH	T4	0.526
078C-0644-006-00	720 BROADWAY ST	RH	T4	0.527
078C-0644-007-00	27690 MISSION BLVD	RH	T4	0.536

RECOMMENDED ZONING DESIGNATIONS
SOUTH HAYWARD BART FORM-BASED CODE

APN	Parcel Address	Existing Zoning Designation	Proposed Zoning (Form-Based Code) Designation	Acres
078C-0644-008-00	27654 MISSION BLVD	RH	T4	0.557
078C-0644-009-00	27630 MISSION BLVD	RH	T4	0.565
078C-0644-010-00	KELLOGG AVE	RH	T4	0.573
078C-0644-011-00	KELLOGG AVE	RH	T4	0.573
078C-0645-013-03	27572 MISSION BLVD	RH	T4	0.584
078G-2651-008-00	29875 MISSION BLVD	CG	T4	0.587
078G-2651-009-02	29705 MISSION BLVD	CG	T4	0.605
078G-2651-010-03	29851 MISSION BLVD	CG	T4	0.613
078G-2651-011-02	411 INDUSTRIAL PKWY	CG	T4	0.623
078G-2651-012-08	INDUSTRIAL PKWY	CG	T4	0.625
078G-2651-013-00	339 INDUSTRIAL PKWY	CG	T4	0.626
078G-2651-014-00	375 INDUSTRIAL PKWY	CG	T4	0.645
083-0251-084-00	29874 MISSION BLVD	CN	T4	0.653
083-0251-085-02	29862 MISSION BLVD	CN	T4	0.676
083-0251-085-04	29824 MISSION BLVD	CN	T4	0.677
083-0251-086-04	29800 WOODLAND AVE	CN	T4	0.677
083-0251-086-06	29824 MISSION BLVD	CN	T4	0.682
083-0455-009-00	PACIFIC ST	RH	CS	0.691
083-0455-010-01	PACIFIC ST	RH	CS	0.696
083-0455-010-02	PACIFIC ST	RH	CS, RH	0.696
083-0460-006-03	INDUSTRIAL PKWY	RH	CS	0.701
083-0460-011-00	INDUSTRIAL PKWY	RH	CS	0.718
452-0020-004-03	26135 MISSION BLVD	CG	T4	0.719
452-0020-006-10	MISSION BLVD	RH	CS	0.729
452-0020-006-11	26253 MISSION BLVD	RH	T4, CS	0.740
452-0020-007-06	26295 MISSION BLVD	RH	T4, CS	0.757
452-0020-008-00	26359 MISSION BLVD	RH	T4	0.762
452-0020-009-01	26231 MISSION BLVD	CG	T5, T4	0.763
452-0020-010-02	MISSION BLVD	RH	CS	0.771
452-0020-011-00	WHITMAN ST	RH	CS	0.785
452-0036-030-05	26601 MISSION BLVD	RH, CN	T4	0.786
452-0056-001-15	26781 MISSION BLVD	CG	T4	0.799
452-0056-002-01	677 SORENSON RD	RH	T4	0.802
452-0056-003-00	26801 MISSION BLVD	CN	T5, T4	0.806
452-0056-005-00	27143 MISSION BLVD	CG	T4	0.810
452-0056-006-00	27151 MISSION BLVD	CG	T4	0.811
452-0056-007-00	27177 MISSION BLVD	CG	T4	0.812
452-0056-008-00	27283 MISSION BLVD	CG	T4	0.833
452-0056-009-02	MISSION BLVD	PF	T4, CS	0.835
452-0056-013-00	26869 MISSION BLVD	CN	T4, CS	0.837
452-0056-014-00	605 SORENSON RD	RH	T4, CS	0.842

APN	Parcel Address	Existing Zoning Designation	Proposed Zoning (Form-Based Code) Designation	Acres
452-0056-015-00	26825 COLETTE ST	RH	T4	0.846
452-0056-016-00	26953 MISSION BLVD	CN	T5, T4	0.852
452-0056-017-00	SORENSON RD	RH	T4	0.869
452-0068-002-01	532 JEFFERSON ST	RM	T4	0.894
452-0068-004-02	542 JEFFERSON ST	RM	T4	0.901
452-0068-005-02	556 JEFFERSON ST	RM	T4	0.911
452-0068-007-01	574 JEFFERSON ST	RM	T4	0.922
452-0068-008-00	586 JEFFERSON ST	RM	T4	0.923
452-0068-009-00	592 JEFFERSON ST	RM	T4	0.926
452-0068-010-00	604 JEFFERSON ST	RM	T4	0.936
452-0068-011-02	620 JEFFERSON ST	RM	T4	0.937
452-0068-013-00	629 JEFFERSON ST	CN	T4	0.942
452-0068-014-02	27451 MISSION BLVD	CN	T4	0.981
452-0068-016-01	27467 MISSION BLVD	CN	T4	0.987
452-0068-017-00	27511 MISSION BLVD	RH	T4	0.987
452-0068-018-00	27541 MISSION BLVD	RH	T4	0.992
452-0068-019-00	27575 MISSION BLVD	RH	T4	1.002
452-0068-020-03	27651 MISSION BLVD	RH	T4	1.005
452-0068-020-04	27641 MISSION BLVD	RH	T4	1.014
452-0068-022-00	27703 MISSION BLVD	RH	T5	1.015
452-0068-023-00	27787 MISSION BLVD	RH	T5	1.043
452-0068-024-03	27795 MISSION BLVD	RH	T5	1.045
452-0068-024-05	27915 MISSION BLVD	RH	T5	1.059
452-0068-024-06	27823 MISSION BLVD	RH	T5	1.112
452-0068-030-01	27695 MISSION BLVD	RH, RS	T4, RS	1.126
452-0068-031-01	27580 E 12TH ST	RH, RS	T4, RS	1.132
452-0068-034-02	27550 E 12TH ST	RH, RS	T4, RS	1.177
452-0068-095-03	520 JEFFERSON ST	PF	T4, CS	1.212
452-0068-111-00	27423 MISSION BLVD	CN	T4	1.223
452-0068-112-00	27369 MISSION BLVD	CN	T4	1.230
452-0080-037-00	27931 MISSION BLVD	RH	T5	1.262
452-0080-038-03	27955 MISSION BLVD	RH, RS	T5, RS	1.331
452-0080-039-02	28001 MISSION BLVD	RH	T5	1.339
452-0080-042-00	28049 MISSION BLVD	RH	T5	1.357
452-0080-043-02	28075 MISSION BLVD	RH	T5	1.359
452-0080-045-01	650 HANCOCK ST	RH, RS	T5, RS	1.383
452-0084-069-02	28105 MISSION BLVD	MBR	T5	1.442
452-0084-070-01	28149 MISSION BLVD	MBR	T5	1.457
452-0084-072-00	28257 MISSION BLVD	MBR	T5	1.500
452-0084-073-00	MISSION BLVD	MBR	T5	1.576
452-0084-074-00	28285 MISSION BLVD	MBR	T5	1.592

RECOMMENDED ZONING DESIGNATIONS
SOUTH HAYWARD BART FORM-BASED CODE

APN	Parcel Address	Existing Zoning Designation	Proposed Zoning (Form-Based Code) Designation	Acres
452-0084-075-02	28293 MISSION BLVD	MBR	T5	1.594
452-0084-076-02	28390 E 13TH ST	MBR	T4	1.751
452-0084-077-00	28368 E 13TH ST	MBR	T4	1.795
452-0084-078-00	28348 E 13TH ST	MBR	T4	1.917
452-0084-079-00	28320 E 13TH ST	MBR	T4	2.102
452-0084-080-00	28298 E 13TH ST	MBR	T4	2.201
452-0084-081-00	28276 E 13TH ST	MBR	T4	2.268
452-0084-082-00	28240 E 13TH ST	MBR	T4	2.451
452-0084-083-00	28202 E 13TH ST	MBR	T4	2.697
452-0084-084-00	28200 E 13TH ST	MBR	T4	3.090
452-0084-085-02	28200 E 13TH ST	MBR	T4	3.373
452-0084-086-02	28475 MISSION BLVD	CN	T52	3.424
452-0084-087-00	28485 MISSION BLVD	CN	T52	4.154
452-0084-088-00	28495 MISSION BLVD	CN	T52	4.656
452-0084-089-00	28521 MISSION BLVD	CN	T52	5.854
452-0084-090-00	28529 MISSION BLVD	CN	T52	6.230
452-0084-095-05	650 TENNYSON RD	CN	T52	6.273
452-0084-096-00	28538 E 13TH ST	CN	T4	6.459
452-0084-097-00	28470 E 13TH ST	CN	T4	7.808
452-0084-098-00	28458 E 13TH ST	CN	T4	9.805
452-0084-099-02	28406 E 13TH ST	CN	T4	10.477

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE, CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE, AND OFF-STREET PARKING REGULATIONS, CHAPTER 10, ARTICLE 2 OF THE HAYWARD MUNICIPAL CODE, AND ADDING A NEW ARTICLE 24 "SOUTH HAYWARD BART/MISSION BOULEVARD FORM-BASED CODE" TO CHAPTER 10 OF THE HAYWARD MUNICIPAL CODE, ALL RELATING TO THE ADOPTION OF THE SOUTH HAYWARD BART/MISSION BOULEVARD FORM-BASED CODE

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Planning, Zoning and Subdivision Regulations Amendments - Description. The Planning, Zoning and Subdivision Regulations amendments associated with Text Amendment Application PL-2011-0196 and Zone Change Application No. PL-2011-0197 concern changes related to the adoption of the South Hayward BART/Mission Boulevard Form-Based Code (the "Form-Based Code") and remove existing Zoning Ordinance and Off-Street Parking Regulation provisions that are in conflict with and contrary to the purposes of the Form-Based Code, as described and set forth below.

Section 2. Planning, Zoning and Subdivision Regulations Amendments - Findings of Approval. This City Council incorporates by reference the findings contained in Resolution No. 11-_____, approving the text changes requested in Text Amendment Application PL-2011-0196 and the zoning reclassifications requested in Zone Change Application PL-2011-0197, as related to the adoption of the Form-Based Code. The City Council hereby approves the following amendments to the Planning, Zoning and Subdivision Regulations, Chapter 10 of the Hayward Municipal Code:

A. Sections 10-1.550 through 10-1.595 of the City's Zoning Ordinance, relating to the Mission Boulevard Residential (MBR) Zoning District, are hereby repealed in their entirety.

B. Sections 10-1.650 through 10-1.695 of the City's Zoning Ordinance, relating to the Station Area Residential District (SAR) Zoning District, are hereby repealed in their entirety.

C. Section 10-1.2635 of the City's Zoning Ordinance, relating to the South Hayward BART/Mission Boulevard Special Design District (SD-6), is hereby repealed in its entirety.

D. That portions of Section 10-1.3510, Definitions, Uses and Activities Defined, of the City's Zoning Ordinance, relating to the definitions of the Mission Boulevard Residential (MBR) and Station Area Residential (SAR) Zoning Districts, are hereby repealed in their entirety.

E. Section 10-2.100(f) of the City's Off-Street Parking Regulations, relating to the definition of the South Hayward BART/Mission Boulevard Parking Area, is hereby repealed in its entirety and

Section 10-2.100(g), relating to the definition of the term “use,” is hereby re-numbered as Section 10-2.100(f).

F. Section 10-2.204 of the City's Off-Street Parking Regulations, relating to Mixed Uses, is hereby amended to read as follows: "The total requirement for off-street parking spaces shall be the sum of the requirements of the various uses on the site except as provided in Section 10-2.401, Shared Parking, and Section 10-2.402, Off-site Parking."

G. Section 10-2.404(a) of the City's Off-Street Parking Regulations, relating to Credit for Proximity to Public Transportation Facilities, is hereby amended to delete the following phrase: "and the South Hayward BART/Mission Boulevard Parking Area."

H. Section 10-2.404(b) of the City's Off-Street Parking Regulations, relating to Credit for Proximity to Public Transportation Facilities, is hereby amended to delete the following phrase: "Except for uses in the South Hayward BART/Mission Boulevard Parking Area."

I. Section 10-2.404(c) of the City's Off-Street Parking Regulations, relating to Credit for Proximity to Public Transportation Facilities, is hereby amended to delete the following phrase:, "and the South Hayward BART/Mission Boulevard Parking Area."

J. Section 10-2.407(b) of the City's Off-Street Parking Regulations, relating to Tandem Parking Standards, is hereby amended to delete the following phrase: "and the South Hayward BART/Mission Boulevard Parking Area."

K. Section 10-2.407(c) of the City's Off-Street Parking Regulations, relating to Tandem Parking Standards, is hereby amended to delete the following phrase from the first sentence: "and the South Hayward BART/Mission Boulevard Parking Area."

L. Section 10-2.417 of the City's Off-Street Parking Regulations, relating to South Hayward BART/Mission Boulevard Parking Standards, is hereby repealed in its entirety.

M. Section 10-2.418 of the City's Off-Street Parking Regulations, relating to the South Hayward BART/Mission Boulevard Parking Area Non-Residential Parking Requirements, is hereby repealed in its entirety.

N. Section 10-2.419 of the City's Off-Street Parking Regulations, relating to South Hayward BART/Mission Boulevard Parking Area Residential Parking Requirements, is hereby repealed in its entirety.

O. Chapter 10 of the Hayward Municipal Code is hereby amended to add a new Article 24 titled, "South Hayward BART/Mission Boulevard Form-Based Code," as set forth in Exhibit "A" attached hereto and incorporated herein by reference, with the following modifications to that Exhibit:

a. Section 10-24.135(b) is deleted in its entirety.

b. The following language is added to Section 10-24.230(a): "Require rooftop improvements to reduce visual impacts on future buildings 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."

c. Figure 1-1 (Regulating Plan) is to be replaced with the attached revised Figure 1-1 (Exhibit "B").

d. Section 10-24.296 is added as follows:

"At properties located within 500 feet of the curb line of Mission Boulevard, the following air quality mitigation measures shall apply to address health risks associated with traffic-related emissions:

a. Indoor Air Quality.

All new development, or existing development involving a use change to one that would be occupied by sensitive receptors, shall implement all of the features below, except as may be modified by Section 10-24.296 (c).

i. Existing or new buildings to be occupied by sensitive receptors, shall include and maintain in good working order a central heating and ventilation (HVAC) system or other air intake system in the building, or in each individual unit, that meets or exceeds an efficiency standard of MERV 13 or equivalent. The HVAC system shall include installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building.

ii. Project applicants shall maintain, repair and/or replace HV system on an ongoing and as needed basis according to manufacturer specifications. For developments which are leased, sold or otherwise not maintained by the initial project developer, an operation and maintenance manual for the HVAC system shall be prepared. The manual shall include the operating instructions and the maintenance and replacement schedule. The Planning Director shall identify an appropriate filing location for the manual, which may include, but is not limited to, the project conditions, covenants and restrictions (CC&Rs), County recorder, or City development permit file.

iii. The HVAC system or other air intake system required above, shall be submitted to the Planning Director for review and action prior to the issuance of a demolition, grading, or building permit.

b. Outdoor Air Quality.

To the maximum extent practicable, individual and common exterior open space (e.g., playgrounds, patios, and decks) proposed as a part of developments within 500 feet of the curb line of Mission Boulevard and associated with sensitive receptors, shall either be shielded from air pollution originating at Mission Boulevard by buildings or otherwise buffered to further reduce air pollution for project occupants.

c. Compliance with Sections 10-24.296(a) and (b) above shall not be required or may be modified when all the following occur:

i. A development project applicant submits to the Planning Director a

Health Risk Assessment (HRA) prepared by a qualified air quality consultant in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements.

ii. The HRA demonstrates that indoor and outdoor air quality can be maintained within currently applicable health risk standards of the Bay Area Air Quality Management District.

d. An HRA submitted in accordance with Section 10-24.296(c), must be approved by the Planning Director prior to issuance of a demolition, grading, or building permit.

e. The Planning Director may require review and approval of the HRA prior to scheduling discretionary permits (e.g., Site Plan Review, Conditional Use Permit) for public hearing.

f. The Development Services Department may require, at the applicant's sole expense, an independent review of the HRA by a qualified consultant.

g. An HRA submitted in accordance with Section 10-24.296(c), shall be subject to Planning Director review and action.

h. Sensitive receptors include, but are not limited to, residences, schools and school yards, parks and play grounds, daycare centers, nursing homes, and medical facilities. Residences can include, but are not limited to, houses, apartments, and senior living complexes. Medical facilities can include, but are not limited to, hospitals, convalescent homes, and health clinics. Playgrounds can be, but are not limited to, play areas associated with parks or community centers."

Section 3. Effective Date. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective immediately upon adoption.

Section 4. Severance. Should any portion of this ordinance be declared by court or tribunal of competent jurisdiction to be unconstitutional, invalid or beyond the authority of the City, such decision shall not affect the validity of the remainder of the ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance absent the excised portion, can be reasonably interpreted to give effect to the intentions of the City Council

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the

day of_____, 2011, by Council Member_____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the

day of _____, 2011, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

Mayor of the City of Hayward

DATE:

ATTEST:

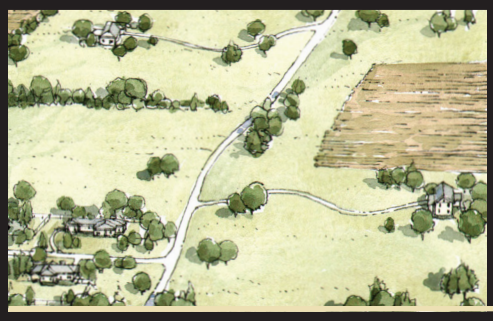
City Clerk of the City of Hayward

APPROVED AS TO FORM:

_____

City Attorney of the City of Hayward

1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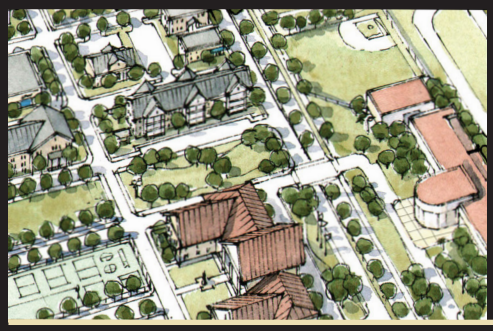
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South Hayward BART/ Mission Boulevard Hayward, California

Form-Based Code

June 15, 2011

CITY OF HAYWARD
HEART OF THE BAY

FIGURE 1-1 REGULATING PLAN

SEC.10-24.100 PURPOSE AND APPLICABILITY
10-24.105 TITLE
10-24.110 EFFECTIVE DATE
10-24.115 PURPOSE
10-24.120 AUTHORITY
10-24.125 ADMINISTRATION RESPONSIBILITY
10-24.130 APPLICABILITY
10-24.135 MINIMUM REQUIREMENTS
10-24.140 INTERFACE WITH OTHER REGULATORY REQUIREMENTS

SEC.10-24.200 REGULATING PLAN AND TRANSECT ZONES
10-24.205 PURPOSE
10-24.210 REGULATING PLAN
10-24.215 TRANSECT ZONES
10-24.220 CIVIC SPACE ZONE
10-24.225 BUILDING DISPOSITION
10-24.230 BUILDING CONFIGURATION
10-24.235 BUILDING FUNCTIONS
10-24.240 DENSITY STANDARDS
10-24.245 PARKING STANDARDS
TABLE A1 BICYCLE PARKING REQUIREMENT
TABLE A2 BICYCLE PARKING TYPES
10-24.250 ARCHITECTURAL STANDARDS
10-24-255 FENCE AND WALL STANDARDS
10-24.260 LANDSCAPE STANDARDS
10-24.265 VISITABILITY STANDARDS
10-24.270 SUSTAINABILITY STANDARDS
10-24.275 THOROUGHFARE STANDARDS & PLAN
10-24.280 SUBDIVISION STANDARDS
10-24.285 SIGN STANDARDS
10-24.290 TELECOMMUNICATION FACILITY STANDARDS
10-24.295 GROUP HOME STANDARDS

SEC.10-24.300 STANDARDS AND TABLES
TABLE 1 TRANSECT ZONE DESCRIPTIONS
TABLE 2 THOROUGHFARE ASSEMBLIES
TABLE 3 PUBLIC LIGHTING
TABLE 4 PUBLIC PLANTING
TABLE 5 PRIVATE FRONTAGES
TABLE 6 FENCES AND WALLS
TABLE 7 BUILDING CONFIGURATION (BUILDING HEIGHT)
TABLE 8 BUILDING DISPOSITION (PLACEMENT ON LOT)
TABLE 9 SPECIFIC FUNCTION & USE

TABLE 10	CIVIC SPACE
TABLE 11	FORM-BASED CODE SUMMARY
TABLE 12A	FORM-BASED CODE GRAPHICS:T4
TABLE 12B	FORM-BASED CODE GRAPHICS: T5
TABLE 13A	SUSTAINABILITY: WIND POWER
TABLE 13B	SUSTAINABILITY: SOLAR ENERGY
TABLE 13C	SUSTAINABILITY: FOOD PRODUCTION
TABLE 13D	LIGHT IMPRINT STORM DRAINAGE MATRIX
SEC.10-24.400	**PROCEDURES**
10-24.405	APPROVAL REQUIREMENTS
10-24.410	VARIANCES: WARRANTS & EXCEPTIONS
TABLE 14	APPROVAL REQUIREMENTS MATRIX
10-24.415	CODE MAINTENANCE
SEC.10-24.500	**DEFNITIONS AND RULES OF INTERPRETATION**
TABLE 15	DEFINITIONS ILLUSTRATED
10-24.505	DEFINITION OF TERMS
10-24.510	RULES OF INTERPRETATION
FIGURE 1-2	THOROUGHFARE PLAN
FIGURE 1-3	EXISTING AND NEW THOROUGHFARE PLAN

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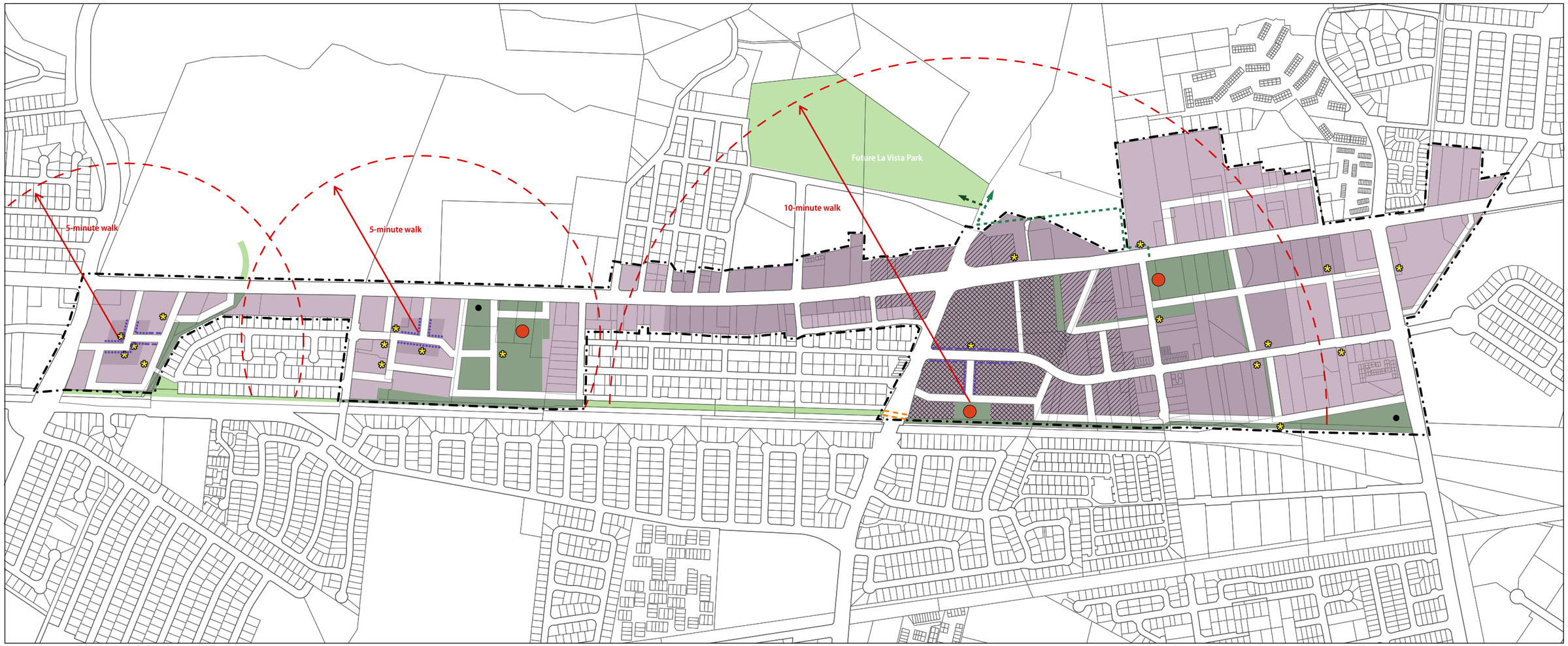

Legend

- Project Area
- Parcels
- Terminated Vistas
- Mandatory Shopfront Overlay
- Recommended Shopfront Overlay

- T4 Urban General Zone: 17.5 DU/Acre min; 35 DU/acre max
- T5 Urban Center Zone: 35 DU/Acre min; 55 DU/acre
- TOD Density Overlay 1: 75 DU/acre min; 100 DU/acre max
- TOD Density Overlay 2: 40 DU/acre min; 65 DU/acre max
- Civic Space Zone
- Civic Buildings

For illustrative purpose only:

- Civic Spaces outside of the project area
- 238 Bypass Trail Location
- 5 Min/10 Min Walk (Pedestrian Shed)
- Future pedestrian/bicycle bridge

0 200 400 800 1200 Feet

SEC.10-24.100 PURPOSE AND APPLICABILITY

10-24.105 TITLE

This Chapter 10, Article 24 of the City of Hayward Municipal Code shall be known, and may be cited, as the "South Hayward BART/Mission Boulevard Form-Based Code." References to "Code" within the text of this South Hayward BART/Mission Boulevard Form-Based Code are references to this South Hayward BART/Mission Boulevard Form-Based Code unless the context clearly indicates otherwise, e.g., references to the "Municipal Code" refer to the Hayward Municipal Code; references to the "Government Code" refer to the California State Government Code, and so on.

10-24.110 EFFECTIVE DATE

The South Hayward BART/Mission Boulevard Form-Based Code has an effective date of [to be inserted by City Clerk after adoption].

10-24.115 PURPOSE

Chapter 2 of the Hayward General Plan ("Land Use Element") describes how the City's Planning Area is comprised of certain neighborhood planning areas (see General Plan Figure 2-2), including the Mission/ Garin neighborhood, and further designates, among other things, certain significant Focus Areas (see General Plan Figure 2-3) for the implementation of smart growth principles. This Code implements such principles for portions of the South Hayward BART Area and Mission Boulevard Corridor.

This Code carries out the policies of the Hayward General Plan by classifying and regulating the types and intensities of development and land uses within the Code area consistent with, and in furtherance of, the policies and objectives of the General Plan. This Code is adopted to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of the community. More specifically, the purposes of this Code are to ensure:

FOR THE COMMUNITY

a. That neighborhoods and Transit-Oriented Development is compact, pedestrian-oriented and mixed-use.

b. That neighborhoods should be the preferred pattern of development and that districts specializing in a single use should be the exception.

c. That ordinary activities of daily living occur within walking distance of most dwellings, allowing independence to those who do not drive.

d. That interconnected networks of Thoroughfares be designed to disperse traffic and reduce the length of automobile trips.

e. That within neighborhoods, a range of housing types and price levels be provided to accommodate diverse ages and incomes.

f. That affordable housing should be distributed throughout the region to match job opportunities and to avoid concentrations of poverty.

f. That appropriate building Densities and land uses be provided within walking distance of transit stops.

g. That Civic, institutional, and Commercial activity should be embedded in neighborhoods, not isolated in remote single-use complexes.

h. That schools be sized and located to enable children to safely walk or bicycle to them.

i. That a range of Open Space including Parks, Squares, Plazas and playgrounds be distributed within neighborhoods.

j. That the region should include a framework of transit, pedestrian, and bicycle systems that provide alternatives to the automobile.

FOR THE TRANSECT

a. That communities should provide meaningful choices in living arrangements as manifested by distinct physical environments.

b. That the Transect Zone descriptions on Table 1 including, in particular the T-4 General Urban Zone, T-5 Urban Center Zone, and CS Civic Spaces, shall constitute the Intent of this Code with regard to the general character of each of these environments within the Code area.

FOR THE BLOCK AND THE BUILDING

a. That buildings and landscaping contribute to the physical definition of Thoroughfares as Civic places.

b. That development adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.

c. That the design of streets and buildings reinforce safe environments, but not at the expense of accessibility.

d. That architecture and landscape design grow from local climate, topography, history, and building practice.

e. That buildings provide their inhabitants with a clear sense of geography and climate through energy efficient methods.

f. That Civic Buildings and public gathering places be provided as locations that reinforce community identity and support self-government.

g. That Civic Buildings be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the city.

h. That the preservation and renewal of historic buildings be facilitated to affirm the continuity and evolution of society.

i. That the harmonious and orderly evolution of urban areas be secured through form-based codes.

10-24.120 AUTHORITY

This Code is a tool for implementing the goals, objectives, and policies of the Hayward General Plan, pursuant to the mandated provisions of the State Planning and Zoning Law, the California Environmental Quality Act, and other applicable State and local requirements.

10-24.125 ADMINISTRATION RESPONSIBILITY

This Code shall be administered by: the Hayward City Council, hereafter referred to as the "Council;" the Planning Commission, hereafter referred to as the "Commission;" the Development Services Director or his/her designee, hereafter referred to as the "Director;" the Development Services Department, hereafter referred to as the "Department," and other City bodies and officials as identified in this Code.

10-24.130 APPLICABILITY

This Code applies to all land uses, subdivisions, and development within the South Hayward BART/Mission Boulevard Form-Based Code area (Figure 1-1), as provided herein.

a. It shall be unlawful and a violation of this Code for any person to establish, construct, reconstruct, enlarge, alter, or replace any use of

land or structure, except in compliance with the requirements listed below, including those relating to nonconforming uses, structures, and parcels. No building permit or grading permit shall be issued by the City unless the proposed construction complies with all applicable provisions of this Code.

b. Any subdivision, Lot line adjustment and Lot line merger proposed within the Code area after the effective date of this Code shall enable development consistent with the Code.

10-24.135 MINIMUM REQUIREMENTS

a. The provisions of this Code are minimum requirements for the protection and promotion of the public health, safety, comfort, convenience, prosperity, and general welfare. When this Code provides for discretion on the part of a City official or body, that discretion may be exercised to impose conditions on the approval of any project proposed in the Code area, as may be determined by the Review Authority to be necessary to establish or promote development and land use, environmental resource protection, and the other purposes of this Code.

b. No condition(s) shall be imposed which has the effect of reducing the Residential Density, floor area, or height of any structure nor increase the number of off-street parking spaces when the corresponding requirements of this Code are met.

10-24.140 INTERFACE WITH OTHER REGULATORY REQUIREMENTS

a. Municipal Code Provisions. This Code is a subpart (i.e., Article 24) of Municipal Code Chapter 10 (Planning, Zoning and Subdivisions). As is the case with other provisions of Municipal Code Chapter 10 (Planning, Zoning and Subdivisions), all other provisions of the Hayward Municipal Code continue to apply within the Code area except as expressly provided to the contrary in the South Hayward BART/Mission Boulevard Form-Based Code.

In any instance where there is no conflict between a requirement of this Code and a requirement or other provision of the Municipal Code because a regulatory subject is addressed elsewhere in the Municipal Code but not in the South Hayward BART/Mission Boulevard Form-Based Code, such as, by way of example but without limitation, the massage establishment permit requirements set forth in Chapter 6, Article 10 of the Municipal Code, the Municipal Code provision is intended to, and shall, apply.

b. Conflicting Requirements.

i. South Hayward/Mission Boulevard Form-Based Code. If a conflict occurs between requirements within this Code, the most restrictive shall apply.

ii. Planning, Zoning and Subdivision Regulations. The provisions of this Code, when in conflict with Municipal Code Chapter 10 (Planning, Zoning and Subdivisions), shall take precedence.

iii. Development Agreement. If conflicts occur between the requirements of this Code and standards adopted as part of any Development Agreement, the requirements of the Development Agreement shall apply.

iv. Private Agreements. This Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, Conditions, Covenants & Restrictions), without affecting the applicability of any agreement or restriction.

c. Inapplicable Planning, Zoning and Subdivision Regulations. The following Municipal Code Chapter 10 (Planning, Zoning and Subdivisions) provisions shall not apply within the Code area:

i. Article 1 (Zoning Ordinance)

(1) Sections 10-1.200 through 10-1.2600 (Zoning Districts)

(2) Section 10-1.2735(i) (Private Street Criteria)

(3) Section 10-1.3300 (Variances)

ii. Article 2 (Off-Street Parking Regulations) except for Sections 10-2.200 through 10-2.205, Sections 10-2.400 through 10-2.402, and Sections 10-2.600 through 10-2.770.

iii. Article 3 (Subdivision Ordinance)

(1) Section 10-3.505 (Street Standards)

(2) Section 10-3.845 (Block Lengths)

iv. Article 7 (Sign Regulations)

All remaining provisions of Municipal Code Chapter 10 not listed above in this section are applicable to the Code area.

d. Public Notice. In Addition to the notice requirements of Municipal Code Section 10-1.2820 (Notice), a Notice of Application Receipt shall be provided within the Code area as follows:

i. Notice Recipients. Within 15 days of receiving a complete application for those permit requests identified in Table 14, items b and c, but prior to public hearing on the application, the Director shall provide a Notice-of-Application Receipt by first class mail to the applicant and owner, or the owner's authorized representative, and to the owners and occupants of all parcels within 300 feet of the perimeter of the subject property as shown on the latest equalized assessment roll.

ii. Notice Contents. The Notice-of-Application Receipt shall provide a description of the property subject to the application that includes, at a minimum:

(1) The street address or, if the street address is unavailable, a description utilizing a readily recognizable geographic feature, as determined by the Director;

(2) The current zoning classification;

(3) The category of development approval requested and a brief description of the proposed development, revised zoning classification (if any), and uses requested;

(4) The real property tax assessment roll parcel number; and

(5) The name, mailing address, email address and phone number of the city staff person to which questions and/or comments should be directed.

iii. Notice Broadcast. The Director may expand the list of owners and occupants receiving the Notice-of-Application Receipt beyond the 300 foot radius, including the provision of notice by means other than mail including, without limitation, via on-site posting or electronically.

SEC.10-24.200 REGULATING PLAN AND TRANSECT ZONES

10-24.205 PURPOSE

This Section establishes the zones applied to property within the Code area, adopts the Regulating Plan for the Code area as its Zoning Map, and establishes standards applicable to zones.

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10-24.210 REGULATING PLAN

The City Council hereby adopts the South Hayward BART/Mission Boulevard Form-Based Code Regulating Plan (hereafter referred to as the "Regulating Plan"), as shown in Figure 1-1, as an amendment to the zoning district map authorized by Municipal Code Section 10-1.3400 (Amendments).

a. Special Requirements. The Regulating Plan designates the following Special Requirements whose standards shall be applied as follows:

i. Designations for mandatory Shopfront Frontage require that a building shall provide a Shopfront at Sidewalk level along the entire length of its Private Frontage. The Shopfront shall be no less than 70% glazed in clear glass and shaded by an awning overlapping the Sidewalk as generally illustrated in Table 5. The first floor shall be confined to Retail Sales use through the depth of the second Layer.

ii. Designations for recommended Shopfront Frontage indicate that a building should provide a Shopfront at Sidewalk level along the entire length of its Private Frontage. Where provided, the Shopfront shall be no less than 70% glazed in clear glass and shaded by an awning overlapping the Sidewalk as generally illustrated in Table 5. Where the recommended Shopfront is provided, the first floor shall be confined to Retail Sales use through the depth of the second Layer.

iii. Designations for Terminated Vista locations indicate that the building should be provided with architectural articulation of a type and character that responds visually to the location, as approved by the Review Authority. A building located at a Terminated Vista designated on the Regulating Plan should be designed in response to the axis through the use of color, material, massing and height such that visual orientation along the axis is improved and a prominently visible destination (i.e,. building at the Terminated Vista) is established.

10-24.215 TRANSECT ZONES

a. The area within the Regulating Plan boundaries is subject to this Code, and shall be divided into Transect Zones that implement the Hayward General Plan. The Transect Zones, whose general intent is described in Table 1 (Transect Zone Descriptions), are hereby established, and shall be shown on the Regulating Plan for the South Hayward BART/Mission Boulevard Form-Based Code area.

10-24.220 CIVIC SPACES ZONE

a. The Civic Space Zone (CS) accompanies Transect Zones on the Regulating Plan. The purpose of the CS Zone is for the provision of public Open Space, Civic Buildings and Civic uses. At the South Hayward BART Station, the CS designation is to facilitate use of the South Hayward BART station.

b. General to CS Zone

i. The physical composition of Civic Buildings should result in distinction from common, backstory buildings used for dwelling and commerce through, by way of example, the use of color, material, ornament, massing, Disposition and height.

ii. New Civic Buildings and/or exterior alterations to existing Civic Buildings require Site Plan approval by the Commission.

iii. Civic Buildings and Lots shall conform to the Functions on Table 9.

iv. Civic Buildings should be designed in compliance with the standards applicable to the abutting Transect Zone. However, deviation is permissible and encouraged with Warrant approval where necessary to achieve the intent of Section 10-24.220(a) and 10-24.220(b)(i).

v. Open Space shall be generally designed as described in Table 10.

vi. Sections 10-24.245, 10-24.255, 10-24.280, and 10-24.285 of this Code are inapplicable to the CS Zone.

vii. Buildings and Lots within the CS Zone are encouraged to incorporate the provisions of Section 10-24.270.

10-24.225 BUILDING DISPOSITION

a. General to T4 and T5 Zones

i. One Principal Building at the Frontage, and one Outbuilding of up to 440 square feet located to the rear of the Principal Building, may be built on each Lot as shown in Table 15.

ii. The Principal Entrance shall be on a Frontage Line.

b. Specific to T4 Zone

i. Newly subdivided Lots shall be dimensioned according to Tables 11 and 12A.

ii. Building Disposition types shall be as shown in Tables 8, 11, and 12A.

iii. Buildings shall be disposed in relation to the boundaries of their Lots according to Table 11.

iv. Lot coverage by building shall not exceed that recorded in Table 11 and Table 12A.

v. Facades shall be built parallel to a rectilinear Principal Frontage Line or to the tangent of a curved Principal Frontage Line, and along a minimum percentage of the Frontage width at the Setback, as specified as Frontage Buildout on Table 11 and Table 12A.

vi. Setbacks for Principal Buildings shall be as shown in Table 11 and Table 12A. In the case of an Infill Lot, Setbacks shall match one of the existing adjacent Setbacks. Setbacks may otherwise be adjusted by Warrant.

vii. Rear Setbacks for Outbuildings shall be a minimum of 15 feet measured from the centerline of the Rear Alley easement. In the absence of Rear Alley, the rear Setback shall be as shown in Table 11 and Table 12A.

c. Specific to T5 Zone

i. Newly subdivided Lots shall be dimensioned according to Tables 11 and 12B.

ii. Building Disposition types shall be as shown in Tables 8, 11, and 12B.

iii. Buildings shall be disposed in relation to the boundaries of their Lots according to Tables 11 and 12B.

iv. Lot coverage by building shall not exceed that recorded in Tables 11 and 12B.

v. Facades shall be built parallel to a rectilinear Principal Frontage Line or to the tangent of a curved Principal Frontage Line, and along a minimum percentage of the Frontage width at the Setback, as specified as Frontage Buildout on Table 11 and Table 12B.

vi. Setbacks for Principal Buildings shall be as shown in Table 11 and Table 12B. In the case of an Infill Lot, Setbacks shall match one of the existing adjacent Setbacks. Setbacks may otherwise be adjusted by Warrant.

vii. Rear Setbacks for Outbuildings shall be a minimum of 15 feet measured from the centerline of the Rear Alley easement. In the absence of Rear Alley, the rear Setback shall be as shown in Table 11.g and Table 12B.

10-24.230 BUILDING CONFIGURATION

a. General to T4 and T5 Zones

i. Buildings on corner Lots shall have two Private Frontages as shown in Table 15. Prescriptions for the second and third Layers pertain only to the Principal Frontage. Prescriptions for the first Layer pertain to both Frontages.

ii. All Facades shall be glazed with clear glass no less than 30% of the first Story.

iii. Stories may not exceed 14 feet in height from finished floor to finished floor, except for a first floor Commercial Function, which shall be a minimum of 14 feet with a maximum of 25 feet. A single floor level exceeding 14 feet, or 25 feet at ground level, shall be counted as two (2) stories. Mezzanines extending beyond 33% of the floor area shall be counted as an additional Story.

iv. In a Parking Structure or garage, each above-ground level counts as a single Story regardless of its relationship to habitable Stories.

v. Height limits do not apply to masts or belfries, clock towers, chimney flues, elevator bulkheads, church spires, cupolas, domes, ventilators, skylights, parapet walls, cornices, solar energy systems, or necessary mechanical appurtenances usually located on the roof level, provided that such features are limited to the height necessary for their proper functioning.

vi. Attics shall not exceed 14 feet in height. Raised basements shall not exceed 3 feet in height up to the finished floor of the first story.

vii. The habitable area of a Second Dwelling Unit within a Principal Building or an Outbuilding shall not exceed 640 square feet, excluding the parking area.

b. Specific to T4 Zone

i. The Private Frontage of buildings shall conform to and be allocated in accordance with Tables 5, 11 and 12A.

ii. Building heights, Stepbacks, and Extension Lines shall conform to Tables 7, 11, and 12A.

iii. Balconies, open porches and bay windows may Encroach the first Layer 50% of its depth.

iv. All developments shall provide at least 15% of their Lot area as Common Open Space.

v. Common Open Space shall be located within the Second Layer or Third Layer whether at-grade or upon roof decks (including roof decks above structured or podium parking).

vi. Common Open Space provided with a Sideyard or Courtyard building type shall be contiguous to the corresponding Principal Building and, to the maximum extent practicable, Enfronted by one or more of the permitted Private Frontages of Table 5.

vii. Common Open Space provided with an Edgeyard or Rearyard building type shall be contiguous to the corresponding Principal Building.

c. Specific to T5 Zone

i. The Private Frontage of buildings shall conform to and be allocated in accordance with Tables 5, 11, and 12B.

ii. Building heights, Stepbacks, and Extension Lines shall conform to Tables 7, 11, and 12B.

iii. Awnings, Arcades, and Galleries may Encroach the Sidewalk to within 2 feet of the Curb but must clear the Sidewalk vertically by at least 8 feet.

iv. Stoops, balconies, bay windows, and terraces may Encroach the first Layer 100% of its depth.

v. All developments shall provide at least 10% of their Lot area as Common Open Space.

vi. Common Open Space shall be located within the Second Layer or Third Layer whether at-grade or upon roof decks (including roof decks above structured or podium parking).

vii. Common Open Space provided with a Sideyard or Courtyard building type shall be contiguous to the corresponding Principal Building and, to the maximum extent practicable, Enfronted by one or more of the permitted Private Frontages of Table 5.

viii. Common Open Space provided with an Edgeyard or Rearyard building type shall be contiguous to the corresponding Principal Building.

ix. Loading docks and service areas shall be permitted on Frontages only by Warrant (See Section 10-24.410).

x. In the absence of a building Facade along any part of a Frontage Line, a Streetscreen shall be built co-planar with the Facade.

xi. Streetscreens should be between 3.5 and 6 feet in height. The Streetscreen may be replaced by a hedge or fence by Warrant. Streetscreens shall have openings no larger than necessary to allow automobile and pedestrian access.

xii. A first level Residential or Lodging Function shall be raised a minimum of 2 feet from average Sidewalk grade.

10-24.235 BUILDING FUNCTIONS

a. General to all Zones

i. Buildings and Lots in each Transect Zone shall conform to the Functions on Table 9.

ii. Any one or more allowed Functions may be established on any Lot, subject to the permit required for the use by Table 9, and compliance with all other applicable requirements of this Code.

iii. Where a single parcel is proposed for development with two or more Functions listed in Table 9, the overall project shall be subject to the highest permit level required by Table 14 for any individual use.

iv. The Director may authorize a Temporary Use in any zone with approval of an Administrative Use Permit.

v. Assembly and Religious Facility Functions that front on Mission Boulevard shall be separated by a distance of at least one-half mile. Proposals to reduce this distance may be considered under Section 10-24.410(a)(ii).

10-24.240 DENSITY STANDARDS

a. General to Zones T4 and T5

i. Second Dwelling Units do not count toward Density calculations.

ii. The permissible Residential Density on a Lot is set by Table 11 except that Lots designated TOD Density Overlay 1 on the Regulating Plan (Figure 1-1) shall have a minimum density of 75 dwelling units per acre (du/ac) and maximum density of 100 du/acre, and Lots Designated TOD Density Overlay 2 on the Regulating Plan (Figure 1-1) shall have a minimum density of 40 du/ac and maximum density of 65 du/ac

iii. The permissible Residential Density may be increased through a Street Dedication Bonus conforming to Section 10-24.275(h).

10-24.245 PARKING STANDARDS

a. General to T4 and T5 Zones

i. Non-Residential Functions shall have no requirement for a minimum number of off-street automobile parking spaces.

ii. Where provided, open parking areas shall be masked from the Frontage by a Building or Streetscreen conforming to Section 10-24.230(c)(xi).

iii. Tandem parking may be provided for multi-family residences when spaces are assigned to the same dwelling unit.

iv. Tandem Parking may be provided for Commercial Functions when a valet/attendant is on duty during the hours when the business is open.

v. Truck loading spaces and the access and maneuvering areas serving loading spaces shall be located on the same parcel as the activity served and must be exclusive of the area used for required parking spaces and maneuvering areas. Truck loading spaces shall not interfere with on-street traffic, parking, or Sidewalks; as determined by the Director.

vi. Where provided, off-street parking and loading dimensions shall be as set forth in Municipal Code Sections 10-2.600 through 10-2.770.

vii. Bicycle parking shall be provided and located in accordance with the most recent version of Section 5.106.4 of the California Green Building Standards Code (CalGreen):
Short-Term bicycle parking. If the project is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 100 feet of the visitors' entrance, readily visible to passers-by, for 5 percent of visitor motorized vehicle parking capacity, with a minimum of one two-bike capacity rack.
Long-Term bicycle parking. For buildings with over 10 tenant-occupants, provide secure bicycle parking for 5 percent of motorized vehicle parking capacity, with a minimum of one space. Acceptable parking facilities shall be convenient from the street and may include:

1. Covered, lockable enclosures with permanently anchored racks for bicycles;
2. Lockable bicycle rooms with permanently anchored racks; and
3. Lockable, permanently anchored bicycle lockers.

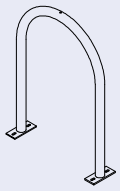
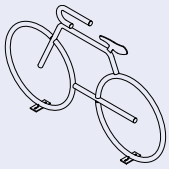
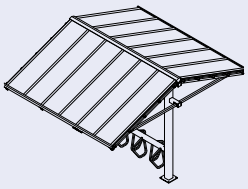
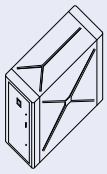
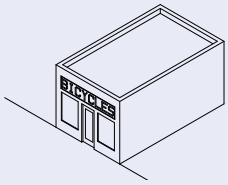
viii. In addition, bicycle parking shall conform to Table A1 Bicycle Parking Requirements and Table A2 Bicycle Parking Types. The minimum number of bicycle parking spaces shall be the greater of either the CalGreen requirement or Table A1 Bicycle Parking Requirements.

Table A1: Bicycle Parking Requirements - This table prescribes minimum parking ratios within each Transect Zone and assumes a bicycle mode share of 5% or less. Requirements may be met within the building, Private Frontage, Public Frontage, or a combination thereof.

	SHORT TERM PARKING	
	T4	T5
RESIDENTIAL		
Single-Family	no spaces required	n/a
Multi-Family	Min. 2.0 spaces .05 spaces / bedroom	Min. 2.0 spaces .10 spaces / bedroom
OFFICE	Min. 2.0 spaces 1.0 / add. 20,000 sq. ft.	Min. 2.0 spaces 1.0 / add.15,000 sq. ft.
RETAIL	Min. 2.0 spaces 1.0 / add. 5,000 sq. ft.	Min. 2.0 spaces 1.0 / add. 5,000 sq. ft.
CIVIC		
Non-Assembly	Min. 2.0 spaces 1.0 / add. 10,000 sq. ft.	Min. 2.0 spaces 1.0 / add. 10,000 sq. ft.
Assembly	Min. 2.0 spaces 1.0 / add. 15,000 sq. ft.	Min. 2.0 spaces 1.0 / add. 10,000 sq. ft.
SCHOOL		
Elementary/ High School	Min. 2.0 spaces 1.0 / add. 20 students	Min. 2.0 spaces 1.0 / add. 20 students
University	Min. 2.0 spaces 1.5 / add. 20 students	Min. 2.0 spaces 1.0 / add. 10 students

	LONG TERM PARKING	
	T4	T5
RESIDENTIAL		
Single-Family	no spaces required	n/a
Multi-Family	Min. 2.0 spaces .15 spaces / bedroom	Min. 2.0 spaces .20 spaces / bedroom
OFFICE	Min. 2.0 spaces 1.0 / add. 10,000 sq. ft.	Min. 2.0 spaces 1.5 / add. 10,000 sq. ft.
RETAIL	Min. 2.0 spaces 1.0 / add. 10,000 sq. ft.	Min. 2.0 spaces 1.0 / add. 10,000 sq. ft.
CIVIC		
Non-Assembly	Min. 2.0 spaces 1.0 / add.15 employees	Min. 2.0 spaces 1.0 / add.10 employees
Assembly	Min. 2.0 spaces 1.0 / add.20 employees	Min. 2.0 spaces 1.5 / add.10 employees
SCHOOL		
Elementary/ High School	Min. 2.0 spaces 1.0 / add. 20 students	Min. 2.0 spaces 1.0 / add. 20 students
University	Min. 2.0 spaces 1.5 / add. 10 students	Min. 2.0 spaces 1.5 / add. 10 students

TABLE A2: Bicycle Parking Types. This table shows five common types of Bicycle Parking facilities.

	T4	T5	Standards
Bicycle Rack (Inverted "U," post and ring, etc.) 	▪	▪	Racks shall be capable of securing bicycles with at least two points of contact. Simple, easily identifiable forms should be used. Racks may be placed in the Private Frontage, Public Frontage, or within buildings.
Bicycle Rack (decorative, public art) 	▫	▪	Decorative racks shall be recognizable as bicycle parking facilities and shall be held to the same performance standards as other bicycle racks. Such racks may be provided for Civic Buildings, Civic Spaces, and other locations of historic, social, or cultural importance.
Bicycle Shelter 	▫	▪	Shelters shall be highly recognizable and integrated with transit and/or related land uses requiring medium or long term bicycle parking needs. Each shelter shall include bicycle parking racks capable of securing bicycles with at least two points of contact.
Bicycle Locker 	▫	▪	Bicycle Lockers shall be placed in a highly visible and well-lit location, but shall not disrupt the function and order of the public realm. They should be monitored and maintained to discourage vandalism.
Bicycle Station 		▫	Bicycle Stations should be located in highly visble locations, ideally near transit. They should offer a variety of services that may include repair, rental, cafe, lockers, showers, and storage facilities.

▪ By Right
▫ By Warrant

b. Specific to T4 zone

i. For each rental dwelling unit, a maximum of 1.75 off-street parking spaces may be provided.

ii. For each Residential condominium, a maximum of 2.0 off-street parking spaces may be provided.

iii. Driveways at Frontages shall be no wider than 10 feet in the first Layer.

iv. Notwithstanding the provisions of Section 10-24.245(a), all parking areas and garages shall be located according to Table 12A.

c. Specific to T5 zone

i. For each rental dwelling unit, a maximum of 1.5 off-street parking spaces may be provided.

ii. For each Residential condominium, a maximum of 1.8 off-street parking spaces may be provided.

iii. Notwithstanding the provisions of Section 10-24.245(a), all parking areas, garages, and Parking Structures shall be located according to Table 12B.

iv. Vehicular entrances to parking lots, garages, and Parking Structures shall be no wider than 24 feet at the Frontage.

v. Pedestrian exits from all parking lots, garages, and Parking Structures shall be directly to a Frontage Line (i.e., not directly into a building) except underground levels which may be exited by pedestrians directly into a building.

vi. Designated Parking for Clean Air Vehicles shall be provided according to and comply with Section 5.106.5.2 of the California Green Building Standards Code (CalGreen).

10-24.250 ARCHITECTURAL STANDARDS

a. General to T4 and T5 Zones

i. Building wall materials may be combined on each Facade only horizontally, with the heavier below the lighter.

ii. Streetscreens should be constructed of a material matching the adjacent building Facade.

iii. All openings, including porches, Galleries, Arcades and windows, with the exception of Shopfronts, shall be square or vertical in proportion.

iv. Openings above the first Story shall not exceed 50% of the total building wall area, with each Facade being calculated independently.

v. Doors and windows that operate as sliders are prohibited along Frontages.

vi. Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12.

vii. The exterior finish material on all Facades shall be limited to brick, wood siding, cementitious siding and/or stucco.

viii. Flat roofs shall be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment to the satisfaction of the Review Authority.

ix. Balconies and porches shall be of a material compatible with the architectural materials of the Principal Building.

10-24.255 FENCE AND WALL STANDARDS

a. General to T4 and T5 zones

i. Fences, hedges, and walls may be constructed to a height of six (6) feet in any side or rear setback, and to a height of four (4) feet in any portion of a Principal or Secondary Frontage area (See Table 15, item d.), except that where the rear or side setback is contiguous to the BART tracks, a flood control channel, or parking lot, a maximum 8-foot-high fence, hedge or wall is permitted.

ii. Fences at the first Lot Layer shall be painted, mural-covered, vine-covered or of a decorative material compatible with the architectural materials of the Principal Building. Anti-graffiti coating shall be required for all solid walls, decorative or otherwise, unless covered with a mural or vines. Fences at other Layers may be of wood board or decorative metal.

iii. Fences and wall shall also conform to the requirements of Table 6.

iv. Public Works Director approval is required prior to construction of any fence or wall within the Visibility Triangle area (See Table 15, item g. VISIBILITY TRIANGLE).

10-24.260 LANDSCAPE STANDARDS

a. General to T4 and T5 Zones

i. Impermeable surface shall be confined to the ratio of Lot coverage specified in Table 11.

ii. Building service elements, such as trash dumpsters, utility meters, loading docks, backflow preventers, and electrical, plumbing, mechanical and communications shall be located either within the third Layer or within the second Layer if screened from view to the street and adjacent properties.

iii. Exterior lighting and parking lot lighting shall be provided in accordance with the Security Standards Ordinance (No. 90-26 C.S.) and be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way. Such lighting shall also be designed such that it is decorative and in keeping with the design of the development.

iv. Trees should be of a species that complements the architecture or design intent of the corresponding new or existing building. Selected species should also be consistent with the Street Trees on the Public Frontage, or as shown on Table 4.

b. Specific to T4 zone

i. The first Layer may not be paved, with the exception of Driveways as specified in Section 10-24.245(b) and 10-24.245(c).

ii. A minimum of one tree should be planted within the first Layer for each 30 feet of Frontage Line or portion thereof.

iii. Trees should be a single species to match the species of Street Trees on the Public Frontage, or as shown on Table 4.

c. Specific to T5 zone

i. Trees shall not be required in the first Layer.

ii. The first Layer may be paved to match the pavement of the Public Frontage.

10-24.265 VISITABILITY STANDARDS

a. General toT4 and T5 zones

i. There shall be provided at least one zero-step entrance to each building from an accessible path at the front, side, or rear of each building.

ii. All first floor interior doors (including bathrooms) shall provide at minimum 32 inches of clear passage.

10-24.270 SUSTAINABILITY STANDARDS

a. General to all zones.

i. Sustainability: Wind Power (Table 13A).

(1) Locations. Vertical Axis Wind Turbines shall be located:

A. Within the Second or Third Layer when building-mounted; and

B. Within the Third Layer when pole-mounted.

(2) Number per Lot. A maximum of two pole-mounted Vertical Axis Wind Turbines per parcel is permitted on Lots less than one-half acre in size; a maximum of four building-mounted Vertical Axis Wind Turbines per acre are permitted on Lots greater than one-half acre in size.

(3) Height. Vertical Axis Wind Turbines shall not exceed:

A. Fifteen (15) feet above the maximum building height when building-mounted; and

B. Seventy (70) feet above existing grade when pole-mounted.

(4) Lighting. Vertical Axis Wind Turbines shall not be artificially lighted unless required, in writing, by the Federal Aviation Administration (FAA) or other applicable authority that regulates air safety. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations; the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground; and no strobe lighting shall be permitted, unless expressly required by the FAA.

(5) Access. All wind turbine towers must comply with the following provisions:

A. The Vertical Axis Wind Turbine shall be designed and installed so that there shall be no exterior step bolts or a ladder on the tower readily accessible to the public for a minimum height of 12 feet above the ground.

B. All building-mounted Vertical Axis Wind Turbines shall be secured to prevent unauthorized access.

C. All ground-mounted electrical and control equipment related to Vertical Axis Wind Turbines shall be labeled and secured to prevent unauthorized access.

(6) Noise. All Vertical Axis Wind Turbines, either individually or in combination, shall create noise that exceeds no more than 35 decibels (dBA) at any property line where the property on which the wind machine is located.

A. Noise levels may not be exceeded at any time, including short-term events such as utility outages and severe wind storms.

B. Measurement of sound levels shall not be adjusted for, or averaged with, non-operating periods.

C. Any Vertical Axis Wind Turbine(s) exceeding these levels shall immediately cease operation upon notification by the Director and may not resume operation until the noise levels have been reduced and verified by an independent third party inspector, approved by the Director, at the property owner's expense.

(7) Aesthetics and Maintenance.

A. Appearance. Vertical Axis Wind Turbines, unless subject to any applicable standards of the FAA, shall be a non-obtrusive color such as tan, sand, gray, black or similar colors. Galvanized steel or metal is acceptable for the support structures.

B. Electrical Wires. All electrical wires leading from the tower to electrical control facilities shall be located underground.

C. Maintenance. Wind turbines shall be maintained in good repair, as recommended by the manufacturer's scheduled maintenance or industry standards.

D. Signs/Labels. The only advertising sign allowed on the wind turbine shall be a manufacturer's label, not exceeding one square foot in size.

(8) Compliance with FAA Regulations. All wind turbines shall comply with applicable FAA regulations, including any necessary approvals for installations.

(9) Repair and Removal of Vertical Axis Wind Turbines. Any wind turbine found to be unsafe by the City Building Official or his/her designee shall immediately cease operation upon notification by the Building Official and shall be repaired by the owner to meet federal, state, and local safety standards or be removed within six months. Vertical Axis Wind Turbines that are not operated for a continuous period of 12 months shall be removed by the owner.

A. When a Vertical Axis Wind Turbine is removed from a site, all associated and ancillary equipment, batteries, devices, structures or support(s) for that system shall also be removed. For the purposes of this section, non-operation shall be deemed to include, but shall not be limited to, the blades of the Vertical Axis Wind Turbine remaining stationary so that wind resources are not being converted into electric or mechanical energy, or the Vertical Axis Wind Turbine is no longer connected to the public utility electricity distribution system.

(10) Prohibitions. Horizontal Axis Wind Turbines are prohibited in the Code area.

ii. Sustainability: Solar Energy (Table 13B).

(1) Mechanical equipment and appurtenances illustrated in Table 13B and necessary for the collection of solar energy shall be exempt from height requirements of this Code.

(2) No planning permit shall be required to install mechanical equipment and appurtenances for solar energy collection.

iii. Sustainability: Food Production (Table 13C).

(1) Development projects are encouraged to incorporate the food production locations and arrangements illustrated in Table 13C, as assigned per T-zone and CS Zone.

(2) Prohibited Food Production-related Functions or activities within the Code area include: Animal husbandry (excluding the keeping of up to four (4) chickens, as provided for below), beekeeping, processing of food produced on site, spreading of manure, application of agricultural chemicals (including fertilizers and pesticides), and use of heavy equipment such as tractors.

(3) The keeping of chickens shall be allowed only in Vegetable Gardens and in accordance with Hayward Municipal Code Section 10-1.2735(f).

(4) Food Production shall conform to the Functions on Table 9.

iv. Sustainability: Light Imprint Storm Drainage Matrix (Table 13D).

(1) Development projects are encouraged to incorporate the stormwater management techniques identified in Table 13D, as assigned per T-zone.

10-24.275 THOROUGHFARE STANDARDS & PLAN

a. The Council hereby adopts the South Hayward BART/Mission Boulevard Form-Based Code Thoroughfare Plan (hereafter referred to as the “Thoroughfare Plan”), as shown in Figure 1-2, and the corresponding Existing & New Thoroughfares Plan, as shown in Figure 1-3, as amendments to the zoning district map authorized by Municipal Code Section 10-1.3400 (Amendments).

b. Intent

i. To enable the General Plan's recognized opportunities (see General Plan Pages 3-17 and 3-18) for infill development and redevelopment to accommodate alternate street patterns, including: (a) shorter Block lengths; (b) interconnected streets; (c) alleys; and (d) cul-de-sac avoidance.

ii. To enable New Thoroughfares which are dedicated and constructed in locations generally consistent with those depicted in Figure 1-2 and Figure 1-3.

iii. To utilize the provisions of this Section and Municipal Code Chapter 10, Article 4 (Precise Plan Lines for Streets) for the administrative aspects of implementing New Thoroughfares.

iv. To enable both incremental modifications to Existing Thoroughfares through individual development projects or coordinated and holistic modifications to Existing Thoroughfares through City-sponsored capital improvement projects.

c. Applicability

i. The Thoroughfare Plan (Figure 1-2) geographically assigns the standards of Table 2 to the Code area.

ii. The Existing & New Thoroughfares Plan (Figure 1-3) distinguishes between Existing Thoroughfares present at the time of Code adoption and New Thoroughfares intended for dedication and improvement after Code adoption.

d. General to all Thoroughfares

i. Thoroughfares are intended for use by vehicular and pedestrian traffic and to provide access to Lots and Open Spaces.

ii. Thoroughfares shall consist of vehicular lanes and Public Frontages.

iii. Within the Code area, pedestrian comfort shall be a primary consideration of the Thoroughfare.

iv. Where presented, design conflicts between vehicular and pedestrian movement generally shall be decided in favor of the pedestrian.

v. The City of Hayward shall accept by dedication or acquire those New Thoroughfares depicted on the Thoroughfare Plan (Figure 1-2 and Figure 1-3) when related to a development project consistent with the provisions of this Code.

vi. The City of Hayward may accept by dedication or acquire those New Thoroughfares depicted on the Thoroughfare Plan (Figure 1-2) and Existing & New Thoroughfares (Figure 1-3) exclusive of a development project.

vii. Underground utilities shall be located under the Sidewalks, at a minimum of 5 feet away from the edge of planting, whenever possible, to allow tree planting.

e. Vehicular Lanes

i. Thoroughfares may include vehicular lanes in a variety of widths for parked and for moving vehicles, including bicycles. The standards for vehicular lanes shall be as shown in Table 2.

ii. The Thoroughfare Plan (Figure 1-2) and Existing & New Thoroughfares Plan (Figure 1-3) accommodate Bicycle Lanes, Bicycle Routes and Bicycle Trails which are consistent with the City of Hayward Bicycle Master Plan (October 2007). The City of Hayward shall utilize the Thoroughfare Plan and Existing & New Thoroughfares Plan as it designs, funds and constructs Thoroughfare modifications to facilitate implementation of the City of Hayward Bicycle Master Plan (October 2007).

iii. Where off-street parking spaces are provided outside of a building, the use of permeable/porous paving is required, as determined by the Director.

f. Public Frontages

i. General to all Zones

(1) The Public Frontage contributes to the character of Transect Zones and the Civic Space Zone, and includes the types of Sidewalk, Curb, Planter, bicycle facility, and street trees.

(2) Public Frontages shall be designed as shown in Table 2 and allocated within Transect Zones and the Civic Space Zone as specified in Table 11.

(3) Within the Public Frontages, the prescribed types of Public Lighting and Public Planting shall be as shown in Table 3 and Table 4. The spacing may be adjusted by the Director to accommodate specific site conditions.

(4) The introduced landscape shall consist primarily of durable species tolerant of soil compaction.

ii. Specific to T4 zone

(1) The Public Frontage shall include trees planted in a regularly-spaced Allee pattern of single or alternated species with shade canopies of a height that, at maturity, clears at least one Story.

iii. Specific to T5 zone

(1) The Public Frontage shall include trees planted in a regularly spaced Allee pattern of single species with shade canopies of a height that, at maturity, clears at least one Story. At Retail Frontages, the spacing of the trees may be irregular, to avoid visually obscuring the Shopfronts.

g. Specific to Existing Thoroughfares

i. The standards of Table 2 shall apply as the City of Hayward designs and constructs modifications to Existing Thoroughfares.

ii. Development projects along Existing Thoroughfares shall comply with the provisions of Table 2 when they:

(1) Occur on a vacant Lot;

(2) Include the construction of a new Principal Building; or
(3) Include the construction of 50% or more of the gross floor area of any existing Principal Building.

iii. Development projects fronting Mission Boulevard may modify AV-100-64/76-TR through the inclusion of SL-40-20-BR or SL-48-28-BR (slip lanes).

h. Specific to New Thoroughfares

i. The Thoroughfare Plan allocates New Thoroughfares to Lots in

a manner which results in Block perimeter distances equal to or lesser than the maximum distance of Table 11 The perimeter is measured as the sum of Lot Frontage Lines.

ii. Development projects which propose and accomplish the construction and dedication of a New Thoroughfare and Public Frontage shall be eligible for the following incentives:

(1) Upon receipt of a planning permit application, the Director shall expedite its processing through means including, without limitation, the prioritization of the application over others already filed; and

(2) A Street Dedication Bonus which increases: (a) the maximum Residential Density allocated to the corresponding T-Zone by up to four (4) units per increment of one hundred (100) feet of constructed and dedicated Street or Slip Lane, and one (1) unit per increment of fifty (50) feet of constructed and dedicated Alley length; and (b) the maximum Principal Building height by one (1) Story.

iii. The Review Authority may authorize New Thoroughfares in locations different from those depicted in Figure 1-2 and Figure 1-3 when it finds, in addition to other findings required by Section 10-24.400, that:

(1) Immovable physical obstructions including, without limitation, large boulders, public infrastructure facilities, or environmentally sensitive habitat, are present; or

(2) The resulting maximum Block perimeter distance of Table 11 would not be exceeded by either the current development or foreseeable future development proposals.

iv. Planning permit applications including New Thoroughfares shall include a petition to establish a Precise Plan Line for the New Thoroughfare(s). The petition shall be processed in accordance with Municipal Code Chapter 10, Article 4 and:

(1) Require no application fee payment;

(2) Be processed concurrently with the planning permit application; and

(3) Include any information requested by the Public Works Director to establish a Precise Plan Line that would enable

construction of the New Thoroughfare without preventable financial hardship.

v. Proposals for the City of Hayward to acquire or purchase New Thoroughfares exclusive of a development project shall still require the establishment of a Precise Plan Line for the New Thoroughfare(s).

10-24.280 SUBDIVISION STANDARDS

a. Intent

i. The standards of this section intend to work in concert with others provided in the Code and, in doing so, generate buildings which provide primary entrances and windows facing public spaces, enable building Configurations which reflect the intended scale of the Code area, and to prevent large monolithic and repetitive buildings.

b. Applicability.

i. This section regulates subdivisions, Lot mergers, and Lot line adjustments within the Code area.

c. General to all Zones

i. All subdivisions shall include Nominal Parcels or Fee Simple Parcels conforming to the Lot Width standards of Table 11.

ii. Each Lot shall Enfront a vehicular Thoroughfare.

iii. Condominium subdivisions containing more than one building shall include Nominal Parcels conforming to Lot Width standards of Table 11.

iv. New development on a pre-existing parcel exceeding the applicable maximum Lot Width of Table 11 shall not occur unless the parcel is first subdivided to provide for Nominal Parcels or Fee Simple Parcels conforming to Table 11.

v. Lot line adjustments or Lot mergers pertaining to parcels not conforming to the applicable Lot Width requirements of Table 11 may occur so long as they bring the parcels closer into conformance.

vi. No flag Lot shall be created in the Code area through either a subdivision or Lot line adjustment.

vii. All New Thoroughfares shall be publicly owned or include an irrevocable easement providing for public access, and Existing Thoroughfares shall not be abandoned to private ownership.

10-24.285 SIGN STANDARDS

a. Permitted Signs are authorized in all zones subject to the provisions of this Section.

b. Permitted Signs. Wall, window, awning, projecting, hanging, marquee signs, monument signs, Sidewalk display signs, scrolling signs, and signs of historical or aesthetic significance are permitted.

c. Prohibited Signs. Roof, pole, animated, revolving, Aerial Sign (except when permitted for promotions), off-premise, flashing, permanent banner and portable (except sidewalk display). In addition, awnings that are translucent or which contain interior lighting for illumination are prohibited.

d. Colors. Sign colors should relate to the color scheme of the building. No more than three colors should be used on any one sign, unless approved by the Director. In addition, use of “neon” or “dayglow” colors must be approved by the Director.

e. Lighting. Signs may be illuminated with directional spotlights or indirect lighting if the effect at night is not glaringly bright. External lighting is encouraged.

f. Graphic Design. Sign construction and sign copy shall be of professional quality. Primary signage shall be designed to identify a business rather than advertise a brand-name product. High contrast between sign, text, and background should be provided but glaring white sign backgrounds and intense colors should be avoided. A letter style that is legible and in scale with the size of the sign frame or background should be used. If more than one sign is used, the signs should be compatible in style.

g. Sign Installation. All signs, except window signs, require a sign permit and building and electrical permits where required. All signs should be installed in a professional manner, avoiding, unsightly guy wires or other stabling devices. Attachments should be hidden from general

view and in the least destructive manner possible. For masonry, attachments should be embedded into the mortar, not the brick or stone. All signs and murals painted on walls shall be covered with anti-graffiti coating.

h. Sign Area and Number

i. Maximum Number. For all establishments, the maximum number of signs permitted per Frontage is two (2). The maximum number of signs permitted per establishment is four (4). Temporary window signs and Sidewalk display signs do not count toward the total.

ii. Sign Area. The maximum sign area is one square foot per linear foot of primary Frontage, and one-half square foot per linear foot of Secondary Frontage. Only one Frontage, which contains a public entrance, may be counted as Principal Frontage. All other building Frontages, which have exposure to pedestrian or vehicular traffic, are considered Secondary Frontages. Only one Secondary Frontage may be counted for determining maximum sign area for all Secondary Frontages. Signs displayed on a single Frontage shall be limited to the area and number that are permitted on that Frontage alone. No establishment shall be permitted more than a total of 100 square feet of sign area per Frontage unless Warrant approval is obtained. Each establishment shall be entitled to a minimum of 30 square feet for the Principal Frontage. The total area encompassed by a contrasting color scheme shall be counted when calculating allowable sign area.

i. Sign Types

i. Wall signs may be painted on the wall, or be made of metal, wood (except plywood), plastic, neon or vinyl. Fluorescent material is prohibited. Signs shall be located no higher than the cornice or parapet line, whichever is lower.
Wall signs legally erected before [insert Code effective date] shall be considered in conformance if they do not exceed the maximum allowable area by more than 25 percent, and do not extend above the cornice or parapet line, whichever is lower, by more than 25 percent of the height of the sign.

ii. Permanent window signs may include graphics painted on glass, vinyl letters applied to glass, a clear acrylic panel behind

the window, or small neon window signs and should be white or light in color. Permanent window signs shall not occupy more than 25 percent of the total area of the window.

iii. Projecting signs shall be located no higher than the cornice or parapet line, whichever is lower, and must be located so as to not obscure any architectural detail of the Facade. A double face projecting sign shall be considered one sign. The maximum size of a projecting sign shall be 40 square feet (20 square feet per side). Projecting signs shall not project more than 3 feet horizontally. In no case may the sign come within 2 1/2 feet of the Curb. Projecting signs shall be clear of street trees, traffic signals, street lighting and regulatory signs.

iv. Horizontal hanging signs, suspended from a canopy, awning, or marquee, may be placed above an entry. A hanging sign shall not exceed 8 square feet in size (4 square feet per side).

Hanging signs erected before [insert Code effective date], shall be considered in conformance if they do not exceed the maximum allowable area by more than 25 percent.

v. Overhang signs are mounted atop the overhang, parallel to the storefront and shall not be used in conjunction with wall signs. Overhang signs shall not exceed 3 feet in height.

vi. The awning sign is limited to the front skirt of the awning. Colors and lettering of awning signs should be compatible with the building colors, businesses they serve, as well as harmonize with neighboring buildings and storefronts.

Awning signs legally erected before [insert Code effective date] shall be considered in conformance if they do not exceed the maximum allowable area by more than 25 percent.

vii. Promotional Temporary Signs.

(1) Paper or Paint Window Signs. Special sale window signs of either paper or paint, are permitted. Such signs when combined with permanent window signs, shall not occupy more than 25 percent of the total area of the window. These signs should be of a professional quality.

(2) Sidewalk Display Signs (such as A-frame signs and sandwich boards) may be placed on private property, or within the first 18 inches of public property that is directly in front of the individual business. Such sign shall not exceed 6 square feet per side and is limited to one per business. Sidewalk display sign area shall not count toward allowable sign area. A minimum passage way width of 48 inches shall be maintained along the Sidewalk in front of such Sidewalk display sign. The sign shall not project within 2 feet of the Curb interface with vehicles. Such signs shall not be displayed during non-business hours.

10-24.290 TELECOMMUNICATION FACILITY STANDARDS

In addition to the requirements of Municipal Code Chapter 10, Article 13 (Antennae and Telecommunications Facilities Ordinance), the following requirements shall also apply to all Telecommunication Facilities in the Code area.

a. The following Telecommunication Facilities are classified as Class 1 facilities within the Code area:

i. Any Telecommunication Facility directly affixed to a building or structure, provided that all components of the facility are designed in a manner to be architecturally consistent with the building or structure. Examples include, without limitation, Telecommunications Facilities concealed within existing structures such as Attics, cupolas, steeples, stanchions, bell towers, or similar structures, mounted to the penthouse of a building to appear as part of the architecture.

ii. A ground-mounted or building-mounted receive-only radio or television satellite dish antenna which exceeds 36 inches in diameter but is not larger than 8 feet in diameter, provided the height of said dish does not exceed the height of the roof ridge line of a structure on which it is to be installed or is screened from view from the public right-of-way.

iii. Any freestanding Telecommunications Facility designed to blend into the surrounding natural or man-made environment in order to minimize the overall visual impact. Examples include, without limitation, flag, telephone or light poles, palm trees, windmills, or rock formations and other similar items.

iv. Any Telecommunications Facility proposed to co-locate on another freestanding existing Telecommunications Facility.

v. Government-owned and government-operated antenna(s).

b. Class 1 Telecommunication Facilities may be located in any zone within the Code area.

c. Prior to installation and operation of any Class 1 Telecommunication Facility, a Telecommunication Site Review shall be approved by the Director in accordance with Municipal Code Chapter 10, Article 13 (Antenna and Telecommunications Facilities Ordinance).

d. In addition to the findings required by Municipal Code Section 10-13.070 and in order to approve a Telecommunications Site Review application, the Director must find the proposed Telecommunication Facility is:

i. Sited and designed so as to be architecturally integrated such that it is virtually invisible to the naked eye from public streets and Civic spaces;

ii. The design, finish, colors and texture are non-reflective and blend with the surrounding natural and/or man-made environment; and

iii. If freestanding or pole-mounted, the height is the minimum necessary without compromising reasonable reception or transmission.

e. The descriptions of Class 1 Telecommunication Facilities found in Municipal Code Section 10-13.070(1) through (8) are inapplicable to the Code area.

f. Class 2 and Class 3 Telecommunication Facilities are prohibited in the Code area.

10-24.295 AFFORDABLE AND SPECIAL NEEDS HOUSING STANDARDS

General to all Affordable and Special Needs Housing Facilities (including Emergency Homeless Shelters, Large Group Transitional Housing, Large Group Supportive Housing, Small Group Transitional Housing, and Small Group Supportive Housing):

1. A Good Neighbor Agreement acceptable to the Hayward Police Department shall be established between the operator of the facility and its neighbors.

2. The Hayward Police Department will 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 his designee will 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.

a. Emergency Homeless Shelters:

i. Homeless Shelters shall only be located at parcels abutting Mission Boulevard.

ii. Homeless shelters shall maintain a maximum occupancy not to exceed sixty (60) individuals.

iii. Homeless shelters shall provide on-site waiting and intake areas screened from public view at the abutting thoroughfare, Civic Space or Civic Space Zone.

iv. Parking areas shall be paved with any permitted material identified in Table 13D.

v. Yards shall be lit during nighttime hours, in accordance with the Security Standards Ordinance (No. 90-26 C.S.).

vi. Homeless shelters shall be allowed to have intake between the hours of five p.m. to eight p.m. or at dusk, whichever is sooner, and may discharge patrons from eight a.m. to ten a.m.

vii. Homeless Shelters shall be separated by at least 300 feet, as measured from their parcel boundaries.

vii. Homeless shelters shall abide by all applicable development standards as set forth in this code.

viii. Each resident shall be provided a minimum of 50 gross square feet of personal living space per person, not including space for

common areas. Bathing facilities shall be provided in quantity and location as required in the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).

ix. Individual occupancy in an emergency shelter is limited to six months in any 12 month period.

x. Each emergency shelter shall have an on-site management office, with at least one employee present at all times the emergency shelter is in operation or is occupied by at least one resident.

xi. Each emergency shelter shall 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.

xii. Homeless Shelters shall not be eligible for a Warrant or Exception.

b. Large Group Transitional Housing:

Such facilities may be permitted as community care facilities with approval of a Conditional Use Permit. Group Transitional Housing facilities must be separated by at least 300 feet as measured from their parcel boundaries. Potential conditions for approval of transitional housing in a group quarters setting may include hours of operation, security, loading requirements, noise regulations, and restrictions on loitering. Conditions would be similar to those for other similar uses and would not serve to constrain the development of such facilities.

c. Large Group Supportive Housing:

For supportive housing facilities that operate as group quarters,such facilities may be permitted as community care facilities with approval of a Conditional Use Permit.Group Supportive Housingfacilities must be separated by at least 300 feet as measured from their parcel boundaries. Potential conditions for approval of supportive housing for a group quarters setting may include hours of operation, security, loading requirements, noise regulations, and restrictions on loitering. Conditions would be similar to those for other similar uses and would not serve to constrain the development of such facilities.

d. Small Group Transitional Housing:

Small Group Transitional Housing facilities must be separated by at least 300 feet as measured from their parcel boundaries.

e. Small Group Supportive Housing:

Small Group Supportive Housing facilities must be separated by at least 300 feet as measured from their parcel boundaries.

TABLE 1 TRANSECT ZONE DESCRIPTIONS
TABLE 2 THOROUGHFARE ASSEMBLIES
TABLE 3 PUBLIC LIGHTING
TABLE 4 PUBLIC PLANTING
TABLE 5 PRIVATE FRONTAGES
TABLE 6 FENCES AND WALLS
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TABLE 8 BUILDING DISPOSITION (PLACEMENT ON LOT)
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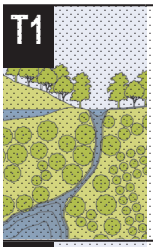
TABLE 1: Transect Zone Descriptions. This table provides descriptions of the character of each T-zone. T1, T2, T3, and T6 do not occur in the Code area and are provided for reference only.

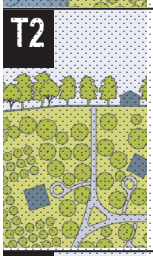
T1



T-1 NATURAL
T-1 Natural Zone consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation.

General Character:	Natural landscape with some agricultural use
Building Placement:	Not applicable
Frontage Types:	Not applicable
Typical Building Height:	Not applicable
Type of Civic Space:	Parks, Greenways

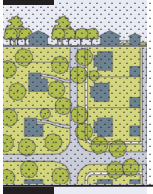
T2



T-2 RURAL
T-2 Rural Zone consists of sparsely settled lands in open or cultivated states. These include woodland, agricultural land, grassland, and irrigable desert. Typical buildings are farmhouses, agricultural buildings, cabins, and villas.

General Character:	Primarily agricultural with woodland & wetland and scattered buildings
Building Placement:	Variable Setbacks
Frontage Types:	Not applicable
Typical Building Height:	1- to 2-Story
Type of Civic Space:	Parks, Greenways

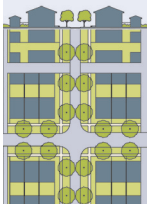
T3



T-3 SUB-URBAN
T-3 Sub-Urban Zone consists of low density residential areas, adjacent to higher zones that some mixed use. Home occupations and outbuildings are allowed. Planting is naturalistic and setbacks are relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.

General Character:	Lawns, and landscaped yards surrounding detached single-family houses; pedestrians occasionally
Building Placement:	Large and variable front and side yard Setbacks
Frontage Types:	Porches, fences, naturalistic tree planting
Typical Building Height:	1- to 2-Story with some 3-Story
Type of Civic Space:	Parks, Greenways

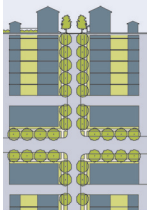
T4



T-4 GENERAL URBAN
T4 General Urban Zone consists of mixed use but primarily residential urban fabric. It includes a mix of building types: townhouses, apartment buildings, mixed-use buildings and commercial buildings. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks.

General Character:	Mix of townhouses, and apartment buildings with scattered commercial activity; balance between landscape and buildings; presence of pedestrians.
Building Placement:	Shallow to medium front and side setbacks
Frontage Types:	Mostly Porches, fences, Dooryards, Shopfronts
Typical Building Height:	2- to 4-Story with a few taller apartment or mixed-use buildings
Type of Civic Space:	Parks, Greens, Squares, Playgrounds

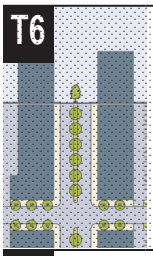
T5



T-5 URBAN CENTER
T5 Urban Center Zone consists of higher density mixed-use buildings that accommodate retail, office, and residential uses, along with townhouses and apartment buildings. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.

General Character:	Shops mixed with townhouses, apartment buildings, offices, workplaces, and Civic buildings; attached and detached buildings close together; trees within the public right-of-way; substantial pedestrian activity.
Building Placement:	Shallow Setbacks or none; many buildings oriented to the street defining a street wall
Frontage Types:	Mostly Stoops, Shopfronts, Galleries, Dooryards
Typical Building Height:	3- to 6-Story with some variation and a few taller mixed-use buildings
Type of Civic Space:	Parks, Plazas and Squares, Playgrounds

T6



T-6 URBAN CORE
T-6 Urban Core Zone consists of the highest density and height, with the greatest variety of uses, and civic buildings of regional importance. It may have larger blocks; streets have steady street tree planting and buildings are set close to wide sidewalks. Typically only large towns and cities have an Urban Core Zone.

General Character:	Medium to high-Density Mixed Use buildings, entertainment, Civic and cultural uses. Attached buildings forming a continuous street wall; trees within the public right-of-way; highest pedestrian and transit activity
Building Placement:	Shallow Setbacks or none; buildings oriented to street, defining a street wall
Frontage Types:	Stoops, Dooryards, Forecourts, Shopfronts, Galleries, and Arcades
Typical Building Height:	4-plus Story with a few shorter buildings
Type of Civic Space:	Parks, Plazas and Squares; median landscaping

CS

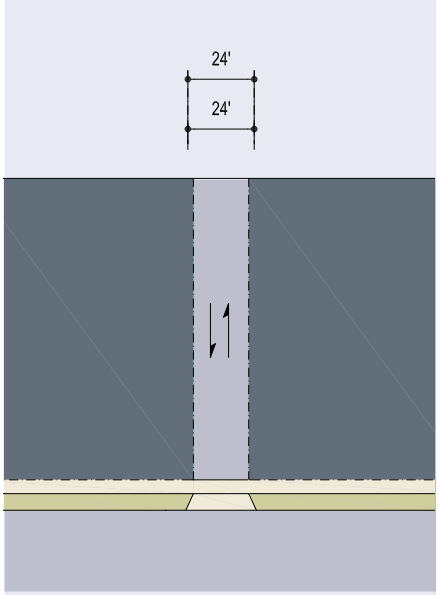
CS: CIVIC SPACE
Includes public Open Space.
Civic Buildings and Civic uses.

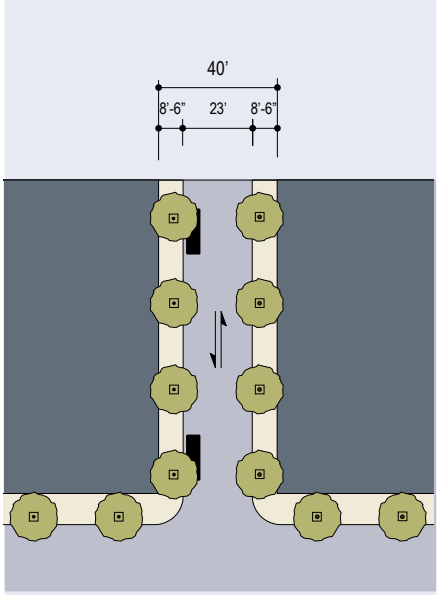
KEY **ST-57-20-BL**

- Thoroughfare Type
- Right of Way Width
- Pavement Width
- Transportation

THOROUGHFARE TYPES

Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Slip Lane:	SL
Rear Alley:	RA
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Passage:	PS
Transit Route:	TR





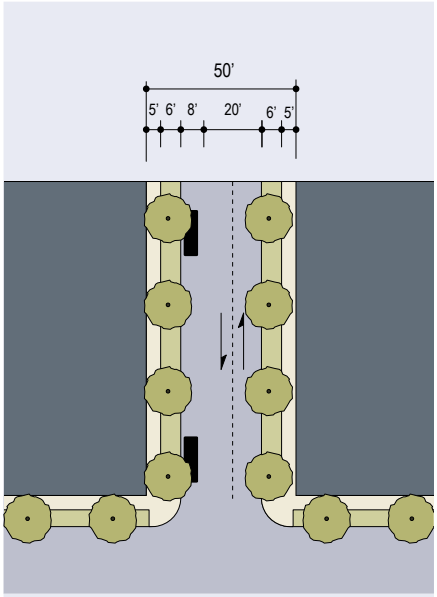
	RA-24-24	ST-40-23-BR
Thoroughfare Type	Rear Alley	Street
Transect Zone Assignment	T4, T5	T4, T5
Right-of-Way Width	24 feet	40 feet
Pavement Width	24 feet	23 feet
Movement	Slow Movement	Slow Movement
Intended Speed	10 MPH	20 MPH
Pedestrian Crossing Time	6 seconds	6 seconds
Traffic Lanes	n/a	2 lanes
Parking Lanes	None	One side, unmarked
Curb Radius	Taper	15 feet
Walkway Type	None	4 foot Sidewalk
Planter Type	None	4 foot wide permeable continuous paving strip with 4'x4' tree wells
Curb Type	Inverted Crown	6" Curb
Landscape Type	None	Small to Medium-size trees at 30' o.c. Avg.
Transportation Provision	N/A	BR

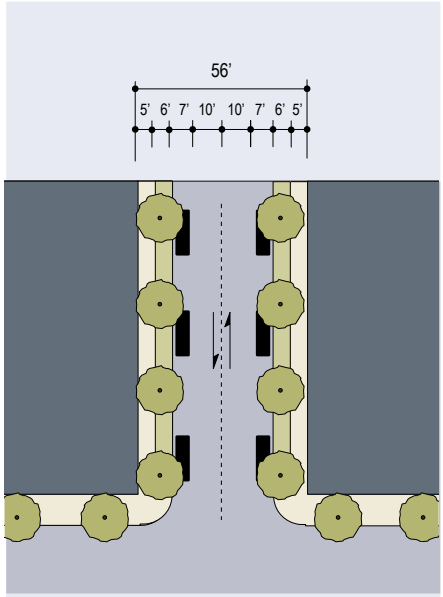
KEY **ST-57-20-BL**

- Thoroughfare Type
- Right of Way Width
- Pavement Width
- Transportation

THOROUGHFARE TYPES

Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Slip Lane:	SL
Rear Alley:	RA
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Passage:	PS
Transit Route:	TR





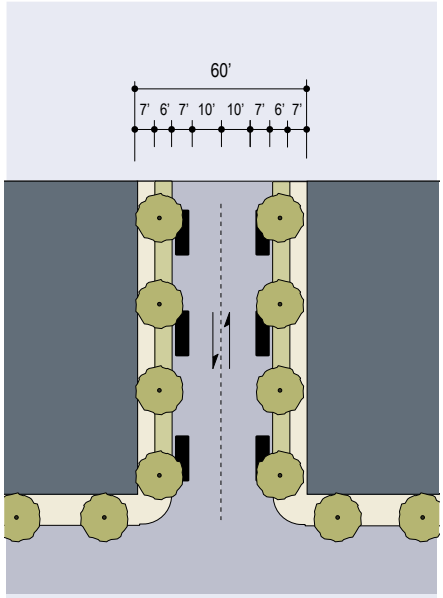
	ST-50-28-BR	ST-56-34-BR
Thoroughfare Type	Street	Street
Transect Zone Assignment	T4, T5	T4, T5
Right-of-Way Width	50 feet	56 feet
Pavement Width	28 feet	34 feet
Movement	Free Movement	Slow Movement
Intended Speed	20 MPH	20 MPH
Pedestrian Crossing Time	7 seconds	8.5 seconds
Traffic Lanes	2 lanes	2 lanes
Parking Lanes	One side @ 8 feet marked	Both Sides @ 7 feet marked
Curb Radius	10 feet	15 feet
Walkway Type	5 foot Sidewalk	5 foot Sidewalk
Planter Type	5.5 foot wide continuous Planter	5.5' wide continuous planting strip
Curb Type	6" Curb	6" Curb
Landscape Type	Small to Medium-size trees at 30' o.c. Avg.	Small to Medium-size trees at 30' o.c. Avg.
Transportation Provision	BR	BR

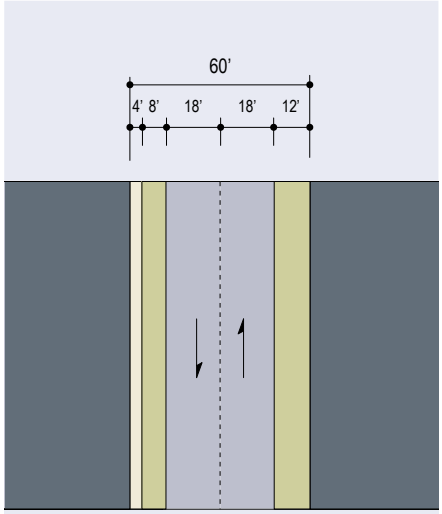
KEY **ST-57-20-BL**

- Thoroughfare Type
- Right of Way Width
- Pavement Width
- Transportation

THOROUGHFARE TYPES

Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Slip Lane:	SL
Rear Alley:	RA
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Passage:	PS
Transit Route:	TR





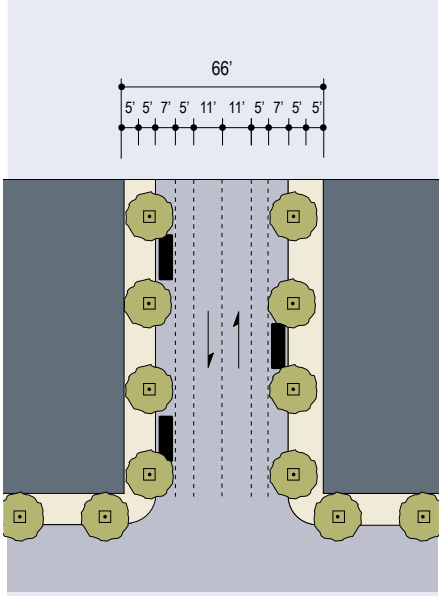
	ST-60-34-BR	ST-60-36-BR
Thoroughfare Type	Street	Street
Transect Zone Assignment	T4, T5	T5
Right-of-Way Width	60 feet	60 feet
Pavement Width	34 feet	36 feet
Movement	Slow Movement	Slow Movement
Intended Speed	20 MPH	35 MPH
Pedestrian Crossing Time	8.5 seconds	9 seconds
Traffic Lanes	2 lanes	2 lanes
Parking Lanes	Both Sides @ 7 feet marked	None
Curb Radius	15 feet	15 Feet
Walkway Type	7 foot Sidewalk	4 foot Sidewalk (one side)
Planter Type	5.5 foot wide continuous planting strip	8 foot wide continuous planting strip (one side); 12 foot wide compacted earth (other side)
Curb Type	6" Curb	6" Curb
Landscape Type	Medium-size trees at 30' o.c. Avg.	None
Transportation Provision	BR	BR

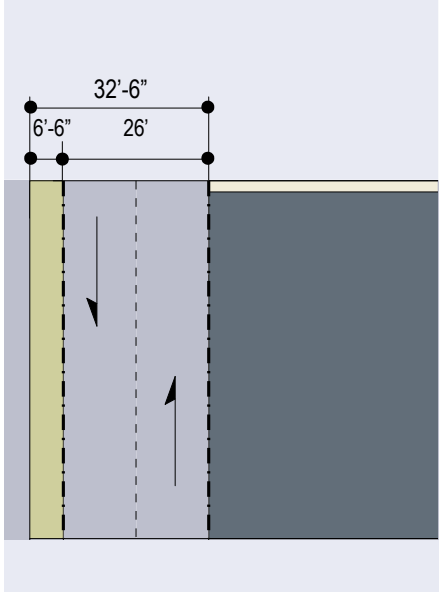
KEY **ST-57-20-BL**

- Thoroughfare Type
- Right of Way Width
- Pavement Width
- Transportation

THOROUGHFARE TYPES

Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Slip Lane:	SL
Rear Alley:	RA
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Passage:	PS
Transit Route:	TR





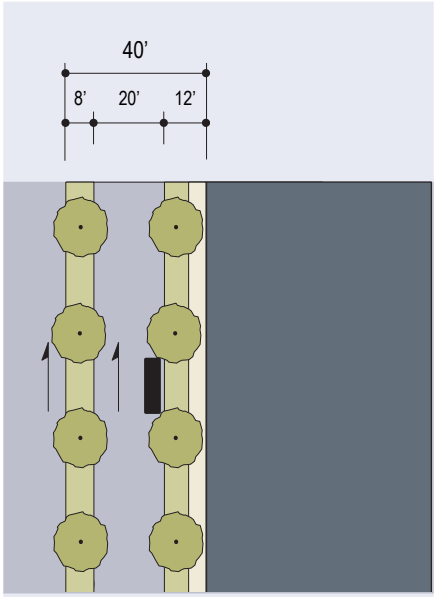
	ST-66-46-BL	PS-32.5-26
Thoroughfare Type	Street	Passage
Transect Zone Assignment	T5	T5
Right-of-Way Width	66 feet	32.5 feet
Pavement Width	46 feet	26 feet
Movement	Slow Movement	Slow Movement
Intended Speed	20 MPH	25 MPH
Pedestrian Crossing Time	11.5 seconds	7 seconds
Traffic Lanes	2 lanes	2 lanes
Parking Lanes	Both sides @ 7 feet marked	None
Curb Radius	10 feet	10 feet
Walkway Type	5 foot Sidewalk	6' Sidewalk
Planter Type	4.5 foot wide continuous permeable paving strip with 4'-6"x4'-6" tree wells	None
Curb Type	6" Curb	6" Curb
Landscape Type	Medium to Large-size trees at 30' o.c. Avg.	None
Transportation Provision	Two 5' Bicycle Lanes	None

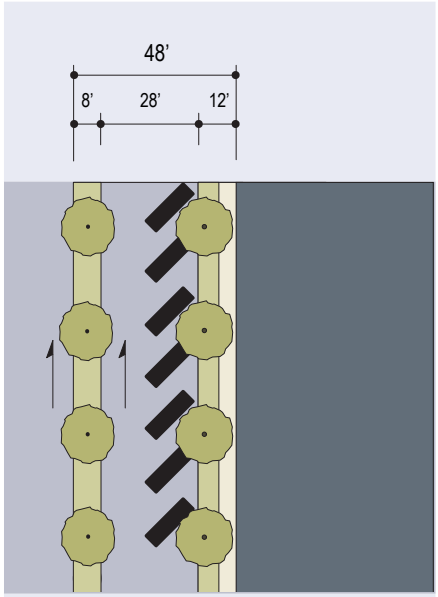
KEY **ST-57-20-BL**

- Thoroughfare Type
- Right of Way Width
- Pavement Width
- Transportation

THOROUGHFARE TYPES

Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Slip Lane:	SL
Rear Alley:	RA
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Passage:	PS
Transit Route:	TR





	SL-40-20-BR	SL-48-28-BR
Thoroughfare Type	Slip Lane	Slip Lane
Transect Zone Assignment	T4, T5	T4, T5
Right-of-Way Width	40 feet	48 feet
Pavement Width	20 feet	28 feet
Movement	Slow Movement	Slow Movement
Intended Speed	25 MPH	25 MPH
Pedestrian Crossing Time	5 seconds	7 seconds
Traffic Lanes	one 12 foot one-way lane	one 12 foot one-way lane
Parking Lanes	one parallel 8 foot lane	one side angled @ 30° max. @ 16 feet marked
Curb Radius	10 feet	10 feet
Walkway Type	6 foot Sidewalk	6 foot Sidewalk
Planter Type	5'-6" continuous Planter	5'-6" continuous Planter
Curb Type	6" Curb	6" Curb
Landscape Type	Large-size trees at 30' o.c. Avg.; planted 8' medians (Large-size trees at 30' o.c. Avg.)	Large-size trees at 30' o.c. Avg.; planted 8' medians (Large-size trees at 30' o.c. Avg.)
Transportation Provision	BR	BR

A Slip Lane may be added on either side of Mission Boulevard , in accordance with Sec. 10-24.275 (g)(iii)

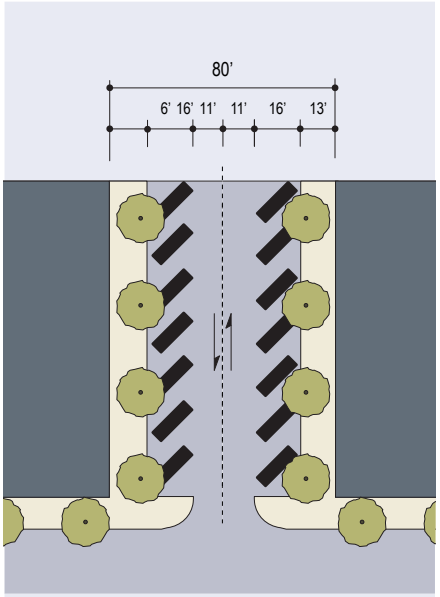
A Slip Lane may be added on either side of Mission Boulevard , in accordance with Sec. 10-24.275 (g)(iii)

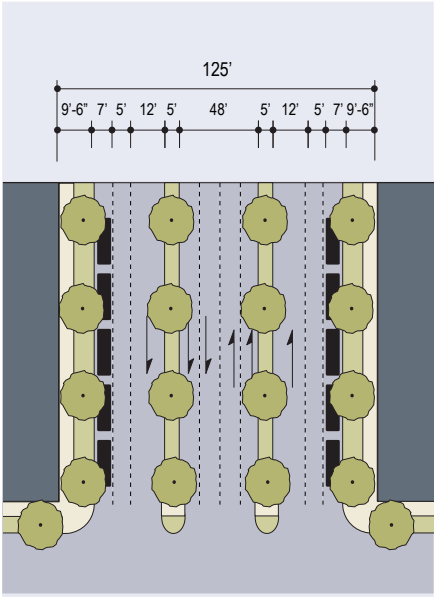
KEY **ST-57-20-BL**

- Thoroughfare Type
- Right of Way Width
- Pavement Width
- Transportation

THOROUGHFARE TYPES

Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Slip Lane:	SL
Rear Alley:	RA
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Passage:	PS
Transit Route:	TR





	CS-80-54-BR	BV-125-48-BL
Thoroughfare Type	Commercial Street	Boulevard
Transect Zone Assignment	T5	T4, T5
Right-of-Way Width	80 feet	125 feet
Pavement Width	54 feet	24 feet - 48 feet - 24 feet
Movement	Slow Movement	Free Movement (inner lanes)
Intended Speed	25 MPH	35 MPH
Pedestrian Crossing Time	5 seconds at corners	6 seconds - 12 seconds - 6 seconds
Traffic Lanes	2 lanes	4 lanes & two one-way slip roads
Parking Lanes	Both sides angled @ 30^0 max. @ 16 feet marked	7 feet
Curb Radius	10 feet	10 feet
Walkway Type	7 foot Sidewalk	4 foot Sidewalk
Planter Type	5.5 foot wide continuous permeable paving strip with 4'x4' min. tree wells	5 foot continuous Planter
Curb Type	6" Curb	6" Curb
Landscape Type	Medium to Large-size trees at 30' o.c. Avg.	Large-size trees at 30' o.c. Avg.; planted 5' medians (Small-size trees)
Transportation Provision	BR	Two 5' Bicycle lanes

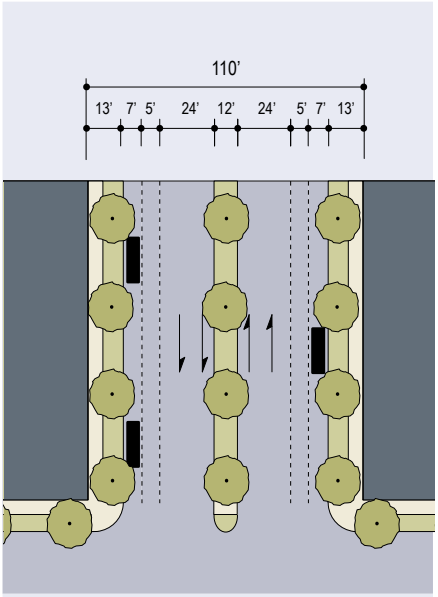
Note: The city will need to study the conditions in which this assembly will work for Industrial Parkway, transitionning from the existing design, on either side fo the Code area.

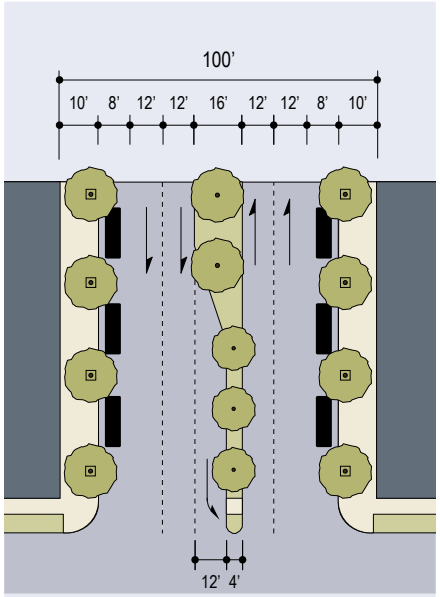
KEY **ST-57-20-BL**

- Thoroughfare Type
- Right of Way Width
- Pavement Width
- Transportation

THOROUGHFARE TYPES

Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Slip Lane:	SL
Rear Alley:	RA
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Passage:	PS
Transit Route:	TR





	AV-110-72-BL	AV-100-64/76-TR
Thoroughfare Type	Avenue	Avenue
Transect Zone Assignment	T4, T5	T4, T5
Right-of-Way Width	110 feet	100 feet
Pavement Width	36 feet - 36 feet	32 feet - 32/44 feet
Movement	Slow Movement	Free Movement
Intended Speed	25 MPH	35 MPH
Pedestrian Crossing Time	9 seconds - 9 seconds at corners	8 seconds - 8/11 seconds
Traffic Lanes	4 lanes	4-5 lanes
Parking Lanes	Both sides @ 7 feet marked	Both sides @ 8 feet unmarked
Curb Radius	10 feet	30 feet (typical)
Walkway Type	6 foot Sidewalk where possible; 4 foot minimum	10 foot Sidewalk
Planter Type	6.5 foot continuous Planter where possible	4.5 foot wide continuous permeable paving strip with 4'-6"x4'-6" tree wells
Curb Type	6" Curb or Swale	6" Curb
Landscape Type	Large-size trees at 30' o.c. Avg.; Planted 12 foot median (Large-size trees)	Large-size trees at 30' o.c. Avg.; Planted 16 foot median (Large-size trees)
Transportation Provision	Two 5' Bicycle Lanes	TR

Mission Boulevard Typical Section

Varies at majors intersections -
Harder, Tennyson and Industrial to provide
3 through lanes and needed turn lanes.

A Slip Lane (SL-40-20-BR or SL-48-28-BR) may be added on either side of Mission Boulevard , in accordance with Sec. 10-24.275 (g)(iii)

TABLE 3: Public Lighting. Lighting varies in brightness and also in the character of the fixture according to the Transect. The table shows six common types. Lighting shall comply with the standards found in Chapter 41 of the Building Code of the City of Hayward. T1, T2, T3, and T6 do not occur in the Code area and are provided for reference only.

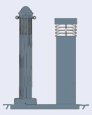
	T1	T2	T3	T4	T5	T6	Specifications
Cobra Head				▪	▪		Cobra head fixtures are allowed in T4 and T5 only when combined with pedestrian-scaled lighting, such as ELECTROLIER Type A
Pipe							
Post				▪			
Column				▪	▪		Pole height: 12 ft Wattage: Equivalent 150-175 w metal halide Type: Decorative Uniformity Ratio: 4:1 Average foot candle: 0.7 - 0.9 Location: average 100 ft apart, staggered
Double Column					▪		Pole height: 12 ft Wattage: Equivalent 150-175 w metal halide Type: Decorative Uniformity Ratio: 3:1 Average foot candle: 0.9 - 1.1 Location: average 100-120 ft apart, staggered
Ornamental Bollard 				▪	▪		Specification: ornamental bollards should be located between other light fixtures in areas where there is retail

TABLE 4: Public Planting. This table shows six common types of street tree shapes and their appropriateness within the Transect Zones. Development Services and Public Works Departments select species appropriate for the bioregion. T1, T2, T3, and T6 do not occur in the Code area and are provided for reference only.

	T1	T2	T3	T4	T5	T6	Specifications: the tree species listed are examples provided for reference only.
Palm				▪	▪		The following species shall **NOT** be specified: Syagrus romanzoffianum, **Queen Palm** Washingtonia robusta, **Mexican Fan Palm**
Coniferous				▪	▪		Calocedrus decurrens, **Incense Cedar** Cedrus deodora, **Deodar Cedar** Cupressus sempervirens, **Italian Cypress** Sequoia sempervirens, **Coastal Redwood**
Narrow Canopy				▪	▪		Carpinus betulus 'Fastigiata', **European Hornbeam** Lophostemon confertus, **Brisbane Box Tree** Ginko biloba 'Sentry', **Sentry Maiden Hair Tree** Pyrus calleryana 'Chanticleer', **Ornamental Pear** Quercus robur 'Fastigiata', **Columnar English Oak** Zelkova Musashino, **Zelkova**
Small Size				▪			Cercis Canadensis 'Forest Pansy', **Eastern Redbud** Cercis occidentalis, **Western Redbud** Eryobotrya deflexa, **Bronze Loquat** Lagerstroemia indica 'Muskogee' and 'Tuscarora', **Crape Myrtle** Malus spp, **Flowering Crabapple**
Medium size *				▪			Acer buergerianun, **Trident Maple** Aesculus californica, **California Buckeye** Aesculus x. carnea, **Red Horsechestnut** Arbutus 'Marina', **Arbutus** Celtis spp, **Hackberry Species** Fraxinus oxycarpa 'Raywood', **Raywood Ash** Ginko biloba 'Autumn Gold', **Maiden Hair Tree** Koelreuteria bipinnata, **Chinese Flame Tree** Melaleuca quinquienervia, **Cajeput Tree**
Large size *				▪			Cinnamomum camphora, **Camphor Tree** Liriodendron tulipifera, **Tulip Tree** Platanus agrifolia 'columbia', **London Plane Tree** Quercus agrifolia, **California Coastal Live Oak** Quercus ilex, **Holly Oak** Quercus virginiana, **Southern Live Oak** Zelkova serrata, **Japanese Zelkova**

* see "Definitions of Terms" section

TABLE 5: Private Frontages. This table shows seven common types of Private Frontages and their appropriateness with the Transect Zones.

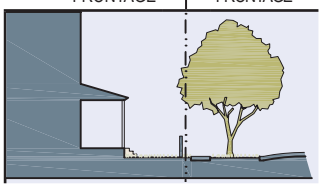
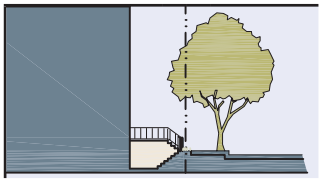
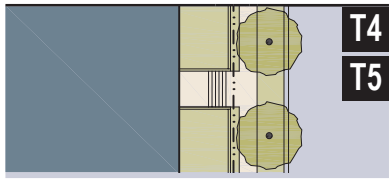
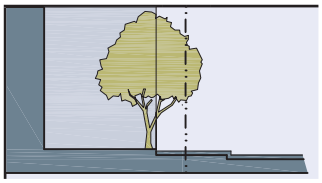
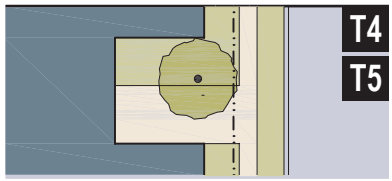
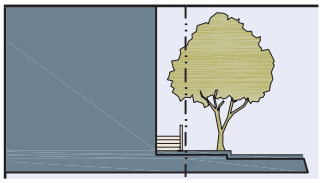
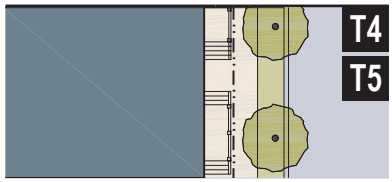
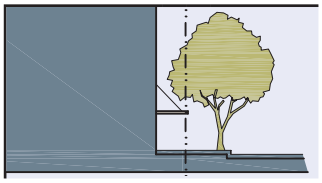
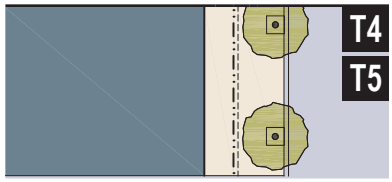
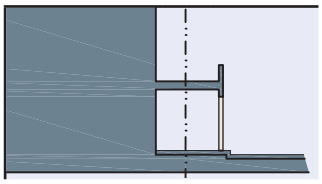
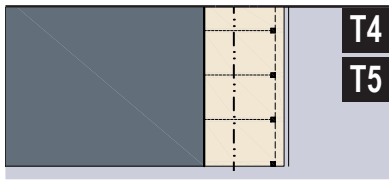
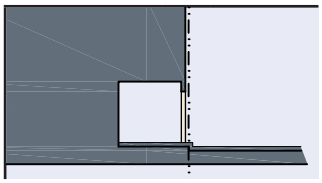
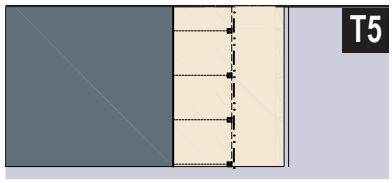
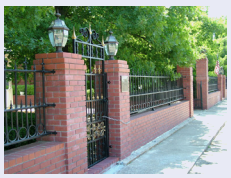
	SECTION (LOT ► PRIVATE FRONTAGE ◄ R.O.W. ◄ PUBLIC FRONTAGE)	PLAN (LOT ► PRIVATE FRONTAGE ◄ R.O.W. ◄ PUBLIC FRONTAGE)	
b. Porch & Fence: a planted Frontage wherein the Facade is set back from the Frontage Line with an attached porch permitted to Encroach. A fence at the Frontage Line maintains street spatial definition. Porches shall be no less than 8 feet deep.			T4
c. Terrace or Lightwell: a Frontage wherein the Facade is set back from the Frontage line by an elevated terrace or a sunken Lightwell. This type buffers Residential use from urban Sidewalks and removes the private yard from public Encroachment. Terraces are suitable for conversion to outdoor cafes. Syn: **Dooryard.**			T4 T5
d. Forecourt: a Frontage wherein a portion of the Facade is close to the Frontage Line and the central portion is set back. The Forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other Frontage types. Large trees within the Forecourts may overhang the Sidewalks.			T4 T5
e. Stoop: a Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor Residential use. The stoop elevation shall be 24"-36" from the sidewalk.			T4 T5
f. Shopfront: a Frontage wherein the Facade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. This type is conventional for Retail use. It has a substantial glazing on the Sidewalk level and an awning that may overlap the Sidewalk to within 2 feet of the Curb. Syn: Retail Frontage.			T4 T5
g. Gallery: a Frontage wherein the Facade is aligned close to the Frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the Sidewalk. This type is conventional for Retail use. The Gallery shall be no less than 10 feet wide and should overlap the Sidewalk to within 2 feet of the Curb.			T4 T5
h. Arcade: a colonnade supporting habitable space that overlaps the Sidewalk, while the Facade at Sidewalk level remains at or behind the Frontage Line. This type is conventional for Retail use. The Arcade shall be no less than 12 feet wide and should overlap the Sidewalk to within 2 feet of the Curb.			T5

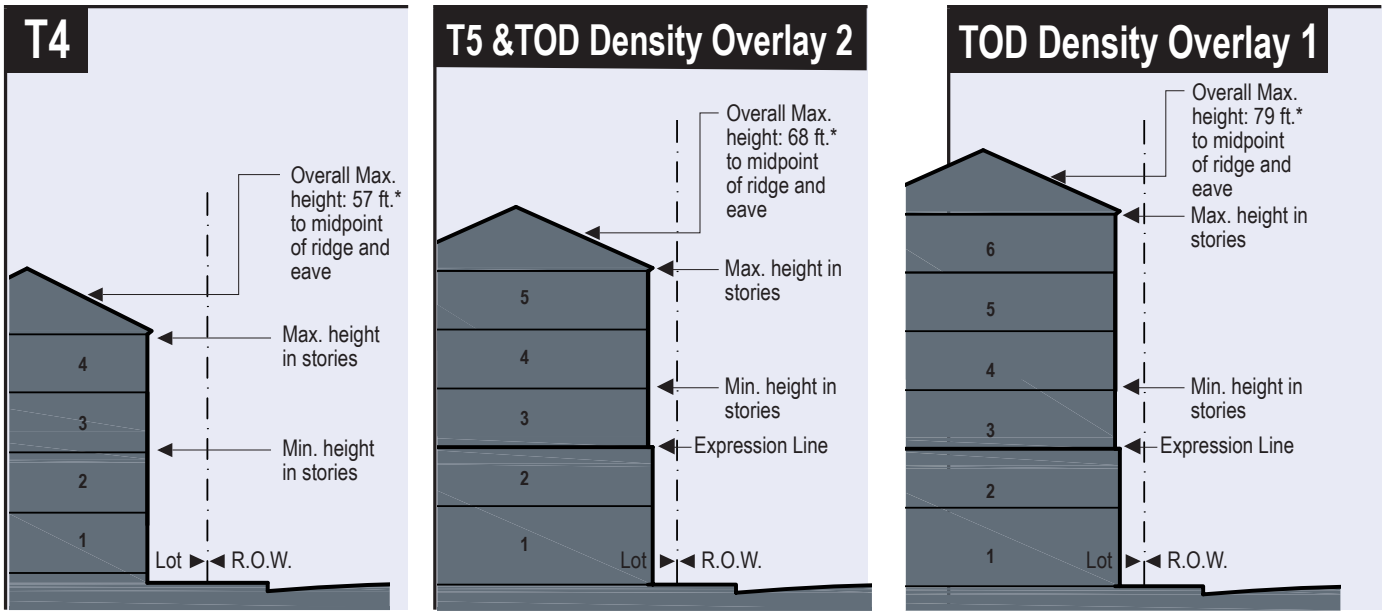
TABLE 6: Fences and Walls. This table shows five common types of fences and walls and their appropriateness within the Transect Zones. Only these fences and wall types shall be used in any portion of a front or side yard. T1, T2, T3, and T6 do not occur in the Code area and are provided for reference only.

	T1	T2	T3	T4	T5	T6
Wood Picket Fence				▪		
Iron Picket Fence				▪		
Metal Fence on Concrete Base (1)				▪	▪	
Brick and Iron Fence (2) 				▪	▪	
Brick Wall (2)				▪	▪	

(1) The concrete base should be 18”-36” in height.

(2) Although brick only is illustrated, other materials such as stone, slate, etc. are also acceptable, with a tie-in to the building material.

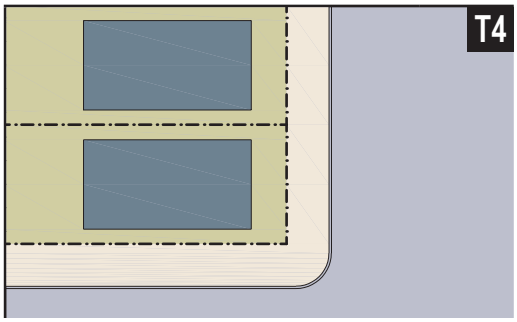
TABLE 7: Building Configuration. This table shows the Configurations for different building heights for each Transect Zone. Expression Lines shall occur on buildings higher than 4 stories as shown. The maximum height in number of stories is as specified in Table 11, item j.



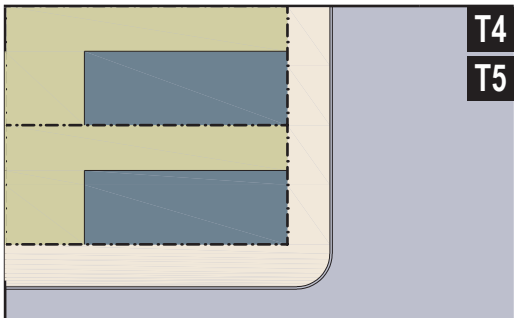
* Height shall be measured from the midpoint of the Frontage line. First floor may be 3 ft. max. above Frontage line measured from the midpoint of the Frontage line.

TABLE 8: Building Disposition. This table approximates the location of the structure relative to the boundaries of each individual Lot, establishing suitable basic building types for each Transect Zone.

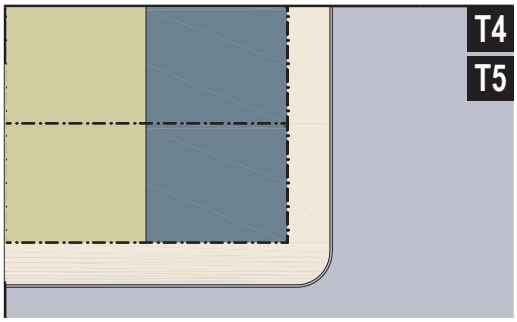
a. Edgeyard: A building that occupies the center of its Lot with Setbacks on all sides. This is the least urban of types as the front yard sets it back from the Frontage, while the side yards weaken the spatial definition of the public Thoroughfare space. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed Backbuilding and/or Outbuilding. The main entrance to the building shall be located within the façade and accessed directly from the street through an allowed frontage type.



b. Sideyard: A building that occupies one side of the Lot with the Setback to the other side. A shallow Frontage Setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze. If a Sideyard House abuts a neighboring Sideyard House, the type is known as a twin or double House. Energy costs, and sometimes noise, are reduced by sharing a party wall in this Disposition. The main entrance to the building shall be accessed directly from the street through an allowed frontage type or side yard area equal in width to the street built-to line.



c. Rearyard: A building that occupies the full Frontage, leaving the rear of the Lot as the sole yard. This is a very urban type as the continuous Facade steadily defines the public Thoroughfare. The rear Elevations may be articulated for functional purposes. In its Residential form, this type is the Rowhouse. For its Commercial form, the rear yard can accommodate substantial parking. The main entrance to the building shall be located within the façade and accessed directly from the street through an allowed frontage type.



d. Courtyard: A building that occupies the boundaries of its Lot while internally defining one or more private patios. This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public Thoroughfare. Because of its ability to accommodate incompatible activities, masking them from all sides, it is recommended for workshops, Lodging and schools. The high security provided by the continuous enclosure is useful for crime-prone areas. The main entrance to the building shall be directly off a common courtyard or directly from the street.

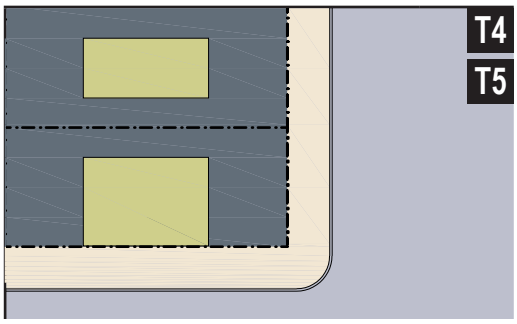


TABLE 9: Allowed Functions. This table allocates Functions and permit requirements to Zones within the Code area. See Definitions for descriptions of functions/uses and for special requirements.

a. RESIDENTIAL	T4	T5	CS
Multiple Family	P	P	-
Second Dwelling Unit	P	P	-
Live-Work	P	P	-
Small Group Transitional Housing	P	P	-
Large Group Transitional Housing	CU	CU	-
Small Group Supportive Housing	P	P	-
Large Group Supportive Housing	CU	CU	-
Emergency Homeless Shelter	P	-	-

b. LODGING			
Bed & Breakfast	AU	AU	-
Hotel	CU	CU	-

c. OFFICE			
Office	P	P	-

d. RETAIL			
Alcohol Sales	CU	CU	-
Artisan/Craft Production	P	P	-
Appliance Repair Shop	P	P	
Check Cashing & Loans	CU	CU	-
Dance/Nightclub	CU	CU	-
Equipment Rentals	AU	AU	-
Home Occupation	P	P	-
Indoor Recreation	AU	AU	CU
Kennel	AU	AU	-
Massage Parlor	CU	CU	-
Media Production	AU	P	-
Pawn Shop	CU	CU	-
Personal Services	P	P	-
Printing and Publishing	AU	P	-
Recycling Collection Area	AU	AU	-
Restaurant	P	P	-
Retail Sales	P	P	CU
Tattoo Parlor	CU	CU	-
Small Motion Picture Theater	P	P	CU
Large Motion Picture Theater [1]	CU	CU	CU
Live Performance Theater	P	P	CU

e. CIVIC	T4	T5	CS
Assembly	AU	AU	CU
Conference Center	-	CU	CU
Cultural Facility	P	P	CU
Park & Recreation	P	P	P
Parking Facility	AU	AU	CU
Public Agency Facility	P	P	P
Religious Facility*	AU	AU	CU
Wind Energy	P	P	P

f. OTHER: AGRICULTURE			
Vegetable Garden	P	-	P
Urban Farm	P	P	P
Community Garden	P	P	P
Green Roof			
Extensive	P	P	P
Semi Intensive	P	P	P
Intensive	P	P	P
Vertical Farm	-	P	P

g. OTHER: AUTOMOTIVE			
Automobile Repair (Minor)	AU	AU	-
Automobile Repair (Major)	CU	CU	-
Drive -Through Facility	CU	CU	-
Gas Station	CU	CU	-
Taxi Company	AU	AU	-

h. OTHER: CIVIL SUPPORT			
Fire Station	P	P	P
Hospital	CU	CU	CU
Medical/Dental Clinic	AU	AU	CU
Mortuary	AU	AU	CU
Police Station	P	P	P

i. OTHER: EDUCATION			
Day Care Center	P	P	CU
Day Care Home	AU	AU	-
Educational Facility	AU	AU	CU
Vocational School	AU	AU	CU

(-) = NOT PERMITTED

(P) = BY RIGHT

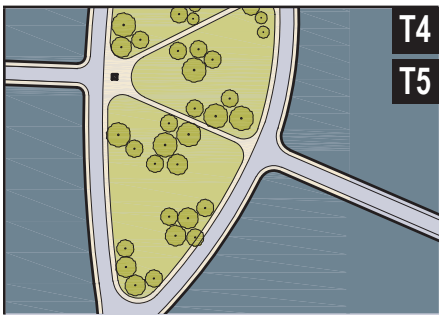
(AU) = ADMINISTRATIVE USE PERMIT

(CU) = CONDITIONAL USE PERMIT

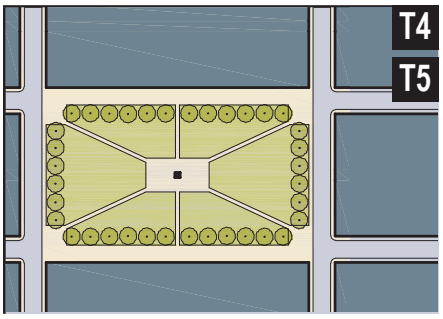
* Religious Facility: for properties fronting Mission Blvd., such use is not allowed within one half mile of an existing similar use that fronts Mission Blvd.

[1] 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.

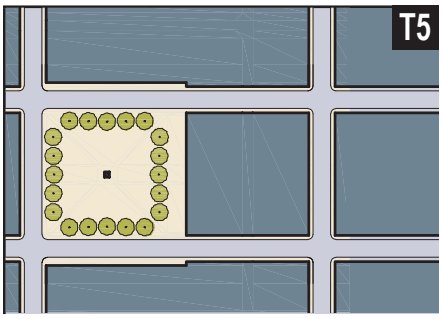
a. Park: An Open Space, available for unstructured recreation. A Park may be spatially defined by landscaping rather than building Frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be 1/2 acre.



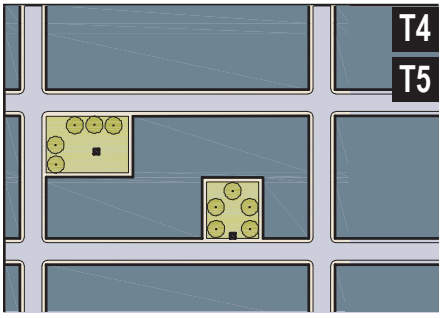
b. Square: An Open Space available for unstructured recreation and Civic purposes. A Square is spatially defined by building Frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares. They may contain shelters, gazebos, or benches. The minimum size shall be 1/2 acre and the maximum shall be 5 acres.



c. Plaza: An Open Space available for Civic purposes and Commercial activities. A Plaza shall be spatially defined by building Frontages. Its landscape shall consist primarily of pavement. Plazas should be located at the intersection of important streets. The minimum size shall be 5,000 s.f. and the maximum shall be 1/2 acre. A plaza may be governed by an HOA.



d. Playground: An Open Space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a Block. Playgrounds may be included within parks and squares. There shall be no minimum or maximum size.

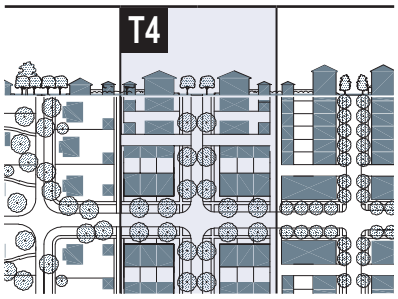


	T1 NATURAL ZONE	T2 RURAL ZONE	T3 SUB-URBAN ZONE	T4 GENERAL URBAN ZONE	T5 URBAN CENTER ZONE	T6 URBAN CORE ZONE	
a. BASE RESIDENTIAL DENSITY							
By Right maximum				35 units / acre net	55 units / acre net*		
Minimum Density				17.5 units/ acre net	35 units/ acre net *		
b. BLOCK SIZE							
Block Perimeter				2400 ft. max	2000 ft. max		
c. THOROUGHFARES (see Table 2)							
BV				permitted	permitted		
AV				permitted	permitted		
CS				not permitted	permitted		
DR				permitted	permitted		
ST				permitted	permitted		
RD				not permitted	not permitted		
Rear Alley				permitted	permitted		
Path				permitted	not permitted		
Passage				permitted	permitted		
Bicycle Trail				not permitted	not permitted		
Bicycle Lane				permitted	not permitted		
Bicycle Route				permitted	permitted		
d. CIVIC SPACES (see Table 10)							
Park				permitted	permitted		
Square				permitted	permitted		
Plaza				not permitted	permitted		
Playground				permitted	permitted		
e. LOT OCCUPATION							
Lot Width				18 ft. min 120 ft. max	18 ft. min 250 ft. max		DISPOSITION
Lot Coverage				80% max	90% max		DISPOSITION
f. SETBACKS - PRINCIPAL BUILDING (see Table 15)							DISPOSITION
(f.1) Front Setback (Principal)				6 ft. min 24 ft. max	2 ft. min 12 ft. max		DISPOSITION
(f.2) Front Setback (Secondary)				6 ft. min 24 ft. max	2 ft. min 12 ft. max		DISPOSITION
(f.3) Side Setback				0 ft. min	0 ft. min 24 ft. max		DISPOSITION
(f.4) Rear Setback				3 ft. min **	3 ft. min **		DISPOSITION
Frontage Buildout				60% min at setback	80% min at setback		DISPOSITION
g. SETBACKS - OUTBUILDING (see Table 15)							DISPOSITION
(g.1) Front Setback				20 ft. min +bldg setback	40 ft. max from rear prop		DISPOSITION
(g.2) Side Setback				0 ft. min or 3 ft.	0 ft min		DISPOSITION
(g.3) Rear Setback				3 ft.	3 ft. max		DISPOSITION
h. BUILDING disposition (see Table 8)							DISPOSITION
Edgeyard				permitted	not permitted		DISPOSITION
Sideyard				permitted	permitted		DISPOSITION
Rearyard				permitted	permitted		DISPOSITION
Courtyard				permitted	permitted		DISPOSITION
i. private FRONTAGES (see Table 5)							CONFIGURATION
Porch & Fence				permitted	not permitted		CONFIGURATION
Terrace or Lightwell				permitted	permitted		CONFIGURATION
Forecourt				permitted	permitted		CONFIGURATION
Stoop				permitted	permitted		CONFIGURATION
Shopfront				permitted	permitted		CONFIGURATION
Gallery				permitted	permitted		CONFIGURATION
Arcade				not permitted	permitted		CONFIGURATION
j. BUILDING CONFIGURATION (see Table 7)							CONFIGURATION
Principal Building				4 Stories max, 2 min	5*** Stories max, 3 min		CONFIGURATION
Outbuilding				2 Stories max	2 Stories max		CONFIGURATION

* 75 du/ac min. and 100 du/ac max. in the TOD Density Overlay 1; 40 du/ac min. and 65 du/ac max. in the TOD Density Overlay 2.
** or 15 ft. from center line of rear alley.
*** 6 Stories max. in the TOD Density Overlay 1; 5 Stories max. in the TOD Density Overlay 2.

Note: Refer to Section 10-24.275 (h) regarding a street dedication bonus for density and height.

T1, T2, T3, and T6 do not occur in the Code area and are provided for reference only.



(see Table 1)

e. LOT OCCUPATION (see Table 11, item e)	
Lot Width	18 ft min 120 ft max.
Lot Coverage	80% max

f. SETBACKS - PRINCIPAL BUILDING (see Table 11, item f)	
(f.1) Front Setback Principal	6 ft. min. 24 ft. max.
(f.2) Front Setback Secondary	6 ft. min. 24 ft. max
(f.3) Side Setback	0 ft. min.
(f.4) Rear Setback	3 ft. min.*
Frontage Buildout	60% min at setback

g. SETBACKS - OUTBUILDING (see Table 11, item g)	
(g.1) Front Setback	20 ft. min. + bldg. setback
(g.2) Side Setback	0 ft. min. or 2 ft at corner
(g.3) Rear Setback	3 ft. min.

h. BUILDING DISPOSITION (see Table 8)	
Edgeyard	permitted
Sideyard	permitted
Rearyard	permitted
Courtyard	permitted

i. PRIVATE FRONTAGES (see Table 5)	
Porch & Fence	permitted
Terrace or Lightwell	permitted
Forecourt	permitted
Stoop	permitted
Shopfront	permitted
Gallery	permitted
Arcade	not permitted
	Refer to Summary Table 11

j. BUILDING CONFIGURATION (see Table 7)	
Principal Building	4 stories max, 2 min
Outbuilding	2 stories max.

PARKING PROVISIONS (see Section 10-24.245)
Rental DU: 1.75 max per unit
For Sale DU/Residential Condominium: 2.0 max per unit
Non-residential Function: no min - no max

*or 15 ft. from center line of alley

**"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums

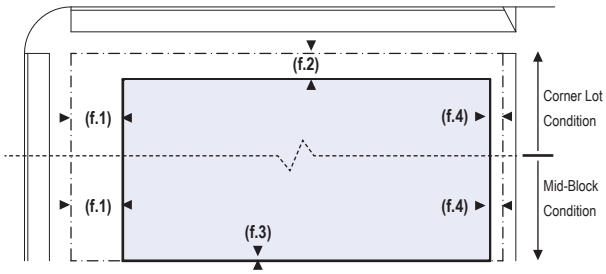
Note 1: Letters on the Table (e. Lot Occupation, f. Setbacks, etc.) refer to the corresponding section in Summary Table 11.

Note 2: Refer to Section 10-24.275 (h) regarding a street dedication bonus for density and height.

Note 3: For bicycle parking provisions, see Table A1 Bicycle Parking Requirements.

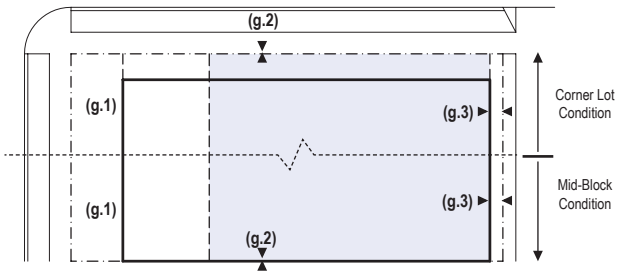
SETBACKS - PRINCIPAL BLDG

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



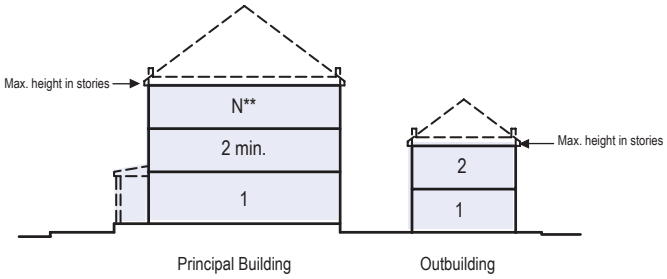
SETBACKS - OUTBUILDING

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.



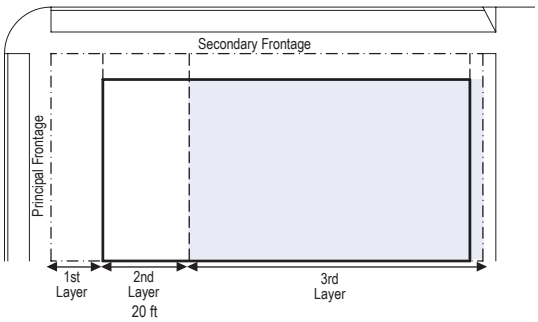
BUILDING CONFIGURATION

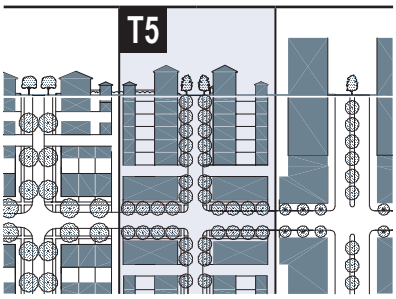
1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished floor, except for a first floor Commercial function which must be a minimum of 14 ft with a maximum of 25 ft.
3. Height in number of stories shall be measured to the eave or roof deck as specified on Table 7.
4. See Table 7 for overall building height.



PARKING PLACEMENT

1. Covered and uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 15, item d).
2. Trash containers shall be stored within the third Layer.





(see Table 1)

e. LOT OCCUPATION (see Table 11, item e)	
Lot Width	18 ft min 250 ft max.
Lot Coverage	90% max

f. SETBACKS - PRINCIPAL BUILDING (see Table 11. item f)	
(f.1) Front Setback Principal	2 ft. min. 12 ft. max.
(f.2) Front Setback Secondary	2 ft. min. 12 ft. max.
(f.3) Side Setback	0 ft. min. 24 ft. max.
(f.4) Rear Setback	3 ft. min.*
Frontage Buildout	80% min at setback

g. SETBACKS - OUTBUILDING (see Table 11, item g)	
(g.1) Front Setback	40 ft. max. from rear prop.
(g.2) Side Setback	0 ft. min. or 2 ft at corner
(g.3) Rear Setback	3 ft. max.

h. BUILDING DISPOSTION (see Table 8)	
Edgeyard	not permitted
Sideyard	permitted
Rearyard	permitted
Courtyard	permitted

i. PRIVATE FRONTAGES (see Table 5)	
Porch & Fence	not permitted
Terrace or Lightwell	permitted
Forecourt	permitted
Stoop	permitted
Shopfront	permitted
Gallery	permitted
Arcade	permitted
	Refer to Summary Table 11

j. BUILDING CONFIGURATION (see Table 7)	
Principal Building	5 stories max. 3 min.
Outbuilding	2 stories max.

PARKING PROVISIONS (see Section 10-24.245)
Rental DU: 1.5 max per unit
For Sale DU/Residential Condominium: 1.8 max. per unit
Non-residential Function: no min. - no max.

*or 15 ft. from center line of alley

***"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums.

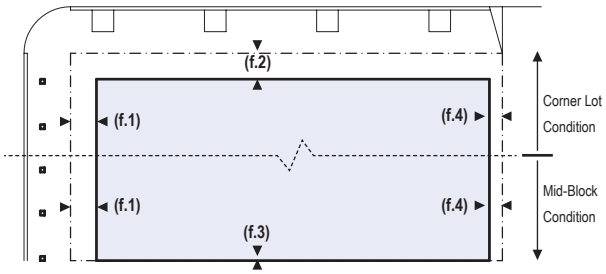
Note 1: Letters on the Table (e. Lot Occupation, f. Setbacks, etc.) refer to the corresponding section in Summary Table 11.

Note 2: Refer to Section 10-24.275 (h) regarding a street dedication bonus for density and height.

Note 3: For bicycle parking provisions, see Table A1 Bicycle Parking Requirements.

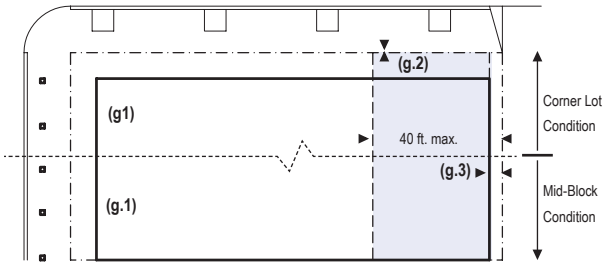
SETBACKS - PRINCIPAL BLDG

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



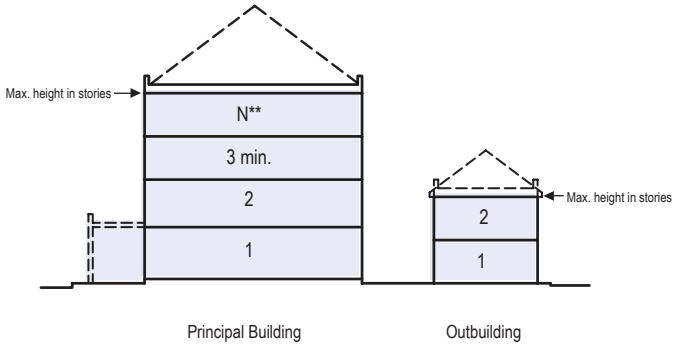
SETBACKS - OUTBUILDING

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.



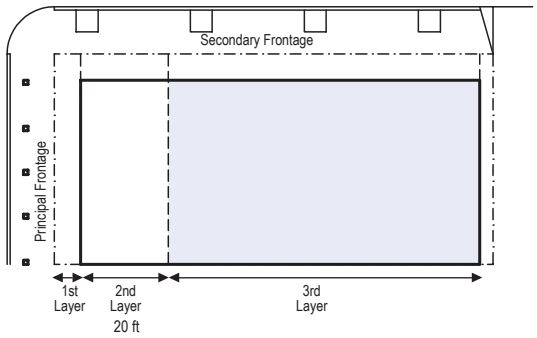
BUILDING CONFIGURATION

1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished floor, except for a first floor Commercial function which must be a minimum of 14 ft with a maximum of 25 ft.
3. Height in number of stories shall be measured to the eave or roof deck as specified on Table 7.
4. See Table 7 for overall building height.
5. Expression Lines shall be as shown on Table 7.

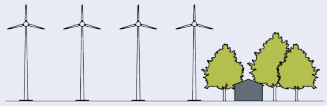
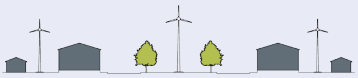
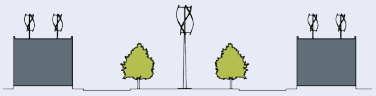


PARKING PLACEMENT

1. Covered and uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 15, item d).
2. Trash containers shall be stored within the third Layer.



Sustainability - Wind Power. This table prescribes opportunities for the placement of types of wind energy conversion systems within the Transect. T1, T2, T3, and T6 do not occur in the Code area and are provided for reference only.

	T1	T2	T3	T4	T5	T6	CS
Wind Farm 							
Horizontal Axis 							
Vertical Axis 				▪	▪		▪
Public Furniture/Public Art in Civic Space				▪	▪		▪

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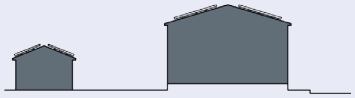
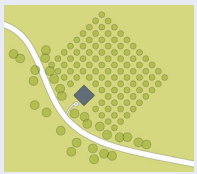
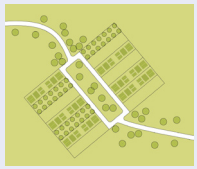
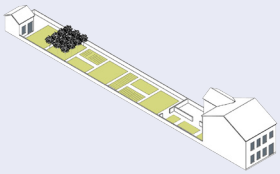
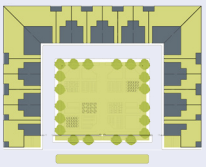
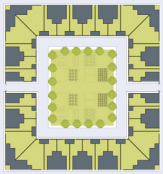
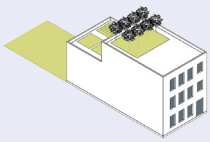
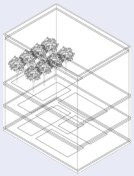
Sustainability - Solar Energy. This table shows opportunities for the placement of types of solar energy collection devices within the Transect. T1, T2, T3, and T6 do not occur in the Code area and are provided for reference only.

	T1	T2	T3	T4	T5	T6	CS
Solar Farm							
Roof Mounted Solar Panels 				▪	▪		▪
Public Furniture				▪	▪		▪

Sustainability - Food Production. This table identifies the general locations and arrangements for allowable food production in the code area. T1, T2, T3, and T6 do not occur in the Code area and are provided for reference only.

	T1	T2	T3	T4	T5	T6	CS
Farm 							
Agricultural Plots 							
Vegetable Garden 				▪			▪
Community Garden/Urban Farm  or 				▪	▪		▪
Green Roof 							
- Extensive				▪	▪		▪
- Semi Intensive				▪	▪		▪
- Intensive				▪	▪		▪
Vertical Farm 					▪		▪

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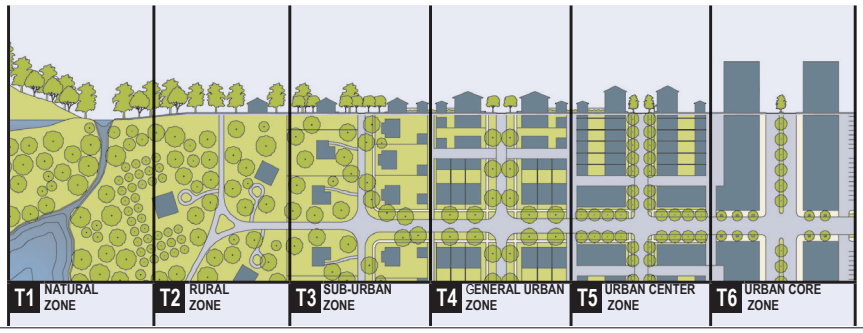
FORM-BASED CODE TABLE 13D. LIGHT IMPRINT STORM DRAINAGE MATRIX (RECOMMENDATIONS)

South Hayward BART / Mission Boulevard

T1, T2, T3, and T6 do not occur in the Code area and are provided for reference only.



	T1	T2	T3	T4	T5	T6	Maint.	Cost
a. PAVING								
Compacted Earth				not permitted	not permitted		L	$
Wood Planks				not permitted	not permitted		H	$$$
Plastic Mesh/Geomat				not permitted	not permitted		L	$
Crushed Stone/Shell				not permitted	not permitted		M	$
Cast/Pressed Concrete Paver Block				permitted	permitted		L	$$
Grassed Cellular Plastic				permitted	permitted		M	$$$
Grassed Cellular Concrete				permitted	permitted		M	$$$
Pervious Asphalt				permitted	permitted		L	$$
Asphalt				permitted	permitted		L	$
Concrete				permitted	permitted		L	$$
Pervious Concrete				permitted	permitted		L	$$
Stamped Asphalt				permitted	permitted		L	$$$
Stamped Concrete				permitted	permitted		L	$$$
Pea Gravel				permitted	permitted		M	$
Stone/Masonry Paving Blocks				permitted	permitted		L	$$$
Wood Paving Blocks on Concrete				not permitted	not permitted		L	$$$
Asphalt Paving Blocks				not permitted	not permitted		M	$$
b. CHANNELING								
Natural Creek				permitted	permitted		L	$
Terracing				permitted	permitted		M	$$
Vegetative Swale				permitted	permitted		L	$
Drainage Ditch				not permitted	not permitted		L	$
Stone/Rip Rap Channels				not permitted	not permitted		L	$$
Vegetative/Stone Swale				permitted	permitted		L	$
Grassed Cellular Plastic				permitted	permitted		M	$$$
Grassed Cellular Concrete				permitted	permitted		M	$$$
Soakaway Trench				permitted	permitted		M	$$$
Slope Avenue				permitted	permitted		M	$$$
French Drain				permitted	permitted		M	$
Shallow Channel Footpath/Rainwater Conveyor				permitted	permitted		L	$
Concrete Pipe				permitted	permitted		L	$$
Gutter				permitted	permitted		L	$$
Planting Strip Trench				permitted	permitted		L	$
Masonry Trough				permitted	permitted		L	$$
Canal				permitted	permitted		H	$$$
Sculpted Watercourse, i.e. cascades				not permitted	not permitted		M	$$$
Concrete Trough				not permitted	not permitted		L	$$
Archimedean Screw				not permitted	not permitted		L	$$$
c. STORAGE								
Irrigation Pond				not permitted	not permitted		L	$
Retention Basin with Sloping Bank				not permitted	not permitted		L	$$
Retention Basin with Fence				not permitted	not permitted		L	$$
Retention Hollow				not permitted	not permitted		M	$
Detention Pond				permitted	not permitted		L	$
Vegetative Purification Bed				permitted	permitted		M	$$
Flowing Park				permitted	permitted		M	$$
Retention Pond				permitted	permitted		M	$$
Landscaped Tree Well				permitted	permitted		L	$$
Pool/Fountain				permitted	permitted		H	$$$
Underground Vault/Pipe/Cistern-Corrugated Metal				permitted	permitted		L	$$
Underground Vault/Pipe/Cistern-Precast Concrete				permitted	permitted		L	$$
Underground Vault/Pipe/Cistern-Cast in place Concrete				permitted	permitted		L	$$
Grated Tree Well				permitted	permitted		L	$$
Underground Vault/Pipe/Cistern-Concrete or approved equal				permitted	permitted		L	$$$
Paved Basin				not permitted	not permitted		M	$$$
d. FILTRATION								
Wetland/Swamp				not permitted	not permitted		L	$
Filtration Ponds				not permitted	not permitted		L	$$
Shallow Marsh				not permitted	not permitted		M	$
Surface Landscape				not permitted	not permitted		L	$
Natural Vegetation				permitted	permitted		L	$
Constructed Wetland				not permitted	not permitted		M	$
Bio-Retention Swale				permitted	permitted		M	$$
Purification Biotope				permitted	permitted		H	$$
Green Finger				permitted	permitted		L	$$$
Roof Garden				permitted	permitted		M	$$$
Rain Garden				permitted	permitted		M	$$
Detention Pond				permitted	permitted		L	$
Grassed Cellular Concrete				permitted	permitted		M	$$$
Waterscapes				permitted	permitted		H	$$$

*NOTE - Maintenance is denoted as L=Low, M=Medium and H=High.

SEC.10-24.400 PROCEDURES

10-24.405 APPROVAL REQUIREMENTS

Each building and land use shall be established, constructed, reconstructed, enlarged, altered, moved or replaced in compliance with the following requirements, as summarized in Table 14.

a. General.

i. Allowable use or Function. The land use or Function must be allowed by the Table 9 in the zone where the Lot is located. The following uses and Functions are prohibited within the Code area:

(1) Adult-oriented uses;

(2) Automobile sales;

(3) Single-family dwellings;

(4) Dormitories; and

(5) Warehouses including public storage facilities.

ii. Permit and approval requirements. Any and all planning permits or other approvals required by this Code shall be obtained before the issuance of any required grading, building, or other construction permit, and before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed as exempted below.

iii. Legal parcel. The site of a proposed development or new land use must be a parcel that was legally created or certified in compliance with the Subdivision Map Act and the City's Subdivision Ordinance.

iv. New nonresidential land use(s) in an existing building or on developed site. A land use permitted by right, that is proposed on a site where no construction requiring a Building Permit will occur, shall require a verification of zoning compliance to ensure that the site complies with all applicable standards of this Code, including parking, landscaping, signs, trash enclosures, etc. A verification of zoning compliance shall not be granted and the proposed land use shall not be established unless the site and

existing improvements comply with all applicable requirements of this Code, except as provided by the Nonconformity Regulations of Municipal Code Section 10-1.2900 et al (Nonconforming Uses). No verification of zoning compliance may be issued if the request in question is located on the same site where there are existing violations of this Code, including, without limitation, violations of the terms of a discretionary permit or approval relating to the site. A verification of zoning compliance shall expire 180 days after issuance, unless otherwise indicated on the clearance or unless the use of land or structures or building construction has commenced and is being diligently pursued.

v. Access and Open Space review. Prior to issuance of building permits, site plans and floor plans may be reviewed by the Director to determine that building access and Open Space requirements will be met. This review shall preclude or lessen the possibility that dwellings without compliant access and sufficient Open Space, might be installed during or after construction. During the building access and Open Space review process, the Director may require additional changes in the placement of exterior doors, windows, stairways, hallways, utility connections, or other fixtures or architectural features when determined by the Director to be necessary or desirable to preclude or lessen the likelihood of unlawful dwelling unit creations in the future.

b. Required Permits.

i. Site Plan Review.

(1) All new development shall require Site Plan Review approval by the Director, unless waived in accordance with Municipal Code Section 10-1.3010(d).

ii. Administrative Use Permit.

(1) All uses or Functions identified by “AU” in Table 9.

(2) Administrative Use Permit applications shall be processed in accordance with Municipal Code Section 10-1.3100.

iii. Conditional Use Permit.

(1) All uses or Functions identified by “CU” in Table 9.

(2) Conditional Use Permit applications shall be processed in accordance with Municipal Code Section 10-1.3200.

iv. Telecommunications Site Review.

(1) Telecommunications Site Review applications shall be processed in accordance with Section 10.24-290 and Municipal Code Chapter 10, Article 13.

v. Density Bonus Application.

(1) Density Bonus Applications shall be processed in accordance with Municipal Code Chapter 10, Article 19.

vi. Warrants and Exceptions. See Section 10-24.410.

c. Exemptions from Required Permits. The planning permit requirements of this Code do not apply to the structures, land uses, and activities identified by this Section. These are allowed in all Zones subject to compliance with this Section.

i. General requirements for exemption. The Functions, land uses, structures, and activities identified by Subsection (ii) through (vi) below are exempt from the planning permit requirements of this Code only when:

(1) The new use, activity or structure are established and operated in compliance with the requirements of this Code and all other applicable standards of the Municipal Code, and, where applicable, those relating to Nonconformity Regulations; and

(2) Any permit or approval required by City regulations other than this Code is obtained (for example, a Building Permit).

ii. Exempt activities and structures. The following are exempt from the land use permit requirements of this Code when in compliance with Subsection (i) above.

(1) Decks, paths and Driveways. Decks, platforms, on-site paths, and Driveways that are not required to have a Building Permit or Grading Permit.
(2) Fences and walls in compliance with height and location requirements of Section 10-24.255.

(3) Interior remodeling. Interior alterations that do not increase

the gross floor area of the structure, or change the permitted use of the structure.

iii. Repairs and maintenance.

(1) Single-family dwellings. Ordinary nonstructural repairs to, and maintenance of, existing single-family dwellings.

(2) Multi-family, and non-residential structures. Ordinary non-structural repairs to, and maintenance of multifamily Residential and non-residential structures, if:

(A) The work does not change the approved land use of the site or structure, or add to, enlarge or expand the land use and/or structure; and

(B) Any exterior repairs employing the same materials and design as the original construction.

iv. Small, portable residential accessory structures. A single portable structure of 120 square feet or less per Lot, including pre-manufactured storage sheds and other small structures in all Zones that are exempt from Building Permit requirements in compliance with the Municipal Code and the Uniform Building Code. Additional structures may be approved by the Director upon issuance of an Administrative Use Permit.

v. Spas, hot tubs, and fish ponds. Portable spas, hot tubs, and constructed fish ponds, and similar equipment and structures that do not: exceed 120 square feet in total area including related equipment; contain more than 2,000 gallons of water; or exceed two feet in depth.

vi. Utilities. The erection, construction, alteration, or maintenance by a public utility or public agency of utilities intended to service existing or nearby approved developments shall be permitted in any zone. These include: water; gas; electric; supply or disposal systems; including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, traffic signals, hydrants, etc., but not including new transmission lines and structures. Satellite and wireless communications antennas are not exempt, and are instead subject to Section 10-24.290.

vii. Emergency Homeless Shelters.

10-24.410 VARIANCES: WARRANTS AND EXCEPTIONS

a. Type. Variances are classified into two categories – Warrant and Exception - based on their assignment to standards and, consequently, the ability of those standards to further the goals, policies and actions of this Code. Mere economic or financial hardship alone is not sufficient justification for granting either a Warrant or Exception.

i. Warrant.

(1) A Warrant is a deviation that would permit a practice that is not consistent with a specific provision of this Code, but is justified by its ability to fulfill this plan's intent while not compromising its goals, policies and actions. All of the following are mandatory requirements unless approval of a Warrant is obtained:

(A) Table 2 standards applicable to Existing Thoroughfares;

(B) Section 10-24.220(b)(iv) (Civic Space Zone);

(C) Section 10-24.225(b)(iii) (Building Disposition);

(D) Section 10-24.225(b)(v) (Building Disposition);

(E) Section 10-24.225(b)(vii) (Building Disposition);

(F) Section 10-24.225(b)(viii) (Building Disposition);

(G) Section 10-24.225(b)(ix) (Building Disposition);

(H) Section 10-24.225(c)(i) (Building Disposition);

(I) Section 10-24.225(c)(iii) (Building Disposition);

(J) Section 10-24.225(c)(iv) (Building Disposition);

(K) Section 10-24.225(c)(vi) (Building Disposition);

(L) Section 10-24.225(c)(vii) (Building Disposition);

(M) Section 10-24.230(a)(ii) (Building Configuration);

(N) Section 10-24.230(b)(iii) (Building Configuration);

(O) Section 10-24.230(c)(iii) (Building Configuration);

(P) Section 10-24.230(c)(xii) (Building Configuration);

(Q) Section 10-24.245(a)(v) (Parking Standards);

(R) Section 10-24.245(a)(vi) (Parking Standards);

(S) Section 10-24.245(a)(vii) (Parking Standards);

(T) Section 10-24.245(a)(viii) (Parking Standards);

(U) Section 10-24.245(b) (Parking Standards);

(V) Section 10-24.245(c) (Parking Standards);

(W) Section 10-24.250 (Architectural Standards);

(X) Section 10-24.255 (Fence and Wall Standards);

(Y) Section 10-24.260 (Landscape Standards);

(Z) Section 10-24.270(a)(i) (Wind Power) except for prohibitions under Section 10-24.270(a)(i)(10);

(AA) Section 10-24.275(d)(vii) (Thoroughfare Standards);

(AB) Section 10-24.275(e)(i) (Thoroughfare Standards);

(AC) Section 10-24.275(f)(i)(2) (Thoroughfare Standards);

(AD) Section 10-24.275(f)(i)(3) (Thoroughfare Standards);

(AE) Section 10-24.275(f)(ii)(1) (Thoroughfare Standards);

(AF) Section 10-24.275(f)(iii)(1) (Thoroughfare Standards);

(AG) Section 10-24.275(g)(i) (Thoroughfare Standards);

(AH) Section 10-24.280(c)(i) (Subdivision Standards);

(AI) Section 10-24.280(c)(iii) (Subdivision Standards);

(AJ) Section 10-24.280(c)(iv) (Subdivision Standards);

(AK) Section 10-24.285 (Sign Standards) except for Prohibited Signs under Section 10-24.285(c); and

(AL) Section 10-24.290 (Telecommunication Facility Standards).

(2) Warrants are discouraged but may be permissible when they fulfill the intent of this Code.

(3) Warrants are required for all remodels, additions and alterations to designated historic resources not consistent with this Code.

(4) Warrants are subject to Director review and action.

ii. Exception.

(1) An Exception is a deviation that would permit a practice that is not consistent with a specific provision of this Code that is critical to the furtherance of its goals, policies and actions. All of the following are mandatory requirements unless approval of an Exception is obtained:

(A) Maximum Block perimeter distance of Table 11.b;

(B) Section 10-24.225(a) (Building Disposition);

(C) Section 10-24.225(b)(ii) (Building Disposition);

(D) Section 10-24.225(b)(iv) (Building Disposition);

(E) Section 10-24.225(c)(ii) (Building Disposition);

(F) Section 10-24.230(a)(i) (Building Configuration);

(G) Section 10-24.230(a)(iii) (Building Configuration);

(H) Section 10-24.230(a)(vi) (Building Configuration);

(I) Section 10-24.230(a)(vii) (Building Configuration);

(J) Section 10-24.230(b)(i) (Building Configuration);

(K) Section 10-24.230(b)(ii) (Building Configuration);

(L) Section 10-24.230(b)(iv) (Building Configuration);

(M) Section 10-24.230(b)(v) (Building Configuration);

(N) Section 10-24.230(b)(vi) (Building Configuration);

(O) Section 10-24.230(b)(vii) (Building Configuration);

(P) Section 10-24.230(c)(i) (Building Configuration);

(Q) Section 10-24.230(c)(ii) (Building Configuration);

(R) Section 10-24.230(c)(v) (Building Configuration);

(S) Section 10-24.230(c)(vi) (Building Configuration);

(T) Section 10-24.230(c)(vii) (Building Configuration);

(U) Section 10-24.230(c)(viii) (Building Configuration);

(V) Section 10-24.230(c)(x) (Building Configuration);

(W) Section 10-24.235(a)(v) (Assembly and Religious Facility Functions);

(X) Section 10-24.245(a)(ii) (Parking Standards);

(Y) Section 10-24.265 (Visitability Standards);

(Z) Section 10-24.275(g)(i) (Thoroughfare Standards); and

(AA) Section 10-24.280(c)(ii) (Subdivision Standards);

(2) Exceptions are strongly discouraged since they severely compromise the ability to fulfill the intent of this Code.

(3) Exceptions are subject to Commission review and action.

b. Limitations. The following evaluation standards shall not be eligible for Warrants or Exceptions:

i. Section 10-24.235(a)(i) (Building Functions);

ii. Section 10-24.240(a)(ii) (Density Standards);

iii. Section 10-24.280(c)(ii) (Subdivision Standards);

iv. Section 10-24.280(c)(vi) (Subdivision Standards);

v. Section 10-24.280(c)(vii) (Subdivision Standards);

vi. All Code standards relating to Second Dwelling Units; and

vii. Building Function, land use or activity on a particular site which is not otherwise allowed.

c. Findings. In order to approve a Warrant or Exception, the Director must make all findings as follows:

i. All Warrants:

(1) Policy Consistency. The Warrant is consistent with the General Plan and overall objectives of this Code.

(2) Compatibility. The Warrant is justified by environmental features or site conditions; historic development patterns of the property or neighborhood; or the interest in promoting creativity and personal expression in site planning and development.

(3) No Adverse Impact. The Warrant would result in development that is not detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and in the same zoning district.

(4) Special Privilege. The Warrant would not affect substantial compliance with this Code or grant a special privilege inconsistent with the limitations upon other properties in the vicinity and in the same zoning district.

ii. Warrants for remodels, additions and alterations to Historic Resources. In addition to the findings required by Section 10.24-410(c)(i) above, the following finding shall also be required to grant approval for a Warrant involving a Historic Resource:

(1) Historic Integrity. For remodels, additions and alterations to Historic Resources not consistent with the Code, said proposal results in development that, first and foremost, preserves those portions or features which convey the building's historical, cultural or architectural values, and secondarily, adherence to the Code's intent as reflected by the Purpose and Applicability Statements of Section 10-24.115.

iii. Warrants within Civic Space Zone. The following finding shall also be required to grant approval for a Warrant involving a Civic Building:

(1) Community Identity. The building and land use provides a public service dedicated to arts, culture, education, recreation, government, transit and/or public parking and is uniquely designed to feature as a prominent, architecturally

significant contribution to the built environment such that deviation from the provisions of this Code is warranted.

d. Exception Findings. In order to approve an Exception, the following findings are required:

i. Uniqueness. That there are unique physical conditions, including irregularity, narrowness or shallowness of Lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular Lot; and that, as a result of such unique physical conditions, practical difficulties or unusual hardship arise in complying strictly with the standards of this Code.

ii. Self-Created Hardship. That the practical difficulties or unnecessary hardship claimed as a ground for an Exception have not been created by the owner or by a predecessor in title. However, where all other required findings are made, the purchase of a Lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship.

iii. Minimal Deviation. That within the intent and purposes of this Code the Exception, if granted, is the minimum deviation necessary to afford relief; and to this end, the Commission may permit a lesser variance than that applied for.

iv. Neighborhood Character. That the Exception, if granted, will not alter the essential character of the neighborhood or Zone in which the Lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.

f. Submittal Requirements. Each Warrant or Exception application shall include, at a minimum, the following;

i. A statement of the evaluation standard or standards that are the subject of the proposed Warrant or Exception;

ii. A textual description of the manner in which the applicant proposes to deviate from such evaluation standard or standards;

iii. Plans, drawn to scale, showing the nature, location, dimensions, and Elevation of the structure, area, or part thereof that is the subject of the proposed Warrant or Exception; including the development projects relationship to the surrounding context;

iv. A justification for the proposed variance in light of the requirements set forth above; and

v. Such other information as may be required by the Review Authority.

g. Processing. Both Warrants and Exceptions shall be reviewed and acted upon in accordance with the procedural requirements of this Code and Municipal Code Section 10-1.2800 (Administration and Enforcement).

h. Conditions of approval. In approving a Warrant or Exception, the Review Authority may impose any reasonable conditions to ensure that the approval complies with the findings required above, except as limited by Section 10-24.135(b).

10-24.415 CODE MAINTENANCE

a. Within five (5) years of the Council adopting this Code and every five (5) years thereafter, the Commission shall review the outcomes of this Code and, upon concluding such review, forward its findings to Council.

b. Any provision of this Code that is determined by the Review Authority to need refinement or revision will be corrected by amending this Code as soon as is practical. Until an amendment can occur, the Director will maintain a complete record of all official interpretations to this Code, indexed by the number of the Section that is the subject of the interpretation, and as required by Section 10-24.510(h).

TABLE 14: Approval Requirements Matrix. This table illustrates approval requirements within the Code area.

	Municipal Code Citation	Review Authority Role		
		Director	Commission	Council
a. ADMINISTRATIVE				
Verification of Zoning Compliance	10-23.405(a)(4)	D	A	A
Interpretation	10-23.510	D	A	A
b. PLANNING PERMIT				
Site Plan Review	10-1.3000	D	A	A
Administrative Use Permit	10-1.3100	D	A	A
Conditional Use Permit	10-1.3200	R	D	A
Telecommunications Site Review	Article 13	D	A	A
Density Bonus Application	Article 19	R	D	A
Petition for Precise Plan Line	Article 4	R	R	D
Warrant	10-23.410	D	A	A
Exception	10-23.410	R	D	A
Tentative Parcel Map	10-3.150(b)	D	A	A
Tentative Tract Map	10-3.150(a)	R	D	A
c. LEGISLATIVE				
Development Agreements	Article 9	R	R	D
Zoning Reclassification	10-1.3400	R	R	D
Zoning Text Amendment	10-1.3425	R	R	D

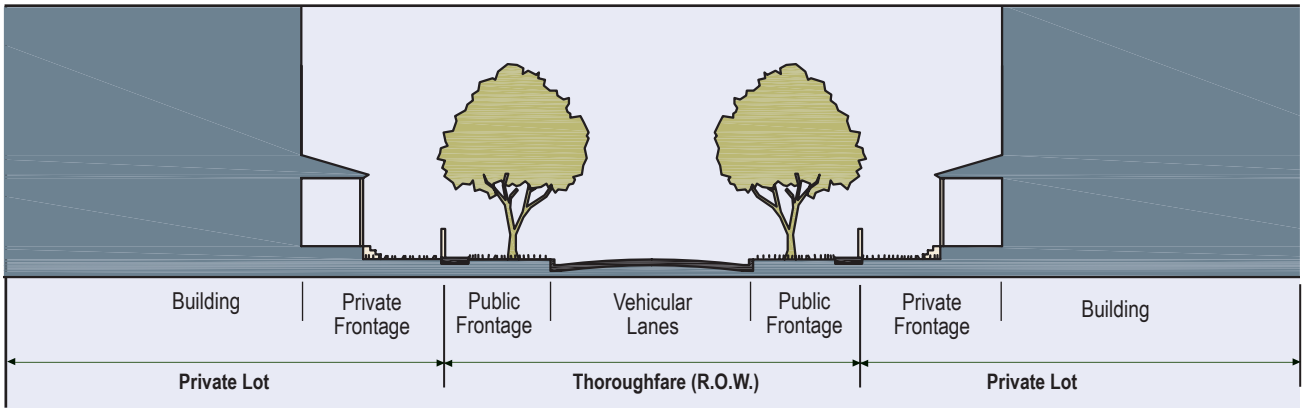
(D) = Review Authority decides whether to approve or disapprove the application.

(R) = Review Authority provides a recommendation to a higher level Review Authority.

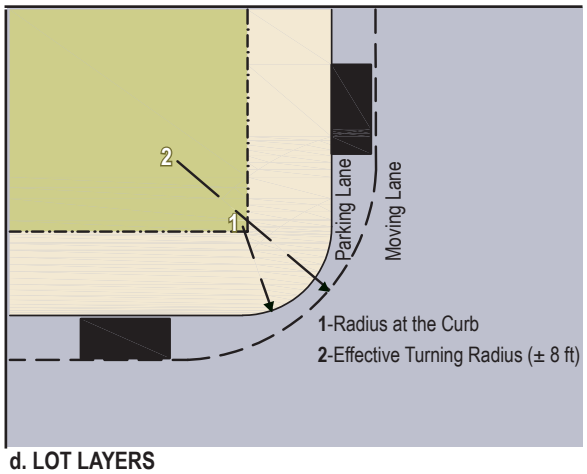
(A) = Review Authority considers the appeal of a lower-level Review Authority.

TABLE 15: Definitions Illustrated

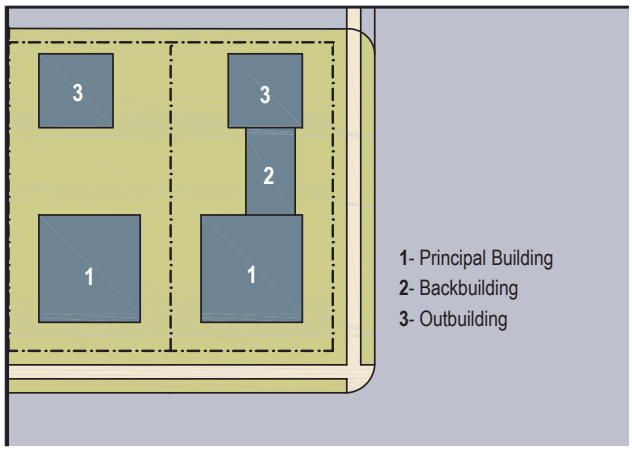
a. THOROUGHFARE & FRONTAGES



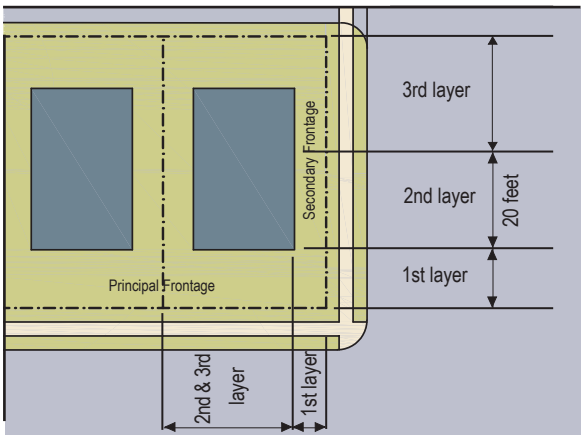
b. TURNING RADIUS



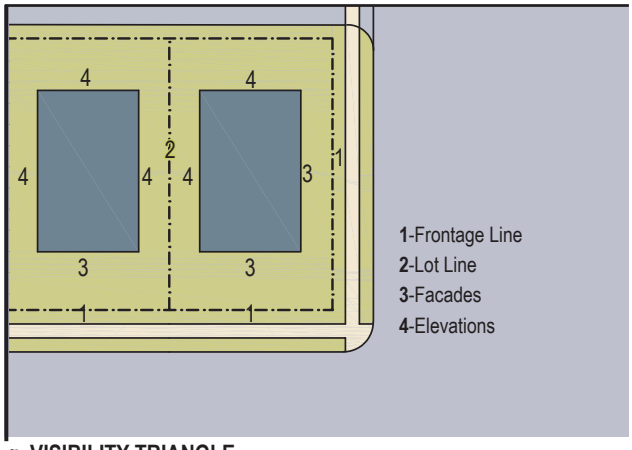
c. BUILDING DISPOSITION



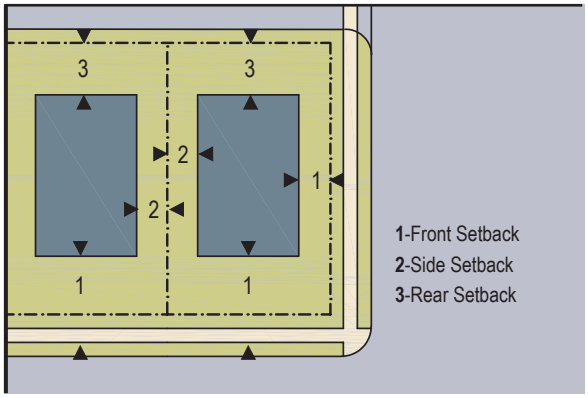
d. LOT LAYERS



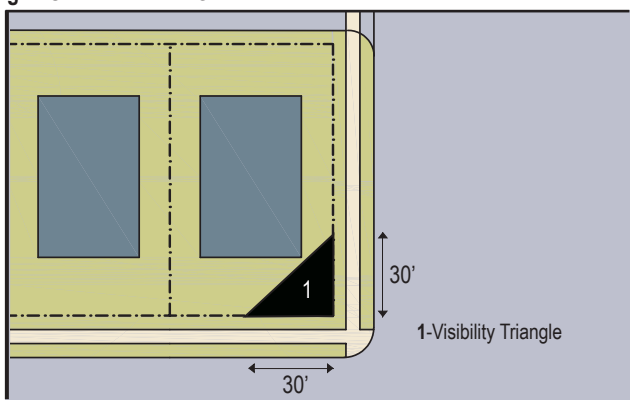
e. FRONTAGE & LOT LINES



f. SETBACK DESIGNATIONS



g. VISIBILITY TRIANGLE



SEC.10-24.500 DEFINITIONS AND RULES OF INTERPRETATION

10-24.505 DEFINITION OF TERMS

This Section provides definitions for terms in this Code that are technical in nature or that otherwise may not reflect a common usage of the term. If a term is not defined in this Section, then the Director shall determine the correct definition through the interpretation provisions of Section 10-24-510. Items in italics refer to Sections or Tables in this Code.

Aerial Sign: a balloon, or other airborne flotation device, which is tethered to the ground or to a building or other structure that directs attention to a business, commodity, service or entertainment conducted, sold or offered.

Alcohol Sales: all Functions subject to Municipal Code Section 10-1.2735 (Alcohol Beverage Outlet Regulations), including Bar, Cocktail Lounge.

Allee: a regularly spaced and aligned row of trees usually planted along a Thoroughfare.

Appliance Repair Shop: see Municipal Code Section 10-1.3500 (Definitions).

Arcade: a Private Frontage conventional for Retail Sales use wherein the Facade is a colonnade supporting habitable space that overlaps the Sidewalk, while the Facade at Sidewalk level remains at the Frontage Line.

Artisan/Craft Production: an establishment manufacturing and/or assembling small products primarily by hand, including but not limited to clothing, furniture, jewelry, pottery and other ceramics, as well as small glass and metal art and craft products. Includes taxidermists.

Assembly: a Function synonymous with Outdoor Gatherings (Municipal Code Section 10-1.2735(h) but also including gathering within a building or structure. See Sec. 10-24.235 for special requirements.

Attic: the interior part of a building contained within a pitched roof structure.

Automobile Repair (Minor): see Municipal Code Section 10-1.3500 (Definitions).

Automobile Repair (Major): see Municipal Code Section 10-1.3500 (Definitions).

Avenue (AV): a Thoroughfare of high vehicular capacity and low to moderate speed, acting as a short distance connector between urban centers, and usually equipped with a landscaped median.

Backbuilding: a single-Story structure connecting a Principal Building to an Outbuilding. *See Table 15.*

Bed and Breakfast: an owner-occupied Lodging type offering 1 to 5 bedrooms, permitted to serve breakfast in the mornings to guests.

Bicycle Lane (BL): a dedicated lane for cycling within a moderate-speed vehicular Thoroughfare, demarcated by striping.

Bicycle Route (BR): a Thoroughfare suitable for the shared use of bicycles and automobiles moving at low speeds.

Bicycle Trail (BT): a bicycle way running independently of a vehicular Thoroughfare.

Block: the aggregate of private Lots, Passages, Rear Alleys, circumscribed by Thoroughfares.

Boulevard (BV): a Thoroughfare designed for high vehicular capacity and moderate speed, traversing an Urbanized area. Boulevards are usually equipped with Slip Roads buffering Sidewalks and buildings.

Check Cashing & Loans: a Function synonymous with Check Cashing Store, as defined within Municipal Code Section 10-1.3500 (Definitions).

Civic: the term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking.

Civic Building: a building operated by not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking.

Civic Space: an outdoor area dedicated for public use. Civic Space types are defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping and their Enfronting buildings. *See Table 10.*

Civic Space Zone: designation for public sites dedicated for Civic Buildings and Civic Space.

Commercial: the term collectively defining workplace, Office, Retail Sales, and Lodging Functions.

Common Destination: an area of focused community activity, usually defining the approximate center of a Pedestrian Shed. It may include without limitation one or more of the following: a Civic Space, a Civic Building, a Commercial center, or a transit station, and may act as the social center of a neighborhood.

Common Open Space: a portion of the Lot landscaped and utilized for group passive or active recreation but excluding permanent buildings, off-street parking areas, drive aisles, above-ground utility cabinet, boxes or structures and required side and rear setback areas for Principal Buildings.

Community Garden: a publicly accessible area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. (Syn: Urban Farm)

Conference Center: a specialized Function designed and built almost exclusively to host conferences, exhibitions, large meetings,

seminars, training sessions, etc. May accompany the Hotel Function and provide office facilities and a range of leisure activities.

Configuration: the form of a building, based on its massing, Private Frontage, and height.

Courtyard Building: a building that occupies the boundaries of its Lot while internally defining one or more private patios. *See Table 8.*

Cultural Facilities: see Municipal Code Section 10-1.3500 (Definitions). See Sec. 10-24.235 for special requirements.

Curb: the edge of the vehicular pavement that may be raised or flush to a Swale. It usually incorporates the drainage system. *See Table 2.*

Dance/Nightclub: a Function consisting of establishments engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises. Typical uses include taverns, bars, brew-pubs, cocktail lounges, and similar uses other than those classified under the Restaurant.

Day Care Center: see Municipal Code Section 10-1.3500 (Definitions).

Day Care Home: see Municipal Code Section 10-1.3500 (Definitions).

Density: the number of dwelling units within a standard measure of land area.

Disposition: the placement of a building on its Lot. *See Table 8 and Table 15.*

Drive: a Thoroughfare along the boundary between an Urbanized and a natural condition, usually along a waterfront, Park, or promontory. One side has the urban character of a Thoroughfare, with Sidewalk and building, while the other has the qualities of a Road or parkway, with naturalistic planting and rural details.

Driveway: a vehicular lane within a Lot, often leading to a garage.

Drive-Through: a Function synonymous with Drive-In Establishment found within Municipal Code Section 10-1.3500 (Definitions).

Edgeyard Building: a building that occupies the center of its Lot with Setbacks on all sides. *See Table 8.*

Educational Facilities: See Municipal Code Section 10-1.3500 (Definitions).

Elevation: an exterior wall of a building not along a Frontage Line. See Table 15. See: **Facade.**

Emergency Homeless Shelter: (per Health and Safety Code 50801): housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. See Sec. 10-24.295 for special requirements.

Encroach: to break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a Setback, into the Public Frontage, or above a height limit.

Encroachment: any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the

Public Frontage, or above a height limit.

Enfront: to place an element along a Frontage, as in "porches Enfront the street."

Equipment Rentals: a Function synonymous with Equipment Rental Service, as defined within Municipal Code Section 10-1.3500 (Definitions).

Existing Thoroughfare: a publicly-owned Thoroughfare present at the time of Code adoption. See Figure 1-2 and 1-3.

Expression Line: a line prescribed at a certain level of a building for the major part of the width of a Facade, expressed by a variation in material or by a limited projection such as a molding or balcony. *See Table 7.* (Syn: transition line.)

Extension Line: a line prescribed at a certain level of a building for the major part of the width of a Facade, regulating the maximum height for an Encroachment by an Arcade Frontage. *See Table 7.*

Extensive Green Roof: a building roof with a planting medium six inches in depth or less, designed to be virtually self-sustaining and requiring a minimum of maintenance. Such roofs are intended to function as an ecological protection layer. They are planted with low-lying species designed to provide maximum cover achieving water retention, erosion resistance, and transpiration of moisture.

Facade: the exterior wall of a building that is set along a Frontage Line. *See* **Elevation.**

Fee Simple Parcel: a term synonymous with Subdivision Map Act's treatment of parcels exclusive of those for condominium purposes.

Fire Station: a Function synonymous with Public Agency Facilities, as defined within Municipal Code Section 10-1.3500 (Definitions).

Focus Area: areas within the City of Hayward which the General Plan provides that implementation of smart growth principles is particularly appropriate. See General Plan Page 2-9.

Forecourt: a Private Frontage wherein a portion of the Facade is close to the Frontage Line and the central portion is set back. *See Table 5.*

Frontage: the area between a building Facade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into **Private Frontage** and **Public Frontage.** *See Table 5.*

Frontage Buildout: the minimum length of the Principal Frontage that must contain a Private Frontage. See Table 11.

Frontage Line: a Lot line bordering a Public Frontage. Facades facing Frontage Lines define the public realm and are therefore more regulated than the Elevations facing other Lot Lines. *See Table 15.*

Function: the use or uses accommodated by a building and its Lot, categorized as Restricted, Limited, or Open, according to the intensity of the use. S*ee Table 9.*

Gallery: a Private Frontage conventional for Retail Sales use wherein

the Facade is aligned close to the Frontage Line with an attached cantilevered shed or lightweight colonnade overlapping the Sidewalk. *See Table 5.*

Gas Station: a Function synonymous with Automobile Service Station found within Municipal Code Section 10-1.3500 (Definitions).

Green Roof: a building roof partially or completely covered with vegetation and soil, or a growing medium, over a waterproofing membrane. Green roofs may be categorized as Extensive, Semi-Intensive, or Intensive, depending on the depth of the planting medium and the amount of maintenance required. (Syn: eco-roof, living roof, greenroof)

Group Home: see Municipal Code Section 10-1.3500 (Definitions).

Group Supportive Housing: means housing, configured as group care facilities or similar residential care facilities, with no limit on length of stay, that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Group Transitional Housing: means housing configured as group care facilities or similar residential care facilities and operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

Historic Resources: "Historical Resources" means any buildings, structures, sites, objects, historic district and archaeological resources that have been determined to have a) age; b) integrity; and c) historical significance. For the purposes of this Article and of the California Environmental Quality Act (CEQA), the term "historical resources" shall include the following:

(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission for listing in, the National Register or the California Register of Historical Resources.

(2) A resource designated in a local register of historical resources or identified as historically significant in an adopted survey list.

(3) Any object, building, structure, site, area, place, record, or manuscript that the City of Hayward determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California or of Hayward.

Home Occupation: see Municipal Code Section 10-1.3500 (Definitions).

Horizontal Axis Wind Turbine: a Wind Turbine with its rotor on the horizontal axis. Blades are visually similar to those utilized by aircraft, typically much more expansive than the Vertical Axis Wind Turbine, and typically have to rotate to face the prevailing wind.

Hospital: see Municipal Code Section 10-1.3500 (Definitions).

Hotel: see Municipal Code Section 10-1.3500 (Definitions).

Indoor Recreation: a Function offering predominantly participant sports conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, pool halls, indoor ice or roller skating rinks, indoor racquetball courts, indoor batting cages, and health or fitness clubs.

Intended Speed: is the velocity at which a Thoroughfare tends to be driven without the constraints of signage or enforcement. There are four ranges of speed: Very Low: (below 20 MPH); Low: (20-25 MPH); Moderate: (25-35 MPH); High: (above 35 MPH). Lane width is determined by desired Intended Speed. *See Table 2.*

Intensive Green Roof: a building roof with a planting medium between 8 inches and 4 feet. It can sustain elaborate plantings that include shrubs and trees. Intensive Green Roofs are heavy and usually installed over concrete roof decks. They require considerable maintenance. In addition to their role in carbon mitigation, they are used for recreation or aesthetics, being park or garden-like.

Kennel: see Municipal Code Section 10-1.3500 (Definitions).

Large Group Supportive Housing: "Group Supportive Housing" means housing, configured as group care facilities or similar residential care facilities, with no limit on length of stay, that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. See Sec. 10-25.295 for special requirements.

Large Group Transitional Housing: "Group Transitional Housing" means housing configured as group care facilities or similar residential care facilities and operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.See Sec. 10-25.295 for special requirements.

Large-size tree: single or multi trunk plant with a minimum 12 feet of natural vertical clearance at maturity to accommodate industrial trailer truck under with a minimum of 35 feet diameter canopy.

Layer: a range of depth of a Lot within which certain elements are permitted. *See Table 15.*

Live-Work: a Mixed Use unit consisting of an Office Function (Table 9), Artisan/Craft Production (Table 9) or Retail Sales (Table 9) Function and Residential (Table 9) Function. The Retail Sales Function may be anywhere in the unit and is intended to be occupied by a business operator who lives in the same structure that contains the Retail Sales activity.

Lot: a parcel of land accommodating a building or buildings of unified design. The size of a Lot is controlled by its width in order to determine the grain (i.e., fine grain or coarse grain) of the urban fabric.

Lot Width: the length of the Principal Frontage Line of a Lot.

Massage Parlor: see Municipal Code Section 10-1.3500 (Definitions).

Media Production: Facilities for motion picture, television, video, sound, computer, and other communications media production. These facilities include the following types: (1) Back lots/outdoor facilities. Outdoor sets, back lots, and other outdoor facilities, including supporting indoor workshops and craft shops; (2) Indoor support facilities. Administrative and technical production support facilities, including administrative and production offices, post-production facilities (editing and sound recording studios, foley stages, etc.), optical and special effects units, film processing laboratories, etc.; and (3) Soundstages. Warehouse-type facilities providing space for the construction and use of indoor sets, including supporting workshops and craft shops.

Medical/Dental Clinic: a Function in which 10 or more physicians and/or dentists or their allied professional assistants carry on their profession; a building that contains one or more physicians, dentists, and their assistants, and a laboratory and/or an apothecary limited to the sale of pharmaceutical and medical supplies. Shall not include inpatient care or operating rooms for major surgery.

Medium-size tree: single or multi trunk plant with a minimum 9 feet of natural vertical clearance at maturity to accommodate people to walk under with a minimum of 25 feet diameter canopy.

Mixed Use: multiple Functions within the same building through superimposition or adjacency, or in multiple buildings by adjacency.

Mortuary: see Municipal Code Section 10-1.3500 (Definitions).

Multiple Family: a residential Function synonymous with the following Dwelling Unit categories found within Municipal Code Section 10-1.3500 (Definitions): Apartment/multiple family dwelling(s), Condominium dwelling(s), and Townhouse dwelling(s).

New Thoroughfare: a Thoroughfare intended for dedication and improvement after Code adoption. See Figure 1-2 and 1-3.

Nominal Parcel: building sites in a condominium subdivision which are regulated by the Lot Width requirements of Table 10 and Table 11.

Notice of Application Receipt: a type of public notice intended to facilitate public participation early in the decision-making process for permit applications.

Office: see Municipal Code Section 10-1.3500 (Definitions).

Open Space: land intended to remain undeveloped; it may be for Civic Space.

Outbuilding: an Accessory Building, usually located toward the rear of the same Lot as a Principal Building, and sometimes connected to the Principal Building by a Backbuilding which may or may not contain a Second Dwelling Unit. *See Table 15.*

Park: a Civic Space type that is a natural preserve available for unstructured recreation. *See Table 10.*

Park & Recreation: a Function consisting of land and facilities, such

as playgrounds, fountains, or swimming pools, regardless of location, including the acquisition of such land, the construction of improvements, provision of pedestrian and vehicular access, and purchase of equipment for the facility.

Parking Facility: a Function characterized by the temporary provision of off-street parking spaces for motor vehicles within or outside of a structure by either a private or public entity. When situated within a Parking Structure, the inclusion of additional non-parking related Functions of this Code do and shall apply.

Parking Structure: a building containing one or more Stories of parking above grade.

Passage (PS): a pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long Blocks and connect rear parking areas to Frontages.

Path (PT): a pedestrian way traversing a Park or rural area, with landscape matching the contiguous Open Space, ideally connecting directly with the urban Sidewalk network.

Pawn Shop: see Municipal Code Section 10-1.3500 (Definitions).

Pedestrian Shed: an area that is centered on a Common Destination.

Personal Services: establishments primarily engaged in the provision of services for the enhancement of personal appearance, cleaning, alteration or reconditioning of garments and accessories, and similar non-business related or nonprofessional services. Typical uses include reducing salons, tanning salons, barber shops, tailors, shoe repair shops, self-service laundries, and dry cleaning shops, but exclude uses classified under the Office and Trade School.

Planter: the element of the Public Frontage which accommodates street trees, whether continuous or individual.

Plaza: a Civic Space type designed for Civic purposes and Commercial activities in the more urban Transect Zones, generally paved and spatially defined by building Frontages.

Police Station: a Function synonymous with Public Agency Facilities, as defined within Municipal Code Section 10-1.3500 (Definitions).

Precise Plan Line: see Municipal Code Section 10-4.12.

Principal Building: the main building on a Lot, usually located toward the Frontage. *See Table 12.*

Principal Entrance: the main point of access for pedestrians into a building.

Principal Frontage: on corner Lots, the Private Frontage designated to bear the address and Principal Entrance to the building, and the measure of minimum Lot Width. Prescriptions for the parking Layers pertain only to the Principal Frontage. Prescriptions for the first Layer pertain to both Frontages of a corner Lot. *See* **Frontage.**

Printing and Publishing: a small-scale establishment engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic

(xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving, and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices.

Public Agency Facilities: see Municipal Code Section 10-1.3500 (Definitions).

Private Frontage: the privately held Layer between the Frontage Line and the Principal Building Facade. *See Table 5 and Table 12.*

Public Frontage: the area between the Curb of the vehicular lanes and the Frontage Line. *See Table 15.*

Rear Alley (RA): a vehicular way located to the rear of Lots providing access to service areas, parking, and Outbuildings and containing utility easements. Rear Alleys should be paved from building face to building face, with drainage by inverted crown at the center or with roll Curbs at the edges.

Rearyard Building: a building that occupies the full Frontage Line, leaving the rear of the Lot as the sole yard. *See Table 8.* (Var: Rowhouse, Townhouse, Apartment House)

Recycling Collection Area: see Municipal Code Section 10-1.3500 (Definitions).

Regulating Plan: a Zoning Map or set of maps that shows the Transect Zones, Civic Zones, Special Districts if any, and Special Requirements if any, of areas subject to, or potentially subject to, regulation by South Hayward/Mission Boulevard Form-Based Code and pertinent Municipal Code provisions.

Religious Facility: see Municipal Code Section 10-1.3500 (Definitions). See Sec. 10-24.235 for special requirements.

Residential: characterizing premises available for long-term human dwelling.

Restaurant: see Municipal Code Section 10-1.3500 (Definitions). Includes Micro-Breweries as accessory to the Restaurant and stand-alone Catering Facilities.

Retail Frontage: Frontage designated on a Regulating Plan that requires or recommends the provision of a Shopfront, encouraging the ground level to be available for Retail Sales use. *See* **Special Requirements.**

Retail Sales: a Function characterizing establishments engaged in the sale of goods and merchandise. See Table 9.

Review Authority: the City Council, Planning Commission or Development Services Director. A Review Authority is charged with reviewing a particular permit application. *See Table 14.*

Road (RD): a local, rural and suburban Thoroughfare of low-to-moderate vehicular speed and capacity. This type is allocated to the more rural Transect Zones (T1-T3). *See Table 2.*

Rowhouse: a single-family dwelling that shares a party wall with another of the same type and occupies the full Frontage Line. See **Rearyard Building.** (Syn: **Townhouse)**

Second Dwelling Unit: a dwelling unit that is accessory, supplementary, and secondary to the principal dwelling, which may be constructed as an addition to the principal structure or as an accessory to the principal structure.

Secondary Frontage: on corner Lots, the Private Frontage that is not the Principal Frontage. As it affects the public realm, its First Layer is regulated. *See Table 15.*

Semi-Intensive Green Roof: a building roof with specifications between the Extensive and Intensive Green Roof systems. This type requires more maintenance, has higher costs, and weighs more than the Extensive Green Roof.

Setback: the area of a Lot measured from the Lot line to a building Facade or Elevation that is maintained clear of permanent structures, with the exception of Encroachments authorized by this Code. (Var: build-to-line.)

Shopfront: a Private Frontage conventional for Retail Sales use, with substantial glazing and an awning, wherein the Facade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. *See Table 5.*

Sidewalk: the paved section of the Public Frontage dedicated exclusively to pedestrian activity.

Sideyard Building: a building that occupies one side of the Lot with a Setback on the other side. This type can be a Single or Twin depending on whether it abuts the neighboring house. *See Table 8.*

Small Group Homes/Residential Care Facilities: group homes/residential care facilities for six or fewer persons that operate as a regular residential use.

Small Group Supportive Housing: " Small Group Supportive Housing" means housing for six or fewer persons, configured as regular housing developments, with no limit on length of stay, that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. See Sec. 10-25.295 for special requirements.

Small Group Transitional Housing: "Small Group Transitional Housing" (per California Health and Safety Code 50675.2 (h)) means housing for six or fewer persons configured as regular housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. See Sec. 10-25.295 for special requirements.

Small-size tree: single or multi trunk plant with a minimum 7 feet of natural vertical clearance at maturity to accommodate people to walk

under with a minimum of 15 feet diameter canopy.

Special Requirements: provisions of Section 10-24.210(a) of this Code and/or the associated designations on a Regulating Plan or other map for those provisions.

Square: a Civic Space type designed for unstructured recreation and Civic purposes, spatially defined by building Frontages and consisting of Paths, lawns and trees, formally disposed. S*ee Table 10.*

Stepback: a building Setback of a specified distance that occurs at a prescribed number of Stories above the ground. *See Table 7.*

Stoop: a Private Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk for privacy, with an exterior stair and landing at the entrance. *See Table 5.*

Story: a habitable level within a building, excluding an Attic or raised basement. *See Table 7.*

Street (ST): a local urban Thoroughfare of low speed and capacity. *See Table 2*.

Streetscreen: a freestanding wall built along the Frontage Line, or coplanar with the Facade. It may mask a parking lot from the Thoroughfare, provide privacy to a side yard, be accompanied by landscaping, and/or strengthen the spatial definition of the public realm. (Syn: streetwall.)

Swale: a low or slightly depressed natural area for drainage.

Tattoo Parlor: see Municipal Code Section 10-1.3500 (Definitions).

Taxi Company: see Municipal Code Section 10-1.3500 (Definitions).

T-zone: Transect Zone.

Temporary Use: see Municipal Code Section 10-1.3500 (Definitions).

Terminated Vista: a location on the Regulating Plan at the axial conclusion of a Thoroughfare.

Theater: see Municipal Code Section 10-1.3500 (Definitions) and Municipal Code Section 10-1.1045 for special requirements.

Third Lot Layer: that portion of a Lot bounded by (a) the side Lot Lines, (b) the Rear Lot Line and (c) a line which is 20 feet from and parallel to the Façade of the Primary Building situated on or to be situated on the Lot. See Table 15, item d, Definitions Illustrated, Lot Layers and Table 15, item e, Definitions Illustrated, Frontage and Lot Lines.

Thoroughfare: a way for use by vehicular and pedestrian traffic and to provide access to Lots and Open Spaces, consisting of Vehicular Lanes and the Public Frontage. *See Table 2, Figure 1-2 and Figure 1-3.*

Thoroughfare Plan: a component of the South Hayward BART/ Mission Boulevard Form-Based Code Zoning Map that shows planned changes to existing Thoroughfares and the general location of planned new Thoroughfares. *See Figure 1-2.*

Townhouse: see **Rearyard Building.** (Syn: **Rowhouse**)

Transect: a cross-section of the environment showing a range of different habitats. The rural-urban Transect of the human environment used in the SmartCode template is divided into six Transect Zones. These zones describe the physical form and character of a place, according to

the Density and intensity of its land use and Urbanism.

Transect Zone (T-zone): one of several areas on a Zoning Map regulated by the South Hayward BART/Mission Boulevard Form-Based Code. Transect Zones are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, Density, height, and Setback requirements, other elements of the intended habitat are integrated, including those of the private Lot and building and Public Frontage. *See Table 1.*

Transit-Oriented Development: a mixed-use Residential or Commercial area designed to maximize access to public transport; often incorporating features to encourage transit ridership.

Urban Farm: agricultural land dedicated to food production to be locally consumed. (Syn: Community Garden)

Urbanism: collective term for the condition of a compact, Mixed Use settlement, including the physical form of its development and its environmental, functional, economic, and sociocultural aspects.

Vegetable Garden: a privatized area of land managed and maintained to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. A Vegetable Garden may be incorporated into and count towards the minimum Common Open Space area.

Vertical Axis Wind Turbine: a Wind Turbine with its rotor on the vertical axis. Blades are usually helical, more compact than the Horizontal Axis Wind Turbine and do not have to rotate to face the prevailing wind.

Vocational School: see Municipal Code Section 10-1.3500 (Definitions).

Wind Energy: a Function synonymous with Wind Energy Conversion System (Municipal Code Section 10-1.3500).

Wind Turbine: a rotary device for converting wind energy into mechanical or electrical energy.

Zoning Map: the official map or maps that are part of the zoning ordinance and delineate the boundaries of individual zones and districts. See **Regulating Plan.**

10-24.510 RULES OF INTERPRETATION

a. Provisions of this Code are activated by “shall” when required; “should” when recommended; and “may” when optional.

b. Capitalized terms used throughout this Code are defined in Section 10-24.505 (Definitions of Terms). Section 10-24.505 contains regulatory language that is integral to this Code. Terms not defined in Section 10-24.505 shall be accorded their commonly accepted meanings. In the event of conflicts between these definitions and

those found within the remainder of the Municipal Code Chapter 10 (Planning, Zoning and Subdivisions), those of this Code shall take precedence.

c. The metrics of Section 10-24.300 (Standards and Tables) are an integral part of this Code. However, the diagrams and illustrations that accompany them should be considered guidelines, with the exception of those on Table 12A and 12B (Form-Based Code Graphics), which are legally binding.

d. Where in conflict, numerical metrics shall take precedence over graphic metrics.

e. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words “includes” and “including” shall mean “including but not limited to . . .”

f. Within the Code, sections are occasionally prefaced with “purpose” or “intent” statements. Each such statement is intended as an official statement of legislative finding or purpose. The “purpose” or “intent” statements are legislatively adopted, together with their accompanying Code text. They are intended as a guide to the administrator and interpretation of the Code and shall be treated in the same manner as other aspects of legislative history. However, they are not binding standards.

g. Whenever a number of days is specified in this Code, or in any permit, condition of approval, or notice provided in compliance with this Code, the number of days shall be construed as calendar days. A time limit shall extend to 5:00 p.m. on the following working day when the last of the specified number of days falls on a weekend or holiday.

h. Whenever the Director determines that the meaning or applicability of any requirement of this Code is subject to interpretation generally, or as applied to a specific case, the Director may issue an official interpretation. The Director may also forward any interpretation of the meaning or applicability of any provision of this Code directly to the Commission for a determination at a public meeting.

    i. The issuance of an interpretation shall include findings stating the basis for the interpretation. The basis for an interpretation may include technological changes or new industry standards.

The issuance of an interpretation shall also include a finding documenting the consistency of the interpretation with the General Plan.

ii. Official interpretations shall be:

(1) Written, and shall quote the provisions of this Code being interpreted, and the applicability in the particular or general circumstances that caused the need for interpretations, and the determination;

(2) Distributed to the Council, Commission, Director, City Manager, City Attorney, City Clerk, and Development Services Department staff; and

(3) Compiled into a single volume made readily available to the public.

iii. Any interpretation of this Code by the Director may be appealed to the Commission in compliance with Municipal Code Section 10-1.2845 (Appeal and Review Process).

iv. If there is uncertainty about the location of any zone boundary shown on the Regulating Plan, the location of the boundary shall be determined by the Director as follows.

(1) Where a zone boundary approximately follows a Lot line, alley, or street line, the Lot line, street or alley centerline shall be construed as the zone boundary, as applicable;

(2) If a zone boundary divides a parcel and the boundary line location is not specified by distances printed on the Regulating Plan, the location of the boundary will be determined by using the scale appearing on the Regulating Plan; and

(3) Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zone of the adjoining property on either side of the vacated or abandoned street or alley.

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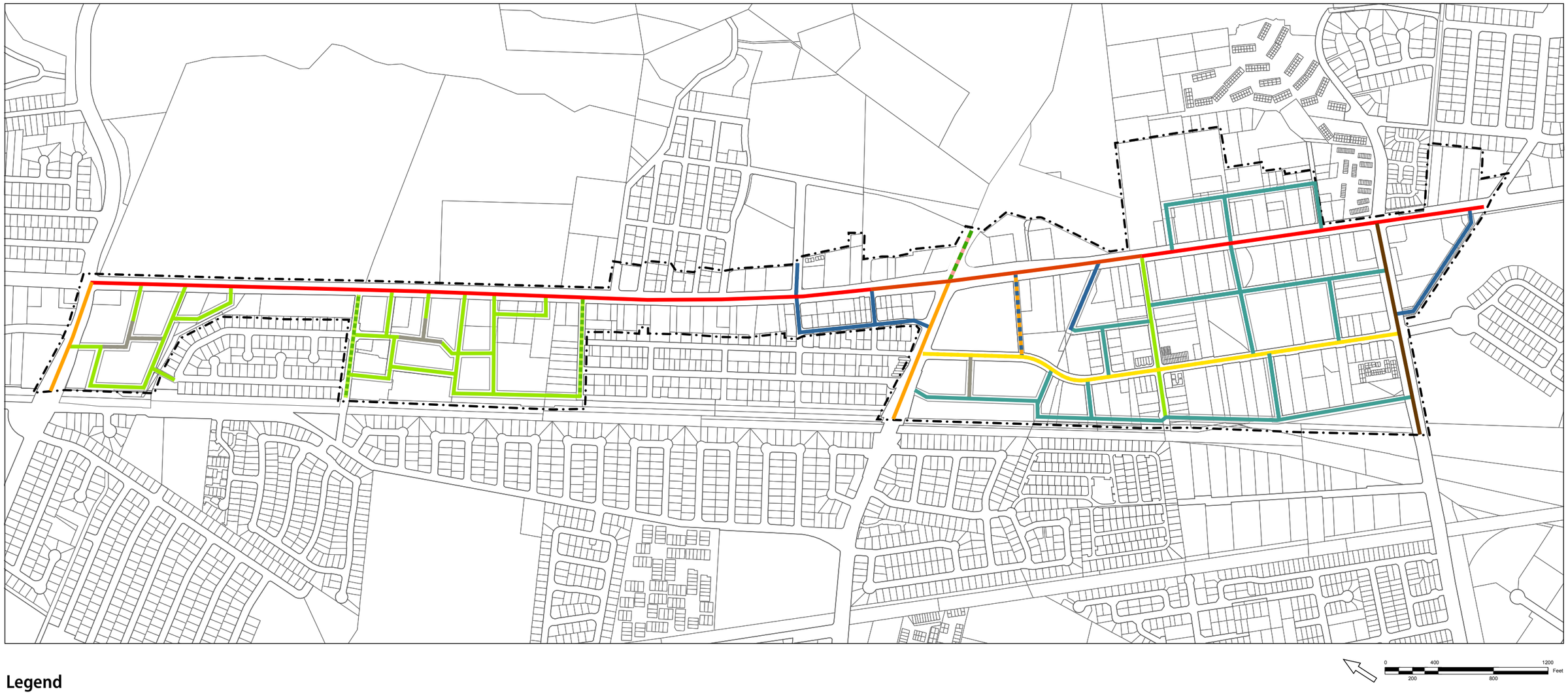
THOROUGHFARE PLAN (Figure 1-2)

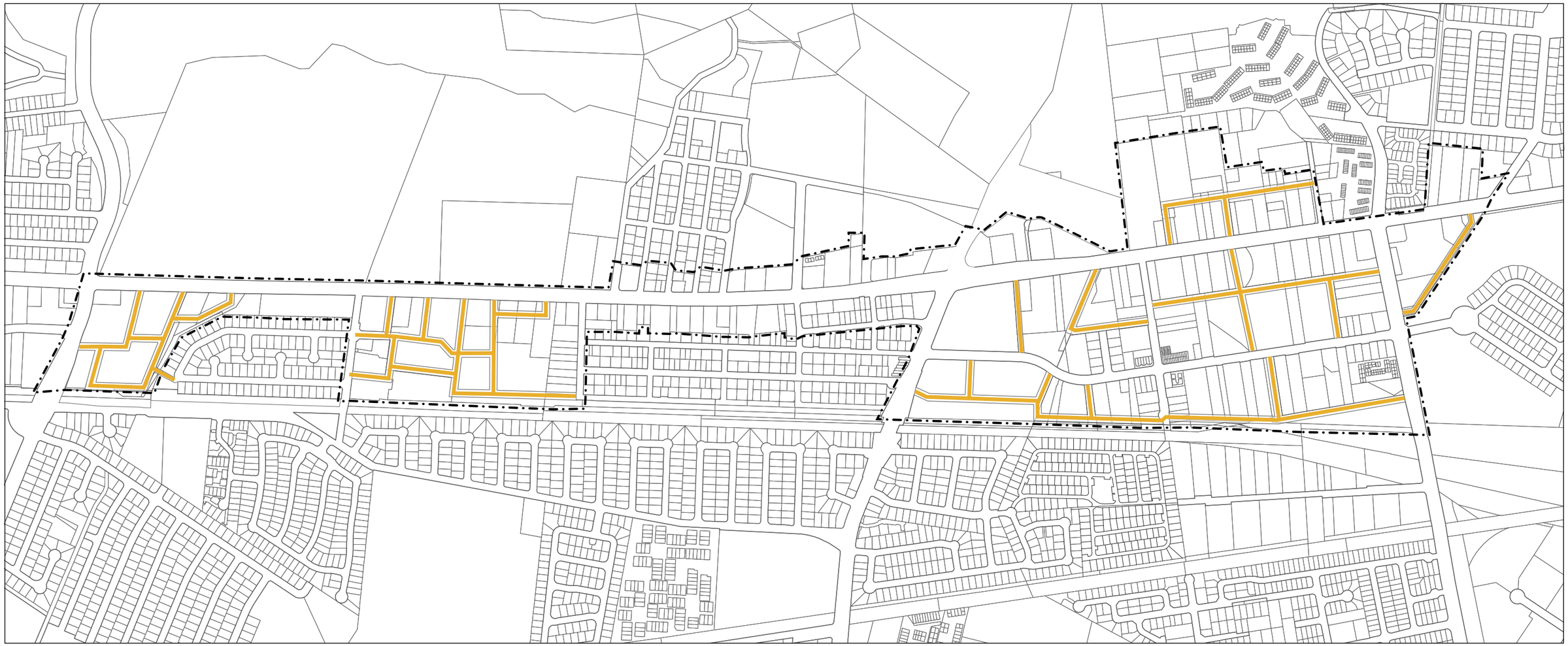


Legend

- Project Area
- Parcels
- ST-40-23-BR
- ST-50-28-BR
- ST-60-34-BR
- ST-60-36-BR
- ST-56-34-BR
- ST-66-46-BL
- CS-80-54-BR
- AV-110-72-BL
- AV-100-64/76-TR *
- BV-125-48-BL
- PS-32.5-26

* A Slip Lane (SL-40-20-BR or SL-48-28-BR) may be added on either side of Mission Boulevard, in accordance with Sec. 10-24.275.g.iii

EXISTING AND NEW THOROUGHFARE PLAN (Figure 1-3)



Legend

- Project Area
- Parcels
- Existing Thoroughfares
- New Thoroughfares

South Hayward BART / Mission Blvd Form-Based Code

Draft Supplemental Program EIR

SCH# 2005092093

City of Hayward
Development Services Department
777 B Street, Hayward, CA 94541

April 2011

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URBAN PLANNING, ENVIRONMENTAL ANALYSIS & PROJECT MANAGEMENT | www.lamphier-gregory.com

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INTRODUCTION

PURPOSE

The California Environmental Quality Act and the Guidelines promulgated thereunder (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 this Supplemental Program 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.

PROPOSED PROJECT

The subject of this EIR is the South Hayward BART/Mission Boulevard Form-Based Code (i.e., the "Project"), which can be viewed on the City of Hayward's website at: http://www.hayward-ca.gov/forums/SHBARTFBC/shbartfbcforum.shtm. As proposed, the provisions of the Project would replace the majority of existing Zoning Regulations applicable to an approximately 240-acre area along Mission Boulevard and centered on the South Hayward BART Station (i.e., the Project area). This includes requisite amendments to the Zoning Map resulting in the application of Transect Zones and Civic Space Zones.[1] Additionally, the Project would change the General Plan Land Use Map designations for most private parcels within the Project area to Sustainable Mixed Use. Existing and/or planned public schools, parks or mass-transit facilities would receive a Parks and Recreation or Public/Quasi-Public designation. This EIR evaluates the environmental effects associated with future land use and development pursuant to implementation of these new provisions of the Project.

The proposed Project is described in greater detail in Chapter 3, Project Description.

[1] All existing or entitled projects presently zoned Planned Development (PD) would not be affected by the Project.

CEQA DOCUMENT TYPE

BACKGROUND

The potential environmental effects associated with land use and development within the Project area were previously addressed under two separate CEQA documents, the South Hayward BART/Mission Boulevard Concept Design Plan Program EIR and the Route 238 Bypass Land Use Study Program EIR. Collectively, those documents are described as the "Previous CEQA Documents" within this EIR. The South Hayward BART/Mission Boulevard Concept Design Plan Program EIR (i.e., "Concept Design Plan EIR") studied an area coterminous with the current Project. However, the project associated with that Previous CEQA Document entailed text changes to the Hayward General Plan and Zoning Ordinance and changed only a portion of the General Plan Land Use and Zoning designations for parcels within its study area. The Route 238 Bypass Land Use Study Program EIR, associated with a previously proposed bypass freeway in the Hayward foothills, studied General Plan and Zoning designations changes at many parcels through a broad area of Hayward, including a small portion of the current Project area. Each of those prior EIRs studied the potential environmental effects associated with land use policy and zoning changes in a context similar to the current Project, as discussed in greater detail below.

SUPPLEMENTAL EIR

CEQA Guidelines §15162 provides that:

> (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
>
> (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
>
> (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
>
> (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
>
> > (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
> >
> > (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative

In this case, the following two (2) EIRs (i.e., "Previous CEQA Documents") are being supplemented:

- South Hayward BART/Mission Boulevard Concept Design Plan Program EIR (State Clearinghouse No. 2005092093), certified by the Hayward City Council on June 27, 2006; and

- Route 238 Bypass Land Use Study Program EIR (State Clearinghouse No. 2008072066), certified by the Hayward City Council on June 30, 2009.

This Supplemental Environmental Impact Report (SEIR) evaluates the potential environmental impacts that might reasonably be anticipated to result from several modifications to the South Hayward BART/Mission Boulevard Concept Design Plan ("Concept Design Plan") and 238 Bypass Land Use Study; as evaluated in their respective Program EIRs. The proposed modifications include: (1) new General Plan and zoning designation changes; (2) mixed-use zoning throughout the Project area; (3) increased residential densities; and (4) increased commercial space. The net result of these modifications is referred to as the Project ("Project") in this SEIR.

The SEIR also evaluates the potential environmental impacts that might reasonably be anticipated to result from the following circumstances that have changed since certification of the Previous CEQA Documents: (1) the Route 238 Corridor Improvement Project has started construction; (2) the South Hayward Mixed Use transit-oriented development project was approved; and (3) the Mission Paradise development project was approved.

Lastly, this SEIR also evaluates the potential environmental impacts based on the following new information which has become available after certification of the Previous CEQA Documents: (1) the CEQA Guidelines were amended to include requirements for addressing greenhouse gas emissions and global climate change; and (2) new thresholds and guidelines for determining air quality impacts were approved by the Bay Area Air Quality Management District (BAAQMD).

PROGRAM EIR

CEQA Guidelines §15168 provides that Program EIRs may be prepared on a series of actions that can be characterized as one large project and that, as was the case for the Previous CEQA Documents, the current Project consists of the issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program. Implementation of the current Project would require approval of subsequent land use actions, including, but not limited to site plan reviews, subdivision maps, conditional use permits and other entitlements. Therefore, this

document is considered a Program EIR.

The scope of environmental analysis in this Program SEIR is limited to those topics and issues that can be currently identified without being highly speculative. As was contemplated in the Previous CEQA Documents, it is anticipated that additional environmental review will occur as individual land use entitlements are requested in the future. It is further envisioned that this SEIR will be used as the basis for any further environmental analyses and documentation concerning those future land use entitlement requests.

As provided for under CEQA Guidelines §15168(d):

> (d) Use with Subsequent EIRs and Negative Declarations. A program EIR can be used to simplify the task of preparing environmental documents on later parts of the program. The program EIR can:
>
> (1) Provide the basis in an Initial Study for determining whether the later activity may have any significant effects.
>
> (2) Be incorporated by reference to deal with regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole.
>
> (3) Focus an EIR on a subsequent project to permit discussion solely of new effects which had not been considered before.

NOTICE OF PREPARATION

On December 22, 2010, the City of Hayward circulated a Notice of Preparation (NOP) and Initial Study to help identify the types of impacts that could result from the proposed Project, as well as potential areas of controversy. The NOP was mailed by the State Clearinghouse to public agencies considered likely to be interested in the proposed Project and its potential impacts.

Work sessions were held before the Hayward City Council on April 27, 2010, and before the Planning Commission on May 13, 2010, to introduce the proposed Project and to initiate the CEQA process.

Comments received by the City on the NOP and comments made at the prior work sessions were taken into account during the preparation of this Draft SEIR. Two written comments were received: one from the California Department of Transportation, the other from Sherman Lewis of the Hayward Area Planning Association. The NOP, written comments, and the distribution list are provided in **Appendix A**.

SUPPLEMENTAL EIR SCOPE

A SEIR need contain only the information necessary to make the previous EIR adequate for the project, as revised.

As part of the preliminary analysis of the current Project, the City prepared an Initial Study (included in **Appendix B**) to determine the appropriate level of analysis to be undertaken for evaluation of the potential environmental effects that could result from implementation of the Project. Based on this preliminary analysis, the City concluded that the Project would not necessitate the preparation of a Subsequent EIR pursuant to CEQA Guidelines §15162(a) since only minor additions or changes are necessary to make the Previous CEQA Documents adequate for the current Project.

Due to the proposed increase in both residential densities and commercial space, the City determined it necessary to update the traffic and air quality analyses for the Project, since both Previous CEQA Documents identified significant impacts under those topics. The City also acknowledged the need to address global climate change in the SEIR in recognition of recent changes to CEQA for that topic. Lastly, the City determined it necessary to evaluate potential effects to aesthetic resources resulting from the proposed change to the regulations concerning urban form (e.g., building heights, setbacks).

Therefore, the City has prepared this Draft Supplemental Program EIR for the purpose of analyzing and disclosing the potential environmental impacts of the proposed revisions to the Project as they may relate to the topics of: (1) aesthetics; (2) air quality; (3) greenhouse gas emissions; and (4) transportation.

SUPPLEMENTAL EIR ORGANIZATION

Following this brief introduction to the Draft Supplemental Program EIR, the document's ensuing chapters include the following:

Chapter 2: Executive Summary and Impact Overview

Chapter 3: Project Description

Chapter 4: Aesthetics (Impacts/Mitigation Measures Labeled "Aes")

Chapter 5: Air Quality (Impacts/Mitigation Measures Labeled "Air")

Chapter 6: Greenhouse Gases (Impacts/Mitigation Measures Labeled "GHG")

Chapter 7: Transportation and Circulation (Impacts/Mitigation Measures Labeled "Traf")

Chapter 8: Alternatives

Chapter 9: Mandatory CEQA Topics

Chapter 10: References

Appendices

In Chapters 4 through 7, each assessment of potential environmental effects is preceded by a description of the environmental setting, as it relates to the respective environmental topic under

discussion. This is then followed by an evaluation of environmental impacts that may be associated with the Project and the mitigation measures that would reduce or eliminate these impacts, as may be necessary.

SEIR REVIEW PROCESS

This Draft SEIR is intended to enable City decision makers, public agencies and interested citizens to evaluate the environmental consequences associated with the proposed Project. The City of Hayward, as lead agency, will consider the information contained in the EIR prior to making a decision on the Project. As required under CEQA, the City must also respond to each significant effect identified in the SEIR by making findings and if necessary, by making a statement of overriding considerations for significant and unavoidable effects (if any) before approving the Project. In accordance with California law, the EIR on the Project must be certified before any action on the Project can be taken. EIR certification does not constitute Project approval

During the review period for this Draft SEIR, interested individuals, organizations and agencies may offer their comments on its evaluation of Project impacts and alternatives. The comments received during this public review period will be compiled and presented together with responses to these comments in a Final SEIR. Together, the Draft SEIR and the `subsequent Final SEIR will constitute the EIR for the Project. The Hayward Planning Commission will review the SEIR documents at a noticed public meeting and will provide a recommendation as to whether or not the SEIR provides a full and adequate appraisal of the Project and its alternatives. The Hayward City Council will then consider the SEIR, including the Planning Commission's recommendation, at a subsequent noticed public hearing, and will consider whether or not to certify the SEIR and approve the Project.

In reviewing the Draft Supplemental Program EIR, readers should focus on the sufficiency of the document in identifying and analyzing the possible environmental impacts associated with the Project. Readers are also encouraged to review and comment on ways in which significant impacts associated with this Project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or new or modified mitigation measures that would provide better ways to avoid or mitigate significant environmental impacts. Reviewers should explain the basis for their comments and, whenever possible, should submit data or references in support of their comments.

This Draft SEIR will be circulated for a minimum forty-five (45) day public review period. During that public review period, comments should be submitted in writing to:

David Rizk, Director
Development Service Department
City of Hayward
777 B Street
Hayward, CA 94541-5007

Please contact David Rizk at 510-583-4004 or david.rizk@hayward-ca.gov if you have any questions.

After reviewing the SEIR and following action to certify it as adequate and complete, the Hayward City Council will be in a position to approve, revise or reject the Project as currently proposed. 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.

REQUIRED APPROVALS

This Draft SEIR addresses all steps necessary to implement the South Hayward BART/Mission Boulevard Form-Based Code through the following local actions:

- General Plan Land Use Map and Text Amendment to revise all existing designations in the Project area to the Sustainable Mixed Use, Parks and Recreation and Public and Quasi-Public designations, with a Text Amendment to General Plan Appendix C to allow densities with a Sustainable Mixed Use designation up to 100.0 dwelling units per acre, versus the currently allowed range of 25.0 to 55.0 units per acre and to Appendix D, the Zoning Consistency Matrix;

- Zoning Regulations Text Amendment to include the South Hayward BART/Mission Boulevard Form-Based Code as a new Article 24 to Chapter 10 of the Hayward Municipal Code;

- Zoning Map Amendment to revise all existing designations in the Project area to those shown on the Regulating Plan (Figure 1-1 of the South Hayward BART/Mission Boulevard Form-Based Code; Figure 3-7 in this SEIR);

- Repeal the South Hayward BART/Mission Boulevard Special Design Overlay District (SD-6) (Section 10-1.2635 of the Hayward Municipal Code); and

- Repeal the 2006 South Hayward BART/Mission Boulevard Concept Design Plan.

There are no other agency (e.g., regional, state, federal) approvals necessary to approve the Project.

2

EXECUTIVE SUMMARY

PROJECT UNDER REVIEW

PROJECT LOCATION

The South Hayward BART/Mission Boulevard Form-Based Code and its accompanying regulatory changes ("Project") encompass an irregular linear shaped area of approximately 240 acres which is centered upon the South Hayward BART station and Mission Boulevard. The South Hayward BART station is located at the approximate midpoint within the Project area at the intersection of Tennyson Road and Dixon Street. Along Mission Boulevard, the Project extends from Harder Road to just south of Industrial Parkway. The Project area is situated east of the BART tracks running north/south.

Figure 1-1 (Project Boundary), located in Chapter 1 (Introduction), identifies the Project area.

PROJECT DESCRIPTION

The Draft South Hayward BART/Mission Boulevard Form-Based Code, available on the City of Hayward's website at: http://www.hayward-ca.gov/forums/SHBARTFBC/shbartfbcforum.shtm, would essentially replace the majority of existing Zoning Regulation provisions applicable to the Project area. This includes requisite amendments to the Zoning Map resulting in the application of Transect Zones and Civic Space Zones. Additionally, the Project would change the General Plan Land Use Map designations for most parcels within the Project area to Sustainable Mixed Use. Existing and/or planned public schools, parks or mass-transit facilities would receive a Parks and Recreation or Public/Quasi-Public designation.

The proposed Project is described in greater detail in Chapter 3, Project Description.

SUMMARY OF IMPACTS AND MITIGATION MEASURES

This summary provides an overview of the analysis contained in Chapters 4 through 6. CEQA Guidelines §15123(b) requires a summary to include discussion of: (1) each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect; (2) areas of controversy known to the lead Agency including issues raised by agencies and the public; and (3) issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects.

The following section is organized as follows: (1) a summary of the Initial Study findings; (2)

potential areas of controversy; (3) significant and significant unavoidable impacts; and (4) alternatives to the proposed project that would reduce or avoid the environmental impacts of the project. A summary is also required to discuss issues to be resolved, including the choice among alternatives, and whether or how to mitigate significant environmental effects.

INITIAL STUDY FINDINGS

The potential environmental effects associated with land use and development within the Project area were previously addressed under two separate CEQA documents, the South Hayward BART/Mission Boulevard Concept Design Plan Program EIR and the Route 238 Bypass Land Use Study Program EIR. Collectively, those documents are described as the "Previous CEQA Documents" within this EIR.

The City prepared an Initial Study to identify potential impacts that could occur with development of the modified project, as compared to those that would occur with the South Hayward BART/Mission Boulevard Concept Design Plan and Route 238 Bypass Land Use Study. The Initial Study concluded that there would be no additional impacts to the following environmental issues, beyond those considered in the Previous CEQA Documents:

- Agriculture
- Biology
- Cultural Resources
- Geology
- Hazards and Hazardous Materials
- Hydrology
- Land Use
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Utilities

The Initial Study describes that many mitigation measures found within the Previous CEQA Documents are recommended to be uniformly applied across the Project area. The Previous CEQA Documents included study areas that overlapped but which were not coterminous. The City determined it desirable to consolidate, for this current Project, all mitigation measures within the Previous CEQA Documents in order to simplify their applicability to future development proposals. For a complete description of the Initial Study findings, please refer to **Appendix B** to this SEIR.

POTENTIAL AREAS OF CONTROVERSY

Two (2) comment letters were received on the Notice of Preparation (NOP) and each spoke to the following summarized transportation and circulation issues:

- California Department of Transportation (Caltrans) encourages locating housing and jobs near mass transit nodes, requests the traffic impact study include certain details, and

incorrectly states that Tennyson Road constitutes a State right-of-way. In conjunction with the Route 238 Corridor Improvement Project, Mission Boulevard was recently relinquished to the City of Hayward.

- Sherman Lewis, President of the Hayward Area Planning Association, suggests revisiting parking-related mitigation measures in the Previous CEQA Documents and that the City consider adopting additional parking policies and regulations, not encompassed within the Project, to address long-term traffic impacts. Mr. Lewis also provides specific recommendations for the South Hayward Mixed-Use Project of which is not the subject of this Draft SEIR, nor the Previous CEQA Documents.

SIGNIFICANT, SIGNIFICANT UNAVOIDABLE & CUMULATIVE IMPACTS

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."

While significant impacts were identified in the Previous CEQA Documents and those impacts would be carried forward with the current Project, implementation of the current Project, as modified from that analyzed in the Previous CEQA Documents, would not result in any new or substantially more severe significant impacts.

IMPACTS DETERMINED NOT TO BE SIGNIFICANT

The following impact topic areas were analyzed in this Draft SEIR and determined as a result of the Project to have no impact, a less than significant impact, or to be less than significant after mitigation:

- Aesthetics
- Air Quality
- Greenhouse Gas Emissions
- Traffic

Impact analysis is included in Chapters 4 through 7 of this Draft SEIR. Impacts and mitigation measures are summarized in **Table 2-1** below.

SUMMARY TABLE

Information in **Table 2-1**, Summary of Impacts and Mitigation Measures, has been organized to correspond with environmental issues discussed in Chapters 4 through 7. The table is arranged in four columns: (1) potential environmental impacts; (2) recommended mitigation measures; and (3) resulting level of significance after mitigation. Levels of significance are categorized as follows: SU = Significant and Unavoidable; S = Significant; and LTS = Less Than Significant.

A series of mitigation measures is noted where more than one mitigation measure is required to achieve a less-than-significant impact, and alternative mitigation measures are identified when available. For a complete description of potential impacts and recommended mitigation measures associated with the modified project, please refer to the specific discussions in Chapters 4 through 7.

TABLE 2-1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
Significant and Unavoidable Impacts		
N/A	N/A	N/A
Less than Significant Impacts After Mitigation		
Air-2: Siting of Sensitive Receptors Near Highway Emissions and Related Risks. Development anticipated under the Project would bring additional sensitive uses (which could include residences, schools, day care centers, playgrounds, and medical facilities) to sites exposed to increased health risks from vehicle emissions from Mission Boulevard (Highway 238). Such exposure would represent a potentially significant impact.	**Air-2**: Highway Overlay Zone. The Project shall include an overlay zone extending 500 feet from Mission Boulevard or a reduced distance if coordinated with BAAQMD. This overlay zone shall include the following considerations and mitigation: <u>Indoor Air Quality:</u> In accordance with the recommendations of the California Air Resources Board (CARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential health risk due to exposure to diesel particulate matter to achieve an acceptable interior air quality level for sensitive receptors. The appropriate measures shall include one of the following methods: (a). Development project applicants shall implement all of the following features that have been found to reduce the air quality risk to sensitive receptors and shall be included in the project construction plans. These features shall be submitted to the Development Services Department for review and approval prior to the issuance of a demolition, grading, or building permit and shall be maintained on an ongoing basis	LTS

TABLE 2-1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
	during operation of the project. i. For sensitive uses (residences, schools, day care centers, playgrounds, and medical facilities) sited within the overlay zone from Mission Boulevard, the applicant shall install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual unit, that meets or exceeds an efficiency standard of MERV 13. The HV system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85% supply filters shall be used. Project applicants shall maintain, repair and/or replace HV system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HV system and the filter. The manual shall include the operating instructions and the maintenance and replacement schedule. This manual shall be included in the CC&Rs for residential projects and/or distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the HV system and the filters. (b) Alternative to (a) above, a project applicants proposing siting of sensitive uses (residences, schools, day care centers, playgrounds, and medical facilities) within the overlay zone around Mission Boulevard shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the	

TABLE 2-1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES		
Potential Environmental Impacts	**Recommended Mitigation Measures**	**Resulting Level of Significance**
	exposure of project residents/occupants/users to air polluters prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Development Services Department for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required. <u>Exterior Air Quality:</u> (c) To the maximum extent practicable, individual and common exterior open space proposed as a part of developments in the Project area, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants. (d) Alternative to (c) above, an HRA could be prepared and implemented to take into account the risk specifics of the site, as more fully described in item (b) above.	
Traf-1: (Dixon Street-East 12th Street at Tennyson Road) Adding Project-generated traffic to the 2025 Baseline would cause this intersection to operate at LOS F in the AM peak-hour condition. This would be a potentially significant impact.	**Traf-1**: (LOS at Dixon Street/Tennyson Road) Create an exclusive right turn pocket and a shared through-left turn lane in the southbound direction (on the East 12th Street approach). Lane geometries in the northbound direction would include an exclusive left-turn pocket and a shared through-right turn lane. Signal phasing would be changed to split phasing in the northbound and southbound directions, with a southbound right-turn overlap during eastbound and westbound protected left turn phases. U-turns in the eastbound direction would be	LTS

TABLE 2-1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES		
Potential Environmental Impacts	**Recommended Mitigation Measures**	**Resulting Level of Significance**
	prohibited to minimize conflicts with southbound right-turning vehicles.	
Traf-2: (LOS at Mission Boulevard/Industrial Parkway) Adding Project-generated traffic to the 2025 Baseline would cause this intersection to operate at LOS E in the AM peak-hour. This would be a potentially significant impact.	**Traf-2**: (LOS at Mission Boulevard/Industrial Parkway) For the westbound right turn lane, provide an overlapping signal with the southbound left protected phase.	
Traf-3: (LOS at Mission Boulevard/Tennyson Road) Mission Boulevard at Tennyson Road is projected to operate at LOS E in the AM peak-hour under the current Project. This is considered a potentially significant impact.	**Traf-3:** (LOS at Mission Boulevard/Tennyson Road) Split phasing signal timing in the eastbound and westbound directions is already being constructed as part of the Route 238 Corridor Improvement Project. However, in addition to the split phasing, the following would need to be accomplished: (a) convert the eastbound through lane to an eastbound shared through-left lane, and (b) stripe the westbound approach to a shared left-through lane and an exclusive right turn lane, and (c) provide overlap phasing for westbound and eastbound right turns; and (d) prohibit northbound and southbound U-turns to avoid conflicts with the right turn overlap phasing.	
Traf-4: (LOS at Mission Boulevard/Harder Road) Adding Project-generated traffic to the Year 2025 Baseline would cause the Mission Boulevard/Harder Road intersection to operate at LOS E in the PM peak-hour. This would be considered a potentially significant impact.	**Traf-4:** (LOS at Mission Boulevard/Harder Road) Convert the signal phasing of this intersection to split phasing with right-turn overlap phasing in the eastbound and westbound directions during the northbound and southbound protected left-turn phase. In conjunction with the signal phasing changes, accomplish the following: (a) convert one eastbound exclusive left turn lane into a shared left and through; (b) convert one eastbound through lane into an exclusive right; and (c) provide overlap phasing for the westbound right turns and for the eastbound right turns, and (d) prohibit northbound and southbound U-turns to avoid conflicts with the right turn overlap	

TABLE 2-1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES		
Potential Environmental Impacts	**Recommended Mitigation Measures**	**Resulting Level of Significance**
	phasing.	
Less than Significant Impacts with No Mitigation Required		
Aes-1: The Project would increase building heights at locations that may, depending upon the vantage point, impact scenic vistas of the Hayward Hills. However, the Project would require Site Plan Review for all proposed new developments and additions or alterations to existing development and, therefore, result in a less than significant impact.	Replace Concept Design Plan EIR Mitigation Measure 4.1-2 with Form-Based Code's Site Plan Review process (Zoning Ordinance §10-1.3000).	LTS
Air-1: Conflict with Clean Air Plan. Development anticipated as a result of the Project would increase development intensity beyond that assumed in the CAP, but would support the goals of the CAP, including applicable control measures. This would be a less-than-significant impact.	No mitigation warranted.	LTS
Traf-5: (Design Feature Hazard) The Project includes planned new thoroughfares connecting to existing thoroughfares. Detailed engineering safety studies of each planned new thoroughfare, including their intersection with existing thoroughfares, has not been accomplished to date. However, the Project would require a detailed examination of new thoroughfares through an existing "Precise Plan Lines for Streets" review process. Implementation of this review process would ensure that the design of these new roads does not result in a roadway design hazard. Thus, a less than significant would result under this criterion.	No mitigation warranted	LTS

TABLE 2-1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
GHG-1: Generation of Long-Term Operational GHG Emissions. The Project would generate long-term operational GHG emissions over its lifetime. However, the Project's GHG efficiency, which accounts for the population and employment of the Project area, would be below the BAAQMD's GHG efficiency-based threshold. Therefore, the Project would not generate a level of GHG emissions that would have a significant impact on global climate change. As a result, this impact would be less than cumulatively considerable and less than significant.	No mitigation warranted	LTS
GHG-2: GHG reductions are addressed statewide by the AB 32 Scoping Plan, regionally by the Bay Area 2010 CAP, and locally through the Hayward Climate Action Plan (CAP) The proposed Project is consistent with the reduction strategies presented in these documents and therefore would result in no impact related to GHG reduction plan consistency.	No mitigation warranted	LTS

ALTERNATIVES TO THE PROJECT

As noted in the Initial Study prepared for the Draft SEIR, the impacts of the Project would be similar or slightly less than those identified in the Previous CEQA Documents for many topics. The Project is similar in many respects to the plans evaluated in those Previous CEQA Documents. The overall impacts of the currently approved plans and the Project are similar.

The "No Project" alternative is considered the environmentally superior alternative in the strict sense that it would avoid the single new significant (but mitigable) impact (i.e., Air-2) presented by the current Project. However, this would come at the expense of the current Project's objectives, which would not be achieved.

In cases where the "No Project" alternative is identified as the environmentally superior

alternative, CEQA requires that the second most environmentally superior alternative be identified. Comparison of the environmental impacts associated with each alternative indicates that each of the other alternatives (i.e., six (6) alternatives within the Previous CEQA Documents) would lead to a complex mix of impacts that would be greater and/or lesser than the current Project, depending on the topic.

The current Project would generally represent the next-best alternative in terms of the fewest impacts and it would meet the City's objectives to the same extent as the projects evaluated in the Previous CEQA Document. There are no alternative locations to consider since the Project concerns the adoption of land use and development regulations which would not result in parcel-specific impacts

3

PROJECT DESCRIPTION

ENVIRONMENTAL SETTING

Pursuant to California Environmental Quality Act (CEQA) Guidelines §15125(a), the following environmental setting description is based upon the physical conditions as they existed at the time the Notice of Preparation (NOP) was published (i.e., December 22, 2010). Also, while the text within this chapter speaks to the regional and neighborhood settings, more detailed descriptions of the environmental setting are provided in subsequent chapters according to individual environmental topics.

REGIONAL SETTING

The City of Hayward is known as the "Heart of the Bay," due to its central and convenient location in Alameda County along the east side of the San Francisco Bay, twenty-five (25) miles southeast of San Francisco, fourteen (14) miles south of Oakland, twenty-six (26) miles north of San Jose, and ten (10) miles west of the Tri-Valley communities of San Ramon, Dublin and Pleasanton.

The Project area is situated generally at the base of the Hayward Hills. The topography of the Project area is generally flat, with a gradual downward slope to the west towards San Francisco Bay, which is located approximately 5.5 miles to the west.

Mission Boulevard is one of the East Bay's longest, continuous thoroughfares. Though the street name changes depending upon which jurisdiction it is passing through, this thoroughfare spans over thirty (30) miles from Oakland in the north to Fremont in the south. Mission Boulevard's long history as a regional thoroughfare is evident in it's designation as State Route 238 (Hayward south of Industrial Parkway to Fremont) and State Route 185 (Hayward north of A Street to Oakland).

Figure 3-1 (Regional Location) identifies the Project's regional location.

PROJECT AREA LOCATION

The South Hayward BART/Mission Boulevard Form-Based Code ("Project") would apply to an irregular, linear shaped area of approximately 240 acres, which is centered upon the South Hayward BART station and Mission Boulevard (i.e., Project Area). The South Hayward BART station is located at the approximate midpoint within the Project area at the intersection of Tennyson Road and Dixon Street. Along Mission Boulevard, the Project extends from Harder Road to just south of Industrial Parkway. The Project area is situated east of the BART tracks running north/south.

Figure 3-2 (Project Area Location) identifies the Project location.

NEIGHBORHOOD SETTING

Project Area (North to South)

Harder Road to Sorenson Road

The southwest corner of Harder Road and Mission Boulevard consists of a large commercial building occupied by Kmart. Continuing in a southerly direction, a number of smaller commercial buildings containing retail, service and restaurants front onto Mission Boulevard. To the east of Mission Boulevard, outside of the Project area, the entire frontage consists of the Holy Sepulchre Cemetery.

Sorenson Road to Jefferson Street

Bowman Elementary School and the Mission Plaza Shopping Center are the predominate land uses in this segment. An assortment of commercial land uses (e.g., retail, automobile service, restaurant) front Mission Boulevard. Remaining land uses within this segment consist of single-family and multiple-family homes (along Sorenson Road and Jefferson Street) adjacent to the BART tracks. Moreau Catholic High School is located on the east side of Mission Boulevard, outside of the Project area.

Jefferson Street to Tennyson Road

This segment of the Project area consists of multiple vacant properties fronting Mission Boulevard and a variety of commercial land uses (e.g., automobile service, automobile sales, retail, restaurant, gasoline sales) in single-story structures generally fronted by parking lots. Adjoining properties, outside the Project area, include single-family and multiple-family homes either leading up the Hayward Hills to the east or westward toward the BART tracks.

Tennyson Road to Industrial Parkway

This segment is dominated by the South Hayward BART station and broad expanses of vacant and underutilized land interspersed between multiple-family structures. The western Project Area boundary is coterminous with the BART tracks. A few commercial land uses (e.g., office, retail, restaurants, self-storage) are located along Mission Boulevard. The topography of the Hayward Hills becomes more pronounced to the east of the Project area as slopes steepen in the direction of the former La Vista Quarry which is no longer in operation.

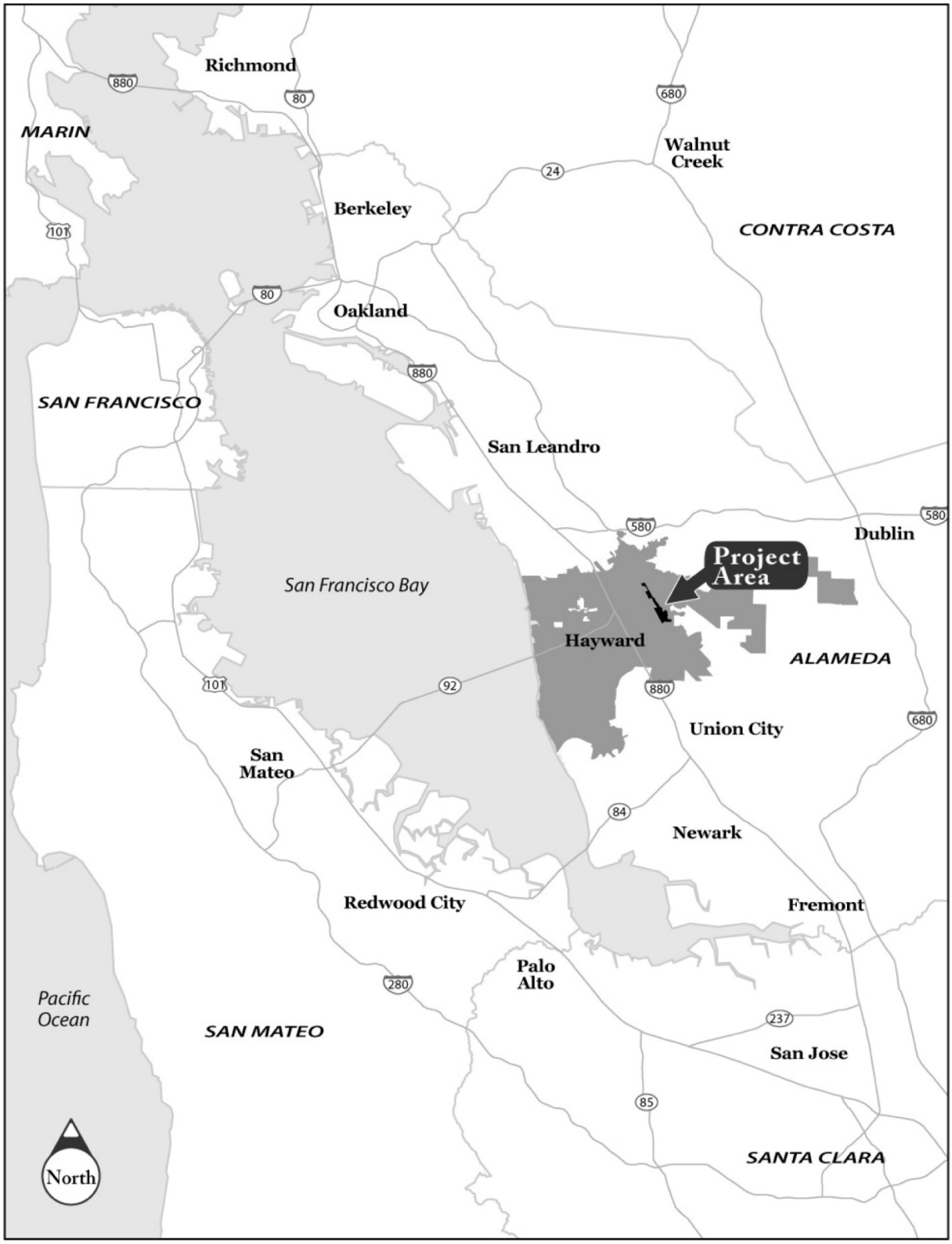


Figure 3-1: Regional Location.

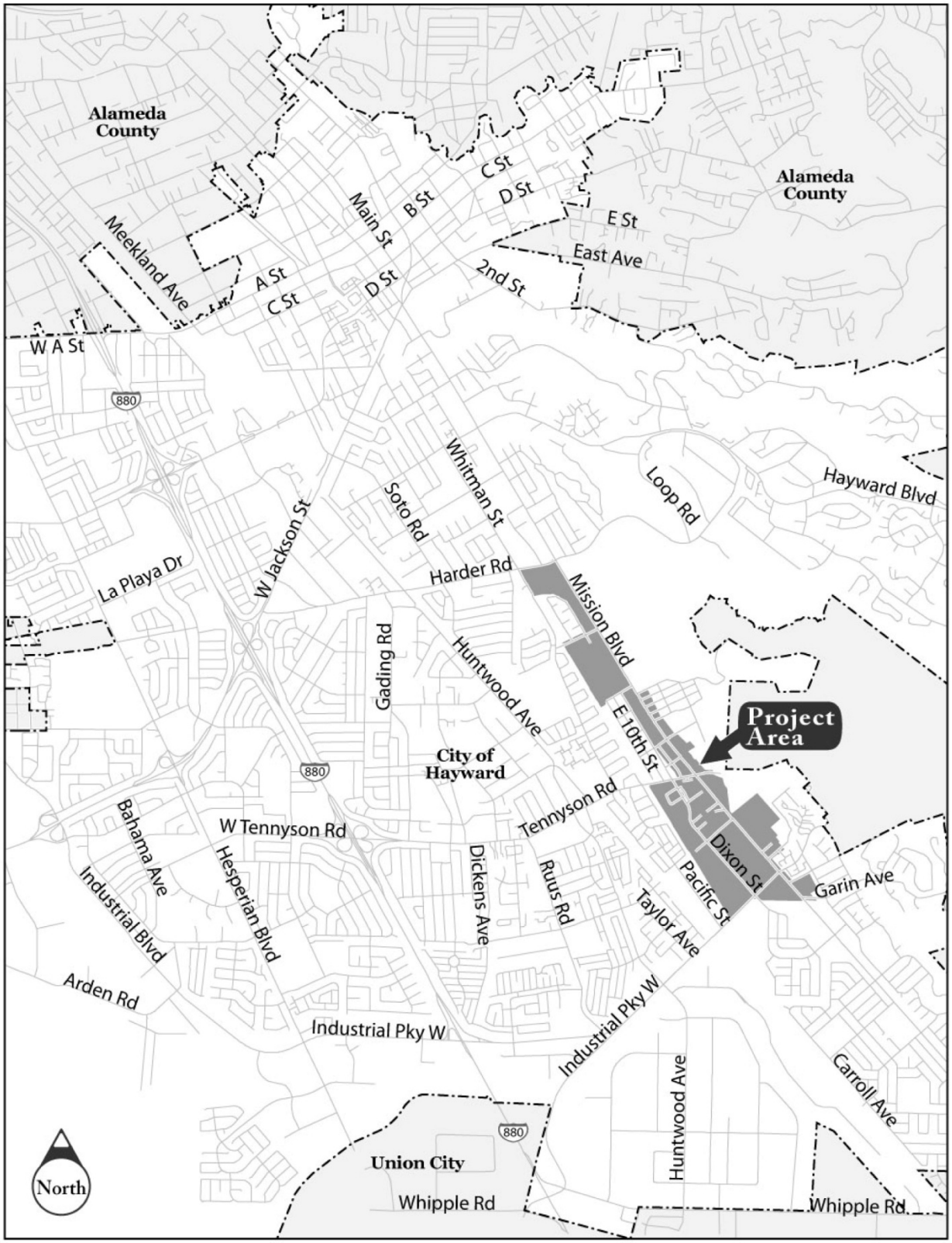


Figure 3-2: Project Area Location.

CURRENTLY APPLICABLE PLANS, POLICIES AND REGULATIONS

Portions of the South Hayward BART/Mission Boulevard Form-Based Code ("Project") area are governed under two (2) planning studies, including the following:

- South Hayward BART/Mission Boulevard Concept Design Plan (June 2006), available at this link: http://www.hayward-ca.gov/forums/SHBART/pdf/SHBART_ConceptPlan_0906_Web.pdf; and

- Route 238 Bypass Land Use Study (May 2009), information available at this link: http://www.hayward-ca.gov/forums/rte-238blus/238blus.shtm.

The South Hayward BART/Mission Boulevard Concept Design Plan (Concept Design Plan) currently regulates an area coterminous with the current Project area. The Concept Design Plan changed General Plan Land Use and zoning designations within the current Project area, which are illustrated in **Figure 3-3** (General Plan) and **Figure 3-4** (Zoning Designations). The Route 238 Bypass Land Use Study also resulted in General Plan and Zoning designation changes, which are also shown in **Figure 3-3** and **Figure 3-4**. Each of these prior planning programs were analyzed in Program EIRs that studied the potential environmental effects of land use policy and zoning changes in a context similar to the current Project, as discussed in greater detail below.

SOUTH HAYWARD BART/MISSION BOULEVARD CONCEPT DESIGN PLAN

The South Hayward BART/Mission Boulevard Concept Design Plan ("Concept Design Plan") resulted in land use policy and regulation changes similar in content and scope to those included in the current Project. These land use policy and regulatory changes were analyzed in a Program EIR certified by the City of Hayward on June 27, 2006.

Plan Description

The Concept Design Plan accomplished various General Plan Land Use Map and Zoning Map changes, including assignment of different land use designations to particular parcels as well as the application of two new land use designations to certain properties. The new General Plan Land Use Map designations included a Station Area Residential (75.0-100 dwellings per acre) and Mission Boulevard Residential (34.8 to 55.0 dwellings per acre) designation. Two new corresponding Zoning Map designations of Station Area Residential and Mission Boulevard Residential were also adopted and applied. Additionally, a new Special Design District (Municipal Code §10-1.2635) was applied to the entire Concept Design Plan area, and text changes to the existing Neighborhood Commercial-Residential (CN-R) Zoning District were adopted. Finally, amendments were made to the City's Off-Street Parking Regulations related to the Concept Design Plan.

The Concept Design Plan also included the adoption of Design Guidelines for street frontages, site access and parking, building character, open space and lighting, signage, and building service elements (see Concept Design Plan pages 57- 80). Those guidelines are intended for application in conjunction with the review requirements of the Special Design District. The Concept Design Plan also includes a set of circulation improvement recommendations to

improve connectivity at certain locations (see Concept Design Plan Pages 81-87). Circulation improvements pertain to pedestrians, bicyclists and vehicles (passenger automobiles and buses).

Pursuant to CEQA Guidelines §15124(b), the Concept Design Plan's Program EIR identified the following objectives:

1. To implement goals and polices within the adopted Hayward General Plan and applicable redevelopment plans.

2. To promote the conversion of older commercial uses that are no longer economically feasible, to a state-of-the-art, urban-scale residential neighborhood containing up to 3,707 additional residential dwellings and up to 67,789 square feet of additional commercial land uses.

3. To provide for intensified land uses to encourage the development of a transit-friendly, smart-growth area near an existing BART station consistent with regional planning objectives.

4. To assist the City of Hayward with meeting quantified housing objectives contained in the City's Housing Element of the General Plan.

5. To provide incentives for landowners to remediate identified soil and groundwater contamination conditions.

6. To provide economic incentives to provide missing public infrastructure improvements or upgrade older such facilities.

7. To provide locations for new public facilities, including a community center and the expansion of Bowman School.

8. To increase local jobs and economic return to the City of Hayward and Hayward Redevelopment Agency.

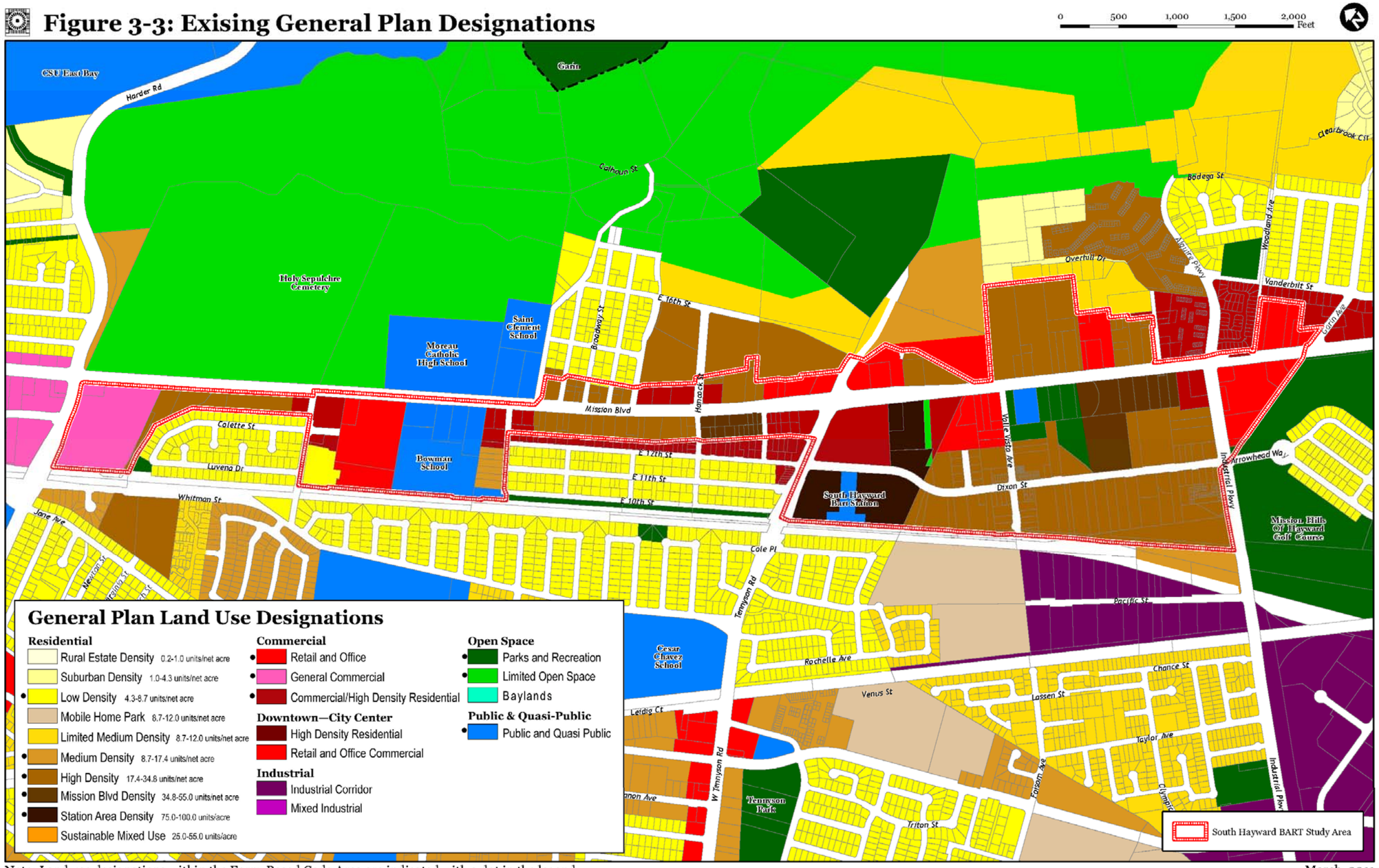
<u>Program EIR Description</u>

While the Concept Design Plan's defined boundary is coterminous with that of the current Project, the Concept Design Plan did not modify the General Plan Land Use Map and Zoning Map designations for all properties within its boundary. Parcels highlighted as "South Hayward BART/Mission Boulevard Concept Design Plan (June 2006)" in **Figure 3-5** (Previous CEQA Documents) had their General Plan and zoning designations changed in June 2006. Those not highlighted retained their prior General Plan and zoning designations.

The Concept Design Plan's Program EIR analyzed three land use alternatives of differing development intensities at an equal level of detail. Environmental areas analyzed included: Aesthetics and Light and Glare, Air Quality, Hazards and Hazardous Materials, Hydrology, Drainage and Water Quality, Noise, Population and Housing, Transportation and Circulation, Utilities and Public Services, and Schools and Parks. The Concept Design Plan Program EIR identified significant and unavoidable impacts for the following:

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

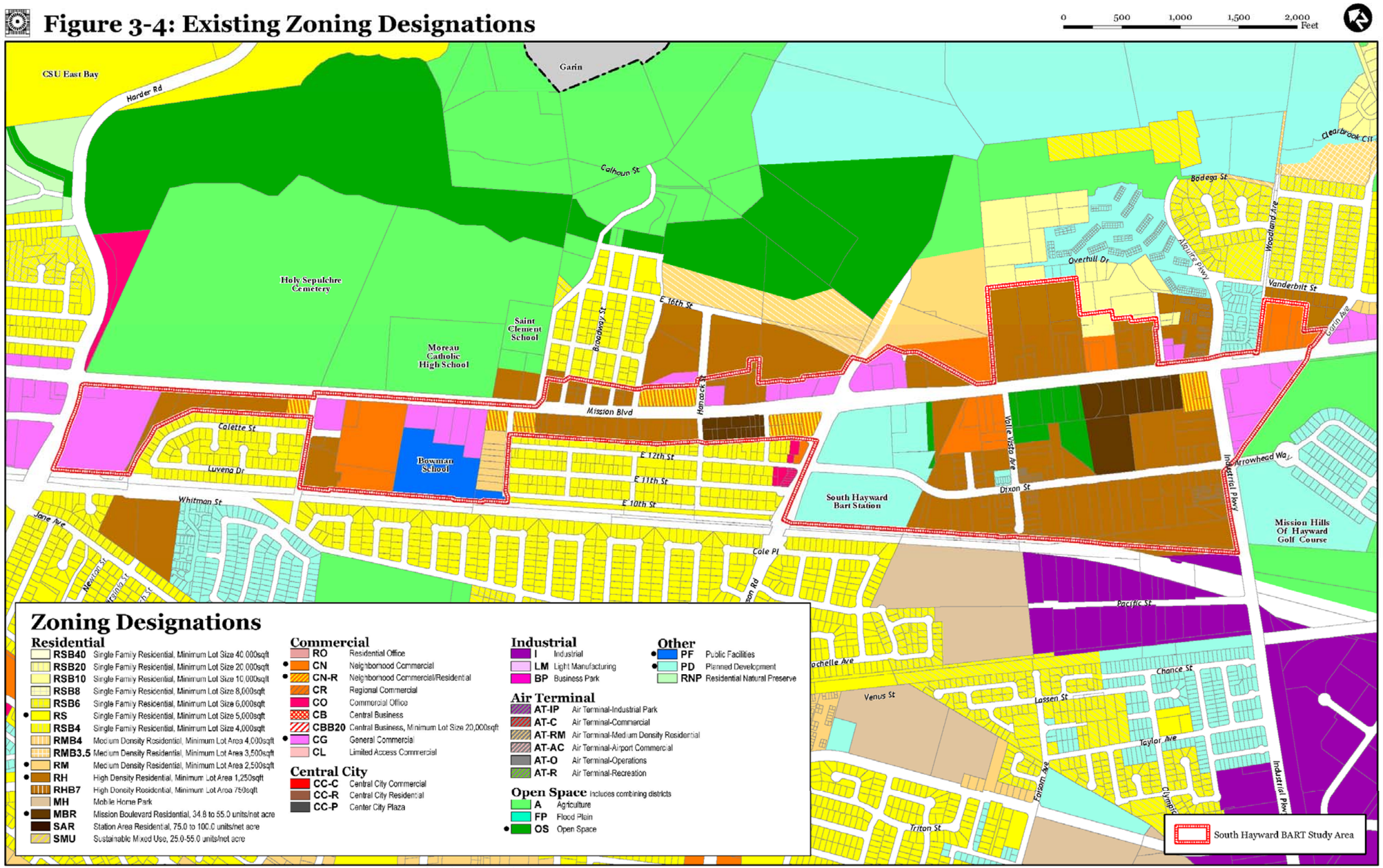
Figure 3-3: Exising General Plan Designations



Note: Land use designations within the Form-Based Code Area are indicated with a dot in the legend.

March, 2011

Figure 3-4: Existing Zoning Designations



Note: Zoning designations within the Form-Based Code Area are indicated with a dot in the legend.

March, 2011

A summary of the assumptions for land use alternatives addressed in the Concept Design Plan Program EIR is shown in the following **Table 3-1** (Concept Design Plan Comparison of Land Use Alternatives).

TABLE 3-1: CONCEPT DESIGN PLAN COMPARISON OF LAND USE ALTERNATIVES

	Net Dwelling Unit Range	Net Commercial Floor Area
Concept Design Plan - Land Use Alternatives		
Suburban Concept Alternative	1,165 to 2,607	-51,533 sq.ft.
Blended Concept Alternative	1,635 to 3,219	-50,347 sq.ft.
Urban Concept Alternative	2,375 to 5,039	67,789 sq.ft.

Ultimately, the Hayward City Council adopted a variation of the Blended Concept Alternative as enumerated in the June 27, 2006 staff report providing for a development potential of 2,814 net new residential dwelling units and a reduction of 4,822 square feet in commercial building floor area. Copies of both the Concept Design Plan and its accompanying Program EIR are available for review at the City of Hayward Permit Center, 777 B Street, Hayward, CA between the hours of 8AM and 5PM, and also available at the following link:

http://www.hayward-ca.gov/forums/SHBART/shbartforum.shtm

ROUTE 238 BYPASS LAND USE STUDY

The Route 238 Bypass Land Use Study ("238 Land Use Study"), like the Concept Design Plan, also resulted in land use policy and regulation changes similar in subject matter to those included in the current Project. These land use policy and regulatory changes were analyzed in a Program EIR certified by the City of Hayward on June 30, 2009.

Study Description

The 238 Land Use Study was initiated as a result of the California Department of Transportation's (Caltrans) decision to not pursue construction of a 238 Bypass Freeway through Hayward. Originally, in anticipation of constructing the 238 Bypass Freeway, Caltrans acquired a number of vacant and developed properties within the planned freeway right-of-way. Some, but not all of the Caltrans properties are contiguous to each other. As a response to Caltrans decision to not construct the 238 Bypass Freeway, the City of Hayward prepared the 238 Land Use Study to assess and ultimately adopted General Plan Land Use Map and Zoning Map changes for those Caltrans-owned parcels.

Like the previously discussed Concept Design Plan, the Route 238 Bypass Land Use Study also accomplished various General Plan Land Use Map and Zoning Map changes. Within the current Project area, this included re-assignment of land use designations to particular parcels, as shown

in **Figure 3-5** (Previous CEQA Documents). A new General Plan Land Use Map and Zoning Map designation of Sustainable Mixed Use was also adopted, though it was not assigned to properties within the current Project area. The 238 Land Use Study also resulted in the adoption of a new Special Design District (Municipal Code §10-1.2640), whose purpose is to ensure the implementation of a Hayward Foothills Trail and which would occur within and extend out of the current Project area.

Pursuant to CEQA Guidelines §15124(b), the Route 238 Land Use Study Program EIR identified the following objectives:

1. To identify appropriate future land use types, densities and locations to replace the former Route 238 Bypass freeway consistent with community desires, physical and environmental constraints and public agency interests.

2. To provide a degree of certainty regarding future land uses for residents and businesses within and adjacent to the former Route 238 Bypass right-of-way.

3. To assist the City of Hayward with meeting quantified housing objectives contained in the City's Housing Element of the General Plan.

4. To ensure that any future development within the more visible hillside areas is implemented in an environmentally sensitive manner.

5. To identify and provide protection for sensitive biological resources and their habitats.

6. To provide economic incentives to provide missing public infrastructure improvements or upgrade older such facilities, including but not limited to roads, water, wastewater and drainage facilities.

7. To provide locations for new public facilities, including a future school site.

8. To increase local jobs and economic return to the City of Hayward.

9. To ensure future development provides revenue mechanisms for funding additional service demands as a result of development.

<u>Program EIR Description</u>

Unlike the Concept Design Plan, only a small number of parcels addressed in the 238 Land Use Study are located in the current Project area. Parcels highlighted as "238 Land Use Study (May 2009)" in **Figure 3-5** (Previous CEQA Documents) had their General Plan Land Use Map and Zoning Map designations changed in May 2009. Those not highlighted retained their existing General Plan Land Use Map and Zoning Map designations.

The 238 Land Use Study Program EIR analyzed, at an equal level of detail, three alternatives of differing land uses and development intensities - Market Potential, Community Meetings, and Existing Policies and Public Agencies. Environmental areas analyzed included: Aesthetics and Light and Glare, Air Quality, Biological Resources, Cultural Resources, Geology and Soils,

Hazards and Hazardous Materials, Hydrology, Drainage and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services and Utilities, Transportation and Circulation, and Parks and Schools. The Route 238 Bypass Land Use Study Program EIR identified significant and unavoidable impacts for the following:

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

Within the current Project area, the 238 Land Use Study Program EIR's alternatives consisted of variations in the allocation of General Plan Land Use Map and Zoning Map designations, which differed both in land use and densities (See Figures 3.1-3, 3.1-4 and 3.1-5 in the EIR). Ultimately, the Hayward City Council adopted a variation of the three alternatives addressed in the Program EIR, as enumerated in the June 30, 2009 staff report, which increased the areas designated Mission Boulevard Residential and Parks and Recreation. Copies of both the 238 Land Use Study and its accompanying Program EIR are available for review at the City of Hayward Permit Center, 777 B Street, Hayward, CA between the hours of 8AM and 5PM, and also available at the following link: http://www.hayward-ca.gov/forums/rte-238blus/238blus.shtm .

DETAILED PROJECT DESCRIPTION

The South Hayward BART/Mission Boulevard Form-Based Code ("Project") will essentially replace the majority of existing Zoning Regulation provisions applicable to the Project area. Other regulatory actions are proposed in conjunction with this, as described in detail below.

GENERAL PLAN AMENDMENT

The Project would change the General Plan Land Use Map designations for most parcels within the Project area to Sustainable Mixed Use, as illustrated in **Figure 3-6** (Proposed General Plan Designations). Existing and/or planned parks would receive an Open Space - Parks and Recreation designation and existing and/or planned public schools and mass-transit facilities would receive a Public/Quasi-Public designation. The existing General Plan describes the Sustainable Mixed Use designation as follows:

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

The Project would also modify the Sustainable Mixed-Use designation by modifying the permitted residential density range from 25.0 to 55.0 dwelling units per net acre to 17.5 to 100.0 dwelling units per net acre. Additionally, Appendix D of the General Plan (General Plan and Zoning Consistency Matrix) would be amended to indicate that the Project's Transect zoning designations would be consistent with the General Plan Land Use Map designations of

Sustainable Mixed Use. Civic Space zoning designations would be indicated as consistent with the General Plan's Parks and Recreation designation.

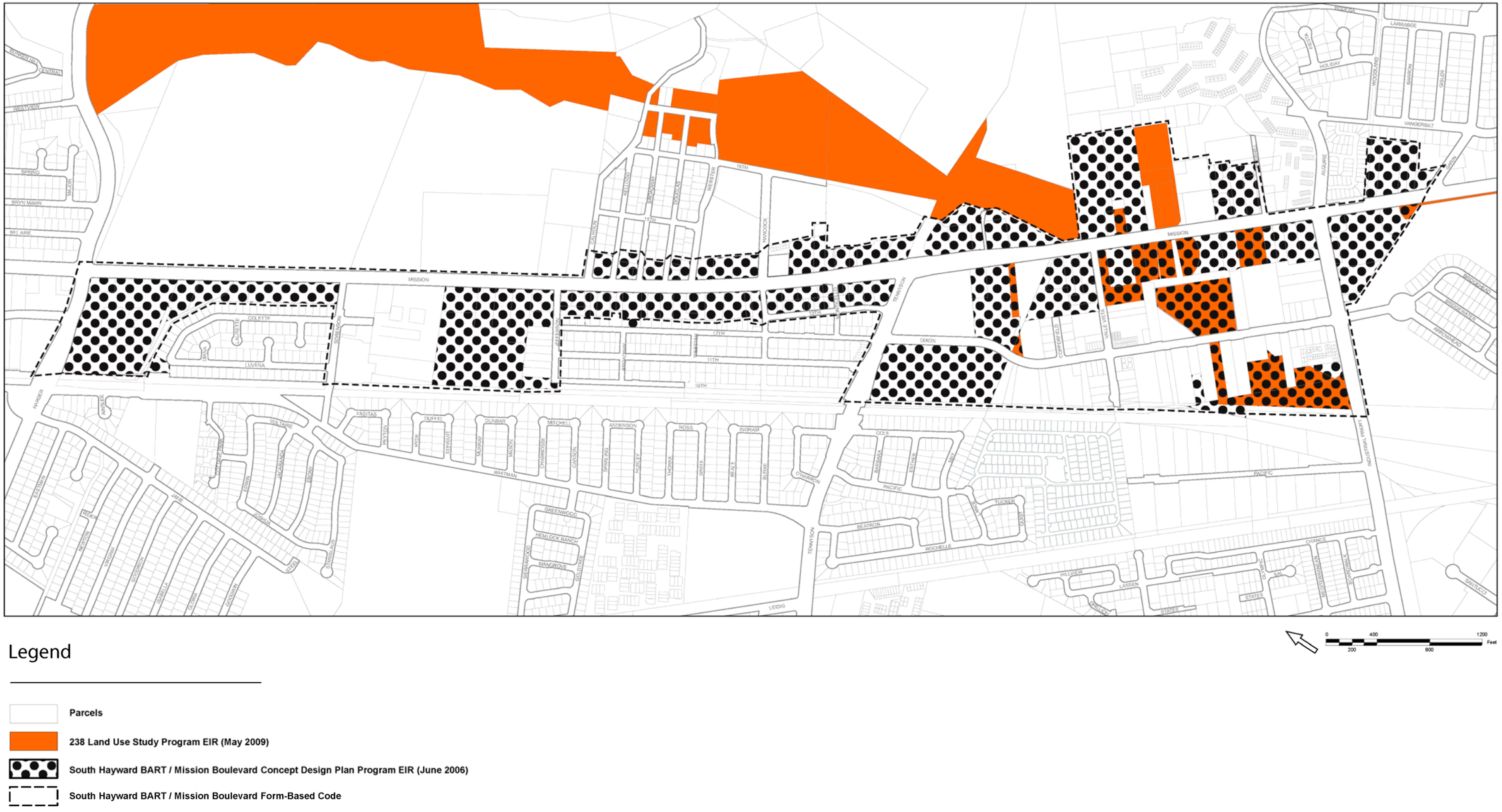
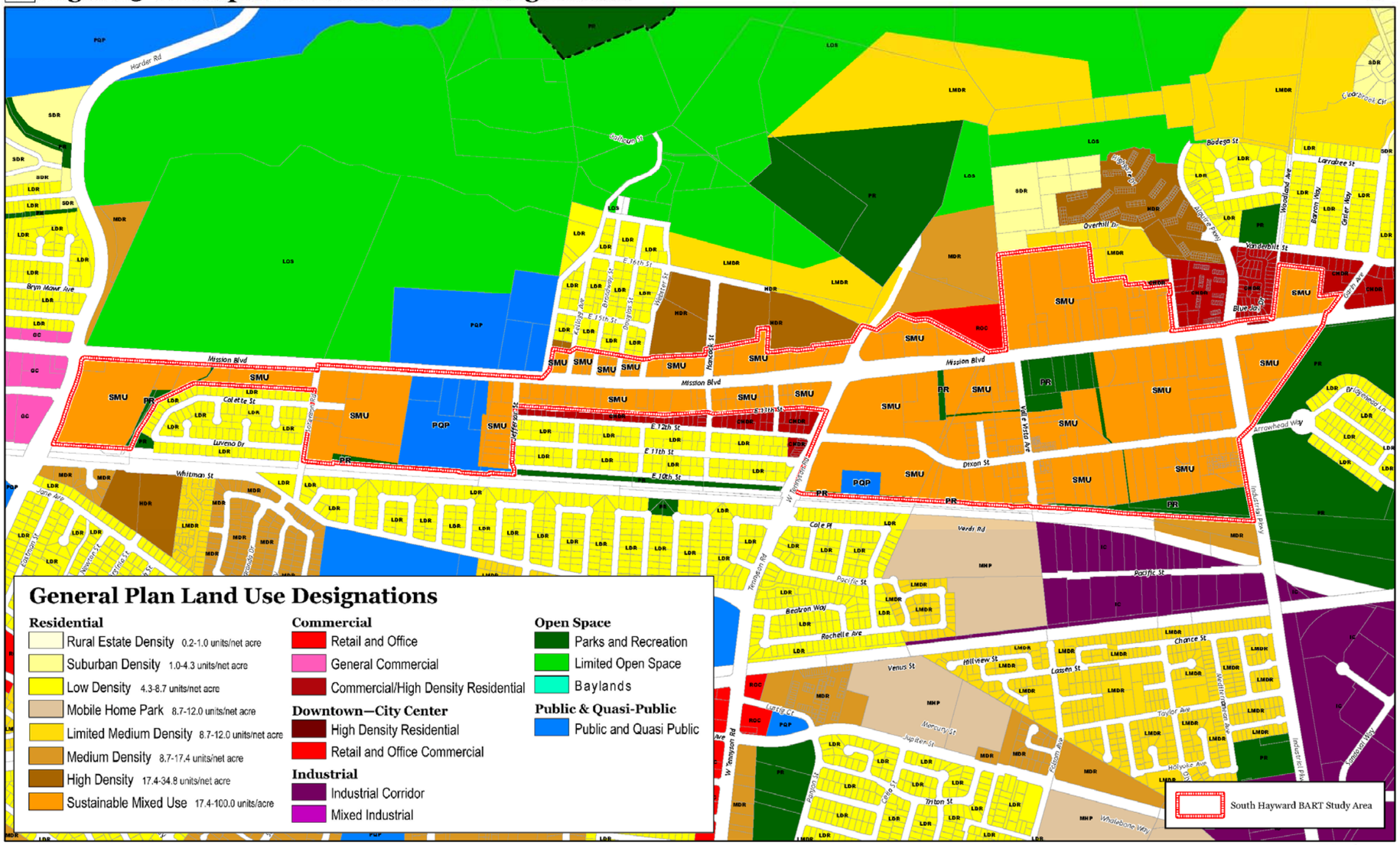


Figure 3-5: Previous CEQA Documents

Figure 3-6: Proposed General Plan Designations



March, 2011

MUNICIPAL CODE AMENDMENT

Planning, Zoning and Subdivision Regulations Text Amendment

The Form-Based Code would become a new Article 24 in Chapter 10 (Planning, Zoning and Subdivision Regulations) of the Hayward Municipal Code. In doing so, the Code would supplant many existing development standards currently applicable to the Project area as expressed through existing, mapped Zoning Districts. However, other existing development standards not specifically addressed or modified under the South Hayward BART/Mission Boulevard Form-Based Code, per §10-24.140(c) of the Code, would remain applicable to the Project area.

A copy of the South Hayward BART/Mission Boulevard Form-Based Code may be viewed at Hayward City Hall at 777 B Street in Downtown Hayward or downloaded from the City's website at the following location:

http://www.ci.hayward.ca.us/forums/SHBARTFBC/shbartfbcforum.shtm

Zoning Map Amendment

Regulating Plan, Transect Zones & Other Standards

The Project would revise all existing Zoning Map designations within the Project area, replacing them with new zoning districts as identified in **Figure 3-7** (Regulating Plan). Proposed new Zoning Districts include: T4 (Urban General Zone), T5 (Urban Center Zone), T5 TOD Density Overlay 1 (75.0 du/ac minimum; 100.0 du/ac maximum), T5 TOD Density Overlay 2 (40.0 du/ac minimum; 65.0 du/ac maximum), and CS (Civic Space Zone). The proposed development standards associated with the T4 (Urban General) and T5 (Urban Center) Zones are summarized in **Figures 3-8** and **3-9** below.

While the Form-Based Code includes proposed new standards specifically applicable to these new zoning districts, it also includes new standards that would apply universally throughout the Project area. These include new standards (§10-24.245 through §10-24.295) under the following topics: Parking, Architectural, Fence and Wall, Landscape, Visitability, Sustainability, Subdivision, Sign, Telecommunication Facility, and Group Homes.

Thoroughfare Plan

The Code also includes a complement to the Regulating Plan consisting of a Thoroughfare Plan (see **Figure 3-10**). The Thoroughfare Plan is intended to implement the Hayward General Plan's direction to pursue opportunities for infill development and redevelopment by accommodating alternate street patterns, including shorter block lengths, interconnected streets and alleys, and to avoid cul-de-sacs.

New thoroughfares indicated on the Thoroughfare Plan would be constructed over time in conjunction with private development projects on abutting property. **Figure 3-11** (Proposed New Thoroughfares) illustrates the location of proposed new thoroughfares. Projects constructing these planned new thoroughfares would be eligible to receive a density bonus correlated to the length of street dedication (see §10-24.275(h) in the Form-Based Code). In the absence of private

development projects, the City of Hayward Redevelopment Agency may (over time) also acquire and construct thoroughfare segments identified in the Thoroughfare Plan.

Concept Design Plan Repeal

The Project would replace the architectural and urban design guidelines found in the Concept Design Plan. The Concept Design Plan's design guidelines would be in conflict with standards proposed by the Project. Therefore, to remove conflicts, the current Project would result in the repeal of the Concept Design Plan, in whole.

In conjunction with the original Concept Design Plan approval, a "South Hayward BART/Mission Boulevard Special Design District (SD-6)" was also approved (Zoning Ordinance §10-1.2635). The provisions of this Special Design District (SD-6) would also conflict with standards proposed by the Project. Therefore, the current Project would result in the repealing of this zoning district (Zoning Ordinance §10-1.2635).

RESULTING LAND USE AND DEVELOPMENT CHANGES

This EIR assesses the extent to which changes that are proposed as part of the South Hayward BART/Mission Boulevard Form-Based Code ("Project") and associated potential new development may result in new or significantly increased environmental effects beyond those identified and discussed in the Previous CEQA Documents. The environmental review now necessary for the Project is only required to address substantial changes to the Previous CEQA Documents necessary to adequately address new or different information specific to the current Project, its circumstances or new information. The new or different aspects of the current Project include the following:

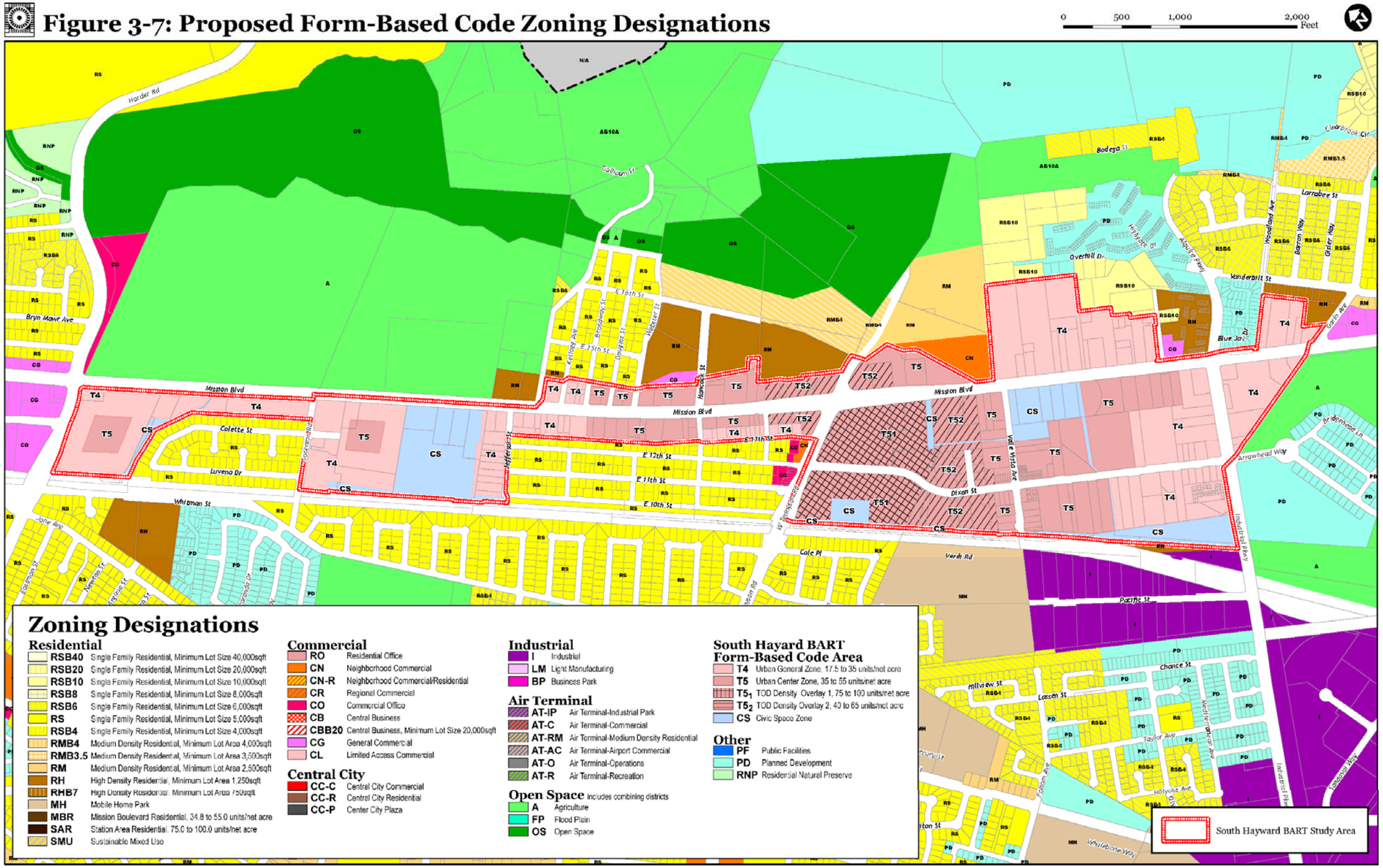
- New General Plan and Zoning Designation Changes – As shown in **Figures 3-6 and 3-7** (Previous CEQA Documents), the current Project includes changes to the General Plan Land Use Map and Zoning Map.

- Mixed-Use Zoning Throughout – The current Project would apply General Plan Land Use Map and Zoning Map designations that permit both residential and commercial land uses at certain properties that generally presently permit only commercial or residential land uses. A small number of parcels would be designated as a Civic Space Zone where current or future public property would generally accommodate uses beneficial and in support of the broader community.

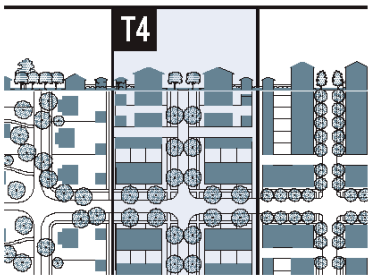
- Increased Residential Densities - The current Project would increase the maximum permitted residential density above that presently allowed throughout the Project area. The net difference resulting from increased residential density is a maximum increase of 771 new dwellings.

- Increased Commercial Space – The current Project would increase the maximum permitted commercial floor area above that presently allowed throughout the Project area. The net difference resulting from increased commercial floor area is a maximum increase of 218,613 square feet of new space.

Figure 3-7: Proposed Form-Based Code Zoning Designations



March, 2011



(see Table 1)

j. BUILDING CONFIGURATION (see Table 7)	
Principal Building	4 stories max, 2 min
Outbuilding	2 stories max.
e. LOT OCCUPATION (see Table 11e)	
Lot Width	18 ft min 120 ft max.
Lot Coverage	80% max
f. SETBACKS - PRINCIPAL BUILDING (see Table 11f)	
(f.1) Front Setback Principal	6 ft. min. 24 ft. max.
(f.2) Front Setback Secondary	6 ft. min. 24 ft. max
(f.3) Side Setback	0 ft. min.
(f.4) Rear Setback	3 ft. min.*
Frontage Buildout	60% min at setback
g. SETBACKS - OUTBUILDING (see Table 11g)	
(g.1) Front Setback	20 ft. min. + bldg. setback
(g.2) Side Setback	
(g.3) Rear Setback	3 ft. min.
h. BUILDING DISPOSITION (see Table 8)	
Edgeyard	permitted
Sideyard	permitted
Rearyard	permitted
Courtyard	permitted
i. PRIVATE FRONTAGES (see Table 5)	
Porch & Fence	permitted
Terrace or Lightwell	permitted
Forecourt	permitted
Stoop	permitted
Shopfront	permitted
Gallery	permitted
Arcade	not permitted
	Refer to Summary Table 11
PARKING PROVISIONS (see Section 10-24.245)	
Rental DU: 1.75 max per unit	
For Sale DU/Residential Condominium: 2.0 max per unit	
Non-residential Function: no min - no max	

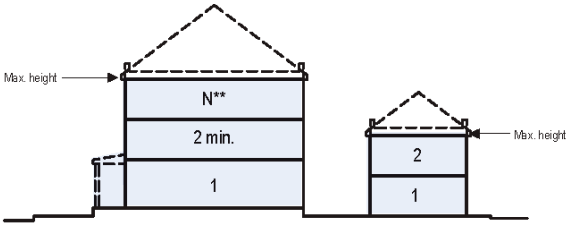
*or 15 ft. from center line of alley

**"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums

Note: Letters on the Table (j. Building Configuration, e. Lot Occupation, etc) refer to the corresponding section in Summary Table 11.

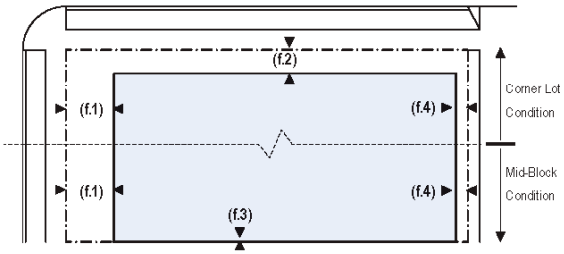
BUILDING CONFIGURATION

1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minumum of 11 ft with a maximum of 25 ft.
3. Height shall be measured to the eave or roof deck as specified on Table 7.



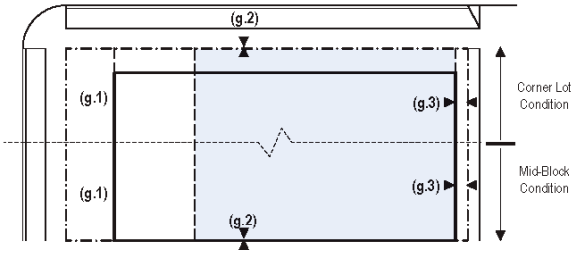
SETBACKS - PRINCIPAL BLDG

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



SETBACKS - OUTBUILDING

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.



PARKING PLACEMENT

1. Covered and uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 15d).
2. Trash containers shall be stored within the third Layer.

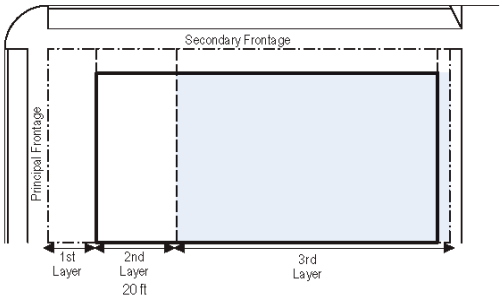
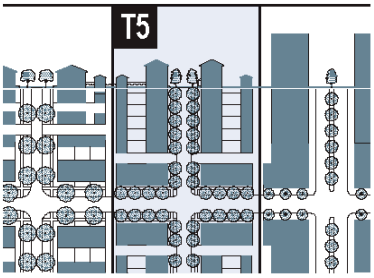


Figure 3-8: Proposed T4 Zone Development Standards



(see Table 1)

j. BUILDING CONFIGURATION (see Table 7)	
Principal Building	6 stories max. 3 min.
Outbuilding	2 stories max.
e. LOT OCCUPATION (see Table 11e)	
Lot Width	18 ft min 250 ft max.
Lot Coverage	90% max
f. SETBACKS - PRINCIPAL BUILDING (see Table 11f)	
(f.1) Front Setback Principal	2 ft. min. 12 ft. max.
(f.2) Front Setback Secondary	2 ft. min. 12 ft. max.
(f.3) Side Setback	0 ft. min. 24 ft. max.
(f.4) Rear Setback	3 ft. min.*
Frontage Buildout	80% min at setback
g. SETBACKS - OUTBUILDING (see Table 11g)	
(g.1) Front Setback	40 ft. max. from rear prop.
(g.2) Side Setback	0 ft. min. or 2 ft at corner
(g.3) Rear Setback	3 ft. max.
h. BUILDING DISPOSTION (see Table 8)	
Edgeyard	not permitted
Sideyard	permitted
Rearyard	permitted
Courtyard	permitted
i. PRIVATE FRONTAGES (see Table 5)	
Porch & Fence	not permitted
Terrace or Lightwell	permitted
Forecourt	permitted
Stoop	permitted
Shopfront	permitted
Gallery	permitted
Arcade	permitted
	Refer to Summary Table 11
PARKING PROVISIONS (see Section 10-24.245)	
Rental DU: 1.5 max per unit	
For Sale DU/Residential Condominium: 1.8 max. per unit	
Non-residential Function: no min. - no max.	

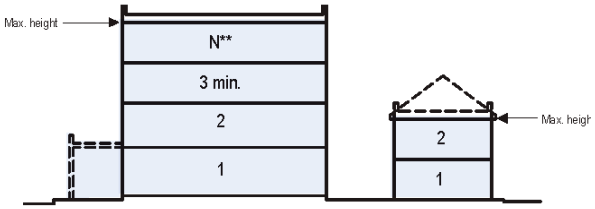
*or 15 ft. from center line of alley

**"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums

Note: Letters on the Table (j. Building Configuration, e. Lot Occupation, etc) refer to the corresponding section in Summary Table 11.

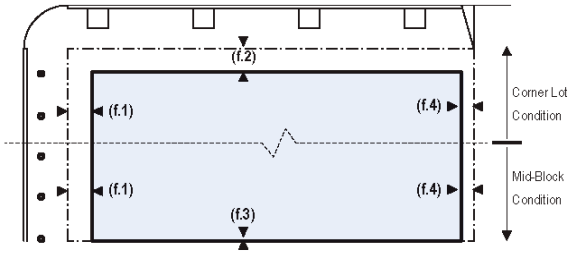
BUILDING CONFIGURATION

1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minumum of 11 ft with a maximum of 25 ft.
3. Height shall be measured to the eave or roof deck as specified on Table 7.
4. Expression Lines shall be as shown on Table 7.



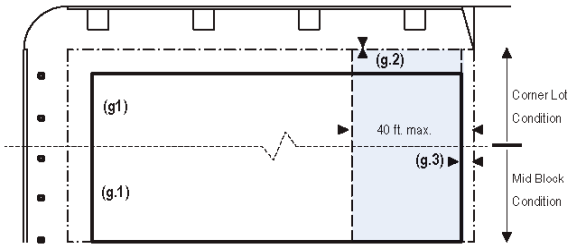
SETBACKS - PRINCIPAL BLDG

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



SETBACKS - OUTBUILDING

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.



PARKING PLACEMENT

1. Covered and uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 15d).
2. Trash containers shall be stored within the third Layer.

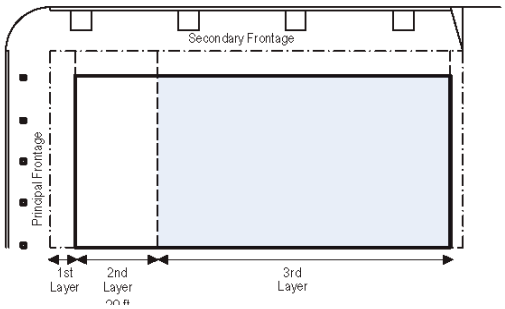


Figure 3-9: Proposed T5 Zone Development Standards

- Modified and New Planned Streets – The current Project modifies a number of planned circulation improvements as contemplated in the Concept Design Plan. Also, the current Project includes a number of new planned public streets (see **Figure 3-10** and **3-11**). For all proposed new streets, a set of dimensional standards (e.g., sidewalk width, planter width, etc.) are proposed as shown in Table 2 in the Form-Based Code. However, the Project accommodates flexibility in ultimate street location and alignment in instances where obstacles (e.g., mature tree, boulder, public infrastructure) prevent strict compliance with the Thoroughfare Plan.

CHANGES IN CIRCUMSTANCES

Certain circumstances have changed since certification of the South Hayward BART/Mission Boulevard Concept Design Plan Program EIR (June 2006) and the Route 238 Bypass Land Use Study Program EIR (May 2009) (i.e., a change in the existing or future condition), including:

- Construction on the Route 238 Corridor Improvement Project started on August 16, 2010 and is anticipated to be complete in December 2012. Within the current Project area, the Route 238 Corridor Improvement Project will:

    - Modify Mission Boulevard (from the Jackson/Foothill intersection to Carlos Bee Boulevard) from two (2) to three (3) travel lanes in each direction, including parking/peak hour travel lanes. New curb and gutter with a 7-foot sidewalk will be constructed on both sides of Mission Boulevard.

    - Construct a spot widening of the Mission Boulevard/Carlos Bee Boulevard intersection to provide for dual left-turn lanes from southbound Mission to eastbound Carlos Bee, dual left turn lanes from westbound Carlos Bee Boulevard to southbound Mission Boulevard, and dual left-turn lanes, a thru lane, and a right/thru lane from eastbound Orchard Avenue.

    - Extend 10-foot wide sidewalks along Mission Boulevard on both sides of the street to fill in missing gaps to Industrial Parkway.

    - Improve bicycle access along Mission Boulevard by providing outside 14-foot lanes along the proposed curbs.

    - Underground over head utilities, install extensive median landscaping, install energy efficient LED street and pedestrian-scaled lights, and modify traffic signal system with Adaptive Timing Control along Mission & Foothill Boulevards.

    - Install a traffic signal and a dedicated left turn lane at the Moreau High School entrance to improve access for southbound Mission traffic.

    - Provide a new signalized intersection at Berry Avenue and Mission Boulevard.

- The South Hayward Mixed Use Transit-Oriented development project (also known locally as the Wittek-Montana Project) was approved in March 2009, but building permit applications for that development have not been filed. This project is located at the South

Hayward BART Station and neighboring parcels across and east of Dixon Street. This project is approved to include 788 dwellings, 64,680 square feet of commercial floor area, and 910 parking spaces.

- The Mission Paradise Project was approved in June 2007, but building permit applications have not been filed. This project is located on parcels fronting Mission Boulevard between Webster and Hancock Streets and includes 82 dwellings and 13,804 square feet of commercial floor area.

For the most part, these changed circumstances would not have implications on the environmental consequences associated with the current Project. Both the South Hayward Mixed Use and Mission Paradise projects were approved in conformance with the Hayward General Plan and applicable Zoning Map designations, as contemplated by the Concept Design Plan and 238 Land Use Study Program EIRs.

One goal of the Route 238 Corridor Improvement Project is to, "construct a facility that will accommodate current and future traffic demands as permitted by funding constraints."[1] More specifically, these improvements are intended to satisfy forecasted traffic volumes (both local and regional) for the year 2025. These traffic volumes and forecast year are consistent with those contemplated in the Concept Design Plan and 238 Land Use Study Program EIRs. Therefore, there is no component of the Route 238 Corridor Improvement Project EIR that would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects when combined with the current Project.

NEW INFORMATION

This SEIR assesses whether new information, not known at the time of preparation of the Previous CEQA Documents, results in a new or significantly increased environmental effect. New information particular to the current Project includes:

- On March 18, 2010, new California Environmental Quality Act (CEQA) Guidelines amendments addressing greenhouse gas emissions and global climate change (which were not addressed in the previous EIRs) became effective.

- On June 2, 2010, new thresholds for air quality impacts and guidelines for assessing impacts were approved by the Bay Area Air Quality Management District (BAAQMD). The risk and hazards thresholds for new receptors were effective January 1, 2011.

- On June 15, 2010, the City of Hayward adopted a revised Historic Preservation Ordinance (Municipal Code Chapter 10, Article 11), as well as a broader Historic Preservation Program, including a Historical Resources Survey and Inventory, a Historic Context Statement, Goals and Objectives for Historic Preservation, and Incentive Programs.

[1] Page ES-2, Route 238 Corridor Improvement Project EIR.

This new information is included in this SEIR, along with an assessment of whether this new information indicates that the Project may have a new significant environmental effect or a substantial increase in the severity of previously identified significant effect.

PROJECT OBJECTIVES

The City of Hayward's objective with the current Project is to accomplish the following:

- Provide certainty in the land use entitlement process through the elimination of duplicative and contradictory evaluation standards and guidelines.
- Increase opportunities for pedestrian activity, including shorter walking distances to commercial services and mass transit destinations, through construction of new thoroughfares.
- Enhance the built environment through construction of new buildings and renovations to existing buildings throughout the Project area and, in particular, along prominent corridors such as Mission Boulevard.
- Utilize streamlined and clear land use entitlement processing to attract economic activity in the Project area through construction and establishment of new businesses.

All of the original objectives of the Concept Design Plan Program EIR (stated previously) remain applicable to the current Project. All of the original objectives of the Route 238 Route Land Use Study Program EIR (also stated previously) remain applicable to the current Project, with the exception of the following which pertain to issues tied to properties outside of the current Project area:

4. To ensure that any future development within the more visible hillside areas is implemented in an environmentally sensitive manner.
7. To provide locations for new public facilities, including a future school site.

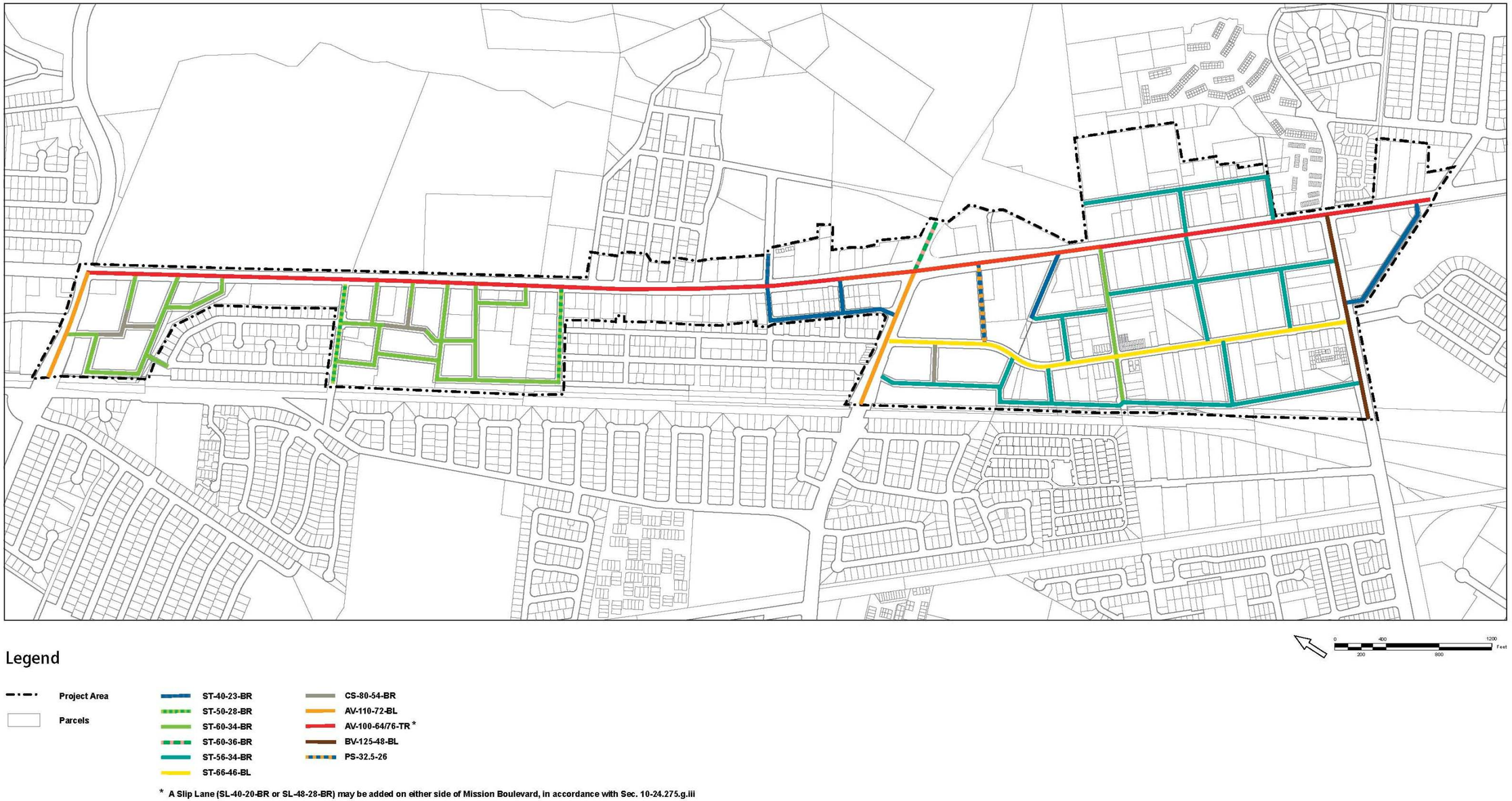


Figure 3-10: Thoroughfare Plan

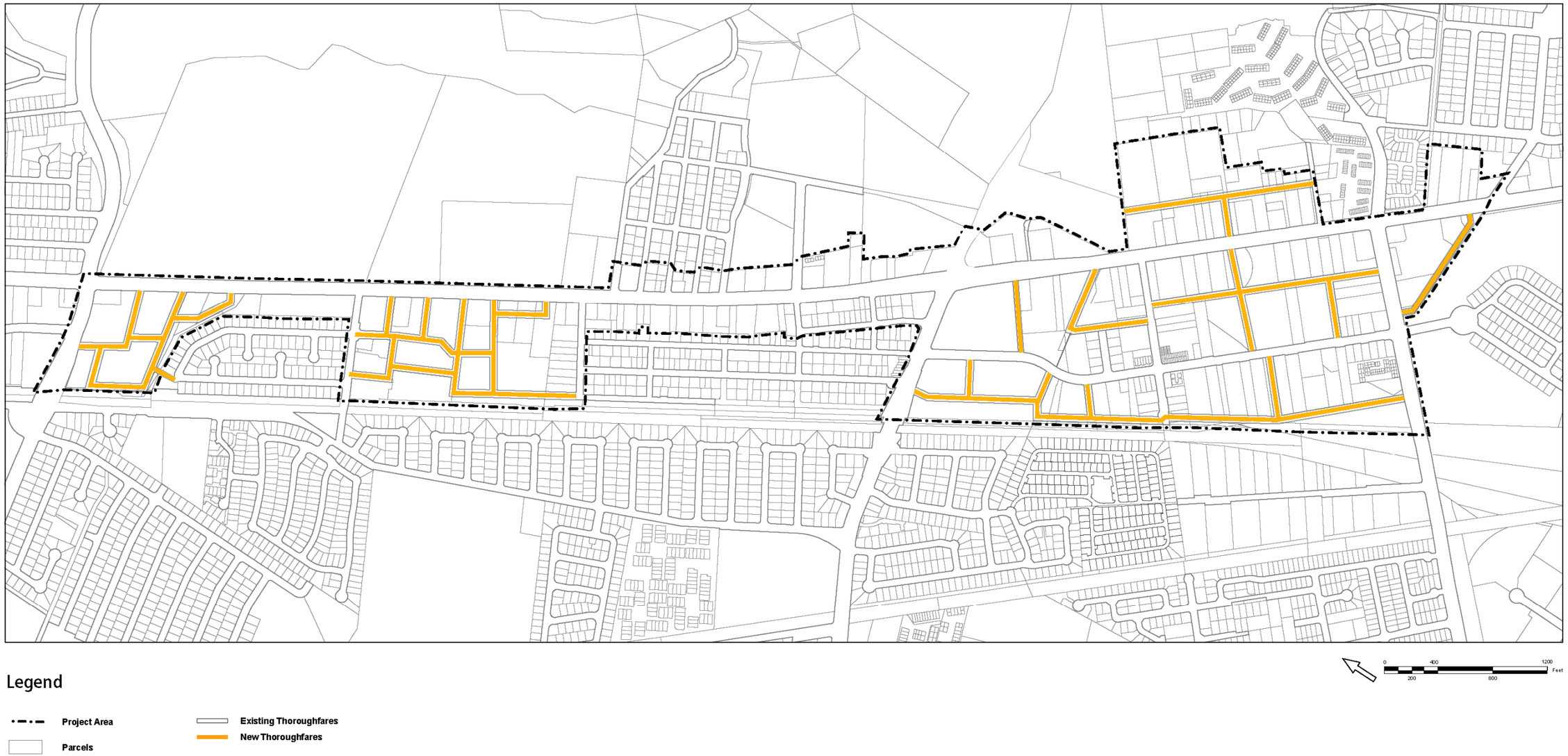


Figure 3-11: Proposed New Thoroughfares

4

AESTHETICS

INTRODUCTION

The Initial Study prepared for this Draft SEIR determined the current Project would result in either: (a) no new impacts from those identified in the Previous CEQA Documents; or (b) less than significant impact with implementation of mitigation measures identified in the Initial Study for the following checklist criteria:

- Substantial damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state or locally designated scenic highway;
- Substantial degradation to the existing visual character or quality of the site and its surroundings; or
- Creation of a significant new source of substantial light or glare which would adversely affect day or nighttime views in the area.

In accordance with CEQA Guidelines §15163(b), this SEIR does not further address these criteria since the Initial Study provided sufficient information, including measures proposed under the current Project, to make the Previous CEQA Documents adequate.

However, this Draft Supplemental Program EIR does address the potential for an increased severity of impacts to scenic vistas, as discussed below.

SETTING

PHYSICAL ENVIRONMENT

The Project area generally straddles Mission Boulevard at its southern extent in the City of Hayward (See **Figure 3-2**). Residential neighborhoods and hillsides generally flank the eastern and western portions of the Project area. The topography of the Project area is generally flat, with a gradual downward slope to the west towards San Francisco Bay, which is located approximately 5.5 miles to the west. To the east, the Hayward Hills are adjacent to the Project area.

No highly visible and unique natural features such as rock outcroppings or natural vegetation are present in the Project area. There are no tall or prominently visible manmade structures located within the Project area. Mature trees, either in public streets or on private property, are prevalent in the Project area; sometimes as tall as existing one to two story residential and commercial structures.

Scenic Vistas

Within the Project area, scenic vistas of the Hayward Hills can be seen generally from east/west streets and across properties which are presently vacant. Valle Vista Park also provides scenic vistas of the Hayward Hills.

Project Area

The proceeding Project Area setting description will summarize the land use and development in relation to thoroughfare intersections with Mission Boulevard; starting in the north and continuing to the south.

Harder Road to Sorenson Road

The southwest corner of Harder Road and Mission Boulevard consists of a large commercial building with an expansive surface parking lot occupied by Kmart. Continuing in a southerly direction, a number of smaller commercial buildings containing retail, service and restaurants front onto Mission Boulevard. To the east of Mission Boulevard, outside of the Project area, the entire frontage consists of the Holy Sepulchre Cemetery.

Sorenson Road to Jefferson Street

Bowman Elementary School and the Mission Plaza Shopping Center are the predominant land uses in this segment. An assortment of commercial land uses (e.g., retail, automobile service, restaurant) front Mission Boulevard. Remaining land uses within this segment consists of single-family and multiple-family homes (along Sorenson Road and Jefferson Street) adjacent to the BART tracks. Moreau Catholic High School is located across Mission Boulevard, outside of the Project area.

Jefferson Street to Tennyson Road

This segment of the Project area consists of multiple vacant properties fronting Mission Boulevard and a variety of commercial land uses (e.g., automobile service, automobile sales, retail, restaurant, gasoline sales) in single-story structures generally fronted by parking lots. Adjoining properties, outside the Project area, include single-family and multiple-family homes either leading up the Hayward Hills to the east or toward the BART tracks to the west.

Tennyson Road to Industrial Parkway

This segment is dominating by the South Hayward BART station and broad expanses of vacant and underutilized land interspersed between multiple-family residential structures. The western Project boundary is coterminous with the BART tracks. A few commercial land uses (e.g., office, retail, restaurants, self-storage) occur along Mission Boulevard. The topography of the Hayward Hills becomes more pronounced to the east of the Project area as slopes steepen in the Hayward Hills.

Synoptic Survey

The visual quality of the Project area is comprehensively documented in the September 24, 2009 "Synoptic Survey for the South Hayward BART/Mission Boulevard Form-Based Code."[1]

REGULATORY SETTING

General Plan

The City of Hayward General Plan Land Use Element contains the following land use polices and strategies relevant to the Project and issue of aesthetics:

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

The Hayward General Plan and Zoning Ordinance do not provide policy or regulations that ensure maintenance of existing views at private property.

Mission-Garin Neighborhood Plan

The Mission-Garin Neighborhood Plan expresses a community design to upgrade the appearance of its study area. The Mission-Garin Neighborhood Plan applies to most of the Project area, excluding that portion at the southwest corner of Mission Boulevard and Industrial Parkway. Recommended actions of this plan include upgrading design standards, maintenance standards, sign ordinances, landscape standards and improving enforcement. Programs to provide monetary and personal recognition are encouraged for both residential and commercial properties. More specifically, the following design and appearance standards are included in the Mission-Garin Neighborhood Plan:

- Explore the continuation and expansion of a program to encourage upgrading/rehabilitation of substandard residential units. (Strategy 45)
- Establish a street tree program which includes requiring the installation of street trees with new development consistent with the guidelines contained in the Landscape Beautification Plan. (Strategy 46)

[1] Copies are available for review at the City of Hayward Permit Center, 777 B Street or at www.ci.hayward.ca.us/forums/SHBARTFBC/shbartfbcforum.shtm

- Improve the appearance of the area to ensure high quality development by revising the undergrounding utilities master plan to include the following: undergrounding utilities along Mission Boulevard, moving Mission Boulevard higher on the undergrounding priority list and explore additional funding sources. (Strategy 45)

- Upgrading the appearance of Mission Boulevard by considering the following plans and programs: upgrade design standards for new development, adopt property maintenance standards, requiring upgraded landscaping and requiring deeper setbacks for uses requiring outdoor storage. (Strategy 52)

Fairway Park Neighborhood Plan

The Fairway Park Neighborhood Plan applies only a small portion of the Project area at the southwest corner of Mission Boulevard and Industrial Parkway. Concerning the topic of aesthetics, the Fairway Park Neighborhood Plan contains the following goal relating to neighborhood character and appearance:

- Improve the quality of life while enhancing the positive perception of the neighborhood.

South Hayward BART/Mission Boulevard Concept Design Plan

The Concept Design Plan provides design guidelines that are intended to supplement applicable city-wide guidelines and which address varying topics such as building height, bulk, and setbacks, as well the façade design, building entrances, building signage, open space and other design characteristics of development. These topics are organized within the Concept Design Plan according to the following categories: (a) street frontage character; (b) site access and parking; and (c) building character.

Zoning Regulations

Most development projects proposed in locations within the Project area presently require Site Plan Review (Zoning Ordinance §10-1.3000). In order to authorize Site Plan Review approval, the City decision-making authority must make all the following findings:

- The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City;

- The development takes into consideration physical and environmental constraints;

- The development complies with the intent of City development policies and regulations; and

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

Under the Project, Site Plan Review would be required for all new proposed development, including additions to existing development.

City-wide Design Guidelines

The City of Hayward has adopted Design Guidelines that establish standards for site planning, circulation, architectural design and landscape design for all development. However, as explained in Chapter 3 (Project Description), the Project would cause these Design Guidelines to be no longer applicable to the Project area and be replaced with design standards of the Form-Based Code.

IMPACT ANALYSIS

THRESHOLD OF SIGNIFICANCE

Implementation of the Project would have a significant effect on the environment if it were to:

- Have a substantial adverse effect on a scenic vista.

The Initial Study prepared for this Draft SEIR has previously concluded that the Project would either result in no new impact or a less than significant impact (with revised mitigation) pertaining to all other aesthetic issues.

VIEWS AND VISTAS

Impact Aes-1: The Project would increase building heights at locations that may, depending upon the vantage point, impact scenic vistas of the Hayward Hills. However, the Project would require Site Plan Review for all proposed new developments and additions or alterations to existing development and, therefore, result in a ***less than significant impact***.

Previous CEQA Document Impacts

The prior Concept Design Plan Program EIR determined that, "Approval of any of the proposed land use concept alternatives in areas near Station Area Residential uses (5 to 7 stories) and Mission Boulevard Residential uses (3 to 5 stories) would impact some of the views of the Hayward hills from residences, as well as for motorists, pedestrians and bicyclists using roadways within the project area. Views of the Hayward hills from roadways, parks and other areas west of the project site could also be affected (Impact 4.1-2)."

That impact was found particular to the area in and around the South Hayward Bart Station. Potential view impacts from two vantage points, west of the BART Station looking east toward the Hayward Hills, were addressed by the prior Concept Design Plan Program EIR in two photo composites (see **Figures 4-1** and **4-2** below).

Figure 4-1: View from intersection of Barbara Court and Pacific Street looking north towards South Hayward BART Station.

Figure 4-2: View from intersection of Oharron Drive and Tennyson Road looking north towards South Hayward BART Station.

In response to that impact, the prior Concept Design Plan EIR imposed the following mitigation measure to the Project area:

Mitigation 4.1-2: (Views and Vistas) Development projects submitted to the City of Hayward within the project area shall be subject to design review to ensure that impacts on views towards the Hayward hills are reduced to a level of insignificance. Design features may include, but is not limited to preservation of view corridors between buildings, stepping down of buildings near existing development, use of corner cut-offs, establishment of view corridors to nearby hills and similar design elements.

Subsequent to certification of the Concept Design Plan Program EIR, on March 17, 2009, the City of Hayward approved the South Hayward BART Mixed-Use Transit-Oriented Development Project, which is located at the South Hayward BART Station and on adjacent properties to the east of Dixon Street. That development will include seven (7) separate four (4) story structures containing residential units and commercial space above subsurface parking lots. It would also include a new seven (7) level parking garage structure near the BART tracks and flanking the BART station.

Current Project

Urban Infill Context

The heights, locations, designs, and other information regarding future buildings that may be developed pursuant to the Project cannot be precisely known. This point is also acknowledged and germane to the projects evaluated in the Previous CEQA Documents. The current Project would put in place, like the projects evaluated in the Previous CEQA Documents, implementing regulations for use in evaluating development proposals over time, as they are presented to the City for consideration.

As is typical to an urban infill context, it is not anticipated that the Project would result in wholesale redevelopment of the Project area. Some properties may remain in their present condition far into the future. Other existing developed properties may have buildings proposed for additions or alterations. Still other properties may be wholly redeveloped with entirely new structures and open spaces. Lastly, it is anticipated and desired by the City that presently vacant properties will contain new structures and open spaces.

Building Heights

The Project would enable the future construction of buildings that are between one (1) and two (2) stories taller than those possible on certain properties under current Zoning District designations. More specifically, the Project would establish building height limits within Transect Zones, as follows:

- T4 Zone (General Urban) - Two (2) stories minimum; four (4) stories maximum.
- T5 Zone (Urban Center) - Three (3) stories minimum; six (6) stories maximum.

The Project would limit building story heights to fourteen (14) feet maximum except for the first floor of buildings containing a commercial function. In those circumstances, the first floor must be a minimum of eleven (11) feet to maximum of twenty-five (25) feet. Thus, the maximum building height within the T4 Zone would be sixty-seven (67) feet (assuming ground floor commercial), and the maximum building height within the T5 Zone would be ninety-five (95) feet (assuming ground floor commercial).

The Project would generally increase maximum allowable buildings heights. Since the Project would consolidate many existing zoning designations into either a T4 Zone (General Urban) or T5 Zone (Urban Center), **Tables 4-1** and **4-2** below illustrate how specific maximum building heights would change within each existing zone.

Project Renderings

In conjunction with the public charrette (September 29 to October 4, 2009) carried out in advance of the drafting of the Form-Based Code, illustrative renderings were drafted to reflects public input received. Those renderings were then utilized to calibrate the Code's development standards such that they would align with the community's vision and establish objective-based criteria to evaluate future development proposals. These renderings are provided in **Figures 4-3** and **4-4** below.

Figure 4-3: View at Valle Vista Street east of Dixon Street looking east

As evidenced by the renderings in **Figures 4-3** and **4-4**, the Project would generally enable alteration of existing view-sheds through construction of new structures at vacant properties and planting of new street trees.

Conclusion

Future construction of larger and taller buildings within the Project area could serve to impact views of the Hayward Hills from residents and motorists and pedestrians using local streets. This potential impact would be most evident at east/west streets within and outside of the Project area. However, as **Figure 4-3** (at Valle Vista, an east/west street) demonstrates, the Project would enable both new development and the retention of scenic views of the Hayward Hills.

The prior Concept Design Plan Program EIR determined that view-shed impacts particular to the vicinity of the South Hayward BART Station could occur. In response, that EIR established a mitigation measure necessitating design review for development projects within the Concept Design Plan Area (i.e., current Project Area). That design review requirement (i.e., Concept Design Plan Program EIR Mitigation Measure 4.1-2) has been carried out by the City through the Site Plan Review provisions of Zoning Ordinance §10-1.3000. The current Project incorporates the requirement for Site Plan Review for all proposed new development, including additions to existing development throughout the Project Area. The Project incorporates the previous mitigation measure into the South Hayward BART/Mission Boulevard Form-Based Code.

Under the Form-Based Code, the City of Hayward will continue to evaluate the potential impacts of new development upon scenic vistas through the Site Plan Review process. In doing so, potential impacts resulting from the Project would be considered ***less than significant***.

Figure 4-4: View at Dixon Street south of Valle Vista Street looking north

Table 4-1: Existing Zoning Designations versus T-4 Zone Comparison

	EXISTING							PROPOSED	
	RS Single Family Residential	RM Medium Density Residential	RH High Density Residential	MBR Mission Blvd Residential	CN Neighborhood Commercial	CN-R Neigh/Comm Residential	CG General Commercial	T4 General Urban	
LOT									
Area	5000 sq.ft. min (inter) 5914 sq.ft. min (crnr) 35 ft. min front	5000 sq.ft. min 35 ft. min front	7500 sq.ft. min 35 ft. min front	20,000 sq.ft. min 100 ft. min front	6000 sq.ft. min 60 ft. min front	20,000 sq.ft. min 100 ft. min front	No min. area 35 ft. min front	18 ft. min (width) 120 ft. max (width)	DISPOSITION
Density[1]	4.3 du/ac	8.7 - 17.4 du/ac	17.4 - 34.8 du/ac	34.8 - 55.0 du/ac	8.7 - 34.8 du/ac	17.4 - 25 du/ac	8.7 - 34.8 du/ac	17.5 - 35 du/ac	
Lot Coverage	40% max	40% max	65% max	90% max	90% max	90% max	90% max	80% max	
SETBACK									
Front	20 ft. min	20 ft. min	20 ft. min	44 ft. min (Mission) 20 ft. min (Others)	10 ft. min	10 ft. min	0 ft. or 10 ft. min	6 ft. min, 24 ft. max	
Side	5 to 10 ft. min	5 to 10 ft. min	5 to 10 ft. min	10 ft. min	0 ft. (inter lot) 10 ft. (crnr lot)	No min	0 ft. (inter), 10 ft. (corn)	0 ft. min	
Rear	20 ft. min	20 ft. min	20 ft. min	10 ft. min	No min.	20 ft. min	0 ft.[1]	3 ft. min	
Frontage Buildout	-	-	-	-	-	-	-	60% min	
BUILDING TYPE									
Edgeyard	-	-	-	-	-	-	-	permitted	CONFIGURATION
Sideyard	-	-	-	-	-	-	-	permitted	
Rearyard	-	-	-	-	-	-	-	permitted	
Courtyard	-	-	-	-	-	-	-	permitted	
FRONTAGE TYPE									
Porch & Fence	-	-	-	-	-	-	-	permitted	
Terrace or Lightwell	-	-	-	-	-	-	-	permitted	
Forecourt	-	-	-	-	-	-	-	permitted	
Stoop	-	-	-	-	-	-	-	permitted	
Shopfront	-	-	-	-	-	-	-	permitted	
Gallery	-	-	-	-	-	-	-	permitted	
Arcade	-	-	-	-	-	-	-	permitted	
HEIGHT									
Principal Building	30 ft. max	40 ft. max	40 ft. max	55 ft. max	40 ft. max	60 ft. max	No limit	67 ft. max[3]	
Outbuilding	14 ft. / 1 story	14 ft. / 1 story	14 ft. / 1 story	14 ft. / 1 story	14 ft. / 1 story	14 ft. / 1 story	14 ft. / 1 story	2 stories max	
BUILDING FUNCTION									
Residential	permitted	permitted	permitted	permitted	permitted	permitted	permitted	permitted	FUNCTION
Lodging	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted	permitted	permitted	
Office	not permitted	not permitted	not permitted	not permitted	permitted	permitted	permitted	permitted	
Retail	not permitted	not permitted	not permitted	not permitted	permitted	permitted	permitted	permitted	
Industry	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted	
Auto Sales	not permitted	not permitted	not permitted	not permitted	permitted	not permitted	permitted	not permitted	

[1] Depending upon lot dimensions.
[2] If abutting CG Zone, otherwise the same as the required rear yard of the abutting Zone.
[3] Assuming ground floor commercial; 4 stories max, 2 min.

Table 4-2: Existing Zoning Designations versus T-5 Zone Comparison

	EXISTING[1]							PROPOSED	
	PD Planned Development	RH High Density Residential	MBR Mission Blvd Residential	CN Neighborhood Commercial	CN-R Neigh/Comm Residential	CG General Commercial	OS Open Space	T5 Urban Center	
LOT									
Area	Varies by Project	7500 sq.ft. min 35 ft. min front	20,000 sq.ft. min 100 ft. min front	6000 sq.ft. min 60 ft. min front	20,000 sq.ft. min 100 ft. min front	No min. area 35 ft. min front	No min. area 35 ft. min front No max	18 ft. min (width) 250 ft. max (width)	DISPOSITION
Density[2]	Varies by Project	17.4 - 34.8 du/ac	34.8 - 55.0 du/ac	8.7 - 34.8 du/ac	17.4 - 25 du/ac	8.7 - 34.8 du/ac	-	35 - 55 du/ac	
Lot Coverage	Varies by Project	65% max	90% max	90% max	90% max	90% max	-	90% max	
SETBACK									
Front	Varies by Project	20 ft. min	44 ft. min (Mission) 20 ft. min (Dixon)	10 ft. min	10 ft. min	0 ft. or 10 ft. min	30 ft. min	2 ft. min, 12 ft. max	
Side	Varies by Project	5 to 10 ft. min	10 ft. min	0 ft. (inter lot) 10 ft. (crnr lot)	No min	0 ft. (inter), 10 ft. (corn)	30 ft. min	0 ft. min, 24 ft. max	
Rear	Varies by Project	20 ft. min	10 ft. min	No min.	20 ft. min	0 ft.[2]	30 ft. min	3 ft. min	
Frontage Buildout	-	-	-	-	-	-	-	80% min	
BUILDING TYPE									
Edgeyard	-	-	-	-	-	-	-	not permitted	CONFIGURATION
Sideyard	-	-	-	-	-	-	-	permitted	
Rearyard	-	-	-	-	-	-	-	permitted	
Courtyard	-	-	-	-	-	-	-	permitted	
FRONTAGE TYPE									
Porch & Fence	-	-	-	-	-	-	-	not permitted	
Terrace or Lightwell	-	-	-	-	-	-	-	permitted	
Forecourt	-	-	-	-	-	-	-	permitted	
Stoop	-	-	-	-	-	-	-	permitted	
Shopfront	-	-	-	-	-	-	-	permitted	
Gallery	-	-	-	-	-	-	-	permitted	
Arcade	-	-	-	-	-	-	-	permitted	
HEIGHT									
Principal Building	Varies by Project	40 ft. max	40 ft. max	55 ft. max	40 ft. max	60 ft. max	40 ft. max	95 ft. max[3]	
Outbuilding	Varies by Project	14 ft. / 1 story	14 ft. / 1 story	14 ft. / 1 story	14 ft. / 1 story	14 ft. / 1 story	26 ft.	2 stories max	
BUILDING FUNCTION									
Residential	permitted	permitted	permitted	permitted	permitted	permitted	not permitted	permitted	FUNCTION
Lodging	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted	permitted	
Office	not permitted	not permitted	not permitted	not permitted	permitted	permitted	not permitted	permitted	
Retail	not permitted	not permitted	not permitted	not permitted	permitted	permitted	not permitted	permitted	
Industry	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted	permitted	
Auto Sales	not permitted	not permitted	not permitted	not permitted	permitted	not permitted	not permitted	not permitted	

[1] Station Area Residential (SAR) Zone is not included on the current Zoning Map.
[2] If abutting CG Zone, otherwise the same as the required rear yard of the abutting Zone.
[3] Assuming ground floor commercial; 6 stories max, 3 min;

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AIR QUALITY

INTRODUCTION

This introduction provides an explanation as to why, for the topic of Air Quality, the Project warrants additional analysis within the context of a Supplemental EIR.

NEW INFORMATION

The Project area is located within the City of Hayward in Alameda County and within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) administers air quality regulations applicable to this Air Basin. Recent air quality monitoring data collected in Alameda County shows air quality in the County periodically exceeds State and federal air quality standards for ozone and fine particulate matter ($PM_{2.5}$) and State particulate matter standards for both fine and respirable (PM_{10}) particulate matter. The San Francisco Bay Area Air Basin has been designated as being a nonattainment area for the State ozone, PM_{10} and $PM_{2.5}$ standards, and nonattainment for the federal ozone and 24-hour $PM_{2.5}$ standards.[1]

On June 2, 2010, the BAAQMD approved a new set of CEQA Guidelines for consideration by lead agencies. The California Environmental Quality Act: Air Quality Guidelines ("BAAQMD CEQA Guidelines") provide guidance for consideration by lead agencies, consultants, and other parties evaluating air quality impacts conducted pursuant to the California Environmental Quality Act (CEQA). This includes guidance on evaluating air quality impacts of development projects and local plans, determining whether an impact is significant, and mitigating significant air quality impacts.

The June, 2010 BAAQMD CEQA Guidelines include new thresholds of significance for Greenhouse Gas (GHG) emissions and revised thresholds for criteria air pollutants and precursors and health risks. Those new thresholds became effective immediately, except for the project-specific risk and hazard thresholds for the siting of sensitive receptors, which are currently scheduled to go into effect May 1, 2011. As an analysis of a revision to the General Plan, these criteria would not be directly applied to this analysis anyway, but have been included in the discussion of an overlay zone adjacent to Mission Boulevard under the Exposure of Sensitive Receptors to Toxic Air Contaminants section below.

The June, 2010 BAAQMD CEQA Guidelines constitute new information which became available after certification of the Previous CEQA Documents.

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[1] BAAQMD, Air Quality Standards and Attainment Status, http://hank.baaqmd.gov/pln/air_quality/ambient_air_quality.htm , accessed March 28, 2011.

INTIAL STUDY DETERMINATION

The Initial Study prepared for this Draft SEIR (see Appendix B) determined the Project would result in no new impact under the following checklist criterion:

- Create objectionable odors affecting a substantial number of people.

In accordance with CEQA Guidelines §15163(b), this Draft SEIR does not further address the aforementioned criteria, including measures proposed under the current Project, to make the Previous CEQA Documents adequate.

However, this Draft SEIR does address the potential for an increased severity of impacts to all remaining checklist criteria, as discussed below.

SETTING

REGULATORY SETTING

The City of Hayward is located within the nine county San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) monitors air quality in the basin through a regional network of air pollution monitoring stations to determine if the national and State standards for criteria air pollutants and emission limits of toxic air contaminants are being achieved.

The Federal and California Clean Air Acts have established ambient air quality standards for different pollutants. The national ambient air quality standards (NAAQS) were established by the Federal Clean Air Act of 1970 (amended in 1977 and 1990) for six (6) "criteria" pollutants. These criteria pollutants now include carbon monoxide (CO), ozone (O_3), nitrogen dioxide (NO_2), particulate matter with a diameter less than 10 microns (PM_{10}), sulfur dioxide (SO_2), and lead (Pb). In 1997, EPA added fine particulate matter or $PM_{2.5}$ as a criteria pollutant. The air pollutants that standards have been established for are considered the most prevalent air pollutants that are known to be hazardous to human health.

<u>Federal Regulations</u>

At the federal level, the United States Environmental Protection Agency (U.S. EPA) administers and enforces air quality regulations. Federal air quality regulations were developed primarily from implementation of the Federal Clean Air Act. If an area does not meet NAAQS over a set period (three years), EPA designates it as a "nonattainment" area for that particular pollutant. EPA requires states that have areas that do not comply with the national standards to prepare and submit air quality plans showing how the standards would be met. If the states cannot show how the standards would be met, then they must show progress toward meeting the standards. These plans are referred to as the State Implementation Plan (SIP). Under severe cases, EPA may impose a federal plan to make progress in meeting the federal standards.

EPA also has programs for identifying and regulating hazardous air pollutants. The Clean Air Act requires EPA to set standards for these pollutants and sharply reduce emissions of controlled

chemicals. Industries were classified as major sources if they emitted certain amounts of hazardous air pollutants.

The San Francisco Bay Area Air Basin is subject to air quality planning programs required by the federal Clean Air Act (CAA) (1977, last amended in 1990, 42 United States Code [USC] 7401 et seq.) to address ozone air pollution. The CAA requires that regional planning and air pollution control agencies prepare a regional Air Quality Plan to outline the measures by which both stationary and mobile sources of pollutants can be controlled in order to achieve all standards within the deadlines specified in the Clean Air Act.

State Regulations

The California Clean Air Act of 1988, amended in 1992, outlines a program for areas in the State to attain the California Ambient Air Quality Standards (CAAQS) by the earliest practical date. The California Air Resources Board (CARB) is the state air pollution control agency and is a part of the California Environmental Protection Agency. The California Clean Air Act set more stringent air quality standards for all of the pollutants covered under national standards, and additionally regulates levels of vinyl chloride, hydrogen sulfide, sulfates, and visibility-reducing particulates. If an area does not meet CAAQS, CARB designates the area as a nonattainment area. The San Francisco Bay Area Air Basin currently does not meet the CAAQS for ozone, PM_{10} and $PM_{2.5}$.[2] CARB requires regions that do not meet CAAQS for ozone to submit Clean Air Plans that describe measures to attain the standard or show progress toward attainment.

CARB regulates the amount of air pollutants that can be emitted by new motor vehicles sold in California. Motor vehicle emissions standards in California have always been more stringent than federal standards since they were first imposed in 1961. CARB has also developed Inspection and Maintenance (I/M) and "Smog Check" programs with the California Bureau of Automotive Repair. Inspection programs for trucks and buses have also been implemented. CARB also has authority to set standards for fuel sold in California.

Bay Area Air Quality Management District

The Bay Area Air Quality Management District (BAAQMD) is primarily responsible for assuring that the National and State ambient air quality standards are attained and maintained in the Bay Area. BAAQMD is also responsible for adopting and enforcing rules and regulations concerning air pollutant sources, issuing permits for stationary sources of air pollutants, inspecting stationary sources of air pollutants, responding to citizen complaints, monitoring ambient air quality and meteorological conditions, awarding grants to reduce motor vehicle emissions, conducting public education campaigns, as well as many other activities. BAAQMD has jurisdiction over much of the nine-county Bay Area counties, including the City of Hayward, in which the Project is located.

[2] BAAQMD, Air Quality Standards and Attainment Status, http://hank.baaqmd.gov/pln/air_quality/ambient_air_quality.htm , accessed March 28, 2011.

City of Hayward

The Conservation and Environmental Protection Element of Hayward's General Plan addresses issues of air quality (see Pages 7-25 to 7-26) and provides the following policies and strategies:

- Incorporate measures to improve air quality in the siting and design of new development (Policy 10).
    - Provide adequate buffers between sources of toxic air contaminants or odors and existing or potential sensitive receptors (Strategy 1).
    - Evaluate hazardous air pollutant emissions in review of proposed land uses that may handle, store or transport hazardous materials (Strategy 2).
    - Consider measures, including a local ordinance, which would reduce PM_{10} emissions from fireplaces and wood stoves (Strategy 3).
- Maintain improved air quality by creating efficient relationships between transportation and land use (Policy 11).
    - Guide development into patterns that reduce dependency on automobile usage (Strategy 1).
    - Require pedestrian, bicycle, and transit-oriented features in new development projects (Strategy 2).
    - Encourage compact development featuring a mix of uses that locates residences near jobs and services (Strategy 3).
    - Facilitate the development of higher-density housing and employment centers near existing and proposed transit stations and along major transit corridors (Strategy 4).
- Support implementation of Transportation Control Measures adopted by the Bay Area Air Quality Management District (Policy 12).
    - Work with regional and local organizations to promote ridesharing opportunities (Strategy 1).
    - Review and evaluate the Bicycle Facilities Master Plan to determine if revisions are necessary to promote bicycle usage (Strategy 2).
    - Encourage employers and developers to provide bicycle access and facilities (Strategy 3).
    - Continue ongoing local signal timing programs (Strategy 4).
    - Incorporate subdivision, zoning and site design measures that reduce the number and length of single-occupant automobile trips (Strategy 5).

- Promote demonstration projects to develop new strategies to reduce motor vehicle emissions, such as projects that include Low Emission Vehicle (LEV) fleets and refueling infrastructure (Strategy 6).
- Emphasize pedestrian travel through establishment of pedestrian-friendly design standards and inclusion of pedestrian improvements in capital improvement programs (Strategy 7).
- Consider traffic calming strategies in capital improvement programs (Strategy 8).

CRITERIA AIR POLLUTANTS AND PRECURSORS

Ambient air quality standards have been established by state and federal environmental agencies for specific air pollutants most pervasive in urban environments. These pollutants are referred to as criteria air pollutants because the standards established for them were developed to meet specific health and welfare criteria set forth in the enabling legislation. The criteria air pollutants emitted by development, traffic and other activities anticipated under the proposed development include ozone (O_3), ozone precursors oxides of nitrogen and reactive organic gases (NO_X and ROG), carbon monoxide (CO), nitrogen dioxide (NO_2), and suspended particulate matter (PM_{10} and $PM_{2.5}$). Other criteria pollutants, such as lead (Pb) and sulfur dioxide (SO_2), would not be substantially emitted by the proposed development or traffic, and air quality standards for them are being met throughout the Bay Area.

Ozone (O_3)

While O_3 serves a beneficial purpose in the upper atmosphere (stratosphere) by reducing ultraviolet radiation potentially harmful to humans, when it reaches elevated concentrations in the lower atmosphere it can be harmful to the human respiratory system and to sensitive species of plants. O_3 concentrations build to peak levels during periods of light winds, bright sunshine, and high temperatures. Short-term O_3 exposure can reduce lung function in children, make persons susceptible to respiratory infection, and produce symptoms that cause people to seek medical treatment for respiratory distress.

Long-term exposure can impair lung defense mechanisms and lead to emphysema and chronic bronchitis. Sensitivity to O_3 varies among individuals, but about 20 percent of the population is sensitive to O_3, with exercising children being particularly vulnerable. O_3 is formed in the atmosphere by a complex series of photochemical reactions that involve “ozone precursors” that are two families of pollutants: oxides of nitrogen (NO_X) and reactive organic gases (ROG). NOx and ROG are emitted from a variety of stationary and mobile sources. While NO_2, an oxide of nitrogen, is another criteria pollutant itself, ROGs are not in that category, but are included in this discussion as O_3 precursors.

Carbon Monoxide (CO)

Exposure to high concentrations of CO reduces the oxygen-carrying capacity of the blood and can cause dizziness and fatigue, impair central nervous system function, and induce angina in persons with serious heart disease. Primary sources of CO in ambient air are passenger cars, light-duty trucks, and residential wood burning. Emission controls placed on automobiles and the

reformulation of vehicle fuels have resulted in a sharp decline in CO levels, especially since 1991.

Nitrogen Dioxide (NO_2)

The major health effect from exposure to high levels of NO_2 is the risk of acute and chronic respiratory disease. NO_2 is a combustion by-product, but it can also form in the atmosphere by chemical reaction. NO_2 is a reddish-brown colored gas often observed during the same conditions that produce high levels of O_3 and can affect regional visibility. NO_2 is one compound in a group of compounds consisting of oxides of nitrogen (NOx). As described above, NOx is an O_3 precursor compound.

Particulate Matter (PM)

Respirable particulate matter (i.e., particulate matter that you breathe), PM_{10}, and fine particulate matter, $PM_{2.5}$, consist of particulate matter that is ten (10) microns or less in diameter and 2.5 microns or less in diameter, respectively. PM_{10} and $PM_{2.5}$ represent fractions of particulate matter that can be inhaled and cause adverse health effects. PM_{10} and $PM_{2.5}$ are a health concern, particularly at levels above the Federal and State ambient air quality standards.

$PM_{2.5}$ (including diesel exhaust particles) is thought to have greater effects on health because minute particles are able to penetrate to the deepest parts of the lungs. Scientific studies have suggested links between fine particulate matter and numerous health problems including asthma, bronchitis, and acute and chronic respiratory symptoms such as shortness of breath and painful breathing. Children are more susceptible to the health risks of $PM_{2.5}$ because their immune and respiratory systems are still developing. Very small particles of certain substances (e.g., sulfates and nitrates) can also directly cause lung damage or can contain absorbed gases (e.g., chlorides or ammonium) that may be injurious to health.

Particulate matter in the atmosphere results from many kinds of dust and fume-producing industrial and agricultural operations, fuel combustion, and atmospheric photochemical reactions. Some sources of particulate matter, such as mining and demolition and construction activities, are more local in nature, while others, such as vehicular traffic, have a more regional effect. In addition to health effects, particulates also can damage materials and reduce visibility. Dust comprised of large particles (diameter greater than 10 microns) settles out rapidly and is more easily filtered by human breathing passages. This type of dust is considered more of a soiling nuisance rather than a health hazard.

In 1983, CARB replaced the standard for “suspended particulate matter” with a standard for suspended PM_{10} or “respirable particulate matter.” This standard was set at 50 µg/m3 for a 24-hour average and 30 µg/m3 for an annual average. CARB revised the annual PM_{10} standard in 2002, pursuant to the Children's Environmental Health Protection Act. The revised PM_{10} standard is 20 µg/m3 for an annual average. $PM_{2.5}$ standards were first promulgated by the EPA in 1997, and were recently revised to lower the 24-hour $PM_{2.5}$ standard to 35 µg/m3 for 24-hour exposures. The EPA revoked the annual PM_{10} standard due to lack of scientific evidence correlating long-term exposures of ambient PM_{10} with health effects. CARB has adopted an annual average $PM_{2.5}$ standard, which is set at 12 µg/m3, which is more stringent than the

Federal standard of 15 µg/m3.

TOXIC AIR CONTAMINANTS

Besides the "criteria" air pollutants, there is another group of substances found in ambient air referred to as Hazardous Air Pollutants (HAPs) under the Federal Clean Air Act and Toxic Air Contaminants (TACs) under the California Clean Air Act. These contaminants tend to be localized and are found in relatively low concentrations in ambient air. However, they can result in adverse chronic health effects if exposure to low concentrations occurs for long periods. They are regulated at the local, state, and federal level.

TACs are a broad class of compounds known to cause morbidity or mortality (cancer risk), and include, but are not limited to, the criteria air pollutants listed above. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., benzene near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Diesel exhaust is the predominant TAC in urban air, and is estimated to represent about two-thirds of the cancer risk from TACs (based on the statewide average). According to CARB, diesel exhaust is a complex mixture of gases, vapors and fine particles. This complexity makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by ARB, and are listed as carcinogens either under State Proposition 65 or under the Federal Hazardous Air Pollutants programs.

CARB reports that recent air pollution studies have shown an association that diesel exhaust and other cancer-causing toxic air contaminants emitted from vehicles are responsible for much of the overall cancer risk from TACs in California. Particulate matter emitted from diesel-fueled engines (diesel particulate matter [DPM]) was found to comprise much of that risk. In August, 1998, CARB formally identified DPM as a TAC. Diesel particulate matter is of particular concern, since it can be distributed over large regions, thus leading to widespread public exposure. The particles emitted by diesel engines are coated with chemicals, many of which have been identified by EPA as hazardous air pollutants, and by CARB as TACs.

Diesel engines emit particulate matter at a rate about twenty (20) times greater than comparable gasoline engines. The vast majority of diesel exhaust particles (over 90 percent) consist of $PM_{2.5}$, which are the particles that can be inhaled deep into the lungs. Like other particles of this size, a portion will eventually become trapped within the lung, possibly leading to adverse health effects. While the gaseous portion of diesel exhaust also contains TACs, CARB's 1998 action was specific to DPM, which accounts for much of the cancer-causing potential from diesel exhaust. California has adopted a comprehensive diesel risk reduction program to reduce DPM emissions 85 percent by 2020. The U.S. EPA and CARB adopted low sulfur diesel fuel standards in 2006 that reduced diesel particulate matter substantially.

In cooler weather, smoke from residential wood combustion can be a source of TACs. Localized high TAC concentrations can result when cold stagnant air traps smoke near the ground and,

with no wind, the pollution can persist for many hours, especially in sheltered valleys during winter. Wood smoke also contains a significant amount of PM_{10} and $PM_{2.5}$. Wood smoke is an irritant, and is implicated in worsening asthma and other chronic lung problems. However, conventional wood burning fireplaces have been prohibited in new construction in the area since July 2008 (BAAQMD Regulation 6, Rule 3), so will not be included in future development in the Project area.

NATIONAL AND STATE AMBIENT AIR QUALITY STANDARDS

The CAA and CCAA promulgate, respectively, national and state ambient air quality standards for carbon monoxide (CO), ozone (O_3), nitrogen dioxide (NO_2), particulate matter 10 microns or less in diameter (PM_{10}), and particulate matter 2.5 microns or less in diameter ($PM_{2.5}$). Ambient standards specify the concentration of pollutants to which the public may be exposed without adverse health effects. Individuals vary widely in their sensitivity to air pollutants, and standards are set to protect more pollution-sensitive populations (e.g., children and the elderly). National and state standards are reviewed and updated periodically based on new health studies. California ambient standards tend to be at least as protective as national ambient standards, and are often more stringent. National and California ambient air quality standards are shown in **Table 5-1** below.

TABLE 5-1: HEALTH-BASED AMBIENT AIR QUALITY STANDARDS

Pollutant	Averaging Time	California Standard	National Standard
Ozone	1 Hour	0.09 ppm	--
	8 Hour	0.070 ppm	0.075 ppm
Carbon Dioxide	1 Hour	20 ppm	35 ppm
	8 Hour	9.0 ppm	9 ppm
Nitrogen Dioxide	1 Hour	0.18 ppm	0.100 ppm
	Annual	0.030 ppm	0.053 ppm
Sulfur Dioxide	24 Hour	0.04 ppm	0.14 ppm
	Annual	--	0.030 ppm
Particulates <10 microns	24 Hour	50 ug/m3	15 ug/m3
	Annual	20 ug/m3	--
Particulates <2.5 microns	24 Hour	--	35 ug/m3
	Annual	12 ug/m3	15 ug/m3

Concentrations: ppm = parts per million; ug/m3 = micrograms per cubic meter.

Source: Bay Area Air Quality Management District, Bay Area Pollution Summary - 2010.

For planning purposes, regions like the San Francisco Bay Area Air Basin are given an air quality status designation by the federal and state regulatory agencies. Areas with monitored pollutant concentrations that are lower than ambient air quality standards are designated "attainment" on a pollutant-by-pollutant basis. When monitored concentrations exceed ambient standards within an air basin, it is designated "nonattainment" for that pollutant. U.S. EPA designates areas as "unclassified" when insufficient data are available to determine the attainment status; however, these areas are typically considered to be in attainment of the standard.

EXISTING AIR QUALITY

Air quality in the region is controlled by the rate of pollutant emissions and meteorological conditions, which may affect the atmosphere's ability to mix and disperse pollutants. Long-term variations in air quality typically result from changes in air pollutant emissions, while frequent, short-term variations result from changes in atmospheric conditions. The San Francisco Bay Area is considered to be one of the cleanest metropolitan areas in the country with respect to air quality.

The BAAQMD monitors air quality conditions at twenty-eight (28) locations throughout the Bay Area. There is an Ozone monitoring station in Hayward (the Hayward-La Mesa station), and a station in Fremont monitors for other criteria pollutants. Monitoring station measurements indicate that air quality in the vicinity of Hayward performs well against State standards for criteria air pollutants. **Table 5-2** summarizes exceedances of the state and federal standards at the Hayward and Fremont monitoring sites and Bay Area-wide. **Table 5-2** also shows that air quality as a result of exceedances of O_3, $PM_{2.5}$ and PM_{10} standards are problematic in the San Francisco Bay Area. In recent years, the State O_3 standards have been exceeded at least somewhere in the Bay Area on 4 to 20 days per year, including exceedances up to four (4) days in a year at the Hayward monitoring station.

The Bay Area has exceeded the $PM_{2.5}$ standard on eleven (11) to fourteen (14) sampling days per year. The Hayward monitoring site logged zero to 2 exceedances per year from 2007 to 2009 (the most recent years available). PM_{10} is no longer monitored at the nearby stations, though the Bay Area showed no exceedances of the Federal standard from 2007-2009 and exceedances of the State standard on one (1) to five (5) days over that period. Standards for CO and NO_2, or any other criteria air pollutant, are not exceeded anywhere in the Bay Area.[3]

[3] BAAQMD, Air Pollution Summaries, http://www.baaqmd.gov/Divisions/Communications-and-Outreach/Air-Quality-in-the-Bay-Area/Air-Quality-Summaries.aspx , accessed March 28, 2011.

TABLE 5-2: SUMMARY OF CRITERIA AIR POLLUTION MONITORING DATA

Pollutant	Standard	Monitoring Site	Days Standard Exceeded		
			2007	2008	2009
Ozone	State 1-Hour	Hayward	0	1	4
		Fremont	0	1	4
		SF Bay Area Air	4	9	11
Ozone	Federal 8-Hour	Hayward	0	1	3
		Fremont	0	1	0
		SF Bay Area Air	1	12	8
Ozone	State 8-Hour	Hayward	0	3	4
		Fremont	0	3	2
		SF Bay Area Air	9	20	13
PM_{10}	Federal 24-Hour	Fremont	0	*	*
		SF Bay Area Air	0	0	0
PM_{10}	State 24-Hour	Fremont	1	*	*
		SF Bay Area Air	4	5	1
$PM_{2.5}$	Federal 24-Hour	Fremont	2	0	1
		SF Bay Area Air	14	12	11
Carbon Monoxide	State/Federal 8-Hour	Fremont	0	0	0
		SF Bay Area Air	0	0	0
Nitrogen Dioxide	State 1-Hour	Fremont	0	0	0
		SF Bay Area Air	0	0	0

Notes: PM_{10} and $PM_{2.5}$ are measured every sixth day in San Francisco and other Bay Area sites, so the number of days exceeding the standard is estimated.

PM_{10} monitoring was discontinued at the Fremont monitoring station on June 30, 2008

In 2006, the $PM_{2.5}$ standard was changed from 65 µg/m3 to 35 µg/m3

Source: Bay Area Air Quality Management District Air Pollution Summaries (http://www.baaqmd.gov/Divisions/Communications-and-Outreach/Air-Quality-in-the-Bay-Area/Air-Quality-Summaries.aspx). 2009 is the most recent year available.

ATTAINMENT STATUS

Areas that do not violate ambient air quality standards are considered to have attained the standard. Violations of ambient air quality standards are based on air pollutant monitoring data and are judged for each air pollutant. The attainment status for the Bay Area is summarized in **Table 5-3**, below. The Bay Area as a whole does not meet state or federal ambient air quality standards for ground level ozone and $PM_{2.5}$ and State standards for PM_{10}.

TABLE 5-3: REGIONAL ATTAINMENT STATUS

Pollutant	Federal Status	State Status
Ozone (O_3): 1-hour Standard	No Designation	Serious Nonattainment
Ozone (O^3): 8-hour Standard	Marginal Nonattainment	Nonattainment
Respirable Particulate Matter (PM_{10})	Unclassified	Nonattainment
Fine Particulate Matter ($PM_{2.5}$)	Nonattainment	Nonattainment
Carbon Monoxide (CO)	Attainment/Unclassified	Attainment
Nitrogen Dioxide (NO_2)	Unclassified	Attainment
Sulfur Dioxide (SO_2)	Attainment	Attainment
Sulfates	No Designation	Attainment
Lead	No Designation	Attainment
Hydrogen Sulfide	No Designation	Unclassified
Visibility Reducing Particles	No Designation	Unclassified

Source: Bay Area Air Quality Management District and California Air Resource Board, http://hank.baaqmd.gov/pln/air_quality/ambient_air_quality.htm.

Under the Federal CAA, the U.S. EPA has classified the region as marginally nonattainment for the 1997 8-hour ozone standard. U.S. EPA required the region to attain the standard by 2007. The U.S. EPA determined that the Bay Area has met this standard, but a formal re-designation request and maintenance plan would have to be submitted before formal re-designation could be made.

In May 2008, U.S. EPA lowered the 8-hour ozone standard from 0.08 to 0.075 ppm. The USEPA was poised to promulgate nonattainment designations under the 2008 ozone NAAQS in December 2009, which would have included the Bay Area. These nonattainment designations would have become effective by March 12, 2010. However, in January, 2010, the USEPA announced delay of the final designations for the 2008 NAAQS until March 12, 2011, to allow adequate time for reconsideration and possible revision of the 2008 NAAQS. Therefore, there is currently no change to the Bay Area's existing designation of Marginal Nonattainment for the

federal 8-hour standard.

The range of standards under consideration would be a significant change, which would undoubtedly result in a nonattainment designation for the Bay Area and much of California. The Bay Area has met the CO standards for over a decade, and is classified attainment maintenance by the U.S. EPA. The U.S. EPA grades the region unclassified for all other air pollutants, which include PM_{10} and $PM_{2.5}$. In December 2008, U.S. EPA designated the entire Bay Area as nonattainment for the federal 24-hour $PM_{2.5}$ standard. $PM_{2.5}$ monitoring data showed violations at the Vallejo and San Jose monitoring stations. The Bay Area will have until 2015 to attain the standards, although U.S. EPA could grant extensions to 2020.

At the State level, the region is considered serious non-attainment for ground level O3 and non-attainment for PM_{10} and $PM_{2.5}$.

California ambient air quality standards are more stringent than the national ambient air quality standards. The region is required to adopt plans on a triennial basis that show progress towards meeting the State O_3 standard. The area is considered attainment or unclassified for all other pollutants.

REGIONAL AIR QUALITY PLANS

The BAAQMD and other agencies prepare Clean Air Plans in response to the State and federal Clean Air Acts. The City of Hayward also includes General Plan policies, as enumerated above, that encourage development that reduces air quality impacts. In addition, the BAAQMD has developed CEQA Guidelines to assist local agencies in evaluating and mitigating air quality impacts.

2001 Ozone Attainment Plan Addressing the National Standards

The BAAQMD, the Metropolitan Transportation Commission (MTC), and the Association of Bay Area Governments (ABAG) prepared the Bay Area 2001 Ozone Attainment Plan. This plan is a proposed revision to the Bay Area’s part of the State Implementation Plan (SIP) to achieve the NAAQS for the 1-hour ozone standard. The plan was prepared in response to U.S. EPA's partial approval and partial disapproval of the Bay Area's 1999 Ozone Attainment Plan. Although U.S. EPA revoked the 1-hour NAAQS, commitments made in that plan along with emissions budgets remain valid until the region develops an attainment demonstration/ maintenance plan for the 8-hour NAAQS for ozone.

The U.S. EPA has already determined that the region met the 1997 8-hour ozone standard. However, the region will be required to submit a maintenance plan and demonstration of attainment with a request for re-designation to U.S. EPA prior to be formally re-designated. BAAQMD will likely not act on this submittal for a few years. In addition, the U.S. EPA’s new, slightly more stringent, 8-hour standard was recently established. The U.S. EPA will be making new attainment designations based on that standard in about three years and eventually revoking the older standard.

1991 Clean Air Plan and Subsequent Updates Addressing the State Standards

In 1991, the BAAQMD, MTC and ABAG prepared the Bay Area 1991 Clean Air Plan or CAP. This air quality plan addresses the California Clean Air Act. Updates are developed approximately every three years. The plans were meant to demonstrate progress toward meeting the more stringent 1-hour ozone CAAQS. The latest update to the plan, which was adopted in September 2010, is called the Bay Area 2010 Clean Air Plan. The plan includes the following:

- Updates the recent Bay Area 2005 Ozone Strategy in accordance with the requirements of the California Clean Air Act to implement "all feasible measures" to reduce ozone;
- Provide a control strategy to reduce ozone, particulate matter (PM), TACs, and greenhouse gases in a single, integrated plan;
- Review progress in improving air quality in recent years; and
- Establish emission control measures to be adopted or implemented in the 2010-2012 timeframe.

PM_{10} and $PM_{2.5}$ Plans

BAAQMD has found that the primary constituents of elevated $PM_{2.5}$ and PM_{10} are secondary ammonium nitrate and wood smoke. Secondary ammonium nitrate forms in the atmosphere as a result primarily of fossil fuel combustion (e.g., motor vehicles). The clean air planning efforts for ozone will also reduce PM_{10} and $PM_{2.5}$, since a substantial amount of this air pollutant comes from combustion emissions such as vehicle exhaust.

BAAQMD adopts and enforces rules to reduce particulate matter emissions and develops public outreach programs to educate the public to reduce PM_{10} and $PM_{2.5}$ emissions (e.g., Spare the Air Program). SB 656 requires further action by CARB and air districts to reduce public exposure to PM_{10} and $PM_{2.5}$. Efforts identified by BAAQMD in response to SB 656 are primarily targeting reductions in wood smoke emissions and adoption of new rules to further reduce NOx and particulate matter from internal combustion engines and reduce particulate matter from commercial charbroiling activities.

BAAQMD recently adopted a rule addressing residential wood burning. The rule restricts operation of any indoor or outdoor fireplace, fire pit, wood or pellet stove, masonry heater or fireplace insert on specific days during the winter when air quality conditions are forecasted to exceed the NAAQS for $PM_{2.5}$. The rule also limits excess visible emissions from wood burning devices and requires clean burning technology for wood burning devices sold (or resold) or installed in the Bay Area. Controls on ozone precursor emissions that include NOx and ROG would reduce particulate matter concentrations in winter. NOx emissions contribute to ammonium nitrate formation that resides in the atmosphere as particulate matter. The Bay Area experiences the highest PM_{10} and $PM_{2.5}$ in winter, when wood smoke and ammonium nitrate contributions to particulate matter are highest.

Because U.S. EPA designated the Bay Area nonattainment for the 24-hour $PM_{2.5}$ standard, CARB and BAAQMD will have to develop a plan for meeting the standard by December 2014.

The plan must be submitted to U.S. EPA by December 2012. Statewide, CARB has taken recent actions at reducing $PM_{2.5}$ from diesel trucks and construction equipment.

On June 2, 2010, the Air District adopted updated thresholds and the BAAQMD CEQA Guidelines in support of the new Clean Air Plan including revised significance thresholds, assessment methodologies, and mitigation strategies for criteria pollutants, air toxics, odors, and greenhouse gas emissions.

SENSITIVE RECEPTORS

"Sensitive receptors" are defined as facilities where sensitive population groups, such as children, the elderly, the acutely ill and the chronically ill, are likely to be located. These land uses include residences, schools, playgrounds, childcare centers, retirement homes, convalescent homes, hospitals and medical clinics.

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

Implementation of the Project would have a significant effect on the environment if it were to:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors);
- Expose sensitive receptors to substantial pollutant concentrations

The CEQA Guidelines state that, where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the above determinations. Therefore, the June 2010 BAAQMD thresholds and CEQA Guidelines are utilized to evaluate the Project's potential significant impacts, as discussed in detail under each topic below.

CRITERIA AIR POLLUTANTS AND PRECURSOR EMISSIONS

Impact Air-1: **Conflict with Clean Air Plan.** Development anticipated as a result of the Project would increase development intensity beyond that assumed in the CAP, but would support the goals of the CAP, including applicable control measures. This would be a ***less-than-significant impact***.

BAAQMD has determined that for a plan (such as the current Project) to result in a significant

conflict with the Clean Air Plan, it must be inconsistent with the current CAP control measures and/or result in an increase in vehicle use (measured by either vehicle miles traveled (VMT) or trips) that is proportionally greater than its increase in population. The following discussion is based on BAAQMD's recommended procedure for determining consistency:

1. Does the project support the primary goals of the Air Quality Plan?

   The primary goals of the 2010 Bay Area CAP are:

   - Improving air quality;
   - Protecting public health; and
   - Protecting our climate (discussed in the Chapter 6 of this Draft SEIR).

   The Project area includes the South Hayward BART Station and surrounding vicinity. Consistent with the Hayward General Plan, one Project objective is to provide for intensified land uses in close proximity to the BART Station. This transit friendly, smart-growth goal is also consistent with regional planning objectives.[4] The Project will facilitate increased use of transit and provide a mix of land uses to encourage walking. This would equate to decreased vehicle trips and reduced vehicle emissions and, thereby, help to support the CAP goals of improving air quality and protecting public health.

2. Does the project include applicable control measures from the 2010 CAP?

   The majority of CAP control measures fall into categories not applicable to the Project (e.g., development of regional or local governmental rules and regulations and stationary source control). Control measures applicable to the Project fall into two main categories: Transportation Control Measures (TCMs) intended to reduce vehicle emissions, and Energy and Climate Measures (ECMs). **Table 5-4** lists those TCMs applicable to the Project and includes a description of how the Project includes or incorporates those measures. Energy and Climate measures are discussed separately in Chapter 6 (Greenhouse Gas Emissions).

3. Does the project disrupt or hinder implementation of any 2010 CAP control measures?

   a) Projected VMT or vehicle trips increase is less than or equal to its projected population increase.

   The proposed Project would encourage urban infill mixed use development with access to local and regional transit options in the form of multiple bus lines and the South Hayward BART station. The amount of vehicle trips generated by such a project would be anticipated to be substantially reduced through pedestrian, bicycle and transit usage and internal trip capture as multiple uses will be located conveniently near each other.

[4] The Association of Bay Area Governments has designated the Project area as a "Priority Development Area." (See www.bayareavison.org)

> Mixed-use, transit-oriented growth, such as the Project, would generate less trips than growth elsewhere without these characteristics thereby supporting the goal to balance trip growth with population growth.

As discussed above, the Project supports the goals of the CAP, includes applicable control measures, and does not disrupt or hinder implementation of any CAP control measures. The impact is ***less than significant***.

TABLE 5-4: BAAQMD ECM / TCM MEASURES AND PROJECT APPLICABILITY

ECM or TCM#	Name/Source Category	Description	Project Applicability
TCM-3	Improve Local and Area wide Bus Service	These measures focus on sustaining and improving existing services, such as through replacement of worn-out assets, extension of BART lines, and implementation of express routes and transit priority measures (bus lanes, signal priority, bulb-outs, etc.)	These measures are generally funded and implemented on a regional level. However, the Project would indirectly improve transit services by placing homes and businesses within walking distance of an existing BART Station and, therefore, increase ridership.
TMC B-2	Improve System Efficiency	These measures include operational improvements to freeway and arterial systems, continued operation of 511 Transit and full implementation of Clipper, implementation of a regional Express Lane Network and consideration of congestion toll pricing, investing in trade corridors for goods movement and incentive funding for cleaner-than-required equipment.	These TCMs are not directly applicable to the Project.
TCM C-1	Support Voluntary Employer-Based Trip Reduction Program	These measures include supporting voluntary efforts by employers to encourage alternative commute modes, encouraging safe routes to schools and transit, promoting ridesharing services, and conducting public outreach and education to encourage alternative transit modes and discouraging high speed driving, which is higher polluting,	The Project would locate homes and businesses within close proximity to existing mass transit. Also, the Project includes new thoroughfares which would shorten walking and biking distances to multiple destination choices.
TCM D-3	Support Local Land Use Strategies	These measures include expanding bicycle facilities and improving bicycle access to transit, improving pedestrian facilities and encouraging walking, promoting higher density mixed-use, residential and employment development near transit.	Implementation under the Project would fulfill all of these measures.
TCM E-2	Implement Pricing Strategies	This measure includes managing travel demand during congested conditions using value pricing, changing parking policies to reduce motor vehicle travel, and reform transportation	The Project would reduce parking requirements and, therefore, apply this measure.
ECM-2	Renewable Energy	Promote distributed renewable energy generation (solar, micro wind turbines, cogeneration, etc.) on commercial and residential buildings, and at industrial facilities.	The Project includes standards for wind and solar power generation at private properties, thereby, promoting their installation.

EXPOSURE OF SENSITIVE RECEPTORS TO TOXIC AIR CONTAMINANTS (TACS)

Impact Air-2: **Siting of Sensitive Receptors Near Highway Emissions and Related Risks.** Development anticipated under the Project would bring additional sensitive uses (which could include residences, schools, day care centers, playgrounds, and medical facilities) to sites exposed to increased health risks from vehicle emissions from Mission Boulevard (Highway 238). Such exposure would represent a ***potentially significant impact***.

BAAQMD's Thresholds of Significance for plans with regard to community risk and hazard impacts are:

1. The land use diagram must identify:

    a. Special overlay zones around existing and planned sources of TACs;

    b. Special overlay zones of at least 500 feet (or Air District-approved modeled distance) on each side of all freeways and high-volume roadways.

2. The plan must also identify goals, policies, and objectives to minimize potential impacts and create overlay zones for sources of TACs and receptors.

<u>Existing and Planned Stationary Sources of TACS</u>

According to BAAQMD's Stationary Source Risk & Hazard Analysis Tool[5], there are 12 permitted stationary sources of toxic air contaminants within the Project area or within 1000 feet of it. These are listed in detail in Appendix C. These sources include gas stations and auto body shops along Mission Boulevard as well as a crematorium on the Holy Sepulcher Cemetery to the east of the Project site, and the Rainbow Cleaners (drycleaners) to the south of the Project site. Emissions from each specific source would be compared against the threshold of 10 in a million for cancer, a non-cancer hazard risk of 1 and $PM_{2.5}$ concentrations of 0.3 ug/m3.These sources can largely be classified as low-risk sources, with risks generally below one (1) in a million for cancer, non-cancer hazard indexes below 0.02 and $PM_{2.5}$ concentrations below 0.01 ug/m3. The only exception is a drycleaner with an excess cancer risk of 7.51 in a million, which is still below the single-source threshold of 10 in a million.

The total risks from all listed and quantified permitted stationary sources within a 1,000 feet of the Project site is increased cancer risk of 9.52 in a million, increased non-cancer risk at a Hazard Index of 0.058 and $PM_{2.5}$ levels of 0.002 ug/m3. These totals are still below the single-source thresholds presented above and well below cumulative thresholds discussed under the Mission Boulevard heading below.

Because these on-site and nearby stationary sources are generally low-risk and risk levels are

[5] BAAQMD, January 2011, Stationary Source Risk $ Hazard Analysis Tool, a Google Earth tool, available at: http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Tools-and-Methodology.aspx .

well below threshold levels, overlays around these uses are not required for the Project. No new stationary source is specifically proposed in the Project area and any new stationary source proposed within or near the Project area will be required to undergo the BAAQMD permitting process.

Mission Boulevard

Mission Boulevard, which runs through the Project area, is the primary source of toxic air contaminants potentially affecting existing and new sensitive receptors. BAAQMD has published the October 2010 version of Surface Streets Screening Tables and the related Risk Hazard Screening Analysis Process. Per BAAQMD recommended methodology, the screening values from their tables have been scaled based upon the average annual daily traffic (AADT) near the Project site. The AADT volume on Mission Boulevard is approximately 68,000 vehicles near the Project site.[6] The resultant screening levels are shown in **Table 5-5** below.

TABLE 5-5: ROADWAY RISK AND HAZARD VALUES - MISSION BOULEVARD

Risk Type	Units	Single-Source Threshold	Cumulative Threshold	Stationary Sources[2]	Maximum Risk for New Receptors from Mission Boulevard Emissions				
Distance from Mission					100	200	500	700	1000
Increased Cancer Risk	In a million	10	100 [1]	9.52	65	23	9	6	5
Increased Non-Cancer Risk	Hazard Index	1	10 [1]	0.058	0.09	0.00	0.00	0.00	0.00
$PM_{2.5}$	ug/m3	0.3 [1]	0.8 [1]	0.002	0.78	0.32	0.16	0.12	0.08

1 Note that the single-source $PM_{2.5}$ threshold and all the cumulative thresholds for siting of new receptors are not currently considered effective by BAAQMD at the time this report was written, so would not strictly apply.

2 Stationary Sources are discussed under the "Existing and Planned Stationary Sources of TACs" subheader above. Total risk from stationary sources is shown in this table and would be added to the risk from Mission Boulevard for comparison to the threshold.

Full calculations can be found in Appendix D

For impacts on future development projects evaluated under the Project, risk from stationary sources would be added to the risk from traffic along Mission Boulevard and compared against the cumulative thresholds of 100 in a million for cancer, a non-cancer hazard risk of 10 and $PM_{2.5}$ concentrations of 0.8 ug/m3. Roadway emissions are substantially greater than other stationary sources, so the roadway emissions would be compared against the single-source emissions thresholds of 10 in a million for cancer, a non-cancer hazard risk of 1 and $PM_{2.5}$ concentrations of 0.3 ug/m3. Note that these standards are not all currently in effect as of the

[6] 68,000 AADT at post mile 11.201 near Hayward and Harder Road from Caltrans 2009 All Traffic Volumes on CSHS.

writing of this report. The currently effective standards are 10 in a million for cancer, a non-cancer hazard risk of 1, with no $PM_{2.5}$ thresholds in effect.

According to **Table 5-5**, health risks would be below cumulative threshold levels at all modeled distances from Mission Boulevard as close at 100 feet away, though the PM2.5 level is approaching the threshold level at 100 feet. However, these new BAAQMD thresholds for siting of new sensitive uses do not take effect until May 1, 2011, so would not strictly apply to this project. If compared against the current thresholds, the health risks are below the hazard index threshold of 1 at all modeled distances and approach the increased cancer risk threshold of 10 in one million at a distance between 200 and 500 feet.

The California Air Resources Board's (CARB's) Air Quality and Land Use Handbook: A Community Health Perspective (April 2005) provides additional insight on this topic. CARB has developed guidelines to be considered in the siting of new sensitive land uses (including residences, schools, day care centers, playgrounds, and medical facilities) to protect vulnerable populations from the adverse health impacts of traffic-related emissions. The guidelines are not regulatory, nor are they binding on local agencies. Specifically, the CARB's advisory recommendation for sensitive land uses proposed near freeways and high-traffic roads is to "[a]void siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles per day." As an urban roadway (i.e., Mission Boulevard) with an AADT level of 68,000 vehicles/day, the Project would be below the traffic levels for this CARB recommendation and, therefore, recommended siting restrictions would not be applicable.

The CARB Air Quality Land Use Handbook also recognizes that there is no "one size fits all" solution to land use planning, and that in addressing housing and transportation needs, the benefits of urban infill, community economic development priorities and other quality of life issues are also important, and these must be considered and weighed by local decision-makers when siting development projects.

Because BAAQMD has requested overlay zones for plans proposing receptors near high-volume roadways and to recognize the potential for adverse effects even without adopted BAAQMD thresholds, Mitigation Measure Air-2 should be implemented.

Mitigation Measure Air-2:

Highway Overlay Zone. The Project shall include an overlay zone extending 500 feet from Mission Boulevard or a reduced distance if coordinated with BAAQMD. This overlay zone shall include the following considerations and mitigation:

<u>Indoor Air Quality:</u>

In accordance with the recommendations of the California Air Resources Board (CARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential health risk due to exposure to diesel particulate matter to achieve an

acceptable interior air quality level for sensitive receptors. The appropriate measures shall include one of the following methods:

(a). Development project applicants shall implement all of the following features that have been found to reduce the air quality risk to sensitive receptors and shall be included in the project construction plans. These features shall be submitted to the Development Services Department for review and approval prior to the issuance of a demolition, grading, or building permit and shall be maintained on an ongoing basis during operation of the project.

i. For sensitive uses (residences, schools, day care centers, playgrounds, and medical facilities) sited within the overlay zone from Mission Boulevard, the applicant shall install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual unit, that meets or exceeds an efficiency standard of MERV 13. The HV system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85% supply filters shall be used.

Project applicants shall maintain, repair and/or replace HV system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HV system and the filter. The manual shall include the operating instructions and the maintenance and replacement schedule. This manual shall be included in the CC&Rs for residential projects and/or distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the HV system and the filters.

(b) Alternative to (a) above, a project applicant proposing siting of sensitive uses (residences, schools, day care centers, playgrounds, and medical facilities) within the overlay zone around Mission Boulevard shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to air polluters prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Development Services Department for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air

quality risks from nearby sources are at or below acceptable levels, then additional measures are not required.

Exterior Air Quality:

(c) To the maximum extent practicable, individual and common exterior open space proposed as a part of developments in the Project area, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.

(d) Alternative to (c) above, an HRA could be prepared and implemented to take into account the risk specifics of the site, as more fully described in item (b) above.

The potential for increased health risks for sensitive receptors located near Mission Boulevard has been recognized by Impact Air-2. Based upon screening analysis summarized in Table 5-5, it is anticipated that risk levels could exceed the BAAQMD thresholds within 500 feet of Mission Boulevard. BAAQMD requests an overlay zone of 500 feet (or a reduced distance if coordinated with BAAQMD, which would require refined modeling). This impact would be reduced to ***less-than-significant levels*** through implementation of Mitigation Measure Air-2, which requires implementation of appropriate mitigating features.

Cumulative Impacts

Additional analysis to determine cumulative impacts of the Project is not necessary. In developing thresholds of significance, BAAQMD considered the levels at which individual impacts would be cumulatively considerable.

6

GREENHOUSE GAS EMISSIONS

INTRODUCTION

At the time the Previous CEQA Documents were prepared and certified, CEQA and the CEQA Guidelines did not contain provisions for the evaluation of potential impacts resulting from greenhouse gas emissions. Similarly, the Bay Area Air Quality Management District (BAAQMD) Air Quality CEQA Guidelines also did not contain provisions addressed greenhouse gas emissions. The recently revised BAAQMD CEQA Guidelines, and new CEQA provisions addressing greenhouse gas emissions, constitute new information which became available after certification of the Previous CEQA Documents. Therefore, the purpose of this chapter is to address this new information as it pertains to the current modified Project.

SETTING

There is a general scientific consensus that global climate change is occurring, caused in whole or in part by increased emissions of greenhouse gases (GHGs) that keep the Earth's surface warm by trapping heat in the Earth's atmosphere[1], in much the same way as glass traps heat in a greenhouse. While many studies show evidence of warming over the last century and predict future global warming, the precise causes of such warming and its potential effects are far less certain.[2] In its "natural" condition, the greenhouse effect is responsible for maintaining a habitable climate on Earth, but human activity has caused increased concentrations of these gases in the atmosphere, thereby contributing to an increase in global temperatures.

The U.S. EPA has recently concluded that scientists know with virtual certainty that:

- "Human activities are changing the composition of Earth's atmosphere. Increasing levels of greenhouse gases like CO_2 in the atmosphere since pre-industrial times are well documented and understood.

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1 U.S. Environmental Protection Agency (U.S. EPA), Global Warming – Climate: Uncertainties (web page), January 2000, http://yosemite.epa.gov/oar/globalwarming.nsf/content/ClimateUncertainties.html#likely , accessed July 24, 2007.

2 "Global climate change" is a broad term used to describe any worldwide, long-term change in the earth's climate.

"Global warming" is more specific and refers to a general increase in temperatures across the earth, although it can cause other climatic changes, such as a shift in the frequency and intensity of weather events and even cooler temperatures in certain areas, even though the world, on average, is warmer.

- The atmospheric buildup of CO_2 and other greenhouse gases is largely the result of human activities such as the burning of fossil fuels.
- A warming trend of approximately 0.7 to 1.5°F occurred during the 20th century. Warming occurred in both the northern and southern hemispheres, and over the oceans.
- The major greenhouse gases emitted by human activities remain in the atmosphere for periods ranging from decades to centuries. It is, therefore, virtually certain that atmospheric concentrations of greenhouse gases will continue to rise over the next few decades. Increasing greenhouse gas concentrations tend to warm the planet."[3] At the same time, there is much uncertainty concerning the magnitude and rate of the warming. Specifically, the U.S. EPA notes that "important scientific questions remain about how much warming will occur; how fast it will occur; and how the warming will affect the rest of the climate system, including precipitation patterns and storms. Answering these questions will require advances in scientific knowledge in a number of areas:
- Improving understanding of natural climatic variations, changes in the sun's energy, land-use changes, the warming or cooling effects of pollutant aerosols, and the impacts of changing humidity and cloud cover.
- Determining the relative contribution to climate change of human activities and natural causes.
- Projecting future greenhouse emissions and how the climate system will respond within a narrow range.
- Improving understanding of the potential for rapid or abrupt climate change."[4]

GREENHOUSE GASES

Carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), ozone (O_3), and water vapor (H_2O) are the principal GHGs, and when concentrations of these gases exceed the natural concentrations in the atmosphere, the greenhouse effect may be enhanced. Without these GHGs, Earth's temperature would be too cold for life to exist. CO_2, CH_4, and N_2O occur naturally, as well as through human activity. Of these gases, CO_2 and CH4 are emitted in the greatest quantities from human activities. Emissions of CO_2 are largely byproducts of fossil fuel combustion, whereas CH_4 results from off gassing associated with agricultural practices and landfills. Man-made GHGs – with much greater heat-absorption potential than CO_2 – include fluorinated gases, such as hydrofluorocarbons (HFCs), perfluorocarbons (PFC), and sulfur hexafluoride (SF_6), which are byproducts of certain industrial processes.[5]

3 U.S. EPA, 2000, op. cit.

4 U.S. EPA, 2000, op. cit

5 CalEPA, 2006b. Final 2006 Climate Action Team Report to the Governor and Legislature. Sacramento, CA. April 3.

POTENTIAL EFFECTS OF HUMAN ACTIVITY ON GHG EMISSIONS

As mentioned above, the primary GHG generated by human activity is CO_2. Fossil fuel combustion, especially for the generation of electricity and powering of motor vehicles, has led to substantial increases in CO_2 emissions (and thus substantial increases in atmospheric concentrations). In 1994, atmospheric CO_2 concentrations were found to have increased by nearly 30 percent above pre-industrial (c.1860) concentrations.

The effect each GHG has on climate change is measured as a combination of the volume of its emissions, and its global warming potential (GWP),[6] and is expressed as a function of how much warming would be caused by the same mass of CO_2. Thus, GHG emissions are typically measured in terms of tons of CO_2 equivalents (CO_2e).

Global Emissions

Worldwide emissions of GHGs in 2004 were 30 billion tons of CO_2 e per year[7] (including both ongoing emissions from industrial and agricultural sources, but excluding emissions from land-use changes).

U.S. Emissions

In 2004, the United States emitted about 8 billion tons of CO_2e or about 25 tons/year/person. Of the four major sectors nationwide - residential, commercial, industrial and transportation - transportation accounts for the highest fraction of GHG emissions (approximately 35 to 40 percent); these emissions are entirely generated from direct fossil fuel combustion.[8]

State of California Emissions

In 2004, California emitted approximately 550 million tons of CO_2e, or about 6 percent of the U.S. emissions. This large number is due primarily to the sheer size of California compared to other states. By contrast, California has one of the lowest per capita GHG emission rates in the country, due to the success of its energy-efficiency and renewable energy programs and commitments that have lowered the State's GHG emissions rate of growth by more than half of what it would have been otherwise.[9] Another factor that has reduced California's fuel use and GHG emissions is its mild climate compared to that of many other states.

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6 The potential of a gas or aerosol to trap heat in the atmosphere.

7 United Nations Framework Convention on Climate Change (UNFCCC), Sum of Annex I and Non-Annex I Countries Without Counting Land-Use, Land-Use Change and Forestry (LULUCF). Predefined Queries: GHG total without LULUCF (Annex I Parties). Bonn, Germany, http://unfccc.int/ghg_emissions_data/predefined_queries/items/3814.php, accessed May 2, 2007.

8 U.S. EPA, 2000, op. cit.

9 California Energy Commission (CEC), Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004 - Final Staff Report, publication # CEC-600-2006-013-SF, Sacramento, CA, December 22, 2006; and January 23, 2007 update to that report.

The California EPA Climate Action Team stated in its March, 2006, report that the composition of gross climate change pollutant emissions in California in 2002 (expressed in terms of CO_2 equivalence) were as follows:

- Carbon dioxide (CO_2) accounted for 83.3 percent;
- Methane (CH_4) accounted for 6.4 percent;
- Nitrous oxide (N2O) accounted for 6.8 percent; and
- Fluorinated gases (HFCs, PFC, and SF6) accounted for 3.5 percent.[10]

The California Energy Commission found that transportation is the source of approximately 41 percent of the State's GHG emissions, followed by electricity generation (both in-state and out of- state) at 23 percent, and industrial sources at 20 percent. Agriculture and forestry is the source of approximately 8.3 percent, as is the source categorized as "other," which includes residential and commercial activities.[11]

Bay Area Emissions

In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of the Bay Area's GHG emissions, accounting for just over half of the Bay Area's 85 million tons of GHG emissions in 2002. Industrial and commercial sources were the second largest contributors of GHG emissions with about 25 percent of total emissions. Domestic sources (e.g., home water heaters, furnaces, etc.) account for about 11 percent of the Bay Area's GHG emissions, followed by power plants at 7 percent. Oil refining currently accounts for approximately 6 percent of the total Bay Area GHG emissions.[12]

BAAQMD updated the GHG emission inventory in 2008 to reflect the base year inventory for 2007[13]. This updated inventory includes additional sources of GHG emissions such as those from electricity generation outside of the Bay Area, use of ozone depleting substances (e.g., refrigerants), additional sources from oil refining, and ship emissions extended out to 100 miles (the 2002 inventory only looked at emissions 3 miles out). The new inventory also reflects year 2007 activity. As a result, the 2007 Bay Area region-wide inventory was estimated at 102.7 MMCO2e. Much of the difference between the 2002 and the 2007 inventories is attributable to the methodology of the computations. About 53.5 percent of the Alameda County inventory is attributable to on-road vehicles.

10 CalEPA, 2006b, op. cit.

11 California Energy Commission (CEC), 2007, op. cit.

12 BAAQMD, 2006. Source Inventory of Bay Area Greenhouse Gas Emissions. November.

13 BAAQMD, 2008. Source Inventory of Bay Area Greenhouse Gas Emissions. December.

City of Hayward Emissions

The City of Hayward and its citizens recognize that climate change poses a potential threat to the community and to the larger environment. Hayward made this intention clear in 2005, when the Mayor of Hayward signed the U.S. Conference of Mayors Climate Protection Agreement. In June 2006, the City joined ten (10) other local governments in Alameda County participating in the Alameda County Climate Protection Project (ACCPP). By joining ACCPP, Hayward embarked on an ongoing coordinated effort to reduce the emission of gasses that cause global warming.

In June 2009, Hayward adopted a Climate Action Plan (Hayward CAP) which provides a roadmap for achieving a measurable reduction in GHG emissions. The Hayward CAP includes GHG emissions reduction targets that align with those of the State of California. The Hayward CAP also presents a number of strategies that will make it possible for the City to meet the recommended targets. The Hayward CAP also suggests best practices for implementing the Plan and makes recommendations for measuring progress.

Hayward's CAP documents a GHG emission inventory including a base year of 2005. At that base year, the City of Hayward emitted 1,183,274 metric tons CO_2e. The transportation sector is the single largest source of emissions, contributing 62 percent of total emissions. Energy in the form of natural gas and electricity accounted for 33.5 percent, and landfill-related emissions accounted for 4.4 percent of total year 2005 emissions.

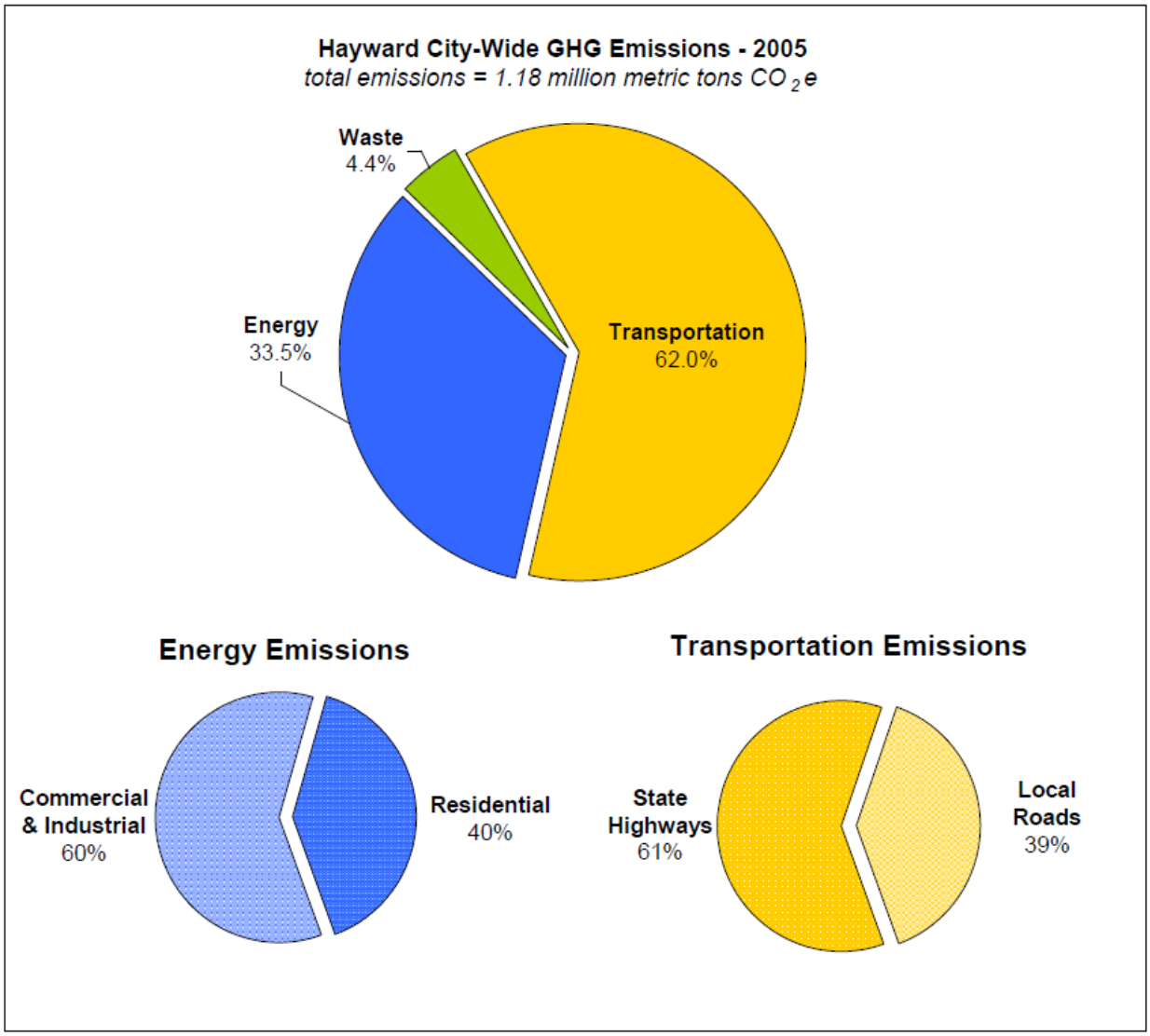

Figure 6-1: Hayward City-wide Emissions in 2005
Source: Hayward CAP

POTENTIAL EFFECTS OF HUMAN ACTIVITY ON GLOBAL CLIMATE CHANGE

Globally, climate change has the potential to impact numerous environmental resources through potential, though uncertain, impacts related to future air temperatures and precipitation patterns. Scientific modeling predicts that continued GHG at or above current rates would induce more extreme climate changes during the 21st century than were observed during the 20th century. A warming of about 0.2°C (0.36°F) per decade is projected, and there are identifiable signs that global warming is taking place, including substantial ice loss in the Arctic.[14]

14 International Panel on Climate Change (IPCC) Special Report on Emissions Scenarios, 2000, www.grida.no/climate/ipcc/emission/002.htm , accessed July 24, 2007.

However, the understanding of GHG emissions, particulate matter, and aerosols on global climate trends remains uncertain. In addition to uncertainties about the extent to which human activity rather than solar or volcanic activity is responsible for increasing warming, there is also evidence that some human activity has cooling, rather than warming, effects, as discussed in detail in numerous publications by the International Panel on Climate Change (IPCC), namely "Climate Change 2001, The Scientific Basis" (2001).[15]

Acknowledging uncertainties regarding the rate at which anthropogenic greenhouse gas emissions (i.e., those related to human activities) would continue to increase (based upon various factors under human control, such as future population growth and the locations of that growth; the amount, type, and locations of economic development; the amount, type, and locations of technological advancement; adoption of alternative energy sources; legislative and public initiatives to curb emissions; and public awareness and acceptance of methods for reducing emissions), and the impact of such emissions on climate change, the IPCC devised a set of six "emission scenarios" which utilize various assumptions about the rates of economic development, population growth, and technological advancement over the course of the next century.[16] These emission scenarios are paired with various climate sensitivity models to attempt to account for the range of uncertainties that affect climate change projections. The wide range of temperature, precipitation, and similar projections yielded by these scenarios and models reveal the magnitude of uncertainty presently limiting climate scientists' ability to project long-range climate change (as previously discussed).

The projected effects of global warming on weather and climate are likely to vary regionally, but are expected to include the following direct effects, according to the IPCC.[17]

- Snow cover is projected to contract, with permafrost areas sustaining thawing.
- Sea ice is projected to shrink in both the Arctic and Antarctic.
- Hot extremes, heat waves, and heavy precipitation events are likely to increase in frequency.
- Future tropical cyclones (typhoons and hurricanes) will likely become more intense.
- Non-tropical storm tracks are projected to move poleward, with consequent changes in wind, precipitation, and temperature patterns. Increases in the amount of precipitation are very likely in high-latitudes, while decreases are likely in most subtropical regions.

15 The IPCC was established in 1988 by the World Meteorological Organization and the United Nations Environment Program to assess scientific, technical and socio-economic information relevant for the understanding of climate change, its potential impacts and options for adoption and mitigation.

16 IPCC, 2000, op. cit.

17 Ibid.

- Warming is expected to be greatest over land and at most high northern latitudes, and least over the Southern Ocean and parts of the North Atlantic Ocean.

Potential secondary effects from global warming include global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.

POTENTIAL EFFECTS OF HUMAN ACTIVITY ON STATE OF CALIFORNIA

According to CARB, some of the potential impacts in California of global warming may include loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years.[18] Several recent studies have attempted to explore the possible negative consequences that climate change, left unchecked, could have in California. These reports acknowledge that climate scientists' understanding of the complex global climate system, and the interplay of the various internal and external factors that affect climate change, remains too limited to yield scientifically valid conclusions on such a localized scale. Substantial work has been done at the international and national level to evaluate climatic impacts, but far less information is available on regional and local impacts. In addition, projecting regional impacts of climate change and variability relies on large-scale scenarios of changing climate parameters, using information that is typically at too general a scale to make accurate regional assessments.[19]

Below is a summary of some of the potential effects reported in an array of studies that could be experienced in California as a result of global warming and climate change:

- Air Quality – Higher temperatures, conducive to air pollution formation, could worsen air quality in California. Climate change may increase the concentration of ground-level ozone, but the magnitude of the effect, and therefore its indirect effects, are uncertain. For other pollutants, the effects of climate change and/or weather are less well studied, and even less well understood.[20] If higher temperatures are accompanied by drier conditions, the potential for large wildfires could increase, which, in turn, would further worsen air quality. However, if higher temperatures are accompanied by wetter, rather than drier conditions, the rains would tend to temporarily clear the air of particulate pollution and reduce the incidence of large wildfires, thus ameliorating the pollution associated with wildfires. Additionally, severe heat accompanied by drier conditions and poor air quality could increase the number of heat related deaths, illnesses, and asthma attacks throughout the State.[21]

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[18] California Air Resources Board (CARB), 2006c. *Public Workshop to Discuss Establishing the 1990 Emissions Level and the California 2020 Limit and Developing Regulations to Require Reporting of Greenhouse Gas Emissions*, Sacramento, CA. December 1.

[19] Kiparsky, M. and P.H. Gleick, 2003. *Climate Change and California Water Resources: A Survey and Summary of the Literature*. Oakland, CA: Pacific Institute for Studies in Development. July.

[20] U.S. EPA, 2007, op. cit.

[21] California Climate Change Center (CCCC), 2006. *Our Changing Climate: Assessing the Risks to California,*

- Water Supply – Uncertainty remains with respect to the overall impact of global climate change on future water supplies in California. For example, models that predict drier conditions (i.e., parallel climate model [PCM]) suggest decreased reservoir inflows and storage and decreased river flows, relative to current conditions. By comparison, models that predict wetter conditions (i.e., HadCM2) project increased reservoir inflows and storage, and increased river flows.[22]

A July 2006, technical report prepared by the California Department of Water Resources (DWR) addresses the State Water Project (SWP), the Central Valley Project, and the Sacramento-San Joaquin Delta. Although the report projects that "climate change will likely have a significant effect on California's future water resources and future water demand," it also reports that "much uncertainty about future water demand remains, especially for those aspects of future demand that will be directly affected by climate change and warming. While climate change is expected to continue through at least the end of this century, the magnitude and, in some cases, the nature of future changes is uncertain. This uncertainty serves to complicate the analysis of future water demand, especially where the relationship between climate change and its potential effect on water demand is not well understood."[23] DWR adds "it is unlikely that this level of uncertainty will diminish significantly in the foreseeable future."[24]

Still, changes in water supply are expected to occur, and many regional studies have shown that large changes in the reliability of water yields from reservoirs could result from only small changes in inflows.[25] Water purveyors, such as the City of Hayward and the East Bay Municipal Utilities District (EBMUD), are required by state law to prepare Urban Water Management Plans (UWMPs) (discussed below, under *Regulatory Context for Greenhouse Gas Emissions and Climate Change*) that consider climatic variations and corresponding impacts on long-term water supplies.[26] DWR has published a 2005 SWP Delivery Reliability Report, which presents information from computer simulations of the SWP operations based on historical data over a 73-year period (1922–1994). The DWR notes that the results of those model studies "represent the best available assessment of the delivery capability of the SWP." In addition, the DWR is continuing to update its studies and analysis of water supplies.

Water purveyors, such as the City of Hayward, are required by State law to prepare every five years an Urban Water Management Plans (UWMP), which includes a water supply reliability

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CEC- 500-2006-077, Sacramento, CA. July.

22 Brekke, L.D., et afl, 2004. "Climate Change Impacts Uncertainty for Water Resources in the San Joaquin River Basin, California." *Journal of the American Water Resources Association*. 40(2): 149–164. Malden, MA, Blackwell Synergy for AWRA.

23 California Department of Water Resources (DWR), 2006. Progress on Incorporating Climate Change into Management of California Water Resources, Sacramento, CA. July.

24 Ibid.

25 Kiparsky 2003, op. cit; DWR, 2005, op. cit.; Cayan, D., et al, 2006. Scenarios of Climate Change in California: An Overview (White Paper, CEC-500-2005-203-SF), Sacramento, CA. February.

26 California Water Code, Section 10631(c).

assessment. Climate change has been identified as having the potential to impact water supplies, and at the agency's option, a discussion of climate change may be incorporated into the UWMP. The City of Hayward is currently preparing its 2010 UWMP, in part based on a water supply reliability evaluation from its wholesale water supplier, San Francisco Public Utilities Commission (SFPUC). SFPUC has provided an initial assessment of climate change, indicating that there may be some seasonal variation in the amount of runoff into the reservoirs, but that sufficient water would be available. As discussed above, climate change could potentially affect the amount of snowfall, rainfall and snow pack; the intensity and frequency of storms; flood hydrographs (flash floods, rain or snow events, coincidental high tide and high runoff events); sea level rise and coastal flooding; coastal erosion; and the potential for salt water intrusion. Sea level rise can be a product of global warming through two main processes: expansion of seawater as the oceans warm, and melting of ice over land. A rise in sea levels could result in coastal flooding and erosion and could also jeopardize California's water supply. In particular, saltwater intrusion would threaten the quality and reliability of the state's major fresh water supply that is pumped from the southern portion of the Sacramento/San Joaquin River Delta. Increased storm intensity and frequency could affect the ability of flood-control facilities (including levees) to handle storm events.

- Agriculture. California has a $30 billion agricultural industry that produces half the country's fruits and vegetables. The California Climate Change Center (CCCC) notes that higher CO_2 levels can stimulate plant production and increase plant water-use efficiency. However, if temperatures rise and drier conditions prevail, water demand could increase; crop-yield could be threatened by a less reliable water supply; and greater ozone pollution could render plants more susceptible to pest and disease outbreaks. In addition, temperature increases could change the time of year that certain crops, such as wine grapes, bloom or ripen, and thus affect their quality.[27]

- Ecosystems and Wildlife. Increases in global temperatures and the potential resulting changes in weather patterns could have ecological effects on a global and local scale. In 2004, the Pew Center on Global Climate Change released a report examining the possible impacts of climate change on ecosystems and wildlife.[28] The report outlines four major ways in which it is thought that climate change could affect plants and animals: (1) timing of ecological events; (2) geographic range; (3) species' composition within communities; and (4) ecosystem processes such as carbon cycling and storage.

27 California Climate Change Center (CCCC), 2006, op. cit.

28 Parmesan, C. and H. Galbraith, Observed Impacts of Global Climate Change in the U.S., Arlington, VA: Pew Center on Global Climate Change, November 2004.

REGULATORY CONTEXT FOR GHG EMISSIONS AND CLIMATE CHANGE

International and Federal

Kyoto Protocol

The United States participates in the United Nations Framework Convention on Climate Change (UNFCCC) (signed on March 21, 1994). The Kyoto Protocol is a treaty made under the UNFCCC and was the first international agreement to regulate GHG emissions. It has been estimated that if the commitments outlined in the Kyoto Protocol are met, global GHG emissions could be reduced by an estimated 5 percent from 1990 levels during the first commitment period of 2008–2012. It should be noted that although the United States is a signatory to the Kyoto Protocol, Congress has not ratified the Protocol and the United States is not bound by the Protocol's commitments.

Climate Change Technology Program

The United States has opted for a voluntary and incentive-based approach toward emissions reductions in lieu of the Kyoto Protocol's mandatory framework. The Climate Change Technology Program (CCTP) is a multi-agency research and development coordination effort (which is led by the Secretaries of Energy and Commerce) that is charged with carrying out the President's National Climate Change Technology Initiative.[29]

U.S. Environmental Protection Agency (U.S. EPA)

To date, the U.S. EPA has not regulated GHGs under the Clean Air Act (discussed above) based on its assertion in Massachusetts et al. v. EPA et al[30] that the "Clean Air Act does not authorize it to issue mandatory regulations to address global climate change and that it would be unwise to regulate GHG emissions because a causal link between GHGs and the increase in global surface air temperatures has not been unequivocally established." However, in the same case (Massachusetts v. EPA), the U.S. Supreme Court held that the U.S. EPA can, and should, consider regulating motor-vehicle GHG emissions.

State of California

Assembly Bill (AB) 1493

On July 1, 2002, the California Assembly passed Assembly Bill (AB) 1493 (signed into law on July 22, 2002), requiring the CARB to "adopt regulations that achieve the maximum feasible and cost-effective reduction of GHG emissions from motor vehicles." The regulations were to be adopted by January 1, 2005, and apply to 2009 and later model-year vehicles. In September

29 Climate Change Technology Program (CCTP), About the U.S. Climate Change Technology Program (web page), Washington, D.C., last updated April 2006, http://www.climatetechnology.gov/about/index.htm, accessed July 24, 2007.

30 U.S. Supreme Court, Massachusetts et. al. v. EPA et. al (No. 05-1120, 415F 3d 50), April 2, 2007.

2004, CARB responded by adopting "CO_2-equivalent fleet average emission" standards. The standards will be phased in from 2009 to 2016, reducing emissions by 22 percent in the "near term" (2009–2012) and 30 percent in the "mid term" (2013– 2016), as compared to 2002 fleets.

Executive Order (EO) S-3-05

On June 1, 2005, Governor Arnold Schwarzenegger signed Executive Order (EO) S-3-05, establishing statewide GHG emissions reduction targets. This EO provides that by 2010, emissions shall be reduced to 2000 levels; by 2020, emissions shall be reduced to 1990 levels; and by 2050, emissions shall be reduced to 80 percent of 1990 levels. The Secretary of the California Environmental Protection Agency (CalEPA) is charged with coordinating oversight of efforts to meet these targets and formed the Climate Action Team (CAT) to carry out the EO. Several of the programs developed by the CAT to meet the emission targets are relevant to residential construction and are outlined in a March 2006 report.[31] These include prohibition of idling of certain classes of construction vehicles; provision of recycling facilities within residential buildings and communities; compliance with the Energy Commission's building and appliance energy efficiency standards; compliance with California's Green Buildings and Solar initiatives; and implementation of water-saving technologies and features.

California Assembly Bill 32 (AB 32).

On August 31, 2006, the California Assembly passed Bill 32 (AB 32) (signed into law on September 27, 2006), the California Global Warming Solutions Act of 2006. AB 32 commits California to reduce GHG emissions to 1990 levels and establishes a multi-year regulatory process under the jurisdiction of the CARB to establish regulations to achieve these goals. CARB must adopt such regulations by January 1, 2008. The regulations shall require monitoring and annual reporting of GHG emissions from selected sectors or categories of emitters of GHGs. By January 1, 2008, CARB was also required to adopt a statewide GHG emissions limit equivalent to the statewide GHG emissions levels in 1990, which must be achieved by 2020. By January 1, 2011, CARB is required to adopt rules and regulations, which shall become operative January 1, 2012) to achieve the maximum technologically feasible and cost-effective GHG emission reductions.

On April 20, 2007, CARB published Proposed Early Actions to Mitigate Climate Change in California.[32] This publication indicated that the issue of GHG emissions in CEQA and General Plans was being deferred for later action, so the publication did not discuss any early action measures generally related to CEQA or to land use decisions. As noted in that report: "AB 32 requires that all GHG reduction measures adopted and implemented by the Air Resources Board be technologically feasible and cost effective."[33] The law permits the use of market-based

31 California Environmental Protection Agency (CalEPA), 2006a. Climate Action Team, Executive Summary. Climate Action Team Report to Governor Schwarzenegger and the California Legislature. Sacramento, CA, March.

32 CalEPA, Air Resources Board (CARB), Proposed Early Actions to Mitigate Climate Change in California. Sacramento, CA, April 20, 2007.

33 Ibid.

compliance mechanisms to achieve those reductions and also requires that GHG measures have neither negative impacts on conventional pollutant controls nor any disproportionate socioeconomic effects (among other criteria).

On October 24, 2008, CARB released a "Preliminary Draft Staff Proposal," "Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gas under the California Environmental Quality Act". AB 32 also requires CARB to monitor compliance with and enforcement of any rule, regulation, order, emission limitation, emissions reduction measure, or market-based compliance mechanism that it adopts.

California Senate Bill 97 (SB 97)

Governor Schwarzenegger signed SB 97 (Chapter 185, Statutes 2007) into law on August 24, 2007. The legislation provides partial guidance on how greenhouse gases should be addressed in certain CEQA documents. Pursuant to Senate Bill 97, the Natural Resources Agency reviewed and adopted the amendments to the CEQA Guidelines on December 30, 2010, prepared and forwarded by the Governor's Office of Planning and Research (OPR), including guidelines addressing GHGs. The Amendments became effective on March 18, 2010. OPR recommends that each agency develop an approach to addressing GHG emissions that is based on best available information. The approach includes three basic steps: (1) identify and quantify emissions; (2) assess the significance of the emissions; and (3) if emissions are significant, identify mitigation measures or alternatives that will reduce the impact to a less-than-significant level.

California Urban Water Management Act

The California Urban Water Management Planning Act requires various water purveyors throughout the State of California (such as City of Hayward and EBMUD) to prepare UWMPs, which assess the purveyor's water supplies and demands over a 20-year horizon (California Water Code, Section 10631 et seq.). As required by that statute, UWMPs are updated by the purveyors every five years. As discussed above, this is relevant to global climate change, which may affect future water supplies in California, as conditions may become drier or wetter, affecting reservoir inflows and storage and increased river flows.[34]

Senate Bill 375

Senate Bill 375, signed into law in October, 2008, requires CARB to establish regional targets for reduction of GHG emissions due to transportation and land use, requires metropolitan planning organizations (Association of Bay Area Governments in the Bay Area) to prepare regional sustainable land use plans to reach these targets, and directs regional transportation agencies (Metropolitan Transportation Commission in the Bay Area) to ensure that regional transportation plans are consistent with and support the regional sustainability plans. Many infill development projects consistent with these plans will be exempt from CEQA. The process of establishing targets and plans is expected to take several years, based on timelines in SB 375.

34 Brekke, 2004, op. cit.

However, the Association of Bay Area Governments (ABAG) has already begun preparing revised Policy-Based Projections for its 2009 land use projections, and has estimated GHG impacts as part of its initial assessment of alternative projection scenarios. Overall, the Bay Area is expected to grow by approximately 2,000,000 people by 2035. DRAFT Projections 2009 and an Initial Vision Scenario related to developing a regional Sustainable Communities Strategy per SB 375 have been released for jurisdictional staff review. In order to accommodate the increased population and meet the mandates of AB 32, the draft projections and Initial Vision Scenario document have a significantly increased focus on higher intensity transit-oriented development as a key strategy.

Regional and Local

Bay Area 2010 Clean Air Plan (CAP)

BAAQMD, MTC and ABAG jointly prepare the Bay Area Clean Air Plan updates approximately every three years. While originally intended as an ozone plan to meet requirements of the California Clean Air Act for a nonattainment area, the Bay Area 2010 CAP also addressed climate change and GHGs.

Bay Area Air Quality Management District Climate Protection Program

BAAQMD established a climate protection program to reduce pollutants that contribute to global climate change and affect air quality in the San Francisco Bay Area Air Basin (SFBAAB). The climate protection program includes measures, for example, that promote energy efficiency, reduce vehicle miles traveled, and develop alternative sources of energy, all of which assist in reducing emissions of GHGs and in reducing air pollutants that affect the health of residents. BAAQMD also seeks to support current climate protection programs in the region and to stimulate additional efforts through public education and outreach, technical assistance to local governments and other interested parties, and promotion of collaborative efforts among stakeholders.

BAAQMD CEQA Air Quality Guidelines

In June 2010, BAAQMD approved an update to the CEQA Air Quality Guidelines that establishes quantitative GHG emissions thresholds of significance. The BAAQMD CEQA Air Quality Guidelines include separate thresholds of significance for project and plan-level GHG analyses. The Project is considered a project under BAAQMD's GHG emissions significance thresholds since the City of Hayward June 2009 Climate Action Plan does not constitute a "Qualified" GHG Reduction Strategy conforming to BAAQMD criteria.

Project-level analyses can be evaluated using two quantitative thresholds based on the project's annual GHG emissions (i.e., MT CO2e/year) or the project's GHG efficiency (i.e., MT CO2e/yr/service population [SP]). The service population of a project is defined by the number of employees and residents.

FOCUS Program and Priority Development Areas

The Association of Bay Area Governments (ABAG), MTC, Bay Conservation and Development

Commission (BCDC), and BAAQMD have partnered to develop the FOCUS Program. The activities associated with the FOCUS Program will be important for reducing regional GHG emissions, as well as promoting a more compact land use pattern, multi-modal mobility, conservation of natural resources, and community development throughout the Bay Area. The FOCUS program provides incentives for development of Priority Development Areas (PDAs), which are infill development opportunity areas near transit. PDAs are generally areas of at least 100 acres where there is local commitment to developing more housing along with amenities and services to meet the day-to-day needs of residents in a pedestrian-friendly environment served by transit. To be eligible to become a PDA, an area had to be within an existing community, near existing or planned fixed transit or served by comparable bus service, and planned for more housing. The entire Project area is located within a planned PDA.[35] (See also pervious discussion regarding the Initial Vision Scenario and regional Sustainable Communities Strategy.)

Hayward Climate Action Plan

In June 2009, Hayward approved a Climate Action Plan (Hayward CAP) that provides a roadmap for achieving a measurable reduction in GHG emissions. The Hayward CAP includes GHG emissions reduction targets that align with those of the State of California. The Hayward CAP also presents a number of strategies that will make it possible for the City to meet the recommended targets and suggests best practices for implementing the Plan and makes recommendations for measuring progress.

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

Appendix G of the CEQA Guidelines (Environmental Checklist) contains a list of GHG effects that may be considered significant. Implementation of the Project would have a significant effect on the environment if it were to:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases

The significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the above determinations. Thus, according to the BAAQMD, the Project would be considered to have a significant greenhouse gas impact it would:

- Conflict with a Qualified GHG Reduction Strategy; or

35 ABAG website (http://www.bayareavision.org/initiatives/prioritydevelopmentareas.html).

- The GHG efficiency would be greater than 6.6 MT CO2e/yr per service population (service population, SP = population + employment)

GHG EMISSIONS

Impact GHG-1: Generation of Long-Term Operational GHG Emissions. The Project would generate long-term operational GHG emissions over its lifetime. However, the Project's GHG efficiency, which accounts for the population and employment of the Project area, would be below the BAAQMD's GHG efficiency-based threshold. Therefore, the Project would not generate a level of GHG emissions that would have a significant impact on global climate change. As a result, this impact would be less than cumulatively considerable and ***less than significant***.

Methodology

BAAQMD developed a GHG model referred to as the BAAQMD GHG Model or BGM. BGM is an Excel workbook tool that uses the URBEMIS2007 file to provide GHG emissions in the form of equivalent CO_2 emissions (CO_2e) in metric tons per year. Model defaults for the San Francisco Bay Area were used for this analysis.

An URBEMIS2007 modeling file providing estimated emissions resulting from build-out of new land use and development pursuant to implementation of the Project was used as an input to the BGM model. BGM provides emissions for transportation, areas sources, electricity consumption, natural gas combustion, electricity usage associated with water usage and wastewater discharge, and solid waste land filling and transport. The resulting annual emissions of greenhouse gases (expressed as CO2e equivalents) resulting from build-out of the Project in term of metric tons per year are shown in **Table 6-1**.

TABLE 6-1: ANNUAL OPERATIONAL GHG EMISSIONS ATTRIBUTABLE TO THE PROJECT BUILD-OUT

Emissions Soure	Net Increase Without Project in CO_2e (metric tons/year)	Net Increase With Project in CO_2e (metric tons/year)
Transportation	19,325.34	12,156.34
Area Source	7.35	5.77
Electricity	3,759.79	2,762.49
Natural Gas	2,083.77	1,513.59
Water & Wastewater	199.16	123.77
Solid Waste	2,035.79	1,538.77
Total	27,411.20	18,100.73

Source: Lamphier-Gregory results from BAAQMD's Greenhouse Gas Calculator v. 1.1.9 Beta available at http://www.urbemis.com/software/download.html.

Model Year

The modeling year 2012 was used to present a conservative analysis. Due to anticipated improvements related to energy efficiency and vehicle emissions, the models assume lower emissions levels for years farther in the future. While build-out under the Project would not occur by 2012, using this model year provides a conservatively high emissions level for comparison to thresholds.

Traffic

Trip generation rates developed for the traffic study were used along with the default trip lengths in URBEMIS2007.

Projected Service Population

The BAAQMD CEQA Guidelines identify an efficiency-based threshold to evaluate emissions associated with projects and plans. This metric is based on the "service population," which is a combination of projected population and employment associated with the growth projections assumed.

The Project would result in an increase of 405 jobs and 771 households over the amount of growth and development as analyzed under the Previous CEQA Documents. The average persons per household in Hayward in 2012 is estimated to be 3.155.[36] This would result in 2,433 new residents, and a total service population (residents and employees) of 2,838.

Conclusion

The annual net increase in emissions attributable to build-out of the Project is 18,101 MT CO_2e (see **Table 6-1**). Dividing these emissions by the service population of 2,838 results in an average of 6.38 MT CO2e/SP/yr. Therefore, the Project's impact related to GHG emissions would not exceed this efficiency-based threshold and would be ***less than significant***.

This conclusion was reached using model defaults without taking into account the mitigating factors of a transit-accessible site, or regulations that would reduce energy usage and reduce waste, both of which would further reduce GHG emissions.

The Project is located within a Priority Development Area as discussed under the FOCUS Program. Priority Development Areas (PDAs) are infill development opportunity sites near transit. PDAs are generally areas of at least 100 acres where there is local commitment to developing more housing along with amenities and services to meet the day-to-day needs of residents in a pedestrian-friendly environment served by transit.

Developing PDAs will help the region to place an increased amount of housing and jobs in GHG-efficient locations. With the Project's transit orientation, mix and density of land uses, and

[36] State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State, 2001-2010, with 2000 Benchmark. Sacramento, California, May 2010.

provision of bicycle and pedestrian facilities, and other strategies, the City of Hayward has endeavored to capture vehicle trips internally, reduce vehicle trip lengths, and provide practical opportunities for non-automobile trips for future residents and employees within the Project area. Given the predominance of vehicle trips in most projects' GHG emission profile, these land use and transportation planning strategies would substantially further reduce the estimation of GHG emissions and GHG efficiency of the Project.

The City of Hayward also has a variety of other policies, programs and actions to address global climate change that will apply to the Project area. These include:

- Construction Waste. Any project built in Hayward must comply with the City's Construction and Demolition Debris Waste Reduction and Recycling Ordinance, of which requires the submittal, review and approval of a plan for compliance. As a result, construction-related truck traffic (which primarily relies on diesel-fueled engines) would be reduced since some demolition debris hauled off site would be reused on site. In addition, reuse of concrete, asphalt, and other debris will reduce the amount of material introduced to area landfills.

- City Standards. Any development project is also subject to all the regulatory requirements including the City's standard conditions of approval, which would reduce GHG emissions of the project. These include conditions to address adherence to best management construction practices and equipment use. It must also minimize post construction stormwater runoff that could affect the ability to accommodate potentially increased storms and flooding within existing floodplains and infrastructure systems.

- Build-it Green Program. Hayward's Private Development Green Building Ordinance applies to new construction, additions or remodels over 500 square feet for residential projects, or new construction, additions or remodels entailing 1,000 square feet or more for commercial space. Compliance with this program, as summarized below, helps to improve energy efficiency, indoor air quality, resource conservation and water conservation.

  Prior to obtaining a certificate of occupancy, single-family and multiple-family developers must submit documentation demonstrating the building(s) has been GreenPoint Rated as well as all required documentation to demonstrate full compliance with the California Building Energy Efficiency Standard (Title 24, part 6) at the time of permitting.

  Covered additions or alterations to existing commercial projects must meet the following requirements: (1) The lighting load for such fixtures shall be reduced by at least 15% below the requirements of the 2008 Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code, or (2) Comply with the requirements of Title 24, Part 6 and meet the California Green Building Standards Section A5.211.1 requirements by providing at least 1% or 1kw (whichever is greater) of the electrical power from a renewable source, or (3) Demonstrate an overall energy budget reduction of at least 5% below the requirements of Title 24, Part 6 using the performance method.

All newly constructed commercial covered projects are required to exceed the 2008 Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code requirements by at least 15% using the performance method.

BAAQMD does not require separate analysis of construction-period GHG emissions for assessment of plans.

GHG REDUCTION PLAN CONSISTENCY

Impact GHG-2: GHG reductions are addressed statewide by the AB 32 Scoping Plan, regionally by the Bay Area 2010 CAP, and locally through the Hayward Climate Action Plan (CAP)[37]. The proposed Project is consistent with the reduction strategies presented in these documents and therefore would result in ***no impact*** related to GHG reduction plan consistency.

The amended State CEQA Guidelines Appendix G and BAAQMD Guidelines recommend that a GHG analysis evaluate a project's consistency with applicable plans, policies, or regulations adopted for the purposes of reducing GHG emissions.

AB 32 Scoping Plan

The AB 32 Scoping Plan was developed to guide California to achieve the GHG emission reduction goal established by AB 32 (i.e., reduce state-wide GHG emissions to 1990 levels by 2020). With respect to land use development projects, the AB 32 Scoping Plan cites mixed-use and transit-oriented developments as a method to reduce GHG emissions. The Scoping Plan states, "Buildings that are sited close to public transportation or near mixed-use areas can work in tandem with transportation-related strategies to decrease GHG emissions that result from that sector. Growing more sustainably has the potential to provide additional GHG and energy savings by encouraging more compact, mixed-use development resulting in reduced demand for electricity and heating and cooling energy."

In addition, the Scoping Plan aims to achieve the goals of AB 32 without impeding the economic conditions of California. The Scoping Plan states that "Enhanced public transit service combined with incentives for land use development that provides a better market for public transit will play an important role in helping to reach regional [GHG] target."

The Project would enable the development new residential buildings with a range of densities, with higher-density development occurring closer to the South Hayward BART Station. Providing these land uses within proximity of the BART station provides opportunities for reduced vehicle trips and reduced VMT in the region associated with commute, shopping, and recreational activities. The Project would also accommodate office, retail, commercial services, parks, trails, and other destination land uses in proximity of residential development. Additionally, the Project accommodates bicycle, pedestrian, and transit throughout the Project area. Lastly, the Project is located within a planned PDA. Developing PDAs will help the region

[37] The City of Hayward Climate Action Plan does not constitute a "Qualified GHG Reduction Strategy" since no CEQA Document was prepared prior to its adoption.

to place an increased amount of housing and jobs in GHG-efficient locations.

The Project is consistent with planning principles (i.e., mixed-use, high density, transit-oriented) identified in the AB 32 Scoping Plan needed to achieve the state's GHG emissions target.

Bay Area 2010 Climate Action Plan

The Bay Area 2010 CAP includes four Energy and Climate Measures (ECMs) intended to reduce GHG emissions beyond the level of emissions that would already result from implementation of other strategies including Transportation Control Measures (TCMs) as discussed in the Air Quality chapter. **Table 6-2** lists these ECMs and includes a description of how the Project is consistent with their measures.

TABLE 6-2: BAAQMD ECMS AND PROJECT APPLICABILITY

ECM or TCM#	Name/Source Category	Description	Project Applicability
ECM-1	Energy Efficiency	This control measure consists of three components: 1) provide education and outreach to increase energy efficiency in residential and commercial buildings and industrial facilities, 2) provide technical assistance to local governments to adopt and enforce energy efficiency building codes, and 3) provide incentives for increasing energy efficiency at schools.	The City of Hayward website provides links to educational resources concerning energy efficiency. Also, the City has an adopted green building ordinance applicable to residential and commercial projects.
ECM-2	Renewable Energy	Promote distributed renewable energy generation (solar, micro wind turbines, cogeneration, etc.) on commercial and residential buildings, and at industrial facilities.	The Project includes standards for wind and solar power generation at private properties, thereby, promoting their installation.
ECM-3	Urban Heat Island Mitigation	This control measure includes regulatory and educational approaches to reduce the "urban heat island" phenomenon by increasing the application of "cool roofing" and "cool paving" technologies.	While the Project does not include specific urban heat island measures, it does include a number of civic spaces that would generally exclude buildings and large pavement areas.
ECM-4	Shade Tree Planting	The control measure includes voluntary approaches to reduce the "urban heat island" phenomenon by increasing shading in urban and suburban communities through planting of (low VOC - emitting) trees and preservation of natural vegetation and ground cover.	The Project includes standards for landscaping both within private properties and within existing and new thoroughfares.

Hayward Climate Action Plan

The Hayward CAP includes "Actions" to implement strategies for GHG reduction. Many of these Actions involve developing and implementing future City-wide regulations and/or programs and, thus, would not be directly applicable to the Project. However, the Project is consistent with the goals and actions of the Hayward CAP which are applicable to plans and policies regarding new land use and development. The Actions most applicable to the Project include Actions under the header, "Utilize Zoning & Land-use Mechanisms to Minimize Need for Auto Transportation" as listed below.

> Action 1.9: In order to encourage non-automotive modes of travel, continue to implement and update the General Plan Circulation and Land Use Elements pertaining to smart growth principles that support higher-density, mixed-use, and well-designed development in areas within ½ mile of transit stations and ¼ mile of major bus routes. Amend the Municipal Code Zoning, Subdivision, and Off-Street Parking Standards to incorporate smart growth principles, policies, and development standards consistent with recommendations provided in the Appendix H and I of the CAP.
>
> The Project is an update to the General Plan promoting the Smart Growth principles supporting higher density in mixed-use and well-designed development immediately adjacent to the South Hayward BART Station. The Project also amends the existing zoning standards to incorporate Smart Growth principles consistent with the recommendations provided in Appendix H of the Hayward CAP, including:
>
> (1) In order to allow a wider range of housing, permit narrow lots for single-family detached homes that are alley-loaded, including reduced lot size widths of 30 feet for detached housing and 18 feet for vertically attached housing. Attached town homes or condos are allowed to have narrow lots (no min. specified in Code).
>
> (3) In order to reduce the amount of impervious and low albedo surfaces, limit driveway widths to 18 feet for impervious paving, with exceptions for greater width only for pervious paving materials approved by the City Building Official, aesthetics notwithstanding.
>
> (6) Provide incentives for alley-loaded lots in order to reduce the predominance of front-loaded lots with driveways that constrain the placement of trees and the consistency and safety of the sidewalk.
>
> (7) Require or provide incentives for pervious paving materials with low albedo surfaces, as substitutes for standard asphaltic or Portland Cement concrete.
>
> (8) Continue to allow mixed-use development such as allowing office buildings with first floor commercial in commercially zoned areas with permitted heights scaled to surrounding, desired conditions.
>
> (10) Locate light manufacturing and research and development uses in commercial/mixed use areas.
>
> (17) Reduce Parking Requirements Downtown: As downtown Hayward becomes a mixed-

use, walkable district which has a lower parking generation rate than the single use suburban land use environment that dominates parking generation rates prescribed in the ITE Parking Generation Handbook, consider parking demand at ranges from 1.6 to 1.9 spaces per 1,000 square feet of non-residential built space, or one- third to one-half of that typically required for conventional suburban development.

(18) Consider Parking Requirements Strategies: Adopt a single—blended parking requirement, for example 1.7 spaces per 1,000 square feet. This simplifies changes of use, for example from offices to restaurants.

(19) Allow on-street parking along the property‘s frontage to count towards satisfying parking requirements.

(21) Parking Maximums: Set parking maximums instead of parking minimums. With parking maximums, developers have a cap on the amount of parking that they may build on site.

(24) Permit and encourage the use of alleys in both new and existing development where feasible, in order to improve the quality of sidewalks and landscape along the street.

(25) Reduce the maximum length of blocks to 600 feet in new development, and encourage the installation of mid-block pedestrian walkways in longer, existing blocks to increase the degree of 'walkability' by making destinations more convenient.

Action 1.10: Explore the development of zoning and development standards that consider both the land uses and the urban design and form of buildings and public space, where the new standards will result in reduced GHG emissions. The Project represents development of zoning and development standards that specifically achieve this objective.

Action 1.11: Explore potential strategies related to the creation of additional affordable housing to sell to buyers employed in Hayward, but who currently reside in other areas and commute to work in Hayward. For example, consider implementing a community land trust to purchase and resell foreclosed properties. The program could potentially be coordinated with local businesses. The Project represents an opportunity to increase the supply of affordable housing within the City, based on the density of development encourage by the Project, although no specific affordable housing project is currently proposed as a part of the Project.

Action 1.12: Develop an incentive plan to maximize the number of residents that work within the City, and encourage filling local jobs first with local residents, to eliminate commutes. The Project represents a plan to increase both the number of residents and the number of jobs within the Project area over existing conditions, with new job sites located in close proximity to housing.

The Project is consistent with the AB 32 Scoping Plan, Bay Area 2010 CAP and Hayward CAP. There would be ***no impact*** related to conflict with a GHG reduction strategy.

7

TRANSPORTATION

INTRODUCTION

CHANGES IN CIRCUMSTANCE

Subsequent to certification of the Previous CEQA Documents, the Route 238 Corridor Improvement Project started construction (on August 16, 2010) and is anticipated to be completed in December 2012. Within the current Project area, the Route 238 Corridor Improvement Project will:

- Modify Mission Boulevard (from Jackson/Foothill to Carlos Bee) from two (2) to three (3) travel lanes in each direction including parking/peak hour travel lanes. New curb and gutter with a 7-foot sidewalk will be constructed on both sides of Mission Boulevard.
- Construct a spot widening of the Mission Boulevard/Carlos Bee Boulevard intersection to provide for dual left-turn lanes from southbound Mission to eastbound Carlos Bee Boulevard, dual left turn lanes from westbound Carlos Bee to southbound Mission Boulevard, and dual left-turn lanes, a thru lane, and a right/thru lane from eastbound Orchard Avenue.
- Extend 10-foot wide sidewalks along Mission Boulevard on both sides of the street to fill in missing gaps to Industrial Parkway.
- Improve bicycle access along Mission Boulevard by providing 14-foot outside lanes along the proposed curbs.
- Underground overhead utilities, install extensive median landscaping, install energy efficient LED street and pedestrian-scaled lights, and modify traffic signal system with Adaptive Timing Control along Mission & Foothill Boulevards.
- Install a traffic signal and a dedicated left turn lane at Moreau High School entrance to improve access for southbound Mission Boulevard traffic.
- Provide a new signalized intersection at Berry Avenue and Mission Boulevard.

This Draft SEIR addresses this changed circumstance by incorporating the Route 238 Corridor Improvement Project's resulting roadway changes into the traffic analysis herein.

NEW INFORMATION

Since certification of the Previous CEQA Documents, the CEQA Guidelines were amended to remove parking from the Environmental Checklist (Appendix G of the CEQA Guidelines) as an

environmental factor to be considered under CEQA. Therefore, while the Project's potential environmental effects with regard to parking is not addressed within this Draft SEIR and nor is it required by CEQA, additional discussion on this topic is provided below for information purposes only.

INITIAL STUDY DETERMINATION

The Initial Study prepared for this Draft SEIR (see Appendix B) determined the Project would result in no new impacts for the following checklist criteria:

- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
- Result in inadequate emergency access.
- Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

In accordance with CEQA Guidelines §15163(b), this Supplemental EIR does not further address the aforementioned criteria since the Initial Study provided sufficient information necessary to make the Previous CEQA Documents adequate, as revised by the current Project. Additionally, the proposed form-based code will promote pedestrian and bicycle movement with recommended new thoroughfares (streets) and enhanced building frontages.

However, the Initial Study prepared for this Supplemental Program EIR determined the current Project may result in new significant impacts or an increased severity in previously determined significant impacts under the following checklist criteria:

- Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.
- Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.
- Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

The development potential under the current Project would result in additional traffic above that which was studied in the Previous CEQA Documents. Those additional trips would occur through intersections the Previous CEQA Documents identified as having significant impacts related to Hayward General Plan LOS criteria.

Additionally, the additional traffic generated by the current Project would be conveyed to roadways covered by the Alameda County Congestion Management program and which were

determined by the Previous CEQA Documents to have a significant and unavoidable impact relative to cumulative traffic impacts.

SETTING

PROJECT STUDY AREA

The Project consists of an approximate 240-acre irregular linear shaped area centered upon the South Hayward BART station and Mission Boulevard. Intersection Level of Services (LOS) were analyzed for the following ten (10) intersections in the vicinity of the Project during the weekday AM (7:00 AM to 9:00 AM) and PM (4:00 PM to 6:00 PM) peak hours. These intersections, shown on **Figure 7-1**, were selected in coordination with and under the direction of City of Hayward staff and are inclusive of all locations that could be significantly affected by the Project traffic (based on existing intersection operations, the amount of traffic anticipated to be generated by the Project during peak hours, and the effect of that traffic on the surrounding street and intersection network).

1. Mission Boulevard at Harder Road
2. Mission Boulevard at Sorenson Road
3. Mission Boulevard at Calhoun Street
4. Mission Boulevard at Hancock Street
5. Mission Boulevard at Tennyson Road
6. Mission Boulevard at Valle Vista Avenue
7. Mission Boulevard at Industrial Parkway West
8. Dixon Street at Industrial Parkway West
9. Dixon Street at Valle Vista Avenue
10. Dixon Street-E 12th Street at Tennyson Road

EXISTING ROADWAY NETWORK

<u>Regional Roadways</u>

Regional vehicular access to the Project area is provided primarily by two interstate freeways and two state routes that traverse the City of Hayward, as described below.

Interstate 880

Interstate 880 (I-880), a north-south freeway, is located about 1.75-miles west of the Project area and may be accessed by Tennyson Road and Industrial Parkway West. I-880 spans roughly 50

miles from Oakland to San Jose, CA. The northern terminus of I-880 is in Oakland at the junction with I-80 and Interstate 580 (I-580) (known as the MacArthur Maze), near the eastern approach of the Bay Bridge. The southern terminus of I-880 is at the Interstate 280 (I-280) and State Route 17 (SR-17) interchange in San Jose. I-880 is a major regional commuter route, providing connections between San Francisco, Contra Costa, Alameda, Santa Clara and San Mateo counties. Average traffic volumes on I-880 exceed 200,000 vehicles per day with 10 percent truck traffic. Combined northbound and southbound volumes exceed 12,000 vehicles in both morning and evening peak hours.[1]

Interstate 580

Interstate 580 (I-580), an east-west freeway, is located about 3.5-miles north of the Project area, and may be accessed by Foothill Boulevard. I-580 connects the Bay Area and the Central Valley. I-580 also serves as a major transportation corridor serving the commute between the growing Central Valley (Tracy, Stockton, I-5 Corridor and the Bay Area. More than 200,000 vehicles, including 12,000 trucks carrying people and goods to and from the Central Valley, use I-580 every day.[2]

[1] California Department of Transportation, I880 Corridor Project website (http://www.i880corridor.com/).

[2] California Department of Transportation, I5800 Corridor Improvements Project website (http://www.i580.info/).

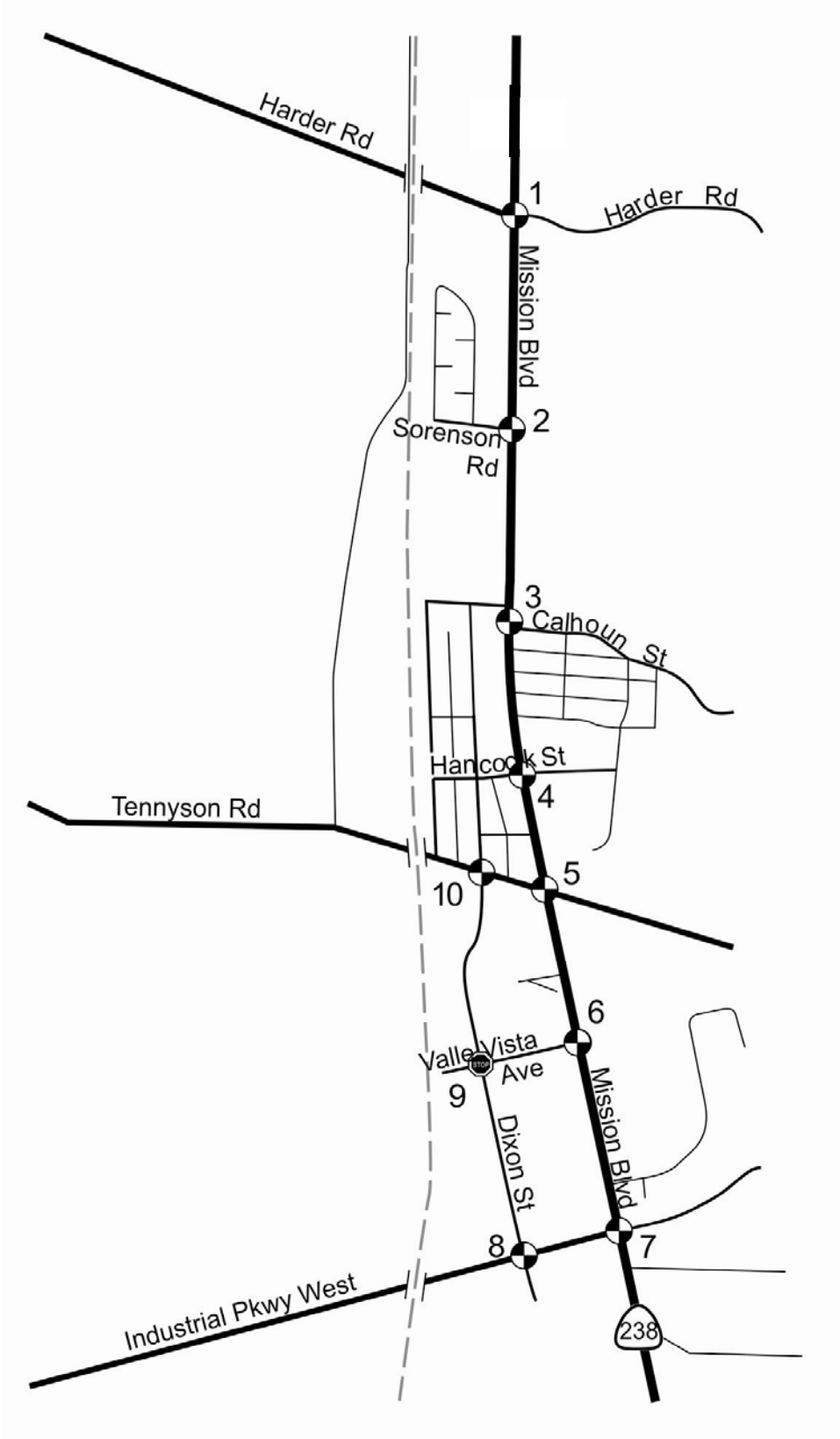

Figure 7-1: Study Intersections in Project Area

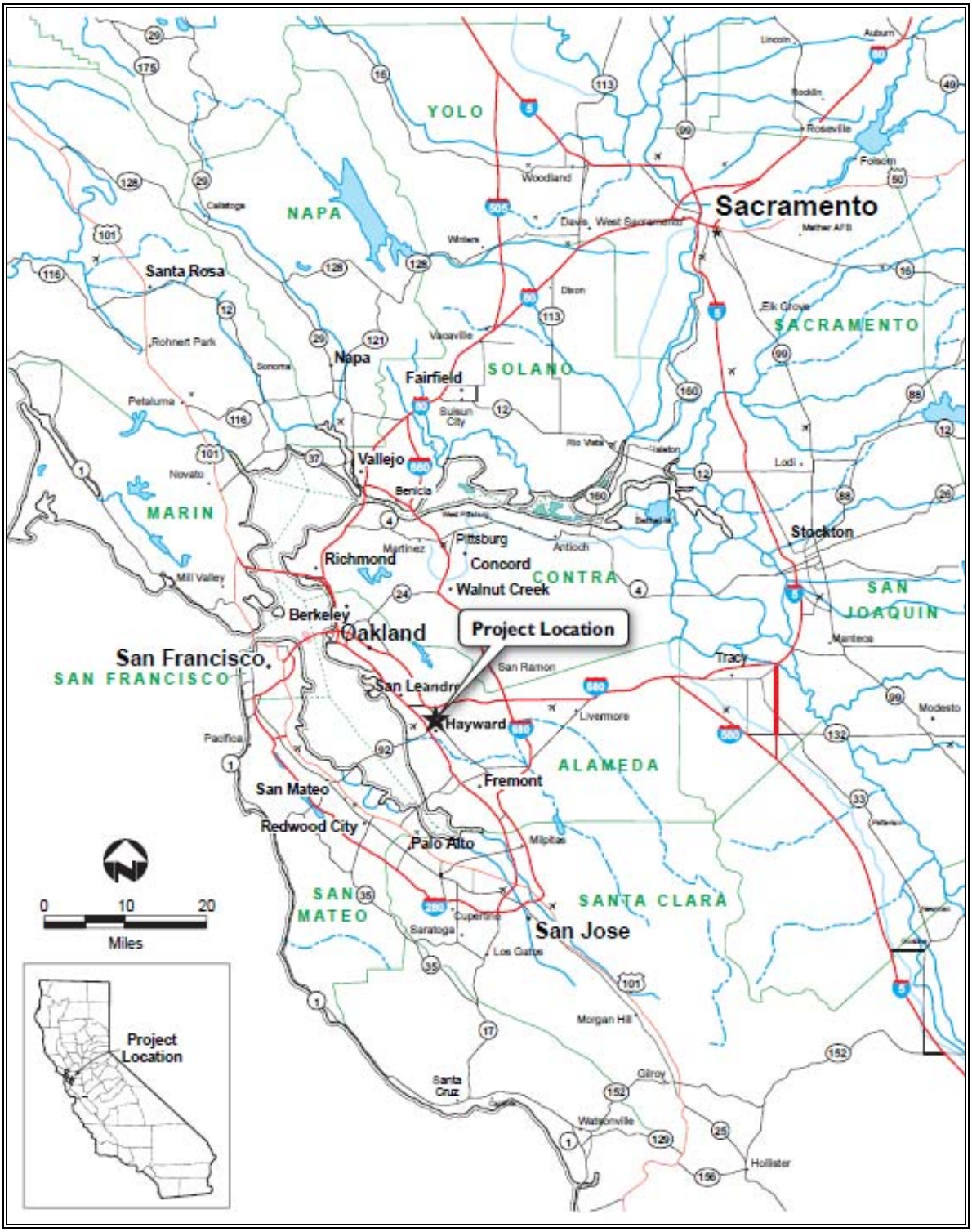

Figure 7-2: Roadway Network.

Mission Boulevard

Mission Boulevard is a north-south regional roadway facility that bisects the Project area. Mission Boulevard connects Interstate 580 in Castro Valley and Interstate 680 in Fremont. South of Industrial Parkway, Mission Boulevard is designated as State Route 238. North of A Street, Mission Boulevard is designated as Route 185.

There is a raised median that runs the length of the corridor with the exception of the short segment between Jefferson Street and Calhoun Street, which has no median. Posted speeds along Mission Boulevard vary from 35 mph to 40 mph along the section from Jefferson Street/Calhoun Street to Industrial Parkway. Current land uses along Mission Boulevard include commercial and institutional, including car dealerships, auto body and repair shops, retail stores, religious facilities, schools, bars, and gas stations. Several lots are vacant and/or abandoned. Mission Boulevard is on the Alameda County Congestion Management Program (CMP) network.

Foothill Boulevard

Foothill Boulevard is a north-south city street than runs from the junction of Mission Boulevard and Jackson Street to Mattox Road. Between the I-580 on ramps and Mattox Road, Foothill Boulevard retains its former designation as SR 238 and is under Caltrans control.

State Route 92

State Route 92 (SR-92), known as Jackson Street within the City of Hayward, is an east-west facility located 1.5 miles north of the site. Access to SR-92 is provided via Mission Boulevard. SR-92 connects Half Moon Bay near the coast (and State Route 1) and downtown Hayward at its junction with State Route 238 and State Route 185. Between Watkins Street and the Mission-Foothill-Jackson intersection, Jackson Street is no longer designated as Route 92.

Local Roadways

Dixon Street

Dixon Street is a two-lane, north-south roadway that runs from Tennyson Road to Industrial Parkway. The street is primarily residential with a mix of single-family and multi-family residences. North of Tennyson Road, Dixon Street becomes East 12th Street. South of Industrial Parkway, it becomes Arrowhead Way as it enters the Twin Bridges Development. Dixon Street provides sole access to parking lots associated with the South Hayward BART Station. The posted speed limit is 25 mph.

Tennyson Road

Tennyson Road is a four-lane, east-west arterial that traverses the City of Hayward, terminating at Mission Boulevard to the east and Industrial Boulevard to the west. In the Project area from Pacific Street to Mission Boulevard, the roadway is divided by a raised, landscaped median and passes under the BART train tracks. Land use along Tennyson Road is mixed commercial and residential. The speed limit is 35 miles per hour. The Hayward General Plan's Circulation Element depicts the future extension of this roadway (east of Mission Boulevard) in order to

serve new development. The roadway's intersections at Dixon Street/East 12th Street and Mission Boulevard are signalized. Tennyson Road is part of the Alameda County Congestion Management Program system.

Valle Vista Avenue

Valle Vista Avenue is a two-lane, east-west residential street that is 0.25 miles long. It terminates at Mission Boulevard to the east, with a stop-control on Valle Vista Avenue, and at the BART train tracks to the west. The intersection with Dixon Street is all-way stop-controlled. As part of the Route 238 Corridor Improvement Project, the intersection with Mission Boulevard is planned to be signalized.

Industrial Parkway

Industrial Parkway is a four-lane, east-west arterial. To the east, Industrial Parkway becomes Alquire Parkway at Mission Boulevard. In the Project area between Dixon Street and Mission Boulevard, it is divided by a raised, landscaped median and has residential, commercial, and recreational uses. The intersections of Mission Boulevard and Dixon Street are both signalized and contain left turn pockets.

Harder Road

Harder Road is a four-lane, east-west collector roadway with a raised median. It is curvilinear and contains gentle grades. It provides direct access to the California State University at East Bay (CSUEB) campus. Its intersection with Mission Boulevard is signalized. Planned roadway changes, according to the Route 238 Corridor Improvement Project, include dual left-turn lanes on Harder Road in both directions at the Mission Boulevard intersection.

PROPOSED ROADWAY NETWORK

Thoroughfare Plan

The current Project includes a complement to the Regulating Plan consisting of a Thoroughfare Plan. The Thoroughfare Plan intends to implement the Hayward General Plan's direction to pursue opportunities for infill development and redevelopment to accommodate alternate street patterns, including shorter block lengths, interconnected streets, alleys, and cul-de-sac avoidance. This would be accomplished through the future construction of new thoroughfares either in conjunction with future, new redevelopment projects, or the City of Hayward Redevelopment Agency may (over time) acquire and construct particular thoroughfare segments.

While the Thoroughfare Plan depicts the anticipated general location of new thoroughfares, the current Project would provide for deviations when, for example, immovable objects prevent or render infeasible a particular segment. Also, in order to adequately determine the feasibility of extending anticipated thoroughfare segments and, amongst other reasons, examine the safety of specific new thoroughfare segments, the Project would require the processing of a Precise Plan Line application in conformance with Municipal Code Chapter 10, Article 4.

EXISTING TRAFFIC VOLUMES

This Draft SEIR utilizes existing traffic volumes derived from two sources.[3] Traffic volume counts for Mission Boulevard intersections (i.e., study intersections 1 through 5, and 7) were derived from the Route 238 Corridor Improvement Project EIR and were taken on January 22, 2004. Traffic volume counts for the following four (4) study intersections are from the Concept Design Plan Program EIR and were taken at the beginning of November 2005:

6. Mission Boulevard at Valle Vista Avenue

8. Dixon Street at Industrial Parkway

9. Dixon Street at Valle Vista Avenue

10. Dixon Street at Tennyson Road

All existing condition traffic volumes are for counts during the AM (7:00 to 9:00AM) and PM (and 4:00 to 6:00PM) commuter periods.

Though the traffic counts cited above were taken some time ago, the City of Hayward determined them to be reflective of, and conservatively higher than current traffic volumes. This is due, in part, to a reduction in Project-area generated traffic attributable to the closure of a number of local businesses. Additionally, according to traffic counts from Caltrans, regional pass-through traffic along Mission Boulevard (i.e., State Route 238) has seen substantial decreases in traffic volumes since certification of the Previous CEQA Documents (see **Table 7-1**).

Since the earliest traffic volume counts were taken in 2004, a number of significant traffic generating land uses (i.e., commercial businesses) in the Project area have ceased operating. These include, but are not limited to, the following closed businesses:

- Automax of Hayward (i.e., automobile sales) at 29000 Mission Boulevard (approximate 16,000 square foot building);
- Frazee Paints (i.e., commercial retail sales) at 28700 Mission Boulevard (approximate 7,500 square foot building);
- Buso Glass Company (i.e., commercial retail sales) and Perry and Key Body Shop (i.e., automobile repair) at 28953 Mission Boulevard (approximate 20,000 square foot building); and
- Autos Unlimited (i.e., automobile repair) at 29294 Mission Boulevard (approximate 20,000 square foot building (now demolished)).

This equates to an approximate floor area of 63,500 square feet of commercial businesses which

[3] Study intersections utilized in the Concept Design Plan EIR and the current Project are identical.

have closed after traffic volume counts were taken in support the Previous CEQA Documents, but whose trips are still accounted for in this Draft SEIR. Also, aside from these observed reductions in commercial floor area (i.e., traffic generating land uses) within the Project area, there have been no substantial additions of either commercial space or residential dwelling units. Two (2) mixed development projects (i.e., South Hayward BART Mixed Use Project, Mission Paradise Project) were approved after certification of the Previous CEQA Documents but neither has filed for buildings permits or initiated construction. Thus, given the above information, it can be deduced that traffic levels within the Project area have been reduced subsequent to completion of traffic counts used in the Concept Design Plan Program EIR.

The closure of existing businesses and delay in construction of approved mixed-use developments is likely a symptom of the economic recession which is generally believed to have begun in 2007. Additionally, a series of subsequent financial-related incidents (e.g., collapse of large financial institutions, the bailout of banks by national governments, downturns in stock markets around the world, failure of key businesses, declines in consumer wealth, substantial financial commitments incurred by governments, and a significant decline in economic activity) are believed to still be adversely and indirectly impacting land use and development activities in Hayward and the broader Bay Area. In summary, current economic conditions have led to a reduction in both intra city and in interregional traffic.

Concerning traffic volumes from trips originating outside of the Project area, Mission Boulevard is the regional roadway that conveys a substantial number of vehicle trips both outside of the Project area and City of Hayward. A decline of traffic volumes along Mission Boulevard would, therefore, indicate a reduction of regional pass-through trips originating outside of the Project area. Since certification of the Previous CEQA Documents, there has been a steady decline in both peak hour and average daily trips along Mission Boulevard, as illustrated in **Table 7-1**.

TABLE 7-1: MISSION BOULEVARD (ROUTE 238) TRAFFIC VOLUMES YEAR 2007 TO 2009[1]

Intersection	Year	Back - Average Annual Daily Trips[2]	Ahead - Average Annual Daily Trips
Mission Boulevard at Harder Road	2007	41,000	38,500
	2008	40,500	38,000
	2009	37,000	31,000
Mission Boulevard at Tennyson Road	2007	34,000	43,000
	2008	33,500	42,500
	2009	26,000	33,500

[1] http://traffic-counts.dot.ca.gov/

[2] "Back AADT" is the term Caltrans uses to reference traffic South or West of the count location. "Ahead AADT" is the term Caltrans uses to reference traffic North or East of the count location.

For the reasons explained above, the City of Hayward determined the prior traffic counts to be conservatively in excessive of current conditions. Traffic volumes established by those counts are defined for purposes of this Draft SEIR as the Existing Baseline, as shown in **Figure 7-3**, and the corresponding existing AM and PM peak-hour Level of Service (LOS) conditions at study intersections are shown in **Table 7-2**.

TABLE 7-2: EXISTING CONDITIONS BASELINE - INTERSECTION LEVEL OF SERVICE

	Intersection	Traffic Control	Peak-Hour	LOS	Delay
1	Mission Boulevard at Harder Road	Signal	AM	D	28.9
			PM	D	32.1
2	Mission Boulevard at Sorenson Road	Signal	AM	B	6.3
			PM	C	15.1
3	Mission Boulevard at Calhoun Street	Signal	AM	D	25.1
			PM	B	13.4
4	Mission Boulevard at Hancock Street	Signal	AM	A	4.2
			PM	B	5.6
5	Mission Boulevard at Tennyson Road	Signal	AM	C	20.0
			PM	C	20.6
6	Mission Boulevard at Valle Vista Avenue[1]	Signal	AM	D	29.0
			PM	C	20.0
7	Mission Boulevard at Industrial Parkway West	Signal	AM	C	24.9
			PM	D	27.4
8	Dixon Street at Industrial Parkway West	Signal	AM	B	12.3
			PM	B	10.5
9	Dixon Street at Valle Vista Avenue	All Way Stop	AM	B	10.5
			PM	B	10.6
10	Dixon Street at Tennyson Road[2]	Signal	AM	C	15.4
			PM	C	15.3

LOS = Level of Service; Delay = Weighted average delay for vehicles in seconds

Source: South Hayward BART/Mission Boulevard Concept Design Plan FEIR

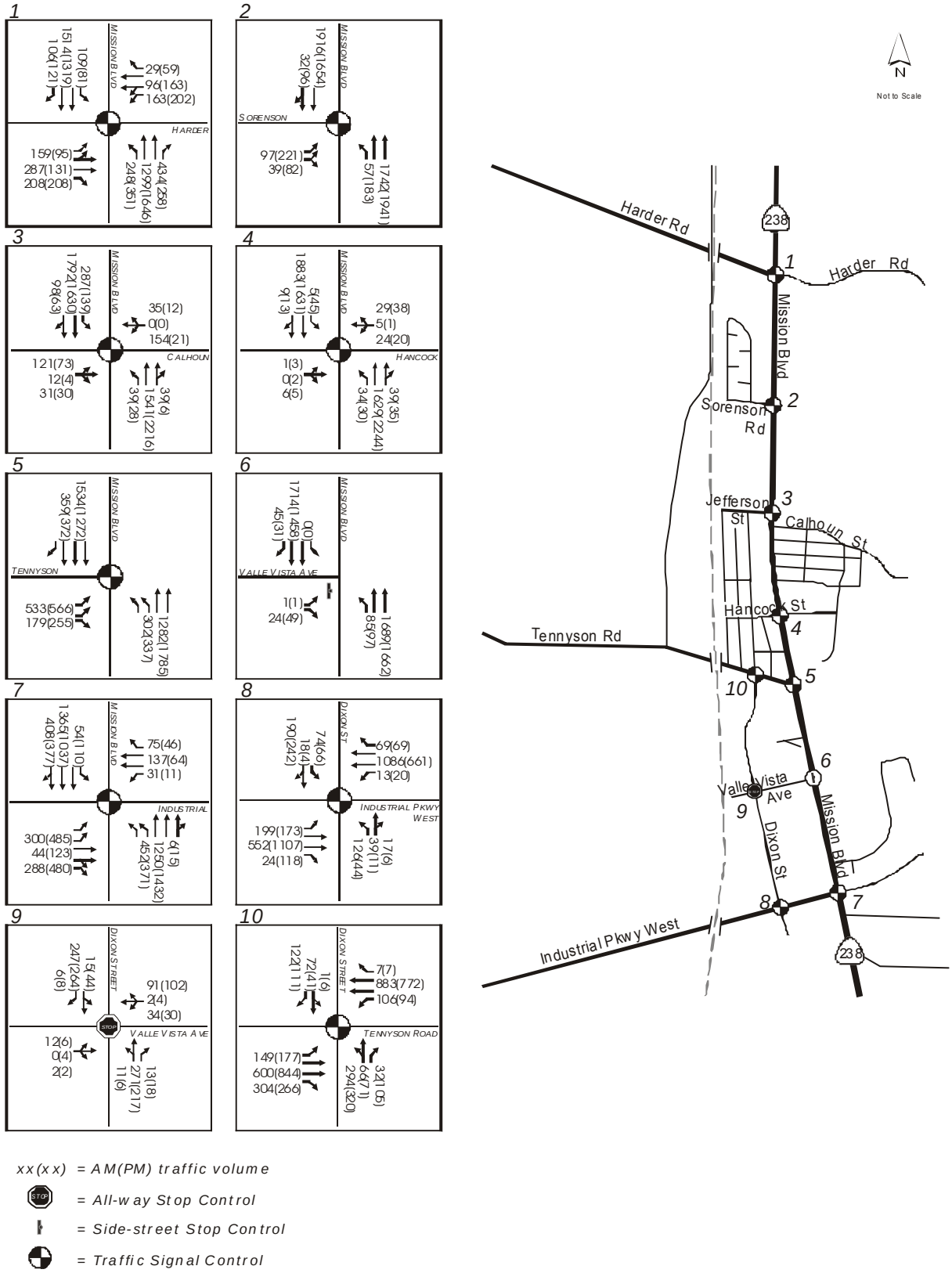

Figure 7-3: Existing Conditions Baseline - Traffic Volumes

ANALYSIS METHODOLOGY

The traffic forecasting methodology used for this Draft SEIR includes use of the following models: (1) City of Hayward Travel Demand Model for predicting intersection volumes; and (2) Alameda Countywide Congestion Management Agency's (ACCMA) travel demand model for Congestion Management Program (CMP) roadway volumes. These models were also utilized for the prior Concept Design Plan Program EIR.[4]

Intersection turning volumes were incorporated into TRAFFIX© software to determine Levels of Service (LOS) using the Highway Capacity Manual methods. The City of Hayward Travel Demand Model was refined, in consultation with and under the direction of the City of Hayward, to accurately reflect existing and future vehicle intersection volumes in the Project's study area. The roadway link volumes from the ACCMA model were incorporated into a Highway Capacity Manual (HCM) analysis spreadsheet to evaluate level of service conditions on CMP roadways.

Travel Demand Model Assumptions

The City of Hayward Travel Demand Model is based on the ACCMA travel demand model and utilizes it to forecast its travel demand. The City of Hayward Travel Demand Model is implemented using the EMME/2 software and is based on network assumptions from the Bay Area Metropolitan Transportation Commission's 2003 Regional Transportation Plan (RTP), the Countywide Transportation Plan, regional land use data from the Association of Bay Area Government's (ABAG) Projections 2003, and City of Hayward General Plan land use designations.

The City of Hayward Travel Demand Model forecasts AM and PM peak-hour link and intersection volumes based on an industry standard four-step method. It also includes a comprehensive post-processing procedure prior to inputting results and analyzing the intersection LOS into TRAFFIX©. Lastly, the model was recalibrated to year 2002 conditions based on updated land use and network assumptions, under the direction and supervision of the City of Hayward.

For Cumulative 2025 Conditions, the land uses for the Traffic Analysis Zones (TAZs) located within the Project area were obtained from ABAG Projections 2003 demographics, and are consistent with the City's existing General Plan; including all General Plan Amendments adopted prior to the Concept Design Plan Program EIR. Planned roadway changes incorporated into the model for this future year are detailed in the cumulative scenarios and generally consist of improvements to I-238 and to the SR 238 (Mission Boulevard) Corridor in Hayward.

The traffic analysis methodology employed for the current Project tiers off work done for Previous CEQA Documents in order to ensure consistency between the them and the current South Hayward BART/Mission Boulevard Form-Based Code (i.e., current Project). Traffic volume changes between the Previous CEQA Documents and current Project were identified and then applied to a "Baseline 2025" scenario, either "with" or "without" the current Project, to

[4] See Appendix E - South Hayward BART SEIR Traffic Study - Final Report by Dowling Associates, February 9, 2011.

obtain the current Project condition. The "Baseline 2025 Without Project" scenario assumes retention of the projects associated with Previous CEQA Documents, unchanged.

LOS Methodology

Level of service (LOS) is a qualitative indication of the level of delay and congestion experienced by motorists using an intersection. LOS levels are designated by the letters A through F, with A having the best operating conditions and F the worst (high delay and congestion). The City of Hayward General Plan identifies the following LOS goal: "Seek a minimum Level of Service D at intersections during the peak commute periods except when LOS E may be acceptable due to costs of mitigation or when there would be other unacceptable impacts."[5]

This chapter utilizes a Level of Service (LOS) evaluation of traffic conditions at the aforementioned ten (10) study intersections using of the most current TRAFFIX© software (version 8.0). The 1994 Highway Capacity Manual methodology was used to analyze signalized intersections, and the 2000 Highway Capacity Manual was used to analyze unsignalized intersections. The criteria used for signalized and unsignalized intersections are summarized in **Table 7-3**. LOS at signalized intersections and all-way stop-controlled intersections is based on the weighted average delay for all intersection legs.

[5] Page 3-26, 2002 Hayward General Plan Circulation Element.

TABLE 7-3: SIGNALIZED AND UNSIGNALIZED INTERSECTION LEVELS OF SERVICE

Level of Service	Vehicle Delay (seconds/vehicle)		Description
	Signalized Intersections	Unsignalized Intersections	
A	Delay ≤ 10.0	Delay ≤ 10.0	Free Flow/Insignificant Delays: No approach phase is fully utilized and no vehicle waits longer than one red indication.
B	10 < Delay ≤ 20.0	10.0 < Delay ≤ 15.0	Stable Operation/Minimal Delays: An occasional approach phase is fully utilized. Many drivers design to feel somewhat restricted within platoon of vehicles.
C	20.0 < Delay ≤ 35.0	15.0 < Delay ≤ 25.0	Stable Operation/Acceptable Delays: Major approach phases fully utilized. Most drivers feel somewhat restricted.
D	25.0 < Delay ≤ 40.0	25.0 < Delay ≤ 35.0	Approaching Unstable/Tolerable Delays: Drivers may have to wait through more than one red signal indication. Queues may develop but dissipate rapidly, without excessive delays.
E	40.0 < Delay ≤ 60.0	35.0 < Delay ≤ 50.0	Unstable Operation/Significant Delays: Volumes at or near capacity. Vehicles may wait through several signal cycles. Long queues from upstream from intersection.
F	Delay > 60.0	Delay > 50.0	Forced flow/Excessive Delays: Represents jammed conditions. Intersection operates below capacity with low volumes. Queues may block upstream intersections.

Year 2025 Baseline Without Project Scenario

Since one purpose of this analysis is to address any new significant impacts or substantial increases in the severity of previously examined significant impacts, the traffic study prepared for the current Project utilizes a "2025 Scenario Baseline." The "2025 Scenario Baseline" consists of the continuance of the projects evaluated in the Previous CEQA Documents, without change (by the current Project). This is considered the baseline scenario for this traffic analysis.

Intersection turning movement volumes and lane geometries for the 2025 Baseline Without Project Scenario are displayed in **Figure 7-4**. A summary of vehicle LOS for the 2025 Baseline scenario is shown in **Table 7-4**. Detailed intersection LOS calculations are available for review at the City of Hayward Permit Center located at 777 B Street between the weekday hours of 8AM to 5PM.

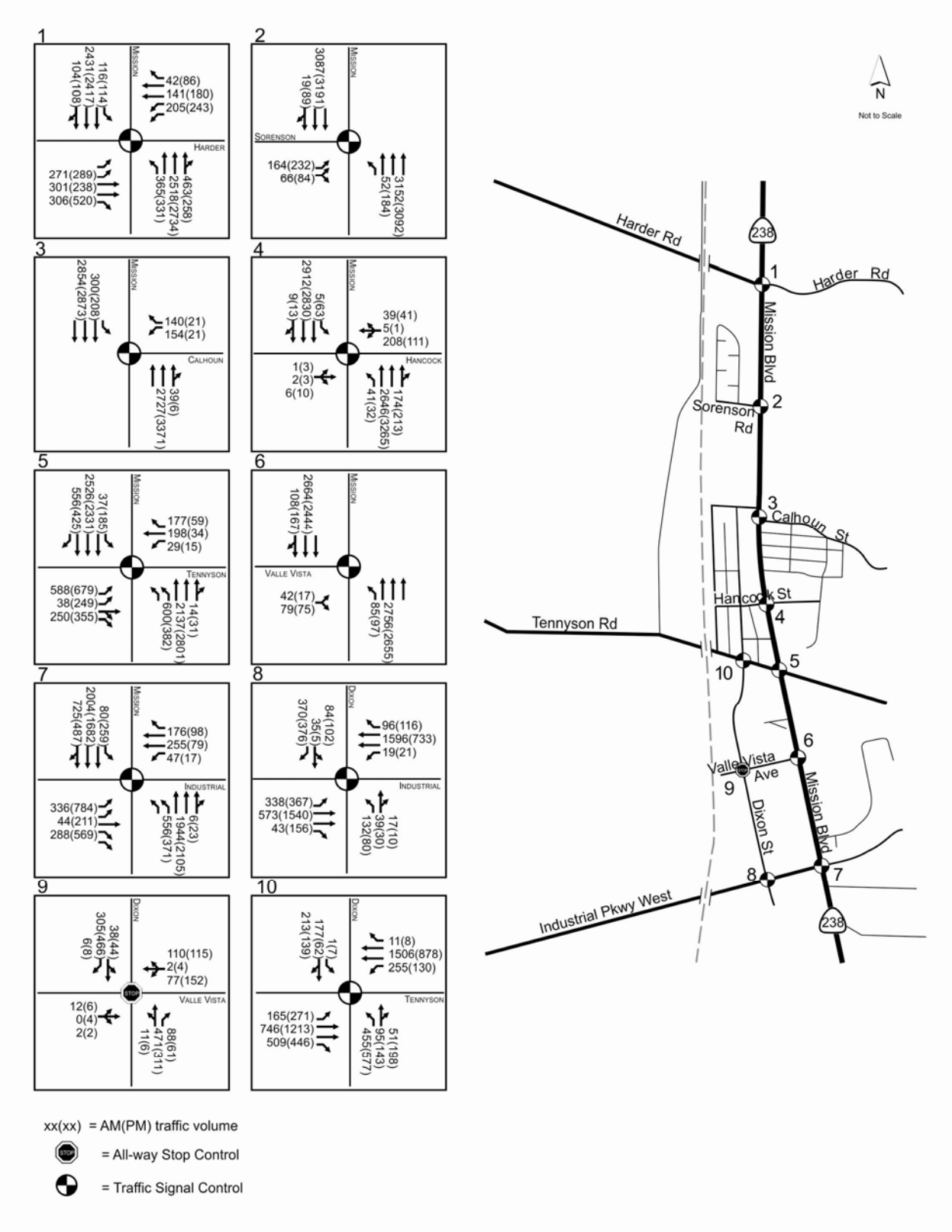

Figure 7-4: Year 2025 Baseline Without Current Project Traffic Volumes

TABLE 7-4: YEAR 2025 BASELINE (WITHOUT CURRENT PROJECT) - INTERSECTION LEVEL OF SERVICE

	Intersection	Traffic Control	Peak-Hour	LOS	Delay
1	Mission Boulevard at Harder Road	Signal	AM	D	30
			PM	D	40
2	Mission Boulevard at Sorenson Road	Signal	AM	B	8
			PM	B	15
3	Mission Boulevard at Calhoun Street	Signal	AM	B	14
			PM	B	8
4	Mission Boulevard at Hancock Street	Signal	AM	B	12
			PM	B	10
5	Mission Boulevard at Tennyson Road	Signal	AM	D	39
			PM	D	29
6	Mission Boulevard at Valle Vista Avenue[1]	Signal	AM	A	3
			PM	A	3
7	Mission Boulevard at Industrial Parkway West	Signal	AM	D	39
			PM	D	37
8	Dixon Street at Industrial Parkway West	Signal	AM	C	18
			PM	B	14
9	Dixon Street at Valle Vista Avenue	All Way Stop	AM	C	17
			PM	C	22
10	Dixon Street at Tennyson Road[2]	Signal	AM	D	32
			PM	C	23

[1] The intersection of Mission Boulevard-Valle Vista Avenue is currently stop-controlled but will be signalized by 2025.

[2] The intersection of Dixon Street - Tennyson Avenue shows the LOS with recommended mitigations from the DEIR

LOS = Level of Service; Delay = Weighted average delay for vehicles in seconds

Source: South Hayward BART/Mission Boulevard Concept Design Plan FEIR

REGULATORY SETTING

Alameda County Transportation Commission (ACTC)

The Alameda County Transportation Commission (ACTC) prepares the Congestion Management Program (CMP), a plan mandated by California law to describe the strategies to address congestion problems on the CMP network, which includes state highways and principal arterials. The CMP uses LOS standards as a mean to measure congestion and has established LOS standards to determine how local governments meet the standards of the CMP. CMP roadways applicable to the current Project include: I-880, I-580, Foothill Boulevard, Mission Boulevard, Harder Road, Tennyson Road, Industrial Parkway and Whipple Road.

General Plan

The Circulation Element of the Hayward General Plan contains policies and strategies relating to regional traffic, promoting alternative transportation modes and improving local access and circulation.

- Reduce the amount of Regional Through Traffic in the Hayward Area. (Policy 1)
    - Support transportation plans that incorporate alternatives to automobile use. (Strategy 2)
    - Coordinate transportation planning with regional agencies and adjoining jurisdictions. (Strategy 4)
- Improve Mobility to Foster Economic Vitality. (Policy 4)
    - Provide a safe and efficient transportation system for the movement of people, goods and services through and within Hayward. (Strategy 1)
- Improve Coordination among Public Agencies and Transit Providers. (Policy 5)
    - Consider needs of transit riders, pedestrians, people in wheelchairs, cyclists and others in long-range planning and review of development proposals. (Strategy 1)
    - Promote effective intermodal connections at transit stations. (Strategy 5)
- Encourage Land Use Patterns that Promote Transit usage. (Policy 10)
    - Encourage transit-oriented development, where appropriate, encourage intensive new residential and commercial development within 1/2 mile of transit stations or 1/4 mile of major bus routes. (Strategy 1)
    - Encourage mixed-use residential and commercial development to reduce the need for multi-destinational trips. (Strategy 2)

- Promote high density new residential development, including residential above commercial uses, near transit facilities, activity generators and along major arterials. (Strategy 3)
- Encourage alternatives to automobile transportation through development policies and provision of transit, bike and pedestrian amenities. (Strategy 4)
- Encourage design of development that facilitates use of transit. (Strategy 6)

Mission-Garin Neighborhood Plan

The following circulation policies and strategies are included in the Mission-Garin Neighborhood Plan:

- Require phasing of development that is coordinated with transportation system management. (Strategy 20)
- Reduce local traffic by such means as requiring large residential developments to provide shuttle serve to BART and encourage other alternative transportation measures such as bus route changes, construction of bike trails and provision of other pedestrian amenities. (Strategy 22)

Fairway Park Neighborhood Plan

The Fairway Park Neighborhood Plan, which includes the triangular area at the south end of the project area, contains the following goal relating to neighborhood character and appearance:

- Enhance the safety and efficiency of the circulation pattern and encourage alternative modes of transportation. (goal)

Previous CEQA Documents: Revised Analysis

During preparation of this Draft SEIR, it was discovered that three (3) signalized intersections were missing loss time that should have been reflected in the Concept Design Plan Program EIR. Additionally, the geometry and corresponding volumes of the intersection of Mission Boulevard and Tennyson Road were found to be inaccurate. This section summarizes the errors discovered during preparation of this Draft SEIR, including how they have been addressed within the context of the current Project.

Loss time is typically incorporated at each signalized intersection to account for seconds lost (for yellow and all-red signal indications) as a result of switching each phase of the traffic signal over its complete cycle. The Concept Design Plan Program EIR inaccurately assessed loss time at the following intersections:

6. Mission Boulevard at Valle Vista Avenue
8. Dixon Street at Industrial Parkway West

10. Dixon Street-E 12th Street at Tennyson Road

Generally, the loss time is about three (3) seconds for each phase in a traffic signal's cycle. For example, a traffic signal with a cycle of ninety (90) seconds and only (2) two phases (one phase for eastbound-westbound travel through an intersection, the other for northbound-southbound) would incorporate a total of six (6) seconds of loss time, for an effective green time of eighty-four (84) seconds per cycle. Traffic signals with protected turn phases require more loss time to be incorporated in the analysis, but usually no more than twelve (12) seconds in the City of Hayward. The aforementioned study intersections were lacking loss time in the Previous CEQA Documents, but such loss time has been accounted for in the traffic study prepared for the current Project.

Additionally, while it was discovered that the corrected delay for the intersection of Mission Boulevard at Harder Road is slightly less compared to that reported in the Concept Design Plan Program EIR, the LOS remains the same under the current Project (as shown in **Table 7-4**). Finally, the intersection geometry[6] and minor turning movement volumes[7] for Mission Boulevard at Tennyson Road were discovered to be incorrect in the Concept Design Plan Program EIR. **Table 7-4** displays the revised and corrected LOS and delay for these five (5) intersections compared to the original reported in the South Hayward BART/Mission Boulevard Concept Design Plan EIR for the Year 2025 Baseline.

As a result of discovering the aforementioned errors and analysis in preparation of this Draft SEIR, it was revealed the intersection of Dixon Street at Tennyson Road and the intersection of Mission Boulevard at Tennyson Road are projected to operate at LOS E in the AM peak-hour for the 2025 Baseline condition. The other intersections are, however, projected to continue operating at LOS D or better for the 2025 Baseline condition. The corrected LOS and delay are used for the 2025 Baseline analysis when compared to Project conditions.

<u>2025 Baseline With Current Project Conditions</u>

Intersection turning movement volumes and lane geometries for Baseline 2025 With Current Project condition are displayed in **Figure 7-5**. A summary of vehicle LOS for the baseline plus Project scenario is shown in **Table 7-5**.

[6] Lane geometries at the Mission Boulevard-Tennyson Street intersection for the South Hayward BART/ Mission Boulevard Concept Design Plan EIR had one shared southbound through-right turn lane and three southbound through lanes. The lane geometries for this study have been revised as shown in Figure 7-2

[7] Volumes at Mission Boulevard-Tennyson Street intersection for the South Hayward BART/ Mission Boulevard Concept Design Plan EIR were mostly zero for the northbound right and westbound left in the AM and PM peak-hour. Volumes for this study have been revised as shown in Figure 7-2

TABLE 7-5: YEAR 2025 BASELINE (WITHOUT CURRENT PROJECT) INTERSECTION LEVEL OF SERVICE - ORIGINAL TO REVISED

Intersection		Traffic Control	Peak-Hour	Original		Revised	
				LOS	Delay	LOS	Delay
1	Mission Boulevard at Harder Road [1]	Signal	AM	D	30	D	28.9
			PM	D	40	D	36.7
5	Mission Boulevard at Tennyson Road[2]	Signal	AM	D	39	E	43.5
			PM	D	29	D	30.6
6	Mission Boulevard at Valle Vista Avenue[3]	Signal	AM	A	3	B	5.4
			PM	A	3	A	4.6
8	Dixon Street at Industrial Parkway West[3]	Signal	AM	C	18	C	24.8
			PM	B	14	C	16.3
10	Dixon Street at Tennyson Road[3]	Signal	AM	D	32	E	51.9
			PM	C	23	D	29.2

Original LOS and delay as reported in the South Hayward BART/Mission Boulevard Concept Design Plan FEIR

[1] Change in seconds of delay only, LOS remains the same

[2] Change in LOS and delay due to change of intersection lane geometries and revised volumes

[3] Change in LOS and delay due to addition of loss time

Source: Dowling Associates, Inc., using TRAFFIX 8.0

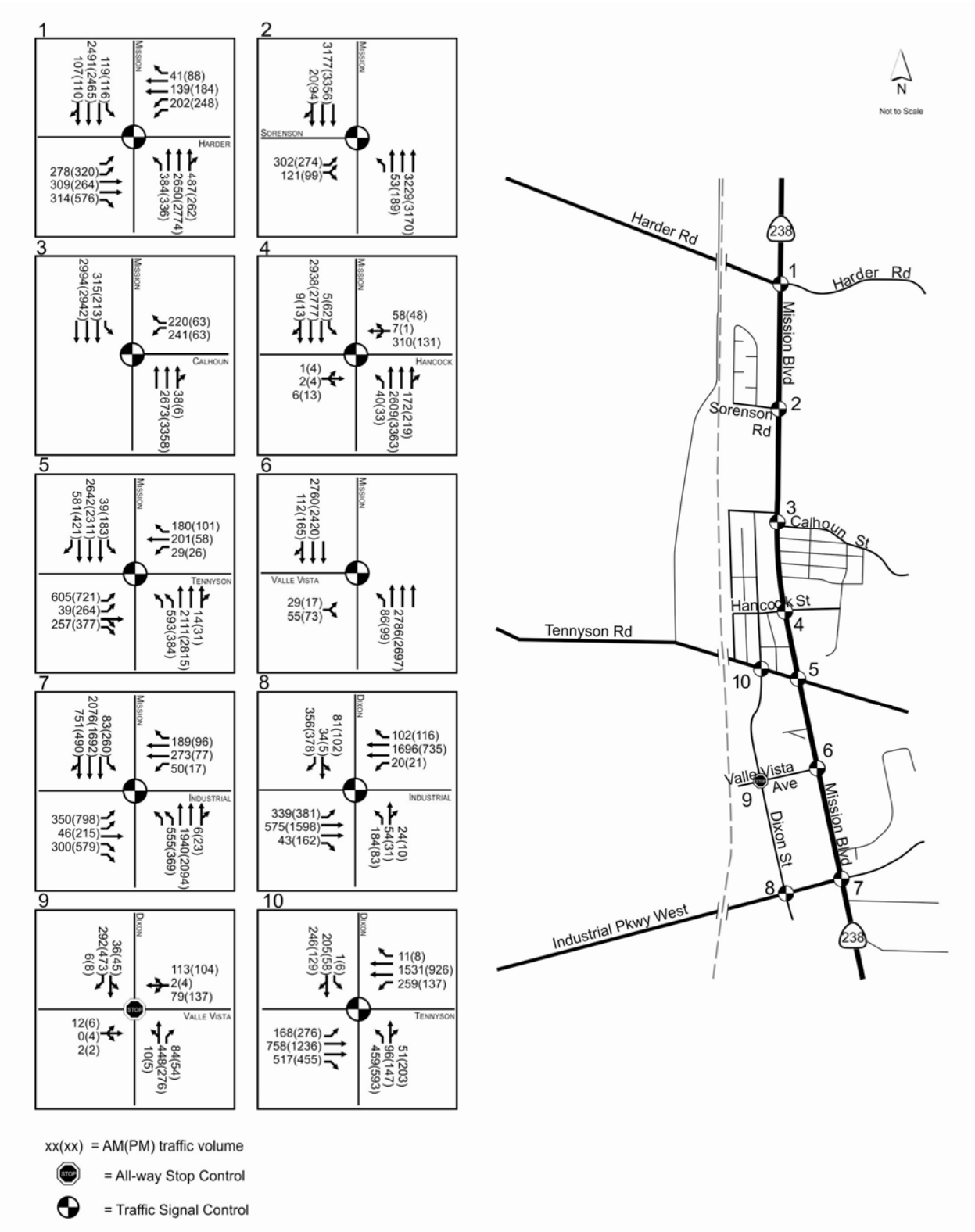

Figure 7-5: Year 2025 Baseline with Current Project - Traffic Volumes

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

Implementation of the Project would have a significant effect on the environment if it were to:

- Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

- Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

- Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

PLAN, ORDINANCE OR POLICY CONFLICT

Impact Traf-1: The Project would contribute additional traffic to intersections, which the Previous CEQA Documents determined significant but mitigable impacts. However, while the Project would result in new and more severe environmental effects concerning LOS levels at certain intersections, feasible mitigation measures would reduce those effects to a ***less than significant*** level.

Applicable Plan & Policy

For the purpose of this Draft SEIR, the applicable plan and policy consists of the City of Hayward 2002 General Plan. There are no ordinance provisions within the Hayward Municipal Code which are relevant to the performance of the subject circulation system.

Consistent with the Hayward General Plan, a traffic impact could be deemed significant if it results in a level of service (LOS) that exceeds, either individually or cumulatively, an LOS of D. Additionally, the Hayward General Plan states that a, "LOS E may be acceptable due to costs of mitigation or when there would be other unacceptable impacts."

Previous CEQA Documents versus Current Project

Build-out of the current Project would add 771 net new residential dwellings and 218,613 square feet of commercial floor area above the amount of development studied in the Previous CEQA Documents. This new development would add additional vehicle trips that, as illustrated in **Table 7-6** below, reduce the LOS of certain intersections below that determined in the Previous CEQA Documents and below acceptable levels. More specifically, the Project will cause two (2) intersections to operate at an unacceptable LOS of E in the 2025 Baseline plus Project condition, and will increase average delay at two (2) other intersections that are projected to operate at LOS

E under baseline conditions thereby causing one (1) of the intersections to operate at LOS F.

For clarity, the mitigations that follow assume the Route 238 Corridor Improvement Project is completed as presently designed. Thus, the mitigation measures are indicated as changes from the built condition after completion of the Route 238 Corridor Improvement Project presently under construction.

TABLE 7-6: YEAR 2025 BASELINE (WITH CURRENT PROJECT) - INTERSECTION LEVEL OF SERVICE

Intersection		Traffic Control	Peak-Hour	2025 Baseline[1]		With Project	
				LOS	Delay	LOS	Delay
1	Mission Boulevard at Harder Road	Signal	AM	D	28.9	D	31.6
			PM	D	36.7	**E**	**47.3**
2	Mission Boulevard at Sorenson Road	Signal	AM	B	7.6	B	13.7
			PM	B	14.7	C	20.4
3	Mission Boulevard at Calhoun Street	Signal	AM	B	14.2	C	19.0
			PM	B	7.7	B	9.8
4	Mission Boulevard at Hancock Street	Signal	AM	B	11.8	C	18.4
			PM	B	9.5	B	11.7
5	Mission Boulevard at Tennyson Road	Signal	AM	**E**	**43.5**	**E**	**49.9**
			PM	D	30.6	D	34.8
6	Mission Boulevard at Valle Vista Avenue[2]	Signal	AM	B	5.4	A	4.3
			PM	A	4.6	A	4.6
7	Mission Boulevard at Industrial Parkway West[8]	Signal	AM	D	39.3	**E**	**46.7**
			PM	D	36.9	D	37.3
8	Dixon Street at Industrial Parkway West	Signal	AM	C	24.8	D	26.8
			PM	C	16.3	C	16.4
9	Dixon Street at Valle Vista Avenue	All Way Stop	AM	C	16.8	C	15.6
			PM	C	21.6	C	20.6
10	Dixon Street at Tennyson Road	Signal	AM	**E**	**51.9**	**F**	**66.8**
			PM	D	29.2	D	30.6

[1] Year 2025 Baseline LOS and delay based on the Revised Analysis contained in Table 7-4.

[2] The intersection of Mission Boulevard/Valle Vista Avenue is currently stop-controlled but will be signalized by 2025.

LOS = Level of Service; Delay = Weighted average delay for vehicles in seconds.

Source: Dowling Associates, Inc. using TRAFFIX 8.0.

[8] Under the Previous CEQA Documents, this intersection was presumed to operate at LOS E or D by the year 2025, depending upon whether the analysis was for the "Urban" or "Blended" scenario. The final approved Concept Design Plan was a combination of both of those scenarios. Although LOS D is presented in this table, LOS E was presumed and mitigation measures at this intersection ultimately adopted.

DIXON STREET/TENNYSON ROAD

The Previous CEQA Documents determined that the proposed land use and densities under the Concept Design Plan would result in LOS E at the Dixon Street/Tennyson Road intersection in the AM peak period. Mitigation was recommended in the Previous CEQA Documents to provide northbound and southbound left turn lanes, and to modify the traffic signal at Dixon Street/Tennyson Road to provide for protected-permissive northbound left turns and permissive southbound left turns. This mitigation would have improved the LOS to D in the AM peak period.

Impact Traf-1: **(Dixon Street-East 12th Street at Tennyson Road)** Adding Project-generated traffic to the 2025 Baseline would cause this intersection to operate at LOS F in the AM peak-hour condition. This would be a ***potentially significant impact***.

While the Previous CEQA Documents recommended mitigation measures capable of reducing the impact to less than significant, the City of Hayward now desires to modify that mitigation, as stated in Mitigation Measure Traf-1 below.

Mitigation Measures

Traf-1: **(LOS at Dixon Street/Tennyson Road)** Create an exclusive right turn pocket and a shared through-left turn lane in the southbound direction (on the East 12th Street approach).

Lane geometries in the northbound direction would include an exclusive left-turn pocket and a shared through-right turn lane.

Signal phasing would be changed to split phasing in the northbound and southbound directions, with a southbound right-turn overlap during eastbound and westbound protected left turn phases.

U-turns in the eastbound direction would be prohibited to minimize conflicts with southbound right-turning vehicles.

Implementation of these mitigation measures would result in LOS D in the AM peak-hour and, thus, reduce the impact to a ***less than significant*** level.

MISSION BOULEVARD/INDUSTRIAL PARKWAY

The Previous CEQA Documents determined that land use densities along the Mission Boulevard corridor contemplated under the Concept Design Plan could result in LOS E in the 2025 AM peak period at the Mission Boulevard/Industrial Parkway intersection. Mitigation was recommended to modify traffic signal phasing to provide eastbound and westbound right turn overlap phases, and prohibit both northbound and southbound U-turns. This mitigation would have improved the LOS to D in the AM peak period.

Impact Traf-2 **(LOS at Mission Boulevard/Industrial Parkway)** Adding Project-generated traffic to the 2025 Baseline would cause this intersection to operate at LOS E in the AM peak-hour. This would be a ***potentially significant impact***.

While the Previous CEQA Documents recommended mitigation measures capable of reducing the impact to less than significant, the City of Hayward now desires to modify that mitigation, as stated in Mitigation Measure Traf-2 below.

Mitigation Measure

Traf-2: **(LOS at Mission Boulevard/Industrial Parkway)** For the westbound right turn lane, provide an overlapping signal with the southbound left protected phase.

Implementation of mitigation measure Traf-2 would require the prohibition of southbound U-turns, but will allow more right turning volumes in the westbound direction to improve overall intersection delay. This would result in an improved intersection operation to LOS D in the AM peak-hour. The resulting significance after implementation of Mitigation Measure Traf-2a is considered ***less than significant***.

MISSION BOULEVARD/TENNYSON ROAD

The Previous CEQA Documents did not identify the Mission Boulevard/Tennyson Road intersection as having a potentially significant impact requiring mitigation..

Impact Traf-3: **(LOS at Mission Boulevard/Tennyson Road)** Mission Boulevard at Tennyson Road is projected to operate at LOS E in the AM peak-hour under the current Project. This is considered a ***potentially significant impact.***

Mitigation Measure

Traf-3: **(LOS at Mission Boulevard/Tennyson Road)** Split phasing signal timing in the eastbound and westbound directions is already being constructed as part of the Route 238 Corridor Improvement Project. However, in addition to the split phasing, the following would need to be accomplished: (a) convert the eastbound through lane to an eastbound shared through-left lane, and (b) stripe the westbound approach to a shared left-through lane and an exclusive right turn lane, and (c) provide overlap phasing for westbound and eastbound right turns; and (d) prohibit northbound and southbound U-turns to avoid conflicts with the right turn overlap phasing .

While there is currently no eastbound leg at the Mission Boulevard/Tennyson Road intersection, the Previous CEQA Documents assumed its presence and extension to a new north/south arterial

when analyzing the potential effects of each respective project. The extension of this eastbound leg of Tennyson Road is shown in the Hayward General Plan[9] and is included in the approved La Vista development project[10]. It is also been accommodated in the Route 238 Corridor Improvement project presently under construction.

Implementation of Mitigation Measure Traf-3 would result in LOS D conditions at this intersection in the AM peak-hour. The resulting significance after implementation of Mitigation Measures Traf-3 is considered ***less than significant***.

MISSION BOULEVARD/HARDER ROAD

The Previous CEQA Documents concluded that the Mission Boulevard/Harder Road intersection would not be significantly affected by traffic generated under the Concept Design Plan by the year 2025, thus no mitigation at this intersection was recommended. Therefore, for the current Project, this is considered a new ***potentially significant impact***.

Impact Traf-4 **(LOS at Mission Boulevard/Harder Road)** Adding Project-generated traffic to the Year 2025 Baseline would cause the Mission Boulevard/Harder Road intersection to operate at LOS E in the PM peak-hour. This would be considered a ***potentially significant impact***.

Mitigation Measures

Traf-4: **(LOS at Mission Boulevard/Harder Road)** Convert the signal phasing of this intersection to split phasing with right-turn overlap phasing in the eastbound and westbound directions during the northbound and southbound protected left-turn phase. In conjunction with the signal phasing changes, accomplish the following: (a) convert one eastbound exclusive left turn lane into a shared left and through; (b) convert one eastbound through lane into an exclusive right; and (c) provide overlap phasing for the westbound right turns and for the eastbound right turns, and (d) prohibit northbound and southbound U-turns to avoid conflicts with the right turn overlap phasing

Implementation of mitigation measure Traf-4 would result in LOS D conditions at this intersection in the PM peak-hour. The resulting significance after implementation of Mitigation Measure Traf-4 is considered ***less than significant***.

Table 7-7 below summarizes the LOS for each impacted intersection with and without the mitigation measures recommended above.

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9 Figure 3-2, Hayward General Plan Circulation Element

10 Vesting Tentative Tract Map 7620.

TABLE 7-7: IMPACTED INTERSECTION LOS WITH AND WITHOUT MITIGATION

Intersection		Traffic Control	Peak-Hour	Without Mitigation		With Mitigation	
				LOS	Delay	LOS	Delay
1	Mission Boulevard at Harder Road	Signal	AM	D	31.6	D	36.8
			PM	E	47.6	D	34.6
5	Mission Boulevard at Tennyson Road	Signal	AM	E	49.9	D	35.4
			PM	D	34.8	D	32.8
7	Mission Boulevard at Industrial Parkway West	Signal	AM	E	46.7	D	37.4
			PM	D	37.3	D	33.5
10	Dixon Street at Tennyson Road	Signal	AM	F	66.8	D	37.4
			PM	D	30.6	D	27.0

LOS = Level of Service; Delay = Weighted average delay for vehicles in seconds.

Source: Dowling Associates, Inc. using TRAFFIX 8.0.

CONGESTION MANAGEMENT PROGRAM CONFLICT

The Alameda County Transportation Commission (ACTC) requires an analysis of the potential impacts of the Project on the metropolitan transportation system. The routes studied in the Previous CEQA Documents include I-880, Foothill Boulevard, Mission Boulevard, Harder Road, Tennyson Road, Industrial Parkway and Whipple Road, as well as BART and AC Transit.

The methodology used in the traffic study for the Project builds upon that used in the Previous CEQA Documents, including use of the same travel demand model (i.e., ACCMA Countywide model). Land use inputs into the model were used to identify the change in traffic resulting from the Project compared to traffic levels analyzed in the Previous CEQA Documents. The additional increment of Project-generated traffic was added to the results from the previous CMP analysis. Current project volumes were then compared to the 2025 Baseline condition in order to identify any new impacts.

Threshold of Significance

According to the Alameda County Congestion Management Agency 2007 Congestion Management Program (CMP), the LOS standard for Metropolitan Transportation System (MTS) roadways, which include the CMP roadway network, is LOS E, except for those locations already at LOS F in 1991. Therefore, for purposes of this Draft SEIR, the Project would result in significant traffic impacts on MTS roadways if it causes:

- The operations on MTS roadways to deteriorate from LOS E or better to LOS F; or
- The volume-to-capacity (V/C) ratio to increase by more than five (5%) percent on an MTS roadway that is already operating at LOS F. Based on professional judgment and in

consultation with the local agency, this is considered a reasonable threshold given the fluctuations in the travel demand model and the long-range estimates for land use and traffic in Year 2025.

Previous CEQA Documents

The Previous CEQA Documents concluded that certain roadways in the Hayward area will continue to operate at less than acceptable levels. These roadways include:

- I-880 north of "A" Street
- I-880 north of Tennyson Road
- I-880 north of Whipple Road
- I-580 east of Grove
- Foothill north of "A" Street
- Mission Boulevard north of Harder Road
- Mission Boulevard north of Tennyson Road; and
- Mission Boulevard north of Industrial Parkway West.

Implementation of the General Plan policies and strategies, such as implementation of “smart growth” policies, will reduce the City’s contribution to traffic growth on these regional roadways. However, due to physical constraints, funding limitations and regional growth patterns, cumulative traffic impacts on these regional roadways was found to be significant and unavoidable.

2025 Baseline With Project Conditions - Traffic Volumes

Year 2025 Baseline traffic volumes are shown in **Table 7-8**, and the 2025 Baseline plus Project volumes are shown in **Table 7-9**. **Table 7-10** and **Table 7-11** compare the results between the 2025 Baseline and Project by direction for all CMP links, summarizes the volumes, level of service, and the percent change in volume-to-capacity ratio (V/C).

When traffic generated by the Project is added to the Year 2025 Baseline, there are increases in PM peak hour volumes at most link locations. However, this increased traffic due to the Project does not result in new significant impacts or substantial increases in the severity of a previously identified significant impact. Therefore, the Project would result in a ***less than significant impact*** relative to Congestion Management Plan conflicts.

Table 7-8: Year 2025 Baseline Conditions

Link Location	Northbound/ Eastbound					Southbound/ Westbound					Facility Type
	Volume	Capacity	V/C	Lanes	LOS	Volume	Capacity	V/C	Lanes	LOS	
Interstate/State Highways											
I-880 North of "A" St	9,017	8,400	1.07	4	F	8,939	8,400	1.06	4	F	Freeway
I-880 North of Tennyson Rd	7,142	6,300	1.13	3	F	6,676	6,300	1.06	3	F	Freeway
I-880 North of Whipple Rd	7,016	6,300	1.11	3	F	7,556	6,300	1.20	3	F	Freeway
I-238 East of I-880	3,609	6,300	0.57	3	C	5,805	6,300	0.92	3	E	Freeway
I-580 East of I-238	5,457	10,500	0.52	5	B	9,804	10,500	0.93	5	E	Freeway
I-580 East of Grove Wy	5,913	8,400	0.70	4	C	10,308	8,400	1.23	4	F	Freeway
Foothill Blvd (SR-238) North of "A" St	4,236	3,481	1.22	4	F	2,719	3,481	0.78	4	B	Class 1A
Foothill Blvd (SR-238) South of "A" St	4,563	4,121	1.11	5	F	3,673	4,121	0.89	5	C	Class 1A
Mission Blvd (SR-238) North of Harder Rd	2,870	2,841	1.01	3	F	2,253	2,841	0.79	3	B	Class 1A
Mission Blvd (SR-238) North of Tennyson Rd	3,042	2,841	1.07	3	F	2,398	2,841	0.84	3	C	Class 1A
Mission Blvd (SR-238) North of Industrial Pkwy	2,974	2,841	1.05	3	F	2,304	2,841	0.81	3	C	Class 1A
Arterials											
Harder Rd West of Mission Blvd	1,274	1,800	0.71	2	D	729	1,800	0.41	2	C	Class 1B
Tennyson Rd West of Mission Blvd	1,515	1,800	0.84	2	D	973	1,800	0.54	2	C	Class 1B
Industrial Pkwy West of Dixon Rd	1,343	1,800	0.75	2	D	650	1,800	0.36	2	C	Class 1B
Whipple Rd West of Mission Blvd	737	840	0.88	1	E	665	840	0.79	1	E	Class 2
Sum	***60,708***					***65,452***					

V/C = Volume-to-capacity ratio

Dowling Associates, Inc. October 2010

Table 7-9: Year 2025 Baseline Plus Project Conditions.

Link Location	Northbound/ Eastbound					Southbound/ Westbound					Facility Type
	Volume	Capacity	V/C	Lanes	LOS	Volume	Capacity	V/C	Lanes	LOS	
Interstate/State Highways											
I-880 North of "A" St	9,007	8,400	1.07	4	F	8,928	8,400	1.06	4	F	Freeway
I-880 North of Tennyson Rd	7,203	6,300	1.14	3	F	6,714	6,300	1.07	3	F	Freeway
I-880 North of Whipple Rd	7,059	6,300	1.12	3	F	7,644	6,300	1.21	3	F	Freeway
I-238 East of I-880	3,662	6,300	0.58	3	C	5,950	6,300	0.94	3	E	Freeway
I-580 East of I-238	5,490	10,500	0.52	5	B	9,834	10,500	0.94	5	E	Freeway
I-580 East of Grove Wy	5,967	8,400	0.71	4	C	10,277	8,400	1.22	4	F	Freeway
Foothill Blvd (SR-238) North of "A" St	4,248	3,481	1.22	4	F	2,804	3,481	0.81	4	B	Class 1A
Foothill Blvd (SR-238) South of "A" St	4,588	4,121	1.11	5	F	3,584	4,121	0.87	5	C	Class 1A
Mission Blvd (SR-238) North of Harder Rd	2,812	2,841	0.99	3	D	2,421	2,841	0.85	3	C	Class 1A
Mission Blvd (SR-238) North of Tennyson Rd	3,184	2,841	1.12	3	F	2,449	2,841	0.86	3	C	Class 1A
Mission Blvd (SR-238) North of Industrial Pkwy	2,938	2,841	1.03	3	F	2,315	2,841	0.81	3	C	Class 1A
Arterials											
Harder Rd West of Mission Blvd	1,485	1,800	0.83	2	D	805	1,800	0.45	2	C	Class 1B
Tennyson Rd West of Mission Blvd	1,722	1,800	0.96	2	E	1,073	1,800	0.60	2	D	Class 1B
Industrial Pkwy West of Dixon Rd	1,475	1,800	0.82	2	D	713	1,800	0.40	2	C	Class 1B
Whipple Rd West of Mission Blvd	741	840	0.88	1	E	674	840	0.80	1	E	Class 2
Sum	***61,581***					***66,185***					

V/C = Volume-to-capacity ratio

Dowling Associates, Inc. October 2010

TABLE 7-10: SEGMENT EVALUATION: 2025 PEAK HOUR - NORTHBOUND/EASTBOUND

Link Location	Volume		Difference		LOS		Change to LOS F?	Change in V/C +5%?
	2025 Baseline	Plus Project	%	Volume	2025 Baseline	Plus Project		
Interstate/State Highways								
I880 North of A St	9,017	9,007	-0.1%	-10	F	F	Already F	No
I880 North of Tennyson Rd	7,142	7,203	0.8%	61	F	F	Already F	No
I880 North of Whipple	7,016	7,059	0.6%	43	F	F	Already F	No
I-238 East of I-880	3,609	3,662	1.4%	53	C	C	No	N/A
I-580 East of I-238	5,457	5,490	0.6%	33	B	B	No	N/A
I-580 East of Grove Wy	5,913	5,967	0.9%	54	C	C	No	N/A
Foothill Blvd (SR-238) North of A St	4,236	4,248	0.3%	12	F	F	Already F	No
Foothill Blvd (SR-238) South of A St	4,563	4,588	0.5%	25	F	F	Already F	No
Mission Blvd (SR-238) North of Harder Rd	2,870	2,812	-2.1%	-58	F	D	No	N/A
Mission Blvd (SR-238) North of Tennyson Rd	3,042	3,184	4.5%	142	F	F	Already F	No
Mission Blvd (SR-238) North of Industrial Pkwy	2,974	2,938	-1.2%	-36	F	F	Already F	No
Arterials								
Harder Rd West of Mission Blvd	1,274	1,485	14.2%	211	D	D	No	N/A
Tennyson Rd West of Mission Blvd	1,515	1,722	12.0%	207	D	E	No	N/A
Industrial Pkwy West of Dixon Rd	1,343	1,475	8.9%	132	D	D	No	N/A
Whipple Rd West of Mission Blvd	737	741	0.5%	4	E	E	No	N/A
	60,708	***61,581***	***1.4%***	***873***				

V/C = Volume-to-capacity; Impacted locations are highlighted.

Dowling Associates, Inc. October 2010.

TABLE 7-11: SEGMENT EVALUATION: 2025 PEAK HOUR - SOUTHBOUND/WESTBOUND

Link Location	Volume		Difference		LOS		Change to LOS F?	Change in V/C +5%?
	2025 Baseline	Plus Project	%	Volume	2025 Baseline	Plus Project		
Interstate/State Highways								
I880 North of A St	8,939	8,928	-0.1%	-11	F	F	Already F	No
I880 North of Tennyson Rd	6,676	6,714	0.6%	38	F	F	Already F	No
I880 North of Whipple	7,556	7,644	1.2%	88	F	F	Already F	No
I-238 East of I-880	5,805	5,950	2.4%	145	E	E	No	N/A
I-580 East of I-238	9,804	9,834	0.3%	30	E	E	No	N/A
I-580 East of Grove Wy	10,308	10,277	-0.3%	-31	F	F	Already F	No
Foothill Blvd (SR-238) North of A St	2,719	2,804	3.0%	85	B	B	No	N/A
Foothill Blvd (SR-238) South of A St	3,673	3,584	-2.5%	-89	C	C	No	N/A
Mission Blvd (SR-238) North of Harder Rd	2,253	2,421	6.9%	168	B	C	No	N/A
Mission Blvd (SR-238) North of Tennyson Rd	2,398	2,449	2.1%	51	C	C	No	N/A
Mission Blvd (SR-238) North of Industrial Pkwy	2,304	2,315	0.5%	11	C	C	No	N/A
Arterials								
Harder Rd West of Mission Blvd	729	805	9.4%	76	C	C	No	N/A
Tennyson Rd West of Mission Blvd	973	1,073	9.3%	100	C	C	No	N/A
Industrial Pkwy West of Dixon Rd	650	713	8.8%	63	C	C	No	N/A
Whipple Rd West of Mission Blvd	665	674	1.3%	9	E	E	No	N/A
	65,452	***66,185***	***1.1%***	***733***				

V/C = Volume-to-capacity; Impacted locations are highlighted.

Dowling Associates, Inc. October 2010.

DESIGN FEATURE HAZARD

Impact Traf-5: **(Design Feature Hazard)** The Project includes planned new thoroughfares connecting to existing thoroughfares. Detailed engineering safety studies of each planned new thoroughfare, including their intersection with existing thoroughfares, has not been accomplished to date. However, the Project would require a detailed examination of new thoroughfares through an existing "Precise Plan Lines for Streets" review process. Implementation of this review process would ensure that the design of these new roads does not result in a roadway design hazard. Thus, a ***less than significant*** would result under this criterion.

The current Project includes a complement to the Regulating Plan consisting of a Thoroughfare Plan. The Thoroughfare Plan intends to implement the Hayward General Plan's direction to pursue opportunities for infill development and redevelopment to accommodate alternate street patterns, including shorter block lengths, interconnected streets, alleys, and cul-de-sac avoidance. This would be accomplished through the future construction of new thoroughfares either in conjunction with new private development projects or by the City of Hayward (over time) through acquisition and construction of particular thoroughfare segments.

While the Thoroughfare Plan depicts the anticipated general location of new thoroughfares, the Project would provide for deviations when, for example, immovable objects prevent or render infeasible a particular segment. Also, in order to adequately determine the feasibility of extending anticipated thoroughfare segments and, amongst other reasons, examine the safety of specific new thoroughfare segments, the Project would require the processing of a Precise Plan Lines for Streets application in conformance with Municipal Code Chapter 10, Article 4. Specific safety issues that should be addressed during any such Precise Plan Lines for Streets review process include the following:

- Traffic Control Devices. Planned new thoroughfares will require an analysis of the need for traffic control at all new intersections. These will likely be stop-controlled or all-way controlled intersections. Signage would need to be provided to alert traffic to these intersections and controls. .

- Pedestrian and Bicyclist Safety. New thoroughfares and their intersections with existing thoroughfares should be evaluated for pedestrian and bicyclist safety issues. When evaluating such issues, the Project directs that design features shall prioritize accommodating non-vehicular modes of travel. Design features that should be investigated include the use of pedestrian crossings at intersections and bikeway signage indicating right of use.

- Restricted Turn Movements. New thoroughfares intersecting with Mission Boulevard or Tennyson Road should be restricted to right-in and right-out traffic movements only. This restriction exists today at select driveways onto Mission Boulevard, and is enforced via clear signage for right-turn only and a central median on the main roadway. Also, the

Route 238 Corridor Improvement Project would extend a median throughout the Project area and, thereby, expressly not provide for left-in and left-out turn movements.

PLANNING-RELATED NON-CEQA ISSUES

PARKING

New Information

Since certification of the Previous CEQA Documents, the CEQA Guidelines were amended to remove parking from the Environmental Checklist (Appendix G of the CEQA Guidelines) as an environmental factor to be considered under CEQA. Therefore, while the Project's potential environmental effects with regard to parking is not addressed within this Supplemental Program EIR and nor is it required by CEQA, additional discussion is on this topic is provided here for information purposes only.

Current On-Street Parking Setting

The majority of on-street parking within the Project area is currently free and unrestricted. There are only a few no-parking zones within the Project area, notably the blocks fronting Harder Road, both sides of Tennyson Road, and Mission Boulevard between Tennyson Road and Industrial Parkway. In addition, there is a two-hour time-limited parking zone on Mission Boulevard between Hancock Street and Monticello Street.

The City of Hayward Municipal Code allows for the establishment of metered parking on city streets, though no parking meters are currently in place.

There are currently two (2) residential permit parking zones in Hayward, both of which were established to protect residents from spillover parking problems, in the vicinity of the following major destinations: Chabot College and Post Office and County Courthouse. On neighborhood streets within these zones, parking permits are issued to qualified residents in return for a nominal annual fee.

Previous CEQA Documents

The Concept Design Plan EIR conservatively estimated that land use densities in the project area, as well as potential for reduced BART replacement parking and reduced parking ratios for residential development projects could result in potentially significant impacts related to parking resources available to other users of on street parking or access to businesses.

The Concept Design Plan EIR explains the rationale for determining that impact, as follows: "Although the project would result in enhanced transit use via transit-oriented development that may lead to enhanced transit services, impacts on parking in the project area may be impacted due to additional demands for parking related to increased densities and reduced parking ratios typical of transit-oriented developments. Residents and visitors to the project area may park on local streets adjacent to the project area. Also, BART is considering a reduction in BART replacement parking associated with future redevelopment of its property around the station, which may result in increased on-street parking during weekdays."

The Previous CEQA Documents recommended that detailed parking studies be required of future developments in the project area to ensure impacts of development on parking resources will be less than significant. If determined to be necessary as a result of such studies, mitigation measures will be required to be implemented. Examples of such measures could include parking charges and separate parking space rentals.

Current and Proposed Off-Street Parking Requirements

The Project would consolidate existing zoning districts (intended for private development) into essentially two Transect Zones (i.e., T-4, Urban General Zone and T-5, Urban Center Zone). Existing off-street parking ratios are allocated to individual zoning districts. The Project would assign off-street parking ratios by zone and, in doing so, provide consolidated and simplified requirements that, overall, result in a reduction in the number of required off-street parking spaces.

Existing Off-Street Parking Requirements

Existing zoning regulations require off-street parking spaces at differing ratios, including both minimum and maximum ratios depending upon which zone a property is located in, as well as whether or not spaces may be covered or open to the sky. Existing off-street parking ratios are summarized as follows:

Single-Family Residential (RS) Zoning District

2.0 spaces minimum per dwelling within a garage

Medium Density Residential (RM) Zoning District

1.0 space minimum covered plus 0.50 space minimum open per studio dwelling unit

1.0 space minimum covered plus 0.70 open per dwelling unit with one-bedroom

1.0 space minimum covered plus 1.10 open per dwelling unit with two or more bedrooms

10% of the total number of spaces are for visitor parking

High Density Residential (RH) Zoning District

1.0 space minimum covered plus 0.50 space minimum open per studio dwelling unit

1.0 space minimum covered plus 0.70 open per dwelling unit with one-bedroom

1.0 space minimum covered plus 1.10 open per dwelling unit with two or more bedrooms

10% of the total number of spaces are for visitor parking

Neighborhood Commercial (CN) Zoning District

1.5 spaces maximum per studio or one-bedroom unit

2.0 spaces maximum per dwelling units with two or more bedrooms

1.0 space for each 315 square feet of non-residential gross floor area

Neighborhood Commercial/Residential (CN-R) Zoning District

1.5 spaces maximum per studio or one-bedroom unit

2.0 spaces maximum per dwelling units with two or more bedrooms

1.0 space for each 315 square feet of non-residential gross floor area

Commercial General (CG) Zone

1.0 space minimum covered plus 0.50 space minimum open per studio dwelling unit

1.0 space minimum covered plus 0.70 open per dwelling unit with one-bedroom

1.0 space minimum covered plus 1.10 open per dwelling unit with two or more bedrooms

10% of the total number of spaces are for visitor parking

Commercial parking requirements varying by individual use classification

Station Area Residential (SAR) Zoning District

1.0 space maximum per studio or one-bedroom unit

1.3 spaces maximum per dwelling units with two or more bedrooms

1.0 space for each 315 square feet of non-residential gross floor area

Mission Boulevard Residential (MBR) Zoning District

1.3 spaces maximum per studio or one-bedroom unit

1.5 spaces maximum per dwelling units with two or more bedrooms

Proposed Off-Street Parking Requirements

The Project would establish the following off-street parking space requirements, as applicable to each Transect Zone:

T-4 (General Urban Zone)

0.0 spaces for non-residential functions

1.75 spaces maximum per rental dwelling unit

2.0 spaces maximum per condominium

T-4 (General Urban Zone)

0.0 spaces for non-residential functions

1.5 spaces maximum per rental dwelling unit

1.8 spaces maximum per condominium

Proposed Parking and Transportation Demand Strategy

A Parking and Transportation Demand Strategy has been prepared for the Project area.[11] The Parking and Transportation Demand Strategy includes the following recommendations for the City of Hayward to consider implementing:

- Create a Commercial Benefit Parking District
- Invest Meter Revenues in Transportation Demand Management Programs
- Provide Universal Transit Passes
- Require Parking Cash Out
- Create Residential Parking Benefit Districts
- "Unbundle" Parking Costs
- Encourage Carsharing Programs
- Remove Minimum Parking Requirements

The Parking and Transportation Demand Strategy will lay the framework for developing ordinance provisions and implementing strategies, which City staff anticipates will be completed within the next two years.

[11] South Hayward BART/Mission Boulevard Form-Based Code: Parking and Transportation Demand Strategy, January 2010.

8

ALTERNATIVES

PURPOSE

The CEQA Guidelines require analysis of a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the project's basic objectives and avoid or substantially lessen any of the significant effects of the Project. The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. This Draft SEIR has described the Project and analyzed it in comparison to the analysis contained in the Previous CEQA Documents with an emphasis on identifying any new or substantially more severe significant impacts and recommended mitigation measures to avoid and/or reduce those impacts.

PROJECT OBJECTIVES

The objectives of the Project are an important part of the context for evaluating alternatives. As described in Chapter 3 (Project Description), the City of Hayward's objectives for the Project are as follows:

- Provide certainty in the land use entitlement process through the elimination of duplicative and contradictory evaluation standards and guidelines.
- Increase opportunities for pedestrian activity, including shorter walking distances to commercial services and public transit destinations, through construction of new thoroughfares.
- Enhance the built environment through construction of new buildings and renovations to existing buildings throughout the Project area and, in particular, along prominent corridors such as Mission Boulevard.
- Utilize streamlined and clear land use entitlement processing to attract economic activity in the Project area through construction and establishment of new businesses.

All of the original objectives of the Concept Design Plan remain applicable to the current Project, as do the original objectives of the 238 Route Land Use Study with the exception of the following which pertain to issues on properties outside of the Project area:

4. To ensure that any future development within the more visible hillside areas is implemented in an environmentally sensitive manner.

7. To provide locations for new public facilities, including a future school site.

DESCRIPTION OF ALTERNATIVES

The Previous CEQA Documents each analyzed three (3) alternatives to a "Preferred Project." Each alternative included different quantities of residential and non-residential development and was eventually considered by the City Council but rejected as infeasible. Each previously considered alternative (not re-evaluated in this Draft SEIR) is summarized as follows:

CONCEPT DESIGN PLAN ALTERNATIVES

Urban Concept

This alternative included the densest development of the three (3) alternatives analyzed. This alternative would have allowed 3,707 net new dwelling units at the mid-point of applicable density ranges. This alternative would have also allowed 520,106 square feet of retail, office and other non-residential land use at the mid-point of applicable intensity ranges, which would have resulted in an increase of approximately 67,789 square feet over then-existing land use conditions. This alternative promoted the transit village concept and transit-oriented development around the South Hayward BART station.

Blended Concept

This alternative included a mix of higher density residential, commercial and mixed uses that would have allowed development greater than the Suburban Concept Alternative but less than the Urban Concept. The Blended Concept would have allowed a net increase of 2,427 residential units at the midpoint of density ranges. Non-residential floor space would have included an estimated 386,922 square feet at the midpoint of applicable intensity ranges. This would have constituted a decrease of approximately 50,347 square feet of non-residential use within the C Concept Design Plan area under this alternative as compared to then-existing, as lands containing non-residential uses are transitioned to higher density residential uses.

Suburban Concept

Overall, the density and intensity of this Alternative was the lowest of the three (3) alternatives analyzed. Generally, this alternative consisted of commercial land use designations at the north and south ends of the study area, with a mix of residential (34.8 to 75.0 dwellings per acre) and commercial/residential uses along major portions of the Mission Boulevard frontage. Property to the south of the BART station on BART property would have been designated as Station Area Residential (75.0 to 100.0 dwellings per acre), with a multi-level parking garage would be constructed on the northern portion of the BART parking lot. The Suburban Concept would have allowed a net increase of 1,886 new residential units at a midpoint of the density range and 362,746 (a net decrease of approximately 51,533) square feet of non-residential uses.

ROUTE 238 BYPASS LAND USE STUDY ALTERNATIVES

Alternative "A"

Alternative "A" represented the highest intensity land use of the three (3) alternatives considered.

It included a mix of medium and higher density housing on flatter properties adjacent to or near Foothill Boulevard, E Street, Second Street, Carlos Bee Boulevard, Tennyson Avenue and along Mission Boulevard. It located General Commercial (CG) zoned properties along other portions of Foothill and Mission Boulevards, with lower density residential and parks and open space uses assigned to steeper properties more remote from major access roads. Also, this alternative included a new Sustainable Mixed Use General Plan designation that requires residential densities of 27-55 units per net acre.

Alternative "B"

Alternative "B" was based upon neighborhood input and included the lowest land use intensity of the three (3) alternatives considered in the EIR. Land uses included lower overall density, primarily Limited Medium Density Residential (8.7-12.0 units per net acre) and more parks and open space on steeper properties. Land uses near the South Hayward BART Station included higher density residential development, commercial development and parks. Also, it included a new "Preservation Park" General Plan designation is for lands to the northeast of the A and Fourth Streets intersection, and designed to accommodate the relocation of historic structures that would be removed as part of other developments.

Alternative "C"

Alternative "C" was based on input from local and State regulatory agencies, including Alameda County, and existing City of Hayward General Plan and applicable Neighborhood Plan policies. This Alternative maximized land use density and intensity on the properties within its planning area and included General Commercial and Medium Density Residential (8.7-17.4 units per net acre) designations along Foothill Boulevard, Medium Density Residential (8.7-12.0 units per net acre) designations along A Street, B Street, Carlos Bee Boulevard, Tennyson Road and adjacent to Mission Boulevard near the South Hayward BART station. Properties interior from major roads and located on steeper properties would be designed for Low and Limited Medium Density Residential (up to 12.0 units per net acre) designations, and Parks and Open Space designations. Unlike the Alternatives "A" and "B," Alternative "C" included designations for unincorporated lands that reflect recommendations of the County’s Eden Area and Castro Valley Draft General Plans.

ANALYSIS OF ALTERNATIVES

Among the alternatives previously considered and summarized above, all remain feasible. Therefore, because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment, the central question concerning the current Project is the degree to which any of these alternatives would or would not avoid or substantially lessen the environmental effects of the Project.

The Initial Study prepared for this Draft SEIR concluded the Project would result in no new significant impacts or no significant increase in the severity of previously identified significant impacts for all environmental topics with the exception of Aesthetics, Air Quality, Greenhouse Gas Emissions and Traffic.

"No Project" Alternative

For purposes of this Draft SEIR, the "No Project" consists of the continuance of the plans evaluated within the Previous CEQA Documents and which were ultimately approved by the City of Hayward (i.e., the Concept Design Plan and the Route 238 Bypass Land Use Study).

As indicated in this Draft SEIR, the Project would not introduce any new significant impacts or substantially increase the severity of previously identified significant impacts that cannot be mitigated to a level of less than significant. As compared to the conclusions of the Previous CEQA Documents, the current Project would result in the following two (2) new adverse environmental effects related to intersection levels of service (LOS):

- LOS "E" at Mission Boulevard/Tennyson Road
- LOS "E" at Mission Boulevard/Harder Road

However, this Draft SEIR documents that the Concept Design Plan Program EIR incorrectly analyzed the Mission Boulevard/Tennyson Road intersection and should have identified a potentially significant impact at that time. While this Draft SEIR identifies this impact as "new," it also corrects the Previous CEQA Documents by recommending a mitigation measure that, if implemented, would reduce the impact to a less than significant level. Lastly, while the Project would result in a new significant impact at the intersection of Mission Boulevard/Harder Road, a cost-effective mitigation measure consisting of signal-timing and lane re-striping is recommended and, if implemented, would reduce it to a less than significant level.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

As noted in the Initial Study prepared for the Draft SEIR, the impacts of the Project would be similar or slightly less than those identified in the Previous CEQA Documents for many topics. The Project is similar in many respects to the plans evaluated in those Previous CEQA Documents. The overall impacts of the currently approved plans and the Project are similar.

The "No Project" alternative is considered the environmentally superior alternative in the strict sense that it would avoid the single new significant (but mitigable) impact presented by the current Project. However, a decision to pursue the "No Project" condition would come at the expense of the current Project's objectives, which would not be achieved.

In cases where the "No Project" alternative is identified as the environmentally superior alternative, CEQA requires that the second most environmentally superior alternative be identified. Comparison of the environmental impacts associated with each alternative indicates that each of the other alternatives (i.e., six (6) alternatives within the Previous CEQA Documents) would lead to a complex mix of impacts that would be greater and/or lesser than the current Project, depending on the topic.

As noted in the preceding discussion, the current Project would generally represent the next-best alternative in terms of the fewest impacts and it would meet the City’s objectives to the same extent as the projects evaluated in the Previous CEQA Document. There are no alternative

locations to consider since the Project concerns the adoption of land use and development regulations which would not result in parcel-specific impacts.

9

MANDATORY CEQA TOPICS

As required by CEQA, this chapter discusses the following types of impacts that could result from development under the current Project, as compared to that evaluated in the Previous CEQA Documents: growth-inducing impacts; significant irreversible changes; cumulative impacts; effects found not to be significant; and significant unavoidable effects.

GROWTH INDUCEMENT

A project is considered growth-inducing if it would directly or indirectly foster economic or population growth or the construction of additional housing, if it would remove obstacles to population growth or tax community service facilities to the extent that the construction of new facilities would be necessary, or if it would encourage or facilitate other activities that cause significant environmental effects.

The Project site is located within the City of Hayward and would not result in an expansion of urban services or the pressure to expand beyond the City's existing incorporated limits or Sphere of Influence. Construction within the Project area would not open additional undeveloped land to future growth or provide expanded utility capacity that would be available to serve future development. Instead, it would facilitate the anticipated development of vacant properties and redevelopment of underutilized land in an existing urban setting that is conveniently served by transit facilities and services. The Project would facilitate population and employment growth, but the environmental effects of such growth have already been addressed in the Previous CEQA Documents and/or re-examined in this Draft SEIR.

In addition, the Project would encourage transit and pedestrian-oriented redevelopment activity and associated growth in the vicinity of the South Hayward BART Station. This would benefit the region by promoting the redevelopment and revitalization of the area with infill development. In addition to benefiting the South Hayward BART Station area, the Project would benefit the City as a whole by better connecting the South Hayward area to the major transit center and by expanding housing choices and business activities within the City.

SIGNIFICANT IRREVERSIBLE CHANGES

An EIR must identify any significant irreversible environmental changes that would be caused by the proposed project being analyzed. Irreversible environmental changes may include current or future commitments to the use of non-renewable resources, or secondary or growth-inducing impacts that commit future generations to similar uses. Irreversible commitments of resources should be evaluated to assure that such current consumption is justified. The CEQA Guidelines describe three categories of significant irreversible changes that should be considered, as further detailed below.

Changes in Land Use Which Would Commit Future Generations

As described throughout the Previous CEQA Documents, each of the previously approved plans would allow for the redevelopment and intensification of land uses in an area that is already underutilized. Land use changes would occur as infill development on urbanized parcels that have been developed since the early 1900s. In the same manner that the current uses and structures are being considered for redevelopment after years of usefulness, so too could development projects authorized under the Project undergo renovation or change after another 50 to 100 years. In this way, the Project, like those plans studied in the Previous CEQA Documents, would commit two to three generations to this land use change. Such a commitment would not constitute a significant adverse effect.

Consumption of Nonrenewable Resources

Consumption of nonrenewable resources includes increased energy consumption, conversion of agricultural lands to urban uses, and lost access to mineral reserves. No agricultural lands would be converted and no access to mining reserves would be lost with construction under the Project. The Project would facilitate redevelopment of underutilized parcels and construct new civic spaces (e.g., linear park, park). While this would require additional energy of several types for construction and for on-going use, it would not require the construction of major new lines to deliver energy, and service providers anticipate being able to provide the capacity to serve these levels of development. Furthermore, to the extent that growth throughout Hayward is partly an expression of regional demand, redevelopment of existing neighborhoods represents a more efficient allocation of non-renewable resources than would suburban expansion into undeveloped "greenfields" in other jurisdictions or locations.

SIGNIFICANT AND UNAVOIDABLE IMPACTS

The Previous CEQA Documents identified significant and unavoidable impacts under the following topics:

- Inconsistencies with regional air quality plans[1]
- Cumulative air quality impacts[2]
- Cumulative traffic impacts[3]

The current Project would not result in any new significant and unavoidable impacts, nor result in a substantial increase the severity of the aforementioned significant and unavoidable impacts. Should the Hayward City Council decide to certify this SEIR, it would need to make findings which acknowledge the continued presence of previously determined significant and unavoidable impacts and, in compliance with CEQA Guidelines §15093, re-adopt the previous statements of

[1] Concept Design Plan EIR (Impact 4.2-1).

[2] Concept Design Plan EIR (Impact 4.2-2).

[3] Concept Design Plan EIR (Impact 4.7-4), Route 238 Bypass Land Use Study EIR (Impact 4.11-1).

overriding considerations for those previously determined significant and unavoidable impacts which would remain under the current Project, as revised from those projects analyzed in the Previous CEQA Documents.

CUMULATIVE IMPACTS

Cumulative impacts are those which taken individually may be minor but, when combined with similar impacts associated with existing development, proposed development projects and planned but not built projects, have the potential to generate more substantial impacts. CEQA requires that cumulative impacts be evaluated when they are significant and that the discussion describe the severity of the impacts and the estimated likelihood of their occurrence. CEQA also states that the discussion of cumulative impacts contained in an EIR need not be as detailed as that provided for the project alone. CEQA Guidelines §15130(b)(1) provides that cumulative impacts may be addressed using one of two methods:

- A listing of past, present and reasonable anticipated future and probable projects, within or adjacent to the community containing the project site, which could produce related or cumulative impacts; or

- A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projects may be supplemented with additional information such as a regional modeling program. Any such document shall be referenced and made available to the public at a location specified by the lead agency.

For purposes of this Draft SEIR the latter approach has been chosen to address cumulative impacts. Cumulative impacts identified in the certified City of Hayward 2002 General Plan Update EIR were used as the basis of cumulative impacts in this DEIR.

Additionally, cumulative impacts related to traffic and transportation impacts and air quality impacts are addressed within the body of this Draft SEIR. The traffic analysis of this Draft SEIR utilizes a year 2025 Baseline condition to analyze the Project's potential effects. Also, the air quality analysis identifies whether the Project's contribution is cumulatively considerable.

10

REFERENCES

REPORT PREPARERS

(Supplemental Program EIR)
Lamphier-Gregory, Inc.
1944 Embarcadero
Oakland, CA 94606

(Transportation and Circulation)
Dowling Associates
Damian Stefanakis, Principal

REFERENCES

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Appendix A

Notice of Preparation (NOP) & Comments

Notice of Preparation

To: State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814
(Address)

From: City of Hayward
777 B Street
Hayward, CA 94541-5007
(Address)

Subject: Notice of Preparation of a Draft Environmental Impact Report

The City of Hayward will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study (☒ is ☐ is not) attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to David Rizk, AICP at the address shown above. We will need the name for a contact person in your agency.

Project Title: South Hayward BART/Mission Blvd. Form-Based Code

Project Applicant, if any: City of Hayward

Date December 24, 2010

Signature David Rizk

Title Development Services Department Director

Telephone 510-583-4004

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Arnold Schwarzenegger
Governor

Cathleen Cox
Acting Director

Notice of Preparation

RECEIVED

JAN 03 2010

Development Services Department

December 22, 2010

To: Reviewing Agencies

Re: South Hayward BART/Mission Boulevard Concept Plan
SCH# 2005092093

Attached for your review and comment is the Notice of Preparation (NOP) for the South Hayward BART/Mission Boulevard Concept Plan draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

David Rizk
City of Hayward
777 B Street
Hayward, CA 94541

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2005092093
Project Title South Hayward BART/Mission Boulevard Concept Plan
Lead Agency Hayward, City of

Type NOP Notice of Preparation

Description (1) General Plan Land Use Map and Text Amendment to revise all existing designations in the Project area to the Sustainable Mixed Use, Parks and Recreation and Public Quasi designations, with a text Amendment to General Plan Appendix C to allow densities with a Sustainable Mixed Use designation up to 100.0 dwelling units per acre, versus the currently allowed range of 25.0 to 55.0 units per acres; 2) Zoning Regulations amendment to include the South Haywayd BART/ Mission Boulevard Form-Based Code as a new Article 24 to Chapter 10 of the Hayward Municipal Code; (3) Zoning Map Amendment to revise all existing designations in the Project area to those shown on the Regulating Plan; and (4) Repeal the South Hayward BART/Mission Boulevard Special Design Overlay District and 2006 South Hayward BART/Mission Boulevard Concept Design Plan.

Lead Agency Contact

Name David Rizk
Agency City of Hayward
Phone (510) 583-4004 **Fax**
email
Address 777 B Street
City Hayward **State** CA **Zip** 94541

Project Location

County Alameda
City
Region
Cross Streets Mission Boulevard, between Harder Road & Industrial
Lat / Long
Parcel No. Numerous
Township **Range** **Section** **Base**

Proximity to:

Highways Route 238, I-880
Airports
Railways BART
Waterways San Francisco Bay
Schools Bowman Elem
Land Use Various

Project Issues Aesthetic/Visual; Air Quality; Traffic/Circulation; Other Issues

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Reviewing Agencies Resources Agency; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Fish and Game, Region 3; Native American Heritage Commission; Public Utilities Commission; Caltrans, District 4; California Highway Patrol; Caltrans, Division of Aeronautics; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 2

Date Received 12/22/2010 **Start of Review** 12/22/2010 **End of Review** 01/20/2011

Note: Blanks in data fields result from insufficient information provided by lead agency.

NOP Distribution List

County: Alameda

SCH# 2005092093

Resources Agency

- ■ **Resources Agency**
  Nadell Gayou
- ☐ **Dept. of Boating & Waterways**
  Mike Sotelo
- ☐ **California Coastal Commission**
  Elizabeth A. Fuchs
- ☐ **Colorado River Board**
  Gerald R. Zimmerman
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  Rebecca Salazar
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- ☐ **Cal Fire**
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- ■ **Dept of Parks & Recreation**
  Environmental Stewardship Section
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  Sue O'Leary
- ■ **S.F. Bay Conservation & Dev't. Comm.**
  Steve McAdam
- ☐ **Dept. of Water Resources**
  Resources Agency
  Nadell Gayou
- ☐ _____
  Conservancy

Fish and Game

- ☐ **Depart. of Fish & Game**
  Scott Flint
  Environmental Services Division
- ☐ **Fish & Game Region 1**
  Donald Koch
- ☐ **Fish & Game Region 1E**
  Laurie Harnsberger
- ☐ **Fish & Game Region 2**
  Jeff Drongesen
- ■ **Fish & Game Region 3**
  Charles Armor
- ☐ **Fish & Game Region 4**
  Julie Vance
- ☐ **Fish & Game Region 5**
  Don Chadwick
  Habitat Conservation Program
- ☐ **Fish & Game Region 6**
  Gabrina Gatchel
  Habitat Conservation Program
- ☐ **Fish & Game Region 6 I/M**
  Brad Henderson
  Inyo/Mono, Habitat Conservation Program
- ☐ **Dept. of Fish & Game M**
  George Isaac
  Marine Region

Other Departments

- ☐ **Food & Agriculture**
  Steve Shaffer
  Dept. of Food and Agriculture
- ☐ **Depart. of General Services**
  Public School Construction
- ☐ **Dept. of General Services**
  Anna Garbeff
  Environmental Services Section
- ☐ **Dept. of Public Health**
  Bridgette Binning
  Dept. of Health/Drinking Water

Independent Commissions,Boards

- ☐ **Delta Protection Commission**
  Linda Flack
- ☐ **Cal EMA (Emergency Management Agency)**
  Dennis Castrillo
- ☐ **Governor's Office of Planning & Research**
  State Clearinghouse
- ■ **Native American Heritage Comm.**
  Debbie Treadway
- ■ **Public Utilities Commission**
  Leo Wong
- ☐ **Santa Monica Bay Restoration**
  Guangyu Wang
- ☐ **State Lands Commission**
  Marina Brand
- ☐ **Tahoe Regional Planning Agency (TRPA)**
  Cherry Jacques

Business, Trans & Housing

- ■ **Caltrans - Division of Aeronautics**
  Sandy Hesnard
- ☐ **Caltrans - Planning**
  Terri Pencovic
- ■ **California Highway Patrol**
  Scott Loetscher
  Office of Special Projects
- ☐ **Housing & Community Development**
  CEQA Coordinator
  Housing Policy Division

Dept. of Transportation

- ☐ **Caltrans, District 1**
  Rex Jackman
- ☐ **Caltrans, District 2**
  Marcelino Gonzalez
- ☐ **Caltrans, District 3**
  Bruce de Terra
- ■ **Caltrans, District 4**
  Lisa Carboni
- ☐ **Caltrans, District 5**
  David Murray
- ☐ **Caltrans, District 6**
  Michael Navarro
- ☐ **Caltrans, District 7**
  Elmer Alvarez
- ☐ **Caltrans, District 8**
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  Tom Dumas
- ☐ **Caltrans, District 11**
  Jacob Armstrong
- ☐ **Caltrans, District 12**
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Cal EPA

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  Jim Lerner
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  - ☐ Industrial Projects
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  Regional Programs Unit
  Division of Financial Assistance
- ☐ **State Water Resources Control Board**
  Student Intern, 401 Water Quality Certification Unit
  Division of Water Quality
- ☐ **State Water Resouces Control Board**
  Steven Herrera
  Division of Water Rights
- ■ **Dept. of Toxic Substances Control**
  CEQA Tracking Center
- ☐ **Department of Pesticide Regulation**
  CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

- ☐ **RWQCB 1**
  Cathleen Hudson
  North Coast Region (1)
- ■ **RWQCB 2**
  Environmental Document Coordinator
  San Francisco Bay Region (2)
- ☐ **RWQCB 3**
  Central Coast Region (3)
- ☐ **RWQCB 4**
  Teresa Rodgers
  Los Angeles Region (4)
- ☐ **RWQCB 5S**
  Central Valley Region (5)
  - ☐ **RWQCB 5F**
    Central Valley Region (5)
    Fresno Branch Office
  - ☐ **RWQCB 5R**
    Central Valley Region (5)
    Redding Branch Office
- ☐ **RWQCB 6**
  Lahontan Region (6)
  - ☐ **RWQCB 6V**
    Lahontan Region (6)
    Victorville Branch Office
- ☐ **RWQCB 7**
  Colorado River Basin Region (7)
- ☐ **RWQCB 8**
  Santa Ana Region (8)
- ☐ **RWQCB 9**
  San Diego Region (9)

☐ **Other** _____

Last Updated on 07/12/10

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5536
FAX (510) 286-5559
TTY 711

Flex your power!
Be energy efficient!

January 20, 2011

ALA238302
ALA-238-9.94
SCH#2005092093

Mr. David Rizk
City of Hayward
777 B Street
Hayward, CA 94541

Dear Mr. Rizk:

South Hayward BART/Mission Boulevard Concept Plan – Notice of Preparation

Thank you for including the California Department of Transportation (Department) in the environmental review process for the South Hayward BART/Mission Boulevard Concept Plan. The following comments are based on the Notice of Preparation. As lead agency, the City of Hayward is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, and implementation responsibilities as well as lead agency monitoring should be fully discussed for all proposed mitigation measures and the project's traffic mitigation fees should be specifically identified in the environmental document. Any required roadway improvements should be completed prior to issuance of project occupancy permits. An encroachment permit is required when the project involves work in the State's right of way (ROW). The Department will not issue an encroachment permit until our concerns are adequately addressed. Therefore, we strongly recommend that the lead agency ensure resolution of the Department's CEQA concerns prior to submittal of the encroachment permit application; see the end of this letter for more information regarding the encroachment permit process.

Comments to Previous Environmental Document
On page 77, Mitigation Traf-1 did not adequately address our previous comment regarding the queue on westbound Tennyson Road. The queue is longer than the section length from Tennyson Road/Dixon Street to Tennyson Road/Mission Boulevard. Please provide additional mitigation measures in the Supplemental Environmental Impact Report.

Community Planning
The Department encourages the City of Hayward to locate any needed housing, jobs and neighborhood services near major mass transit nodes, and connect these nodes with streets configured to facilitate walking and biking, as a means of promoting mass transit use and reducing regional vehicle miles traveled and traffic impacts on the state highways.

Please consider developing and applying pedestrian, bicycling and transit performance or level/quality of service measures and modeling pedestrian, bicycle and transit trips that your

project will generate. Mitigation measures resulting from the analysis could improve pedestrian and bicycle access to transit facilities, thereby reducing traffic impacts on state highways.

In addition, please analyze secondary impacts on pedestrians and bicyclists that may result from any traffic impact mitigation measures. Describe any pedestrian and bicycle mitigation measures that would in turn be needed as a means of maintaining and improving access to transit facilities and reducing traffic impacts on state highways.

The proposed project will add 771 new residential dwellings and 218,613 square feet of commercial area in addition to the previous approved project. Given the large scale of the proposed project, the traffic generated will have significant regional impact to the already congested state highway system. The Department encourages the City of Hayward to develop a regional transportation fee program to mitigate and plan for the impact of future growth on the regional transportation system. The fees would be used to help fund regional transportation programs that add capacity increasing improvements to the transportation system to lessen future traffic congestion.

Reducing delays on State facilities will not only benefit the region, but also reduce any queuing on local roadways. The purpose of the regional impact fee program would be to improve mobility by reducing time delays and maintaining reliability on major roadways throughout the region.

Traffic Impact Study (TIS)
The environmental document should include an analysis of the impacts of the proposed project on State highway facilities in the vicinity of the project site. Please ensure that a Traffic Impact Study (TIS) is prepared providing the information detailed below:

1. Information on the plan's traffic impacts in terms of trip generation, distribution, and assignment. The assumptions and methodologies used in compiling this information should be addressed. The study should clearly show the percentage of project trips assigned to State facilities.

2. Current Average Daily Traffic (ADT) and AM and PM peak hour volumes on all significantly affected streets, highway segments and intersections.

3. Schematic illustration and level of service (LOS) analysis for the following scenarios: 1) existing, 2) existing plus project, 3) cumulative and 4) cumulative plus project for the roadways and intersections in the project area.

4. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect the State highway facilities being evaluated.

5. The procedures contained in the 2000 update of the Highway Capacity Manual should be used as a guide for the analysis. We also recommend using the Department's *"Guide for the Preparation of Traffic Impact Studies"*; it is available at the following web site: http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf .

6. Mitigation measures should be identified where plan implementation is expected to have a significant impact. Mitigation measures proposed should be fully discussed, including financing, scheduling, implementation responsibilities, and lead agency monitoring.

We encourage the City of Hayward to coordinate preparation of the study with our office. We look forward to reviewing the scope of work, TIS including Technical Appendices, and environmental document for this project. Please send two copies to the address at the top of this letterhead, marked ATTN: Yatman Kwan, Mail Stop #10D.

Encroachment Permit
Any work or traffic control within the State Right-of-Way (ROW) requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: http://www.dot.ca.gov/hq/traffops/developserv/permits/

To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Michael Condie, Mail Stop #5E.

Should you have any questions regarding this letter, please call Yatman Kwan of my staff at (510) 622-1670.

Sincerely,

Becky Frank

BECKY FRANK
District Branch Chief
Federal Grants / Rail Coordination

c: State Clearinghouse

-----Original Message-----
From: Sherman Lewis [mailto:sherman.lewisiii@gmail.com] On Behalf Of Sherman
Sent: Saturday, January 22, 2011 11:11 PM
To: David Rizk
Subject: Comment on Notice of Preparation of Supplemental EIR on South Hayward Form Based Code

Greetings David, this sure is a sleeper, but should have at least one comment from a vigilant citizen.

http://www.hayward-ca.gov/forums/SHBARTFBC/pdf/2010/SHBARTFBC-SEIR_Initial%20Study-NOP.pdf

Concerning p, 77 pdf 83 on parking and traffic impacts "Mitigation Traf-3: (Parking Resource Impacts) Detailed parking studies will be required of future developments in the project area to ensure impacts of development on parking resources will be less than significant. If determined to be necessary as a result of such studies, mitigation measures will be required to be implemented.
(Concept Design Plan EIR Mitigation Measure 4.7-3) Mitigation Traf-4: (Cumulative Traffic Impacts) As noted in the City of Hayward's adopted General Plan and related certified EIR, implementation of the General Plan policies and strategies, such as implementation of "smart growth" policies, will reduce the City's contribution to traffic growth to a less-than significant level. However, due to physical constraints, funding limitations and regional growth patterns, cumulative traffic impacts anticipated by the South Hayward BART project are expected to be significant and unavoidable.
(Concept Design Plan EIR Mitigation Measure 4.7-4)"

I understand these mitigations have been adopted and not implemented.

On p. 4 pdf 10, the Transportation/Traffic box is checked as needing evaluation in the SEIR, and implying that the adopted Traf-3 and Traf-4 measure might be further developed.

I support such development. The adopted mitigations are too vague to be meaningful, and need to be more specific about what the studies will look at. I also believe that better mitigation would eliminate significant unavoidable impact from traffic if the mitigations are strong enough.

The ideas contained in the attached PowerPoint should be studied at what Nelson Nygaard calls the "micro-analysis" level in order to overcome the severe inadequacies of large-area computer models that are not sensitive to data on unbundling rates, short-distance access times, costs, and elasticities, and the role of advanced parking charge technologies. I have

already done the micro-analysis, and it shows that a combination of integrated and self-balancing policies could not only reduce traffic short run, but be expanded to reduce traffic long run even with more housing development. I apologize for how tedious the PowerPoint becomes at the end; I haven't time to make it shorter.

--
Sherman Lewis
Professor Emeritus, CSU Hayward
President, Hayward Area Planning Association www.quarryvillage.org
510-538-3692 sherman@csuhayward.us
2787 Hillcrest Ave. Hayward CA 94542

Appendix B

Initial Study Determination

Notice of Preparation of a Supplemental Environmental Impact Report

To: All Interested Persons and Agencies
From: The City of Hayward, Development Services Department
Date: December 24, 2010

Project Title: South Hayward BART/Mission Boulevard Form-Based Code

Subject: The City of Hayward, acting as the Lead Agency under the California Environmental Quality Act (CEQA), publicly announces its intent to initiate the preparation of a Supplemental Environmental Impact Report (Supplemental EIR) for the South Hayward BART/Mission Boulevard Form-Based Code ("Project").

The Supplemental EIR tiers from two (2) prior certified Final Environmental Impact Reports ("Previous CEQA Documents") prepared for the Project area. These include the: (1) South Hayward BART/Mission Boulevard Concept Design Plan EIR which was certified on June 27, 2006 (State Clearinghouse No. 2005092093); and (2) the 238 Land Use Study EIR which was certified on June 30, 2009 (State Clearinghouse No. 2008072066).

The Supplemental EIR will contain only the information necessary to make the changes as revised in the proposed Project. This focus meets the requirements for supplemental analysis under Section 15163 of the CEQA Guidelines, which requires that only changes to the Project that may result in significant impacts and that were not evaluated and not previously disclosed in the Previous CEQA Documents be included in this Supplemental EIR.

Purpose of NOP: The Lead Agency has prepared this Notice of Preparation (NOP) for the Supplemental EIR to initiate early consultation and provide opportunity for comment from public agencies, stakeholders, organizations, and interested individuals on the scope of the environmental analysis addressing the potential effects of the proposed project. In accordance with the CEQA Guidelines, 14 CCR Section 15000 et seq., the Lead Agency is requesting written comments from public agencies, stakeholders, organizations and interested individuals on the scope and content of the environmental information that should be addressed in the Supplemental EIR. Responsible Agencies, as defined by CEQA Guidelines, Section 15381, if any, will need to use the Supplemental EIR when considering permits or other approvals for the proposed project.

Areas of Project Impact: An Initial Study was prepared for this Project and a copy may be viewed at the following locations: (1) Hayward Permit Center, 777 B Street, Hayward; (2)

Hayward Public Library, 835 C Street, Hayward; (3) Weekes Branch Library, 27300 Patrick Avenue, Hayward; or (4) www.ci.hayward.ca.us/forums/SHBARTFBC/shbartfbcforum.shtm.

The Initial Study identifies potentially significant environmental effects, to be addressed in the Supplemental EIR, in the following categories: Aesthetics, Air Quality, Greenhouse Gas Emissions, and Transportation and Traffic.

The SEIR will seek to identify and analyze the significant impacts of the proposed Project and recommend possible mitigation measures, when necessary, to eliminate or substantially reduce any identified significant impacts.

How to Comment: When submitting a comment, please include the name of a contact person in your agency or organization. Comments regarding the scope of the environmental analysis to be conducted for the proposed project may be submitted by mail, e-mail, or fax to the address below:

David Rizk, AICP, Director
Development Services Department
City of Hayward
777 B Street
Hayward, CA 94541-5007
E-mail: David.Rizk@hayward-ca.gov

No public scoping meeting has been scheduled for this Notice of Preparation. Please send comments at the earliest possible date. All comments must be received by **January 28, 2011** for consideration.

SOUTH HAYWARD BART/MISSION BOULEVARD FORM-BASED CODE INTIAL STUDY DETERMINATION

Prepared for:

City of Hayward

Development Services Department

777 B Street

Hayward, Ca 94541

Prepared by:

Lamphier-Gregory

1944 Embarcadero

Oakland, Ca 94606

December 23, 2010

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INITIAL STUDY DETERMINATION

The purpose of this evaluation is to determine whether a Subsequent or Supplemental Environmental Impact Report (EIR) is needed to fully assess and evaluate the impacts of the South Hayward BART/Mission Boulevard Form-Based Code ("Project"). As will be addressed in the Introduction below, portions of the South Hayward BART/Mission Boulevard Form-Based Code area has been addressed in three (3) prior EIRs. Thus, this Initial Study Determination will be used to determine the extent to which further analysis may be necessary to address any substantial changes which may be currently proposed under the Project, any substantial changes in circumstances which may have occurred under which the Project will be undertaken, or whether any new information now known may result in new or substantially more severe effects than what was identified in those prior EIRS.

1. Project Title:	South Hayward BART/Mission Blvd Form-Based Code
2. Lead Agency Name and Address:	City of Hayward Development Services Department 777 B Street Hayward, CA 94541
3. Contact Person and Phone Number:	David Rizk, Development Services Director (510) 583-4004 david.rizk@hayward-ca.gov
4. Project Location: (*see map, Figure 1 and 2)*	South of Harder Road, east of the Bay Area Rapid Transit (BART) tracks, straddling portions of Mission Boulevard and generally north of Industrial Parkway (see Figures 1, 2 and 3).
5. Project Sponsor's Name and Address:	City of Hayward Redevelopment Agency Maret Bartlett, Redevelopment Director 777 B Street Hayward, CA 94541
6. Existing General Plan Land Use Designations: (*see map, Figure 6*)	General Commercial Retail & Office Commercial Commercial/High Density Residential Station Area Residential Mission Blvd Residential High Density Residential Medium Density Residential Low Density Residential Limited Open Space

Public & Quasi-Public
Parks & Recreation

7. Existing Zoning:
(*see map, Figure 7)*

General Commercial
Neighborhood Commercial
Neighborhood Commercial/Residential
Mission Boulevard Residential
High Density Residential
Medium Density Residential
Single Family Residential
Planned Development
Public Facilities
Open Space/Parks and Recreation
South Hayward BART/Mission Boulevard Special Design District (SD-6)
Hayward Foothills Trail Special Design District (SD-7)

8. Description of Project:

The purpose of the South Hayward BART/Mission Boulevard Form-Based Code ("Project") is to supplant existing General Plan Land Use Designations, Zoning Regulations/Designations, and Design Guidelines applicable to the Project area with a single tool for implementation of the Hayward General Plan, as explained in detail below.

9. Surrounding Land Uses and Setting:

Setting

Figure 1 (Regional Location) shows the Project area in relation to the Bay Area region including surrounding communities and other major geographic features. **Figure 2 (Project Setting)** depicts the Project area in relationship to major local community features, streets and transportation corridors. The South Hayward BART station is located approximately midpoint within the Project area at Tennyson Road and Dixon Street by the BART tracks. Topography of the Project area is generally flat, with a gradual downward slope to the west, towards San Francisco Bay.

The linear shape, shown in **Figure 3 (Project Boundary)**, of the Project site is attributable to its general alignment with Mission Boulevard, which lies in this portion of Hayward at the base of the Hayward Hills. Within the Project area, Mission Boulevard primarily accommodates commercial land uses with occasional vacant land and residential land uses. Residential neighborhoods generally border the Mission Boulevard corridor.

Surrounding Land Uses

The land uses surrounding the Project area include single-family residential neighborhoods and a small industrial area to the west across the BART tracks, Mission Boulevard Auto Row to the north, Mission Hills of Hayward Golf Course and the Twin Bridges neighborhood to the south, and a variety of land uses to the east bordering the foothills (California State University East Bay at Hayward, Holy Sepulchre Cemetery, private schools (Moreau Catholic High School and St. Clement School), former rock quarries, multifamily complexes, and single-family subdivisions).

10. Other Public Agency Approvals Required:

None.

11. Requested Actions and Required Approvals:

This Initial Study Determination addresses all steps necessary to implement the South Hayward BART/Mission Boulevard Form-Based Code through the following local actions:

- General Plan Land Use Map and Text Amendment to revise all existing designations in the Project area to the *Sustainable Mixed Use*, *Parks and Recreation* and Public and Quasi-Public designations, with a Text Amendment to General Plan Appendix C to allow densities with a *Sustainable Mixed Use* designation up to 100.0 dwelling units per acre, versus the currently allowed range of 25.0 to 55.0 units per acre;
- Zoning Regulations Amendment to include the South Hayward BART/Mission Boulevard Form-Based Code as a new Article 24 to Chapter 10 of the Hayward Municipal Code;[1]
- Zoning Map Amendment to revise all existing designations in the Project area to those shown on the Regulating Plan (**Figure 8** and Figure 1-1 of the South Hayward BART/Mission Boulevard Form-Based Code);
- Repeal the South Hayward BART/Mission Boulevard Special Design Overlay District (SD-6) (Section 10-1.2635 of the Hayward Municipal Code); and
- Repeal the 2006 South Hayward BART/Mission Boulevard Concept Design Plan.

[1] See (http://www.ci.hayward.ca.us/forums/SHBARTFBC/shbartfbcforum.shtm) for current draft.

Environmental Factors Potentially Affected

Environmental factors which may be affected by the Project are listed alphabetically below. Factors marked with a filled in block (√) have been determined to be potentially affected by the Project, involving at least one impact that has been identified as a "Potentially Significant Impact", as indicated in the attached CEQA Evaluation and related discussion that follows.

Unmarked factors (□) were determined to be either not significantly affected by the Project, adequately examined under the Previous CEQA Documents, or fully mitigated through implementation of standard conditions of approval or (revised) mitigation measures adopted by the City of Hayward as both lead agency and project sponsor.

√	Aesthetics	□	Agricultural Resources	√	Air Quality
□	Biological Resources	□	Cultural Resources	□	Geology/Soils
√	Greenhouse Gases	□	Hazards	□	Hydrology/Water Quality
□	Land Use/Planning	□	Mineral Resources	□	Noise
□	Population/Housing	□	Public Services	□	Recreation
√	Transportation/Traffic	□	Utilities/Service Systems	□	Mandatory Findings of Significance

Determination:

On the basis of this initial evaluation:

I find that changes are proposed as part of the current Project that would involve revisions to the Previous CEQA Documents, that changes have occurred with respect to circumstances under which the current Project is being undertaken, that there is new information not previously available at the time of preparing the Previous CEQA Documents, and that those environmental factors identified as "√" above may involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Thus, a Supplemental EIR to the Previous CEQA Documents is necessary, and this document adequately demonstrates that environmental factors identified as "☐" above do not involve any new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, they do not warrant being addressed in the Supplemental EIR.

David Rizk — December 23, 2010

Signature — Date

David Rizk, AICP, Development Services Director
City of Hayward

Introduction

Initial Study Determination Purpose

The purpose of this evaluation is to determine, pursuant to Public Resources Code §21090 and 21166 and California Environmental Quality Act (CEQA) Guidelines §15180, 15162 and 15163, whether a Subsequent or Supplemental Environmental Impact Report (EIR) is needed to fully assess and evaluate the Project or whether the City can rely on the Previous CEQA Documents (described below).

CEQA provides that when an EIR has been certified, no Subsequent or Supplemental EIR shall be prepared unless the Lead Agency determines, on the basis of substantial evidence, one or more of the following:

- Substantial changes are proposed as part of the Project that would involve major revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects,

- Substantial changes have occurred with respect to circumstances under which the Project is undertaken (i.e., a significant change in the existing or future condition) that would involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and/or

- New information of substantial importance indicates that the Project may have a new significant environmental effect or a substantial increase in the severity of previously identified significant effects.

If some changes or additions to the original EIRs are necessary, but none of the changes would warrant preparation of a Subsequent or Supplemental EIR or Negative Declaration, the City may prepare an Addendum to the Previous CEQA Documents, pursuant to CEQA Guidelines Section 15164. Alternatively, if new significant environmental effects or a substantial increase in the severity of previously identified significant effects would occur, then a Subsequent or Supplemental EIR or Negative Declaration would be required.

Previous CEQA Documents

Portions of the South Hayward BART/Mission Boulevard Form-Based Code ("Project") area have been addressed in three (3) prior EIRs ("Previous CEQA Documents"). These Previous CEQA Documents include the following:

- South Hayward BART/Mission Boulevard Concept Design Plan Program EIR (June 2006);

- Route 238 Bypass Land Use Study Program EIR (May 2009); and

- Route 238 Corridor Improvement Project EIR (November 2007).

The South Hayward BART/Mission Boulevard Concept Design Plan Program EIR (Concept Design Plan EIR) studied an area coterminous with the current Project. However, that Previous CEQA Document changed only a portion of the General Plan Land Use and Zoning designations for parcels within its study

area, as illustrated in **Figure 4 (Previous CEQA Documents).** The Route 238 Bypass Land Use Study Program EIR studied General Plan and Zoning designations changes at many parcels through a broad area of Hayward. Designation changes associated with that Previous CEQA Document and within the current Project area are also shown in **Figure 4**. Each of those prior Program EIRs studied the potential environmental effects of land use policy and zoning changes in a context similar to the current Project, as discussed in greater detail below.

The prior Route 238 Corridor Improvement Project EIR is not illustrated in Figure 4 since its geographical scope (within the current Project area) was limited to the potential environmental effects of proposed changes to the configuration of Mission Boulevard (i.e., right-of-way), as described in greater detail below. That prior EIR constituted a Project EIR. Because the analytic scope and context of the prior Route 238 Corridor Improvement Project EIR differs from the current Project, this Initial Study Determination utilizes it for informational purposes rather than for those purposes of Public Resources Code §21090 and 21166 and California Environmental Quality Act (CEQA) Guidelines §15180, 15162 and 15163 to determine whether a Subsequent or Supplemental Environmental Impact Report (EIR) is needed.

South Hayward BART/Mission Blvd Concept Design Plan

The South Hayward BART/Mission Boulevard Concept Design Plan ("Concept Design Plan") resulted in land use policy and regulation changes similar in subject matter to those included in the current Project. These land use policy and regulatory changes were analyzed in a Program EIR certified by the City of Hayward on June 27, 2006.

Plan Description

The Concept Design Plan accomplished various General Plan Land Use Map and Zoning Map changes including assignment of different land use designations to particular parcels as well as the application of two new land use designations to certain properties. The new General Plan Land Use Map designations included a Station Area Residential (75.0-100 dwellings per acre) and Mission Boulevard Residential (34.8 to 55.0 dwellings per acre) designation. Two new corresponding Zoning Map designations of Station Area Residential and Mission Boulevard Residential were also adopted and applied. Additionally, a new Special Design District (Municipal Code §10-1.2635) was applied to the entire Concept Design Plan area.

The Concept Design Plan also included the adoption of Design Guidelines for street frontages, site access and parking, building character, open space and lighting, signage, and building service elements (see Concept Design Plan pages 57- 80). Those guidelines are intended for application in conjunction with the review requirements of the aforementioned Special Design District. Finally, the Concept Design Plan includes a set of circulation improvement recommendations to improve connectivity at certain locations (see Concept Design Plan Pages 81-87). Circulation improvements pertain to pedestrians, bicyclists and vehicles (passenger automobiles and buses).

Program EIR Description

While the Concept Design Plan's defined boundary is coterminous with that of the current Project, the Concept Design Plan did not modify the General Plan Land Use Map and Zoning Map designations for all properties within said boundary. Parcels highlighted as "South Hayward BART/Mission Boulevard Concept Design Plan (June 2006)" in **Figure 4 (Previous CEQA Documents)** had their General Plan Land Use Map and Zoning Map designations changed in June 2006. Those not highlighted retained their existing General Plan Land Use Map and Zoning Map designations.

The Concept Design Plan's Program EIR analyzed three land use alternatives of differing development intensities at an equal level of detail. Environmental areas analyzed included: Aesthetics and Light and Glare, Air Quality, Hazards and Hazardous Materials, Hydrology, Drainage and Water Quality, Noise, Population and Housing, Transportation and Circulation, Utilities and Public Services, and Schools and Parks. The Concept Design Plan Program EIR identified significant and unavoidable impacts for the following:

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

A summary of the assumptions for land use alternatives addressed in the Concept Design Plan Program EIR is shown in the following **Table 1 (Concept Design Plan Comparison of Land Use Alternatives)**.

Table 1 – Concept Design Plan Comparison of Land Use Alternatives.

	Net Dwelling Unit Range	Net Commercial Floor Area
Concept Design Plan - Land Use Alternatives		
Suburban Concept Alternative	1,165 to 2,607	-51,533 sq.ft.
Blended Concept Alternative	1,635 to 3,219	-50,347 sq.ft.
Urban Concept Alternative	2,375 to 5,039	67,789 sq.ft.

Ultimately, the Hayward City Council adopted a variation of the Blended Concept Alternative as enumerated in their June 27, 2006 staff report providing for a development potential of 2,814 net new residential dwelling units and -4,822 net new commercial building floor area. Copies of both the Concept Design Plan and its accompanying Program EIR are available for review at the City of Hayward Permit Center, 777 B Street, Hayward, CA between the hours of 8AM and 5PM, and also available at the following link: http://www.hayward-ca.gov/forums/SHBART/shbartforum.shtm .

Route 238 Bypass Land Use Study

The Route 238 Bypass Land Use Study ("238 Land Use Study"), like the Concept Design Plan, also

resulted in land use policy and regulation changes similar in subject matter to those included in the current Project. These land use policy and regulatory changes were analyzed in a Program EIR certified by the City of Hayward on June 30, 2009.

Study Description

The 238 Land Use Study was initiated as a result of the California Department of Transportation's (Caltrans) decision to not pursue construction of a 238 Bypass Freeway through Hayward. Originally, in anticipation of constructing the 238 Bypass Freeway, Caltrans acquired a number of vacant and developed properties within a planned right-of-way. Some, but not all, of the Caltrans properties are contiguous to each other. As a response to Caltrans decision to not construct the 238 Bypass Freeway, the City of Hayward prepared the 238 Land Use Study to assess and ultimately adopt General Plan Land Use Map and Zoning Map changes for those Caltrans-owned parcels.

Like the previously discussed Concept Design Plan, the Land Use Study also accomplished various General Plan Land Use Map and Zoning Map changes. For the current Project area, this included assignment of different existing designations to particular parcels, as shown in **Figure 3**. A new General Plan Land Use Map and Zoning Map designation of Sustainable Mixed Use was also adopted, though it was not assigned to properties within the current Project area. The 238 Land Use Study also resulted in the adoption of a new Special Design District (Municipal Code §10-1.2640), whose purpose is to ensure the implementation of a Hayward Foothills Trail and which would occur within and extend out of the current Project area.

Program EIR Description

Unlike the Concept Design Plan, only a small number of parcels addressed in the 238 Land Use Study are located in the current Project area. Parcels highlighted as "238 Land Use Study Program EIR (May 2009)" in **Figure 4 (Previous CEQA Documents)** had their General Plan Land Use Map and Zoning Map designations changed in May 2009. Those not highlighted retained their existing General Plan Land Use Map and Zoning Map designations.

The 238 Land Use Study Program EIR analyzed three land use alternatives - Market Potential, Community Meetings, and Existing Policies and Public Agencies - of differing land uses and development intensities at an equal level of detail. Environmental areas analyzed included: Aesthetics and Light and Glare, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology, Drainage and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services and Utilities, Transportation and Circulation, and Parks and Schools. The Route 238 Bypass Land Use Study Program EIR identified significant and unavoidable impacts for the following:

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

Within the current Project area, the 238 Land Use Study Program EIR's alternatives consisted of variations in the allocation of General Plan Land Use Map and Zoning Map designations, which differed both in land use and densities (See Figures 3.1-3, 3.1-4 and 3.1-5 in the EIR). Ultimately, the Hayward City Council adopted a variation of the three alternatives addressed in the Program EIR, as enumerated in

their June 30, 2009 staff report, which increased the number of parcels designated *Mission Boulevard Residential* and *Parks and Recreation*. Copies of both the 238 Land Use Study and its accompanying Program EIR are available for review at the City of Hayward Permit Center, 777 B Street, Hayward, CA between the hours of 8AM and 5PM, and also available at the following link: http://www.hayward-ca.gov/forums/rte-238blus/238blus.shtm .

Changes in the Project

This Initial Study will assess the extent to which changes that are proposed as part of the South Hayward BART/Mission Boulevard Form-Based Code ("Project") may result in new or significantly increased effects beyond those identified and discussed in the Previous CEQA Documents. The environmental review now necessary for the Project is only required to address substantial changes to the Previous CEQA Documents necessary to adequately address new or different information specific to the current Project, its circumstances or new information. The new or different aspects of the current Project include the following:

- *Increased and New General Plan and Zoning Designation Changes* – As shown in **Figure 4 (Previous CEQA Documents)**, the current Project includes General Plan Land Use Map and Zoning Map changes for properties not addressed in the prior Concept Design Plan and 238 Land Use Study Program EIRs. Properties which experienced or are proposed by the current Project to have such designation changes are described herein as the "Project Area." It is important to note, however, that both the current Project and Concept Design Plan EIR analyzed the same "Study Area" which, relative to the Concept Design Plan, included properties that did not experience designation changes.

- *Mixed-Use Zoning Throughout* – As will be described below, the current Project would apply General Plan Land Use Map and Zoning Map designations that permit both residential and commercial land uses at certain properties that presently permit only commercial or residential land uses. A small number of parcels would be designated as a Civic Space Zone where current or future public property would generally accommodate uses beneficial and in support of the broader community.

- *Increased Residential Densities* - The current Project would increase the maximum permitted residential density above that depicted in the Recommended Scenario of the Concept Design Plan Program EIR at those properties identified in **Figure 5 (Up-Zoned Parcels)**. The net difference resulting from increased residential density is a new maximum increase of 771 dwellings.

- *Increased Commercial Space* – The current Project would increase the maximum permitted commercial floor area above that presently allowed throughout the Project area. The net difference resulting from increased commercial floor area is a new maximum of 218,613 square feet.

- *Modified and New Planned Streets* – The current Project modifies a number of planned circulation changes identified in the Concept Design Plan. Also, the current Project includes a number of new planned public streets (see **Figure 9 and 10**). For all proposed new streets, a set of dimensional standards (e.g., sidewalk width, planter width, etc.) are proposed. However, the Project accommodates flexibility in ultimate street location and alignment.

Changes in Circumstances

Certain circumstances have changed since certification of the South Hayward BART/Mission Boulevard Concept Design Plan Program EIR (June 2006) and Route 238 Bypass Land Use Study Program EIR (May 2009) (i.e., a change in the existing or future condition), including:

- The Route 238 Corridor Improvement Project started construction on August 16, 2010 and is anticipated to be complete in December 2012. Within the current Project area, the Route 238 Corridor Improvement Project will:

    1. Modify Mission Boulevard (from Jackson/Foothill to Carlos Bee) from two (2) to three (3) travel lanes in each direction including parking/peak hour travel lanes. New curb and gutter with a 7-foot sidewalk will be constructed on both sides of Mission Boulevard.

    2. Construct a spot widening of the Mission Boulevard/Carlos Bee Boulevard intersection to provide for dual left-turn lanes from southbound Mission to eastbound Carlos Bee, dual left turn lanes from westbound Carlos Bee to southbound Mission, and dual left-turn lanes, a thru lane, a right/thru lane from eastbound Orchard Avenue.

    3. Extend 10' wide sidewalks along Mission Boulevard on both sides of the street to fill in missing gaps to Industrial Parkway.

    4. Improve bicycle access along Mission Boulevard by providing 14-foot lane along the proposed outside curbs.

    5. Underground over head utilities, install extensive median landscaping, install energy efficient LED street and pedestrian-scaled lights, and modify traffic signal system with Adaptive Timing Control along Mission & Foothill Boulevards.

    6. Install a traffic signal and a dedicated left turn lane at Moreau High School entrance to improve access for southbound Mission traffic.

    7. Provide a new signalized intersection at Berry Avenue and Mission Boulevard.

- The South Hayward Mixed Use development project (also known locally as the Wittek-Montana Project) was approved in March 2009 and has not filed a building permit application. This project is located at the South Hayward BART Station and neighboring parcels across and east of Dixon Street. This project includes 788 dwellings, 64,680 square feet of commercial floor area and 910 parking spaces.

- The Mission Paradise Project was approved in June 2007, but has not filed a building permit application. This project is located at a parcel fronting Mission Boulevard (between Webster and Hancock Streets) and includes 82 dwellings and 13,804 square feet of commercial floor area.

For the most part, these changed circumstances would not have implications on the environmental consequences associated with the current Project. Both the South Hayward Mixed Use and Mission Paradise projects were approved in conformance with the Hayward General Plan and applicable Zoning Map designations, as contemplated by the Concept Design Plan and 238 Land Use Study Program EIRs.

The goal of the Route 238 Corridor Improvement Project is to, amongst other things, "improve traffic conditions along Foothill Boulevard and Mission Boulevard between Interstate 580 (I-580) and Industrial Parkway."[2] More specifically, these improvements are intended to satisfy forecasted traffic volumes (both local and regional) for the year 2025. These traffic volumes and forecast year are consistent with those contemplated in the Concept Design Plan and 238 Land Use Study Program EIRs. Therefore, there is no component of the Route 238 Corridor Improvement Project EIR that would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects when combined with the current Project.

New Information

This Initial Study Determination will assess whether new information, not known at the time of preparation of the Previous CEQA Documents, may indicate a new or significantly increased environmental effect. New information particular to the current Project includes:

- On March 18, 2010, new California Environmental Quality Act (CEQA) Guidelines amendments addressing greenhouse gas emissions and global climate change (which were not addressed in the previous EIRs) became effective.

- On June 2, 2010, new thresholds for air quality impacts and guidelines for assessing impacts were approved by the Bay Area Air Quality Management District (BAAQMD). The risk and hazards thresholds for new receptors are effective January 1, 2011.

- On June 15, 2010, the City of Hayward adopted a revised Historic Preservation Ordinance (Municipal Code Chapter 10, Article 11), as well as a broader Historic Preservation Program, including a Historical Resources Survey and Inventory, a Historic Context Statement, Goals and Objectives for Historic Preservation, and Incentive Programs.

This new information is included in this Initial Study Determination, along with an assessment of whether this new information indicates that the Project may have a new significant environmental effect or a substantial increase in the severity of previously identified significant effect.

[2] Route 238 Corridor Improvement Project Draft EIR, Pages ES-1 to 2, March 2007 (SCH# 2005112116).

Figure 1 – Regional Location.

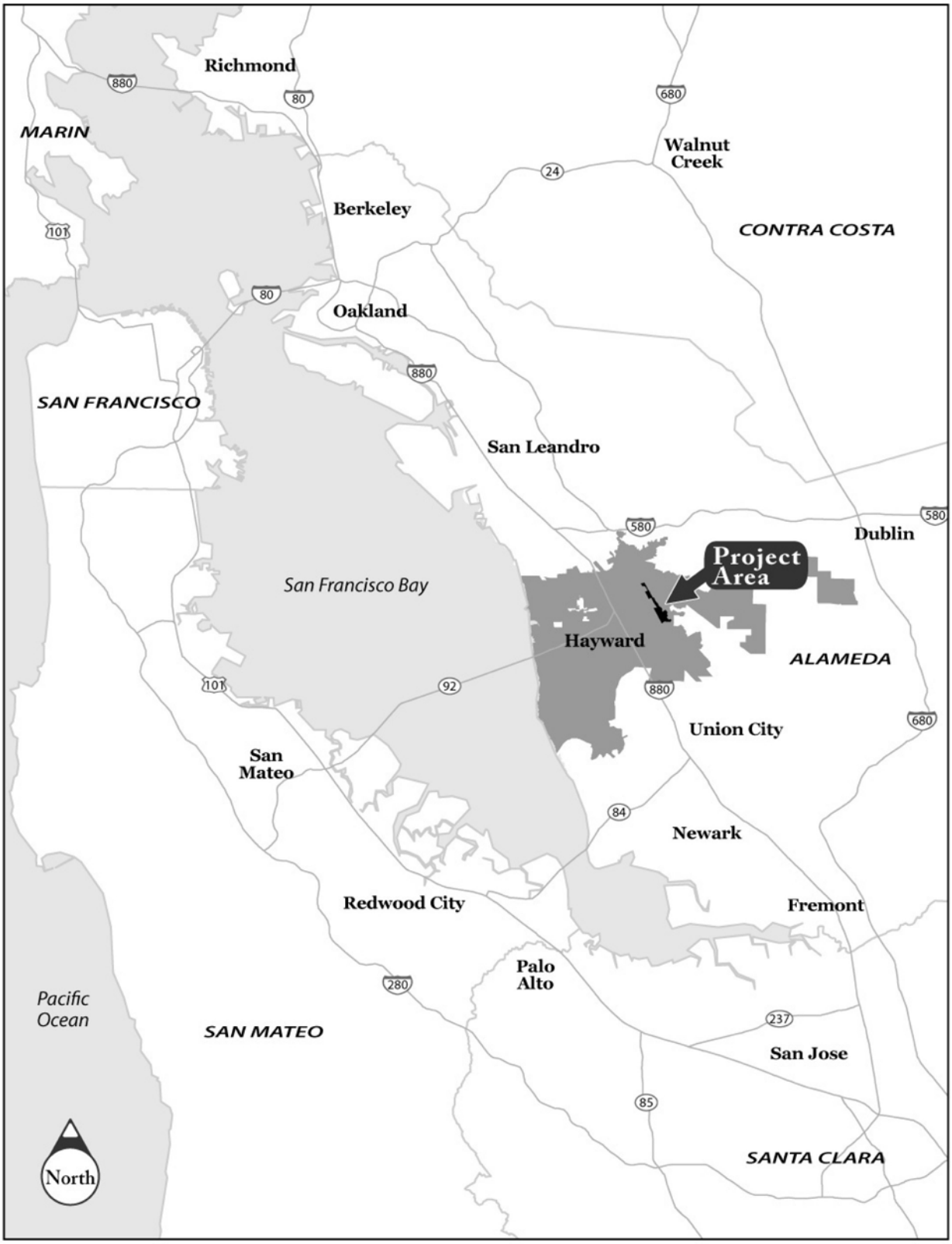


Figure 2 – Project Setting.

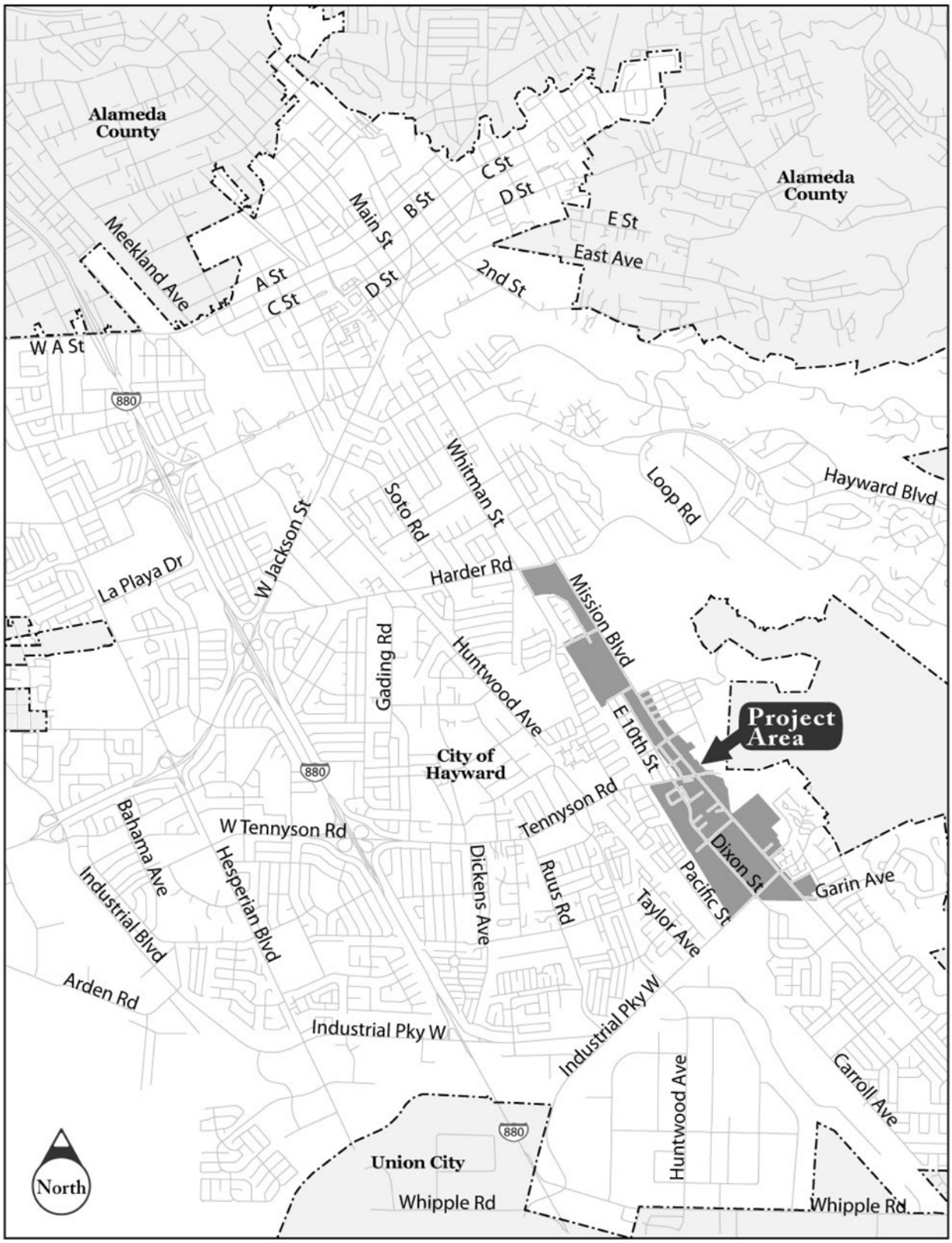


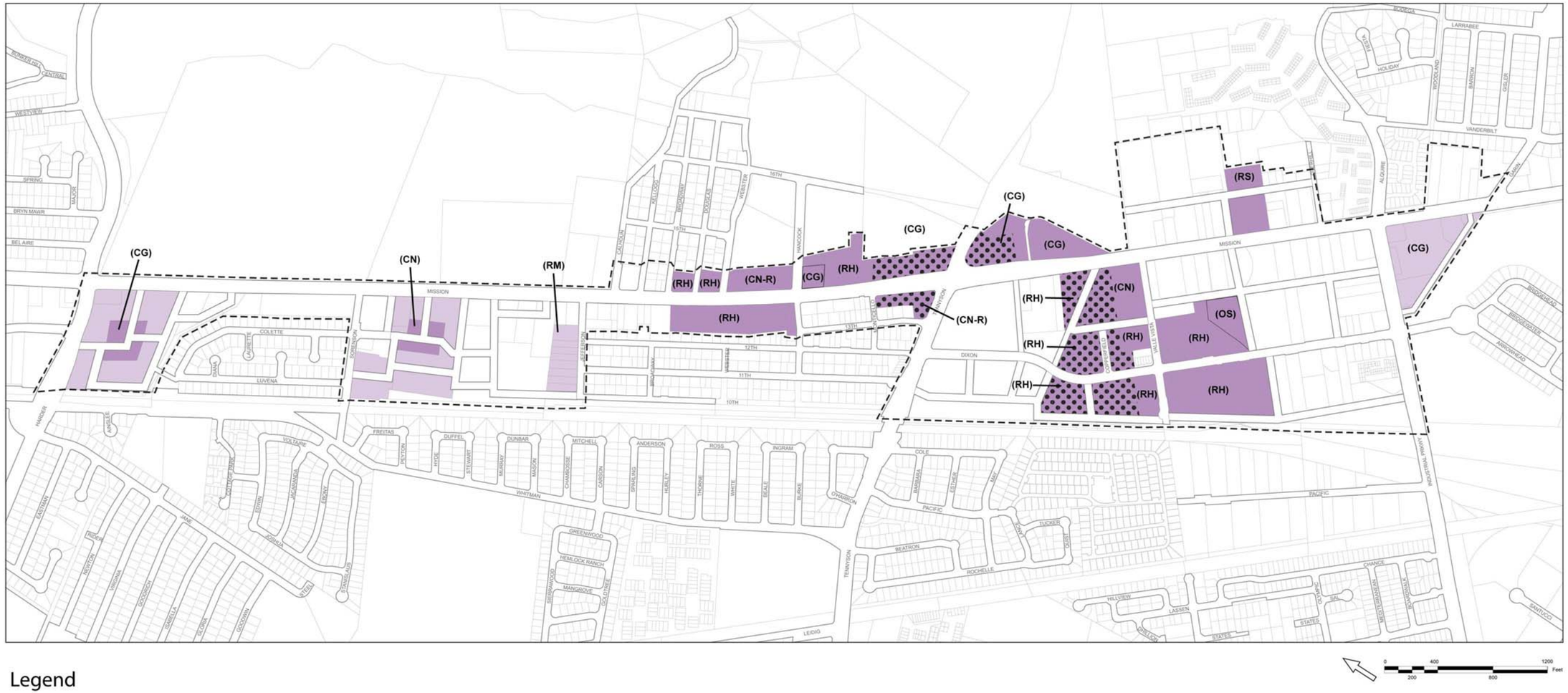
Figure 3 (Project Boundary) is depicted in

SEIR Figures 3-3, 3-4, 3-5, 3-6, 3-7, 3-10 and 3-11

Figure 4 (Previous CEQA Documents) is identical to

SEIR Figure 3-5

Figure 5 – Up-Zoned Parcels.



Legend

- Project Area
- Parcels

Proposed Zoning Designations

- T4 Urban General Zone (17.5 - 35 du/ac)
- T5 Urban Center Zone (35 - 55 du/ac)
- TOD Density Overlay 2 (40 - 65 du/ac)

Existing Zoning Designations

- (RS) Single Family Residential (4.3 du/ac)
- (RM) Medium Density Residential (8.7 - 17.4 du/ac)
- (RH) High Density Residential (17.4 - 34.8 du/ac)
- (CN) Neighborhood Commercial (8.7 - 34.8 du/ac)
- (CN-R) Neighborhood Commercial-Residential (17.4 - 25 du/ac)
- (CG) General Commercial (8.7 - 34.8 du/ac)
- (OS) Open Space

Figure 6 (Existing General Plan Designations) is identical to

SEIR Figure 3-3

Figure 7 (Existing Zoning Designations) is identical to

SEIR Figure 3-4

Detailed Project Description

The South Hayward BART/Mission Boulevard Form-Based Code ("Project") will essentially replace the majority of existing Zoning Regulation provisions applicable to the Project area. Other regulatory actions are proposed in conjunction with this, as described in detail below.

General Plan Amendment

The Project would change the General Plan Land Use Map designations for most parcels within the Project Boundary illustrated in **Figure 6 (Existing General Plan Designations)** to *Sustainable Mixed Use. Existing and/or planned public schools, parks or mass-transit facilities would receive either the Parks and Recreation or Public/Quasi-Public designations*. The existing General Plan describes the Sustainable Mixed Use designation as follows:

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

The current Project would modify the above policy statement to increase the permitted residential density up to 100.0 dwelling units per net acre. Additionally, Appendix D (General Plan and Zoning Consistency Matrix) would be amended to indicate the Project's zoning designations are "consistent" with the General Plan Land Use Map designations of *Sustainable Mixed Use*.

Municipal Code Amendment

Planning, Zoning and Subdivision Regulations Text Amendment

The Project would become a new Article 24 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, other existing development standards exclusive of those particular to Zoning Districts would remain applicable to the Project area, except for those provisions specifically defined by South Hayward BART/Mission Boulevard Form-Based Code §10-24.140(c).

A copy of the South Hayward BART/Mission Boulevard Form-Based Code may be downloaded from the City's website at the following location:

> http://www.ci.hayward.ca.us/forums/SHBARTFBC/shbartfbcforum.shtm

Zoning Map Amendment

The Project would revise all existing Zoning Map designations to those identified in **Figure 8**

(Regulating Plan). Proposed new Zoning Districts include: T4 (Urban General Zone) (17.5 dwelling unit per acre (du/ac) minimum; 35 du/ac maximum), T5 (Urban Center Zone) (35 du/ac minimum; 55 du/ac maximum), TOD Density Overlay 1 (75.0 du/ac minimum; 100.0 du/ac maximum), TOD Density Overlay 2 (40.0 du/ac minimum; 65.0 du/ac maximum), and CS (Civic Space Zone). The proposed T4 (Urban General) and T5 (Urban Center) Zones provide for mixed land uses; all permissible land uses for all zones are described in Table 9 (Specific Function & Use) of the South Hayward BART/Mission Boulevard Form-Based Code.[3]

While the South Hayward BART/Mission Boulevard Form-Based Code includes proposed standards for new Zoning Districts, it also includes new standards that would apply throughout the Project area. These include new standards (§10-24.245 through 10-24.290) under the following topics: Parking, Architectural, Fence and Wall, Landscape, Visitability, Sustainability, Subdivision, Sign and Telecommunication Facility.

The Project would also include a complement to the **Figure 8 (Regulating Plan)** consisting of **Figure 9 (Thoroughfare Plan)**. The Thoroughfare Plan intends to implement the Hayward General Plan's direction to pursue opportunities for infill development and redevelopment to accommodate alternate street patterns, including shorter block lengths, interconnected streets, alleys, and cul-de-sac avoidance. New thoroughfares indicated on the Thoroughfare Plan would be constructed over time in conjunction with private development projects on abutting property (see **Figure 10 – Proposed New Thoroughfares**). Any such projects which construct these planned new thoroughfares would be eligible to receive a density bonus corresponding to the length of street dedication (see §10-24.275(h)). In the absence of private development projects, the City of Hayward Redevelopment Agency may (over time) also acquire and construct thoroughfare segments identified in the Thoroughfare Plan.

Concept Design Plan Repeal

The current Project provides replacement standards for those related to the Concept Design Plan. Similarly, the Concept Design Plan's design guidelines would be in conflict with standards proposed by the Project. Therefore, to address the replacement of standards and to remove conflicts, the current Project would result in the repeal of the Concept Design Plan, in whole.

In conjunction with the original Concept Design Plan approval, a new "South Hayward BART/Mission Boulevard Special Design District (SD-6)" was also approved (Zoning Ordinance §10-1.2635). The provisions of this Special Design District (SD-6) would also conflict with standards proposed by the Project. Therefore, for the same reasons related to the Concept Design Plan, the current Project would result in the repeal of Zoning Ordinance §10-1.2635.

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[3] See (http://www.ci.hayward.ca.us/forums/SHBARTFBC/shbartfbcforum.shtm) for current draft.

Figure 7 (Proposed Regulating Plan) is identical to

SEIR Figure 3-7

Figure 9 (Thoroughfare Plan) is identical to

SEIR Figure 3-10

Figure 10 (Proposed New Thoroughfares) is identical to

SEIR Figure 3-11

Evaluation of Environmental Impacts

Pursuant to CEQA Guidelines Section 15063, the following sections provide an evaluation of whether the Project will have any new significant effects on the environment.

- If an environmental issue would not be affected by the Project or its impact would be less than significant, it is identified in the following evaluation as "***No Impact***" or "***Less than Significant***".
- If an environmental issue may cause a significant effect on the environment, this evaluation also determines whether this effect was adequately examined in the Previous CEQA documents. If the environmental issue was adequately examined in the previous document, it is identified in the following evaluation as "***No New Impact from those identified in Previous CEQA Documents***". To the extent that mitigation measures were adopted pursuant to the Previous CEQA Documents and these measures are applicable to the Project, these measures are specifically identified in the following discussion.
- If an environmental issue may cause a significant effect on the environment that was examined in the Previous CEQA Documents, but revised mitigation measures are necessary, it is identified in the following evaluation as "***Less than Significant with Revised Mitigation***" and these revised measures are specifically identified. Where designated in this document, this evaluation outcome also indicates the revised mitigation is the result of expand the applicability of prior mitigation measures to additional properties not studied in the Previous CEQA Documents.
- If there is a new potentially significant environmental effect or a substantial increase in the severity of a previously identified significant effect, it is identified in the following evaluation as "***New Potentially Significant Impact***" and will be analyzed in a later Supplemental or Subsequent EIR.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
I. Aesthetics – Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☑	☐	☐	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state or locally designated scenic highway?	☐	☐	☑	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☑	☐	☐
d) Create significant new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☑	☐	☐

Criteria a): Scenic Vista

Impact

The current Project would not result in new potentially significant effects on a scenic vista, but it may substantially increase impacts on a scenic vista disclosed in the Previous CEQA Documents. (***New Potentially Significant Impact***)

The Project would enable the future construction of buildings which, in certain locations, are between one (1) and two (2) stories taller than those possible under current Zoning District designations. These taller buildings could serve to impact views of the Hayward hills from motorists and pedestrians using local streets in or near the Project area.

Mitigation Measure

The following Concept Design Plan EIR mitigation measure is applicable to the current Study Area and would address this potential impact:

Mitigation 4.1-2: *(Views and Vistas) Development projects submitted to the City of Hayward within the project area shall be subject to design review to ensure that impacts on views towards the Hayward hills are reduced to a level of insignificance. Design features may include, but are not limited to, preservation of view corridors between buildings, stepping down of buildings near existing development, use of corner cut-offs, establishment of view corridors to nearby hills and similar design elements.*

Resulting Level of Significance

Since the precise locations, designs, heights and other information regarding future buildings is not known, precise impacts of the current Project cannot be determined at this time. However, for purposes of

this Initial Study Determination, it is assumed that views of the Hayward hills could be impacted for passers-by that may result in a *substantial increase* to impacts identified in the prior Concept Design Plan and 238 Land Use Study Program EIRs and, therefore, may result in ***New Potentially Significant Impacts***. Therefore, this issue will be studied in the forthcoming Supplemental EIR.

Criteria b): Damage to Scenic Resources

Impact

> The current Project, like those projects addressed in the Previous CEQA Documents, would not result in removal of historic buildings or other scenic resources, not occur in proximity to a locally designated scenic route, not concern a portion of the State scenic highway system. (***No New Impact***)

The certified EIR for the General Plan Update identifies known historical and archaeological resources and sites in and around the City of Hayward, along with sources consulted in researching such information. No sites that contain historical or archaeological resources were identified within the Project area. No locally designated scenic route or State scenic highway is located in the Project area.

There are no changes in the project, change in circumstances, or new information that would result in new significant environmental effects to scenic resources and there are no previous impacts to scenic resources that the current Project may increase in severity. Therefore, ***No New Impact*** would result.

Criteria c): Visual Character and Quality

Impact

> The current Project would not substantially increase the severity of previously identified impacts related to the degradation of visual character of the Project area with implementation of revised mitigation measures. (***Less Than Significant with Revised Mitigation***)

Like the projects analyzed in the Previous CEQA Documents, it is anticipated that redevelopment of vacant and underutilized properties within the Project area would have a generally beneficial impact on surrounding properties and the visual character of the study area. However, the current Project would, as noted above, allow taller buildings in certain locations. The prior Concept Design Plan EIR included design guidelines intended to help mitigate impacts to visual character. Those guidelines would be replaced by new design standards which are less subjective in nature and, thus, more likely to yield predictable outcomes aimed at improving visual character.

Mitigation Measures

The following Concept Design Plan EIR mitigation measure is applicable to the current Study Area and addresses this previously identified impact:

Mitigation Aes-1: *(Visual Character) Development projects submitted to the City of Hayward within the project area shall be subject to design review to ensure that privacy impacts on surrounding properties and effects of shade and shadow are reduced to a less-than-significant impact. Design of future buildings shall include "stepping down" of taller buildings, appropriate siting of windows and*

balconies to maximize privacy and establishment of view corridors to nearby hills.

(Mitigation Measure 4.1-1 in Concept Design Plan EIR).

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Aes-2: (Views, Scenic Resources, Landforms and Visual Character) Development projects submitted to the City of Hayward within the Project area shall be subject to design review to ensure:

a) Adherence to General Plan policies, Design Guidelines, Hillside Design Guidelines and applicable Neighborhood Plans to minimize the grading, appropriate siting of new roads and structures and planting of replacement vegetation to ensure that hillside development integrates into the existing appearance of hillside properties.

b) Appropriate use of building material and colors to minimize reflection of windows and roofs to the community to the west.

c) Design of future buildings within flatter portions of the Project area to include "stepping down" of taller buildings, appropriate siting of windows and balconies to maximize privacy and establishment of view corridors to nearby hills.

(Mitigation Measure 4.1-1 in 238 Land Use Study EIR).

Resulting Level of Significance

Continued implementation of Mitigation Measures Aes-1 and Aes-2 and expansion of their applicability to the entire current Project area ensures the current Project would not result in a substantial increase in previously identified impacts to visual character and, thus, impacts would be ***Less Than Significant with Revised Mitigation***. The current Project provides improved design standards with greater dimensional precision. The repeal of Concept Design Plan design guidelines would reduce subjectivity in evaluating development applications and, therefore, provide more consistent results in improving visual character over time. There are no additional changes in the Project, change in circumstances, or new information that would result in new significant environmental effects to visual character or a substantial increase in the severity of previously identified visual character impact.

Criteria d): Light and Glare

Impact

The current Project would expand the area subject to new sources of light or glare above those identified in the Previous CEQA Documents. However, the current Project would not substantially increase the severity of previously identified impacts related to new sources of light or glare with implementation of revised mitigation measures. (***Less Than Significant with Revised Mitigation***)

The Project area is significantly developed and has several major sources of light and glare, including, but not limited to, street lights, parking lot lights and building lights. Lighting associated with new development under the current Project would occur at no greater intensity than that addressed in the Previous CEQA Documents. However, the proposed land use designation changes within the current

Project area are greater than that studied in the Previous CEQA Documents.

Mitigation Measures

The following Concept Design Plan EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Aes-3: *(Light and Glare Impacts) Lighting Plans shall be submitted as part of all future development projects. Lighting Plans shall include lighting fixtures to be employed and specific measures to be taken to ensure that lighting is directed downward so that light and glare will be minimized.*

(Mitigation Measure 4.1-3 in Concept Design Plan EIR).

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Aes-4 *(Light and Glare Impacts) Lighting Plans shall be submitted to the City of Hayward Development Services Department as part of all future development projects. Lighting Plans shall include specific measures to reduce future lighting to a less-than-significant level, including but not limited to limiting the number of intensity of lighting fixtures to the minimum required for safety Route 238 Bypass Land Use Study DEIR Page 28 City of Hayward February 2009 and security purposes, directing lighting fixtures downward so that light and glare will be minimized, turning off unneeded lights and similar features* [4]

(Mitigation Measure 4.1-2 in 238 Land Use Study EIR).

Resulting Level of Significance

Continued implementation of Mitigation Measures Aes-3 and Aes-4 and expansion of their applicability to the entire, current Project area would reduce impacts related to the current Project to a ***Less Than Significant Level with Revised Mitigation***. There are no additional changes in the Project, change in circumstances, or new information that would result in new significant environmental effects to light or glare impact or a substantial increase in the severity of previously identified light or glare impact.

[4] Language pertaining to the Alameda County Planning Department within this mitigation measure applies to property within the boundary of the 238 Land Use Study EIR but outside of the Concept Design Plan EIR and current Project area.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
II. AGRICULTURAL RESOURCES -- Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resource Agency, to non- agricultural use?	☐	☐	☐	☑
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☑
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	☐	☐	☐	☑

Criteria a, b and c): Agricultural Resources

The Project would not convert any types of farmland to non-agricultural use, would not conflict with agricultural zoning or a Williamson Act contract, and would not involve any changes in the existing environment which could result in conversion of farmland to non-agricultural use. The proposed Project would not result in a significant new impact on agricultural resources, nor would it substantially increase any impacts on agricultural resources other than those disclosed in the Previous CEQA Documents. (***No Impact***)

The Hayward General Plan EIR and Previous CEQA Documents have found that the Project Area has already been developed for urbanized uses. There are no agricultural resources in the area and there is no potential impact to agricultural resources from the proposed Project. There are no changes in the project, change in circumstances, or new information that would result in new significant environmental effects on agricultural resources, or a substantial increase in the severity of previously identified environmental effect on agricultural resources. Therefore, ***No Impact*** would result.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
III. AIR QUALITY -- Would the project:				
a) Criteria air pollutants and precursors. Is the Project: (1) consistent with the current air quality plan control measures; and (2) is the projected vehicle miles travelled (VMT) increase less than or equal to the projected population increase?	☑	☐	☐	☐
alb) Greenhouse Gas Emissions. Is the Project in compliance with a Qualified Greenhouse Gas Reduction Strategy or 6.6 MT CO2e/SP/yr (residents + employees)?	☑	☐	☐	☐
c) Risks and Hazards. Does the Project apply overlay zones around existing and planned sources of toxic air contaminants (TACs) (including adopted Risk Reduction Plan areas) and apply overlay zones at least 500 feet (or Air District-approved modeled distance) from all freeways and high volume roadways?	☑	☐	☐	☐
d) Does the General Plan identify locations of odor sources?	☐	☐	☑	☐

The Project area is located within the City of Haywardin Alameda County and within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) administers air quality regulations applicable to this Air Basin. Recent air quality monitoring data collected in Alameda County shows air quality in the County periodically exceeds State and national air quality standards for ozone and fine particulate matter (PM2.5) and State particulate matter standards for both fine and respirable (PM10) particulate matter. The San Francisco Bay Area Air Basin has been designated as being a nonattainment area for the State ozone, PM10 and PM2.5 standards, and nonattainment for the federal ozone and 24-hour PM2.5 standards.

On June 2, 2010, the BAAQMD approved a new set of CEQA Guidelines for consideration by lead agencies. The *California Environmental Quality Act: Air Quality Guidelines* ("BAAQMD CEQA Guidelines") provide guidance for consideration by lead agencies, consultants, and other parties evaluating air quality impacts conducted pursuant to the California Environmental Quality Act (CEQA). The document provides guidance on evaluating air quality impacts of development projects and local plans, determining whether an impact is significant, and mitigating significant air quality impacts.

These June 2010 BAAQMD CEQA Guidelines include new thresholds of significance for Greenhouse Gas (GHG) emissions. While they also include new mechanisms for evaluating risk and hazard thresholds for the siting of stationary sources and of sensitive receptors, those thresholds do not become effective until January 1, 2011. The June 2010 BAAQMD CEQA Guidelines also lower the threshold of significance for annual emissions of Reactive Organic Gases (ROG), Nitrogen Oxides (NO_X) and Particulate Matter Exhaust (PM_{10}) and set a standard for smaller particulates ($PM_{2.5}$) and fugitive dust. The June 2010 BAAQMD CEQA Guidelines constitute new information which became available after certification of the Previous CEQA Documents.

The Concept Design Plan EIR identified two (2) significant impacts related to air quality, including: (1) inconsistency with the Bay Area 2005 Ozone Strategy for exceeding populations projects; and (2) cumulative increase in ozone precursors.

Criteria a, b, c): Criteria Pollutant Emissions, Greenhouse Gas Emissions, Risks and Hazards

Impacts

The Project may conflict with or obstruct implementation of the applicable air quality plan and may substantially increase impacts related to an inconsistency with air quality plans identified in the Previous CEQA Documents. (***New Potentially Significant Impact***)

The Project may violate any air quality standard or contribute substantially to an existing or projected air quality violation and may result in a substantial increase in an existing or projected violation of air quality standards disclosed in the Previous CEQA Documents. (***New Potentially Significant Impact***)

The Project may result in a cumulatively considerable net increase of criteria pollutant for which the Bay Area is in non-attainment and may substantially increase regional emission impacts disclosed in the Previous CEQA Documents. (***New Potentially Significant Impact***)

On March 12, 2002, the Hayward City Council certified an EIR (SCH #: 2001-072069) and adopted a new City of Hayward General Plan. Hayward General Plan EIR Pages 8-12 to 8-16 state that development in accordance with the General Plan would create less than significant impacts regarding significance criterion "a" through "c" above. However, under the current Project, potential residential and commercial development would exceed the densities and intensity of development currently shown in the General Plan.

Mitigation Measures

The following Concept Design Plan EIR mitigation measure is applicable to the current Study Area and addresses this previously identified impact:

Mitigation Air-1: *(Inconsistency with Air Quality Plan) Mitigation Measure 4.6.1 contained in Section 4.6, Population and Housing, directs the City of Hayward to consult with the Association of Bay Area Governments to include the build-out population for the approved concept plan alternative for this project. However, even with current General Plan goals and strategies and adherence to Mitigation Measure 4.6.1, the project would be inconsistent with the Clean Air Plan and would be a significant and unavoidable impact.*

(Concept Design Plan EIR Mitigation Measure 4.2-1)

Mitigation Air-2: *(Cumulative Air Quality Impacts) Implementation of Mitigation Measure 4.2.1 would assist in reducing this impact, but it would still remain as a significant and unavoidable impact.*

(Concept Design Plan EIR Mitigation Measure 4.2-2)

Resulting Level of Significance

Although South Hayward BART/Mission Boulevard Form-Based Code would promote transit-oriented development and notwithstanding mitigation measures Air-1 and Air-2 above, there may be potentially significant impacts resulting from this Project that would be expected to be greater than impacts associated with the General Plan. This may include an increase of impacts as a result of the new Bay Area Air Quality Management District (BAAQMD) emission thresholds for "Plan-Level" and cumulative conditions. Therefore, because the Project may result in *new potentially significant impacts* or substantially increase the severity of previously identified significant impacts, further program-level analysis will be conducted within a Supplemental EIR for the current Project.

Criteria d): Odors

Impact

> The Project will not create objectionable odors affecting a substantial number of people, nor would it substantially increase any odor-related impacts other than those impacts disclosed in the Previous CEQA Documents. (***No New Impact***)

The Hayward General Plan does not identify locations of odor sources. However, within the Project area, there are no known sources of odors. As mentioned, the Project area consists of vacant land and properties developed with residential and commercial land uses. The Hayward wastewater treatment plan, a potential source of objectionable odors, is located over 3.5 miles to the west. The Project would not provide for industrial land uses which may result in the generation of objectionable land uses.

There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects odor-related air quality impacts and there are no previous odor-related air quality impacts that the current Project may increase in severity. Therefore, ***No New Impact*** would result.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identifies as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☑	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☑	☐
c) Have a substantial adverse effect on federally protected wetlands (as defined by Section 404 of the Clean Water Act) or state protected wetlands, through direct removal, filling, hydrological interruption, or other means?	☐	☑	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☑	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☑	☐	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☑

Criteria a, b, and d): Sensitive Fish & Wildlife Species & Habitat

The current Project would not have a substantial adverse effect on a sensitive fish or wildlife species or on their habitat, nor would it substantially increase any impacts on a sensitive fish or wildlife species or on their habitat other than those impacts disclosed in the Previous CEQA Documents. (***No New Impact***)

The 238 Land Use Study EIR includes documentation related to biological resources showing that future development within the majority of the Project area would not interfere substantially with the movement of any native resident or migratory wildlife species as it is located in a urban area where such species are not commonly found and, where vacant property exists, such sites are disturbed and include ruderal vegetation. Though a small portion of coastal scrub community type is located within the Project area, it appears to be former ruderal or non-native grassland and is, therefore, not considered sensitive.

,There is one concrete lined creek (i.e., Zeile Creek) within the Project area. The current Project proposes to provide a: (a) Civic Space Zone designation to land adjacent to and including the Zeile Creek; and (2) new thoroughfare crossing Zeile Creek. While these aspects would retain Zeile Creek's current alignment, potential impacts related to the new crossing would be adequately addressed by Mitigation Measure Bio-1 below.

There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects to sensitive fish and wildlife species and habitat and there are no previous impacts to such resources that the current Project may increase in severity. Therefore, ***No New Impact*** would result.

Criteria c): Wetlands

The proposed Project would not result in a significant new impact on wetlands, nor would it substantially increase any impacts on wetlands with implementation of a revised mitigation measure. (***Less Than Significant with Revised Mitigation***)

Two man-made ditches, which are part of the Alameda Flood Control and Water Conservation District's drainage system, cross the southern end of the Project area. One is located between Valle Vista Avenue and Industrial Parkway, extending from Mission Boulevard to Dixon Street, where it then flows southwest in an underground culvert until it empties into the second canal paralleling the BART tracks and the Project area boundary. These ditches are largely vegetated with a freshwater marsh community, but are clearly man-made channels that carry stormwater.

The current Project would incorporate the aforementioned man-made ditches as a landscape feature abutting new public streets. However, it is possible that implementation of the Project, including in particular the Thoroughfare Plan (Figure 1-2, South Hayward BART/Mission Boulevard Form-Based Code), would result in encroachment upon and possible partial fill of these ditches. As described in the 238 Land Use Study EIR, a formal wetland delineation of these ditches has not been performed. Therefore, it is possible the current Project could result in *potentially significant impacts* to wetlands.

Mitigation Measures

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Bio-1: *(Biological Resources/Impacts to Wetlands and Other Waters) The following steps shall be taken to protect wetlands and other waters of the U.S.*

a) The amendment to the Hayward General Plan shall include a policy or policies requiring retention of appropriate riparian and wildlife corridors adjacent to major creeks that flow through the Project area. The width of corridors shall be based on site-specific biological assessments of each creek.).

b) In order to ensure that all jurisdictional wetlands and other waters are identified, formal jurisdictional delineations of wetlands and other waters shall be conducted on a project specific basis as part of the normal environmental review process for specific development projects. Jurisdictional delineations should follow the methodology set forth in the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual and should be submitted to the Corps for verification prior to project development.

c) Future development proposals within the Project area should avoid development on and impacts on identified wetlands and other waters.

d) If avoidance of wetlands or other waters is not possible, then impacts should be minimized to the maximum extent that is practicable. If impacts to wetlands or other waters cannot be minimized and are unavoidable, these impacts should be compensated for by developing and implementing a comprehensive mitigation plan, acceptable to the Corps, CDFG, and RWQCB to offset these losses. It is recommended that mitigation be conducted within the Project area. If this is not possible, then an off-site mitigation area should be selected that is as close to the Project area as possible and acceptable to the resource agencies. Necessary state and federal permits shall be obtained prior to any work within or in close proximity to wetlands or other waters of the U.S.

(238 Land Use Study EIR Mitigation Measure 4.3-3)

Resulting Level of Significance

Implementation of Mitigation Measure Bio-1 and expansion of its applicability to the entire current Project area would not result in a substantial increase in previously identified impacts to wetlands and, thus, impacts would be ***Less Than Significant with Revised Mitigation***. There are no other changes in the Project, change in circumstances, or new information that would result in new significant environmental effects related to the wetland impacts, or a substantial increase in the severity of previously identified environmental effect to wetlands.

Criteria e): Tree Preservation and Removal Ordinance Conflict

The proposed Project would not conflict with the City of Hayward Tree Preservation Ordinance (Hayward Municipal Code Chapter 10, Article 15), but could result in removal of certain protected trees as defined under that ordinance, including trees not included within the project areas subject to the Previous CEQA Documents. However, the severity of this previously identified impact would be less than significant with application of the previous mitigation measure to the entire, current Project area . (***Less Than Significant with Revised Mitigation***)

There are trees located within the Project area. It is possible that these trees could qualify as "Protected Trees," as defined by Hayward Municipal Code §10-15.13. To the extent that such trees will need to be removed in conjunction with implementation of the South Hayward BART/Mission Boulevard Form-Based Code, their removal would be in the same context that was fully discussed and disclosed in the Previous CEQA Documents.

Mitigation Measures

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Bio-2: (Biological Resources/Impacts to Tree Resources) Tree surveys shall be conducted by a certified arborist on all properties proposed for development and under the jurisdiction of the tree ordinances. Impacts to trees will require removal permits pursuant to the Hayward Tree

Preservation Ordinance[5] *or the Alameda County Tree Ordinance in County rights-of-way. Replacement trees shall be provided based on the replacement value of protected trees that are removed.*

(238 Land Use Study EIR Mitigation Measure 4.3-4)

Resulting Level of Significance

Continued implementation of Mitigation Measure Bio-2 and expansion of its applicability to the entire, current Project area would reduce impacts from tree removal to a ***Less Than Significant level with Revised Mitigation***. There are no other changes in the Project, change in circumstances, or new information that would result in new significant environmental effects related to the City of Hayward Tree Preservation Ordinance, or a substantial increase in the severity of previously identified environmental effect to tree preservation and removal.

Criteria f): Habitat Conservation Plan

The proposed Project would not result in a significant impact on any applicable habitat conservation plan or natural community conservation plan, nor would it substantially increase any conflicts with applicable habitat conservation plan or natural community conservation plan other than those impacts disclosed in the Previous CEQA Documents. (***No Impact***)

No adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan is currently applicable to the Project area. There are no changes in the Project, change in circumstances, or new information that would result in new significant conflict with an applicable habitat conservation plan or natural community conservation plan, or a substantial increase in the severity of previously identified conflict with an applicable habitat conservation plan or natural community conservation plan. Therefore, the Project would result in ***No Impact***.

[5] Language pertaining to the Alameda County within this mitigation measure applies to property within the boundary of the 238 Land Use Study EIR but outside of the Concept Design Plan EIR and current Project area.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
V. CULTURAL RESOURCES — Would the Project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☑	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☑	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☑	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☑	☐	☐

Criteria a - d): Historic Resources, Archaeological or Paleontological Resources and Human Remains

Impact:

The proposed Project would not cause, after implementation of mitigation measure Cult-1, a substantial adverse change in the significance of a historical resource. (***Less Than Significant with Revised Mitigation***)

Remediation, demolition, deconstruction and construction activities associated with future development projects approved under the South Hayward BART/Mission Boulevard Form-Based Code have the potential to encounter previously unknown subsurface cultural resources during ground-disturbing activities. This impact was fully discussed and disclosed in the Previous CEQA Documents. (***Less Than Significant with Revised Mitigation***)

The certified EIR for the Hayward General Plan identified known historical and archaeological resources and sites in and around the City of Hayward, along with sources consulted in researching such information. No sites that contained historical or archaeological resources were identified within the Project area. While the City of Hayward recently completed a historic resource survey, the Project area was not included within its' boundary. However, the City's recently adopted and expanded Historic Preservation Program is applicable to the Project area though no historic resources have been identified to date.

The City of Hayward utilizes standard conditions of approval for grading operations that would be followed during any development projects on undeveloped sites, which require that if any such remains or resources are discovered, grading operations are halted and the resources/remains are evaluated by a qualified professional and, if necessary, mitigation plans are formulated and implemented. These standard measures would be applied to individual development projects approved under the South Hayward

BART/Mission Boulevard Form-Based Code.

Mitigation Measures

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Cult-1: *(Cultural Resources/Impacts to Historic Resources) a) Specific development proposals that involve any structure older than 45 years shall be reviewed by the Hayward Planning Division to ensure consistency with the City's Historic Preservation Program and applicable CEQA Guideline provisions. If substantial changes to a historic resource is proposed, modifications may be required in the design of such project to ensure consistency with the Historic Preservation Program. b) Future construction adjacent to any identified historic structure shall be complementary to the historic structure in terms of providing appropriate setbacks, consistent design and use of colors, as determined by the Hayward Planning Division.*

(238 Land Use Study EIR Mitigation Measure 4.4-1)

Resulting Level of Significance

Continued implementation of Mitigation Measure Cult-1, expansion of its applicability to the entire, current Project area, and the aforementioned standard condition of approval would reduce potential impacts to unknown subsurface cultural resources that may be discovered during ground-disturbing activities to ***Less Than Significant with Revised Mitigation***. There are no other changes in the Project, change in circumstances, or new information that would result in new significant environmental effects to archaeological or paleontological resources or human remains, or a substantial increase in the severity of previously identified environmental effects to archaeological or paleontological resources or human remains.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to substantial risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or Seismic Hazards Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publications 42 and 117 and PRC δ2690 et. Seq.)?	☐	☑	☐	☐
ii) Strong seismic ground shaking?	☐	☑	☐	☐
iii) Seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse?	☐	☑	☐	☐
iv) Landslides?	☐	☑	☐	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☑	☐	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☑	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☑	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☑

Criteria a, b and c): Geologic Hazards & Erosion

Impact

The proposed Project is located in a region of high seismic activity and could result in moderate soil erosion, but potential for landslides at a portion of the Project Area. This impact was fully discussed and disclosed in the Previous CEQA Documents. (***Less Than Significant with Revised Mitigation***)

The active Hayward earthquake fault is located to the east of the Project area and poses a significant hazard to the City. The fault is one of the principal seismogenic sources in the eastern San Francisco Bay area, and poses both a surface rupture and strong ground-shaking hazard. Considerable geological and geotechnical work has been conducted along the Hayward fault throughout Hayward over the past several decades, leading to more accurate plotting of the location of the main fault trace and knowledge of its

characteristics, as well as information associated with additional active traces of the Hayward fault. No portion of the study area lies within the State Earthquake Fault Zone. There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects to fault rupture, or a substantial increase in the severity of previously identified environmental effects from fault rupture. No additional geologic fault investigations are required for the current Project, and no further analysis is needed to address the current Project and because the topic has been adequately addressed in the Previous CEQA Documents.

The severity of ground shaking at a particular site is controlled by several factors, including the distance from the earthquake source, the earthquake magnitude, and the type, thickness and condition of underlying geologic materials. Areas underlain by unconsolidated, recent alluvium and/or man-made fill have been shown to amplify the effects of strong seismic ground shaking. The presence of such deposits and the fact that the active Hayward fault is located just to the east of the study area increase the chances that severe ground shaking will likely occur during a major seismic event, which could result in loss of life and/or property associated with the project. However, impacts related to future developments under the Project would be reduced to less than significant levels by Hayward's project development review and construction oversight which incorporates the recommendations of a registered geotechnical engineer in accordance with the California Building Code and standard geotechnical practices. Therefore, there are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects resulting from ground shaking, or a substantial increase in the severity of previously identified environmental effects from ground shaking.

Hayward General Plan, Appendix L reflects the State Seismic Hazard Zone Map (Hayward Quadrangle) and depicts portions of the Project area as located in a liquefaction hazard area. Most of the high and very high hazard areas are located in western Hayward toward the bay lands. However, due to the proximity of the Hayward fault, there may be the potential in the Project area for liquefaction and other types of ground failures resulting from seismic events that warrant further evaluation. However, through design and location of future developments, such impacts will be reduced to less than significant levels in accordance with Hayward's development review and construction oversight which incorporates the recommendations of a registered geotechnical engineer in accordance with the California Building Code and standard geotechnical practices. Therefore, there are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects resulting from ground failure, including liquefaction, lateral spreading, subsidence, collapse, or a substantial increase in the severity of previously identified environmental effects from ground failure, including liquefaction, lateral spreading, subsidence, collapse.

As noted in the Previous CEQA Documents, the Project area is located on relatively flat terrain and there is little or no potential for landslides in portions of the Project area west of Mission Boulevard. For portions of a few properties east of Mission Boulevard, slopes can range upwards of 25%. However, these portions of the Project area are not located within a landslide hazard area, as shown on the State's Seismic Hazard Zone Map (Hayward Quadrangle)[6]. There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects resulting from landslides, or a substantial increase in the severity of previously identified environmental effects from landslides.

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[6] Seismic Hazard Zone Map, California Department of Conservation, dated July 1, 2003.

As noted in the Previous CEQA Documents, erosion control will be addressed through the established regulatory provisions of the City and regional agencies, including provisions in the City's Grading Ordinance (Municipal Code Chapter 10, Article 8), best management practices, etc., which would reduce impacts associated with erosion to a less than significant level. There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects resulting from erosion, or a substantial increase in the severity of previously identified environmental effects from erosion.

Mitigation Measures

Notwithstanding the above conclusions, the following 238 Land Use Study EIR mitigation measures are applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and also address potentially significant impacts related to geology and soils:

Mitigation Geo-1: *(Geology & Soils/Seismic Fault Rupture and Fault Creep) Site-specific geologic fault investigations shall be undertaken for all new individual development projects within the State-defined Earthquake Fault Zone. Each investigation shall include a confirmation that new habitable structures would not be placed on or within 50 feet of an active fault trace, as defined by state and local regulations. Additionally, all new dwellings, roads and utility lines shall be subject to site-specific geotechnical evaluations with a requirement that all future utility lines that cross faults be fitted with shut-off valves. Implementation of these evaluations shall be required to ensure consistency with the California Building Code and all other applicable seismic safety requirements.*

(238 Land Use Study EIR Mitigation Measure 4.5-1)

Mitigation Geo-2: *(Geology & Soils/Seismic Ground Shaking) Site-specific geotechnical investigations shall be required for each building or group of buildings (such as in a subdivision), roads and utility lines constructed in the Project area. Investigations shall be completed by a geotechnical engineer registered in California or equivalent as approved by the City. Design and construction of structures shall be in accordance with the recommendations contained in the reports. Generally, such recommendations will address compaction of foundation soils, construction types of foundations and similar items. Implementation of these evaluations shall be required to ensure consistency with the California Building Code and all other applicable seismic safety requirements.*

(238 Land Use Study EIR Mitigation Measure 4.5-2)

Mitigation Geo-3: *(Geology & Soils/Ground Failure and Landslides) Site-specific geotechnical investigations required as part of Mitigation Measure 4.5-2 shall also address the potential for landslides, including seismically induced landslides and include specific design and construction recommendations to reduce landslides and other seismic ground failure hazards to less-than-significant levels. Recommendations included within site-specific geotechnical investigations shall be incorporated into individual grading and building plans for future development.*

(238 Land Use Study EIR Mitigation Measure 4.5-3)

Resulting Level of Significance

Implementation of Mitigation Measure Geo-1, Geo-2 and Geo-3 and expansion of their applicability to

the entire, current Project area would result in impacts that are ***Less Than Significant with Revised Mitigation***. There are no other changes in the Project, change in circumstances, or new information that would result in new significant geologic hazard effects, or a substantial increase in the severity of previously identified geologic hazard effect.

Criteria d): Expansive Soils

Impact:

> The Project area is located in a mapped area of expansive soils which, if not addressed, may lead to damage to structures and other improvements and utilities. However, this impact was fully discussed and disclosed in the Previous CEQA Documents. (***No New Impact*)**

Figure 9.3 of the Hayward General Plan EIR shows much of the Project area is mantled by clayey soils of the Clear Lake-Omni series, which are expansive soils that have a high shrink-swell potential. Such soils, when exposed to natural seasonal or man-made moisture content changes, can damage structures and other improvements and utilities. However, such impacts would be mitigated to less than significant levels in accordance with Hayward's development review and construction oversight which incorporates the recommendations of a registered geotechnical engineer in accordance with the California Building Code and standard geotechnical practices. There are no changes in the project, change in circumstances, or new information that would result in new significant impacts from expansive clays, or a substantial increase in the severity of previously identified impact from expansive soils. Therefore, the Project would result in ***No New Impact***.

Criteria f): Septic Systems

> The proposed Project would not result in a significant new impact on septic systems, nor would it substantially increase any impacts on septic systems other than those impacts disclosed in the Previous CEQA Documents. (***No Impact***)

Properties within the Project area must connect to Hayward's municipal sewer system in accordance with Municipal Code §11-3.2001 (Duty to Connect to Municipal Sewer). ***No Impact*** would result from the Project.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☑	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☑	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☑	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?	☐	☐	☑	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and would result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☑
f) Be located within the vicinity of a private airstrip, and would result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☑
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☑
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☑	☐

Criteria a, b, c, and d): Routine Use and Potential Accident Conditions, Hazards near Schools and Cortese List

Impact

The Project would not result in a significant impact related to the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, nor would it substantially increase any impacts related to the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment other than those impacts disclosed in the Previous CEQA Documents. (***No New Impact***)

The Project would not result in a significant impact related to hazards near schools, nor would it

substantially increase any impacts related to hazards near schools other than those impacts disclosed in the Previous CEQA Documents. (***No New Impact***)

Properties within and nearby the Project are identified on the Cortese List. Future development at these properties and others within yet unidentified hazardous materials may result in a hazard to public health. However, this impact was fully discussed and disclosed in the Previous CEQA Documents. (***No New Impact***)

Future construction associated with developments approved under the Project would result in potential impacts through the release of asbestos containing materials, lead based paints and other hazardous materials during demolition of existing structures, as older buildings and related improvements are removed to allow for new development.

The prior 238 Land Use Study EIR identifies one property within the Project area and one nearby property outside of the Project as being identified on the Cortese List (See Table 4.6-1). Similarly, the Route 238 Corridor Improvement Project EIR identifies a number of properties in the Project area as being affected by various contaminants (see Table 3.6-2 in that EIR).

One public school – Bowman Elementary School - is located within the Project area. Nearby schools within a quarter-mile radius include: Moreau Catholic High School (27170 Mission Boulevard), St. Clement School (790 Calhoun Street), Tennyson High School (27035 Whitman Street), Ceser Chavez Middle School (27845 Whitman Street), and Harder Elementary School (495 Wyeth Road).

Mitigation Measures

The following Concept Design Plan EIR mitigation measure is applicable to the current Study Area and addresses this previously identified impact:

Mitigation Haz-1: *(Demolition and Hazardous Air Emissions) Prior to commencement of demolition or deconstruction activities within the project area, project developers shall contact the Alameda County Environmental Health Department, Bay Area Air Quality Management District, Department of Toxic Substances Control and the Hazardous Materials Division of the Hayward Fire Department for required site clearances, necessary permits and facility closure with regard to demolition and deconstruction and removal of hazardous material from the site. All work shall be performed by licensed contractors in accord with State and Federal OSHA standards. Worker safety plans shall be included for all demolition or deconstruction plans.*

(Concept Design Plan EIR Mitigation Measure 4.3-1a)

Mitigation Haz-2: *(Demolition and Hazardous Air Emissions) Prior to commencement of grading activities within the project area, project developers shall conduct investigations by qualified hazardous material consultants to determine the presence or absence of asbestos containing material in the soil. If such material is identified that meets actionable levels from applicable regulatory agencies, remediation plans shall be prepared and implemented to remediate any hazards to acceptable levels and shall identify methods for removal and disposal of hazardous materials. Worker safety plans shall also be prepared and implemented. All required approvals and clearances shall be obtained from appropriate regulatory agencies, including but not limited to the Hayward Fire Department, California Department of Toxic and Substances Control and Bay Area Air Quality Management District.*

(Concept Design Plan EIR Mitigation Measure 4.3-1b)

Mitigation Haz-3: *(Potential Soil and Groundwater Contamination) Prior to approval of building or demolition permits, project developer(s) shall prepare a Phase I environmental site analysis and, if warranted by such analysis as determined by the Hazardous Materials Office of the Hayward Fire Department or other regulatory agency, a Phase II environmental site analysis shall also be conducted. Recommendations included in the Phase II analysis for remediation of hazardous conditions shall be followed, including contact with appropriate regulatory agencies to obtain necessary permits and clearances. No construction (including grading) shall be allowed on a contaminated site until written clearances are obtained from appropriate regulatory agencies.*

(Concept Design Plan EIR Mitigation Measure 4.3-2)

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Haz-4: *(Hazards/Demolition and Hazardous Air Emissions) Prior to commencement of demolition or deconstruction activities within the project area, project developers shall contact the Alameda County Environmental Health Department, Bay Area Air Quality Management District, Department of Toxic Substances Control and the Hazardous Materials Division of the Hayward Fire Department, for required site clearances, necessary permits and facility closure with regard to demolition and deconstruction and removal of hazardous material from the site. All work shall be performed by licensed contractors in accord with State and Federal OSHA standards. Worker safety plans shall be included for all demolition or deconstruction plans.*

(238 Land Use Study EIR Mitigation Measure 4.6-1a)

Mitigation Haz-5: *(Hazards/Demolition and Hazardous Air Emissions) Prior to commencement of grading activities within the project area, project developers shall conduct investigations by qualified hazardous material consultants to determine the presence or absence of asbestos containing material in the soil. If such material is identified that meets actionable levels from applicable regulatory agencies, a remediation plan shall be prepared to remediate any hazards to acceptable levels, including methods of removal and disposal of hazardous material, worker safety plans and obtaining necessary approvals and clearances from appropriate regulatory agencies, including but not limited to the Hayward Fire Department, Department of Toxic and Substances Control and Bay Area Air Quality Management District.*

(238 Land Use Study EIR Mitigation Measure 4.6-1b)

Mitigation Haz-6: *(Hazards/Potential Soil and Groundwater Contamination) Prior to approval of building or demolition permits, project developer(s) shall prepare a Phase I environmental site analysis and, if warranted by such analysis as determined by the Hazardous Materials section of the Hayward Fire Department or other regulatory agency, a Phase II environmental site analysis shall also be conducted. Recommendations included in the Phase II analysis for remediation of hazardous conditions shall be followed, including contact with appropriate regulatory agencies to obtain necessary permits and clearances. No construction (including grading) shall be allowed on a contaminated site until written clearances are obtained from appropriate regulatory agencies.*

(238 Land Use Study EIR Mitigation Measure 4.6-2)

Resulting Level of Significance

Consistent with the conclusions of the Previous CEQA Documents, impacts related to the routine use of hazardous materials and/or reasonably foreseeable upset and accident conditions involving the release of hazardous materials would be ***No New Impact***. Continued implementation of Mitigation Measures Haz-1 through HAZ-6 and expansion of their applicability to the entire, current Project area would serve to further reduce and avoid potential impacts, consistent with current City of Hayward practice. There are no other changes in the Project, change in circumstances, or new information that would result in new significant effect related to hazardous materials, or a substantial increase in the severity of previously identified environmental effect related to hazardous materials.

Criteria e-f): Airport Hazards

> The proposed Project would not result in a significant new impact related to other potential hazards, nor would it substantially increase any impacts related to other potential hazards, other than those impacts disclosed in the Previous CEQA Documents. (***No Impact***)

The Project area is located at least two miles from Hayward Executive Airport. As such, there would not be a significant impact with regard to this topic. Also, there are no airstrips within or close to the Project area. There are no changes in the project, change in circumstances, or new information that would result in new significant environmental effects related to airport hazards, or a substantial increase in the severity of previously identified environmental effects related to airport hazards. Though the Airport Land Use Plan for the Hayward Executive Airport was undergoing revisions at the time of drafting this Initial Study, it does not show the Project area located within the revised Airport Influence Area Map. Therefore, the Project would result in ***No Impact***.

Criteria g): Emergency Response/Evacuation Plans

> The proposed Project would not interfere with Hayward's "Emergency Communications and Operations Manual." Rather, implementation of the Project would result in a beneficial impact through its advancement of new public streets improving emergency response and evacuation by providing additional means of ingress and egress to properties. (***No Impact***)

The Project would improve access over time through implementation of its Thoroughfare Plan (Figure 1-2). There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects related to emergency response and evacuation, or a substantial increase in the severity of previously identified environmental effects related to emergency response and evacuation. Therefore, the Project would result in ***No Impact*** under this topic.

Criteria h): Wildland Fire Hazards

> The proposed Project would not result in a significant new impact related to other wildland fire hazards, nor would it substantially increase any impacts related to wildland fire hazards, other than those impacts disclosed in the Previous CEQA Documents. (***No Impact***)

Since certification of the Previous CEQA Documents, that portion of the Project area east of Mission Boulevard was placed within a "High Fire Hazard Zone."[7] Properties located west of Mission Boulevard are, however, designated "Urbanized/Developed Areas Outside of Hazard Zones." No portion of the Project area is located within a mapped "Very-High Fire Hazard Severity Zone." Development within the mapped High Fire Hazard Zone would be subject to risk of from wildland fires. However, compliance with the City of Hayward Hillside Design and Urban/Wildland Interface Guidelines will ensure potential impacts associated with this risk are reduced to a less than significant level.

There are no other changes in the project, change in circumstances, or new information that would result in new significant environmental effects related to wildland fire hazards, or a substantial increase in the severity of previously identified environmental effects related to wildland fire hazards. Therefore, the Project would result in ***No New Impact***.

[7] Fire Hazard Severity Zoning, Alameda County, Department of Forest and Fire Protection, December 21, 2006.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
VIII. HYDROLOGY AND WATER QUALITY – Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☑	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☑	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which result in substantial erosion or siltation on- or off-site?	☐	☐	☑	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☑	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff??	☐	☑	☐	☐
f) Otherwise substantially degrade water quality?	☐	☐	☑	☐
g) Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☑	☐	☐
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☑	☐	☐
i) Expose people or structures to a substantial risk of loss, injury or death involving flooding as a result of the failure of a levee or dam?	☐	☑	☐	☐
j) Inundation by seiche, tsunami, or mudflow?	☐	☑	☐	☐

Criteria a, f): Water Quality Standards

Impact:

The Project would not result in a violation of water quality standards. This impact was fully discussed and disclosed in the Previous CEQA Documents. (***No New Impact***)

New construction in the City of Hayward is subject to mandatory water quality requirements imposed as a condition of construction. These regulations implement regional water quality regulations imposed by the

San Francisco Bay Regional Water Quality Control Board and are consistent with the National Pollution Elimination Discharge System (NPDES) permit granted to all jurisdictions in Alameda County pursuant to the Alameda County Clean Water Program. New development projects are required to implement Best Management Practices for both construction and post-construction periods that limit periods during which grading occurs, filtration of stormwater prior to entering public drainage systems and similar requirements.

There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects related to water quality, or a substantial increase in the severity of previously identified environmental effects related to water quality. Therefore, the Project would result in ***No New Impact***.

Criteria b): Groundwater Supplies

Impact:

> The proposed Project would not result in a significant new impact on groundwater supplies, nor would it substantially increase any impacts on groundwater supplies other than those impacts disclosed in the Previous CEQA Documents. (***No New Impact***)

The Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Within the Project area, the underlying groundwater basin is not utilized as a water supply and no pumping activities currently occur within the City of Hayward.

There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects related to groundwater, or a substantial increase in the severity of previously identified environmental effects related to ground. Therefore, the Project would result in ***No New Impact.***

Criteria c, d): Drainage Patterns

Impact:

> The proposed Project would not result in a significant new impact related to alteration of drainage patterns, nor would it substantially increase any impacts related to alteration of drainage patterns or result in substantial erosion or siltation or resulting in flooding on or off-site other than those impacts disclosed in the Previous CEQA Documents. (***No New Impact***)

The Project area is located both within and west of the Hayward hills. Several natural drainage channels convey stormwater from upper elevations, from and through the Project area and into larger, regional Alameda County Flood Control and Water Conservation District (ACFCWCD) engineered channels in western Hayward for ultimate discharge into San Francisco Bay. A number of regional drainage facilities exist in the Project area. In addition, since portions of the Project area as well as surrounding properties are urbanized, the City of Hayward maintains localized storm drain facilities within the Project area to collect stormwater for conveyance to regional ACFCWCD facilities.

There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects related to drainage patterns, or a substantial increase in the severity of previously identified environmental effects related to drainage patterns. Therefore, the Project would result in ***No New Impact***.

Criteria e): Stormwater System Capacity

Impact:

> The current Project will result in an increase in impervious surface area. However, impacts related to stormwater system capacity would not be substantially greater with implementation of mitigation measures from the Previous CEQA Documents. (***Less Than Significant with Revised Mitigation***)

Approval of the Project would increase the amount of stormwater runoff generated from the Project area, although a substantial portion of the Project area is currently developed with buildings, paved parking areas, walkways and other impervious surfaces. It is anticipated that the Project could add to the amount of impervious surfaces that could increase both the rate and amount of stormwater leaving the Project area. The ability of downstream drainage facilities to safely accommodate increased flows, especially during intense storm events when the rate of stormwater flows would be the greatest, could be significantly impacted and would be a *potentially significant impact*.

Mitigation Measures

The following Concept Design Plan EIR mitigation measure is applicable to the current Study Area and addresses this previously identified impact:

Mitigation Hyd-1: *(Drainage Impacts) Site-specific drainage plans shall be prepared for all future construction within the project area prior to project approval. Each report shall include a summary of existing (pre-project) drainage flows from the project site, anticipated increases in the amount and rate of stormwater flows from the site and an analysis of the ability of downstream facilities to accommodate peak flow increases. The analysis shall also include a summary of new or improved drainage facilities needed to accommodate stormwater increases. Each drainage plan shall be reviewed and approved by the Hayward Public Works Department staff and Alameda Flood Control and Water Conservation District staff prior to approval of the proposed development project.*

(Concept Design Plan EIR Mitigation Measure 4.4-1)

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Hyd-2: *(Hydrology/Drainage Impacts) Site-specific drainage plans shall be prepared for all future construction within the Project area prior to approval of a grading permit, or a building permit in the event a grading permit is not required. Each report shall include a summary of existing (pre-project) drainage flows from the project site, anticipated increases in the amount and rate of stormwater flows from the site and an analysis of the ability of downstream facilities to accommodate peak flow increases. The analysis shall also include a summary of new or*

improved drainage facilities needed to accommodate stormwater increases. Each drainage plan shall be reviewed and approved by the Hayward Public Works Department staff and Alameda County Flood Control and Water Conservation District staff prior to approval of a grading or building permit.

(238 Land Use Study EIR Mitigation Measure 4.7-1)

Resulting Level of Significance

Continued implementation of Mitigation Measures Hyd-1 and Hyd-2 and expansion of their applicability to the entire, current Project area would reduce impacts related to the current Project to a ***Less Than Significant Level with Revised Mitigation***. There are no other changes in the Project, change in circumstances, or new information that would result in new significant impacts to the existing drainage system, or a substantial increase in the severity of previously identified drainage system effect.

Criteria g, h, i, and j): Flooding, Seiche, Tsunamis or Mudflow

Impact

The Project area would not be subject to inundation by seiche or tsunami, but new construction within an expanded Project area could result in changes in localized flooding. (***Less Than Significant Level with Revised Mitigation***)

Portions of the Project area lie within a 100-year flood zone, including several properties lying east of the BART tracks and along Dixon Street south of Valle Vista Avenue and north of Industrial Parkway. Some of those are identified as lying within Flood Zone A2, which is within a 100-year flood zone (Flood Insurance Rate Map-FIRM Panel Map No. 06001C0293G, effective August 3, 2009). The FIRM map also shows that the channelized creeks fall within the 100-year flood hazard area; however, none of the creeks are developed.

Mitigation Measures

The following Concept Design Plan EIR mitigation measure is applicable to the current Study Area and addresses this previously identified impact:

Mitigation Hyd-3: (Flooding Impacts) Prior to construction within a 100-year flood plain area, project developers shall either:

a) Submit a hydrology and hydraulic study prepared by a California-registered civil engineer proposing to remove the site from the 100-year flood hazard area through increasing the topographic elevation of the site or similar steps to minimize flood hazards. The study shall demonstrate that flood waters would not be increased on any surrounding sites, to the satisfaction of City staff.

b) Comply with Section 9-4.110, General Construction Standards, of the Hayward Municipal Code, which establishes minimum health and safety standards for construction in a flood hazard area.

c) Apply to the City for a Conditional Letter of Map Revision (CLOMR) to remove the site

from the FEMA Flood Insurance Rate Map 100-year flood hazard area.

(Concept Design Plan EIR Mitigation Measure 4.4-2)

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Hyd-4: (Hydrology/Flooding Impacts) Prior to construction within a 100-year flood hazard area, developers of site-specific projects shall either:

a) Submit a hydrology and hydraulic study prepared by a California-registered civil engineer proposing to remove the site from the 100-year flood hazard area through increasing the topographic elevation of the site or similar steps to minimize flood hazards. The study shall demonstrate that flood waters would not be increased on any surrounding sites, to the satisfaction of City staff.

b) Comply with Section 9-4.110, General Construction Standards, of the Hayward Municipal Code, which establishes minimum health and safety standards for construction in a flood hazard area.

c) Apply to the City for a Conditional Letter of Map Revision (CLOMR) to remove the site from the FEMA Flood Insurance Rate Map 100-year flood hazard area.

(238 Land Use Study EIR Mitigation Measure (4.7-2)

Resulting Level of Significance

Continued implementation of Mitigation Measures Hyd-3 and Hyd-4 and expansion of their applicability to the entire, current Project area would reduce flood-related impacts to a ***Less Than Significant Level with Revised Mitigation***. There are no other changes in the Project, change in circumstances, or new information that would result in new significant flooding-related impacts, or a substantial increase in the severity of previously identified flooding-related impact.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
IX. LAND USE AND PLANNING -- Would the project:				
a) Physically divide an established community?	☐	☐	☐	☑
b) Conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☑
c) Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☑

Criteria a): Divide Established Community

Impact:

The Project would not physically divide an established community. (***No Impact***)

The Project would be located within an existing urban environment and would not divide an existing community. In fact, components of the Project (e.g., Thoroughfare Plan, Figure 1-2) will help facilitate enhanced pedestrian and bike access in the area.

There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects related to land use, or a substantial increase in the severity of previously identified environmental effects related to land use. Therefore, the Project would result in ***No Impact***.

Criteria b): Land Use Conflict

Impact:

The Project would not result in a conflict with a land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (***No Impact***)

There are no Hayward General Plan EIR mitigation measures, related to land use policy or regulation, with which the Project would conflict. The Project would, in fact, serve to implement Hayward General Plan policy to, "Support higher-intensity and well-designed quality development in areas within ½ mile of transit stations and ¼ mile of major bus routes in order to encourage non-automotive modes of travel.

There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects related to land use, or a substantial increase in the severity of previously identified environmental effects related to land use. Therefore, the Project would result in ***No Impact***.

Criteria c): Conservation Plan Conflict

Impact:

The Project site is not subject to a Habitat Conservation Plan or Natural Community Conservation Plan. (***No Impact***)

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
X - MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☑
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☑

Criteria a and b): Mineral Resources

Impact:

The Project would not result in the loss of availability of a known mineral resource. (***No Impact***)

The Prior CEQA Documents eliminated the presence of mineral resources as a focus of study. The current Project does not alter this conclusion. There are no mineral resources in the Project area. There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effect on mineral resources, or a substantial increase in the severity of previously identified environmental effect on mineral resources. Therefore, ***No Impact*** would result.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
XI. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☑	☐	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☑	☐	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☑	☐	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☑	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☑
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☑

Criteria a, b, c): Permanent Ambient Noise Increase, Vibration

Impact:

> The Project could result in significant new exposure of persons to noise levels or groundborne vibration in excess of standards established in the local general plan or noise ordinance. The Project would not create a vibration which is perceptible without instruments by the average person at or beyond any lot line. Nor would the Project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. However, the current Project would increase residential density in areas not previously studied in the Previous CEQA Documents and which could be the source of or subject to noise. (***Less Than Significant with Revised Mitigation***)

The Project would result in increasing the number of dwelling units and vehicle trips within the project area above that studied in the Previous CEQA Documents. However, noise generated from stationary sources, such as automobile service operations would decrease. Long-term noise increases would include additional vehicles entering and leaving the Project area and noise from residential uses, including but not limited to mechanical noise from heating, ventilating and air conditioning units, use of lawn equipment and human conversation and similar activities.

There would be increased traffic activity along local and arterial roads from the development of various land uses associated with the Project and future growth in other portions of Hayward and the larger

region. According to Table 4.9-3 of the 238 Land Use Study EIR, a majority of the increase in noise due to traffic (up to 2.8 dBA) would occur as a result of future growth in other areas. The Project would be expected to contribute less than 0.2 dBA to the future traffic noise levels, assuming maximum development under the South Hayward BART/Mission Boulevard Form-Based Code. Such a small increase would not typically cause a significant impact since they would be less than the 3 dBA threshold of significance.

However, the Project would continue to provide, as addressed in the Previous CEQA Documents, for residential land uses in locations (e.g., Mission Boulevard) could be exposed to an Ldn of 70 dBA or greater which is considered "normally unacceptable" for residential development (see Table 4.9-1 of the 238 Land Use Study EIR). According to the City's General Plan "normally unacceptable" means that construction would generally be discouraged at these locations but may proceed with a detailed acoustical analysis including specific noise mitigation measures included in the design.

The Project does not specifically include a proposal to authorize construction which may result in groundborne noise or groundborne vibration.

Mitigation Measures

The following Concept Design Plan EIR mitigation measure is applicable to the current Study Area and addresses this previously identified impact:

Mitigation Noise-1: (Permanent Noise Impacts) Site-specific acoustic reports shall be prepared for future residential projects within the project area. Each report shall include a summary of existing noise levels, an analysis of potential noise exposure levels, consistency with City of Hayward noise exposure levels and specific measures to reduce exposure levels to City of Hayward noise standards.

(Concept Design Plan EIR Mitigation Measure 4.5-2)

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Noise-2: (Noise/Land Use Noise Compatibility) A site-specific noise study shall be performed for future individual development proposals within the Project area adjacent to major roadways or other noise sources, as determined by the Development Services Director to determine compatibility with the existing and future noise environment and applicable noise regulations. If noise levels exceed applicable standards, then noise reduction measures shall be incorporated into the project design to ensure consistency with local and state noise standards. Noise reduction measures could include, but would not be limited to, noise barriers and site orientation for outdoor spaces and sound rated building constructions for indoor spaces. The analysis must consider the following criteria and guidelines:

a) General Plan Policies for Noise including Appendix N of the General Plan which contains Noise Guidelines for Review of New Development)

b) General Plan EIR Mitigation Measure 7.3: Project-Specific Noise Analysis/Abatement State Building Code, Chapter 1207 (insulation from exterior noise in new residential construction).

(238 Land Use Study EIR Mitigation Measure 4.9-1)

Mitigation Noise-3: (Noise/Traffic Noise Impacts) Consistent with Mitigation Measure 7.4 of the City of Hayward General Plan Update EIR, an acoustical study shall be performed for each development proposal within the Project area that has potential to significantly increase existing noise levels. If it is determined that a proposed development would result in a substantial increase in ambient noise levels along nearby roadways, the study shall identify and implement noise abatement measures which will reduce project-related noise effects to a level consistent with City and State standards. Such measures could include the installation of noise barriers such as berms or sound walls).

(238 Land Use Study EIR Mitigation Measure 4.9-2)

Mitigation Noise-4: (Noise/Operational Noise Impacts) Consistent with Mitigation Measure 7.2 of the City of Hayward General Plan Update EIR, the City of Hayward shall review individual projects using the City's General Plan as guidance to determine whether or not an operational noise source would generate significant noise impacts. Noise reduction measures including but not limited to setbacks, site plan revisions, operational constraints, buffering, and sound insulation shall be incorporated into final development plans to reduce operational noise to a less than significant level.

(238 Land Use Study EIR Mitigation Measure 4.9-3)

Resulting Level of Significance

Continued implementation of Mitigation Measures Noise-1 through Noise-4 and expansion of their applicability to the entire, current Project area would result in impacts which area ***Less Than Significant with Revised Mitigation***. There are no other changes in the Project, change in circumstances, or new information that would result in new significant environmental effects related to airport noise, or a substantial increase in the severity of previously identified environmental effect related to airport noise.

Criteria d): Temporary or Periodic Ambient Noise Increase

Impact:

The Project would not result in any new substantial temporary or periodic increase in ambient noise levels, nor a substantial increase in such noise levels, in the project vicinity above levels existing without the Project. Impacts under this topic were discussed and disclosed in the Previous CEQA Documents, the current Project would not result in additional temporary or periodic noise. (***Less Than Significant with Revised Mitigation***)

Similar to the projects studied in the Previous CEQA Documents, the current Project would also facilitate the approval of development projects that would involve short-term, temporary increases in noise during their construction phases. Such noises would be related to demolition and deconstruction of existing buildings and improvements, construction of new structures, upgrading of roadways and related infrastructure facilities. Typical noise generated by demolition and construction activities include use of heavy equipment for demolition and earthmoving, truck traffic, back-up bells, air compressors, hammering and other mechanical equipment normally used during demolition and construction.

Mitigation Measures

The following Concept Design Plan EIR mitigation measure is applicable to the current Study Area and addresses this previously identified impact:

Mitigation Noise-5: *(Construction Noise Impacts) Construction Noise Management Plans shall be prepared for all development projects within the project area, including public and private projects. Each plan shall specify measures to be taken to minimize construction noise on surrounding developed properties. Noise Management Plans shall be approved by City staff prior to issuance of grading or building permits and shall contain, at minimum, a listing of hours of construction operations, a requirement for the use of mufflers on construction equipment, limitation on on-site speed limits, identification of haul routes to minimize travel through residential areas and identification of noise monitors. Specific noise management measures shall be included in appropriate contractor plans and specifications.*

(Concept Design Plan EIR Mitigation Measure 4.5-1)

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Noise-6: *(Noise/Construction Noise Impacts) The City shall require reasonable construction practices for individual development projects within the Project area, consistent with Mitigation Measure 7.1 of the City of Hayward General Plan Update EIR. Measures should include but are not limited to the following:*

a) Requiring all equipment to have mufflers and be properly maintained;

b) Limiting the amount of time that equipment is allowed to stand idle with a running engine;

c) Shielding construction activity and equipment from nearby noise sensitive uses by appropriate construction phasing, using existing buildings and structures as noise shields, construction of temporary noise barriers and similar techniques; and

d) Providing advance notice to nearby residents of major noise activities.

(238 Land Use Study EIR Mitigation Measure 4.9-4)

Resulting Level of Significance

Continued implementation of Mitigation Measures Noise-4 and Noise-5 and their applicability to the entire, current Project area would result in ***Less Than Significant with Revised Mitigation*** from the that identified in the Previous CEQA Documents. There are no other changes in the Project, change in circumstances, or new information that would result in new significant environmental effects related to temporary noise, or a substantial increase in the severity of previously identified environmental effect related to temporary noise.

Criteria e and f): Airport Noise

The proposed Project is not located within an airport land use plan, nor is it located within the vicinity of a private airstrip. (***No Impact***)

The Project area is located further than two (2) miles from the nearest airport (i.e., Hayward Executive Airport). There are no changes in the Project, change in circumstances, or new information that would result in new significant environmental effects related to airport noise, or a substantial increase in the severity of previously identified environmental effect related to airport noise. Therefore, ***No Impact*** would result.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
XII. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☑	☐	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☑	☐	☐
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☑	☐	☐

Criteria a, b and c): Population Growth and Displacement

Impact:

The Project would not, either directly or indirectly, induce substantial population growth nor would it displace substantial number of existing housing or people necessitating the construction of replacement housing elsewhere other than those impacts disclosed in the Previous CEQA Documents. (***Less Than Significant with Revised Mitigation***)

Approval of the Project requires amendment of Hayward General Plan to accommodate higher residential densities. Like the population projections in the Previous CEQA Documents, it is unlikely that the amount of population increase that could be realized by the current Project has been included in regional population projections undertaken by the Association of Bay Area Governments (ABAG), which are based on existing Hayward General Plan Land Use Map designations.

Although the potential increase in residential densities and population near a major public transit hub would be consistent with the Smart Growth principles set forth in the Hayward General Plan, the Bay Area Air Quality Management District's (BAAQMD) Clean Air Plan and other regional plans by promoting higher density, pedestrian-oriented housing near transit increase would represent a population increase above regional population projections prepared by ABAG and, without mitigation, would be considered a ***Potentially Significant Impact.***

Mitigation Measures

The following Concept Design Plan EIR mitigation measure is applicable to the current Study Area and addresses this previously identified impact:

Mitigation Pop-1: *(Population Increase) If the City approves either the Urban or Suburban Concept alternatives*[8]*, the City of Hayward shall consult with ABAG to ensure build-out populations for the project area are included in future regional projections.*

(Concept Design Plan EIR Mitigation Measure 4.6-1)

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Pop-2: *(Population & Housing/Population Increase) The City of Hayward shall consult with ABAG to ensure that final build-out populations for the project area are included in future regional projections.*

(238 Land Use Study EIR Mitigation Measure 4.10-1)

Resulting Level of Significance

Continued implementation of Mitigation Measures Pop-1 and Pop-2 and expansion of their applicability to the entire, current Project area would result in ***Less Than Significant with Revised Mitigation.*** Despite the increase in population resulting from the current Project above that assessed in the Previous CEQA Documents, those mitigation measures would have the same effect of reducing the same identified impact below the threshold of significance**.**. There are no other changes in the Project, change in circumstances, or new information that would result in new significant environmental effects related to population and housing, or a substantial increase in the severity of previously identified environmental effect related to population and housing.

8 The City Council approved a hybrid of the Urban and Suburban Alternatives and certified the Concept Design Plan EIR with Mitigation Measure 4.6-1.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
XIII. PUBLIC SERVICES –				
a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	☐	☑	☐	☐
ii) Police protection?	☐	☑	☐	☐
iii) Schools?	☐	☐	☑	☐
iv) Parks?	☐	☐	☐	☑
v) Other public facilities?	☐	☐	☐	☑

Criteria a.i and a.ii): Fire and Police Protection:

Impact:

The Project could result in a significant impact to the Hayward Fire Department, since the amount of future development, including both the number of dwellings and anticipated taller structures, could not be served by existing Department resources and facilities. Similarly, the Project could result in a significant impact to the Hayward Police Department, since the amount of future development and resulting calls for service may not be adequately served by existing Department resources and facilities. (***Less Than Significant with Revised Mitigation***)

The Previous CEQA Documents evaluated fire and police protection service capacity for the Project Area and concluded that construction of new residential development could increase the risk of fire to future residents and visitors by adding new dwelling units within the Project area. The number of calls for service for emergencies would also increase, based on a higher resident population. The current Project would increase the number of residents in the Project area above that studied in the Previous CEQA Documents and, consequently, result in a ***Potentially Significant Impact.***

Mitigation Measures

The following Concept Design Plan EIR mitigation measure is applicable to the current Study Area and addresses this previously identified impact:

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

a) Pay a fair share contribution to the City of Hayward to finance the acquisition of equipment to serve proposed developments, including those associated with mid to high rise structures (3 to 7 stories); and

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

(Concept Design Plan EIR Mitigation Measure 4.8-1)

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

(Concept Design Plan EIR Mitigation Measure 4.8-2)

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

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

(238 Land Use Study EIR Mitigation Measure 4.12-1)

Mitigation PS-4: *(Public Services/Police Services) Approval of the proposed Project with any of the proposed Alternatives could represent a significant impact to the Hayward Police Department and Alameda County Sheriff Department, since the amount of future development and resulting calls for service may not be adequately served by existing department resources.*

(238 Land Use Study EIR Mitigation Measure 4.12-2)

Resulting Level of Significance

Continued implementation of Mitigation Measures PS-1 and PS-2 and expansion of their applicability to the entire, current Project area would result in impacts that are ***Less Than Significant with Revised Mitigation***. There are no other changes in the Project, change in circumstances, or new information that would result in new significant fire and police services environmental effects, or a substantial increase in the severity of previously identified fire and police services environmental effects.

Criteria a.iii): Schools:

Impact:

The Project would not result in a significant impact to schools. These impacts were fully discussed and disclosed in the Previous CEQA Documents. (***No New Impact***)

The Previous CEQA Documents determined the prior projects would result in less than significant impacts with regard to schools. As noted in the Concept Design Plan EIR, schools near the Project are currently operating below maximum capacity. The current Project would enable development that would potentially increase the demand upon schools through an increase in maximum residential dwellings. However, like the project studied in the Previous CEQA Documents, developments approved under the current Project would be required to pay school impact fees to off-set the impacts of additional student generation. There are no changes in circumstances or new information that would result in new significant environmental effects related to schools. The Project's increased demand is not considered to be a substantial increase in the severity of previously identified environmental effect related to schools since development projects approved under the Project would be required to pay school impact fees. The Project would, therefore, result in ***No New Impact*** under this topic.

Criteria a.iv): Parks:

Impact:

> The Project would not result in a significant impact to parks. These impacts were fully discussed and disclosed in the Previous CEQA Documents. (***No Impact***)

The Previous CEQA Documents determined the prior projects would result in less than significant impacts with regard to parks. The Project would increase the area dedicated to parks, above that identified in the Previous CEQA Documents, through Zoning Map changes of certain properties to Civic Space Zone.

At present, one property equaling one (1) acre – Valley Vista Park - is both designated and improved as a public park. 3.19 acres of additional land are presently zoned for public parkland. This equals a total of 4.19 acres of currently planned parkland in the Project area.

The Project would increase the amount of planned parkland through Zoning Map changes to fourteen (14) acres. The Project would also increase the amount of linear parkland (i.e., greenways) through Zoning Map changes to 8.4 acres. This equals a net increase of 18.21 acres of total planned public parkland resulting from the Project. This change proposed by the Project would further reduce impacts noted in the Previous CEQA Documents. Therefore, the current Project would result in ***No Impact*** on this topic.

Criteria a.v): Other Public Facilities:

Impact:

> There are no "other" public facilities upon which the Project would be reliant upon. The Previous CEQA Documents acknowledged this fact and identified ***No Impact*** on this topic.

		New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
XIV.	**RECREATION** –				
	a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☑
	b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☑

Criteria a and b): Recreation

Impact:

The Project would not result in a significant impact to neighborhood or regional parks. These impacts were fully discussed and disclosed in the Previous CEQA Documents. (***No Impact***)

The Previous CEQA Documents determined the prior projects would result in less than significant impacts with regard to parks. The Project would increase the area dedicated to parks, above that identified in the Previous CEQA Documents, through Zoning Map changes of certain properties to Civic Space Zone. This change proposed by the Project would further reduce impacts noted in the Previous CEQA Documents. Therefore, the current Project would result in ***No Impact*** on this topic.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
XV. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☑	☐	☐	☐
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☑	☐	☐	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☑
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)??	☑	☐	☐	☐
e) Result in inadequate emergency access?	☐	☐	☑	☐
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☑	☐

Criteria a and b): Plan, Ordinance or Policy Conflict and Congestion Management Program Conflict

Impact:

The current Project may conflict with an applicable plan, ordinance or policy establishing measures for the effectiveness for the performance of the circulation system. Also, the current Project may conflict with Alameda County Transportation Commission (ACTC) Countywide Transportation Plan. The current Project may result in new or more severe impacts above those discussed and disclosed in the Previous CEQA Documents. (***New Potentially Significant Impact***)

The development potential under the current Project would result in additional new traffic above that which was studied in the Previous CEQA Documents. In particular, the current Project would contribute additional trips to Mission Boulevard, Tennyson Road, Industrial Parkway and other routes in the area. The Previous CEQA Documents identified potentially significant impacts related to Hayward General Plan level of service goal and provided mitigation measures for those impacts, as noted below.

The Alameda County Congestion Management Agency (CMA) requires a separate analysis of the

potential impacts of the project on the metropolitan transportation system. The routes studied in the Previous CEQA Documents include I-880, Foothill Boulevard, Mission Boulevard, Harder Road, Tennyson Road, Industrial Parkway and Whipple Road, as well as BART and AC Transit. The ACTC has an arterial level of service threshold of "F."

Mitigation Measures

The following Concept Design Plan EIR mitigation measures are applicable to the current Study Area and addresses this previously identified impact:

Mitigation Traf-1: *(Level of Service at Dixon Street/Tennyson Road) Provide northbound and southbound left turn lanes and modify the traffic signal at Dixon Street/Tennyson Road to provide for protected-permissive northbound left turns and permissive southbound left turns. This mitigation will improve the LOS to D in the AM peak under both the Blended and Urban scenarios.*

(Concept Design Plan EIR Mitigation Measure 4.7-1)

Mitigation Traf-2: *(Level of Service at Mission Boulevard/Industrial Parkway) Modify traffic signal phasing to provide eastbound and westbound right turn overlap phases. This will require prohibiting both northbound and southbound U-turns and will improve the LOS to D in the 2025 AM peak period at the Mission Boulevard/Industrial Parkway intersection.*

(Concept Design Plan EIR Mitigation Measure 4.7-2)

Mitigation Traf-3: *(Parking Resource Impacts) Detailed parking studies will be required of future developments in the project area to ensure impacts of development on parking resources will be less than significant. If determined to be necessary as a result of such studies, mitigation measures will be required to be implemented.*

(Concept Design Plan EIR Mitigation Measure 4.7-3)

Mitigation Traf-4: *(Cumulative Traffic Impacts) As noted in the City of Hayward's adopted General Plan and related certified EIR, implementation of the General Plan policies and strategies, such as implementation of "smart growth" policies, will reduce the City's contribution to traffic growth to a less-than significant level. However, due to physical constraints, funding limitations and regional growth patterns, cumulative traffic impacts anticipated by the South Hayward BART project are expected to be significant and unavoidable.*

(Concept Design Plan EIR Mitigation Measure 4.7-4)

Resulting Level of Significance

The current Project would add 771 net new residential dwellings and 218,613 square feet of commercial floor area above that studied in the Previous CEQA Documents. These additions would add additional vehicular trips which may result in new or greater traffic impacts. Therefore, for this topic, it is assumed the current Project may result in a ***Potentially Significant Impact*** which will be addressed in the forthcoming Supplemental EIR.

Criteria c): Air Traffic Patterns

Impact:

> The Project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. (***No Impact***)

The Project is located over two (2) miles from the nearest airport, the Hayward Executive Airport. As such, the Project would result in ***No Impact*** under this topic.

Criteria d): Hazards

> While the Project may substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections), it would not result in hazards due to incompatible uses. This impact was not discussed and disclosed in the Previous CEQA Documents. (***Potentially Significant Impact***)

The Project would result, over time, in the construction of new public streets intersecting with existing public streets (see Thoroughfare Plan, Figure 1-2). These design features were not assessed in the Previous CEQA Documents. Therefore, for this topic, it is assumed the current Project may result in a ***Potentially Significant Impact*** which will be addressed in the forthcoming Supplemental EIR.

Criteria e): Emergency Access

> The Project would not result in inadequate emergency access. (***No New Impact***)

The Project's Thoroughfare Plan (Figure 1-2) would improve emergency access in the Project area through the construction, over time, of additional paths of ingress and egress that would meet City of Hayward standards. Therefore, the Project would result in ***No New Impact*** under this topic.

Criteria f): Public Transit, Bicycle and Pedestrian Facilities

> The Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities beyond that previously analyzed. (***No New Impact***)

The Project will have a positive effect on public transit by providing a type and form of development with an interconnected street system – all within walking distance of existing transit service stops. It is expected that, as a result, the current Project will encourage transit and therefore will have a ***No New Impact*** concerning public transit.

By 2025, the capacity of BART is expected to significantly increase with the implementation of the BART to San Jose line, as well as potentially other lines that are currently being planned but for which no funding or implementation timeframe has been identified. The implementation of the Project, similar to the projects studied in the Previous CEQA Documents, would have the potential to generate new BART riders, who could be accommodated by the existing and planned BART improvements. These riders could generate significant revenue for BART without increasing operating costs. Thus, the implementation of

the recommended project will have a positive impact on BART.

The Previous CEQA Documents describe how the South Hayward BART area generally includes low productivity routes for AC Transit and that ample capacity exists to add new riders. Since AC Transit's Service Deployment Plan relates service improvements, such as increased headways, to increases in densities, the implementation of the Project would, similar to the projects studied in the Previous CEQA Documents, provide greater opportunities to provide for additional AC Transit service that will be able to accommodate any new riders generated by the development. Thus, the implementation of the recommended project will have a positive impact on AC Transit.

Under the Project, a number of pedestrian and bicycle connections and enhancements are identified, above those included within the 2006 Concept Design Plan. Also, the Project retains the Concept Design Plan's encouragement of a future north-south pedestrian/bike connection over Tennyson Road along the BART tracks platform. Therefore, the current Project will be positive and have ***No New Impact*** on bicycle and pedestrian systems.

	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:				
a) Exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board?	☐	☐	☑	☐
b) Require or result in construction of new storm water drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☐	☑	☐	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☑	☐	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed??	☐	☐	☑	☐
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☑	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs??	☐	☐	☑	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☑	☐

Criteria a and e): Wastewater Infrastructure:

Impact:

The proposed Project would not generate any permanent increase in wastewater collection, treatment or disposal. (***No New Impact***)

The Project would increase wastewater generation, primarily due to an increase in domestic water use, above that studied in the Previous CEQA Documents. The Concept Design Plan EIR documented a total maximum wastewater generation of 713,065 gallons per day for the "Urban" alternative. The current Project would add approximately 154,459 gallons/day to the "Urban" alternative analyzed in the Concept Design Plan EIR[9]. The City's wastewater treatment plant has a maximum dry weather operating capacity of 16.5 million gallons per day (mgd). Presently, the plant treats an average of 13.5 mgd. The anticipated increase of up to 867,524 mgd could be accommodated at the City's wastewater treatment plant with ***No New Impact***.

9 This total assumes all new residential dwellings resulting from the Project will be apartments or condominiums at a rate of 187 gallons/day, and 800 gallons per acre of non-residential square feet.

If the current Project is approved, individual development proposals will be reviewed by the City of Hayward to ensure that an adequate localized wastewater conveyance capacity is provided by future individual developments. Individual development proposals may be required to provide replacement or upgraded local wastewater systems, as determined by the City of Hayward, prior to construction and occupancy.

There is no new information that would result in new significant environmental effects related to wastewater treatment capacity. The Project's increased demand is not considered to be a substantial increase in the severity of previously identified environmental effect related to wastewater treatment capacity. The Project would, therefore, result in ***No New Impact*** under this topic.

Criteria b and c): Stormwater Infrastructure

> The ability of downstream drainage facilities to safely accommodate increased flows, especially during intense storm events when the rate of stormwater flows would be the greatest, could be significantly impacted. (***Less Than Significant with Revised Mitigation***)

Approval of the Project would increase the amount of stormwater runoff generated from the Project area, although a substantial portion of the Project area is currently developed with buildings, paved parking areas, walkways and other impervious surfaces. It is anticipated that the Project could add to the amount of impervious surfaces that could increase both the rate and amount of stormwater leaving the Project area.

If the current Project is approved, individual development proposals will be reviewed by the City of Hayward to ensure that an adequate stormwater conveyance capacity is provided by future individual developments. Individual development proposals may be required to provide replacement or upgraded local stormwater systems, as determined by the City of Hayward, prior to construction and occupancy.

Mitigation Measures

The following Concept Design Plan EIR mitigation measure is applicable to the Project area and addresses this previously identified impact:

Mitigation Hyd-1: *(Drainage Impacts) Site-specific drainage plans shall be prepared for all future construction within the project area prior to project approval. Each report shall include a summary of existing (pre-project) drainage flows from the project site, anticipated increases in the amount and rate of stormwater flows from the site and an analysis of the ability of downstream facilities to accommodate peak flow increases. The analysis shall also include a summary of new or improved drainage facilities needed to accommodate stormwater increases. Each drainage plan shall be reviewed and approved by the Hayward Public Works Department staff and Alameda Flood Control and Water Conservation District staff prior to approval of the proposed development project.*

(Concept Design Plan EIR Mitigation Measure 4.4-1)

The following 238 Land Use Study EIR mitigation measure is applicable to that portion of the Project area shown in Figure 4 (Previous CEQA Documents) and addresses this previously identified impact:

Mitigation Hyd-2: (Hydrology/Drainage Impacts) Site-specific drainage plans shall be prepared for all future construction within the Project area prior to approval of a grading permit, or a building permit in the event a grading permit is not required. Each report shall include a summary of existing (pre-project) drainage flows from the project site, anticipated increases in the amount and rate of stormwater flows from the site and an analysis of the ability of downstream facilities to accommodate peak flow increases. The analysis shall also include a summary of new or improved drainage facilities needed to accommodate stormwater increases. Each drainage plan shall be reviewed and approved by the Hayward Public Works Department staff and Alameda County Flood Control and Water Conservation District staff prior to approval of a grading or building permit.

(238 Land Use Study EIR Mitigation Measure 4.7-1)

Resulting Level of Significance

Continued implementation of Mitigation Measures Hyd-1 and Hyd-2 and expansion of their applicability to the entire, current Project area would result in impacts that are ***Less Than Significant with Revised Mitigation***. There are no other changes in the Project, change in circumstances, or new information that would result in new significant impacts to the existing drainage system, or a substantial increase in the severity of previously identified drainage system effect.

Criteria d): Water Supply

Impact:

The proposed Project would not require any new or expanded water supply facilities. (***No New Impact***)

The Concept Design Plan EIR documents that Hayward's 2005 Urban Water Management Plan assumes water capacity to serve up to 5,000 dwellings in the Project area, which is greater than the number of dwellings that could be constructed under the Project. Therefore, the need for the City to provide sufficient water per day for implementation of the Project would result in *no new impact*, since such demand would be less than that anticipated in the City's Urban Water Management Plan for the Project area.

If the current Project is approved, individual development proposals will be reviewed by the City of Hayward to ensure that an adequate localized water conveyance, both quantity and pressure, is provided to future individual developments. Individual development proposals may be required to provide replacement or upgraded local water systems, as determined by the City of Hayward, prior to construction and occupancy.

There is no new information that would result in new significant environmental effects related to water supply. The Project's increased demand is not considered to be a substantial increase in the severity of previously identified environmental effect related to water supply. The Project would, therefore, result in ***No New Impact*** under this topic.

Criteria f and g): Solid Waste

Impact

> The proposed Project would increase the quantity of solid waste and the demand for solid waste services. This impact was fully discussed and disclosed in a previously certified environmental document. (***No New Impact***)

Within the Project area, solid waste collection services are provided by Waste Management Inc. Solid waste is transferred first to the Davis Street Transfer Center in San Leandro and then to the Altamont Landfill in the eastern alameda County. Both the transfer center and landfill are owned and operated by Waste Management Inc., which serves the City under a franchise agreement. The landfill is permitted to accept a maximum of 11,150 tons of waste per day. According to the Hayward General Plan, it is estimated that the City is achieving the state mandated 50% diversion rate. The City is not, however, achieving the 75% solid waste diversion goal set to begin being achieved in 2010.[10]

Waste generation under the current Project would be similar to those studied in the Previous CEQA Documents. Furthermore, the developments ultimately approved under the Project would comply with Chapter 5, Article 10 of the Hayward Municipal Code, which requires the submission and approval of a Debris Recycling Statement prior to the commencement of construction. Increased solid waste resulting from the Project from the construction and occupancy of new dwellings and businesses can be accommodated by the existing disposal services and facilities. While the current 75% solid waste diversion goal is not being met, compliance is not mandatory.

There is no new information that would result in new significant environmental effects related to solid waste disposal capacity. The Project's increased demand is not considered to be a substantial increase in the severity of previously identified environmental effect related to solid waste disposal capacity. The Project would, therefore, result in ***No New Impact*** under this topic.

[10] Alameda County Integrated Waste Management Plan, Page V-5, adopted February 26, 2003.

XVII. Mandatory Findings Of Significance	New Potentially Significant Impact	Less Than Significant with Revised Mitigation	No New Impact From those Identified in Previous CEQA Documents	No Impact / Less than Significant
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☑	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☑	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☑	☐	☐	☐

Criteria a): Degrade the Quality of the Environment

As described under the Biological Resources and Cultural Resources sections above, the Project would not degrade the quality of the environment with respect to plant and animal habitats and cultural resources. Implementation of Mitigation Measures Bio-1 and Bio-2 would ensure biological resource impacts are reduced to *less than significant* levels. Similarly, implementation of Mitigation Measure Cult-1 would ensure cultural resource impacts are reduced to *less than significant* levels. Therefore, given the above, the Project would have ***No New Impact*** relative to this topic.

Criteria b): Cumulative Impacts

The Project would not have environmental effects that are individually limited but cumulatively considerable. Since certification of the Prior CEQA Documents, two development projects (mentioned in the Introduction) have been approved within the Project area. However, both projects were found to be consistent with the Hayward General Plan and Zoning Ordinance. Therefore, it can be assumed those projects were also consistent with the corresponding analysis of the Previous CEQA Documents. Therefore, the Project would be expected to result in ***No New Impact***, relative to cumulative impacts, when compared to the Previous CEQA Documents.

Criteria c) Substantially Adverse Effects

The Project may result in the emission of air quality pollutants that may contribute on a cumulative basis toward exceeding established air quality thresholds. The emission of these air quality pollutants could cause adverse effects on the health of nearby residents. While this impact was fully discussed and

disclosed in a previously certified environmental document, the current Project would add additional residents and businesses which may increase the severity of health-related air quality impacts, traffic impacts and aesthetic impacts. Therefore, for this topic, it is assumed the current Project may result in a ***Potentially Significant Impact*** which will be addressed in the forthcoming Supplemental EIR.

Appendix C

Stationary Source Risk & Hazard Locations

BAAQMD's Stationary Source Risk & Hazard Analysis Tool, Google Earth
Sources within the South Hayward BART area or 1000 feet from it.

													Totals
Alameda_2010_schema:FID	2226	439	27	814	1043	1998	223	2150	1793	2072	1651	1671	
Alameda_2010_schema:PlantNo	3804	3576	17848	2927	G7738	G9213	G771	17996	11065	G9014	G11037	4309	
Alameda_2010_schema:Plant	Wilma's Collision Repair	Catholic Cremation Services	A & K Body Paint	Earl Scheib Auto Paint Shop	Hayward Rentals & Sales Inc	Tosco Northwest Company	ARCO Service Station	Verizon Wireless (Mission Tennyson)	Serra Corporation	Unocal #4199	Quick Gas N Shop	Rainbow Cleaners	
Alameda_2010_schema:Address	25571 DOLLAR STREET	1051 HARDER ROAD	27425 MISSION BLVD	27369 MISSION BLVD	27823 Mission Blvd	28590 Mission Blvd	650 Tennyson Road	275 INDUSTRIAL PKWY	20478 MISSION BLVD	29874 Mission Blvd	29900 Mission Blvd	427 INDUSTRIAL PKWY	
Alameda_2010_schema:City	Hayward	Hayward	Hayward	Hayward	Hayward	Hayward	Hayward	Hayward	Hayward	Hayward	Hayward	Hayward	
Alameda_2010_schema:UTM_East	582089.477	582652.7	582905	582944.1	583073	583412	583344	584057.98	584078	584259	584288	584124	
Alameda_2010_schema:UTM_North	4167623.046	4167460	4166572	4166454	4166323	4165917	4165882	4165103	4165086	4165006	4164973	4164867	
Alameda_2010_schema:Risk	0	Contact District Staff	0	0	Contact District Staff	0.25	0.98	Contact District Staff	0	0.27	0.51	7.51	9.52
Alameda_2010_schema:Hazard	0.006	Contact District Staff	0	0	Contact District Staff	0.004	0.016	Contact District Staff	0	0.004	0.008	0.02	0.058
Alameda_2010_schema:PM25	0	Contact District Staff	0	0	Contact District Staff	0	0.001	Contact District Staff	0	0	0.001	0	0.002

Appendix D

Roadway Risk & Hazard Values

Mission Blvd. (238) Health Risk Screening				Source		
68,000	Annual Average Daily Traffic			1		
East or West of Alameda County Higway 238				2		
	Distance (feet)					
AADT	100	200	500	700	1,000	
PM2.5 Concentration (ug/m3)					Threshold:	0.3
131,000	1.5	0.62	0.3	0.23	0.15	
68,000	0.78	0.32	0.16	0.12	0.08	
Lifetime Excess Cancer Risk (1 x 10^6)					Threshold:	10
131,000	125	45	18	12	9	
68,000	64.89	23.36	9.34	6.23	4.67	
Noncancer Chronic Hazard Index					Threshold:	1
131,000	0.17	0	0	0	0	
68,000	0.09	0	0	0	0	

Sources

1 Caltrans, 2010, Traffic and Vehicle Data Systems Unit, 2009 All Traffic Volumes on CSHS, accessed at http://traffic-counts.dot.ca.gov/2009all/2009TrafficVolumes.htm
AADT for highway 238 postmile 11.201, Hayward, Harder Road, sum of both directions.

2 BAAQMD, 12/29/2010, Risk and Hazard Screening Analysis Process.

Appendix E

Traffic Study

180 Grand Avenue, Suite 250
Oakland, CA 94612
www.dowlinginc.com

510.839.1742
510.839.0871 fax
traffic@dowlinginc.com

Dowling Associates, Inc.

Date: April 01, 2011

Memorandum

To: David Rizk, Planning Director, City of Hayward

CC: Robert Bauman, Don Frascinella, City of Hayward, Kevin Colin, Lamphier-Gregory

From: Damian Stefanakis, Kamala Parks, Dowling Associates, Inc.

Reference #: P10020

Subject: South Hayward BART SEIR Traffic Study – Final Report

Dowling Associates has prepared this memorandum to outline the steps completed for the South Hayward BART Supplemental EIR Traffic Study. A glossary at the end of this document defines the acronyms. The detailed intersection level of service calculation sheets are included in the technical appendix.

Setting

A draft environmental impact report (DEIR) was published in April 2006 for the conceptual redevelopment of land around the South Hayward BART Station Area associated with the *South Hayward BART/ Mission Boulevard Concept Design Plan*. Three development alternatives were studied at a program level for the DEIR: High-density (Urban), Low-density (Suburban), and Medium-density (Blended). The traffic impacts of these three alternatives were analyzed in the Transportation and Circulation section of the DEIR. In addition, the impacts associated with a fourth alternative, known as the Draft Concept Design Plan Alternative (similar to the Blended Alternative), were analyzed in the Alternatives section of the DEIR. The final EIR (FEIR) was certified by City Council in June 2006. The land use plan in the adopted *South Hayward BART/ Mission Boulevard Concept Design Plan* most closely related to the Draft Concept Plan Alternative studied in the DEIR.

Building upon the *South Hayward BART/ Mission Boulevard Concept Design Plan EIR*, this memorandum details the traffic analysis for a new Project. This Project is the South Hayward BART/Mission Boulevard Form-Based Code, related General Plan and Zoning Changes, and related development potential. Traffic analysis was performed for the year 2025 for the Project (Form-Based Code) scenario and compared to year 2025 No Build (Draft Concept Plan Alternative from the *South Hayward BART/ Mission Boulevard*

Concept Design Plan EIR[1]) conditions. This traffic analysis primarily focused on updating the intersection level of service analysis and the CMP link level analysis.

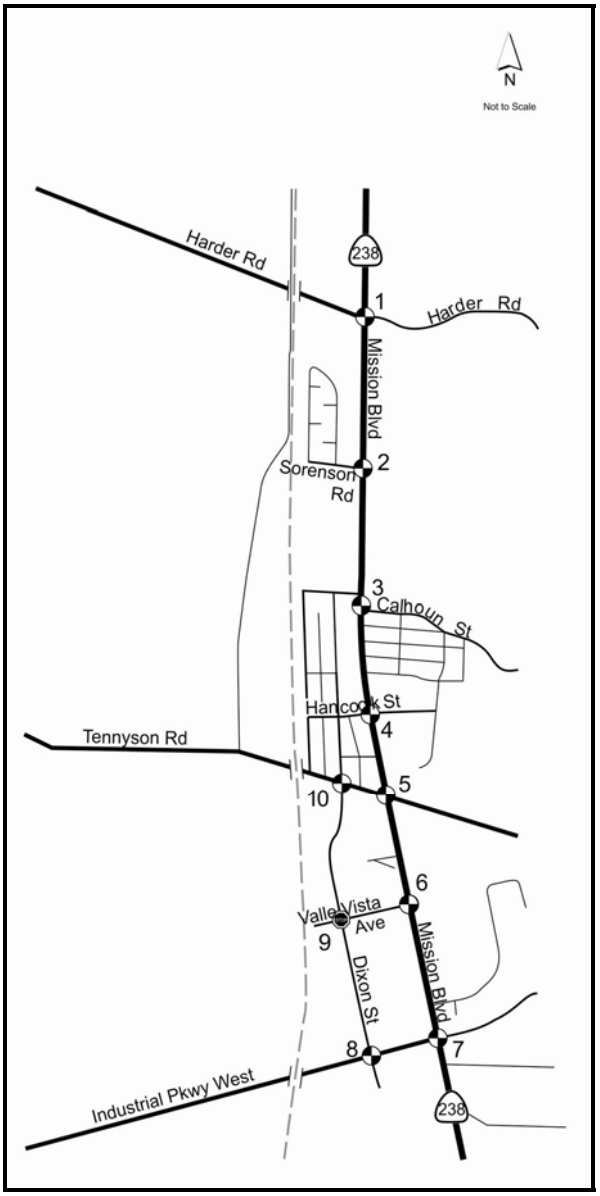
Study Area

The development area and study intersections are shown in Figure 1. The ten intersections that had been studied for the *South Hayward BART/ Mission Boulevard Concept Design Plan EIR* are also analyzed for Level of Service under Project conditions. They are as follows:

[1] The 2025 No Build assumes that traffic mitigations proposed to minimize Level of Service impacts in the *South Hayward BART/ Mission Boulevard Concept Design Plan EIR* would be implemented.

1. Mission Boulevard at Harder Road
2. Mission Boulevard at Sorenson Road
3. Mission Boulevard at Calhoun Street
4. Mission Boulevard at Hancock Street
5. Mission Boulevard at Tennyson Road
6. Mission Boulevard at Valle Vista Avenue
7. Mission Boulevard at Industrial Parkway West
8. Dixon Street at Industrial Parkway West
9. Dixon Street at Valle Vista Avenue
10. Dixon Street-E 12th Street at Tennyson Road

Figure 1: Study Area and Intersections



Description of Analysis

The traffic forecasting methodology used for the Supplemental EIR (SEIR) is based on a similar methodology developed for the previous *South Hayward BART/ Mission Boulevard Concept Design Plan EIR*. It relies on the use of two transportation modeling tools: The more detailed City of Hayward Travel Demand Model for predicting intersection volumes and the more regional Alameda Countywide Congestion Management Agency's (ACCMA) travel demand model for Congestion Management Program (CMP) roadway volumes. The intersection turning volumes are incorporated into TRAFFIX© software to determine levels of service using the Highway Capacity Manual methods. The Citywide travel demand model has been refined in the study to more accurately reflect existing and future vehicle intersection volumes in the local study area. The roadway link volumes from the ACCMA Countywide model were incorporated into the Highway Capacity Manual (HCM) analysis spreadsheet to evaluate level of service conditions on freeways and CMP arterials. These tools were selected to be consistent with the *South Hayward BART/ Mission Boulevard Concept Design Plan EIR*.

Travel Demand Model Assumptions

The City of Hayward has a model that is based on the ACCMA travel demand model to forecast its travel demand. The model is implemented using the EMME/2 software and is based on network assumptions from MTC's 2003 Regional Transportation Plan (RTP), the Countywide Transportation Plan and regional land use based on Association of Bay Area Government's (ABAG) *Projections* 2003, and City General Plan land use within Hayward. The model forecasts AM and PM peak-hour link and intersection volumes based on the industry standard four-step method. It includes a comprehensive post-processing procedure prior to inputting results and analyzing the intersection LOS into TRAFFIX©. The model was recalibrated to 2002 conditions based on updated land use and network assumptions.

For Cumulative 2025 Conditions, the land uses for the Traffic Analysis Zones (TAZs) located within the Project area were obtained from ABAG *Projections* 2003 demographics and are consistent with the City's Existing General Plan and account for all major revisions including any approved General Plan Amendments adopted prior to the South Hayward BART/ Mission Boulevard Concept Design Plan EIR. Planned roadway changes incorporated into the model for this future year are detailed in the cumulative scenarios and generally consist of improvements to I-238 and to the SR 238 Corridor in Hayward.

Although some of the assumptions used in the model may be considered out of date, it was important to use the same planning tools as the DEIR in order to quantify the "delta" or change associated with the new Project. Doing so tiers off work done for previous CEQA documents and ensures consistency between the *South Hayward BART/ Mission Boulevard Concept Design Plan EIR* and the Project (Form-Based Code) SEIR. This change in traffic volume was identified and then applied to the No Build (Draft Concept Plan

Alternative) to obtain the Project (Form-Based Code) condition. The model volumes for the No Build and Project together with the model difference are shown graphically in the technical appendix.

Intersection Level of Service (LOS)

An analysis of traffic conditions was conducted of the study intersections using the most current TRAFFIX © software (version 8.0). Intersection levels of service for vehicles in the project area were analyzed using the Transportation Research Board's *Highway Capacity Manual (HCM)*. Level of service (LOS) is a qualitative indication of the level of delay and congestion experienced by motorists using an intersection. Levels of service are designated by the letters A through F, with A having the best operating conditions and F the worst (high delay and congestion).

LOS Methodology

The 1994 *Highway Capacity Manual* methodology was used to analyze signalized intersections, per City of Hayward's traffic impact study requirements. However, the 2000 *Highway Capacity Manual* was used to analyze unsignalized intersections, based on significant methodological improvements over the 1994 method. The criteria used for signalized intersections are summarized in Table 1 and for unsignalized intersections in Table 2. LOS at signalized intersections and all-way stop-controlled intersections is based on the weighted average delay for all intersection legs.

Table 1: 1994 Highway Capacity Manual LOS Criteria – Signalized Intersections

Level of Service (LOS)	Average Delay (seconds/vehicle)	Description
A	≤ 5	Very Low Delay: This level of service occurs when progression is extremely favorable and most vehicles arrive during a green phase. Most vehicles do not stop at all. Short cycle lengths may also contribute to low delay.
B	> 5 and ≤ 15	Minimal Delays: This level of service generally occurs with good progression, short cycle lengths, or both. More vehicles stop than at LOS A, causing higher levels of average delay.
C	> 15 and ≤ 25	Acceptable Delay: Delay increases due to fair progression, longer cycle lengths, or both. Individual cycle failures may begin to appear at this level of service. The number of vehicles stopping is significant, though many still pass through the intersection without stopping.
D	> 25 and ≤ 40	Approaching Unstable Operation/Significant Delays: The influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable progression, long cycle lengths, or high volume / capacity ratios. Many vehicles stop, and the proportion of vehicles not stopping declines. Individual cycle failures are noticeable.
E	> 40 and ≤ 60	Unstable Operation/Substantial Delays: These high delay values generally indicate poor progression, long cycle lengths, and high volume / capacity ratios. Individual cycle failures are frequent occurrences.
F	> 60	Excessive Delays: This level, considered unacceptable to most drivers, often occurs with oversaturation (that is, when arrival traffic volumes exceed the capacity of the intersection). It may also occur at high volume / capacity ratios below 1.0 with many individual cycle failures. Poor progression and long cycle lengths may also be major contributing causes to such delay levels.
Source: Transportation Research Board, *Highway Capacity Manual,* Washington, D.C., 1994, pages 9-6 and 9-7		
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Table 2: 2000 Highway Capacity Manual LOS Criteria – Unsignalized Intersections

Level of Service (LOS)	Average Delay (seconds/vehicle)	Description
A	≤ 10	Very Low Delay
B	> 10 and ≤ 15	Minimal Delays
C	> 15 and ≤ 25	Acceptable Delay
D	> 25 and ≤ 35	Approaching Unstable Operation and/or Significant Delays
E	> 35 and ≤ 50	Unstable Operation and/or Substantial Delays
F	> 50	Excessive Delays
Source: *Highway Capacity Manual,* 2000, pages 17-2 and 17-32, Transportation Research Board, Washington, D.C.		
Dowling Associates, Inc.		

LOS Significance Criteria

The following specifies the significance criteria used to determine Project impacts for this traffic analysis.

Intersection

The City of Hayward's General Plan states that the City shall "seek a minimum Level of Service D at intersections during the peak commute periods except when LOS E may be acceptable due to costs of mitigation or when there would be other unacceptable impacts".[2] Additionally, for the purposes of this analysis, a significant impact will exist if the Project causes the delay per vehicle to increase by 4 seconds or more at an intersection operating at LOS F under No Build conditions. This is consistent with the *Route 238 Corridor Improvement Project* significance standards.

CMP Roadways

The Alameda County Congestion Management Agency (ACCMA) requires a separate analysis of the potential impacts of the project on the metropolitan transportation system (MTS). ACCMA's arterial level of service standard is LOS F. It does not have a separate standard to determine a threshold of significance for the level of service, and such a threshold is left to local jurisdictions' discretion. Based on the recommended significance

[2] Page 3-26 of Hayward's Circulation Element on Improving Local Access and Circulation 11-1

criteria, it is determined that a link already at LOS F is considered impacted if the project increases traffic by more than 5%.

Project Description

The Project analyzed in this report is a Form-Based Code, which entails regulation changes and associated potential development. The Project assumes higher residential densities and commercial development compared to the previous Draft Concept Plan Alternative from the *South Hayward BART/Mission Boulevard Concept Design Plan EIR*.

Table 3 shows land uses assumed for the No Build (Draft Concept Plan Alternative compared to the Project (Form-Based Code). Table 4 shows land uses by Traffic Analysis Zone (TAZ) as input into the traffic model. Because the traffic model uses jobs as an input for computing trip generation, the Project's commercial square footage was converted to number of jobs using factors consistent with the General Plan, as shown in Table 3. The approximate factor is 500 commercial square feet per job, which is consistent with the factor used on page 111 of the *South Hayward BART/Mission Boulevard Concept Design Plan DEIR*. Commercial land use splits for the Project (Form-Based Code) were assumed to be 5% Manufacturing, 30% Retail, 50% Service, and 15% Other, consistent with the splits assumed for the *South Hayward BART/ Mission Boulevard Concept Design Plan EIR*.

Table 3: Summary of Land Use

Scenario (Year 2025)	Households	Commercial Square Footage	=	Jobs (3)
No Build (1)	2,814	-69,500	=	-107
Project (2)	3,585	149,113	=	298
Net Change	**771**	**218,613**	**=**	**405**

(1) No Build scenario is the Draft Concept Plan from the *South Hayward BART/Mission Boulevard Concept Design Plan EIR*

(2) Project scenario is the proposed Form-Based Code, with number of households and commercial square footage supplied to Dowling Associates via email on July 20, 2010 by David Rizk of City of Hayward.

(3) Approximate factor is 500 commercial square feet per job

The scenarios may subtract out some existing uses, which explains the possibility of negative numbers.

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Table 4: Summary of Land Use by Traffic Analysis Zone (TAZ) Model Inputs

	2025 No Build (1)		2025 Project (2)		Net Change	
TAZ	Households	Jobs (3)	Households	Jobs (3)	Households	Jobs (3)
88	159	-91	546	-168	387	-77
91	438	-27	348	45	-90	72
92	234	-11	583	100	349	111
93	442	-32	417	316	-25	349
94	-9	13	89	-90	98	-103
100	-37	51	115	7	152	-45
110	378	-6	202	0	-176	6
111	378	-6	495	-18	117	-13
112	554	1	343	-17	-212	-18
113	277	1	447	123	170	123
Total	**2,814**	**-107**	**3,585**	**298**	**771**	**405**

(1) No Build scenario is the Draft Concept Plan from the *South Hayward BART/Mission Boulevard Concept Design Plan EIR*

(2) Project scenario is the proposed Form-Based Code, with number of households and commercial square footage supplied to Dowling Associates via email on July 20, 2010 by David Rizk of City of Hayward.

(3) Number of jobs derived from commercial square feet using an approximate factor of 500 SF per job

The scenarios may subtract out some existing uses, which explains the possibility of negative numbers.

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Intersection Analysis

This section details results from analysis of No Build and Project conditions for cumulative year 2025 conditions at the ten study intersections.

Cumulative (2025) No Build Conditions

As indicated previously, the year 2025 Draft Concept Plan from the *South Hayward BART/Mission Boulevard Concept Design Plan EIR* is considered the No Build scenario for this traffic analysis. Intersection turning movement volumes and lane geometries for this scenario are displayed in Figure 2. A summary of vehicle LOS for the 2025 No Build scenario is shown in Table 5.

Figure 2: 2025 No Build Intersection Volumes and Geometries for AM and PM Peak Hour

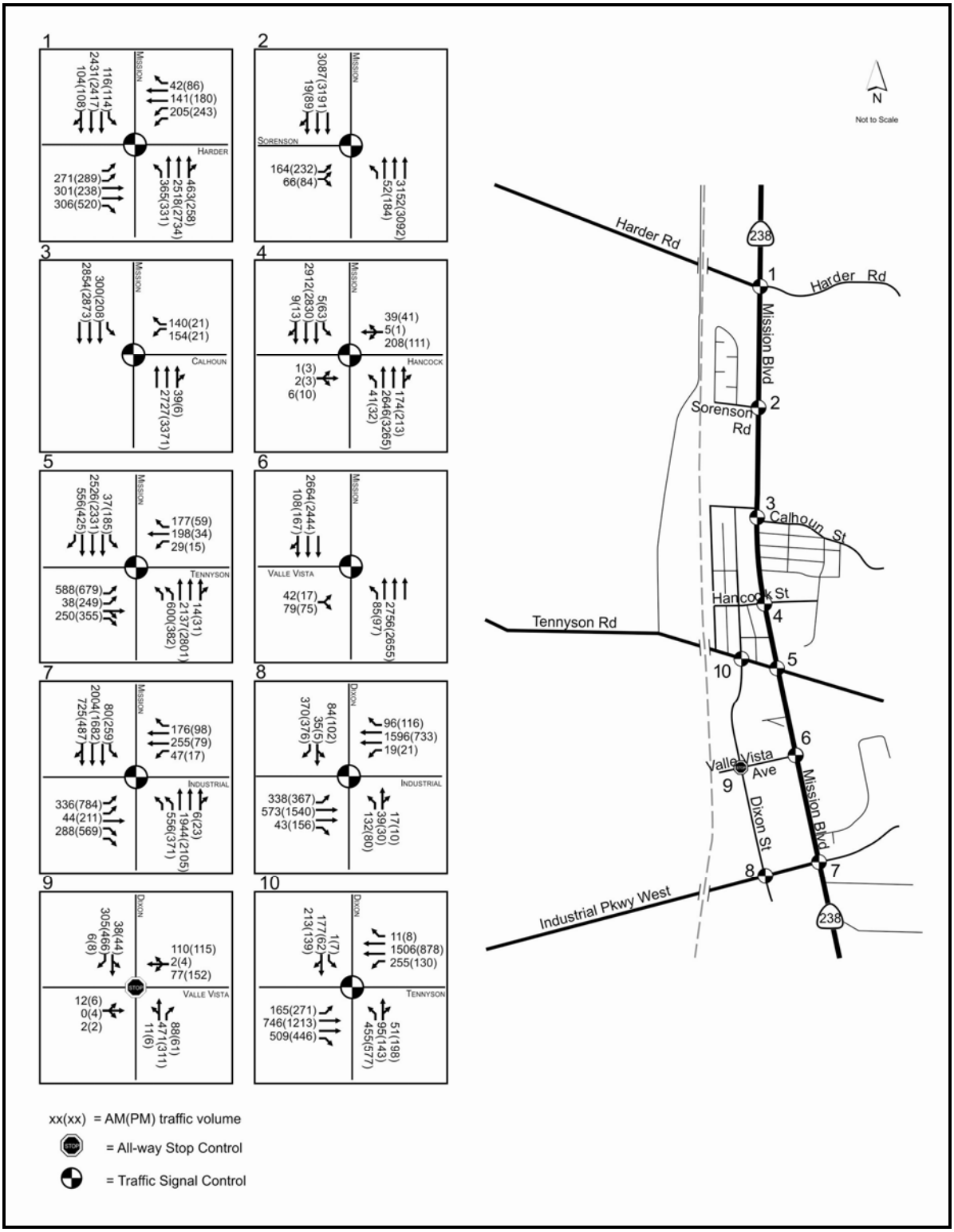

Table 5: 2025 No Build – Intersection Level of Service

Intersection		Traffic Control	Peak-Hour	LOS	Delay
1	Mission Boulevard at Harder Road	Signal	AM	D	30
			PM	D	40
2	Mission Boulevard at Sorenson Road	Signal	AM	B	8
			PM	B	15
3	Mission Boulevard at Calhoun Street	Signal	AM	B	14
			PM	B	8
4	Mission Boulevard at Hancock Street	Signal	AM	B	12
			PM	B	10
5	Mission Boulevard at Tennyson Road	Signal	AM	D	39
			PM	D	29
6	Mission Boulevard at Valle Vista Avenue (1)	Signal	AM	A	3
			PM	A	3
7	Mission Boulevard at Industrial Parkway West	Signal	AM	D	39
			PM	D	37
8	Dixon Street at Industrial Parkway West	Signal	AM	C	18
			PM	B	14
9	Dixon Street at Valle Vista Avenue	All Way Stop	AM	C	17
			PM	C	22
10	Dixon Street at Tennyson Road (2)	Signal	AM	D	32
			PM	C	23

(1) The intersection of Mission Boulevard-Valle Vista Avenue is currently stop-controlled but will be signalized by 2025.

(2) The intersection of Dixon Street - Tennyson Avenue shows the LOS with recommended mitigations from the DEIR

LOS = Level of Service; **Delay** = Weighted average delay for vehicles in seconds

Signalized intersections were analyzed using the 1994 Highway Capacity Manual (HCM) whereas the stop-controlled intersection was analyzed using the 2000 HCM.

Source: South Hayward BART/Mission Boulevard Concept Design Plan FEIR

According to the DEIR, as shown in Table 5, all study intersections under 2025 No Build conditions were projected to operate at LOS "D" or better after mitigations were applied.

Adjustments to 2025 No Build LOS

After the certification of the *South Hayward BART/Mission Boulevard Concept Design Plan EIR*, it was discovered that three of the signalized study intersections were missing

loss time in the analysis. Loss time is typically incorporated at each signalized intersections to account for seconds lost (for yellow and all-red signal indications) as a result of switching each phase of the traffic signal over its complete cycle. Generally, the loss time is about 3 seconds for each phase in a traffic signal's cycle. For example, a traffic signal with a cycle of 90 seconds and only two phases (one phase for eastbound-westbound travel through an intersection, the other for northbound-southbound) would incorporate a total of 6 seconds of loss time, for an effective green time of 84 seconds per cycle. Traffic signals with protected turn phases require more loss time to be incorporated in the analysis, but usually no more than 12 seconds in the City of Hayward. The following study intersections were lacking loss time in the previous analysis:

6. Mission Boulevard at Valle Vista Avenue
8. Dixon Street at Industrial Parkway West
10. Dixon Street-E 12th Street at Tennyson Road

Additionally, the delay for the intersection of Mission Boulevard at Harder Road is slightly less compared to the delay reported in the EIR, but the LOS remains the same. Finally, the intersection geometry[3] and minor turning movement volumes[4] for Mission Boulevard at Tennyson Road needed to be revised from the original analysis. Table 6 displays the revised LOS and delay for these four intersections compared to the original reported in the *South Hayward BART/Mission Boulevard Concept Design Plan EIR*.

[3] Lane geometries at the Mission Boulevard-Tennyson Street intersection for the *South Hayward BART/ Mission Boulevard Concept Design Plan* had one shared southbound through-right turn lane and three southbound through lanes. The lane geometries for this study have been revised as shown in Figure 2.

[4] Volumes at Mission Boulevard-Tennyson Street intersection for the South Hayward BART/ Mission Boulevard Concept Design Plan were mostly zero for the northbound right and westbound left in the AM and PM peak-hour. Volumes for this study have been revised as shown in Figure 2.

Table 6: 2025 No Build Intersection LOS – Original EIR Compared to Revised Analysis

	Intersection	Traffic Control	Peak-Hour	Original LOS	Original Delay	Revised LOS	Revised Delay
1	Mission Boulevard at Harder Road (1)	Signal	AM	D	30	D	28.9
			PM	D	40	D	36.7
5	Mission Boulevard at Tennyson Road (2)	Signal	AM	D	39	***E***	***43.5***
			PM	D	29	D	30.6
6	Mission Boulevard at Valle Vista Avenue (3)	Signal	AM	A	3	B	5.4
			PM	A	3	A	4.6
8	Dixon Street at Industrial Parkway West (3)	Signal	AM	C	18	C	24.8
			PM	B	14	C	16.3
10	Dixon Street at Tennyson Road (3)	Signal	AM	D	32	***E***	***51.9***
			PM	C	23	D	29.2

Original LOS and delay as reported in the *South Hayward BART/Mission Boulevard Concept Design Plan FEIR*

(1) Change in seconds of delay only, LOS remains the same

(2) Change in LOS and delay due to change of intersection lane geometries and revised volumes

(3) Change in LOS and delay due to addition of loss time

Source: Dowling Associates, Inc. using TRAFFIX 8.0

As a result of this revised analysis, the intersection of Dixon Street at Tennyson Road and the intersection of Mission Boulevard at Tennyson Road are projected to operate at LOS "E" in the AM peak-hour for the 2025 No Build conditions. The other intersections are projected to continue operating at LOS "D" or better with the revised analysis.

The revised LOS and delay will be used for the No Build analysis when compared to Project conditions.

Cumulative (2025) + Project Conditions

Intersection turning movement volumes and lane geometries for 2025 + Project are displayed in Figure 3. A summary of vehicle LOS for the 2025 + Project scenario is shown in Table 7.

Figure 3: 2025 + Project Intersection Volumes and Geometries for AM and PM Peak Hour

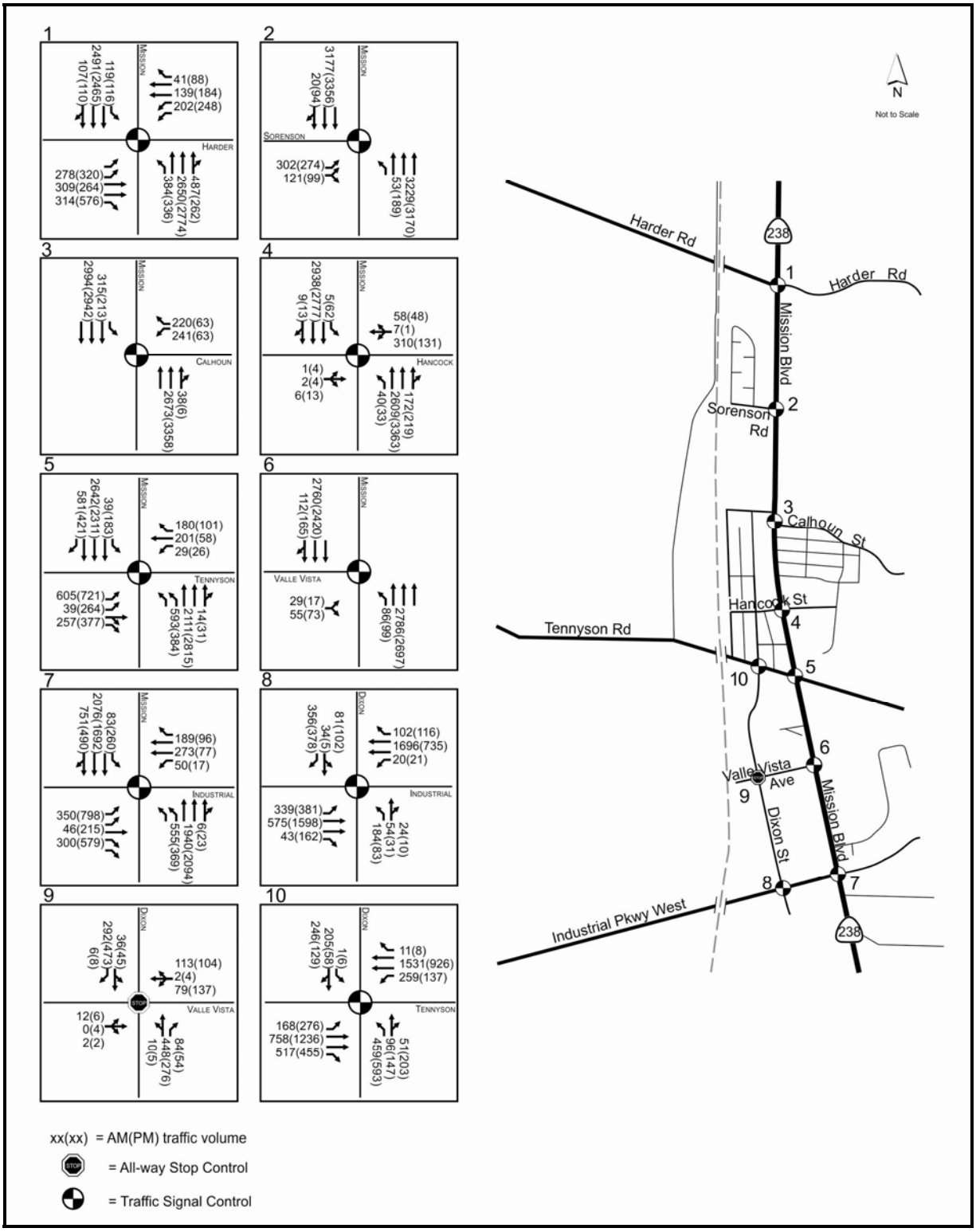

Table 7: 2025 Intersection Level of Service for No Build and Project

	Intersection	Traffic Control	Peak-Hour	No Build (1) LOS	No Build (1) Delay	Project LOS	Project Delay
1	Mission Boulevard at Harder Road	Signal	AM	D	28.9	D	31.6
			PM	D	36.7	***E***	***47.3***
2	Mission Boulevard at Sorenson Road	Signal	AM	B	7.6	B	13.7
			PM	B	14.7	C	20.4
3	Mission Boulevard at Calhoun Street	Signal	AM	B	14.2	C	19.0
			PM	B	7.7	B	9.8
4	Mission Boulevard at Hancock Street	Signal	AM	B	11.8	C	18.4
			PM	B	9.5	B	11.7
5	Mission Boulevard at Tennyson Road	Signal	AM	***E***	***43.5***	***E***	***49.9***
			PM	D	30.6	D	34.8
6	Mission Boulevard at Valle Vista Avenue (2)	Signal	AM	B	5.4	A	4.3
			PM	A	4.6	A	4.6
7	Mission Boulevard at Industrial Parkway West	Signal	AM	D	39.3	***E***	***46.7***
			PM	D	36.9	D	37.3
8	Dixon Street at Industrial Parkway West	Signal	AM	C	24.8	D	26.8
			PM	C	16.3	C	16.4
9	Dixon Street at Valle Vista Avenue	All Way Stop	AM	C	16.8	C	15.6
			PM	C	21.6	C	20.6
10	Dixon Street at Tennyson Road	Signal	AM	***E***	***51.9***	***F***	***66.8***
			PM	D	29.2	D	30.6

(1) No Build LOS and delay based on the revised analysis contained in Table 4

(2) The intersection of Mission Boulevard-Valle Vista Avenue is currently stop-controlled but will be signalized by 2025.

LOS = Level of Service; **Delay** = Weighted average delay for vehicles in seconds

Signalized intersections were analyzed using the 1994 Highway Capacity Manual (HCM) whereas the stop-controlled intersection was analyzed using the 2000 HCM.

Source: Dowling Associates, Inc. using TRAFFIX 8.0

As summarized in Table 7, the addition of the Project's traffic volumes will cause impacts at the following intersections:

1 Mission Boulevard at Harder Road is projected to operate at LOS "E" in the PM peak-hour

5 Mission Boulevard at Tennyson Road, which was projected to operated at LOS "E" in the AM peak-hour under 2025 No Build conditions, will continue to operate at LOS "E" with the Project adding 6.4 seconds of average delay

7 Mission Boulevard at Industrial Parkway West is projected to operate at LOS "E" in the AM peak-hour

10 Dixon Street at Tennyson Road is projected to operate at LOS "F" in the AM peak-hour (from LOS "E" under 2025 No Build conditions)

Congestion Management Program (CMP) Analysis

This section describes the update to the Congestion Management Plan (CMP) analysis for the Form-Based Code Project. Changes to land use with the new project are deemed significant enough that they could result in potential new impacts. The land use changes resulting from the project are identified in the Table 3 and Table 4.

The methodology used in this analysis relied on building off the previous analysis from the *South Hayward BART/Mission Boulevard Concept Design Plan EIR*. The methodology used the same travel demand model, the ACCMA Countywide model, to test the new land use for the Form-Based Code Project. The land use was input into the model and was used to identify the change in traffic resulting from the new project compared to the previously analyzed 2025 No-Project from the *South Hayward BART/Mission Boulevard Concept Design Plan EIR*. This change was applied to the results from the previous CMP analysis. The new project volumes were then compared to the 2025 No-Project in order to identify any new impacts. The volumes for the 2025 No Project are shown in Table 8 and new Form-Based Code Project volumes are shown in Table 9. Table 10 and Table 11 compare the results between the 2025 No Build and 2025 Form-Based Code Project by direction for all CMP links and summarize the volumes, level of service, percent change in Volume-to-Capacity ratio (V/C) and identification of any impacted locations.

As a result of the project, there are increases in PM peak hour volumes at most link locations without causing new impacts.

Table 8: 2025 No Build CMP Volumes for the PM Peak-Hour

Link Location	Northbound/ Eastbound					Southbound/ Westbound					Facility Type
	Volume	Capacity	V/C	Lanes	LOS	Volume	Capacity	V/C	Lanes	LOS	
Interstate/State Highways											
I-880 North of "A" St	9,017	8,400	1.07	4	F	8,939	8,400	1.06	4	F	Freeway
I-880 North of Tennyson Rd	7,142	6,300	1.13	3	F	6,676	6,300	1.06	3	F	Freeway
I-880 North of Whipple Rd	7,016	6,300	1.11	3	F	7,556	6,300	1.20	3	F	Freeway
I-238 East of I-880	3,609	6,300	0.57	3	C	5,805	6,300	0.92	3	E	Freeway
I-580 East of I-238	5,457	10,500	0.52	5	B	9,804	10,500	0.93	5	E	Freeway
I-580 East of Grove Wy	5,913	8,400	0.70	4	C	10,308	8,400	1.23	4	F	Freeway
Foothill Blvd (SR-238) North of "A" St	4,236	3,481	1.22	4	F	2,719	3,481	0.78	4	B	Class 1A
Foothill Blvd (SR-238) South of "A" St	4,563	4,121	1.11	5	F	3,673	4,121	0.89	5	C	Class 1A
Mission Blvd (SR-238) North of Harder Rd	2,870	2,841	1.01	3	F	2,253	2,841	0.79	3	B	Class 1A
Mission Blvd (SR-238) North of Tennyson Rd	3,042	2,841	1.07	3	F	2,398	2,841	0.84	3	C	Class 1A
Mission Blvd (SR-238) North of Industrial Pkwy	2,974	2,841	1.05	3	F	2,304	2,841	0.81	3	C	Class 1A
Arterials											
Harder Rd West of Mission Blvd	1,274	1,800	0.71	2	D	729	1,800	0.41	2	C	Class 1B
Tennyson Rd West of Mission Blvd	1,515	1,800	0.84	2	D	973	1,800	0.54	2	C	Class 1B
Industrial Pkwy West of Dixon Rd	1,343	1,800	0.75	2	D	650	1,800	0.36	2	C	Class 1B
Whipple Rd West of Mission Blvd	737	840	0.88	1	E	665	840	0.79	1	E	Class 2
Sum	***60,708***					***65,452***					

V/C = Volume-to-capacity ratio

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Table 9: 2025 + Project CMP Volumes for the PM Peak-Hour

Link Location	Northbound/ Eastbound					Southbound/ Westbound					Facility Type
	Volume	Capacity	V/C	Lanes	LOS	Volume	Capacity	V/C	Lanes	LOS	
Interstate/State Highways											
I-880 North of "A" St	9,007	8,400	1.07	4	F	8,928	8,400	1.06	4	F	Freeway
I-880 North of Tennyson Rd	7,203	6,300	1.14	3	F	6,714	6,300	1.07	3	F	Freeway
I-880 North of Whipple Rd	7,059	6,300	1.12	3	F	7,644	6,300	1.21	3	F	Freeway
I-238 East of I-880	3,662	6,300	0.58	3	C	5,950	6,300	0.94	3	E	Freeway
I-580 East of I-238	5,490	10,500	0.52	5	B	9,834	10,500	0.94	5	E	Freeway
I-580 East of Grove Wy	5,967	8,400	0.71	4	C	10,277	8,400	1.22	4	F	Freeway
Foothill Blvd (SR-238) North of "A" St	4,248	3,481	1.22	4	F	2,804	3,481	0.81	4	B	Class 1A
Foothill Blvd (SR-238) South of "A" St	4,588	4,121	1.11	5	F	3,584	4,121	0.87	5	C	Class 1A
Mission Blvd (SR-238) North of Harder Rd	2,812	2,841	0.99	3	D	2,421	2,841	0.85	3	C	Class 1A
Mission Blvd (SR-238) North of Tennyson Rd	3,184	2,841	1.12	3	F	2,449	2,841	0.86	3	C	Class 1A
Mission Blvd (SR-238) North of Industrial Pkwy	2,938	2,841	1.03	3	F	2,315	2,841	0.81	3	C	Class 1A
Arterials											
Harder Rd West of Mission Blvd	1,485	1,800	0.83	2	D	805	1,800	0.45	2	C	Class 1B
Tennyson Rd West of Mission Blvd	1,722	1,800	0.96	2	E	1,073	1,800	0.60	2	D	Class 1B
Industrial Pkwy West of Dixon Rd	1,475	1,800	0.82	2	D	713	1,800	0.40	2	C	Class 1B
Whipple Rd West of Mission Blvd	741	840	0.88	1	E	674	840	0.80	1	E	Class 2
Sum	***61,581***					***66,185***					

V/C = Volume-to-capacity ratio

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Table 10: CMP Analysis – 2025 Level of Service Comparison for PM Peak Hour – Northbound / Eastbound Direction

Link Location	Volume		Difference		LOS		Change in V/C	Change in LOS
	No Build	Project	%	Volume	No Build	Project		
Interstate/State Highways								
I-880 North of "A" St	9,017	9,007	-0.1%	-10	F	F	no	no change
I-880 North of Tennyson Rd	7,142	7,203	0.8%	61	F	F	no	no change
I-880 North of Whipple Rd	7,016	7,059	0.6%	43	F	F	no	no change
I-238 East of I-880	3,609	3,662	1.4%	53	C	C	no	no change
I-580 East of I-238	5,457	5,490	0.6%	33	B	B	no	no change
I-580 East of Grove Wy	5,913	5,967	0.9%	54	C	C	no	no change
Foothill Blvd (SR-238) North of "A" St	4,236	4,248	0.3%	12	F	F	no	no change
Foothill Blvd (SR-238) South of "A" St	4,563	4,588	0.5%	25	F	F	no	no change
Mission Blvd (SR-238) North of Harder Rd	2,870	2,812	-2.1%	-58	F	D	no	change
Mission Blvd (SR-238) North of Tennyson Rd	3,042	3,184	4.5%	142	F	F	yes	no change
Mission Blvd (SR-238) North of Industrial Pkwy	2,974	2,938	-1.2%	-36	F	F	no	no change
Arterials								
Harder Rd West of Mission Blvd	1,274	1,485	14.2%	211	D	D	yes	no change
Tennyson Rd West of Mission Blvd	1,515	1,722	12.0%	207	D	E	yes	change
Industrial Pkwy West of Dixon Rd	1,343	1,475	8.9%	132	D	D	yes	no change
Whipple Rd West of Mission Blvd	737	741	0.5%	4	E	E	no	no change
	60,708	***61,581***	***1.4%***	***873***				

V/C = Volume-to-capacity ratio; Impacted locations are highlighted

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Table 11: CMP Analysis – 2025 Level of Service Comparison for PM Peak Hour – Southbound / Westbound Direction

Link Location	Volume		Difference		LOS		Change in V/C	Change in LOS
	No Build	Project	%	Volume	No Build	Project		
Interstate/State Highways								
I-880 North of "A" St	8,939	8,928	-0.1%	-11	F	F	no	no change
I-880 North of Tennyson Rd	6,676	6,714	0.6%	38	F	F	no	no change
I-880 North of Whipple Rd	7,556	7,644	1.2%	88	F	F	no	no change
I-238 East of I-880	5,805	5,950	2.4%	145	E	E	no	no change
I-580 East of I-238	9,804	9,834	0.3%	30	E	E	no	no change
I-580 East of Grove Wy	10,308	10,277	-0.3%	-31	F	F	no	no change
Foothill Blvd (SR-238) North of "A" St	2,719	2,804	3.0%	85	B	B	no	no change
Foothill Blvd (SR-238) South of "A" St	3,673	3,584	-2.5%	-89	C	C	no	no change
Mission Blvd (SR-238) North of Harder Rd	2,253	2,421	6.9%	168	B	C	yes	change
Mission Blvd (SR-238) North of Tennyson Rd	2,398	2,449	2.1%	51	C	C	no	no change
Mission Blvd (SR-238) North of Industrial Pkwy	2,304	2,315	0.5%	11	C	C	no	no change
Arterials								
Harder Rd West of Mission Blvd	729	805	9.4%	76	C	C	yes	no change
Tennyson Rd West of Mission Blvd	973	1,073	9.3%	100	C	C	yes	no change
Industrial Pkwy West of Dixon Rd	650	713	8.8%	63	C	C	yes	no change
Whipple Rd West of Mission Blvd	665	674	1.3%	9	E	E	no	no change
	65,452	***66,185***	***1.1%***	***733***				

V/C = Volume-to-capacity ratio

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Impacts and Mitigations

This section describes traffic impacts due to the Project and potential mitigation measures.

Traffic Impact 1 – Intersection Analysis

The Project will cause two intersections to operate at "E" or "F" in 2025. Additionally, the Project will increase average delay at two other intersections that are projected to operate at LOS "E" under no build conditions, causing one of the intersections to operate at LOS "F". The discussion of signal timing and lane geometry mitigation measures assumes those planned under 2025 No Build as the base condition, which often differ from existing conditions. The detailed intersection LOS calculations in the appendix contain intersection lane geometry and signal timing assumptions for all analysis scenarios. The following describes the impact to each study intersection and potential mitigation measures that may reduce vehicle delay.

Most of the recommended mitigations primarily involve signal modification and signal operation changes and have been recommended for long-term 2025 conditions. The need for these mitigations would be influenced by changing conditions in the corridor, both in terms of land use and regional traffic growth, therefore to establish if they are still needed, it is recommended that these mitigations be retested in the future when project specific applications are received.

Traffic Impact 1A – Mission Boulevard at Harder Road is projected to operate at LOS "E" in the PM peak-hour. This is considered a potentially significant impact.

(The Previous CEQA Documents concluded that the Mission Boulevard/Harder Road intersection would not be significantly affected by traffic generated under the Concept Design Plan by the year 2025, thus no mitigation at this intersection was recommended. Therefore, for the current Project, this is considered a new potentially significant impact).

Mitigation Measure 1A – To mitigate LOS "E" in the PM peak-hour, the signal phasing of this intersection is recommended to be changed to split phasing with right-turn overlap phasing in the eastbound and westbound directions during the northbound and southbound protected left-turn phase. Then convert one eastbound exclusive left turn lane into a shared left and through. The final step is to convert one eastbound through lane into an exclusive right. This would allow for a double right turn lane to handle the high right turn volume in the PM peak. Then provide overlap phasing for the westbound right turns and eastbound right turns. These changes would involve no adjustments to the right-of-way assumed in 2025. However, U-turns in the northbound and southbound direction will need to be prohibited to avoid conflicts with the right turn overlap phasing. Implementation of

these mitigation measures would result in the intersection level of service to become "D" in the PM peak-hour.

This mitigation, which involves no roadway widening, is likely feasible based on a review of the *Route 238 Corridor Improvement Project* plans.

It should be noted that average delay in the AM peak-hour is projected to increase as a result of the mitigation measures proposed, but not enough to create an impact. This occurs because the mitigation measures developed for the PM peak-hour adds delay to some of the critical vehicle movements in the AM peak-hour. For further detail, please see the appendix for the detailed LOS calculations.

Significance after mitigation –Less than significant

Traffic Impact 1B – Mission Boulevard at Tennyson Road is projected to operate at LOS "E" in the AM peak-hour. This is considered a potentially significant impact.

(The Previous CEQA Documents concluded that the Mission Boulevard/Harder Road intersection would not be significantly affected by traffic generated under the Concept Design Plan by the year 2025, thus no mitigation at this intersection was recommended. Therefore, for the current Project, this is considered a new potentially significant impact).

Mitigation Measure 1B – While there is currently no eastbound leg at the Mission Boulevard/Tennyson Road intersection, the Previous CEQA Documents assumed its presence and extension to a new north/south arterial when analyzing the potential effects of each respective project. The extension of this eastbound leg of Tennyson Road is shown in the Hayward General Plan and is included in the approved La Vista development project . It is also been accommodated in the Route 238 Corridor Improvement project presently under construction.

Mitigation of this intersection for the LOS "E" condition during the AM peak-hour includes changing the signal timing to split phasing in the eastbound and westbound directions. This phasing modification is already planned for the *Route 238 Corridor Improvement Project*. With the implementation of split phasing, the eastbound shared through-right lane should be converted to an eastbound shared left-through to handle more left turning volume. Restripe the westbound approach to create a shared left-through to compensate for the higher volume through movement and an exclusive right turn lane. These changes involve no adjustments to the right-of-way assumed in 2025; however, U-turns in the northbound and southbound direction will need to be prohibited to avoid conflicts with the right turn overlap phasing. It is expected that this long-term mitigation will be revisited once westbound Tennyson Road is extended and land uses are developed in the hills east of Mission Boulevard.

Implementation of these mitigation measures would result in the intersection level of service to become "D" in the AM peak-hour.

This mitigation, which involves no roadway widening, is likely feasible based on a review of the *Route 238 Corridor Improvement Project* plans.

Significance after mitigation –Less than significant

Traffic Impact 1C – Mission Boulevard at Industrial Parkway West/Alquire Parkway is projected to operate at LOS "E" in the AM peak-hour. This is considered a potentially significant impact.

(The Previous CEQA Documents determined that this intersection would result in LOS E in the 2025 AM peak period. Mitigation was recommended to modify traffic signal phasing to provide eastbound and westbound right turn overlap phases, and prohibit both northbound and southbound U-turns. This mitigation would have improved the LOS to D in the AM peak period).

Mitigation Measure 1C – To mitigate an LOS "E" condition in the AM peak-hour, provide a right turn overlap for the westbound right turn lane to operate during the southbound left protected phase. This mitigation will require the prohibition of southbound U-turns, but will allow more right turning volumes in the westbound direction to improve overall intersection delay. Implementation of these mitigation measures would result in the intersection level of service to become "D" in the AM peak-hour. This mitigation, which involves no roadway widening, is likely feasible based on a review of the *Route 238 Corridor Improvement Project* plans.

Significance after mitigation –Less than significant

Traffic Impact 1D – Dixon Street-East 12th Street at Tennyson Road is projected to operate at LOS "F" in the AM peak-hour. This is considered a potentially significant impact.

(The Previous CEQA Documents determined that the proposed land use and densities under the Concept Design Plan would result in LOS E at the Dixon Street/Tennyson Road intersection in the AM peak period. Mitigation was recommended in the Previous CEQA Documents to provide northbound and southbound left turn lanes, and to modify the traffic signal at Dixon Street/Tennyson Road to provide for protected-permissive northbound left turns and permissive southbound left turns. This mitigation would have improved the LOS to D in the AM peak period).

Mitigation Measure 1D – The intersection of Dixon Street at Tennyson Road is expected to operate at LOS "E" in the AM peak-hour under 2025 No Build conditions (including loss time).

Mitigations proposed to reduce the Project's impact include creating an exclusive right turn pocket and a shared through-left turn lane in the southbound direction (on the East 12th Street approach). The right-turn pocket may result in the loss of up to seven (7) on-street parking spaces on the west side of East 12th Street from Tennyson Road to Monticello Street. Lane geometries in the northbound direction would remain as they are proposed for the 2025 No Build scenario, with an exclusive left-turn pocket and a shared through-right turn lane. Signal phasing would be changed to split phasing in the northbound and southbound directions, with a southbound right-turn overlap during eastbound and westbound protected left turn phases. U-turns in the eastbound direction would need to be prohibited to minimize conflicts with southbound right-turning vehicles. Implementation of these mitigation measures would result in the intersection level of service to become "D" in the AM peak-hour.

Significance after mitigation – Less than significant

Table 12 summarizes the LOS for each impacted intersection with and without the proposed mitigations.

Table 12: 2025 Intersection Level of Service for Project With and Without Mitigations

	Intersection	Traffic Control	Peak-Hour	Project LOS	Project Delay	Mitigated LOS	Mitigated Delay
1	Mission Boulevard at Harder Road	Signal	AM	D	31.6	D	36.8
			PM	***E***	***47.3***	D	34.6
5	Mission Boulevard at Tennyson Road	Signal	AM	***E***	***49.9***	D	35.4
			PM	D	34.8	D	32.8
7	Mission Boulevard at Industrial Parkway West	Signal	AM	***E***	***46.7***	D	37.4
			PM	D	37.3	D	33.5
10	Dixon Street at Tennyson Road	Signal	AM	***F***	***66.8***	D	37.4
			PM	D	30.6	D	27.0

LOS = Level of Service; **Delay** = Weighted average delay for vehicles in seconds

Signalized intersections were analyzed using the 1994 Highway Capacity Manual (HCM) whereas the stop-controlled intersection was analyzed using the 2000 HCM.

Source: Dowling Associates, Inc. using TRAFFIX 8.0

Traffic Impact 2 – CMP Analysis

As shown in Tables 10 and 11, the Project does contribute to a significant increase in traffic and level of service on selected MTS roadways. However, these increases do not result in a significant impact on any CMP or MTS facility.

Glossary

ABAG	Association of Bay Area Governments
ACCMA	Alameda County Congestion Management Agency (also known as ACTC)
ACTC	Alameda County Transportation Commission
CEQA	California Environmental Quality Act
CMP	Congestion Management Program
DEIR	Draft Environmental Impact Report
EIR	Environmental Impact Report
FEIR	Final Environmental Impact Report
HCM	Highway Capacity Manual
LOS	Level of Service
RTP	Regional Transportation Plan
SEIR	Supplemental Environmental Impact Report

Technical Appendix

The technical appendix includes all detailed intersection level of service calculation sheets using the TRAFFIX © software (version 8.0).

South Hayward BART / Mission Blvd Form-Based Code

Final Supplemental Program EIR

SCH# 2005092093

City of Hayward
Development Services Department
777 B Street, Hayward, CA 94541

June 2011

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Chapters 1 through 10 can be found in the Draft SEIR.

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Appendices A through E can be found in the Draft SEIR

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INTRODUCTION TO THE FINAL EIR

PURPOSE OF THE FINAL SEIR

This document, combined with the Draft Supplemental Program Environmental Impact Report (Draft SEIR) published in April 2011, constitutes the Final Supplemental Program Environmental Impact Report (Final SEIR) prepared for the proposed South Hayward BART/Mission Boulevard Form-Based Code Project (the "Project") in the City of Hayward, California.

This EIR has been prepared pursuant to the California Environmental Quality Act (CEQA) as amended (commencing with Section 21000 of the California Public Resources Code), and the CEQA Guidelines. The Lead Agency for the Project is the City of Hayward. Lamphier-Gregory, Inc. and their subconsultant Dowling Associates, Inc. prepared the EIR for the Lead Agency.

The Project sponsor, the City of Hayward, is seeking the following approvals for this Project:

- General Plan Land Use Map and Text Amendment to revise all existing designations in the Project area to the Sustainable Mixed Use, Parks and Recreation and Public and Quasi-Public designations, with a Text Amendment to General Plan Appendix C to allow densities with a Sustainable Mixed Use designation up to 100.0 dwelling units per acre, versus the currently allowed range of 25.0 to 55.0 units per acre and to Appendix D, the Zoning Consistency Matrix;

- Zoning Regulations Text Amendment to include the South Hayward BART/Mission Boulevard Form-Based Code as a new Article 24 to Chapter 10 of the Hayward Municipal Code;

- Zoning Map Amendment to revise all existing designations in the Project area to those shown on the Regulating Plan (Figure 1-1 of the South Hayward BART/Mission Boulevard Form-Based Code; Figure 3-7 in this SEIR);

- Repeal the South Hayward BART/Mission Boulevard Special Design Overlay District (SD-6) (Section 10-1.2635 of the Hayward Municipal Code); and

- Repeal the 2006 South Hayward BART/Mission Boulevard Concept Design Plan.

EIR REVIEW PROCESS

DRAFT SEIR

A Draft EIR was made available for public review in April 2011 and distributed to local and state responsible and trustee agencies. The general public was advised of the availability of the Draft SEIR through public notice in the newspaper and by mail for those in the vicinity of the project area.

During the public review period for the Draft SEIR (starting Monday, April 4, 20011 and ending Friday, May 20, 2011), the City received four (4) written comments.

Publicly noticed meetings to receive comments on the Draft SEIR were conducted on April 26, 2011 before the Hayward City Council and April 28, 2011 before the Hayward Planning Commission. No written comments on the Draft SEIR were received at either of those meetings. Verbal comments were, however, received from members of the public, City Council members and Planning Commissioners. Responses to those comments are contained in Chapter 13.

FINAL SEIR

This Final EIR was issued on June 16, 2011. It contains all comments received by the City on the Draft SEIR and also includes responses to these comments, together with necessary changes or revisions to the text of the Draft SEIR document. Changes to the text of the Draft SEIR are included in this Final SEIR, shown in underline for new text or strikeout for deleted text.

This Final EIR will be presented to the Hayward Planning Commission at a public hearing on June 23, 2011. The Planning Commission will provide a recommendation as to the Final EIR's technical adequacy and provision of full disclosure to the City Council. The tentative hearing date for the City Council's consideration of the Final EIR is July 26, 2011.

Assuming that the City Council recommends certification of this EIR as complete and adequate under the guidelines of the California Environmental Quality Act (CEQA), this document together with the Draft EIR will constitute the EIR for this Project. The City Council may require additional changes or modifications to this Final EIR prior to certification.

Certification of the EIR does not constitute approval of the Project. The EIR will be used as an informational document by the Planning Commission and/or City Council when making decisions whether to grant project approvals.

REPORT ORGANIZATION

This Final SEIR consists of the following chapters, commencing after Chapter 10 of the Draft SEIR:

Chapter 11: Introduction to the Final SEIR. This chapter outlines the purpose, organization and scope of the Final SEIR document and important information regarding the public review and approval process.

Chapter 12: Revisions to the Draft SEIR. This chapter includes corrections, clarifications or additions to text contained in the Draft SEIR based on comments received during the public review period.

Chapter 13: Comments on the Draft SEIR and Responses. This chapter provides reproductions of letters received from public agencies and the public on the Draft SEIR. The comments are numbered in the margins. The responses to comments are also provided in this chapter immediately following each comment letter, and are keyed to the numbered comments.

Chapter 14: Mitigation Monitoring and Reporting Program. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with the requirements of State law (Public Resources Code, Section 21081.6) and CEQA Guidelines. A MMRP is required to be adopted when mitigation measures are required to avoid or reduce significant environmental effects of a proposed project.

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REVISIONS TO DRAFT SEIR

The following are minor text changes, additions or modifications made to the Draft SEIR for the South Hayward BART/Mission Boulevard Form-Based Code Project. An explanation of the changes made in response to comments can be found in Chapter 17. Deletions are noted by ~~strikethrough~~; additions are <u>underlined</u>.

CHANGES TO CHAPTER 7: TRANSPORTATION

- Page 7-28, Mitigation Measure Traf-4

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

These changes to Mitigation Measure Traf-4 would still result in the same improvement (i.e., LOS D in the PM peak hour) identified under the corresponding impact in the Draft SEIR. As revised, the average delay would be 39.4 seconds which corresponds to a LOS D.

In reviewing the LOS analysis after circulation of the Draft SEIR, it was discovered that, in order for the Mitigation Measure to result in a LOS D, overlap phasing is only necessary for the eastbound direction and not the westbound.

Also, the split phasing and previous lane conversions were found to be unnecessary after further review of anticipated turn movement volumes. This was achieved by being slightly less conservative and allowing some eastbound right turning vehicles (about 50 vehicles per hour) to right-turn-on-red (RTOR) (the previous analysis in the Draft SEIR allowed for no RTOR). This is feasible given the southbound right turn volume is about 110 vehicles per hour which would create some gaps for the eastbound rights to turn on a red light. Plus the southbound through volume is less than the northbound through volume, indicating some additional green time is available in the southbound direction for eastbound RTOR gaps.

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RESPONSE TO COMMENTS

INTRODUCTION

This chapter contains responses to the written comments on the Draft Supplemental Program Environmental Impact Report (Draft SEIR). Responses below are provided for comments from the City Council, Planning Commission, and the following four (4) comment letters received from:

- Charlie Cameron, hand written notes received at the April 26, 2011 City Council meeting.
- Anthony B. Varni, letter dated May 10, 2011.
- Sherman Lewis, email dated April 26, 2011, 9:51 PM.
- Sherman Lewis, email dated April 26, 2011, 6:19 PM.

RESPONSES TO SPECIFIC COMMENTS

The following pages contain each submitted letter as well as the approved minutes of the April 26, 2011 City Council meeting and April 28, 2011 Planning Commission meeting. Substantive comments are numbered and responses are provided following each comment letter. Where revisions to the Draft SEIR have been made in response to comments, they are summarized below. All Draft SEIR text changes are also conveyed in Chapter 12 (Revisions to the Draft SEIR). In all other cases, the information provided in the responses is deemed adequate in itself, and modification of the Draft SEIR text was not necessary.

Responses presented in this document focus only on those comments which bear a direct relationship to environmental issues discussed in the Draft SEIR, as required under CEQA. Some comments provide opinion pertaining to matters not germane to the environmental analysis presented in the Draft SEIR. Where this occurs, such comments are acknowledged only and no responses to opinions are provided or required by CEQA

MINUTES OF THE APRIL 26, 2011 CITY COUNCIL MEETING

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

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

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

WORK SESSION (60-Minute Limit)

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

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

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

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

Council Member Henson emphasized the need to address specific transportation need should the City move forward with the Sustainable Community Strategy (SCS). Mr. Colin confirmed for Mr. Henson that the California Environmental Quality Act (CEQA) guidelines for air quality mitigation measures are mandatory. In response to Mr. Henson's inquiry about traffic impact and mitigation recommendations, Director of Public Works Bauman noted that the Form-Based Code would cause four intersections to operate at E and F levels of service. He spoke about the four traffic mitigation 1-1

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Tuesday, April 26, 2011, 7:00 p.m.

measures to counterbalance and added that, as a result of an oversight, there will be a revision to the SEIR to reflect a mitigation change that is not going to include a right-of-way take for the Mission Boulevard/Harder Road intersection. 1-1

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

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

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

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

Mayor Sweeney asked staff and the consultant to be sure to taper down building height and scale, particularly for the areas south of the South Hayward BART station from Valle Vista to the other side of Tennyson Road. He suggested more T4 and fewer T5 zones. In response to Mayor Sweeney's inquiry of whether the Draft EIR addressed the possible elimination of the Redevelopment Agency (RDA), Development Services Director Rizk reported that if the RDA was eliminated there would be a negative balance to the General Fund that could be offset by a community services district. 1-2

CONSENT

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

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

APRIL 26, 2011 CITY COUNCIL MINUTES

Response to Comment 1-1

Councilmember Henson asked the Bob Bauman, Hayward Public Works Director to summarize traffic impacts and mitigation measures identified in the Draft SEIR. The mitigation measure references by Mr. Bauman in the minutes is provided in Chapter 12 (Revisions to Draft SEIR).

Response to Comment 1-2

Mayor Sweeny questioned whether the Draft SEIR addressed possible elimination of the City of Hayward Redevelopment Agency.

The Draft SEIR does not address the possible elimination of the Hayward Redevelopment Agency. The elimination of Redevelopment Agencies is a component of the present State of California budget proposal by Governor Brown. It would be highly speculative to assume that Redevelopment Agencies, including the City of Hayward's, will be eliminated in the near future. Moreover, there is no identified direct or indirect physical impact would result from such elimination as it may pertain to the Project area.

CEQA Guidelines §15131 states that, "Economic and social information may be included in an EIR or may be presented in whatever form the agency desires." However, CEQA Guidelines §15131(a) provides, in part that, "economic or social effects of a project shall not be treated as significant effects on the environment."

As proposed, the SEIR would result in the application of the following mitigation measures related to the topic of public services:

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

a) Pay a fair share contribution to the City of Hayward to finance the acquisition of equipment to serve proposed developments, including those associated with mid to high rise structures (3 to 7 stories); and

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

(Concept Design Plan EIR Mitigation Measure 4.8-1)

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

(Concept Design Plan EIR Mitigation Measure 4.8-2)

Mitigation PS-3: **(Public Services/Fire Services)** The City of Hayward shall prepare and adopt a mechanism to finance public safety staffing and improvements within the Project area prior to the construction of the first dwelling unit within the Project area. Such a mechanism may include a Community Facilities District or equivalent mechanism

that will provide for adequate funding to meet City and County staffing, facility and equipment standards, as determined by each respective jurisdiction.

(238 Land Use Study EIR Mitigation Measure 4.12-1)

Mitigation PS-4: **(Public Services/Police Services)** Approval of the proposed Project with any of the proposed Alternatives could represent a significant impact to the Hayward Police Department and Alameda County Sheriff Department, since the amount of future development and resulting calls for service may not be adequately served by existing department resources.

(238 Land Use Study EIR Mitigation Measure 4.12-2)

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Thursday, April 28, 2011, 7:00 p.m.
777 B Street, Hayward, CA 94541

MEETING

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

ROLL CALL

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

Commissioner Lamnin led in the Pledge of Allegiance.

Staff Members Present: Conneely, Patenaude, Philis, Rizk

General Public Present: 7

PUBLIC COMMENTS

None

ACTION ITEMS

PUBLIC HEARING

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

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

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

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

2-1

Mendall asked about a café with sidewalk seating on Mission and Mr. Colin said the mitigation would only apply to land uses where the occupancy is dominated by children, the elderly, or a health facility. Mr. Colin clarified that an ice cream parlor would qualify as a retail use and the mitigation requirement would not apply. Development Services Director Rizk pointed out that form-based code envisions mixed-use which would include residential which would normally be a sensitive receptor. Mr. Rizk said another option is a developer could pay for a health risk assessment which may or may not show that such screening or buildings would be necessary in order to comply. He mentioned that the primary concern is automobile emissions and particulate matter kicked up by automobiles and that's why buildings can help mitigate the impact. Commissioner Mendall said he wanted to be sure the City wasn't making it harder for a developer to create a frontage use. Mr. Colin agreed saying how to not create a disincentive to investment was discussed. Mr. Colin also mentioned that the air quality model used from the Air Quality District is a coarse grain analysis; a refined analysis would have been too costly. 2-1

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

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

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

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

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777 B Street, Hayward, CA 94541

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

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

Chair Loché asked why this eastbound right is anticipated to be so heavy. Mr. Stefanakis said peak time volume is already high (208 cars) and 2025 volumes are anticipated to be higher. He said to have almost a 100% growth in 15 years is "incredible." 2-2

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

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

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

Commissioner Lamnin asked if trees and vegetation are helpful in screening for sensitive receptors. Mr. Colin said they are, but not to the degree of shielding a building would provide. He also pointed out that it takes a while for the trees to mature and depending on the species of tree they may shed leaves in the winter. Mr. Colin agreed that trees would look nicer but would not satisfy the requirements of the Air Quality District. Commissioner Lamnin pointed out there was a 14 year window until traffic mitigation measures are needed, but asked if any are being implemented now at busy intersections with the Route 238 Corridor Improvement Project currently underway. Mr. Colin said the mitigation at Mission/Tennyson is under construction, but the rest are not being completed at this time. He said Public Works will be responsible for monitoring conditions over time and noted that traffic counts on Mission have gone down.	2-3
Commissioner Lamnin asked if there was any impact to the historic properties in the project area and Mr. Colin said no and any proposed changes would be reviewed through the City's Historic Preservation Program.	2-4

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

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

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

Regarding mitigation measures for sensitive receptors, Chair Loché said the report's definition included residences, schools, day care centers, playgrounds, and medical facilities, and asked if there were any other uses not listed. Mr. Colin explained that sensitive receptors include uses that include young children, the elderly, and those whose respiratory systems might be vulnerable, and that the Development Director will determine how that definition is interpreted. Mr. Colin said the definition can be refined or clarified in the mitigation measure for the final SEIR. Chair Loché said he was concerned the definition could grow or become broader and that it might be impacted by the mitigation measures. Mr. Rizk said the City would use Bay Area Air Quality Management District (BAAQMD) guidelines when making those types of decisions.	2-5
Chair Loché asked for more information about the health risk assessment. He understood it was "not a free pass," and asked how the assessment would be conducted. Mr. Colin explained that the	2-6

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

model used for the supplemental EIR did not identify specific locations, heights or designs of buildings, but an assessment would look at the specifics of a proposed development including those considerations as well as the building's interface with the roadway, weather, prevailing wind patterns and determine, using the Air District's methodology, if there is a health risk to a sensitive receptor. That report would be prepared in consultation with the BAAQMD and city staff in a CEQA review process for that particular project. Mr. Colin confirmed for Chair Loché that depending on the result of the assessment, different measures could be taken to mitigate any risk. Mr. Colin said Air District requirements are stricter, new, and evolving. Director of Development Services Rizk commented that standards today could be different in 10 to 15 year from now so while conducting a health risk assessment now may have some value it really depends on the timing and condition of the proposed future development.	2-6
Commissioner Lamnin asked if a disclosure will be required for developers building in this sensitive receptor area. Director of Development Service Rizk said if the SEIR is adopted, a disclosure will be part of the form-based code, but Council will decide if the disclosure is explicit. Commissioner Mendall confirmed with Mr. Colin that a mixed use development with residential patios on the Mission Boulevard side would require a health risk assessment and that it may find that patios on the first floor are a risk, but not on the second and third floor. Commissioner Mendall said he agreed that a full health risk assessment didn't make sense at this time. Director of Development Services Rizk pointed out the City didn't have the money for it anyway.	2-7

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

Charlie Cameron, Post Office Box 55, Hayward, said the report contained a number of errors, including the reference to "Industrial Parkway West." Mr. Cameron pointed out there is no "west" of Mission Boulevard on Industrial Parkway. He said he picked up a Fremont-Hayward map dated November 2002 at a Keep Hayward Clean and Green event at the Hayward BART station and it also referred to "Industrial Parkway West." Mr. Cameron also brought to the Commission's attention that AC Transit held a public hearing the day before and they are proposing to raise fares to close a $21 million deficit. He said they will decide next month whether to raise fares 10 cents this year in August and another 15 cents in three years and in increments every three years after. He said by the time this project is done, the adult cash fare will be $2.50. He pointed out that the Mission Paradise project is only three blocks from BART. He said there is almost no accessible public transit on Dixon Street. He concluded by saying that staff should review his comments.	2-8

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

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

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

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

WORK SESSION

2. Telecommunications Facilities

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

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

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

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

APRIL 28, 2011 PLANNING COMMISSION MEETING

Response to Comment 2-1

This series of comments at the Planning Commission meeting concerns an environmental issue (i.e., exposure of sensitive receptors to toxic air contaminants) that was adequately responded to at the subject meeting. No further response is necessary.

Response to Comment 2-2

This series of comments at the Planning Commission meeting concerns Impact Traf-4 and its corresponding Mitigation Measure Traf-4 on Page 7-28 of the Draft SEIR. The mentioned revision to Mitigation Measure Traf-4 is identified on Page 12-1 of this Final SEIR. Since these comments were adequately responded to at the subject meeting, no further response is necessary.

Response to Comment 2-3

This series of comments at the Planning Commission meeting concerns two environmental issues (i.e., exposure of sensitive receptors to toxic air contaminants and traffic impacts) that were adequately responded to at the subject meeting. No further response is necessary.

Response to Comment 2-4

This comment raises an environmental issue that was adequately responded to at the subject meeting. The topic of historic resources is addressed further in Pages 46 to 47 of the Initial Study prepared for this SEIR. No further response is necessary.

Response to Comment 2-5

This comment raises an environmental issue that was adequately responded to at the subject meeting. No further response is necessary.

Response to Comment 2-6

This comment raises an environmental issue that was adequately responded to at the subject meeting. No further response is necessary.

Response to Comment 2-7

This comment raises an environmental issue that was adequately responded to at the subject meeting. No further response is necessary.

Response to Comment 2-8

This comment raises an environmental issue that was adequately responded to at the subject meeting. No further response is necessary.

HANDWRITTEN NOTES FROM CHARLIE CAMERON

CITY OF HAYWARD
777 B STREET, HAYWARD, CA 94541-5007
(510) 583-4205 / www.hayward-ca.gov
LIVE BROADCAST – LOCAL CABLE CHANNEL 15

MEMBERS OF THE AUDIENCE WISHING TO ADDRESS THE PLANNING COMMISSION:
Obtain a speaker's identification card, fill in the requested information, and give the card to the Commission Secretary. The Secretary will give the card to the Commission Chair who will call on you when the item in which you are interested is being considered. When your name is called, walk to the rostrum, state your name and address for the record and proceed with your comments. Copies of staff reports for agenda items are available from the Commission Secretary and on the City's website the Friday before the meeting.

4/28/2011
My 10 p

AGENDA
HAYWARD PLANNING COMMISSION
THURSDAY, APRIL 28, 2011, AT 7:00 PM
COUNCIL CHAMBERS

DEAR HAYWARD PLANNING COMMISSION: MY COMMENTS & CORRECTIONS FOR THIS PROJECT

item).

PUBLIC HEARINGS: For agenda item No. 2 the Planning Commission may make a recommendation to the City Council.

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

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

WORK SESSION:

2. Telecommunications Facilities

Assistance will be provided to persons requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons needing accommodation should contact Debbie Summers 48 hours in advance of the meeting at (510) 583-4205, or by using the TDD line for those with speech and hearing disabilities at (510) 247-3340.

(1) ON PG 2-3 THE WORDS MISSION BOULEVARD WAS RELINQUISHED TO THE CITY OF HAYWARD ONLY AS A 5' MISSION FOOT IN JACKSON STREET ETC. ADD PUT IN THE WORDS PAGE 3

(2) REMOVE THE WORD WEST FROM THE WORDS INDUSTRIAL PARKWAY FOR THESE PGS. 7-3, 7-5, 7-11, 7-12, 7-16, 7-17, 7-19, 7-21, 7-22, 7-25, 7-29

3-1

(2A) PLS DO NOTE ON PG 7-9 ON SECTION 5.4 INDUSTRIAL PARKWAY ARE LISTED THIS WAY CORRECTLY — SO WHY THE GOOF UP & MIX UP???

3-2

ITEM (3) IN APPENDIX (A) THE LTR FROM THE GOV. OFFICE & PLANNING & RES, STATE CLEARINGHOUSE & PLANNING UNIT DTD. 12/22/2010 IN ON THE SECOND PG UNDER PROXIMITY TO: RAILWAY SECT. THE UNION PACIFIC RAILROAD SHOULD HAVE BEEN ADDED TO ITS TRACKS CROSS INDUSTRIAL PARKWAY JUST WEST & DIXON ST, & IT HAS AN OTHER WALK WAY GATES & CROSSING THERE & DEALS AT PEAK COMMUTE TIMES COULD BE VERY BAD ALSO UNDER PROJECT LOCATION THE ONLY HAVE THE WORD INDUSTRIAL NOT INDUSTRIAL PARKWAY, IT MAKES A DIFF IN WHAT THE ROAD IS & WHAT THE ROAD CAN HANDLE & WHAT IT WAS MEANT TO HANDLE & COULD

3-3

(3B) IT ALSO A SAFETY ISSUE AS THE UP TRACKS ARE RIGHT BEHIND THE STATION AS STA.

(3A) THE RE DATE STAMPED JAN. 03, 2010 IS WRONG IT SHOULD HAVE BEEN JAN. 03, 2011 OR STAMPED WRONG & SOMEBODY AT THE DEVELOPMENT SERVICES DEPT PUT A CROSSING IN THE WRONG PLACE THAT WOULD BE THAT BUT NOW WE LOOK LIKE STUPIDS & WASTE SO MUCH MONEY! CITY & HAYWARD

3-4

ITEM (4) IN THE INITIAL STUDY DETERMINATION DONE BY LAMPHIER-GREGORY DTD. DEC. 23, 2010 ON PAGE 14 REMOVE THE "W" IN INDUSTRIAL ON THE EASTBOUND SIDE ONLY, PLS DO NOT TAKE PART & INDUSTRIAL PARKWAY THAT RUNS INTO INDUSTRIAL PARKWAY SW (SOUTH WEST) TO 1882 RD IN UNION CITY CA.

3-5

ITEM (5) ON PG 78 UNDER CRITERIA (F) PUBLIC TRANSIT: NEW BATTERY DRIVES WHO COULD BE ACCOMODATED BY THE EXISTING PLANNED BART IMPROVEMENTS CAN COULD PLS. BE ADDED TO MONITOR THE 4/10 BATTERY BART TO PUT TRANSIT OPTIMAL PER STATE STA. ARE THE W/STANDING NOW JAMES ON & DEALS HAPPENS ON DURING THE COMMUTE ON THE BART PLAN FOR THE FUTURE NOW

3-6

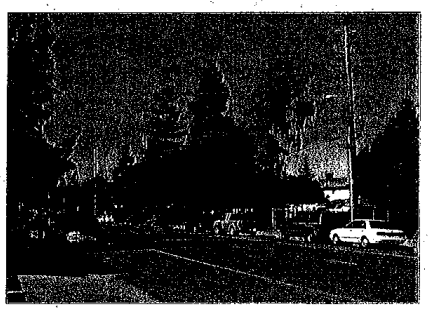
(10) PLS DO NOTE AC TRANSIT HAD A PUBLIC HEARING ON ITS BUS FARE & DISCOUNTS ON WED, 4/27/2011 AT BET 4 & 6 PM, & WILL MAKE THEIR DECISION MOSTLY BUS FARE INCREASE ON AUG, 2011 & THEN EVERY THREE YRS OUT FOR NEPA THE (10) PAS, AS PER GM MEMO 11-053a REV, DTD 4/27/2011 THIS WOULD MOSTLY SUPPORT THE NEW BUS TRANSIT IDEA 3/4 OF BUS STOPS AWAY FROM THE SOUTH HAY BART STATION BOTH ON MISSION BLVD. ON ON DIVISION ST. & AC TRANSIT WILL MAKE THE FARE DECISION DECISIONS NEXT MONTH MAY, 2011

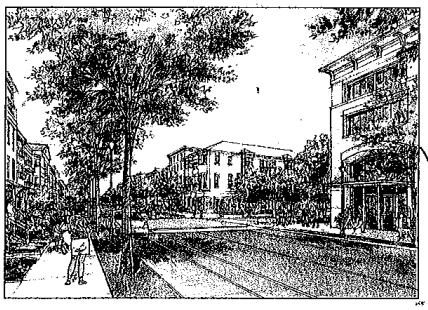
3-7

3-8

DRAFT SUPPLEMENTAL PROGRAM EIR

SCH# 2005092093





See Ad 11 oc Doc Movement 2

City of Hayward
Development Services Department
777 B Street, Hayward, CA 94541

April 2011

CHARLIE CAMPBELL
P.O. BOX 55
HAYWARD, CA, 94543

4/26/2011

LAMPHIER-GREGORY
URBAN PLANNING, ENVIRONMENTAL ANALYSIS & PROJECT MANAGEMENT | www.lamphier-gregory.com

ITEM (6) ON THE DOWLING ASSOCIATES, INC. MEMO DTD. 4/1/2011 TO MR. DAVID KIRK PLANNING DIR. FOR THE CITY of HAYWARD, ON pg 3 of 25 RE MOVE THE WEST (THREE TIMES) INDUSTRIAL PARKWAY SAME FOR: ON pg 10 of 25, 11 of 25, 12 of 25, 13 of 25, 14 of 25, 15 of 25, 16 of 25, 18 of 25, 23 of 25, 24 of 25	3-9
(7) ON pg 24 of 25 TABLE (12) - 2025 INTERSECTIONS LOS FOR PROJECT WITH & WITHOUT MITIGATIONS OK WITH PROJECT BUT FOR THE WORD MITIGATED PUT IN THE WORD/WORDS NON-MITIGATED OR NOT OR DO YOU ALSO MEAN YOU DID SOME OF THE THINGS AT THE INTERSECTIONS #1, 5, 7 + 10 TO BE NOW CLASIFIED AS MITIGATED?	3-10
(8) FROM DOWLING ASSO. MEMO: ON TABLE 8, pg 18 of 25 TABLE 9, TABLE 10, pg 20 of 25 TABLE (11) WORDING ANOMALIES, (8A) PUT IN THE WORD WEST "A" & WEST of DIXION RD > (STREET) OR REMOVE THE WORD WEST & PUT IN AT OR DOES WEST of DIXION RD (STREET) MEAN SOUTHBOUND DIRECTION (8B) SAME AS ABOVE FOR TABLES 7-8, 7-9 7-10 & 7-11 ALSO ?	3-11
(9) ON pg 7-19 HOW WILL SEGWAYS, ROLLERBLADES SKATEBOARDING, & BIKES & PED, DEAL W/ EA, OTHER & CROSS STATE RT 238 & BOARDING AS TRANSIT ONLY INCLUDING FOR THE GREATER RAILWAY PARK & GREATER MISSION-GARIN NEIGHBORHOOD PLAN/PLANS?	3-12

Table 8: 2025 No Build CMP Volumes for the PM Peak-Hour

Link Location	Northbound/Eastbound					Southbound/Westbound					Facility Type
	Volume	Capacity	V/C	Lanes	LOS	Volume	Capacity	V/C	Lanes	LOS	
Interstate/State Highways											
I-880 North of "A" St	9,017	8,400	1.07	4	F	8,939	8,400	1.06	4	F	Freeway
I-880 North of Tennyson Rd	7,142	6,300	1.13	3	F	6,676	6,300	1.06	3	F	Freeway
I-880 North of Whipple Rd	7,016	6,300	1.11	3	F	7,556	6,300	1.20	3	F	Freeway
I-238 East of I-880	3,609	6,300	0.57	3	C	5,805	6,300	0.92	3	E	Freeway
I-580 East of I-238	5,457	10,500	0.52	5	B	9,804	10,500	0.93	5	E	Freeway
I-580 East of Grove Wy	5,913	8,400	0.70	4	C	10,308	8,400	1.23	4	F	Freeway
Foothill Blvd (SR-238) North of "A" St	4,236	3,481	1.22	4	F	2,719	3,481	0.78	4	B	Class 1A
Foothill Blvd (SR-238) South of "A" St	4,563	4,121	1.11	5	F	3,673	4,121	0.89	5	C	Class 1A
Mission Blvd (SR-238) North of Harder Rd	2,870	2,841	1.01	3	F	2,253	2,841	0.79	3	B	Class 1A
Mission Blvd (SR-238) North of Tennyson Rd	3,042	2,841	1.07	3	F	2,398	2,841	0.84	3	C	Class 1A
Mission Blvd (SR-238) North of Industrial Pkwy	2,974	2,841	1.05	3	F	2,304	2,841	0.81	3	C	Class 1A
Arterials											
Harder Rd West of Mission Blvd	1,274	1,800	0.71	2	D	729	1,800	0.41	2	C	Class 1B
Tennyson Rd West of Mission Blvd	1,515	1,800	0.84	2	D	973	1,800	0.54	2	C	Class 1B
Industrial Pkwy West of Dixon Rd	1,343	1,800	0.75	2	D	650	1,800	0.36	2	C	Class 1B
Whipple Rd West of Mission Blvd	737	840	0.88	1	E	665	840	0.79	1	E	Class 2
Sum	***60,708***					***65,452***					

V/C = Volume-to-capacity ratio

Dowling Associates, Inc. October 2010

WHY GOT GUMMED UP ? OR IS IT WRONG ? HERE

Dowling Associates, Incorporated

3-13

Mr. David Rizk
South Hayward BART SEIR Traffic Study – Final Report
April 1, 2011

Page 18 of 25

Table 9: 2025 + Project CMP Volumes for the PM Peak-Hour

Link Location	Northbound/Eastbound					Southbound/Westbound					Facility Type
	Volume	Capacity	V/C	Lanes	LOS	Volume	Capacity	V/C	Lanes	LOS	
Interstate/State Highways											
I-880 North of "A" St	9,007	8,400	1.07	4	F	8,928	8,400	1.06	4	F	Freeway
I-880 North of Tennyson Rd	7,203	6,300	1.14	3	F	6,714	6,300	1.07	3	F	Freeway
I-880 North of Whipple Rd	7,059	6,300	1.12	3	F	7,644	6,300	1.21	3	F	Freeway
I-238 East of I-880	3,662	6,300	0.58	3	C	5,950	6,300	0.94	3	E	Freeway
I-580 East of I-238	5,490	10,500	0.52	5	B	9,834	10,500	0.94	5	E	Freeway
I-580 East of Grove Wy	5,967	8,400	0.71	4	C	10,277	8,400	1.22	4	F	Freeway
Foothill Blvd (SR-238) North of "A" St	4,248	3,481	1.22	4	F	2,804	3,481	0.81	4	B	Class 1A
Foothill Blvd (SR-238) South of "A" St	4,588	4,121	1.11	5	F	3,584	4,121	0.87	5	C	Class 1A
Mission Blvd (SR-238) North of Harder Rd	2,812	2,841	0.99	3	D	2,421	2,841	0.85	3	C	Class 1A
Mission Blvd (SR-238) North of Tennyson Rd	3,184	2,841	1.12	3	F	2,449	2,841	0.86	3	C	Class 1A
Mission Blvd (SR-238) North of Industrial Pkwy	2,938	2,841	1.03	3	F	2,315	2,841	0.81	3	C	Class 1A
Arterials											
Harder Rd West of Mission Blvd	1,485	1,800	0.83	2	D	805	1,800	0.45	2	C	Class 1B
Tennyson Rd West of Mission Blvd	1,722	1,800	0.96	2	E	1,073	1,800	0.60	2	D	Class 1B
Industrial Pkwy West of Dixon Rd	1,475	1,800	0.82	2	D	713	1,800	0.40	2	C	Class 1B
Whipple Rd West of Mission Blvd	741	840	0.88	1	E	674	840	0.80	1	E	Class 2
Sum	***61,581***					***66,185***					

V/C = Volume-to-capacity ratio
Dowling Associates, Inc. October 2010

Dowling Associates, Incorporated

HANDWRITTEN NOTES FROM CHARLIE CAMERON

Response to Comment 3-1

Mr. Cameron requests that the word "West" be deleted in reference to Industrial Parkway. That directional qualifier is consistent with the Hayward General Plan and Google Maps.

Response to Comment 3-2

This comment is not readable. No response possible.

Response to Comment 3-3

This comment is not readable. No response possible.

Response to Comment 3-4

This comment is not readable. No response possible.

Response to Comment 3-5

See response to Comment 2-1.

Response to Comment 3-6

This comment is not readable. No response possible.

Response to Comment 3-7

This comment mentions that AC Transit will have a public hearing in August 2011. Comment noted.

Response to Comment 3-8

This comment is not readable. No response possible.

Response to Comment 3-9

This comment appears to request clarification on which information in the Table 12 of the Appendix E (Traffic Study) is particular to the "mitigated" versus "not mitigated" scenarios. The column labeled "Project" is the "not mitigated scenario; the "Mitigated" column is the "mitigated" project scenario.

Response to Comment 3-10

See response to Comment 2-1.

Response to Comment 3-11

See response to Comment 2-1.

Response to Comment 3-12

This comment is not readable. No response possible.

Response to Comment 3-13

See response to Comment 2-1.

VARNI, FRASER, HARTWELL & RODGERS
ATTORNEYS AT LAW
650 A STREET
P.O. BOX 570
HAYWARD, CALIFORNIA 94543-0570
PHONE: (510) 886-5000 FAX (510) 538-8797
WEBSITE: VARNIFRASER.COM

OF COUNSEL:
MAURICE E. HUGUET, JR.
JONATHAN DANIEL ADAMS
P. CECILIA STORR

May 10, 2011

RECEIVED
MAY 10 2011
Development Services Department

HAND DELIVERED

David Rizk
Development Services Director
City of Hayward
777 "B" Street
Hayward, California 94541-5007

Re: Draft Supplemental Environmental Impact Report
South Hayward BART / Mission Blvd. Form-Based Code

Dear Mr. Rizk:

We represent the Felson Family. The family owns 427 apartment units approximately 300 hundred feet east of Mission Blvd. near its intersection with Tennyson Road. These units were built by the family, have good views and are close to public transportation. They are well maintained. The marketplace has accepted them as a good value.

Our clients' thoughts with regard to the Draft Supplemental Environmental Impact Report for the South Hayward BART / Mission Blvd. Form-Based Code (the "EIR") are as follows:

1. At prior hearings and at the Work Session of April 26, 2011, it was mentioned that the T-5 zoning designation starting at the intersection of Tennyson Road and Mission Blvd. should taper rapidly to a T-4 designation. 4-1

2. The EIR does not adequately address the mitigation which should be imposed on any development that will result in air quality or traffic issues which impact the safety of residents in the existing units owned by the Felson Family. 4-2

David Rizk
May 10, 2011
Page 2

3. Monolithic, multi-story residential units within 2 feet of the back of sidewalk on Mission Blvd. are an unproven product.	4-3
4. There is no information in the EIR to suggest that the air quality issues, which will affect the Felson units and "sensitive receptors" in such units, can be addressed by monolithic structures on Mission Blvd.	4-4
Development of parcels along Mission Blvd. contiguous to the Felson Family properties would be supportable, provided that the height and separation of these buildings does not affect the views, light and air amenities of the 427 units presently owned by the Felson Family. It may well be that this type of building, so close to Mission Blvd. and its fast moving truck traffic, without adequate view and air corridors, is not economically feasible or acceptable to Hayward residents.	4-5

Very truly yours,

VARNI, FRASER, HARTWELL & RODGERS

ANTHONY B. VARNI

ABV/l
Rizk,D.Ltr

cc: Clients

MAY 10, 2011 LETTER FROM ANTHONY B. VARNI

Response to Comment 4-1

This comment references statements by an unnamed person or organization at the April 26, 2011 City Council meeting. This comment does not speak to the Draft SEIR. No response is, therefore, required.

Response to Comment 4-2

This comment alleges the Draft SEIR does not provide adequate air quality and traffic mitigation measures for future developments which impact residents at an apartment complex located at the southwest corner of Mission Boulevard and Tennyson Road.

The subject apartment complex is located adjacent to the Wittek-Montana Eden Housing mixed-use project which was previously approved by the Hayward City Council and subject to a separate, project-specific CEQA document.

The commenter does not reference any particular impacts nor any mitigation measures included within the Draft SEIR. Chapter 2 (Executive Summary and Impact Overview) of the Draft EIR identifies all impacts and mitigation measures associated with the Project; including those particular to the topics of Air Quality and Traffic.

The scope of environmental analysis in this Draft SEIR is limited to those topics and issues that can be currently identified without being highly speculative. As was contemplated in the Previous CEQA Documents, it is anticipated that additional environmental review will occur as individual land use entitlements are requested in the future. It is further envisioned that this SEIR will be used as the basis for any further environmental analyses and documentation concerning those future land use entitlement requests.

Therefore, the mitigation measures provided in this SEIR are adequate, insofar as the potential environmental effects can be determined at this date in time without being highly speculative. The commenter is encouraged to participate in the City's evaluation of future development proposals; including their accompanying review under CEQA.

Response to Comment 4-3

This comment appears to speak to the commercial viability of future housing developments along Mission Boulevard. This comment does not raise an environmental issue and, therefore, no response is required. Comment noted.

Response to Comment 4-4

This comment alleges the provisions of Mitigation Measure Air-2 are inadequate for air quality impacts upon the subject apartment complex. More specifically, the comment alleges that, "monolithic structures on Mission Blvd." would be insufficient to address air quality impacts upon occupants of the subject apartment complex.

As discussed in the Draft SEIR, the primary source of emissions and associated health risks, leading to recommended Mitigation Measure Air-2, is Mission Boulevard. The commenter is correct that new buildings, on adjacent or abutting parcels, will not shield or buffer the subject apartment complex. It is not physically feasible.

The subject apartment complex is situated on a corner parcel at the intersection of Mission Boulevard and Tennyson Road. There are not private parcels of land between the emission source (i.e., Mission Boulevard) and subject apartment complex.

In accordance with guidance provided by the Bay Area Air Quality Management District (BAAQMD), the Draft SEIR proposes to apply an overlay zone applicable to future development proposals within the Project area. The overlay zone would not apply to existing development within the Project area, and the BAAQMD does not recommend that it apply. Rather the BAAQMD strives to address air quality improvement (such as that under question at Mission Boulevard) through the Bay Area Clean Air Plan and its many accompanying implementation programs.

One element of the Bay Area Clean Air Plan relevant to this comment and situation is use of Transportation Control Measures (TCMs) which are intended to reduce vehicle emissions. As discussed on Pages 5-14 through 5-16 of the Draft SEIR, the Project adheres to all applicable TCMs. Additionally, on those same pages, the Draft SEIR demonstrates, relative to the Bay Area Clean Air Plan, the Project is consistent with its primary goals, includes applicable control measures, and does not disrupt or hinder implementation of control measures.

Response to Comment 4-5

This comment speaks to the author's support or non-support for future developments contiguous to the subject apartment complex. This comment also speaks to the author's perception of economic feasibility of such future developments.

These comments do not raise environmental issues. Comments noted.

-----Original Message-----
From: Sherman Lewis [mailto:sherman.lewisiii@gmail.com] On Behalf Of Sherman
Sent: Tuesday, April 26, 2011 9:51 PM
To: Bill Quirk; Barbara Halliday; Erik Pearson; Fran David; Francisco Zermeno - Forward; Michael Sweeney; CityClerk; Robert Bauman; Marvin Peixoto; Mark Salinas; Sara Buizer; David Rizk; Richard Patenaude; Olden Henson; John DeClercq
Subject: South Hayward SEIR Traffic Study

This traffic study was exactly what I expected. It is somehow still acceptable practice to study intersection expansion for public works departments instead of pricing, transportation and land use for planning departments. It explains why real Hayward policy undermines Hayward climate change policy.	5-1
The key information is on p. 4 of the April 1 traffic study. The ACCMA model is technically a good execution of UMTA 4 step modeling, but that model does not consider any of the policies needed for cost-effective, sustainable development. It necessarily predicts congestion based on historic patterns of traffic generation in suburbia with no regard for induced demand or alternative policies. The MTC model is more powerful and considers more policy than ACCMA, but is also quite limited in its policy reach.	5-2
The problem with the traffic study is different from the problem with the NN BART access study. NN used overly gross models that misanalysed the reality of the South Hayward BART situation, while the traffic study ignores alternatives altogether.	5-3
This is not just a technical issue; it is political. Council will not get better analysis unless it asks for it, from competent consultants.	5-4

--
Sherman Lewis
Professor Emeritus, CSU Hayward
President, Hayward Area Planning Association
www.quarryvillage.org
510-538-3692 sherman@csuhayward.us
2787 Hillcrest Ave. Hayward CA 94542

SHERMAN LEWIS, EMAIL DATED APRIL 26, 2011, 9:51 PM

Response to Comment 5-1

This comment appears to question the use of Level of Service (LOS) in the methodology of Chapter 7 (Transportation).

Relative to the question of circulation impacts, the CEQA Guidelines require utilization of the following statement to determine whether the Project would result in a significant impact," Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit." The applicable plan in the case of the Project is the Hayward General Plan.

As indicated on Page 7-14 of the Hayward General Plan:

> Level of service (LOS) is a qualitative indication of the level of delay and congestion experienced by motorists using an intersection. LOS levels are designated by the letters A through F, with A having the best operating conditions and F the worst (high delay and congestion). The City of Hayward General Plan identifies the following LOS goal: "Seek a minimum Level of Service D at intersections during the peak commute periods except when LOS E may be acceptable due to costs of mitigation or when there would be other unacceptable impacts."

Therefore, the Draft SEIR properly utilized LOS to determine whether the Project would result in a significant impact relative to intersection operation.

Response to Comment 5-2

This comment questions the traffic forecasting methodology used in the Draft SEIR. Page 7-13 of the Draft explains that:

> The traffic forecasting methodology used for this Draft SEIR includes use of the following models: (1) City of Hayward Travel Demand Model for predicting intersection volumes; and (2) Alameda Countywide Congestion Management Agency's (ACCMA) travel demand model for Congestion Management Program (CMP) roadway volumes. These models were also utilized for the prior Concept Design Plan Program EIR.
>
> Intersection turning volumes were incorporated into TRAFFIX© software to determine Levels of Service (LOS) using the Highway Capacity Manual methods. The City of Hayward Travel Demand Model was refined, in consultation with and under the direction of the City of Hayward, to accurately reflect existing and future vehicle intersection volumes in the Project's study area. The roadway link volumes from the ACCMA model were incorporated into a Highway Capacity Manual (HCM) analysis spreadsheet to evaluate level of service conditions on CMP roadways.

The travel demand models utilized in the Draft SEIR are consistent with those utilized in the Previous CEQA Documents and were determined by the Lead Agency as the appropriate means of determining the Project's potentially significant impacts upon intersection performance in accordance with applicable plans and policies. The use methodologies that rely upon "alternative policies" or "more policy" would be inconsistent with CEQA.

The City of Hayward has, as Lead Agency under CEQA, previously adopted policy which establishes a threshold of significance for intersection operation in accordance with CEQA Guidelines Section 15064.7. Consideration and utilization of "alternative policies" or "more policies," on an ad-hoc basis and within the context of this single Project, would be inconsistent with the procedural requirements of CEQA Guidelines Section 15064.7(b) and substantial evidence requirements of CEQA Guidelines Section 15064.7(c).

Response to Comment 5-3

This comment refers to the traffic study utilized in the Draft SEIR and a separate South Hayward BART access study (not particular to the Project). It is unclear what "alternatives" the commenter is referring to. Chapter 8 (Alternatives) describes six (6) alternatives considered in the Previous CEQA Documents. Comment noted.

Response to Comment 5-4

This comment does not raise an environmental issue. Comment noted.

-----Original Message-----
From: Sherman Lewis [mailto:sherman.lewisiii@gmail.com] On Behalf Of Sherman
Sent: Tuesday, April 26, 2011 6:19 PM
To: Bill Quirk; Barbara Halliday; Erik Pearson; Fran David; Francisco Zermeno - Forward; Michael Sweeney; CityClerk; Robert Bauman; Marvin Peixoto; Mark Salinas; Sara Buizer; David Rizk; Richard Patenaude; Olden Henson; John DeClercq
Subject: Comments on Staff Report on DSEIR for South Hayward Form Code

Comments on the staff report on the Draft Supplemental Environmental Impact Report for the South Hayward BART/Mission Boulevard Form-Based Code

Impact Air-2: ... "Development ...would bring additional uses involving sensitive receptors, which could include residences, schools, day care centers, playgrounds, and medical facilities, to sites exposed to increased health risks from vehicle emissions along Mission Boulevard (Highway 238)."

Translation: Car-oriented development will increase air pollution for people nearby.

Note: The sensitive receptors are oxygen-based life forms, not buildings. 6-1

Question: Is Mission still 238 or was the route designation rescinded by the CTC last summer? 6-2

"To mitigate these impacts..., it is recommended that an overlay zone be established.... The mitigation measure would require: (a) shielded or buffered outdoor areas for sensitive receptors; (b) installation of compliant air filtration systems for buildings containing sensitive receptors; or (c) in lieu of items (a) and (b), demonstrate through a Health Risk Assessment that no threat to health exists...."

Shielded or buffered? Air filtration to remove ozone, carbon monoxide, and carbon dioxide? More pollution with no health threat? 6-3

This policy is using words to pretend to be doing something. It is of a piece with the BAAQMD PSD decision on the RCEC in the face of kids getting asthma from the existing pollution east of the plant along the 880 corridor-as documented by Alameda County Health and admitted by the BAAQMD. 6-4

The Form Based code assumes, even requires, an abundance of "free" parking and auto-dependency and ignores the opportunity for cost-effective and sustainable alternative policies as I have put forward for South Hayward (unbundling; transit-oriented public works requirements; eco-pass; parking benefit districts; an Access Authority; high-tech parking charges based on vacancy rates and willingness to pay; short-distance, dense corridor, RFP-based shuttle service; shared parking; parking charge-shuttle equilibrium; car-free lifestyle, pedestrian, mixed use design). 6-5

Impact Traf-1: Hayward, historically, has only built more pavement and more parking structures.

Don't expand pavement. Get briefed on induced demand, peak oil and gas prices, 6-6

the limits on traffic modeling, and how to change urban systems incrementally. Develop policies that reduce auto trip generation. The US is in for a big surprise: too much pavement. The city that sees it coming and plans for a more efficient, productive economy, will be successful. Don't let form code also force car-dependency. Put the traffic into efficient vehicles. Ask staff how to make this happen. Your staff transportation tool kit is a hammer. No wonder they only recommend more nails.	6-6
Discussion of car traffic: abundant. Discussion of alternatives: missing. Search terms: unbundling no match eco pass no match transit, transit capital, transit operating no matches shared parking no match willingness to pay no match parking charges, parking management no matches shuttle no match corridor no match bus service no match ridership no match headways no match dwell time no match frequency no match door to door no match travel time, travel cost no matches elasticities no match car-free no match	6-7

I took a look at http://www.hayward-ca.gov/forums/SHBARTFBC/shbartfbcforum.shtm, where I found http://www.hayward-ca.gov/forums/SHBARTFBC/pdf/2011/Revised%203-15-2011%20S%20Hayward%20BART%20Form-Based%20Code.pdf, which seems to be the Form-Based Code, one of the documents before Council. I also looked at the PowerPoint at Item #1 - SH BART FBC Draft SEIR on the agenda website.

However, I was unable to find any Draft Supplemental Environmental Impact Report or traffic analysis.	6-8

Sherman Lewis, President
Hayward Area Planning Association
2787 Hillcrest Ave.
Hayward CA 94542
510-538-3692
sherman@csuhayward.us
April 26, 2011

SHERMAN LEWIS, EMAIL DATED APRIL 26, 2011, 6:19 PM

Response to Comment 6-1

Comment noted.

Response to Comment 6-2

This comment questions whether Mission Boulevard is still considered State Route 238 within the Project area. During preparation of the Draft SEIR, Caltrans rescinded ownership of Mission Boulevard to the City of Hayward.

Response to Comment 6-3

This comment is unclear and does not appear to raise an environmental issue. Comment noted.

Response to Comment 6-4

It is unclear which policy this comment refers to and whether this comment is particular to the Draft SEIR. Comment noted.

Response to Comment 6-5

This comment expresses an opinion about the Project's parking regulations. As described in Pages 7-36 through 7-39 of the Draft SEIR, the CEQA Guidelines no longer include parking as an environmental factor to be considered under CEQA. Comment noted.

Response to Comment 6-6

This comment suggests the consideration of alternative transportation policies and offers commentary on future transportation and development trends. As explained in Response to Comment 4-2, the Draft SEIR correctly relied upon applicable policy. Offered commentary is noted.

Response to Comment 6-7

This comment is unclear and does not appear to raise an environmental issue. Comment noted.

Response to Comment 6-8

This comment questions where a copy of the Draft SEIR may be obtained. The Draft SEIR was made available on Monday, April 4, 2011 and continues to be available at the following URL:

http://www.ci.hayward.ca.us/forums/SHBARTFBC/shbartfbcforum.shtm

14

MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

This Mitigation Monitoring and Reporting Program (MMRP) fulfills Public Resources Code Section 21081.6 which requires adoption of a mitigation monitoring program when mitigation measures are required to avoid or reduce a proposed projects significant environmental effects. The MMRP is only applicable if the City of Hayward decides to approve the proposed Project.

The MMRP is organized to correspond to environmental issues and significant impacts discussed in the EIR. It also incorporates applicable mitigation measures from the Previous CEQA Documents and consolidates them into a single MMRP for the Project area. This is done as a matter of convenience for Lead Agency staff charged with applying applicable mitigation measures to future development projects. However, the following mitigation measures from the Previous CEQA Documents have either been omitted or modified by this SEIR, as explained below:

- Mitigation Measure 4.3-2d in the prior 238 Bypass Land Use Study EIR pertains to San Lorenzo which is not located in the Project area. Therefore, it is not included in the MMRP.

- Mitigation Measure 4.6-1 in the prior Concept Design Plan EIR has been modified to remove references to the project alternatives considered in that Previous CEQA Document so that the measure remains applicable to the current Project.

- Mitigation Measure 4.7-3 in the prior Concept Design Plan EIR is not included in the MMRP and is deleted by this SEIR since CEQA no longer requires parking to be considered as an environmental factor when determining whether a project would result in significant environmental effects.

The table below is arranged in the following five columns:

- Recommended mitigation measures,

- Timing for implementation of the mitigation measures,
- Party responsible for implementation,
- Monitoring action,
- Party or parties responsible for monitoring the implementation of the mitigation measures, and
- A blank for entry of completion date as mitigation occurs.

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
Mitigation Aes-1: (Visual Character) Development projects submitted to the City of Hayward within the project area shall be subject to design review to ensure that privacy impacts on surrounding properties and effects of shade and shadow are reduced to a less-than-significant impact. Design of future buildings shall include "stepping down" of taller buildings, appropriate siting of windows and balconies to maximize privacy and establishment of view corridors to nearby hills. (Mitigation Measure 4.1-1 in Concept Design Plan EIR).	During Site Plan Review, prior to building permit issuance	Individual Project Developers		Hayward Planning Division	
Mitigation Aes-2: (Views, Scenic Resources, Landforms and Visual Character) Development projects submitted to the City of Hayward within the Project area shall be subject to design review to ensure: a) Adherence to General Plan policies, Design Guidelines, Hillside Design Guidelines and applicable Neighborhood Plans to minimize the grading, appropriate siting of new roads and structures and planting of replacement vegetation to ensure that hillside development integrates into the existing appearance of hillside properties. b) Appropriate use of building material and colors to minimize reflection of windows and roofs to the community to the west. c) Design of future buildings within flatter portions of the	Prior to approval of development project in Project area	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
Project area to include "stepping down" of taller buildings, appropriate siting of windows and balconies to maximize privacy and establishment of view corridors to nearby hills. (Mitigation Measure 4.1-1 in 238 Land Use Study EIR).					
Mitigation Aes-3: (Light and Glare Impacts) Lighting Plans shall be submitted as part of all future development projects. Lighting Plans shall include lighting fixtures to be employed and specific measures to be taken to ensure that lighting is directed downward so that light and glare will be minimized. (Mitigation Measure 4.1-3 in Concept Design Plan EIR).	During Site Plan Review, prior to building permit issuance	Individual Project Developers		Hayward Planning Division	
Mitigation Aes-4 (Light and Glare Impacts) Lighting Plans shall be submitted to the City of Hayward Development Services Department as part of all future development projects. Lighting Plans shall include specific measures to reduce future lighting to a less-than-significant level, including but not limited to limiting the number of intensity of lighting fixtures to the minimum required for safety and security purposes, directing lighting fixtures downward so that light and glare will be minimized, turning off unneeded lights and similar features (Mitigation Measure 4.1-2 in 238 Land Use Study EIR).	Prior to issuance of building permits for development project in Project area	Individual Project Developers		Hayward Planning Division and Public Works Department	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
Mitigation Air-1: (Inconsistency with Air Quality Plan) Mitigation Measure 4.6.1 contained in Section 4.6, Population and Housing, directs the City of Hayward to consult with the Association of Bay Area Governments to include the build-out population for the approved concept plan alternative for this project. However, even with current General Plan goals and strategies and adherence to Mitigation Measure 4.6.1, the project would be inconsistent with the Clean Air Plan and would be a significant and unavoidable impact. (Concept Design Plan EIR Mitigation Measure 4.2-1)	As part of next regional population update round	Hayward Planning Division		Hayward Planning Division	
Mitigation Air-2: Highway Overlay Zone. The Project shall include an overlay zone extending 500 feet from Mission Boulevard or a reduced distance if coordinated with BAAQMD. This overlay zone shall include the following considerations and mitigation: Indoor Air Quality: In accordance with the recommendations of the California Air Resources Board (CARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential health risk due to exposure to diesel particulate matter to achieve an acceptable interior air quality level for sensitive receptors. The appropriate measures shall include one of the following methods:	On-going; throughout life of Project	Hayward Planning Division for overlay zone application; individual project developers for indoor/exterior air quality measures		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
(a). Development project applicants shall implement all of the following features that have been found to reduce the air quality risk to sensitive receptors and shall be included in the project construction plans. These features shall be submitted to the Development Services Department for review and approval prior to the issuance of a demolition, grading, or building permit and shall be maintained on an ongoing basis during operation of the project. i. For sensitive uses (residences, schools, day care centers, playgrounds, and medical facilities) sited within the overlay zone from Mission Boulevard, the applicant shall install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual unit, that meets or exceeds an efficiency standard of MERV 13. The HV system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85% supply filters shall be used. Project applicants shall maintain, repair and/or replace HV system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HV system and the filter. The manual shall include the operating instructions and the maintenance and replacement schedule. This manual shall be included in the CC&Rs for residential projects and/or distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the					

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
HV system and the filters. (b) Alternative to (a) above, a project applicant proposing siting of sensitive uses (residences, schools, day care centers, playgrounds, and medical facilities) within the overlay zone around Mission Boulevard shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to air polluters prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Development Services Department for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required. Exterior Air Quality: (c) To the maximum extent practicable, individual and common exterior open space proposed as a part of developments in the Project area, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants. (d) Alternative to (c) above, an HRA could be prepared and implemented to take into account the risk specifics of the site, as					

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
more fully described in item (b) above.					
Mitigation Bio-1. The following steps shall be taken to protect special-status plant species within the Project area. These steps shall be added as conditions of approval for individual development proposals for vacant or substantially vacant properties within the Project area and for any development proposal adjacent to any wetland area, creek or other body of water: a) Rare plant surveys shall be undertaken by a qualified biologist (as approved by the City of Hayward) for all areas that are not mapped as developed or disturbed/ruderal, including riparian forest, oak woodland, non-native annual grassland, coastal scrub, and wetland areas. Surveys should focus on those species with a moderate potential to occur in the Project area, and should include protocol-level surveys in February and May of riparian areas and other suitable habitats for western leatherwood and Diablo helianthella. General protocol-level rare plant surveys are necessary in early spring (February-April), late spring (May- June), and late summer (July-September) to determine the presence or absence of any other plant species with potential to occur in undeveloped habitats of the Project area. b) If species are identified, development activities shall avoid these areas and appropriate buffer areas established around such species. The size and location of any buffer shall be determined by a qualified biologist.	Prior to issuance of grading or building permits	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
c) If avoidance is not feasible, as determined by the City of Hayward, rare plants or their seeds, shall be transplanted to a suitable alternative protected habitat. Such transplantation shall occur pursuant to permits and approvals from appropriate biologic regulatory agencies. A monitoring program shall be established to ensure that transplanted species will thrive. (238 Land Use Study EIR Mitigation Measure 4.3-1)					
Mitigation Bio-2. The following steps shall be taken to protect California redlegged frog species within the Project area: a) Protocol-level surveys shall be performed in all perennial creeks, reservoirs, and deep pools of water before development occurs in or near these areas within the Project area. b) If red-legged frogs are found, development activities shall avoid these areas and appropriate buffer areas established around such species. The size and location of any buffer shall be determined by a qualified biologist. c) If avoidance is not feasible, as determined by the City of Hayward, red-legged frogs shall be relocated to a suitable alternative protected habitat. Such relocation shall occur pursuant to permits and approvals from appropriate biological regulatory agencies. A monitoring program shall be established to ensure that relocated	Prior to issuance of grading or building permits	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
species will thrive. (238 Land Use Study EIR Mitigation Measure 4.3-2a)					
Mitigation Bio-3. Clearing of vegetation and the initiation of construction shall be restricted to the non-breeding season between September and January of each year. If these activities cannot be done in the non-breeding season, a qualified biologist (as approved by the City of Hayward) shall perform pre-construction bird surveys within 30 days of the onset of construction or clearing of vegetation. If nesting birds are discovered in the vicinity of a development site, a buffer area shall be established around the nest(s) until the nest is vacated. The size of the buffer would be dependent on the particular species of nesting bird and shall be determined by a qualified biologist. (238 Land Use Study EIR Mitigation Measure 4.3-2b)	Prior to issuance of grading or building permits; and is stipulated by the measure.	Individual Project Developers		Hayward Planning Division	
Mitigation Bio-4. Preconstruction bat surveys shall be undertaken prior to grading, tree removal or other construction occurring between November 1 and August 31 of the year. Pre-construction bat surveys shall be undertaken by a qualified biologist (as approved by the City of Hayward) involve surveying trees, rock outcrops, bridges, and buildings subject to removal or demolition for evidence of bat use (guano accumulation, or acoustic or visual detections). If evidence of bat use is found, the biologists shall conduct a minimum	Prior to issuance of grading or building permits	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
of three acoustic surveys between April and September under appropriate conditions using an acoustic detector, to determine whether a site is occupied. If bats are found, they should be excluded from occupied roosts in the presence of a qualified biologist during the fall prior to construction. (238 Land Use Study EIR Mitigation Measure 4.3-2c)					
Mitigation Bio-1: (Biological Resources/Impacts to Wetlands and Other Waters) The following steps shall be taken to protect wetlands and other waters of the U.S. a) The amendment to the Hayward General Plan shall include a policy or policies requiring retention of appropriate riparian and wildlife corridors adjacent to major creeks that flow through the Project area. The width of corridors shall be based on site-specific biological assessments of each creek.). b) In order to ensure that all jurisdictional wetlands and other waters are identified, formal jurisdictional delineations of wetlands and other waters shall be conducted on a project specific basis as part of the normal environmental review process for specific development projects. Jurisdictional delineations should follow the methodology set forth in the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual and should be submitted to the Corps for verification prior to project development.	Prior to issuance of grading permits for development projects in Project area	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
c) Future development proposals within the Project area should avoid development on and impacts on identified wetlands and other waters. d) If avoidance of wetlands or other waters is not possible, then impacts should be minimized to the maximum extent that is practicable. If impacts to wetlands or other waters cannot be minimized and are unavoidable, these impacts should be compensated for by developing and implementing a comprehensive mitigation plan, acceptable to the Corps, CDFG, and RWQCB to offset these losses. It is recommended that mitigation be conducted within the Project area. If this is not possible, then an off-site mitigation area should be selected that is as close to the Project area as possible and acceptable to the resource agencies. Necessary state and federal permits shall be obtained prior to any work within or in close proximity to wetlands or other waters of the U.S. (238 Land Use Study EIR Mitigation Measure 4.3-3)					
Mitigation Bio-2: (Biological Resources/Impacts to Tree Resources) Tree surveys shall be conducted by a certified arborist on all properties proposed for development and under the jurisdiction of the tree ordinances. Impacts to trees will require removal permits pursuant to the Hayward Tree Preservation Ordinance or the Alameda County Tree Ordinance in County rights-of-way. Replacement trees shall be provided based on the	Prior to issuance of grading permits for development projects, or removal of	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
replacement value of protected trees that are removed. (238 Land Use Study EIR Mitigation Measure 4.3-4)	major trees				
Mitigation Cult-1: (Cultural Resources/Impacts to Historic Resources) a) Specific development proposals that involve any structure older than 45 years shall be reviewed by the Hayward Planning Division to ensure consistency with the City's Historic Preservation Program and applicable CEQA Guideline provisions. If substantial changes to a historic resource is proposed, modifications may be required in the design of such project to ensure consistency with the Historic Preservation Program. b) Future construction adjacent to any identified historic structure shall be complementary to the historic structure in terms of providing appropriate setbacks, consistent design and use of colors, as determined by the Hayward Planning Division. (238 Land Use Study EIR Mitigation Measure 4.4-1)	Prior to issuance of demolition permits for any structure 45 years of age or older within Project area	Individual Project Developers		Hayward Planning Division	
Mitigation Geo-1: (Geology & Soils/Seismic Fault Rupture and Fault Creep) Site-specific geologic fault investigations shall be undertaken for all new individual development projects within the State-defined Earthquake Fault Zone. Each investigation shall include a confirmation that new habitable structures would not be placed on or within 50 feet of an active fault trace, as defined by state and local regulations. Additionally, all new dwellings, roads	Prior to issuance of grading permits for development projects within an	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
and utility lines shall be subject to site-specific geotechnical evaluations with a requirement that all future utility lines that cross faults be fitted with shut-off valves. Implementation of these evaluations shall be required to ensure consistency with the California Building Code and all other applicable seismic safety requirements. (238 Land Use Study EIR Mitigation Measure 4.5-1)	identified Earthquake Fault Zone within Project area				
Mitigation Geo-2: (Geology & Soils/Seismic Ground Shaking) Site-specific geotechnical investigations shall be required for each building or group of buildings (such as in a subdivision), roads and utility lines constructed in the Project area. Investigations shall be completed by a geotechnical engineer registered in California or equivalent as approved by the City. Design and construction of structures shall be in accordance with the recommendations contained in the reports. Generally, such recommendations will address compaction of foundation soils, construction types of foundations and similar items. Implementation of these evaluations shall be required to ensure consistency with the California Building Code and all other applicable seismic safety requirements. (238 Land Use Study EIR Mitigation Measure 4.5-2)	Prior to issuance of grading permits for development projects within Project area	Individual Project Developers		Hayward Planning Division	
Mitigation Geo-3: (Geology & Soils/Ground Failure and Landslides) Site-specific geotechnical investigations required as	Prior to issuance of	Individual Project		Hayward Planning	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
part of Mitigation Measure 4.5-2 shall also address the potential for landslides, including seismically induced landslides and include specific design and construction recommendations to reduce landslides and other seismic ground failure hazards to less-than-significant levels. Recommendations included within site-specific geotechnical investigations shall be incorporated into individual grading and building plans for future development. (238 Land Use Study EIR Mitigation Measure 4.5-3)	grading permits for development projects within Project area	Developers		Division	
Mitigation Haz-1: (Demolition and Hazardous Air Emissions) Prior to commencement of demolition or deconstruction activities within the project area, project developers shall contact the Alameda County Environmental Health Department, Bay Area Air Quality Management District, Department of Toxic Substances Control and the Hazardous Materials Division of the Hayward Fire Department for required site clearances, necessary permits and facility closure with regard to demolition and deconstruction and removal of hazardous material from the site. All work shall be performed by licensed contractors in accord with State and Federal OSHA standards. Worker safety plans shall be included for all demolition or deconstruction plans. (Concept Design Plan EIR Mitigation Measure 4.3-1a)	Prior to issuance of demolition permits	Individual Project Developers		Alameda County Environmental Health Department, Bay Area Air Quality Management District, Hazardous Materials Division of the Hayward Fire Department, and Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
Mitigation Haz-2: (Demolition and Hazardous Air Emissions) Prior to commencement of grading activities within the project area, project developers shall conduct investigations by qualified hazardous material consultants to determine the presence or absence of asbestos containing material in the soil. If such material is identified that meets actionable levels from applicable regulatory agencies, remediation plans shall be prepared and implemented to remediate any hazards to acceptable levels and shall identify methods for removal and disposal of hazardous materials. Worker safety plans shall also be prepared and implemented. All required approvals and clearances shall be obtained from appropriate regulatory agencies, including but not limited to the Hayward Fire Department, California Department of Toxic and Substances Control and Bay Area Air Quality Management District. (Concept Design Plan EIR Mitigation Measure 4.3-1b)	Prior to issuance of grading or demolition permits	Individual Project Developers		Hayward Fire Department, Department of Toxic Substances Control, Bay Area Air Quality Management District, Hayward Planning Division	
Mitigation Haz-3: (Potential Soil and Groundwater Contamination) Prior to approval of building or demolition permits, project developer(s) shall prepare a Phase I environmental site analysis and, if warranted by such analysis as determined by the Hazardous Materials Office of the Hayward Fire Department or other regulatory agency, a Phase II environmental site analysis shall also be conducted. Recommendations included in the Phase II analysis for remediation of hazardous conditions shall be followed, including contact with appropriate regulatory agencies to obtain necessary permits and clearances. No construction (including	Prior to issuance of grading permits	Individual Project Developers		Hayward Public Works Department and Alameda County Flood Control and Water Conservation District	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
grading) shall be allowed on a contaminated site until written clearances are obtained from appropriate regulatory agencies. (Concept Design Plan EIR Mitigation Measure 4.3-2)					
Mitigation Haz-4: (Hazards/Demolition and Hazardous Air Emissions) Prior to commencement of demolition or deconstruction activities within the project area, project developers shall contact the Alameda County Environmental Health Department, Bay Area Air Quality Management District, Department of Toxic Substances Control and the Hazardous Materials Division of the Hayward Fire Department, for required site clearances, necessary permits and facility closure with regard to demolition and deconstruction and removal of hazardous material from the site. All work shall be performed by licensed contractors in accord with State and Federal OSHA standards. Worker safety plans shall be included for all demolition or deconstruction plans. (238 Land Use Study EIR Mitigation Measure 4.6-1a)	Prior to issuance of demolition permits within Project area	Individual Project Developers		Hayward Planning Division	
Mitigation Haz-5: (Hazards/Demolition and Hazardous Air Emissions) Prior to commencement of grading activities within the project area, project developers shall conduct investigations by qualified hazardous material consultants to determine the presence or absence of asbestos containing material in the soil. If such material is identified that meets actionable levels from applicable	Prior to issuance of demolition permits within Project area	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
regulatory agencies, a remediation plan shall be prepared to remediate any hazards to acceptable levels, including methods of removal and disposal of hazardous material, worker safety plans and obtaining necessary approvals and clearances from appropriate regulatory agencies, including but not limited to the Hayward Fire Department, Department of Toxic and Substances Control and Bay Area Air Quality Management District. (238 Land Use Study EIR Mitigation Measure 4.6-1b)					
Mitigation Haz-6: (Hazards/Potential Soil and Groundwater Contamination) Prior to approval of building or demolition permits, project developer(s) shall prepare a Phase I environmental site analysis and, if warranted by such analysis as determined by the Hazardous Materials section of the Hayward Fire Department or other regulatory agency, a Phase II environmental site analysis shall also be conducted. Recommendations included in the Phase II analysis for remediation of hazardous conditions shall be followed, including contact with appropriate regulatory agencies to obtain necessary permits and clearances. No construction (including grading) shall be allowed on a contaminated site until written clearances are obtained from appropriate regulatory agencies. (238 Land Use Study EIR Mitigation Measure 4.6-2)	Prior to issuance of demolition or building permits, as applicable within Project area	Individual Project Developers		Hayward Planning Division	
Mitigation Hyd-1: (Drainage Impacts) Site-specific drainage	Prior to	Individual		Hayward Public	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
plans shall be prepared for all future construction within the project area prior to project approval. Each report shall include a summary of existing (pre-project) drainage flows from the project site, anticipated increases in the amount and rate of stormwater flows from the site and an analysis of the ability of downstream facilities to accommodate peak flow increases. The analysis shall also include a summary of new or improved drainage facilities needed to accommodate stormwater increases. Each drainage plan shall be reviewed and approved by the Hayward Public Works Department staff and Alameda Flood Control and Water Conservation District staff prior to approval of the proposed development project. (Concept Design Plan EIR Mitigation Measure 4.4-1)	issuance of grading permits	Project Developers		Works Department and Alameda County Flood Control and Water Conservation District	
Mitigation Hyd-2: (Hydrology/Drainage Impacts) Site-specific drainage plans shall be prepared for all future construction within the Project area prior to approval of a grading permit, or a building permit in the event a grading permit is not required. Each report shall include a summary of existing (pre-project) drainage flows from the project site, anticipated increases in the amount and rate of stormwater flows from the site and an analysis of the ability of downstream facilities to accommodate peak flow increases. The analysis shall also include a summary of new or improved drainage facilities needed to accommodate stormwater increases. Each drainage plan shall be reviewed and approved by the Hayward Public Works Department staff and Alameda County Flood Control and Water Conservation District staff prior to approval of a grading	Prior to issuance of grading or building permits, as applicable, within Project area	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
or building permit. (238 Land Use Study EIR Mitigation Measure 4.7-1)					
Mitigation Hyd-3: (Flooding Impacts) Prior to construction within a 100-year flood plain area, project developers shall either: a) Submit a hydrology and hydraulic study prepared by a California-registered civil engineer proposing to remove the site from the 100-year flood hazard area through increasing the topographic elevation of the site or similar steps to minimize flood hazards. The study shall demonstrate that flood waters would not be increased on any surrounding sites, to the satisfaction of City staff. b) Comply with Section 9-4.110, General Construction Standards, of the Hayward Municipal Code, which establishes minimum health and safety standards for construction in a flood hazard area. c) Apply to the City for a Conditional Letter of Map Revision (CLOMR) to remove the site from the FEMA Flood Insurance Rate Map 100-year flood hazard area. (Concept Design Plan EIR Mitigation Measure 4.4-2)	Prior to issuance of grading or building permits for any property within a 100-year flood plain	Individual Project Developers		Hayward Public Works Department and Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
Mitigation Hyd-4: (Hydrology/Flooding Impacts) Prior to construction within a 100-year flood hazard area, developers of site-specific projects shall either: a) Submit a hydrology and hydraulic study prepared by a California-registered civil engineer proposing to remove the site from the 100-year flood hazard area through increasing the topographic elevation of the site or similar steps to minimize flood hazards. The study shall demonstrate that flood waters would not be increased on any surrounding sites, to the satisfaction of City staff. b) Comply with Section 9-4.110, General Construction Standards, of the Hayward Municipal Code, which establishes minimum health and safety standards for construction in a flood hazard area. c) Apply to the City for a Conditional Letter of Map Revision (CLOMR) to remove the site from the FEMA Flood Insurance Rate Map 100-year flood hazard area. (238 Land Use Study EIR Mitigation Measure (4.7-2)	Prior to issuance of grading permits within Project area	Individual Project Developers		Hayward Planning Division	
Mitigation Noise-1: (Permanent Noise Impacts) Site-specific acoustic reports shall be prepared for future residential projects within the project area. Each report shall include a summary of existing noise levels, an analysis of potential noise exposure levels, consistency with City of Hayward noise exposure levels and specific measures to reduce exposure levels to City of Hayward noise	Prior to discretionary project approvals	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
standards. (Concept Design Plan EIR Mitigation Measure 4.5-2)					
Mitigation Noise-2: (Noise/Land Use Noise Compatibility) A site-specific noise study shall be performed for future individual development proposals within the Project area adjacent to major roadways or other noise sources, as determined by the Development Services Director to determine compatibility with the existing and future noise environment and applicable noise regulations. If noise levels exceed applicable standards, then noise reduction measures shall be incorporated into the project design to ensure consistency with local and state noise standards. Noise reduction measures could include, but would not be limited to, noise barriers and site orientation for outdoor spaces and sound rated building constructions for indoor spaces. The analysis must consider the following criteria and guidelines: a) General Plan Policies for Noise including Appendix N of the General Plan which contains Noise Guidelines for Review of New Development) b) General Plan EIR Mitigation Measure 7.3: Project-Specific Noise Analysis/Abatement State Building Code, Chapter 1207 (insulation from exterior noise in new residential construction). (238 Land Use Study EIR Mitigation Measure 4.9-1)	Prior to issuance of grading or building permits, as applicable, within Project area	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
Mitigation Noise-3: (Noise/Traffic Noise Impacts) Consistent with Mitigation Measure 7.4 of the City of Hayward General Plan Update EIR, an acoustical study shall be performed for each development proposal within the Project area that has potential to significantly increase existing noise levels. If it is determined that a proposed development would result in a substantial increase in ambient noise levels along nearby roadways, the study shall identify and implement noise abatement measures which will reduce project-related noise effects to a level consistent with City and State standards. Such measures could include the installation of noise barriers such as berms or sound walls). (238 Land Use Study EIR Mitigation Measure 4.9-2)	Prior to issuance of building permits within Project area	Individual Project Developers		Hayward Planning Division	
Mitigation Noise-4: (Noise/Operational Noise Impacts) Consistent with Mitigation Measure 7.2 of the City of Hayward General Plan Update EIR, the City of Hayward shall review individual projects using the City's General Plan as guidance to determine whether or not an operational noise source would generate significant noise impacts. Noise reduction measures including but not limited to setbacks, site plan revisions, operational constraints, buffering, and sound insulation shall be incorporated into final development plans to reduce operational noise to a less than significant level. (238 Land Use Study EIR Mitigation Measure 4.9-3)	Prior to issuance of building permits within Project area	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
Mitigation Noise-5: (Construction Noise Impacts) Construction Noise Management Plans shall be prepared for all development projects within the project area, including public and private projects. Each plan shall specify measures to be taken to minimize construction noise on surrounding developed properties. Noise Management Plans shall be approved by City staff prior to issuance of grading or building permits and shall contain, at minimum, a listing of hours of construction operations, a requirement for the use of mufflers on construction equipment, limitation on on-site speed limits, identification of haul routes to minimize travel through residential areas and identification of noise monitors. Specific noise management measures shall be included in appropriate contractor plans and specifications. (Concept Design Plan EIR Mitigation Measure 4.5-1)	Prior to issuance of grading or building permits	Individual Project Developers		Hayward Public Works Department and Hayward Planning Division	
Mitigation Noise-6: (Noise/Construction Noise Impacts) The City shall require reasonable construction practices for individual development projects within the Project area, consistent with Mitigation Measure 7.1 of the City of Hayward General Plan Update EIR. Measures should include but are not limited to the following: a) Requiring all equipment to have mufflers and be properly maintained; b) Limiting the amount of time that equipment is allowed to	Prior to issuance of building permits within Project area	Individual Project Developers		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
stand idle with a running engine; c) Shielding construction activity and equipment from nearby noise sensitive uses by appropriate construction phasing, using existing buildings and structures as noise shields, construction of temporary noise barriers and similar techniques; and d) Providing advance notice to nearby residents of major noise activities. (238 Land Use Study EIR Mitigation Measure 4.9-4)					
Mitigation Pop-1. (Population & Housing/Population Increase) The City of Hayward shall consult with ABAG to ensure buildout populations for the project area are included in future regional projections. (Concept Design Plan EIR Mitigation Measure 4.6-1)	During next regional population update	City of Hayward and ABAG		Hayward Planning Division	
Mitigation Pop-2: (Population & Housing/Population Increase) The City of Hayward shall consult with ABAG to ensure that final build-out populations for the project area are included in future regional projections. (238 Land Use Study EIR Mitigation Measure 4.10-1)	During next regional population update	City of Hayward and Association of Bay Area Government s		Hayward Planning Division	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
Mitigation PS-1: (Fire Services) If the City determines new or replacement equipment is needed, future developers shall: a) Pay a fair share contribution to the City of Hayward to finance the acquisition of equipment to serve proposed developments, including those associated with mid to high rise structures (3 to 7 stories); and b) Pay a fair share contribution to the City of Hayward to finance the acquisition of traffic pre-emption devices along Mission Boulevard, as determined by the Hayward Fire Chief, to ensure emergency equipment can access new construction in the project area. (Concept Design Plan EIR Mitigation Measure 4.8-1)	Prior to finalization of development projects.	Individual Project Developers		Hayward Fire Department	
Mitigation PS-2: (Police Services) If the City determines new or replacement equipment is needed, future developers shall pay a fair share contribution to the City of Hayward to finance the acquisition of such equipment, including, but not limited to vehicles. (Concept Design Plan EIR Mitigation Measure 4.8-2)	Prior to finalization of development projects	Individual Project Developers		Hayward Police Department	
Mitigation PS-3: (Public Services/Fire Services) The City of Hayward shall prepare and adopt a mechanism to finance public safety staffing and improvements within the Project area prior to the	Prior to issuance of building	City of Hayward		Hayward Planning	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
construction of the first dwelling unit within the Project area. Such a mechanism may include a Community Facilities District or equivalent mechanism that will provide for adequate funding to meet City and County staffing, facility and equipment standards, as determined by each respective jurisdiction. (238 Land Use Study EIR Mitigation Measure 4.12-1)	permits within Project area			Division	
Mitigation PS-4: (Public Services/Police Services) Approval of the proposed Project with any of the proposed Alternatives could represent a significant impact to the Hayward Police Department and Alameda County Sheriff Department, since the amount of future development and resulting calls for service may not be adequately served by existing department resources. (238 Land Use Study EIR Mitigation Measure 4.12-2)	Prior to issuance of building permits within Project area	City of Hayward		Hayward Planning Division	
Traf-1: (LOS at Dixon Street/Tennyson Road) Create an exclusive right turn pocket and a shared through-left turn lane in the southbound direction (on the East 12th Street approach). Lane geometries in the northbound direction would include an exclusive left-turn pocket and a shared through-right turn lane. Signal phasing would be changed to split phasing in the northbound and southbound directions, with a southbound right-turn overlap	As dictated by traffic analyses of future development projects, as determined by the Hayward	Hayward Public Works Department		Hayward Public Works Department	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
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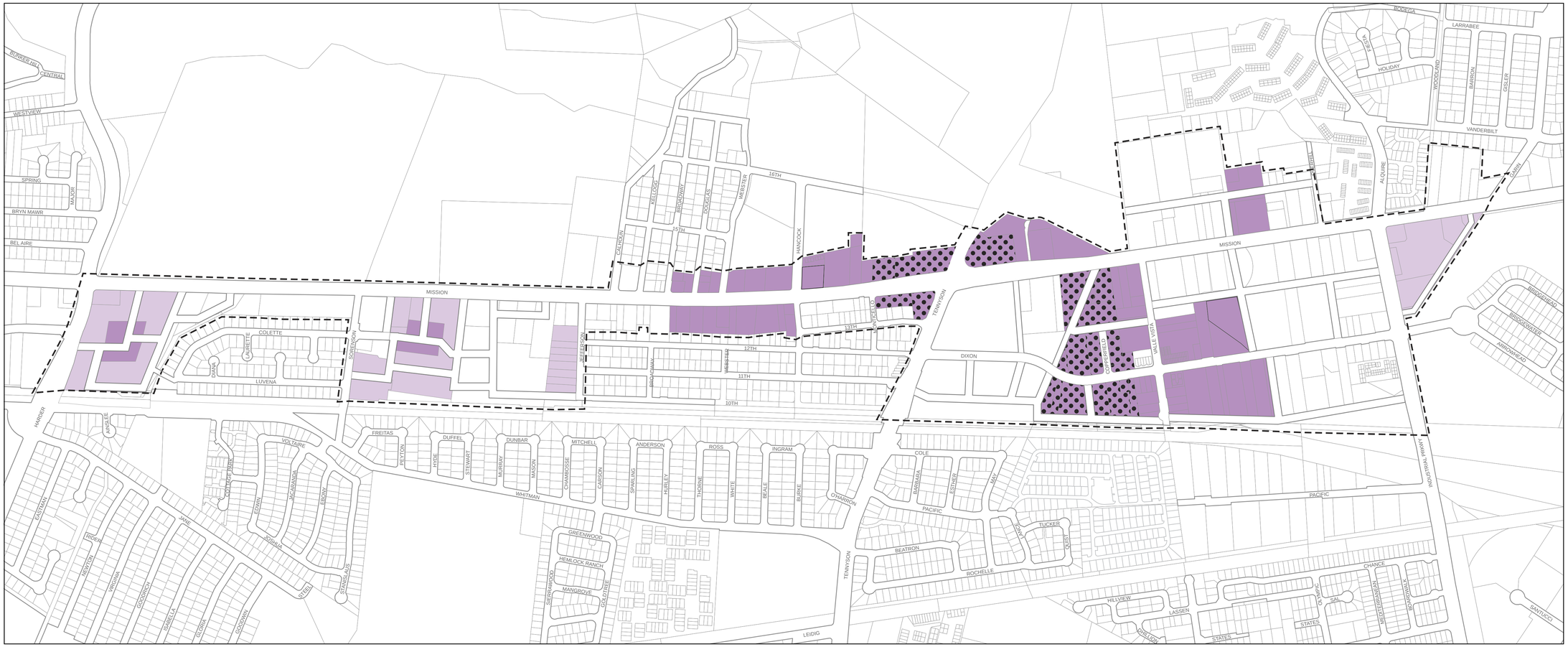
during eastbound and westbound protected left turn phases. U-turns in the eastbound direction would be prohibited to minimize conflicts with southbound right-turning vehicles.	Public Works Director				
Traf-2: (LOS at Mission Boulevard/Industrial Parkway) For the westbound right turn lane, provide an overlapping signal with the southbound left protected phase.	As dictated by traffic analyses of future development projects, as determined by the Hayward Public Works Director	Hayward Public Works Department		Hayward Public Works Department	
Traf-3: (LOS at Mission Boulevard/Tennyson Road) Split phasing signal timing in the eastbound and westbound directions is already being constructed as part of the Route 238 Corridor Improvement Project. However, in addition to the split phasing, the following would need to be accomplished: (a) convert the eastbound through lane to an eastbound shared through-left lane, and (b) stripe the westbound approach to a shared left-through lane and an exclusive right turn lane, and (c) provide overlap phasing for westbound and eastbound right turns; and (d) prohibit northbound	As dictated by traffic analyses of future development projects, as determined by the Hayward	Hayward Public Works Department		Hayward Public Works Department	

South Hayward BART/Mission Boulevard Form-Based Code Project: Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
and southbound U-turns to avoid conflicts with the right turn overlap phasing .	Public Works Director				
Traf-4: (LOS at Mission Boulevard/Harder Road) Convert the signal phasing of this intersection to right-turn overlap phasing in the eastbound direction during the northbound and southbound protected left-turn phase. In conjunction with the signal phasing prohibit northbound U-turns to avoid conflicts with the right turn overlap phasing	As dictated by traffic analyses of future development projects, as determined by the Hayward Public Works Director	Hayward Public Works Department		Hayward Public Works Department	

Up-Zoned Parcels



Legend

Project Area

Parcels

Proposed Zoning Designations

- **T4 Urban General Zone (17.5 - 35 du/ac)**
- **T5 Urban Center Zone (35 - 55 du/ac)**
- **TOD Density Overlay 2 (40 - 65 du/ac)**

Existing Zoning Designations

- **(RS) Single Family Residential (4.3 du/ac)**
- **(RM) Medium Density Residential (8.7 - 17.4 du/ac)**
- **(RH) High Density Residential (17.4 - 34.8 du/ac)**
- **(CN) Neighborhood Commercial (8.7 - 34.8 du/ac)**
- **(CN-R) Neighborhood Commercial-Residential (17.4 - 25 du/ac)**
- **(CG) General Commercial (8.7 - 34.8 du/ac)**
- **(OS) Open Space**

South Hayward BART / Mission Boulevard Form-Based Code

The Charrette Process and Form-Based Codes

Benefits of the Charrette Process

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

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

Project Timeline

- **October 2009** – Public charrette
- **Feb. - April 2010** – Final Form-Based Code, Fiscal Impact Report, Parking Report
- **March - April 2010** – Environmental Document Review
- **May 2010** – Public Hearings

Examples of the community's 'preferred images'

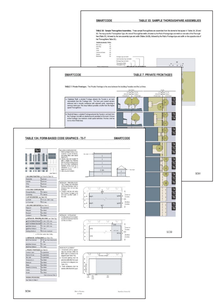
Benefits of Form-Based Codes

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

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

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

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



Example of Gradual Development

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

Existing Conditions — *Parks & Civic* — *Neighborhood Center*

Volunteer Contributions

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

Why Block Perimeter Matters

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

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

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

What does Success look Like?

In the words of Community members:

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

Illustration viewpoint

Existing conditions

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

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

Illustration viewpoint

Existing conditions

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

"It's safer."

Illustration viewpoint

Existing conditions

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

The Regulating Plan

Contents of the Plan

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

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

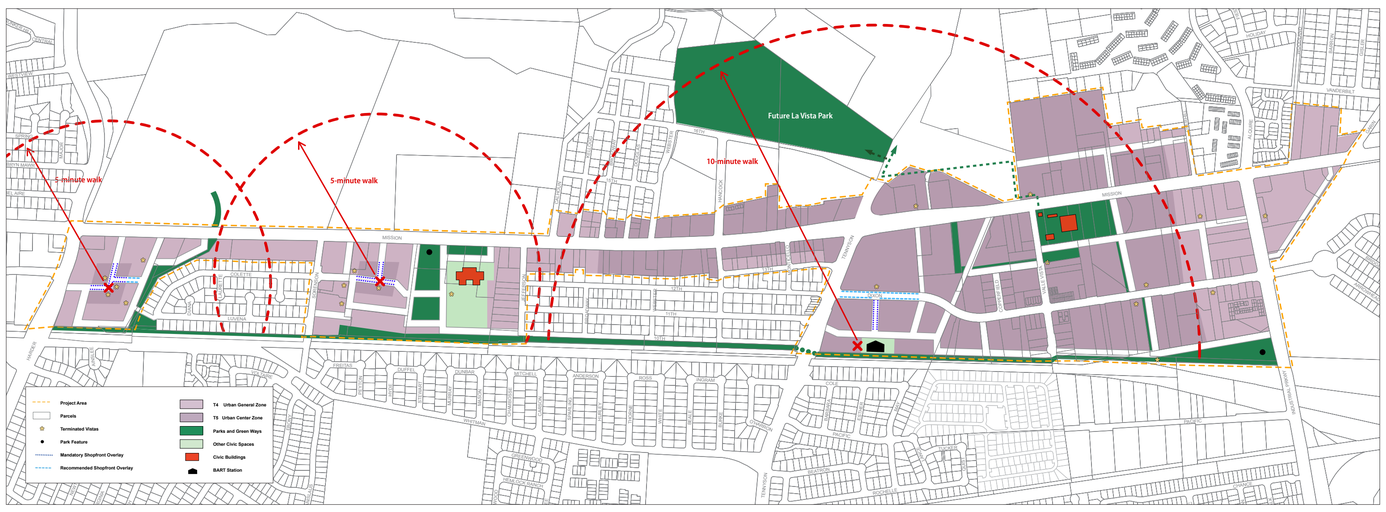
It lays out the Transect zones to reflect the ¼-mile 'five-minute walk' or 'pedestrian shed' that has been an informal standard for neighborhoods and small villages since the earliest cities, and the ½-mile 'ten-minute walk' to transit. The goal is to meet the daily needs of citizens within each pedestrian shed.

T4 and T5 Transect Zones

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

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

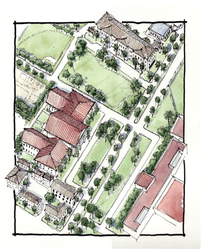
T5 Urban Center Zone - consists primarily of higher density mixed-use buildings that accommodate retail, office and residential including rowhouses and apartment buildings. It has a tight network of streets with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.



Small Lot Infill Strategies

There are infill opportunities in this area of small lots and shallow lot depths near Mission Blvd. and Monticello Street.

This concept illustrates how new small units (mixed-use buildings, live work units and rowhouses), streets and alleys can be added efficiently over time to add value to the property as well as safety and liveliness to the street.



Bowman Details

Bowman Elementary School has plans to expand their site to include adjacent vacant and commercial lots in order to accommodate the planned residential growth near the South Hayward BART station. Their plans include facing Mission Boulevard and Moreau Catholic High School.

This drawing explores ways it can be integrated into the neighborhood with a civic and mixed-use center.

Deep Lots Study

Long, deep lots on sections of Dixon Street present a series of challenges in terms of current design and layout as well as a lack of connectivity to the surrounding neighborhood fabric.

This new concept combines two lots for better emergency vehicle access, increased safety for residents and pedestrians, and better value creation for the property owners by the addition of new public space.

About the Transect

Transect of Hayward

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

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

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

Holiday Bowl Site

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

HALL ALMINANA
INCORPORATED

PREPARED FOR

The City of Hayward
November, 2009

CHARRETTE DATES

September 29 – October 4, 2009

URBAN DESIGN TEAM

HALL ALMINANA, INC.
Laura Hall
Robert Alminana
Chris Ross

ARCHITECTURE
Eric Brown,
Brown Design Studio

ILLUSTRATIONS
Dede Christopher,
Christopher Illustrations

PLANNING & CODING
Kevin Colin,
Lamphier-Gregory

MARKET ANALYSIS
Bill Lee & Ernesto Vilchis,
ERA|AECOM

PARKING ANALYSIS
Patrick Siegman,
Nelson\Nygaard Consulting Associates

CONTACT & DOWNLOAD INFORMATION

If you would like more information about the South Hayward BART/ Mission Boulevard Area Form-Based Code, please contact:

David Rizk, Hayward Development Services Director, at (510) 583-3650.

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

CITY OF HAYWARD
HEART OF THE BAY

South Hayward BART / Mission Boulevard Form-Based Code

Illustration viewpoint

Illustration viewpoint

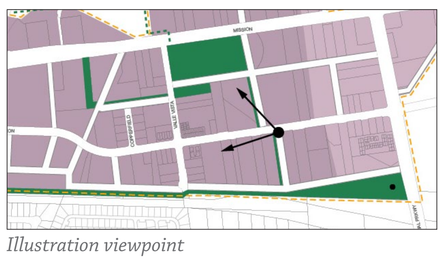
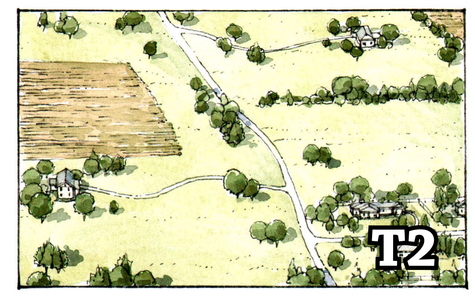
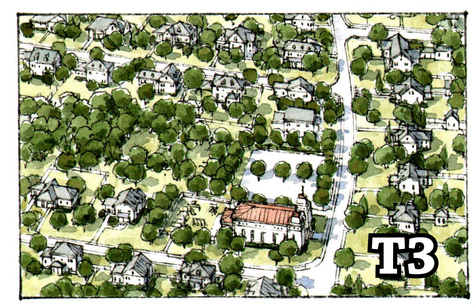
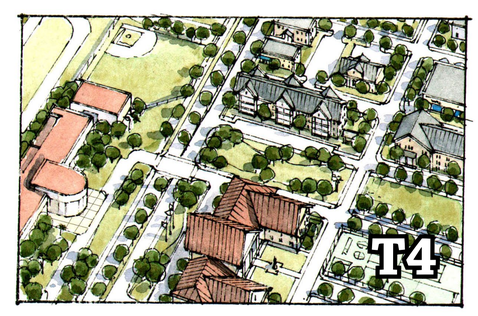


Illustration viewpoint

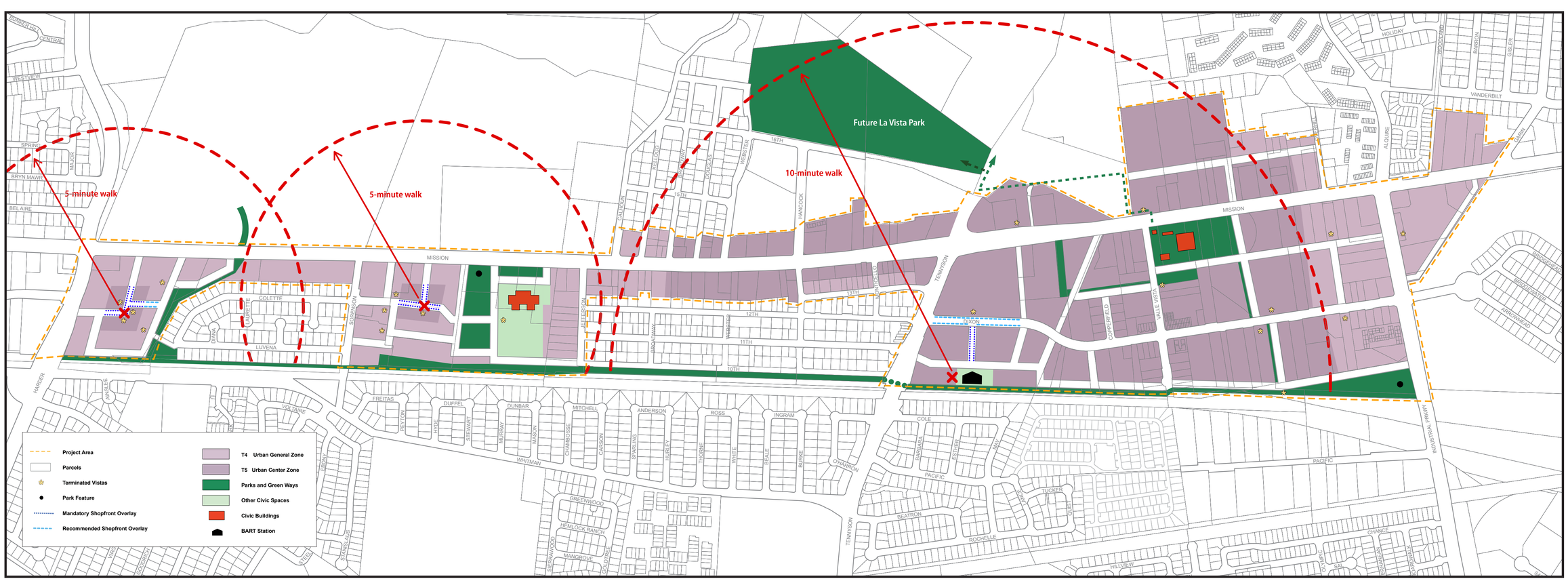
Before & After







Transect of Hayward



Draft Regulating Plan

HALL ALMINANA
INCORPORATED

PREPARED FOR

The City of Hayward
November, 2009

CHARRETTE DATES

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CITY OF HAYWARD
HEART OF THE BAY

MINUTES OF THE REGULAR MEETING OF THE CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 23, 2011, 7:00 p.m.
777 B Street, Hayward, CA 94541

MEETING

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

ROLL CALL

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

Commissioner Lavelle led in the Pledge of Allegiance.

Staff Members Present: Conneely, Koonze, Philis, Rizk

General Public Present: 19

PUBLIC COMMENTS

None

PUBLIC HEARING

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

Director of Development Services David Rizk introduced Associate Planner Tim Koonze who gave a synopsis of the report noting that besides the noise complaints documented in the report, staff also received a letter from the owner of the Lucky grocery store questioning if there was an adequate number of available parking spots to support a banquet hall. Mr. Koonze said the shopping center was required to have 405 parking spots, but provided 456. Additionally, the drug store that was previously located where the Golden Peacock is now, was required to provide

Commissioner Lamnin no off site caterers Tim said that was prior to to approval, but outside caterer would be allowed if permit approved.

Commissioner McDermott asked if the applicant was in the audience and reserved her question until he spoke.

Commissioner Lavelle asked if parking would ever be allowed on West Harder Road. Associate Planner clarified she meant street parking and pointed out anyone parking on West Harder would have to walk around the entire building, but said he would check. Commissioner Lavelle suggested the dead-end street could be used for temporary event parking.

Commissioner Mendall said parking would be strained if the banquet hall reached full capacity of 732 and asked if guests could park behind Lucky? Associate Planner Koonze said employees use that lot but would check other parking availability. Commissioner Mendall confirmed that the Golden Peacock had a liquor license and with music, said the facility said it sounded more like a nightclub and asked how the City could stop it from used as such. Associate Planner Koonze said it would be only special events, but Commissioner Mendall pointed out that the CUP did not specifically say events couldn't be held every night. Commissioner Mendall expressed concern that the more specific language be added that limited the use to banquets only.

Director of Development Services Rizk concurred that was a difficult line to maintain and said something. He pointed out that the security plan and noise limitations in the CUP were an attempt to limit use.

Commissioner Mendall asked if condition 14 would preclude a San Leandro caterer from providing food and Koonze said they would need a Hayward business license.

Koonze pointed out that Condition 18f

Commissioner Faria asked if anyone was going to be monitoring that the back doors are kept shut during events. Mr. Koonze said the operator has indicated that security would rotate through the building including perimeter checks and also monitor service at the bar. Mr. Koonze said guests at the hall would not have access to the back doors and that only catering staff and banquet hall staff would have access. Commissioner Faria said with large events it would be difficult to monitor those doors, but was reassured that the guests would not have access.

Commission McDermott (Condition of app 2) asked if all calls made to police would incur a charge for the owner. Maureen Conneely said it would be up to Hayward Police Department to determine the seriousness of the call. McDermott said critical incidence were a given, but what about other calls. She also pointed out that the back doors needed to be unlocked for emergency exit purposes, but Mr. Koonze said the the back doors would remain shut otherwise.

Commissioner McDermott (p. 4 D) confirmed that Item D was included accidentally in the report.

Commissioner Lamnin, page 2, 16C, asked if restaurant staff that serve alcohol would also serve alcohol at events and staff confirmed that was true. Lamnin asked about circulation with the doors shut, and staff didn't know. 16 d limiting the number of licenses and permit would control

Commissioner Mendall said something. Regarding corridor it doesn't go all the way around and he asked if the buffer could be made a requirement. Koonze said yes, but pointed out that the conditions of approval required that no noise exceed the property lines so it didn't really matter.

Chair Loche asked if the police had been called out since they had been in operation and staff said no. Regarding security, 2 for 200, more as number increases, Chair Loche asked how the City could guarantee there would be enough security and staff said it would be a requirement under the conditions of approval to have enough security. Chair Loche said parking was a

concern if the hall was successful and attendance increased over time. He mentioned valet parking and the general concern.

Chair Loché opened the Public Hearing at 7:34 p.m.

Lucia, said parking in the back would cause more problems for her if cars were coming in and out. She said she is completely against the application for the Golden Peacock because they have not complied with City ordinances. Said they have been holding events even when they had been told not to. One event had 600 guests. Municipal code for noise for thumping bass made it impossible for her to sleep. Has lived at this address for 19 years and said she's the only one complaining to the City, but other neighbors have complained to her and employees from surrounding businesses have experienced parking issues. The restaurant does not have stated hours. She asked that banquet hall shut down at 10 p.m. so the music stops. Public events make a nightclub.

Kim Huggett, president of Chamber of Commerce with business address on Main Street, pointed out that when Centennial Hall was closed the community lost a meeting place. Said there are 600 members in the Chamber and they formed an alliance and if they want to hold a non-profit event there are no large facilities available. Said this is an opportunity on a silver platter and encourage the Commission to grant the use permit. He said if you stand in the back of the facility there are noise issues, but the freeway was louder than the restaurant

Anwar Mirza, Yorksire in Danville, part owner of the building, he said when the Rite Aid left they were told no more drug stores and about a year ago they started using the space as a banquet hall. He said when he first started working with the City the space was only used as a banquet hall until they were asked to install a restaurant about a month ago. He said he was shocked that the hearing was taking place because the banquet hall was already approved and the restaurant was only 12% of the total building.

Dr. Dharam Salvan, Harrisburg Ave, Fremont, with Tribeni Enterprises were his tenants in Fremont for seven and half years before the property was sold to Eden Housing for senior housing. He said they were very good tenants and maintained their property and never received any complaints from residents or police. He said the Golden Peacock would be a great asset for the City of Hayward.

Ravi Bhatnagar, with address on Mercury Way???, representing the Golden Peacock said they are new to Hayward, but not to the business. They had a facility in Fremont and were delighted when the space became available in Hayward. He said the building was perfect for banquet use. Hayward is the Heart of the Bay and business comes from all over the Bay Area to this central location. He said Hayward was experiencing a business resuraance and was very diverse. He pointed out that his track record in Fremont was very good and they would closely with the police and chamber and different foundations. He said he shared Commissioner Mendall's concern that the facility might slip into a nightclub but pointed out that his background shows that was not his intention. He said they hold family events and children were always allowed. That was the focus of his business. He also shared the concern that the back doors remain shut and said they have already have an alarm

system in place that sounds when the backdoors are opened. He said the original approval was for banquet hall and it did not make sense to just operate a restaurant in a 20,000 square foot facility. His neighbor (the Philippine restaurant owner) wanted to be there to support the application but couldn't be here. He said all caterers are

Commissioner Mendall asked Mr. ??? about the alarm system on the back doors but pointed out that they doors were open so what about the alarm. Mr. said at New Year's the alarm was not installed and on the other occasion the doors were opened because the air conditioning was not working. Commissioner Mendall said he wanted to make sure the alarm system was working and the doors remained shut. Mendall asked about requiring that the corridor be continued so it runs around the entire interior of the restaurant. Mr said it wasn't necessary.

Commissioner Lamnin asked him to explain his advertising plan. Mr. said they do not plan to spend big money on advertising because word of mouth was enough if guests are happy. He said more customers are returning customers, but said he would advertise at churches and using media like a website and some radio particularly ethnic channels.

Commissioner Lamnin asked if a deposit is required when someone books the facility and Mr. said yes.

Commissioner Mendall asked for confirmation that events are by invitation only but asked if they ever have events that the public was allowed. Mr. said most events open to the public are for non-profit events and tickets are sold. Mr. also pointed out that 90% are based on food service not alcohol. Commissioner Mendall asked him if he would be comfortable with limiting all events open to the public be for non-profit events. Mr. said he does not want to operate a nightclub.

Chair Loche asked if he would be open to valet parking if big events reached capacity. Mr. said very few events happen during the day time and the ones that do are smaller. Chair Loche asked the typical hours for a large event and Mr. said 7 p.m. to midnight. He said the only time they have had a capacity crowd was at New Year's Eve. He said he didn't see capacity ever reaching above 500.

Adil Maharaj, Amour Drive in Santa Clara, said he did an analyst of noise and recommended that the exterior doors be resealed and that was done. Also, pointed out that service corridors are where the doors are located. Suggested that noise level be kept down to reduce outside noise levels day and night and found no noise. They did test to find when noise levels exceeded 60Db for neighbors and inside had to be at 180Dbs which they would never do. Chair Loche asked when recommendations were made and Mr. M said after May. Mr. M said measurements were done last night. They also recommended working with djs etc that had experience and could control noise.

Commissioner Mendall pointed out that bass beats travel through the ground rather than ambient noise from the freeway that travels through the air. Commissioner Mendall asked what could be done if bass levels were still heard in the neighborhood. Mr. M said bass levels were not heard last night. Commissioner Mendall suggested that test be conducted from Lucia's house so bass levels be kept down. Mr. M said all sound can be controlled.

Commissioner Faria asked how many recommendations were made and how many were followed. Mr. M said the main recommendation was keeping the doors shut and resealing the doors. He said

one roll up door is still being completed. He had a dozen recommendations and all? have been meant. Commissioner Faria asked if any pending recommendations would make a difference and Mr. M said all make a difference.

Chair Loché closed the Public Hearing at 8:13 p.m.

Commissioner Mendall asked staff if they already have a permit to operate a banquet hall and restaurant so they would only be out of compliance if the caterers came from outside Hayward. Mr. Mendall asked if it is operating as a restaurant and Mr. Koonze said when he was there it was set up for restaurant service and he called and was told there were restaurant patrons.

Chair Loche said he went by Kenkoy's this afternoon and the owner said he didn't know about this meeting until this afternoon and Chair Loche expressed disappointment that he wasn't available to comment.

Commissioner Lavelle said she appreciated all the comments especially Mr. Huggett's because she agreed that Hayward has been losing business because they have no banquet hall. She also acknowledged Mr. comment that the community is diverse and said they need to have a place to hold events. She pointed out that it Wanted to add a condition to add parking and strongly urged the owner to meet with neighbors to alleviate any remaining concerns about noise. Commissioner Lavelle said she appreciated the neighbor's courage to come down and speak and said other neighbors

Commissioner Lavelle made a motion to find the proposed project Cat staff recommendation include condition of approval 29 650 of more capacity anticipated that valet parking be made available. How this is done is to be worked out between the applicant and City staff. Commissioenr Menall seconded the motion.

Commission Mendall said he is in complete agreement with everything Commissioner Lavelle said and welcomed the business and conditions must meet the agreed with the additional recommendation by Lavelle but also wanted to add that non-invitation only events be limited to non-profit.

Assistant City Attorney clarified that these events are sponsored by non-profits.

Mr. clarified that most events are non-profit but not 100%. Commissioner Mendall asked if owner would be willing to limit the number of events open to the public and Mr. said eight would be fine.

Mendall reiterated his

Commisisoner Lavelle accepted this

Coniditon 2 should be at the discretion of the Police Chief because Mendall wanted tLucia to be able to call the police but not cost the owner at every time.

Lavelle OK.

Mendall also recommended that at the next big event that sound levels are tested.

Commissioner McDermott said any facility needs to be a good neighbor not only to residential but other retail and she said they should be notified of large events. She agreed with the need for the need for banquet halls in Hayward for non-profits. She said she is familiar with the Golden Peacock in Fremont and was OK and was supportive of the motion.

Commissioenr Faria sound engineer recommended that the owner implemtn all recommendations by sound engineer.

Commissioenr Lamnin thanked Lucia for representing the neighbors and hoped communication continued. Lamnin said the service was needed encouraged the owner to reach out to other groups besides church. Suggested some designated parking spaces for Kenkoy's.

Chair Loche said conditions of approval will help the City control the facility and allow them to bring it back if there are problems. Supported the motion.

The motion passed 6:0:1 (Marquez absent)

MINUTES OF THE REGULAR MEETING OF THE CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 23, 2011, 7:00 p.m.
777 B Street, Hayward, CA 94541

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

Director of Development Services David Rizk gave a synopsis of the report concluding with an acknowledgement of the hard work of consultants, City staff and the community on one of the largest ever land-use projects, and the first Form-Based Code development, in the City of Hayward. He said the development process had been enjoyable and innovative.

Chair Loché thanked Director of Development Services Rizk for the report and agreed that the process had been hugely educational.

Commissioner Mendall confirmed with staff that the parking and transportation demand management (TDM) strategy plan mentioned in the report was not going to be approved as part of the vote that evening, and asked when it would be. Director of Development Services Rizk said he estimated within the next 12 months, or sooner, depending on work load, and clarified that the parking plan was envisioned to be for the entire City. He said staff was already working with the consultant to development draft ordinance language. Commissioner Mendall said the proposed parking management zones were critical for areas where parking maximums were going to be put in place and expressed concern about approving Form-Based Code projects without first having a parking plan in place. Mr. Rizk agreed and said staff hoped to have a residential parking benefit district in place before construction was complete at the South Hayward BART station and that City staff was already working with BART to accomplish this.

Commissioner Mendall confirmed that any projects completed before the parking district was formed would be included and Director of Development Services Rizk said conditions associated with project entitlements would require that the projects be included in the district. He said the main concern was parking on public streets and said some parking for BART riders would be allowed, but similar to the area around Chabot College, parking permits would ensure the availability of parking for residents and their guests.

Commissioner Mendall asked if Director of Development Services Rizk expected all of the specific TDM and parking strategy recommendations to be adopted and Mr. Rizk said it was too soon to tell.

Regarding the massing and height of buildings along the east side of Mission Boulevard, Commission Mendall mentioned past discussions for new development near Prospect Hill, further north on Mission, and said at that time there was Commission support to require rooftop treatments or gardens as a mitigating factor when new developments were proposed below

established residential developments. He asked if those same provisions could be included in the current recommendations and included in discussions for future developments. Director of Development Services Rizk said it wasn't too late to include that recommendation to City Council and while staff didn't anticipate as many situations as with the Prospect Hill development, it could be included if that was what the Commission wanted.

Commission Lamnin said she appreciated the responsiveness by staff to community feedback. Regarding accessibility, she noted that commercial retail uses had a zero rise, but residential and lodging developments had a two foot rise. She asked how that would impact accessibility. Director of Development Services Rizk explained that each development was required to have at least one unit with universal design accessibility measures incorporated.

Commissioner Lamnin said she had recently attended a training session for the Hearth Act, which related to how homeless services were provided and she asked if rapid-rehousing and drop-in center services focused on moving people into housing could be included in future General Plan Housing Element discussions and language included in the emergency shelter provisions mentioned in the report.

Commissioner Lamnin said she also appreciated that urban farming was allowed under the Form-Based Code, but pointed out it was not the same as gardening, as indicated in the definitions, and suggested staff review the language.

Regarding the denial of value-added food preparation activities mentioned in the report, Commissioner Lamnin said she understood that health and safety regulations would have to be followed, but not allowing that activity could limit jobs. Director of Development Services Rizk said staff had concerns that food preparation would not be a desirable activity around residential neighborhoods and did not support the activity. She confirmed that bee keeping was also not allowed and staff pointed out these activities would be better for a less urban area. Commissioner Lamnin noted that these activities support a healthy community and suggested staff reconsider its position as code decisions were made throughout the City.

Commissioner Lamnin noted that group homes was an allowed use under the Code and suggested more oversight to eliminate on-going problems already occurring in group homes downtown. She said the city needed more leverage, such as appropriate use permits, to keep them under compliance. Director of Development Services Rizk said the City was limited by state law, but that new standards included in the Code should minimize problems that have occurred in the past with some group homes. Commissioner Lamnin asked if there were any distance-between-facility restrictions on the group home or homeless emergency shelter program if it was run by a religious organization and Mr. Rizk said no, limits were based on the use or function, not who operated it. The half-mile restriction included in the report applied to typical places of assembly, including religious facilities, which would front onto Mission Boulevard, he said.

Commissioner Lamnin said she read that developers are notified of additional fees for fire and police equipment during the final phase of the development plan and she asked if an estimate of cost and the likelihood of those costs could be provided sooner and staff said yes.

Commissioner Faria asked how the City was going to be assured that sufficient parking would be available for high density and density bonus areas. Director of Development Services Rizk said those areas would be subject to same standards and ratios as units without density bonuses. Mr. Rizk pointed out that, like other similar progressive codes, since the Form-Based Code only listed the *maximum* number of parking spots allowed, the market would dictate how much on-site parking would be provided. Mr. Rizk said most developers will want some on-site parking, but a fundamental approach under the Form-Based Code was to give developers the flexibility of utilizing street parking as part of their parking demand strategies.

Regarding the technical studies and the market analysis conducted in the fall of 2009 cited in the report, Commissioner Faria asked if the findings were still valid since the economy had changed since then. Director of Development Services Rizk said some variables and factors may have changed, but the studies were done at the gross level for an envisioned multi-decade development. Given the scale of the analysis and the fact that the City would have to find the funds to revise it, Mr. Rizk said the report still gives decision-makers a general idea of what the expected fiscal impacts of development potential would be. He also mentioned that based on the number of permits recently processed and applications received, the level of development activity had been picking up and that would be consistent with the aforementioned market analysis.

Chair Loché asked how Section 10.24.135(b) of the Form-Based Code could be reworded to not limit the ability of staff, the Commission, or Council, to make adjustments to a development plan. Director of Development Services Rizk said the easiest solution would be to delete it, which would allow the usual site plan review process to dictate and allow findings to be made in terms of the appropriateness of the details of a development plan. Chair Loché said he had a concern about the potential limits this section could place on the City and would consider deleting it. Director of Development Services Rizk said it was included in part to fulfill one of the goals and objectives of the Code, which was to provide some consistency and predictability for the development community. Chair Loché said, as a Commissioner, he wanted to have the control of knowing what a development was going to look like and what the final outcome would be.

Related to the Program Supplemental Environmental Impact Report, Chair Loché asked staff to further explain revisions to the mitigation measure developed to reduce level of service traffic impacts at the Harder/Mission intersection. Director of Development Services Rizk explained that in the final Environmental Impact Report, wording was modified to reduce the potential for a right-away take. The reasons for the modified language included the elimination of the split phasing timing for traffic signals, which was subsequently determined not to be needed based on previous conservative assumptions, he said.

Chair Loché opened the Public Hearing at 9:22 p.m.

Anthony Varni, representing the Felson family with business address on A Street in Hayward, said the Planning Commission was being asked to do a lot of things and noted that the complicated staff report took him two days to read. He said the real issue was the adoption of overriding considerations, even though there are some air quality issues that were created by the expansion of this area. Mr. Varni said the air quality issues hadn't been completely addressed, and were being justified by benefits of design. He explained that the Felson family had about 430 units east of Mission Boulevard that were going to be impacted by the proposed project heights, views, light, and air corridors. He said the Felsons agreed with the staff recommendation that potential densities and building heights west of the Felson property be reduced by changing the proposed zoning designation from T5 to T4 or limited to four stories. He said the Felsons were also supportive of deleting Section 10.24.135(b) in the Form-Based Code. Mr. Varni said the Felson family felt some conditions should be placed on developments, to address potential impacts of views from the Felson property, including the suggestion from Commissioner Mendall that roofs should be screened or made more architecturally acceptable for the residents above them. He said that kind of flexibility might require the loss of unit or two or impact the height of the building, and by leaving in Code Section 10.24.135(b), the City would lose that flexibility. Mr. Varni pointed out that even with a building height limit of 57 feet, there were still items on the roof, including air conditioning units and elevator towers, that exceed that height. He concluded by saying the Felson family was using a housing form that had been proven over time and if the City was going to approve a Code that would negatively impact air quality, then that Code should at least work with the existing Felson housing.

Commissioner Lamnin asked Mr. Varni to be more specific about what air quality measures he was concerned about. Mr. Varni said the staff report contained the new air quality standards, which require certain actions to be taken before the new units are constructed, and those standards apply to everything within 500 feet of Mission Boulevard. He said the Felson property was located within the 500 foot range and therefore was included under the new guidelines, and that those units were not built with the new standards in mind. For example, he said under the new guidelines, windows can't be opened. He pointed out that to have a housing form in which people want to live, you can't take everything away from them including the view, air and light corridors, and then not allow them to open windows either. Mr. Varni said at some point the guidelines can ruin the existing housing form or, in other words, the Felson's 430 units.

Commissioner Mendall asked Form-Based Code consultant Mr. Kevin Colin to comment on the proposal to delete Section 10.24.135(b) from the Code. Mr. Colin said he wrote it with the purpose of providing a high level of certainty, but it was the Commission's job to decide what was best for the community, and he had no recommendation on whether to eliminate it or keep it. Mr. Colin said he has been really impressed with Director of Development Services Rizk and his staff because they have "really been owning the Code," which was a good sign, because speaking as a former municipal planner, to own a Code meant Mr. Rizk and his staff knew the Code, could apply it, and could take advantage of the tool it provided to add value to the community. Mr. Colin said such knowledge and ownership will allow Mr. Rizk and the staff to steer a development into a positive direction by taking advantage of that tool. Commissioner Mendall asked for confirmation that deleting the section would not break for Form-Based Code model and Mr. Colin said it really came down to how the Code would be administered and that if changes were made without evidence and rational reasoning, it could send a bad message to the business community. "But if you apply it in good faith you really won't have a problem," he said.

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777 B Street, Hayward, CA 94541

Chair Loché closed the Public Hearing at 9:33

Commissioner McDermott said the process had been arduous, and pointed out that three of the Commissioners had been to all the meetings and were very familiar with the project. She told Mr. Varni that he made her feel so much better because reading the report took her a number of days to read and digest because she was a new Commissioner and the amount of information was overwhelming. She acknowledged the input from the community and noted that it was unfortunate that Mr. Cameron's handwriting was unreadable because it appeared he had gone to a great deal of effort to communicate his thoughts. She suggested that in the future, a phone number be included in case staff had any questions for commenters. She also noted the very good suggestions from Mr. Stanke and said she really appreciated the visual aids he included. She then thanked staff and said she hoped the community outreach and communication would continue as the project moved forward.

Commissioner Lamnin made a motion to approve staff recommendation with three amendments: downgrade the Mission Paradise Project site and properties to the north of that site proposed to be zoned T5 from T5 to T4; eliminate section 10.24.135(b) from the Form-Based Code; and require rooftop improvements to reduce visual impacts on future buildings that could impact views from existing buildings at higher elevations on the east side of Mission Boulevard. Commissioner Lamnin pointed out that the last amendment would build consistency since making rooftops more attractive was included in a past discussion regarding the other form-based code to the north. Regarding the deletion of Section 10.24.135(b), she said she was absolutely in favor of making the process easier for developers, but she appreciated all the input from the community and wanted the City to have the ability to respond to that input.

Commissioner Mendall seconded motion and said it was exactly the motion he was going to make. He said form-based codes were a new way of planning and very different from how the City had been doing it. He said that from everything he'd seen so far, it was a superior way of doing planning. He acknowledged such opinion was a preliminary judgment, because nothing had been built under the Code. He also said he was glad there was a five year review process, but with so much community input so early in the process, he said he couldn't imagine how that could not lead to a better end result for property owners, for nearby property owners, for potential business owners, and for developers. Commissioner Mendall said a lot of modifications had been made based on input from those groups including Mr. Stanke, whom he noted had put in a lot of his own time.

Commissioner Mendall commented that the telecommunication requirements in the Code were good and should be adopted city-wide, and height limit additions were good too. He noted that the most frequent objection the Commission hears when considering density was the height of proposed buildings. He said incorporating both a story and a height limit in feet made sense and said he fully supported the Mission Paradise property being downgraded to a T4. The provisions that were discussed for the other Form-Based Code project that could require a roof top garden would be a benefit here and he asked that staff craft some language that at least referenced rooftop

improvements in the Code so developers wouldn't be surprised by the request later and would know this was something that could mitigate height impact concerns and might make the Commission more likely to approve a tall building that affected nearby existing buildings.

Commissioner Mendall said the parking strategy plan was important and he would feel better once that was in place, although staff comments alleviated some of his concerns. He said the linear park, the greenbelt that stretched from Industrial Boulevard to Harder Street, was wonderful and he was pleased to see it in the final plan. He concluded by saying "The proof is going to be in pudding," in how the City implements the Code. He said the Commission would have to remember the neighborhood design concept and make sure that the proposed neighborhood centers actually become neighborhoods with a center and a focus and not just a bunch of houses. He commended staff and said he hoped the City developed more form-based codes in the future.

Commissioner Lavelle acknowledged that she was one of the Commissioners who had attended approximately 25 meetings in preparation for the Code. She said the adoption of a form-based code was unique and trend-setting for Hayward. She said she supported the motion and the additional items from Commissioner Lamnin. In the staff report, Commissioner Lavelle said the purpose of the Code was explained and specific reasons why the Code was of value were listed and her favorite was letter "I," which read: "That the harmonious and orderly evolution of urban areas be secured through form-based codes." She said she looked forward to participating in that process. She concluded by saying that the Code will certainly present a challenge to policy makers and leaders in the community, and while staff and the Commission had spent a lot of time preparing this "incredible document," she said she hoped leaders, in particular elected officials, would be aggressive with City staff to make sure it really happens. The Code, she said, will help make Hayward more modern and a beautiful city in which to live and will help attract people to live in the community.

Chair Loché said he hadn't heard anything he disagreed with, had also been to quite a few meetings and discussions, and said it had been a pleasure to see the Code develop. Chair Loché said along with the green building ordinance, he sees the City moving in a new direction in development. He confirmed with staff that the downgrade from T5 to T4 would only impact the Mission Paradise property and Director of Development Services Rizk explained that the downgrade would also impact a couple of properties to the north of Mission Paradise to keep the area consistent.

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

Chair Loché congratulated the consultants and City staff and thanked them for their hard work.

MINUTES OF THE REGULAR MEETING OF THE CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 23, 2011, 7:00 p.m.
777 B Street, Hayward, CA 94541

COMMISSION REPORTS:

3. Oral Report on Planning and Zoning Matters

Commissioner Lamnin asked if any meetings were scheduled for July and Director of Development Services Rizk said not at this time, but that could change.

4. Commissioners' Announcements, Referrals

None

APPROVAL OF MINUTES

5. Minutes from June 9, 2011, approved unanimously.

ADJOURNMENT

Chair Loché adjourned the meeting at 9:49 p.m.

APPROVED:

_____
Mariellen Faria, Secretary
Planning Commissioner

ATTEST:

_____
Suzanne Philis, Senior Secretary
Office of the City Clerk

PLANNING COMMISSION RECOMMENDATION

MINUTES OF THE SPECIAL CITY COUNCIL/ REDEVELOPMENT AGENCY MEETING OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, April 27, 2010, 7:00 p.m.

MEETING

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

ROLL CALL

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

PRESENTATION Business Recognition Award

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

CLOSED SESSION ANNOUNCEMENT

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

PUBLIC COMMENTS

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

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

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

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

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

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

WORK SESSION

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

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

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

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

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

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

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

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

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

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

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

CONSENT CALENDAR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PUBLIC HEARING

4. Master Fee Schedule Update

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LEGISLATIVE BUSINESS

5. Proposed New Alameda County Transportation Commission Joint Powers Agreement

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

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

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

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

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

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

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

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

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

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

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

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

COUNCIL REPORTS

There were none.

ADJOURNMENT

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

APPROVED:

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

ATTEST:

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

MINUTES OF THE REGULAR MEETING OF THE CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, May 13, 2010, 7:00 p.m.
777 B Street, Hayward, CA 94541

MEETING

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

ROLL CALL

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

Commissioner McKillop led in the Pledge of Allegiance.

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

General Public Present: 8

PUBLIC COMMENTS

None

WORK SESSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the street wouldn't work. Mr. Rizk said the City could always use eminent domain, but he said the City is hoping it won't come to that point with the incentives built into the code.
Commissioner Thnay asked for confirmation that once the form-based code is adopted, and old codes will be abandoned and potential developers will only have the one option. "This is the plan for the future," he said. "Anyone who wants to come in needs to buy into this." Regarding retail opportunities under a form-based code, Commissioner Thnay asked if the City will have a "plan line" or regulations that will keep retailers and developers from creating haphazard access points, or driveways, from the main road.

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

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

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

PUBLIC HEARING

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

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

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

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

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

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

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

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

3. Housing Element of the General Plan

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

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

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

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

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

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

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

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

ADDITIONAL MATTERS

4. Oral Report on Planning and Zoning Matters

None

5. Commissioners' Announcements, Referrals

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

ADJOURNMENT

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

APPROVED:

Elisa Márquez, Secretary
Planning Commissioner

ATTEST:

Suzanne Philis, Senior Secretary
Office of the City Clerk

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

MEETING

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

ROLL CALL

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

Mayor Sweeney noted that Council Member Quirk was out ill.

CLOSED SESSION ANNOUNCEMENT

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

PRESENTATION

Affordable Housing Week – May 6 - 15, 2011

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

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

PUBLIC COMMENTS

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

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

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

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

WORK SESSION (60-Minute Limit)

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

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

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

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

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

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

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

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

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

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

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

CONSENT

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

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

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

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

PUBLIC HEARING

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

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

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

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

LEGISLATIVE BUSINESS

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

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

Development Services Director Rizk presented the report.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

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

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

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

ADJOURNMENT

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

APPROVED:

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Michael Sweeney, Mayor, City of Hayward

ATTEST:

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Miriam Lens, City Clerk, City of Hayward

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

MEETING

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

ROLL CALL

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

Commissioner Lamnin led in the Pledge of Allegiance.

Staff Members Present: Conneely, Patenaude, Philis, Rizk

General Public Present: 7

PUBLIC COMMENTS

None

ACTION ITEMS

PUBLIC HEARING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WORK SESSION

2. Telecommunications Facilities

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMISSION REPORTS:

3. Oral Report on Planning and Zoning Matters

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

4. Commissioners' Announcements, Referrals

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

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

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

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

APPROVAL OF MINUTES

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

ADJOURNMENT

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

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

APPROVED:

Mariellen Faria, Secretary
Planning Commissioner

ATTEST:

Suzanne Philis, Senior Secretary
Office of the City Clerk

April 30, 2010

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

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

Areas where adjustments are needed:

1. **Density**
   a) The allowable number of units on a parcel and actual units build on it has a direct, strong, and positive correlation with the value of said land. The higher the difference between the density of a existing complex and the number of units allowed if the property was redeveloped the higher the likelihood that the property will be redeveloped.
   b) Likewise the higher the number of units built within a 10-15 minute walking radius the more people and purchasing power available to support new and exist retail development.
   c) Therefore - the higher the density the higher the:
      - Likelihood of redevelopment
      - Property tax base
      - Sales tax potential (purchasing power)
      - Revenue from the Community Services District fee
   d) The T4 district allows two to four story buildings,
      - Two to three story rowhouses can accommodate up to 45 homes per acre
      - Three to four story buildings can allow over 80 homes per acre (see photos below)
   e) The T5 district allows six story buildings,
      - These structures can easily accommodate over 125 homes per acre
      - As an Olson Co. rep. testified several years ago a 55/acre max. makes over 4 story buildings economically infeasible.
   f) Urbanist Jane Jacobs recommends neighborhoods can at least 100 and preferably over 125 units per acre to:
      - Support walk-to retail (lesser densities leave too few potential customers)
      - Create the urban vitality necessary to keep a neighborhood from falling into the "grey zone" of too dense to be suburban, but insufficient to be urban
   g) **Therefore** - I would ask the city to abolish the second TOD overlay and change the base densities to:
      - **T4 20 - 75 /acre**
      - **T5 35 - 100 /acre**
2. **Building form**
   a) On page SC47 the Courtyard building type is described as, "This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public Thoroughfare... The high security provided by the continuous enclosure is useful for crime-prone areas." As the single most crime and traffic resistant building type available it should be widely built along Mission Blvd. and in the Dixon Street area.
      - I lived in years in a city full of of two to four story courtyard buildings that worked wonderfully (see photos below), and I would could share my experiences.
   b) **Therefore** - Table 8 on page SC47 and Table 11 on page SC50 should be altered **allow Courtyard** buildings **in T4.**

3. **Streets**
   a) The proposed new streets are essential to the success of the form-code over time. At the same time they are most likely the most expensive element of the plan in capital expense and required land concessions.
   b) Therefore - any oversizing of streets and right of ways will impact land owner by reducing lot sizes more than necessary and city expenses to build and maintain over sized streets.
   c) The proposed 34' streets appear to be larger than is recommended for residential access road per the Third Edition of "Residential Streets" a joint publication of ULI-the Urban Land Institute, in partnership with the National Association of Home Builders, the American Society of Civil Engineers, and the Institute of Transportation Engineers.
   d) **Therefore** - The city should reexamine and alter both the proposed width of new streets in the form code and the city street design standards in general **to narrow the curb to curb distance in them in conformance with the recommendations of "Residential Streets."**
      - **Local streets:**
        - **No parking expected** **18 feet**
        - **Low or Restricted (one side/alternating) parking** **22-24 feet**
        - **Normal (both sides) residential parking** **24-26 feet**
      - **Residential collector streets:** **32-36 feet***
      - **Alleys:** **11-12 feet**

      * These widths can be adjusted to add bicycle lanes on those residential collectors where there is sufficient vehicle traffic to warrant the installation of a class II bicycle lanes.
4. Street network connectivity
   a) **Connecting Colette to Harder** via a new bridge over Ziele creek is critical to enable residents west of Mission to reach both Harder and Tennyson Road. **Please verify that it does have a street type assigned and will be designed for two way traffic.**
   b) **Extend the bicycle pedestrian path from Pacquio Nuevo (sp?) directly over the Tennyson Road underpass to the South Hayward BART station.** This vital connection would mean that people traveling north from the BART station would not face the drop off and fences intended (and failing) to keep them from crossing Tennyson below the BART tracks. Instead people could walk or bike directly from the BART station across the Tennyson underpass to the park or to stairs leading to the north sidewalk of Tennyson. Forcing people east to Dixon or west to Whitman to cross Tennyson is a hassle and leads people not walking or crossing unsafely at the bottom of the underpass.
5. Mission Blvd.
   a) The previously proposed slip lanes along Mission Blvd. have disappeared. While they are less necessary along the sections that will retain on-street parking, they are still desirable in the long term. **A small 15-20 foot setback along Mission** would allow for future installation in a couple of decades as part of a street reconstruction to add BRT or light rail. A setback is not a taking when it is in exchange for higher density and a lower parking mandate.
6. I am concerned as to why the apartment complex around Dixon Street from the BART station is proposed as Planned Development rather than **T5 with TOD overlay 1**. After the Wittek-Montana site, this is the second best site in the entire area for a high- quality high-value Transit-oriented development. As a matter of long term policy it should allow and encourage the most intense development.
7. Council member May and Mayor Sweeney raised the concern at the meeting regarding demographics and having enough population at the right income level on make the retail work. Insisting on high quality buildings made of durable materials will push developers to build

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

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

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

Sincerely,

Brian Stanke, AICP

Examples of existing higher density three story buildings in Alameda

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

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

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

Photos by Brian Stanke

Examples of two to four story courtyard buildings

J.B. ANDERSON
LAND USE PLANNING

139 S. Stockton Avenue, Ripon, CA 95366 Phone: (209) 599-8377 Fax (209) 599-8399

June 15, 2011

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

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

Dear Mr. Rizk:

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

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

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

Sincerely,

Mark Niskanen
Senior Planner

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

Attachments

Mark Niskanen

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

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

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

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

Absolutely. I am in the office until 5pm.

Mark

Mark Niskanen
Senior Planner
J.B. Anderson Land Use Planning
139 S. Stockton Avenue
Lodi, CA 95366
209/599.8377 Office
209/402.0196 Mobile

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

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

J.B. ANDERSON
LAND USE PLANNING

139 S. Stockton Avenue, Ripon, CA 95366 Phone: (209) 599-8377 Fax (209) 599-8399

June 6, 2011

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

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

Dear Mr. Rizk:

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

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

Background Information

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

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

Form Based Code Concerns

1. New Thoroughfare Through Subject Property

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

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

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

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

2. Off-Site Concerns

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

Conclusion

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

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

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

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

Sincerely,

Mark Niskanen
Senior Planner

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

Attachment

EXISTING AND NEW THOROUGHFARE PLAN (Figure 1-3)

Legend

- Project Area
- Parcels
- Existing Thoroughfares
- New Thoroughfares

July 19, 2011

James Pestana
27283 Mission Blvd
Hayward,Calif. 94544

Dear Council Member Quirk,

Thank you for taking time to read this letter. It is in reference to the proposed Zoning change on my building at 27283 Mission Blvd .The Current zoning is commercial, and has been so for over 30 years. The Proposed zoning is “Civil”. I currently own and operate Jim's Automotive from this location .I also lease a large portion of it to Budget/Avis rent a car. This will be my 39th year as a business owner in Hayward. My shop has been rated in the top 2 per cent of auto repairs in the bay area for all that time. Within the last 10 years I have spent many thousands of dollars improving the property to make Mission Blvd A more attractive street, and increase its value as retirement income.
In whole, the property accounts for about 80 per cent of my past, present, and future income.

To Date, I have not had a single complaint or objection to my business. In fact, I have a very good relationship with surrounding businesses and residences alike. Many of my customers are from Moreau High School, Cal State East Bay, Hayward police, Hayward fire, City workers, and many surrounding businesses and neighborhoods. The list even includes past council members. I also attract customers from as far as San Francisco because of my availability to BART, which brings outside money into the community. For this reason, my location is essential. This is also one reason I choose to locate and invest here.

I invested all my interest and livelyhood into the city and this location. After talking to qualified appraisers, I know the value of my property will decrease drasticly if this zoning change occures. It also would disable me from rebuilding or improving my property should the need arise. It would also make it impossible to sell. For many years I planned on the income from this property to fund me in retirement, by either rents, or sale of the property. If this zoning change occures, neither will happen. It is also not consistant with other zoning on Mission Blvd. It will likely inable me to not even be able to make a living.

It is my hopes that you will consider all these factors in your decision to change this portion of Mission Blvd to a Civil zoning. The present construction on Mission Blvd has already cut my business considerably, by lack of access to my property at times. I would invite you to visit my website at (jimsautomotivehayward.com), to verify how creditable my business is to the community and my customers.

In closing I would like to say I am sending this letter to all council member for their consideration. I will attend the Council meeting on July 26th to also go on record and oppose the changes.

Thank you for your time
James Pestana
510-582-1380

Richard C. Ersted et al.
rcersted@ircoc.com

August 15, 2011

Mayor Sweeney and Council Members Henson, Halliday, Quirk, Zermeno, Peixoto, & Salinas
City of Hayward
777 B Street
Hayward CA 94541-5007

Subject: South Hayward BART / Mission Boulevard Form-Based Code

Re: Table 9

Mayor & Council Members:

Together with certain others, I own the real property more particularly identified as Alameda County APN 078C-461-1-13 and -14; such parcels lie inside the City limits and are adjacent to a portion of the study area of the above-subject Form-Based Code. I am writing this letter on behalf of each co-owner.

Specifically, we are writing to respectfully request the City of Hayward City Council take the following actions during the next public hearing held to consider the above-subject Form-Based Code:

1. Review Table 9 therein in detail, paying particular attention to each and all uses shown for Zone T4 therein; and

2. Prohibit the following uses in Zone T4: alcohol sales, check cashing & loans, dance/nightclub, massage parlor, pawn shop, and tattoo parlor.

As stated in the 15 June 2011 draft, the purpose of such Form-Based Code is as follows:

> "This Code implements such (smart growth) principles for portions of the South Hayward BART Area and Mission Boulevard Corridor."

As Table 9 is drafted, however, the Form-Based Code allows certain uses in Zone T4 not allowed under the current City Municipal Code. Table 9, thus, goes beyond the stated purpose of the Form-Based Code, making zoning changes to certain real property within the Code subject area. We owners believe such zoning changes are unwise.

At present, such certain uses are prohibited on parcels zoned RH (High Density Residential /

c/o Industrial Realty Company of California
1091 Industrial Road Suite 101 San Carlos California 94070-4118
650.592.5425 [voice] ❖ 650.592.5488 [fax] ❖ www.ircoc.com

Minimum Lot Area-1,250 Sq. Ft.). One or more parcels within the proposed Zone T4 are zoned RH.

As set forth in the 15 June 2011 draft Form-Based Code, Zone T4 is a "General Urban Zone" and "consists of mixed use but primarily residential urban fabric." Zone T4 includes:

> "... a mix of building types: town- houses, apartment buildings, mixed-use buildings and commercial buildings. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks."

T4 is, thus, 'primarily residential'. Yet, Table 9 — as drafted — allows uses not harmonius with residential uses.

If the City wishes to encourage development in and near the study area of the Form-Based Code, then we believe it is wise for the City to permit uses conducive to such development.

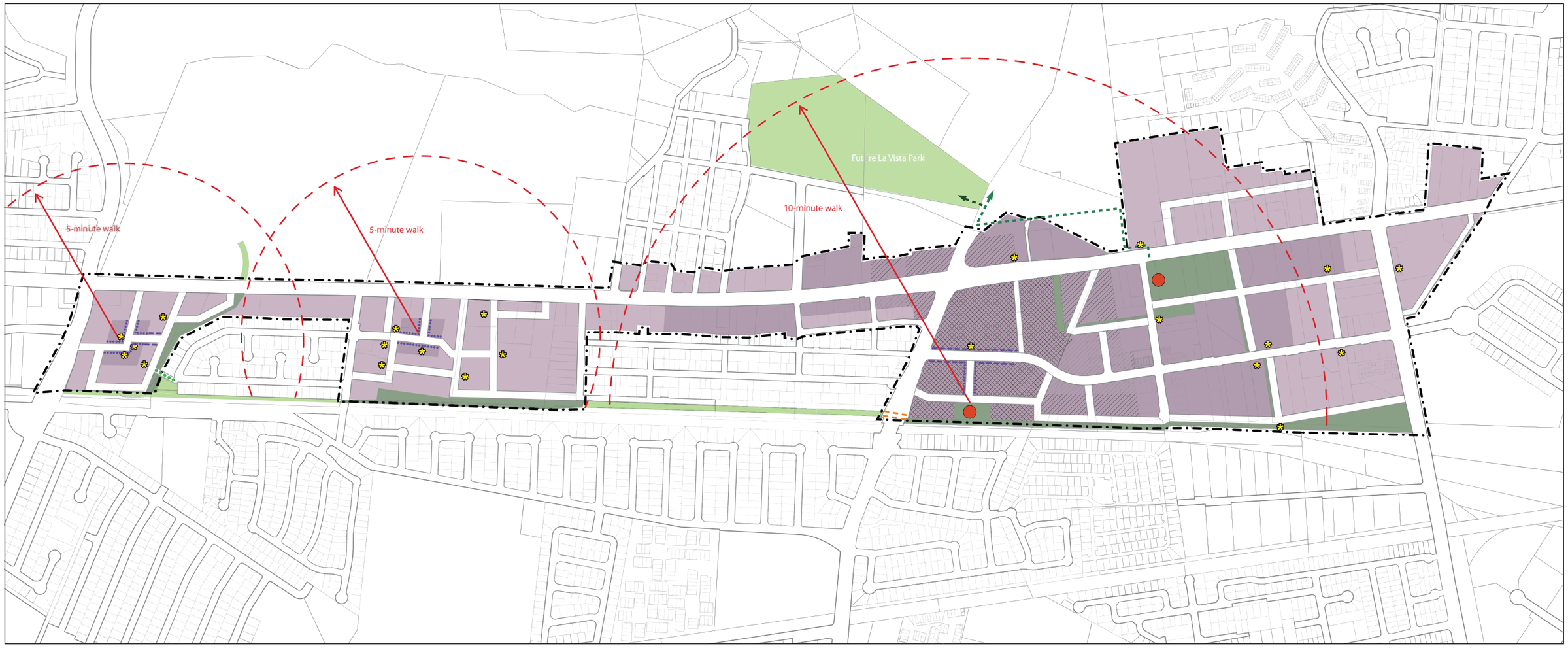
We thus ask the Council to continue current policy, prohibiting the uses noted herein above in the proposed Zone T4; only through City approval of a variance application would such uses be allowed.

Please revise Table 9 in the Form-Based Code, prohibiting alcohol sales businesses, check cashing & loan businesses, dance/nightclubs, massage parlors, pawn shops, and tattoo parlors in the Form-Based Code's Zone T4.

Thank you for your consideration of our request noted above.

Sincerely,

Richard C. Ersted



Legend

- Project Area
- Parcels
- Terminated Vistas
- Mandatory Shopfront Overlay
- Recommended Shopfront Overlay
- Green Pathway

- T4 Urban General Zone: 17.5 DU/Acre min; 35 DU/acre max
- T5 Urban Center Zone: 35 DU/Acre min; 55 DU/acre
- TOD Density Overlay 1: 75 DU/acre min; 100 DU/acre max
- TOD Density Overlay 2: 40 DU/acre min; 65 DU/acre max
- Civic Space Zone
- Civic Buildings

For illustrative purpose only:

- Civic Spaces outside of the project area
- 238 Bypass Trail Location
- 5 Min/10 Min Walk (Pedestrian Shed)
- Future pedestrian/bicycle bridge

CITY OF
HAYWARD
HEART OF THE BAY

DATE: September 13, 2011

TO: Mayor and City Council

FROM: Police Chief
City Attorney

SUBJECT: Introduction of an Ordinance Amending Hayward Traffic Code Section 6.33 to Regulate Commercial Vehicle Parking in Residential Neighborhoods

RECOMMENDATION

That the City Council introduces the attached Commercial Vehicle Parking Ordinance.

SUMMARY

The proposed Commercial Vehicle Parking Ordinance (the "Ordinance") will prohibit the parking of certain commercial vehicles within residential districts. Specifically, the Ordinance maintains the current definition of commercial vehicles as any vehicle that exceeds 10,000 pounds and adds vehicles that are equipped with rear dual wheels regardless of weight; and prohibits all of these vehicles from parking in residential districts. This minor amendment would improve enforcement options. The Ordinance also provides an exception for vehicles making package, materials, or goods pick-up or deliveries within residential districts.

BACKGROUND

The City's current ordinance, enacted in 1977, is set forth in Hayward Traffic Code Section 6.33. Section 6.33 prohibits commercial vehicles from parking in residential districts. A "commercial vehicle" is defined as a vehicle "having a manufacturer's gross vehicle weight rating of 10,000 pounds or more."

Through the Neighborhood Partnership Program, the City has received complaints from residents about commercial vehicles parking in their neighborhoods. Residents have expressed concern that commercial vehicles create a safety hazard and limit parking in residential neighborhoods. Additionally, the parking of commercial vehicles on residential streets has a detrimental impact on neighborhood aesthetics.

In its current form, Section 6.33 does not prohibit smaller commercial vehicles that have a gross vehicle weight rating less than 10,000 pounds from parking in residential districts. Therefore, the Hayward Police Department is unable to address resident complaints about smaller commercial vehicles that park in residential neighborhoods. The proposed Ordinance enhances the City's

enforcement tools by broadening the prohibition threshold to also include small commercial vehicles that have rear dual wheels.

DISCUSSION

State and Local Law

State law allows local governments to regulate parking within their jurisdictions. The City of Hayward may thus prohibit or otherwise restrict the stopping, parking, or standing of vehicles during all or certain hours of the day. Importantly, state law also expressly allows the City to prohibit or restrict parking of commercial vehicles on any residential street.

In 1977, the City enacted Hayward Traffic Code ("HTC") Section 6.33 to regulate commercial parking in residential districts. Section 6.33 prohibits the parking of any commercial vehicle having a manufacturer's gross vehicle weight rating "GVWR" of 10,000 pounds or more in a residential district. Examples of commercial vehicles with a GVWR in excess of 10,000 pounds include parcel and package delivery vans, semi-trailer trucks and mobile cranes.

HTC Section 6.33 does not prohibit commercial vehicles with a gross vehicle weight under 10,000 pounds from parking in residential districts. Examples of commercial vehicles with a GVWR less than 10,000 pounds may include taxis, small school buses, and tow trucks.

Community Concerns

The City has received complaints from residents about commercial vehicles with a GVWR less than 10,000 pounds (herein "small commercial vehicles") parking in their neighborhoods. At Neighborhood Partnership Program meetings and through written communication, residents have expressed concern that smaller commercial vehicles are a nuisance when parked in residential neighborhoods.

The focus of the residents' complaints is two-fold: safety and quality of life. When allowed to park on residential streets, small commercial vehicles create a visual obstruction and a safety hazard to drivers, and limit the available parking spaces. Additionally, the parking of commercial vehicles on residential streets has a detrimental impact on neighborhood aesthetics, including noise from engine startup and idle.

The Proposed Ordinance

Staff has taken a close look at the issue of commercial parking in residential districts and surveyed ordinances of surrounding communities. Neighboring jurisdictions have adopted varying forms of restrictions on the parking of commercial vehicles in residential districts. The ordinances vary widely and include height restrictions, weight restrictions, and limited hours.

Staff recommends amending the City's current commercial parking ordinance to expand the category of commercial vehicles prohibited from parking in residential neighborhoods. As it stands, commercial vehicles with a GVWR in excess of 10,000 pounds are restricted. The proposed

Ordinance preserves this restriction, but also will prohibit commercial vehicles with rear dual wheels from parking in residential districts. This change will result in restricting smaller commercial vehicles, such as small tow trucks and buses, from parking in residential neighborhoods, thus improving enforcement options.

In addition, the proposed Ordinance provides an exception for commercial vehicles. The exception allows commercial vehicles to park or stand in residential districts for brief periods of time to make pick up and deliveries.

PUBLIC NOTICE OF THE COMMERCIAL VEHICLE PARKING ORDINANCE

On August 23, 2011, staff conducted a community meeting to discuss and obtain community input about the proposed ordinance. A public notice of the community meeting was posted on the standard public bulletin board outside of City Hall. Additionally, the notice was posted on the City's website and distributed to the community via email. Staff reached out to interested stakeholders, including tow operators and companies, to notify them of the community meeting. Staff also contacted residents who commented about parking issues at Neighborhood Partnership Program meetings and expressed a desire to be notified of any potential City action. The community meeting was attended by approximately 10-15 members of community.

FISCAL IMPACT

None at this time.

Prepared by:
Rafael E. Alvarado Jr., Deputy City Attorney

Recommended by:
Diane Urban, Chief of Police
Michael S. Lawson, City Attorney

Approved by:

_____
Fran David, City Manager

Attachments: Attachment I: Commercial Vehicle Parking Ordinance

ORDINANCE NO. 11-_____

AN ORDINANCE OF THE CITY OF HAYWARD REPEALING SECTION 6.33 OF THE HAYWARD TRAFFIC CODE AND ADOPTING A NEW SECTION 6.33 PROHIBITING CERTAIN COMMERCIAL VEHICLES FROM PARKING IN RESIDENCE DISTRICTS

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Amendment of Code. Upon adoption of this Ordinance, Section 6.33 of the Hayward Traffic Code is hereby repealed and, in substitution thereof, a new Section 6.33 of the Hayward Traffic Code is hereby enacted to read as follows:

Section 6.33 PARKING PROHIBITION – COMMERCIAL VEHICLES IN RESIDENCE DISTRICTS.

Notwithstanding the provisions of Section 6.32, no person shall park or leave standing on any street or portion thereof in a residence district (defined by the State Vehicle Code) any commercial vehicle. For purposes of this section, a "commercial vehicle" is defined as any vehicle having a manufacturer's gross vehicle weight rating of 10,000 pounds or more or any vehicle with commercial license plates which is equipped with dual rear wheels, and is not used for recreational housing purposes.

The prohibition hereby imposed shall not apply to the parking or standing of such a vehicle for the purpose of making pickups or deliveries from or to any building or structure located within such residence district, or for the purpose of delivering materials to be used in the repair, alteration, remodeling or construction of any such building or structure for which a building permit has been obtained.

The prohibition imposed by this section is enacted pursuant to the authority of State Vehicle Code Sec. 22507.5 (As added by Ord. _____, adopted _____, 2011).

Section 2. Severance. Should any part of this ordinance be declared by a final decision of a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 3. Effective Date. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the _____ day of _____, 2011, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the _____ day of _____, 2011, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

_____
City Attorney of the City of Hayward

CITY OF
HAYWARD
HEART OF THE BAY

DATE: September 13, 2011

TO: Mayor and City Council

FROM: Director of Library and Community Services

SUBJECT: Introduction of Ordinance Amending the Hayward Municipal Code to Consolidate the Human Services Commission and the Citizens Advisory Commission into a Single and Unified Commission

RECOMMENDATION

That City Council introduces the attached ordinance revising the Hayward Municipal Code to merge the Human Services Commission (HSC) and the Citizens Advisory Commission (CAC) into a single and unified Commission to be known as the Community Services Commission.

SUMMARY

This staff report discusses the Human Services Commission and the Citizens Advisory Commission's joint recommendation to Council to merge the two Commissions, and seeks Council approval of the attached ordinance revising the Hayward Municipal Code to that effect. If Council approves the attached ordinance revising the Code and merging the two Commissions, members of the former HSC or CAC who hold office as of the effective date of the ordinance would continue to serve as the initial members of the Community Services Commission, according to the terms of their original appointment or subsequent reappointment by City Council. Also, if Council approves the attached ordinance, Library and Community Services department staff would continue to work with the new Community Services Commission to further refine and finalize the details of the unified Commission's bylaws, application review and funding recommendation processes, and to timely report back to City Council through appropriate channels on the Commission's activities and progress in those areas.

BACKGROUND

During FY 2011, the Human Services Commission and the Citizens Advisory Commission undertook a joint strategic planning process in which the two Commissions met jointly on eight occasions over the course of one year. The overarching goal of the joint planning sessions was to identify and implement ways to increase the collective impact of the CDBG and Social Services Programs through improved coordination of those programs. From this discussion by and between the two Commissions, numerous shared observations and recommendations emerged, the first and

foremost being that the two bodies and their activities are closely related and often intertwined. As the joint planning discussion progressed over the year, it was suggested by various Commissioners and eventually became apparent that the collective impact of the City's grant-making and related community services activities would be increased if the HSC and the CAC were consolidated into a single and unified Commission. A consolidation would improve coordination of funding activities and it would accomplish the end goal of creating greater impact with reduced funding in the CBDG and the Social Services programs. This suggestion was met with acceptance by representatives from the non-profit community in Hayward who attended the meetings. It was also noted by staff that a merger of the Commissions would support City Council Priorities, specifically the Council Initiative of Organizational Health, which calls for Boards, Commissions, and Council Committee Review.

On July 16, 2011, a special joint meeting and Commission retreat of the HSC and the CAC was convened to discuss a proposed model of a merged Commission, prepared by staff. At the conclusion of that presentation and the following discussion, a consensus was reached among all Commissioners in attendance to recommend to City Council the consolidation of the two Commissions. On August 17, 2011, the Commissions again met jointly, and again there was a consensus of all Commissioners in attendance to recommend a merger to Council.

DISCUSSION

During discussions over the past months as detailed above, in particular during the Joint Commission Retreat of July 16, 2011, the goals of a consolidated Commission were defined as follows:

- Create an easy, single point of access for nonprofit agencies to apply for multiple types of City funding including CDBG and Social Services Program grants.

- Bring City grant making activities together in one unified community review, recommendation, and funding process to support and inform decision making by Council.

- Provide support for programs and activities that address the full "continuum of need" among Hayward residents.

- Increase the collective impact of the available resources that support Hayward residents, particularly disadvantaged residents.

- Apply the City's Contracting Standards fairly and consistently to all nonprofit agencies (regardless of which City department actually provides the funding).

- Provide a consistent format for nonprofits to account for City-funded expenditures and to report outcomes.

- Gain efficiencies and cost savings that improve program effectiveness and maximize limited available resources.

- Provide an open, public process for allocation of City resources, and the opportunity for advance public discussion and recommendations to City Council.

- Provide meaningful leadership opportunities for Hayward residents who seek to serve their community and advise Council through the Commission and its Committees.

- Preserve the terms of currently seated members of the former HSC and the CAC, to serve as the initial members of the newly merged Commission, according to the terms of their original appointment or subsequent reappointment by City Council.

- Strengthen relationships and interconnectedness between the Commission, City staff, City Council, funded agencies and their clients, and the Hayward community.

Additional clarification of the goals and policies of the proposed new Commission are presented in the attached ordinance (Attachment I). Also, the Purpose Statement of the proposed Community Services Commission draft bylaws is provided as Attachment IV.

Proposed Commission Structure and Officers

An organizational chart visualizing the structure of the proposed Community Services Commission (CSC) is presented as Attachment II.

Officers. The proposed Commission would have three officers consistent with the officers of the former HSC and CAC:

1. **Chairperson.** Presides at all CSC meetings and reports directly to Council on the Commission's recommendations.

2. **Vice-Chair**. Serves as the Chairperson in the Chairperson's absence, and also serves as the chair of the *Public Services Application Review Committee (ARC).*

3. **Parliamentarian/Historian.** Advises and consults with the Chairperson regarding procedural questions in Commission meetings. Advises the Chairperson on the Commission's past recommendations, policy, and actions.

Committees. The proposed Commission would have three Application Review Committees (ARCs), each of which would have a Chairperson. This is different than the structure of the former HSC and CAC, each of which had one ARC that focused on applications for a particular source of funding (Social Services Program Grants and CDBG, respectively). Because the proposed CSC would be making funding recommendations to Council in a wider range of services and projects, its overall workload would be greater, necessitating some division of labor into multiple ARCs. The applications would be grouped into three major categories according to the *types of services or projects being proposed,* as opposed to strictly the *sources of funding*:

1. **Infrastucture**. This ARC would review and recommend proposals in the areas of Housing, Neighborhood Facilities, Commercial Rehabilitation, and Economic Development.

2. **Public Services.** This ARC would encompass projects and activities that provide services directly to Hayward residents. Because of the size and scope of this category and the level of skill and experience with the funding process it requires, it is recommended that the Vice-Chair of the Commission serve as the Chairperson of the Public Services ARC.

3. **Neighborhoods, Arts and Events**. This ARC would review and recommend proposals for activities, projects and events that promote economic development, quality of life, neighborhood projects, and the arts in Hayward. Further discussion of this category follows in the "Possible Resources" section below.

Activity Coordinators. The proposed Commission would have three Commission Activity Coordinators who would assist the Chairperson through coordination of certain CSC activities within the Commission as well as with external groups such as funded agencies and outside related committees:

1. **Agency Liaison Coordinator:** Maintains the Liaison Report Calendar to ensure timely reporting by Commissioner Liaisons to the funded agencies, and mentors newly appointed Commissioners in their liaison roles.

2. **Events Coordinator:** Monitors community trends and events (for example, a funded agency's "open house" event), and proposes/coordinates Commission representation as authorized by the Commission.

3. **Paratransit Advisory Committee Liaison:** Serves as Commission Liaison to the Paratransit Advisory Committee and program.

Commission Size. Like the former CAC and HSC, the proposed Community Services Commission would be a very "hands-on" Commission – reviewing applications, visiting non-profit agencies, and making detailed funding recommendations to Council. Because the CSC would be organized into three Application Review Committees to efficiently handle this workload, a larger-than-typical number of Commissioners is advised. The CSC is proposed in the attached ordinance to be composed of "no less than seventeen members." The ordinance further proposes that members of the former HSC or CAC who hold office as of the effective date of the ordinance would continue to serve as the initial members of the Community Services Commission, according to the terms of their original appointment or subsequent reappointment by City Council.

There are currently twenty-two seated members of the HSC and the CAC combined. Four seats are currently vacant – two on the HSC, and two on the CAC. In general, the former HSC and CAC combined have experienced attrition of one or two seats annually due to resignations, relocations out of the area, etc., in addition to term expirations. If Council decides to adopt the

attached ordinance, and all twenty-two members of the former HSC or CAC who currently hold office do in fact continue to serve as the initial members of the CSC, it is projected that at the current rate of attrition and term expirations, the number of seated members of the CSC would fall to seventeen within three years.

Council will recall that during the Boards, Commissions, Committees, and Task Force application and interview process that took place in June 2011, no appointments or reappointments to either the HSC or CSC were considered by Council pending the outcome of a potential merger of the two Commissions. The attendance records of Commissioners currently in service were also a point of some concern, as several Commissioners' attendance records showed a noticeable number of absences. The FY2011 attendance records of the CAC and the HSC are presented respectively as Attachment V and Attachment VI.

In previous years, there was less fluctuation in attendance on both Commissions. As noted previously, during FY2011, the HSC and the CAC engaged in an unprecedented strategic planning process together, and it is thought that this disruption of the usual routine contributed to some Commissioners' fluctuating attendance. Though many Commissioners were very engaged and involved in the strategic planning process, others expressed that they felt a little disoriented by the process and schedule. Now that the strategic planning process has been completed and a consensus to recommend the merger of the two Commissions to Council has been reached, it's expected that attendance will settle down again to something more stable in FY2012, as it was in FY2010 and in prior years that focused Commissioners' efforts primarily on the funding processes.

Proposed Funding Process and Calendar. A chart visualizing the proposed CSC funding process and meeting calendar is presented as Attachment III to this report. The Department of Housing and Urban Development (HUD) sets forth certain timelines for entitlement jurisdictions that receive CDBG funding each year. Therefore the proposed CSC funding calendar, like that of the former CAC, maintains compliance with HUD's deadlines for issuing notices of CDBG funding availability, conducting citizen review and public hearings, and obtaining Council approvals related to CDBG.

A key innovation in the proposed CSC funding calendar is the creation of an easy, single point of access and a single deadline for nonprofit agencies to apply for multiple types of City funding. This simplifies and streamlines the process both for the applicant agencies as well as for the Commission and staff. With all applications for City funding channeled into one application process, applications would then be sorted by the CSC into three main categories for review by the appropriate ARC. The three application review processes would be scheduled sequentially to enable more comprehensive review of each ARC's recommendations by the full Commission. Then the CSC's funding recommendations in all three ARC categories would be integrated and coordinated by the full Commission, and brought forward together annually for Council review and approval.

Possible Resources. Sources of funding would include CDBG and Social Services, and potentially other funding sources that Council may decide to also include in the CSC's application review and recommendation process. In the proposed CSC funding calendar outlined in Attachment III, all

applications for City funding would be channeled into one application process, and would be sorted by the Commission into three main categories for review:

1. Infrastructure
2. Public Services
3. Neighborhoods, Arts, & Events

Categories (1) and (2) are similar to the CDBG and Social Services Program funding categories that fell under the respective funding processes of the former CAC and HSC, and would continue to be funded primarily by a combination of CDBG and the Social Services Grant Program, depending on available resources. Category (3) would potentially be funded by a combination of existing General Fund programs such as Social Services, Community Promotions, and/or Neighborhood Initiatives, subject to Council review and approval.

Additional input is requested from Council as to the types of programs and activities that could potentially be recommended for funding in Category (3), the proposed Neighborhoods, Arts & Events category. This category would potentially include community events, neighborhood grants, music and the arts that benefit *all* Hayward residents, including disadvantaged residents. The inclusion of Category (3) programs in the CSC's citizen review and recommendation process would provide more opportunity for advance public discussion in those programs to support and inform decision-making by Council. Also, it would facilitate the fair and consistent application of the City's Contracting Standards to all nonprofit agencies that receive City funding, and would provide a consistent format for nonprofits to account for City-funded expenditures and to report outcomes.

It should be noted that some City-supported "neighborhood" activities, such as contracts related to public art and murals, need greater flexibility and shorter turnaround times than the CSC's lengthy application process and reporting requirements allow, and therefore would not be included in this process. The same may apply to funding for pure "economic development" opportunities that may come up throughout the year, and which also require flexibility and quick turnaround.

FISCAL AND ECONOMIC IMPACT

Should Council decide to consolidate the two Commissions, there will be some cost savings realized as a result of reduced staffing and other City resources expended to support the activities of a single Commission instead of two. The collective impact of the available resources to support disadvantaged Hayward residents will be increased through improved coordination of those resources.

PUBLIC CONTACT

- On Wednesday, July 21, 2010, the Human Services Commission and the Citizens Advisory Commission held the first of six scheduled joint public meetings and strategic planning sessions with the goal of increasing the collective impact of the CDBG and Social Services Programs through improved coordination of those programs.

- On Wednesday, September 1, 2010, the two Commissions held the second of six scheduled joint public meetings and strategic planning sessions in which opportunities for increased coordination of the CDBG and Social Services Program were discussed.

- On Wednesday, November 17, 2010, the two Commissions held the third of six scheduled joint public meetings and strategic planning sessions, in which strategies for increased coordination of the CDBG and Social Services Program were discussed.

- On Wednesday, January 5, 2011, the two Commissions held the fourth of six scheduled joint public meetings and strategic planning sessions. During that meeting, the possibility of consolidating the two Commissions was first suggested and discussed by Commissioners as a strategy to improve coordination of the CDBG and Social Services programs and to better leverage available resources in support of disadvantaged Hayward residents.

- On Wednesday, March 16, 2011, the two Commissions held the fifth of six scheduled joint public meetings and strategic planning sessions. During that meeting, the possibility of consolidating the two Commissions was discussed by Commissioners in further detail.

- On Wednesday, May 4, 2011, the two Commissions held the sixth of six scheduled joint public meetings and strategic planning sessions. During that meeting, the possibility of consolidating the two Commissions was further discussed and debated by Commissioners. At the end of that meeting, a vote to recommend consolidation of the two Commissions to City Council was called. The Commissions narrowly voted against recommending consolidation by a 7-9 vote.

- On Saturday, July 16, 2011, the Human Services Commission and the Citizens Advisory Commission convened a special joint public meeting, their seventh joint meeting in one year, to thoroughly review and discuss a suggested model for a new, consolidated Commission that had been prepared and presented by staff, and which drew heavily on the input provided by Commissioners during the joint strategic planning process. After reviewing and discussing the suggested model in full, all Commissioners in attendance (six of ten from the HSC, and ten of thirteen from the CAC) expressed their support in favor of recommending consolidation into a single and unified Commission based on the presented model. A straw poll was taken at the conclusion of the meeting, and support for consolidation was unanimous among all Commissioners in attendance.

- On Monday, July 25, 2011, the Library and Community Services Department hosted its annual CDBG and Social Services Grants Management Meeting for all funded agencies. The meeting is mandatory for all agencies that receive CDBG or Social Services funding from the City. At that meeting, attendees were briefed on the potential merger of the CAC and the HSC, and the resulting changes to the funding process, including the unified application and review process. Feedback from attendees was strongly in favor of the proposed changes.

- In their joint public meeting of August 17, 2011, their eighth joint meeting in one year, the Human Services Commission and the Citizens Advisory Commission further reviewed and discussed the proposed new Commission model; again a straw poll was taken; and again support for bringing a recommendation to City Council in favor of consolidation was unanimous among all Commissioners in attendance (three of nine from the HSC, and eleven of thirteen from the CAC).

NEXT STEPS

If Council chooses to adopt the attached ordinance revising the Hayward Municipal Code, a second reading of the ordinance will be scheduled for the meeting of Tuesday, September 20, 2011.

If Council adopts the attached ordinance, the sections of the Hayward Municipal Code relating to the former Human Services Commission and Citizens Advisory Commission will be repealed, and a new section establishing the Community Services Commission will added. Members of the former Human Services Commission or the Citizens Advisory Commission, who hold office as of the effective date of the ordinance, would continue to serve as the initial members of the Community Services Commission, according to the terms of their original appointment or subsequent reappointment by City Council.

Library and Community Services Department staff will continue to work with the new Commission to develop and refine the Community Services Commission bylaws, structure, and funding processes as described in this report. Staff will also continue to support and assist Commissioners through the transition process; and will continue to provide regular updates to City Council through the appropriate channels during FY2012 and beyond.

Prepared by: Sean Reinhart, Director of Library and Community Services

Approved by:

Fran David, City Manager

Attachments:

Attachment I	Ordinance
Attachment II	Proposed Commission Structure and Officers
Attachment III	Proposed Funding Process and Calendar
Attachment IV	Draft Commission Purpose Statement
Attachment V	Citizen's Advisory Commission – Attendance FY2011
Attachment VI	Human Services Commission – Attendance FY2011

ORDINANCE NO. 11-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAYWARD REPEALING SECTIONS 2-3.70 THROUGH 2-3.88 OF THE HAYWARD MUNICIPAL CODE RELATING TO THE HUMAN SERVICES COMMISSION AND CITIZENS ADVISORY COMMISSION AND ADDING SECTIONS 2-3.90 THROUGH 2-3.93 ESTABLISHING THE COMMUNITY SERVICES COMMISSION

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section One. Sections 2-3.70 through 2-3.88 of the Hayward Municipal Code, relating to the Human Services Commission and the Citizens Advisory Commission, are hereby repealed.

Section Two. Sections 2-3.90 through 2-3.93, establishing the Community Services Commission, are hereby added to the Hayward Municipal Code to read as follows:

"COMMUNITY SERVICES COMMISSION

SEC. 2-3.90 POLICY. It is the public policy of the City of Hayward to: (1) encourage the development of a planned and orderly approach to the development of community services in the City; (2) identify the needs for community services, to plan for the coordinated delivery of such services to residents in need through both private and public resources so as to avoid duplication and conflict of effort; and (3) create and sustain an environment which will encourage and bring about mutual understanding and respect among all groups of the City, eliminate prejudice, discrimination, and disorder, and guarantee equal rights and opportunities for all.

The City Council of the City of Hayward finds that there is a need on the part of the City and the community to institute an official, responsible, community-oriented body within the City government in order to identify the needs for community services, to plan for the coordinated delivery of such services to citizens in need through both private and public resources so as to avoid duplication and conflict of effort, to evaluate the effectiveness of the services provided and to advise the City Council in regard to these functions, to support community improvement goals, to help solve community problems, and to serve as the Citizens Review mechanism of federally financed or aided projects.

SEC. 2-3.91 COMMUNITY SERVICES COMMISSION MEMBERS. The Community Services Commission shall consist of no fewer than seventeen (17) members, one of whom shall be designated Chairperson in the manner provided in section 904 of the Charter. Members of the former Human Services Commission or the Citizens Advisory Commission, who hold office as of the date effective date of this Article, shall serve as the initial members of the Community Services Commission until their terms of office, which terms shall be deemed to have begun at the time of their original appointment or subsequent reappointment to the former

commissions, shall expire and their successors are appointed or qualified in accordance with the provisions of Section 902 of the Charter.

The Chairperson shall preside at all meetings and shall report directly to the City Council on all recommendations of the Commission.

The Commission shall adopt rules and regulations for the conduct of its business, for the time and place of its meetings, and any such rules and regulations shall be printed and made available to the public.

SEC. 2-3.92 LIBRARY AND COMMUNITY SERVICES DEPARTMENT. The Director of Library and Community Services, or his/her authorized representative, shall attend all meetings of the Commission, furnish necessary information, data and records, submit proposals and recommendations and provide technical assistance and advice as required. The Library and Community Services Department shall provide clerical help and maintain files and records of the Commission.

SEC. 2-3.93 POWERS AND DUTIES. As an advisory agency to the City Council, the Community Services Commission shall have the power and duty to:

1. Advise the City of Hayward as to the most effective means of allocating available resources for community services.

2. Promote interagency and intergroup coordination in the development of community social resources.

3. Review and study problems and needs of the community programs and develop effective support needed to secure additional resources either through private channels or through the City or other instrumentalities of the government.

4. Monitor relationship/balance of funding patterns by public and private agencies ensuring fair distribution for the local jurisdiction.

5. Work together with other governmental agencies in keeping abreast of new and current developments in the field of social services in order to maximize the beneficial impact of social programs on the City.

6. By persuasion and conference seek to arrive at voluntary solutions designed to discourage and prevent any and all recognized discriminations based upon race, sex, religion, national origin, age, handicap, sexual orientation, and all other protected categories of persons, if any, under federal and state law, and particularly those discriminations in the areas of housing, employment, and education.

7. Hold hearings and take testimony of any person relating to any matter under investigation or in question before the Commission.

8. Make recommendations which will help to develop a sense of community among those concerned with people serving efforts in Hayward and to create awareness and cooperation between the City and those groups doing social service work in the area.

9. Make and issue reports respecting its studies, research, investigations and other activities, and make information available to other commissions and staff as required.

10. Recommend to the City Council legislation or other remedial steps which the Commission should find to be necessary and desirable.

11. Perform other related duties as directed by the City Council."

Section Three. Should any part of this ordinance be declared by a final decision of a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section Four. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the _____ day of _____, 2011, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the _____ day of _____, 2011, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

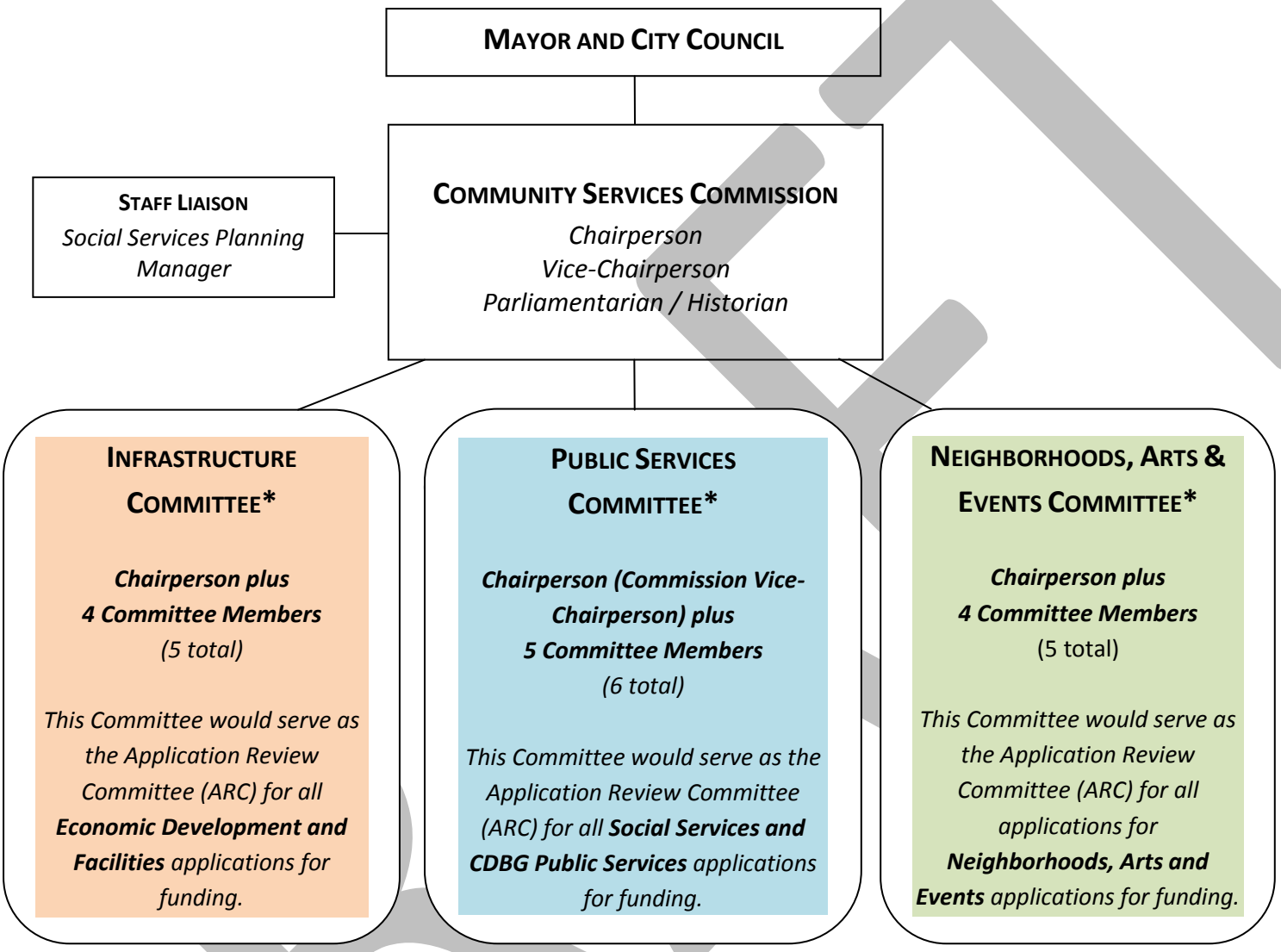
DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

_____
City Attorney of the City of Hayward

CITY OF HAYWARD



Commission Activity Coordinators*:

1. ***Agency Liaison Coordinator*:** Maintains the Liaison Report Calendar to ensure timely reporting by Commissioner Liaisons, and mentors newly appointed Commissioners in their liaison roles.

2. ***Events Coordinator:*** Monitors community trends and events, and proposes/coordinates Commission representation as authorized by the Commission.

3. ***Paratransit Advisory Committee Liaison:*** Serves as Commission Liaison to the Paratransit Advisory Committee and program.

**NOTE: It is possible for Officers, Activity Coordinators, or Committee Members to simultaneously serve in other roles on the Commission, for example the Commission Vice-Chair also serves as the chair of the Public Services Committee (ARC), or an Activity Coordinator may also serve as a member of a Committee.*

DRAFT – Summary of Community Services Commission Officers, Committee Chairs, and Activity Coordinators

Commission Officers:

1. ***Commission Chairperson:*** The Chairperson shall preside at all meetings and shall report directly to the City Council on all recommendations of the Commission.

2. ***Commission Vice-Chair:*** Serves as Chairperson in the Chairperson's absence, and serves also as the Chair of the *Services Application Review Committee*.

3. ***Parliamentarian / Historian:*** Advises and consults with the Chairperson so that Commission meetings and procedures are carried out fairly, openly, and in a manner generally consistent with *Robert's Rules of Order*. Advises the Chairperson on points of past Commission recommendations, policy and actions.

Application Review Committee (ARC) Chairpersons:

Public Services Application Review Committee (ARC) Chair: The Commission Vice-Chair serves as the Chairperson for this Application Review Committee and presides over applicant interviews. Presents the Committee's funding recommendations to the Commission.

4. ***Infrastructure Application Review Committee (ARC) Chair:*** Chairs this Application Review Committee and presides over applicant interviews. Presents the Committee's funding recommendations to the Commission.

5. ***Neighborhoods, Arts and Events Application Review Committee (ARC) Chair:*** Chairs this Application Review Committee and presides over applicant interviews. Presents the Committee's funding recommendations to the Commission.

Commission Activity Coordinators:

6. ***Agency Liaison Coordinator:*** Maintains the Liaison Report Calendar to ensure timely reporting by Commissioner Liaisons, and mentors newly appointed Commissioners in their liaison roles.

7. ***Events Coordinator:*** Monitors community trends and events, and proposes/coordinates Commission representation as authorized by the Commission.

8. ***Paratransit Advisory Committee Liaison:*** Serves a Commission Liaison to the Paratransit Advisory Committee and program.

DRAFT FY 11-12 Funding Process and Commission Meeting Calendar

	FY 11-12 Funding Process Calendar	FY 11-12 Commission Meeting Calendar
July	Nonprofit Agency Grants Management Workshop ▪ Funding Process Overview	**Wednesday, July 20, 2011 - Regular Commission Meeting** ▪ Meeting Canceled (for Commission Retreat July 16)
August	Public Notice of Funding Process Application Materials Posted to Website Orientation Materials Posted to Website	**Wednesday, August 17, 2011** **2pm: *Commission's Annual Tour (*of City-Funded Projects)** **7pm: Regular Commission Meeting** ▪ Tour De-Brief ▪ Overview of FY 11-12 Liaison Activities ▪ Election of Officers and Committee Chairpersons
September	Wednesday, September 21, 2011 6-7pm: *Annual "Communi-Tea" (Event)* 7pm "Funding Forum:" ▪ Notice of Funding Availability ▪ Funding Process Orientation ▪ Q & A	**Wednesday, September 21, 2011** 6-7pm: *Annual "Communi-Tea" (Event)* **7pm: Regular Commission Meeting:** ▪ "Funding Forum:" Notice of Funding Availability ▪ Funding Process Orientation ▪ Application Review Committee (ARC) Appointments
October	**ALL Applications Due: Wednesday, October 5, 2011** **INFRASTRUCTURE APPLICATIONS** (Economic Development, Facilities, and Housing Applications) ARC Interviews	Applications Distributed to Commission (Friday, October 7, 2011) **Wednesday, October 19, 2012 - Regular Commission Meeting** ▪ Funding Process Work Session #1 ARC Interviews
November		**Wednesday, November 16, 2011 - Regular Commission Meeting** ▪ Funding Process Work Session #2 ▪ Draft Funding Recommendations for **HOUSING, NEIGHBORHOOD FACILITIES, COMMERCIAL REHABILITATION, & ECONOMIC DEVELOPMENT** projects
December	**PUBLIC SERVICES APPLICATIONS** (Social Services, CDBG Public Services, and Paratransit Applications) ARC Interviews	**Wednesday, December 21, 2011 – Regular Commission Meeting** ▪ Funding Process Work Session #3 ARC Interviews
January	ARC Interviews	ARC Interviews **Wednesday, January 18, 2012 - Regular Commission Meeting** ▪ Funding Process Work Session #4
February	Public Hearing Notice w/all Funding Recommendations	**Wednesday, February 15, 2011 - Regular Commission Meeting** ▪ Funding Process Work Session #5 ▪ Draft Funding Recommendations for **PUBLIC SERVICES** projects
March	**NEIGHBORHOODS, ARTS AND EVENTS** (Neighborhoods, Arts & Events Applications) ARC Interviews	ARC Interviews **Wednesday, March 21, 2012: Regular Commission Meeting** ▪ Finalize SS/CDBG Funding Recommendations ▪ Funding Process Work Session #6 ▪ Draft Funding Recommendations for **NEIGHBORHOODS, ARTS & EVENTS**
April	**CDBG/Social Services Work Session** **CDBG/ Social Services Public Hearing**	**Commission RECESS**
May		**Wednesday, May 16, 2012: Regular Commission Meeting** ▪ Finalize **NEIGHBORHOODS, ARTS & EVENTS** Funding Recommendations
June	**City Council Community Budget Process**	**Wednesday, June 20, 2012: Commission Annual Dinner**

DRAFT

CITY OF HAYWARD

COMMUNITY SERVICES COMMISSION

BYLAWS

ARTICLE 1. PURPOSE

The City Council of the City of Hayward finds that there is a need on the part of the City and the community to institute the *Community Services Commission* as the official, responsible, community-oriented body within the City Government in order to:

A. Provide advice and assistance to the Hayward City Council regarding the social, economic, and humanitarian aspects of community development issues within the City,
B. Encourage the development of a planned and orderly approach to the development of community services in the City,
C. Identify the needs for community services, to plan for the coordinated delivery of such services to residents in need through both private and public resources so as to avoid duplication and conflict of effort,
D. Evaluate the effectiveness of the services provided, and to advise the City Council in regard to these functions, and
E. Create and sustain an environment which will encourage and bring about mutual understanding and respect among all groups of the City, eliminate prejudice, discrimination, and disorder, and guarantee equal rights and opportunities for all regardless of age, race, religion, national origin, color, ancestry, familial status, sex, sexual orientation, gender identity, disability, or place of birth.

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ATTACHMENT V

Citizen's Advisory Commission

Attendance Roster (Regular & Special meetings)

September 1, 2010 - August 17, 2011

	Regular	Regular	Regular	Regular	Regular	Regular	Regular	Regular	Regular	Special *	Regular	Special *	Regular	Total Regular Meetings	
Commissioner	9/1	11/17	12/15	1/5	2/16	3/16 6pm	3/16 7pm	5/4	6/15	7/16	7/20	8/17	8/17		%
Allen-Thomas	P	P	P	A	P	P	P	A	P	P	Cancelled	A	P	8/10	80%
Bonilla**	n/a	P	P	P	A	P	P	P	P	P		A	A	7/9	78%
Chiasson	P	P	P	P	A	P	P	P	P	P		P	P	9/10	90%
Gilmore***	n/a	P	P	P	A	A	A	A	A	n/a		n/a	n/a	3/8	38%
Guernsey	P	P	A	A	P	A	A	P	P	A		P	P	6/10	60%
Kersten	P	A	P	P	P	P	P	P	P	P		A	P	9/10	90%
Leppert**	n/a	P	P	P	P	P	P	P	P	P		P	P	9/9	100%
Linnen	P	P	P	A	P	P	P	P	P	P		A	P	9/10	90%
McManus**	n/a	P	P	P	P	P	P	P	P	P		P	P	9/9	100%
Moore	P	P	P	P	P	P	P	P	P	P		P	P	10/10	100%
Morales-Contreras	A	A	P	A	P	P	P	A	P	A		A	A	5/10	50%
Reliford	P	P	A	P	P	P	A	A	A	A		A	P	6/10	60%
Samuels**	n/a	P	A	P	P	P	P	P	P	P		P	P	8/9	89%
Todt***	n/a	P	P	A	P	P	A	A	n/a	n/a		n/a	P	4/7	57%
Willis**	n/a	P	A	P	P	P	P	P	P	P		A	P	8/9	89%

*Special meetings not counted in attendance

**These Commissioners were appointed in late September, their first meeting was November 17, 2010

***Commissioners Gilmore & Todt have resigned from the Commission

ATTACHMENT VI

Human Services Commission

Attendance Roster (Regular & Special meetings)

September 1, 2010 - August 17, 2011

	Regular	Regular	Regular	Regular	Regular	Regular	Regular	Regular	Regular	Special *	Special *	Regular	Total Regular Meetings	
Commissioner	9/1	11/17	1/5	3/16 6pm	3/16 7pm	5/4/11 6:30	5/4/11 7pm	6/1	7/6	7/16	8/17	8/17		%
Alarcon	P	A	P	A	A	P	P	Cancelled	Cancelled	P	A	A	4/8	50%
Castillo***	A	P	P	A	A	n/a	n/a			n/a	n/a	n/a	3/5	60%
Davis	P	A	P	A	P	A	A			A	A	A	3/8	38%
Dobro***	A	A	P	A	A	A	A			n/a	n/a	n/a	1/7	14%
Fagalde**	n/a	P	P	P	P	P	P			P	P	P	7/7	100%
Henderson	A	P	P	P	P	P	P			P	P	P	7/8	88%
Lara	P	P	A	P	P	P	P			P	P	A	6/8	75%
Millett III	A	P	A	P	P	P	P			P	A	A	5/8	63%
Samayoa	A	P	A	P	P	A	A			A	A	A	3/8	38%
Toor	P	P	P	A	A	A	A			P	A	A	3/8	38%
Yip	A	P	P	A	A	P	P			A	A	A	4/8	50%

P = Present, A = Absent

Meetings: Monthly - 1st Wednesday 7:00 p.m. Note: Meetings scheduled differently for FY 10-11 Strategic Planning

* Special Meetings not counted in attendance

** Commissioner Fagalde's first meeting was November 17, 2010

*** Commissioners Castillo & Dobro have resigned from the Commission