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DATE: June 11, 2009

TO: Planning Commission

FROM: Richard Patenaude, AICP, Planning Manager

SUBJECT: **Zone Change Application No. PL-2009-0277 – Route 238 Bypass Land Use Study – City of Hayward/ Caltrans (Applicant/Owner) - Request to add a new Special Design Overlay District, SD-7, for the Hayward Foothills Trail.**

The Project area comprises a large number of vacant and developed State-owned parcels totaling approximately 355 acres of land extending from the east side of Foothill Boulevard just south of I-580 freeway in the north to Industrial Boulevard in the south.

RECOMMENDATION

Staff recommends that the Planning Commission rely on the previously approved environmental documents and recommend approval of the Zoning Text Amendment for the Special Design Overlay District, subject to the attached findings.

BACKGROUND

Previous Reviews –

The project was reviewed by the Planning Commission on May 28, 2009. At that meeting, the Planning Commission directed staff to return on June 11, 2009, with an additional Zoning Ordinance Text Amendment creating a new Special Design Overlay District, SD-7, for the Hayward Foothills Trail that would apply to all properties in the study area. The new SD-7 Overlay District will be used to facilitate the creation of the continuous trail through the study parcels as the properties are eventually developed.

DISCUSSION AND STAFF ANALYSIS

The Planning Commission reviewed this project at its May 28, 2009, meeting. At that time, the Commissioners expressed interest in creating a Special Design Overlay District to apply to all of the study area properties within the City of Hayward that would specifically reference the continuous trail. The continuous trail has been an idea the community has been interested in since the beginning of the land use study. The trail is also a feature that staff has continually shown on land

use alternative maps and discussed in past staff reports. The City has an opportunity through this land use study to provide guidance regarding its interest in developing a continuous trail that can connect to existing parks and trails. It is staff's belief that the implementation of a Special Design Overlay District will assist in achieving the goal of creating the trail as properties are developed in the future.

Attachment A to this report is a modification to Section 10-1.2600 of the Zoning Ordinance, which specifically addresses Special Design Overlay Districts. Staff is proposing the creation of a new Special Design Overlay District, SD-7 that addresses both the location and design standards for ultimate development of the continuous trail. In summary, staff is recommending that the trail be approximately 16 feet wide within a 20 foot wide area so that it can be considered a multi-use trail. Staff is also recommending that the trail be developed in a manner consistent with the proposed location and in coordination and approval by the Hayward Area Recreation and Park District. The proposed guidelines also establish setbacks for both residential and non-residential developments where the trail traverses the individual properties. Staff is recommending the trail be named the "Hayward Foothills Trail"; however, ultimate adoption of the trail name would be done by the Hayward Area Recreation and Park District Board.

Findings for the Zoning Ordinance Text Amendment

In addition to the Zoning designation changes and the Zoning Ordinance Text Amendment to create a new District called "Sustainable Mixed Use" that the Planning Commission recommended approval of at their May 28, 2009 meeting, the project also involves a Zoning Ordinance Text Amendment to add a new Special Design Overlay District, SD-7, called "Hayward Foothills Trail". Exhibit A is the draft language for the new Special Design Overlay District, SD-7, called "Hayward Foothills Trail".

In order to support the proposed text amendment to the Zoning Ordinance, the Planning Commission must make the following findings. Each finding is followed by support with which to make the required findings.

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

The proposed text amendment 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. The creation of the new Special Design Overlay District to facilitate the creation of the continuous trail will promote the public health, safety, convenience and general welfare of the residents in that it provides additional opportunities for outdoor recreation and access for all members of the community to areas of Hayward that would not otherwise be available to them.

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

The proposed text amendment is in conformance with the purposes of the zoning ordinance in that the environmental resources will be enhanced by facilitating the creation of a continuous trail through the adoption of the Special Design Overlay District.

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

The new trail will be an added amenity for the benefit of all members of the Hayward community.

- (4) All uses permitted when the text amendment is implemented 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 creation of the Special Design Overlay District to be applied to all study area properties will facilitate the creation of the continuous trail that will be a benefit to all residents of the Hayward community.

ENVIRONMENTAL REVIEW

A Draft Program-level Environmental Impact Report (DEIR) was prepared for the Route 238 Bypass Land Use Study. This document was circulated for a 45-day public review period which ended on April 16, 2009. Staff received nine comment letters and also responded to comment received at the City Council work session held on March 24 and the Planning Commission hearing held on March 26. A Final EIR was prepared which responds to those comments received and also includes any clarifications to the DEIR. The Final EIR was released on May 15, 2009, and forwarded to public agencies that commented on the DEIR. The Planning Commission recommended approval of Final EIR and the accompanying environmental documents at its May 28, 2009, meeting. The concept of a continuous trail was reviewed as part of the CEQA process.

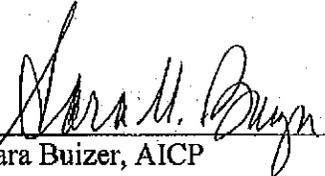
PUBLIC OUTREACH

Interested parties, members of the Agency Executive Committee and the Technical Advisory Committee, which include members from the Hayward Area Recreation and Park District, Hayward Unified School District, Caltrans, California State University East Bay, and Alameda County Planning, and lastly members of the Hayward community, were sent notice of this public hearing. A one-half page legal ad providing notice of this public hearing was placed in the Daily Review on May 30, 2009. Hard copy notices of this meeting were sent to approximately 81 people who have requested such notices on this project. An electronic version of the public hearing notice was sent to an additional 142 email addresses to folks who have requested such notices on this project.

SCHEDULE

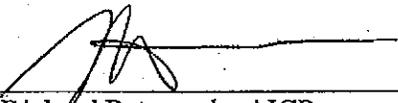
The Planning Commission's recommendations from May 28, 2009, and from this meeting will be forwarded to the City Council for consideration and a final decision at a noticed public hearing in late June.

Prepared by:



Sara Buizer, AICP
Senior Planner

Recommended by:



Richard Patenaude, AICP
Planning Manager

Attachment A: Draft Special Design Overlay District SD-7, Hayward Foothills Trail
Attachment B: Findings for Approval