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**DATE:** May 28, 2009

**TO:** Planning Commission

**FROM:** Richard Patenaude, AICP, Planning Manager

**SUBJECT:** **General Plan Amendment Application No. PL-2009-0276 and Zone Change Application No. PL-2009-0277 – Route 238 Bypass Land Use Study – City of Hayward/ Caltrans (Applicant/Owner) - Request to a) Amend the General Plan Land Use Designation of various properties; b) Amend the General Plan text to add a new General Plan designation called Sustainable Mixed use; c) Change the Zoning District Designation of various properties; d) Amend the Zoning Ordinance text to add a new zoning district called Sustainable Mixed Use; and e) Approve the Route 238 Bypass Land Use Study**

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 recommends approval to the City Council of the proposed project, including the certification of the attached Final Environmental Impact Report (FEIR) and associated Mitigation Monitoring and Reporting Program, and approval of the General Plan Amendments, Zone Changes, General Plan and Zoning Text Amendments, and approval of the Route 238 Bypass Land Use Study, subject to the attached findings.

## **SUMMARY**

The purpose of the Route 238 Bypass Land Use Study is to determine the most appropriate land use designations for State-owned properties that were originally purchased to construct a freeway. The freeway is no longer being pursued which provided the City a unique opportunity to conduct the land use study. Since June 2007, staff has been processing the Route 238 Bypass Land Use Study. Over the last two years, staff, along with the project consultants, has undertaken a series of tasks to determine the most appropriate land use designations for land owned by Caltrans that was previous destined to become a freeway. The tasks included preparation of an existing conditions report, a fiscal analysis, an infrastructure analysis, and a traffic analysis, development of land use alternatives, an Environmental Impact Report, and holding of ongoing community meetings. The

culmination, of which, has resulted in the staff-recommended land use alternative. The staff-recommended land use alternative is a hybrid of designations shown in the three land use alternatives developed and analyzed in the Draft Environmental Impact Report (EIR).

The staff-recommended land use alternative includes approximately 223,624 square feet of non-residential square footage and a range of housing units from 1,939 to 3,841. This is a reduction in potential non-residential square footage by approximately 31,000 square feet and an increase of an average of 65 residential dwelling units over what was shown in the existing General Plan. The staff recommended-land use alternative is shown to have fewer residential units on average than was shown in Alternative A, the most intensive land use alternative developed. The staff-recommended land use alternative proposes a new designation called Sustainable Mixed-Use, a designation that promotes sustainable development opportunities, is being recommended for the former Carlos Bee quarry site, but could ultimately be applied to other areas of Hayward in the future.

The staff-recommended land use alternative proposes new open space and park areas where they did not exist previously. The staff-recommended alternative minimizes density in the hillside areas and increases densities near the South Hayward BART station. Lastly, the staff-recommended alternative proposes a continuous trail through the properties that can provide a north-south connection through Hayward as well as connections to existing parks and trails in the area. The trail is currently shown as a dashed line showing the approximate location of the trail throughout the study area. A next step would be the creation of a Special Design Overlay District to apply to all properties within the study area that is designed to help facilitate the ultimate development of the continuous trail. If amenable, the Planning Commission could consider a Zoning Ordinance Text Amendment to create this District at a future meeting.

A Final Environmental Impact Report (FEIR) has been prepared, which includes responses to comments received on the Draft EIR as well as corrections to the Draft EIR. Since the staff-recommended land use alternative proposes fewer residential units and less potential non-residential square footage than was shown for Alternative A, there are less environmental impacts. The project, as mitigated, will not have a significant effect on the environment.

## **BACKGROUND**

The Route 238 Bypass Land Use Study analyzes appropriate land use designations for the land previously obtained by Caltrans for the purposes of constructing a bypass freeway in the 1970s. In June 2008, staff prepared three General Plan land use alternatives: one based on market potential; one based on community input; and one based on existing policies, plans, and interests of the local public agencies. The potential environmental impacts of the three land use alternatives were analyzed in a Draft EIR (DEIR), which was released for public comment on March 3, 2009. The comment period on the DEIR ended on April 16, 2009. A Final EIR (FEIR) has been prepared which responds to those comments received on the DEIR. The FEIR was released on May 15, 2009 (see later discussion on the EIR).

Based on the potential environmental impacts, interests of the community and established policies and plans, staff prepared preliminary draft recommended General Plan land use designations for the properties associated with the land use study. Associated zoning districts have also been recommended. Since the City of Hayward has no land use authority for properties located within the County unincorporated areas, such areas are shown with Alameda County General Plan land use designations. The draft staff-recommended land use designations were presented to the City Council at a work session held on April 21, to the Planning Commission at a work session held on April 23 and to the community at a public meeting held on April 29. Based on the feedback staff received at these meetings, staff has prepared the final land use recommendations and accompanying zoning districts for the properties.

Comments received from Council members, the Planning Commissioners and the community at the meetings held in April included the following: (1) concerns over the medium density residential designation in the Bunkerhill area; (2) a desire to create more open space opportunities within the Upper B Street neighborhood; (3) support for the Sustainable Mixed use designation staff proposed for the quarry site; (4) support for the open space designations between Calhoun Street and Harder Road; and (5) support for the extension of Fourth Street between D Street and E Street.

## **DISCUSSION AND STAFF ANALYSIS**

### **Recommended Land Use Designations Summary -**

The staff-recommended land use designations are a mixture of designations from the prepared three Land Use Alternatives, based on City Council and Planning Commission comments received at meetings held in April, community input, and integration with surrounding land uses. Staff made modifications to the land use recommendations based on the comments received.

Properties located within the Alameda County unincorporated areas are shown with County land use designations; specifically, those shown in the draft Eden Area and Castro Valley General Plans. County staff is still in the process of developing these plans, but as most of the County properties are outside the City's sphere of influence and not subject to City land use authority, staff recommends showing the designations the County is proposing within their respective plans. According to County staff, they anticipate adopting the Eden Area and Castro Valley General Plans by the end of the 2009 calendar year.

All of the study parcels have been grouped into clusters for ease of discussion. An index map displaying which properties are located in which clusters has been included as Attachment A of this staff report. Attachments B and C contain sets of maps showing grouped clusters with the recommended General Plan Land Use and Zoning designations, which align with the discussion in the following paragraphs. Those maps also show existing General Plan Land Use and Zoning designations of surrounding properties, to give the reader some context for staff's recommendations.

### **Clusters 1 and 2 (properties between the I-580 on- and off-ramps and Ash Street) –**

*Due to the presence of existing freeway on- and off-ramps that will remain in this location and the location of properties within the County unincorporated area, designations have been given to the*

*properties in these clusters that reflect the continued public use and those designations that are reflected in County plans. (Map reference B1 and C1)*

Caltrans' staff has indicated the ramps will remain in this location and that such land will not be sold; thus, these clusters are proposed with the designation "Public" per the draft Eden Area General Plan. The exceptions are: (1) three lots located along the northern end of Georgean Street that are proposed as "Low-Medium Density Residential", per the draft Eden Area General Plan and consistent with the designation of the surrounding properties; and (2) the lot located at the southwest corner of Foothill Boulevard and Mattox Road that has been proposed "General Commercial", per the Eden Area Plan. This is consistent with the adjacent designations along Foothill Boulevard. The designations recommended for these two clusters are as they were shown in Alternative C. No City zoning designations are proposed for the County parcels as such action would be performed by the County via its land use planning process.

*Clusters 3 and 4 (properties between Ash Street and Grove Way) -*

*Due to the presence of existing freeway on- and off-ramps that will remain in this location and the location of properties within the County unincorporated area, designations have been given to the properties in these clusters that reflect the continued public use and those designations that are reflected in County plans. In addition, the recommendations for City properties are based primarily on compatibility with existing land uses and County designations. (Map reference B2 and C2)*

These clusters propose designations of "Public" per the draft Eden Area General Plan, since some of these properties are still freeway on-ramps. For city properties in this cluster, a proposed General Plan designation of "Public/Quasi-Public" with a "Public Facilities" (PF) zoning district is recommended for the remaining portion of the freeway on-ramps to I-580 as was shown on all three Alternatives. Properties closest to the on-ramps along the east side of Oak Street are within the County Unincorporated area and are proposed for "High Density Residential" (42-84 units per acre), per the County's draft Eden Area General Plan and as shown in Alternative C. Given concerns expressed previously by Council with the density shown in the Draft Eden Area General Plan, staff has relayed to County staff such concern, and will review carefully any future development proposals for this site, especially related to visual and traffic impacts.

For properties in the City along the east and west sides of Oaks Street at Apple Avenue, a "Commercial/High Density Residential" General Plan designation with a "High Density Residential" (RH) zoning district for the east side of Oak Street and a "Commercial Office" (CO) zoning district for the west side of Oak Street has been recommended, to be compatible with the designations proposed for County property and given the close proximity to freeway access. The Commercial Office designation would also allow for the relocation of Spectrum Services. This recommended designation was shown in Alternative A.

Further south along Oak Street, property in the City between Apple Avenue and Grove Way is shown with a "Commercial/High Density Residential" General Plan land use designation, with a "General Commercial" (CG) zoning district for the corner of Apple Avenue and Foothill and a "Commercial Office" (CO) zoning district for the properties along Oak Street, in order to be consistent with the surrounding properties designations. These recommendations were shown in Alternatives A and B.

The parcels located on the east side of Oak Street in the County between Apple Avenue and Grove Way are proposed as “Residential Low Density Multi-Family” (18-22 units per acre) and “Small Dwelling Residential” (8-17 units per acre), per the County’s draft Castro Valley General Plan. These designations would be consistent with the City’s General Plan Land Use policy that encourages compatible infill uses, as well as General Plan Land Use Policy #1 that seeks to promote a balance of land uses to achieve a vibrant urban development pattern that enhances the character of the City.

Cluster 5 (properties between Grove Way and the water tank) –

*In order to maintain a commercial corridor along Foothill Boulevard and to be consistent with existing designations and uses, appropriate commercial designations have been assigned to those properties directly above and to the east of those that front Foothill Boulevard. Located east of those properties are an established residential neighborhood that has a strong desire for additional open space; thus, designations are recommended that address these interests. (Map reference B2 and C2)*

Regarding properties along Grove Way, to provide flexibility in regard to market conditions to allow for residential or commercial uses or some combination of the two at this location, the parcels on the south side of Grove Way within the City are proposed with a “Commercial/High Density Residential” General Plan designation with a “General Commercial” (CG) zoning district for the corner of Foothill Blvd. and Grove Way as shown on all three Alternatives; and a “Neighborhood Commercial Residential” (CN-R) zoning district for the property that abuts the County property, as was shown on Alternatives A and C.

For the portion in the unincorporated County area along Grove Way, a “Neighborhood Commercial Mixed Use” General Plan designation is proposed per the County’s draft Castro Valley General Plan. Further east on Grove Way, the properties are proposed for “Small Dwelling Residential” per the draft Castro Valley General Plan.

Those parcels adjacent to existing commercial uses that abut Foothill Boulevard could be used for development with the properties in the County area off the Gary Drive stub to create a larger area for residential development, so these clusters have a “Commercial/High Density Residential” General Plan designation with a “Medium Density” (RM) zoning district. This recommendation was shown in Alternative C and represents no change from the existing designation. Also, this designation is compatible with the surrounding designations.

A small portion of land at the southwest corner of Grove Way and Gary Drive has been designated for “Small Dwelling Residential (8-17 units per acre),” per the draft Castro Valley General Plan and is consistent with surrounding land uses. Based on topography and limitations due to Fire Department access requirements, it is not feasible for the entire property to be used for residential, so County staff has proposed a portion of the larger property taking access off the existing Gary Drive stub to be used for “Residential Medium Density Multi-Family (23-29 units per acre)” per the draft Castro Valley General Plan, while the remainder has been designated with an “Open Space – Parks” designation per the draft Castro Valley General Plan. Given the concerns expressed previously by Council with the density shown in the Draft Castro Valley General Plan, staff has

relayed to County staff such concern, and will review carefully any future development proposals for this site, especially related to visual impacts. City staff does not anticipate development at such density, given the physical constraints and concerns from residents above and to the east related to views.

In addition, staff was interested in view preservation for the residential areas located just east of this area, as well as providing trail connections from this residential area to Carlos Bee Park, affording the public a future opportunity to enjoy the views from this area. This is consistent with Hayward General Plan Land Use Policies #9 and #10, which encourage hillside development to be sensitive to the natural aspects of an area, including its slopes, and encourage cooperation with adjacent cities and Alameda County to protect the permanence of open space designations.

Clusters 6, 7 and 8 (properties in the Upper B Street Neighborhood) -

*The land use recommendations in these clusters are based primarily on compatibility with the existing land use patterns and the presence of San Lorenzo Creek, while still allowing opportunities for new development, including on lands adjacent to Hayward High School. (Map reference B3 and C3)*

These clusters, which primarily consist of the Upper B Street neighborhood, are recommended for a mix of “Low”, “Medium”, and “High Density Residential” designations, as well as a “Retail and Office Commercial” designation along A Street. There was a strong desire of the Hayward Area Recreation and Park District (HARD) staff to keep the property at Third and Crescent Streets in public use as it is currently used by the District for parking to accommodate the Little Theater and Japanese Gardens; thus, staff is proposing a General Plan designation of “Public/Quasi-Public” and a “Public Facilities” (PF) zoning district. This designation was shown on all three Alternatives. Other areas along Crescent and Ruby Streets are proposed for “Residential Medium Density Multi-Family” (23-29 units per acre), per the County’s draft Castro Valley General Plan and consistent with the designation for the surrounding properties.

Staff recommends an “Open Space - Parks” designation per the draft Castro Valley General Plan for the areas surrounding San Lorenzo Creek. This has been expanded from the current designation to incorporate riparian vegetation and the entire tree canopy, as well as allow for a multi-use trail requested by HARD. This is also consistent with the Upper B Street Neighborhood Plan that discusses working with HARD to provide park and recreational facilities that are accessible to neighborhood residents.

Properties along Rockaway Lane off A Street are proposed for a “High Density Residential” General Plan designation with a “High Density Residential” (RH) zoning district, as shown on Alternative C and a “Commercial/High Density Residential” General Plan designation with a “Commercial Office” (CO) zoning district for the corner of Rockaway Lane and A Street, as shown on Alternative A. The “RH” district is reflective of an existing apartment building along San Lorenzo Creek that Caltrans has recently invested in refurbishing, and the “CO” district is recommended to support the desire to create a balance of land uses that ensure retail or office development in the future. Directly across from these parcels on Rockaway Lane is a relatively new office building that would complement retail and office uses at this highly visible and easily accessed location.

The remaining areas in this cluster are proposed to have designations consistent with the surrounding land use pattern on either side of Fourth Street, as well as consistent with Upper B Street Neighborhood Plan policies that encourage transitions between the high intensity uses of downtown and the low density residential areas. Therefore, "Low Density Residential" General Plan designation with a "Single-Family Residential" (RS) zoning district is proposed on the east side of Fourth street and "Medium Density Residential" General Plan designation with a "Medium Density" (RM) zoning district on the west side of Fourth Street. These recommended designations were shown in various combinations on all three Alternatives.

One additional recommendation from staff that seemed to have support of both the Planning Commission and City Council in this area is the extension of Fourth Street between D and E Streets providing a more direct connection and reducing cut through traffic into the neighborhood. The designation for this large property located between D Street and E Street has been modified since the meetings in April. Staff is recommending a "Low Density Residential" General Plan designation with a "Single Family Residential" (RS) zoning district east of the proposed Fourth Street extension and a "Parks and Recreation" General Plan designation with an "Open Space" zoning district west of the proposed Fourth Street extension. The low density is consistent with the designation of properties located east of Fourth Street and the park and recreation designation provides for additional open space as requested at the meetings held in April.

Also, there is a strong desire by the community to maintain the character of this neighborhood, particularly since some of the homes in this area may be historically significant. The community, as shown on Alternative B, was interested in designating one of the properties as "Preservation Park," which would be a receiver site for historical structures that would need to be relocated from other properties in the area. The concept of Preservation Park would be a location for historical structures to be relocated around a central park or courtyard area. The structures could be used for either residential or office development. This idea was again supported by a majority of community members at the April 29 community meeting.

Staff is not recommending this designation at this time as the City is in the process of updating its Historic Preservation Ordinance and establishing a Historic Preservation Program that will likely include recommendations for the creation of a Historic Preservation District that would be more encompassing than the designation suggested through this process. Such District could certainly allow the creation of a Preservation Park. As the freeway is no longer being pursued, the immediate need for potentially historic structures to be relocated has been eliminated. Staff consulted with the City's Historic Preservation Program consultant about the creation of a Preservation Park. According to the consultant, the movement of historic homes from their original built location creates a "false history" and the home may lose its historic status by relocation into a group. If a home loses its status as a historic resource, then that means the home may no longer qualify for incentives such as those provided under the Mills Act or California Historic Building Code nor any tax credits. The consultant indicated that through the Historic Preservation Program, policies could be established that could better guide the process of relocation as well as establish an implementation strategy such that homes could maintain their historic status and still qualify for those incentives. In summary, staff recommends that the desire to accommodate relocated historic

resources be addressed through the Historic Preservation Program development process, rather than through this project/study.

School District staff expressed interest in the property adjacent to Hayward High School. They are interested in the potential purchase of this area and combining it with a portion of the high school property for a future residential development, the proceeds from which could be used to fund School District property improvements. Therefore, this property has been recommended for a General Plan designation of “High Density Residential” with a “High Density Residential” (RH) zoning district, as was shown on Alternatives A and C. Surrounding properties have the same designation and thus, would be compatible with surrounding land uses. Access to this property, as part a future development proposal, would be evaluated at that time, and if added with land from the high school property, could provide access opportunities off either East Avenue or Second Street.

Clusters 9 and 10 (properties on Second Street) –

*The basis for the land use recommendations in these clusters is compatibility with surrounding development and existing land use designations. (Map reference B4 and C4)*

The large properties at the corner of Second Street and Walpert Street offer opportunities for creative development that can take advantage of the proximity to the trails connecting to Memorial Park; thus, thus the recommendation for a General Plan “Medium Density Residential” designation with a “Medium Density Residential” (RM) zoning district, with a small portion at the corner of Second Street and Walpert Street proposed for a “High Density Residential” General Plan designation with a “High Density Residential” (RH) zoning district. These recommendations were shown on Alternative A. The remaining lots on Second Street are in the middle of an existing residential area where maintaining the same designation is most appropriate; thus, these clusters propose a General Plan “Low Density Residential” designation with a “Single-Family Residential” (RS) zoning district.

Clusters 11 and 12 (properties along Highland Blvd. and the quarry area) -

*The designations within these clusters are based primarily on compatibility with surrounding and existing designations, especially for those properties along Highland Boulevard and at the base of the quarry. The quarry site recommendation is based on the ability to provide flexibility with land use and zoning designations, which would allow a sustainable mixed use development and/or a school, in order to allow the market to dictate what ultimately develops at the quarry site in the future. In addition, staff wanted to be responsive to the suggestions of the City Council, Planning Commission, and community. (Map reference B5 and C5)*

To be consistent with the surrounding designations on Highland Boulevard and with Hayward General Plan Land Use Policy #8 regarding compatible infill development, these clusters propose a General Plan “Low Density Residential” designation with a “Single-Family Residential” (RS) zoning district for the properties along Highland Boulevard. This recommendation was shown on all three Alternatives.

Regarding the abandoned quarry below Highland Boulevard, the School District staff has expressed interest in working with Cal State University East Bay to create a quality middle school preparing students for a successful college career. The District staff has indicated an interest in building a new

Bret Harte Middle School at this location, and selling the existing Bret Harte School property located on E Street near Main Street. The middle schools in Hayward are all more than 50 years old and have had minimal remodeling during this time. Bret Harte Middle School is the only middle school located on the east side of Mission Boulevard. The school was also a use that was supported by a large number of attendees at the February, 2008 community meetings and is supported in the Mission-Foothill Neighborhood Plan as well. While a specific location is not identified in the Hayward Unified School District's Master plan, the master Plan does indicate a preference for relocating Bret Harte Middle school from its current location.

Also, some members of the community have expressed interest in constructing a sustainable, high-density, reduced automobile mixed-use residential development with some neighborhood-serving commercial uses, known as Quarry Village.

Because of this and previous direction from the Council, the quarry site, located off Carlos Bee Boulevard, has been designated with a "Sustainable Mixed use" General Plan designation with a "Sustainable Mixed Use" (SMU) zoning district to reflect the interests of both the School District staff and some members of the community, as was shown on Alternative A. From a professional planning land use perspective, staff has reservations about the success of implementation of a Quarry Village concept, due to the location of this site along a steep roadway grade that would discourage pedestrian and bicycle use. However, staff is recommending land use designations that could allow for a Quarry Village concept to be developed. Staff has created draft General Plan language for this new land use designation and draft zoning district text for the new zoning district, which are included as Attachments F and H. Staff's recommended language requires sustainable mixed use development, which could include a residential with commercial or office mixed use, or a LEED Silver certified school with an adjacent public park. The City's Green Building Ordinance for municipal projects requires such projects to be LEED Silver certified.

The areas surrounding the quarry site along Redstone Place, Tamalpais Place, Palisade Street, and Overlook Avenue are proposed as General Plan designation "Low Density Residential" with a "Single-Family Residential" (RSB6) zoning district, which requires a 6,000 square foot minimum lot size. This designation is consistent with the surrounding designations and was as shown on Alternative B.

*Clusters 13 and 14 (properties between Carlos Bee Blvd. and Central Blvd.) - Designations have been recommended in this area in order to maintain commercial land use designations along Mission Boulevard and to maintain residential neighborhoods. (Map reference B5 and C5)*

Hayward General Plan Land Use Policy #5 discusses promoting transit-oriented development in the Mission/Foothill corridor in order to relieve regional congestion and create an attractive commercial boulevard. Therefore, portions of these clusters adjacent to mission Boulevard are shown with General Plan "General Commercial" designations with "General Commercial" (CG) zoning districts, as was shown on all three Alternatives. The visibility and access of these properties are conducive to supporting commercial uses. The Mission-Foothill Neighborhood Plan discusses housing development near Mission Boulevard to provide residential development near shops and transit. The remaining areas in these clusters adjacent to Carlos Bee Boulevard are proposed for

“Medium Density Residential” General Plan designations with a “Medium Density Residential” (RM) zoning district, as was shown on Alternatives A and C. A General Plan “Low Density Residential” designation with a “Single-Family Residential” (RS) zoning district is recommended for the areas along Del Mar and Belmont Streets as shown on Alternative B. The “Low Density Residential” designation is reflective of the Hayward General Plan Land Use policy that encourages infill development that is consistent with the surrounding neighborhood character. It should be noted that the presence of fault traces in this area will limit areas that could accommodate future development.

Cluster 15 (Bunkerhill Boulevard neighborhood) -

*Topographical constraints and vehicular access issues are the basis for the recommended lower density designations in the Bunkerhill residential neighborhood. (Map reference B6 and C6)*

This cluster shows a General Plan designation of “Suburban Density Residential” with a “Residential Natural Preserve” (RNP) zoning district, which requires minimum lot sizes of 20,000 square feet. This designation was shown in Alternative C, with the modification from the April meetings to place the “Suburban Density Residential” land use designation on the entire neighborhood, thus eliminating the northern portion that previously was shown with Medium Density residential land use and zoning designations. It is also consistent with Hayward General Plan Land Use Policy #9, which discusses respecting the natural topography in street layouts and respecting natural contours in the siting of development. The RNP zoning district won’t change the appearance or ambiance of the neighborhood, but will allow the ability to create better access to the area as well as allow for the extension of utilities such as sewer. The purpose of this zoning district is to allow for the development of an area where topographical configuration is a major consideration in determining the most appropriate physical development of the land.

This particular area has additional limitations with regard to available utilities and access. Most of the existing residential units in this area are not served by the public sewer system. Utilities will need to be extended to serve additional residential units, which could be done as part of a development proposal. There is only one access to this area and creating additional public access could be difficult, due to topography and limitations for maximum roadway slope grades. However, it may be possible to create a roadway connection from the northern portion of this neighborhood to Carlos Bee Boulevard, which has a moderate slope, providing a link to the southwestern most portions of the Cal State University property. The Mission-Foothill Neighborhood Plan also indicates that this particular area should be preserved by avoiding massive structures and/or tight rows of housing. A “Suburban Density Residential” designation with the RNP zoning (requiring approximately 20,000 square-foot sized lots), would be consistent with such policy.

Cluster 16 (property between Harder Rd. and Calhoun St.) -

*The steep slopes and Hayward earthquake fault trace, along with a community desire to increase open space opportunities, serve as the basis for staff’s recommended land use designations in this cluster. (Map reference B7 and C7)*

Due to slope and fault zone constraints, as well as a riparian area (Zeile Creek) that traverses this cluster that would make development challenging, this cluster, located above the cemetery property, has been proposed for a General Plan designation of “Open Space - Limited Open Space” with an

“Open Space” (OS) zoning district, as was shown in Alternative B. Lands to the west and east of this swath of State-owned lands carry an Open Space designation. Limited access further limits development opportunities in this area, as does a lack of an adequate public water supply/system at the southern end of the cluster. The Mission-Garin Neighborhood Plan and the resulting Mission-Garin Special Design District standards indicate that residential clusters in the hill area should be placed on slopes under 25 percent to preserve the hillsides and to minimize development hazards. With the proposed “Open Space – Limited Open Space” General Plan designation and “OS” zoning district recommended, there would be opportunities for trail connections to Garin Regional Park and the designation also helps to preserve the foothills of Hayward.

*Cluster 17 (property between Calhoun St. and Valle Vista Ave., east of Mission Blvd.) - Land use designations in this cluster are reflective of maintaining existing residential neighborhoods, as well as providing commercial opportunities that can serve those existing residential neighborhoods. (Map reference B8 and C8)*

Staff recommends a combination of residential densities, including “Low Density Residential”, and “Medium Density Residential” for this cluster. The “Low Density Residential” General Plan designation with a “Single-Family Residential” (RS) zoning district has been placed on properties along Calhoun Street, Broadway Street, and Douglas Avenue, which is consistent with the existing designation for these properties and the surrounding properties and was shown in Alternatives A and C.

Areas outside the fault zone on either side of the proposed future Tennyson Road extension have been recommended for a General Plan designation of “Medium Density Residential” with a “Medium Density Residential” (RM) zoning district, a shown in Alternative C. Portions along Mission Boulevard have been designated with a General Plan “Retail and Office Commercial” designation with a “Neighborhood Commercial” (CN) zoning district as shown in Alternative C, which is consistent with the Mission-Garin Neighborhood Plan, to provide commercial development opportunities along Mission Boulevard, while simultaneously providing necessary retail and office uses to complement the surrounding residential uses.

*Clusters 18, 19 and 20 (properties in the South Hayward BART station area) - The recommended land use designations for these clusters are intended to build on work completed as part of the South Hayward BART/Mission Boulevard Concept Design Plan, while at the same time providing more opportunities for open space development that is lacking in this part of the City. These clusters are located in the South Hayward BART/Mission Boulevard Concept Plan area. (Map reference B9 and C9)*

Properties on the east side of Mission Boulevard are recommended to have a “High Density Residential” General Plan land use designation and a “High Density Residential” zoning district and represents no change from the existing designations. Other areas are recommend with a General Plan “Open Space - Parks and Recreation” land use designation with an “Open Space” (OS) zoning district for parcels around the existing Valle Vista Park to allow for potential expansion of this neighborhood park, as well as a future community center. Such open space designation has been expanded by approximately 2.5 acres from that recommended in the South Hayward BART Plan, to respond to desires of Council to have additional park and recreation amenities. Such designation

and the City's parcel would allow for development of a future community center and park entailing approximately six acres, which is about half the size of the new Cannery Park. In addition, with this expanded area there are opportunities for pedestrian path connections between Mission Boulevard and Dixon Street.

Staff also recommends the "Mission Boulevard Density Residential" General Plan designation with a "Mission Boulevard Residential" (MBR) zoning district, which allows for densities up to 55 units per acre, for the properties along Mission Boulevard and Dixon Street, in order to provide higher densities in proximity to the South Hayward BART station. This is consistent with Hayward General Plan Land Use Policy #2 that encourages higher-intensity developments in areas within one-half mile of transit stations and Policy #5 that promotes transit-oriented development in the Mission/Foothill Corridor. The area between Dixon Street and Industrial Parkway has been recommended for a General Plan "High Density Residential" designation with a "High Density Residential" (RH) zoning district, which is consistent with both the existing designation and the General Plan policies described previously. The majority of recommended designations within these clusters were those shown on Alternative C.

As stated previously, staff intends to propose the formation of a Community Facilities District in this area and for other State lands in this study area, to help pay for public services and facilities, including police services. Staff is also proposing a continuous trail throughout the State-owned properties that can ultimately connect with existing park and open space lands. The trail is currently shown as a dashed line through the study area and represents staff's recommended location for the trail. Staff's recommended location is based both on an analysis of topographical maps and ongoing discussions with the Hayward Area Recreation and Park District, so as to coordinate trail width, location and connections. One option for ultimate development of the continuous trail would be the creation of a Special Design Overlay District that would apply to all State-owned properties in the study area and emphasize the strong desire by the City for the continuous trail as well as provide a map showing the ideal location. If the Planning Commission desires to recommend this approach, a Zoning Text Amendment for the creation of a new Special Design Overlay District could be presented to the Commission at a future meeting for a formal recommendation to the City Council.

### **Findings for General Plan Amendments Application -**

The project involves the modification of the General Plan designation of various properties as shown in Attachment E. The project also involves a General Plan text amendment to add a new General Plan designation called "Sustainable Mixed Use". Attachment F is the draft language for the new General Plan land use designation called "Sustainable Mixed Use".

In order to support the changes proposed by staff to the General Plan, 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 land use changes proposed 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 for allowing an appropriate mix of land use designations in an orderly manner that is consistent with surrounding designations.

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

The proposed land use changes are in conformance with the purposes of the General Plan as well as the neighborhood plans and policies in that the revised designations will retain and enhance established neighborhoods, allow for the infill and reuse of areas that were previously set aside for a freeway, maintain and enhance environmental resources by creating a continuous trail, and establish Hayward as a unique and distinctive place with the inclusion of the new General Plan designation Sustainable Mixed Use.

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

A Program-level Environmental Impact Report (EIR) was prepared which analyzed the physical environmental impacts of implementing the land use designations of three alternatives. It was determined that adequate facilities exist to serve the properties when they are ultimately developed. The basis of the analysis, which determined adequate facilities exist to serve future development, was a review of the most intensive land use alternative, Alternative A. The staff recommended land use alternative is less intensive than Alternative A, thus adequate facilities do exist to serve future development. In addition, future development will be required to be part of a Community Facilities District to off-set any potential impacts to police and fire services.

- (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 staff recommended land use designations involve some reclassification so that properties are more compatible with surrounding land use designations and also help to further goals established in existing neighborhood plans. The creation of the new land use designation "Sustainable Mixed Use" does not currently exist and would allow for the future development of the quarry site in a sustainable manner in that it will allow for either a high density, car-independent mixed use development or allow for a LEED Silver certified school with a neighborhood park. This specific designation will more easily allow sustainable development to occur in this location or other locations as appropriate that would otherwise be more challenging with existing designations.

### **Findings for Zoning Change Application -**

The project involves the reclassification of the zoning districts for various properties as shown in Attachment G. The project also involves a Zoning Ordinance text amendment to add a new Zoning

District called “Sustainable Mixed Use”. Attachment H is the draft language for the new Zoning District called ‘Sustainable Mixed Use’.

In order to support the changes proposed by staff 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 changes proposed 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 for allowing an appropriate mix of zoning designations in an orderly manner that is consistent with surrounding designations.

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

The proposed zone changes are in conformance with the purposes of the zoning ordinance in that the revised designations will retain and enhance established neighborhoods, allow for the infill and reuse of areas that were previously set aside for a freeway, maintain and enhance environmental resources by creating a continuous trail, and establish Hayward as a unique and distinctive place with the inclusion of the new zoning district Sustainable Mixed Use.

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

A Program-level Environmental Impact Report (EIR) was prepared which analyzed the physical environmental impacts of implementing the land use designations of three alternatives. It was determined that adequate facilities exist to serve the properties when they are ultimately developed. The basis of the analysis, which determined adequate facilities exist to serve future development, was a review of the most intensive land use alternative, Alternative A. The staff recommended land use alternative and accompanying zoning districts are less intensive than what was shown for Alternative A, thus adequate facilities do exist to serve future development. In addition, future development will be required to be part of a Community Facilities District to off-set any potential impacts to police and fire services.

- (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 staff recommended zoning districts involve some reclassification so that properties are more compatible with surrounding zoning districts and also help to further goals established in existing neighborhood plans. The creation of the new zoning district “Sustainable Mixed Use” does not currently exist and would allow for the future development of the quarry site in a sustainable manner in that it will allow for either a high density, car-independent mixed use

development or allow for a LEED Silver certified school with a neighborhood park. This specific designation will more easily allow sustainable development to occur in this location that would otherwise be more challenging with existing designations.

## **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 Draft EIR had indicated that based on the trips generated by the land uses proposed in Alternative A there would be a Significant and Unavoidable impact at the Foothill Boulevard and D Street intersection. When compared to the existing General Plan, Alternative A added approximately 501 additional dwelling units which resulted in a ten second increase in delay at this intersection. Comparatively, the staff-recommended land use alternative adds 65 dwelling units above the existing General Plan. Using a straight line proportion, this would result in a 1.3 second increase in delay at this intersection. A four second delay at any intersection that is operating a LOS F is considered significant. Since the intersection delay would be only 1.3 seconds, the impact to the Foothill Boulevard and D Street intersection is considered less than significant.

Prior to approving the Route 238 Bypass Land Use Study and the associated amendments to the both the General Plan and Zoning Ordinance, the City shall certify that:

- (1) The final EIR has been completed in compliance with the California Environmental Quality Act (CEQA);

The final EIR was completed in compliance with the CEQA guidelines. The final EIR was released on May 15, the minimum 10 days prior to the Planning Commission public hearing.

- (2) The final EIR was presented to the decision-making body and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project;

The final EIR will be presented to both the Planning Commission and then again to the City Council in late June, which will be prior to the City Council taking action on the project.

- (3) The final EIR reflects the City's independent judgment and analysis.

The final EIR does reflect the independent judgment of the City of Hayward.

The project, as mitigated, will not have a significant effect on the environment

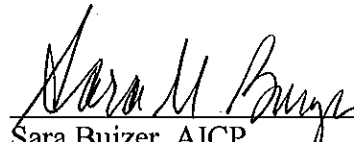
## PUBLIC OUTREACH

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 16, 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.

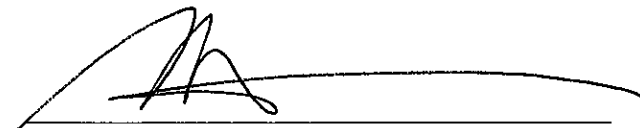
## SCHEDULE

If the Planning Commission wishes to consider the creation of a Special Design Overlay District for all the State-owned properties within the study area for the purpose of formalizing the continuous trail, staff would recommend that the Zoning Text Amendment be presented to the Planning Commission at your regular meeting on June 11 for your consideration and formal recommendation to the City Council. The Planning Commission recommendation(s) will then 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: Land Use Clusters  
Attachment B: Recommended Land Use Designations  
Attachment C: Recommended Zoning Designations  
Attachment D: Recommended Land Use Alternative Summary Table  
Attachment E: Summary of General Plan changes  
Attachment F: Draft General Plan designation for Sustainable Mixed Use  
Attachment G: Summary of Zoning District changes  
Attachment H: Draft Zoning District for Sustainable Mixed Use (SMU)  
Attachment I: Findings for Approval  
Attachment J: Final Environmental Impact Report (sent under separate cover)  
Attachment K: Mitigation Monitoring and Reporting Program

DUE TO THE SIZE AND  
COLOR OF THE FOLLOWING  
ATTACHMENTS, THEY  
HAVE BEEN INCLUDED AS  
SEPARATE LINKS