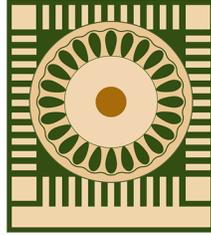


CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Thursday, May 28, 2020

7:00 PM

Remote Participation

Planning Commission

SPECIAL PLANNING COMMISSION MEETING

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order No. 29-20 dated March 17, 2020, and Alameda County Health Officer Order No. 20-10 dated April 29, 2020, regarding the COVID-19 pandemic.

How to observe the Meeting:

- 1. Comcast Channel 15*
- 2. Live stream <https://hayward.legistar.com/Calendar.aspx>*

How to submit written Public Comment:

Send an email to cityclerk@hayward-ca.gov by 3:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the Planning Commission and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda.

How to provide spoken Public Comment during the Planning Commission Meeting:

Call the City Clerk's Office at (510) 583-4400 prior to the close of public comment on an item as indicated by the Meeting Chair.

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS

Public comments are limited only to items on the Agenda as items are called.

ACTION ITEMS

The Commission will permit comment as each item is called for Public Hearing. Public comment may be provided by calling (510) 583-4400 at the time indicated by the Meeting Chair.

PUBLIC HEARING

For agenda items No. 1, No. 2, & No. 3 the Planning Commission may make a recommendation to the City Council.

1. [PH 20-023](#) Proposed Amendment to Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code related to Retail Sales of Tobacco and Tobacco Related Products.

 Attachments: [Attachment I Staff Report](#)
 [Attachment II Findings](#)
 [Attachment III Proposed Text Amendments](#)
 [Attachment IV Comments Received](#)

2. [PH 20-034](#) Proposed Amendment of the Hayward 2040 General Plan to comply with changes to State law including the Establishment of new Vehicle Miles Traveled (VMT) CEQA thresholds for the City of Hayward.

 Attachments: [Attachment I Staff Report](#)
 [Attachment II Findings](#)
 [Attachment III Proposed GPA](#)
 [Attachment IV Proposed VMT Thresholds & Screening Criteria](#)

3. [PH 20-035](#) Proposed Amendment to Chapter 10, Article 24 (South Hayward BART/Mission Boulevard Form Based Code), Article 25 (Hayward Mission Boulevard Corridor Form Based Code), Article 1 (Zoning Ordinance), and Article 7 (Sign Ordinance), related to the adoption of a consolidated Mission Boulevard Code within the Hayward Municipal Code.

 Attachments: [Attachment I Staff Report](#)
 [Attachment II Findings](#)
 [Attachment III Mission Boulevard Code](#)
 [Attachment IV Proposed Text Amendments](#)
 [Attachment V Zoning Map Amendments](#)
 [Attachment VI Parcel Rezoning Exhibit](#)

APPROVAL OF MINUTES

4. [MIN 20-058](#) Minutes of the Planning Commission Meeting of May 14, 2020

 Attachments: [Attachment I Draft Minutes of May 14, 2020](#)

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters

Commissioners' Announcements, Referrals

ADJOURNMENT

NEXT MEETING, JUNE 11, 2020, 7:00PM

PLEASE TAKE NOTICE

That if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which 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 this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Permit Center, first floor at the above address. Copies of staff reports for agenda items are available from the Commission Secretary and on the City's website the Friday before the meeting.****

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.



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: PH 20-023

DATE: May 28, 2020

TO: Planning Commission

FROM: Planning Manager

SUBJECT

Proposed Amendment to Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code related to Retail Sales of Tobacco and Tobacco Related Products.

RECOMMENDATION

That the Planning Commission review and recommend approval to the City Council adoption of proposed Amendments to Chapter 10, Article 1 of the Hayward Municipal Code, Sections 10-1.2780 through 10-1.2797, related to Tobacco Retail Sales Establishments (Attachment II) per the attached findings for approval.

SUMMARY

The City recognizes that attention and response to maintaining regulations beneficial and current to the health and safety needs of our community and youth are an important part of our responsibility as members serving the interest of the public.

In response to the City Council direction and concerns pertaining to the negative health consequences of tobacco, the increased use of flavored tobacco and E-cigarettes and vapor products among youth in Hayward, staff is recommending the several Amendments to the Tobacco Retail Sales Establishment Ordinance to include specific regulations related to the use of flavored tobacco and E-cigarettes, including the use of vaping products. The proposed Amendments to the Ordinance establish improved regulatory standards to mitigate the increase use of flavored tobacco products, E-cigarettes and vapor products among Hayward youth, general accessibility to tobacco products, and includes clarifying language consistent with county, state and federal regulatory agencies to ensure uniform education and compliance related to tobacco and electronic smoking products.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Findings
Attachment III	Proposed Text Amendments

File #: PH 20-023

Attachment IV Comments Received



SUBJECT

Proposed Text Amendment to Chapter 10, Article 1 (Zoning Ordinance), Sections 10-1.2780 through 2797 (Tobacco Retail Sales Establishments) of the Hayward Municipal Code related to the retail sales of tobacco and tobacco related products, including electronic smoking devices.

RECOMMENDATION

That the Planning Commission review and recommend approval to the City Council adoption of proposed Text Amendments to Chapter 10, Article 1 of the Hayward Municipal Code, Sections 10-1.2780 through 10-1.2797, related to the Tobacco Retail Sales Establishments Ordinance (Attachment III) per the attached findings for approval.

SUMMARY

The City recognizes that attention and response to maintaining regulations beneficial and current to the health and safety needs of our community and youth are an important part of our responsibility as members serving the interest of the public.

In response to the City Council direction and concerns pertaining to the negative health consequences of tobacco, the increased use of flavored tobacco and E-cigarettes and vapor products among youth in Hayward, staff is recommending the several Text Amendments to the Tobacco Retail Sales Establishment Ordinance to include specific regulations related to the use of flavored tobacco and E-cigarettes, including the use of electronic smoking devices use and vaping products. The proposed Text Amendments to the Ordinance establish improved regulatory standards to mitigate the increase use of flavored tobacco products, E-cigarettes and vapor products among Hayward youth, general accessibility to tobacco products, and includes clarifying language consistent with county, state and federal regulatory agencies to ensure uniform education and compliance related to tobacco and electronic smoking products.

BACKGROUND

On July 1, 2014, the City of Hayward adopted Chapter 10, Article 1 of the Hayward Municipal Code, Sections 10-1.2780 through 10-1.2797, Tobacco Retail Sales Establishments Ordinance. This ordinance established reasonable and uniform regulations to prevent the proximity of tobacco retail sales to youth within sensitive receptors areas and a means by which to regulate and monitor retail sales of tobacco to protect youth in our community.

In 2014, there were 144 tobacco retail establishments in Hayward, including four vapor lounges. To date, there are 119 active tobacco retail establishments and no active vapor lounges. According to the California Community Health Assessment Tool of the Stanford

Prevention Research Center, there are approximately 13 tobacco establishments in Hayward that are within 500 feet of schools, while 37 are within 1,000 feet. In addition, according to data from the Alameda County Community Assessment Planning and Evaluation map, approximately 35% of the City's tobacco retailers are located within 500 feet to youth sensitive receptors (i.e. schools, parks and playgrounds, etc.) while an additional 37% percent are within 1,000 feet.

During calendar year 2019, the Hayward Police Department issued approximately 57 administrative citations to local tobacco retailers selling to minors. During this same time period, there were 25 regulatory violation notices issued to local tobacco retailers in violation of local and state tobacco retail laws and standards.

On September 24, 2019, the Council approved a referral memorandum to review the City's Tobacco Retail License (TRL) ordinance and regulations to address concerns regarding the accessibility of tobacco and the availability of alternative vapor and electronic smoking products to youth. The points of discussion from Council included restrictions or further regulations on: (1) the sale of tobacco and vaping products, flavored tobacco products, small or inexpensive tobacco; (2) location of tobacco retailers as it relates to youth sensitive areas; and (3) any other changes that will help reduce teen use of tobacco and vaping products in Hayward.

On December 2019, a Tobacco Policy meeting with members of the Coalition for Health Against Tobacco, the Alameda County of Public Health Department, and staff from the City Manager's Office and Development Services was held. Among the discussion, substantial regional and national data regarding the growing trend of tobacco use by youth and the health consequences, in addition to the "best practices" measures adopted by the State and local agencies were presented and discussed in an effort to align local enforcement of flavored tobacco and electronic smoking devices in Alameda County and eliminate the accessibility of tobacco products to youth and address the related health issues.

On January 2, 2020, in response to evidence of increased youth use of Electronic Nicotine Delivery Systems (ENDS), the Food and Drug Administration (FDA) issued a formal guidance document for enforcement priorities on ENDS products. Specifically, the FDA prioritized enforcement against tobacco products on the market that included: (1) flavored, cartridge-based ENDS products (except for tobacco or menthol-flavored products); (2) all other ENDS products for which the manufacturer has failed to take adequate measures to prevent minors' access; and (3) any ENDS products targeted to, or whose marketing is likely to promote use by minors. In addition, the FDA intends to prioritize enforcement of any ENDS product that is offered for sale in the United States after May 12, 2020.

As a result, staff have been in discussion with the County of Alameda Public Health Department and City divisions in identifying various positive and effective regulations to manage this crisis given our available resources.

Public Outreach: On February 14, 2020, in response to the Council referral memorandum related to Tobacco Retail Establishments, staff presented a report for public input to the Chamber of Commerce Government Relations Committee (GRC) to identify any local business concerns and receive public input. Overall, the GRC and its attendees expressed support for the establishment of strengthened regulations and standards.

On March 2, 2020, staff presented a report to the Community Economic Development Committee (CEDC) and the general public to request direction on drafting revisions to the Tobacco Retail Sales Establishment Ordinance. Public speakers included many students and staff from the Hayward Unified School District as well as staff from the Alameda County Department of Public Health in support of additional regulations for the health and safety of the youth, as well as measures necessary to reduce the accessibility of tobacco and electronic smoking devices to youth. Members of CEDC (the Mayor and two City Council members) expressed deep concern about identifying measures to deal more effectively with this growing issue and the negative impacts it has and will continue to have in our community, specifically our youth. As a result, staff have been in discussion with the County of Alameda Public Health Department and City divisions in identifying various positive and effective regulations to manage this crisis given our available resources.

A legal ad and public hearing notice of the proposed Amendments was published on May 15, 2020. The Notice included a link to the draft document on the City's website. On May 18, 2020, a Code Enforcement notification was mailed to the all 119 active tobacco retailers businesses with information on the scheduled Planning Commission Public Hearing Meeting of May 28, 2020 as it relates to the text amendment to the Tobacco Retail Sales Establishment Ordinance, HMC Section 10-1.2780. To date, no additional comments have been received as of the date of finalization of this report.

Staff received the following public comments, emails and letters in support of stronger regulations to help protect our youth in our communities. Areas of concerns expressed by the public included: the sale of flavored tobacco products and electronic smoking devices, the sales of tobacco near child-sensitive areas, and raising the tobacco minimum price and package size requirements. Copies of the letters and emails are included in Attachment IV.

- December 12, 2019 - Tobacco Policy Meeting between City staff and representatives from the following tobacco control advocacy groups: Alameda County Public Health, Eden Youth and Family Center, ChangeLab Solutions, and Bay Area Community Resources/API-CHAT
- February 26, 2020 – Letter from the Alameda County Tobacco Control Coalition, Alameda County Department of Public Health, Co-Chairs Scott Gerbert and Rosalyn Moya
- February 27, 2020 - Email from Flavors Addict Kids-Livermore Co-Founders Jannell Gladen, Paula Campbell, Kristie Wang
- March 2, 2020 – Public comments at the Community Economic Development Commission Meeting from:
 - Alameda County Department of Public Health, Alameda County Tobacco Control Coalition members and staff: Paul Cummings, Program Director; Rosalyn Moya, Co-Chair; and Anna Lee, Policy Coordinator
 - Eden Youth and Family Center members and staff: Karen Halfon, Executive Director; Jennifer Duncan, Substance Abuse Prevention Program Director; Maria

- Fernandez Sotomayor, Program Operations Assistant; Aleli Nortado, Advisory Council Member; Savannah Quan, Volunteer and Chabot College Student
- African-American Tobacco Control Leadership Council Co-Chair Dr. Phillip Gardiner
 - American Heart Association, Blythe Young
 - Tennyson High School students Pilar Cortes-Vega and Paula Anne Carreon
 - Mt. Eden High School student Jessica Fuentes
- February 29, 2020 – Letter from the African American Tobacco Control Leadership Council, Co-Chairs Dr. Phillip Gardiner and Carol McCruider
 - March 17, 2020 – Letter from the Breathe California, Chief Executive Officer Margo Sidener
 - April 16, 2020 – Letter from The Community Health Education Institute, Executive Director Pauline Bondonno
 - May 11, 2020 - Email from the Bay Area Community Resources, Asian Pacific Islander Project Manager Rosalyn Moya

Code Enforcement staff has received no comments or letters in opposition since the date of this report.

DISCUSSION

According to recent information published by the Centers for Disease Control and Prevention (CDC), Tobacco product use among U.S. youth is rapidly increasing. More than 1 in 4 high school students and about 1 in 14 middle school students, were found to have used tobacco in 2018. This notable increase from previous 2017 data compiled by CDC was identified to have been driven predominately by an increase in E-cigarette use. E-cigarette use increased from 11.7% to 20.8% among high school students, and from 3.3% to 4.9% among middle school students from 2017 to 2018. No significant change was found in the use of other tobacco products, including traditional cigarettes during this time.

Information from the California Department of Public Health 2018 survey of California youth identified a similar increase in E-cigarette and vaping, 27%, from 2016 to 2018. Additionally, data from the California Department of Education 2018-2019 survey of the Hayward Unified School District revealed a significant number of 7th, 9th and 11th graders (8%, 11% and 13%, respectively) are currently using electronic cigarettes/vapor products, validating staff and community concerns of trending tobacco use activity by the youth. As detailed below, the proposed Amendments would help the City establish improved regulatory standards to mitigate the increase use of flavored tobacco products, E-cigarettes and vapor products among Hayward youth, general accessibility to tobacco products, and includes clarifying language consistent with county, state and federal regulatory agencies to ensure uniform education and compliance related to tobacco and electronic smoking products.

Overview of Proposed Amendments: As adopted, the specific purpose of the regulations is "to provide for the orderly integration of tobacco-related uses in a manner that will prevent the sale of tobacco products and electronic smoking devices to youth by establishing reasonable and uniform regulations to prevent the close proximity of tobacco retail sales uses to youth and sensitive receptors, while permitting the location of tobacco retail sales in certain areas." As proposed, the Tobacco Retail Sales Regulations will be codified at Section 10-1.2780 et seq. of the Zoning Ordinance. There are five areas of concern which are the primary focus of the proposed text Amendments to the Ordinance:

1. Restrictions on the sale of tobacco products, including flavored and vaping products.
2. Restrictions on the sale of small or inexpensive tobacco and vaping products.
3. Further regulation on the location of tobacco and vaping product sales (as it relates to youth sensitive areas).
4. Additional monitoring of tobacco and vaping retailers to reduce sales to minors.
5. Other changes to help reduce the teen use of tobacco and vaping products.

These points of concern are addressed through the suggested text amendments to the ordinance in the following sections to provide a best practices approach to strengthening tobacco laws to protect our youth and limit accessibility to tobacco products in line with the State, County, and surrounding jurisdictions. The Amendments are summarized below:

Findings and Purpose - SEC. 10-1.2780 – Findings and Purpose - The section previously identified as "Purpose" has been updated to include findings related to council and public concerns regarding the negative effects that tobacco and related products have on the health of the City's youth and community. Recommended changes to this section also provide clarification of the purpose of the Ordinance and a level of regulatory protection sufficient to mitigate the dangers these substances present to Hayward residents.

Definitions - SEC. 10-1.2782- Definitions - On January 2, 2020 the U.S. Food and Drug Administration (FDA), in response to evidence of increased youth use of Electronic cigarettes or what the FDA identified as Electronic Nicotine Delivery Systems (ENDS), issued a formal guidance document for enforcement priorities on ENDS products. As a result, staff have included amendments in the definition section to ensure consistency with County, State and Federal terminology related to newly emerging tobacco, vapor, and electronic smoking devices or substance distribution products.

Operational Standards - SEC. 10-1.2783 – Requirements and Operational Standards for Tobacco Retail Sales Establishments - Text amendments and re-organization of established standards were proposed throughout the requirements and operational standards section to provide additional clarity as well as to align regulatory requirements consistent with best practices from the California Tobacco Control Program, the Alameda County Department of Public Health, and other surrounding jurisdictions. The more notable changes to this section were done to ensure alignment with Council's request to create additional standards to mitigate rising trends in secondary school use of tobacco and vaping products.

The primary amendments to this Section include:

1. Changes in the minimum floor price and packaging of tobacco products to align

- with County and neighboring jurisdictions best practices for consistency in the enforcement and accessibility of products to youth.
2. The removal of the legal-nonconforming status of tobacco retailers that currently sell flavored or other unpermitted tobacco products currently banned throughout the City.
 3. Consolidation of all regulations pertaining to banned substances or products to ensure clarity in product offering restrictions to the public.
 4. Implementation of a six (6) month-grace period for all legal retailers to cease sales and remove all un-permitted or unlawful products, which includes all:
 - (i) Flavored tobacco products and any related flavored tobacco paraphernalia.
 - (ii) Electronic smoking devices and electronic nicotine delivery systems; and
 - (iii) Vaping products and vaping paraphernalia; including devices, parts and components.
 5. Additional text amendments for language clarity, including details in the descriptions of the products being regulated.

Large Format Retailers - SEC. 10-1.2784 – Large Format Tobacco Retailers - Language was added under Item “c.” of this Section to effectively prohibit the sales of tobacco products and tobacco paraphernalia sales in large format stores that primarily promote community health, such as pharmacies and drugstores, consistent with County and local jurisdictions best practices.

Conditional Use Permits - SEC. 10-1.2786 - Conditional Use Permit for new Tobacco Retail Sales Establishments - To limit accessibility of tobacco products to youth and sensitive receptors, staff proposed an increase to the minimum distance of tobacco retailers to residential zones and any sensitive receptors from 500 feet to 1,000 feet, which is also consistent with the County of Alameda best practices standards.

POLICY CONTEXT AND CODE COMPLIANCE

Hayward 2040 General Plan. The City’s General Plan includes several goals and policies in the Health and Quality of Life section that support the proposed text Amendments related to the public health, safety and welfare, including the following:

- *HQL Goal 1:* Improving health and well-being of all Hayward residents;
- *HQL Policy 1.1:* Health in all Policies;
- *HQL Goal 3:* Collaboration for Improved Health;
- *HQL Policy 3-2:* Access to Healthy Foods;
- *HQL Goal 4:* Health Care Access and Disease Prevention;
- *HQL Goal Policy 4-3:* Prohibiting Cigarette Sales near Schools;
- *HQL Goal 7:* Protect residents from harmful effects of pollution, toxic substances and environmental contaminants; and
- *HQL Policy 7-5:* Proximity to Pollution Sources.

Pursuant to HMC Section 10-1.3425(a), the Planning Commission shall hold a public hearing on all map and text amendments and may recommend approval of or deny a text amendment, to the City Council based on the following findings:

1. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward.
2. The proposed change is in conformance with all applicable, officially adopted policies and plans.
3. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified. And,
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.

Staff has included more detailed findings to support the Amendments in Attachment II and a comprehensive list of all the Amendments being proposed is included as Attachment III.

STAFF ANALYSIS

It is staff's determination that the proposed Text will promote public health by the elimination of youth access to flavored tobacco products and electronic smoking devices currently existing in neighborhoods throughout the community. The text amendments will support responsibility and accountability of tobacco retailing in Hayward in alignment with the County, State and Federal regulatory standards for effective local tobacco education and enforcement of flavored tobacco and electronic smoking products in Hayward.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act of 1970, Public Resources Code §21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively, "CEQA"), the proposed Amendments do not constitute a "project" within the meaning of Public Resources Code Section 21065, and CEQA Guidelines Sections 15061(b)(3) and 15378 because there is no potential that it will result in a direct or reasonably foreseeable indirect physical change in the environment and because it has no potential for either a direct physical change to the environment, or a reasonably foreseeable indirect physical change in the environment.

NEXT STEPS

Staff will incorporate input from the Planning Commission and forward the Commission's recommendations to the City Council for a Public Hearing scheduled in late June 2020. If adopted, the proposed Amendments will go into effect next Fiscal Year 2020-2021. Staff will contact all existing establishments by serving a notice of the adoption of the regulations and the procedures and the time frame in which they must obtain compliance with all new adopted regulations and standards.

Prepared by: Maggie Flores, Senior Code Enforcement Inspector

Approved by:

A handwritten signature in blue ink that reads "Sara M. Buizer". The signature is written in a cursive style with a large initial 'S'.

Sara Buizer, Planning Manager

A handwritten signature in black ink that reads "Laura J. Simpson". The signature is written in a cursive style with a large initial 'L'.

Laura Simpson, Director of Development Services

CITY OF HAYWARD PLANNING COMMISSION

**PROPOSED TEXT AMENDMENTS TO CHAPTER 10, ARTICLE 1 (ZONING ORDINANCE),
SECTIONS 10-1.2780 to 10-1.2797 (TOBACCO RETAIL SALES ESTABLISHMENTS) OF
THE HAYWARD MUNICIPAL CODE RELATED TO THE RETAIL SALES OF TOBACCO AND
TOBACCO RELATED PRODUCTS, INCLUDING ELECTRONIC SMOKING DEVICES**

DRAFT FINDINGS FOR APPROVAL

ZONING TEXT AMENDMENT FINDINGS

Pursuant to HMC Section 10-1.3425(a), the Planning Commission shall hold a public hearing on all text amendments. The Planning Commission may recommend approval of or deny a text amendment, reclassification, or pre-zoning to the City Council. Recommendations for approval shall be based upon all the following findings:

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

There is local and nation-wide evidence from the California Department of Public Health and the Centers for Disease Control and Prevention that:

- a. Tobacco youth consumption and use of flavored tobacco products and electronic smoking devices are on a rapid rise.
- b. The use of these products has been identified by the United States Surgeon General to pose significant health and safety risks to community at-large and youth individuals under the age of 18.
- c. Tobacco use is the leading cause of preventable disease, disability, and death in the United States. Each year, nearly half a million Americans die prematurely of smoking or exposure to secondhand smoke. Another 16 million live with a serious illness caused by smoking.

The City of Hayward recognizes that the use of tobacco products and electronic smoking devices have long-lasting effects on personal and public health. The proposed Text Amendments will promote public health by the elimination of the access of flavored tobacco products and electronic smoking devices currently existing in neighborhoods while encouraging responsible tobacco retailing.

2. The proposed change is in conformance with all applicable, officially adopted policies and plans.

The proposed Text Amendments are consistent with the goals and policies set forth in the *Hayward 2040 General Plan* in that the amended regulations are designed to protect and improve the health and general welfare by a cross-jurisdictional approach of regulations consistent with State, County and other local jurisdictions best practices for a consistent enforcement in the sales of tobacco products. In

addition, the Text Amendments are intended to improve access to healthier food sources by diminishing the access to tobacco related products currently existing in neighborhoods, while restricting the location of new tobacco retail near schools and other sensitive uses, such as parks, childcare centers, etc. The proposed Text Amendments are consistent with the following goal and policies set forth in the *Hayward 2040 General Plan*:

- Health and Quality of Life Goal-1: Improve the health and well-being of all Hayward residents. Improving access to healthy living requires making health a City priority and taking a cross-jurisdictional and collaborative approach to promoting improved community health.
- Health and Quality of Life Policy -1.1: Health in All Policies. The City shall prioritize the overall health of Hayward residents in its strategies, programs, daily operations, and practices.
- Health and Quality of Life Goal-3: Collaboration for Improved Health. The City shall collaborate with local health officials, planners, nonprofit organizations, businesses, schools, the Hayward Area Recreation and Park District (HARD), hospitals, local health clinics, and community groups to improve community health.
- Goal Health and Quality of Life Policy-3.2: Access to Healthy Foods. The City shall strive to ensure that all residents are within walking distance of sources of fresh and healthy foods (e.g., grocery stores, healthy corner stores, farmers' markets, and community gardens).
- Health and Quality of Life Goal 4: Health Care Access and Disease Prevention.
- Health and Quality of Life Policy -4:3: Prohibiting Cigarette Sales Near Schools. The City shall prohibit the sale of cigarettes near schools.
- Health and Quality of Life Goal-7: Protect residents from the harmful effects of pollution, toxic substances, and environmental contaminants.
- Health and Quality of Life Policy-7.5: Proximity to Pollution Sources. The City shall avoid locating new sensitive uses such as schools, childcare centers, and senior housing, to the extent feasible, in proximity to sources of pollution, odors, or near existing businesses that handle toxic materials. Where such uses are located in proximity to sources of air pollution, odors, or toxic materials, the City shall encourage building design, construction safeguards, and technological techniques to mitigate the negative impacts of hazardous materials and/or air pollution on indoor air quality.

- Health and Quality of Life Policy-9.1: Resiliency. The City shall strive to create a strong and resilient community and region that can withstand or accommodate change and respond to challenges.

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

No properties are proposed to be re-classified. Any new tobacco retail sales establishments will be required to have adequate streets and facilities before operating as currently required.

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.

No properties are proposed to be reclassified. The Text Amendments will provide standards to help ensure tobacco retail sales establishments are operated in a manner that do not generate impacts to surrounding properties and neighborhoods.

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

Pursuant to the California Environmental Quality Act of 1970, Public Resources Code §21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively, “CEQA”), the proposed Amendments do not constitute a “project” within the meaning of Public Resources Code Section 21065, and CEQA Guidelines Sections 15061(b)(3) and 15378 because there is no potential that it will result in a direct or reasonably foreseeable indirect physical change in the environment and because it has no potential for either a direct physical change to the environment, or a reasonably foreseeable indirect physical change in the environment.

SEC. 10-1.2780 - TOBACCO RETAIL SALES ESTABLISHMENTS^[33]

Footnotes:

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Note— [Ordinance 14-16](#), adding Sections 10-1.2780 through 10-1.2797, Chapter 10, Article 1 of the Hayward Municipal Code relating to Tobacco Retail Sales Establishments, adopted July 1, 2014.

SEC. 10-1.2780 - FINDINGS AND PURPOSE.

~~In addition to the general purposes listed in Section 10-1.110, General Provisions, the specific purpose of the Tobacco Retail Sales Establishments regulations is to provide for the orderly integration of tobacco-related uses in a manner that will prevent the sale of tobacco products and electronic smoking devices to youth by establishing reasonable and uniform regulations to prevent the close proximity of tobacco retail sales uses to youth and sensitive receptors, while permitting the location of tobacco retail sales in certain areas.~~

The City finds and declares as follows:

- a. According to the Centers for Disease Control and Prevention, each day about 1,600 U.S. youth under the age of 18 smoke their first cigarette. Each year, nearly half a million Americans die prematurely of smoking or exposure to secondhand smoke. Another 16 million live with a serious illness caused by smoking.
- b. There is local and nation-wide evidence from the California Department of Public Health and the Centers for Disease Control and Prevention that youth consumption and use of flavored tobacco products and electronic smoking devices are on the rise. The use of these products has been identified by the United States Surgeon General to pose significant health and safety risks to community at-large and youth individuals under the age of 18.
- c. The City of Hayward recognizes that the use of tobacco products and electronic smoking devices have devastating and have long-lasting effects on personal and public health. The City further recognizes in accordance with the Centers for Disease Control and Prevention, that tobacco use is the leading cause of preventable disease, disability, and death in the United States.
- d. The purpose of the Tobacco Retail Sales Establishments Ordinance is to promote public health and provide regulatory protection for the City's youth from harmful tobacco and nicotine products. The Ordinance establishes a monitoring program that encourages responsible tobacco retailing and holds businesses accountable for selling and distributing harmful and addictive tobacco and nicotine products to underage individuals. It is intended to supplement relevant provisions of Federal and State law and is not intended nor shall it be interpreted to conflict, expand or reduce the degree to which the acts regulated by Federal or State law are criminally proscribed or alter the penalties provided therein.

SEC. 10-1.2781 - APPLICABILITY.

These regulations apply to all Tobacco Retail Sales Establishments, including the operation of existing businesses, new businesses, relocating businesses, and the conversion or expansion of an existing business to include the sale of tobacco, tobacco products, ~~electronic smoking devices~~ or tobacco paraphernalia, as defined herein. Tobacco Retailers legally existing prior to the adoption of these regulations may exist without the approval of a conditional use permit but must otherwise comply with all standards set forth in these regulations.

SEC. 10-1.2782 - DEFINITIONS.

For purposes of these regulations, certain words and terms have the following meaning:

- a. “Bidis” (also known as beedies) are defined as products containing tobacco wrapped in leaves of the temburni or tendu plants, or products marketed and sold as “bidis” or “beedies.”
- b. “CBD” means cannabidiol, a cannabinoid or chemical compound found in cannabis plant and hemp.
- c. “Cannabis” shall mean as defined in HMC 10-1.3500.
- d. "Cigar" means (i) any roll of tobacco wrapped entirely or in part in tobacco or in any substance containing tobacco; or (ii) any paper or wrapper that contains tobacco and is designed for smoking or ingestion of tobacco products. For the purposes of this subsection, "Cigar" includes, but is not limited to, Tobacco Products known or labeled as "cigar," "cigarillo," "tiparillo," "little cigar," "blunt," "blunt wrap," or "cigar wrap."
- e. “Cigarette” means any roll of tobacco for smoking of any size or shape, made wholly or in part of tobacco and with a wrapper or cover made of paper or any other material. Tobacco wrapped in tobacco or with a cover made mostly of tobacco (for example, cigars) that weighs more than three pounds per thousand sticks are not cigarettes and are defined as Tobacco Products.
- f. "Characterizing Flavor" means a ~~distinguishable~~ taste or aroma, other than the taste or aroma of tobacco, imparted by a tobacco product, ~~either prior to or during consumption, or~~ any byproduct produced by the tobacco product, including, but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, sweetener, sugar, herb, or spice; provided, however, that a tobacco product shall not be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information.
- ~~c. “Distinguishable” means perceivable by an ordinary consumer by either the sense of smell or taste.~~
- ~~d.g.~~ "Drug Paraphernalia" is as defined in California Health ~~&~~ Safety Code section 11014.5, as that section may be amended from time to time.
- e.h. "Electronic Smoking Device" means:
 1. ~~a~~Any electronic ~~and/or battery-operated~~ device, ~~the use of which may resemble smoking, which can be used to that~~ delivers ~~an inhaled a~~ dose of nicotine or other substances to the person inhaling, including but not limited to, ~~“Electronic Smoking Device” includes any such device, whether manufactured, distributed, marketed, or sold as an~~ electronic nicotine delivery systems as defined under the United States Food and Drug Administration deeming rule, ~~an~~ electronic cigarette, ~~an~~ electronic

cigar, ~~an~~ electronic cigarillo, ~~an~~ electronic pipe, ~~an~~ electronic hookah, vapor cigarette, vape pen, personal vaporizers, or any other product name or descriptor.

2. Any component, part, or accessory intended or reasonably expected to be used with an electronic smoking device, whether sold separately, including but not limited to coils, batteries, tanks, cartridges, pods, wicks, atomizers, other parts, etc. —"Electronic Smoking Device" does not include any product specifically approved by the United States Food and Drug Administration for use in the mitigation, treatment, or prevention of disease.

i. "Electronic Smoking or Vaping Product" any tobacco products intended to be use with an electronic smoking device, for example nicotine concentrates, waxes, E-liquids, etc.

j. "Flavored Tobacco Product" means any tobacco product (including but not limited to other than cigarettes as defined by federal law) that contains a constituent that imparts a characterizing flavor, including but not limited to mint or menthol cigarettes, flavored little cigars, smokeless tobacco, e-cigarettes and vaping devices. —For purposes of this definition, "constituent" means any ingredient, substance, chemical, or compound, other than tobacco, water, or reconstituted tobacco sheet, which is added by the manufacturer to a tobacco product during the processing, manufacture, or packing of the tobacco product. Furthermore, there shall be a rebuttable presumption that a tobacco product is a flavored tobacco product if a manufacturer or any of the manufacturer's agents or employees has:

1. Made a public statement or claim that the tobacco product has, imparts, or produces a characterizing flavor, including, but not limited to, the explicit or implicit use of text and/or images on the product's labeling or packaging or other advertisement to communicate information about the flavor, taste, or aroma of a tobacco product; and/or

2. Taken actions directed to consumers that would be reasonably expected to result in consumers believing that the tobacco product imparts a characterizing flavor.

k. "Hemp Blunt Wraps" means a paper or cone-shape wrapper or cover made either in part or wholly from parts of a cannabis plant, also known as, but not limited, CBD blunt wraps.

g.l. "Hookah bar" or "hookah lounge" means any facility, building, structure or location, where customers share tobacco or a similar smoking product from a communal hookah placed throughout the establishment.

h.m. "Imitation Tobacco Product" means any edible or non-edible, non-tobacco product designed to resemble a tobacco product ~~or any non-edible non-tobacco product designed to resemble a tobacco product~~ that is sometimes intended to be used by children as a toy but not necessarily. Examples of imitation tobacco products include, but are not limited to, candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling spit tobacco, and shredded beef

jerky in containers resembling snuff tins. An electronic smoking device is not an imitation tobacco product.

- i. "Labeling" means written, printed, or graphic matter upon any tobacco product or any of its packaging, or accompanying such tobacco product.
- j. "Licensee" means the holder of a valid, City-issued Tobacco Retailer License.
- k. "Manufacturer" means any person, including any re_packer or re_labeler, who manufactures, fabricates, assembles, processes, ~~or~~-labels a tobacco product; or imports a finished tobacco product for sale or distribution into the United States.
- l. "Packaging" means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane) in which a tobacco product is sold or offered for sale to a consumer.
- m. "Person" means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.
- s. "Pharmacy" and "Drugstore" mean a retail establishment where health care products and pharmaceuticals are offered for sale regardless if other retail goods are also being sold.
- t. "Property Owner" means any person, persons, organization, or legal entity owning real property and as it appears on the last equalized assessment roll for the City.
- n. "Proprietor" means a person with an ownership or managerial interest in a Tobacco Retail Sales Establishment. An ownership interest shall be deemed to exist when a person has a ten percent (10%) or greater interest in the stock, assets, or income of a Tobacco Retail Sales Establishment, other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person can or does have or share ultimate control over the day-to-day operations of a Tobacco Retail Sales Establishment.
- o. "Residential District" is any area within City limits that is designated in the City's zoning ordinance as one of the following districts: RS; RNP; RM; RH; RO; MH; SMU; any residential Planned Development; T3, T4, T4-1, T4-2 or T-5 (in the City's Form-Based Code zoning districts); or any subsequently created zoning district whose primary use is residential in character.
- w. "Retail Price" means the price listed for a tobacco product on its packaging or any related shelving, advertising, or display where sold or offered for sale, including any applicable taxes or fees.
- p. "Self-Service Display" means the open display of tobacco products, electronic smoking devices or tobacco paraphernalia in a manner that is accessible to the general public without the assistance of the retailer or employee of the retailer. A vending machine is a form of self-service display.

- ~~ay.~~ "Sensitive Receptors" are people that have an increased sensitivity to air pollution or environmental contaminants. For the purpose of this Ordinance, sensitive receptor locations include schools, pre-schools, parks and playgrounds, libraries, and day care ~~centers~~ facilities.
- ~~fz.~~ "Tobacco Retail Sales Establishment" or "Tobacco Retailer" means any establishment that ~~sells~~ , offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products, ~~electronic smoking devices,~~ tobacco paraphernalia, or any combination thereof, including retail or wholesale sales.
- ~~saa.~~ "Tobacco Paraphernalia" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other items or parts thereof designed or marketed for the smoking, ~~or~~ ingestion, preparation, storing, or consumption of tobacco products or other substances.
- ~~tb.~~ "Tobacco Product" means any product containing, made or derived from tobacco or ~~contains synthetically produced~~ nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. "Tobacco product" includes, but is not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus, ~~or~~ electronic smoking devices (with or without nicotine), or any component, part, accessory intended or reasonably expected to be used with a Tobacco Product whether or not sold separately. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product and is being marketed and sold solely for that approved purpose.
- ~~ucc.~~ "Tobacco Retailer License" means the license issued pursuant to Section 10-1.2785 that authorizes ~~electronic smoking device or~~ tobacco retail or wholesale sales at a certain, fixed approved location and by a certain Tobacco Retailer. Mobile vendors of tobacco products, ~~and~~ electronic smoking devices and tobacco paraphernalia are prohibited.
- ~~vdd.~~ "Vapor bar" or "vapor lounge" (also referred to as "smoking device bar" or "electronic smoking device lounge") means, but not limited to, any facility, building, structure or location where customers use tobacco products, ~~an~~ electronic smoking devices or other apparatuses to deliver an inhaled dose of nicotine or other substance within the establishment.
- ee. "Vaping device" means any electronic smoking device.

SEC. 10-1.2783 - REQUIREMENTS AND OPERATIONAL STANDARDS FOR TOBACCO RETAIL SALES ESTABLISHMENTS.

- a. All ~~new and existing~~ Tobacco Retail Sales Establishments shall abide by all of the following requirements and operational standards:
1. All Tobacco Retail Sales Establishments shall comply with local, Sstate, and/or Ffederal laws regarding sales, advertising or display of tobacco products, electronic

- smoking devices, imitation tobacco products and/or tobacco paraphernalia, including, ~~but not limited to,~~ posting prominently near the cash register or other point of sale ~~and at the entrances to the establishment,~~ the legal age to purchase ~~tobacco products such items,~~ and checking the identification of purchasers to ensure they are of legal age.
2. All new Tobacco Retail Sales Establishments shall obtain a conditional use permit pursuant to Section 10-1.3200 prior to operation, unless exempt as provided hereinafter, and a Tobacco Retailer License. It shall be unlawful for any ~~P~~person to operate ~~as~~ a Tobacco Retail Sales Establishment without first obtaining a conditional use permit, if one is required, and a Tobacco Retailer License.
 3. All Tobacco Retail Sales Establishments shall display their City of Hayward Tobacco Retail License and California Cigarette and Tobacco and Product Retailer License to sell tobacco products, ~~and their annual inspection certificate in a visible, in a~~ prominent location visible to the public at all times.
 4. It shall be a violation of these regulations for any Tobacco Retailer ~~Sales Establishment~~ to violate any local, state, or federal law applicable to tobacco products, electronic smoking devices or tobacco paraphernalia.
 5. It shall be a violation of these regulations for any Tobacco Retail Sales Establishment or any of the Tobacco Retail Sales Establishment's agents or employees to violate any local, state, or federal law regulating controlled substances or drug paraphernalia, ~~such as,~~ for example, California Health and Safety Code ~~s~~Section 11364.7, except that conduct authorized pursuant to the state ~~Medical Marijuana Program (California Health and Safety Code sections 11362.7 et seq.)~~ law shall not be a violation of these regulations.
 6. No Tobacco Retail Sales Establishment shall sell, ~~or transfer, or in any form furnish~~ tobacco products or tobacco paraphernalia ~~or electronic smoking devices to an individual under the age of 21 in accordance with the California Penal Code 308, California STAKE Act, or any other applicable local, state or federal law; or to~~ ~~any individual person~~ who appears to be under twenty-seven (27) years of age without first examining the customer's identification to confirm that the customer is at least the minimum age under state and federal law to purchase and possess tobacco products ~~or electronic smoking devices.~~
 7. No person who is younger than the minimum age established by state or federal law for the purchase or possession of tobacco products or electronic smoking devices shall engage in the sale of such products.

8. ~~All tobacco products, electronic smoking devices, imitation tobacco products~~ and/or tobacco paraphernalia shall be secured so that only store employees have immediate access to these items. Self-service displays of tobacco products, electronic smoking devices, and tobacco products are prohibited.
 9. ~~All Tobacco Retail Sales Establishments that do not sell imitation tobacco products or flavored tobacco products as of the effective date of these regulations are prohibited from selling any imitation tobacco product or flavored tobacco product. The burden of proof to establish that sales of imitation tobacco products and/or flavored tobacco products preceded the effective date of these regulations shall be on the Tobacco Retailer. No Tobacco Retail Establishment shall sell imitation tobacco products or any imitation products that resemble cannabis or any drug or illegal substances.~~
 10. No Tobacco Retailer ~~Sales Establishment~~ shall sell tobacco products, or tobacco paraphernalia, ~~or electronic smoking devices~~ at a mobile location, ~~For example, sales of tobacco products, or tobacco paraphernalia, or electronic smoking devices on foot or from vehicles, are prohibited.~~
 11. All sales of tobacco products and tobacco paraphernalia shall be conducted in person at the licensed Tobacco Retail Establishment. No Tobacco Retail Sales Establishment shall offer or conduct any delivery of tobacco products or tobacco paraphernalia.
- b. Notwithstanding any other provision of law, it shall be a violation of these regulations for any licensee or any of the licensee's agents or employees to sell, offer for sale, or exchange for any form of consideration:
1. Any single cigar, whether or not packaged for individual sale; with a retail price of less than eight (\$8) dollars.
 2. Any number of cigars fewer than the number contained in the manufacturer's original consumer packaging designed for retail sale to a consumer.;
 3. Any package of cigars unless it contains at least five cigars or units in the manufacturer's original consumer package with a retail price of eight (\$8) dollars or more, including tax and fees. ~~containing fewer than five (5) cigars. This subsection does not apply to the sale or offer for sale of a single cigar for which the retail price exceeds five dollars.~~
 4. Single cigarettes or cigarettes packages of less than 20 cigarettes.
 5. Cigarette packages of 20 cigarettes with a retail price of less than eight (\$8) dollars per package, including taxes and fees.
 6. Any tobacco product for less than the retail price by honoring or redeeming discounts, multi-package discounts, or other form of discount.

7. Cigarette packages or tobacco products not in compliance with the Revenue and Taxation Code, Section 30165.1, Subdivisions (e)(1), (e)(2) and (e)(3); not listed as approved in the California Tobacco Directory.

The minimum prices established in this section may be adjusted from time to time in proportion with the Consumer Price Index for the San Francisco/Oakland/Hayward area as reported by the U.S Labor of Statistics and after publicly being posted in the City's website for at least 60 calendar days.

- c. ~~With the exception of Tobacco Retailers whose business included the sale of flavored tobacco products prior to the effective date of this Article, it~~ shall be a violation of these regulations for any Tobacco Retailer or any of the Tobacco Retailer's agents or employees to sell or offer for sale, ~~or to possess with intent to sell or offer for sale, or exchange for any form of consideration~~ any:

1. Flavored tobacco product, parts, components, or flavored tobacco paraphernalia.
2. Bidis or Beedies products.
3. Electronic smoking devices, electronic nicotine delivery systems, parts, or components.
4. Electronic smoking, vaping products, and vaping paraphernalia, including but not limited to, devices, parts and components, e-liquids, concentrates, waxes, etc.
5. CBD or hemp products, or any products made from, derivative of, or containing any amount of a Cannabis plant.

~~flavored tobacco product within a 500 foot radius of any private or public kindergarten, elementary, middle, junior high, or high school. The burden of proof to establish that sales of flavored tobacco products preceded the effective date of these regulations shall be on the Tobacco Retailer.~~

- d. Implementation: All existing legal Tobacco Retail Establishment owners shall have six (6) months from the effective date of these regulations to cease the sales of and remove all: (i) flavored tobacco products, including but not limited to any related flavored tobacco paraphernalia; (ii) electronic smoking devices, electronic nicotine delivery systems; and (iii) vaping products and vaping paraphernalia; including but not limited to, devices, parts and components. However, no grace period will be provided when a legal Tobacco Retail Establishment is sold or transferred. All Tobacco Retail Establishments shall abide by all Tobacco Retail Sales requirements and operation standards set forth herein.

- d. ~~A tobacco product is presumed to be a flavored tobacco product if a manufacturer or any of the manufacturer's agents or employees has:~~

- ~~1. Made a public statement or claim that the tobacco product has or produces a characterizing flavor, including, but not limited to, text and/or images on the product's labeling or packaging that are used explicitly or implicitly to communicate information about the flavor, taste, or aroma of a tobacco product; or~~
 - ~~2. Taken actions directed to consumers that would be reasonably expected to result in consumers believing that the tobacco product imparts a characterizing flavor.~~
- e. Every Tobacco Retail Sales Establishment shall maintain on the premises the original labeling and packaging provided by the manufacturer for all tobacco products that are sold or offered for sale by the establishment separately from the original packaging designed for retail sale to the consumer. ~~The original labeling and packaging from which the contents are sold separately shall be maintained during such time as the contents of the package are offered for sale and may be disposed of upon the sale of the entire contents of such package.~~
- f. ~~Each application for a conditional use permit to operate a Tobacco Retail Sales Establishment shall include a plan for demonstrating the means by which the applicant will comply with the operating standards outlined in this section.~~
- g. Compliance with these regulations shall be enforced by the City's Development Services Planning Director or his/her designee, in conjunction with the City's Code Enforcement Division and the Hayward Police Department. The Code Enforcement ~~Supervisor~~ Manager or his/her designee shall use reasonable efforts to conduct a compliance check visit to each Tobacco Retail Sales Establishment at least once per twelve (12) month period to determine if the Tobacco Retail Sales Establishment is in compliance with these regulations; and any necessary follow-up inspections of non-compliant Tobacco Retailers. The Hayward Police Department shall use reasonable efforts to conduct decoy inspection operations throughout the year to verify the Tobacco Retailers are compliant and are not selling to minors at any time. Nothing in this section shall create a right of action in any Tobacco Retail Sales Establishment or other ~~P~~person against the City or its agents ~~in conducting these annual inspections.~~

SEC. 10-1.2784 - LARGE-FORMAT TOBACCO RETAILERS.

- a. Retail establishments, such as grocery stores, big-box stores, ~~pharmacies~~, etc., that have 10,000 square feet or more of floor area and that devote not more than five (5%) percent of such floor area to the sale, display, sale and storage of tobacco products, ~~electronic smoking devices~~ or tobacco paraphernalia ("Large-Format Tobacco Retailers") are permitted in any zoning district in which retail sales are allowed, without the need to obtain a conditional use permit for tobacco sales.
- b. Large-Format Tobacco Retailers are required to obtain a Tobacco Retailer License as set forth in Section 10-1.2785 and are subject to compliance with all requirements and operational standards as set forth in these regulations.

c. The sale of tobacco products and tobacco paraphernalia in drugstores and pharmacies is hereby prohibited. Any existing drugstores or pharmacies with a valid City-issued Tobacco Retail License shall have six (6) months from the effective date of these regulations to cease the sales of all tobacco products and tobacco paraphernalia and remove all related products.

SEC. 10-1.2785 - TOBACCO RETAILER LICENSE (TRL).

All new and existing Tobacco Retail Sales Establishments must obtain an annual Tobacco Retailer License (TRL) and comply with all Requirements and Operational Standards for Tobacco Retail Sales Establishments set forth in Section 10-1.2783 above and as follows:-

a. Tobacco Retailer License Application Procedure:

1. Application for a Tobacco Retailer License shall be submitted in the name of each pProprietor proposing to conduct tobacco retail sales and shall be signed by each pProprietor or an authorized agent thereof. It is the responsibility of each pProprietor to be informed regarding all laws applicable to tobacco retail sales, including those laws affecting the issuance of a Tobacco Retailer License. No pProprietor may rely on the issuance of a TRL as a determination by the City that the pProprietor has complied with all laws applicable to tobacco retail sales. A TRL issued contrary to these regulations, contrary to any other law, or on the basis of false or misleading information supplied by a pProprietor shall be revoked pursuant to Section 10-1.27964 herein. Nothing in these regulations shall be construed to vest in any Person obtaining and maintaining a TRL any status or right to act as a Tobacco Retailer in contravention of any provision of law.
2. After approval of a conditional use permit, a completed and executed All applications for a TRL shall be submitted on a form supplied by the City and shall contain the following information, but not limited to:
 - i. The name, address, and telephone number, and driver's license or state issued I.D. number of each pProprietor of the business seeking a TRL;
 - ii. The business name, address, e-mail, and telephone number of the single fixed location for which a TRL is sought;
 - iii. A single name and mailing address authorized by each pProprietor to receive all communications and notices (the "authorized address"). If an authorized address is not supplied, each pProprietor shall be understood to consent to the provision of notice at the business address specified in subsection (b)(2);
 - iv. ~~Proof that the location for which a TRL is sought has been issued~~ The valid state tobacco retailer's license number issued by the California ~~Board of Equalization~~ Department of Tax and Fee Administration. A copy of the

California Cigarette and Tobacco Products Retailer's License and California Seller's Permit must be provided with the TRL application.;

- v. Whether or not any ~~p~~Proprietor or any agent of the ~~p~~Proprietor has admitted violating, or has been found to have violated, these regulations and, if so, the dates and locations of all such violations within the previous five years.;
 - vi. A statement signed by each ~~p~~Proprietor that no drugs or drug paraphernalia is or will be sold at the location for which the TRL is sought. ~~;~~ and
 - vii. Such other information as the Planning Director or designee deems necessary for the administration or enforcement of these regulations as specified on the application form required by this section, including however not limited to any proposed signage or artwork for the business premises to ensure that the signage/artwork does not encourage youth smoking.
3. All Tobacco Retail Sales Establishments shall inform the Planning Director or his/her designee in writing of any change in the information submitted on an application for a TRL within ten business days of a change.
 4. All information specified in an application pursuant to this section shall be subject to disclosure under the California Public Records Act (California Government Code section 6250 et seq.) or any other applicable law, subject to any applicable exemptions.
- b. Issuance of TRL: Upon the receipt of a complete application for a TRL and the license fee required hereunder, the Planning Director or his/her designee shall issue a license unless substantial evidence demonstrates that one or more of the following bases for denial exists:
1. The information presented in the application is incomplete, inaccurate, false or otherwise fails to comply with Section 10-1.2785(a)(2) above. Intentionally supplying inaccurate or false information shall be a violation of these regulations.;
 2. The application seeks authorization for tobacco retail sales at a location for which the issuance of a TRL is prohibited under these regulations or does not qualify under any exemptions under these regulations, unless tobacco retail sales were being conducted at the proposed location prior to the effective date of these regulations and provided that such sales constitute a legal, nonconforming use.;
 3. The application seeks authorization for tobacco retail sales that is prohibited under these regulations (e.g., mobile vending) or that is unlawful pursuant to this Article, including without limitation, the zoning ordinance, building code, and business license tax ordinance, or that is unlawful pursuant to any other law.;
 4. The location for which a TRL is sought lacks a valid state tobacco retailer's license by the California ~~Board of Equalization~~Department of Tax and Fee Administration. ~~;~~ or

5. The applicant has been found in violation of three (3) or more of the Operational Standards listed in Section 10-1.2783 of these regulations within the last ~~three-five~~ years.
- c. TRL Renewal and Expiration:
1. Term and Renewal of TRL. A TRL is invalid if the appropriate fee has not been timely paid in full or if the term of the TRL has expired. The term of a TRL is one year, commencing the first day of each calendar year.
 2. Expiration of TRL. A TRL that is not timely renewed shall expire at the end of its term. To apply for reinstatement of a license that was not timely renewed, the ~~P~~roprietor must complete all of the following:
 - i. Submit the TRL fee, including any fees for late renewal, and application renewal form; ~~and~~.
 - ii. Submit a signed affidavit affirming that the ~~p~~roprietor has not sold and will not sell any tobacco product, ~~electronic smoking device~~ or tobacco paraphernalia after the TRL expiration date and before the TRL is renewed; ~~and~~.
 - iii. ~~Pay Has paid~~ all outstanding fines and resolved any outstanding violations of these regulations, before seeking renewal of the license.
- d. TRL Nontransferable: A TRL may not be transferred from one ~~p~~erson to another or from one location to another. A new TRL is required whenever a Tobacco Retail Sales Establishment has a change in ~~p~~roprietor(s).
- e. TRL Conveys a Limited, Conditional Privilege: Nothing in these regulations shall be construed to grant any ~~p~~erson obtaining and maintaining a TRL any status or right other than the limited conditional privilege to act as a Tobacco Retail Sales Establishment at the location in the City identified on the face of the license. Nothing in these regulations shall be construed to render inapplicable, supersede, or apply in lieu of any other provision of applicable law, including but not limited to, any provision of the Hayward Municipal Code, or any condition or limitation on smoking in an enclosed place of employment pursuant to California Labor Code Section 6404.5. A ~~T~~RL does not make the Tobacco Retailer a "retail or wholesale tobacco shop" for the purposes of California Labor Code Section 6404.5.
- f. Fee For TRL: The fees for the annual TRL shall be established by the City Council from time to time in the City's Master Fee ~~Schedule, and~~ Schedule and are payable at the time the establishment obtains or renews its business license. The fee shall be calculated so as to recover the cost of administration and enforcement of these regulations, including but not limited to, issuing the TRL license, Tobacco Retailer inspections and compliance checks, documentation

of violations and prosecution of violators. Annual fees shall not be pro-rated or refunded during the course of the calendar year.

g. Compliance and Monitoring:

1. Compliance with these regulations shall be enforced by the Planning Director, in conjunction with the Code Enforcement Division and Hayward Police Department. The City Manager may designate any number of additional persons to monitor compliance with these regulations.
2. Compliance checks shall be conducted so as to allow the City to determine, at a minimum, if the Tobacco Retailer is in compliance with all laws regulating sales of tobacco products, electronic smoking devices, tobacco paraphernalia, and imitation tobacco products. City staff shall endeavor to perform compliance check inspections at least annually in addition to follow-up inspections for non-compliance on all Tobacco Retail Sales Establishments.
3. The City shall not enforce any law establishing a minimum age for tobacco product or electronic smoking device purchases or possession against a person who otherwise might be in violation of such law because of the person's age (hereinafter "youth decoy") if the potential violation occurs when:
 - i. The youth decoy is participating in a compliance check supervised by a peace officer or a code enforcement official of the City;
 - ii. The youth decoy is acting as an agent of a person designated by the City to monitor compliance with these regulations;
 - iii. The youth decoy is participating in a compliance check funded in part, either directly or indirectly through subcontracting, by the Alameda County Public Health Department or the California Department of Health Services or other governmental agency.

SEC. 10-1.2786 - CONDITIONAL USE PERMIT FOR NEW TOBACCO RETAIL SALES ESTABLISHMENTS.

- a. All new Tobacco Retail Sales Establishments that have less than 10,000 square feet of floor area or devote more than five (5%) percent of their floor area to the sale, display, and storage of tobacco products, ~~electronic smoking devices~~ or tobacco paraphernalia are only allowed in the General Commercial (CG) Zoning District and shall apply for and obtain approval of a conditional use permit, as set forth in HMC Section 10-1.2815 and any other applicable City regulation, in addition to a Tobacco Retailer License.
- b. New Tobacco Retail Sales Establishments that have less than 10,000 square feet of floor area or devote more than five (5%) percent of their floor area to the sale, display, and storage of tobacco products, ~~electronic smoking devices~~ or tobacco paraphernalia ~~are only allowed in the General Commercial (CG) Zoning District. In addition to obtaining a conditional use permit, new~~

~~Tobacco Retail Sales Establishments~~ shall be subject to the following ~~separation~~ requirements, but not limited to:

1. No new Tobacco Retail Sales Establishments shall be established or located within ~~500~~1,000 feet from any existing residential district or use, any sensitive receptors, or similar use as determined by the ~~Planning-Development Services~~ Director, or within 500 feet of any other approved Tobacco Retail Sales Establishment.
 2. The distances set forth above shall be measured as a radius from property line to property line without regard to intervening structures.
 3. The applicant shall be required to submit:
 - i. ~~a~~A map, drawn to scale, showing how their proposed business location meets the ~~mentioned~~ location and separation requirements as part of the conditional use permit application.
 - ii. The true and complete name and address of each lender or shareholder with a five (5) percent or more financial interest in the proposed business or any other Person to whom a share or percentage of the income of the establishment is to be paid.
 - iii. A statement by the applicant indicating whether or not such applicant has at any time been convicted of any crime other than minor traffic offenses and, if so, the nature of the crime for which the applicant was convicted and the date and jurisdiction of the conviction.
 - iv. A plan for demonstrating the means by which the applicant will comply with Section 10-1.2783, Requirements and Operational Standards for Tobacco Retail Sales.
- c. Any Tobacco Retail Sales Establishment legally in existence as of the effective date of these regulations will not be required to obtain a conditional use permit and will be deemed a legal non-conforming use for Zoning purposes. Such legal non-conforming status will not apply to any other provisions of the Tobacco Retail Sales Establishment Ordinance requirements adopted herein. In order to maintain its legal zoning non-conforming status, each such Tobacco Retail Sales Establishment must comply with all Requirements and Operational Standards Section 2783 and the Non-Conforming Use regulations set forth in Section 10.1.2900 et seq.

SEC. 10-1.2787 - POSTING OF CONDITIONS OF APPROVAL.

A copy of the conditions of approval for the conditional use permit must be kept on the premises of the Tobacco Retail Sales Establishment and posted in a place where it may readily be viewed by the general public.

SEC. 10-1.2788 - FINDINGS.

In making the findings required by Section 10-1.3225 governing conditional use permits, the Planning Director, or the Planning Commission on referral or appeal, shall consider whether the proposed use will result in an undue concentration of Tobacco Retail Sales Establishments in the area. The Planning Commission, or City Council on referral or appeal, shall also consider whether the proposed use will detrimentally affect the surrounding neighborhood after giving consideration to the distance of the proposed use from the following uses: ~~R~~residential structures, churches, schools, public playgrounds and parks, recreation centers, and other similar uses.

~~SEC. 10-1.2789—APPLICATION FOR CONDITIONAL USE PERMIT.~~

~~In addition to the requirements set forth in Section 10-1.2815 and any other applicable City regulation, an application for a conditional use permit for a new Tobacco Retail Sales Establishment shall set forth and include the following:~~

- ~~a.—A map showing that the proposed establishment meets all location and separation requirements as set forth in Section 10-1.2786; and~~
- ~~b.—The true and complete name and address of each lender or shareholder with a five (5) percent or more financial interest in the proposed business or any other person to whom a share or percentage of the income of the establishment is to be paid; and~~
- ~~c.—A statement by the applicant indicating whether or not such applicant has at any time been convicted of any crime other than minor traffic offenses and, if so, the nature of the crime for which the applicant was convicted and the date and jurisdiction of the conviction.~~

~~SEC. 10-1.2790-2789~~ - PROHIBITED LAND USES.

The following uses are prohibited in all zoning districts: ~~v~~vapor bars or vapor lounges; smoking device bars or electronic smoking device lounges; and hookah bars or hookah lounges.

~~SEC. 10-1.2791—EXISTING TOBACCO RETAIL SALES ESTABLISHMENTS.~~

~~Any Tobacco Retail Sales Establishment legally in existence as of the effective date of these regulations shall be considered a legal non-conforming use and will be permitted to continue in operation as a Tobacco Retail Sales Establishment. In order to maintain its legal non-conforming status, each such Tobacco Retail Sales Establishment shall be required comply with all Requirements and Operational Standards for Tobacco Retail Sales Establishments set forth in Section 10-1.2783 and the Non-Conforming Use regulations set forth in Section 10-1.2900 et seq., and shall obtain an annual Tobacco Retailer License as set forth in Section 10-1.2785.~~

~~SEC. 10-1.2792~~2790 - LIABILITY FOR EXPENSES.

Any ~~p~~person who is found to have violated the Tobacco Retail Sales Establishments regulations shall be liable for such costs, expenses and disbursements paid or incurred by the City or any of its contractors in the correction, abatement, prosecution of, or administrative hearing on, the violation. Reinspection and penalty fees, and all costs and expenses to ascertain compliance with previously noticed violations shall be charged to the Proprietor(s) owner of the Tobacco Retail Sales

Eestablishment, as ~~may be~~ set by the City Council in the Master Fee Schedule. However, the City reserves the right to recover any and all outstanding enforcement costs and charges incurred by the Tobacco Retail Sales Establishment from the Property Owner for non-compliance or non-payment pursuant to Chapter 5, Article 7 of the Hayward Municipal Code and Section 10-1.2793, or any other available legal remedy.

SEC. 10-1.~~2793~~2791 - INSPECTION AND RIGHT OF ENTRY.

To the extent permissible by law, the Planning Director or his/her designees shall have the right to enter and inspect any Tobacco Retail Sales Establishment for the purpose of ensuring compliance with these regulations, provided that any such entry and inspection shall be conducted in a reasonable manner, or whenever there is reason to suspect a violation of any of the provisions of the Tobacco Retail Sales Establishments regulations. If the licensee or his or her agents refuse permission to enter, inspect or investigate the establishment, the City may seek an inspection warrant pursuant to the provisions of California Code of Civil Procedure Sections 1822.50 et seq., or any successor legislation thereto.

SEC. 10-1.~~2794~~2792 - PUBLIC NUISANCE.

It shall constitute a public nuisance for any pPerson to operate or allow to operate a Tobacco Retail Sales Establishment in violation of these regulations.

SEC. 10-1.~~2795~~2793 - CUMULATIVE REMEDIES.

Any pPerson who violates any provision of the Tobacco Retail Sales Establishment regulations is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. The remedies provided in these regulations shall be cumulative and may include administrative citation pursuant to Chapter 1, Article 7 of this Code and/or abatement pursuant to Chapter 5, Article 7 of this Code, in addition to any other procedures provided in the Hayward Municipal Code or by state law. Administrative action hereunder shall not prejudice or affect any other action, civil or criminal, for the maintenance of any such violation. The fines and penalties for violations of the Tobacco Retail Sales Establishments regulations shall be established by the City Council in the Master Fee Schedule.

SEC. 10-1.~~2796~~2794 - REVOCATION OF TOBACCO RETAILER LICENSES AND CONDITIONAL USE PERMITS; APPEALS.

- a. Any Tobacco Retail Sales Establishment that violates these regulations three (3) times within a three-year period shall be subject to revocation of its Tobacco Retail License and/or its conditional use permit.
- b. For Large-Format Tobacco Retail Sales Establishments, written notice containing the effective date of the TRL revocation shall be sent to the address on record for the Tobacco Retail Sales Establishment, along with a description of the process for appealing the TRL revocation. Appeals of the TRL revocation shall observe the process set forth in Chapter 1, Article 7 ~~of this Code~~ and/or Chapter 5, Article 7 of the Hayward Municipal Code.

c. For Tobacco Retail Sales Establishments that have a conditional use permit or that are legal nonconforming uses, a revocation hearing will be scheduled before the Planning Commission in accordance with the procedures set forth in Section 10-1.3260 of this Code. Appeals shall be governed by Section 10-1.2845 of this Code.

d. The hearing officer, in the case of administrative action under 10-1.279~~64~~ subsection (a), or the Planning Commission, in the case of administrative action under 10-1.279~~64~~ subsection (b), has the authority to order a suspension of the Tobacco Retail Sales Establishment's TRL and/or conditional use permit in lieu of revocation.

SEC. 10-1.~~2797-2795~~ - ANNUAL REPORT.

An annual report shall be provided to the City Council regarding the implementation of these provisions unless Council no longer requests such report.



The African American Tobacco Control Leadership Council

February 29, 2020

To: Mayor Barbara Halliday, Mayor Pro Tempore Francisco Zemen, Councilmember Al Mendall, Councilmember Sara Lamnin, Councilmember Elisa Marquez, Councilmember Mark Salinas and Councilmember Aisha Wahab

From: The African American Tobacco Control Leadership Council

Re: Prohibit the Sale of Menthol and all Other Flavored Tobacco Products, Including Flavored E-Juices, with no Adult exemptions in the City of Hayward

The African American Tobacco Control Leadership Council (AATCLC) strongly encourages the Hayward City Council to remove the menthol exemption that currently exists in your Tobacco Retail Ordinance (TRL). We were happy to hear that the Council is considering strengthening restrictions on tobacco sales in Hayward, however all and any new and or amended ordinance must include the restriction of menthol flavored cigarettes and flavored little cigars. Moreover, with vaping rates skyrocketing (CDC, 2019) and the accompanying lung disease crises upon us, it is clear that menthol and the 1000's of other kid-friendly flavors are the real pushers of this epidemic. We already know that 80% of youth's 12-17 start smoking using flavored cigarettes (Ambrose et al., 2015). If the Council truly wants a healthier Hayward, and we believe that you do, then it is imperative that the sale of menthol and all other flavored tobacco products be prevented and that the predatory marketing of these products be stopped and recognized as a social injustice issue, an issue that disproportionately impacts poorer communities, marginalized groups, youths and communities of color.

This is no minor matter. Menthol and flavored tobacco products are driving tobacco-caused deaths and diseases nation-wide. While the use of non-flavored tobacco cigarettes has been decreasing, the use of menthol cigarettes is on the rise, among youth and adults; among Latinos, Blacks, and Whites (Villanti, 2016). Let's be clear, the majority of women smokers smoke menthol cigarettes; folks from the LGBTQ community disproportionately smoke these products; 47% of Latino smokers prefer menthol cigarettes, with 62% of Puerto Rican smokers using menthol; nearly 80% of Native Hawaiians; a majority of Filipinos; and a majority of smokers with behavioral health issues smoke menthol cigarettes. Frankly, the most marginalized groups disproportionately use these "minty" products (CDC, 2010; Fallin, 2015; Forbes, 2013; Delnevo, 2011; Hawaii State Dept. of Health, 2009; Euromonitor, 2008; Hickman, 2015).

Be appraised that 85% African American adults and 94% of Black youth who smoke are using menthol products (Giovino, 2013). These striking statistics arise from the predatory marketing of

these products in the Black Community, where there are more advertisements, more lucrative promotions, and *cheaper prices* for menthol cigarettes compared to other communities (Henriksen et al., 2011; Seidenberg et al., 2010). These predacious practices for the past 50 years have led to Blacks folks dying disproportionately from heart attacks, lung cancer, strokes and other tobacco related diseases (RSG, 2014).

The Council should be aware that menthol, as if to add insult to injury, masks the harsh taste of tobacco and allows for deeper inhalation of toxins and greater amounts of nicotine. The greater the nicotine intake, the greater the addiction. Hence, it is no surprise menthol cigarette users find it harder to quit than non-menthol cigarette users (Ton et al., 2015; Levy et al., 2011). The “cool refreshing taste of menthol” heralded by the tobacco industry is just a guise; ultimately, menthol and all flavors allows the poisons in cigarettes and cigarillos “to go down easier!”

We all have been reading in the papers about the vaping lung disease crises sweeping the nation. This health crises was pushed and undergirded by the “JUUL Explosion,” where a little thumb drive looking device is used more than regular cigarettes among today’s youth (CDC, 2018). Frankly, the “JUUL Explosion” is really a “Flavors Explosion” given the fact that there are now over 15,000 kid friendly flavors available in the marketplace! (<https://www.flavorshookkids.org/> 2018). While there has not been a definitive cause of the deaths and hospitalizations associated with the e-cigarette lung disease outbreak, (could be multiple sources), the vaporist community would like you to believe that aerosol inhaled by e-cigarette users is only water vapor – nothing could be further from the truth. And while THC has been implicated in many of the cases, let’s really look at what the CDC has said:

“Vitamin E acetate was detected in all 29 patient BAL [bronchial alveolar lavage, which yields information of what is deep in the tiny air sacks in the lungs] samples... Among 23 patients for whom self-reported THC use information was available, 20 reported using THC-containing products. THC or its metabolites were detected in 23 of 28 patient BAL samples, **including in those of three patients who said they did not use THC products. Nicotine metabolites were detected in 16 of 26 patient BAL specimens.**” [Emphasis added] (CDC. 2019)

Here are some facts concerning E-Cigarettes that we should lose sight of:

1. E-cigarettes are tobacco products that deliver nicotine, an addictive substance that especially in youth can compromise the brains executive functioning (Report of the Surgeon General, 2014).
2. The propylene glycol (PG) and vegetable glycerin (VG) that constitute a large portion of the e-juice and the resulting vapor **are not FDA approved for inhalation.**
3. PG and VG in electronic cigarettes disrupt lung lipid homeostasis and innate immunity independent of nicotine (Madison et al., 2019)
4. The 15,000+ flavors available on the market may be Generally Recognized as Safe (GRAS) for **ingestion**, but they are not GRAS for **inhalation.**
5. There are as many, if not more, metals in the vapor of e-cigarettes than found in cigarette smoke (Williams et al., 2013).

6. Many of the same toxins and carcinogens found in regular cigarettes, like benzene, formaldehyde, and tobacco specific nitrosamines, can be found in e-cigarette vapor (Goniewicz et al., 2013). And yes, these toxins and carcinogens are at lower levels than in a regular cigarette; while these lower levels may be safer, this does not mean that e-cigarettes are **safe!**
7. The vapor from e-cigarettes activates platelet formation just like regular cigarettes; such platelet activity leads to arterial blockages (Hom et al., 2016).
8. E-cigarette aerosol consists of ultrafine particles at levels comparable to or higher than cigarettes. These particles can cause cardiovascular and pulmonary disease. In addition, the particle size in e-cigarettes is often smaller, and thus more dangerous, than those generated by cigarettes (Fuoco FC, Buonanno G, Stabile L, Vigo P. 2014).
9. Kids who start with e-cigarettes are more likely to become regular cigarette users, and unfortunately, in many cases dual users (Piper et al., 2019).
10. Carcinogens have been found in mint and menthol e-cigarettes. The substance, pulegone, which the FDA banned as a food additive in 2018, was found to be 100-1000 times higher in concentrations than what is considered safe for ingestion! (Jabba and Jordt, 2019)
11. Flavors (aldehydes) are respiratory irritants by definition; **Cinnamaldehyde** suppresses bronchial epithelial cell ciliary motility (Clapp et al., 2019)
12. Here is a link to the European Public Health Association: Fact or Fiction on E-cigs:
https://eupha.org/repository/advocacy/EUPHA_facts_and_fiction_on_e-cigs.pdf

The AATCLC is calling upon the Hayward City Council to join a growing number of cities, counties and states around the country that are prohibiting, jurisdiction-wide, the sales of menthol cigarettes and all other flavored tobacco products, including flavored e-juices. In June 2018, San Francisco voters passed the first ever citywide restriction on the sales of all flavored tobacco products, including menthol cigarettes and flavored e-cigarette juices. This “strongest flavor ban law ever” was rapidly replicated in the City of Richmond the following month. Within weeks, Beverly Hills followed suit, with their own city-wide restrictions. Since November of 2018 a number of cities have adopted city-wide restrictions including Alameda, Santa Cruz, San Pablo, Albany, Lafayette, Livermore, Fremont, Sacramento, Culver City, Los Angeles County and Aspen Colorado to mention a few. Just two weeks ago, the City of Pleasanton took the first steps to prohibit the sale menthol and all flavors in their city; indeed, dozens of parents and their kids pushed this forward. On the other hand, Juul and other members of the tobacco industry have lobbied hard in Washington, resulting in half-steps on the part of the FDA to restrict the sale of only some flavored products, but certainly not all. This is the same mistake the Congress made in 2009 when it removed 13 flavors from tobacco products, but exempted menthol. Hence, it is imperative that cities like Hayward take the lead and join the growing movement to remove *all* flavored tobacco products, especially menthol cigarettes, flavored little cigars and flavored e-juices, from the market place by removing the current menthol exemption.

We should note that some groups, spurred on and funded by the tobacco industry, have been spreading falsehoods, stating that restricting the sale of menthol and flavored tobacco products,

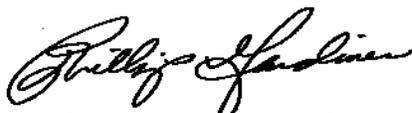
including flavored e-juices will lead to the “criminalization” of particularly young Black men. Nothing could be further from the truth. All ordinances adopted around the country would **prohibit the sale** of flavored products, it would **not prohibit the possession** of these products. The facts are that the adoption of menthol restrictions will not lead to police having any greater interaction with any youth; it won’t be illegal to possess these products, just retailers cannot sale them. Indeed, when these ordinances were passed in Oakland and San Francisco, the Police Chiefs stood with us and said there would be no arrest for possession of these products

Formed in 2008, the African American Tobacco Control Leadership Council is composed of a cadre of dedicated community activists, academics, public health advocates and researchers. Even though based in California, we are national in our scope and reach. We have partnered with community stakeholders, elected officials, and public health agencies, from Chicago, Boston and Minneapolis to Berkeley and San Francisco. Our work has shaped the national discussion and direction of tobacco control policy, practices, and priorities, especially as they affect the lives of Black Americans, African immigrant populations and ultimately all smokers. The AATCLC has been at the forefront in elevating the regulation of mentholated and other flavored tobacco products on the national tobacco control agenda, including testifying at the FDA hearings when the agency was first considering the removal of menthol cigarettes from the marketplace and most recently at the Pallone hearings, a national bill that would prohibit the manufacturing of menthol and all flavored tobacco products..

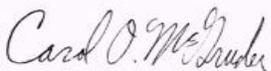
We here at the AATCLC recognize that the Council is and will be under extraordinary pressure from the tobacco industry, its apologists and the vaporist community to put profits above human life by limiting or curtailing restrictions on menthol and flavored tobacco products. Please join your sister cities and stand up to the tobacco industry and their allies and remove the menthol exemption from the TRL. Call for: **No Selling of Menthol Cigarettes and All Other Flavored Tobacco Products, including Flavored E-Juices in Hayward!** Say “No” to the continued predatory marketing of menthol flavored tobacco products to our youth and say “Yes” to the health and welfare of our kids, who are the most vulnerable. In fact, say “Yes” to the protection for **all** residents of Hayward.

We are all counting on you!

Sincerely,



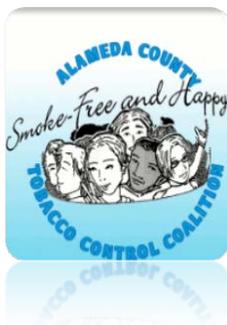
Phillip Gardiner, Dr. P.H. Co-Chair AATCLC www.savingblacklives.org



Carol McGruder, Co-Chair AATCLC

A handwritten signature in black ink that reads "Dr. Valerie Yerger". The signature is written in a cursive, flowing style.

Valerie Yerger, N.D., Co-Chair AATCLC



Direct Inquiries to
ACTCC Co-Chairs to:
Alameda County Public
Health Department,
Tobacco Control Prgm
1000 Broadway, 5th Fl.
Oakland, CA 94607

Phone (510) 268-2030
Fax (510) 208-5935

Executive Leadership

Co-Chairs:

Scott Gerbert

Rosalyn Moya



Mission Statement:

"Our mission is to promote health equity and social justice by supporting a diverse alliance of partnerships to help protect Alameda County residents by eliminating the threats of tobacco use and exposure."

Visit our Coalition website at:
www.tobaccofreealamedacounty.org

February 26, 2020

Mayor Barbara Halliday
Councilmember Sara Lamnin
Councilmember Elisa Márquez
Councilmember Al Mendall
Councilmember Mark Salinas
Councilmember Aisha Wahab
Councilmember Francisco Zermeño

Hayward City Hall

777 B St.

Hayward, CA 94541-5007

Via e-mail: List-Mayor-Council@hayward-ca.gov

RE: Updating City of Hayward’s Tobacco Retail Licensing Ordinance

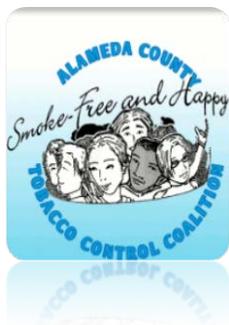
Dear Mayor Halliday and Councilmembers:

The Alameda County Tobacco Control Coalition (ACTCC) supports strengthening Hayward’s existing Tobacco Retail Licensing Ordinance (TRL) to:

- End the sale of all flavored tobacco products, including menthol cigarettes, which target youth of color
- Raise the minimum package size requirements and including minimum price requirements
- End the sale of tobacco in pharmacies and near child-sensitive areas
- End the sale of electronic smoking devices

Thank you for demonstrating leadership in tobacco control policy in 2014 in adopting the TRL. As you know, the best way to prevent tobacco-related illness and death and promote health equity is to prevent youth and vulnerable communities from starting to smoke in the first place.

ACTCC is comprised of over 200 individuals, including organizations that advocate for the prevention, reduction and control of tobacco use. For more than 20 years, the Coalition has been committed to the de-normalization of tobacco use in Alameda County. Tobacco kills nearly 40,000 Californians each year and the state of California spends nearly \$18.1 billion a year in health care bills and lost productivity due to tobacco-related health problems.



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According to CA Healthy Kids Survey results from Hayward Unified School District (2017-2018):

- 63% of 11th graders believe that it is either very or fairly easy to obtain e-cigarettes or vaping devices
- 49% of 11th graders believe that it is either very or fairly easy to obtain cigarettes
- 47% of 11th graders perceive little to no harm in using e-cigarettes compared to smoking cigarettes
- Almost 1 in 3 (32%) HUSD 11th graders have used electronic cigarettes

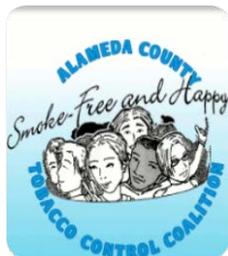
ACTCC supports ending the sale of all flavored tobacco products with no exemptions. Tobacco companies have historically targeted youth, communities of color and the LGBTQ community with aggressive marketing of flavored tobacco products, including menthol. Research shows that 95% of African American teen smokers, 61% of Asian teen smokers, and 58% of Hispanic teen smokers report smoking menthol-flavored cigarettes.¹ Flavors including menthol, grape, cotton candy, bubble gum and gummy bear mask the harsh taste of tobacco and are highly appealing to youth, encouraging a new generation of smokers. Four out of 5 kids who have used tobacco started with a flavored product. Youth who smoke menthol are more likely to become addicted to nicotine than their peers that smoke non-menthol. As a result, vulnerable communities bear a disproportionate burden of tobacco-related disease and death; for example, 47,000 African Americans die annually from smoking-related illnesses, making tobacco use the largest preventable cause of death among African Americans and across the whole population.²

ACTCC supports ending the sale of e-cigarettes. Teen e-cigarette use has surged at alarming rates in recent years. E-cigarettes expose users to often high concentrations of nicotine and many of the same toxic chemicals found in cigarettes which can cause cancer, birth defects, reproductive harm, respiratory illness and can impede brain development. National data show that 1 in 4 high school students have used e-cigarettes. Flavored e-cigarettes are especially enticing to youth to experiment and initiate using tobacco. For every adult who quits smoking using e-cigarettes, 80 youth initiate daily tobacco use through the use of e-cigarettes.

ACTCC supports raising the minimum price and package size requirements to make tobacco products less accessible to youth and low-income communities. When tobacco is cheap and pack-sizes are small, tobacco products are more affordable for youth and low-income populations to buy. In Alameda County, over 77% of tobacco retailers near schools

¹ Giovino GA, Villanti AC, Mowery PD, et al. 2015. Differential trends in cigarette smoking in the USA: is menthol slowing progress? Tobacco Control. 24 (1): 28-37.

² U.S. Department of Health and Human Services, Centers for Disease Control and Prevention. 2003. Pathways to Freedom: Winning the Fight Against Tobacco. Available at: <http://www.fairwarning.org/wp-content/uploads/2015/11/pathways.pdf>



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sell little cigars for less than \$1.00, cheaper than the price of a candy bar. Unfortunately, cheap tobacco products are most available in low-income communities of color and communities with high populations of school-aged youth. Unlike cigarettes, cigars are allowed to contain candy and fruit flavoring. Nearly 1 in 4 (23%) of male high school seniors smoke cigars³ and are largely used by Black high school students.⁴ Raising the minimum price and a stronger pack size requirement for the sale of tobacco products is effective at reducing access and tobacco use among youth and low-income populations.

Additionally, ACTCC supports tobacco-free pharmacies as a health supportive land use strategy. This policy reduces the density of tobacco retailers and establishes pharmacies as places of health. Very few independent pharmacies exist anymore and of those existing, almost all are tobacco-free. Other jurisdictions with tobacco-free pharmacy policies are not observing store closures.

To support public health and equity, ACTCC urges Hayward City Council to adopt a stronger TRL ordinance with no exemptions by ending the sale of all flavored tobacco products in Hayward, including menthol cigarettes, raising the minimum price and package size requirements, ending the sale of tobacco in pharmacies and ending the sale of electronic smoking devices. These policies can protect youth of color from accessing flavored and cheap tobacco products, and are crucial to preventing a lifetime of tobacco addiction.

Thank you for showing continued leadership in tobacco control policy and for ensuring that all of Hayward's youth have the opportunity to lead healthy lives.

Sincerely,

Scott Gerbert, Co-Chair

Rosalyn Moya, Co-Chair

³ Robert Wood Johnson Foundation (RWJF), American Cancer Society Cancer Action Network (ACS CAN), Campaign for Tobacco-Free Kids, American Heart Association, Americans for Nonsmokers' Rights, and American Lung Association. (2014, December). Broken Promises to Our Children: A State-by-State Look at the 1998 State Tobacco Settlement 16 Years Later. Available at tobaccofreekids.org/microsites/statereport2015/. Retrieved March 4, 2015.

⁴ U.S. Department of Health and Human Services (HHS). (2014). The Health Consequences of Smoking-SO Years of Progress: A Report of the Surgeon General. Atlanta, GA: HHS, Centers for Disease Control and Prevention (CDC), National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health (OSH). Printed with corrections. January 2014.

Community Health Education Institute
827 Arlington Ave
Berkeley, CA 94707
crystalpub@aol.com

Community Health Education Institute
827 Arlington Avenue
Berkeley, CA 94707

April 16, 2020

Mayor Barbara Halliday
Councilmember Sara Lamnin
Councilmember Elisa Márquez
Councilmember Al Mendall
Councilmember Mark Salinas
Councilmember Aisha Wahab
Councilmember Francisco Zermeño

Hayward City Hall
777 B St.
Hayward, CA 94541-5007

RE: Updating City of Hayward's Tobacco Retail Licensing Ordinance

Dear Mayor Halliday and Councilmembers:

The Community Health Education Institute (CHEI) supports strengthening Hayward's existing Tobacco Retail Licensing Ordinance (TRL) to conduct the following:

- End the sale of all flavored tobacco products
- End the sale of all menthol cigarettes.
- End the sale of all e-cigarette and vaping devices.
- Raise the minimum package size requirements and include minimum price requirements.

As a nonprofit that was originally created in 1995 to prevent tobacco use in Berkeley and northern Alameda County, and is dedicated to promoting community health through art, CHEI would first like to thank you for adopting the TRL in 2014. As you know, the best way to prevent tobacco-related illness and death and promote health equity is to prevent youth and vulnerable communities from starting to smoke in the first place. CHEI considered the 2014 TRL adoption to be a major win for public health.

However, we believe that a lot more needs to be done in order to protect the health of Hayward's most vulnerable populations. Data from the California Healthy Kids Survey from the Hayward Unified School District (2017-2018) reveal the following:

- 63% of HUSD 11th graders believe that it is either very or fairly easy to obtain e-cigarettes or vaping devices.

Community Health Education Institute
827 Arlington Ave
Berkeley, CA 94707
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- Almost 1 in 3 (32%) of HUSD 11th graders have used e-cigarettes.
- 49% of HUSD 11th graders believe that it is either very or fairly easy to obtain conventional cigarettes.

It is no coincidence that tobacco companies aggressively market menthols and flavored products to youth, communities of color, and the LGBTQ+ community. Research shows that 95% of African-American teen smokers, 61% of Asian-American teen smokers, and 58% of Latinx teen smokers report smoking menthols. Flavors such as menthol, grape, and cotton candy are highly appealing to youth, encouraging a new generation of smokers. Furthermore, when tobacco and nicotine products are flavored, cheap, and/or available in small pack sizes, they are more affordable and accessible for youth and vulnerable populations. In Alameda County, over 77% of tobacco retailers near schools sell little cigars for less than \$1.00, cheaper than the price of a candy bar. Such little cigars are most available in low-income communities of color and communities which have high proportions of school-aged youth. Unlike cigarettes, cigars can contain candy and fruit flavoring, which is prohibited in cigarettes. Cigars are used increasingly by certain groups of youth, including African-American high school students.^[3]

To add insult to injury, teen e-cigarette use has surged at alarming rates in recent years. National data show that 1 in 4 high school students have used e-cigarettes. Flavored e-cigarettes are especially enticing to youth to experiment and initiate using tobacco. For every adult who quits smoking using e-cigarettes, 80 youth initiate daily tobacco use through the use of e-cigarettes. Even e-cigarettes by themselves are of concern; they expose the user to high concentrations of nicotine and many of the same toxic chemicals found in cigarettes.

We at CHEI urge you to stay committed to promoting health equity in Hayward. We urge you to strengthen the existing Tobacco Retail Licensing law by prohibiting the sale of all flavored tobacco products in Hayward, including menthols, and raising the minimum price and package size requirements. These are crucial steps to take in preventing a lifetime of tobacco addiction among an entire generation.

Thank you for showing continued leadership in tobacco control policy and for ensuring that everyone in Hayward (and beyond) has the opportunity to lead a healthy life

Sincerely,

Pauline Bondonno
Executive Director,
Community Health Education Institute

^[1] Giovino GA, Villanti AC, Mowery PD, et al. 2015. Differential trends in cigarette smoking in the USA: is menthol slowing progress? *Tobacco Control*. 24 (1): 28-37.

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^[2] U.S. Department of Health and Human Services, Centers for Disease Control and Prevention. 2003. Pathways to Freedom: Winning the Fight Against Tobacco. Available at: <http://www.fairwarning.org/wp-content/uploads/2015/11/pathways.pdf>

^[3] U.S. Department of Health and Human Services (HHS). (2014). The Health Consequences of Smoking-SO Years of Progress: A Report of the Surgeon General. Atlanta, GA: HHS, Centers for Disease Control and Prevention (CDC), National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health (OSH). Printed with corrections. January 2014.

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Breathe America™
Alliance

March 17, 2020

The Honorable Barbara Halliday, Mayor
And City Council Members
City of Hayward
Hayward City Hall
777 B St.
Hayward, CA 94541-5007
Via e-mail: List-Mayor-Council@hayward-ca.gov

Dear Mayor Halliday and Council Members:

I am writing on behalf of Breathe California to support the strengthening of Hayward's Tobacco Retail License.

Breathe California, serving the Bay Area since 1908, has a mission to fight lung disease in all its forms and works with its communities to promote lung health. Thus, our organization is dedicated to working to eliminate the negative impacts caused by tobacco use, to prevent initiation to tobacco, and to seek protections from secondhand smoke.

We especially urge that Hayward enact the following measures to protect its youth: 1) Ban the sale of all flavored tobacco products, including menthol cigarettes; 2) Ban the sale of electronic smoking devices; 3) Increase the minimum size of a pack and increase the minimum price; 4) Ban the sale of tobacco near child-sensitive areas; and 5) Ban the sale of tobacco in pharmacies.

As you may know, four out of five youth who have tried tobacco started with a flavored product. The tobacco industry uses flavored tobacco products, including menthol and thousands of e-cigarette flavors, to entice vulnerable populations; these products both mask the harshness of tobacco and make it more difficult to quit. I am sure you are aware through national media that vaping (electronic cigarette use) has been declared an epidemic by the US Surgeon General, and that serious lung illnesses and even deaths have resulted.

However, you might not have heard the startling local statistics. The comprehensive California Healthy Kids Survey results from Hayward Unified School District in 2017-2018 (which may be even more serious now) showed that: 63% of 11th graders believe that it is either very or fairly easy to obtain e-cigarettes or vaping devices; 49% of 11th graders believe that it is either very or fairly easy to obtain cigarettes; 47% of 11th graders perceive little to no harm in using e-cigarettes compared to smoking cigarettes; and almost 1 in 3 (32%) HUSD 11th graders have used electronic cigarettes. Alameda County data show that over 77% of tobacco retailers near schools sell little cigars for less than \$1.00, cheaper than the price of a candy bar.

It has been clear for decades that the tobacco industry targets our most vulnerable communities, which has led to increased tobacco use in low-income communities and populations of color, and to the disproportionate number of tobacco-related deaths and disability in those populations.

It is our firm belief that if Hayward strengthens its Tobacco Retail License ordinance by including the above recommended steps, it will make tobacco products less accessible and attractive and will better protect all of Hayward's youth.

Thank you for your consideration and support of public health.

A handwritten signature in blue ink that reads "Margo Sidener". The signature is written in a cursive, flowing style.

Margo Sidener, MS, CHES
Chief Executive Officer

Public Comments in Support of Stronger Regulations

EMAILS

From: Kristie Wang <wangkristie@gmail.com>
Sent: Thursday, February 27, 2020 6:56 PM
To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>
Subject: Tobacco Retail Licensing Ordinance

February 27, 2020

Mayor Barbara Halliday
Councilmember Sara Lamnin
Councilmember Elisa Márquez
Councilmember Al Mendall
Councilmember Mark Salinas
Councilmember Aisha Wahab
Councilmember Francisco Zermeño
Hayward City Hall
777 B Street
Hayward, CA 94541-5007

Via e-mail: List-Mayor-Council@hayward-ca.gov

RE: Updating City of Hayward's Tobacco Retail Licensing Ordinance to Strengthen Restrictions on the Sale of Menthol Cigarettes and Other Flavored Tobacco Products, and Minimum Pricing for Tobacco Products

Dear Mayor Halliday and Councilmembers:

We are writing to express the support of Flavors Addict-Kids Livermore for strengthening Hayward's existing Tobacco Retail Licensing Ordinance to:

-
- End
- the sale of all flavored tobacco products, including menthol cigarettes, which target youth of color
-
-
- Create
- stronger minimum package size requirements and including minimum price requirements
-
-
- End
- the sale of tobacco in pharmacies and near child-sensitive areas, like schools and parks.
-

The best way to prevent tobacco-related illness and death and promote health equity is to prevent youth and vulnerable communities from starting to smoke in the first place.

Flavors Addict Kids-Livermore is a grassroots organization started by three moms to advocate for local policy to address the youth vaping epidemic. We have worked to pass strong Tobacco Retail Ordinances in Livermore, Dublin, and Pleasanton that includes restrictions on the sale of all flavored tobacco products, including menthol, and on electronic smoking devices. Livermore was the second city in the nation to restrict the sale of electronic smoking devices. Only comprehensive policies can make a dent in fighting this health epidemic that has taken over all of our communities.

We especially urge you to include menthol in your restrictions because it is one of the most popular flavors with kids, especially as a starter flavor. Flavors including menthol, grape, cotton candy, bubble gum, and gummy bear mask the harsh taste of tobacco and are highly appealing to youth, encouraging a new generation of smokers. Four out of five kids who have used tobacco started with a flavored product.

In addition, tobacco companies have historically targeted communities of color and the LGBTQ community with aggressive marketing of menthol-flavored tobacco products. Research shows that 95% of African American teen smokers, 61% of Asian teen smokers, and 58% of Hispanic teen smokers report smoking menthol-flavored cigarettes. Youth who smoke menthol are more likely to become addicted to nicotine than their peers that smoke non-menthol. As a result, vulnerable communities bear a disproportionate burden of tobacco-related disease and death. For example, 47,000 African Americans die annually from smoking-related illnesses, making tobacco use the largest preventable cause of death among African Americans and across the whole population.

When tobacco is cheap and pack-sizes are small, tobacco products are more affordable for youth and low-income populations to buy. In Alameda County, over 77% of tobacco retailers near schools sell little cigars for less than \$1.00, cheaper than the price of a candy bar. Unfortunately, cheap prices for tobacco products are most available in low-income communities of color and communities which have high proportions of school-aged youth. Unlike cigarettes, cigars can contain candy and fruit flavoring, which is prohibited in cigarettes. Establishing a minimum price and stronger pack size requirement for the sale of tobacco products is an effective strategy for reducing access and smoking rates among youth and low-income populations. Strengthening the existing Tobacco Retail Licensing law by prohibiting the sale of all flavored tobacco products in Hayward, including menthol flavors; creating a minimum price and increasing package size requirements; and prohibiting the sale of tobacco in pharmacies can protect youth of color from accessing flavored and cheap tobacco products. Youth vaping has reached epidemic proportions, and we must do everything we can to keep these non-FDA approved products out of the hands of our kids and prevent a lifetime of tobacco addiction.

Sincerely,
Jannell Gladen, Paula Campbell, Kristie Wang
Co-founders
Flavors Addict Kids-Livermore

Begin forwarded message sent to Planning Commission members:

From: Rosalyn Moya <rmoya@bacr.org>
Date: May 11, 2020 at 11:23:38 AM PDT

Subject: Protect kids from candy-flavored tobacco

Dear Planning Commissioners-Angela Andrews,

My name is Rosalyn Moya, I'm the Project Director for Asian Pacific Islander -Coalition for Health Against Tobacco (API-CHAT). We work with high school students, schools, parents, and college students, including Chabot College students, to pass health policies to protect our community from the harms of tobacco.

According to the World Health Organization, smokers are likely more vulnerable to severe and potentially life-threatening cases of COVID-19. Preliminary evidence suggests that e-cigarettes may suppress the immune system, making people more susceptible to respiratory infections and delayed recovery. With CDC's announcement of e-cigarettes being a youth epidemic, along with the threat of COVID, protecting our children's lungs are more important than ever.

THE ISSUE: Facts about Hayward and Tobacco

- 63% of Hayward Unified School District 11th graders believe that it is "very" or "fairly" easy to obtain e-cigarettes; 49% believe that it is "very" or "fairly" easy to obtain cigarettes; 47% perceive little to no harm in using e-cigarettes compared to smoking cigarettes. (source: California Healthy Kids Survey)
- Research shows that four out of five (81%) youth tobacco users ages 12-17 initiated with a flavored product, and 80% used a flavored tobacco product in the past month (Source: JAMA)
- In 2019, 24 tobacco retail stores/clerks in Hayward were caught selling tobacco to minors (Source: Tobacco Decoy Ops Statistics)

The best way to prevent tobacco-related illness and death is to keep youth from starting to smoke in the first place. Strong laws that protect youth from accessing flavored tobacco products are crucial to preventing a lifetime of tobacco addiction and ensuring that all of Hayward's children get to have the long and healthy lives they deserve.

Besides API-CHAT, our partners also include other local organizations, such as the Eden Youth and Family Center and The American Heart Association, as well as agencies, such as Alameda County Public Health Department, to provide education on tobacco policies. If you have any questions, please feel free to contact any of us.

For your information I've attached a few useful items:

- Hayward maps of tobacco retailers with youth buffers and sociodemographics Analysis
- KQED news article - Vaping May Increase COVID-19 Risk, Even for the Young and Healthy
- A letter from the Alameda County Tobacco Control Coalition in support of strengthening Hayward's existing TRL
- A letter from the African American Tobacco Control Leadership Council in support of no exemptions for menthol

Rosalyn Moya, MPH
Project Director, API-CHAT
Pronouns: She/Her

Bay Area Community Resources (BACR)
Project: Asian Pacific Islander - Coalition for Health Against Tobacco (API-CHAT)
Cell Phone: 510-761-7433
Office Line: (510) 809-3184
Fax: (415) 755-2269
Address: 1827 Marina Blvd., San Leandro, CA 94577
Email: rmoya@bacr.org



Project Phone: (510) 809-3186
Project Email: API-CHAT@bacr.org
Project website: <https://www.bacr.org/what-we-do/tobacco>
Facebook: API-CHAT
Instagram: [bacr_api_chat](https://www.instagram.com/bacr_api_chat)
BACR website: www.bacr.org
The BACR mission is to promote healthy development of individuals, families and communities.



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: PH 20-034

DATE: May 28, 2020

TO: Planning Commission

FROM: Planning Manager

SUBJECT

Proposed Amendment of the *Hayward 2040 General Plan* to comply with changes to State law including the Establishment of new Vehicle Miles Traveled (VMT) CEQA thresholds for the City of Hayward.

RECOMMENDATION

That the Commission review the report and recommend the City Council approve Amendments to the *Hayward 2040 General Plan* (Attachment III) and establish new Vehicle Miles Traveled (VMT) thresholds for California Environmental Quality Act (CEQA) analysis, consistent with SB 743 and per the findings for approval (Attachment II). The Commission previously reviewed and recommended that City Council approve Amendments to the *Hayward 2040 General Plan* related to the adoption of new Greenhouse Gas Emission reduction goals for the City.

SUMMARY

SB 743 changes the focus of transportation impact analysis in CEQA from measuring impacts to drivers, to measuring the impact of driving. The proposed Amendment will replace Level of Service (LOS) with vehicle miles traveled (VMT) per capita and provide streamlined review of land use and transportation projects that will help reduce future VMT per capita growth. VMT per capita is a quantifiable measure, in miles per capita, of the average total amount of vehicular travel. One single occupancy vehicle traveling ten miles would equal 10 VMT/capita. Four single occupancy vehicles traveling ten miles would equal 40 VMT and 10 VMT/capita. Typically, development located at greater distance from shopping and employment centers or in areas with few transportation options generates more vehicle trips and of longer distances versus a similar development located in proximity to BART Stations and other areas with more transportation alternatives. VMT is an important input in the analysis of air quality and greenhouse gas emissions and has been used for that purpose within CEQA for several years.

Since 2018, City staff and Nelson Nygaard have been working collaboratively to develop new transportation thresholds that comply with the provisions of SB 743. Currently, the City uses LOS as the threshold used in CEQA evaluations and the proposed changes would replace the current LOS thresholds with new VMT thresholds. The adoption of new thresholds to identify traffic impacts under CEQA will

File #: PH 20-034

require an amendment to *the Hayward 2040 General Plan*.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Findings
Attachment III	Proposed GPA
Attachment IV	Proposed VMT Thresholds & Screening Criteria



SUBJECT

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BACKGROUND

In September 2013, Governor Brown signed Senate Bill (SB) 743, which creates a process to change the way that transportation impacts are analyzed under CEQA. Specifically, SB 743

requires the Governor's Office of Planning and Research (OPR) to amend the CEQA Guidelines to provide an alternative measurement more reflective of impacts to the environment than Level of Service (LOS). Particularly within areas served by transit, those alternative criteria must "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." (PR Code Section 21099(b)(1).) SB 743 requires that the use of LOS be replaced with VMT per capita by July 1, 2020.

The purpose of SB 743 was to better align transportation impacts analysis under CEQA with the State's goals of reducing greenhouse gas emissions and traffic-related air pollution as well as promoting multimodal transportation networks and a diversity of land uses. Under the existing LOS framework of operational-based analysis, the common solution to improving LOS at intersections is to increase overall roadway capacity (such as constructing new roadways or adding travel/turn lanes to existing roadways) which studies have shown contribute to an increase in transportation impacts to the environment. Because of this, infill and transit-oriented development was often discouraged because such projects are located in or near city centers in areas with limited roadway capacity.

VMT is not a new tool for assessing environmental impacts under CEQA. It is used to assess a project's impact on greenhouse gas emissions, air quality, and energy. Using VMT per capita for analyzing transportation impacts emphasizes reducing the number of trips and distances vehicles are used to travel to, from, or within a development project. Projects located near transit and/or within infill areas have lower VMT per capita than projects in rural or undeveloped areas because there are more opportunities to walk, bike and take transit or to take short trips. The shift to VMT per capita analysis under CEQA is intended to encourage the development of jobs, housing, and commercial uses in closer proximity to each other and to transit and discourage development of projects in more rural parts of the City. As a result of SB 743, traditional measures for mitigating capacity concerns (e.g., widening roads, adding turn lanes, and similar investments that expand vehicle capacity) will now be replaced with measures that mitigate additional driving, such as increasing transit options, facilitating biking and walking, changing development patterns, and managing parking.

To effectively implement transportation analysis required under SB 743, Nelson Nygaard evaluated the existing legal framework, reviewed applicable policies and programs that support a new approach to traffic impact analysis, and analyzed the City's existing development and environmental review process.

Stakeholder Interviews. In an effort to understand current and future transportation analysis needs in the City of Hayward, Nelson Nygaard completed a comprehensive review and analysis of the existing policies and practices contained within various policy documents (*Hayward 2040 General Plan*, *Climate Action Plan*, *Bicycle Master Plan*, etc.) and additionally conducted extensive interviews with City staff and a representative from the Hayward Chamber of Commerce. In the process of interviewing these stakeholders, several key themes emerged including:

- **Hayward's development review process can be improved:** Stakeholders identified the need to make the process more streamlined and predictable. Several

stakeholders noted the increased costs of development due to a process that is vulnerable to delay and exposed to litigation risks late in the process.

- **Hayward's transportation system needs to become less car centric and more multimodal:** In the past, the development review process has focused on mitigation of impacts to drivers rather than impacts to people who walk, bike, or use transit.
- **Engineering and transportation staff use vehicle analysis to inform traffic operational needs and want to maintain this outside of CEQA:** Stakeholders identified the need to better communicate potential transportation impacts of a project to the public.
- **Transportation topics in which people are most interested:** At public meetings today, the most vocal and visible stakeholders are most concerned about pedestrian safety, overall vehicle volumes, travel times, and neighborhood traffic intrusion.
- **Transportation mitigations need updating:** The current process focuses on the mitigation to traffic and doesn't require mitigations to support lower VMT.
- **Additional mechanisms, such as adoption of a transportation impact fee (TIF), could further support a transition from LOS to VMT per capita:** The City has initiated a Citywide Multi-Modal Study to study a how a transportation impact fee could be implemented. The study will be helpful in creating the tools needed to simplify the development review process and ensure the City receives contributions from developers even when LOS mitigations are no longer required under CEQA.

When drafting the local VMT thresholds, Nelson Nygaard considered stakeholder feedback as well as recommendations from the State's Office of Planning and Research (OPR).

Planning Commission Work Session on VMT. On March 12, 2020, the Planning Commission held a work session to review the proposed transition from LOS to VMT and although the Commission supported the proposed thresholds, they recommended the City proceed to maintain a local transportation analysis for operational assessment. The Commission supported new policies that provide opportunities to expand the multi-modal network.

Planning Commission Review of Proposed GHG Reduction Goals. On December 12, 2019, the Planning Commission reviewed the proposed GHG reduction goals proposed by staff and recommended by the City Council Sustainability Committee. The Commission recommended approval of the proposed GHG reduction goals, with modifications, to the City Council as part of a proposed General Plan Amendment. Prior to the Planning Commission meeting, staff consulted with an environmental consulting firm regarding the proposed GHG emission reduction goals and how they may affect the City's review of planning applications in regard to compliance with the California Environmental Quality Act (CEQA). Considering the City's use of 2005 as the baseline year, it was determined that Hayward's 2030 goal should be 55% to be consistent with SB 32.¹ Having a local goal that is

¹ While the state's goal is 40% below 1990 levels by 2030, guidance from the California Air Resources Board indicates that for cities using 2005 as a baseline, a reduction of 55% by 2040 is roughly equivalent.

not as stringent as state law can complicate the analysis of development applications. Staff also found that a carbon neutrality goal, if adopted as policy in the City's General Plan, could be very difficult for developers to provide emissions analyses showing that projects will be consistent with the General Plan. Staff presented this information to the Planning Commission on December 12, 2019,² and the Planning Commission voted unanimously to recommend that Council amend the General Plan to include the following GHG emission reduction goals:

- 30% below 2005 levels by 2025
- 55% below 2005 levels by 2030
- Work with the community to develop a plan that may result in the reduction of community-based GHG emissions to achieve carbon neutrality by 2045

In addition, the Commission briefly discussed some of the actions that will be necessary to achieve the new targets – specifically electrification of buildings and vehicles. The Commission also recommended staff research the consequences of hazardous waste disposal of batteries for both homes and electric vehicles, including what other communities are doing to mitigate this risk and maintain the commitment that the City's energy provider be as carbon neutral as possible.

While the Planning Commission is not required to take additional action on the proposed General Plan Amendment for the GHG reduction goals, staff recommends combining the two Amendments for VMT and GHG into one action for City Council consideration, tentatively scheduled for June 16, 2020.

DISCUSSION

As mentioned above, SB 743 requires OPR revise the CEQA Guidelines to provide alternative criteria for evaluating transportation impacts to promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Once the City adopts the new CEQA thresholds, LOS or similar measures of vehicular capacity will no longer be considered a measure for impacts under CEQA.

While the City has the discretion to set other thresholds of significance for what constitutes a significant impact in CEQA, the criteria for determining the significance of transportation impacts must promote the reduction of greenhouse gas (GHG) emissions, develop multimodal transportation networks, and create a greater diversity of land uses. As such, OPR recommends cities adopt quantifiable thresholds for residential, employment, and retail land use as these three categories cover a majority of land uses.

For residential and office uses, OPR suggests that reducing VMT per capita and per worker, respectively, to 15% below average which is achievable at the local, project level and is also consistent with achieving the State's climate goals. Retail land use does not generate VMT in the same way that residential and employment land use does. New local retail destinations redistribute rather than generate new trips. Accordingly, OPR recommends defining the

² Planning Commission Meeting 12/19/20:
<https://hayward.legistar.com/LegislationDetail.aspx?ID=4274107&GUID=B4340074-1179-4CEB-B3EA-28B1BD1C6B5C&Options=&Search=>

threshold of significance as any net increase in VMT, and since local-serving retail redistributes existing trips, it does not generate additional new VMT and can be screened out. Projects that meet local-serving retail criteria, smaller than 50,000 square feet, would not require VMT analysis, while larger projects that do not meet the definition of local retail would require additional transportation analysis to determine the environmental impact. Retail that exceeds the local retail size criteria will be reviewed on a case-by-case basis using local knowledge by City staff to determine if the retail is local-serving. The VMT thresholds and screening criteria proposed for the City of Hayward are based on OPR recommendations and included as Attachment IV.

Additional Land Use Categories. The City can determine thresholds of significance for additional land use categories that are not listed in **Error! Reference source not found.**, by creating a significance threshold using more location-specific information. For example, San José created two separate “employment” land use thresholds, one for office (general employment) and one for industrial employment. Additionally, industrial land use is the least compatible with mixed-use, walkable neighborhoods that tend to have low VMT. Requiring industrial projects to have the same low VMT as an office project would discourage industrial development, which is important to the City and a part of the General Plan. To meet City’s land use and employment goals without increasing VMT, Hayward can adopt the regional average VMT per employee as the threshold, compared to the threshold of 15% below average for office employment, for industrial land use and other land uses which were not identified in Figure 1. This threshold ensures that new development would not increase VMT per employee in Hayward.

SCREENING THRESHOLDS FOR LAND USE PROJECTS

Under SB 743, it is assumed that some types of development can be exempt from a transportation analysis under CEQA due to their inherent less than significant impact on VMT per capita. A less than significant impact on VMT per capita may result from a project’s location, size, or the land use of the development. A project only needs to meet one of four screening criteria to be exempt from the requirement to complete a transportation impact analysis under CEQA. OPR’s Technical Advisory provides guidance on screening the following four types of projects:

- Small Project Screen
- Development in low VMT zones
- Transit Based Screens
- Affordable Housing Screen

In general, projects that generate less than 110 total vehicle trips per day, as determined through ITE’s Trip Generation Manual, are assumed to have a less than significant impact; however, for projects that generate more than 110 trips, traffic impact studies or environmental impact reports may be required.

Development in Low VMT Areas. In addition to small project screens, OPR recommends streamlining for residential and employment (office) projects located in areas with low VMT per capita/per employee. Projects located in areas with low VMT per capita/per

employee, and incorporate similar features (i.e., density, mix of uses, transit accessibility) will exhibit similarly low VMT. The City has developed a geographic, map-based screen (Attachment IV) that identifies where projects could be developed and meet minimum VMT requirements based on Traffic Analysis Zones (TAZ).

Transit Screen. In addition to small project-based criteria, residential, retail, and employment projects within ½ mile from an existing major transit stop or transit corridor are considered to have a less-than-significant impact on VMT per capita. A major transit stop is defined as a rail station or the intersection of two or more bus routes with service every 15 minutes or less during morning and evening commute periods. The maps included as Attachment IV identify where major transit stops are located in Hayward, including those areas within ½ mile of the transit stop.

Affordable Housing Screen. OPR also allows cities to adopt screens for affordable housing projects. To qualify, an affordable housing project needs to be located within Priority Development Areas (PDAs) and have access to high-quality transit, defined as a bus or train at least every 15 minutes during peak hours. The project must also be 100% deed-restricted and meet minimum density, parking, and active transportation requirements.

Local Transportation Analysis and Transportation Impact Fee. Outside of the CEQA process, vehicle LOS can still be retained by lead agencies to study and evaluate road and intersection operations. Some cities refer to this non-CEQA analysis as a Local Transportation Analysis (LTA) and may call for analysis of site access and multimodal circulation, intersection operations, corridor travel time, signal timing, signal warrant needs for study area intersections and road segments, and other transportation assessments. The City will continue to use its Traffic Study Guidelines for its use of LOS for LTA purposes.

The City of Hayward is in the process of developing the Transportation Impact Fee (TIF) Program and it will be submitted to the City Council for consideration later this year. Transportation impact fees are one-time fees typically paid prior to the issuance of a building permit and imposed on development projects by local agencies responsible for regulating land use (cities and counties). Generally, the fees are charged per square foot of development or per number of trips generated.

Local Agencies can create a TIF Program as allowed by the State Legislature Mitigation Fee Act (the Act) with Assembly Bill 1600 adopted in 1987 and subsequent amendments to guide the widespread imposition of public facilities fees. The Act, contained in California Government Code §§66000-66025, establishes requirements on local agencies for the imposition and administration of fee programs.

The objective of the TIF is to provide local funding to ensure that adequate transportation facilities, including pedestrian and bicycle improvements, will be available to meet the projected needs of the City as it grows, and that the facilities planned are consistent with the Regional Transportation Plan, the City of Hayward General Plan, Bicycle and Pedestrian Master Plan, and SB 743 mitigations.

POLICY CONTEXT AND CODE COMPLIANCE

Hayward 2040 General Plan. The City has several policies to support the transition from LOS to using VMT per capita, including policies in the *Hayward 2040 General Plan*, including:

- M-1.4 Multimodal System Extensions
- M-1.5 Flexible LOS Standards
- M-1.8 Transportation Choices
- M-2.2 Regional Plans
- M-2.5 Regional Traffic Impacts
- M-4.3 Level of Service
- H-3.2 Transit Oriented Development
- H-3.3 Sustainable Housing Development

Additionally, the City's Climate Action Plan contains several goals and policies related to the reduction of VMT and GHG, including:

- M-8.2 Citywide TDM Plan
- M-8.4 Automobile Commute Trip Reduction
- M-9.10 Unbundled Multifamily Parking
- NR-2.6 Greenhouse Gas Reduction in New Development

As previously noted, the adoption of any new thresholds for CEQA analysis requires an amendment to the *Hayward 2040 General Plan* to replace references of LOS with VMT.

Proposed General Plan Amendment. As previously mentioned, adoption of new VMT thresholds for CEQA analysis require an Amendment of several goals and policies in the Mobility Section of the *Hayward 2040 General Plan*. Additionally, the adoption of new GHG Reduction Goals for the City will require an Amendment of the Natural Resources section of the General Plan. While the Commission previously reviewed and recommended the adoption of new GHG reduction goals on December 12, 2019, staff has consolidated both Amendments into one request for Council consideration on June 16, 2020.

Pursuant to HMC Section 10-1.3425(a), the Planning Commission shall hold a public hearing on all map and text amendments to the General Plan and may recommend approval of or denial of a text amendment, reclassification, or pre-zoning to the City Council. Recommendations for approval shall be based upon all the following findings:

1. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward;
2. The proposed change is in conformance with all applicable, officially adopted policies and plans;
3. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified; and
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

Staff has included more detailed findings to support the Amendments in Attachment II and a comprehensive list of all the Amendments being proposed is included as Attachment III.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act of 1970, Public Resources Code §21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively, "CEQA"), the proposed Amendments do not constitute a "project" within the meaning of Public Resources Code Section 21065, and CEQA Guidelines Sections 15061(b)(3) and 15378 because there is no potential that it will result in a direct or reasonably foreseeable indirect physical change in the environment and because it has no potential for either a direct physical change to the environment, or a reasonably foreseeable indirect physical change in the environment.

NEXT STEPS

Following Planning Commission feedback and recommendation, Staff will forward the proposed Amendments of the *Hayward 2040 General Plan* to the City Council for a public hearing and first reading, tentatively scheduled for June 16, 2020. If approved, the proposed amendments would become effective in July 2020.

Prepared by: Jeremy Lochirco, Principal Planner
Charmine Solla, Senior Transportation Engineer
Erik Pearson, Environmental Services Manager
Meghan Weir, Principal, Nelson Nygaard
Marvin Ranaldson, Associate, Nelson Nygaard

Approved by:



Sara Buizer, AICP, Planning Manager



Laura Simpson, AICP, Development Services Director

CITY OF HAYWARD PLANNING COMMISSION

PROPOSED AMENDMENT OF THE HAYWARD 2040 GENERAL PLAN TO COMPLY WITH CHANGES TO STATE LAW INCLUDING THE ESTABLISHMENT OF NEW VEHICLE MILES TRAVELED (VMT) CEQA THRESHOLDS FOR THE CITY OF HAYWARD

GENERAL PLAN AMENDMENT

Pursuant to HMC Section 10-1.3425(a), the Planning Commission shall hold a public hearing on all map and text amendments. The Planning Commission may recommend approval of or deny a text amendment, reclassification, or pre-zoning to the City Council. Recommendations for approval shall be based upon all the following 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 General Plan Amendment and subsequent adoption of new Vehicle Miles Traveled (VMT) thresholds will have many positive impacts to the City. Lower VMT, or the reduced car travel speeds that are often associated with lower VMT, can lead to lower accident rates, increased physical activity (from pedestrian and bicycle programs and projects), improved air quality, and amenities that range from inviting streetscapes to sidewalk cafes to walking neighborhoods that may be desired by City residents and shoppers. The new thresholds will also encourage the redevelopment of infill sites throughout the City which will promote the public health, safety, convenience and general welfare of the residents and businesses in Hayward in that the thresholds will provide a streamlined process for development review and result in clear, consistent and interpretable standards and processes. The proposed Amendment will also promote walkable, mixed-use developments through the City and near major transit centers to ultimately minimize the reliance of personal automobiles to further reduce greenhouse gas emissions at a local and regional scale.

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

The proposed General Plan Amendment will be in conformance with recently adopted SB 743 legislation that address how transportation analysis is determined in the City of Hayward. Consistent with the Bay Area's Regional Transportation Plan (RTP) and Sustainable Community Strategy (SCS), the adoption of VMT per capita is consistent with regional plans adopted by Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) to promote employment and housing growth near major transit centers, which also reduce greenhouse gas emissions and lower single-occupancy vehicle trips. Additionally, the City has several policies in the General Plan that support the transition from LOS to using VMT per capita, including:

- M-1.4 Multimodal System Extensions. The City shall require all new development that proposes or is required to construct or extend streets to develop a transportation network that complements and contributes to the city's multimodal system, maximizes connections, and minimizes barriers to connectivity.

- M-1.5 Flexible LOS Standards. The City shall consider flexible Level of Service (LOS) standards, as part of a multimodal system approach, for projects that increase transit-ridership, biking, and walking in order to reduce air pollution, energy consumption, and greenhouse gas emissions.
- M-1.8 Transportation Choices. The City shall provide leadership in educating the community about the availability and benefits of using alternative transportation modes.
- M-2.2 Regional Plans. The City shall support regional and countywide transportation plans (e.g., Plan Bay Area, Countywide Transportation Plan) that make alternatives to automobile use a transportation-system priority.
- M-2.5 Regional Traffic Impacts. The City shall review and comment on development applications in Alameda County and adjoining cities which may impact Hayward's transportation systems and shall suggest solutions to reduce negative effects on local circulation and mobility.
- M-4.3 Level of Service. The City shall maintain a minimum vehicle Level of Service E at signalized intersections during the peak commute periods except when a LOS F may be acceptable due to costs of mitigation or when there would be other unacceptable impacts, such as right-of-way acquisition or degradation of the pedestrian environment due to increased crossing distances or unacceptable crossing delays.
- H-3.2 Transit Oriented Development. The City shall encourage transit-oriented developments that take advantage of the City's convenient availability of transit.
- H-3.3 Sustainable Housing Development. The City shall improve affordability by promoting sustainable housing practices that incorporate a 'whole system' approach to siting, designing, and constructing housing that is integrated into the building site, consumes less water and improves water quality, reduces the use of energy use, and other resources, and minimizes its impact on the surrounding environment.

Additionally, the City's Climate Action Plan contains several goals and policies related to the reduction of VMT and GHG, including:

- M-8.2 Citywide TDM Plan
- M-8.4 Automobile Commute Trip Reduction
- M-9.10 Unbundled Multifamily Parking
- NR-2.6 Greenhouse Gas Reduction in New Development

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

The proposed General Plan Amendment would update the thresholds that is currently used to evaluate transportation impacts in the City. The new thresholds do not directly require the creation of new streets and/or public facilities; rather, the Amendment emphasizes providing multi-modal transportation options and transportation demand and parking management strategies throughout the City. The proposed Amendments will support the expansion of the multi-modal and Complete Streets network to

promote walkability, bicycle mobility and the use of mass transit to reduce the overall use of personal, single-occupancy vehicle trips and overall greenhouse gas emissions.

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 proposed Amendment includes the adoption of new CEQA thresholds related to Vehicle Miles Traveled (VMT), including new project thresholds that apply to small projects, development located near major transit stops, affordable housing and employment centers. The proposed Amendment will replace Level of Service (LOS) with vehicle miles traveled (VMT) per capita and provide streamlined review of land use and transportation projects that will help reduce future VMT per capita growth. Typically, development located at greater distance from shopping and employment centers or in areas with few transportation options generates vehicle trips of longer distances versus a similar development located in proximity to BART Stations and other areas with more transportation alternatives. The proposed Amendment will provide a beneficial effect which is not obtainable using existing regulations in that using VMT as the CEQA threshold will further reduce greenhouse gas emissions and traffic-related air pollution as well as promote multimodal transportation networks and a diversity of land uses, consistent with the goals and policies of the *Hayward 2040 General Plan* and Climate Action Plan.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to the California Environmental Quality Act of 1970, Public Resources Code §21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively, “CEQA”), the proposed Amendments do not constitute a “project” within the meaning of Public Resources Code Section 21065, and CEQA Guidelines Sections 15061(b)(3) and 15378 because there is no potential that it will result in a direct or reasonably foreseeable indirect physical change in the environment and because it has no potential for either a direct physical change to the environment, or a reasonably foreseeable indirect physical change in the environment.

PROPOSED GENERAL PLAN AMENDMENTS

MOBILITY ELEMENT

- New Vehicle Miles Traveled (VMT) Thresholds and Local Flexible LOS Guidelines Standards (M-1.5):
 - o The City shall adopt new VMT thresholds to reduce VMT Per Capita and VMT Per Employee and consider the adoption of local flexible Level of Service guidelines (LOS standards, to support the expansion as part of a multimodal network system approach, for projects that increase transit ridership, biking, and walking in order to reduce air pollution, energy consumption, and greenhouse gas emissions. (Hayward General Plan, pg. 3-76)
- Transportation Choices (M-1.8):
 - o The City shall provide leadership in educating the community about the availability and benefits of using alternative transportation modes. (Hayward General Plan, pg. 3-76)

REMOVE LOS CALLOUT (BELOW)

LEVEL OF SERVICE

Level of Service (LOS) is a method of evaluating traffic congestion. A LOS of A represents free flowing traffic, and a LOS of F represents severe traffic congestion with substantial delays. In general, the strict enforcement of LOS standards has forced cities to make transportation improvements that favor automobiles and hurt other modes of transportation. For example, a city may be forced to widen an intersection and eliminate pedestrian crosswalks to achieve a minimum LOS standard. While this improves traffic flow for vehicles, it ultimately discourages walking. Adopting a more flexible LOS approach allows cities to consider other modes of transportation when evaluating traffic impacts and making roadway improvements.

ADD VMT CALLOUT (BELOW)

VEHICLE MILES TRAVELED

Vehicle miles traveled (VMT) measures the total amount of driving over a given area. VMT analysis is based on geographic travel patterns, which reflect transportation infrastructure, transit service, and land use. VMT connects the environmental impacts from transportation to State greenhouse gas emissions reduction goals. Adopting VMT as a measure of impact allows cities to consider all modes of transportation when evaluating environmental impacts and making transportation network improvements.

- GOAL 2 Regional Transportation Context:
 - o “Policies in this section focus on the regional transportation context. With a significant portion of traffic volume on its local streets attributable to regional through traffic, these policies seek to must coordinate with adjacent communities as well as county, regional, and state agencies to address local traffic ~~congestion~~ operations, provide access to regional transit systems, and connect the city’s transportation facilities to adjacent and regional systems.” [Excerpt] (Hayward General Plan, pg. 3-77)
- GOAL 4 Local Circulation:
 - o “Local access and circulation for all modes include managing the roadway system to improve traffic ~~flow~~ operations, while protecting the neighborhoods from through

traffic... ~~the vehicle level of service (LOS) standard allows for~~ A local transportation analysis can support planned growth in downtown and multimodal districts, while considering effects on alternative modes.” [Excerpt] (Hayward General Plan, pg. 3-81)

- Traffic Operations (M-4.1)
 - o The City shall strive to address traffic operations, including ~~traffic congestion,~~ intersection delays; and travel speeds, while balancing neighborhood safety concerns. (Hayward General Plan, pg. 3-81)
- ~~Level of Service~~ Local Transportation Analysis (M- 4.3):
 - o The City shall ~~maintain a minimum vehicle Level of Service E at signalized intersections during the peak commute periods except when a LOS F may be acceptable due to costs of mitigation or when there would be other unacceptable impacts, such as a right-of-way acquisition or degradation of the pedestrian environment due to increased crossing distances or unacceptable crossing delays~~ use local transportation analysis to identify future transportation needs and maintain ongoing traffic operations. (Hayward General Plan, pg. 3-81)
- System Management (M-4.4)
 - o The City shall encourage alternatives to road construction and expansion (e.g., adaptive signals and coordinated signals) as necessary for improving traffic ~~flows~~ operations for all users.-(Hayward General Plan, pg. 3-81)
- Transit Arterials (M-4.6)
 - o The City shall consider improvements, on arterials with transit service to ~~preserve~~ optimize bus operating speeds. (Hayward General Plan, pg. 4-20)

NATURAL RESOURCES ELEMENT

- Community Greenhouse Gas Reduction (NR-2.4)
 - o The City shall work with the community to reduce community based GHG emissions by 20 percent below 2005 baseline levels by 2020, 30% below 2005 levels by 2025, 55% below 2005 levels by 2030. In addition, the City shall work with the community to develop a plan that may result in the reduction of community based GHG emissions to achieve carbon neutrality by 2045. and strive to reduce community emissions by 61.7 percent and 82.5 percent by 2040 and 2050, respectively. (Hayward General Plan, pg. 3-123)
- Municipal Greenhouse Gas Reduction (NR-2.5)
 - o The City shall reduce municipal greenhouse gas emissions by 20 percent below 2005 baseline level by 2020, 30% below 2005 levels by 2025, 55% below 2005 levels by 2030. In addition, the City shall work with the community to develop a plan that may result in the reduction of community based GHG emissions to achieve carbon neutrality by 2045. and strive to reduce municipal emissions by 61.7 percent and 82.5 percent by 2040 and 2050, respectively. . (Hayward General Plan, pg. 3-123)

VMT Thresholds of Significance and Screening Criteria – Brief

Figure 1 **Thresholds of Significance for Residential and Employment Projects**

Land use	Threshold of Significance Under Consideration	Precedent
Residential	15% below existing average VMT per capita for the City of Hayward	OPR
Employment - Office	15% below existing regional average VMT per employee	OPR
Employment – Industrial	Below existing regional average VMT per employee	San José
Retail	Net increase in total regional VMT	OPR

Figure 2 Recommended Screening Criteria for CEQA Transportation Analysis for Development Projects

Screen Type	Screening Criteria ¹
Small Infill Projects	<ul style="list-style-type: none"> ▪ Single-family detached housing of 15 units or less ▪ Single-family attached or multi-family housing of 25 units or less ▪ Office of 10,000 square feet of gross floor area or less
Local Serving Retail	<ul style="list-style-type: none"> ▪ 50,000 square feet of total gross floor area or less
Local Serving Public Facilities	<ul style="list-style-type: none"> ▪ Local serving public facility (determined with staff input, depending on the land use)
Residential and Employment-Office Land Use Projects or Components	<ul style="list-style-type: none"> ▪ Location: within a half mile of a major transit stop¹ or in an area with low (below the threshold) VMT per capita/employee and in an area with planned growth. ▪ Density/FAR: <ul style="list-style-type: none"> – Minimum gross floor area ratio (FAR) of 0.75 as applicable for employment projects – Minimum of 35 units per acre as applicable for residential projects – If located in an area where zoning calls for lower than 0.75 FAR or fewer than 35 units per acre, the maximum FAR or units per acre density allowed must be used ▪ Parking: No more than the minimum number of parking spaces required; in cases where no minimum is required and a maximum is identified, no more than the maximum number of parking spaces ▪ Does not replace affordable residential units (including naturally occurring affordable residential units) with a smaller number of moderate- or high-income residential units ▪ Consistent with local plans for development priorities
Restricted Affordable Residential Projects or Components	<ul style="list-style-type: none"> ▪ Affordability: 100% deed-restricted affordable housing (exception for the manager's unit(s)); affordability must extend for a minimum of 55 years for rental homes or 45 years for for-sale homes. Affordability for this purpose is restricted to households making 80% or less of the area's median income. ▪ Location: within an area with below average VMT per capita ▪ Parking: no more than the minimum number of parking spaces required; in cases where no minimum is required and a maximum is identified, no more than the maximum number of parking spaces

¹: All screening criteria are based on the OPR Technical Advisory; additional details and context specific considerations are discussed in the body of the report, below.

¹ A major transit stop has rail service OR two or more intersecting bus lines with 15-minute peak commute frequencies or better (Pub. Resources Code § 21064.3).

Figure 3 Simplified VMT Data and Symbology Categories

Category	Under 15% below average	Below average	Average	Up to 15% above average	Over 15% above average
Per Capita - Residential	Less than 17.93	17.93-21.09	21.10	21.11-24.26	Greater 24.26
Per Employee - Office	Less than 13.47	13.47-15.84	15.85	15.86-18.23	Greater 18.23
Per Employee – Industrial	Less than 15.85		15.85	15.86-18.23	Greater 18.23
CEQA Impact	Below threshold, no significant impact	Above threshold, mitigation likely required (except for Industrial)	NA	Above threshold, mitigation required	Above threshold, mitigation challenging
Color			NA		

Figure 4 Map of Hayward VMT Per Capita

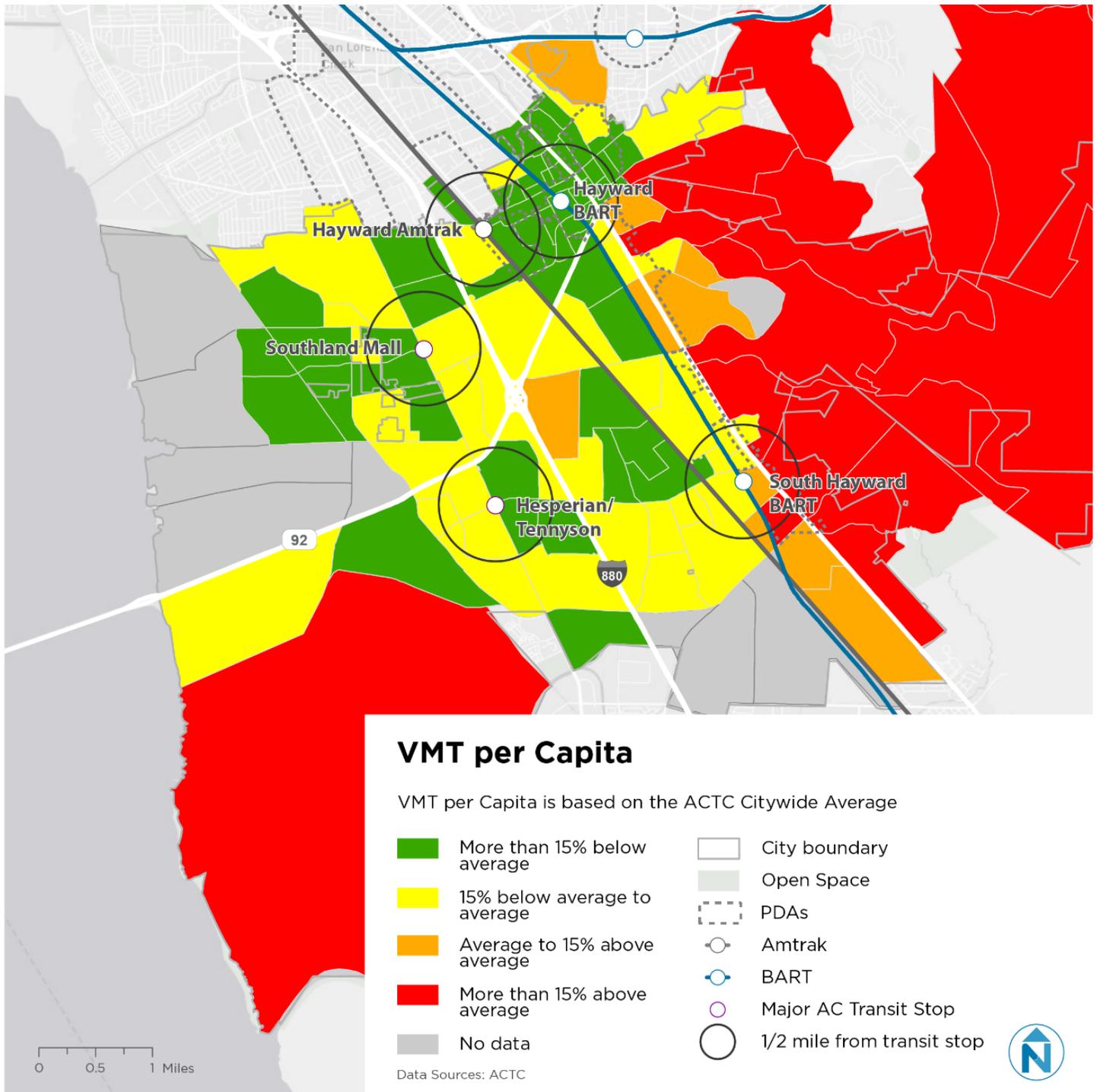
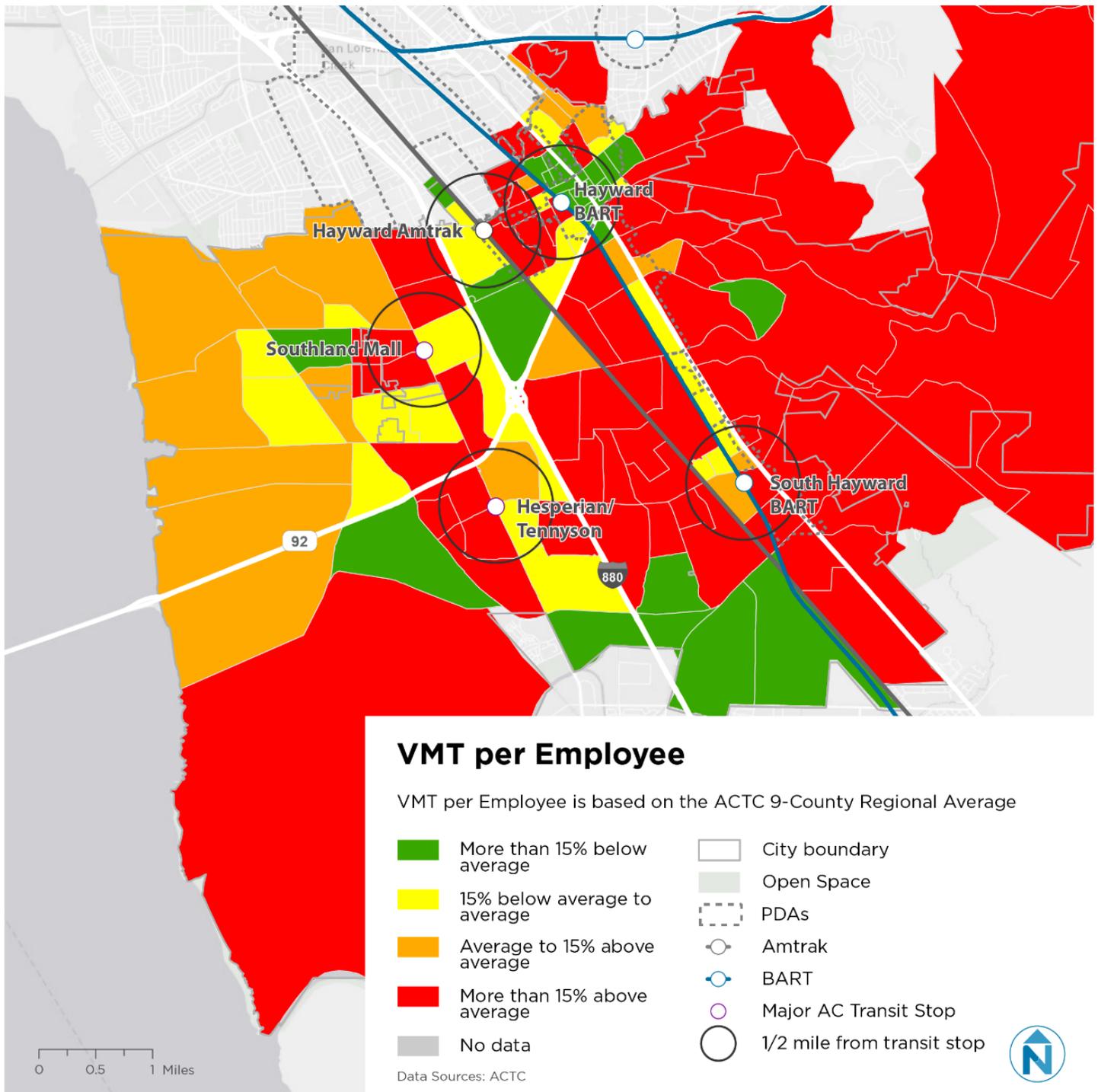


Figure 5 Map of Hayward VMT per Employee

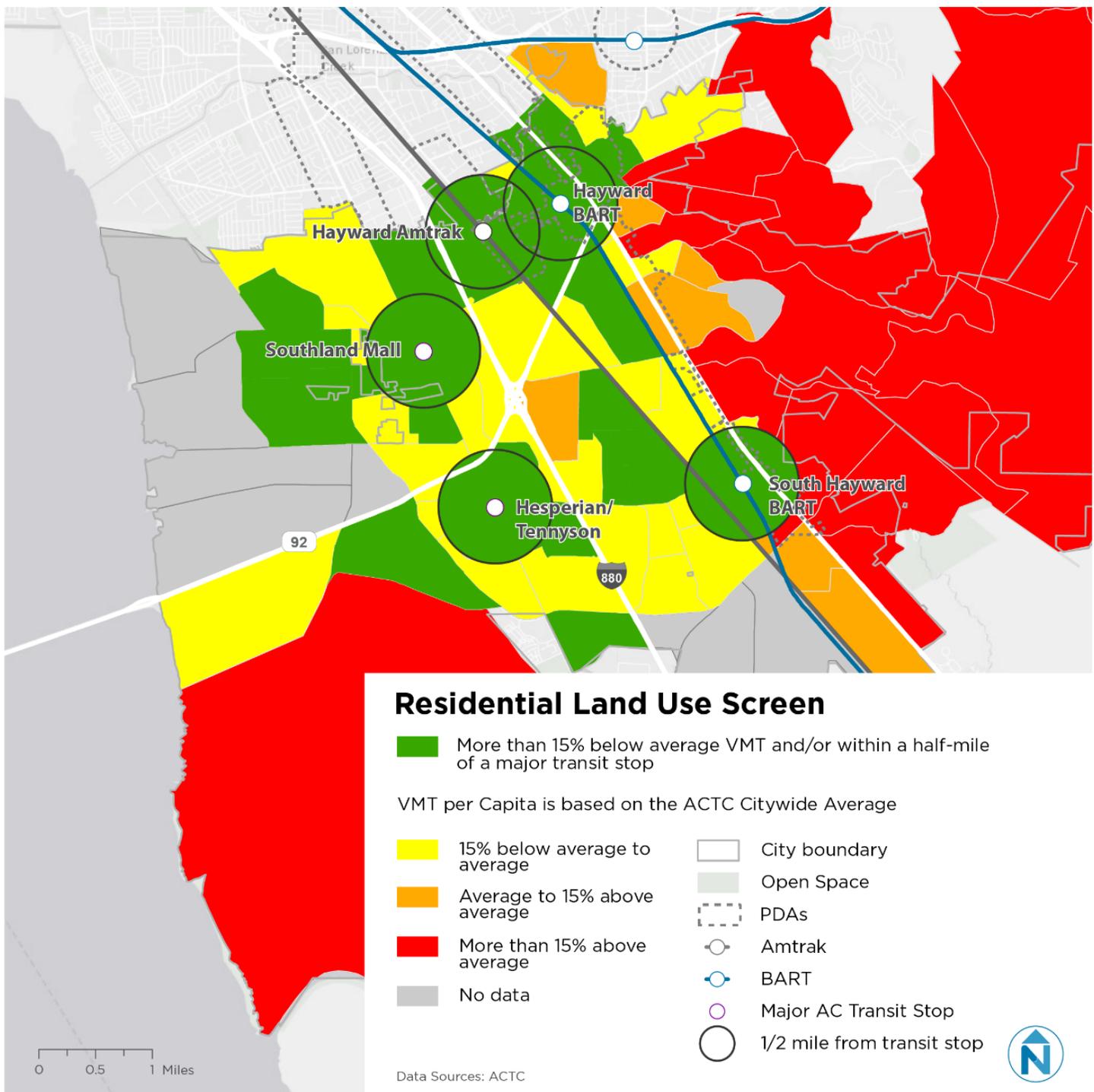


Location Based Screens

The recommended location-based screens for residential, employment, and affordable housing land uses are illustrated in Figures 12, 13, 14, and 15, and are summarized briefly here:

- **Residential Projects in Planned Growth Areas with Low VMT and/or High-Quality Transit Areas**
 - Residential land use projects located in areas with VMT below the threshold and/or within a half mile of a major transit stop or corridor and that include low VMT-supporting features will produce low VMT per capita. These areas are shown in Figure 12. Projects must include features that are similar to or better than what exists today for density and parking to support an overall reduction in VMT per capita.
- **Office Employment Land Use Projects in Planned Growth Areas with Low VMT and/or High-Quality Transit Areas**
 - Office Employment land use projects located in areas with VMT below the threshold and/or within a half mile of a major transit stop or corridor and that include low VMT-supporting features will produce low VMT per employee. These areas are shown in Figure 13. Projects must include features that are similar to or better than what exists today for density and parking to support an overall reduction in VMT per office employee.
- **Industrial Employment Land Use Projects in Planned Growth Areas with Low VMT and/or High-Quality Transit Areas**
 - Industrial employment land use projects located in areas with below average VMT and/or within a half mile of a major transit stop or corridor and that include low VMT-supporting features will produce low VMT per employee. This is based on a threshold of average VMT per employee, rather than 15% below average VMT per employee, as applies to other employment land uses, to accommodate valuable industrial land uses outside of the most dense, walkable and transit oriented areas. These areas are shown in Figure 14. Projects must include features that are similar to or better than what exists today for density and parking to support no increase in VMT per industrial employee.
- **Affordable Housing in Low VMT Areas**
 - Deed-restricted affordable housing, defined as developments that are 100 percent affordable for low-income families making 80% or less of area median income, correlate with reductions in VMT compared with market-rate housing. Figure 15 shows the recommended affordable housing screen based on the geographic criteria: located in an area with a below average VMT per capita and/or within a half mile of a major transit stop or corridor. This is based on a threshold of average VMT per capita, rather than 15% below average VMT per capita, as applies to other residential land uses, to expand the area where affordable housing projects can be streamlined by screening them out of the CEQA transportation analysis process.

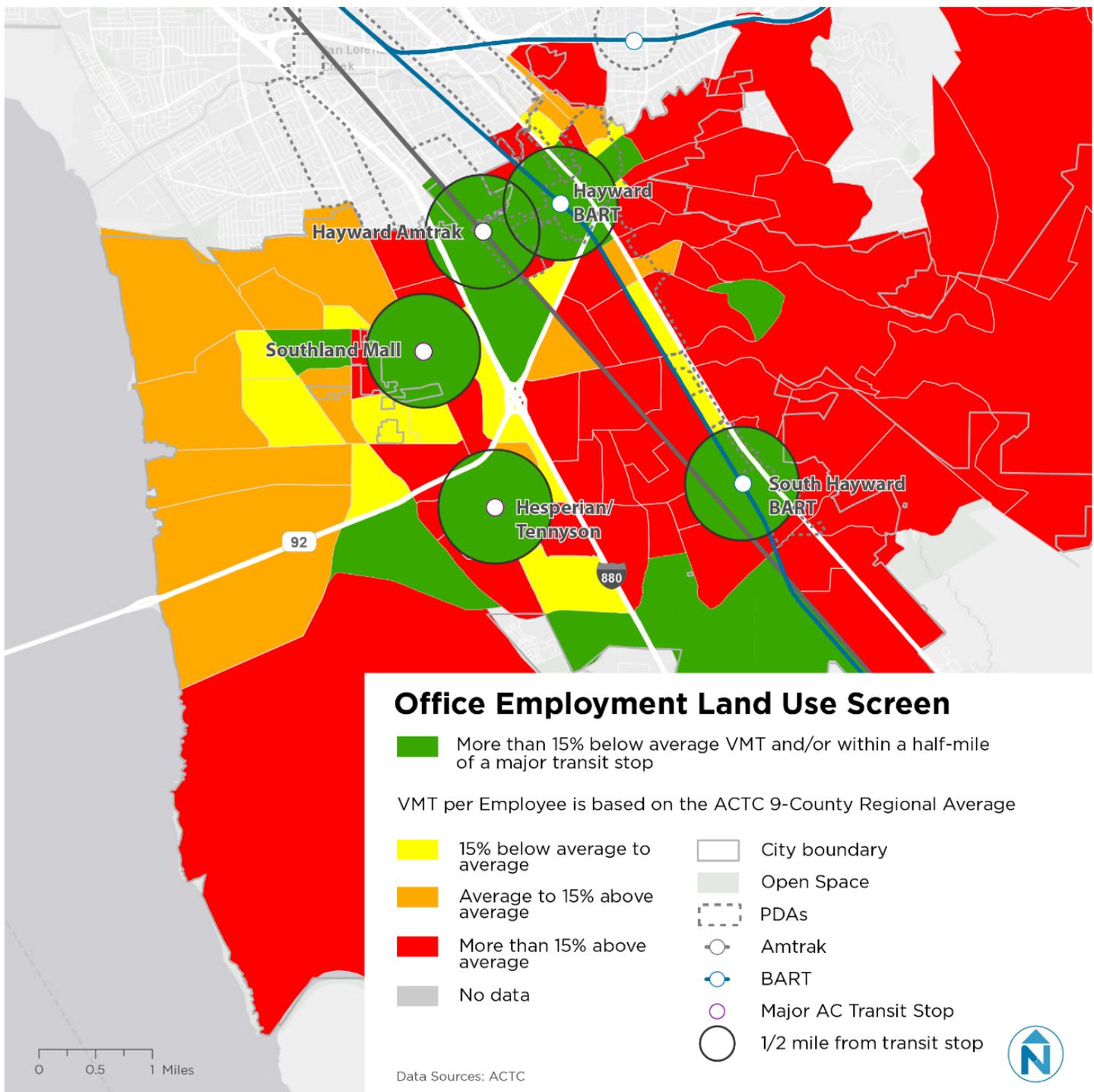
Figure 6 Recommended Residential Land Use Screen



Residential Projects in Planned Growth Areas with Low VMT and/or High-Quality Transit Areas

Residential land use projects located in areas with VMT below the threshold and/or within a half mile of a major transit stop or corridor and that include low VMT-supporting features will produce low VMT per capita. These areas are shown in green in Figure 12. Projects must include features that are similar to or better than what exists today for density and parking to support an overall reduction in VMT per capita.

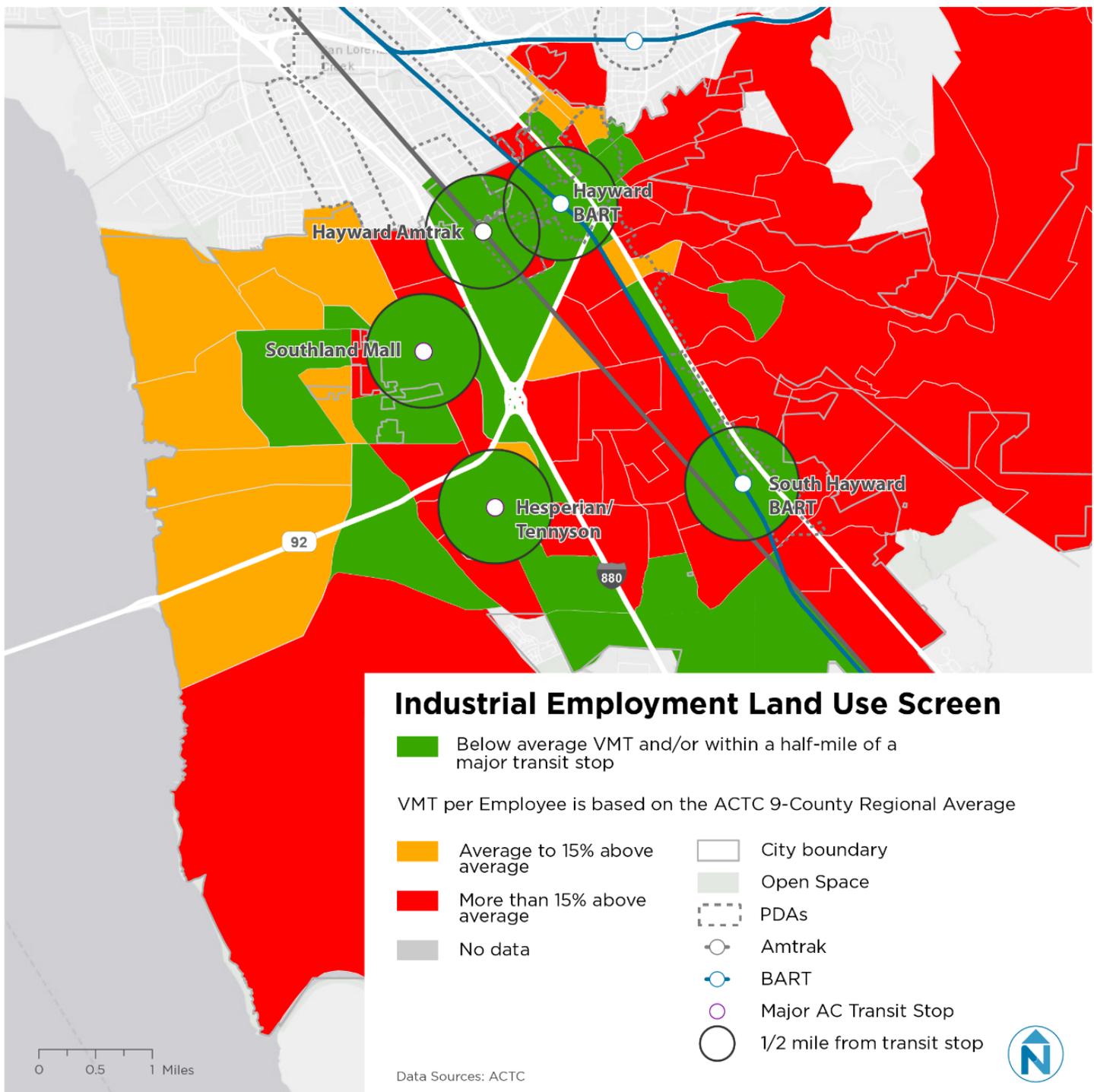
Figure 7 Recommended Employment - Office Land Use Screen



Office Employment Land Use Projects in Planned Growth Areas with Low VMT and/or High-Quality Transit Areas

Office Employment land use projects located in areas with VMT below the threshold and/or within a half mile of a major transit stop or corridor and that include low VMT-supporting features will produce low VMT per employee. These areas are shown in Figure 13. Projects must include features that are similar to or better than what exists today for density and parking to support an overall reduction in VMT per office employee.

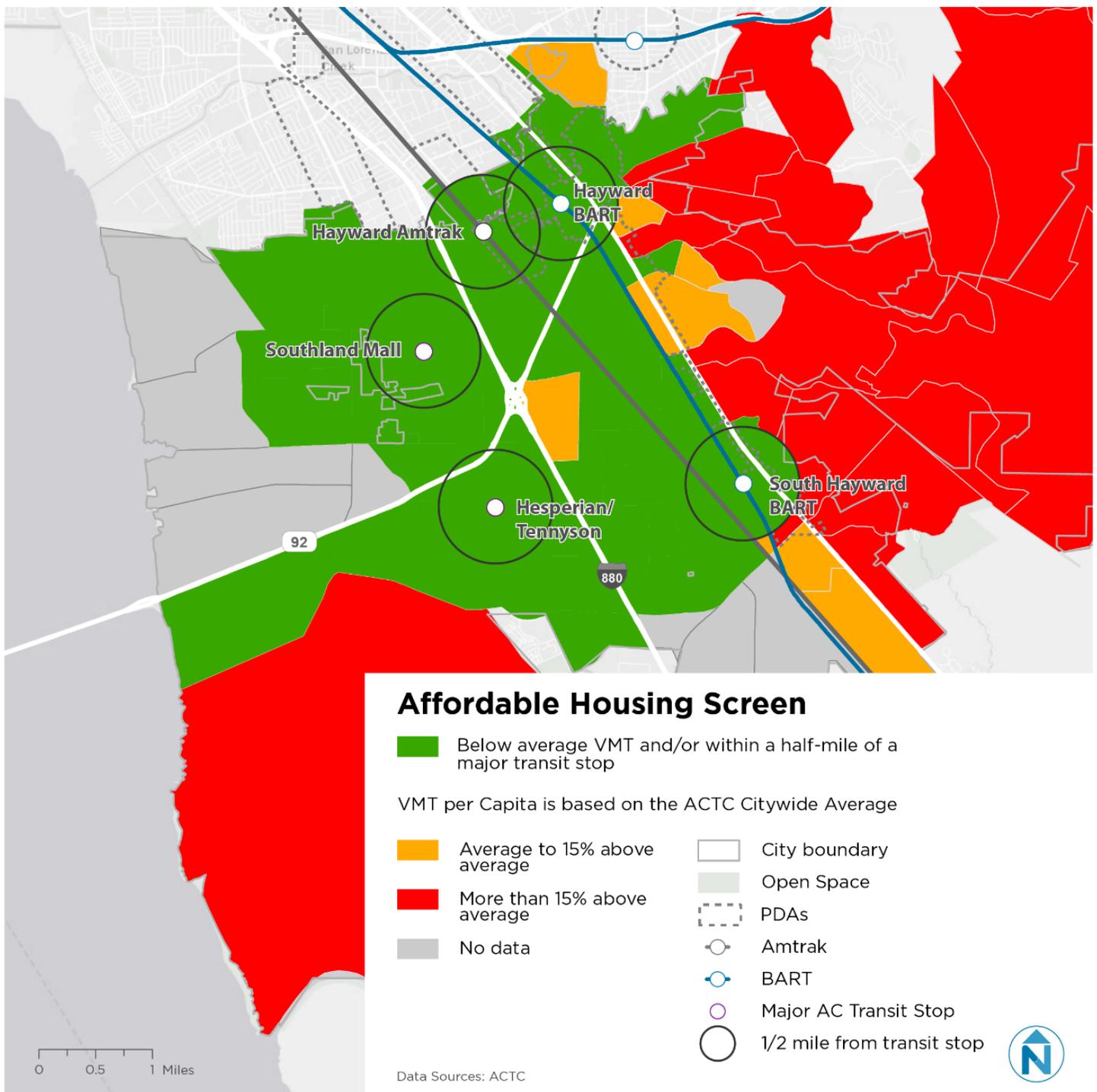
Figure 8 Recommended Employment - Industrial Land Use Screen



Industrial Employment Land Use Projects in Planned Growth Areas with Low VMT and/or High-Quality Transit Areas

Industrial employment land use projects located in areas with below average VMT per employee and/or within a half mile of a major transit stop or corridor and that include low VMT-supporting features will produce low VMT per employee. This is based on a threshold of average VMT per capita, rather than 15% below average VMT per employee, as applies to other employment land uses. These areas are shown in Figure 14. Projects must include features that are similar to or better than what exists today for density and parking to support no increase in VMT per industrial employee.

Figure 9 Recommended Affordable Housing Screen



Affordable Housing in Low VMT Areas

Deed-restricted affordable housing, defined as developments that are 100 percent affordable for low-income families making 80% or less of area median income, correlate with reductions in VMT compared with market-rate housing. Figure 15 shows the recommended affordable housing screen based on the geographic criteria: located in an area with a below average VMT per capita and/or within a half mile of a major transit stop or corridor. This is based on a threshold of average VMT per capita, rather than 15% below average VMT per capita, as applies to other residential land uses, to expand the area where affordable housing projects can be streamlined by screening them out of the CEQA transportation analysis process.



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: PH 20-035

DATE: May 28, 2020

TO: Planning Commission

FROM: Planning Manager

SUBJECT

Proposed Amendment to Chapter 10, Article 24 (South Hayward BART/Mission Boulevard Form Based Code), Article 25 (Hayward Mission Boulevard Corridor Form Based Code), Article 1 (Zoning Ordinance), and Article 7 (Sign Ordinance), related to the adoption of a consolidated Mission Boulevard Code within the Hayward Municipal Code.

RECOMMENDATION

That the Planning Commission recommends that the City Council approve the proposed Zoning Map and Text Amendments to Chapter 10, Planning, Zoning and Subdivision, of the Hayward Municipal Code Related to the adoption of the Mission Boulevard Code.

SUMMARY

This is a public hearing on the adoption of the Mission Boulevard Code, which includes several Zoning Map and Text Amendments (Amendments) to the Hayward Municipal Code (HMC). The proposed Amendments would impact all the land currently within the South Hayward BART/Mission Boulevard Form Based Code and the Hayward Mission Boulevard Corridor Form Based Code, including two additional parcels that are proposed for rezoning map amendments near the Code area.

The proposed Amendments would replace the City's two existing form-based codes (Mission Boulevard Corridor and South Hayward BART/Mission Boulevard) with a new consolidated Mission Boulevard Code. The new Mission Boulevard Code will create a clear and consistent regulatory framework and regulate development along the Corridor to ensure high-quality public spaces defined by a variety of building types and uses, including housing, retail, and office space. The proposed Amendments will modify the regulating plan, development standards, land use regulations, and other elements needed to implement the principles of urbanism, planning, and practical growth management consistent with the community vision established in the *Hayward 2040 General Plan*.

ATTACHMENTS

Attachment I Staff Report

File #: PH 20-035

Attachment II	Findings
Attachment III	Mission Boulevard Code
Attachment IV	Proposed Text Amendments
Attachment V	Zoning Map Amendments
Attachment VI	Parcel Rezoning Exhibit



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The proposed Amendments would replace the City's two existing form-based codes (Mission Boulevard Corridor and South Hayward BART/Mission Boulevard) with a new consolidated Mission Boulevard Code. The new Mission Boulevard Code will create a clear and consistent regulatory framework and regulate development along the Corridor to ensure high-quality public spaces defined by a variety of building types and uses, including housing, retail, and office space. The proposed Amendments will modify the regulating plan, development standards, land use regulations, and other elements needed to implement the principles of urbanism, planning, and practical growth management consistent with the community vision established in the *Hayward 2040 General Plan*.

BACKGROUND

Since adoption of the FBCs, there have been few revisions to the Codes and like any zoning ordinance, specific plan, or general plan, regular updates and amendments are required to

¹ Chapter 10, Article 24 – South Hayward BART/Mission Boulevard Form Based Code:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART24SOHABAMIB_OFOSECO

²Chapter 10, Article 25 – Hayward Mission Boulevard Corridor Form Based Code:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART25HAMIBOCOFOSECO

reflect new policies, development standards, and land uses. As part of the FY2018 budget, the Planning Division established a goal of updating the two form-based codes and earmarked funds to initiate this project. The project required a thorough review of each Code to remove inconsistencies, update policies and land uses, and streamline the development review process to make the Codes easier to understand and administer.

Stakeholder Interviews: On December 10-11, 2018, Lisa Wise Consulting conducted numerous stakeholder interviews with staff representing public agencies, transit providers, neighborhood associations, community stakeholders, developers, design professionals, and city departments. Similar opinions emerged among interviewees regarding issues with the current form-based codes. While the interviewees differed on the exact recommended changes, there was clear agreement that the Codes need to be reorganized and simplified to make them easier to use and understand. The stakeholders identified several common themes related to the existing Form Based Codes for update and modification, including complexity of the existing Code, overly prescriptive Development Standards, better management and a balanced Parking Supply, added flexibility for Ground Floor Uses, elimination of Thoroughfare requirements, and added Flexibility for unique site conditions, including refined process to allow warrants and exceptions.

City Council Work Session: On January 22, 2019³, the City Council held a work session on the updates to the Form Based Codes and provided feedback to staff on the topics highlighted from the Stakeholder interviews in December. The Council noted that many of the original goals that were identified when the FBCs were adopted are not currently being achieved and as such, the FBCs may no longer be an appropriate land use framework to guide development. The Council expressed concerns with the complexity of the existing Code, the inconsistent development pattern of new projects along the Corridor, and the number of PD Rezones approved since the FBCs were adopted are evidence that the Codes are not achieving the goals and objectives originally envisioned. The Council also confirmed that all the issues raised by the stakeholders are valid and should be addressed as part of the Code update.

Planning Commission Work Sessions: On February 28, 2019⁴, the Planning Commission held a work session on the updates to the Form Based Codes and provided feedback to staff on the topics highlighted from the Stakeholder interviews as well as feedback on Council recommendations. The Commission recommended additional flexibility with types of land use that are allowed in order to address numerous vacant commercial spaces along the Corridor. The Commission recommended the updated Code reflect a more multi-modal and pedestrian friendly environment where size and scale of buildings, landscaping treatments, and impacts of circulation and parking are evaluated. The Commission also supported efforts to streamline the planning review and entitlement process to encourage additional development activity.

³ City Council Work Session:

<https://hayward.legistar.com/MeetingDetail.aspx?ID=662924&GUID=EB9653B8-EE30-44E3-B842-E5CA6160DD0A&Options=info&Search=>

⁴ Planning Commission Work Session:

<https://hayward.legistar.com/MeetingDetail.aspx?ID=655760&GUID=3B47D0F0-48B2-4B80-AC1E-3B9303D0F70C&Options=info&Search=>

On February 13, 2020⁵, the Planning Commission held a work session on the draft Mission Boulevard Code and expressed support for the proposed changes as well as recommended the Code provide more specific details about the placement of potential open space areas in relation to Mission Boulevard. The Commission continued to support flexibility to address vacant commercial spaces, multi-modal connectivity goals, and methods of streamlining development to further contribute to economic development and housing creation. The Commission also provided comments to staff related to the potential incompatibility between some outdoor recreation/dining areas with Mission Boulevard, design guidelines to promote street-facing retail, objective design standards for future developments, etc.

Council Economic Development Committee (CEDC): On March 2, 2020, the Council Economic Development Committee (CEDC)⁶ reviewed the public review draft of the Mission Boulevard Code and provided feedback to staff regarding parking standards, commercial land uses including applicable overlays, and potential branding for certain segments of the Mission Boulevard corridor.

Specifically, while the CEDC stated it was acceptable to remove the maximum parking standards applicable to residential projects, they recommended the Code include a parking range to provide some guidance to developers on the amount of parking to provide. In addition, CEDC inquired about the former K-Mart site at the southwestern corner of Mission Boulevard and Harder Road and wanted to ensure that there would be significant commercial uses and/or mixed-use development on this highly visible site.

CEDC also recommended that the revised Code continue to prohibit certain sensitive uses such as tobacco shops, liquor stores, massage establishments, and check cashing facilities. The CEDC suggested that the Code include some reference to branding and marketing for certain segments of the Mission Boulevard corridor to contextualize the neighborhoods of the plan area (based on existing and future conditions) and its development form as certain areas have different development patterns (e.g. north and south of “A” Street).

DISCUSSION

The City’s two existing Form-Based Codes were designed to be used as a set of guidelines for property owners and the development community to understand the vision that the community has established for development along the Mission Boulevard corridor and near the South Hayward BART Station. The Codes provide a framework and a systematic checklist for the City as it plans its investments in capital projects and evaluates the design of new building projects. The Codes are intended to improve the quality of design proposals that the City receives and the value of the City’s cumulative investments in the public realm.

Although both FBCs established a framework for new development along the Corridor, the downturn in the local and national economy between 2008-2012 limited the number of new

⁵ Planning Commission Meeting Minutes:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=4326918&GUID=7864183E-E467-4B22-BCEB-8CCA5D56A7FE&Options=&Search=>

⁶ Council Economic Development Committee – Mission Boulevard Code Update, March 2, 2020

<https://hayward.legistar.com/LegislationDetail.aspx?ID=4341949&GUID=43D24921-E25F-4B84-922B-E527DDA8336D&Options=&Search=>

development applications along the Corridor. Over the past several years, the amount of development activity has increased, and the Planning Division has experienced a rise in the number of new, large-scale planning applications within the Code Area and, in the process, determined that inconsistencies within and between the adopted Codes and the City's Zoning Ordinance have resulted in significant warrants and exceptions granted for projects and inconsistent development patterns along the Corridor. The Mission Boulevard Code (Attachment III) will supersede and replace Article 24 and Article 25 of the Hayward Municipal Code and includes several improvements, as described below.

General Reorganization. Article 24 and Article 25 will be consolidated into a single code, the Mission Boulevard Code (MB Code), and contained in Article 24. The Code has been comprehensively reorganized to be more user friendly and follow the same outline, structure, and page layout as the recently adopted Downtown Specific Plan (adopted April 2019). As part of this reorganization, the zones were renamed to align with naming convention in the recently adopted Downtown Code and reflect the character and context of the new zones. The changes, noted below, are shown on the attached maps and reflected in the Regulating Plan in the Mission Boulevard Code.

Zones T-4 and T-4.1 → Mission Boulevard Corridor Neighborhood (MB-CN) Zone
 Zone T-4.2 → Mission Boulevard Neighborhood Node (MB- NN) Zone
 Zone T-5 → Mission Boulevard Corridor Center (MB-CC) Zone

Planned Development Districts (PD) adopted since the adoption of the FBCs were added to the Regulating Plan and properties formerly zoned T-3 were converted back to original RS, Single-Family Residential district, as these are located in established single family neighborhoods and have little potential for redevelopment.

Refined Development Standards and Regulating Plan. The MB Code incorporates improvements and refinements to the development standard and regulating plan to improve ease of use, predictability in permitting process, and quality of built results. Changes were based on findings from the technical analysis and input received from City staff, stakeholders, and Planning Commission regarding the effectiveness of the FBCs. Refinements include: updates to the minimum and maximum parking requirement; removal of the public thoroughfare requirement in-lieu of improved multi-modal circulation; added flexibility with architectural styles and permitted building materials; expanded the list of land uses; tailored the open space and landscaping requirements by land use; expanded the commercial overlay requirements along Mission Boulevard; updated the development standards regulating lot size, building height; and replaced the warrant/exception section with a new administrative process similar to that adopted in the Downtown Specific Plan and the Industrial Districts.

Land Use Inconsistencies. The proposed Mission Boulevard Code includes several updates to resolve land use inconsistencies, overlap, and/or redundancy with the Hayward Municipal Code, General Plan, Downtown Specific Plan, and other city plans and policies.

While many of the existing commercial, residential, and office land uses are proposed to remain, staff did update the land use table of the Mission Boulevard Code to more clearly identify the land uses that are permitted along the Corridor and resolve inconsistencies

that were carried over between both existing Codes. By consolidating the Codes, staff noted there are some land uses that are permitted in the Mission Boulevard Corridor FBC (north of Harder Road) but prohibited in the South Hayward BART/Mission Boulevard FBC (south of Harder Road). In other instances, land uses were identified in one Code, but omitted in the other Code. For example, automotive sales are permitted as a “retail” land use in the Mission Boulevard FBC but are specifically prohibited as a “retail” use in the South Hayward BART FBC. Everywhere else in the City, automotive sales are not considered a retail use and are specifically identified as “Automotive Sales.” In an effort to resolve these inconsistencies, staff consolidated these uses and updated the land use tables to identify where, geographically, these uses are allowed. In the updated Code, “Automotive Sales” are now listed as a permitted use north of Harder Road but are now administratively permitted south of Harder Road, which reflects the previous Code boundaries. Staff also included several sensitive uses, such as tobacco shops, liquor stores, massage establishments, and check cashing facilities to the land use table to clearly identify those uses which are prohibited.

Proposed Map Amendments. As mentioned previously, the two FBCs will be consolidated into one document to simplify understanding and implementation of the revised regulating map by reducing the number and type of duplicative zoning districts. Specifically, staff removed the dual-zoning designation applied to properties on key catalyst sites to help eliminate confusion related to development standards and permitted land uses. Additionally, these sites were updated to also include a Commercial Overlay #1 in order to maintain the viability of these parcels as regional and neighborhood commercial sites.

Staff is also recommending that the Commercial Overlay #2 be expanded onto properties where commercial uses and centers already exist in key areas or intersections to preserve non-residential uses (e.g. services, retail, and restaurants) along the street level in an effort to balance the pedestrian experience and encourage walkability from nearby residential areas.

Staff is also proposing the TOD Overlay #2 be expanded to include the north side of Mission Boulevard between Tennyson Road and Valle Vista Avenue in order to allow for greater residential densities due to its proximity to the South Hayward BART Station (approximately 0.25-miles away) and consistent with Priority Development Area (PDA) designations. The application of the TOD Overlay #2 allows a higher minimum density “by right” and helps the City meet its housing goals by focusing high-density, mixed-use development near major transit stops. In conjunction with recently adopted State legislation, including SB 330 (Housing Crisis Act of 2019) and AB 1763 (Density Bonus for 100% Affordable Projects), staff believes the increased residential densities are warranted and further support the City’s efforts towards increased housing production, consistent with the City’s Regional Housing Needs Allocation (RHNA) requirements contained in the *Hayward 2040 General Plan*.

As previously mentioned, all parcels that are zoned MB-T3 are proposed to be removed from the FBC areas and recommended to revert back to the Single-Family Residential (RS) district as many of these are within established single-family neighborhoods with low potential to redevelop. A map of the proposed zoning amendments is included as Attachment V and a parcel specific rezoning table is included as Attachment VI.

Proposed Text Amendments. In addition to the consolidation of the two existing FBC in Article 24, the Mission Boulevard Code also proposes to update several sections of the Hayward Municipal Code (HMC) to reflect the new zoning designations. In particular, staff has included Amendments to the Sign Ordinance (Article 7) and Zoning Ordinance (Article 1) related to unattended collection boxes to update zoning districts for consistency. A list of the proposed text amendments is included as Attachment IV.

Additional Rezoning Requests. Planning Division staff has received inquiries from the property owner of 22372 Mission Boulevard (at the northeastern corner of Mission Boulevard and Hotel Avenue) to potentially change the zoning from its current “Civic Space (CS)” classification to allow for more commercially permitted uses. Upon review of the site-specific conditions and past Planning documents, staff is recommending the site maintain its current zoning classification of CS due to the redevelopment limitations resulting from geological hazards associated with two fault traces transecting the property. This designation allows the City to maintain compliance with the Alquist-Priolo Earthquake Fault Zoning Act⁷.

Additionally, staff has noted that outside of the FBC area boundaries, north of “A” Street, there are two properties (720 Simon Street and 926 Rose Street) that are zoned “Central City – Commercial (CC-C)” but are located outside of the boundaries of the Downtown Specific Plan area and inadvertently excluded from the rezoning of the Downtown plan area. Upon discussion with both property owners who support the action, staff is proposing the property at 926 Rose Street be rezoned from CC-C to the new zoning classification of MB-CN to be consistent with its underlying land use designation of Sustainable Mixed Use (SMU). Staff is also recommending that the property at 720 Simon Street be rezoned from the current CC-C zoning designation to Medium-Density Residential (RM) to be consistent with the Medium-Density Residential (MDR) land use designation in the *Hayward 2040 General Plan*. Staff has included these map changes as part of the overall update to the Mission Boulevard Code.

POLICY CONTEXT AND CODE COMPLIANCE

Zoning Ordinance. Pursuant to HMC Section 10-1.3425(a), the Planning Commission shall hold a public hearing on all map and text amendments. The Planning Commission may recommend approval of or deny a text amendment, reclassification, or pre-zoning to the City Council. Recommendations for approval shall be based upon all the following findings:

1. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward;
2. The proposed change is in conformance with all applicable, officially adopted policies and plans;
3. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified; and

⁷ Alquist-Priolo Earthquake Fault Zone Act:
https://leginfo.ca.gov/faces/codes_displayText.xhtml?division=2.&chapter=7.5.&lawCode=PRC

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.

Staff has provided more detailed findings to support the proposed zoning map and text amendments in Attachment II.

Hayward 2040 General Plan. The Mission Boulevard Code contains several land use designations, with a majority of sites designated as Sustainable Mixed Use (SMU) in the *Hayward 2040 General Plan*⁸. The SMU designation generally applies to areas near regional transit that are planned as walkable urban neighborhoods. Typical building types will vary based on the zoning of the property, but will generally include single-family homes, duplexes, triplexes, fourplexes, second units, townhomes, live-work units, multi-story apartment and condominium buildings, commercial buildings, and mixed-use buildings that contain commercial uses on the ground floor and residential units or office space on upper floors. Sustainable Mixed-Use areas are expected to change substantially in the future, as properties are planned to be developed or redeveloped at relatively high densities and intensities to create walkable and mixed-use neighborhoods and multi-modal corridors. Residential and mixed-use densities range allow up to 100 dwelling units per acre. Other General Plan land uses designations include Low Density Residential (LDR), Public and Quasi-Public (PQP) and Parks and Recreation (PR).

While the proposed update to the Mission Boulevard Code will not require any General Plan Amendments, the *Hayward 2040 General Plan* contains several goals, policies and actions that support the update to the City's two existing Form Based Codes. The City's General Plan establishes the community-based vision for the future of Hayward and includes implementation programs to help the City achieve that vision. There are several goals and policies in the General Plan that support an update to the Mission Boulevard Code, which are detailed in findings for approval (Attachment II).

South Hayward BART and Assembly Bill 2923. On September 30, 2018, Governor Brown signed AB 2923⁹ that affects zoning requirements on properties owned by the Bay Area Rapid Transit District (BART) within ½ mile of their stations to facilitate Transit Oriented Developments (TODs). Currently, much of the existing South Hayward BART property, along with adjacent properties, is designated as a PD, Planned Development which was established as part of the adoption of the South Hayward BART Concept Design Plan in 2009 and later amended in 2014. As preliminarily proposed, the South Hayward BART property is identified as a "Neighborhood/Town Center" which allows up to 75 units per acre, 5-stories buildings, maximum 3.0 floor area ratio, including a maximum residential parking requirement of 1.0 space per residential unit, and maximum 2.5 spaces per 1,000 square-feet of office space. While staff is proposing to consolidate the two existing Form Based Codes and create updated development standards for the Code area, the South Hayward BART property is not included

⁸ Hayward General Plan:

<https://www.hayward2040generalplan.com/>

⁹ AB 2923, SF BART Transit Oriented Development:

https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2923

with those revisions and the previous zoning, including any updated State mandates for BART-owned property, would apply.

PDA Designation. A majority of the Mission Boulevard corridor has been designated as a Priority Development Area (PDA) by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC). PDAs are areas within existing communities that local city or county governments have identified and approved for future growth. These areas typically are accessible by one or more transit services; and they are often located near established job centers, shopping districts, and other services. The City currently has five designated PDA areas where residential and job growth are forecasted. The updated Code reflects additional opportunities for residential and job growth along the Corridor by expanding the number of land uses and increasing the residential densities.

Infill Housing Report. In December 2019, the Council of Infill Builders released their report on efforts to accelerate and accommodate infill housing in the City of Hayward and presented this report to the City Council¹⁰ on January 14, 2020. While the report identified barriers unique to Hayward, it also provided recommended solutions that could help facilitate new development in the City. Specifically, the report identified four priority barriers to infill:

- High costs and fees to build infill;
- Market uncertainty due to unknown or weak demand for infill;
- Lack of supporting uses for infill in public spaces, such as the streetscape; and
- Unusual parcels and challenging land assembly to support infill

While additional barriers exist, to help overcome these barriers, the group recommended the City update the design guidelines to allow retail flexibility for infill projects. Developers and City staff noted that ground-floor retail on some projects may not make economic sense, while nearby parcels may present better options for such uses. As a result, the city could help provide flexibility to meet these requirements. The report suggests the City develop a plan for street-level activation and amenities in areas without retail, in order to boost walkability and street life without rigid retail requirements. Staff has incorporated this land use flexibility in the updated Code to allow for additional flexibility in the land uses along the street-frontages.

The Report also recommends that the City develop optimal parking policies to encourage market-driven supply that boosts walkability, biking, and transit usage. Excess parking supply and requirements add to project costs and can reduce the walkability and transit-friendly nature of downtowns and commercial corridors. For example, the average cost of a parking space in a parking structure ranges from \$15,000 to \$30,000. Costs per unit in San Francisco for podium parking can range from \$17,500 to \$35,000 per unit, depending on the ratio of spaces per unit, and up to \$38,000 for underground parking. Ongoing operation and maintenance of parking structures can also be costly for rental properties. At the same time, it was noted that lenders are reluctant to finance new projects in Hayward without sufficient on-site parking. As a result, the report recommends the City consider parking

¹⁰ City Council Meeting:
<https://hayward.legistar.com/LegislationDetail.aspx?ID=4288614&GUID=8884B223-5825-443E-AEB7-561FE7CECC64>

policies that allow the market to determine supply while providing options to reduce the demand for on-site, decentralized parking that can increase project costs. While the existing FBC uses contain no parking minimums, there are maximums required for residential uses that may or may not address the issue of parking supply and demand. As such, staff has updated the parking requirements to provide more flexibility and based on demand. Staff has also updated the parking requirements for projects that are located within ½ mile of a major transit center, consistent with PDA and SB732 directives.

ENVIRONMENTAL REVIEW

On July 1, 2014, the City Council adopted Resolution No. 14-108, certifying the Hayward 2040 General Plan Update and related Program Environmental Impact Report (EIR). The General Plan EIR incorporated prior EIR analyses conducted along the Mission Boulevard corridor including the South Hayward BART/Mission Boulevard Code Supplemental EIR (SEIR), certified on September 13, 2011, that tiered off Conceptual Design Plan Program EIR (2006) and 238 Land Use Study EIR (2009). These program level EIRs cover the proposed amendments to the Hayward Municipal Code. In accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. Under Section 15162, a subsequent EIR need not be prepared unless the lead agency determines one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR 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 due to the involvement of any 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 EIR was certified, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR;
 - 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.

The proposed regulations would likely result in beneficial impacts such as reduced noise, dust, glare, odors, increased landscape areas that could reduce stormwater and flooding impacts, reduce air quality impacts, and increased residential density near transit stations, consistent with the previously adopted General Plan goals and BART TOD Guidelines.

Based on the draft regulations and the analysis provided in this staff report, no new or unanticipated levels of development are anticipated that were not previously identified in the General Plan and General Plan EIR, and no new or unanticipated traffic, employment density, or construction impacts are expected to be generated as a result of adoption of these regulations. Therefore, the proposed Amendments substantially conform to the Goals and Policies set forth in the General Plan, and that were analyzed in the related Program EIR. No further environmental review is necessary.

NEXT STEPS

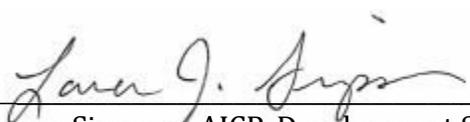
Following Planning Commission feedback and recommendation, Staff will forward the proposed Zoning Map and Text Amendments for the Mission Boulevard Code to the City Council for a public hearing and first reading tentatively scheduled for July 7, 2020. If approved, the proposed amendments would become effective in August 2020.

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Approved by:



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Laura Simpson, AICP, Development Services Director

CITY OF HAYWARD PLANNING COMMISSION

PROPOSED AMENDMENTS TO CHAPTER 10, ARTICLE 24 (SOUTH HAYWARD BART/MISSION BOULEVARD FORM BASED CODE), ARTICLE 25 (HAYWARD MISSION BOULEVARD CORRIDOR FORM BASED CODE), ARTICLE 1 (ZONING ORDINANCE), AND ARTICLE 7 (SIGN ORDINANCE) RELATED TO THE ADOPTION OF A CONSOLIDATED “MISSION BOULEVARD CODE” WITHIN THE HAYWARD MUNICIPAL CODE

ZONING MAP AND TEXT AMENDMENTS

Pursuant to HMC Section 10-1.3425(a), the Planning Commission shall hold a public hearing on all map and text amendments. The Planning Commission may recommend approval of or deny a text amendment, reclassification, or pre-zoning to the City Council. Recommendations for approval shall be based upon all the following 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 zoning map and text amendments will consolidate the two existing Form Based Codes into one updated code called the “Mission Boulevard Code” which will promote the public health, safety, convenience and general welfare of the residents and businesses in Hayward in that the updated development and land use standards will result in clear, consistent and interpretable standards and processes to catalyze economic development and housing production along the Mission Boulevard corridor. The intent of the FBC is promote walkable, mixed-use developments along the corridor to include a mix of personal service, retail, and office businesses in close proximity of residences and transit stops to ultimately minimize the reliance of personal automobiles to further reduce greenhouse gas emissions at a local and regional scale. With the implementation of the FBC, new developments will include open space amenities, attractive landscaping, and articulated well-designed buildings to complement the future urban form of the corridor and support existing businesses and residents in the area.

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

The proposed Mission Boulevard Code will be conformance with the purposes of the Hayward Municipal Code in that per Sections 10-24.515 and 10-25.515 of the Hayward Municipal Code, the FBCs call for code maintenance to review the outcomes of the FBCs and if needed, update the regulations to address current conditions and future projections of Hayward. Consistent with the Bay Area’s Regional Transportation Plan (RTP) and Sustainable Community Strategy (SCS), the two form-based code plan areas are designated as Priority Development Areas (PDAs) intended to focus regional economic and employment growth as well as housing production along the Mission Boulevard corridor. The Code update is intended to meet those adopted goals by enhancing and revitalizing the corridor to accommodate and encourage growth within compact, mixed-use, and walkable neighborhoods and districts that are located near the city’s job centers and regional transit facilities. As such, the proposed amendments are

consistent with the following goals and policies set forth in the *Hayward 2040 General Plan* listed below:

- Land Use Policy 1-3: Growth and Infill Development. The City shall direct local population and employment growth toward infill development sites within the city, especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan.
- Land Use Policy 1-5: Transit Oriented Development. The City shall support high-density transit-oriented development within the city's s to improve transit ridership and to reduce automobile use, traffic congestion, and greenhouse gas emissions.
- Land Use Policy 1-6: Mixed-Use Development. The City shall encourage the integration of a variety of compatible land uses into new and established neighborhoods to provide residents with convenient access to goods, services, parks and recreation, and other community amenities.
- Land Use Policy 1-9: Development Standards and Greenhouse Gas Emissions. The City shall explore the use of zoning and development standards that help reduce greenhouse gas emissions when preparing or updating plans and ordinances.
- Land Use Policy 1-13: Local Plan Consistency with Regional Plans. The City shall strive to develop and maintain local plans and strategies that are consistent with the Regional Transportation Plan and the Sustainable Communities Strategy to qualify for State transportation funding and project CEQA streamlining.
- Land Use Policy 2-8: South Hayward BART Urban Neighborhood and Mixed-Use Corridor. The City shall encourage the development of vibrant, compact, mixed-use, and walkable urban neighborhoods within the South Hayward BART Neighborhood and the South Hayward BART Mixed-Use Corridor.
- Land Use Policy 2-9: South Hayward BART Form-Based Code. The City shall maintain and implement the South Hayward BART to guide and regulate future development and infrastructure improvements within the South Hayward BART Neighborhood and the South Hayward BART Mixed-Use Corridor.
- Land Use Policy 2-12: Mission Boulevard Mixed-Use Corridor. The City shall encourage the redevelopment of the Mission Boulevard corridor to create an attractive mixed-use boulevard with a variety of commercial functions and residential densities that support walking and transit.
- Land Use Policy 2-13: Mission Boulevard Specific Plan. The City shall maintain and implement the Mission Boulevard to guide and regulate development within the Mission Boulevard Mixed-Use Corridor.
- Land Use Policy 2-12: Mission Boulevard Mixed-Use Corridor. The City shall encourage the redevelopment of the Mission Boulevard corridor to create an attractive mixed-use boulevard with a variety of commercial functions and residential densities that support walking and transit.
- Land Use Policy 2-16: Uses to Attract the Creative Class. The City shall encourage the development of uses and amenities to attract creative-class professionals and businesses to Hayward's s, including: restaurants and cafes, art studios and galleries, entertainment and cultural venues, housing and live-work units, exercise and physical fitness facilities, office space and business incubators; and community-

operated workspaces where people with common interests can meet, collaborate, and develop their business ideas and products.

- Land Use Policy 3-1: Complete Neighborhoods. The City shall promote efforts to make neighborhoods more complete by encouraging the development of a mix of complementary uses and amenities that meet the daily needs of residents. Such uses and amenities may include parks, community centers, religious institutions, daycare centers, libraries, schools, community gardens, and neighborhood commercial and mixed-use developments.
- Land Use Policy 3-3: Neighborhood Commercial and Mixed-Use Developments. The City shall allow neighborhood commercial and mixed-use developments on properties with residential land use designations, subject to community input from residents and conditions of approval that ensure that these uses are located, designed, and operated in a manner that maintains neighborhood compatibility and contributes to an enhanced quality of life. Appropriate locations for neighborhood commercial and mixed-use developments include: Corner lots located along collector or arterial streets, and corner lots located adjacent to or across from a school, park, community center, or other neighborhood gathering place.
- Land Use Policy 3-1: Complete Neighborhoods. The City shall promote efforts to make neighborhoods more complete by encouraging the development of a mix of complementary uses and amenities that meet the daily needs of residents. Such uses and amenities may include parks, community centers, religious institutions, daycare centers, libraries, schools, community gardens, and neighborhood commercial and mixed-use developments.
- Land Use Policy 4-2: Transformation of Auto-Oriented and Strip Commercial Uses. The City shall support the transformation of auto-oriented and strip commercial uses into attractive pedestrian-oriented developments that frame and enhance the visual character of the corridor.
- Land Use Policy 4-3: Mixed Use Developments within Commercial-Zoned Properties. The City shall allow mixed-use developments within commercially-zoned properties along corridors and ensure that these uses are located, designed, and operated in a manner that maintains compatibility with adjacent residential uses.
- Economic Development Goal ED-1: Diversified and Robust Economy. Diversify the economic base of Hayward to support a robust and stable economy with a diverse range of employment, shopping, and cultural opportunities for local residents
- Economic Development Policy 5-5: Quality Development. The City shall require new development to include quality site, architectural and landscape design features to improve and protect the appearance and reputation of Hayward.
- Housing Policy 3-1: Diversity of Housing Types. The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments.
- Housing Policy 3-2: Transit Oriented Development. The City shall encourage transit-oriented developments that take advantage of the City's convenient availability of transit.

- Housing Policy 3.3: Sustainable Housing Development. The City shall improve affordability by promoting sustainable housing practices that incorporate a ‘whole system’ approach to siting, designing, and constructing housing that is integrated into the building site, consumes less water and improves water quality, reduces the use of energy use, and other resources, and minimizes its impact on the surrounding environment.
- Housing Policy 3-4: Residential Uses Close to Services. The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.
- Housing Policy 3-6: Flexible Standards and Regulations. The City shall allow flexibility within the City’s standards and regulations to encourage a variety of housing types.
- Housing Policy 4-1: Flexible Development Standards. The City shall review and adjust as appropriate residential development standards, regulations, ordinances, departmental processing procedures, and residential fees that are determined to be a constraint on the development of housing, particularly housing for lower- and moderate-income households and for persons with special needs.
- Housing Policy 4-2: Clear Development Standards and Approval Procedures The City shall strive to maintain and administer clear development standards, and approval procedures for a variety of housing types, including, but not limited to, multifamily housing and emergency shelters.

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

The proposed zoning map and text amendments to the Mission Boulevard form-based codes would refine and update the existing development standards and land use regulations for the corridor to be consistent with the adopted goals, policies and designations of the *Hayward 2040 General Plan* with respect to development intensity, density, and envisioned land uses. The new Mission Boulevard Code does not directly require the creation of new streets and/or public facilities; rather, the Code emphasizes providing multi-modal transportation options and pedestrian/bicycle connectivity (on-site and off-site) throughout the corridor and large key development sites.

Development standards have been established within the form-based code update for new non-residential development to be oriented toward the public frontage with articulated entrances, storefront windows, and attractive landscaping to encourage and promote walkability, bicycle mobility and the use of mass transit to reduce the overall use of personal, single-occupancy vehicle trips and overall greenhouse gas emissions. The updates to the Code also focus on prioritizing density most adjacent to major transit hubs such as the Hayward and South Hayward BART stations to further support the utilization of mass transit versus dependence on automobiles resulting in congestion along the corridor. Overall, the existing street circulation network and public facilities are deemed adequate to serve all proposed residential and non-residential developments and land uses with the proposed zoning map and text amendment updates.

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 proposed zoning map and text amendments include the consolidation of the former South Hayward BART/Mission Boulevard Form-Based Code (Article 24) and the Mission Boulevard Corridor Form-Based Code (Article 25) into a singular regulating document referred to as the “Mission Boulevard Code” that will regulate new development and land uses for the majority of the corridor. The update will consolidate the existing zoning districts between the two form-based codes and create four primary zoning districts including Corridor Neighborhood (CN), Neighborhood Node (NN), Corridor Center (CC) and Civic Space (CS) for greater consistency between the permitted and conditionally permitted uses as well as the development pattern along the corridor. As proposed, the updates provide clearer direction and consistent interpretations of the land uses and code requirements along the plan area which will result in a benefit to residents, businesses, stakeholders, and the development community. The proposed Code updates increase efficiency and predictability in the development review process for applicants and minimize inconsistencies between the form-based code and standards of the City’s zoning ordinance. Overall, the adoption of the Mission Boulevard Code results in the removal of overly complex, prescriptive development standards within the code while also including flexibility to ensure the intent of the districts are being met to bring future uses and development closer to the established vision of the General Plan.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

1. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168, a Program Environmental Impact Report (EIR) was prepared for the Hayward 2040 General Plan. On July 1, 2014, the City Council adopted Resolution No. 14-108, approving the Hayward 2040 General Plan Update and related Program EIR. The General Plan EIR incorporated prior EIR analyses conducted along the Mission Boulevard corridor including the South Hayward BART/Mission Boulevard Code Supplemental EIR (SEIR), certified on September 13, 2011, that tiered off Conceptual Design Plan Program EIR (2006) and 238 Land Use Study EIR (2009). These program level EIRs cover the proposed amendments to the Hayward Municipal Code.
2. In accordance with Section 15164 of the CEQA Guidelines, a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. That the Program EIR covers the subject zone change as a subsequent action contemplated with the adoption of the Hayward 2040 General Plan Update and is consistent with the General Plan Land Use diagram.
3. Based on the draft regulations and the analysis provided in this staff report, no new or unanticipated levels of development are anticipated that were not previously identified in the General Plan and General Plan EIR, and no new or unanticipated traffic, employment density, or construction impacts are expected to be generated as a result

of adoption of these regulations. Therefore, the proposed Amendments substantially conform to the Goals and Policies set forth in the General Plan, and that were analyzed in the related Program EIR. No further environmental review is necessary.

4. That the project complies with CEQA, and that the City Council has reviewed and considered the information prior to approving the project. The custodian of the record of proceedings upon which this decision is based in the Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA 94544.



MISSION BOULEVARD CODE

City of Hayward, California
Public Hearing Draft | May 2020

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Division 1.1 Purpose and Intent

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1.1.010 Purpose and Intent

- A. This Chapter of the Hayward Municipal Code shall be known, and may be cited, as the Mission Boulevard Corridor Code. References to “Code” within this Chapter are references to the Mission Boulevard Corridor Code unless the text indicates otherwise. References to the “Municipal Code” refer to the Hayward Municipal Code and references to “Hayward Zoning Code” refer to [Chapter 10 of the Hayward Municipal Code](#).
- B. This Code carries out the policies of the Hayward General Plan for the Mission Boulevard Corridor Code Area (Code Area) identified in [Figure 2.1.020.1 \(Mission Boulevard Code Regulating Plan\)](#) 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.
- C. 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.

1.1.020 Effective Date

The Mission Boulevard Corridor Code has an effective date of [{to be completed}](#).

1.1.030 Applicability

- A. This Code applies to all land uses, subdivisions, and development within the Code Area identified in [Figure 2.1.020.1 \(Mission Boulevard Code Regulating Plan\)](#).
- B. 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.
- C. This Code supplements, or when in conflict replaces, the standards and procedures in [Chapter 10 \(Planning, Zoning, and Subdivisions\) of the Municipal Code](#). All applicable provisions of the Municipal Code that are not specifically replaced or identified as not applicable continue to apply to all properties within the Code Area. If there is a conflict between the standards of this Chapter and the standards in the Municipal Code, the standards in this Chapter supersede unless otherwise stated.
- D. **Minimum Requirements.** 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
- E. **Non-Conforming Structures and Land Uses.** Nonconforming structures and/or nonconforming use(s) legally existing when this Code was adopted must comply with [Section 10-1.2900 \(Nonconforming Uses\)](#) of the Hayward Zoning Code.
- F. **Effect of Zoning Code Changes on Projects in Progress.** An application for zoning approval that has been deemed complete by the Planning Director before the effective date of the ordinance codified in this Code or any amendment will be processed according to the requirements in effect when the review authority first considers the application in a public hearing.

1.1.040 Organization and Use

The Code consists of the following Articles:

1. **Article 1 Introduction.** This Article establishes the purpose of the Code and explains how existing and new standards will be applied to property within the boundaries of the Code Area identified in [Figure 2.1.020.1 \(Mission Boulevard Code Regulating Plan\)](#).
2. **Article 2 Specific to Zones.** This Article establishes and defines the zones for the Code Area and specifies the allowed uses, permit requirements, and development standards for each zone.
3. **Article 3 Supplemental to Zone.** This Article establishes general, frontage, and civic space standards for the zones. This Article also defines the character of each frontage and civic space type. This Article also provides additional standards and requirements that apply to a specific use, subdivisions, and air quality mitigation measures.

4. **Article 4 Permits and Procedures.** This Article describes the permitting and processing procedures that apply to property within the boundaries of the Code Area.
5. **Article 5 Definitions.** This Article provides definitions of terms used in the Code. This Article supplements, and when in conflict, replaces the definitions in [Section 10-1.3500 \(Definitions\) of the Hayward Zoning Code](#).

1.1.050 Rules of Interpretation

- A. Provisions of this Code are activated by “shall” or “must” when required; “should” when recommended; and “may” when optional.
- B. Terms used throughout this Code are defined in [Article 5 \(Definitions\)](#). Terms not defined in [Article 5](#) shall be as defined in [Section 10-1.3500 \(Definitions\) of the Hayward Zoning Code](#). Terms not defined in [Article 5](#) or [Section 10-1.3500](#) shall be accorded their commonly accepted meanings.
- C. Diagrams and figures that accompany tables and text are considered examples, and are not regulatory. Diagrams may not be to scale.
- D. Where in conflict, numerical metrics shall take precedence over graphic metrics.
- E. 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.
- F. The Planning Director may make interpretations of this Code in compliance with [Hayward Zoning Code Section 10-1.120 \(Reviewing Authorities\)](#) and may refer any interpretation to the Planning Commission in compliance with [Hayward Zoning Code Section 10-1.2840 \(Administrative Referral\)](#).
- G. Any interpretation of this Code by the Planning Director may be appealed to the Planning Commission in compliance with [Section 10-1.2845 \(Appeal and Review Process\) of the Hayward Zoning Code](#).

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Article 2: Specific to Zones

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Division 2.1: Establishment of Zones

Sections

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2.1.010 Zones Established

This Article establishes the zones applied to property within the Code Area, adopts the Mission Boulevard Code Regulating Plan for the Code Area as its Zoning Map, and establishes standards applicable to zones.

2.1.020 Zoning Map

The City Council hereby adopts the Mission Boulevard Code Regulating Plan (hereafter referred to as the “Regulating Plan”), as shown in [Figure 1](#), as an amendment to the zoning district map authorized by [Municipal Code Section 10-1.3400 \(Amendments\)](#). The Regulating Plan acts as the Zoning Map for the Code Area.

Most of the Mission Boulevard Code area is designated as Priority Development Areas (PDA) per the Bay Area Regional Transportation Plan and Sustainable Communities Strategy which both encourage growth within compact, mixed-use, and walkable neighborhoods and districts that are located near Hayward’s job centers and regional transit facilities such as the Hayward BART and South Hayward BART stations. Along the Mission Boulevard corridor, there is significant variation in parcel sizes and topography. The northern portion of the Regulating Plan between Harder Road and Rose Street primarily comprises of parcels that are small and narrow that include existing single-family homes and single-story commercial structures may be limited in their development potential. The southern end of the Regulating Plan (south of Harder Road) consists of larger sites that may accommodate larger-scale developments. Per the Hayward 2040 General Plan, the Mission Boulevard Code area is expected to change and will include higher-density developments with 3-5 story structures contingent on geological conditions and site suitability. Developments within the Mission Boulevard Code area will decrease dependency on the automobile and allow more people to walk, bike, or take transit for commute and daily trips. This will help reduce automobile use, local and regional traffic congestion, and related greenhouse gas emissions.

2.1.020

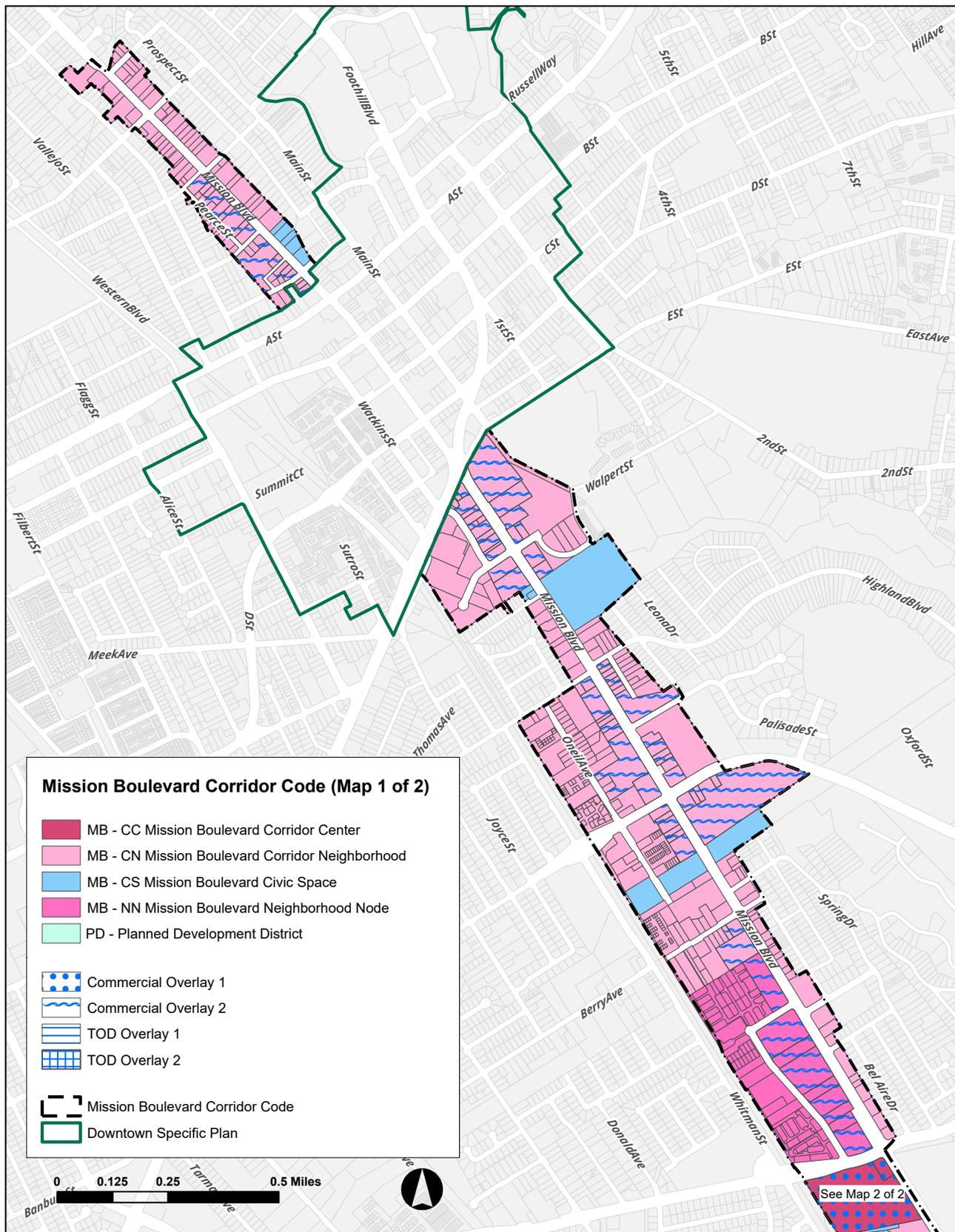


Figure 2.1.020.1A Mission Boulevard Code Regulating Plan

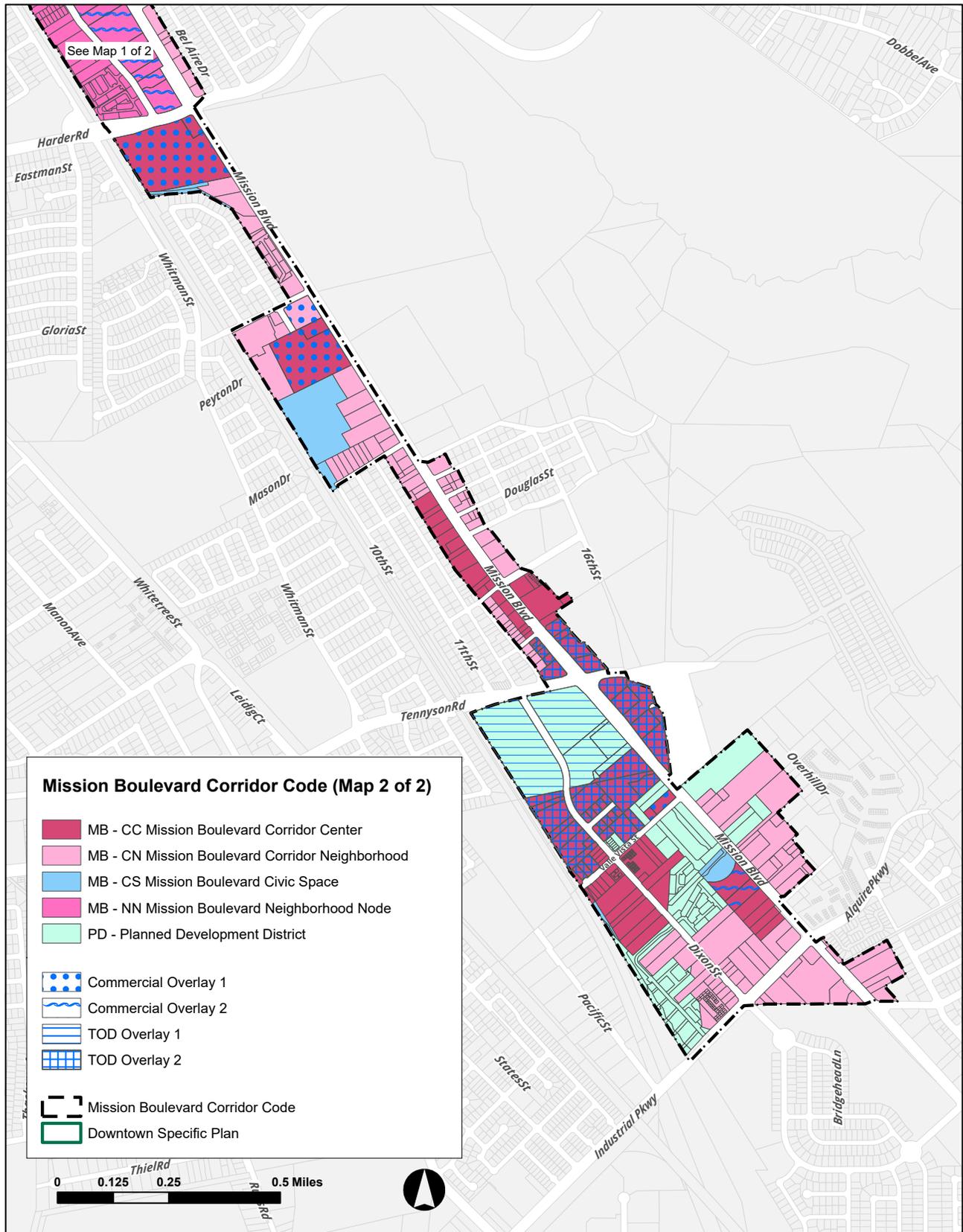


Figure 2.1.020.1B Mission Boulevard Code Regulating Plan

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Division 2.2: Mission Boulevard Corridor Zones

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2.2.010 Purpose

This Division establishes the zones applied to property within the Mission Boulevard Corridor Code Area and establishes standards applicable to zones.

2.2.020 Applicability

- A. The standards in this Division apply to all proposed land uses and development within Mission Boulevard Corridor Code Area.
- B. All applicable provisions of Chapter 10 (Planning, Zoning, and Subdivisions) of the Municipal Code that are not specifically replaced or identified as not applicable continue to apply, unless otherwise provided.
- C. If there is a conflict between the standards of this Division and the standards in another Division or Article of the Mission Boulevard Corridor Code or with the Municipal Code, the standards in this Division supersede the Municipal Code and Article 3 (Supplemental to Zones) supersedes this Division.

<p>Mission Boulevard - Corridor Neighborhood</p>	<p>Mission Boulevard - Neighborhood Node</p>	<p>Mission Boulevard - Corridor Center</p>
		
<p>Zone(s) Mission Boulevard - Corridor Neighborhood (MB-CN)</p>	<p>Zone(s) Mission Boulevard - Neighborhood Node (MB-NN)</p>	<p>Zone(s) Mission Boulevard - Corridor Center (MB-CC)</p>
<p>Intent A mixed-use neighborhood environment with moderate-intensity, medium-scale residential and non-residential uses compatible with surrounding neighborhoods, along a multi-modal corridor within short walking, biking, or bus distance of neighborhood serving retail and service uses.</p>	<p>Intent A vibrant, urban neighborhood-serving node supporting mixed-use infill development to provide a range of commercial, retail, entertainment, civic, and moderate intensity residential uses in a more compact urban setting.</p>	<p>Intent A transit-oriented mixed-use, urban center with high-intensity, residential and non-residential uses located within close proximity to BART, to facilitate access to BART by biking or walking.</p>

2.2.030 Overview of Mission Boulevard Corridor Zones

- A. The Mission Boulevard Corridor Zones are described in this Division, and each zone is established based on the intent of the desired physical form and character of particular environments. Other than the Mission Boulevard - Civic Space (MB-CS) Zone, the zones range in function and intensity from moderate intensity (Mission Boulevard - Corridor Neighborhood), to a higher intensity (Mission Boulevard - Corridor Center). The naming of these zones is based on an overall spectrum of context types from less urban to more urban along the Mission Boulevard Corridor.

1. **Mission Boulevard - Civic Space (MB-CS).** This zone is intended for the provision of public open space, civic buildings, and civic uses. When the MB-CS Zone is applied to privately owned property, the use and building existing at the time this Code comes into effect may continue until the site is redeveloped or becomes under public ownership. Allowed uses and permit requirements are as prescribed in Table 2.3.010.A: Allowed Uses and Permit Requirements. Buildings shall be designed and located in compliance with the standards of the MB-CN.

B. Overlay Zones

1. **TOD Overlays.** Properties within close proximity to public transit centers, including BART, as identified on the Mission Boulevard Code, are modified to allow for an increase in residential density and adjusted height regulations.
2. **Commercial Overlay #1.** Properties designated with a Commercial Overlay Zone 1 designation shall not be developed with residential units on the first or ground floor. Uses associated with the residential use, such as leasing office, community space, amenities, etc., are allowed on the ground floor. This requirement may be adjusted through the Major Site Plan Review Process.
3. **Commercial Overlay #2.** Properties designated with a Commercial Overlay Zone 2 designation shall not be developed with residential units along the primary street frontage unless permitted with a conditional use permit.

Mission Boulevard - Corridor Neighborhood

2.2.040 Mission Boulevard - Corridor Neighborhood (MB-CN)



A. Intent

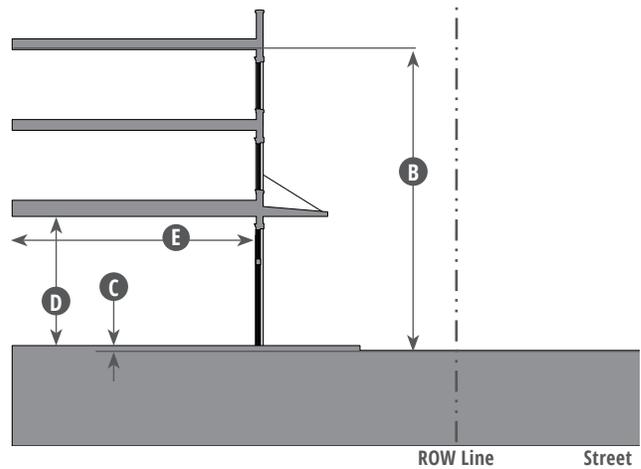
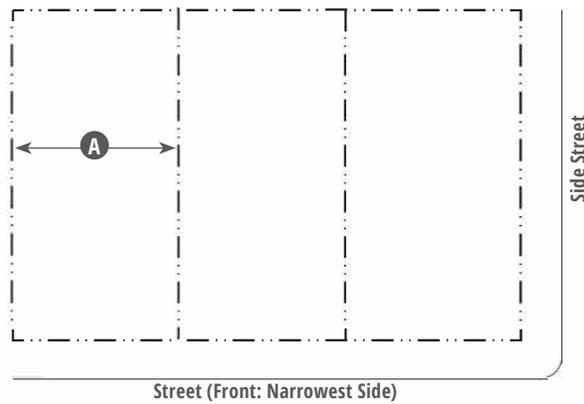
A mixed-use neighborhood environment with moderate-intensity, medium-scale residential and non-residential uses compatible with surrounding neighborhoods, along a multi-modal corridor within short walking, biking, or bus distance of neighborhood serving retail and service uses.

B. Density

Minimum ¹	17.5 du/ac
Maximum	35 du/ac
	55 du/ac South of A Street with Major Site Plan Review

General note: The image above is intended to provide a brief overview of this zone and is illustrative only.

¹ Reduction in minimum density allowed subject to Major Site Plan Review.



Key

--- ROW / Lot Line

C. Lot Occupation

Lot Width	18' min.	A
Lot Coverage	80% max.	
Landscaping	15% of lot area, min.	
Open Space	150 sf min. per unit ¹	

¹ Minimum 50 sf must be provided as private usable open space for minimum 50% of the units and minimum 50 sf per unit must be provided as common usable open space. The remaining open space requirement may be met by a combination of private or common usable open space.

Key

--- ROW Line

D. Building Form

Height		
Main Building		B
Stories- North of A Street	3 max.	
Stories- South of A Street	4 max., 5 max. with Major Site Plan Review	
Overall- South of A Street	57' max., 68' max. with Major Site Plan Review	

Accessory Structure(s)		
Stories	2 max.	

Ground Floor Finish Level		C
Residential	12" min. ¹	
Non-Residential	3' max.	

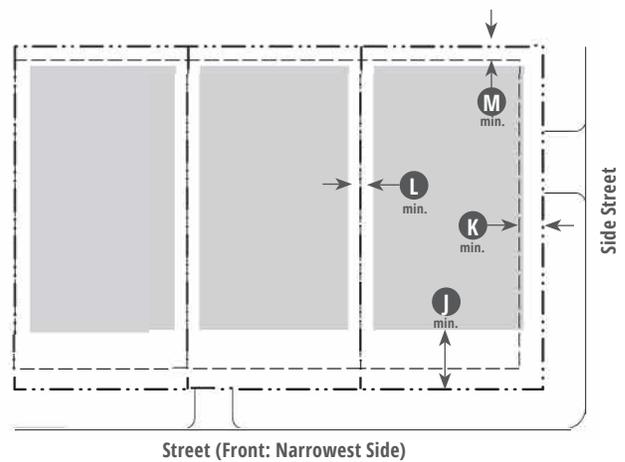
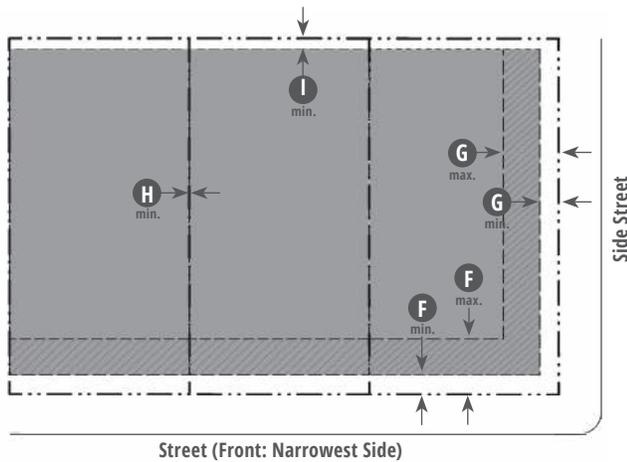
Ground Floor Ceiling		D
Non-Residential	14' min.	

Other		
Accessory Structure(s)		
Square Feet	440 max.	

Building Depth, Ground-Floor	30' min.	E
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¹ The ground floor finish level of buildings facing a public ROW must be 12 inches above grade, unless otherwise adjusted to comply with ADA.

Height limits do not apply to chimneys, architectural features, parapets, solar energy systems, or necessary mechanical equipment, provided that such features are limited to the minimum height necessary for their proper functioning.



Key

- - - - ROW / Lot Line
- - - - Building Setback Line
- Buildable Area
- ▨ Facade Zone

E. Building Placement

Setback (Distance from ROW / Lot Line)

Front (Facade Zone)		F
Main Building ^{1, 2}	6' min.; 24' max.	
Accessory Structure(s)	26' min.	
Street Side (Facade Zone)		G
Main Building ¹	6' min.; 24' max.	
Accessory Structure(s)	6' min.	
Side		H
Main Building	0' min.	
Accessory Structure(s)	0' min.	
Rear		I
Main Building and Accessory Structure(s)	3' min.	

¹ Or average front setback of adjacent lots, whichever is less. For corner lots, average of minimum required and front setback of adjacent lot, whichever is less.

² A larger setback may be required to accommodate required frontage or other planned improvements.

Building within Facade Zone (Percent of Net Lot Width)

Front ³	60% min.
Street Side	40% min.

³ Required only when facing a public ROW

Miscellaneous

Building facade must be parallel to ROW/Lot Line.

Minimum one primary pedestrian entrance from primary street located within front facade zone.

Key

- - - - ROW / Lot Line
- - - - Building Setback Line
- Parking Area

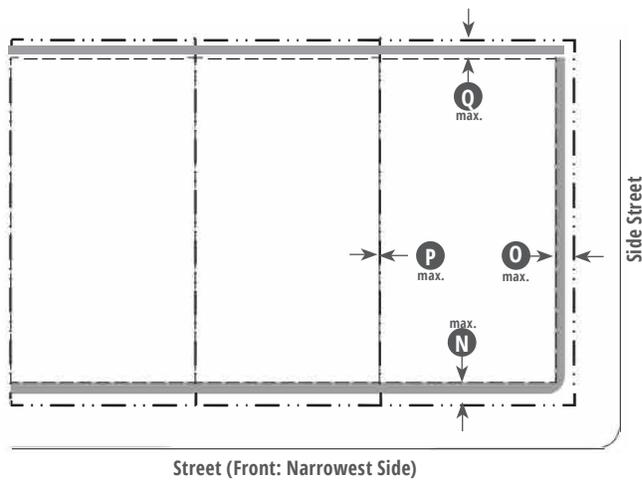
F. Parking and Driveways

Parking Requirements

See [Section 3.2.050 \(Parking and Loading\)](#)

Parking Location (Distance from ROW / Lot Line)

Front Setback	30' min.	J
Street Side Setback	5' min.	K
Side Setback	5' min.	L
Rear Setback	5' min.	M



Key

- - - - ROW / Lot Line
- Encroachment Area
- — — Building Setback Line

G. Projections into Required Yards

Encroachment Type	N	O	P	Q
	Front	St. Side	Side	Rear
Frontage ¹	3' max.	3' max.	—	—
Steps or Ramp to Building Entrance	4' max.	3' max.	—	—
Architectural Features	3' max.	3' max.	—	3' max.

Encroachments at grade are not allowed within a street ROW, alley ROW, or across a lot line.

¹ See Division 3.3 (Specific to Frontage Types) for further refinement of the allowed encroachments for frontage elements.

H. Frontages

Private Frontage Type	Front	St. Side	Standards
Front Yard	A	A	3.4.050
Porch: Projecting	A	A	3.4.060
Porch: Engaged	A	A	3.4.070
Stoop	A	A	3.4.080
Forecourt	A	A	3.4.090
Dooryard	A	A	3.4.100
Maker Shopfront	-	A	3.4.110
Shopfront	A	A	3.4.120
Terrace	A	A	3.4.130

Miscellaneous

Corner Lots must have private frontage located within the Front and Street Side Facade Zone as required in Subsection E.

First story facades for non-residential uses and common areas for residential, must provide minimum 30% glazing with clear glass. See Division 3.3 (Specific to Frontage Types) for further refinement of the glazing requirements by frontage type.

Key A = Allowed — = Not Allowed

Mission Boulevard - Neighborhood Node

2.2.050 Mission Boulevard - Neighborhood Node (MB-NN)



A. Intent

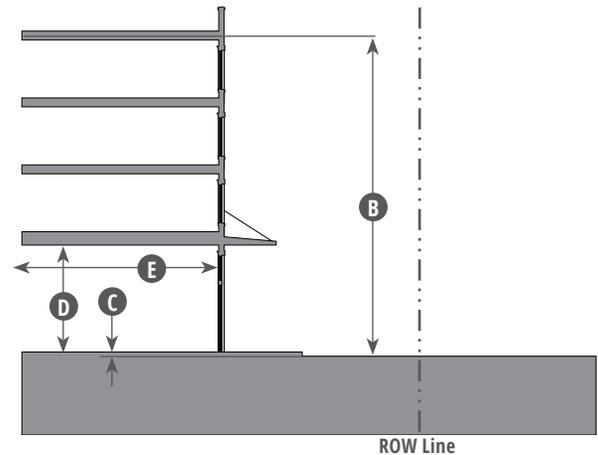
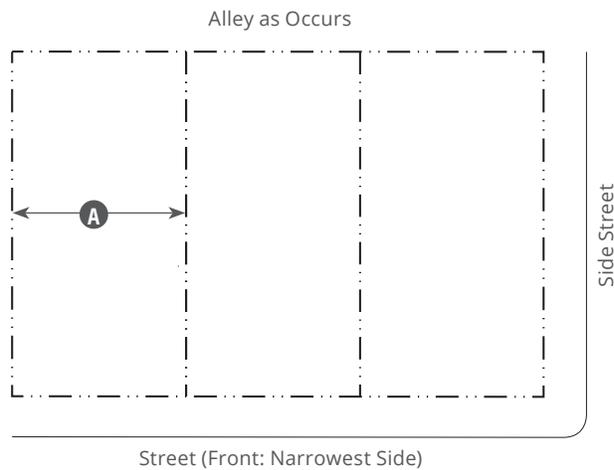
A vibrant, urban neighborhood-serving node supporting mixed-use infill development to provide a range of commercial, retail, entertainment, civic, and moderate intensity residential uses in a more compact urban setting.

B. Density

Minimum ¹	17.5 du/ac
Maximum	35 du/ac
	65 du/ac with Major Site Plan Review

General note: The image above is intended to provide a brief overview of this zone and is illustrative only.

¹ Reduction in minimum density allowed subject to Major Site Plan Review.



Key

--- ROW / Lot Line

C. Lot Occupation

Lot Width	18' min.	A
Lot Coverage	80% max.	
Landscaping	10% of lot area, min.	
Open Space	100 sf min. per unit ¹	

¹ Minimum 50 sf must be provided as private usable open space for minimum 50% of the units and minimum 50 sf per unit must be provided as common usable open space. The remaining open space requirement may be met by a combination of private or common usable open space.

Key

--- ROW Line

D. Building Form

Height		
Main Building		B
Stories	4 max., 5 max. with Major Site Plan Review	
Overall	57' max., 79 max. with Major Site Plan Review	

Accessory Structure(s)	
Stories	2 max.

Ground Floor Finish Level		C
Residential	12" min. ¹	
Non-Residential	3' max.	

Ground Floor Ceiling		D
Non-Residential	14' min.	

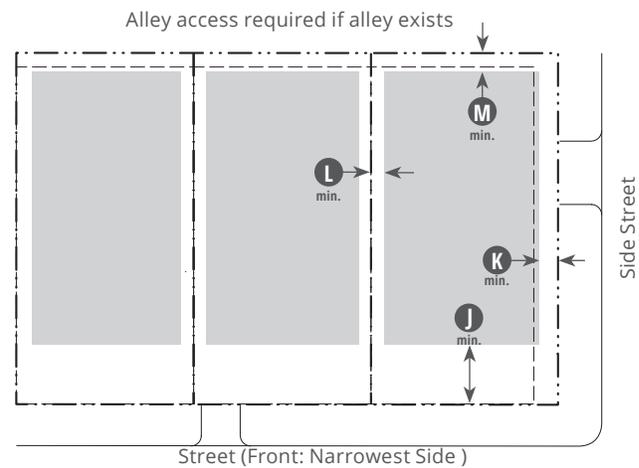
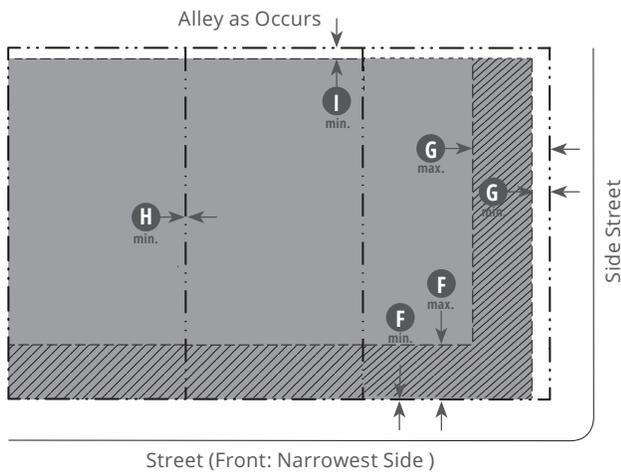
Other

Accessory Structure(s)	
Square Feet	440 max.

Building Depth, Ground-Floor	30' min.	E
-------------------------------------	----------	----------

¹ The ground floor finish level of buildings facing a public ROW must be 12 inches above grade, unless otherwise adjusted to comply with ADA.

Height limits do not apply to chimneys, architectural features, parapets, solar energy systems, or necessary mechanical equipment, provided that such features are limited to the minimum height necessary for their proper functioning.



Key

- - - - ROW / Lot Line
- - - - Building Setback Line
- █ Buildable Area
- ▨ Facade Zone

E. Building Placement

Setback (Distance from ROW / Lot Line)

Front (Facade Zone)		F
Main Building ^{1,2}	0' min.; 24' max.	
Accessory Structure(s)	20' min.	
Street Side (Facade Zone)		G
Main Building ¹	6' min.; 24' max.	
Accessory Structure(s)	6' min.	
Side		H
Main Building	0' min.	
Accessory Structure(s)	0' min.	
Rear		I
Main Building and Accessory Structure(s)	3' min.	

¹ Or average front setback of adjacent lots, whichever is less. For corner lots, average of minimum required and front setback of adjacent lot, whichever is less.

² A larger setback may be required to accommodate required frontage or other planned improvements.

Building within Facade Zone (Percent of Net Lot Width)

Front ³	60% min.
Street Side	40% min.

³ Required only when facing a public ROW

Miscellaneous

Building facade must be parallel to ROW/Lot Line.

Minimum one primary pedestrian entrance from primary street located within front facade zone.

Key

- - - - ROW / Lot Line
- - - - Building Setback Line
- █ Parking Area

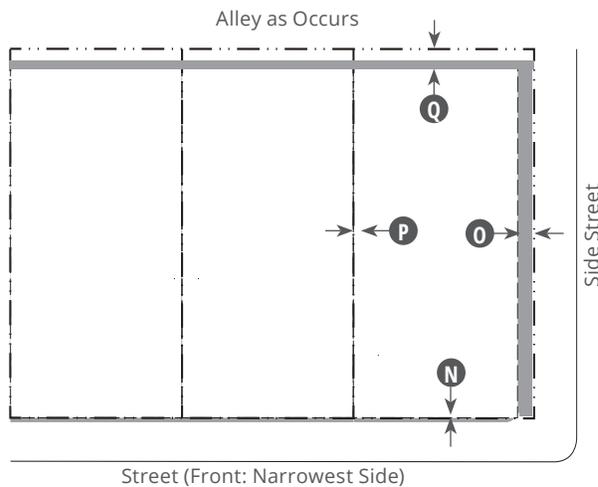
F. Parking and Driveways

Parking Requirements

See [Section 3.2.050 \(Parking and Loading\)](#)

Parking Location (Distance from ROW / Lot Line)

Front Setback	30' min.	J
Street Side Setback	5' min.	K
Side Setback	5' min.	L
Rear Setback	5' min.	M



Key

- ROW / Lot Line
- Building Setback Line
- Encroachment Area

G. Projections into Required Yards

Encroachment Type	N	O	P	Q
	Front	St. Side	Side	Rear
Frontage ¹	May encroach up to the property line		—	—
Steps or Ramp to Building Entrance	May encroach up to the property line		—	—
Architectural Features	3' max.	3' max.	—	3' max.

Encroachments at grade are not allowed within a street ROW, alley ROW, or across a lot line.

¹ See Division 3.3 (Specific to Frontage Types) for further refinement of the allowed encroachments for frontage elements.

H. Frontages

Private Frontage Type	Front	St. Side	Standards
Porch: Projecting	A ¹	A	3.4.060
Porch: Engaged	A ¹	A	3.4.070
Stoop	A ¹	A	3.4.080
Forecourt	A	A	3.4.090
Dooryard	A	A	3.4.100
Maker Shopfront	-	A	3.4.110
Shopfront	A	A	3.4.120
Terrace	A	A	3.4.130
Gallery	A	A	3.4.140

¹ Not allowed facing Mission Boulevard.

Miscellaneous

Corner Lots must have private frontage located within the Front and Street Side Facade Zone as required in Subsection E.

First story facades for non-residential uses and common areas for residential, must provide minimum 30% glazing with clear glass. See Division 3.3 (Specific to Frontage Types) for further refinement of the glazing requirements by frontage type.

Key A = Allowed — = Not Allowed

Mission Boulevard - Corridor Center

2.2.060 Mission Boulevard - Corridor Center (MB-CC)



A. Intent

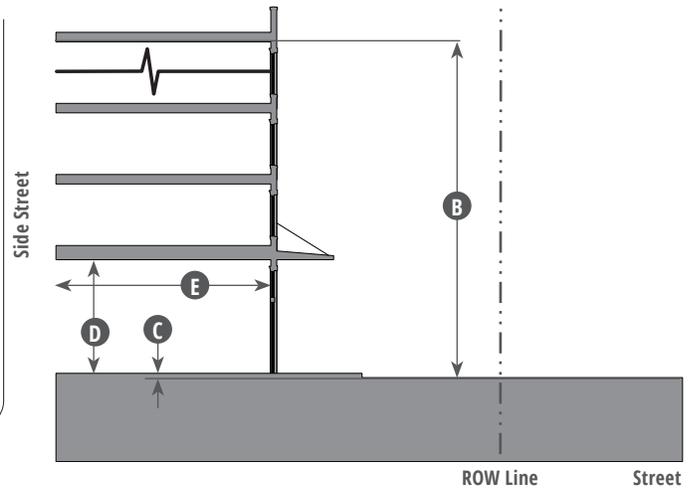
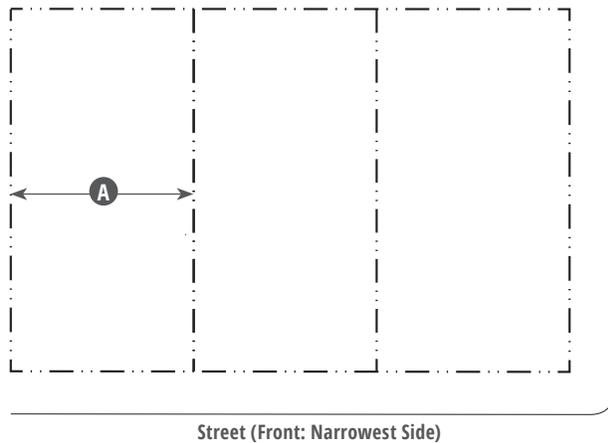
A transit-oriented mixed-use, urban center with high-intensity, residential and non-residential uses located within close proximity to BART, to facilitate access to BART by biking or walking.

B. Density

Minimum ¹	35 du/ac
TOD Overlay 1	75 du/ac
TOD Overlay 2	40 du/ac
Maximum	55 du/ac , 75 du/ac with Major Site Plan Review
TOD Overlay 1	100 du/ac
TOD Overlay 2	65 du/ac, 100 du/ac with Major Site Plan Review

General note: The image above is intended to provide a brief overview of this zone and is illustrative only.

¹ Reduction in minimum density allowed subject to Major Site Plan Review.



Key

--- ROW / Lot Line

C. Lot Occupation

Lot Width	18' min.	A
Lot Coverage	90% max.	
Landscaping	10% of lot area, min.	
Open Space	100 sf min. per unit ¹	

¹ Minimum 50 sf must be provided as private usable open space for minimum 50% of the units and minimum 50 sf per unit must be provided as common usable open space. The remaining open space requirement may be met by a combination of private or common usable open space.

Key

--- ROW Line

↖ Additional Stories in Place

D. Building Form

Height		B
Main Building	Stories	5 max., 6 max. with Major Site Plan Review
	Overall	68' max., 79' max. with Major Site Plan Review

Accessory Structure(s)	Stories	2 max.
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Ground Floor Finish Level		C
	Residential	12" min. ¹
	Non-Residential	3' max.

Ground Floor Ceiling		D
	Non-Residential	14' min.

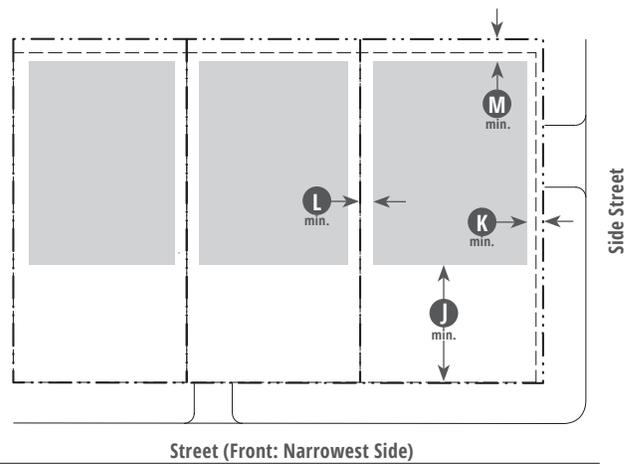
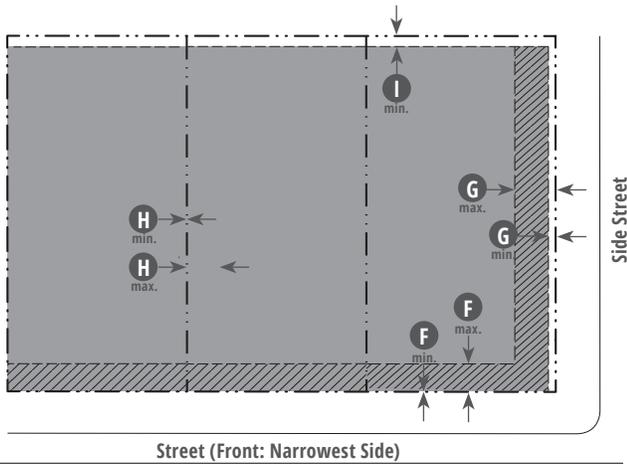
Other

Accessory Structure(s)	Square Feet	440 max.
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Building Depth, Ground-Floor		30' min.	E
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¹ The ground floor finish level of buildings facing a public ROW must be 12 inches above grade, unless otherwise adjusted to comply with ADA.

Height limits do not apply to chimneys, architectural features, parapets, solar energy systems, or necessary mechanical equipment, provided that such features are limited to the minimum height necessary for their proper functioning.



Street (Front: Narrowest Side)

Street (Front: Narrowest Side)

- Key**
- ROW / Lot Line
 - Building Setback Line
 - Buildable Area
 - ▨ Facade Zone

- Key**
- ROW / Lot Line
 - Building Setback Line
 - Parking Area

E. Building Placement

Setback (Distance from ROW / Lot Line)

Front (Facade Zone)		
Main Building ^{1,2}	0' min.; 12' max.	F
Accessory Structure(s)	Must be within 40' from rear lot line	

Street Side (Facade Zone)		
Main Building ¹	2' min.; 12' max.	G
Accessory Structure(s)	2' min.	

Side		
Main Building	0' min. 12' max.	H
Accessory Structure(s)	0' min.	

Rear		
Main Building and Accessory Structure(s)	3' min.	I

¹ Or average front setback of adjacent lots, whichever is less. For corner lots, average of minimum required and front setback of adjacent lot, whichever is less.

² A larger setback may be required to accommodate required frontage or other planned improvements.

Building within Facade Zone (Percent of Net Lot Width)

Front ³	80% min.
Street Side	60% min.

³ Required only when facing a public ROW. May be reduced as needed to comply with minimum fire access requirements.

E. Building Placement (continued)

Miscellaneous

Building facade must be parallel to ROW/Lot Line.
 Minimum one primary pedestrian entrance from primary street located within front facade zone.

F. Parking and Driveways

Parking Requirements

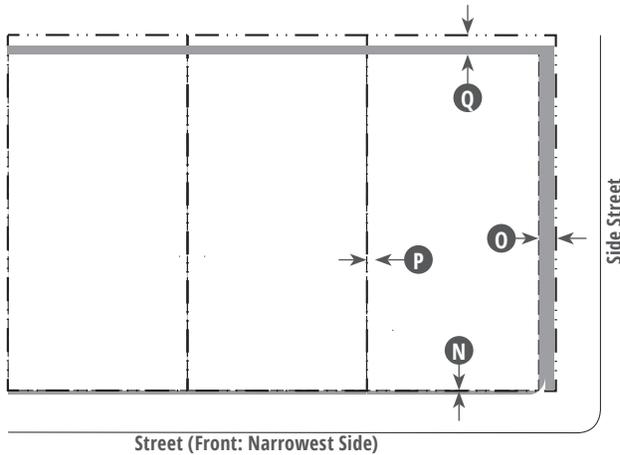
See [Section 3.2.050 \(Parking and Loading\)](#)

Parking Location (Distance from ROW / Lot Line)

Front Setback	40' min.	J
Street Side Setback	5' min.	K
Side Setback	5' min.	L
Rear Setback	5' min.	M

Miscellaneous

Pedestrian exits from all parking lots, garages, and Parking Structures shall be directly to a public ROW (i.e., not directly into a building) except underground levels which may be exited by pedestrians directly into a building.



Key

- ROW / Lot Line
- Building Setback Line
- Encroachment Area

G. Projections into Required Yards

Encroachment Type	N	O	P	Q
	Front	St. Side	Side	Rear
Frontage ¹	May encroach up to the property line		—	—
Steps or Ramp to Building Entrance	May encroach up to the property line		—	—
Architectural Features	3' max.	3' max.	—	3' max.

Encroachments at grade are not allowed within a street ROW, alley ROW, or across a lot line.

¹ See Division 3.3 (Specific to Frontage Types) for further refinement of the allowed encroachments for frontage elements.

H. Frontages

Private Frontage Type	Front	St. Side	Standards
Stoop	A	A	3.4.080
Forecourt	A	A	3.4.090
Dooryard	A	A	3.4.100
Maker Shopfront	-	A	3.4.110
Shopfront	A	A	3.4.120
Terrace	A	A	3.4.130
Gallery	A	A	3.4.140

Miscellaneous

Corner Lots must have private frontage located within the Front and Street Side Facade Zone as required in Subsection E.

First story facades for non-residential uses and common areas for residential, must provide minimum 30% glazing with clear glass. See Division 3.3 (Specific to Frontage Types) for further refinement of the glazing requirements by frontage type.

Key A = Allowed — = Not Allowed

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Division 2.3: Use Tables

Sections

2.3.010 Allowed Land Uses and Permit Requirements. 2-23

2.3.010 Allowed Land Uses and Permit Requirements

- A. Table 2.3.010.A (Allowed Uses and Permit Requirements), sets the land use regulations for the Mission Boulevard Corridor Zones by letter designation as follows unless a use or activity is prohibited or subject to a higher level of permit pursuant to other parts of this Code or other applicable regulations:
 - “P” designates permitted uses.
 - “A” designates uses that are permitted after review and approval of an Administrative Use Permit.
 - “C” designates uses that are permitted after review and approval of a Conditional Use Permit.
 - “P/C” designates uses that are permitted or permitted after review and approval of a Conditional Use Permit under certain circumstances.
 - “-” designates uses that are not allowed.
- B. A project which includes two or more categories of land use in the same building or on the same site is subject to the highest permit level required for any individual use or single component of the project.
- C. Land uses are defined in [Section 10-1.3500 \(Definitions\)](#), of the Hayward Zoning Code. In cases where a specific land use or activity is not defined, the Planning Director may make a determination in compliance with [Section 10-1.2835 \(District Uses Not Specified\)](#) of the Hayward Zoning Code.

Table 2.3.010.A: Allowed Uses and Permit Requirements					
Land Use	MB-CN	MB-NN	MB-CC	MB-CS ¹	Additional Regulations
Residential					
Emergency Homeless Shelter	P/C ^{2,3}	P/C ^{2,3}	-	-	Limited to parcels abutting Mission Boulevard
Live-Work	P/C ^{2,3}	P/C ^{2,3}	-	-	
Multiple Family Dwelling(s)	P/C ^{2,3}	P/C ^{2,3}	P/C ^{2,3}	-	
Single-Family Dwelling ⁴	P	P	P	-	
Single Room Occupancy (SRO)	-	-	C	-	
Townhouse Dwelling	P/C ^{2,3}	P/C ^{2,3}	P/C ^{2,3}	-	
Lodging					
Hotel	A	A	A	-	
Office					
Architectural Service, Drafting Service, Engineering Service	P	P	P	-	
Banks ⁵	P	P	P	-	

Table 2.3.010.A: Allowed Uses and Permit Requirements					
Land Use	MB-CN	MB-NN	MB-CC	MB-CS ¹	Additional Regulations
Financial Institutions ⁵	P	P	P	-	
Medical/Dental Laboratory	A	A	A	C	
Office	P	P	P	-	
Retail/Commercial					
Alcohol Sales	Refer to Section 10-1.2750 et seq. of the Hayward Zoning Code for Alcoholic Beverage Outlets Regulations				
Appliance Repair Shop	P	P	A	-	
Appliance Store	P	P	A	-	
Bar, Cocktail Lounge	C	C	C	-	
Carpet/Draper Store	P	P	A	-	
Check Cashing Store	-	-	-	-	
Convenience Market	P	P	P	-	If use includes alcohol sales, see also Section 10-1.2750 et seq. of the Hayward Zoning Code for Alcoholic Beverage Outlets Regulations
Copying or Reproduction Facility	P	P	P	-	
Equipment Rental Service	A	A	A	-	
Furniture Store	P	P	A	-	
Health Club	A	A	A	C	
Kennel	A	A	A	-	
Large Motion Picture Theater	C	C	C	C	
Liquor Store	-	-	-	-	
Live Performance Theater	A	A	A	A	
Massage Parlor	-	-	-	-	
Media Production	A	A	P	-	
Newspaper Printing Facility	A	A	P	-	
Nursery (Plants)	P	P	P	-	
Pawn Shop	-	-	-	-	
Payday Loan Facilities	-	-	-	-	
Personal Services	P	P	P	-	
Physical Fitness Studio	P	P	P	C	
Publishing Facility	A	A	P	-	
Recreational Facility	A	A	A	C	
Small Recycling Collection Facilities/Recycling Collection Area	A	A	A	-	See Hayward Zoning Code Subsection 10-1.2735.j, Small Recycling Collection Facilities and Unattended Collection Boxes

Table 2.3.010.A: Allowed Uses and Permit Requirements					
Land Use	MB-CN	MB-NN	MB-CC	MB-CS¹	Additional Regulations
Restaurant, Including Micro-Breweries as accessory to the Restaurant and standalone Catering Facilities.	P	P	P	-	See Hayward Zoning Code Section 10-1.2750 et seq. for alcohol regulations See Section 3.4.040.F.4 and 5 for outdoor seating requirements
Retail	P	P	P	C	
Small Motion Picture Theater	A	A	A	C	
Tattoo Parlor	-	-	-	-	
Tobacco Retail Sales Establishment	-	-	-	-	
Civic					
Cultural or Meeting Facilities	A	A	A	C	
Public Park/Public Gathering	P	P	P	P	
Parking Lots and Structures	A	A	A	C	
Public Agency Facilities	P	P	P	P	
Religious Facility	A	A	A	C	
Other: Agriculture					
Community Garden	P	P	P	P	
Other: Automotive					
Automobile Repair (Minor)	A	A	A	-	
Automobile Repair (Major)	C	C	C	-	
Automobile Sales ⁶	P/C	P/C	P/C	-	
Drive-In Establishment	C	C	C	-	
Automobile Service Station	C	C	C	-	
Taxi Company	A	A	A	-	
Other: Civil Support					
Hospital	A	A	A	C	
Mortuary	A	A	A	C	
Other: Education					
Day Care Center	P	P	P	C	
Day Care Home	P	P	-	-	
Educational Facilities ≤ 2,000 GFA	P	P	P	C	
Educational Facilities > 2,000 GFA	A	A	A	C	
Industrial/Vocational Trade School	A	A	A	C	
Other: Light Industrial					
Micro-Brewery	C	C	C	-	See Hayward Zoning Code Section 10-1.2750 et seq. for alcohol regulations
Custom Manufacturing	P	P	P	-	

Table 2.3.010.A: Allowed Uses and Permit Requirements					
Land Use	MB-CN	MB-NN	MB-CC	MB-CS ¹	Additional Regulations
Distillery	C	C	C	-	See Hayward Zoning Code Section 10-1.2750 et seq. for alcohol regulations
Light Manufacturing	AUP	AUP	-	-	
Research and Development	P	P	-	-	
Other Use					
Animal Hospital	A	A	A	-	
Commercial Amusement Facility	A	A	A	-	
Food Vendor	P	P	P	-	See Hayward Zoning Code Subsection 10-1.2735.m, Food Vendor Permit
Temporary Uses	See Section 3.5.020, Temporary Uses				
Specific Limitations:					
<ol style="list-style-type: none"> 1. When the MB-CS Zone is applied to privately owned property, the use and building existing at the time this Code comes into effect may continue until the site is redeveloped or becomes under public ownership. 2. For properties located within Commercial Overlay Zone 1, as shown in the Regulating Plan, commercial uses are required on the ground floor along roadway frontages. Uses associated with the residential use, such as leasing office, community space, amenities, etc., are allowed on the ground floor. 3. For properties located within Commercial Overlay Zone 2, as shown in the Regulating Plan, residential units are only allowed along the primary street frontage with a conditional use permit. 4. Single-family dwelling permitted if the lot/parcel has an existing, permitted single-family dwelling that was constructed prior to the effective date of this Code. No new detached single-family dwellings are allowed. 5. Does not include check cashing, pay loans, or auto title loans. 6. An Administrative Use Permit is required for automobile sales uses south of Harder Road. 					

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Division 3.1 Purpose and Intent

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3.1.010 Purpose and Intent

This Article sets forth supplemental standards for the development of each frontage type, civic space type, and related general standards within zones. These standards supplement the standards for each zone.

3.1.020 Applicability

- A. The standards in this Article apply to all proposed development within Mission Boulevard Corridor Code Area and must be considered in combination with the standards for the applicable zone in [Division 2.2 \(Mission Boulevard Corridor Zones\)](#).
- B. In the event of any conflict between the standards of this Article and the standards in another Article of this Chapter or any standard in the Municipal Code, the standards in this Article supersede, unless stated otherwise.

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Division 3.2: General Standards

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3.2.010 Architectural Standards

- A. **Facade Articulation.** Projects shall be designed consistent with the following design objectives:
1. Street facing elevations shall be articulated through variation in wall plane, variation in wall height, and roofs located at different levels in order to enhance visual interest of the elevation.
 2. Massing elements shall be properly scaled and in proportion to one another in order to provide a balance between horizontal and vertical emphasis.
 3. Minimize blank wall planes on all elevations through the use of wall plane variation, trim or reveals, entry and window openings, and/or varying colors and materials.
- B. **Materials.**
1. Building wall materials may be horizontally combined on each facade with the visually heavier/denser material located below the lighter material.
 2. Galleries, balconies, and porches shall be of a material compatible with the architectural materials of the main building.
- C. **Openings.** All openings, including porches, galleries, and windows, with the exception of shopfronts, shall be square or vertical in proportion.
- D. **Roofs.** 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.

3.2.020 Mechanical and Electrical Equipment

All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings so as not to be visible from public rights-of-way. Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, emergency generators, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials shall be consistent with the exterior colors and materials of the building. Exceptions may be granted by the Planning Director or other approving authority where screening is infeasible due to existing development or health and safety or utility requirements.

3.2.030 Exterior and Parking Lot Lighting

- A. Exterior lighting and parking lot lighting shall be provided 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.
- B. **Safety and Security.** Common areas, parking lots, entries, and areas adjacent to walkways, bike paths, and other connections shall be well lit and provide for visual surveillance, especially at points of entry. Avoid dense hedges, dark corners, and other elements or site layouts that can obstruct visibility or result single point of entry and exit.

3.2.040 Fences and Walls

- A. **Height.** Fences 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 front or street side setback, 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 or wall is permitted.
- B. **Materials.**
 - 1. Fences and walls in the front and street side setbacks shall be painted, mural-covered, vine-covered, or of a high-quality or decorative material compatible with the architectural materials of the main building.
 - 2. Anti-graffiti coating shall be required for all solid walls, decorative or otherwise, unless covered with a mural or vines.
 - 3. Other fences may be of wood board or decorative metal.
 - 4. Barb wire, razor wire, or electric fences are prohibited.
 - 5. Fences and walls above 3 feet are prohibited in the Vision Triangle area.
- C. **Fence Types.** [Table A \(Fences and Walls by Zone\)](#) shows five common types of fences and walls and their appropriateness within the Mission Boulevard Corridor Zones. Only these fences and wall types shall be used in any portion of a front or side yard unless an alternative type, complementary to the design and character of the development, is approved by the Planning Director.

Fence Type	MB-CN	MB-NN	MB-CC	Notes
Chain Link Fence	X	X	X	Allowed only within side and rear yard areas that do not front private driveways or public roadways.
Wood Picket Fence	X	X	-	
Iron Picket Fence	X	X	X	
Metal Fence on Concrete Base	X	X	X	The concrete base should be 18"-36" in height.
Brick and Iron Fence	X	X	X	Although brick only is named, other materials such as stone, slate, etc. are also acceptable, with a tie-in to the building material
Brick Wall	X	X	X	

3.2.050 Parking and loading

The parking and loading provisions of Article 2 (Off-Street Parking Regulations) of the Hayward Zoning Code apply except as provided below.

A. Required Ratio of Parking Spaces.

1. There is no requirement for a minimum number of off-street automobile parking spaces.
2. There is a maximum of two (2) off-street parking spaces per residential unit allowed except within one-half mile of the Hayward and South Hayward BART Stations where there is a maximum of one (1) off-street automobile parking space per residential unit allowed. The Review Authority may approve additional residential parking after making all the following findings:
 - a. The request is consistent with the goals and policies of the Hayward General Plan, the Mission Boulevard Form Based Code; and any other adopted policies related to parking and the multi-modal network.
 - b. The request is supported by a quantitative justification from the applicant that the demand for the additional parking spaces exists and providing additional parking spaces is warranted; and
 - c. The additional parking will not impede bicycle and pedestrian circulation and safety.

B. Tandem Parking.

1. Tandem parking may be provided for residential uses when spaces are assigned to the same dwelling unit.
2. Tandem Parking may be provided for nonresidential uses when a valet/attendant is on duty during the hours when the business is open.

- C. **Landscaped Planter.** A landscaped planter at least five feet wide shall be provided between any surface parking area and any property line for the length of the parking area.

D. **Bicycle Parking.** 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) and the following.

1. **Bicycle Parking Requirements.** Table D, **Bicycle Parking Requirements**, lists the amount of short-term and long-term bicycle parking to be provided.

Table 3.2.050.B: Bicycle Parking Requirements			
Use Type	MB-CN	MB-NN	MB-CC
Short-Term Parking			
Residential	1 space per 10 units, minimum 2 spaces	1 space per 10 units, minimum 2 spaces	1 space per 10 units, minimum 2 spaces
Office	1 space per 15,000 square feet, minimum 2 spaces	1 space per 15,000 square feet, minimum 2 spaces	1 space per 15,000 square feet, minimum 2 spaces
Retail	1 space per 5,000 square feet, minimum 2 spaces	1 space per 5,000 square feet, minimum 2 spaces	1 space per 5,000 square feet, minimum 2 spaces
Civic, Non-Assembly	1 space per 15,000 square feet, minimum 2 spaces	1 space per 15,000 square feet, minimum 2 spaces	1 space per 15,000 square feet, minimum 2 spaces
Civic, Assembly	1 space per 15,000 square feet, minimum 2 spaces	1 space per 15,000 square feet, minimum 2 spaces	1 space per 15,000 square feet, minimum 2 spaces
School, University	1 space per 10 students, minimum 2 spaces	1 space per 10 students, minimum 2 spaces	1 space per 20 students, minimum 2 spaces
Long-Term Parking			
Residential	1 space per 4 units, minimum 2 spaces	1 space per 4 units, minimum 2 spaces	1 space per 4 units, minimum 2 spaces
Office	1 space per 10,000 square feet, minimum 2 spaces	1 space per 10,000 square feet, minimum 2 spaces	1 space per 10,000 square feet, minimum 2 spaces
Retail	1 space per 10,000 square feet, minimum 2 spaces	1 space per 10,000 square feet, minimum 2 spaces	1 space per 10,000 square feet, minimum 2 spaces
Civic, Non-Assembly	1 space per 15 employees, minimum 2 spaces	1 space per 15 employees, minimum 2 spaces	1 space per 15 employees, minimum 2 spaces
Civic, Assembly	1 space per 15 employees, minimum 2 spaces	1 space per 15 employees, minimum 2 spaces	1 space per 15 employees, minimum 2 spaces
School, University	1 space per 10 students, minimum 2 spaces	1 space per 10 students, minimum 2 spaces	1 space per 10 students, minimum 2 spaces

2. **Bicycle Parking Standards.** Bicycle spaces must be provided in compliance with the following standards:
 - a. Long-term bicycle parking must consist of one of the following:
 - (i) Covered, lockable enclosures with permanently anchored racks for bicycles;
 - (ii) Lockable bicycle rooms with permanently anchored racks;
 - (iii) Lockable, permanently anchored bicycle lockers; or

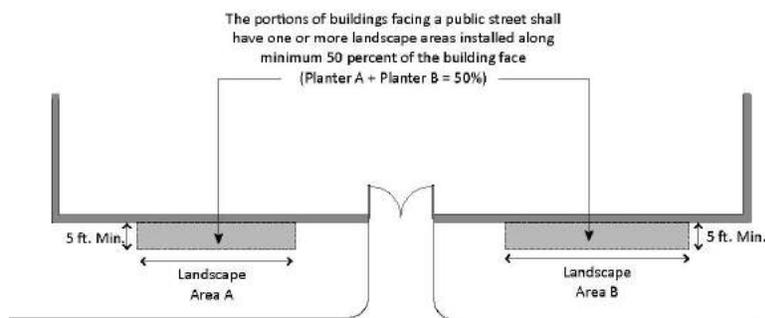
- (iv) For residential uses, private garages or other private, lockable storage space accessible from the outside.
 - (v) Lockable enclosure shall be located in compliance with CPTED principles.
 - b. Short-term bicycle parking must include racks to which the bicycle can be locked;
 - c. Lockers and racks must be securely anchored to the pavement or a structure;
 - d. Racks must be designed and installed to allow two points of contact with the frame and allow the frame and one or both wheels to be secured;
 - e. Areas containing bicycle spaces must be surfaced with impervious surfaces such as concrete or pavers. Pervious pavements or gravel may be used where appropriate as determined by the Planning Director or City Engineer;
 - f. When located within a parking area, curbs, fences, planter areas, bumpers, or similar barriers must be installed and maintained for the mutual protection of bikes, motor vehicles and pedestrians, unless determined by the Planning Director to be unnecessary; and
 - g. Bicycle parking must be placed in a convenient, highly-visible, active, and well-lit location within 100 feet of the entrance of the use the bicycle parking is serving. At the discretion of the Planning Director, required bicycle parking may be provided within the public right-of-way.
3. **Bicycle Parking Space Dimensions.** All bicycle parking racks must meet the following minimum dimensions:
- a. Each bicycle parking space must include a minimum area of 72 inches in length and 24 inches in width that is clear of obstructions;
 - b. No part of the rack may be located closer than 30 inches to a wall or other obstruction;
 - c. The front or back of the rack must be located no less than 48 inches from a sidewalk or pedestrian way; and
 - d. A minimum of 30 inches must be provided between adjoining racks.
4. **Bicycle Parking Modifications.** If providing required bicycle parking spaces on-site is infeasible due to space or site specific constraints, the Planning Director may allow placement of bicycle parking off-site at a nearby location, which may include the public right-of-way.
5. **Location.** Bicycle racks and/or bicycle lockers shall be adjacent to building entries where they are clearly visible in order to enhance safety and security.

3.2.060 Landscaping

A. MB-CN and MB-NN Zones.

- 1. All setbacks shall be landscaped except for permitted driveways and walkways.
- 2. A minimum of one tree per 30 feet of frontage shall be planted within the front setback, (e.g. A lot with 120 feet of frontage requires 4 trees total). Trees should be a single species to match the species of street trees along the project frontage.

Portions of buildings facing a public street shall have one or more landscaped areas with a minimum five-foot-wide landscaped area along a minimum 50 percent of the building face.



- B. **MB-CC Zone.** All setbacks shall be landscaped except for permitted driveways, walkways, or areas paved to match the pavement of the adjacent public frontage.

3.2.070 Air Quality Mitigation Measures

- A. **Applicability.** The provisions of this Section apply to development within 500 feet of Mission Boulevard, Jackson Street, or any stationary source which exceeds the applicable BAAQMD individual source or cumulative threshold.
- B. **Requirements.** All development projects that will be occupied by sensitive receptors shall incorporate indoor and outdoor air quality features pursuant to subsections C, Indoor Air Quality, and D, Outdoor Air Quality, below, or prepare a Health Risk Assessment (HRA) pursuant to subsection C.
1. 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 may include, but are not limited to, houses, apartments, and senior living complexes. Medical facilities may include, but are not limited to, hospitals, convalescent homes, and health clinics. Playgrounds may be, but are not limited to, play areas associated with parks or community centers.
- C. **Indoor Air Quality.**
1. 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.
 2. 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.

3. 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.

D. Outdoor Air Quality. To the maximum extent practicable, individual and common exterior open space, 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.

E. Health Risk Assessment. As an alternative to the indoor and outdoor air quality requirements established in subsections A and B above, a Health Risk Assessment (HRA) may be prepared by a qualified air quality consultant in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements.

1. The HRA shall demonstrate that indoor and outdoor air quality can be maintained within currently applicable health risk standards of the Bay Area Air Quality Management District.
2. The HRA shall be submitted to the Development Services Department for review and approval. The Development Services Department may require, at the applicant's sole expense, an independent review of the HRA by a qualified consultant.
3. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then air quality mitigation measures are not required.
4. The applicant shall implement the approved HRA recommendations, if any.

3.2.080 Visitability Standards

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.

3.2.090 Sustainability Plan

All applications for new development or redevelopment of a site in the Code Area shall include a Sustainability Plan that incorporates best practices of sustainability for the proposed operations and site-specific improvements. The Plan may include, but not limited to, recommendations for energy conservation and efficiency, green infrastructure, water conservation, reductions in air emissions, use of toxic materials, and recycling.

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Division 3.3 Specific to Frontage Types

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3.3.010 Purpose

This Division sets forth the standards for each private frontage within the Mission Boulevard Corridor Code Area. Private frontages are the components of a building that provide an important transition and interface between the public realm (street and sidewalk) and the private realm (yard or building). These standards supplement the standards for each zone in which the frontage types are allowed and are intended to ensure development that establishes the character and scale of Mission Boulevard and the adjacent walkable neighborhoods.

3.3.020 Applicability

The standards in this Division apply to all proposed development and renovations along front and street side facades within the Mission Boulevard Corridor Code Area, and must be considered in combination with the standards for the applicable zone and in the rest of this Article.

3.3.030 Overview

Table A (Frontage Types Overview) provides a list of the allowed frontage types by zone. The names of the frontage types indicate their particular configuration or function and are not intended to limit uses within the associated building. For example, a porch may be used by non-residential uses such as a restaurant or office as allowed by the zone.

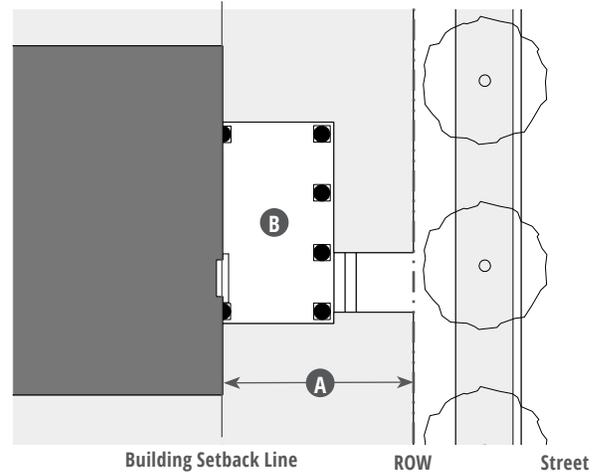
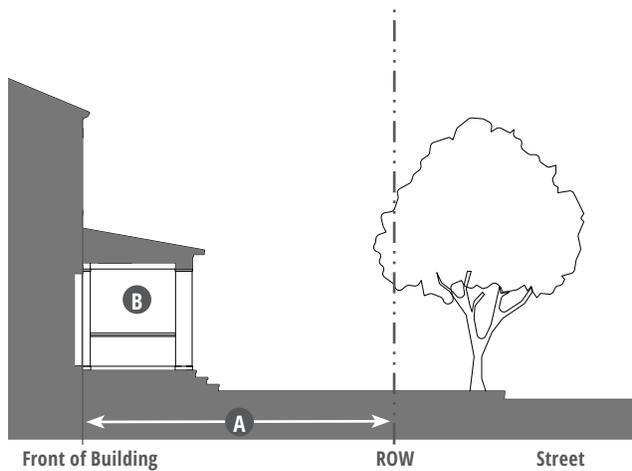
FRONTAGE TYPE	SECTION	ZONES		
Front Yard	3.3.050	MB-CN	MB-NN	MB-CC
Porch: Projecting	3.3.060	MB-CN	MB-NN	MB-CC
Porch: Engaged	3.3.070	MB-CN	MB-NN	MB-CC
Stoop	3.3.080	MB-CN	MB-NN	MB-CC
Forecourt	3.3.090	MB-CN	MB-NN	MB-CC
Dooryard	3.3.100	MB-CN	MB-NN	MB-CC
Maker Shopfront	3.3.110	MB-CN	MB-NN	MB-CC
Shopfront	3.3.120	MB-CN	MB-NN	MB-CC
Terrace	3.3.130	MB-CN	MB-NN	MB-CC
Gallery	3.3.140	MB-CN	MB-NN	MB-CC

Key Z=Zone **Z** Allowed **Z** Not Allowed

3.3.040 General to Private Frontages

- Each building must have at least one frontage type for each street frontage.
- Each building may have multiple frontage types in compliance with the allowed types in the zone.
- Frontage types not listed in the applicable zone standards are not allowed in that zone.

3.3.050 Front Yard



Key

---- ROW / Lot Line ——— Building Setback Line

A. Description

The main facade of the building has a planted setback from the frontage line providing a buffer from the street. The yard may be fenced or unfenced to be visually continuous with adjacent yards, supporting a landscape that generates an open and green streetscape.

MB-CN

MB-NN

MB-CC

B. Size/Dimensions

Depth must comply with Subsection E (Building Placement) of the Zone standards. A

C. Miscellaneous

Fences are allowed between front yards or between the sidewalk and front yard.

Front Yard Frontage may be combined with Porch (see Sections 3.3.060 and 3.3.070) or Stoop (see Section 3.3.080). The Front Yard frontage type standards control in case of conflict. B



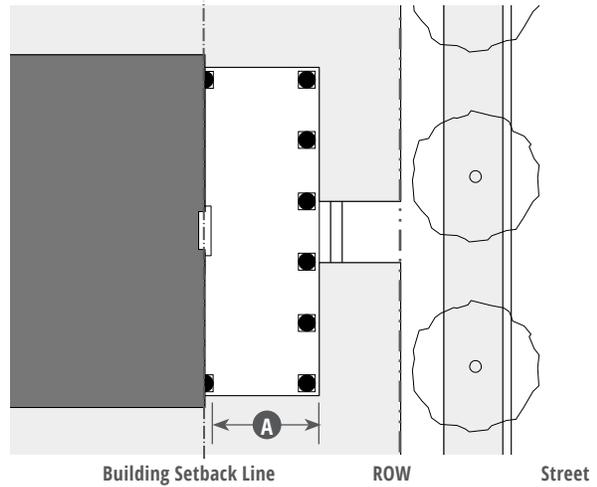
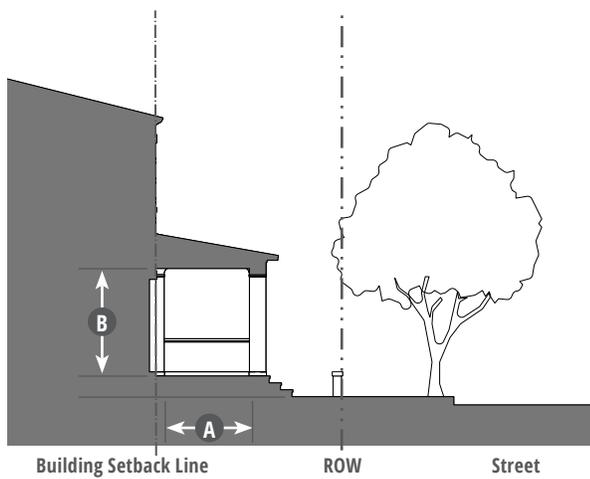
Front yard with landscaping



Small Front Yard with landscaping to help accent and define the space.

General Note: Photos on this page are illustrative, not regulatory.

3.3.060 Porch: Projecting



Key

---- ROW / Lot Line - - - - Building Setback Line

A. Description

The main facade of the building is setback from the frontage line. The resulting front yard is typically small and can be defined by a fence or hedge to spatially maintain the edge of the street. The porch is open on three sides and all habitable space is located behind the building setback line.

MB-CN MB-NN MB-CC

B. Size/Dimensions

Depth, Clear	8' min.	A
Height, Clear	8' min.	B

C. Miscellaneous

Projecting porches must be open on three sides and have a roof.

A porch can encroach into the required setback.



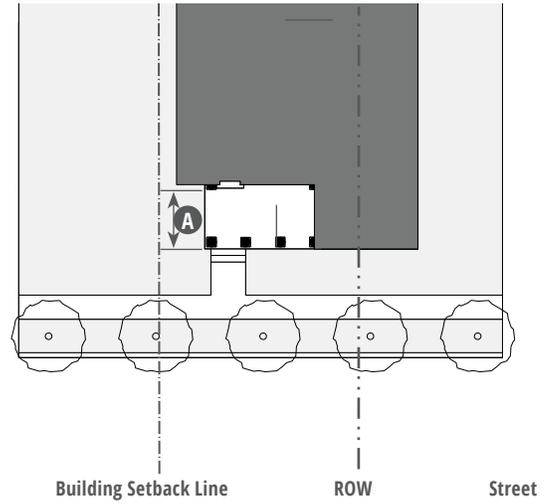
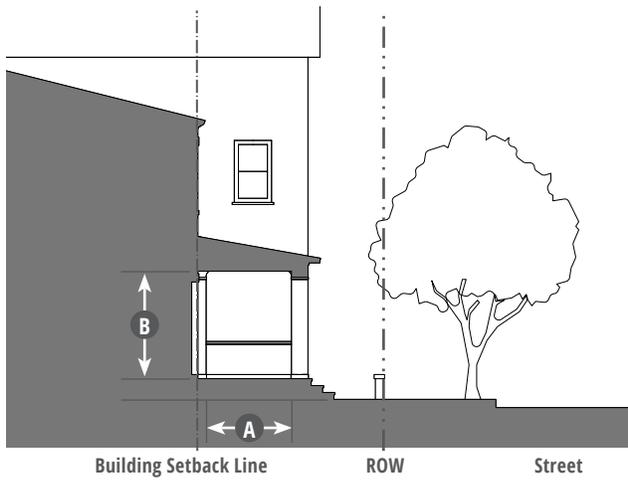
A projecting porch for a house form commercial use. .



A projecting porch on the front facade that creates a nice seating space.

General Note: Photos on this page are illustrative, not regulatory.

3.3.070 Porch: Engaged



Key

---- ROW / Lot Line - - - - Building Setback Line

A. Description

The main facade of the building is setback from the frontage line. The resulting yard is typically small and can be defined by a fence or hedge to spatially maintain the edge of the street. The porch has two adjacent sides that are engaged to the building while the other two sides are open.

MB-CN **MB-NN** **MB-CC**

B. Size/Dimensions

Depth, Clear	8' min.	A
Height, Clear	8' min.	B

C. Miscellaneous

Engaged porches must be open on two sides and have a roof.

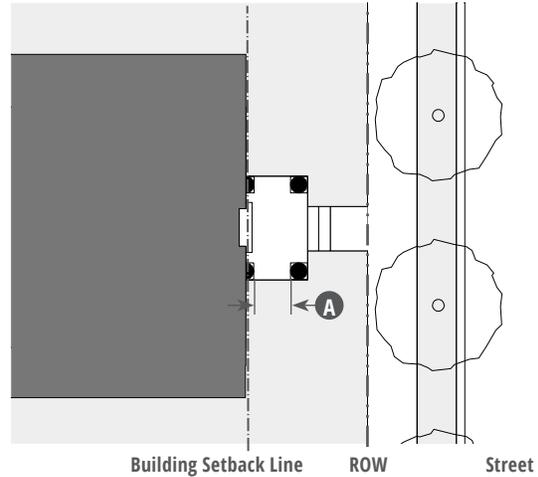
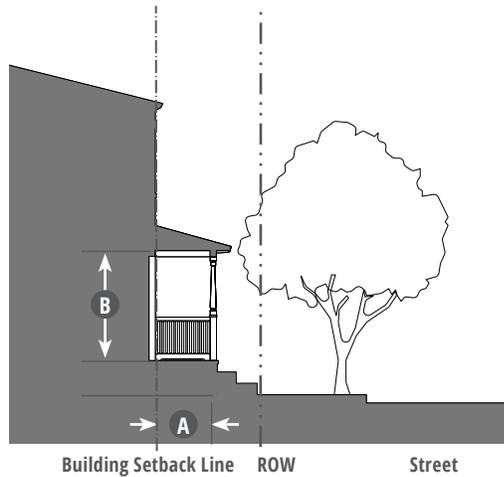
A porch can encroach into the required setback.



Engaged porch to second floor.

General Note: Photos on this page are illustrative, not regulatory.

3.3.080 Stoop



Key

----- ROW / Lot Line - - - - - Building Setback Line

A. Description

The main facade of the building is near the frontage line and the stoop engages the first floor with the sidewalk. The stoop is elevated above the sidewalk to provide privacy along the sidewalk-facing rooms. Stairs or ramps from the stoop may lead directly to the sidewalk or may be side-accessed. The stoop is appropriate for residential ground floor uses.

MB-CN MB-NN MB-CC

B. Size/Dimensions

Depth, Clear	5' min.	A
Height, Clear	8' min.	B

C. Miscellaneous

Stairs may be perpendicular or parallel to the building facade.

Entry doors are covered or recessed to provide shelter from the elements.

All entry doors must face the street.



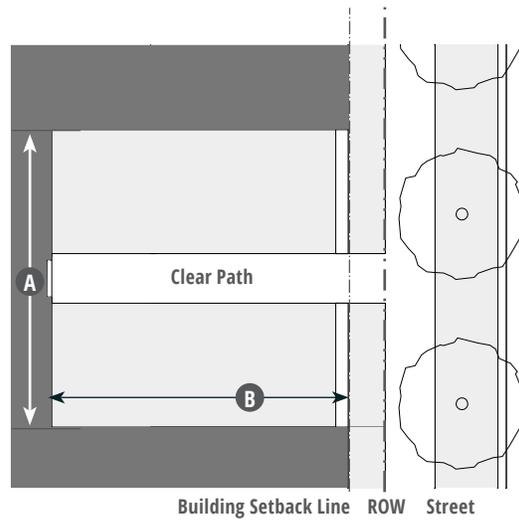
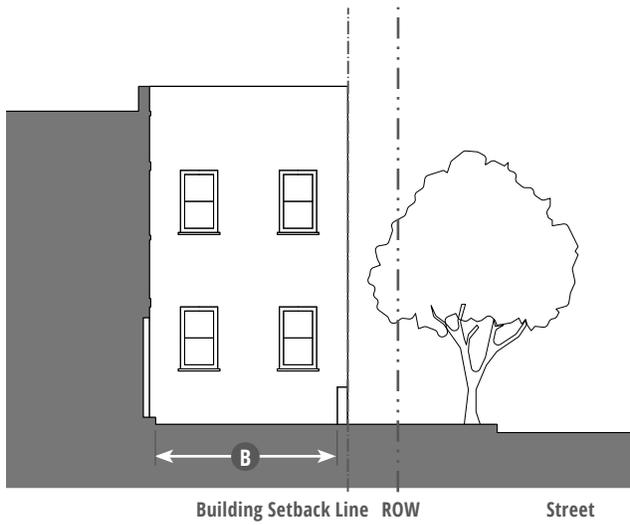
Stoops define the entries to this Rowhouse building while elevating the ground floor from the street level.



Stoop with paired entries to dwelling portion of Live/Work units.

General Note: Photos on this page are illustrative, not regulatory.

3.3.090 Forecourt



Key

---- ROW / Lot Line - - - - Building Setback Line

A. Description

The main facade of the building is at or near the frontage line and a small portion of the building is set back, creating a small court and extending the public realm into the lot. The space may be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area within retail and service areas.

MB-CN MB-NN MB-CC

B. Size/Dimensions

Width, Clear 12' min. **A**

Depth, Clear 12' min. **B**

C. Miscellaneous

This type may be allocated in conjunction with other Frontage types

Forecourt may be utilized to group entries at a common elevation.



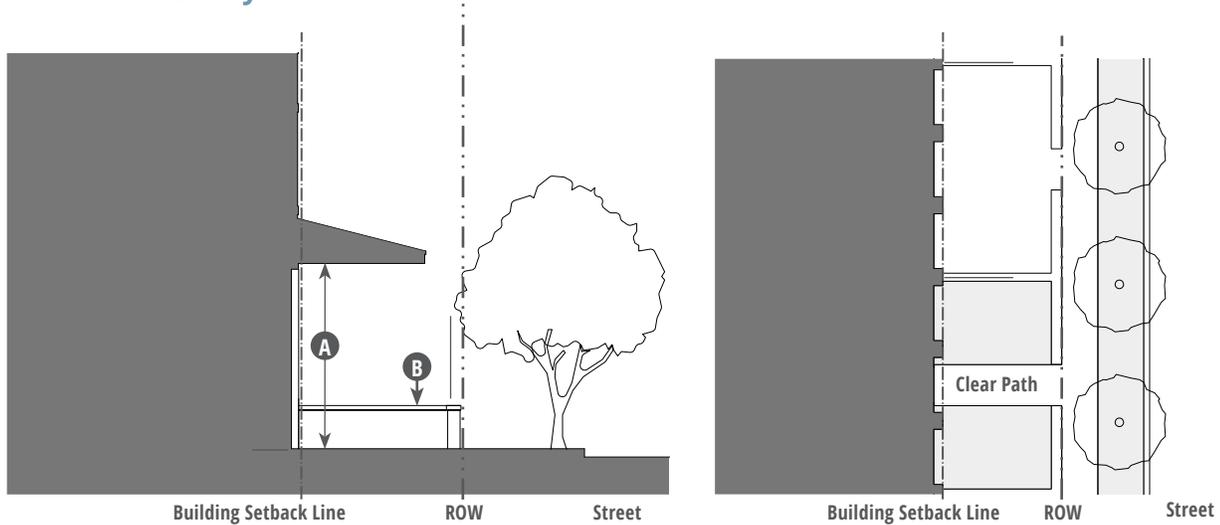
Forecourt visually extends the public realm into this retail and office lot.



Forecourt provides unique entries to dwellings and breaks down the overall massing of the buildings shaping the space.

General Note: Photos on this page are illustrative, not regulatory.

3.3.100 Dooryard



Key

----- ROW / Lot Line - - - - - Building Setback Line

A. Description

The main facade of the building is set back a small distance and the frontage line is defined by a low wall or hedge, creating a small dooryard. The dooryard may not provide public circulation along a ROW. The dooryard may be raised, sunken, or at grade and may be used for ground-floor residential or non-residential uses.

MB-CN MB-NN MB-CC

B. Size/Dimensions

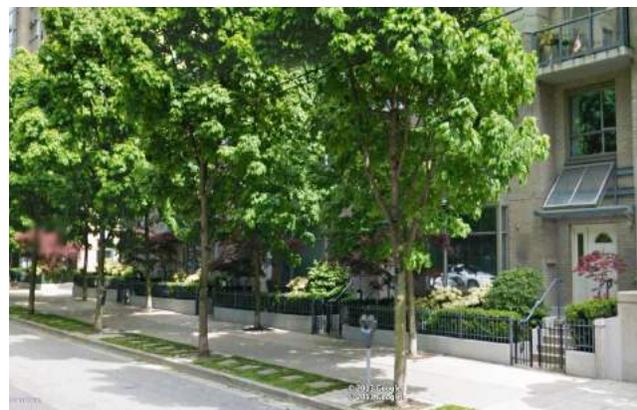
Height, Clear	8' min.	A
Height of Dooryard Fence/Wall	36" max.	B

C. Miscellaneous

Each Dooryard must provide access to only one ground floor entry.



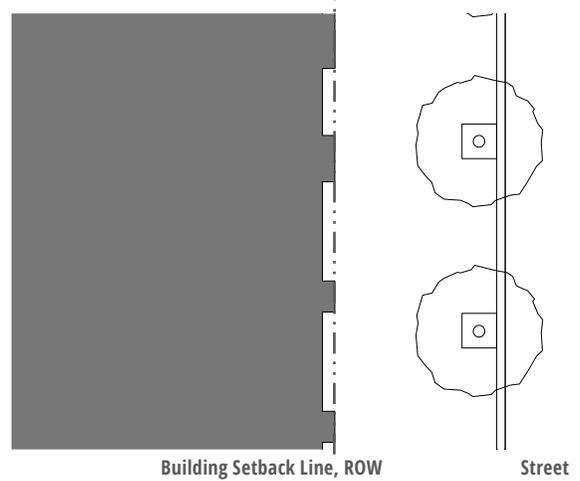
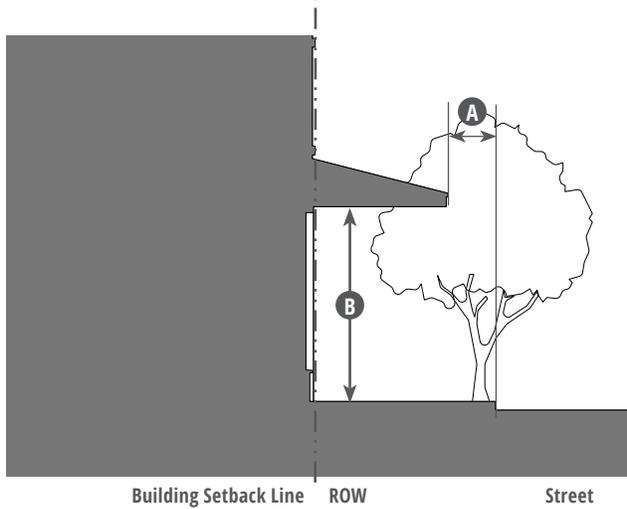
Small dooryards include low fences to provide a visual transition from the public sidewalk.



A series of small dooryards with small outdoor gardens along the front of each ground floor unit.

General Note: Photos on this page are illustrative, not regulatory.

3.3.110 Maker Shopfront



Key

---- ROW / Lot Line - - - - Building Setback Line

A. Description

The main facade of the building is at or near the frontage line with an at-grade or elevated entrance from the sidewalk. The type is intended for industrial artisan businesses to show their activity to people passing by on the sidewalk as well as for retail sales of products made on-site. The type includes a decorative roll-down or sliding door, may include glazing and an awning that overlaps the sidewalk and may be used in conjunction with other frontage types allowed in the zone.

MB-CN MB-NN MB-CC

B. Size/Dimensions

Depth of Recessed Entries 5' max.

C. Awning

Setback from Curb 2' min. **A**

Height, Clear 8' min. **B**

D. Miscellaneous

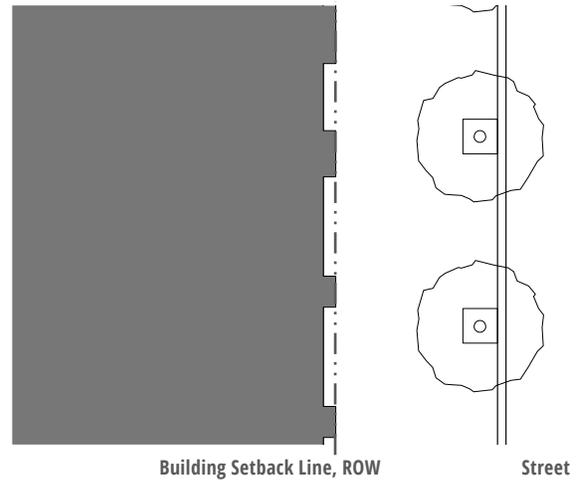
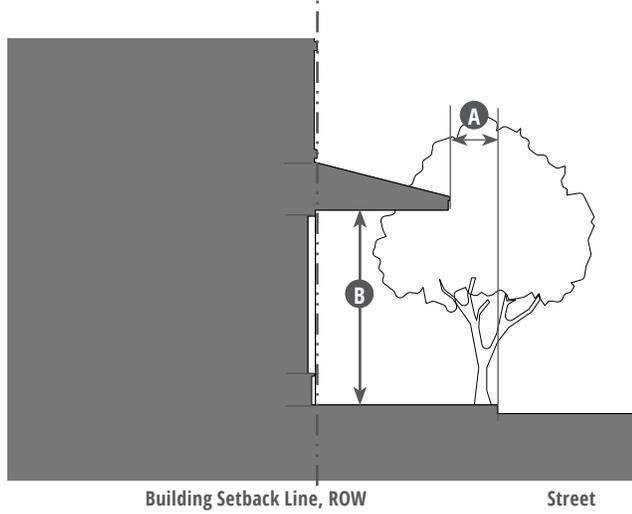
Doors may be recessed when main facade is at the building setback line.



Maker Shopfront with double doors for each entry.

General Note: Photos on this page are illustrative, not regulatory.

3.3.120 Shopfront



Key

--- ROW / Lot Line - - - - Building Setback Line

A. Description

The main facade of the building is at or near the frontage line with at-grade entrance along the sidewalk. This type is intended for retail use, has substantial glazing between the shopfront base and the ground floor ceiling, and may include an awning that overlaps the sidewalk. This type may be used in conjunction with other frontage types allowed in the zone.

MB-CN MB-NN MB-CC

B. Size/Dimensions

Ground Floor Transparency	70% min.
Shopfront Base	2' max.

C. Awning

Setback from Curb	2' min.	A
Height, Clear	8' min.	B

D. Miscellaneous

Residential windows are not allowed on the ground floor.

Doors may be recessed when main facade is at the building setback line.



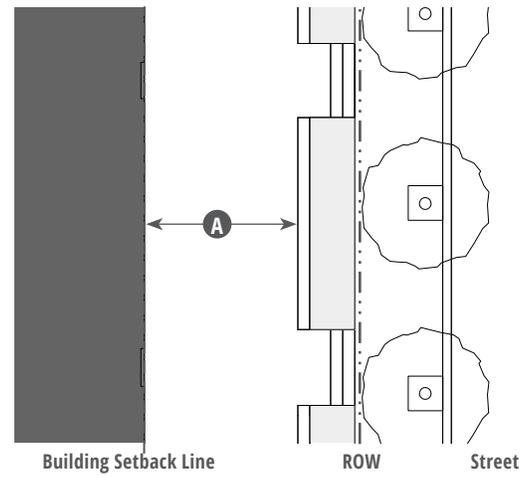
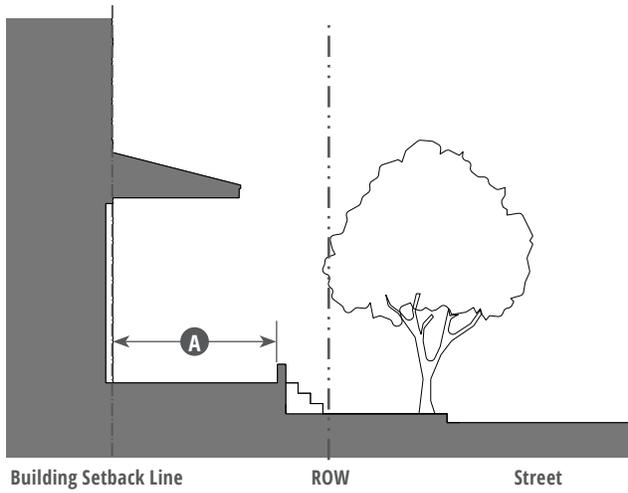
Shopfront frontage along ground floor of multi-story buildings.



Shopfront with recessed entry and simple large windows.

General Note: Photos on this page are illustrative, not regulatory.

3.3.130 Terrace



Key

---- ROW / Lot Line - - - - Building Setback Line

A. Description

The main facade is set back from the frontage line with an elevated terrace providing public circulation along the facade. This type can be used to provide at-grade access while accommodating a grade change or buffer residential use from public sidewalk. Frequent steps up to the terrace are necessary to avoid blank sections of walls and to maximize access. This type may also be used in historic industrial areas to mimic historic loading docks.

MB-CN MB-NN MB-CC

B. Size/Dimensions

Depth of Terrace 8' min. **A**

C. Miscellaneous

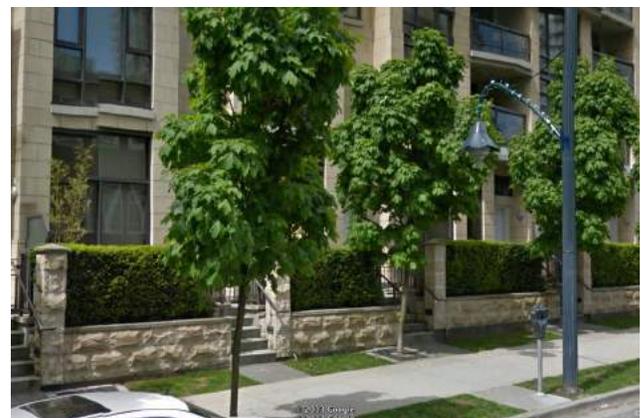
Low walls used as seating are allowed.

Where the zone requires the ground floor to be flush with the sidewalk, the terrace is considered to be the sidewalk.

Terrace may be utilized to group entries at a common elevation.



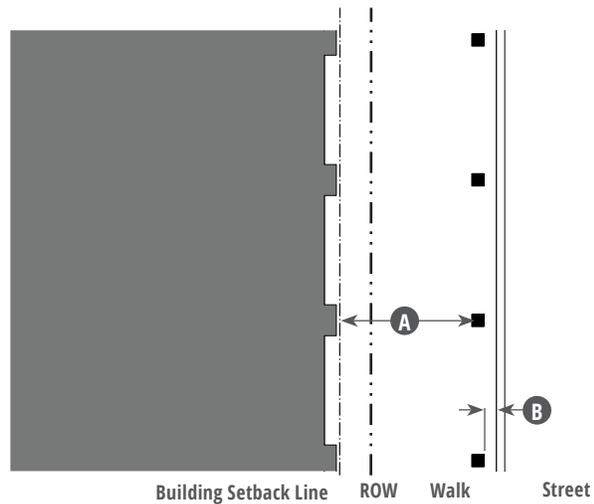
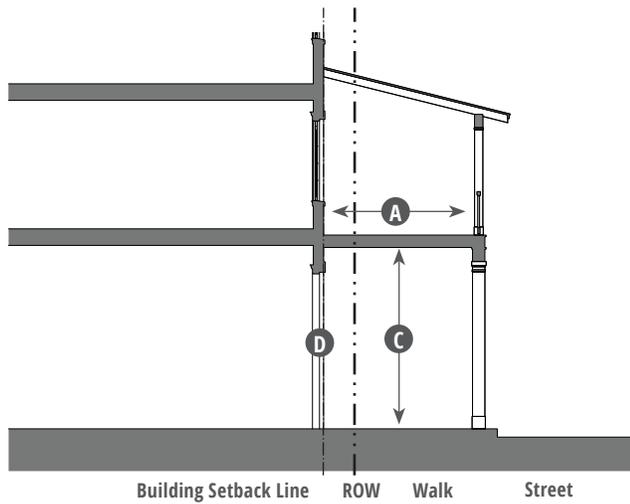
Terrace accommodates a change in grade with low walls for seating while keeping visual connection with sidewalk.



One terrace spans across several ground floor townhouses with individual entries separated by landscaping.

General Note: Photos on this page are illustrative, not regulatory.

3.3.140 Gallery



Key

---- ROW / Lot Line - - - - Building Setback Line

A. Description

The main facade of the building is at or near the frontage line with a cantilevered shed or colonnade that may overlap the sidewalk. The gallery may support habitable space on the upper story. This type is intended for buildings with ground-floor commercial or retail uses and may be one or two stories. If the gallery overlaps the right-of-way, an easement is required. Alternatively the lot line may be aligned with the edge of the gallery and curb.

MB-CN MB-NN MB-CC

B. Size/Dimensions

Depth, Clear	10' min.	A
Setback from Curb	2' min.	B
Height, Clear	10' min.	C

C. Miscellaneous

- Galleries must also follow the regulations for the [Shopfront Frontage Type](#) (See Section 3.3.110). **D**
- Galleries must have a consistent depth.
- Galleries must project over the sidewalk.



One-story gallery.



A two-story gallery fronting a plaza.

General Note: Photos on this page are illustrative, not regulatory.

Division 3.4 Specific to Civic Spaces

Sections

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3.4.040	General to All Civic Spaces.....	3-26
3.4.050	Greenway.....	3-28
3.4.060	Green.....	3-29
3.4.070	Square.....	3-30
3.4.080	Pocket Plaza.....	3-31
3.4.090	Playground.....	3-32

3.4.010 Purpose

This Division sets forth the standards to provide a diverse palette of parks and other publicly accessible civic spaces that are publicly or privately owned throughout the Mission Boulevard Corridor. These standards supplement the standards for each zone in which the civic spaces are allowed and are intended to complement development and reinforce the character and scale of Mission Boulevard and the adjacent walkable neighborhoods. Civic space is a public benefit intended for use by the general community, and is distinct from private or common usable open space typically required as part of a residential project.

3.4.020 Applicability

This Division applies to any project where civic space is required, including Section 3.6.030(E), and is not exclusive to the MB-CS Zone.

3.4.030 Overview

- A. [Table A \(Civic Space Type Overview\)](#) provides an overview of the allowed civic space types in the Mission Boulevard Corridor Zones.
- B. The civic spaces specified in [Table A \(Civic Space Type Overview\)](#) are allowed as follows:
 1. **Allowed by Review.** Allowed if in compliance with the standards of this Division and if approved as part of Site Plan Review, Conditional Use Permit, Major Site Plan Review, or with an Administrative Use Permit.
 2. **Not Allowed.** Civic Space Types not allowed in the zone.

Table 3.4.030.A Civic Space Type Overview					
CIVIC SPACE TYPE	SECTION	ZONES			
Greenway	3.4.050	MB-CN	MB-NN	MB-CC	MB-CS
Green	3.4.060	MB-CN	MB-UN	MB-CC	MB-CS
Square	3.4.070	MB-CN	MB-NN	MB-CC	MB-CS
Pocket Plaza	3.4.080	MB-CN	MB-NN	MB-CC	MB-CS
Playground	3.4.090	MB-CN	MB-NN	MB-CC	MB-CS

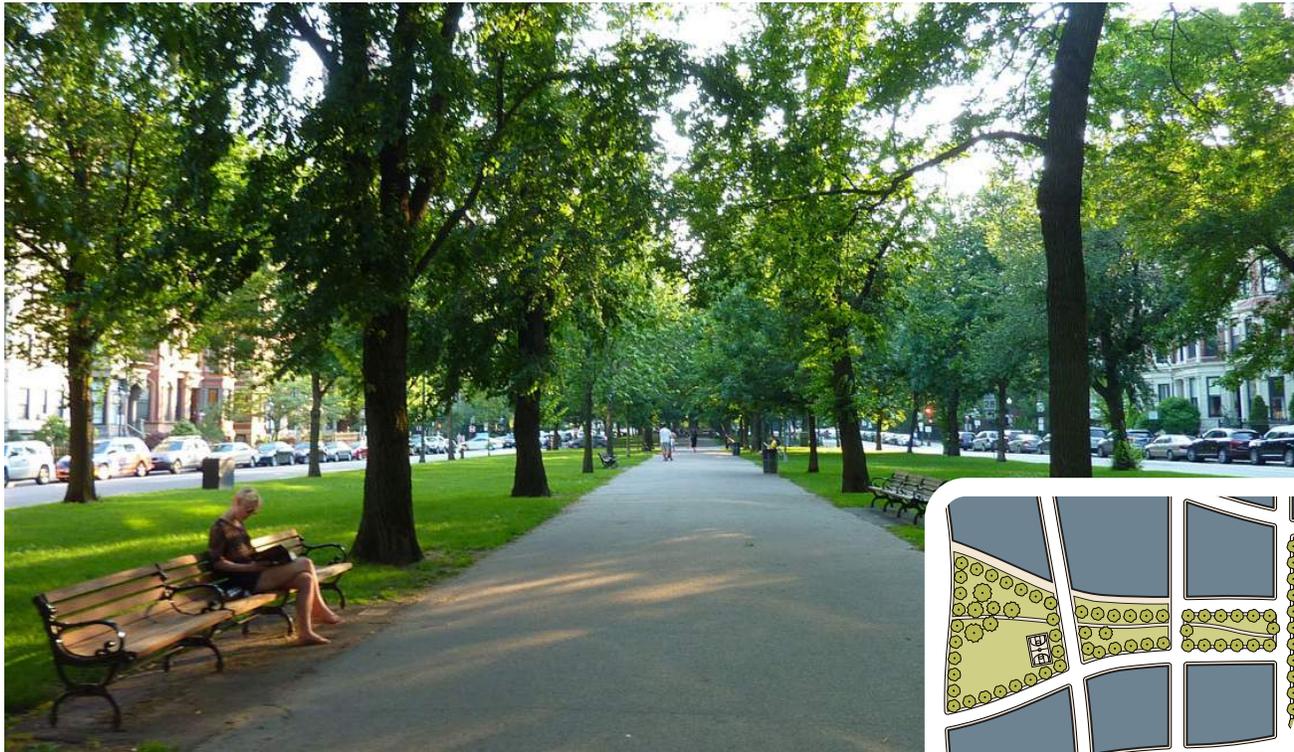
Key Z=Zone **Z** Allowed by Review Not Allowed

3.4.040 General to All Civic Spaces

- A. **Minimum Dimensions.** Minimum dimension of 25 feet by 25 feet
- B. **Building Frontage.** Buildings on lots adjacent to or across a thoroughfare from a civic space must be oriented to have the building facade face the civic space.
- C. **Public Access.** Public access and visibility from a public street and from on-site areas normally frequented by nearby uses, must be maintained.
- D. **Accessory Structure Standards.** Accessory structures within civic spaces, including, but not limited to, restrooms, open-air pavilions, gazebos, picnic shelters, and outdoor theaters, are subject to the standards of the applicable zone in [Division 2.2 \(Mission Boulevard Corridor Zones\)](#).

- E. **General Characteristics.** The placement of objects within the civic space.
1. **Natural.** Civic spaces with natural character must be designed in a natural manner with no formal arrangement of elements.
 2. **Formal.** Civic spaces with a formal character must be designed in a more rigid layout that follows geometric forms and has trees and other elements arranged in formal patterns.
 3. **Informal.** Civic spaces with an informal character must be designed to have a mix of formal and natural characteristics.
- F. **Design Criteria.** An area used for civic space must comply with the following:
1. Unless the land includes sensitive natural resources, a civic space area must be readily accessible and usable.
 2. The area may be developed using any practical combination of high quality plant and hardscape materials such as bricks, stone, concrete, permeable paving, or tile.
 3. The surface of the civic space must be suitable for outdoor activities, such as a lawn or paving for designated activities
 4. Locate seating areas and plazas should be located in areas with good solar exposure and wind protection.
 5. Civic space shall include benches or other seating. Amenities shall be included that enhance the comfort, aesthetics, or usability of the space, including but not limited to trees and other landscaping, shade structures, drinking fountains, water features, public art, trash receptacles, information kiosks, or performance areas.

3.4.050 Greenway



General Note: Images on this page are illustrative, not regulatory.

- MB-CN
- MB-NN
- MB-CC
- MB-CS

Key Z=Zone Allowed by Review Not Allowed

A. Description

Linear space for community gathering and strolling for nearby residents and employees, defined by tree-lined streets forming a one-way couplet on its flanks and by the fronting buildings across the street. Greenways can serve an important role as a green connector between destinations. Appropriate elements include community facility < 5,000 gsf., fountains, and benches.

B. General Character

- Formal or informal
- Hardscape or natural path
- Spatially defined by tree-lined streets and adjacent buildings

C. Size and Location

- Must front at least one street

D. Typical Uses

- Passive recreation
- Walking/Running
- Formal or informal seating

3.4.060 Green



General Note: Images on this page are illustrative, not regulatory.

- MB-CN
- MB-NN
- MB-CC
- MB-CS

Key Z=Zone Allowed by Review Not Allowed

A. Description

Open space available for unstructured and limited amounts of structured recreation. Appropriate elements include community facility < 5,000 gsf., fountains, and benches.

B. General Character

Informal or formal

Primarily planted areas with paths to and between recreation areas

Spatially defined by landscaping, tree-lined streets, and adjacent buildings

C. Size and Location

1/2 acre, min.

D. Typical Uses

Unstructured passive and active recreation

Civic uses

Temporary commercial uses

3.4.070 Square



General Note: Images on this page are illustrative, not regulatory.

- MB-CN
- MB-NN
- MB-CC
- MB-CS

Key Z=Zone Allowed by Review Not Allowed

A. Description

Neighborhood focal point available for civic purposes, commercial activity, and passive uses. Appropriate elements include kiosk, pergola, community facility < 5,000 gsf., fountains, and benches.

B. General Character

Formal
 Combination of hardscape and planted areas in formal patterns

Spatially defined by tree-lined streets and adjacent buildings

Walkways and plantings at all edges, shaded seating areas

C. Size and Location

1/2 acre min., 5 acre max.

D. Typical Uses

Unstructured or structured recreation

Commercial and civic uses

Casual seating and/or outdoor dining

3.4.080 Pocket Plaza



- MB-CN
- MB-NN
- MB-CC
- MB-CS

Key Z=Zone Allowed by Review Not Allowed

A. Description

Small-scale, open space available for civic purposes and commercial activity, intended as spaces for seating or dining into which commercial and neighborhood activity may spill. Pocket plazas can also be used to create a formal space in front of a prominent building entrance. Appropriate elements include community facility < 1,000 gsf., fountains, and benches.

B. General Character

- Formal
- Primarily hardscape with landscape accents
- Spatially defined by building facades
- Trees and shrubs optional

C. Size and Location

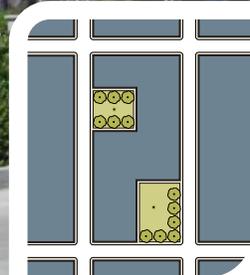
5,000 sf min., 1/2 acre max.

D. Typical Uses

- Civic activity
- Commercial in support of civic activity
- Casual seating and/or outdoor dining

General Note: Images on this page are illustrative, not regulatory.

3.4.090 Playground



General Note: Images on this page are illustrative, not regulatory.

- MB-CN
- MB-NN
- MB-CC
- MB-CS

Key Z=Zone Allowed by Review Not Allowed

A. Description

Small-scale, open space designed and equipped for the recreation of children. These spaces serve as quiet, safe places protected from the street and typically in locations where children do not have to cross any major streets. An open shelter, play structures or interactive art and fountains may be included with landscaping between. Playgrounds may be included within all other civic space types.

B. General Character

- Focused toward children
- Play structure, interactive art, and/or fountains
- Shade and seating provided
- Protected from traffic; fenced with minimal exits
- Spatially defined by decorative fencing and trees

C. Size and Location

No min. or max.

D. Typical Uses

- Active and passive recreation
- Casual seating

Division 3.5 Specific to Uses

Sections

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3.5.020	Temporary Uses	3-34

3.5.010 Telecommunication Facilities

A. **Class 1 Telecommunication Facilities.** The following Telecommunication Facilities are classified as Class 1 facilities within the Code area:

1. 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.
2. 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.
3. 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.
4. Any Telecommunications Facility proposed to co-locate on another freestanding existing Telecommunications Facility.
5. Government-owned and government-operated antenna(s).

The descriptions of Class 1 Telecommunication Facilities found in [Hayward Zoning Code Subection 10-13.070.a\(1\) through \(8\)](#) are inapplicable to the Code area.

B. **Allowed Facilities.**

1. Class 1 Telecommunication Facilities may be located in any zone within the Code area subject to Telecommunication Site Review approved by the Planning Director in accordance with [Municipal Code Chapter 10, Article 13 \(Antenna and Telecommunications Facilities Ordinance\)](#).
2. Class 2 and Class 3 Telecommunication Facilities are prohibited in the Code area.

- C. **Required Findings.** In addition to the findings required by [Hayward Zoning Code Section 10-13.070](#) and in order to approve a Telecommunications Site Review application, the Planning Director must find the proposed Telecommunication Facility is:
1. 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;
 2. The design, finish, colors and texture are non-reflective and blend with the surrounding natural and/or man-made environment; and
 3. If freestanding or pole-mounted, the height is the minimum necessary without compromising reasonable reception or transmission.
- D. **Other Requirements.** All other requirements of [Hayward Zoning Code Article 13 \(Antenna and Telecommunications Facilities Ordinance\)](#), apply.

3.5.020 Temporary Uses

- A. **Purpose.** The purpose of this Section is to establish standards for short term activities that would be compatible with adjacent and surrounding uses when conducted in compliance with this Section.
- B. **Applicability.** A Temporary Use allows short term activities that might not meet the normal development or use of standards of the applicable zone, but may otherwise be acceptable because of their temporary nature, when reviewed and appropriately conditioned in compliance with this Section and [Division 4.4 \(Temporary Use Permit\)](#).
- C. **Exempt Temporary Uses.** The following minor or limited duration temporary uses are exempt from the requirement for a Temporary Use Permit in [Division 4.4 \(Temporary Use Permit\)](#). Uses that do not fall within the categories defined below must comply with [Subsection E](#).
1. **Contractors' Construction Yards On-site.**
 - a. On-site contractors' construction/storage yard(s), in conjunction with an approved construction project on the same parcel, including, but not limited to, storage or cargo containers.
 - b. The construction yard must be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.
 2. **Emergency Facilities.** Emergency public health and safety needs/land use activities, as determined by the Planning Director.
 3. **Fundraising Events.**
 - a. Fundraising events (e.g., bake sales, yard sales, car washes, etc.) are limited to a maximum of two days per month for each sponsoring organization.
 - b. Sponsorship is limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code.
 4. **Garage and Yard Sales.** Garage and yard sales (e.g., personal property sales) are allowed as Temporary Uses when conducted within a MB-CN or MB-NN zoned

property and are subject to the standards in [Subsection 10-1.2735.e \(Garage Sales\) of the Hayward Zoning Code](#).

5. **Sidewalk Dining.** Sidewalk dining, in compliance with [Section 3-5.13 of the Municipal Code](#).
- D. **Allowed Temporary Uses.** The following temporary uses and events require a Temporary Use Permit in compliance with [Division 4.4 \(Temporary Use Permits\)](#), and must comply with the following standards:
1. **Events.** In addition to the following standards, temporary events must comply with [Subsection 10-1.2735.h \(Outdoor Gatherings\) of the Hayward Zoning Code](#). If there is a conflict between this Section and the Municipal Code, this Section controls.
 - a. Circuses, carnivals, and similar transient amusement enterprises in a MB-CC Zone subject to no more than 30 days of site occupation and operation in any calendar year.
 - b. Music festivals, movie nights, outdoor art and craft shows and exhibits, and similar outdoor entertainment activities subject to a limitation on the number of days of operation as determined by the Planning Director.
 2. **Seasonal Sale Events.** Seasonal sale events (e.g., Halloween, Thanksgiving, Christmas, etc.) must comply with [Subsection 10-1.2735.c \(Christmas Tree and Pumpkin Patch Lot Regulations\) of the Hayward Zoning Code](#). Accessory uses, including temporary residence/security trailers, are only allowed on non-residential properties. Businesses holding valid a Business Permit, in compliance with [Chapter 8-1 \(Business Licenses\) of the Municipal Code](#) must not exceed 45 days for pumpkin and tree sales. Seasonal sales events may not occur more than four times per calendar year with a maximum of five days for each event.
 3. **Storage Containers.** Storage containers, including cargo containers or semitrailers, used for storage purposes.
 - a. No storage container may exceed a storage period of 15 days in any calendar year, except Subsection, below.
 - b. A storage container located on an active construction site may be retained longer than 15 days, but must be removed immediately following the issuance of a certificate of conformance or final inspection.
 - c. Storage containers are not allowed within the public ROW and must be placed to prevent public health or safety issues.
 4. **Tract Homes or Lot Sales Offices.**
 5. **Mobile Homes.** A mobile home to be utilized as a temporary dwelling in a residential zone while a single-family dwelling is under construction and subject to the following provisions:
 - a. The mobile home may only be located on the same parcel under construction and occupied while actual construction activities are taking place upon the parcel. The period of placement and use may not exceed 12 months.
 - b. The mobile home may only be occupied by the property owner, the builder designated on the Building Permit, and the owner's/ builder's family.
 - c. The timely removal and compliance with all conditions of approval may be required.

- d. The minimum setbacks for the zone must be maintained.
 - e. Additional conditions necessary and appropriate to ensure compatibility with surrounding development, existing and contemplated, may be imposed on the approved permit.
6. **Temporary Vegetable and Fruit Stands.** A temporary vegetable and/or fruit stand is allowed in compliance with the following standards:
- a. Vegetable and fruit stands must be operated by the producer;
 - b. The stand may not operate more than 90 days a year;
 - c. The producer shall obtain written consent from the land owner to operate a temporary vegetable and/or fruit stand on the property;
 - d. More than one stand per lot is prohibited;
 - e. Stands may encroach into required setbacks, but may not encroach into the public right-of-way.
- E. **General Requirements for All Temporary Uses.** The Review Authority (See [Division 4.4 \(Temporary Use Permit\)](#)) may impose requirements for any of the following conditions:
- 1. Compliance with all applicable Federal, State, or County, and local regulations and ordinances;
 - 2. Compliance with any other permit requirements (i.e., Building and/or Electric);
 - 3. Applicant availability during temporary use activity;
 - 4. Agreement that the temporary use will cease on the date printed on the permit, and all related equipment, supplies, product and personnel must be removed from the site; or
 - 5. Any other condition which will ensure the operation of the proposed temporary use or event in an orderly and efficient manner and in full compliance with the purpose of this Chapter, including those related to the following:
 - a. Cumulative time limits;
 - b. Parking;
 - c. Operating hours;
 - d. Screening;
 - e. Storm water;
 - f. Waste collection and disposal;
 - g. Pedestrian and vehicular access/circulation; and
 - h. Signs, in compliance with [Section 10-7.600 \(Temporary Sign Regulations\) of the Hayward Zoning Code](#).
- F. **Temporary Structures.** Temporary structures are allowed on vacant lots for a period not to exceed six months, provided the area is left unchanged and in its original condition after the removal of the temporary structure.
- G. **Temporary Use of Existing Structures.** Temporary, short-term, use of an existing structure is allowed in all zones, provided:

1. The short-term use, if a permanent use, would otherwise be a permitted use in the zone;
 2. The short-term tenant has signed a lease with the property owner for a time period of no more than six months.
- H. **Similar Temporary Uses.** Similar temporary uses, which are compatible with the zone and surrounding land uses, may require a Temporary Use Permit in compliance with [Division 4.4 \(Temporary Use Permit\)](#) and be subject to the standards in this Section, as determined by the Planning Director.
- I. **Condition of the Site Following Temporary Use.** Each site occupied by a temporary use must be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use.

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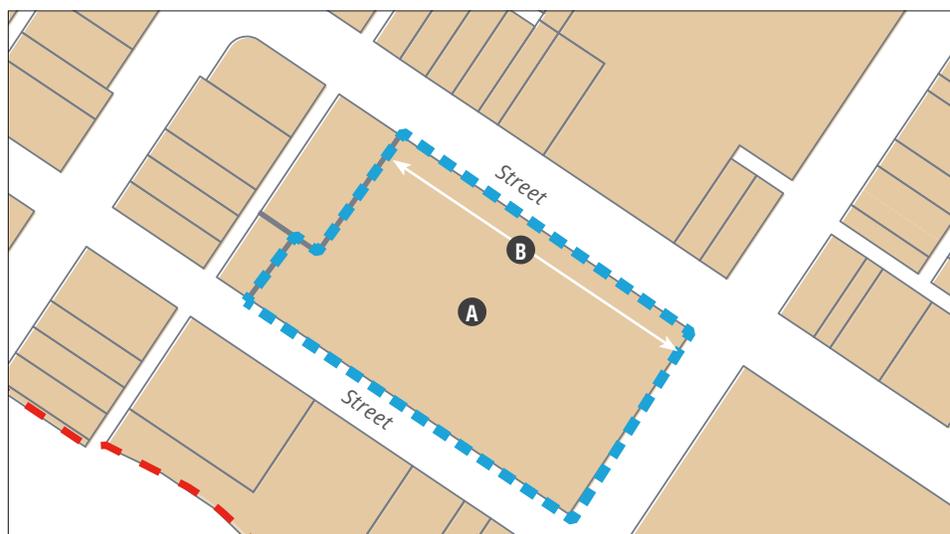
Division 3.6: Standards for Large Sites

Sections

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3.6.010 Purpose and Applicability

- A. The intent of this Division is to:
 1. Create and reinforce compact and walkable urban environments with a mix of uses;
 2. Promote development patterns that support effective and convenient multi-modal transportation options, including pedestrian, bicycle, and public transit; and
 3. Provide opportunities for auto-oriented suburban contexts to transform into walkable urban development.
- B. The standards of this Division apply to new development or subdivision on sites that are two acres or larger in size or with more than 600 feet of cumulative front and side street frontage.



A Site with area greater than 2 acres **B** Site with more than 600 feet of street frontage

3.6.020 Major Site Plan Required

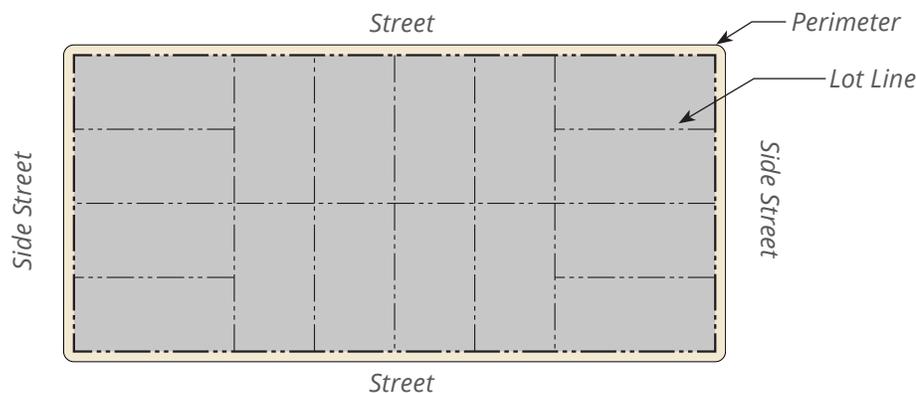
Sites subject to this Division must obtain Major Site Plan Review in compliance with [Section 10-1.3000 \(Site Plan Review\) of the Hayward Zoning Code](#) and the requirements of this Division.

3.6.030 Development Requirements

A. Block Size

1. The total block perimeter must comply with the standards established in [Table A \(Block Size\)](#).
2. If a block or site contains multiple zones, smallest applicable block perimeter applies.

Zone	New Block Perimeter
MB-CN, MB-CS	2,400 ft. max.
MB-NN	2,800 ft. max.
MB-CC	2,000 ft. max.



- #### B. Thoroughfares.
- Thoroughfares, public or private, define the streets, pedestrian paths, and bicycle routes that refine large sites into walkable urban environments that may also provide multiple routes for vehicular circulation.

1. General to All.

- a. Thoroughfares are intended to provide multi-modal access to lots and civic spaces.
- b. Thoroughfares shall consist of vehicular lanes (including parking and bicycle lanes) and public frontages (including sidewalks and amenities) consistent with City complete streets principles and City plans for improvements.
- c. Pedestrian comfort shall be a primary consideration of the thoroughfare.
- d. Where presented, design conflicts between vehicular and pedestrian movement generally shall be decided in favor of the pedestrian.

2. Design.

- a. Thoroughfares must comply with Department of Public Works and Utilities standards.
- b. The thoroughfare network must indicate the layout on streets, pedestrian paths, and bicycle facilities (as appropriate), and the block network in compliance with standards in this Subsection and [Subsection A](#).
- c. Thoroughfares shall accommodate sidewalks, Bicycle Lanes, Bicycle Routes and Bicycle Trails (if applicable) consistent with the City of Hayward Bicycle and Pedestrian Master Plan and any other plans for network improvements.

- d. Thoroughfares that pass through multiple zones must transition to align with the character of the zone. For example, while a thoroughfare within a Mission Boulevard- Corridor Center (MB-CC) Zone with retail shops may have wide sidewalks with trees in tree grates, it may transition to a narrower sidewalk with a planting strip within a less urban zone with lower intensity residential uses (e.g., Mission Boulevard-Corridor Neighborhood (MB-CN) Zone).

3. External Connectivity.

- a. Thoroughfares must be arranged to connect to existing or proposed thoroughfares into adjoining lands whether the adjoining lands are undeveloped and intended for future development, or if the adjoining lands are developed and include opportunities for such connections.
- b. Thoroughfare rights-of-way must be extended to or along adjoining property boundaries to provide a roadway connection or thoroughfare stub for development in compliance with the standards in [Subsection A \(Block Size\)](#).
- c. The site plan must identify all stubs for thoroughfares and include a notation that all stubs must connect with future thoroughfares on adjoining undeveloped property.
- d. Dead-end streets and cul-de-sacs are not allowed. This does not apply to public or private driveways leading to parking facilities, including garages, parking lots, or parking structures.

4. Specific to Bicycle and Pedestrian Connections.

The site circulation system must include a system of bicycle and/or pedestrian paths that, at minimum, include the following:

- a. Internal Connections. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site common open space areas, civic spaces, or pedestrian amenities. Walkways must be physically separated from drive aisles, except when crossing a drive aisle.
- b. External Connections.
 - (1) Regular connections between on-site walkways and the public sidewalk shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.
- c. Direct and convenient access shall be provided from commercial and mixed-use projects to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.
- d. Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.
- e. Pedestrian access must consist of an accessible, easily discernible, well-lit, and ADA compliant walkway a minimum of 5 feet in width.

- C. **Land Use.** The site shall provide a mix of land uses consistent with the uses allowed in [Division 2.3 \(Use Table\)](#), including a variety of entertainment, recreational, retail, residential, and supporting uses to create an active, mixed-use environment.
- D. **Civic Space.** Minimum of 10 percent of the net project area must be designed as civic space in compliance with [Division 3.4 \(Civic Space\)](#). Net project area is the area after subtracting streets right-of-way from the project area.

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Article 4: Permits and Procedures

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Division 4.1 Purpose

Sections

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4.1.010 Purpose

This Article establishes the review procedures for the administration of the Mission Boulevard Corridor Code and to ensure that each new or expanded use or structure complies with the applicable requirements of this Code and the Hayward Municipal Code.

4.1.020 Applicability

This Article applies to the use and development of property within the Mission Boulevard Corridor Code Area and shall be considered in addition to the applicable permit and review procedure requirements in any other section of this Code or the Hayward Municipal Code.

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Division 4.2 Site Plan Review

Sections

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4.2.010 Site Plan Review

Site Plan Review, pursuant to [Section 10-1.3000 of the Hayward Zoning Code](#), is required for all development projects and uses. If the project also requires Planning Commission approval, the project shall be processed and reviewed concurrently by the Planning Commission.

4.2.020 Major Site Plan Review

On sites of two or more acres or with more than 600 feet of street frontage, Major Site Plan Review, pursuant to [Section 10-1.3075 of the Hayward Zoning Code](#), shall be obtained prior to any subdivision or other approval for new development.

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Division 4.3 Minor Modifications

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4.3.010 Modification

Modifications to the dimensional requirements of property development standards may be granted pursuant to [Section 10-1.2830, Conformance-Administrative Modification, of the Hayward Zoning Code](#) and as specifically identified in any section of this Code.

4.3.010 Purpose and Applicability

- A. The purpose of a Minor Modification is to streamline and expedite the permitting process by authorizing the Planning Director to allow minor deviations from certain code standards when such requests constitute a reasonable use of the property but are not otherwise permissible under a strict application of this Chapter.
- B. The provisions of this Division are intended to ensure that development of property within Mission Boulevard Corridor Zones:
 1. Makes a positive contribution to existing development on neighboring properties;
 2. Ensures that new or altered structures are compatible and harmonious with the design and use of existing structures on neighboring properties;
 3. Respects the existing views, privacy, and access to light and safety of neighboring properties; and
 4. Does not adversely affect neighboring properties, with “adversely affect” to mean to impact in a substantial, negative manner the economic value, habitability, or enjoyability of these properties.

4.3.020 Review Procedures

- A. **Application Filing and Processing.** The application must be filed with the Planning Director and include the information and materials in the most current Department publication for applications together with the required fee as specified in [Section 10-1.2815 \(Application\) of the Hayward Zoning Code](#). It is the responsibility of the applicant to provide evidence in support of the findings required by [Section 4.3.040 \(Findings for a Decision on a Minor Modification\)](#).

- B. The Planning Director may approve a Minor Modification as specified in [Table 4.3.030.A \(Minor Modifications Allowed\)](#), only after first determining that the requested modification complies with the findings specified in [Section 4.3.040 \(Findings for a Decision on a Minor Modification\)](#).
- C. A request for a modification beyond modification allowed in [Section 4.3.030 \(Modification Allowed\)](#) may apply for a Variance in compliance with [Section 10-1.3300 \(Variance\) of the Municipal Code](#), as appropriate.

4.3.030 Modification Allowed

- A. **General Modification.** The Planning Director may approve a Minor Modification in any Mission Boulevard Corridor Zone for a modification of up to 20 percent of any measurable standard prescribed in this Code, only after first determining that the requested modification complies with the findings specified in [Section 4.3.040 \(Findings for a Decision on a Minor Modification\)](#).
- B. **Additional Modification.** In addition to the modification allowed under [Subsection A](#), the Planning Director may approve a modification as provided in [Table A \(Minor Modifications Allowed\)](#). If the modification in [Table A \(Minor Modifications Allowed\)](#) is less permissive than [Subsection A](#), [Table A](#) supersedes.

Type of Minor Modification Allowed	Maximum Modification
Reduced front or street-side setbacks, provided at least 25% of the lots on the block contain primary buildings, the subject lot is vacant, and there would be no conflict with the ultimate right-of-way	To the minimum front or street-side yard setback of any primary building along the same block face
Increase in maximum projection into setback for porches, balconies, and stairways	10%
Reduced side or rear setbacks for detached private garages and accessory structures, provided the garage or structure is does not exceed 10 feet in height within the required setback and does not create a condition causing water to drain onto an adjacent site	3 feet into the required side or rear setback
Reduced minimum parking setback, provided that parking is not located in front of the main building along the primary facade.	25% reduction of the minimum
Reduced side street frontage for multi-family projects on corner lots with primary street frontage	Waive minimum side street frontage requirement
Increase in maximum block perimeter	5%
Increase in maximum setback	10%
Minimum Open Space	10%

4.3.040 Findings for a Decision on a Minor Modification

The Planning Director shall review and approve or disapprove an application for a Minor Modification, with or without conditions, only after the following findings are made:

- A. There are special circumstances applicable to the property (e.g., size, shape, topography, location, surroundings, etc.) that the strict application of the Code could deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification;
- B. The special circumstances applicable to the property are not self-imposed by any person presently having and interest in the property;
- C. Granting the Minor Modification will not be materially detrimental to the public health, safety, or welfare and will not impair an adequate supply of light and air to adjacent property;
- D. The requested Minor Modification will not allow the establishment of a use that is not allowed in the zone;
- E. The requested Minor Modification will not allow an increase in height or density beyond which is allowed in the base zone; and
- F. The proposed project will comply with all applicable standards in this Code.

4.3.050 Review and Decision

- A. Each Minor Modification application must be reviewed on an individual case-by-case basis.
- B. A request for modification that exceeds 10 percent of the required standard is subject to notice in compliance with [Section 10-1.2820 \(Notice\) of the Hayward Zoning Code](#).
- C. A decision on a Minor Modification may be appealed in compliance with [Section 10-1.2845 \(Appeal and Review Process\) of the Hayward Zoning Code](#).

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Division 4.4 Temporary Use Permit

Sections

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4.4.010 Purpose and Applicability

- A. This Division establishes the procedures for the review of Temporary Use Permits required by this Code for temporary uses and/or activities that have a short duration, are compatible with adjacent and surrounding uses when conducted in compliance with this Code when reviewed and appropriately conditioned in compliance with this Division. Standards for specific temporary uses are identified in [Section 3.5.020 \(Temporary Uses\)](#).
- B. A Temporary Use Permit is required to allow the temporary uses and/or short-term activities specified in [Section 3.5.020 \(Temporary Uses\)](#), unless exempted by [Subsection 3.5.020.D \(Allowed Temporary Uses\)](#).

4.4.020 Review Procedures

- A. **Application Filing and Processing.** The application must be filed with the Planning Director and include the information and materials in the most current Department publication for applications together with the required fee as specified in [Section 10-1.2815 \(Application\) of the Hayward Zoning Code](#). It is the responsibility of the applicant to provide evidence in support of the findings required by [Section 4.4.030 \(Findings\)](#).
- B. **Administrative Options.** The Planning Director may approve, conditionally approve, or disapprove a Temporary Use Permit application. The Planning Director's decision must be based on the findings listed in [Section 4.4.030 \(Findings\)](#). For uses not listed in [Section 3.5.020 \(Temporary Uses\)](#), the Planning Director may determine if the use is allowed with a Temporary Use Permit or requires an Administrative Use Permit in compliance with [Section 10-1.2715 \(Certain Uses Permitted\) the Hayward Zoning Code](#).
- C. **Conditions of Approval.** In approving a Temporary Use Permit application, the Planning Director may impose conditions of approval that are considered reasonable and necessary to ensure that the permit would be in full compliance with the findings required by [Section 4.4.030 \(Findings\)](#). This may include conditions from other City departments (e.g., Public Works) that may have a direct effect on the operation of the temporary use. Conditions may address any pertinent factors affecting the operation of the temporary event or use to ensure the operation of the proposed event or use is temporary in nature.

4.4.030 Findings

The Planning Director may approve a Temporary Use Permit subject to making all the following findings:

- A. The location, operation, and time period of the temporary use will not constitute a hazard to the public interest, health, safety, or general welfare.
- B. The operation of the temporary use will not be detrimental to adjoining properties through the creation of excessive dust, light, noise, odor, or other undesirable characteristics.
- C. The site on which the temporary use is proposed is adequate in size and shape to accommodate the temporary use without detriment to the enjoyment of other properties located adjacent to and near the subject property.

4.4.040 Lapse of Approval

- A. A Temporary Use Permit becomes void if not used within six months following its effective date, or within a shorter time specifically prescribed as a condition of the Temporary Use Permit, or at the expiration of an associated development permit if that occurs at a later time. The Planning Director may extend the time for a maximum period of one additional six-month period only, if an application is filed before the expiration of the six month or shorter time period.
- B. Where the conditions of a Temporary Use Permit have not been or are not being complied with, the Planning Director shall give written notice to the permittee of intention to revoke or modify the Temporary Use Permit and shall set a date for a public hearing with the Planning Commission in compliance with [Section 10-1.2820 \(Notice\) of the Hayward Zoning Code](#) upon the proposed revocation or modification. The notice must be served on the owner of the subject property by mailing the notice to the owner at the address shown on the last equalized assessment roll at least 10 days before the date of the hearing, and specify the date, time, and place when and where it will be held. Following the hearing, and if the Planning Director finds that there is good cause the Temporary Use Permit may be modified or revoked.
- C. If a structure or use granted under a Temporary Use Permit is abandoned for a period of 30 days, the Temporary Use Permit expires.

4.4.050 Time Limits

- A. A Temporary Use Permit is valid for up to 180 days in any given calendar year, unless otherwise stipulated in [Section 3.5.020 \(Temporary Uses\)](#) or the Planning Director determines that another time limit is necessary to comply with the findings in [Section 4.4.030 \(Findings\)](#).
- B. The Planning Director may limit the number of Temporary Use Permits approved for each lot in a calendar year to avoid temporary uses becoming effectively permanent uses consistent with the intent of this Division.

4.4.060 Appeals

A decision for a Temporary Use Permit can be appealed in compliance with [Section 10-1.2845 \(Appeal and Review Process\)](#) of the [Hayward Zoning Code](#).

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Article 5: Definitions

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Division 5.1 General Terms and Definitions

Sections

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5.1.020	Land Uses	5-3
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5.1.010 Purpose and Intent

This Article describes and classifies land uses and terms that apply to the Mission Boulevard Corridor Zones. This Article supplements, and supersedes, if in conflict with, the terms defined in [Section 10-1.3500 \(Definitions\)](#) in the Hayward Municipal Code. Where this Article is silent, the definitions of the Hayward Municipal Code apply.

5.1.020 Land Uses

Land uses are defined in [Article 1, Section 10-1.3500, Definitions, of the Hayward Municipal Code](#).

5.1.030 General Terms

Block. An area of land separated from other areas by adjacent streets, railroads, rights of-way, or public areas.

Building Elevation. The exterior wall of a building not adjacent to a public right-of-way, the front or side along a private street, or civic space.

Building Façade. The vertical surface of a building, generally placed facing a frontage line (“front facade”).

Civic Space. Land that is improved for civic gathering purposes.

Commercial. the term collectively defining workplace, Office, Retail Sales, and Lodging Functions.

Density. the number of dwelling units within a standard measure of land area.

Dooryard. A Frontage Type wherein the main facade of the building is set back a small distance and the frontage line is defined by a low wall or hedge, creating a small dooryard (see Section 3.3.100).

Driveway. A vehicular lane within a site or shared between two sites leading to a garage, or other approved parking or loading area.

Encroachment. Any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, oriel window, bay window, terrace or deck, that breaks the plane of a vertical or horizontal regulatory limit extending into a setback, or beyond the zero lot line into the public frontage, or above a height limit.

Enfront. to place an element along a Frontage, as in “porches Enfront the street.”

Facade Zone. The area between the minimum and maximum setback lines along the front of a parcel and along the side street of a corner parcel.

Forecourt. A Frontage Type wherein the main facade of the building is at or near the frontage line and a small portion of the building is set back (see Section 3.3.090).

Front Yard. A Frontage Type wherein the main facade of the building has a planted setback from the frontage line (see Section 3.3050).

Frontage. A strip or extent of land abutting a thoroughfare, civic space, or other public right-of-way.

Private Frontage. The area between the building facade and the shared lot line between the public right-of-way and the lot.

Public Frontage. The area between the curb of the vehicular lanes and shared lot line between the public right-of-way and the lot.

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.

Gallery. A Frontage Type wherein the main facade of the building is at or near the frontage line and a cantilevered shed or colonnade overlaps the sidewalk in the right-of-way (see Section 3.3.140).

Green. A Civic Space Type wherein a natural preserve or open space is available for unstructured recreation (see Section 3.4.060).

Greenway. A Civic Space Type wherein linear space is available for community gathering and strolling for nearby residents and employees (see Section 3.4.050).

Height

Building Height. The vertical distance at any point from the finished grade or existing grade, whichever is lower, to the highest point of the coping of a flat roof, to the top roof line of a mansard roof, or to the midpoint of the highest gable of a pitched or hip roof (see Section 10-1.3510 in the Hayward Municipal Code).

Ground Floor, Finished Floor. Height from finished grade to the top of the flooring material of the ground floor.

Ground Floor, Ceiling. Height from finished floor to finished ceiling of primary rooms on the floor(s) above the ground floor, not including secondary rooms such as bathrooms, closets, utility rooms, and storage spaces.

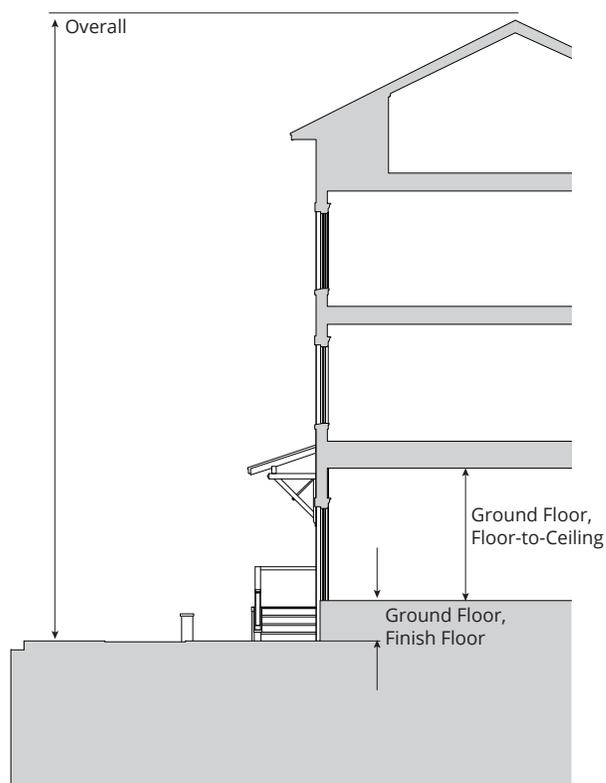


Figure 6.1.030.1 Height

Lot Width, net. The lot width excluding portions of the lot dedicated to driveways or access, including fire access.

Maker Shopfront. A Frontage Type wherein the main facade of the building is at or near the frontage line with an at-grade or elevated entrance from the sidewalk (see Section 3.3.110).

Parking Structure. Facilities for the temporary parking of motor vehicles within a privately or publicly owned off-street parking facility. This use includes commercial parking lots and garages.

Playground. A Civic Space Type wherein open space is designed and equipped for the recreation of children (see Section 3.4.090).

Pocket Plaza. A Civic Space Type wherein open space is available for civic purposes and commercial activities (see Section 3.4.080).

Porch: Engaged. A Frontage Type wherein the main facade of the building is setback from the frontage line with an attached porch that has two adjacent sides that are engaged to the building while the other two sides are open (see Section 3.3.070).

Porch: Projecting. A Frontage Type wherein the main facade of the building is setback from the frontage line with an attached porch that is open on three sides and all habitable space is located behind the building setback line (see Section 3.3.060).

Primary Entrance. The main point of access for pedestrians into a building.

Regulating Plan. A map for a development that identifies zones to be applied to replace the existing zones. Upon approval of the development, the regulating plan's content is incorporated into the Hayward Zoning Map.

Residential. Characterizing premises available for long-term human dwelling.

Shopfront. A Frontage Type wherein the main facade of the building is at or near the frontage line with at-grade entrance along the sidewalk (see Section 3.3.120).

Sidewalk. The paved section of the Public Frontage dedicated to pedestrian activity.

Square. A Civic Space Type wherein a neighborhood available for civic purposes, recreation, and passive uses (see Section 3.4.070).

Stoop. A Frontage Type wherein the main facade of the building is near the frontage line and the stoop engages the first floor with the sidewalk (see Section 3.3.080).

Terrace. A Frontage Type wherein the main facade is set back from the frontage line with an elevated terrace (see Section 3.3.130).

PROPOSED TEXT AMENDMENTS - HAYWARD MUNICIPAL CODE

Chapter 10 (Planning, Zoning, and Subdivisions)

Article 1 Zoning Ordinance

Sec. 10-1.2735(c) - Special Standards and Conditions For Certain Uses.

Unattended Collection Box. A zoning conformance permit is required prior to placement of an unattended collection box on a property that is zoned General Commercial, Neighborhood Commercial, ~~Mission Boulevard Code (MB-CN, MB-NN, MB-CC)~~ ~~Mission Boulevard Form-Based Code (MB-T4 and MB-T5)~~ and ~~South Hayward BART Form-Based Code (S-T4 and S-T5)~~ districts. An unattended collection box owned, operated and maintained by a currently operating primary or permitted use engaged in the collection of used textiles and that is located on the site of that use shall not require zoning conformance permit approval. However, such box shall meet all other requirements and standards as set forth in this subsection.

Article 7 Sign Regulations

Sec. 10-7.502(f) - Sign Regulations by Use.

(f) Form-Based Code Districts—All (~~MB-CN, MB-NN, MB-CCT1, T2, T3, T4, T4-1, T4-2, T5, T6~~ and ~~MB-CS~~).

Sign Types Allowed	Total Max. No.	Max. Area	Illumination	Additional Provisions
General <ul style="list-style-type: none"> • Awning • Hanging • Marquee • Monument • Overhang • Projecting • Temporary • Wall • Window • Signs of historical or aesthetic significance 	2 signs per frontage. 4 signs max per establishment unless otherwise approved by Development Services Director. Temporary window signs do not count toward the total.	Sign Corridor Overlay District (see Section 10-7.211): 2 sq. ft. per linear footage of primary frontage. 30 percent of primary frontage for secondary frontage signs. All other (outside of Sign Corridor Overlay District): 1 sq. ft. per linear footage of primary frontage. ½ sq. ft. per linear footage of secondary frontage. 30 sq. ft. min for Principle Frontage 100 sq. ft. max. per frontage	<ul style="list-style-type: none"> • See section 10-7.209 for lighting restrictions. • External lighting is encouraged. • Neon or day glow must be approved. • Signs may be illuminated with directional spotlights or indirect lighting if the effect at night is not glaringly bright. 	<ul style="list-style-type: none"> • Only 1 frontage, which contains a public entrance, can be counted as Principle Frontage. All other building Frontages, which have exposure to pedestrian or vehicular traffic, are considered Secondary Frontages.

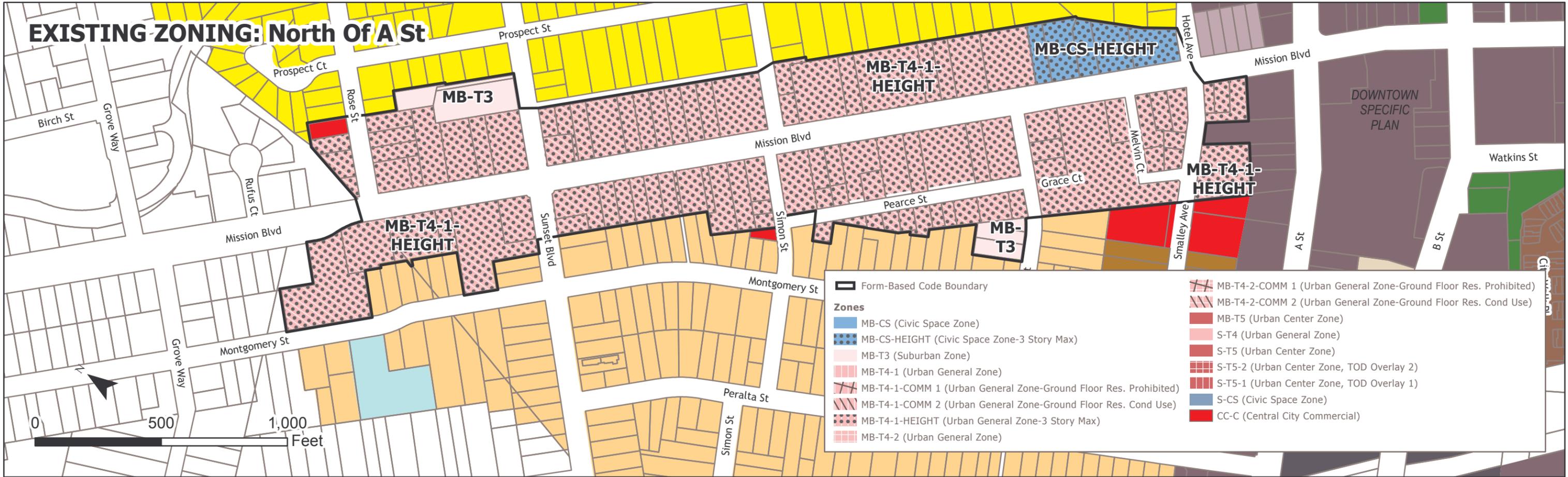
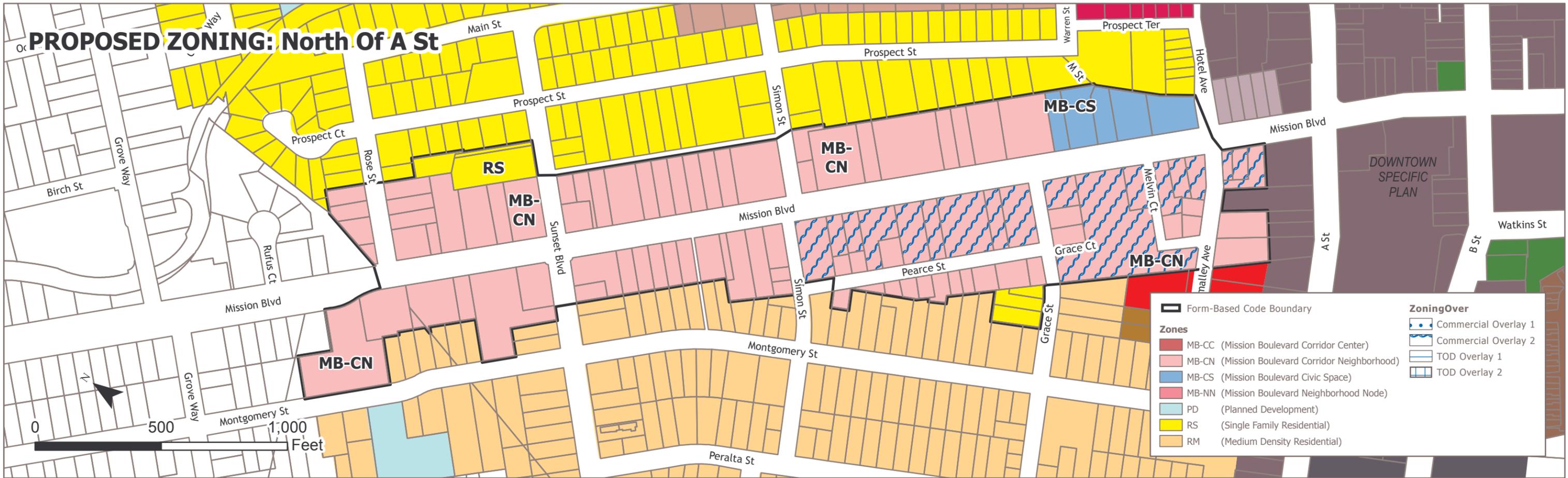
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Article 24 -- ~~Mission Boulevard Code South Hayward Bart/Mission Boulevard Form-Based Code~~

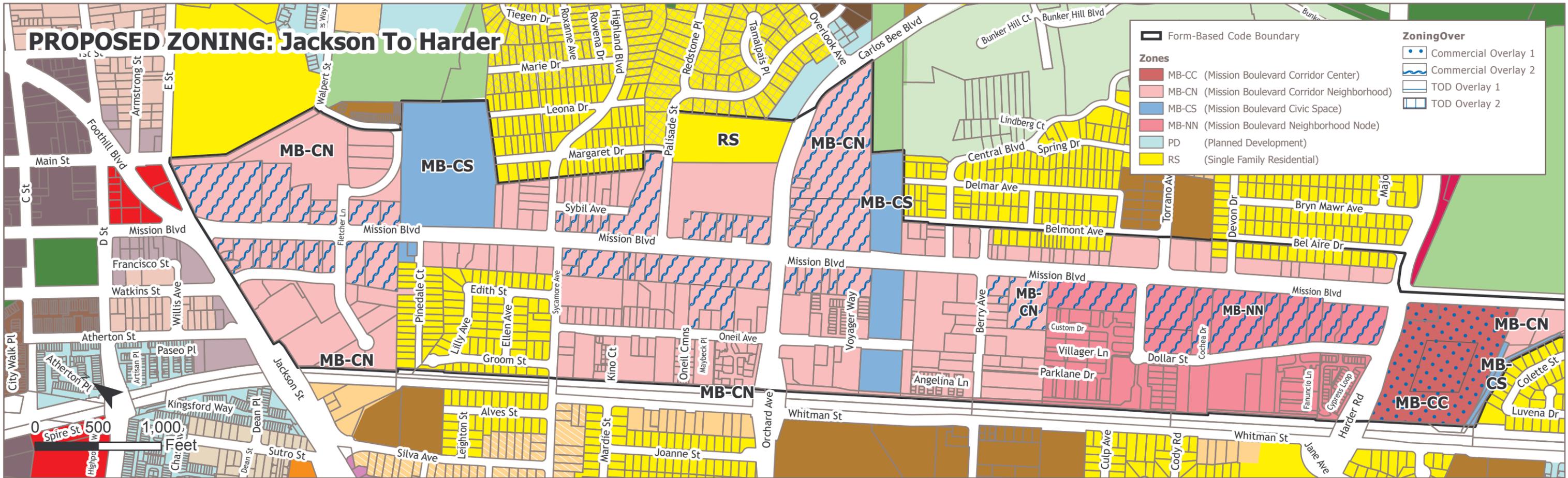
See Attachment III for Replacement Text for Mission Boulevard Code Update

Article 25 -- ~~RESERVED Hayward Mission Boulevard Corridor Form-Based Code~~

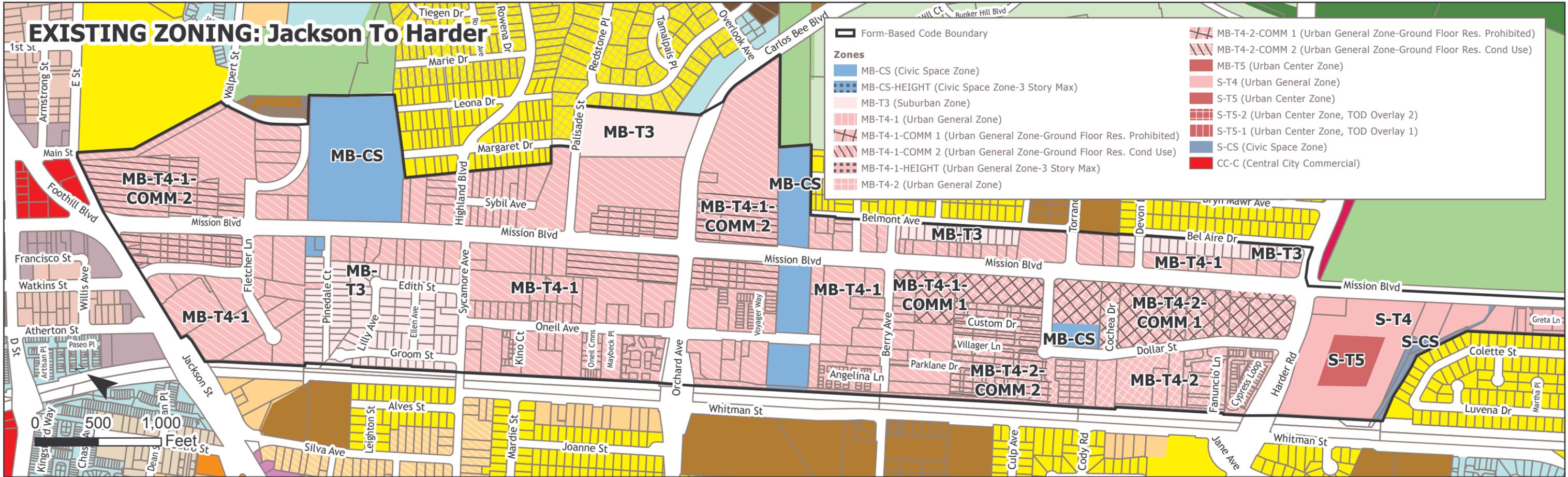
~~strikethrough~~ = deleted; underline = replacement text



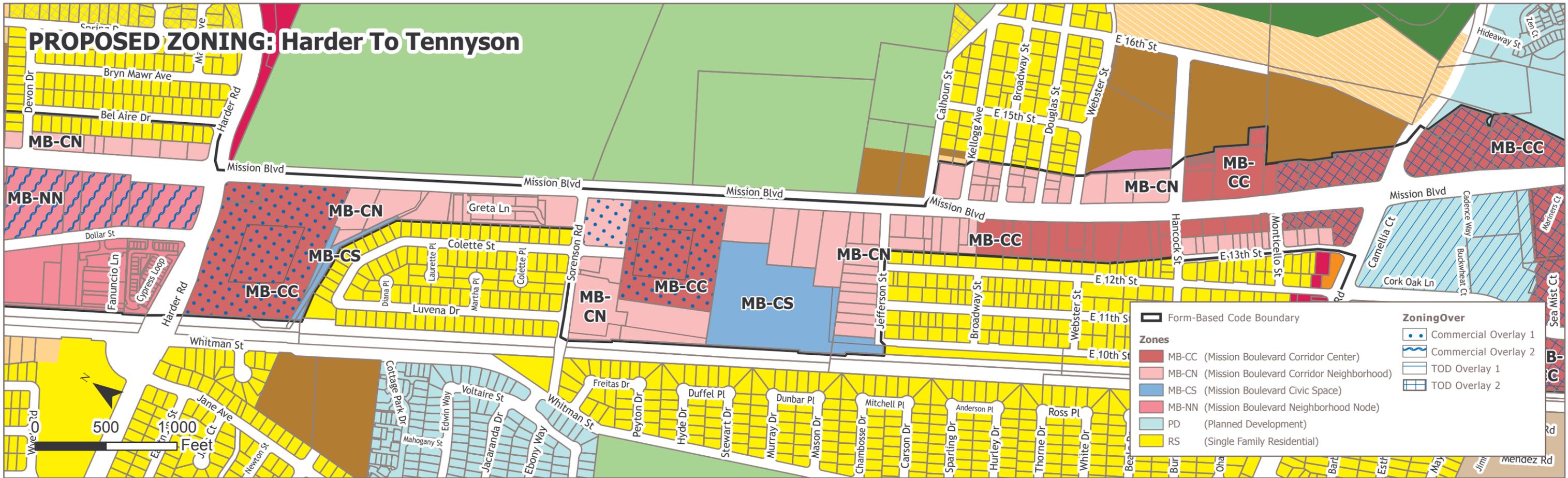
PROPOSED ZONING: Jackson To Harder



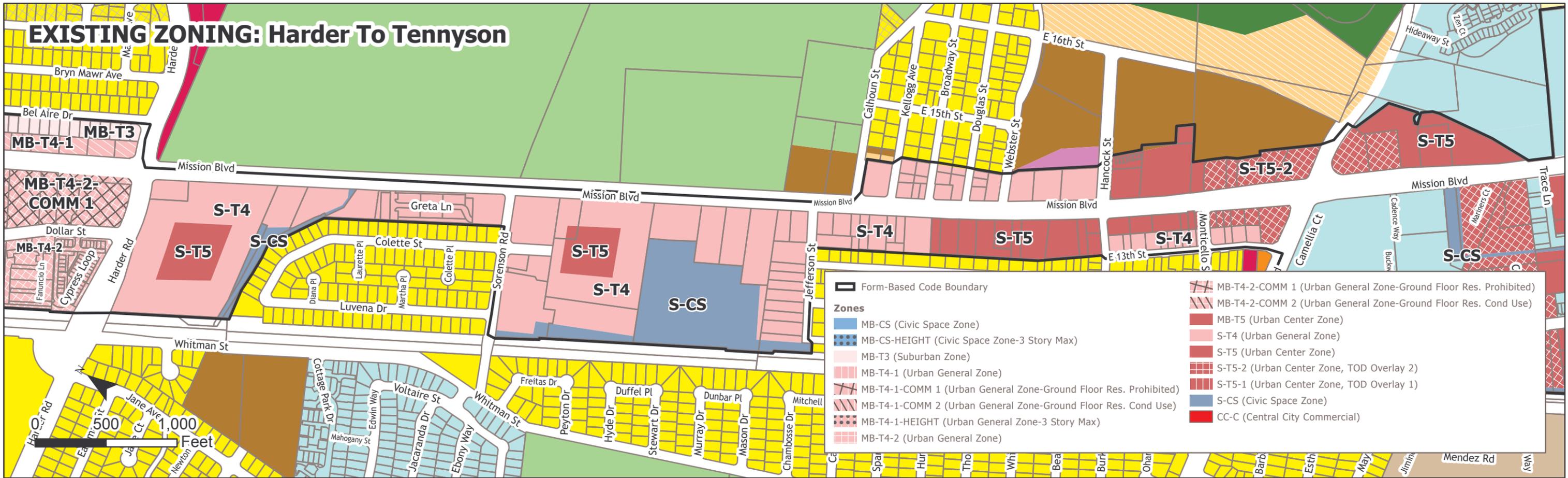
EXISTING ZONING: Jackson To Harder



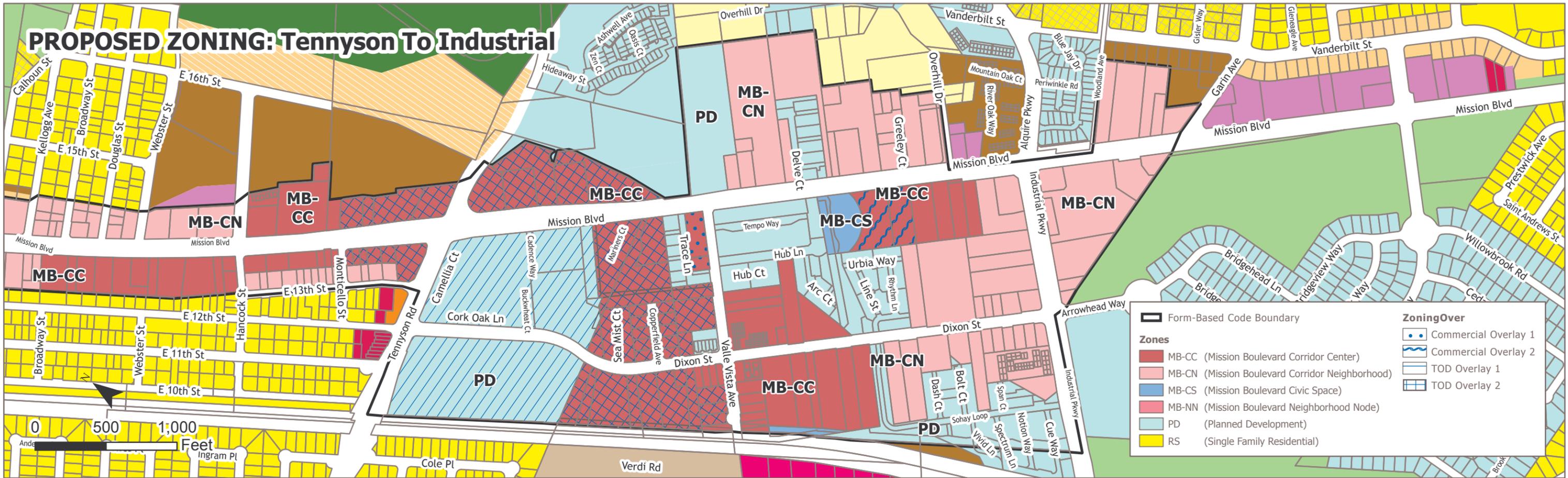
PROPOSED ZONING: Harder To Tennyson



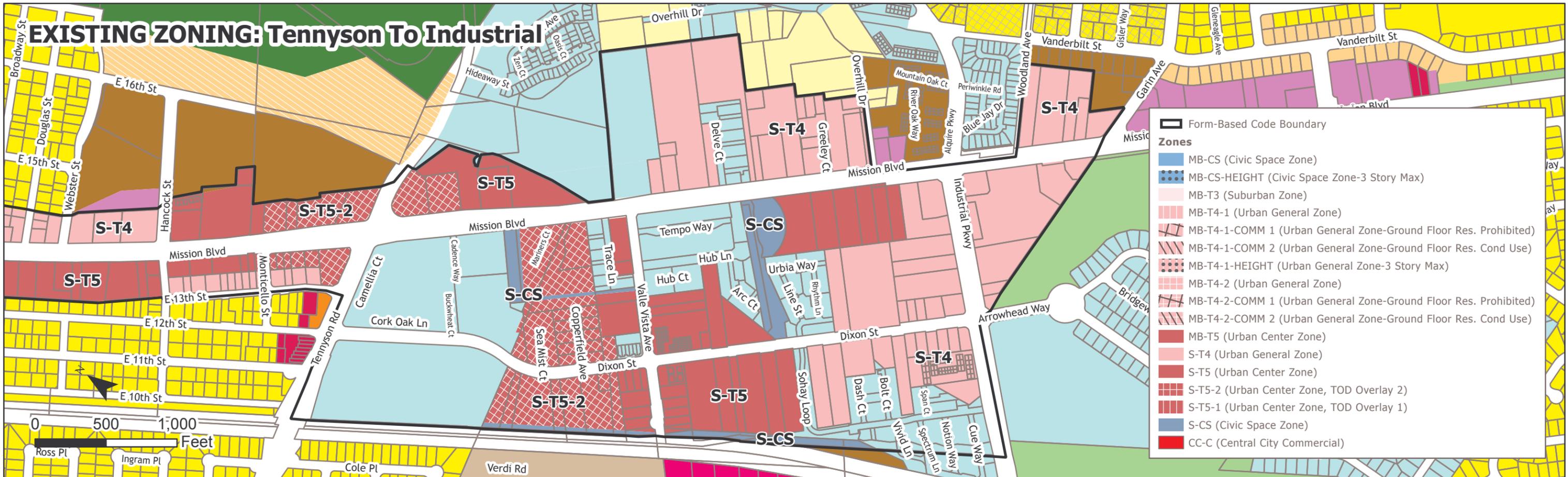
EXISTING ZONING: Harder To Tennyson



PROPOSED ZONING: Tennyson To Industrial



EXISTING ZONING: Tennyson To Industrial



ATTACHMENT VI

Existing and Proposed Zoning for Mission Boulevard Form-Based Code Parcels				
Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
MISSION BLVD	452-0088-012-00	S-T4	MB-CN	
MISSION BLVD	452-0088-011-00	S-T4	MB-CN	
MISSION BLVD	452-0088-010-00	S-T4	MB-CN	
MISSION BLVD	452-0088-009-00	S-T4	MB-CN	
MISSION BLVD	452-0088-008-00	S-T4	MB-CN	
MISSION BLVD	452-0088-007-00	S-T4	MB-CN	
MISSION BLVD	452-0088-006-00	S-T4	MB-CN	
MISSION BLVD	452-0088-005-00	S-T4	MB-CN	
MISSION BLVD	452-0088-004-00	S-T4	MB-CN	
MISSION BLVD	452-0088-003-00	S-T4	MB-CN	
MISSION BLVD	452-0088-002-00	S-T4	MB-CN	
MISSION BLVD	452-0088-001-00	S-T4	MB-CN	
28406 E 13TH ST	452-0084-099-02	S-T4	MB-CN	
28458 E 13TH ST	452-0084-098-00	S-T4	MB-CN	
28470 E 13TH ST	452-0084-097-00	S-T4	MB-CN	
28538 E 13TH ST	452-0084-096-00	S-T4	MB-CN	
650 TENNYSON RD	452-0084-095-05	S-T5-2	MB-CC	TOD Overlay 2
28529 MISSION BLVD	452-0084-090-00	S-T5-2	MB-CC	TOD Overlay 2
28521 MISSION BLVD	452-0084-089-00	S-T5-2	MB-CC	TOD Overlay 2
28495 MISSION BLVD	452-0084-088-00	S-T5-2	MB-CC	TOD Overlay 2
28485 MISSION BLVD	452-0084-087-00	S-T5-2	MB-CC	TOD Overlay 2
28475 MISSION BLVD	452-0084-086-02	S-T5-2	MB-CC	TOD Overlay 2
28200 E 13TH ST	452-0084-085-02	S-T4	MB-CN	
28200 E 13TH ST	452-0084-084-00	S-T4	MB-CN	
28202 E 13TH ST	452-0084-083-00	S-T4	MB-CN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
28240 E 13TH ST	452-0084-082-00	S-T4	MB-CN	
28276 E 13TH ST	452-0084-081-00	S-T4	MB-CN	
28298 E 13TH ST	452-0084-080-00	S-T4	MB-CN	
28320 E 13TH ST	452-0084-079-00	S-T4	MB-CN	
28348 E 13TH ST	452-0084-078-00	S-T4	MB-CN	
28368 E 13TH ST	452-0084-077-00	S-T4	MB-CN	
28390 E 13TH ST	452-0084-076-02	S-T4	MB-CN	
28293 MISSION BLVD	452-0084-075-02	S-T5	MB-CC	
28285 MISSION BLVD	452-0084-074-00	S-T5	MB-CC	
MISSION BLVD	452-0084-073-00	S-T5	MB-CC	
28257 MISSION BLVD	452-0084-072-00	S-T5	MB-CC	
28149 MISSION BLVD	452-0084-070-01	S-T5	MB-CC	
28105 MISSION BLVD	452-0084-069-02	S-T5	MB-CC	
650 HANCOCK ST	452-0080-045-01	S-T5	MB-CC	
28075 MISSION BLVD	452-0080-043-02	S-T5	MB-CC	
28049 MISSION BLVD	452-0080-042-00	S-T5	MB-CC	
28001 MISSION BLVD	452-0080-039-02	S-T5	MB-CC	
27955 MISSION BLVD	452-0080-038-03	S-T5	MB-CC	
27931 MISSION BLVD	452-0080-037-00	S-T5	MB-CC	
27369 MISSION BLVD	452-0068-112-00	S-T4	MB-CN	
27423 MISSION BLVD	452-0068-111-00	S-T4	MB-CN	
520 JEFFERSON ST	452-0068-095-03	S-T4, S-CS	MB-CS	
27550 E 12TH ST	452-0068-034-02	S-T4	MB-CN	
27580 E 12TH ST	452-0068-031-01	S-T4	MB-CN	
27695 MISSION BLVD	452-0068-030-01	S-T4	MB-CC	
27823 MISSION BLVD	452-0068-024-06	S-T5	MB-CC	
27915 MISSION BLVD	452-0068-024-05	S-T5	MB-CC	
27795 MISSION BLVD	452-0068-024-03	S-T5	MB-CC	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
27787 MISSION BLVD	452-0068-023-00	S-T5	MB-CC	
27703 MISSION BLVD	452-0068-022-00	S-T5	MB-CC	
27641 MISSION BLVD	452-0068-020-04	S-T4	MB-CN	
27651 MISSION BLVD	452-0068-020-03	S-T4	MB-CN	
27575 MISSION BLVD	452-0068-019-00	S-T4	MB-CN	
27541 MISSION BLVD	452-0068-018-00	S-T4	MB-CN	
27511 MISSION BLVD	452-0068-017-00	S-T4	MB-CN	
27467 MISSION BLVD	452-0068-016-01	S-T4	MB-CN	
27451 MISSION BLVD	452-0068-014-02	S-T4	MB-CN	
629 JEFFERSON ST	452-0068-013-00	S-T4	MB-CN	
620 JEFFERSON ST	452-0068-011-02	S-T4	MB-CN	
604 JEFFERSON ST	452-0068-010-00	S-T4	MB-CN	
592 JEFFERSON ST	452-0068-009-00	S-T4	MB-CN	
586 JEFFERSON ST	452-0068-008-00	S-T4	MB-CN	
574 JEFFERSON ST	452-0068-007-01	S-T4	MB-CN	
556 JEFFERSON ST	452-0068-005-02	S-T4	MB-CN	
542 JEFFERSON ST	452-0068-004-02	S-T4	MB-CN	
532 JEFFERSON ST	452-0068-002-01	S-T4	MB-CN	
SORENSEN RD	452-0056-017-00	S-T4	MB-CN	
26953 MISSION BLVD	452-0056-016-00	S-T5, S-T4	MB-CC	Commercial Overlay 1
26825 COLETTE ST	452-0056-015-00	S-T4	MB-CN	
605 SORENSON RD	452-0056-014-00	S-CS, S-T4	MB-CN	
26869 MISSION BLVD	452-0056-013-00	S-CS, S-T4	MB-CN	
MISSION BLVD	452-0056-009-02	S-CS, S-T4	MB-CS	
27283 MISSION BLVD	452-0056-008-00	S-T4	MB-CN	
27177 MISSION BLVD	452-0056-007-00	S-T4	MB-CN	
27151 MISSION BLVD	452-0056-006-00	S-T4	MB-CN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
27143 MISSION BLVD	452-0056-005-00	S-T4	MB-CN	
26801 MISSION BLVD	452-0056-003-00	S-T5, S-T4	MB-CC	Commercial Overlay 1
677 SORENSON RD	452-0056-002-01	S-T4	MB-CN	
26781 MISSION BLVD	452-0056-001-15	S-T4	MB-CN	Commercial Overlay 1
26601 MISSION BLVD	452-0036-112-00	S-T4	MB-CN	
WHITMAN ST	452-0020-011-00	S-CS	MB-CS	
MISSION BLVD	452-0020-010-02	S-CS	MB-CS	
26231 MISSION BLVD	452-0020-009-01	S-T5, S-T4	MB-CC	Commercial Overlay 1
26359 MISSION BLVD	452-0020-008-00	S-T4	MB-CN	
26295 MISSION BLVD	452-0020-007-06	S-T4, S-CS	MB-CN	
26253 MISSION BLVD	452-0020-006-11	S-T4, S-CS	MB-CN	
MISSION BLVD	452-0020-006-10	S-CS	MB-CS	
26135 MISSION BLVD	452-0020-004-03	S-T4	MB-CC	Commercial Overlay 1
25870 MISSION BLVD	445-0230-025-00	MB-T4-1	MB-CN	
25886 MISSION BLVD	445-0230-024-00	MB-T4-1	MB-CN	
25900 MISSION BLVD	445-0230-023-00	MB-T4-1	MB-CN	
25926 MISSION BLVD	445-0230-022-00	MB-T4-1	MB-CN	
25962 MISSION BLVD	445-0230-021-00	MB-T4-1	MB-CN	
26070 MISSION BLVD	445-0230-020-00	MB-T4-1	MB-CN	
882 HARDER RD	445-0230-019-00	MB-T3	RS	
25907 BEL AIRE DR	445-0230-018-00	MB-T3	RS	
25899 BEL AIRE DR	445-0230-017-00	MB-T3	RS	
25891 BEL AIRE DR	445-0230-016-00	MB-T3	RS	
25883 BEL AIRE DR	445-0230-015-00	MB-T3	RS	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
25875 BEL AIRE DR	445-0230-014-00	MB-T3	RS	
25867 BEL AIRE DR	445-0230-013-00	MB-T3	RS	
25859 BEL AIRE DR	445-0230-012-00	MB-T3	RS	
25851 BEL AIRE DR	445-0230-011-00	MB-T3	RS	
25843 BEL AIRE DR	445-0230-010-00	MB-T3	RS	
25835 BEL AIRE DR	445-0230-009-00	MB-T3	RS	
25827 BEL AIRE DR	445-0230-008-00	MB-T3	RS	
25815 BEL AIRE DR	445-0230-007-00	MB-T3	RS	
25807 BEL AIRE DR	445-0230-006-00	MB-T3	RS	
25799 BEL AIRE DR	445-0230-005-00	MB-T3	RS	
25791 BEL AIRE DR	445-0230-004-00	MB-T3	RS	
25783 BEL AIRE DR	445-0230-003-00	MB-T3	RS	
938 DEVON DR	445-0230-002-00	MB-T3	RS	
25856 MISSION BLVD	445-0230-001-00	MB-T4-1	MB-CN	
BELMONT AVE	445-0220-142-01	MB-T3	RS	
25336 MISSION BLVD	445-0220-141-01	MB-T4-1	MB-CN	
25714 MISSION BLVD	445-0220-133-03	MB-T4-1	MB-CN	
25718 MISSION BLVD	445-0220-132-00	MB-T4-1	MB-CN	
931 DEVON DR	445-0220-131-00	MB-T3	RS	
947 DEVON DR	445-0220-130-00	MB-T3	RS	
25700 MISSION BLVD	445-0220-115-00	MB-T4-1	MB-CN	
25392 MISSION BLVD	445-0220-023-00	MB-T4-1	MB-CN	
MISSION BLVD	445-0220-022-00	MB-T4-1	MB-CN	
25400 MISSION BLVD	445-0220-021-00	MB-T4-1	MB-CN	
25462 MISSION BLVD	445-0220-020-00	MB-T4-1	MB-CN	
25486 MISSION BLVD	445-0220-019-00	MB-T4-1	MB-CN	
25508 MISSION BLVD	445-0220-018-00	MB-T4-1	MB-CN	
25516 MISSION BLVD	445-0220-017-00	MB-T4-1	MB-CN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
25640 MISSION BLVD	445-0220-016-00	MB-T4-1	MB-CN	
25507 BELMONT AVE	445-0220-015-00	MB-T3	RS	
25499 BELMONT AVE	445-0220-014-00	MB-T3	RS	
25495 BELMONT AVE	445-0220-013-00	MB-T3	RS	
25491 BELMONT AVE	445-0220-012-00	MB-T3	RS	
25479 BELMONT AVE	445-0220-011-00	MB-T3	RS	
25467 BELMONT AVE	445-0220-010-00	MB-T3	RS	
BELMONT AVE	445-0220-009-00	MB-T3	RS	
BELMONT AVE	445-0220-008-00	MB-T3	RS	
BELMONT AVE	445-0220-007-00	MB-T3	RS	
BELMONT AVE	445-0220-006-00	MB-T3	RS	
BELMONT AVE	445-0220-005-00	MB-T3	RS	
BELMONT AVE	445-0220-004-00	MB-T3	RS	
BELMONT AVE	445-0220-003-00	MB-T3	RS	
25226 MISSION BLVD	445-0210-087-01	MB-T4-1	MB-CN	
25277 BELMONT AVE	445-0210-086-01	MB-T3	RS	
25176 MISSION BLVD	445-0210-051-04	MB-T4-1	MB-CN	
MISSION BLVD	445-0210-051-03	MB-T3, MB-T4-1	MB-CN	
25220 MISSION BLVD	445-0210-048-00	MB-T4-1	MB-CN	
25224 MISSION BLVD	445-0210-047-00	MB-T4-1	MB-CN	
25247 BELMONT AVE	445-0210-042-00	MB-T3	RS	
25243 BELMONT AVE	445-0210-041-00	MB-T3	RS	
25223 BELMONT AVE	445-0210-040-00	MB-T3	RS	
25168 MISSION BLVD	445-0210-033-00	MB-T4-1	MB-CN	
	445-0210-032-04	MB-CS	MB-CS	
896 CENTRAL BLVD	445-0210-010-00	MB-T4-1	MB-CN	
862 CENTRAL BLVD	445-0210-009-01	MB-T4-1	MB-CN	
25144 MISSION BLVD	445-0210-007-01	MB-T4-1	MB-CN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
25124 MISSION BLVD	445-0210-001-05	MB-T4-1	MB-CN	
25107 BELMONT AVE	445-0210-001-04	MB-T4-1	MB-CN	
25123 BELMONT AVE	445-0210-001-02	MB-T4-1	MB-CN	
25000 MISSION BLVD	445-0200-012-01	MB-T4-1-COMM 2, MB-T4-1	MB-CN	Commercial Overlay 2
24900 MISSION BLVD	445-0200-009-00	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
24917 CARLOS BEE BLVD	445-0200-008-00	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
24929 CARLOS BEE BLVD	445-0200-007-00	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
24953 CARLOS BEE BLVD	445-0200-005-00	MB-T4-1	MB-CN	Commercial Overlay 2
CARLOS BEE BLVD	445-0150-060-00	MB-T3	RS	
24732 MISSION BLVD	445-0150-059-02	MB-T4-1	MB-CN	
24744 MISSION BLVD	445-0150-058-01	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
24780 MISSION BLVD	445-0150-056-00	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
24802 MISSION BLVD	445-0150-055-00	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
24822 MISSION BLVD	445-0150-054-00	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
24832 MISSION BLVD	445-0150-053-02	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
24874 MISSION BLVD	445-0150-052-01	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
24504 SYBIL ST	445-0150-017-00	MB-T4-1	MB-CN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
24516 SYBIL ST	445-0150-016-00	MB-T4-1	MB-CN	
24534 SYBIL ST	445-0150-015-00	MB-T4-1	MB-CN	
24552 SYBIL ST	445-0150-014-00	MB-T4-1	MB-CN	
24556 SYBIL ST	445-0150-013-00	MB-T4-1	MB-CN	
24562 SYBIL ST	445-0150-012-00	MB-T4-1	MB-CN	
24574 SYBIL ST	445-0150-011-00	MB-T4-1	MB-CN	
24586 SYBIL ST	445-0150-010-00	MB-T4-1	MB-CN	
24598 SYBIL ST	445-0150-009-00	MB-T4-1	MB-CN	
24618 MISSION BLVD	445-0150-008-00	MB-T4-1	MB-CN	Commercial Overlay 2
24602 MISSION BLVD	445-0150-007-00	MB-T4-1	MB-CN	Commercial Overlay 2
24588 MISSION BLVD	445-0150-006-00	MB-T4-1	MB-CN	Commercial Overlay 2
24574 MISSION BLVD	445-0150-005-00	MB-T4-1	MB-CN	Commercial Overlay 2
24557 SYBIL ST	445-0150-004-00	MB-T4-1	MB-CN	Commercial Overlay 2
24546 MISSION BLVD	445-0150-003-00	MB-T4-1	MB-CN	Commercial Overlay 2
24518 MISSION BLVD	445-0150-002-00	MB-T4-1	MB-CN	Commercial Overlay 2
24504 MISSION BLVD	445-0150-001-03	MB-T4-1	MB-CN	Commercial Overlay 2
945 HIGHLAND BLVD	445-0140-010-00	MB-T4-1	MB-CN	
933 HIGHLAND BLVD	445-0140-009-00	MB-T4-1	MB-CN	
921 HIGHLAND BLVD	445-0140-008-00	MB-T4-1	MB-CN	
913 HIGHLAND BLVD	445-0140-007-00	MB-T4-1	MB-CN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
909 HIGHLAND BLVD	445-0140-006-02	MB-T4-1	MB-CN	
24456 MISSION BLVD	445-0140-005-01	MB-T4-1	MB-CN	
24400 MISSION BLVD	445-0140-003-00	MB-T4-1	MB-CN	
24326 MISSION BLVD	445-0140-002-00	MB-T4-1	MB-CN	
24176 MISSION BLVD	445-0140-001-00	MB-CS	MB-CS	
24134 MISSION BLVD	445-0001-014-00	MB-T4-1	MB-CN	Commercial Overlay 2
24122 MISSION BLVD	445-0001-013-00	MB-T4-1	MB-CN	Commercial Overlay 2
921 FLETCHER LN	445-0001-012-00	MB-T4-1	MB-CN	
944 WALPERT ST	445-0001-009-00	MB-T4-1	MB-CN	
936 WALPERT ST	445-0001-008-00	MB-T4-1	MB-CN	
928 WALPERT ST	445-0001-007-00	MB-T4-1	MB-CN	
920 FLETCHER LN	445-0001-006-00	MB-T4-1	MB-CN	
24052 MISSION BLVD	445-0001-004-14	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
FLETCHER LN	445-0001-004-13	MB-T4-1	MB-CN	
24060 MISSION BLVD	445-0001-004-09	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
FLETCHER LN	445-0001-004-05	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
24086 MISSION BLVD	445-0001-003-02	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
23950 MISSION BLVD	445-0001-002-00	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
1000 E ST	445-0001-001-01	MB-T4-1	MB-CN	
BERRY AVE	444-0082-200-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-196-00	MB-T4-2-COMM 2	MB-NN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
BERRY AVE	444-0082-191-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-185-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-179-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-174-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-168-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-161-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-156-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-151-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-145-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-139-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-133-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-127-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-120-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-114-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-108-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-102-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-095-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-088-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-081-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-074-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-067-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-060-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-053-00	MB-T4-1	MB-CN	
BERRY AVE	444-0082-046-00	MB-T4-1	MB-CN	
BERRY AVE	444-0082-039-00	MB-T4-1	MB-CN	
BERRY AVE	444-0082-006-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-005-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-004-00	MB-T4-1	MB-CN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
BERRY AVE	444-0082-003-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-002-00	MB-T4-2-COMM 2	MB-NN	
BERRY AVE	444-0082-001-00	MB-T4-2-COMM 2, MB-T	MB-NN	
25891 DOLLAR ST	444-0081-118-00	MB-T4-2	MB-NN	
25891 DOLLAR ST	444-0081-111-00	MB-T4-2	MB-NN	
25891 DOLLAR ST	444-0081-104-00	MB-T4-2	MB-NN	
25891 DOLLAR ST	444-0081-098-00	MB-T4-2	MB-NN	
25891 DOLLAR ST	444-0081-092-00	MB-T4-2	MB-NN	
25891 DOLLAR ST	444-0081-085-00	MB-T4-2	MB-NN	
25891 DOLLAR ST	444-0081-078-00	MB-T4-2	MB-NN	
25891 DOLLAR ST	444-0081-073-00	MB-T4-2	MB-NN	
25891 DOLLAR ST	444-0081-060-00	MB-T4-2	MB-NN	
25891 DOLLAR ST	444-0081-059-00	MB-T4-2	MB-NN	
25891 DOLLAR ST	444-0081-058-00	MB-T4-2	MB-NN	
COMMON AREA	444-0081-057-00	MB-T4-2	MB-NN	
117 CYPRESS LOOP	444-0081-056-00	MB-T4-2	MB-NN	
115 CYPRESS LOOP	444-0081-055-00	MB-T4-2	MB-NN	
113 CYPRESS LOOP	444-0081-054-00	MB-T4-2	MB-NN	
111 CYPRESS LOOP	444-0081-053-00	MB-T4-2	MB-NN	
COMMON AREA	444-0081-052-00	MB-T4-2	MB-NN	
131 CYPRESS LOOP	444-0081-051-00	MB-T4-2	MB-NN	
129 CYPRESS LOOP	444-0081-050-00	MB-T4-2	MB-NN	
127 CYPRESS LOOP	444-0081-049-00	MB-T4-2	MB-NN	
125 CYPRESS LOOP	444-0081-048-00	MB-T4-2	MB-NN	
123 CYPRESS LOOP	444-0081-047-00	MB-T4-2	MB-NN	
121 CYPRESS LOOP	444-0081-046-00	MB-T4-2	MB-NN	
109 CYPRESS LOOP	444-0081-044-00	MB-T4-2	MB-NN	
107 CYPRESS LOOP	444-0081-043-00	MB-T4-2	MB-NN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
105 CYPRESS LOOP	444-0081-042-00	MB-T4-2	MB-NN	
103 CYPRESS LOOP	444-0081-041-00	MB-T4-2	MB-NN	
101 CYPRESS LOOP	444-0081-040-00	MB-T4-2	MB-NN	
COMMON AREA	444-0081-039-00	MB-T4-2	MB-NN	
135 CYPRESS LOOP	444-0081-038-00	MB-T4-2	MB-NN	
137 CYPRESS LOOP	444-0081-037-00	MB-T4-2	MB-NN	
COMMON AREA	444-0081-036-00	MB-T4-2	MB-NN	
141 CYPRESS LOOP	444-0081-035-00	MB-T4-2	MB-NN	
143 CYPRESS LOOP	444-0081-034-00	MB-T4-2	MB-NN	
145 CYPRESS LOOP	444-0081-033-00	MB-T4-2	MB-NN	
COMMON AREA	444-0081-032-00	MB-T4-2	MB-NN	
151 CYPRESS LOOP	444-0081-031-00	MB-T4-2	MB-NN	
153 CYPRESS LOOP	444-0081-030-00	MB-T4-2	MB-NN	
155 CYPRESS LOOP	444-0081-029-00	MB-T4-2	MB-NN	
157 CYPRESS LOOP	444-0081-028-00	MB-T4-2	MB-NN	
159 CYPRESS LOOP	444-0081-027-00	MB-T4-2	MB-NN	
161 CYPRESS LOOP	444-0081-026-00	MB-T4-2	MB-NN	
163 CYPRESS LOOP	444-0081-025-00	MB-T4-2	MB-NN	
COMMON AREA	444-0081-024-00	MB-T4-2	MB-NN	
25943 DOLLAR ST	444-0081-023-00	MB-T4-2	MB-NN	
25941 DOLLAR ST	444-0081-022-00	MB-T4-2	MB-NN	
25939 DOLLAR ST	444-0081-021-00	MB-T4-2	MB-NN	
25937 DOLLAR ST	444-0081-020-00	MB-T4-2	MB-NN	
25935 DOLLAR ST	444-0081-019-00	MB-T4-2	MB-NN	
25933 DOLLAR ST	444-0081-018-00	MB-T4-2	MB-NN	
COMMON AREA	444-0081-017-00	MB-T4-2	MB-NN	
25927 DOLLAR ST	444-0081-016-00	MB-T4-2	MB-NN	
25925 DOLLAR ST	444-0081-015-00	MB-T4-2	MB-NN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
25923 DOLLAR ST	444-0081-014-00	MB-T4-2	MB-NN	
25921 DOLLAR ST	444-0081-013-00	MB-T4-2	MB-NN	
COMMON AREA	444-0081-005-00	MB-T4-2	MB-NN	
COMMON AREA	444-0081-004-00	MB-T4-2	MB-NN	
COMMON AREA	444-0081-003-00	MB-T4-2	MB-NN	
COMMON AREA	444-0081-002-00	MB-T4-2	MB-NN	
COMMON AREA	444-0081-001-00	MB-T4-2	MB-NN	
24755 ONEIL AVE	444-0079-016-00	MB-T4-1	MB-CN	
722 ONEIL COMMONS	444-0079-015-00	MB-T4-1	MB-CN	
732 ONEIL COMMONS	444-0079-014-00	MB-T4-1	MB-CN	
742 ONEIL COMMONS	444-0079-013-00	MB-T4-1	MB-CN	
752 ONEIL COMMONS	444-0079-012-00	MB-T4-1	MB-CN	
762 ONEIL COMMONS	444-0079-011-00	MB-T4-1	MB-CN	
772 ONEIL COMMONS	444-0079-010-00	MB-T4-1	MB-CN	
782 ONEIL COMMONS	444-0079-009-00	MB-T4-1	MB-CN	
792 ONEIL COMMONS	444-0079-008-00	MB-T4-1	MB-CN	
747 ONEIL COMMONS	444-0079-007-00	MB-T4-1	MB-CN	
737 ONEIL COMMONS	444-0079-006-00	MB-T4-1	MB-CN	
727 ONEIL COMMONS	444-0079-005-00	MB-T4-1	MB-CN	
717 ONEIL COMMONS	444-0079-004-00	MB-T4-1	MB-CN	
702 ONEIL COMMONS	444-0079-003-00	MB-T4-1	MB-CN	
712 ONEIL COMMONS	444-0079-002-00	MB-T4-1	MB-CN	
24709 ONEIL AVE	444-0079-001-00	MB-T4-1	MB-CN	
25971 MISSION BLVD	444-0078-022-00	MB-T4-2-COMM 1	MB-NN	Commercial Overlay 2
25971 MISSION BLVD	444-0078-021-00	MB-T4-2-COMM 1	MB-NN	Commercial Overlay 2
HARDER RD	444-0078-017-01	MB-T4-2	MB-NN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
25915 MISSION BLVD	444-0078-008-05	MB-T4-2-COMM 1	MB-NN	Commercial Overlay 2
25891 MISSION BLVD	444-0078-007-06	MB-T4-2-COMM 1	MB-NN	Commercial Overlay 2
25817 MISSION BLVD	444-0078-006-05	MB-T4-2	MB-NN	
25803 MISSION BLVD	444-0078-006-04	MB-T4-2-COMM 1	MB-NN	Commercial Overlay 2
25715 MISSION BLVD	444-0078-005-05	MB-T4-2-COMM 1	MB-NN	Commercial Overlay 2
25711 DOLLAR ST	444-0078-005-04	MB-T4-2	MB-NN	
25751 DOLLAR ST	444-0078-004-02	MB-T4-2	MB-NN	
25655 DOLLAR ST	444-0078-002-05	MB-T4-2	MB-NN	
25697 MISSION BLVD	444-0078-002-04	MB-T4-2-COMM 1	MB-NN	Commercial Overlay 2
DOLLAR ST	444-0060-046-00	MB-T4-2	MB-NN	
25613 DOLLAR ST 14	444-0060-045-00	MB-T4-2	MB-NN	
25613 DOLLAR ST 13	444-0060-044-00	MB-T4-2	MB-NN	
25613 DOLLAR ST 12	444-0060-043-00	MB-T4-2	MB-NN	
25613 DOLLAR ST 11	444-0060-042-00	MB-T4-2	MB-NN	
25613 DOLLAR ST 10	444-0060-041-00	MB-T4-2	MB-NN	
25613 DOLLAR ST 9	444-0060-040-00	MB-T4-2	MB-NN	
25613 DOLLAR ST 8	444-0060-039-00	MB-T4-2	MB-NN	
25613 DOLLAR ST 7	444-0060-038-00	MB-T4-2	MB-NN	
25613 DOLLAR ST 6	444-0060-037-00	MB-T4-2	MB-NN	
25613 DOLLAR ST 5	444-0060-036-00	MB-T4-2	MB-NN	
25613 DOLLAR ST 4	444-0060-035-00	MB-T4-2	MB-NN	
25613 DOLLAR ST 3	444-0060-034-00	MB-T4-2	MB-NN	
25613 DOLLAR ST 2	444-0060-033-00	MB-T4-2	MB-NN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
25613 DOLLAR ST 1	444-0060-032-00	MB-T4-2	MB-NN	
25571 DOLLAR ST	444-0060-029-02	MB-T4-2-COMM 2	MB-NN	
DOLLAR ST	444-0060-027-06	MB-T4-2-COMM 2, MB-T4-1	MB-NN	
625 BERRY AVE	444-0060-027-05	MB-T4-1	MB-CN	
25601 MISSION BLVD	444-0060-023-10	MB-T4-2-COMM 1, MB-T4-1	MB-NN	Commercial Overlay 2
25501 MISSION BLVD	444-0060-019-07	MB-T4-2-COMM 1	MB-NN	Commercial Overlay 2
711 BERRY AVE	444-0060-012-05	MB-T4-1	MB-CN	
25375 MISSION BLVD	444-0060-012-02	MB-T4-1-COMM 1	MB-CN	Commercial Overlay 2
25225 MISSION BLVD	444-0060-011-00	MB-T4-1-COMM 1	MB-CN	Commercial Overlay 2
773 BERRY AVE	444-0060-010-00	MB-T4-1	MB-CN	Commercial Overlay 2
747 BERRY AVE	444-0060-009-00	MB-T4-1	MB-CN	
737 BERRY AVE	444-0060-008-00	MB-T4-1	MB-CN	
723 BERRY AVE	444-0060-007-00	MB-T4-1	MB-CN	
691 BERRY AVE	444-0060-005-02	MB-T4-1	MB-CN	
661 BERRY AVE	444-0060-003-02	MB-T4-1	MB-CN	
ANGELINA LN	444-0057-107-00	MB-T4-1	MB-CN	
25107 ANGELINA LN 27	444-0057-106-00	MB-T4-1	MB-CN	
25105 ANGELINA LN 26	444-0057-105-00	MB-T4-1	MB-CN	
25103 ANGELINA LN 25	444-0057-104-00	MB-T4-1	MB-CN	
25100 ANGELINA LN 24	444-0057-103-00	MB-T4-1	MB-CN	
25102 ANGELINA LN 23	444-0057-102-00	MB-T4-1	MB-CN	
25104 ANGELINA LN 22	444-0057-101-00	MB-T4-1	MB-CN	
25106 ANGELINA LN 21	444-0057-100-00	MB-T4-1	MB-CN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
25118 ANGELINA LN 20	444-0057-099-00	MB-T4-1	MB-CN	
25120 ANGELINA LN 19	444-0057-098-00	MB-T4-1	MB-CN	
25122 ANGELINA LN 18	444-0057-097-00	MB-T4-1	MB-CN	
25109 ANGELINA LN 17	444-0057-096-00	MB-T4-1	MB-CN	
25111 ANGELINA LN 16	444-0057-095-00	MB-T4-1	MB-CN	
25119 ANGELINA LN 15	444-0057-094-00	MB-T4-1	MB-CN	
25117 ANGELINA LN 14	444-0057-093-00	MB-T4-1	MB-CN	
25115 ANGELINA LN 13	444-0057-092-00	MB-T4-1	MB-CN	
25125 ANGELINA LN 12	444-0057-091-00	MB-T4-1	MB-CN	
25123 ANGELINA LN 11	444-0057-090-00	MB-T4-1	MB-CN	
25128 ANGELINA LN 10	444-0057-089-00	MB-T4-1	MB-CN	
25126 ANGELINA LN 9	444-0057-088-00	MB-T4-1	MB-CN	
25131 ANGELINA LN 8	444-0057-087-00	MB-T4-1	MB-CN	
25129 ANGELINA LN 7	444-0057-086-00	MB-T4-1	MB-CN	
25139 ANGELINA LN 6	444-0057-085-00	MB-T4-1	MB-CN	
25137 ANGELINA LN 5	444-0057-084-00	MB-T4-1	MB-CN	
25135 ANGELINA LN 4	444-0057-083-00	MB-T4-1	MB-CN	
25132 ANGELINA LN 3	444-0057-082-00	MB-T4-1	MB-CN	
25134 ANGELINA LN 2	444-0057-081-00	MB-T4-1	MB-CN	
25136 ANGELINA LN 1	444-0057-080-00	MB-T4-1	MB-CN	
25038 ONEIL AVE	444-0057-078-00	MB-T4-1	MB-CN	
829 VOYAGER WAY	444-0057-077-00	MB-T4-1	MB-CN	
833 VOYAGER WAY	444-0057-076-00	MB-T4-1	MB-CN	
837 VOYAGER WAY	444-0057-075-00	MB-T4-1	MB-CN	
841 VOYAGER WAY	444-0057-074-00	MB-T4-1	MB-CN	
845 VOYAGER WAY	444-0057-073-00	MB-T4-1	MB-CN	
834 VOYAGER WAY	444-0057-072-00	MB-T4-1	MB-CN	
830 VOYAGER WAY	444-0057-071-00	MB-T4-1	MB-CN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
826 VOYAGER WAY	444-0057-070-00	MB-T4-1	MB-CN	
822 VOYAGER WAY	444-0057-069-00	MB-T4-1	MB-CN	
818 VOYAGER WAY	444-0057-068-00	MB-T4-1	MB-CN	
814 VOYAGER WAY	444-0057-067-00	MB-T4-1	MB-CN	
810 VOYAGER WAY	444-0057-066-00	MB-T4-1	MB-CN	
806 VOYAGER WAY	444-0057-065-00	MB-T4-1	MB-CN	
807 CHALLENGER WAY	444-0057-064-00	MB-T4-1	MB-CN	
811 CHALLENGER WAY	444-0057-063-00	MB-T4-1	MB-CN	
815 CHALLENGER WAY	444-0057-062-00	MB-T4-1	MB-CN	
819 CHALLENGER WAY	444-0057-061-00	MB-T4-1	MB-CN	
823 CHALLENGER WAY	444-0057-060-00	MB-T4-1	MB-CN	
827 CHALLENGER WAY	444-0057-059-00	MB-T4-1	MB-CN	
831 CHALLENGER WAY	444-0057-058-00	MB-T4-1	MB-CN	
835 CHALLENGER WAY	444-0057-057-00	MB-T4-1	MB-CN	
25043 DISCOVERER PL	444-0057-056-00	MB-T4-1	MB-CN	
25035 DISCOVERER PL	444-0057-055-00	MB-T4-1	MB-CN	
25027 DISCOVERER PL	444-0057-054-00	MB-T4-1	MB-CN	
25019 DISCOVERER PL	444-0057-053-00	MB-T4-1	MB-CN	
25011 DISCOVERER PL	444-0057-052-00	MB-T4-1	MB-CN	
25003 DISCOVERER PL	444-0057-051-00	MB-T4-1	MB-CN	
850 CHALLENGER WAY	444-0057-050-00	MB-T4-1	MB-CN	
846 CHALLENGER WAY	444-0057-049-00	MB-T4-1	MB-CN	
842 CHALLENGER WAY	444-0057-048-00	MB-T4-1	MB-CN	
838 CHALLENGER WAY	444-0057-047-00	MB-T4-1	MB-CN	
ORCHARD AVE	444-0057-045-01	MB-T4-1, MB-CS	MB-CN	
25045 MISSION BLVD	444-0057-043-00	MB-CS	MB-CS	
ONEIL AVE	444-0057-042-00	MB-CS	MB-CS	
ORCHARD AVE	444-0057-041-04	MB-T4-1	MB-CN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
656 BERRY AVE	444-0057-035-04	MB-T4-1	MB-CN	
664 BERRY AVE	444-0057-035-02	MB-T4-1	MB-CN	
676 BERRY AVE	444-0057-034-03	MB-T4-1	MB-CN	
692 BERRY AVE	444-0057-033-00	MB-T4-1	MB-CN	
748 BERRY AVE	444-0057-031-01	MB-T4-1	MB-CN	
25115 MISSION BLVD	444-0057-029-10	MB-T4-1	MB-CN	
25125 MISSION BLVD	444-0057-029-08	MB-T4-1	MB-CN	
704 BERRY AVE	444-0057-029-04	MB-T4-1	MB-CN	
716 BERRY AVE	444-0057-029-03	MB-T4-1	MB-CN	
25103 MISSION BLVD	444-0057-028-02	MB-T4-1	MB-CN	
24997 MISSION BLVD	444-0057-027-01	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
24989 MISSION BLVD	444-0057-024-00	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
24975 MISSION BLVD	444-0057-023-00	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
24947 MISSION BLVD	444-0057-022-00	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
24933 MISSION BLVD	444-0057-021-00	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
24919 MISSION BLVD	444-0057-020-04	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
825 ORCHARD AVE	444-0057-019-02	MB-T4-1	MB-CN	
24942 ONEIL AVE	444-0057-018-02	MB-T4-1	MB-CN	
25050 ONEIL AVE	444-0057-015-00	MB-T4-1	MB-CN	
25148 ONEIL AVE	444-0057-013-04	MB-T4-1	MB-CN	
25153 ONEIL AVE	444-0057-011-04	MB-T4-1	MB-CN	
25015 ONEIL AVE	444-0057-009-04	MB-T4-1	MB-CN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
25007 ONEIL AVE	444-0057-008-00	MB-T4-1	MB-CN	
25001 ONEIL AVE	444-0057-007-04	MB-T4-1	MB-CN	
ONEIL AVE	444-0057-006-00	MB-T4-1	MB-CN	
24915 ONEIL AVE	444-0057-005-09	MB-T4-1	MB-CN	
ONEIL AVE	444-0036-104-00	MB-T4-1	MB-CN	
24883 ONEIL AVE 19	444-0036-103-00	MB-T4-1	MB-CN	
24891 ONEIL AVE 18	444-0036-102-00	MB-T4-1	MB-CN	
24887 LIMETREE PL 17	444-0036-101-00	MB-T4-1	MB-CN	
24885 LIMETREE PL 16	444-0036-100-00	MB-T4-1	MB-CN	
769 PLANTATION LN 15	444-0036-099-00	MB-T4-1	MB-CN	
749 PLANTATION LN 14	444-0036-098-00	MB-T4-1	MB-CN	
24889 ALDERBERRY PL 13	444-0036-097-00	MB-T4-1	MB-CN	
24873 ALDERBERRY PL 11	444-0036-095-00	MB-T4-1	MB-CN	
24857 ALDERBERRY PL 10	444-0036-094-00	MB-T4-1	MB-CN	
24849 ALDERBERRY PL 9	444-0036-093-00	MB-T4-1	MB-CN	
24841 ALDERBERRY PL 8	444-0036-092-00	MB-T4-1	MB-CN	
24833 ALDERBERRY PL 7	444-0036-091-00	MB-T4-1	MB-CN	
746 PLANTATION LN 6	444-0036-090-00	MB-T4-1	MB-CN	
766 PLANTATION LN 5	444-0036-089-00	MB-T4-1	MB-CN	
24859 ORANGETREE PL 4	444-0036-088-00	MB-T4-1	MB-CN	
24851 ORANGETREE PL 3	444-0036-087-00	MB-T4-1	MB-CN	
24843 ONEIL AVE 2	444-0036-086-00	MB-T4-1	MB-CN	
789 PLANTATION LN 1	444-0036-085-00	MB-T4-1	MB-CN	
24575 ONEIL AVE	444-0036-083-00	MB-T4-1	MB-CN	
710 KINO CT 4	444-0036-082-00	MB-T4-1	MB-CN	
710 KINO CT 3	444-0036-081-00	MB-T4-1	MB-CN	
710 KINO CT 2	444-0036-080-00	MB-T4-1	MB-CN	
710 KINO CT 1	444-0036-079-00	MB-T4-1	MB-CN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
722 KINO CT 8	444-0036-078-00	MB-T4-1	MB-CN	
722 KINO CT 7	444-0036-077-00	MB-T4-1	MB-CN	
722 KINO CT 6	444-0036-076-00	MB-T4-1	MB-CN	
722 KINO CT 5	444-0036-075-00	MB-T4-1	MB-CN	
722 KINO CT 4	444-0036-074-00	MB-T4-1	MB-CN	
722 KINO CT 3	444-0036-073-00	MB-T4-1	MB-CN	
722 KINO CT 2	444-0036-072-00	MB-T4-1	MB-CN	
722 KINO CT 1	444-0036-071-00	MB-T4-1	MB-CN	
738 KINO CT 2	444-0036-070-00	MB-T4-1	MB-CN	
738 KINO CT 1	444-0036-069-00	MB-T4-1	MB-CN	
24524 ONEIL AVE	444-0036-064-00	MB-T4-1	MB-CN	
24538 ONEIL AVE	444-0036-063-00	MB-T4-1	MB-CN	
24552 ONEIL AVE	444-0036-062-00	MB-T4-1	MB-CN	
24564 ONEIL AVE	444-0036-061-00	MB-T4-1	MB-CN	
24576 ONEIL AVE	444-0036-060-00	MB-T4-1	MB-CN	
24598 ONEIL AVE	444-0036-059-00	MB-T4-1	MB-CN	
24614 ONEIL AVE	444-0036-058-00	MB-T4-1	MB-CN	
24618 ONEIL AVE	444-0036-057-00	MB-T4-1	MB-CN	
24620 ONEIL AVE	444-0036-056-00	MB-T4-1	MB-CN	
24628 ONEIL AVE	444-0036-055-00	MB-T4-1	MB-CN	
24640 ONEIL AVE	444-0036-054-00	MB-T4-1	MB-CN	
24658 ONEIL AVE	444-0036-053-00	MB-T4-1	MB-CN	
24656 ONEIL AVE	444-0036-052-00	MB-T4-1	MB-CN	
24682 ONEIL AVE	444-0036-051-00	MB-T4-1	MB-CN	
24688 ONEIL AVE	444-0036-050-00	MB-T4-1	MB-CN	
24680 ONEIL AVE	444-0036-049-00	MB-T4-1	MB-CN	
24694 ONEIL AVE	444-0036-048-00	MB-T4-1	MB-CN	
24698 ONEIL AVE	444-0036-047-00	MB-T4-1	MB-CN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
24700 ONEIL AVE	444-0036-046-00	MB-T4-1	MB-CN	
24760 ONEIL AVE	444-0036-045-06	MB-T4-1	MB-CN	
24778 ONEIL AVE	444-0036-044-06	MB-T4-1	MB-CN	
24836 ONEIL AVE	444-0036-043-00	MB-T4-1	MB-CN	
808 ORCHARD AVE	444-0036-042-03	MB-T4-1	MB-CN	
860 ORCHARD AVE	444-0036-038-04	MB-T4-1	MB-CN	
24895 MISSION BLVD	444-0036-037-06	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
24773 MISSION BLVD	444-0036-034-03	MB-T4-1-COMM 2, MB-T	MB-CN	Commercial Overlay 2
24689 MISSION BLVD	444-0036-026-01	MB-T4-1	MB-CN	Commercial Overlay 2
24659 MISSION BLVD	444-0036-024-01	MB-T4-1	MB-CN	Commercial Overlay 2
24645 MISSION BLVD	444-0036-023-00	MB-T4-1	MB-CN	Commercial Overlay 2
24629 MISSION BLVD	444-0036-022-00	MB-T4-1	MB-CN	Commercial Overlay 2
24601 MISSION BLVD	444-0036-021-00	MB-T4-1	MB-CN	Commercial Overlay 2
843 SYCAMORE AVE	444-0036-020-00	MB-T4-1	MB-CN	Commercial Overlay 2
821 SYCAMORE AVE	444-0036-019-00	MB-T4-1	MB-CN	Commercial Overlay 2
795 SYCAMORE AVE	444-0036-018-00	MB-T4-1	MB-CN	
24508 ONEIL AVE	444-0036-017-00	MB-T4-1	MB-CN	
24683 ONEIL AVE	444-0036-011-04	MB-T4-1	MB-CN	
24679 ONEIL AVE	444-0036-010-00	MB-T4-1	MB-CN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
24657 ONEIL AVE	444-0036-009-02	MB-T4-1	MB-CN	
24631 ONEIL AVE	444-0036-008-00	MB-T4-1	MB-CN	
24619 ONEIL AVE	444-0036-007-05	MB-T4-1	MB-CN	
24551 ONEIL AVE	444-0036-004-04	MB-T4-1	MB-CN	
24507 ONEIL AVE	444-0036-003-02	MB-T4-1	MB-CN	
731 SYCAMORE AVE	444-0036-002-00	MB-T4-1	MB-CN	
719 SYCAMORE AVE	444-0036-001-02	MB-T4-1	MB-CN	
24481 EDITH ST	444-0033-097-00	MB-T3	RS	
792 SYCAMORE AVE	444-0033-096-00	MB-T3	RS	
24499 GROOM ST	444-0033-095-00	MB-T3	RS	
24491 GROOM ST	444-0033-094-00	MB-T3	RS	
24483 GROOM ST	444-0033-093-00	MB-T3	RS	
24482 GROOM ST	444-0033-089-00	MB-T3	RS	
24490 GROOM ST	444-0033-088-00	MB-T3	RS	
24498 GROOM ST	444-0033-087-00	MB-T3	RS	
756 SYCAMORE AVE	444-0033-086-00	MB-T3	RS	
768 SYCAMORE AVE	444-0033-085-00	MB-T3	RS	
780 SYCAMORE AVE	444-0033-084-00	MB-T3	RS	
765 ELLEN ST	444-0033-082-00	MB-T3	RS	
757 ELLEN ST	444-0033-081-00	MB-T3	RS	
749 ELLEN ST	444-0033-080-00	MB-T3	RS	
741 ELLEN ST	444-0033-079-00	MB-T3	RS	
733 ELLEN ST	444-0033-078-00	MB-T3	RS	
725 ELLEN ST	444-0033-077-00	MB-T3	RS	
717 ELLEN ST	444-0033-076-00	MB-T3	RS	
24330 GROOM ST	444-0033-075-00	MB-T3	RS	
24336 GROOM ST	444-0033-074-00	MB-T3	RS	
24344 GROOM ST	444-0033-073-00	MB-T3	RS	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
24352 GROOM ST	444-0033-072-00	MB-T3	RS	
734 ELLEN ST	444-0033-071-00	MB-T3	RS	
742 ELLEN ST	444-0033-070-00	MB-T3	RS	
750 ELLEN ST	444-0033-069-00	MB-T3	RS	
758 ELLEN ST	444-0033-068-00	MB-T3	RS	
766 ELLEN ST	444-0033-067-00	MB-T3	RS	
767 LILLY AVE	444-0033-066-00	MB-T3	RS	
759 LILLY AVE	444-0033-065-00	MB-T3	RS	
751 LILLY AVE	444-0033-064-00	MB-T3	RS	
743 LILLY AVE	444-0033-063-00	MB-T3	RS	
735 LILLY AVE	444-0033-062-00	MB-T3	RS	
24320 GROOM ST	444-0033-061-00	MB-T3	RS	
SYCAMORE AVE	444-0033-060-07	MB-T3	RS	
24467 GROOM ST	444-0033-056-02	MB-T3	RS	
24359 GROOM ST	444-0033-055-02	MB-T3	RS	
24351 GROOM ST	444-0033-054-02	MB-T3	RS	
24343 GROOM ST	444-0033-053-02	MB-T3	RS	
24335 GROOM ST	444-0033-052-02	MB-T3	RS	
24329 GROOM ST	444-0033-051-02	MB-T3	RS	
24319 GROOM ST	444-0033-050-02	MB-T3	RS	
24311 GROOM ST	444-0033-049-02	MB-T3	RS	
24297 GROOM ST	444-0033-048-02	MB-T3	RS	
714 LILLY AVE	444-0033-044-00	MB-T3	RS	
722 LILLY AVE	444-0033-043-00	MB-T3	RS	
730 LILLY AVE	444-0033-042-01	MB-T3	RS	
738 LILLY AVE	444-0033-041-00	MB-T3	RS	
746 LILLY AVE	444-0033-040-00	MB-T3	RS	
754 LILLY AVE	444-0033-039-00	MB-T3	RS	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
762 LILLY AVE	444-0033-038-00	MB-T3	RS	
770 LILLY AVE	444-0033-037-00	MB-T3	RS	
778 LILLY AVE	444-0033-036-00	MB-T3	RS	
24308 EDITH ST	444-0033-035-00	MB-T3	RS	
24316 EDITH ST	444-0033-034-00	MB-T3	RS	
24324 EDITH ST	444-0033-033-00	MB-T3	RS	
24332 EDITH ST	444-0033-032-00	MB-T3	RS	
24340 EDITH ST	444-0033-031-00	MB-T3	RS	
24348 EDITH ST	444-0033-030-00	MB-T3	RS	
24356 EDITH ST	444-0033-029-00	MB-T3	RS	
24464 EDITH ST	444-0033-028-00	MB-T3	RS	
24472 EDITH ST	444-0033-027-00	MB-T3	RS	
24480 EDITH ST	444-0033-026-00	MB-T3	RS	
24488 EDITH ST	444-0033-025-00	MB-T3	RS	
24496 EDITH ST	444-0033-024-00	MB-T3	RS	
24491 MISSION BLVD	444-0033-023-00	MB-T4-1	MB-CN	
24471 MISSION BLVD	444-0033-022-01	MB-T4-1	MB-CN	
24331 MISSION BLVD	444-0033-020-00	MB-T4-1	MB-CN	
24321 MISSION BLVD	444-0033-019-00	MB-T4-1	MB-CN	
24311 MISSION BLVD	444-0033-018-01	MB-T4-1	MB-CN	
24289 MISSION BLVD	444-0033-016-02	MB-T4-1	MB-CN	
24241 MISSION BLVD	444-0033-015-02	MB-T4-1	MB-CN	
24175 MISSION BLVD	444-0033-014-02	MB-T4-1	MB-CN	
813 PINEDALE CT	444-0033-013-00	MB-T3	RS	
809 PINEDALE CT	444-0033-012-00	MB-T3	RS	
805 PINEDALE CT	444-0033-011-00	MB-T3	RS	
801 PINEDALE CT	444-0033-010-00	MB-T3	RS	
795 PINEDALE CT	444-0033-009-00	MB-T3	RS	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
785 PINEDALE CT	444-0033-008-00	MB-T3	RS	
775 PINEDALE CT	444-0033-007-00	MB-T3	RS	
765 PINEDALE CT	444-0033-006-00	MB-T3	RS	
755 PINEDALE CT	444-0033-005-00	MB-T3	RS	
745 PINEDALE CT	444-0033-004-00	MB-T3	RS	
735 PINEDALE CT	444-0033-003-02	MB-T3	RS	
725 PINEDALE CT	444-0033-002-00	MB-T3	RS	
715 PINEDALE CT	444-0033-001-00	MB-T3	RS	
23989 WATKINS ST	444-0030-055-00	MB-T4-1	MB-CN	
JACKSON ST	444-0030-054-00	MB-T4-1	MB-CN	
771 JACKSON ST	444-0030-053-00	MB-T4-1	MB-CN	
781 FLETCHER LN	444-0030-050-03	MB-T4-1	MB-CN	
760 FLETCHER LN	444-0030-049-04	MB-T4-1	MB-CN	
24089 WATKINS ST	444-0030-048-00	MB-T4-1	MB-CN	
794 FLETCHER LN	444-0030-045-13	MB-T4-1	MB-CN	
799 FLETCHER LN	444-0030-045-09	MB-T4-1	MB-CN	
795 FLETCHER LN	444-0030-045-06	MB-T4-1	MB-CN	
702 PINEDALE CT	444-0030-042-05	MB-T3	RS	
704 PINEDALE CT	444-0030-041-00	MB-T3	RS	
714 PINEDALE CT	444-0030-040-00	MB-T3	RS	
724 PINEDALE CT	444-0030-039-00	MB-T3	RS	
734 PINEDALE CT	444-0030-038-00	MB-T3	RS	
748 PINEDALE CT	444-0030-037-00	MB-T3	RS	
756 PINEDALE CT	444-0030-036-00	MB-T3	RS	
764 PINEDALE CT	444-0030-035-00	MB-T3	RS	
774 PINEDALE CT	444-0030-034-00	MB-T3	RS	
776 PINEDALE CT	444-0030-033-00	MB-T3	RS	
778 PINEDALE CT	444-0030-032-00	MB-T3	RS	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
780 PINEDALE CT	444-0030-031-00	MB-T4-1	MB-CN	
804 PINEDALE CT	444-0030-030-00	MB-T3	RS	
808 PINEDALE CT	444-0030-029-00	MB-T3	RS	
812 PINEDALE CT	444-0030-028-00	MB-T3	RS	
816 PINEDALE CT	444-0030-027-00	MB-T3	RS	
822 PINEDALE CT	444-0030-026-02	MB-CS	MB-CS	
MISSION BLVD	444-0030-025-02	MB-CS	MB-CS	
24137 MISSION BLVD	444-0030-024-03	MB-T4-1	MB-CN	Commercial Overlay 2
24119 MISSION BLVD	444-0030-019-03	MB-T4-1	MB-CN	Commercial Overlay 2
805 FLETCHER LN	444-0030-017-01	MB-T4-1	MB-CN	
24087 MISSION BLVD	444-0030-016-02	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
24061 MISSION BLVD	444-0030-015-02	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
24045 MISSION BLVD	444-0030-014-02	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
24031 MISSION BLVD	444-0030-013-02	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
24019 MISSION BLVD	444-0030-012-02	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
MISSION BLVD	444-0030-011-00	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
24000 WATKINS ST	444-0030-010-00	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
23993 MISSION BLVD	444-0030-009-00	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
WATKINS ST	444-0030-008-00	MB-T4-1-COMM 2	MB-CN	
23981 MISSION BLVD	444-0030-007-00	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
23969 MISSION BLVD	444-0030-006-01	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
23901 MISSION BLVD	444-0030-003-01	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
827 JACKSON ST	444-0030-002-00	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
823 JACKSON ST	444-0030-001-00	MB-T4-1-COMM 2	MB-CN	Commercial Overlay 2
22344 MISSION BLVD	428-0056-070-01	MB-CS-HEIGHT	MB-CS	
22372 MISSION BLVD	428-0056-006-03	MB-CS-HEIGHT	MB-CS	
22336 MISSION BLVD	428-0056-003-01	MB-CS-HEIGHT	MB-CS	
22326 MISSION BLVD	428-0056-002-01	MB-CS-HEIGHT	MB-CS	
22312 MISSION BLVD	428-0056-001-00	MB-CS-HEIGHT	MB-CS	
22431 MISSION BLVD	428-0051-040-00	MB-T4-1-HEIGHT	MB-CN	Commercial Overlay 2
22421 MISSION BLVD	428-0051-039-00	MB-T4-1-HEIGHT	MB-CN	Commercial Overlay 2
22419 MISSION BLVD	428-0051-038-00	MB-T4-1-HEIGHT	MB-CN	Commercial Overlay 2
803 SMALLEY AVE	428-0051-036-01	MB-T4-1-HEIGHT	MB-CN	
783 SMALLEY AVE	428-0051-034-00	MB-T4-1-HEIGHT	MB-CN	
808 SMALLEY AVE	428-0051-028-00	MB-T4-1-HEIGHT	MB-CN	
820 SMALLEY AVE	428-0051-027-00	MB-T4-1-HEIGHT	MB-CN	
22385 MISSION BLVD	428-0051-026-00	MB-T4-1-HEIGHT	MB-CN	Commercial Overlay 2

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
22365 MISSION BLVD	428-0051-025-00	MB-T4-1-HEIGHT	MB-CN	Commercial Overlay 2
22357 MISSION BLVD	428-0051-024-00	MB-T4-1-HEIGHT	MB-CN	Commercial Overlay 2
MELVIN CT	428-0051-023-00	MB-T4-1-HEIGHT	MB-CN	
22351 MISSION BLVD	428-0051-012-00	MB-T4-1-HEIGHT	MB-CN	Commercial Overlay 2
22331 MISSION BLVD	428-0051-011-03	MB-T4-1-HEIGHT	MB-CN	Commercial Overlay 2
22301 MISSION BLVD	428-0051-010-02	MB-T4-1-HEIGHT	MB-CN	Commercial Overlay 2
811 GRACE ST	428-0051-009-00	MB-T4-1-HEIGHT	MB-CN	
805 GRACE ST	428-0051-008-00	MB-T4-1-HEIGHT	MB-CN	
22269 MISSION BLVD	428-0036-127-02	MB-T4-1-HEIGHT	MB-CN	Commercial Overlay 2
22240 MONTGOMERY ST	428-0036-092-01	MB-T4-1-HEIGHT	MB-CN	
718 GRACE ST	428-0036-083-00	MB-T3	RS	
724 GRACE ST	428-0036-082-00	MB-T3	RS	
742 GRACE ST	428-0036-081-00	MB-T3	RS	
760 GRACE ST	428-0036-080-00	MB-T4-1-HEIGHT	MB-CN	
22289 PEARCE ST	428-0036-079-00	MB-T4-1-HEIGHT	MB-CN	
22275 PEARCE ST	428-0036-078-00	MB-T4-1-HEIGHT	MB-CN	
22271 PEARCE ST	428-0036-077-00	MB-T4-1-HEIGHT	MB-CN	
22265 PEARCE ST	428-0036-076-00	MB-T4-1-HEIGHT	MB-CN	
22259 PEARCE ST	428-0036-075-00	MB-T4-1-HEIGHT	MB-CN	
22251 PEARCE ST	428-0036-074-00	MB-T4-1-HEIGHT	MB-CN	
22243 PEARCE ST	428-0036-073-00	MB-T4-1-HEIGHT	MB-CN	
22229 PEARCE ST	428-0036-071-00	MB-T4-1-HEIGHT	MB-CN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
22215 PEARCE ST	428-0036-070-01	MB-T4-1-HEIGHT	MB-CN	
22218 PEARCE ST	428-0036-068-00	MB-T4-1-HEIGHT	MB-CN	
22224 PEARCE ST	428-0036-067-00	MB-T4-1-HEIGHT	MB-CN	
22240 PEARCE ST	428-0036-065-00	MB-T4-1-HEIGHT	MB-CN	
22297 MISSION BLVD	428-0036-064-00	MB-T4-1-HEIGHT	MB-CN	Commercial Overlay 2
22287 MISSION BLVD 1-20	428-0036-063-00	MB-T4-1-HEIGHT	MB-CN	Commercial Overlay 2
22257 MISSION BLVD	428-0036-060-00	MB-T4-1-HEIGHT	MB-CN	Commercial Overlay 2
22249 MISSION BLVD	428-0036-059-02	MB-T4-1-HEIGHT	MB-CN	Commercial Overlay 2
22235 MISSION BLVD	428-0036-058-01	MB-T4-1-HEIGHT	MB-CN	Commercial Overlay 2
22221 MISSION BLVD	428-0036-056-00	MB-T4-1-HEIGHT	MB-CN	Commercial Overlay 2
22211 MISSION BLVD	428-0036-055-00	MB-T4-1-HEIGHT	MB-CN	Commercial Overlay 2
22209 MISSION BLVD	428-0036-054-00	MB-T4-1-HEIGHT	MB-CN	Commercial Overlay 2
720	428-0036-042-00	CC-C	RM	
800 SIMON ST	428-0036-041-00	MB-T4-1-HEIGHT	MB-CN	
806 SIMON ST	428-0036-040-00	MB-T4-1-HEIGHT	MB-CN	
22187 MISSION BLVD	428-0036-039-00	MB-T4-1-HEIGHT	MB-CN	
22183 MISSION BLVD	428-0036-038-00	MB-T4-1-HEIGHT	MB-CN	
22177 MISSION BLVD	428-0036-037-00	MB-T4-1-HEIGHT	MB-CN	
22171 MISSION BLVD	428-0036-036-00	MB-T4-1-HEIGHT	MB-CN	
22161 MISSION BLVD	428-0036-035-00	MB-T4-1-HEIGHT	MB-CN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
22145 MISSION BLVD	428-0036-034-00	MB-T4-1-HEIGHT	MB-CN	
22143 MISSION BLVD	428-0036-033-00	MB-T4-1-HEIGHT	MB-CN	
22137 MISSION BLVD	428-0036-032-00	MB-T4-1-HEIGHT	MB-CN	
22135 MISSION BLVD	428-0036-031-00	MB-T4-1-HEIGHT	MB-CN	
22125 MISSION BLVD	428-0036-030-00	MB-T4-1-HEIGHT	MB-CN	
22101 MISSION BLVD	428-0036-029-00	MB-T4-1-HEIGHT	MB-CN	
829 SUNSET BLVD	428-0036-028-00	MB-T4-1-HEIGHT	MB-CN	
22220 MISSION BLVD	428-0031-073-01	MB-T4-1-HEIGHT	MB-CN	
22230 MISSION BLVD	428-0031-070-00	MB-T4-1-HEIGHT	MB-CN	
22250 MISSION BLVD	428-0031-069-01	MB-T4-1-HEIGHT	MB-CN	
22262 MISSION BLVD	428-0031-067-00	MB-T4-1-HEIGHT	MB-CN	
22270 MISSION BLVD	428-0031-066-00	MB-T4-1-HEIGHT	MB-CN	
22282 MISSION BLVD	428-0031-065-00	MB-T4-1-HEIGHT	MB-CN	
22300 MISSION BLVD	428-0031-064-00	MB-T4-1-HEIGHT	MB-CN	
925 SIMON ST	428-0031-051-00	MB-T4-1-HEIGHT	MB-CN	
22200 MISSION BLVD	428-0031-050-00	MB-T4-1-HEIGHT	MB-CN	
22110 MISSION BLVD	428-0031-026-00	MB-T4-1-HEIGHT	MB-CN	
MISSION BLVD	428-0031-025-00	MB-T4-1-HEIGHT	MB-CN	
22126 MISSION BLVD	428-0031-024-01	MB-T4-1-HEIGHT	MB-CN	
22140 MISSION BLVD	428-0031-022-00	MB-T4-1-HEIGHT	MB-CN	
22146 MISSION BLVD	428-0031-021-00	MB-T4-1-HEIGHT	MB-CN	
22154 MISSION BLVD	428-0031-020-00	MB-T4-1-HEIGHT	MB-CN	
22168 MISSION BLVD	428-0031-019-00	MB-T4-1-HEIGHT	MB-CN	
22174 MISSION BLVD	428-0031-018-00	MB-T4-1-HEIGHT	MB-CN	
22182 MISSION BLVD	428-0031-017-00	MB-T4-1-HEIGHT	MB-CN	
22196 MISSION BLVD	428-0031-016-00	MB-T4-1-HEIGHT	MB-CN	
925 SUNSET BLVD	428-0031-002-00	MB-T4-1-HEIGHT	MB-CN	
22104 MISSION BLVD	428-0031-001-01	MB-T4-1-HEIGHT	MB-CN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
21846 MISSION BLVD	428-0011-096-00	MB-T4-1-HEIGHT	MB-CN	
21854 MISSION BLVD	428-0011-095-06	MB-T4-1-HEIGHT	MB-CN	
21854 MISSION BLVD	428-0011-095-05	MB-T4-1-HEIGHT	MB-CN	
21854 MISSION BLVD	428-0011-095-04	MB-T3	RS	
21986 MISSION BLVD	428-0011-092-00	MB-T4-1-HEIGHT	MB-CN	
21994 MISSION BLVD	428-0011-091-00	MB-T4-1-HEIGHT	MB-CN	
21994 MISSION BLVD	428-0011-090-00	MB-T3	RS	
SUNSET BLVD	428-0011-089-00	MB-T3	RS	
925 ROSE ST	428-0011-079-00	MB-T4-1-HEIGHT	MB-CN	
917 ROSE ST	428-0011-078-00	MB-T4-1-HEIGHT	MB-CN	
911 ROSE ST	428-0011-077-00	MB-T4-1-HEIGHT	MB-CN	
21730 MISSION BLVD	428-0011-076-02	MB-T4-1-HEIGHT	MB-CN	
926 ROSE ST	428-0011-026-00	CC-C	MB-CN	
918 ROSE ST	428-0011-025-00	MB-T4-1-HEIGHT	MB-CN	
912 ROSE ST	428-0011-024-02	MB-T4-1-HEIGHT	MB-CN	
904 ROSE ST	428-0011-024-01	MB-T4-1-HEIGHT	MB-CN	
21739 MISSION BLVD	428-0006-110-00	MB-T4-1-HEIGHT	MB-CN	
21739 MISSION BLVD	428-0006-109-00	MB-T4-1-HEIGHT	MB-CN	
22062 MONTGOMERY ST	428-0006-069-01	MB-T4-1-HEIGHT	MB-CN	
21995 MISSION BLVD	428-0006-065-00	MB-T4-1-HEIGHT	MB-CN	
21855 MISSION BLVD	428-0006-062-00	MB-T4-1-HEIGHT	MB-CN	
21715 MISSION BLVD	428-0006-060-01	MB-T4-1-HEIGHT	MB-CN	
21659 MISSION BLVD	428-0006-058-01	MB-T4-1-HEIGHT	MB-CN	
INDUSTRIAL PKWY	083-0482-021-00	PD	PD	
INDUSTRIAL PKWY	083-0482-019-00	PD	PD	
INDUSTRIAL PKWY	083-0482-017-00	PD	PD	
INDUSTRIAL PKWY	083-0482-016-00	PD	PD	
INDUSTRIAL PKWY	083-0482-015-00	PD	PD	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
INDUSTRIAL PKWY	083-0482-014-00	PD	PD	
INDUSTRIAL PKWY	083-0482-013-00	PD	PD	
INDUSTRIAL PKWY	083-0482-012-00	PD	PD	
INDUSTRIAL PKWY	083-0482-011-00	PD	PD	
INDUSTRIAL PKWY	083-0482-009-00	PD	PD	
INDUSTRIAL PKWY	083-0482-008-00	PD	PD	
INDUSTRIAL PKWY	083-0482-006-00	PD	PD	
INDUSTRIAL PKWY	083-0482-005-00	PD	PD	
INDUSTRIAL PKWY	083-0482-004-00	PD	PD	
INDUSTRIAL PKWY	083-0482-003-00	PD	PD	
INDUSTRIAL PKWY	083-0482-002-00	PD	PD	
INDUSTRIAL PKWY	083-0482-001-00	PD	PD	
INDUSTRIAL PKWY	083-0481-019-00	PD	PD	
INDUSTRIAL PKWY	083-0481-018-00	PD	PD	
INDUSTRIAL PKWY	083-0481-017-00	PD	PD	
INDUSTRIAL PKWY	083-0481-016-00	PD	PD	
INDUSTRIAL PKWY	083-0481-015-00	PD	PD	
INDUSTRIAL PKWY	083-0481-014-00	PD	PD	
INDUSTRIAL PKWY	083-0481-013-00	PD	PD	
INDUSTRIAL PKWY	083-0481-012-00	PD	PD	
INDUSTRIAL PKWY	083-0481-011-00	PD	PD	
INDUSTRIAL PKWY	083-0481-009-00	PD	PD	
INDUSTRIAL PKWY	083-0481-007-00	PD	PD	
INDUSTRIAL PKWY	083-0481-006-00	PD	PD	
INDUSTRIAL PKWY	083-0481-005-00	PD	PD	
INDUSTRIAL PKWY	083-0481-004-00	PD	PD	
INDUSTRIAL PKWY	083-0481-003-00	PD	PD	
INDUSTRIAL PKWY	083-0481-002-00	PD	PD	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
INDUSTRIAL PKWY	083-0481-001-00	PD	PD	
INDUSTRIAL PKWY	083-0460-011-02	S-CS	PD	
PACIFIC ST	083-0455-010-02	S-CS	PD	
29824 MISSION BLVD	083-0251-086-06	S-T4	MB-CN	
29800 WOODLAND AVE	083-0251-086-04	S-T4	MB-CN	
29824 MISSION BLVD	083-0251-085-04	S-T4	MB-CN	
29862 MISSION BLVD	083-0251-085-02	S-T4	MB-CN	
29874 MISSION BLVD	083-0251-084-00	S-T4	MB-CN	
ARROWHEAD WAY	078G-2651-017-02	S-T4	MB-CN	
375 INDUSTRIAL PKWY	078G-2651-014-00	S-T4	MB-CN	
339 INDUSTRIAL PKWY	078G-2651-013-00	S-T4	MB-CN	
INDUSTRIAL PKWY	078G-2651-012-08	S-T4	MB-CN	
411 INDUSTRIAL PKWY	078G-2651-011-02	S-T4	MB-CN	
29851 MISSION BLVD	078G-2651-010-03	S-T4	MB-CN	
29705 MISSION BLVD	078G-2651-009-02	S-T4	MB-CN	
29875 MISSION BLVD	078G-2651-008-00	S-T4	MB-CN	
MISSION BLVD	078C-0804-012-00	PD	PD	
MISSION BLVD	078C-0804-011-00	PD	PD	
MISSION BLVD	078C-0804-010-00	PD	PD	
MISSION BLVD	078C-0804-009-00	PD	PD	
MISSION BLVD	078C-0804-008-00	PD	PD	
MISSION BLVD	078C-0804-007-00	PD	PD	
MISSION BLVD	078C-0804-006-00	PD	PD	
MISSION BLVD	078C-0804-005-00	PD	PD	
MISSION BLVD	078C-0804-004-00	PD	PD	
MISSION BLVD	078C-0804-003-00	PD	PD	
MISSION BLVD	078C-0804-002-00	PD	PD	
MISSION BLVD	078C-0804-001-00	PD	PD	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
MISSION BLVD	078C-0803-027-00	PD	PD	
MISSION BLVD	078C-0803-026-00	PD	PD	
MISSION BLVD	078C-0803-025-00	PD	PD	
MISSION BLVD	078C-0803-024-00	PD	PD	
MISSION BLVD	078C-0803-023-00	PD	PD	
MISSION BLVD	078C-0803-022-00	PD	PD	
MISSION BLVD	078C-0803-021-00	PD	PD	
MISSION BLVD	078C-0803-020-00	PD	PD	
MISSION BLVD	078C-0803-019-00	PD	PD	
MISSION BLVD	078C-0803-018-00	PD	PD	
MISSION BLVD	078C-0803-017-00	PD	PD	
MISSION BLVD	078C-0803-016-00	PD	PD	
MISSION BLVD	078C-0803-015-00	PD	PD	
MISSION BLVD	078C-0803-014-00	PD	PD	
MISSION BLVD	078C-0803-013-00	PD	PD	
MISSION BLVD	078C-0803-012-00	PD	PD	
MISSION BLVD	078C-0803-011-00	PD	PD	
MISSION BLVD	078C-0803-010-00	PD	PD	
MISSION BLVD	078C-0803-009-00	PD	PD	
MISSION BLVD	078C-0803-008-00	S-CS	MB-CS	
MISSION BLVD	078C-0803-006-00	S-CS	PD, MB-CS	
MISSION BLVD	078C-0803-005-00	S-CS	PD, MB-CS	
MISSION BLVD	078C-0803-004-00	PD	PD	
MISSION BLVD	078C-0803-003-00	PD	PD	
MISSION BLVD	078C-0803-002-00	PD	PD	
MISSION BLVD	078C-0803-001-00	PD	PD	
MISSION BLVD	078C-0802-016-00	PD	PD	
MISSION BLVD	078C-0802-007-00	PD	PD	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
MISSION BLVD	078C-0802-006-00	PD	PD	
MISSION BLVD	078C-0802-004-00	PD	PD	
MISSION BLVD	078C-0802-003-00	PD	PD	
MISSION BLVD	078C-0802-002-00	PD	PD	
29213 MISSION BLVD	078C-0802-001-00	PD	PD	
28850 DIXON ST	078C-0801-001-00	PD, S-T5-1	PD	TOD Overlay 1
27572 MISSION BLVD	078C-0645-013-03	S-T4	MB-CN	
KELLOGG AVE	078C-0644-011-00	S-T4	MB-CN	
KELLOGG AVE	078C-0644-010-00	S-T4	MB-CN	
27630 MISSION BLVD	078C-0644-009-00	S-T4	MB-CN	
27654 MISSION BLVD	078C-0644-008-00	S-T4	MB-CN	
27690 MISSION BLVD	078C-0644-007-00	S-T4	MB-CN	
720 BROADWAY ST	078C-0644-006-00	S-T4	MB-CN	
744 BROADWAY ST	078C-0644-005-00	S-T4	MB-CN	
743 BROADWAY ST	078C-0638-010-00	S-T4	MB-CN	
727 BROADWAY ST	078C-0638-009-00	S-T4	MB-CN	
27702 MISSION BLVD	078C-0638-007-01	S-T4	MB-CN	
27794 MISSION BLVD	078C-0638-005-01	S-T4	MB-CN	
744 DOUGLAS ST	078C-0638-004-00	S-T4	MB-CN	
DOUGLAS ST	078C-0637-015-00	S-T4	MB-CN	
737 DOUGLAS ST	078C-0637-014-00	S-T4	MB-CN	
27820 MISSION BLVD	078C-0637-013-01	S-T4	MB-CN	
27826 MISSION BLVD	078C-0637-011-02	S-T4	MB-CN	
813 HANCOCK ST	078C-0626-016-00	S-T5	MB-CC	
815 HANCOCK ST	078C-0626-015-00	S-T5	MB-CC	
813 HANCOCK ST 5	078C-0626-014-00	S-T5	MB-CC	
811 HANCOCK ST	078C-0626-013-00	S-T5	MB-CC	
809 HANCOCK ST 3	078C-0626-012-00	S-T5	MB-CC	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
807 HANCOCK ST	078C-0626-011-00	S-T5	MB-CC	
805 HANCOCK ST	078C-0626-010-00	S-T5	MB-CC	
28090 MISSION BLVD	078C-0626-009-01	S-T4	MB-CN	
28030 MISSION BLVD	078C-0626-007-03	S-T4	MB-CN	
28000 MISSION BLVD	078C-0626-006-01	S-T4	MB-CN	
28564 MISSION BLVD	078C-0626-003-26	S-T5-2	MB-CC	TOD Overlay 2
28590 MISSION BLVD	078C-0626-003-25	S-T5-2	MB-CC	TOD Overlay 2
28472 MISSION BLVD	078C-0626-003-24	S-T5	MB-CC	
28546 MISSION BLVD	078C-0626-003-23	S-T5-2	MB-CC	TOD Overlay 2
28534 MISSION BLVD	078C-0626-003-12	S-T5-2	MB-CC	TOD Overlay 2
28168 MISSION BLVD	078C-0626-002-07	S-T5	MB-CC	
MISSION BLVD	078C-0626-002-03	S-T5	MB-CC	
28150 MISSION BLVD	078C-0626-001-15	S-T5	MB-CC	
MISSION BLVD	078C-0626-001-13	S-T5	MB-CC	
28900 MISSION BLVD	078C-0461-009-01	S-T5	MB-CC	TOD Overlay 2
28870 MISSION BLVD	078C-0461-007-00	S-T5	MB-CC	TOD Overlay 2
28824 MISSION BLVD	078C-0461-006-04	S-T5	MB-CC	TOD Overlay 2
28722 MISSION BLVD	078C-0461-005-00	S-T5-2	MB-CC	TOD Overlay 2
28700 MISSION BLVD	078C-0461-004-00	S-T5-2	MB-CC	TOD Overlay 2
29490 MISSION BLVD	078C-0455-008-13	S-T4	MB-CN	
MISSION BLVD	078C-0455-008-12	S-T4	MB-CN	
29498 MISSION BLVD	078C-0455-008-11	S-T4	MB-CN	
OVERHILL DR	078C-0455-008-10	S-T4	MB-CN	
657 OVERHILL DR	078C-0455-008-06	S-T4	MB-CN	
GREELEY CT	078C-0455-007-16	S-T4	MB-CN	
619 GREELEY CT	078C-0455-007-15	S-T4	MB-CN	
635 GREELEY CT	078C-0455-007-14	S-T4	MB-CN	
643 GREELEY CT	078C-0455-007-13	S-T4	MB-CN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
627 GREELEY CT	078C-0455-007-06	S-T4	MB-CN	
29444 MISSION BLVD	078C-0455-007-04	S-T4	MB-CN	
29426 MISSION BLVD	078C-0455-006-08	S-T4	MB-CN	
29438 MISSION BLVD	078C-0455-006-07	S-T4	MB-CN	
29404 MISSION BLVD	078C-0455-006-03	S-T4	MB-CN	
29414 MISSION BLVD	078C-0455-006-01	S-T4	MB-CN	
29390 MISSION BLVD	078C-0455-005-01	S-T4	MB-CN	
29338 MISSION BLVD	078C-0455-002-00	S-T4	MB-CN	
29312 MISSION BLVD	078C-0455-001-08	S-T4	MB-CN	
29290 MISSION BLVD	078C-0455-001-07	S-T4	MB-CN	
648 OVERHILL DR	078C-0455-001-05	S-T4	MB-CN	
29212 MISSION BLVD	078C-0455-001-04	PD	PD	
29272 MISSION BLVD	078C-0455-001-03	S-T4	MB-CN	
422 INDUSTRIAL PKWY	078C-0450-008-03	S-T4	MB-CN	
418 INDUSTRIAL PKWY	078C-0450-006-10	S-T4	MB-CN	
29671 MISSION BLVD	078C-0450-003-08	S-T4	MB-CN	
29583 MISSION BLVD	078C-0450-001-02	S-T5	MB-CC	
MISSION BLVD	078C-0447-017-00	PD	PD	
MISSION BLVD	078C-0447-016-00	PD	PD	
MISSION BLVD	078C-0447-015-00	PD	PD	
MISSION BLVD	078C-0447-014-00	PD	PD	
MISSION BLVD	078C-0447-013-00	PD	PD	
MISSION BLVD	078C-0447-012-00	PD	PD	
MISSION BLVD	078C-0447-011-00	PD	PD	
MISSION BLVD	078C-0447-010-00	PD	PD	
MISSION BLVD	078C-0447-009-00	PD	PD	
MISSION BLVD	078C-0447-008-00	PD	PD	
378 VALLE VISTA AVE	078C-0447-007-06	S-T5, S-CS	MB-CC	TOD Overlay 2

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
398 VALLE VISTA AVE	078C-0447-005-00	S-T5	MB-CC	Commercial Overlay 1
29159 MISSION BLVD	078C-0447-004-00	S-T5	MB-CC	Commercial Overlay 1
29083 MISSION BLVD	078C-0447-002-02	S-T5-2, S-CS	MB-CC	TOD Overlay 2
29097 MISSION BLVD	078C-0447-002-01	S-T5-2	MB-CC	TOD Overlay 2
28925 MISSION BLVD	078C-0441-006-00	PD	PD	TOD Overlay 1
TENNYSON RD	078C-0441-001-32	PD	PD	TOD Overlay 1
MISSION BLVD	078C-0441-001-31	S-T5-1	PD	TOD Overlay 1
DIXON ST	078C-0441-001-29	PD	PD	TOD Overlay 1
28955 MISSION BLVD	078C-0441-001-25	S-T5-2, S-T5-1, S-CS	MB-CC	TOD Overlay 2
MISSION BLVD	078C-0441-001-23	S-CS	PD	TOD Overlay 1
655 W TENNYSON RD	078C-0441-001-20	PD	PD	TOD Overlay 1
VALLE VISTA AVE	078C-0440-023-00	PD	PD	
29198 DIXON ST	078C-0440-022-00	PD	PD	
29196 DIXON ST	078C-0440-021-00	PD	PD	
29194 DIXON ST	078C-0440-020-00	PD	PD	
29192 DIXON ST	078C-0440-019-00	PD	PD	
29190 DIXON ST	078C-0440-018-00	PD	PD	
29188 DIXON ST	078C-0440-017-00	PD	PD	
29170 DIXON ST	078C-0440-016-02	S-T5-2	MB-CC	TOD Overlay 2
315 COPPERFIELD AVE	078C-0440-015-00	S-T5-2	MB-CC	TOD Overlay 2
323 COPPERFIELD AVE	078C-0440-014-00	S-T5-2	MB-CC	TOD Overlay 2
331 COPPERFIELD AVE	078C-0440-013-00	S-T5-2	MB-CC	TOD Overlay 2
339 COPPERFIELD AVE	078C-0440-012-00	S-T5-2	MB-CC	TOD Overlay 2
338 COPPERFIELD AVE	078C-0440-010-00	S-T5-2	MB-CC	TOD Overlay 2
332 COPPERFIELD AVE	078C-0440-009-00	S-T5-2	MB-CC	TOD Overlay 2
324 COPPERFIELD AVE	078C-0440-008-00	S-T5-2	MB-CC	TOD Overlay 2

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
316 COPPERFIELD AVE	078C-0440-007-00	S-T5-2	MB-CC	TOD Overlay 2
350 VALLE VISTA AVE	078C-0440-006-02	S-T5	MB-CC	TOD Overlay 2
29182 DIXON ST	078C-0440-004-02	S-T5-2	MB-CC	TOD Overlay 2
308 COPPERFIELD AVE	078C-0440-003-06	S-T5-2	MB-CC	TOD Overlay 2
29050 DIXON ST	078C-0440-002-06	S-T5-2	MB-CC	TOD Overlay 2
29018 DIXON ST	078C-0440-001-02	S-T5-2	MB-CC	TOD Overlay 2
325 VALLE VISTA AVE	078C-0438-073-00	S-T5	MB-CC	
29300 DIXON ST 317	078C-0438-072-00	S-T5	MB-CC	
325 VALLE VISTA AVE 217	078C-0438-071-00	S-T5	MB-CC	
325 VALLE VISTA AVE	078C-0438-070-00	S-T5	MB-CC	
325 VALLE VISTA AVE	078C-0438-069-00	S-T5	MB-CC	
29300 DIXON ST 216	078C-0438-068-00	S-T5	MB-CC	
29300 DIXON ST 116	078C-0438-067-00	S-T5	MB-CC	
325 VALLE VISTA AVE	078C-0438-066-00	S-T5	MB-CC	
29300 DIXON ST 215	078C-0438-065-00	S-T5	MB-CC	
29300 DIXON ST 115	078C-0438-064-00	S-T5	MB-CC	
325 VALLE VISTA AVE	078C-0438-063-00	S-T5	MB-CC	
29300 DIXON ST 214	078C-0438-062-00	S-T5	MB-CC	
325 VALLE VISTA AVE 114	078C-0438-061-00	S-T5	MB-CC	
325 VALLE VISTA AVE	078C-0438-060-00	S-T5	MB-CC	
325 VALLE VISTA AVE	078C-0438-059-00	S-T5	MB-CC	
29300 DIXON ST 113	078C-0438-058-00	S-T5	MB-CC	
29300 DIXON ST 312	078C-0438-057-00	S-T5	MB-CC	
29300 DIXON ST 212	078C-0438-056-00	S-T5	MB-CC	
29300 DIXON ST 112	078C-0438-055-00	S-T5	MB-CC	
29300 DIXON ST 311	078C-0438-054-00	S-T5	MB-CC	
325 VALLE VISTA AVE 211	078C-0438-053-00	S-T5	MB-CC	
325 VALLE VISTA AVE 111	078C-0438-052-00	S-T5	MB-CC	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
325 VALLE VISTA AVE	078C-0438-051-00	S-T5	MB-CC	
325 VALLE VISTA AVE 210	078C-0438-050-00	S-T5	MB-CC	
325 VALLE VISTA AVE	078C-0438-049-00	S-T5	MB-CC	
29300 DIXON ST 309	078C-0438-048-00	S-T5	MB-CC	
325 VALLE VISTA AVE	078C-0438-047-00	S-T5	MB-CC	
325 VALLE VISTA AVE 109	078C-0438-046-00	S-T5	MB-CC	
29300 DIXON ST 308	078C-0438-045-00	S-T5	MB-CC	
29300 DIXON ST 208	078C-0438-044-00	S-T5	MB-CC	
29300 DIXON ST 108	078C-0438-043-00	S-T5	MB-CC	
29300 DIXON ST 307	078C-0438-042-00	S-T5	MB-CC	
29300 DIXON ST 207	078C-0438-041-00	S-T5	MB-CC	
325 VALLE VISTA AVE	078C-0438-040-00	S-T5	MB-CC	
325 VALLE VISTA AVE	078C-0438-039-00	S-T5	MB-CC	
29300 DIXON ST 206	078C-0438-038-00	S-T5	MB-CC	
29300 DIXON ST 106	078C-0438-037-00	S-T5	MB-CC	
325 VALLE VISTA AVE 305	078C-0438-036-00	S-T5	MB-CC	
29300 DIXON ST 205	078C-0438-035-00	S-T5	MB-CC	
29300 DIXON ST 105	078C-0438-034-00	S-T5	MB-CC	
29300 DIXON ST 304	078C-0438-033-00	S-T5	MB-CC	
325 VALLE VISTA AVE 204	078C-0438-032-00	S-T5	MB-CC	
325 VALLE VISTA AVE 104	078C-0438-031-00	S-T5	MB-CC	
325 VALLE VISTA AVE	078C-0438-030-00	S-T5	MB-CC	
29300 DIXON ST	078C-0438-029-00	S-T5	MB-CC	
325 VALLE VISTA AVE	078C-0438-028-00	S-T5	MB-CC	
29300 DIXON ST 302	078C-0438-027-00	S-T5	MB-CC	
325 VALLE VISTA AVE	078C-0438-026-00	S-T5	MB-CC	
325 VALLE VISTA AVE 102	078C-0438-025-00	S-T5	MB-CC	
29300 DIXON ST 301	078C-0438-024-00	S-T5	MB-CC	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
29300 DIXON ST 201	078C-0438-023-00	S-T5	MB-CC	
29300 DIXON ST 101	078C-0438-022-00	S-T5	MB-CC	
29324 DIXON ST	078C-0438-020-00	S-T5	MB-CC	
29360 DIXON ST	078C-0438-019-04	S-T5	MB-CC	
29536 DIXON ST	078C-0438-018-02	S-T4	MB-CN	
29596 DIXON ST	078C-0438-016-05	S-T4	MB-CN	
29553 MISSION BLVD	078C-0438-015-02	S-T5	MB-CC	
29553 MISSION BLVD	078C-0438-015-01	S-T5	MB-CC	
29547 MISSION BLVD	078C-0438-014-00	S-T5	MB-CC	
29497 MISSION BLVD	078C-0438-013-06	S-T5	MB-CC	
29479 MISSION BLVD	078C-0438-012-00	S-T5	MB-CC	Commercial Overlay 2
29459 MISSION BLVD	078C-0438-011-02	S-T5	MB-CC	Commercial Overlay 2
363 VALLE VISTA AVE	078C-0438-004-02	S-T5	MB-CC	
349 VALLE VISTA AVE	078C-0438-003-02	S-T5	MB-CC	
29314 DIXON ST	078C-0438-001-09	S-T5	MB-CC	
390 INDUSTRIAL PKWY	078C-0437-008-02	S-T4	MB-CN	
338 INDUSTRIAL PKWY	078C-0437-007-03	S-T4	MB-CN	
29668 DIXON ST	078C-0437-003-09	S-T4	MB-CN	
29686 DIXON ST	078C-0437-003-07	S-T4	MB-CN	
328 INDUSTRIAL PKWY	078C-0437-003-05	S-T4	MB-CN	
29660 DIXON ST	078C-0437-002-02	S-T4	MB-CN	
29642 DIXON ST	078C-0437-001-02	S-T4	MB-CN	
260 INDUSTRIAL PKWY	078C-0436-158-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 48	078C-0436-157-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 47	078C-0436-156-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 46	078C-0436-155-00	S-T4	MB-CN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
260 INDUSTRIAL PKWY 45	078C-0436-154-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 44	078C-0436-153-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 43	078C-0436-152-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 42	078C-0436-151-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 41	078C-0436-150-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 40	078C-0436-149-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 39	078C-0436-148-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 38	078C-0436-147-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 37	078C-0436-146-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 36	078C-0436-145-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 35	078C-0436-144-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 34	078C-0436-143-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 33	078C-0436-142-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 32	078C-0436-141-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 31	078C-0436-140-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 30	078C-0436-139-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 29	078C-0436-138-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 28	078C-0436-137-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 27	078C-0436-136-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 26	078C-0436-135-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 25	078C-0436-134-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 24	078C-0436-133-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 23	078C-0436-132-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 22	078C-0436-131-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 21	078C-0436-130-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 20	078C-0436-129-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 19	078C-0436-128-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 18	078C-0436-127-00	S-T4	MB-CN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
260 INDUSTRIAL PKWY 17	078C-0436-126-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 16	078C-0436-125-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 15	078C-0436-124-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 14	078C-0436-123-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 13	078C-0436-122-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 12	078C-0436-121-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 11	078C-0436-120-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 10	078C-0436-119-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 9	078C-0436-118-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 8	078C-0436-117-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 7	078C-0436-116-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 6	078C-0436-115-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 5	078C-0436-114-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 4	078C-0436-113-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 3	078C-0436-112-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 2	078C-0436-111-00	S-T4	MB-CN	
260 INDUSTRIAL PKWY 1	078C-0436-110-00	S-T4	MB-CN	
INDUSTRIAL PKWY	078C-0436-010-04	S-T4	MB-CN	
29697 DIXON ST	078C-0436-008-03	S-T4	MB-CN	
29695 DIXON ST	078C-0436-006-02	S-T4	MB-CN	
29689 DIXON ST	078C-0436-005-02	S-T4	MB-CN	
29683 DIXON ST	078C-0436-004-02	S-T4	MB-CN	
29667 DIXON ST	078C-0436-003-02	S-T4	MB-CN	
29659 DIXON ST	078C-0436-002-02	S-T4	MB-CN	
29615 DIXON ST	078C-0436-001-15	S-T4	MB-CN	
29633 DIXON ST	078C-0436-001-06	S-T4	MB-CN	
29571 DIXON ST	078C-0435-005-02	S-T4	MB-CN	
29529 DIXON ST	078C-0435-004-02	S-T4	MB-CN	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
29495 DIXON ST	078C-0435-003-02	S-T4	MB-CN	
29405 DIXON ST	078C-0435-002-04	S-T5	MB-CC	
29397 DIXON ST	078C-0435-001-04	S-T5	MB-CC	
VALLE VISTA AVE	078C-0435-001-03	S-CS	MB-CS	
DIXON ST	078C-0434-022-00	S-T5	MB-CC	
29245 DIXON ST	078C-0434-021-00	S-T5	MB-CC	
29243 DIXON ST	078C-0434-020-00	S-T5	MB-CC	
29241 DIXON ST	078C-0434-019-00	S-T5	MB-CC	
29239 DIXON ST	078C-0434-018-00	S-T5	MB-CC	
VALLE VISTA AVE	078C-0434-017-03	S-CS	MB-CS	
VALLE VISTA AVE	078C-0434-017-02	S-CS	MB-CC	
VALLE VISTA AVE	078C-0434-016-02	S-CS	MB-CS	
29371 DIXON ST	078C-0434-015-05	S-T5	MB-CC	
29367 DIXON ST	078C-0434-012-06	S-T5	MB-CC	
29359 DIXON ST	078C-0434-011-11	S-T5	MB-CC	
29289 DIXON ST	078C-0434-009-08	S-T5	MB-CC	
29213 DIXON ST	078C-0434-006-06	S-T5	MB-CC	
249 VALLE VISTA AVE	078C-0434-006-04	S-T5	MB-CC	
241 VALLE VISTA AVE	078C-0434-005-02	S-T5	MB-CC	
231 VALLE VISTA AVE	078C-0434-004-02	S-T5	MB-CC	
227 VALLE VISTA AVE	078C-0434-003-02	S-T5	MB-CC	
VALLE VISTA AVE	078C-0434-002-02	S-T5	MB-CC	
VALLE VISTA AVE	078C-0434-002-01	S-T5	MB-CC	
218 VALLE VISTA AVE	078C-0433-008-03	S-CS, S-T5	MB-CC	
224 VALLE VISTA AVE	078C-0433-007-04	S-T5	MB-CC	TOD Overlay 2
232 VALLE VISTA AVE	078C-0433-006-02	S-T5	MB-CC	TOD Overlay 2
240 VALLE VISTA AVE	078C-0433-005-02	S-T5	MB-CC	TOD Overlay 2
29187 DIXON ST	078C-0433-004-13	S-T5	MB-CC	

Parcel Address	Assessor Parcel No. (APN)	Existing Zoning with Overlay	Proposed Zoning District	Proposed Overlay
29183 DIXON ST	078C-0433-004-11	S-T5	MB-CC	
292 VALLE VISTA AVE	078C-0433-004-09	S-T5	MB-CC	
29185 DIXON ST	078C-0433-004-07	S-T5	MB-CC	
DIXON ST	078C-0433-003-06	S-T5-2, S-CS	MB-CC	TOD Overlay 2
29163 DIXON ST	078C-0433-002-10	S-T5-2, S-CS	MB-CC	TOD Overlay 2
29175 DIXON ST	078C-0433-002-08	S-T5-2	MB-CC	TOD Overlay 2
29125 DIXON ST	078C-0433-001-06	S-T5-2, S-CS	MB-CC	TOD Overlay 2
29009 DIXON ST	078C-0432-013-01	S-T5-2, S-CS	MB-CC	TOD Overlay 2
29061 DIXON ST	078C-0432-006-06	S-T5-2, S-CS	MB-CC	TOD Overlay 2
29039 DIXON ST	078C-0432-005-08	S-T5-2, S-CS	MB-CC	TOD Overlay 2
29017 DIXON ST	078C-0432-002-07	S-T5-2, S-CS	MB-CC	TOD Overlay 2



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: MIN 20-058

DATE: May 28, 2020

TO: Planning Commission

FROM: Director of Development Services

SUBJECT

Minutes of the Planning Commission Meeting of May 14, 2020

RECOMMENDATION

That the Planning Commission approve the minutes of the Planning Commission meeting of May 14, 2020

SUMMARY

The Planning Commission held a meeting on May 14, 2020

ATTACHMENTS

Attachment I Draft Minutes of May 14, 2020



**MINUTES OF THE SPECIAL MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, May 14, 2020, 7:00 p.m.**

This meeting was called to order by Chair Bonilla at 7:00 p.m. and was conducted utilizing teleconference and electronic means consistent with State of California Executive Order No. 29-20 dated March 17, 2020, and Alameda County Health Officer Order No. 20-10 dated April 29, 2020, regarding the COVID-19 pandemic.

ROLL CALL

Present: COMMISSIONERS: Stevens, Andrews, Faria, Patton, Roche, Goldstein
CHAIRPERSON: Bonilla
Absent: COMMISSIONER: None

Staff Members Present: Ameri, Billoups, Blanton, Brick, Buizer, Byrne, Chan, Davis, Garcia, Kelley, Lo, Maravilla, Ott, Simpson, Vigilia

PUBLIC COMMENT:

Public Comment was limited to items on the Agenda.

PUBLIC HEARINGS: For agenda items No. 1 and No. 2, the Planning Commission may make a recommendation to the City Council. For agenda items No. 3 and No. 4, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision.

1. Recommend FY 2021 – FY 2030 Capital Improvement Program

Public Works Director Ameri provided a synopsis of the staff report and PowerPoint presentation.

Commissioner Andrews asked about the following: if the City has looked at additional State and federal funding to offset City's loans; when the Tennyson corridor project will be completed and if it will extend to Hesperian or Industrial; and the La Vista Park timeline. Public Works Director Ameri said what is available are the State's revolving fund low interest financing and any stimulus monies; and the Tennyson Corridor project is to be completed in 2021. Deputy Public Works Director Garcia said staff is looking at implementing several projects for Hesperian Boulevard. Mr. Ameri said the La Vista Park design completion is in December 2020 with construction commencing in April 2021 and will take about a year to complete. Mr. Ameri said the City will be seeking funding sources for the Eden Youth and Family Center and that even though the project has been deferred the project will move forward at a later date.



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Commissioner Faria thanked staff for their hard work on these difficult decisions; for seeking other funding sources and asked about the location of the solar project. Public Works Director Ameri said the solar project is located at the end of Enterprise Avenue adjacent to the WasteWater Treatment plant where old ponds are being converted for solar use.

Discussion ensued between Commissioner Patton and staff regarding: does the CIP address the issue of undergrounding of utilities along Jackson Street; the Downtown Specific Plan projects redesign of the downtown one-way street and the Mission/Foothill/Jackson couplet, if this is included in the Mission or Jackson corridor plans; and if the CIP addresses the public improvements in the City's new Industrial Districts. Public Works Director Ameri said that Jackson Street from Mission through Santa Clara is the responsibility of the City and if a development that causes a visual impact, the City has the responsibility to perform the utility undergrounding. Mr. Ameri said depending on the size of a project; the impact and how the street design and sidewalks are affected there are requirements for developers to underground the utilities. Mr. Ameri said if there is a City project, then the City will work with PG&E for the undergrounding of the utilities. Mr. Ameri said for the Mission/Foothill/Jackson one-way streets and turning it into a two way in the downtown area, the City will be researching the feasibility, cost and other impacts for this project and will be making a recommendation to Council. Mr. Ameri said the City will be looking for public improvements in the Industrial District. Mr. Patton would like to see included in the CIP a public improvement study that will include recommendations of how these improvements can be completed and also what conditions can be applied to private development so that the City does not have to fund all of the public improvements. Mr. Ameri said this study is not a part of the 2021 CIP, but he will look into this and seek the City Council's direction.

Discussion ensued between Commissioner Roche and staff regarding: COVID-19 impacts to City CIP projects because of lack of revenue; deferred projects; allocated projects moving forward; Mission Boulevard Fairway Park linear park improvement project; and to maintain the weeds that are growing between the old and new fences. Public Works Director Ameri said the impact to the CIP projects will depend on how quickly the economy and the City revenues recover from the COVID-19 pandemic; for the linear park the City is requesting a two level design to defer some of the cost and staff will take a look at the weed situation. Mr. Ameri said the Fire Station 6 and Training Center project will move forward as this is partially funded by Measure C and will also depend on the amount when the bids come in.

Discussion ensued between Commissioner Goldstein and staff about the following: since



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the East Bay Energy Collective has found a cheaper energy source, it is still cost effective for the City to continue building the solar infrastructure; and how long can the City safely defer the fleet program for Fire and Police. Public Works Director Ameri responded that it is advantageous for the City to have their own solar, the City has land that is part of the WasteWater Treatment plant and that the previous solar project that was built seven years ago has paid for itself already and has twenty-two more years of life left. Mr. Ameri assured the Commissioners that any deferment of the Fleet program has been in consultation with the Fire, Police and Maintenance Services Department and some of the vehicles can still be utilized for one to two years without compromising the safe operation of these vehicles.

Chair Bonilla asked how the City prioritized which projects will move forward and which ones can be deferred and if the projects are prioritized once the economic losses of the pandemic are realized. Public Works Director Ameri responded that staff will review the requirements of the General Plan, the Master Plan, ten-year Water Master Plan, other specific plans developed for other improvements and staff will discuss what the needs are. This is then discussed with City Council and projects will be prioritized based on need and funding availability. Mr. Ameri confirmed that once the City has the true financial picture for FY 2021 then staff can determine which CIP projects can move forward.

Chair Bonilla opened and closed the public hearing at 7:41 p.m.

Chair Bonilla commented from a financing perspective that the City is not bearing all the costs on the projects and sets up strategic partnerships to fund these major projects. Mr. Bonilla appreciated Public Works Director Ameri clearly outlining how the projects align to the City of Hayward's Strategic Plan and priorities.

Commissioner Roche made a motion, seconded by Commissioner Patton to approve the staff recommendation. The motion passed with the following vote:

AYES:	Commissioners Stevens, Andrews, Faria, Patton, Roche, Goldstein Chair Bonilla
NOES:	None
ABSENT:	None
ABSTAIN:	None

2. Proposal to rezone a 2.67-acre site located at the intersection of Apple Avenue and Oak Street (Assessor Parcel Nos. 415-0160—052-00 & 415-0170-037-00), requiring a zoning map amendment and approval of an addendum to the Hayward 2040 General Plan EIR. Application No. 202000605, City of Hayward (Applicant and Owner)



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Associate Planner Maravilla provided a synopsis of the staff report and PowerPoint presentation. Mr. Maravilla announced that the Notice of Public Hearing had an error and he clarified that none of the parcels are to be rezoned public facility (PF).

In response to Commissioner Goldstein's comments about plans to address traffic issues along Foothill Boulevard; Associate Planner Maravilla said that the addendum analyzed traffic as part of the rezone and took into consideration the traffic for a hotel project of up to 150 rooms.

Commissioner Roche asked why a hotel was considered as opposed to housing. Deputy City Manager Ott said staff looked at the different parcels to be able to balance different uses and this site had the potential for commercial use because of the close proximity to the freeway and could potentially generate transient occupancy tax (TOT) which is revenue for the City. Ms. Ott said that generally Hayward's hotel market is strong but because of the COVID-19 crisis, this may take several years to recover and that Council could still be open to exploring other possibilities but at this point it is too early to decide and Council would want to see how quickly the economy recovers. Ms. Ott said during the outreach presentations the concerns from the community were about the existing hotel uses and operations at the hotels including crime. Ms. Ott mentioned that when the City transfers a property to a private owner, the City has the ability to place land covenants and restrictions that require the new owners to operate a first-class hotel. Ms. Roche commented that the community feedback was more about wanting a community at that site where residents would be invested in their neighborhood and have cohesiveness and were concerned about a hotel.

Commissioner Patton said these parcels have access issues particularly where Apple Avenue connects to Foothill Boulevard as you cannot make left turns onto Foothill. He does not see these as viable commercial properties and that they should be designated as residential and is not opposed to the rezoning as that allows for range. Mr. Patton recommended that the City issue a Request for Proposals (RFP) that does not predispose that a hotel is the highest and best use and allow the market to come back with the permitted range of use. Deputy City Manager Ott said because of the COVID-19 crisis, Council's direction is to put a hold on RFPs and to return to Council in three to six months. Ms. Ott said she will pass the recommendation on to Council that the RFP provide flexibility. Ms. Ott shared that feedback from the community besides the access issues was the traffic impacts along Grove and accessing the school and with residential there will still be traffic impacts as opposed to a hotel which could have off peak traffic trips. Ms. Ott acknowledges that there will need to be a traffic study for existing traffic accessibility issues. Mr. Patton asked how are entitlements between jurisdictions handled and how is the lead agency determined; Ms. Ott said that under the California Environmental Quality Act (CEQA) the City would be the lead agency since the City



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owns the land even if the land falls under the jurisdiction of the County. It is important to make sure that the City and County are on the same page so as to not cause any confusion for developers. Planning Manager Buizer shared that the City has a good working relationship with County staff since 2008 when the City conducted the land use study and staff is actively engaged in conversations with the County.

Commissioner Faria asked staff about the following: zone change does not preclude affordable housing as long as there was ground floor commercial; the status of three current hotel projects as the one on Mission Boulevard is almost done and two look like they have not started. Deputy City Manager Ott commented that the City does not want to prevent pivoting to residential and she understand that for the hotel projects if they have been financed and are under construction then they will be moving forward but if the projects are in the entitlement stages it might be difficult to obtain financing. Ms. Ott said Hayward gets the spill over from Silicon Valley, but it might take one to three years for Hayward's hotel market to recover. Ms. Ott said staff will check on the status the two hotels that have not yet started construction.

Commissioner Andrews asked about the amenities for a hotel to be in this area as it seems to be disconnected from the downtown and industrial areas and expressed concern about the traveler's experience and asked about the auxiliary uses for the hotel. Ms. Andrews agreed with Commissioner Patton if this is the best location for a hotel and expressed concern for the residents and cautioned the City about building so much for the traveler. Ms. Andrews asked about the possibility of mixed use.

Deputy City Manager Ott said this would be a business class hotel and the site benefits are easy access off the freeway, the close proximity to a number of business markets; the hotel can attract business from Silicon Valley and TriValley, and the hotel would be visible from the freeway. Ms. Ott said the pros would be that it does not have the best amenities nearby but noted there are other hotels around like the ones near the airport that are in the same situation. Ms. Ott said the hotel might need to have onsite amenities for their guests that could also serve the neighborhood. Ms. Ott commented that she will share Commissioner Andrews' comments with the City Council.

Commissioner Stevens asked prior to COVID-19 crisis, was there a formal economic/demand analysis conducted; Deputy City Manager Ott said staff did not conduct a full analysis; staff retained a broker who conducted a mini market assessment and did an opinion of value as there is a Caltrans base price that the City needs to meet; staff spoke to some hotel developers about the site; and noted that some of this is aspirational as the City Council wanted to attract commercial and staff marketed the site for commercial prior to the COVID crisis.

Chair Bonilla said if the Planning Commission approves the zone change, will the hotel item



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come before the Planning Commission; Planning Manager Buizer said the zone change does not require any special use permits that would require coming back before the Commission for a decision. The hotel would be subject to a site plan review which is an administrative process and the property because it is owned by the City, would go through a disposition process that would go before the City Council. Ms. Buizer said the site plan review though decided administratively if there is an appeal or concerns, the item could be brought before the Planning Commission. The Chair said it seems that the City is focusing on a hotel for this site and noted there are a lot of hotels being built in the City. Mr. Bonilla said he agrees with Commissioner Patton as he is in favor of the zone change and asked if there was community feedback in support of the project. Deputy City Manager Ott said there was a project specific Parcel Group 8 and 9 neighborhood meetings and most of the comments were focused on Parcel Group 8 with concerns about affordable and multi-housing and traffic along Grove Way and the school. Ms. Ott said there were comments about the hotel being similar to what exists in the area as the current hotels are not great contributors to the neighborhood. Ms. Ott said there was not a lot of pros or cons in regard to Parcel Group 9. Chair Bonilla requested that staff let the City Council know that several Commissioners would like the RFP process to have a broader scope rather than just the hotel especially in light of the COVID crisis impacts.

Deputy City Manager Ott said that she is happy to come back to the Commissioner to provide updates and to provide the City Council with the Commissions comments and recommendations.

Having no public speakers, Chair Bonilla opened and closed the public hearing at 8:24 p.m.

Commissioner Stevens commented that in a pre-COVID world this site could have been tough to develop and in the post-COVID world a lot of things are going to change especially related to commercial office space and a lot of the employment centers in the south bay are likely going to change. Mr. Stevens said rezoning the site and issuing an RFP that offers the highest and best use for the land makes a lot of sense. Mr. Stevens supports the item and cautions staff going into the post COVID world.

Commissioner Faria made a motion to approve the staff recommendation.

Commissioner Stevens seconded the motion



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The motion passed with the following vote:

3. Proposed Cannabis Microbusiness with delivery, Distribution, and Manufacturing Activities Located at 23287 Foley Street, Unit B (Assessor Parcel No. 439-0036-104-00) Requiring Approval of Conditional Use Permit Application No. 201901361. Farhad Doctor (Applicant); Liang Xianghua (Property Owner)

Associate Planner Blanton provided a synopsis of the staff report and PowerPoint presentation.

Mr. Farhad Doctor, applicant, thanked the Commission for being able to become a part of the Hayward business community and to be able to have a positive impact.

Commissioner Stevens asked about the neighbors' comments about issues with federal laws, if there is an issue can this impact neighboring businesses. Assistant City Attorney Brick said if the businesses are independent and separate, there should not be any impact, if the businesses were codependent in the same space/parcel there may be impacts based on seizure of the assets.

Commissioner Andrews thanked staff for the informative report that answered her questions. Ms. Andrews asked about the following: 24-hour security if it becomes necessary; cost sharing of the 24-hour security among businesses in the area; and consider social equity programs especially for prospective employees who have been convicted of cannabis activity. Mr. Doctor responded that if crime increased and affected his business, they would consider 24-hour security. He said at this point while the business is closed and with the safety measures required by the City 24-hour security is not deemed necessary. Mr. Doctor said in his experience because of the high amount of security measures in place at legal cannabis businesses that any crime against cannabis business is usually against the black market. Associate Planner Blanton said that the commercial cannabis permit is reviewed annually and one of the items looked at is the number of service calls and that the Conditions of Approval (COA) can be revised or the permit revoked at that time. Ms. Blanton said the cost sharing of the 24-hour security has been informally discussed especially if there are more cannabis businesses in the area. Mr. Doctor said that he is open to developing a social equity program for prospective employees who have been convicted of cannabis related activity and said he is a huge advocate for the cannabis industry.

Commissioner Faria asked if there have been any issues with manufacturing cannabis businesses, neither Planning Manager Buizer nor Associate Planner Blanton know of any incidents with existing permitted cannabis businesses.



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Commissioner Roche asked about odor mitigation measures and if there have been any issues; agriculture business versus light industrial; and as long as the product is not shipped out of state this does not trigger any federal laws.

Associate Planner Blanton said the Fire Department organized a tour of Oakland Cannabis businesses for Fire and Development Services Department staff to become acquainted with these types of businesses. Ms. Blanton said that charcoal filters are commonly used to mitigate odors and if there is a noticeable odor, then the businesses can adjust their filtration systems. Ms. Blanton shared that staff feels this is a very important issue and that is why included in the Hayward Municipal Code (HMC) regarding cannabis, there are very specific language that the odor mitigation plan has to designed by an industrial hygienist or industrial engineer. Ms. Blanton said this is an agricultural business and is in between agriculture and light industrial and similar to food processing. Senior Assistant City Attorney Vigilia said the past two federal administrations have not pursued any policies that would curb the ability of local jurisdictions to allow cannabis business and the City Attorney's Office is not in the position to provide legal advice to applicants as to whether they are complying with federal law.

Commissioner Goldstein said he admires the applicant's support for social justice programs but has concerns and asked what measures are in place during the hiring process to vet the prospective employees who might have a substance abuse issue and any programs in place to address this abuse issue. Mr. Doctor said that he would offer support to any employees who have substance abuse issues. Mr. Doctor said they have a very thorough hiring process which includes drug tests, review of driving records and requiring references from people he personally knows, and he takes his time during the hiring process. He said employees have a probationary period and go through a training program.

Chair Bonilla requested that the applicant speak about his experience in running a cannabis business and to address community members concerns about having the proper safeguards in place. Mr. Doctor provided a brief history and what brought him to the cannabis industry; about attending a trade school for cannabis in Oakland called Oaksterdam that introduced him to the cannabis business which included point of sales, delivery, and learning about policies and procedures.

Having no public speakers, Chair Bonilla opened and closed the public hearing at 9:04 p.m.

Commissioner Roche stated that the applicant went through the intensive City permitting process and met all of the requirements. Ms. Roche supports the item.



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Commissioner Andrews asked if there is the possibility of renaming products so as to not be so attractive to youth. Mr. Doctor said that cannabis legalization steers away from being attractive to youth through the names and advertising and he will not be advertising to children. He said this is dependent on the State Bureau of Cannabis Control put in place regulations and develop strict guidelines. Unfortunately, he is not able to change the names of products for legal reasons.

Commissioner Stevens commented that this application is in a multi-tenant building and if the other spaces are occupied, if there is a federal action this could place the other tenants in jeopardy. Mr. Stevens noted that he did not see any comments from businesses within the building. Mr. Stevens supports the item.

Chair Bonilla asked about the applicant's Community Benefits Plan and how will they determine their financial contribution. Mr. Doctor said that he has been in touch with the City and there has been talks about donating to City projects. Mr. Doctor said that initially what they have been doing at their other licensed facilities is donating \$5,000 to schools and other programs as well as donating their time and being a positive part of the community. Chair Bonilla commented that he appreciates the eco-friendly aspect of the business with the electric cars, sustainability, security plan that is consistent with other business plans that the Commission has reviewed. Chair Bonilla appreciates the applicant's preference for local hiring and the robust the security plan.

Commissioner Roche made a motion per the staff recommendation.

Commissioner Stevens seconded the motion.

The motion passed with the following vote:

AYES:	Commissioners Stevens, Andrews, Faria, Patton, Roche, Goldstein Chair Bonilla
NOES:	None
ABSENT:	None
ABSTAIN:	None

4. Proposed Cannabis Microbusiness with Cultivation, Manufacturing, Distribution, and Delivery Activities Located at 2730 Cavanagh Court (APN No. 439-0036-103-00) Requiring Approval of Conditional Use Permit Application No. 201805798. American Holdings (Applicant); Moose and Squirrel Holdings, LLC (Property Owner)

Associate Planner Blanton provided a synopsis of the staff report and PowerPoint presentation



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Ms. Olga Ousherovitch, applicant, said she is happy to answer any questions.

Commissioner Andrews asked if there is any concern about the street located in the back; and if there has been any discussion of shared 24-hour security; and consideration of a social equity hiring program. Associate Planner Blanton said staff and the applicant sat down with the police department regarding the site and per the Police Department (HPD) the proposed security fence is adequate and liked the composition of the metal fence. Ms. Blanton said that the applicant indicated that at this time the 24-hour security would be an expensive endeavor and the HPD did not indicate that the 24-hour security was necessary and if deemed necessary in the future it can be added on. Ms. Blanton said the prior business Sticky Thumb and the applicant American Holdings could potentially share this cost. Ms. Ousherovitch said that they have advanced security measures in place that includes besides the physical fence, there is an electronic fence and full surveillance of the street and other businesses. She said there will be 24-hour security when high value items are onsite and that all security measures were discussed with HPD and they were comfortable that these security measures were sufficient at this time. Ms. Ousherovitch is open to a social equity hiring program.

Commissioner Faria observed that this business will bring stability and improve the area which is currently vacant and needs maintenance.

Commissioner Roche inquired about the extra thresholds for cannabis applicants; Associate Planner Blanton said cannabis applicants need to address the issues of safety and security, have a unique cannabis odor mitigation plan, and have a sustainability plan. These additional measures are required because the City wants to make sure they attract quality operators. Ms. Roche commented that the cannabis applicants have these elevated requirements because of the nature of the cannabis industry and that the applicants are meeting these additional requirements.

Commissioner Goldstein asked about the following: applicant's Community Benefit Plan and what mitigation measures are in place to curb substance abuse. Ms. Ousherovitch explained her Community Benefit Plan that included donations to the Police and Fire Departments, have their growers be involved in helping with the South Hayward Parish community garden. The applicant will ensure that staff will be aware to assist anyone with a substance abuse issue and other issues.

Chair Bonilla requested the applicant explain her background in the cannabis business, Ms. Ousherovitch described her background and her educational and business experience. The applicant spoke on how she taught herself about the cannabis industry and how her



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company is structured to be successful. Chair Bonilla thanked Ms. Ousherovitch for her response and her responsiveness to the community.

Associate Planner Blanton confirmed for Commissioner Roche that both cannabis applicants will be delivering to both dispensaries and customers.

Chair Bonilla opened the public hearing at 9:49 p.m.

Mr. Michael Wolny, of the City Clerk staff, thanked the Planning Commission on the great job on their first virtual meeting and noted that he was testing the phone equipment.

Chair Bonilla closed the public hearing at 9:50 p.m.

Commissioner Stevens commented that this is a very solid application and supports the item.

Commissioner Roche agreed with Commissioner Stevens and noted that cannabis is legal in California; this will be a business that is operating legally and have met all of the City's permitting requirements. Ms. Roche is comfortable in supporting the item.

Commissioner Andrews commented that she hopes the applicant is a good neighbor, the annual renewal will be a reminder to be a good neighbor; the applicant continue to communicate with businesses that had concerns and wishes the applicant the best of luck.

Commissioner Faria commented that the business will bring stability to the area; they are engaged in helping the community; and they will be a benefit to the City of Hayward.

Commissioner Goldstein commented that the applicant has done an excellent job bringing her application forward. Mr. Goldstein thanked the applicant for bringing her business to Hayward and wishes her success.

Commissioner Roche made a motion to move the staff recommendation.

Commissioner Stevens seconded the motion

The motion passed with the following votes:

AYES:	Commissioners Stevens, Andrews, Faria, Patton, Roche, Goldstein Chair Bonilla
NOES:	None
ABSENT:	None
ABSTAIN:	None



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APPROVAL OF MINUTES

5. Approval the Planning Commission Meeting Minutes of March 12, 2020.

Commissioner Andrews made a motion, seconded by Commissioner Faria, to approve the Planning Commission Meeting Minutes of March 12, 2020. The motion passed with the following votes:

AYES:	Commissioners Stevens, Andrews, Faria, Patton, Roche, Goldstein Chair Bonilla
NOES:	None
ABSENT:	None
ABSTAIN:	None

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

Planning Manager Buizer congratulated the Planning Commission on their first virtual meeting.

Commissioners' Announcements, Referrals:

Chair Bonilla thanked everyone for a successful meeting and thanked Planning Manager Buizer for preparing everyone for the meeting.

ADJOURNMENT

Chair Bonilla adjourned the meeting at 9:57 p.m.



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APPROVED:

Julie Roche, Secretary
Planning Commission

ATTEST:

Denise Chan, Senior Secretary
Office of the City Clerk