

**CITY COUNCIL MEETING
TUESDAY, MARCH 2, 2021**

**DOCUMENTS RECEIVED AFTER
PUBLISHED AGENDA**

ITEM 4: PH 21-011

**Switzer Residence: Adopt a Resolution Approving a Proposed Single-Family Residence and Attached Accessory Dwelling Unit on a Vacant 0.21-Acre Hillside Lot with an Average Slope Greater than 20% Located at 2579 Home Avenue, Assessor Parcel No. 081D-1660-040-00, Requiring Approval of Site Plan Review and Grading Permit Application No. 202000579, Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15303, Class 3. Bich-Khoi Do (Applicant); Bradley Switzer Trust (Owner)
(Report from Development Services Director Simpson)**

PUBLIC COMMENTS

From: Grant Anderson
Sent: Tuesday, March 2, 2021 8:49 AM
To: List-Mayor-Council
Subject: The development on Home Ave.

Perhaps the main reason for the hostility towards the proposed plans is the size. In regards to the size I would like to call into question the conformity of the main house to current height restrictions, and the legality of the ADU.

First I will address my concern of the main house not conforming to the height codes. My understanding of the height laws is that a house can't be taller than 30 feet from the current grade, or the final grade, whichever is lower.

The tallest LABELED part of the plans show a section of the house measured from the current grade to a section of the roof to be 29 feet 9 inches. The plans clearly show that this measurement is not taken from the tallest part of the roof to the current grade, but from a spot lower on the roof to the current grade. From my rough visual estimation the tallest point of the roof will be > 30ft higher than the current grade - causing the main house to not conform to the height laws. Furthermore, I assume this section of the house is not built "on grade" but that the current grade will be excavated more than 3 inches - further causing the main house to not be in compliance with height requirements; as the new grade will be lower than the current grade. I ask for the city to assess this concern of nonconformance to the height laws before voting. If found in violation I ask the city to reject these plans. (If it does comply with the law I would greatly appreciate an explanation on how.)

Second, the ADU makes this development larger, especially in feel. I also understand that the state has enacted laws that local governments must follow. However in reading the laws associated with ADUs I believe the city either HAS to limit the ADU to 500 square feet, and at least MAY deny the ADU to be no more than 1000 square feet.

If I understand the laws correctly, the city may be forced to reject the current ADU plans. My understanding of the law states that attached ADUs can only share 1 wall with the main house, if it shares more than one it is a JADU. The plans state that the garage coming off Home Ave. is part of the main house. This means that:

- This ADU shares more than 1 wall with the main house (The garage and storage space - also the roof deck) and thus is not an attached ADU but a JADU and therefore can not be approved as it is >500sqft and MUST be rejected as JADUs CAN NOT be larger than 500sqft, as state laws prohibit JADUs being larger than 500sqft

If I've misunderstood the laws, and this is not a JADU, but an attached ADU then the city may still reject the plans for this particular ADU

- The city may reject ADUs > 1000sqft and this ADU is planned to be 1198 sqft
- This ADU is > 16' tall as it is two stories, the city may reject ADU's taller than 16'

Limiting the size and height of the ADU will help alleviate the size and feel of this development. As such I ask the city to rule this ADU as a JADU, reject the current plans, and limit the ADU to 500 square feet as mandated by state law. If the city can not rule this a JADU I ask the city to limit the ADU to no taller than 16 feet, and no more than 1000 square feet - limitations the city IS able to do under the new state laws.

Thank you,
Grant Anderson

From: Sherman Lewis
Sent: Sunday, February 28, 2021 10:55 AM
To: List-Mayor-Council

Subject: Switzer mega-house on Home/Hillcrest

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I ask Council to reject this application.

The staff report implies that OHHA accepts the project.

A neighbor told me that that is emphatically not the case.

I remember reading an OHHA critique of the project that made it abundantly clear that the project was inconsistent with numerous city rules.

Yet the staff report is silent on those details and white washes the issues.

A few years ago David Risk lied to Council about a path that our neighborhood has had since 1914 and Council was completely bamboozled. I'd be happy to send anyone my detailed report on the fiasco and you can decide for yourself.

I am well aware that the City and Council face a large work load and generally rely on staff. But every once in a while staff will err.

We support infill housing but this project is wrong for us and wrong under city rules.

Council should have the OHHA critique in front of them and go through it point by point with staff.

Mr. Switzer can build two legitimate houses and relate them to each other to achieve his goals.

--

Sherman Lewis
Professor Emeritus, Cal State Hayward
President, Hayward Area Planning Association

From: TERESA DULBERG >
Sent: Sunday, February 28, 2021 2:32 PM
To: List-Mayor-Council; CityClerk

Subject: March 2nd City Council Agenda Item #4 PH 21-011 (Switzer Residence)
Attachments: HaywardHighlandsPoliciesStrategies.pdf

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

My husband and I are opposed to the proposed Switzer house(s) project which currently plans a main house fronting on Hillcrest with an attached "Accessory Dwelling Unit" which fronts on Home Avenue taking up the entire hillside lot reaching from street to street.

We have lived at our house on Hillcrest Avenue now for 45 years and it sits on the same hillside as the proposed Switzer house (just one house between us and the proposed project.) The massive scope of the Switzer project is very concerning.

The City Council needs to be reminded of their acceptance and support of our Hayward Highlands Neighborhood plan (Resolution 98-033 adopted by the City Council February 24, 1998) which honors our wish for a semi-rural feel in a single family residential neighborhood requesting builds of single family residences in the neighborhood "should NOT visually dominate the landscape" (see Page 38 of that resolution-- "Neighborhood Character" Item 5.3 "Semi rural Character of Old Highlands" and the points made under "Housing and Architecture" in that section).

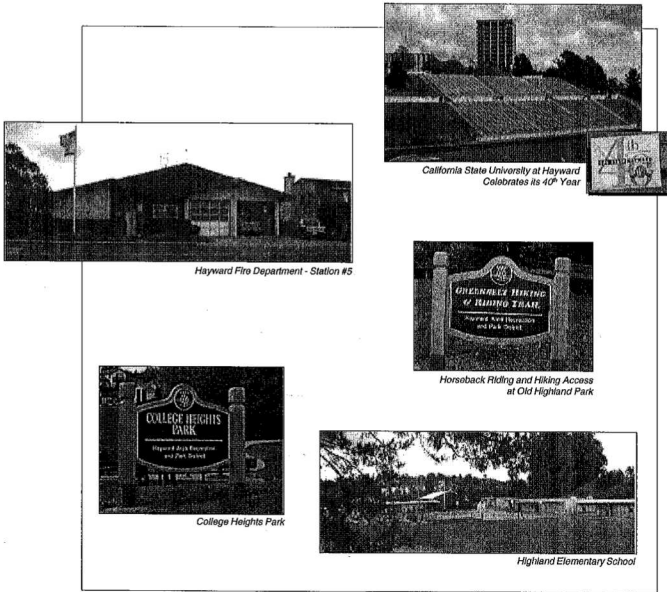
The new construction under consideration is clearly just out of bounds in terms of size and visual impact for the lot and the project clearly "dominates the landscape"

IF the accessory dwelling unit which is to front on Home Avenue were actually a REAL separate home and NOT connected physically in any way to the main house, it might be better in line with the neighborhood plan, but the current plan is just "one massive structure". To us it looks like a very

nice apartment complex...but it should be put somewhere else or re-designed to fit better into Hayward Highlands Neighborhood plan.

Respectfully submitted
Teresa and Paul Dulberg

HAYWARD HIGHLANDS NEIGHBORHOOD PLAN



Hayward, California

As Adopted by the City Council
Resolution 98-033
February 24, 1998

The Hayward Highlands Neighborhood Task Force

Brian Schott, Chair

Valerie Jefferies

Robert Sakai, Vice-Chair

Stan Jensen

Pearle Anderson

Katherine Lewin

Bruce Barrett

James Liggins

Lisa Brunner

Elizabeth Macera

Valerie Caveglia

Bijan Mashaw

Michael Christopher

Patty Pine

Tracy Fraas

Joy Faye Rowan

Andre Harrison

Willis Shalita

Peter Hendley

Kevin Thompson

Kimi Huggett

Robert Wodard

William Jaquith

View from Waijapart Ridge

**IN MEMORIAM FOR
WILLIAM "JAKE" JAQUITH**

*In memory and thanks for encouraging us to write a
Mission Statement and for adding his big and
cheerful voice to our Task Force.*

**Hayward Highlands Neighborhood Task Force
Mission Statement**

The mission of the Hayward Highlands Neighborhood Task Force:

1. Define the vision of our neighborhood.
2. Recommend specific policies and actions that the City Council and Planning Commission can use to implement that vision.
3. Because our neighborhood is diverse there will be some recommendations which apply to sub-neighborhoods.
4. We need to be mindful that our vision encompasses our larger community which is the City of Hayward, and thereby our policies should create an overall community that is beautiful, vibrant and inviting.

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Introduction

1. INTRODUCTION

1.1 The General Plan

The City of Hayward General Plan is a policy guide for future decisions concerning new public and private capital investment in the community according to adopted goals and policies. The General Plan consists of various elements including Growth Management, Housing, Land Use, Circulation, Open Space, Recreation, Conservation, Safety and Noise. The General Plan encourages the preparation of neighborhood plans to further refine citywide policies and address neighborhood-specific concerns.

1.2 The Neighborhood Planning Program

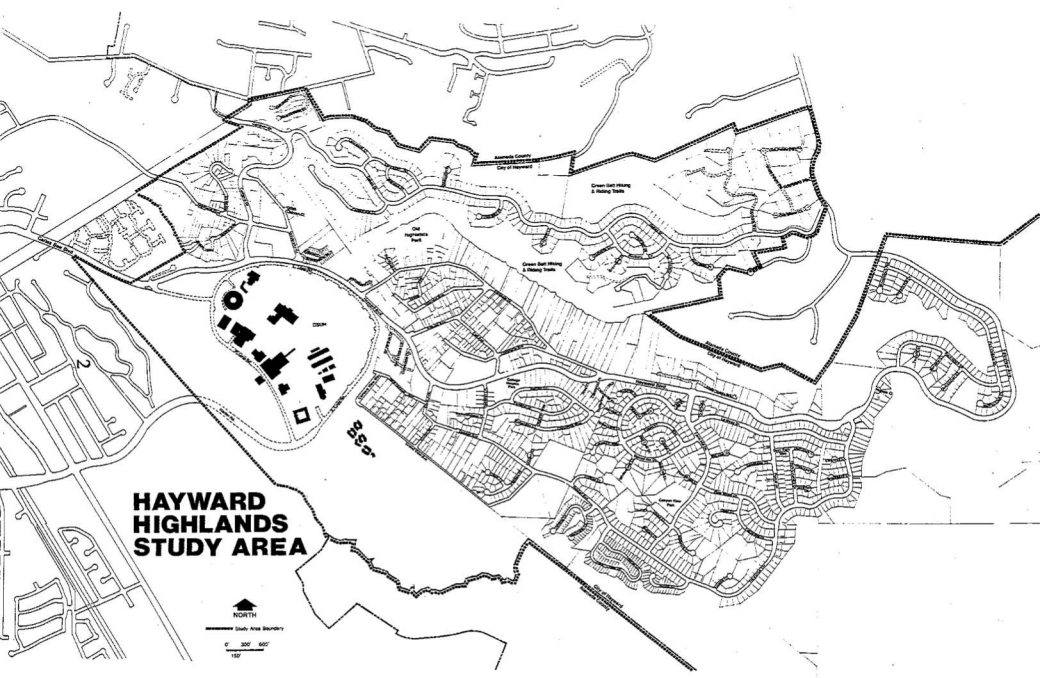
The City of Hayward's Neighborhood Planning Program was approved by the City Council on May 13, 1986. Neighborhood plans have been prepared for 15 of the 16 study areas within the City's planning area. The Hayward Highlands Neighborhood Plan is the final plan undertaken in this program. The purpose of neighborhood planning is: 1) to provide for greater citizen involvement in the planning process for their own neighborhood; 2) to refine general plan policies to the specific areas, achieving greater consistency and detail when new development occurs; and 3) to develop implementation measures to achieve the longer-range policies.

1.3 The Planning Process

The Hayward Highlands Neighborhood planning process began in March 1997 with an initial neighborhood meeting to explain the planning process, identify local issues and concerns and solicit applications for a citizens task force. The Task Force was appointed by the City Council in April 1997 to prepare a Neighborhood Plan for the area Hayward Highlands Neighborhood Plan Study area which is shown on the map on the following page.

The Task Force carefully reviewed those issues and concerns expressed by area residents at the initial neighborhood meeting and at subsequent Task Force meetings between April and December 1997. At the second neighborhood meeting on October 22, 1997 the Task Force presented various policy alternatives. After evaluation of the responses received at the meeting, the Task Force modified some alternatives and eliminated others from further consideration. The Task Force presented its recommendations to all interested residents, merchants and property owners at the final neighborhood meeting on December 10, 1997.

The draft plan will be the subject of public hearings before the Planning Commission and the City Council. The Planning Commission will hold its public hearing in February 1998 prior to forwarding its recommendations to the City Council. The City Council will hold a public hearing following the Planning Commission as part of final consideration and adoption of the Neighborhood Plan.



**HAYWARD
HIGHLANDS
STUDY AREA**



Policies and Strategies

2. POLICIES AND STRATEGIES

2.1 Background

The Hayward Highlands Task Force reviewed the issues and concerns which were identified at both the initial neighborhood meeting in March 1997 and again at the second neighborhood meeting held in October 1997.

These policies and implementation strategies attempt to address the many neighborhood issues which have been voiced as part of the process of creating this plan. Additional background and discussion on concerns and issues is provided in the section titled *Planning Considerations*.

A. LAND USE

1) Proposed Land Use Policy Changes:

- Policy 1:** Retain the single family character of the Hayward Highlands area by allowing only appropriate residential infill development which is consistent in size, scale and appearance with existing residential structures, and encourage owner-occupied housing.
- Strategy 1.1:** Reflect the following land use considerations on the General Policies Plan Map (see Figure - 1: Recommended General Policies Plan Map Changes and Figure 2: Recommended Zoning Changes):
- 1.1a Reduce the density from HIGH DENSITY (17.4 - 34.8 units per net acre) to MEDIUM DENSITY (8.7 - 17.0 units per net acre) and change the zoning from RH to RSB6 (single family detached housing with a minimum parcel size of 6,000 square feet) on those properties with additional development potential fronting Hayward Boulevard. However, in order to achieve the best site design possible, development applications are encouraged to be processed through the PD (Planned Development) District in order to allow either single-family detached or single-family attached development. Retain the HIGH DENSITY designation on properties which have already been developed with multiple-family housing.
 - 1.1b Retain the existing LOW DENSITY (4.3 - 8.7 units/net acre) designation in the Old Highlands between Parkside Drive and Hayward Boulevard and rezone all parcels which are 10,000 square feet or greater, to the RS B10 zoning district.
 - 1.1c Change the land use designation on the former Lewis property, which was recently purchased by the Hayward Area Park and Recreation District, from SUBURBAN DENSITY (1.0 - 4.3 units per net acre) to OPEN SPACE - PARKS AND RECREATION.
- Strategy 1.2:** Evaluate the need for an *Interface Zoning Ordinance for Hayward Boulevard* to apply to potential conflicts between multiple family development along Hayward Boulevard and adjacent single family residences.

2) Concerns Regarding Walpert Ridge

- Policy 2:** If the Walpert Ridge is developed, develop it in a responsible manner that takes into account the needs of the neighbors and other City residents.
- Strategy 2.1:** Should the Walpert Ridge area be developed, ensure that any environmental impact created from the development proposals be fully mitigated. This includes, but is not limited to impacts on: the natural environment; the visual impact; the local street system; need for

GENERAL POLICIES PLAN MAP CHANGES

This map is a general representation of the official map (scale 1" = 1000') on display at the City of Hayward Planning Department.

GENERAL POLICIES PLAN DESIGNATIONS

LAND USE	Residential	Open Space
	Rural Estate Density (0.2-1.0 dwelling units/net acre)	
	Suburban Density (1.0-4.3 dwelling units/net acre)	
	Low Density (4.3-8.7 dwelling units/net acre)	
	High Density (17.4-34.8 dwelling units/net acre)	
	Commercial	CIRCULATION
	Retail and Office Commercial	

GENERAL PLAN LAND USE ABBREVIATIONS

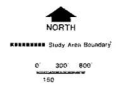
HDR	High Density Residential (17.4 to 34.8 dwelling units/net acre)
MDR	Medium Density Residential (8.7 to 17.4 dwelling units/net acre)
LMDR	Limited Medium Density Residential (8.7 to 12.0 dwelling units/net acre)
LDR	Low Density Residential (4.3 to 8.7 dwelling units/net acre)
LOS	Limited Open Space
SDR	Suburban Density Residential (1.0 to 4.3 dwelling units/net acre)
PR	Parks & Recreation
PQ	Public/Quasi-Public

1 FROM: HIGH DENSITY RESIDENTIAL
(17.4 to 34.8 dwelling units/net acre)
TO: MEDIUM DENSITY RESIDENTIAL
(8.7 to 17.4 dwelling units/net acre)

2 FROM: LIMITED OPEN SPACE AND SUBURBAN DENSITY RESIDENTIAL
(1.0 to 4.3 dwelling units/net acre)
TO: OPEN SPACE: PARKS AND RECREATION

Map No.	Location	Existing General Plan	Proposed General Plan
1	Hayward Blvd.	HDR	LMDR
2	Former Lewis Property (Hayward Blvd.)	SDR & LOS	PR

HAYWARD HIGHLANDS STUDY AREA



6

Figure 1

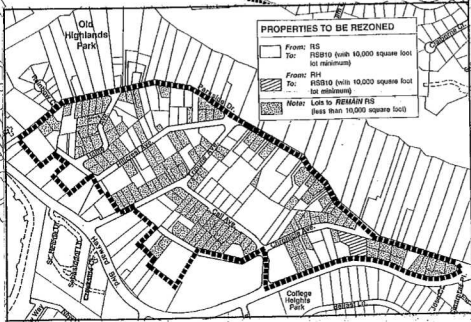
Adopted by the Hayward City Council
February 24, 1998

"The Urban Limit Line in the Walpert Ridge area is general in nature. The precise location of the ULL will be defined consistent with the provisions of the Walpert Ridge Specific Plan."

ZONING MAP CHANGES

For this area
please see insert.

1 FROM: RH
TO: RSB6
(with 6,000
square foot
lot minimum)



Adopted by the
Hayward City Council
March 17, 1998

ZONING DESIGNATIONS

- A - Agricultural
- CN - Neighborhood Commercial
- PD - Planned Development
- RH - High Density Residential
(Minimum 1,250 sq. ft. lot area per unit)
- RM - Medium Density Residential
(Minimum 2,500 sq. ft. lot area per unit)
- RNP - Residential Natural Preservation
- RS - Single-Family Residential
(Minimum 5,000 sq. ft. lot area per unit)
- RSB4 - Single-Family Residential
(Minimum 4,000 sq. ft. lot area per unit)
- RSB6 - Single-Family Residential
(Minimum 6,000 sq. ft. lot area per unit)
- RSB10 - Single-Family Residential
(Minimum 10,000 sq. ft. lot area per unit)
- RSB40 - Single-Family Residential
(Minimum 40,000 sq. ft. lot area per unit)

Figure 2

additional public schools; and increased demand for police, fire or emergency response services; fresh water sources and uses; water, fertilizer and chemical run-off into the adjacent park land and creeks.

Strategy 2.2: If the Walpert Ridge is developed it should be in strict accordance with the City's Walpert Ridge Specific Plan (Adopted resolution No. 95-153), especially regarding the number of units allowed and the distance of all structures from Firehouse #5.

3) *Cal State Hayward*

Strategy 3.1: Retain the existing PUBLIC AND QUASI-PUBLIC land use designation on Cal State Hayward property. If future demand warrants, support additional residential development on Cal State Hayward property to accommodate possible future demand for student housing.

4) *Open Space Concerns*

Strategy 4.1: Preserve the major system of established open space trails and corridors in the Hayward Highlands and establish links to other trail systems around the area, especially the Bay Area Ridge Trail.

Strategy 4.2: Ensure public access is maintained to any existing or new trail, staging area or other open space facility, especially in the Walpert Ridge area.

5) *Possible Additional Neighborhood-Serving Uses*

Strategy 5.1: No additional areas should be designated or zoned for commercial uses with the possible exception of a pro-shop and/or clubhouse facilities in conjunction with a golf course development in the Walpert Ridge area.

6) *Miscellaneous Citywide Concerns*

Strategy 6.1: Continue to improve and revitalize Downtown Hayward which will encourage development of the local economy. Downtown revitalization efforts should include attraction of "destination" retail establishments, as well as being hospitable to smaller owner/operator businesses.

Strategy 6.2: The city must work with industry to implement all state-of-the-art technologies i.e., telecommunications, satellite or other enhancements that facilitate business, quality of life, education and property values in the Highlands. This includes, for example, working with PacBell, TCI @Home and @Work to make sure business and residential communication infrastructure (cable, fiber optic, ISDN, DSL, etc.) are kept up-to-date.

Strategy 6.3: Encourage the city to attract high-tech, light industrial businesses in vacant spaces in the industrial district.

B. NEIGHBORHOOD CHARACTER

1) *Retention of the Semi-Rural Character and Treatment of Streets in the Old Highlands and Morse-Modoc Areas*

Policy 1: Allow only new development and other improvements which respect the existing semi-rural character, especially in the Old Highlands and Morse-Modoc neighborhoods.

Strategy 1.1: Maintain the rural appearance of Old Highlands and Morse/Modoc area streets.

2) *Neighborhood Concerns regarding Hillside Development including Walpert Ridge and Development near Creeks and Riparian Corridors*

Policy 2: Allow only infill development which is respectful of natural features including steeply sloped hillsides, creeks and riparian corridors, significant trees, and rock outcroppings.

Strategy 2.1: Allow only new residential construction which features stepped-back building envelopes on sloped areas and minimal on-site grading consistent with the City's Hillside Design Guidelines.

Strategy 2.2: In accordance with the City's Hillside Design Guidelines, clustering of residential development is strongly encouraged in order to preserve natural site features such as steep hillsides, rock outcroppings, significant trees or tree clusters and any creeks or natural waterways.

Strategy 2.3: Consider amending the Hillside Design Guidelines with regard to the height, size and setbacks of structures to establish view corridors, view rights and solar rights.

Strategy 2.4: The City should develop appropriate development setbacks for hill area creeks. Consideration should be given to site-specific conditions relating to slope, creek bank stability, riparian habitat and vegetation. Refer to the Alameda County Watercourse Ordinance where appropriate.

3) *The Urban Forest*

Policy 3: Protect and promote the health and further development of the urban forest -- particularly in the Hayward Highlands area and encourage the planting of native trees.

Strategy 3.1: Encourage homeowner associations to work with city staff, the Department of Forestry, the California Arborists Association and other tree industry organizations to find educational pamphlets explaining the pine tree problem and clearly identifying the tree species involved. The pamphlet should also identify how to mitigate the dangers of dead

and dying trees and include a list of appropriate replacement trees.

Strategy 3.2 Support a grass roots effort to develop a community-wide, cooperative approach so that homeowners, city utility and park districts, and the University can share information and implement a unified solution. Any model which might be developed should find out what other communities are doing to address this problem; encourage local chapters of citizen tree-planting and tree-stewardship groups to promote tree education and development of the urban forest; develop and implement a phased program for removal of dead trees; and help homeowners find economical solutions for both tree removal and for purchasing and planting replacement trees.

4) Other Concerns

Strategy 4.1: Recommend that the City Council adopt guidelines for the keeping of livestock in the residential zones of the City of Hayward and maintain current legal, non-conforming uses.

Strategy 4.2: To protect and preserve sensitive areas such as sloped areas, creeks, forested areas and riparian habitat, strengthen RNP (Residential Natural Preservation) zoning district regulations.

Strategy 4.3: Continue to implement the City's Urban/Wildland Interface Guidelines especially during the development review process.

Strategy 4.4: Strongly enforce the Community Preservation Ordinance to abate problems such as graffiti trash, weeds, and junked/excess vehicles and trailers.

Strategy 4.5: Develop and maintain tree-lined landscaped entryways into the Hayward Highlands. Gateways are designated at Carlos Bee/Hayward Boulevard and Campus Drive/Second Street.

Strategy 4.6: Promote the maintenance of defensible space around residences, as it relates to fire protection.

Strategy 4.7: Encourage neighbors to maintain trees so as not to block views of residents in surrounding homes.

C. CIRCULATION AND TRAFFIC SAFETY

- Policy 1:** Maintain a street system which safely moves traffic through the neighborhood and develop a system of non-vehicular facilities which is safe and friendly to pedestrians.
- Strategy 1.1:** Accept Tribune, Call and Chronicle Avenues as public streets at the time the streets are brought up to city standards.
- Strategy 1.2:** Establish a fact-finding committee consisting of neighborhood residents and city staff to identify public safety concerns regarding streets in the Old Highlands area. If public safety concerns, such as fire safety, storm drainage, and traffic safety require specific areas of some streets within the Old Highlands area to be improved, the cost of those improvements should be paid for by the affected property owners.
- Strategy 1.3:** Investigate the possibility of creating an assessment district that would include property owners in the Old Highlands neighborhood, north and east of Hayward Boulevard, to improve Tribune Avenue per the Precise Plan Lines. Consider alternate materials to the "natural" materials currently specified for the walkways, and in any case, use rolled curbs.
- Strategy 1.4:** Enforce on-street parking regulations to ensure access by public safety vehicles.
- Strategy 1.5:** Preserve the major system of established open space trails and corridors in the Hayward Highlands and establish links to existing and planned trails in and around the area.
- Strategy 1.6:** Implement the following individual improvements within the neighborhood:
- 1.6.a Maintain the closure of Highland Blvd. at the existing barrier near the P.G. and E. right-of-way. If and when the Route 238 Bypass is constructed, the barrier is to be removed when construction severs Highland Boulevard. Under no circumstances shall Highland Boulevard become a through street.
 - 1.6.b Install larger school warning signs on streets around Highland Elementary school consistent with state standards for traffic signing.
 - 1.6.c Relocate the pedestrian button on the northwest corner of the Hayward Blvd./Campus Blvd. intersection to the traffic signal pole adjacent to Campus Drive.
 - 1.6.d Maintain the current system of one-way streets in the Old Highlands area.
 - 1.6.e Replace faded, obscure, or missing NO PARKING signs in the Hayward Highlands area.

- 1.6.f Support the study and construction of a center divider on Carlos Bee Boulevard from Mission Boulevard to the traffic signal at Carlos Bee and Hayward Boulevard.
- 1.6.g Should Walpert Ridge area development proposals be constructed, fully mitigate any traffic impacts by requiring those development to pay their fair share portion for any needed transportation improvements.
- 1.6.h Take advantage of available traffic control devices for bikes, traffic light interconnects and any technology to make traffic control devices work more efficiently.
- 1.6.i Improve traffic and pedestrian safety on Dobbel between Spencer and Civic by widening the street and installing pedestrian walkways as soon as feasible.
- 1.6.j Perform a traffic safety study on Carlos Bee and Hayward Boulevard and change speed limits as appropriate.
- 1.6.k Complete sidewalks and walkways along major arterials (Carlos Bee Blvd., Hayward Blvd. and Campus Drive) in the neighborhood and keep these facilities clean of weeds and debris.
- 1.6.l Install a double left turn lane from westbound Carlos Bee Boulevard onto southbound Mission Boulevard.
- 1.6.m Install a double left-turn lane from southbound Mission Boulevard to eastbound Carlos Bee Boulevard.
- 1.6.n Consider removing on-street parking to provide a right-turn lane from northbound Mission Boulevard to eastbound Carlos Bee.

D. PUBLIC FACILITIES

Policy 1: Ensure that the neighborhood has exceptional school, park and other recreation facilities to meet demand now and in the future.

1) Parks and Recreation

Strategy 1.1: Support recreation-oriented development on the former Lewis property. Consider development of a staging area with a multipurpose trail connection to the existing trails in the area and development of playing fields.

Strategy 1.2: Provide opportunities for the public to play on any new golf course development in the Walpert Ridge area.

Strategy 1.3: Ensure access to any trail connections in the Walpert Ridge area.

Strategy 1.4: Support neighborhood involvement in the development, improvement and safety of neighborhood parks.

Strategy 1.5: Review the original 1980 plans for Old Highland Park which includes a horse staging area and arena and request that HARD reconsider including these facilities in the HARD Master Plan.

Strategy 1.6: Develop an appropriate staging area and parking facilities as the access point to the Bay Area Ridge Trail system, even if no development occurs on Walpert Ridge.

Strategy 1.7: Insist that HARD maintains, in excellent condition, all present and future neighborhood park sites. Restore, as needed, dead and dying landscaping.

Strategy 1.8: Insist that HARD remove remote picnic tables in Old Highlands Park (to discourage clandestine illegal activity) and that they replace and maintain the playground equipment.

2) Cal State Hayward

Strategy 2.1: Encourage and continue to support programs and activities at Cal State Hayward which provide educational, cultural and recreational opportunities to the public.

Strategy 2.2: Encourage the University to maintain and replace plantings per the original landscape plans at the corner of Campus and Hayward Boulevard and in the median between East Loop Road and Hayward Boulevard.

Strategy 2.3: Continue to encourage development of a Cal State Hayward program in Hayward public schools especially Highland Elementary School if not already included.

3) Hayward Unified School District and Related Facilities

The following strategies represent the views of the Task Force. Although the Plan has been adopted, the City Council has not acted on these specific strategies, pending further review and discussion between the City Council and School Board. Subsequent to such discussions, the strategies will be adopted, modified or deleted.

- Strategy 3.1: Insist that HUSD maintain Highland Elementary School as a public school facility because of its excellent reputation and convenient location in the neighborhood and improve its grounds, regardless of any new school which may be developed in the Walpert Ridge area.
- Strategy 3.2: Ensure that the Hayward Highland neighborhood is better served by intermediate (junior highs) and high schools as part of Hayward Unified School District Reconfiguration efforts.
- Strategy 3.3: Independent of any new Hayward Unified School District school facilities which might be developed as part of Walpert Ridge area development proposals, maintain and improve Highland Elementary School as a public elementary school. Keep the existing PUBLIC AND QUASI-PUBLIC land use designation on this site.
- Strategy 3.4: Insist the Hayward Unified School District maintains its boundaries to include the Walpert Ridge area and the Hayward Highlands neighborhood.
- Strategy 3.5: Encourage HUSD and the City to appoint a public relations liaison to present Hayward education in a more positive light.
- Strategy 3.6: Support ongoing efforts to improve 1) the quality of education in Hayward and 2) the overall city image.
- Strategy 3.7: Urge Highland Elementary School to facilitate the safe and efficient drop-off and pick-up of students by parents.

E. PUBLIC SAFETY

- Policy 1:** Improve the level of police, fire and emergency response in the neighborhood.
- Strategy 1.1:** Assure that emergency medical and fire services meet a 5-Minute Response Time standard for the Hayward Highlands.
- Strategy 1.2:** Support formation of additional Neighborhood Alert groups with assistance from the Hayward Police Department.
- Strategy 1.3:** Maintain and enhance the cooperative working relationship between Cal State Hayward and City of Hayward police forces.
- Strategy 1.4:** Increase police presence in the Hayward Highlands neighborhood.
- Strategy 1.5:** Increase enforcement of traffic laws, especially on one-way streets.

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Socioeconomic Overview

3. Socioeconomic Overview

A profile of the socioeconomic characteristics of the Hayward Highlands neighborhood is presented in the following table. Highlights from this and other census data are summarized as follows:

3.1 Demographics

The Hayward Highlands neighborhood is contained within two census tracts: 4351.02, which includes the Morse-Modoc, Old Highlands, Campus Highlands, Prominence, and Upper Highlands areas, and 4364.02, which includes the incorporated portion of the Oakes Drive, Durham Way, Greenbriar Estates, Woodland Estates, and Vista Greens areas. It is difficult to make comparisons between 1980 and 1990 census data for this neighborhood because census boundaries changed between those periods. According to the 1990 census, there were 6102 persons living in 2130 housing units, with an average of 2.86 persons per household.

In terms of racial composition, the Highlands neighborhood is nearly 65% Non-Hispanic white, 9.2% black, 18.5% Asian, under 1% American Indian, and 7.1% Hispanic.

3.2 Housing Tenure

In the Highlands neighborhood, 83.5% of the housing is single-family and 16.5% is multi-family. In comparison, the City of Hayward had 55.8% single-family units and 39% multi-family units in 1990, illustrating that the Highlands has a higher percentage of single-family units than the greater city.

A high percentage of homes in the Hayward Highlands neighborhood were owner occupied at the time of the 1990 census, 83.4% overall. This is much higher than the City of Hayward where the owner-occupancy rate in 1990 was 51.5%. Out of the 2130 housing units in the neighborhood, 341 of those (16.6%) are renter-occupied and 1713 (83.4%) are owner-occupied. Of the 341 renter-occupied units, 31.7% are single-family units and 68.3% are multi-family units.

In 1990, 5.7% of Hayward Highlands residents had moved into their home within the past year, and 18% had moved into their home within the past 5 years. The City of Hayward had 26% of its residents move into the city within the past year and 55.7% of its residents move there within the past 5 years. In comparison, the Highlands neighborhood has a lower resident turnover rate.

3.3 Neighborhood Housing Values

The median household income in the Hayward Highlands neighborhood in 1990 was \$61,849, approximately 170% of the 1990 median household income for the city as a whole, \$36,058.

The average value for owner-occupied units in the Highlands neighborhood was \$ 328,900 in 1990, while the median value in the city was \$184,500 in 1990.

Table 1: Socioeconomic Profile of the Hayward Highlands Neighborhood

	4351.02	% of total	4364.02 (City portion)	% of total	Total	% of total
Population & Housing						
Total Persons	4901		1201		6102	
Housing Units	1683		447		2130	
Households	1612		442		2054	
Household Size (persons per household)	3.04		2.72		2.97	
Racial and Ethnic Composition						
Non-Hispanic White	3042	62.1%	869	74.0%	3931	64.4%
Non-Hispanic Black	491	10.0%	71	5.9%	562	9.2%
Non-Hispanic Asian	974	19.9%	153	12.7%	1127	18.5%
American Indian	27	0.6%	14	1.2%	41	0.7%
Hispanic	358	7.3%	74	6.2%	432	7.1%
Total	4901	100%	1201	100%	6102	100%
Housing Value & Income						
Average Household Income	\$ 81,050	n/a	\$ 62,847	n/a	\$ 61,849	n/a
Average Value of Owner-Occupied Units	\$313,800	n/a	\$344,000	n/a	\$328,900	n/a
Median Contract Rent	\$ 835	n/a	\$ 1,001	n/a	\$ 918	n/a
Lower Income Households (less than 80% of Bay Area Median Income)	225	4.6%	109	9.1%	334	5.5%
Persons Below Poverty Level	192	3.9%	44	3.7%	236	3.9%
Housing Type						
Single Family units	1345	79.9%	434	97.1%	1779	83.5%
Multi-Family units	338	20.1%	13	2.9%	351	16.5%
Total Units	1683	100%	447	100%	2130	100%
Vacant units	71	4.2%	5	1.1%	76	3.6%
Total Occupied Units (Households)	1612	95.8%	442	98.9%	2054	96.4%
Total Owner Occupied Households	1299	80.6%	414	93.7%	1713	83.4%
Total Renter-Occupied Households	313	19.4%	28	6.3%	341	16.6%
Single Family Rentals	93	5.8%	15	3.4%	108	5.3%
Multi-Family Rentals	220	13.6%	13	2.9%	233	11.3%
Age Breakdown						
Under 5 Years Old	338	6.9%	74	6.2%	412	6.8%
Between 6-18 Years Old	808	16.5%	194	16.2%	1002	16.4%
Between 19-64 Years Old	3516	71.7%	768	63.9%	4284	70.2%
Over 65 Years Old	239	4.9%	165	13.7%	404	6.6%
Miscellaneous						
Language Spoken at Home Other than English (residents over 5 years of age)	1041	21.2%	166	13.8%	1207	19.8%
Single-Parent Households	62	1.3%	12	1.0%	74	1.2%
Unemployed Persons (persons 16+ years of age)	206	4.2%	24	2.0%	230	3.8%
Employed Residents Working in Hayward	896	18.3%	282	23.5%	1178	19.3%
Residents Taking Public Transit to Work	319	6.5%	30	2.5%	349	5.7%
Households Moving into Unit in Past Year	331	6.8%	17	1.4%	348	5.7%
Households Moving into Unit in Last 5 Years	941	19.2%	156	13.0%	1097	18.0%

Note: Hayward Highlands Neighborhood Study Area includes 1990 Census Tracts 4351.02 and 4364.02 (City portion)
 CT 4351.02 includes the Morse-Modoc, Old Highlands, Campus Highlands, Prominence, and the Upper Highlands areas
 CT 4364.02 includes the Oaks Drive, Durham Way, Greenbridge Estates, Woodland Estates, and Vista Greens areas.

Planning Considerations

This section of the Neighborhood Plan provides background information on the many issues which are addressed in the Policies and Strategies section.

This Task force studied and discussed at length all the issues included here and worked to reflect input gathered at meetings, including the neighborhood meetings. This section provides detail and background information on the issues addressed in the Policies and Strategies section.

In instances where the Task Force agreed that minority opinions were necessary in order to provide a fuller view of the different interests and concerns of Task Force members, they are included here.

4. LAND USE ISSUES

4.1 Background

The Hayward Highlands neighborhood consists of a collection of smaller subareas, or micro neighborhoods, each being developed at a different point in time and each having its own physical characteristics which distinguishes it from other neighborhood areas within the larger Hayward Highlands. For general planning purposes, the Hayward Highlands consists of the areas shown in Figure 3 and include the following:

- Campus Highlands - includes the Old Highlands (everything off Parkside Drive and the areas near the west part of Grandview, New Dobbel and Cotati) the Morse-Modoc Highlands area (off Highland Boulevard and Campus Drive);
- Oakes Drive - includes the Vista Greens townhouse development, Woodland Estates, and the larger homes in the Durham Way and Greenbriar Estates developments;
- Upper Highlands - the areas off Dobbel, Farm Hill, Skyline Drive and Spencer Lane;
- Prominence- areas off Fox Hollow Drive and Barn Rock Road;
- Walpert Ridge - currently proposed as two larger developments - the Bailey Ranch and the Blue Rock Country Club - to be located south and east of the intersection of Hayward Boulevard and Fairview Avenue.
- Cal State Hayward property - contained within East Loop Road and southwest of Grandview Avenue.

Task Force members and residents have expressed a desire to preserve the unique assets and neighborhood character of their respective areas and to develop responsibly in order not to have their areas spoiled by overdevelopment or poor development decisions.

4.2 Existing Development

The majority of the development in the Hayward Highlands is residential, and the majority of that is single family, with public institutions representing the next largest use in the neighborhood. The California State University is the largest land owner in the area and the Hayward campus is a prominent institutional/educational facility in the neighborhood. Other publicly-owned facilities include the many parks and trails which are owned and maintained by the Hayward Area Recreation and Park District, City of Hayward property and schools and property owned by the Hayward Unified School District. There exists a small shopping area - University Plaza - located at the intersection of Hayward Boulevard and Civic Drive that has not yet reached full occupancy. Existing development is shown in Figure 4.

4.3 History

The first subdivision activity in the Hayward Highlands area dates back to about 1914 when the Hayward Home Farm Tract, in the Old Highlands area, was approved. Although initial subdivision activity occurred early in the 1900's, much of the home construction throughout the Hayward Highlands did not occur until after WW II. Although the Oakes Drive area experienced construction during the 1950's, most of the residential development occurred during the 1970's and 1980's. Annexation activity roughly parallels subdivision activity with the majority of annexations occurring after 1960. Today, except for the Walpert Ridge area, much of the neighborhood has been developed. Figure 5 shows dates of annexations in the area, while Figure 6 shows subdivision activity by year.

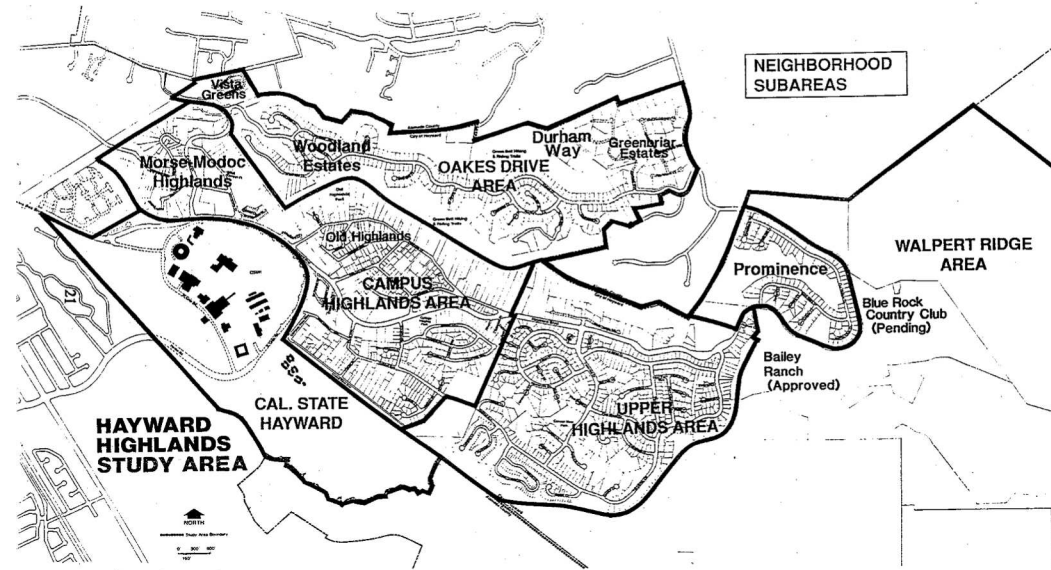
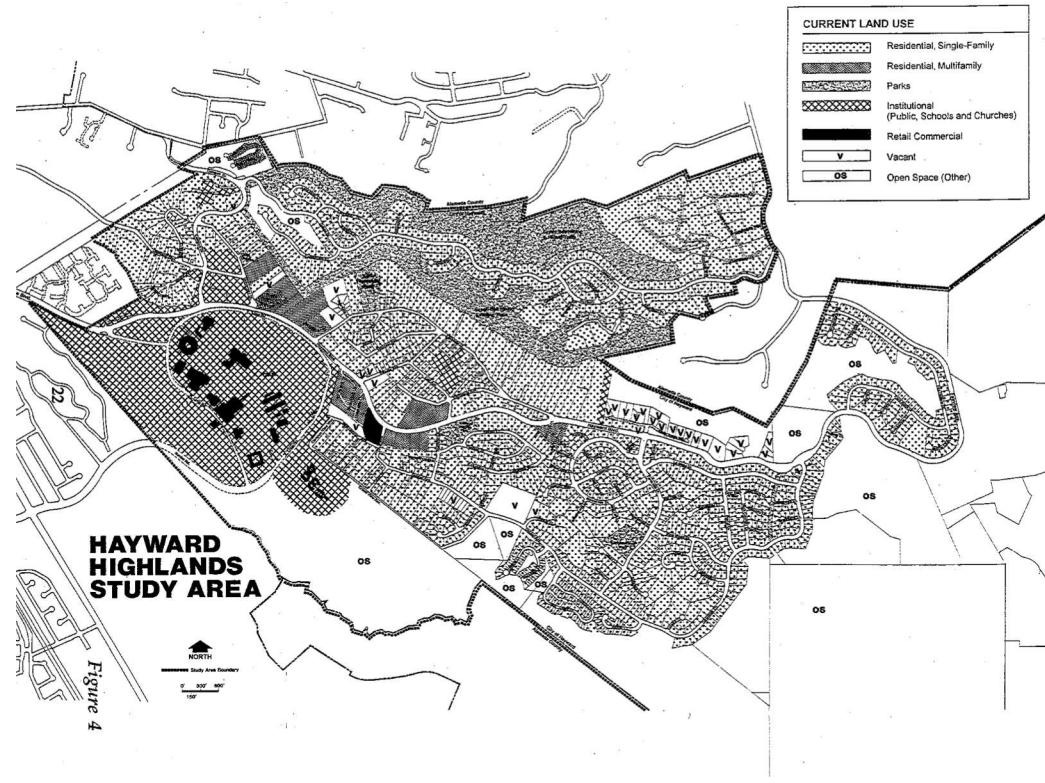


Figure 3



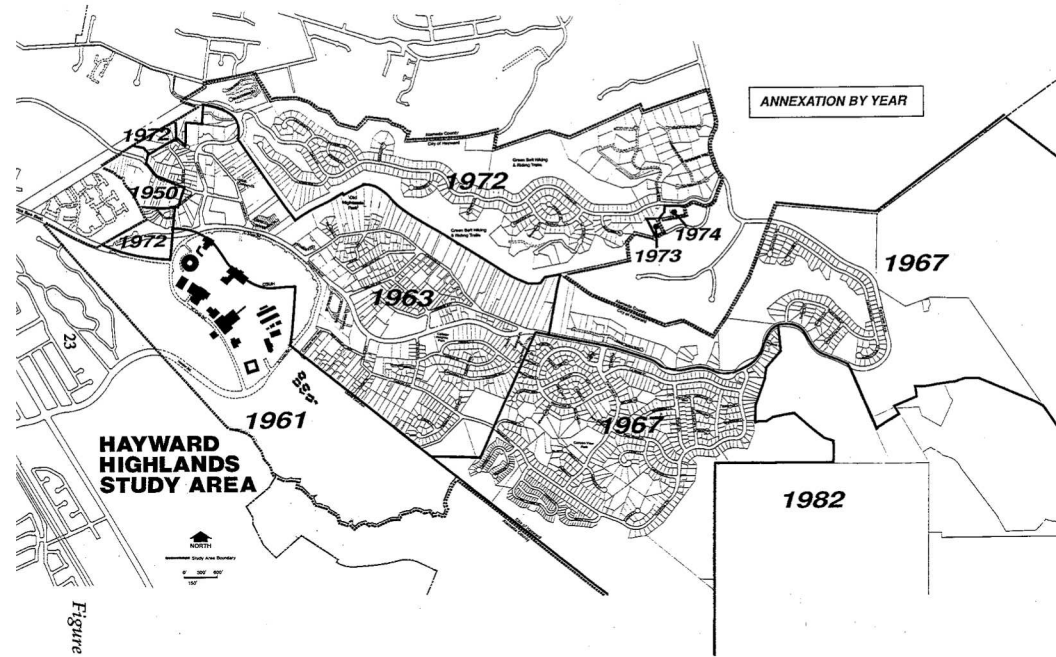


Figure 5

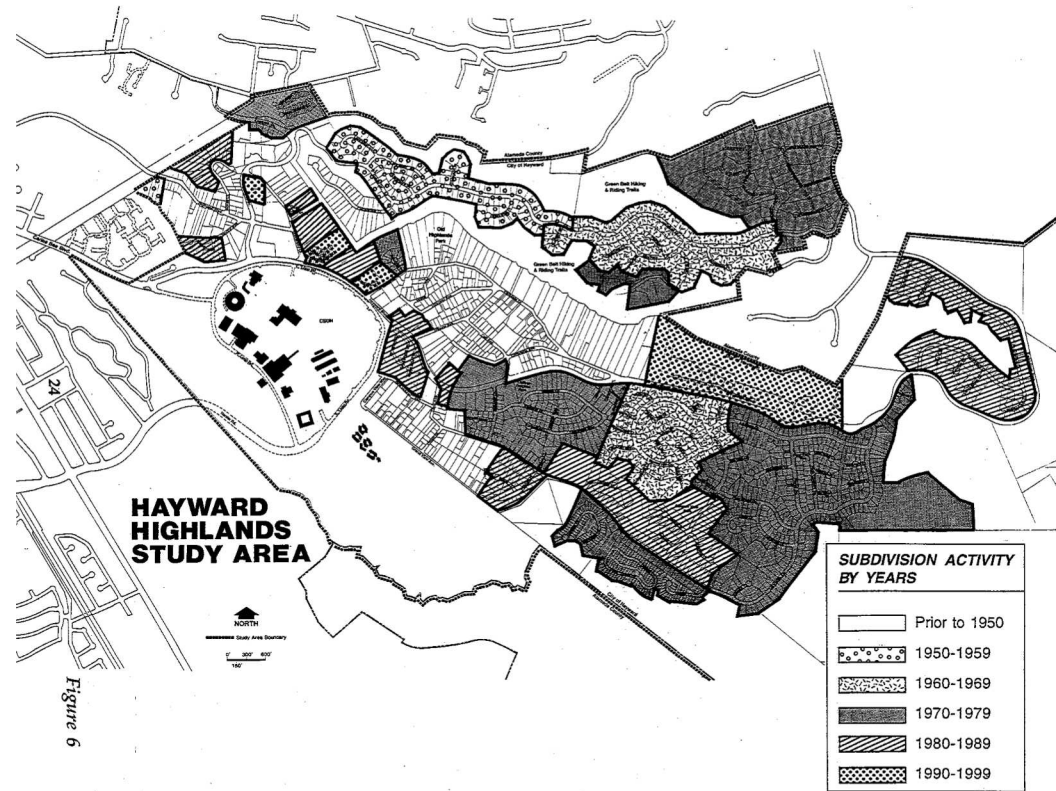


Figure 6

4.4 Existing Land Use Policies

The 1986 General Policies Plan, as amended, establishes land use policy for the area. The neighborhood contains mostly residential development which is reflected on the General Policies Plan Map. There are four different residential land use designations applied throughout the neighborhood and include: RURAL ESTATE DENSITY (0.2 - 1.0 units/net acre); SUBURBAN DENSITY (1.0 - 4.3 units/net acre); LOW DENSITY RESIDENTIAL (4.3 - 8.7 units/net acre); and HIGH DENSITY RESIDENTIAL (17.4 - 34.8 units/net acre). Most of the neighborhood is placed either in the SUBURBAN DENSITY or LOW DENSITY RESIDENTIAL designations, while the HIGH DENSITY RESIDENTIAL designation has been applied to properties along the Hayward Boulevard corridor, near Cal State Hayward. The remaining land use categories include RETAIL AND OFFICE COMMERCIAL; PARKS AND RECREATION; LIMITED OPEN SPACE; and PUBLIC/QUASI-PUBLIC.

The General Policies Plan, via its Growth Management Element, established the Urban Limit Line in the area in 1993. Furthermore, the Walpert Ridge Specific Plan, adopted in July 1995, provides more detailed guidance as to what might occur in the Walpert Ridge area. Other related documents which affect new development include the City's Hillside Design Guidelines and the Urban/Wildland Interface Guidelines. Existing land use designations are shown on Figure 7 while existing zoning is shown on Figure 8.

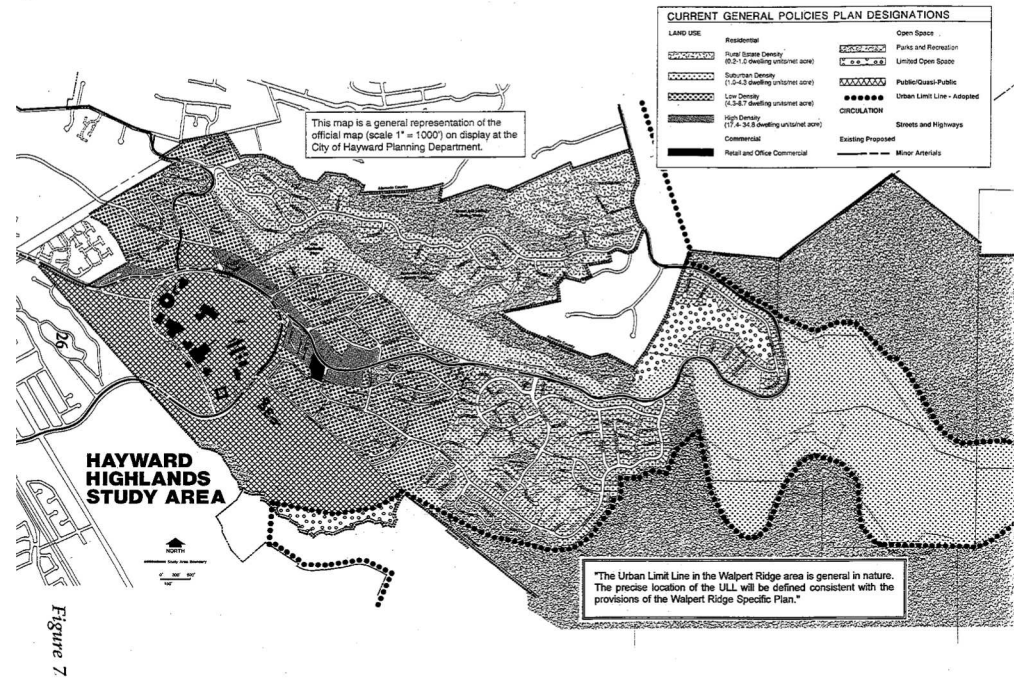
4.5 Neighborhood-Wide Policy Issues and Concerns

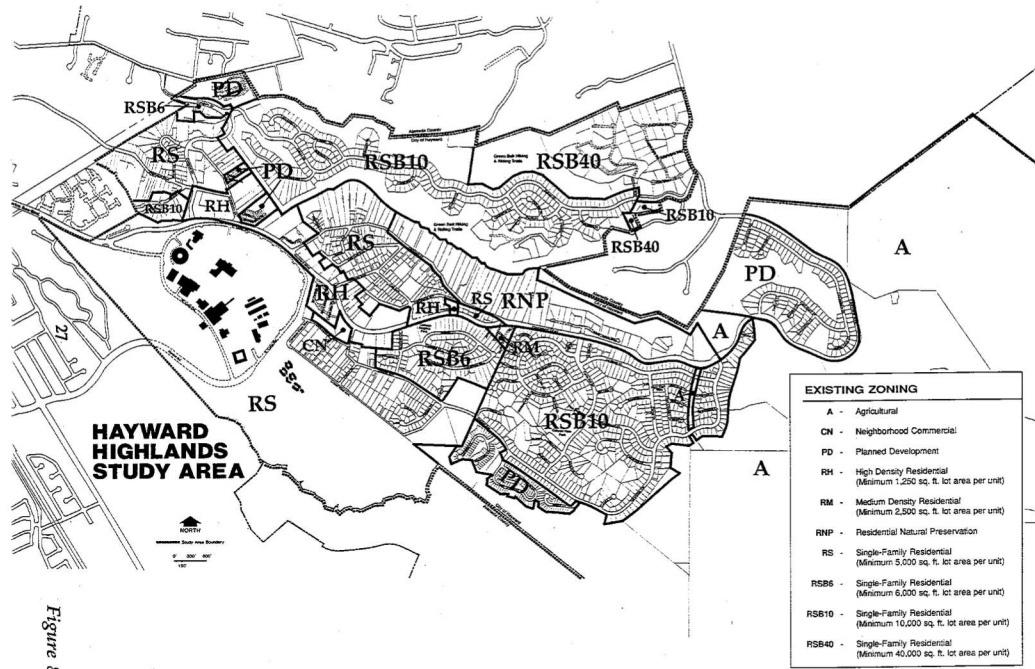
In representing such a geographically large and characteristically diverse area, the Task Force considered issues that pertain to the neighborhood as a whole and issues that pertain to individual sub-neighborhoods. The Task Force has investigated and discussed many aspects of land use including:

- Appropriateness of existing residential densities, especially along Hayward Boulevard.
- Additional neighborhood-serving retail facilities.
- Concerns relating to the ability to retain livestock;
- Impact and appropriateness of infill development.
- Possible land use conflicts generated from the Walpert Ridge development.
- Ensuring the maintenance of the significant trail corridors now in place throughout the neighborhood and maintaining public access to any new trail or open space facilities that may be developed.
- Cal State Hayward's long-range expansion plans, possible increased student enrollment, and the possible need for additional student housing (if demand for such housing should ever exceed current capacity).

4.6 Concerns related to Walpert Ridge

The Task Force realizes that should the Walpert Ridge area be developed, there would be a number of environmental impacts that would be generated by new development which would affect the neighborhood. Primary concerns relate to the increased demand on public facilities such as schools and the existing fire response services as well as increased traffic volumes on neighborhood streets. Additional discussion is provided in the Public Facilities section.





4.7 Additional Neighborhood-Serving Retail Uses

The Task Force discussed the concept of designating additional areas within the neighborhood for retail uses. Although initial discussions supported the concept, there were no specific locations which were thought to be appropriate for such uses, with the exception of the developments proposed (pro shop for the proposed golf course and possible restaurant) for the Walpert Ridge area. The Task Force also noted that the University Plaza shopping center presently has vacant commercial spaces which is an indication of adequate retail space.

4.8 Cal State Hayward

The Task Force talked about Cal State Hayward and its overall mission as a major educational facility in the city. Land use issues which the Task Force reviewed relate to the long-range expansion plans for the campus and providing additional student housing should the student enrollment ever increase to capacity levels. As presently designed, the campus can accommodate about 17,000 students, while the overall capacity is planned to be about 25,000 students.

4.9 Open Space Concerns

The Task Force reviewed the many trail and open space facilities which exist in the neighborhood. The Task Force acknowledges these trails as an important neighborhood amenity and values the continued maintenance of the overall trail system, while realizing the importance of capitalizing upon new opportunities to expand it. To this extent, the Task Force encourages new links and facilities which would support the development of the Bay Area Ridge Trail. The Neighborhood Plan endorses development of new trail connections from the former Lewis property and seeks a new staging area for Ridge Trail users. The Task Force is also concerned about maintaining public access into any trails or trail facilities which may be established within or adjoining the new Walpert Ridge area developments (Blue Rock Country Club or the Bailey Ranch).

4.10 Suggested Land Use Policy Changes

The Task Force favors changes to the General Policies Plan Map which defines development densities in the neighborhood. Concerns relate to:

- Reducing densities on existing, but undeveloped parcels fronting Hayward Boulevard which are designated HIGH DENSITY RESIDENTIAL by the General Policies Plan.
- Reducing densities in the Old Highlands between Hayward Boulevard and Parkside Drive that are not yet fully developed.
- Allowing a small area for retail use in the Walpert Ridge area.
- Changing the General Plan designation on the former Lewis property to PARKS AND RECREATION.

Figures 1 and 2 in the Policies and Strategies section show the recommended land use and zoning changes.

4.11 Multiple Family Development Potential along Hayward Boulevard

There are a number of private properties along Hayward Boulevard which are presently designated HIGH DENSITY RESIDENTIAL (17.4 - 34.8 units/net acre) by Hayward's General Policies Plan Map. Some of these properties have been developed as condominium and apartment complexes while others either remain vacant or are developed with one home while retaining additional development potential. Many properties along Hayward Boulevard face physical development constraints due to the steep hillside.

Traffic access onto these properties is another concern because:

- The city has concerns about additional driveway access directly onto Hayward Boulevard due to the volume and speed of traffic on that street.
- Residents in the single family areas oppose the use of their quiet meandering, one-way streets for access to any new multiple family development because forcing such traffic through what would be an inefficient route is likely to have a negative effect on current traffic safety.

The Task Force discussed additional multiple family development at length. The Task Force recommends changing the density from HIGH DENSITY (17.4 - 34.8 units per net acre) to LIMITED MEDIUM DENSITY (8.7 - 12.0 units per net acre) and changing the zoning from RH to RSB4 (single family detached housing with a minimum parcel size of 4,000 square feet) on those properties with additional development potential fronting Hayward Boulevard, citing potential land use conflicts with adjacent single family homes. Additional concerns of the residents include:

- Loss of privacy;
- loss views and blocking of sunlight in yards due to large building profiles;
- increased noise levels generated by many more people living in close proximity; and
- increased traffic noise pollution and hazards.

The Task Force also discussed the possible use of additional buffer zones between single family and higher-density development, as well as establishing increased setbacks and restrictive building heights. To address these concerns, the Task Force considered, and is recommending adoption of, the provisions in Figure 9: Proposed Interface Zoning Ordinance for Hayward Boulevard. These zoning-like provisions are intended to address potential conflicts between single family homes and multiple family development and are intended to be applied to properties fronting Hayward Boulevard — through an overlay zoning district — that presently have multiple family development potential.

Some members of the Task Force thought that the neighborhood should accommodate different types of housing and that housing diversity is positive for a neighborhood. Others cited the general concept of locating higher residential densities near the neighborhood's primary arterials and next to Cal State Hayward. Figure 10 and Table 2 show densities of multiple-family developments.

The Task Force considered three options for properties with development potential fronting Hayward Boulevard as follows: 1) to reduce the density from High Density (17.4-34.8 units/net acre) to Medium Density (8.7-17.4 units/net acre) with additional buffers, 2) to reduce the density from High Density (17.4 - 34.8 units/net acre) to Suburban Density (0.2 - 1.0 units/net acre), or 3) as a compromise, change the General Plan designation from HIGH DENSITY (17.4 - 34.8 units per net acre) to LIMITED MEDIUM DENSITY (8.7 - 12.0 units per net acre) and change the zoning from RH to RSB4 (single family detached housing with a minimum parcel size of 4,000 square feet) on those properties with additional development potential fronting Hayward Boulevard.

Proposed Interface Zoning Ordinance for Hayward Boulevard (1/1)

Purpose: To protect the single-family boundaries and provide compatible interface between medium, high, and planned development zones.

Definitions: As used in this ordinance, RS Boundaries are defined as those lot lines of the property being developed which are closest to the RS zoned properties. If a street divides the RS zoned property from the RM, RH, and planned development property being developed, the property line parallel to the street along the RS property is considered the "single family boundary".

I. Setback abutting RS boundaries:

Buildings must be a minimum of thirty (30) feet from the property line. There can be on-grade parking within this thirty (30) feet to within fifteen (15) feet of the RS boundary. The setback must be landscaped.

II. There can be no averaging of height. Height Limit Abutting RS boundaries:

Wall height: A maximum of twenty (20) feet from existing grade to roof peak.

III. Area of Wall Surfaces:

The wall area parallel to the RS boundary can be no more than 1,050 square feet per building.

IV. Distance between buildings:

The distance between any two buildings measured parallel to and abutting the RS boundary must be twenty-five (25) feet.

V. There can be no averaging of height. Wall height can be more than twenty (20) feet subject to the following provisions:

A. Twenty (20) to thirty (30) feet above existing grade: Minimum setback is increased to fifty (50) feet. Wall area per building can be increased to a maximum of 1,400 square feet.

B. Thirty-one (31) to forty (40) feet above existing grade: Minimum setback is increased to seventy (70) feet. Wall area can be increased to a maximum of 1,750 square feet.

C. Thirty (30%) percent of the setback area is to be landscaped; the balance can be on-grade parking. The minimum setback is to remain fifteen (15) feet.

VI. Setbacks in V above can be reduced to thirty-five (35) feet if the buildings are set at a 40° to 50° angle from the RS boundary. The distance between any two buildings so angled to be a minimum of twenty (20) feet. The wall area closest to the RS boundary must meet the wall area requirements as in V above.

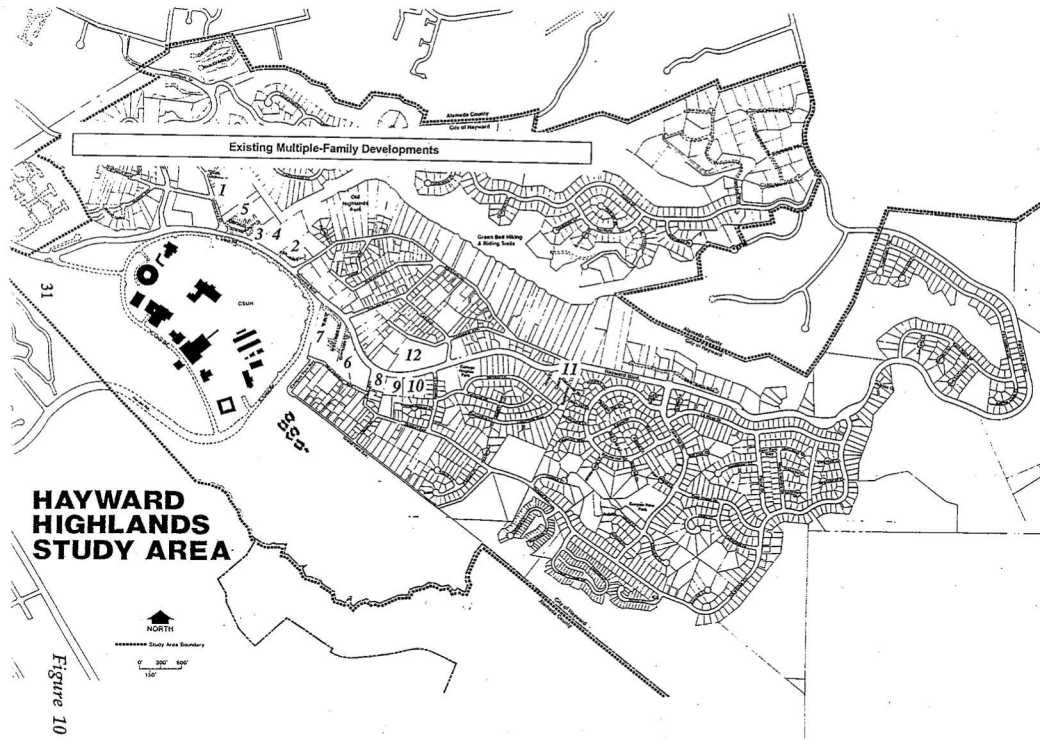


Table 2: Densities of Existing Residential Developments along Hayward Boulevard

Map #	Project Name	Address	# Units	Lot Size (net acres)	Net Density (units/net ac.)	Comparable GPP density
1	Deerfield	25676 University Ct	27	3.35	8.06	Low Density
2	Parkside Village	Pamassus Ct.	18	2.16	8.33	Low Density
3	Sunhill Apts.	25836 Hayward Blvd	44	1.60	27.50	High Density
4	Canyon Oaks	25912 Hayward Blvd	49	4.30	11.40	Medium Density
5	Ridgeview	Thistle Ct./Brandywine Pl.	32	4.75	6.74	Low Density
6	Creekside	26573 Hayward Blvd	36	1.79	20.11	High Density
7	University Hills	26439 Hayward Blvd	78	5.00	15.60	Medium Density
8	College Terrace	26829 Hayward Blvd	24	0.92	26.09	High Density
9	Gardenwood Terrace	26937 Hayward Blvd	44	1.34	32.84	High Density
10	Gardenwood Terrace II	26953 Hayward Blvd	32	0.92	34.78	High Density
11	Terravilla	Jose Ct./Contreras Pl./ Guillermo Pl.	28	2.55	10.98	Medium Density
12	Hillcrest	26970 Hayward Blvd	138	5.56	24.82	High Density

* Net density reflects 80% of gross acreage.
Source: City of Hayward, Development Review Services

The Task Force recommends that the properties fronting Hayward Boulevard, with remaining development potential be changed from HIGH DENSITY (17.4 - 34.8 units per net acre) to LIMITED MEDIUM DENSITY (8.7 - 12.0 units per net acre) and to change the zoning from RH to RSB4 (single family detached housing with a minimum parcel size of 4,000 square feet) on those properties with additional development potential fronting Hayward Boulevard. This would respect residents' desires for single family development yet allow higher residential densities along a primary arterial. Properties which have already been developed with multiple family housing would retain the HIGH DENSITY designation.

A minority of Task Force members thought that the development on these properties within the Suburban Density land use category would be more consistent with the recommended densities for the adjoining single family area in the Old Highlands.

4.12 Neighborhood Sub-Area Issues and Concerns

Because there are portions of the Hayward Highlands that are special and unique, and because these areas are not like most urban subdivisions, the potential exists for radical changes in these areas which are not desired by the residents. The residents in these areas feel very strongly that the character of their neighborhoods must be preserved. Much of the character is related to land use. Most of these areas are in the Campus Highlands area, though there are a few pockets throughout the neighborhood.

Many of the residents of the "non-traditional" neighborhoods strongly favor a process of site plan review for all new development in their sub-areas. This review should include input from City staff and the neighborhoods and their associations.

4.13 Possible Increased Density on the North Side of Parkside Drive

The Task Force considered and rejected possibly increasing the residential density along the north side of Parkside Drive from Suburban Density (1.0 to 4.3 units per net acre) to Low Density (4.3 - 8.7 units per net acre). Figure 10 shows the general boundaries of the existing scenic conservation easements (easement boundaries generally follow a contour line or tree line) which were established when properties were developed. It should be noted that development is prohibited within the easement. As shown on the map the conservation easements occupies a good portion of any given property.

Given the large physical area of existing conservation easements, existing parcel configurations, and building footprints of existing homes, it may be difficult to achieve development at densities greater than what is allowed by the existing Suburban Density (up to 4.3 units per net acre) designation. To achieve development within the Low Density (up to 8.3 units per net acre) range may imply the need to merge properties in order to create a larger buildable area and also to require clustering of new homes while respecting the boundaries of existing conservation easements.

Finally, given the resistance of Old Highland residents to street improvements may render development greater than existing densities moot since additional development would trigger the need for street improvements per the adopted Precise Plan Lines. Given these considerations, the Task Force recommends that the existing Suburban Density category on the north side of Parkside Drive be retained.

4.14 Reduction of Density in the Old Highlands

The parallel land use recommendation which the Task Force considered, for the remainder of the Old Highlands between Hayward Boulevard and Parkside Drive, was to reduce the density by changing the land use category from Low Density (4.3 - 8.7 units/net acre) to Suburban Density (1.0 - 4.3 units/net acre).

Given the land use changes discussed above, the Task Force wanted to achieve consistency in the remainder of the Old Highlands. Although recommending this reduction achieves consistency with the remainder of the Old Highlands, the recommended reduction in density and associated zoning change to establish a minimum lot size of 10,000 square feet would create legal, non-conforming parcels.

Parcel Sizes in the Old Highlands - Figure 11 shows parcels by size in the Old Highlands area proposed by the Task Force for reduced density. The map legend provides a breakdown of the number of parcels within each category: a) parcels under 10,000 square feet; b) parcels between 10,000 and 20,000 square feet; and c) parcels greater than 20,000 square feet. Under the existing zoning, parcels greater than 10,000 square feet could potentially be further subdivided, whereas under the proposed zoning, only parcels greater than 20,000 square feet could potentially be further subdivided. To address concerns related to legal, non-conforming parcels staff developed an alternative zoning strategy and is shown in Figure 12.

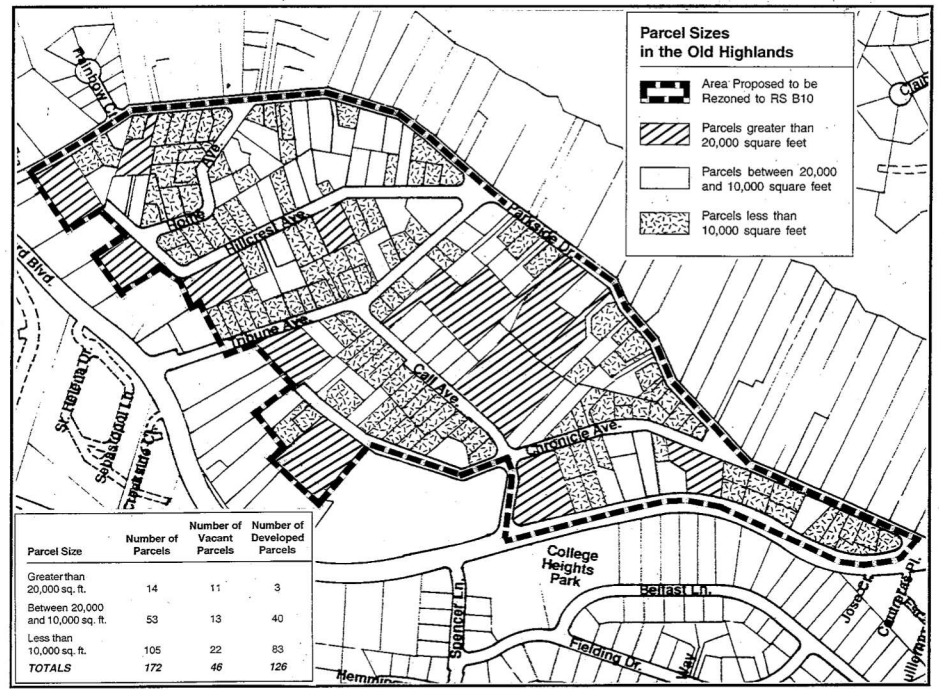


Figure 11 - Parcel Sizes in the Old Highlands

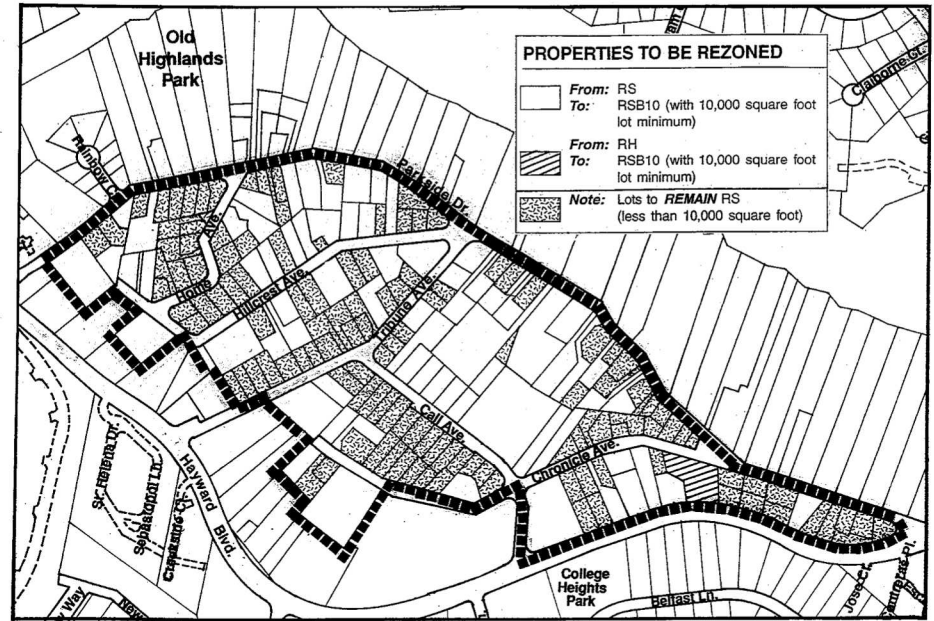


Figure 12 - Proposed Alternative Zoning Developed by Staff for the Old Highlands

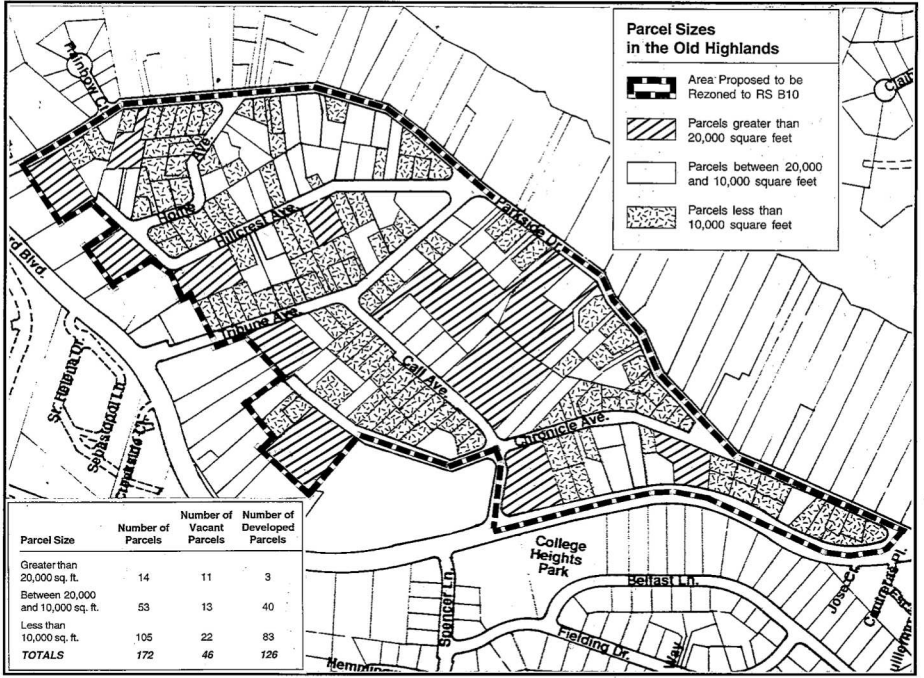


Figure 11 - Parcel Sizes in the Old Highlands

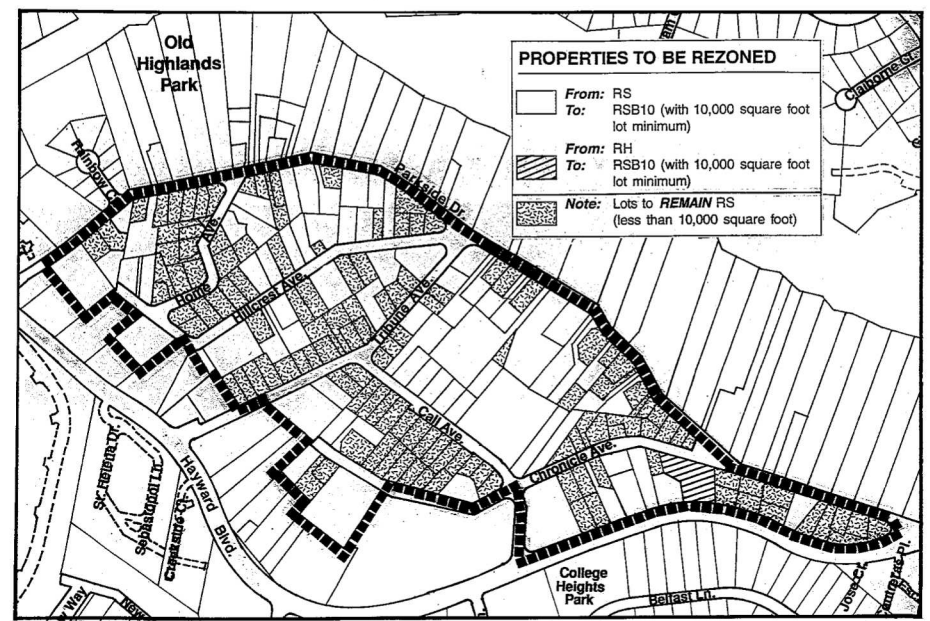


Figure 12 - Proposed Alternative Zoning Developed by Staff for the Old Highlands

4.15 Zoning and the Keeping of Livestock

In some sub-neighborhoods, residents currently keep livestock - many under legal non-conforming uses - and would like to continue to do so. The Task Force determined that this is as much or more a neighborhood character issue as it is a zoning issue, and have included detailed coverage in the Neighborhood Character section of this document.

5. NEIGHBORHOOD CHARACTER

5.1 Background

The first subdivision activity in the Hayward Highlands dates back to one of the first subdivisions in the Old Highlands, in the early part of the 1900's, and retains some of the features of its semi-rural character. Other areas, including the Oakes Drive and the Upper Highlands area, reflect development of more typical residential subdivisions of the 1970's; while the Prominence development is the most recent new housing in the area. Recent development activity is shown in Figure 13.

5.2 Sub-Neighborhoods

As noted in the Land Use section, the Hayward Highlands consists of six different subareas each having their own characteristics. Task Force members and neighborhood representatives have expressed a desire to preserve the character of their respective subareas which include those with upscale executive housing, those with traditional urban subdivisions and CC&R's, and those with a semi-rural atmosphere. Some of these areas, such as the Old Highlands and Morse-Modoc subareas, are unlike most urban subdivisions and residents feel that the potential exists for radical changes. Some of the concerns are discussed in more detail below.

5.3 Semi-Rural Character of the Old Highlands and Morse-Modoc Sub-Neighborhoods

Preservation of the semi-rural character of the Old Highlands and Morse-Modoc sub-neighborhoods was discussed at length by the Task force. Its importance was underscored repeatedly by attendees at the neighborhood-wide meetings and by representatives of the public at Task Force meetings. While most people are clear on what is meant by upscale executive residential housing, or by traditional residential urban subdivisions, many are not clear on what is meant by semi-rural character within a city.

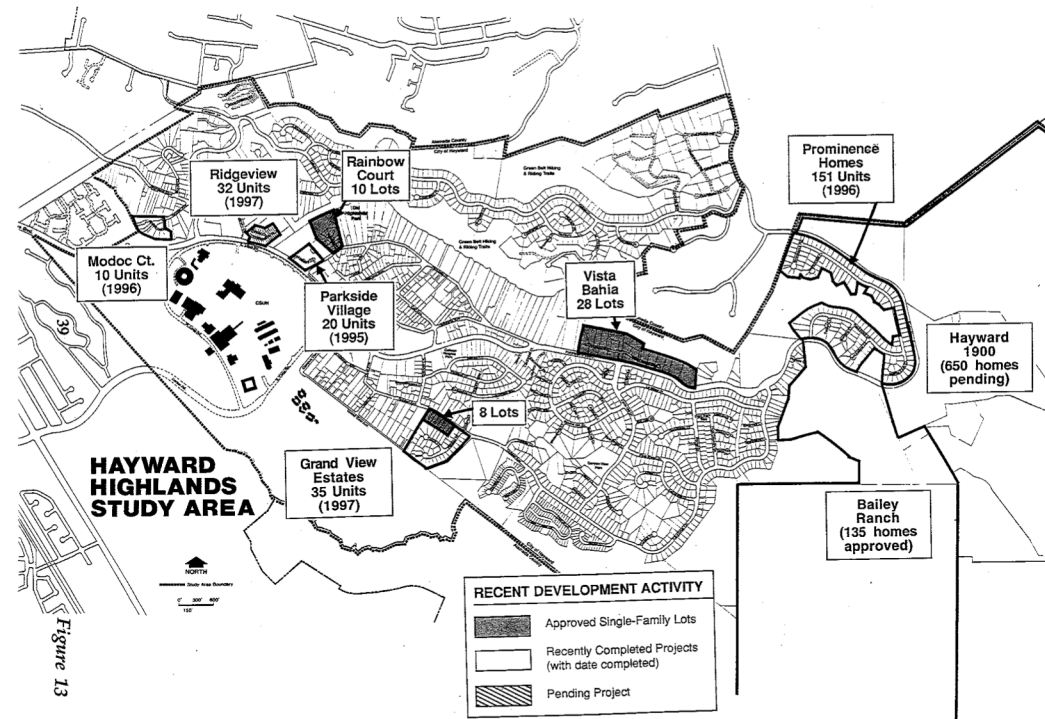
Variety, privacy, individualism, and connection to nature - the character of these areas represent a quality-of-life asset that their residents do not wish to lose. Residents feel that this is Hayward's own unique and affordable version of Montclair, Woodside or the Berkeley Hills.

Preferences expressed over the years by the residents, as well as by a 1991 Old Highlands Street Task Force, subsequent 1992 Old Highlands neighborhood survey, and 1993 meetings with City staff (detailed in the History of the Old Highlands), have demonstrated how important that ambience is to them. The five main elements that contribute to this semi-rural neighborhood character are:

Streets - meandering, somewhat narrow, often one-way, conducive to low traffic flow at low speeds and pedestrian safety. Traffic is local - there is little or no through traffic. Curbs and sidewalks are at a minimum. Engineering solutions for controlling storm runoff are not visually intrusive. Residents feel very strongly that a major conventions upgrade of their streets would encourage increased traffic speed and would permanently destroy the semi-rural flavor of the area. Specific street issues are discussed in detail in the Circulation and Traffic Safety section of this document.

Housing and Architecture - Free-standing single-family residences that vary in size, style and value - this creates an interesting visual flavor and maintains diversity and individualism in the architecture as well as in the residents. The size and shape of the houses conforms to the contours of the hillsides, should not visually dominate the landscape, nor require excessive grading to develop.

Trees and Landscaping - Frequency and maturity of trees - as street trees as well as in yards and on undeveloped land - help create an atmosphere of serenity and connection to nature. Landscaped and natural



shrubbery (not weeds!) creates a sense of privacy and seclusion and adds to the older, more-established feeling of the neighborhood. The variety of landscaping styles adds to the visual interest of the neighborhood. Residents enjoy growing their own vegetables in backyard garden plots. Undeveloped land is often used as pasture - adding to the picturesque flavor and keeping the weeds under control.

Keeping of Domestic Farm Animals - Responsible keeping of animals - horses, goats, llamas, poultry and the like - is an essential part of the rural character of the neighborhood. Grazing animals help to control vegetation in critical fire areas.

Park and Wildland Interface - Much of these two sub-neighborhoods border on the wildlands interface - creeks, canyons, grassy hill faces and stands of native trees. This is considered by the residents as an important asset and a responsibility - it provides a proximity to nature that is not widely available in most parts of the Bay Area due to development density. Residents also accept that they must pay attention to possible fire dangers and maintain defensible space around their homes.

5.4 The Keeping of Livestock

Some of the residents in the Morse-Modoc and Old Highlands areas who have attended Task Force meetings have voiced strong concerns about the ability to continue keeping livestock and maintaining legal non-conforming uses. Many residents who have livestock have indicated that this is consistent with the "semi-rural" character of the area and they want to continue this practice. Residents of the area oppose the irresponsible keeping and maintenance of livestock.

At the time these neighborhoods were annexed into Hayward county rules affecting livestock were in effect. Large livestock is allowed in Hayward's A (Agricultural) and RNP (Residential Natural Preservation) zoning districts. For new livestock uses, an administrative use permit is typically required. Problems related to the keeping of livestock are handled on a complaint basis and are routed through the City's Community Preservation office or the Animal Control Division of the Hayward Police Department.

Few standards exist relative to the keeping of livestock. For example, county standards require that areas for keeping livestock maintain minimum distances from lot lines. However, in an area such as the Old Highlands, where lot sizes are as small as 5,000 square feet with some irregularly shaped parcels, meeting these types of spatial requirements is sometimes difficult. Additionally, as more and more subdivision and home construction occurs over time, siting new uses can become particularly difficult.

Although the sentiment of many residents who now keep livestock is to ensure that they can continue to do so, other residents feel that there needs to be better controls on livestock. The city understands these issues, but is concerned about the every day enforcement when complaints are made. Presently there is no inventory of livestock or of the facilities used to house animals. Given the existing complaint-based system, the city would have insufficient resources to provide additional enforcement.

To address this issue, Task Force members asked residents who now keep livestock whether guidelines for measurable standards could be developed. Some of these residents had already reviewed existing regulations in various communities within and outside of the state. These residents felt that the most preferred guidelines for the keeping of livestock areas reflected in Figure 14, with the consensus being that these types of standards addressed neighborhood concerns. Effort was made to adapt the county standards to better fit specific conditions in the Highlands.

**Guidelines for the Keeping of Livestock
in the Residential Zones of the City of Hayward (1/2)**

FOR HORSES, STEERS AND/OR COWS:

- Minimum lot size of one-half acre, with 5,000 square feet of available open space per animal.
- Structures for the sheltering of livestock shall not be closer than 40 feet from any residential dwelling on the same or adjoining lot.
- Manure must be removed daily from the corral, stable, paddock or other holding areas and stored in fly-tight containers, cans or holding boxes, until disposal.
- All livestock shall be kept or maintained so as not to constitute a public nuisance by causing production of flies; excessive odor, dust or noise; or other conditions detrimental to the community health and welfare.
- Watering troughs must be so constructed and located that they do not overflow in the stall, corral or paddock area.
- Hay must be stored in such a manner so as not to become a nesting place for rodents, i.e. in rodent-proof buildings or stored at least 10" off the floor on pallets and away from walls, other material or equipment.
- Grain feeds shall be stored in rodent-proof containers or buildings; i.e. metal cans or rodent-proof feed cribs.
- The entire area set aside for the animals shall be cleared of all rubbish and debris.
- Exercise areas used in addition to the main pasture must be maintained as above.

FOR SHEEP, GOATS AND LLAMAS:

- Minimum lot size 10,000 square feet with 2,500 square feet of available open space per animal.
- Structures for the sheltering of livestock shall not be closer than 40 feet from any residential dwelling on the same or adjoining lot.
- Manure must be removed daily from the corral, stable, paddock or other holding areas and stored in fly-tight containers, cans or holding boxes, until disposal.
- All livestock shall be kept or maintained so as not to constitute a public nuisance by causing production of flies; excessive odor, dust or noise, or other conditions detrimental to the community health and welfare.
- Watering troughs must be so constructed and located that they do not overflow in the stall, corral or paddock area.
- Hay must be stored in such a manner so as not to become a nesting place for rodents, i.e. in rodent-proof buildings or stored at least 10" off the floor on pallets and away from walls, other material or equipment.
- Grain feeds shall be stored in rodent-proof containers or buildings; i.e. metal cans or rodent-proof feed cribs.
- The entire area set aside for the animals shall be cleared of all rubbish and debris.
- No male sheep or goats, unless castrated and de-scented, are allowed in a residential area.

FOR RABBITS (OR MORE THAN FIVE CHINCHILLAS OR GUINEA PIGS)

- Minimum lot size; Any lot with available open space of 200 square feet per adult animal.
- Hutches must be at least forty (40) feet from any adjacent residential dwelling.
- All hutches and the area under them must be cleaned daily so as not to create an odor or fly problem. Daily cleaning is mandatory unless worm beds are maintained under the rabbit hutches.
- All feed must be stored in vermin proof containers.
- Litters may be kept for a period not to exceed ten (10) weeks after birth.

FOR FOWL (CHICKENS, TURKEYS, GUINEA FOWL, DUCKS AND GEESE)

- Minimum lot size: Any lot with available open space of 200 square feet per fowl.
- Pen must be located at least forty (40) feet from any adjacent residential dwelling.
- All feed must be stored in vermin proof containers.
- The area under any roost must be cleaned daily and manure stored in fly-tight containers until disposal.
- No roosters or gobblers may be kept in a residential neighborhood.

FOR PIGEONS

- Minimum lot size: Any lot with available open space of 50 square feet per bird.
- Loft must be located at least 40 (forty) feet from any adjacent residential dwelling.
- Lofts must be cleaned daily with manure stored in fly-tight containers until disposal.
- All feed must be stored in vermin proof containers.
- Birds may be exercised a maximum of one (1) hour per day immediately prior to feeding.
- During breeding season, an increase of 20% is allowable for a period not to exceed ninety (90) days.

FOR BEES

- Minimum lot size: One (1) acre.
- Hives must be so located that flight path may not cross a public thoroughfare for a minimum of 300 feet.

The Task Force considered these adapted standards and discussed the merits of applying them within the Old Highlands. Given the livestock owners who spoke in favor of these new rules, the Task Force recommends that the Council adopt those standards which are shown in Figure 13. Additionally, the Task Force suggests that the City consider other Bay Area cities' livestock regulations including Walnut Creek's and Fremont's.

5.5 New and Infill Development

Besides the Walpert Ridge area, there is a modest amount of development potential remaining in the Hayward Highlands area. Given the physical nature of some of the older, established neighborhoods, where the issue of maintaining the "semi-rural" character is important, additional thought should be given to how new homes and substantial additions or renovations are considered.

The Task Force supports aggressive implementation of the City's Hillside Design Guidelines as part of day-to-day review of new development projects. The Task Force discussed the Proposed Zoning Interface Ordinance, which is described in more detail in the Land Use section, and how the intent of these proposed regulations might address residents' concerns about potential infill development.

The intent of these regulations is to address potential conflicts between multiple family development and single family residences. It should be noted that the Task Force is recommending that the residential density for properties fronting Hayward Boulevard be changed from High Density to Suburban Density. If this recommendation is adopted by the City Council, the need for the overlay district would not be needed, however, if multiple family development density is retained, then the overlay district is recommended to be put into place by the Task Force.

5.6 Reexamination of Existing Zoning Regulations

The Task Force discussed the effectiveness of the existing RNP (Residential Natural Preservation) zoning district as it relates to preserving natural features in the area where it is applied (north side of Parkside Drive). The impetus for creating the RNP district was to protect some of the natural features in the area. The purpose of the RNP district, as stated in the Zoning Ordinance, is as follows:

"It shall be the purpose of the RNP District to allow for the development of area where topographic configuration is a major consideration in determining the most appropriate physical development of the land, and to allow such development only where it is subservient to and compatible with the preservation of major natural features of the land.

It is the intention of the regulations for this district that such district be served by limited circulation facilities, and that it be utilized where large open spaces, individual privacy, and semi-agricultural pursuits are desired by the owners and suited to the land."

Primary environmental features on the north side of Parkside Drive include the steep canyon hillsides which contain the south branch of Ward Creek. As properties along Parkside Drive experienced additional development and subdivision, the City placed scenic conservation easements here (see Figure 9 Parkside Drive Parcels with Scenic Conservation Easements) in order to ensure that development did not encroach into the tree line or take place on the steep slopes. The Task Force recommendation is to further strengthen the RNP district in order to ensure long-term protection of existing natural features, especially native trees and open space.

Additional concerns have been voiced which relate to the urban forest, the treatment of hillside areas for infill residential development and restricting development activity on steep slopes. The Task Force would

like to see additional provisions created within the Hillside Design Guidelines to establish rules about views, view corridors and solar rights as it relates to the construction of new buildings only.

5.7 Maintain the Urban Forest in the Highlands and All of Hayward

The urban forest consists of all trees within a city - street trees, trees on city and utility district property, trees in parks and schools, and trees on private property. Because of this diversity of domains, it is important to develop policy for private property owners that helps coordinate the preservation and maintenance of all trees. The City and park district (HARD) already have such policies in place for public rights-of-way and open space.

Trees contribute to higher property values, help to clean the air, prevent soil erosion, and add to a general feeling of well-being. They contribute to the overall value and ambience of a city.

Currently, about 30% of the tree cover in the non-canyon areas of the Hayward Highlands consists of privately-owned pine trees that are infected with beetles and are destined to completely die out over the next ten years. Many are already dead and dying and present both fire hazards and hazards from falling limbs.

A good example of several of these trees in various states of decline can be seen to the south of Hayward Boulevard just uphill from the PG&E towers. They also line the fronts of the apartment buildings on Hayward Boulevard west of the entrance to CSUH. Pines also shield the water reservoir on Parkside and shelter the picnic and play area of Old Highlands Park.

Look for pines that:

- have brown clumps of needles;
- have turned completely brown;
- have come completely bare.

If all affected trees were gone, the Highlands would be much barer, and it would take 30 to 40 years to replace comparable tree cover. It is very important to develop a PHASED approach - removing privately-owned trees as they die and replacing them with appropriate tree species. This is a long-term process that must be approached logically and economically.

Many people seem unaware of the problem or of its potential impact. A serious reduction in the urban forest affects us all. Well-informed community-based solutions may be able to assist with cost and planting.

Hayward Highlands needs a policy for addressing this private property problem that includes the participation of homeowners, a private arborist and volunteer groups such as California ReLeaf. The city and park district can provide technical assistance. Many Bay Area cities have experienced the social, educational and economic benefits of citizens of all ages working together to improve their cities by planting trees.

6. CIRCULATION AND TRAFFIC SAFETY

6.1 Background

The Task Force discussed many issues relating to overall circulation in the neighborhood ranging from identifying specific locations needing attention to focusing on specific concerns relating to streets in the Old Highlands area. Neighborhood-wide issues of concern include:

- Pedestrian safety - both the overall issue of providing adequate and safe sidewalks and specific issues at specific locations.
- Traffic volume, speed and safety issues at locations used by multiple sub-neighborhoods for ingress and egress to the area.
- Maintaining and improving traffic safety and parking signage.
- Possible impacts on the neighborhood street system from proposed Walpert Ridge area development (a possible 25% increase in housing units in the neighborhood).
- Possible impacts of other road projects on the neighborhood, such as the Route 238 Bypass.

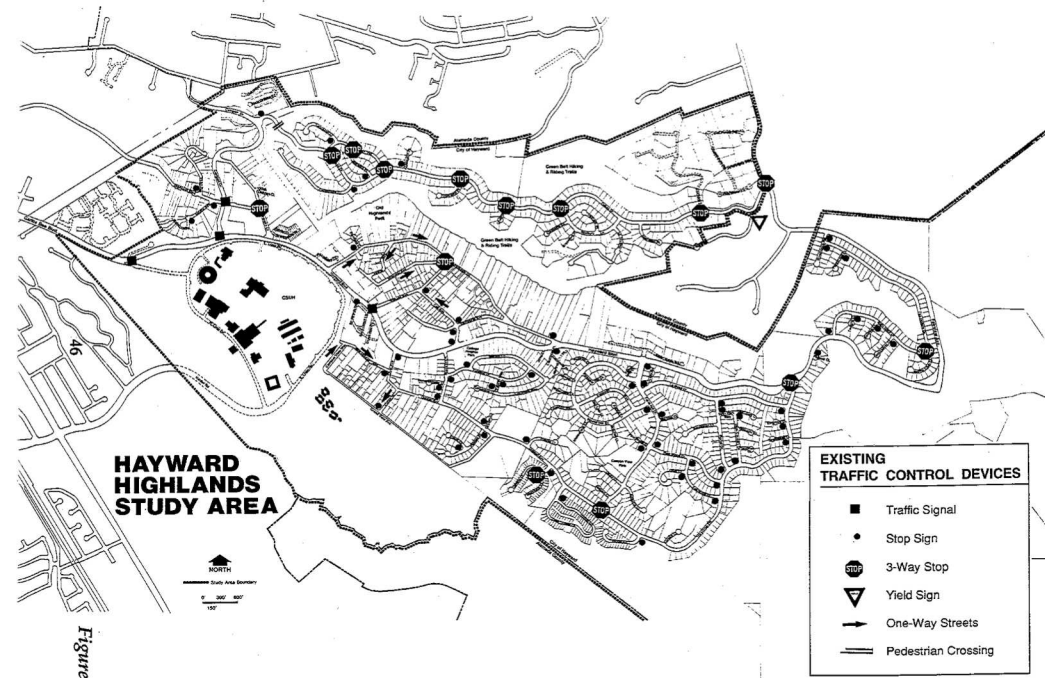
Specific sub-neighborhood issues include:

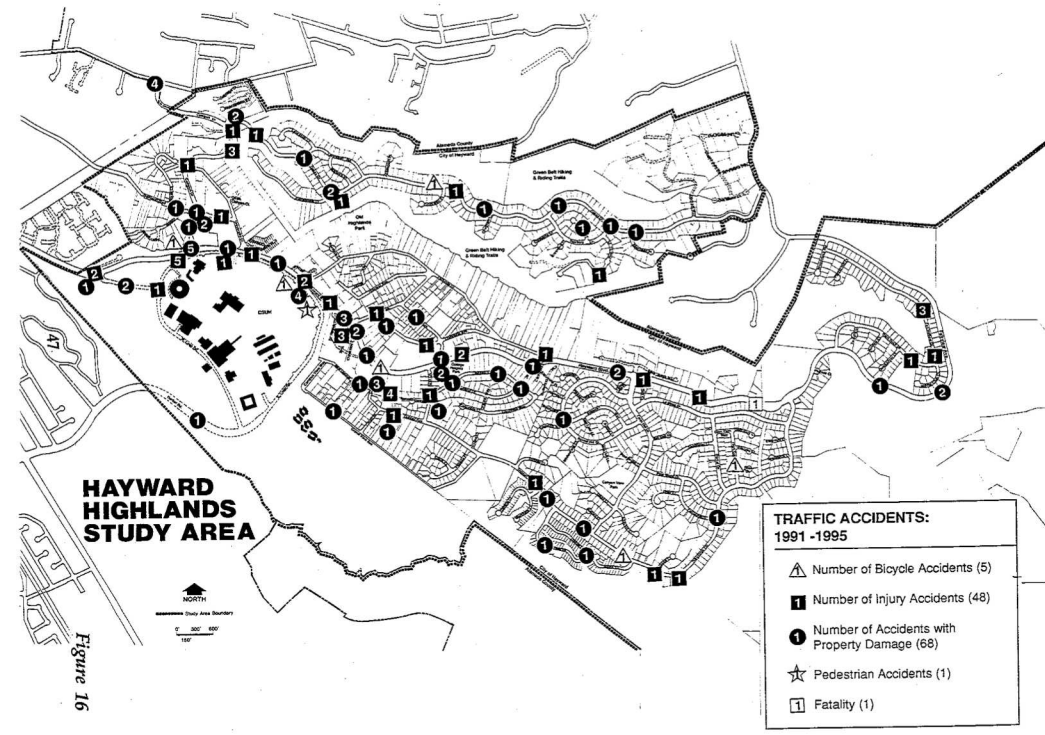
- Old Highland residents voiced strong concerns regarding how to achieve adequate maintenance and address specific areas of engineering concern for streets in the Old Highlands without losing the semi-rural appearance and traffic-calming nature of current streets.
- Residents of the Morse-Modoc area voiced strong concerns about maintaining the existing street barrier on Highland Boulevard at the PG&E right-of-way. In no case is it acceptable to make Highland Boulevard a through street.
- Residents who live near or use the intersection of Civic and Dobbel expressed concern about the safety of that intersection - particularly for pedestrians, and also for vehicular traffic.
- Pedestrians who use the crosswalk to cross Hayward Boulevard at Campus Drive pointed out that the location of the push-button and the general hurry of drivers turning right from Campus Drive creates a serious concern for the safety of pedestrians - particularly children.

The Task Force discussed the need to install a variety of street improvements throughout the area. Figure 15 shows traffic control devices in the neighborhood. Traffic accidents are shown in Figure 16, while Figure 17 shows traffic levels-of-service and volumes of average daily traffic.

6.2 Route 238 Bypass

Because of the diverse viewpoints of Task Force members on the Route 238 Bypass project, the Task Force was unable to reach consensus on this issue; therefore, the Task Force decided not take a position on this proposal.





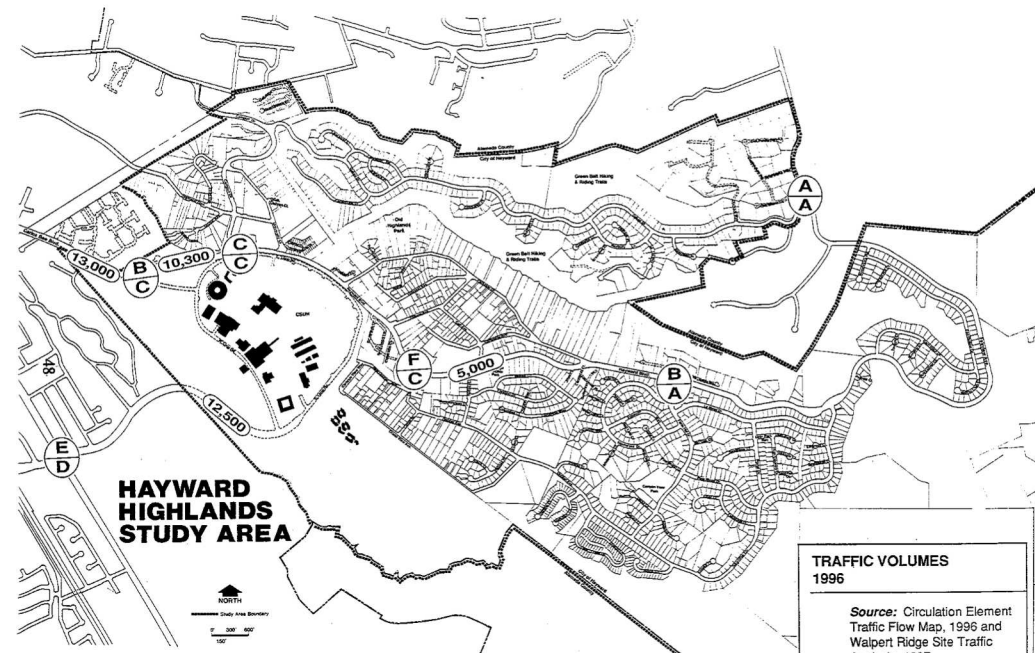


Figure 17

6.3 Streets in the Campus Highlands Area

As part of the larger Task Force's commitment to represent the occasionally diverse interests of the sub-neighborhoods encompassed by the study area, a significant amount of time was spent discussing proposed street improvements in the Old Highlands.

Residents of this sub-area strongly feel that the traffic-calming effect provided by their slow, meandering one-way streets is integral to the traffic safety in their sub-neighborhood. This philosophy goes against the conventional wisdom of traditional street engineering to achieve wide, smooth, straight streets.

City Public Works staff and some members of the Task Force are rightly concerned that the integrity of the roadbed by maintained, that storm runoff be controlled to limit erosion in the hill area, that the condition of City streets not create a liability for the City and that limited City street budgets not be asked to pay for solutions to these concerns.

City staff has determined that the roadways are not up to city standards. Since annexation of this area 30 years ago, the City has spent little or no money maintaining these streets. Residents feel that - whether from native bedrock or from years of impacted road materials - the underpinnings of the roadbed cannot be all that bad to have held up for the last 30 years with mere patching.

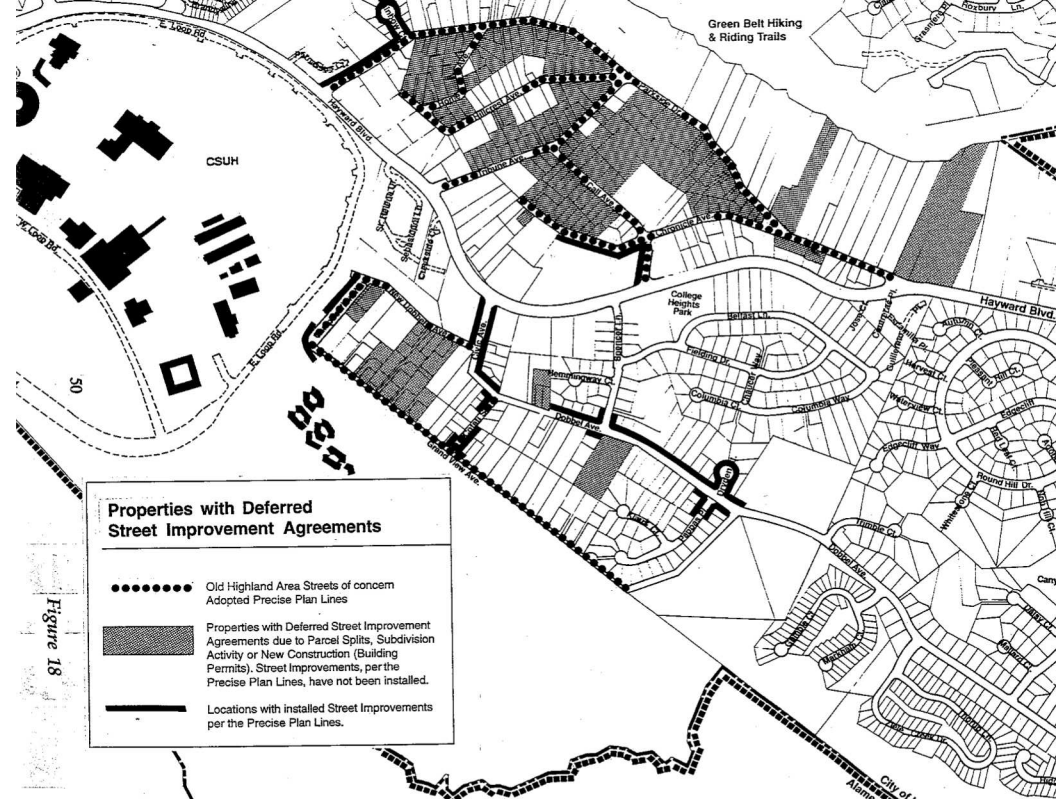
The Task Force suggested that a committee consisting of affected neighborhood residents and City staff examine specific areas of public safety concern and formulate specific solutions for those areas. This will provide a reasonable compromise between a complete reconstruction and living with the status quo.

As a standard, city street improvements include appropriate drainage structures, concrete curbs, gutters and sidewalks, within the public street right-of-way. In 1981, the city adopted Precise Plan Lines for Old Highland Streets, which with the exception of Tribune, do not require sidewalks. Residents consider standard city street improvements as inconsistent with the existing semi-rural character of the Old Highlands neighborhood. Implementation of the standard improvements would require significant construction in the neighborhood.

Street improvements preferred by the Old Highland residents include no additional curbs, and in areas where there is an engineering need for curbs or gutters they support the solutions with the least visual impact. In order of preference this would be asphalt rolled curbs with flairs and curb cuts; and Portland Cement Concrete rolled curbs with lampblack, flairs and curb cuts. The City's position is that installation of standard concrete curbs and gutters, or concrete rolled curbs, and sidewalks are a basic public safety necessity.

Over time, deferred street improvement agreements have been executed as new development has occurred. From the city's perspective, deferred street improvement agreements ensure that improvements can be provided at some point in the future when a complete street section can be done more efficiently and can address area-wide issues such as drainage. Figure 18 shows properties which have deferred street maintenance agreements.

For now, based on informal agreements with OHHA, street improvements are generally not provided with new construction, only those which are deemed necessary so as to not worsen existing drainage problems. At this point, there still exists differences between what the neighborhood prefers as a way to ensure that the semi-rural character is preserved and what the city considers are minimal street improvements needed to address public safety issues.



City Concerns and Issues - The city recognizes the objective of maintaining the character of individual neighborhoods, which is why after careful consideration, an exception to allow rolled curbs in the Old Highlands has been determined to be reasonable. However, given the public safety and liability issues, the city needs to ensure that there is a program of planned improvements which provide for an adequate level of public safety on all public streets.

One way to achieve this in the Old Highlands is to "call" the deferred street improvement agreements and require property owners to install the street improvements consistent with city standards per the Precise Plan Lines (modified to reflect rolled concrete curbs and a concrete sidewalk on Tribune). Figure 17 shows those properties in the Old Highlands which have a deferred street improvement agreement and locations with installed street improvements as defined by the adopted Precise Plan Lines.

Another alternative might include abandoning the city's interest in the Old Highland streets and allowing the property owners to maintain them. One positive aspect of this would be to allow more neighborhood control over the "look and feel" of these streets, but it would place the onus of street maintenance, including drainage issues, on property owners. A majority of the property owners would have to agree and a financing mechanism created. One way to achieve this is to create a formal Home Owners Association with Conditions, Covenants and Restrictions for street maintenance. If this is done, then a financing mechanism would be needed. Another option is to establish an assessment district to more evenly distribute the costs of bringing the existing street system up to an adequate level of public safety.

Another issue which relates to streets and public safety is the lack of on-street parking. Figure 18 shows streets in the Old Highlands with no on-street parking and those properties which are required to provide four on-site parking spaces to alleviate parking demand.

The Task Force has not endorsed a specific way to address these concerns, however, the Task Force has developed a strategy which calls for the creation of a committee which would consist of area residents and city staff to identify specific public safety concerns and issues regarding Old Highland area streets and develop long-term solutions which are acceptable to both the city and neighborhood.

There is also a difference as to how improvements will be funded since the city has repeatedly indicated that the property owners need to contribute to bringing the streets up to minimum city standards. The Task Force considered options which include having property owners pay for needed improvements; having the city pay the cost of improvements; or having both the property owners and city share the costs of improvements.

7. PUBLIC FACILITIES

7.1 Background

The discussion surrounding public facilities in the Hayward Highlands neighborhood mostly focused on facilities such as schools and parks. The neighborhood's other public facilities, such as Fire Station #5 on Hayward Boulevard and Skyline Drive and the public safety office located at Cal State Hayward, are discussed in more detail in the PUBLIC SAFETY section.

Several issues were discussed by the Task Force relating to proposed new development in the Walpert Ridge area (Blue Rock Country Club and Bailey Ranch) and how it might affect demand on existing facilities in the area. Walpert Ridge area development proposals have included the possibility of including a new school site within the Walpert Ridge area. Additionally, concerns were voiced regarding not only increased demand on existing facilities, but also, what additional school and park facilities might be needed to meet new demand from the additional homes and projected populations.

7.2 School Facilities

Hayward Unified School District Facilities - Highland Elementary is the one elementary school located in the Hayward Highlands. The neighborhood does not contain a junior high or high school, but is served by Hayward High School and Bret Harte Intermediate School. Highlands Elementary has one of the lowest elementary school transiency rates in the District, ranging between 15-22% over the last five school years.

Highland Elementary school is an older facility and reached its planned capacity some time ago. To illustrate this point, Highland Elementary now has 13 additional temporary buildings within the site and also leases land adjacent to the site which is owned by Cal State Hayward. A fourteenth portable building is planned to be placed on the site in response to the recently-passed state legislation requiring a 20:1 student-to-teacher ratio for first and second grades. The Hayward Unified School District has not yet finalized possible reconfiguration plans at this time. Although Highland Elementary may be older and the site smaller than a standard elementary school site, many residents still feel that Highland Elementary is a high quality school.

Walpert Ridge area development proposals will generate additional school-aged children. To the extent that new school facilities will be developed to meet demand for new school facilities is an issue which has received much attention from not only the neighborhood but from the City and School District as well.

The Task Force generally supports retaining Highland Elementary as a public school facility regardless of the outcome of the Walpert Ridge area development proposals. Because it is not clear what new facilities will be developed as part of Walpert Ridge area proposals, the long-term future for Highland Elementary is not known.

7.3 School Building Condition

The Field Act, adopted in 1933, mandates that schools be built to earthquake standards in effect at that time, a 1989 report of the state Seismic Safety Commission noted that many older schools do not meet the current earthquake standards. They are not required to meet the latest standards unless they undergo major remodeling or expansion. District staff has noted that most schools are designated as emergency shelters and are safer than most housing.

The District has applied to the state for funds pursuant to the State School Building Program to modernize a number of schools. The passage of Prop. 203 in March, 1996 made monies available for building modernization, asbestos abatement, and disabled access projects at 23 Hayward schools that are more than

Hayward Highlands School and Park Inventory

Facility	Address	Acreage
California State University Hayward	25800 Carlos Bee Blvd	170.10
Highland Elementary School	2021 Highland Blvd.	5.11
Total School Acreage		175.21
College Heights Park	Hayward Blvd. near Spencer Ln	3.88
Canyon View Park	Farm Hill Dr. near Daisy Ct.	6.00
Old Highlands Park	Parkside Dr. near Home Ave.	5.05
Greenbelt Hiking and Riding Trails	Along the length of Oakes Dr.	108.70
Total Park Acreage		123.63

30 years old. The District submitted applications during Phase I and received approval for its 23 schools. Reconstruction took place over the past summer and was finished in September, 1997 with the exception of Tennyson High School, which will be finished in September, 1998.

7.4 Site Maintenance and Improvements

In 1994, the District established a Maintenance Assessment District (MAD) pursuant to the Landscape and Lighting Act. This proposal involves a \$2.50 monthly charge per unit on all single-family parcels, and a similar charge per unit on multi-family parcels, up to a maximum of five units. In general, assessment district funds should be used for grounds maintenance and improvements, such as turfing, tree replacements, sidewalk repairs, fences, parking, etc. Additionally, HUSD is using a turf and irrigation improvement priority list to schedule improvements at all school sites. The district estimates that Highland Elementary School will be upgraded in 2002 or 2003.

7.5 California State University at Hayward

Cal State Hayward is presently attended by about 12,000 students and the maximum capacity is approximately 17,000. Long-range plans have been developed which would add a number of new facilities, however, because of financing constraints no new development is anticipated in the near-term future. Cal State has a number of programs which provide educational, recreational and cultural opportunities to the public. Cal State also provides housing units for about 400 students. At the present levels of enrollment and based on existing demand, Cal State does not anticipate additional student housing demand to exceed present levels. However, if enrollment should ever increase, demand for additional student housing may increase.

7.6 Parks and Recreation Facilities

Although HARD maintains all of the parks within the city, Hayward has a different standard than HARD for calculating park adequacy. The City set a standard of 3.78 acres per 1,000 residents. The Hayward Highlands neighborhood does not meet this standard, given that there are 2.46 acres per 1,000 in the area, not counting the Greenbelt Hiking and Riding Trail.

In relation to many of the City's other neighborhoods, the Hayward Highlands contains a large amount of parkland per capita. The neighborhood also has other recreational facilities including the College Heights Park, Canyon View Park, and Old Highlands Park. Existing schools and parks are shown on Figure 19.

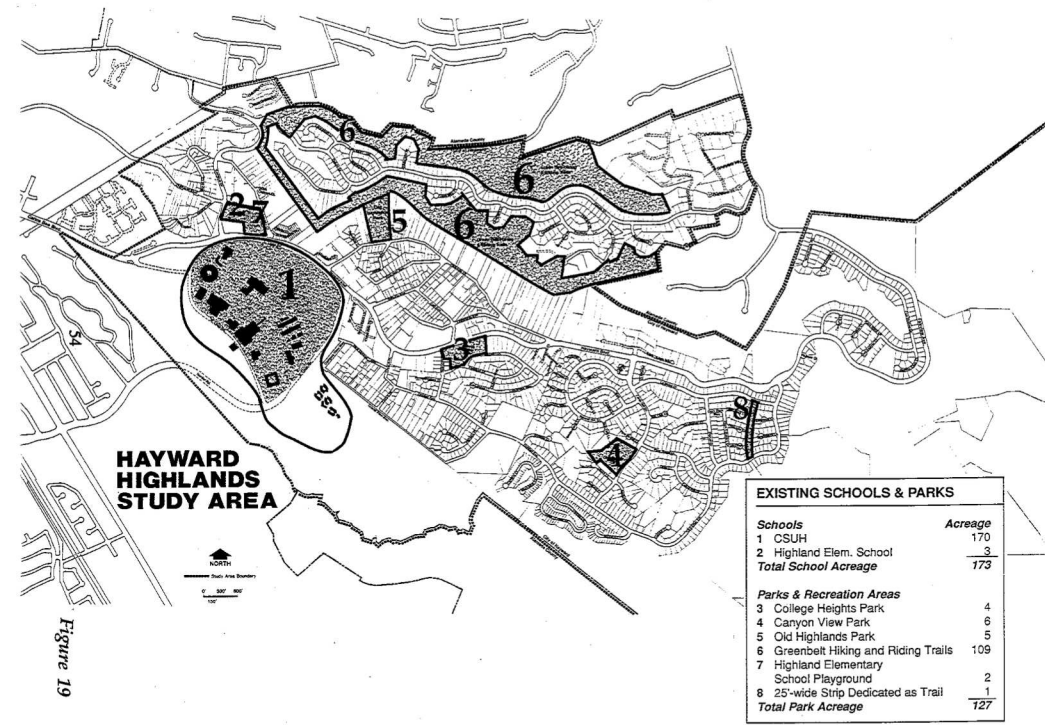


Figure 19

The Greenbelt Hiking and Riding Trail is an amenity which is not available anywhere else in the City. The Task Force supports creating new trail links and staging areas, especially for the proposed Bay Area Ridge Trail. The Task Force is also concerned that public access be maintained in those areas in the Walpert Ridge area which are proposed for development. Bike routes and hiking trails in the neighborhood are shown on Figure 20.

Recently, the Hayward Area Recreation and Park District acquired a new property in the Highlands area formerly known as the Lewis property, located on Hayward Boulevard. The property is about ten acres in size and contains about a two acre area which is fairly level and a good candidate for new recreational development, such as playing fields, without the need for extensive grading.

HARD staff has generally described a trail connection between the Lewis property and the Greenbelt Hiking and Riding Trail that should be discussed in more detail. In addition to the trail connection, the Task Force may want to also consider development of a staging area to access possible future trails that might be developed in the future.

The Task Force also recommends that the 1980 plans for Old Highlands Park be re-examined by HARD primarily to complete construction of the proposed horse arena which was never constructed. A search of the Old Highlands Homeowners Association archives produced a copy of full size blue prints of these plans. A reduced version is shown in Figure 21, which shows the proposed horse arena and landscaping plan.

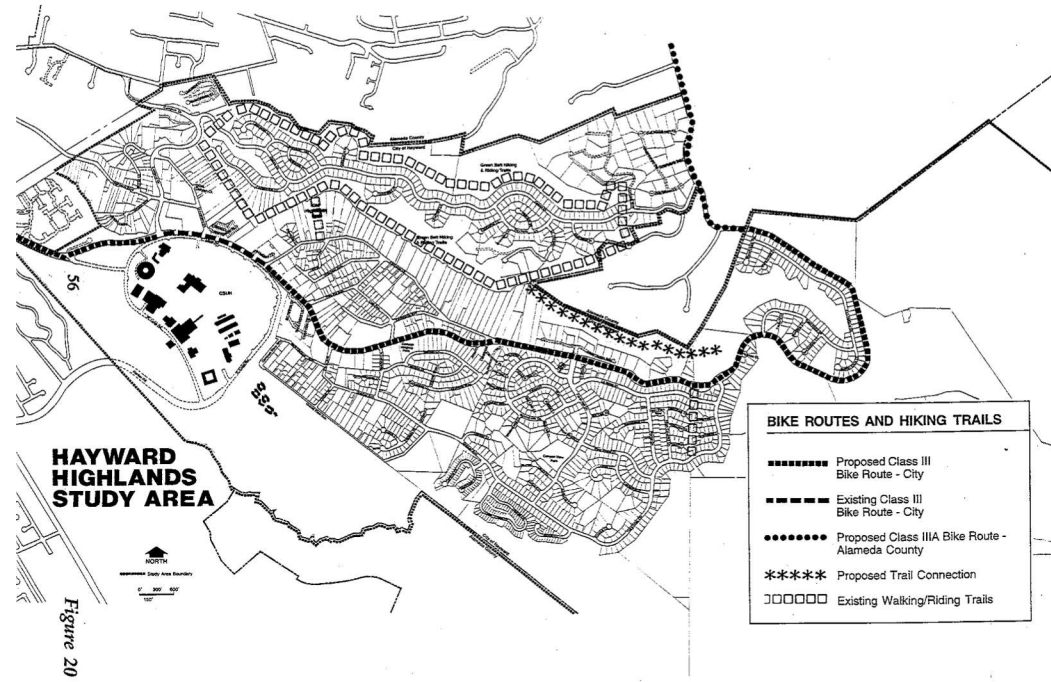
7.7 Park Standards

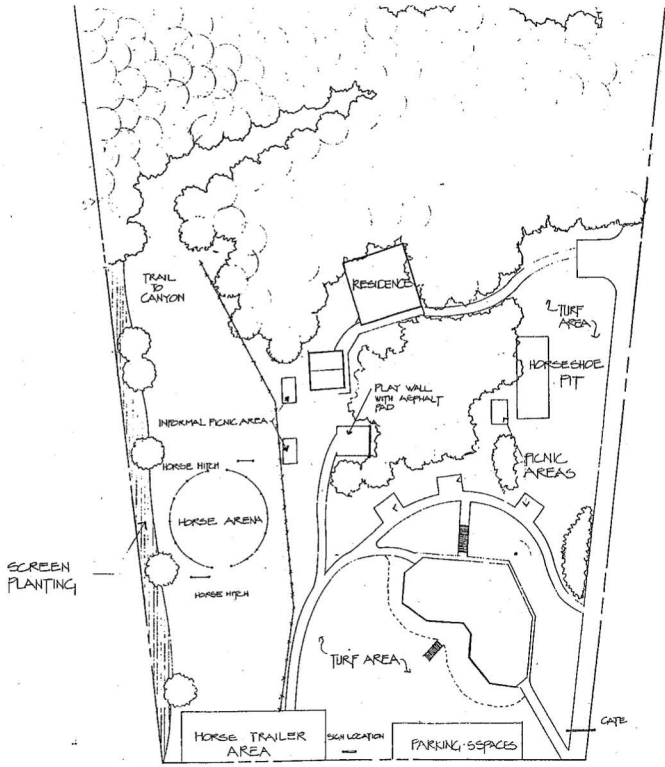
For administrative purposes, the City is divided into five park service areas as shown in Figure 22. The Hayward Highlands neighborhood is located within Zone E, which includes most of the hill area. Current fund balances at the end of June 1997, are shown in Table 3. \$39,000 in new fees were received during the first half of 1997 for Zone E, making the currently available balance \$153,858.

The park standards of HARD call for a local park to be within walking distance ($\frac{1}{4}$ to $\frac{1}{2}$ mile) without crossing a major arterial. Parks are ideally three to ten acres in size by HARD standards and located with frontage on two to three streets and possessing some natural qualities such as a view or mature trees. Park standards call for 1.5 acres of local park per 1,000 residents. Using this standard, the Highlands neighborhood should have just over nine acres of local parks. The Greenbelt Hiking and Riding Trail is not included in this calculation, since it is considered a community, or regional, type park. In reality, the neighborhood has nearly 15 acres of local parks, bringing it above the minimum standard. HARD goals for total park acreage in the district is ten acres per 1,000 residents, though there is approximately half that in the city.

HARD is presently encountering financial problems due to state budget actions. HARD has lost 10 percent of its staff and all capital funds in the past few years. As a result, the District's priority is now on maintenance, rather than acquisition and development or new joint ventures with HUSD. Presently, the primary source of new revenue for the park improvements is park dedication in-lieu fees that the City collects from new residential development.

Under state law (Quimby Act), the City can require developers of large residential developments (over 50 units) to dedicate 5 acres of parkland per thousand new residents brought in by the new development or pay park dedication in-lieu fees. Smaller developments (under 50 units) can only be required to contribute an in-lieu fee per unit to be used for park facilities.





OLD HIGHLANDS PARK
LAND USE PLAN

SCALE: 1" = 100'



Figure 21

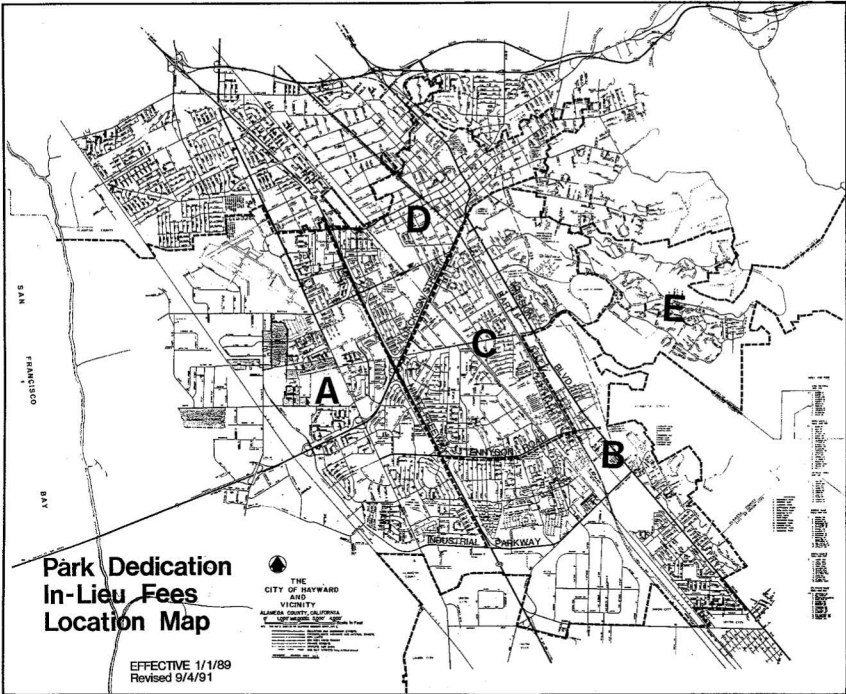


Figure 22

Park Dedication In-Lieu Fees Report
 January 1, 1997 through June 30, 1997
 Six-Month Report

ZONE	BEGINNING BALANCE	NEW FEES RECEIVED	INTEREST	EXPENDITURES	ADMINISTRATIVE OVERHEAD	OUTSTANDING ALLOCATIONS	CURRENTLY AVAILABLE
A	\$134,755	\$18,000	\$5,553	\$15,093	\$0	\$41,460	\$101,755
B	\$256,956	\$0	\$6,916	\$114,861	\$0	\$53,280	\$95,731
C	\$275,724	\$34,000	\$9,914	\$59,703	\$0	\$76,360	\$183,575
D	\$341,043	\$37,779	\$13,884	\$26,081	\$0	\$246,047	\$120,578
E	\$192,786	\$39,000	\$7,410	\$22,338	\$0	\$43,000	\$153,858
TOTALS	\$1,201,264	\$128,779	\$43,677	\$238,076	\$0	\$480,147	\$655,497

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Life to Date*

ZONE	FEES RECEIVED	INTEREST	REVENUE TO DATE	EXPENDITURES	ADMINISTRATIVE OVERHEAD	CURRENT BALANCE**
A	\$599,598	\$192,794	\$792,392	\$643,933	\$5,244	\$143,215
B	\$970,568	\$383,021	\$1,353,589	\$1,194,817	\$9,761	\$149,011
C	\$912,496	\$196,515	\$1,109,011	\$848,824	\$252	\$259,935
D	\$817,089	\$265,863	\$1,082,952	\$704,798	\$11,529	\$366,625
E	\$515,024	\$138,867	\$653,891	\$436,435	\$598	\$216,858
TOTALS	\$3,814,775	\$1,177,060	\$4,991,895	\$3,828,867	\$27,384	\$1,135,644

* Figures include activity as noted in "Six-Month Report."

** Current Balance reflects "Outstanding Allocations" plus "Currently Available."

Table 3

The Park Dedication Ordinance authorizes the City of Hayward to collect park dedication in-lieu fees in accordance with an adopted schedule. Park fees are only assessed for new residential units and do not apply to commercial and industrial projects. Fees are \$3000 per single-family unit and \$2,300 per multi-family or single-family attached unit. Second units are charged \$1,300. Park dedication in-lieu fees are used for expanding park and recreation opportunities in areas where new residential development is occurring. Funds are typically allocated to HARD for specific park projects in these areas.

In the Walpert Ridge area, the Hayward 1900 project proposed to provide a park site, whereas the Bailey Ranch paid park dedication in-lieu fees.

8. PUBLIC SAFETY

8.1 Background

Public safety issues which have been addressed by the Task Force mostly relate to concerns about police, fire and emergency response. There are basically two service providers which cover these areas: the City of Hayward police and fire departments and the Cal State Hayward police department. Unincorporated areas immediately outside the area are serviced by the Alameda County Sheriff's Department and Alameda County Fire.

8.2 Neighborhood Security

Based on a review of recent quarterly statistics, criminal activity in the Hayward Highlands is generally much lower than similar statistics for the city as a whole. Although Police Department reports are generally favorable, some Task Force members and many residents in the area voiced concerns about on-going police presence. Cal State representatives described the police services provided by the university and indicated that Cal State frequently responds to calls outside the campus when HPD is not available.

It was suggested that a substation be constructed to visibly increase police presence in the neighborhood. One Task Force member stated that more officers should be hired rather than building a structure with no staffing. Other comments included creating more Neighborhood Watch groups; and providing police patrols during early morning hours.

8.3 Fire and Emergency Response

The Hayward Highlands neighborhood is served primarily by Fire Station #5 on Hayward Blvd. and Skyline Drive, and a small portion of the neighborhood is within the 5-minute response time for Fire Station #8. There is also a large portion of the neighborhood which is not within any station's 5-minute response time. This area includes most of the properties along Oakes Drive.

Concerns about fire and emergency response were voiced at the initial neighborhood meeting for the Neighborhood Plan. Some Task Force members also raised issues about increased demand for these service by Walpert Ridge development proposals. Although demand for the services is likely to increase with new development, the volume of calls is not expected to place any burden on existing facilities.

8.4 Fairview Fire Protection District

The status of Fire Station #8, which serves the unincorporated Fairview area, is one concern that surfaced during Task Force meetings. The Board of the Fairview Fire Protection District, recently voted to extend the existing contract with the City of Hayward to provide fire protection personnel at Station #8 beyond the June 1988 expiration date. Although the contract for the provision of fire protection personnel has been an issue of concern with many residents in the unincorporated county area, there is another proposal which would relocate Fire Station #8 closer to the Five Canyons residential development. This latest proposal is still being considered by the County.

From: Valerie Anderson
Sent: Sunday, February 28, 2021 10:22 PM
To: List-Mayor-Council
Subject: Proposed Development at 2579 Home Avenue

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear City Council,

I am writing as a homeowner and resident on Hillcrest Avenue to express my opposition to the proposed new development at 2579 Home Avenue.

As all of the other neighbors I have talked to agree, the massive size of this new building absolutely does not fit the semi-rural atmosphere of the existing community, which is something that is very important to us and a reason we love the neighborhood.

Both the staff report and the notice mailed to us neighbors have been misleading in their description of the house. I hope that in addition to rejecting this proposed development, you will consider changes that need to be made to make sure future public notices are accurate and descriptive.

What I found most misleading is that the address is always stated as 2579 Home Avenue, but the view featured on the notices mailed to us has always been the one story view from Hillcrest Avenue. The view from 2579 Home Avenue would show that the building is a huge 4 story house with over 6,000 gross square footage.

The staff report describes the design by saying "the single-family residence will be designed to appear as a single-story structure from the street". This is extremely misleading since it only appears as a single story from Hillcrest, but not from Home, and it has frontage on both streets. In fact, Home Avenue is the only way to access Hillcrest and that is where everyone entering the neighborhood will first view the house. From that view it appears as a huge, imposing 4 story building spanning between the two streets. You can see this clearly in the renderings of the project plans. If I were to come upon this view not knowing anything about it, I would assume it was a large multi-family unit based on the size and style stepping up the hill as such a massive structure with many levels and balconies.

Because of the design, with a driveway/garage on both Home and Hillcrest, it also seems confusing and misleading to me how the house meets what the staff report states is the required 20' rear yard. There is no rear yard.

I respect the owner's right to build on their property, but this huge building as designed does not fit the semi-rural character of the neighborhood. I don't know all the laws, but while the project plan may have met the minimum legal requirements for the staff to check the boxes, I hope that the city council will take into consideration the (as far as I know, unanimous) opposition of neighbors. It is my understanding that the city previously accepted and agreed to the Hayward Highland Neighborhood Plan, which describes in detail the importance of the preservation of the semi-rural character of the Old Highlands neighborhood.

Thank you for your consideration.

Valerie Anderson

ITEM 6: LB 21-008

**Municipal Facility License Agreement Template:
Adopt a Resolution Approving the Municipal
Facility Master License Agreement Template for
the Attachment of Wireless Facilities to City-
Owned Vertical Infrastructure in the Public
Right-of-Way, and Authorizing the City Manager
to Execute Master Facility License Agreements
with Qualified Companies in Substantial
Conformance with the Template and Upon
Approval by the City Attorney as to Form
(Report from Assistant City Manager Ott)**

PUBLIC COMMENTS

SHERMAN & HOWARD L.L.C.

633 Seventeenth Street, Suite 3000, Denver, CO 80202-3622
Telephone: 303.297.2900 Fax: 303.298.0940 www.shermanhoward.com

Ryan M. Christ
Sherman & Howard L.L.C.

February 23, 2021

VIA E-MAIL

Michael G. Vigilia
Senior Assistant City Attorney
City of Hayward
777 B Street
Hayward, CA 94541
E-Mail: Michael.Vigilia@hayward-ca.gov

Re: City of Hayward - Master License Agreement

Dear Mr. Vigilia:

We write on behalf of Verizon Wireless (“VZW”) regarding the Municipal Facility License Agreement (the “Master License”) proposed for approval by the City of Hayward, California (“City”). While Verizon Wireless appreciates the City’s desire to approve of a uniform Master License form for all carriers, the proposed Master License poses conflicts with applicable federal and state law, including the *Declaratory Ruling and Third Report and Order, FCC 18-133 (September 27, 2018)* (the “Small Cell Order”) which provides guidance from the Federal Communications Commission (“FCC”) on appropriate approval criteria for small cell wireless facilities. Importantly, any City requirement proposed in the Master License as well as any related regulations must not materially inhibit the provision of wireless services. Further, any fees proposed by the City under the Master License or related regulations must meet the following conditions: (i) the fees must be a reasonable approximation of the state of local government’s cost; (ii) only objectively reasonable costs must be factored into those fees; and (iii) the fees must be no higher than the fees charged to similarly-situated competitors in similar situations. *Id.*, ¶ 48.

In accordance with the requirements of the Small Cell Order and applicable federal and state law, we have the following objections and comments to the proposed Master License:

(i) Section 4.1.3 – The City reserves a right to review and approve or disapprove of wireless applications in its “sole discretion”. Any approval, approval with conditions, or disapproval of a wireless application must be reasonable and in accordance with applicable federal and state law, including all review requirements, shot clock timelines and in a manner that does not effectively prohibit the implementation of wireless services. VZW objects to this provision as approval or disapproval of an application in the City’s “sole discretion” does not meet this requirement.

(ii) Section 5 – The Master License refers to the City of Hayward Master Fee Schedule (“Fee Schedule”), which defines the various fees imposed by the City for wireless communications facilities, including (a) a \$2,000 WCF PROW Application Fee (deposit) and (b) a \$2,500 Pole License Administrative Fee (deposit). As stated above, any fees charged by the City to review a wireless application must be “objectively reasonable” and a “reasonable approximation” of the City’s costs. Despite our inquiries, the City has not explained why it has two separate deposits in its Fee Schedule, one for permit and one for a “pole license”. VZW objects to these fees until the City can explain and demonstrate how they reflect a “reasonable approximation” of the City’s costs to review and approve wireless applications. Further, any future adjustments to the City’s Fee Schedule must be in accordance with the Small Cell Order and any then-existing federal and state law, and VZW reserves a right to object to such fees.

(iii) Section 5.2.3 - The City reserves a right to adjust the annual “Rent” paid under the Master License in accordance with a future cost study. While VZW acknowledges that the City has a right to perform a cost study and collect a reimbursement of its reasonable costs, VZW will not accept the results of any cost study without review and objects to any future adjustments, which must be made in accordance with then-existing federal and state law.

(iv) Section 6.10 - The City asserts a right to collect a 5X “Rent” penalty for unauthorized attachments. While common in the context of public utility agreements, which charge \$50 to \$80 per year in “Rent” for a pole attachment, this penalty is unusual and excessive in the context of an agreement with a municipal authority, especially one with the potential for significant rental adjustments (See, Section 5.2). This penalty is not at all “objectively reasonable”, nor is it a “reasonable approximation” of the City’s costs. VZW objects to the 5X “Rent” penalty in the Master License.

(v) Section 9.0 – The Master License includes the City’s standard insurance requirements. As we have discussed with the City, VZW has specific insurance policies that are negotiated with its carrier on an annual basis and apply to its national portfolio of facilities. While VZW is willing to discuss reasonable insurance requirements with the City, it cannot tailor its policies to meet all of the City’s requirements. VZW reserves a right to negotiate the insurance requirements in the Master License in accordance with past communications with the City.

(vi) Section 14.13 – The Master License includes a provision whereby a carrier agrees that the MLA is consistent with applicable law and obligates each carrier not to raise any claim to the contrary, or allege in any claim or proceeding against the City that (a) the provisions, conditions

Michael G. Vigilia
February 23, 2021
Page 3

or terms of the Master License are unreasonable or arbitrary, or (b) the provisions, conditions or terms are void or unlawful or (c) that the City had no power or authority to make or enforce any such provisions, conditions or terms. VZW objects to this provision and will not sign any agreement where it waives its rights under applicable federal, state or local law.

The City should decline approval of the Master License until the issues discussed herein are resolved or, in the alternative, be prepared to negotiate such issues at a later date. Thank you for your attention to this matter.

Sincerely,



Ryan M. Christ

RMC/el

cc: Paul Gimelberg
Ethan Joseph Rogers
Mayor and City Council - List-Mayor-Council@hayward-ca.gov