

CITY OF HAYWARD

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



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Thursday, December 14, 2017

7:00 PM

Council Chambers

Planning Commission

MEMBERS OF THE AUDIENCE WISHING TO ADDRESS THE PLANNING COMMISSION

Obtain a speaker's identification card, fill in the requested information, and give the card to the Commission Secretary. The Secretary will give the card to the Commission Chair who will call on you when the item in which you are interested is being considered. When your name is called, walk to the rostrum, state your name and address for the record and proceed with your comments. The Chair may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens for organization. Speakers are expected to honor the allotted time.

CALL TO ORDER Pledge of Allegiance**ROLL CALL****ELECTION OF OFFICERS****PUBLIC COMMENTS**

The PUBLIC COMMENTS section provides an opportunity to address the Planning Commission on items not listed on the agenda. The Commission welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Commission is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff for further action.

ACTION ITEMS

The Commission will permit comment as each item is called for Public Hearing. Please submit a speaker card to the Secretary if you wish to speak on a public hearing item.

PUBLIC HEARING

For agenda item No. 1, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision.

For agenda item No. 2 the Planning Commission may make a recommendation to the City Council.

1. [PH 17-103](#) Proposed Conditional Use Permit with Site Plan Review to allow the construction of an 8,193 square-foot canopy addition to an existing 15,606 square foot plastic bag manufacturing plant to accommodate the major outdoor storage use for a site located at 3202 and 3208 Diablo Avenue. Application No. PL-2017-02725. Eugene Loh (Applicant) on behalf of Jesse Tseng. (APNs 439-0075-036-02 and 439-0075-035-02).

Attachments: [Attachment I- Staff Report](#)
[Attachment II- Zoning Map](#)
[Attachment III- Findings and Conditions](#)
[Attachment IV- Project Plans](#)

2. [PH 17-104](#) Proposed Zoning Text Amendment to Chapter 10, Article 1 (Zoning Ordinance) to amend the height limit for the AT, Air Terminal District; Application No. 201706359. The proposed amendment would impact all AT District properties (AT-Commercial, AT-Aviation Commercial, AT-Operations, AT-Recreational, and AT-Industrial Park) located within the boundaries of the Hayward Executive Airport; Application No. 201706359; City of Hayward (Applicant/Owner).

Attachments: [Attachment I Staff Report](#)
[Attachment II Text Amendment Findings for Approval](#)
[Attachment III HMC Section 10 1.1900 Air Terminal District Amendments](#)
[Attachment IV Airport Boundary and Zoning Map](#)
[Attachment V Airport and Surrounding Structure Heights](#)

APPROVAL OF MINUTES

3. [MIN 17-170](#) Minutes of the Planning Commission Meeting of November 9, 2017

Attachments: [Attachment I Draft Minutes of November 9, 2017](#)

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters

Commissioners' Announcements, Referrals

ADJOURNMENT

NEXT MEETING, JANUARY 11, 2018, 7:00PM

PLEASE TAKE NOTICE

That if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.

PLEASE TAKE FURTHER NOTICE

That the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

****Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Permit Center, first floor at the above address. Copies of staff reports for agenda items are available from the Commission Secretary and on the City's website the Friday before the meeting.****

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



CITY OF HAYWARD

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

File #: PH 17-103

DATE: December 14, 2017

TO: Planning Commission

FROM: Planning Manager

SUBJECT

Proposed Conditional Use Permit with Site Plan Review to allow the construction of an 8,193 square-foot canopy addition to an existing 15,606 square foot plastic bag manufacturing plant to accommodate the major outdoor storage use for a site located at 3202 and 3208 Diablo Avenue. Application No. PL- 2017-02725. Eugene Loh (Applicant) on behalf of Jesse Tseng. (APNs 439-0075-036-02 and 439-0075-035-02).

RECOMMENDATION

That the Planning Commission approve the Conditional Use Permit with Site Plan Review based on the analysis set forth in this report and per the attached Findings and Conditions of Approval (Attachment III).

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Zoning Map
Attachment III	Findings and Conditions
Attachment IV	Project Plans



SUBJECT

Proposed Conditional Use Permit with Site Plan Review to allow the construction of an 8,193 square foot canopy addition to an existing 15,606 square foot plastic bag manufacturing plant to accommodate the major outdoor storage use for a site located at 3202 and 3208 Diablo Avenue. Application No. PL- 2017-02725. Eugene Loh (Applicant) on behalf of Jesse Tseng. (APNs 439-0075-036-02 and 439-0075-035-02).

RECOMMENDATION

That the Planning Commission approve the Conditional Use Permit with Site Plan Review based on the analysis set forth in this report and per the attached Findings and Conditions of Approval (Attachment III).

SUMMARY

The applicant is requesting a Conditional Use Permit (CUP) with Site Plan Review (SPR) to construct an 8,193-square foot canopy on the rear side of an existing manufacturing plant to accommodate outdoor storage of plastic bags and manufacturing equipment. The proposed canopy would function as a sun shield and provide rain protection for the manufacturing equipment as well as allow for the temporary storage of plastic bags and boxes. The proposed 15' high canopy would be designed to accommodate two new truck loading/unloading areas on either side of the outdoor storage area.

BACKGROUND

The existing building was legally approved for light manufacturing uses in 1979. On May 17, 2017, the applicant filed a CUP and SPR application with the City to add a major outdoor storage area to the facility. The applicant is proposing to add an 8,193-square foot canopy to provide an area for outdoor storage.

Pursuant to Section 10-1.62- (b) of the Hayward Municipal Code, any major outdoor storage¹ in an Industrial zoning district requires a Conditional Use Permit when the area is in excess of 10 percent of the open yard area. The project, as proposed, will occupy nearly 25 percent of the open yard area. Since the outdoor storage area will be contained under a new building, the project will additionally require Site Plan Review. Per Section 10-1-3210 of the HMC, when a project requires both a Conditional Use Permit and Site Plan Review, the application for a CUP constitutes an application for both and decisions regarding the site plan must be made according to the guidelines set forth for site plan review.

¹ Section 10-1.3500 Definitions- Storage states that: Major Open Storage. Uses not conducted completely within an enclosed building, such as major outdoor storage in excess of 10 percent of an open yard area, excluding any required yard or parking area, or as determined by the Planning Director. Typically includes a construction yard where equipment and materials are stored.

Public Outreach. On May 22, 2017, a Notice of Receipt of Application was sent to all property owners and tenants located within 300-foot radius of the project site. No public comments were received by staff. On November 30, 2017, a Notice of Public Hearing was placed in the newspaper and sent to all property owners and interested stakeholders within 300 feet of the subject property. At the time this report was written, staff had not received any correspondence related to this notice.

PROJECT DESCRIPTION

Existing Conditions. The 1.27-acre (approximately 47,552 sq. ft.) project site is currently developed with one 15,776-sq. ft. building and is generally flat. The property is surrounded by other industrial uses to the west, east, north, and south. The property is located in an Industrial (I) zoning district and is designated Industrial Corridor (IC) in the Hayward 2040 General Plan.

Proposed Project. The applicant is proposing to construct an 8,193-square foot canopy to serve as an outdoor storage area for the plastic bag manufacturing facility. The new canopy would be attached to the rear of the existing building and be used to temporarily store boxes containing plastic bags and shield the additional ancillary manufacturing equipment from the sun and rain. A total of eighteen plastic bag boxes, two metal storage containers, eight plastic mixers, and two air compressors would be stored within the outdoor storage area. The new canopy would be architecturally designed to be compatible with the existing manufacturing building on-site.

The canopy would be designed to incorporate a 5-foot high metal screen to minimize views of the outdoor storage area from adjacent properties. The screen would be attached to the canopy and be painted to match the existing building wall color. Additionally, a new fence located along the perimeter of the canopy and the placement of three new Sycamore trees along the rear property line will further screen the outdoor storage and new canopy from adjacent properties.

Parking and Circulation. The property has two driveways that are located along the sides of the site that provide access to Diablo Avenue. The project includes the addition of two truck loading areas on the rear portion of the site, near the proposed canopy. The access to these loading areas are via an existing paved truck right-off way along the side of the building. A copy of the site plan with site circulation is included as Attachment IV, Project Plans.

Although the project includes the addition of two new truck loading zones, the project site contains significant parking and drive aisles to accommodate the new canopy. The proposed outdoor storage area is considered an ancillary use to the existing manufacturing facility and would not increase the number of parking spaces required for the site.

Noise. The proposed project is not expected to result in any noise impacts to adjacent properties. The noise generated by the facility, which will primarily be limited to

loading and unloading activities, is unlikely to exceed the typical noise environment of the surrounding industrial area, which includes heavier manufacturing and warehousing activities.

SUSTAINABILITY FEATURES

Although there are no project-specific sustainable features proposed with the new canopy, the project will meet the CALGreen and 2016 California Energy Code standards for energy efficiency and will comply with the City's requirements with respect to water efficient landscaping. Additionally, the project will comply with the City standards for recycling of waste during construction and operation.

POLICY CONTEXT AND CODE COMPLIANCE

Zoning Ordinance. The project site is zoned I, Industrial per the City's Zoning Ordinance. The purpose of the Industrial zoning district is to provide for and encourage the development of industrial uses in areas suitable for same, and to promote a desirable and attractive working environment with a minimum of detriment to surrounding properties.

While the existing manufacturing use is an approved use, the proposed major outdoor storage use on the site is conditionally permitted and requires a Conditional Use Permit approved by the Planning Commission. Per Section 10-1.3225 of the HMC, the Planning Commission may approve or conditionally approve a CUP application when all the following findings are made:

- The proposed use is desirable for the public convenience or welfare;
- The proposed use will not impair the character and integrity of the zoning district and surrounding area;
- The proposed use will not be detrimental to the public health, safety, or general welfare; and
- The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.

In addition, because the proposed outdoor storage use includes the construction of a new structure, the project is also subject to the Site Plan Review findings contained in Section 10-1.3205 of the HMC to demonstrate the proposed building and site improvements are consistent with the development standards of the Industrial zoning district. In particular, the additional Site Plan Review are also required for the project:

- The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City;
- The development takes into consideration physical and environmental constraints;
- The development complies with the intent of City development policies and regulations; and
- The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

Staff has provided a more detailed analysis for the required Use Permit and Site Plan Review findings in Attachment III.

Hayward 2040 General Plan. The project site is designated IC, Industrial Corridor in the Hayward 2040 General Plan. Uses within the IC land use designation include warehouses, office buildings, research and development facilities, manufacturing plants, business parks, and corporate campus buildings. The maximum Floor Area Ratio (FAR) for the permitted uses within this district are 0.8. The project, as proposed, would result in a FAR of .50.

The General Plan indicates that the future developments within the district are expected to include building and landscaping improvements, infill development, and the redevelopment of underutilized properties. The IC, Industrial Corridor land use areas are expected to grow as an economic and employment center and evolve to achieve a healthy balance of traditional manufacturing and information- and technology-based uses. The Hayward 2040 General Plan also provides goals and policies that serve as guiding principles and provide a host of strategies intended to implement a high-level vision for future development in the City. The proposed project was evaluated and determined to be consistent with the following goals, actions and policies of the Hayward 2040 General Plan:

- Goal ED-3: Grow the local economy and employment base by supporting efforts to expand and retain local businesses.
- LU-6.6: Property Upgrades: The City shall encourage property owners to upgrade existing buildings, site facilities, and landscaped areas to improve the economic viability of properties and to enhance the visual character of the Industrial Technology and Innovation Corridor.
- LU-6.7: Design Strategies: The City shall encourage developments within the Industrial Technology and Innovation Corridor that screen areas used for outdoor storage, processing, shipping and receiving, and other industrial operations with a combination of landscaping and decorative fences or walls.

The project is consistent with these goals and policies in that the proposed major outdoor storage use would allow an existing business to expand operations in Hayward by increasing the facility storage capacity. The project would be enhancing the visual character of the surrounding area by adding a new covered storage area and would be designed to incorporate a screen to help minimize visual impacts to adjacent properties. The proposed addition would be located towards the rear of the project site and would not be visible from Diablo Avenue.

Strategic Initiatives. This project supports the Council's Complete Communities Strategic Initiative. The purpose of the Complete Communities Strategic Initiative is to create and support structures, services, and amenities that provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work and play for all. The project would improve quality of life for residents, business owners, and community members by expanding business opportunities for an existing manufacturing facility in Hayward.

STAFF ANALYSIS

Staff believes that the proposed project, as conditioned, is compatible with the surrounding area because the project is located in an area zoned Industrial (I) and is surrounded by similar industrial land uses (warehouses, storage facilities, etc.) to the north, south, west, and east.

The proposed project would allow for the construction of a new canopy structure to provide a covered area for a major outdoor storage use for an existing business. Additionally, the proposed storage use is similar to other indoor and outdoor storage uses that are commonly found in industrial areas, such as warehouses and wholesale establishments. The proposed project, like most outdoor facilities, is expected to generate minimal impacts related to traffic, parking, and noise. Additionally, the project takes into consideration physical and environmental constraints of the site by locating the proposed canopy on the rear part of the site, which will limit any visible impacts from Diablo Avenue.

Furthermore, the applicant is proposing to construct the canopy using materials and colors that match the existing building style, colors, and design. A new screen and landscaping along the rear property line will further reduce visual impacts from the adjacent properties. The project, as proposed, complies with the City's development standards of the Industrial zoning district and meets several of the goals and objectives of the Hayward 2040 General Plan.

Based on the above summary and the expanded analysis included in the Findings and Conditions (Attachment III), staff believes the Planning Commission can make the required findings to approve the Conditional Use Permit with Site Plan Review for the project and has included conditions of approval to minimize operational and land use impacts to the surrounding areas.

ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15332 Class 32 for projects characterized as in-fill development meeting the conditions described below:

- (a) The project is consistent with the applicable general plan designated and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

NEXT STEPS

If the Planning Commission approves the CUP, the action would become effective following a 10-day appeal, which expires on January 2, 2017. If there is no appeal or Council member call-up filed within the appeal period, the applicant may proceed with obtaining the necessary building permits.

Recommended by: Maria Langbauer, Assistant Planner

Approved by: Jeremy Lochirco, Principal Planner



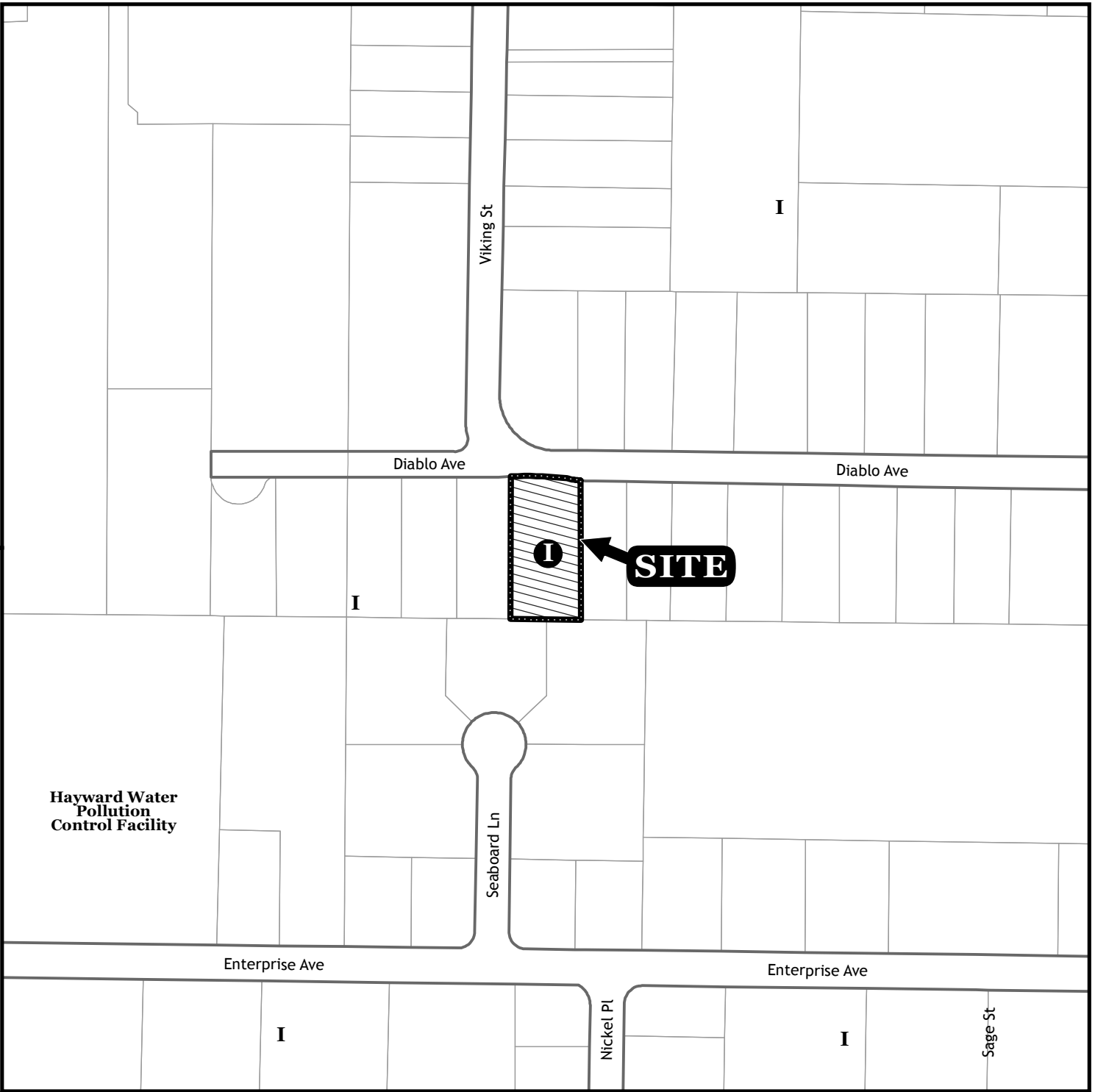
Sara Buizer, AICP, Planning Manager



Stacey Bristow, Interim Development Services Director



Area & Zoning Map



201702725

Address:
3202 Diablo Ave

Applicant:
Eugene Lohcu

Owner:
Jesse & Peggy Tseng

Zoning Classifications
INDUSTRIAL
I Industrial



CITY OF HAYWARD
 PLANNING DIVISION
 APPLICATION NO. 201702725
 USE PERMIT AND SITE PLAN REVIEW FINDINGS
 3202 and 3208 DIABLO AVENUE
 APNs 439-0075-036-02 and 439-0075-035-02

Proposed Conditional Use Permit with Site Plan Review to allow the construction of an 8,193 square-foot canopy addition to an existing 15,606 square foot plastic bag manufacturing plant to accommodate the major outdoor storage use for a site located at 3202 and 3208 Diablo Avenue. Application No. PL- 2017-02725. Eugene Loh (Applicant) on behalf of Jesse Tseng. (APNs 439-0075-036-02 and 439-0075-035-02).

CONDITIONAL USE PERMIT FINDINGS

Per Section 10-1.1620 of the Hayward Municipal Code (HMC), the project requires the issuance of a Conditional Use Permit for the major outdoor storage use. Per Section 10-1.3225 of the HMC, the Planning Commission may approve or conditionally approve a Conditional Use Permit application when all the following findings are made:

A. The proposed use is desirable for the public convenience or welfare

The proposed use is comparable and consistent with other land uses currently existing on surrounding properties (warehouse/storage businesses). The proposed major outdoor storage area would provide an existing business with a space to temporarily store boxes and mechanical equipment for the existing manufacturing facility and would support business expansion within the City of Hayward. The project, as proposed, would be conditioned to minimize impacts to adjacent properties and would be designed to maximize access and distribution of the plastic bags produced and manufactured on site, which is desirable for public convenience and welfare.

B. The proposed use will not impair the character and integrity of the zoning district and surrounding area

The proposed outdoor storage facility will be located at the rear of the existing manufacturing building and will be not visible from Diablo Avenue. All loading and unloading activities will be conducted at the rear of the facility. The proposed project is not expected to result in any noise impacts to the surrounding area and any noise generated by the facility will primarily be limited to common activities associated with all loading and unloading areas for warehouse and manufacturing uses.

The proposed use will not impair or impact the character or integrity of the surrounding neighborhoods in that site is located among other warehouses and manufacturing facilities, where outdoor storage is common. The area proposed for the outdoor storage will be located under a new canopy structure, which will be designed with similar materials and

colors of the existing building on site. The storage area will be buffered from the neighboring properties with landscaping on the rear property line and with a new metal screen, which will be architecturally incorporated into the proposed canopy to minimize visual impacts.

- C. The proposed use will not be detrimental to the public health, safety, or general welfare; and

The proposed project, as conditioned, will not be detrimental to public health, safety and general welfare as the project will comply with all applicable zoning regulations (maximum lot coverage, side yard, rear yard setback, and height requirements) and building codes. Additionally, the proposed project will be screened to minimize visual impacts from adjacent properties and will be architecturally designed to integrate with the architecture and color of the existing manufacturing facility.

- D. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.

The project, as conditioned, will meet all the development standards of the City's Industrial zoning district and will be within the maximum floor area ratio (FAR) permitted in the Industrial Corridor (IC) land use designation of the City's General Plan. The General Plan indicates that the future developments within this district are expected to include building and landscaping improvements, infill development, and the redevelopment of underutilized properties. The Corridor is expected to grow as an economic and employment center and evolve to achieve a healthy balance of traditional manufacturing and information- and technology-based uses.

The Hayward 2040 General Plan also provides goals and policies that serve as guiding principles and provide a host of strategies intended to implement a high-level vision for future development in the City. The proposed project was evaluated against the applicable goals and policies of the Hayward General Plan and found to be consistent with the following:

- Goal ED-3: Grow the local economy and employment base by supporting efforts to expand and retain local businesses.
- LU-6.6: Property Upgrades: The City shall encourage property owners to upgrade existing buildings, site facilities, and landscaped areas to improve the economic viability of properties and to enhance the visual character of the Industrial Technology and Innovation Corridor.
- LU-6.7: Design Strategies: The City shall encourage developments within the Industrial Technology and Innovation Corridor to incorporate the following design strategy:

- Screen areas used for outdoor storage, processing, shipping and receiving, and other industrial operations with a combination of landscaping and decorative fences or walls.

In addition, the new canopy will meet all the required development standards of the Industrial zoning district related to lot coverage, FAR, and setbacks.

SITE PLAN REVIEW FINDINGS

Per Section 10-1.3025 of the Hayward Municipal Code, the Planning Commission may approve or conditionally approve an application when all the following findings are met:

- A. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City

The proposed use is comparable in nature to prior and current uses of the surrounding properties (warehouse/storage businesses) in the Industrial (I) zoning district. The proposed canopy design includes the following elements to minimize the impacts to the project site and adjacent properties:

- The proposed canopy outdoor storage will be located at the rear of the building and will not be visible from the Diablo Avenue.
- The proposal colors and materials of the new canopy will match the colors and materials of the existing building
- Three new Sycamore trees will be planted along the rear of the property to further screen the outdoor storage activity minimize visual impacts of the 15' tall structure.
- A five-foot tall metal and wood screen will be integrated into the proposed canopy to minimize visual impacts associated with the temporary storage of the boxes and mechanical equipment stored on-site.

- B. The development takes into consideration physical and environmental constraints

The proposed canopy is located on a generally flat lot and be placed towards the rear of the project site to minimize visual impacts from Diablo Avenue. Additionally, the project will be designed to be compatible and consistent with the existing manufacturing building on site. The project site is located within a light-industrial area of Hayward that contains several other warehouse and manufacturing facilities. The proposed canopy, with outdoor storage underneath, will provide a location for the temporary storage of products which are manufactured on-site, which is consistent with other land uses in the area. The area proposed for construction was chosen to minimize potential visual, physical and environmental impacts to the project site and adjacent sites.

- C. The development complies with the intent of City development policies and regulations

The proposed canopy and related site improvements are permitted, subject to the issuance of a Conditional Use Permit for the major outdoor storage activity and Site Plan Review approval as the project complies with all applicable City policies and regulations, including the City's Zoning Ordinance and General Plan. The project has been designed to be architecturally compatible with the existing building and meets the City's Design Guidelines.

- D. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

The project, as conditioned, will be designed to be compatible and operate in a manner consistent with the surrounding warehouse and manufacturing facilities in the Industrially zoned areas. Additionally, the project complies with all the development standards of the City's Zoning Ordinance related to the construction of a new building. The project, as conditioned, will provide necessary upgrades to the existing building and site to be ADA compliant and will increase accessibility and operational functionality of the existing manufacturing facility. The comprehensive site improvements and design requirements of the new structure will ensure the project is compatible with the surrounding development.

- E. The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15332 Class 32 for projects characterized as in-fill development. The project is consistent with the Hayward 2040 General Plan as well as all applicable general plan policies as well as with applicable zoning designation and regulations. Additionally, the project site has no value as habitat for endangered, rare or threatened species and approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

CITY OF HAYWARD
PLANNING DIVISION
APPLICATION NO. 201702725
3202 and 3208 DIABLO AVENUE
APNs 439-0075-036-02 and 439-0075-035-02
CONDITIONS OF APPROVAL

GENERAL

Planning Division

1. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. Applicant shall apply for all necessary building permits and/or all other related permits from the Building Division. All structures shall be constructed and installed in accordance with the California Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the California Fire Code as adopted by the City of Hayward.
3. Prior to final inspection, all pertinent conditions of approval and all other improvements shall be completed to the satisfaction of the Planning Director.
4. The owner shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, landscaping, driveways, and parking areas. The premises shall be kept clean and weed-free.
5. The applicant shall be responsible for graffiti-free maintenance of the property, and shall remove any graffiti within 48 hours of occurrence or City notification.
6. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit.
7. The applicant, property owner, or designated representative, shall allow code enforcement staff access to the property for site inspections to confirm all approved use conditions have been completed and are being maintained in compliance with all adopted city, state, and federal laws.

8. The Planning Director may revoke this permit for failure to comply with, or complete all, conditions of approval or improvements indicated on the approved plans.
9. All outstanding fees owed to the City, including staff time spent processing this application, shall be paid in full prior to issuance of a building permit or certificate of occupancy.
10. The proposed use shall be operated according to these conditions of approval, the narrative/plans, and the material/color board labeled Exhibit "A" in the project files.
11. A copy of these conditions of approval shall be included on a full-size sheet in the building permit plan set.
12. This approval is void three (3) years after the effective date of approval unless a building permit application has been submitted and accepted for processing by the Building Official and substantial improvements have been made as determined by the Planning Director.
13. Any modification to this permit or the plans, dated October 4, 2017 shall require review and approval by the Planning Director and/or the Planning Commission, if necessary.
14. Violations of any approved land use conditions or requirements will result in further enforcement actions by the Code Enforcement Division. Enforcement includes, but is not limited to, fines, fees/penalties, special assessment, liens, or any other legal remedy required to achieve compliance including instituting a revocation hearing before the Planning Commission.
15. Failure to comply with any of the conditions set forth in this approval, or as subsequently amended in writing by the City, may result in failure to obtain a building final and/ or a Certificate of Occupancy until full compliance is reached. The City's requirement for full compliance may require minor corrections and/ or complete demolition of a non-compliant improvement regardless of costs incurred where the project does not comply with design requirements and approvals that the applicant agreed to when permits were pulled to construct the project.

Landscape

1. Landscaping shall be maintained to be in a healthy, weed-free condition at all times and shall maintain irrigation system to function as designed to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which contribute pollution to the Bay. The owner's representative shall inspect the landscaping monthly and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced

within ten days of the inspection. Three-inch deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color, and the depth shall be maintained at three inches deep. All nursery stakes shall be removed during tree installation and staking poles shall be removed when the tree is established or when the trunk diameter of the tree is equal or larger to the diameter of the staking pole. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subjected to Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect. Any damaged or removed trees without a permit shall be replaced in accordance with Tree Preservation Ordinance or as determined by City Landscape Architect within the timeframe established by the City and pursuant to the Municipal Code. Irrigation system shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.

Building

1. The project shall provide the required disabled access upgrades to the facility per 2016 CBC Chapter 11B section 202. This will include the restrooms, main entry and accessible parking. Complete details of these path of travel upgrades will be required as part of the building permit submittal package.
2. The proposed canopy will require structural calculations and details as part of the building permit plan review package.

Transportation

1. Applicant shall ensure that trucks do not block traffic flow on Diablo Avenue at any time. Any backing or turning around of trucks for access to the loading area shall be accomplished on the project site and/or within the on-site parking area.

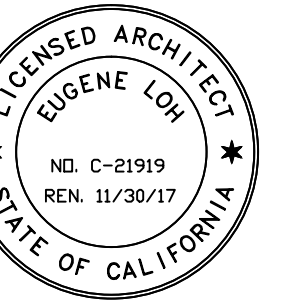
Water Pollution

1. The proposed facility shall comply with the State's Stormwater Industrial General Permit.
2. The proposed facility shall ensure all production equipment, materials, wastes, and related are stored under cover. If stored outdoors, the materials shall be completely under cover and residual plastic pellets (nurdles) must be cleaned and prevented from entering on site storm water drainage areas.
3. The exterior of the project site shall remain free and clear of debris.

4. The project shall incorporate spill prevention measures for the handling of pre-production plastic pellets.

Solid Waste

1. Waste containers must be kept inside existing trash enclosures, inside building, or under canopy when not set out for collection.
2. Separate collection of recyclables is required by City Ordinance. For more information, please visit <http://www.recyclingrulesac.org/city/city-of-hayward/>



NEW REAR CANOPY
3202 DIABLO AVENUE,
HAYWARD, CA 94545

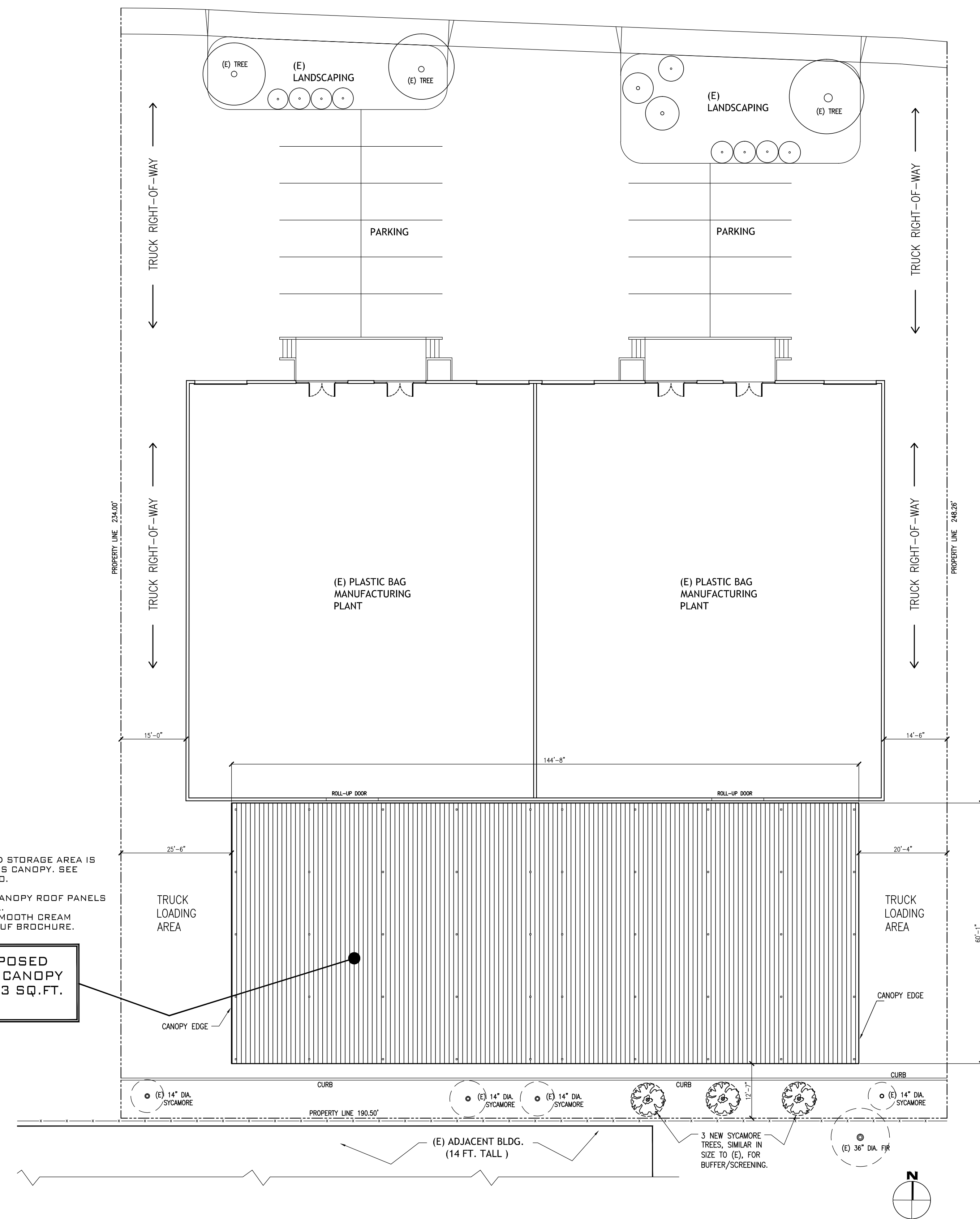
REVISION
06.27.17 COND. USE SUBMIT
08.07.17 REV. #1
10.02.17 REV. #2

PROJECT NO. 1607 DATE 10.02.17

SITE PLAN

A-1.0

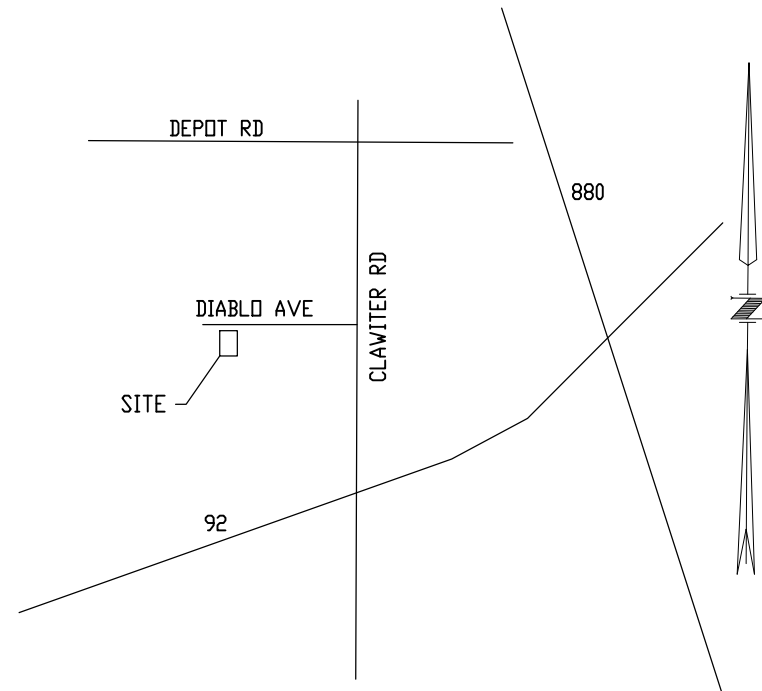
DIABLO AVENUE



NOTE:
1. PROPOSED STORAGE AREA IS UNDER THIS CANOPY. SEE SHEET A2.0.
2. SUNTUF CANOPY ROOF PANELS OR EQUAL. COLOR: SMOOTH CREAM SEE SUNTUF BROCHURE.

PROPOSED NEW CANOPY 8,193 SQ.FT.

SITE PLAN - PROPOSED CANOPY
SCALE: 1/16" = 1'-0"



VICINITY MAP

GENERAL INFORMATION

PROPERTY ADDRESS: 3202 DIABLO AVENUE HAYWARD, CA 94545
APN: 439-75-362
DESCRIPTION OF WORK: TO ACQUIRE PERMIT FOR THE CONSTRUCTION OF A REAR CANOPY - (8,193 SQ. FT.)
ARCHITECT OF RECORD: EUGENE LOH 23514 OAK VALLEY ROAD, CUPERTINO, CA 95014 EULOH2000@YAHOO.COM 650.965.1887
ZONING: 1 (INDUSTRIAL)
OCCUPANCY GROUP: F-1
TYPE OF USE: MANUFACTURING OF PLASTIC BAGS
TYPE OF CONSTRUCTION: IV
STORIES: ONE STORY

LOT SIZE:	3202 DIABLO AVE.	23,326 SQ.FT.
	3208 DIABLO AVE.	24,226 SQ.FT.
TOTAL		47,552 SQ.FT.

FLOOR CALCULATION

(E) BUILDING AREA - NO CHANGE
(E) BUILDING 15,606 SQ.FT.
LOT COVERAGE 15,606 / 47,552 = 32.8%

PROPERTY SETBACKS

SETBACK:	REQUIRED:	PROPOSED:
FRONT	N/A	N/A
WEST SIDE	NONE	25'-6"
EAST SIDE	NONE	20'-4"
REAR	NONE	12'-7"
MAX. HEIGHT	-	18'-0"

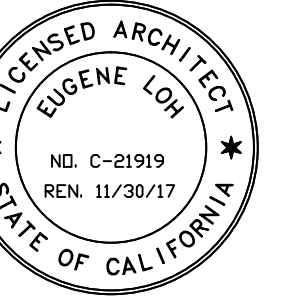
CODE & REGULATION

ALL WORK TO COMPLY WITH THE 2013 C.B.C., C.M.C., C.P.C. & 2010 C.E.C., CALIFORNIA TITLE 24 AMENDMENTS, AND CITY OF HAYWARD
BUILDING CODE USED PERFORM THE WORK ACCORDING TO THE BUILDING CODES, ORDINANCES AND LAWS OF THE AUTHORITY HAVING JURISDICTION OF THE PROJECT WHICH INCLUDE BUT ARE NOT LIMITED TO:
A. 2013 CALIFORNIA BUILDING CODE
B. 2013 CALIFORNIA RESIDENTIAL CODE
C. 2013 CALIFORNIA MECHANICAL CODE
D. 2013 CALIFORNIA PLUMBING CODE
E. 2013 CALIFORNIA ELECTRICAL CODE
F. 2013 CALIFORNIA FIRE CODE
G. 2013 CALIFORNIA GREEN BUILDING STANDARD CODE
H. CITY OF HAYWARD MUNICIPAL CODE

OTHER PLAN NOTES

SHEET INDEX

A-1.0 SITE PLAN / PROJECT DATA
A-2.0 (N) CANOPY PLAN
A-3.0 CANOPY ELEVATIONS



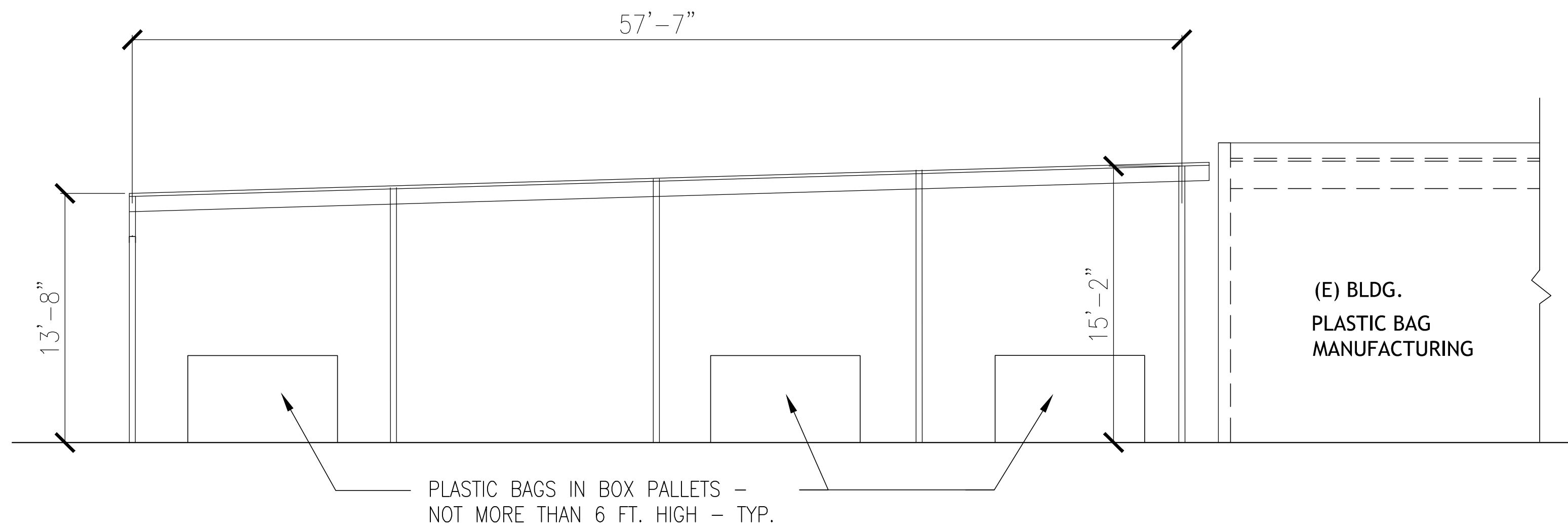
NEW REAR CANOPY
3202 DIABLO AVENUE,
HAYWARD, CA 94545

REVISION	DATE	DESCRIPTION
06.27.17	COND. USE SUBMITL	
08.07.17	REV. #1	
10.02.17	REV. #2	

PROJECT NO. 1607 DATE 10.02.17

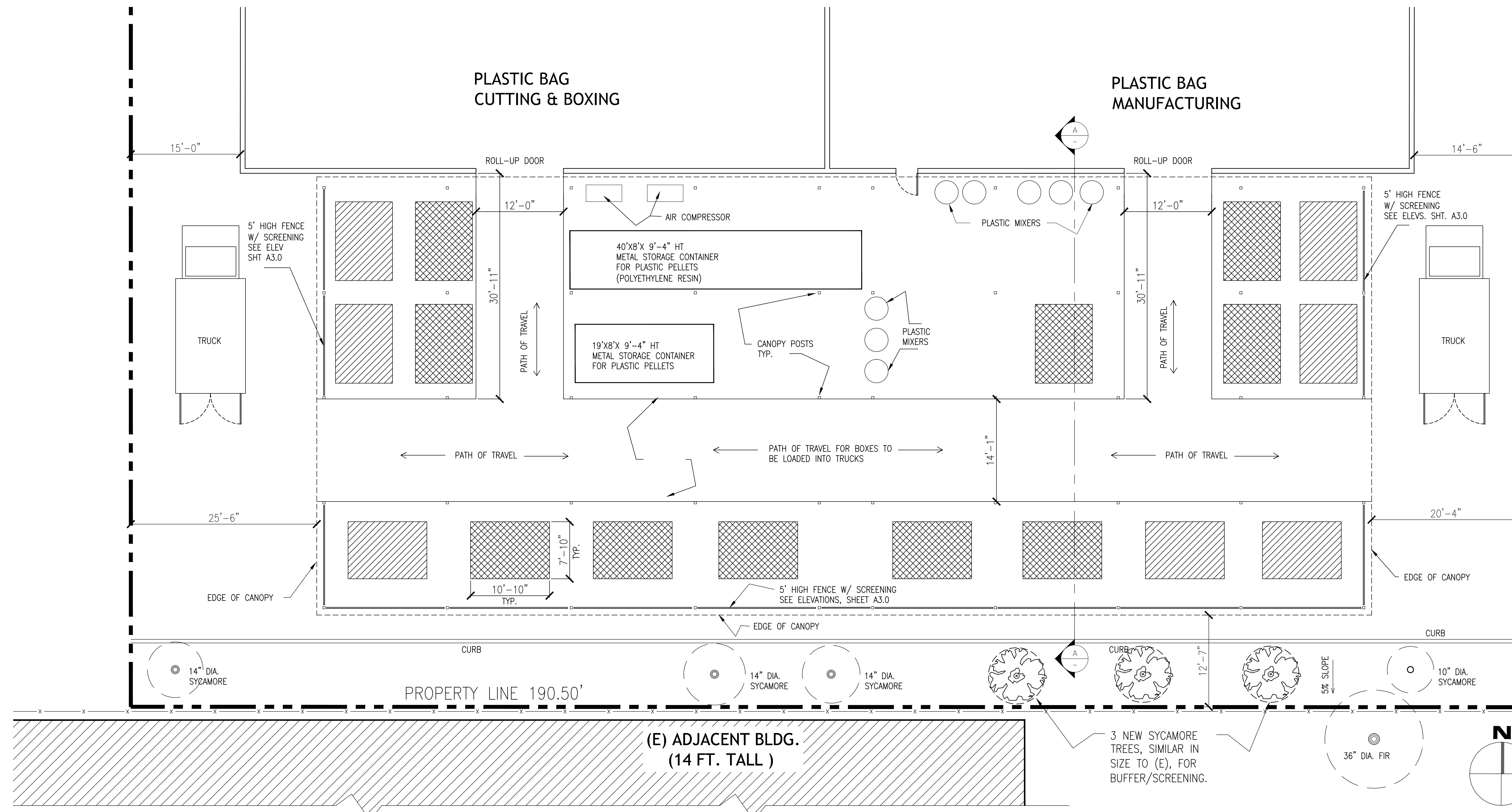
PROPOSED
CANOPY PLAN
& SECTION

A2.0



SECTION A-A

SCALE: 3/16" = 1'-0"

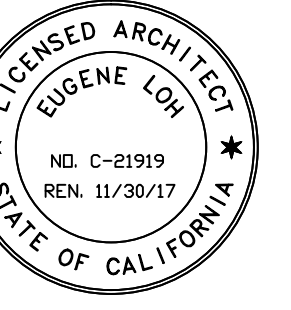


PROPOSED CANOPY PLAN

SCALE: 1/8" = 1'-0"

LEGEND

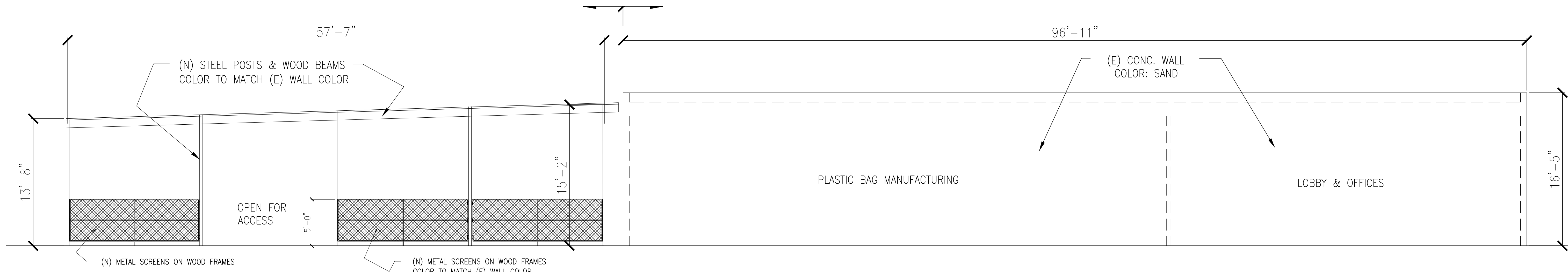
- BOXES CONTAINING PLASTIC BAGS
- NEW BOXES FOR PLASTIC BAGS



REVISION	COND. USE SUBMITL
06.27.17	COND. USE SUBMITL
08.07.17	REV. #1
10.02.17	REV. #2

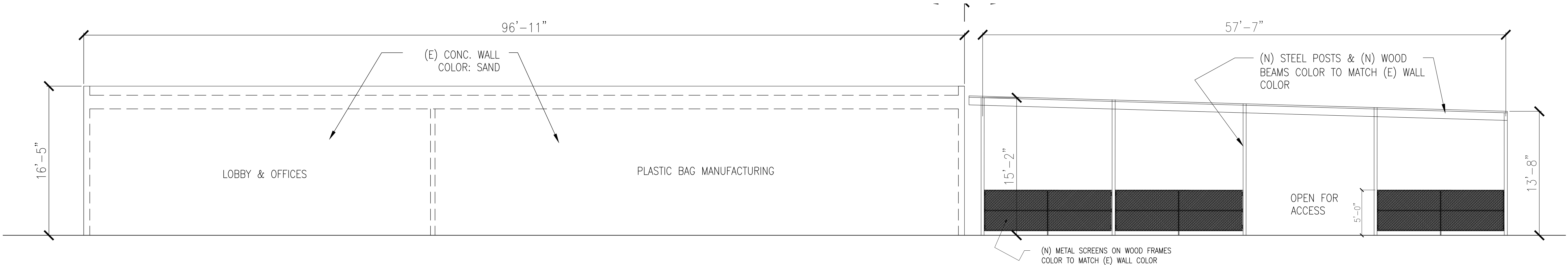
PROJECT NO. 1607 DATE 10.02.17

EXTERIOR
ELEVATIONS



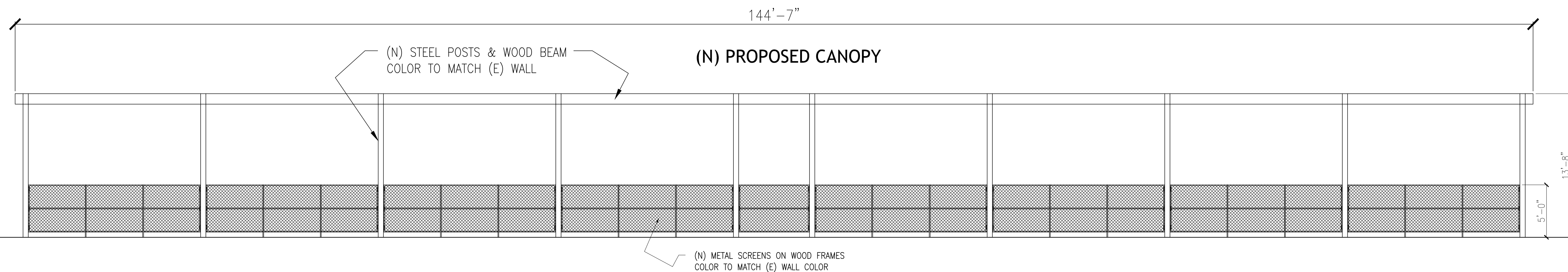
EAST ELEVATION

SCALE: 3/16" = 1'-0"



WEST ELEVATION

SCALE: 3/16" = 1'-0"



SOUTH ELEVATION

SCALE: 3/16" = 1'-0"



CITY OF HAYWARD

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

File #: PH 17-104

DATE: December 14, 2017

TO: Planning Commission

FROM: Planning Manager

SUBJECT

Proposed Zoning Text Amendment to Chapter 10, Article 1 (Zoning Ordinance) to amend the height limit for the AT, Air Terminal District; Application No. 201706359. The proposed amendment would impact all AT District properties (AT-Commercial, AT-Aviation Commercial, AT-Operations, AT-Recreational, and AT-Industrial Park) located within the boundaries of the Hayward Executive Airport; Application No. 201706359; City of Hayward (Applicant/Owner).

RECOMMENDATION

That the Planning Commission recommends that the City Council adopts the proposed zoning text amendments to applicable Airport Terminal (AT) District height regulations for parcels located within the boundaries of the Hayward Executive Airport Property.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Findings
Attachment III	Proposed Zoning Text Amendments
Attachment IV	Airport Boundary and Zoning Map
Attachment V	Airport Structures Height Study



SUBJECT

A proposed Zoning Text Amendment to Chapter 10, Article 1 (Zoning Ordinance) to amend the height limit for the AT, Air Terminal District; Application No. 201706359. The proposed amendment would impact all AT District properties (AT-Commercial, AT-Aviation Commercial, AT-Operations, AT-Recreational, and AT-Industrial Park) located within the boundaries of the Hayward Executive Airport. Application No. 201706359; City of Hayward (Applicant/Owner).

RECOMMENDATION

That the Planning Commission recommends that the City Council adopts the proposed zoning text amendments to applicable Airport Terminal (AT) District height regulations for parcels located within the boundaries of the Hayward Executive Airport Property.

SUMMARY

This is a City-initiated request to amend the AT District regulations to allow for an increase in height for properties located within the boundaries of the Hayward Executive Airport with special findings that the increased height will not pose a safety hazard pursuant to Federal Aviation Administration (FAA) review and approval, and if staff finds that the proposed increase in height will result in a better site layout for future projects, or additional amenities that would not be achievable under current zoning regulations.

BACKGROUND

Hayward Executive Airport was constructed in 1941 by the U.S. Army for military use during World War II. In 1947, the federal government declared the Hayward Army Airfield surplus and conveyed the airport to the City of Hayward. In the following decades, the federal government conveyed additional airport lands to the City, all of which fall within the boundaries of the Hayward Executive Airport (Attachment III).

On June 27, 2017, the City Council adopted Resolution No. 17-102 and introduced Ordinance No. 17-10, establishing a new Airport Overlay Zone Ordinance (Hayward Municipal Code (HMC) Chapter 10, Article 6). The Ordinance ensured that all land uses and development within the Airport Overlay Zone, surrounding the Hayward Executive Airport, are compatible with the existing and future airport operations.

On October 12, 2017, the Council Airport Committee (CAC) considered proposals for two hotels on City-owned Airport properties and recommended that staff encourage high quality design, full-service restaurants and other on-site amenities.

On November 14, 2017, the City Council adopted Resolution No. 17-168, authorizing the City Manager to negotiate and execute land leases with two hotel developers for three parcels located on Airport property. It is anticipated that the hotels will submit development applications in early 2018, pending approval of these amendments.

Public Outreach: On December 1, 2017, notice of this public hearing was published in The Daily Review and mailed to approximately 1,600 residents, businesses and property owners within 300 feet of the Airport property.

PROJECT DESCRIPTION

Existing Conditions: The Hayward Executive Airport property is composed of about 470 acres on 14 separate parcels. Airport operations and support services occur on the four largest parcels totaling about 442 acres at the core of the Airport property with a mix of other uses located within the Airport boundaries. The Skywest Golf Course and Kennedy Park are located along the northern Airport boundary, Fire Station No. 6 and Fire Training Center and industrial uses are located along the southern Airport boundary, and various commercial uses are located on parcels (approximately 28 acres) between Skywest Drive and Hesperian Boulevard along the eastern Airport boundary. Commercial uses within the boundaries of the Airport include La Quinta Hotel, Home Depot, Smart and Final Grocery Store and several multi-tenant office and commercial buildings built between the mid-1970s and late 2000s.

The Airport property is surrounded by industrial uses to the south and west, commercial and residential uses to the north, east and south.

Proposed Project: The proposed text amendments to the City's Zoning Ordinance consist of revisions to the maximum allowable height in the Air Terminal (AT) District (Attachment III).

The AT District (HMC Section 10-1.1900 et. seq.) is divided into six sub-districts (Operations, Industrial Park, Aviation Commercial, Commercial, Recreational, and Medium Density Residential). The proposed project would amend the development and performance standards within the AT-Operations, AT-Industrial Park, AT-Aviation Commercial, AT-Commercial and AT-Recreational sub-districts to allow for an increase in building height over the current maximum 40 feet, based on specific findings that the proposed structure will not pose a hazard based on FAA review; and that the increased building height is necessary to achieve a more beneficial site layout with increased landscaping, enhanced architecture (e.g. varied rooflines, enhanced entrances, raised ceiling heights), and on-site amenities that could not be achieved under current zoning standards.

Future development proposals will be evaluated through the existing discretionary Site Plan Review or Administrative/Conditional Use Permit processes, as applicable. The applicant would be required to submit a request for increased height as part of their development

proposal and the additional special findings would be evaluated based on the specific project proposal, potential site constraints and other surrounding circumstances.

The proposed text amendments would also include removal of HMC Section 10-1.2730(a), which references airport height regulations that are already covered within the AT District standards and within HMC Chapter 10, Article 6, Airport Overlay Zone.

Sustainability Features: While, the proposed text amendments would modify the language of the Hayward Municipal Code, future development projects would be reviewed for conformance with State and local requirements and policies related to sustainability.

POLICY CONTEXT AND CODE COMPLIANCE

Hayward 2040 General Plan: The Hayward Executive Airport is covered by various General Plan land use designations that reflect the underlying uses. The core of the airport property which is utilized for airport operations is designated Public and Quasi-Public; a small portion of Airport property along the southern boundary is designated Industrial Corridor; and, the commercial strip along the eastern property boundary between Skywest Drive and Hesperian Boulevard is designated Retail and Office Commercial.

The proposed text amendment would not conflict with the underlying General Plan descriptions or development standards. Rather, flexibility in height with special findings is supported by the following General Plan policies related to implementing flexible land use regulations (Policy LU-5.2), and offering incentives for amenity-rich new development (Policy ED-6.7).

Airport Overlay Zone: Pursuant to HMC Section 10-6.20(i), the Airport Overlay Zone covers a clearly defined area around the Hayward Executive Airport but is not applicable to property located within the boundaries of the City-owned Hayward Executive Airport. The proposed text amendments would only apply to property located within the boundaries of the Hayward Executive Airport and would therefore not conflict with the recently adopted Airport Overlay Ordinance.

Hayward Executive Airport Master Plan/Airport Layout Plan: The Hayward Executive Airport Master Plan was adopted in 2002. The Master Plan was comprehensively updated with the adoption of the Hayward Executive Airport Layout Plan Update adopted in January 2011, and subsequently amended in April 2015. The Plans set forth an inventory of Airport properties, aviation demand forecasts and requirements, development alternatives and a financing plan for long term maintenance of the Airport property. The proposed text amendments to the AT District development standards would not conflict with the information provided in the Airport Master Plan in that all proposed development must be reviewed and approved by the FAA prior to City-approval.

Strategic Initiatives: This item involves a zoning text amendment that does not specifically related to any of the Council's Strategic Initiatives. Rather, individual projects subject to the

proposed regulations will be evaluated for consistency with the Council's Strategic Initiatives on a case-by-case basis.

STAFF ANALYSIS

Staff believes that the Commission can make the findings (Attachment II) to support the City-initiated text amendment to allow flexibility in building height provided that the increase in height will not result in a safety issue for airport operations and if the increase in height results in a more beneficial or amenity-rich site plan or building than can be achieved under current zoning.

One of the special findings proposed to allow an increase in height would be review and approval by the FAA to ensure that any increase in height would not result in a safety issue at the Airport. This is a standard practice for all structures proposed within a 20,000-foot radius of airports throughout the United States. The FAA considers whether a proposed structure penetrates the protected (Federal Aviation Regulations Part 77) airspace established around the airport, if it will interfere with electronic navigational aids, among other factors. Per the recommended findings, any potential developer would be required to submit notice to the FAA in advance of Site Plan Review or Use Permit review and approval, to ensure that the proposed development would not pose a safety hazard prior to planning approval of the height increase.

There is a precedent for construction of higher structures within the boundaries and vicinity of the Airport. A comparative height analysis was conducted for parcels on airport property and in the immediate vicinity (Attachment V). While most of the structures were found to be single story and less than 40 feet in height, a commercial food processing building located on Corsair Boulevard is approximately 52 feet in height and the FAA Hayward Air Control Tower is 72 feet in height. Thus, the FAA has found that taller structures may be permitted on a case by case basis.

As proposed, in exchange for the increase in height, a proposed development would be required to provide amenities or architectural enhancements that could not be achieved under the current zoning. Under current zoning standards, a building envelope is prescribed by setbacks, maximum height, maximum floor area ratio (the ratio of the building square footage to the site acreage), and lot coverage. In addition, a proposed development site must accommodate parking requirements, circulation, trash enclosures, stormwater capture and treatment, and landscaping, among others. In discussions with Economic Development and Airport staff who are actively marketing airport properties for commercial uses, developers have indicated that flexibility in height would allow them to more effectively combine uses with their various regulatory requirements, amenities, and enhanced architecture with higher ground floor entrances and varied roof pitches on a single site.

Staff believes that an increase in height would not negatively impact the area in that the scale of the Airport property could easily accommodate larger and taller buildings. Further, the Airport property is separated from nearby residential uses by Hesperian Boulevard which is approximately 120 feet in width. Through the Site Plan Review process, staff would ensure

that all proposed development would be sensitive to surrounding uses and structures and step back from more sensitive land uses.

ENVIRONMENTAL REVIEW

The proposed project is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3), as an activity that is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed project includes zoning text amendments to allow for an increase in building height within the boundaries of the Hayward Executive Airport provided that the FAA reviews and approves the proposed height increase and if the proposed increase in height will result in a better site layout, or additional amenities that would not be achievable under current zoning regulations. Future development projects would be evaluated on a case-by-case basis for environmental impacts pursuant to CEQA.

NEXT STEPS

Staff will incorporate input from the Planning Commission and forward the Commission's recommendation to the City Council for a public hearing tentatively scheduled for January 16, 2018.

Prepared by: Leigha Schmidt, Senior Planner

Recommended by: Sara Buizer, AICP, Planning Manager

Approved by:



Sara Buizer, AICP, Planning Manager



Stacey Bristow, Development Services Director

Airport Terminal (AT) District Height Regulations
Zoning Text Amendment and CEQA Findings for Approval
Application No. 201706359

California Environmental Quality Act

1. The proposed project is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3), as an activity that is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed project includes zoning text amendments to allow for an increase in building height within the boundaries of the Hayward Executive Airport provided that the FAA reviews and approves the proposed height increase, and if the proposed increase in height will result in a better site layout, or additional amenities that would not be achievable under current zoning regulations. Future development projects would be evaluated on a case-by-case basis for environmental impacts pursuant to CEQA.

Zoning Text Amendment

Pursuant to Hayward Municipal Code (HMC) Section 10-1.3425(b), the Planning Commission may recommend approval of or deny a text amendment to the City Council. Recommendations of approval shall be based upon the following findings:

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

The proposed zoning text amendments would allow for an increase in height for new development on properties located within the boundaries of the Hayward Executive Airport. The increase in height would be subject to special findings that it would not pose a safety concern based on the FAA's review and approval of the development, and that the increase in height would result in a more beneficial site layout. Flexibility in height would allow developers to combine uses on a single site, provide amenities such as increased landscaping, and offer enhance architecture with higher ground floor entrances, higher internal ceilings and varied roof pitches that might not otherwise be achievable under current zoning standards. Such site and building enhancements would promote higher quality development and a variety of uses and amenities that would promote the general welfare of the residents, employees and visitors to Hayward. Further, the Airport property is hundreds of acres in size and separated from nearby neighborhoods with wide roadways and tree-lined medians. The site can accommodate taller structures without disrupting the scale and pattern of development in the surrounding area.

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

The proposed text amendments would not conflict with the underlying General Plan designation purposes, allowable uses, or development standards. The proposed text amendments are consistent with the following Land Use and Economic Development General Plan Policies to provide flexibility in development standards and to offer incentives for amenity rich development that would not be achievable under current zoning regulations:

- Policy LU-5.2, Flexible Land Use Regulations. To maintain flexible land use regulations that allow the establishment of economically productive uses in regional and community centers.
 - Policy ED-6.7, Business Incentives. To provide incentives to attract, expand, and retain businesses that offer high quality jobs, generate local sales tax revenue, and/or provide needed goods or services to residents.
4. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified.

No properties are proposed to be reclassified. Rather, the proposed text amendments would allow for an increase in building height provided that the FAA reviews and approves the proposed height increase and if the proposed increase in height will result in a better site layout, or additional amenities that would not be achievable under current zoning regulations

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

No properties are proposed to be reclassified. The proposed text amendments would allow property owners to install perimeter fences around vacant properties in order to secure and protect the properties. Fence design and performance standards will ensure that the fences are aesthetically pleasing and contribute to a positive image of the City until such time as the properties are ready for development.

SEC. 10-1.1900 - AIR TERMINAL DISTRICT (AT)**SEC. 10-1.1905 - PURPOSE.**

The purpose of the Air Terminal (AT) District is to provide the City with a unique special area occupied primarily by commercial, industrial, and public uses that are aviation-oriented. Additional high performance industrial and commercial facilities are to be encouraged provided they are not of a nature that might be hazardous to the Airport's operation.

SEC. 10-1.1910 - SUBDISTRICTS.

To encourage a functional and compatible association of uses in identifiable areas, this District is divided into the following subdistricts:

- a. Air Terminal—Operations (AT-O).
- b. Air Terminal—Industrial Park (AT-IP).
- c. Air Terminal—Aviation Commercial (AT-AC).
- d. Air Terminal—Commercial (AT-C).
- e. Air Terminal—Recreational (AT-R).
- f. Air Terminal—Medium Density Residential (AT-RM).

SEC. 10-1.1920 - AIR TERMINAL—OPERATIONS SUBDISTRICT (AT-O)**SEC. 10-1.1921 - AT-O PURPOSE.**

The purpose of the AT-O Subdistrict is to provide facilities for aviation operations. These shall include, but not be limited to, runways, taxi-ways, ramps, and required clearances.

SEC. 10-1.1922 - AT-O USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-O Subdistrict, as primary uses.
 - (1) Aviation operations and facilities.
 - (2) Military facilities.
 - (3) Aircraft tie-downs.
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-O District:
 - (1) Accessory buildings and uses. (See Sec. 10-1.1985)
 - (2) Minor open storage. (See Sec. 10-1.1985)

SEC. 10-1.1923 - AT-O CONDITIONALLY PERMITTED USES.

None.

SEC. 10-1.1924 - AT-O LOT REQUIREMENTS.

- a. Minimum Lot Size: 10,000 square feet.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 70 feet.
- d. Maximum Lot Coverage: No limit.
- e. Minimum Lot Depth: None.
- f. Special Lot Requirements and Exceptions: See Section 10-1.2720.

SEC. 10-1.1925 - AT-O YARD REQUIREMENTS.

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Street Yard: 10 feet.

- c. Minimum Side Yard: None.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision:
 - (1) 20 feet where abutting an A, C, MH, OS, R, or residential PD zoning district.
 - (2) Greater setbacks where required by the Uniform Building Code as adopted by the City.
- f. Special Yard Requirements and Exceptions: See Section 10-1.2725.

SEC. 10-1.1926 - AT-O HEIGHT LIMIT.

- a. Maximum Height Permitted: 40 feet, except as provided in sub-section c. below and as set forth in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code, as now in effect or may hereafter amended or replaced.
- b. Maximum Height for Fences/Hedges/Walls:
 - (1) Front and Side Street Yard: 4 feet.
 - (2) Side and Rear Yard: No Limit.
 (Also see Section 10-1.1985 for additional standards)
- c. Height Exception and Special Findings for property located within the boundaries of the Hayward Executive Airport: See Section 10-1.1985(o). ~~Special Height Requirements and Exceptions: See Section 10-1.2730.~~

SEC. 10-1.1930 - AIR TERMINAL—INDUSTRIAL PARK SUBDISTRICT (AT-IP)

SEC. 10-1.1931 - AT-IP PURPOSE.

The purpose of the AT-IP Subdistrict is to provide for and encourage the development of industrial uses in areas suitable for same and to promote a desirable and attractive working environment with a minimum of detriment to surrounding properties and uses.

SEC. 10-1.1932 - AT-IP USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-IP District, as primary uses.
 - (1) Industrial Uses.
 - (a) Newspaper printing facility.
 - (b) Publishing facility. (Publishing and distribution of books and magazines.)
 - (c) Research and development facility.
 - (d) Research laboratory.
 - (e) Warehouse.
 - (f) Wholesale establishment.
 - (g) Hazardous materials use and storage subject to the following limitations:
 - (i) Production, storage, and/or handling, utilizing Group B hazardous materials less than 5,000 pounds of solids, 550 gallons of liquids, or 2,000 cubic feet of gases at standard temperatures and pressures.
 - (ii) Production, storage, and/or handling, utilizing Group C hazardous materials less than 50,000 pounds of solids, 5,500 gallons of liquids, or 20,000 cubic feet of gases at standard temperatures and pressures.
 - (h) Manufacturing
 - (2) Administrative and Professional Offices/Services.
 - (a) Architectural, drafting and engineering offices.
 - (b) Banks and financial institutions.
 - (c) Interior design studio.
 - (d) Medical/dental laboratory.

- (e) Offices.
- (3) Automobile Related Uses.
Parking lot. (Requires Site Plan Review.)
- (4) Personal Services.
None.
- (5) Residential Uses.
None.
- (6) Retail Commercial Uses.
Retail sales. (Sale at retail of goods and merchandise distributed on-site, where the cumulative floor area of the retail activity does not exceed 10 percent of the first floor area of the industrial building. Sale is of new commodities only, not used goods. Includes weekend sales of new commodities year-round.)
- (7) Service Commercial Uses.
 - (a) Reverse vending machines(s). (When located within a convenience zone.)
 - (b) Copying or reproduction facility.
 - (c) Mailing or facsimile service.
- (8) Other Uses.
 - (a) Ambulance service.
 - (b) Broadcasting studio. (Radio and television.)
 - (c) Christmas tree and pumpkin patch lots.(See Section 10-1.2735.c.)
 - (d) Public agency facilities.
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-IP District:
 - (1) Accessory buildings and uses. (See Sec. 10-1.1985.a-c.)
 - (2) Minor open storage. (See Sec. 10-1.1985.r.)

SEC. 10-1.1933 - AT-IP CONDITIONALLY PERMITTED USES.

- a. Administrative Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-IP Subdistrict subject to approval of an administrative use permit:
 - (1) Industrial Uses.
 - (a) Truck rental.
 - (b) Hazardous materials use and storage subject to the following limitations:
 - (i) Production, storage, and/or handling, utilizing Group B hazardous materials which exceed the following thresholds: 5,000 pounds of solids, 550 gallons of liquids, or 2,000 cubic feet of gases at standard temperatures and pressures.
 - (ii) Production, storage, and/or handling, utilizing Group C hazardous materials which exceed the following thresholds: 50,000 pounds of solids, 5,500 gallons of liquids, or 20,000 cubic feet of gases at standard temperatures and pressures.
 - (2) Administrative and Professional Offices/Services.
None.

(3) Automobile Related Uses.
None.

(4) Personal Services.
None.

(5) Residential Uses.
None.

(6) Retail Commercial Uses.
Restaurant/delicatessen. (No drive-through)

(7) Service Commercial Uses.
None.

(8) Other Uses.
Temporary use.

b. Conditional Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-IP Subdistrict subject to approval of a conditional use permit:

(1) Industrial Uses.

(a) Any AT-IP Use(s) located on a parcel(s) which abuts an A, MH, OS, R, or residential PD zoning district.

(b) Hazardous materials use and storage subject to the following limitations: Production, storage, handling, or similar activities utilizing any amount of hazardous materials classified as Group A hazardous materials by the Fire Chief or his or her designee.

(2) Administrative and Professional Offices/Services.
None.

(3) Automobile Related Uses.
None.

(4) Personal Services.
None.

(5) Residential Uses.
None.

(6) Retail Commercial Uses.
Bar, cocktail lounge. (See Sec. 10-1.2750 et seq. for regulations of alcohol)

(7) Service Commercial Uses.
None.

(8) Other Uses.
None.

SEC. 10-1.1934 - AT-IP LOT REQUIREMENTS.

a. Minimum Lot Size: 10,000 square feet.

- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 70 feet.
- d. Maximum Lot Coverage: 60 percent.
- e. Minimum Lot Depth: None.
- f. Special Lot Requirements and Exceptions: See Section 10-1.2720.

SEC. 10-1.1935 - AT-IP YARD REQUIREMENTS.

- a. Minimum Front Yard: 25 feet.
- b. Minimum Side Yard: 30 feet total both sides, 5 feet minimum one side, none where site abuts railroad spur.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision:
 - (1) 20 feet where abutting an A, C, MH, OS, R, or residential PD zoning district.
 - (2) Greater setbacks where required by the Uniform Building Code as adopted by the City.
- f. Special Yard Requirements and Exceptions: See Section 10-1.2725.

SEC. 10-1.1936 - AT-IP HEIGHT LIMIT.

- a. Maximum Building Height: 40 feet, except as provided in sub-section c. below and as set forth in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code, as now in effect or may hereafter amended or replaced.
- b. Maximum Height for Fences/Hedges/Walls:
 - (1) Front and Side Street Yard: 4 feet.
 - (2) Side and Rear Yard: No Limit.

(Also see Section 10-1.1985m. for additional standards)
- c. Height Exception and Special Findings for property located within the boundaries of the Hayward Executive Airport: See Section 10-1.1985(o). ~~Special Height Requirements and Exceptions: See Section 10-1.2730.~~

SEC. 10-1.1940 - AIR TERMINAL—AVIATION COMMERCIAL SUBDISTRICT (AT-AC)

SEC. 10-1.1941 - AT-AC PURPOSE.

The purpose of the AT-AC Subdistrict is to provide for commercial and service activities that are clearly related to or supportive of the operational aspects of the Air Terminal.

SEC. 10-1.1942 - AT-AC USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-AC District, as primary uses.
 - (1) Aviation Commercial Uses.
 - (a) Air photography, survey, and map-making services.
 - (b) Air charter service.
 - (c) Aircraft repair.
 - (d) Aircraft storage (inside or outside).
 - (e) Aviation clubs.
 - (f) Aviation schools.
 - (g) Passenger transportation terminal.
 - (h) Retail sales within passenger transportation terminals.
 - (i) Retail sales of aviation equipment, aircraft, fuel and lubricants.
 - (2) Administrative and Professional Offices/Services.

None.

(3) Automobile Related Uses.
Parking lot.

(4) Personal Services.
None.

(5) Residential Uses.
None.

(6) Retail Commercial Uses.
None.

(7) Service Commercial Uses.
None.

(8) Other Uses.
None.

b. Secondary Uses. The following uses are permitted as secondary or subordinate to the uses permitted in the AT-AC Subdistrict:

(1) Accessory building and use.

(2) Minor open storage.

SEC. 10-1.1943 - AT-AC CONDITIONALLY PERMITTED USES.

a. Administrative Uses. The following uses or uses determined to be similar by the Planning Director, are permitted in the AT-AC Subdistrict, subject to approval of an administrative use permit:

(1) Aviation Commercial Uses.
None.

(2) Administrative and Professional Offices/Services.
None.

(3) Automobile Related Uses.
Automobile rental.

(4) Personal Services.
None.

(5) Residential Uses.
None.

(6) Retail Commercial Uses.
Restaurant. (No drive-through.)

(7) Service Commercial Uses.
None.

(8) Other Uses.

None.

- b. Conditional Uses. The following uses or uses determined to be similar by the Planning Director, are permitted in the AT-AC Subdistrict, subject to approval of a conditional use permit:

(1) Aviation Commercial Uses.

None.

(2) Administrative and Professional Offices/Services.

None.

(3) Automobile Related Uses.

None.

(4) Personal Services.

None.

(5) Residential Uses.

None.

(6) Retail Commercial Uses.

Sales, rental, and service of non-aviation equipment, when compatible with aviation uses, for a period not to exceed one day less than five years in maximum duration. Non-aviation uses are limited to no more than 25 percent of the land area in leaseholds within the AT-AC Subdistrict.

(7) Service Commercial Uses.

None.

(8) Other Uses.

Major outdoor storage.

SEC. 10-1.1944 - AT-AC LOT REQUIREMENTS.

- a. Minimum Lot Size: 50,000 square feet, except that 200,000 square feet shall be required for lots on which fueling activity occurs.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 70 feet.
- d. Maximum Lot Coverage: 30 percent, except 5 percent minimum, but never less than 5,000 square feet.
- e. Special Lot Requirements and Exceptions: See Section 10-1.2720.

SEC. 10-1.1945 - AT-AC YARD REQUIREMENTS.

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Yard: 30 feet total both sides, 5 feet minimum one side, none where site abuts railroad spur.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision:

- (1) 20 feet where abutting an A, C, MH, OS, R, or residential PD zoning district.
- (2) Greater setbacks where required by the Uniform Building Code as adopted by the City.
- f. Special Yard Requirements and Exceptions: See Section 10-1.2725.

SEC. 10-1.1946 - AT-AC HEIGHT LIMIT.

- a. Maximum Building Height: 40 feet, except as provided in sub-section c. below and as set forth in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code, as now in effect or may hereafter amended or replaced.
- b. Maximum Height for Fences/Hedges/Walls:
 - (1) Front and Side Street Yard: 4 feet.
 - (2) Side and Rear Yard: No Limit.

(Also see Section 10-1.1985.m. for additional standards)
- c. Height Exception and Special Findings for property located within the boundaries of the Hayward Executive Airport: See Section 10-1.1985(o). ~~Special Height Requirements and Exceptions: See General Regulations Section 10-1.2730.~~

SEC. 10-1.1950 - AIR TERMINAL—COMMERCIAL SUBDISTRICT (AT-C)

SEC. 10-1.1951 - AT-C PURPOSE.

The purpose of the AT-C Subdistrict is to provide for certain specified commercial and service uses that are compatible with airport activity, in addition to simultaneously serving the general population of the City.

SEC. 10-1.1952 - AT-C USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-C District, as primary uses.
 - (1) Administrative and Professional Offices/Services.
 - (a) Accounting and financial offices. (excluding check cashing stores)
 - (b) Architectural and engineering offices.
 - (c) Banks and financial institutions.
 - (d) Chiropractic and acupuncture offices.
 - (e) Insurance and real estate offices.
 - (f) Law offices.
 - (g) Medical and dental offices.
 - (h) Travel and airline agency offices.
 - (2) Automobile Related Uses.
 - Parking lot. (Requires Site Plan Review.)
 - (3) Personal Services.
 - Health club.
 - (4) Residential Uses.
 - None.
 - (5) Retail Commercial Uses.
 - (a) Bakery.
 - (b) Coffee/espresso shop.
 - (c) Restaurant or delicatessen. (No drive-through.)
 - (d) Retail sales within a hotel or motel.

(6) Service Commercial Uses.

- (a) Copying or reproduction facility.
- (b) Hotel or motel.
- (c) Mailing or facsimile service.
- (d) Reverse vending machines(s). (When located within a convenience zone.)

(7) Other Uses.

- (a) Broadcasting studio. (Radio and television.)
- (b) Christmas tree or pumpkin patch lot. (See Section 10-1.2735.c. for standards.)
- (c) Computer center. (Involving record storage and retrieval systems, data processing and micro filming)
- (d) Electronics assembly.
- (e) Public agency facilities.
- (f) Research and development facility.
- (g) Research laboratory.
- (h) Wholesale sales.

b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-C Subdistrict:

- (1) Accessory buildings and uses. (See Sec. 10-1.1985.a-c.)
- (2) Minor open storage. (See Sec. 10-1.1985.r.)

SEC. 10-1.1953 - AT-C CONDITIONALLY PERMITTED USES.

a. Administrative Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-C Subdistrict, subject to approval of an administrative use permit:

- (1) Administrative and Professional Offices/Services.
None.

- (2) Automobile Related Uses.
Automobile Rental.

- (3) Personal Services.
None.

- (4) Residential Uses.
None.

(5) Retail Commercial Uses.

Retail sales of retail goods with a regional or sub-regional marketing base, including but not limited to discount retail or warehouse retail, on land not to exceed 8 acres which is visible to Hesperian Boulevard.

- (a) Apparel.
- (b) Appliances.
- (c) Art goods.
- (d) Bicycles.
- (e) Cameras.
- (f) Crafts.

- (g) Electronics.
- (h) Hardware.
- (i) Household furnishings.
- (j) Office supplies.
- (k) Sporting goods
- (l) Similar uses as determined by the Planning Director.

(6) Service Commercial Uses.
None.

(7) Other Uses.

- (a) Vocational educational facility. (For persons 18 years of age and older)
- (b) Health club. (For persons 18 years of age and older)
- (c) Temporary use.

b. Conditional Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-C Subdistrict, subject to approval of a conditional use permit:
None.

SEC. 10-1.1954 - AT-C LOT REQUIREMENTS.

- a. Minimum Lot Size: 10,000 square feet.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 70 feet.
- d. Maximum Lot Coverage: 60 percent.
- e. Minimum Lot Depth: 100 feet.
- f. Special Lot Requirements and Exceptions: See Section 10-1.2720.

SEC. 10-1.1955 - AT-C YARD REQUIREMENTS.

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Yard: None.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision:
 - (1) 20 feet where abutting an A, C, MH, OS, R, or residential PD zoning district.
 - (2) Greater setbacks where required by the Uniform Building Code as adopted by the City.
- f. Special Yard Requirements and Exceptions: See Section 10-1.2725.

SEC. 10-1.1956 - AT-C HEIGHT LIMIT.

- a. Maximum Building Height: 40 feet, except as provided in sub-section c. below and as set forth in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code, as now in effect or may hereafter amended or replaced.
- b. Maximum Height for Fences/Hedges/Walls:
 - (1) Front and Side Street Yard: 4 feet.
 - (2) Side and Rear Yard: No Limit.

(Also see Section 10-1.1985.m. for additional standards)
- c. Height Exception and Special Findings for property located within the boundaries of the Hayward Executive Airport: See Section 10-1.1985(o). ~~Special Height Requirements and Exceptions: See General Regulations Section 10-1.2730.~~

SEC. 10-1.1960 - AIR TERMINAL—RECREATIONAL SUBDISTRICT (AT-R)

SEC. 10-1.1961 - AT-R PURPOSE.

The purpose of the AT-R Subdistrict is to provide for outdoor recreational activities that are compatible with airport activity.

SEC. 10-1.1962 - AT-R USES PERMITTED.

a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-R District, as primary uses.

(1) Recreational Uses.

- (a) Golf course.
- (b) Health club.
- (c) Recreational facilities. (Maintained by a public agency)
- (d) Tennis and swim clubs.

(2) Administrative and Professional Offices/Services.

None.

(3) Automobile Related Uses.

None.

(4) Personal Services.

None.

(5) Residential Uses.

None.

(6) Retail Commercial Uses.

Retail uses. (Which are within and/or ancillary to a public or private recreational facility, golf course, country club, or a health club)

(7) Service Commercial Uses.

None.

(8) Other Uses.

Christmas tree or pumpkin patch lot. (See General Regulations Sec. 10-1.2735.c for standards)

b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-R Subdistrict:

(1) Accessory building and use. (See Sec. 10-1.1985.a-c)

(2) Minor open storage. (See Sec. 10-1.1985.r)

SEC. 10-1.1963 - AT-R CONDITIONALLY PERMITTED USES.

a. Administrative Uses.

None.

b. Conditional Uses.

Any recreational uses located on a parcel which abuts an A, OS, R, MH, or residential PD zoning district.

SEC. 10-1.1964 - AT-R LOT REQUIREMENTS.

- a. Minimum Lot Size: 10,000 square feet.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 80 feet.
- d. Maximum Coverage Permitted: 60 percent.
- e. Minimum Lot Depth: 100 feet.
- f. Special Lot Requirements and Exceptions: See General Regulations Section 10-1.2720.

SEC. 10-1.1965 - AT-R YARD REQUIREMENTS.

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Street Yard: 10 feet.
- c. Minimum Side Yard: None.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision:
 - (1) 20 feet where abutting an A, OS, R, MH, or residential PD zoning district.
 - (2) Greater setbacks where required by the Uniform Building Code as adopted by the City.
- f. Special Yard Requirements and Exceptions: See General Regulations Section 10-1.2725.

SEC. 10-1.1966 - AT-R HEIGHT LIMIT.

- a. Maximum Building Height: 40 feet, except as provided in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code, as now in effect or may hereafter amended or replaced.
- b. Maximum Height for Fences/Hedges/Walls:
 - (1) Front and Side Street Yard: 4 feet.
 - (2) Side and Rear Yard: No Limit.
 (Also see Section 10-1.1985 for additional standards)
- c. ~~Special Height Requirements and Exceptions: See General Regulations Section 10-1.2730.~~

SEC. 10-1.1970 - AIR TERMINAL—MEDIUM DENSITY RESIDENTIAL SUBDISTRICT (AT-RM)**SEC. 10-1.1971 - AT-RM PURPOSE.**

The purpose of the AT-RM Subdistrict is to provide residential land uses that are compatible with airport activity.

SEC. 10-1.1972 - AT-RM USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-RM District, when not specified as an administrative or conditional use.
 - (1) Residential Uses.
 - (a) Multiple-family dwelling.
 - (b) Single-family dwelling.
 - (c) Group home. (See definitions)
 - (2) Other Uses.
 - (a) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
 - (b) Public agency facilities. (See definitions)
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-RM District:

- (1) Residential Uses.
None.

- (2) Other Uses.
 - (a) Accessory buildings and uses. (See Section 10.1.1985)
 - (b) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
 - (c) Home occupation. (See definitions)
 - (d) Household pets.

SEC. 10-1.1973 - AT-RM CONDITIONALLY PERMITTED USES.

- a. Administrative Uses.
None.
- b. Conditional Uses.
None.

SEC. 10-1.1974 - AT-RM LOT REQUIREMENTS.

- a. Minimum Lot Size: 5,000 square feet.
- b. Minimum Lot Area per Dwelling Unit: 2,500 square feet per multiple-family dwelling unit.
- c. Minimum Lot Frontage: 35 feet.
- d. Minimum Average Lot Width: 50 feet.
- e. Maximum Lot Coverage: 50 percent.
- f. Minimum Lot Depth: 80 feet.
- g. Special Lot Requirements and Exceptions: See General Regulations Section 10-1.2720.

SEC. 10-1.1975 - AT-RM YARD REQUIREMENTS.

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Yard: 5 feet, or 10 percent of the lot width at the building line whichever is greater up to a maximum of 10 feet.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: 20 feet.
- e. Special Yard Requirements and Exceptions: See General Regulations Section 10-1.2725.

SEC. 10-1.1976 - AT-RM HEIGHT LIMIT.

- a. Maximum Building Height: 40 feet, except as provided in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code as now in effect or may hereafter be amended or replaced.
- b. Maximum Accessory Building Height: 14 feet and one story.
- c. Maximum Height for Fences/Hedges/Walls:
 - (1) Front and Side Street Yard: 4 feet.
 - (2) Side and Rear Yard: 6 feet.
 (See Section 10-1.1985.m. for additional standards).
- d. ~~Special Height Requirements and Exceptions: See Sections 10-1.2730.~~

SEC. 10-1.1980 - SITE PLAN REVIEW REQUIRED.

Site Plan Review approval is required prior to issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards and guidelines. This may include fences (i.e., such as anodized gray chain link fences) in certain circumstances.

SEC. 10-1.1985 - MINIMUM DESIGN AND PERFORMANCE STANDARDS.

This Section establishes design and performance standards that shall apply to the construction of aviation, industrial and commercial buildings and uses in the AT District.

Residential Buildings and Uses.

For single-family and multi-family residential buildings and uses, refer to the Minimum Design and Performance Standards contained in the RS and RM District.

Commercial Buildings and Uses.

For commercial buildings and uses, refer to the Minimum Design and Performance Standards contained in the CN District.

Air Terminal and Industrial Buildings and Uses.

For air terminal and industrial buildings and uses refer to the following specific criteria and standards.

a. Accessory Buildings, Detached.

(1) Detached accessory buildings shall meet the following criteria:

(2) Shall not exceed one story.

(3) Shall not be located in a required front yard or side street yard.

(4) Shall be setback a minimum of 20 feet from a side or rear property line where abutting an A, C, FP, MH, OS, R, or residential PD zoning district.

(5) Shall not be located in front of a primary building, unless no other practical alternative exists.

(6) Shall be setback a minimum of 10 feet from a primary building and any other accessory building. Greater setbacks may be necessary where required by the Uniform Building Code as adopted by the City.

b. Accessory Structures, Decorative.

(1) Detached decorative accessory structures, including but not limited to arbors, shade covers, trellises, etc., shall meet the following criteria:

(2) Shall not exceed one story.

(3) Shall use exterior materials and colors which either match or are compatible with the primary building. Special design consideration should be given to structures visible from a public street.

(4) Shall not be located in a required front yard or side street yard.

c. Additions and Accessory Structures Attached to Primary Building. Additions and accessory structures attached to the primary building shall meet all the development standards required of the primary building.**d. Aircraft Parking.** Adequate on-site parking for aircraft shall be provided for tenants, customers, guests, and others as required. Hangar doors shall be set back at least 25 feet from property lines abutting taxiways.**e. Alcoholic Beverage Outlets.** Refer to Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations.

- f. Antennas and Satellite Dishes and Telecommunications Devices. Refer to Chapter 10, Article 13, of the Hayward Municipal Code, the Antenna and Telecommunications Facilities Ordinance, for regulations of antennas, satellite dishes and telecommunications devices.
- g. Architectural Design Principles.
 - (1) Refer to the City of Hayward Design Guidelines where applicable. Where abutting residential zoning districts, all structures shall be designed to:
 - (a) Be appropriate for the proposed use(s);
 - (b) Incorporate design elements that are harmonious and in proportion to one another;
 - (c) Be compatible with the design of adjacent uses; and
 - (d) Incorporate an appropriate use or mixture of color, texture, patterns, shadows, offsets and decorative siding, roofing, window and accent materials such as wood, tinted glass, plaster, tile or masonry.
- h. Architectural Projections into Yards. Architectural features such as bay windows, cornices and eaves may extend 2 feet into any required yard.
- i. Aviation Fuel Storage. Aviation fuel shall be stored in aircraft tanks, in delivery units approved by the Fire Department, or in aviation fuel storage areas reserved for such use as approved by the Fire Department.
- j. Decks and Ramps.
 - (1) Decks and ramps 12 inches or less in height may be located in any yard.
 - (2) Decks and ramps between 12 to 30 inches in height may be located in any rear or side yard but no closer than 3 feet to the rear or side property line.
 - (3) Decks 30 inches or more in height shall conform to the minimum yard setback requirements of the primary building.
 - (4) Landscape screening shall be provided along the sides of the ramp.
- k. Electronic and Radio Interference. No operation shall emit electrical, electronic, or radio emissions which will interfere with, obstruct, or adversely affect the operation of air navigation aids and radio communication.
- l. Fences, Hedges, Walls.
 - (1) Fences shall be installed so as to restrict access to airport operational areas or adjacent residential, industrial or commercial districts or uses as required by the Planning Director. Design and construction of fences and walls shall conform to appropriate commercial, industrial, or residential standards, and the following criteria.
 - (2) Fence, hedges and walls shall not exceed a height of 4 feet in a required front yard, side street yard or rear yard abutting a street.
 - (3) Fences and walls above 6 feet in height shall require approval by the Planning Director and a Building Permit.
 - (4) For fences limited to a maximum of 4 feet in height, the height limit shall not be exceeded at grade measured on either side of the fence. For fences and walls required to be at least 6 feet high or greater, the height shall be no higher than the height required on both sides of the fence or wall.
 - (5) Barb or razor wire or similar security fencing shall not be located less than 6 feet above ground along a common property line of a residential property. Such fencing shall not exceed 3 feet in height and where used shall be angled toward the industrial use.

(6) Where a lot is situated at the intersection of two or more streets, fences, hedges and walls shall not be erected, placed, planted, or allowed to grow in such a manner as to obstruct intersection visibility, as contained in Ordinance No. 100 C.S., as amended, Hayward Traffic Code, Sections 9.01 through 9.05, relating to Obstructions to Visibility at Intersections Prohibited, as the same are now in effect or which may hereafter be amended or replaced.

m. Fire Insurance Rating. No operation shall by its nature increase the fire insurance rating for adjoining or adjacent parcel(s).

n. Grading. All grading activity shall follow the grading and terrain design standards of the City of Hayward Subdivision Ordinance, and Design Guidelines.

o. HEIGHT EXCEPTION AND SPECIAL FINDINGS FOR HAYWARD EXECUTIVE AIRPORT PROPERTY. The approving authority may approve or conditionally approve a request for an increase in height of a structure over 40 feet when the request accompanies a Site Plan Review or Use Permit Application, and the following additional findings are made:

(1) The proposed structure will not constitute a hazard to or result in an unsafe condition for air navigation pursuant to FAA review and approval; and

(2) The increase in height over 40 feet is necessary to achieve a more beneficial site layout or will result in public benefits/amenities that could not be achieved under current zoning standards.

p. ~~o~~. Landscaping.

(1) Landscape Areas.

(a) Required front, side, side street, and rear yard areas shall be landscaped except for permitted driveways, and walkways. All other areas not utilized for structures or paving shall be landscaped unless otherwise authorized by the Planning Director or other approving authority because of site constraints, existing or adjacent site conditions, or phased development.

(b) Parking is prohibited within required front and side street yards. Where no front or side street yards are required:

(i) A landscape strip at least 10 feet wide, unless a wider strip is otherwise required by the approving authority, shall be installed between parking areas and all existing or future street rights-of-way; and

(ii) The area between all buildings and existing or future street rights-of-way shall be landscaped unless waived by the approving authority.

(c) Required landscaped areas shall be planted with water-conserving trees, shrubs, turf grass, ground cover, or a combination thereof. The sole use of bark, decorative paving, or decorative rock shall not be allowed in required landscape areas.

(d) Where any landscaped area adjoins driveways or parking areas, Class B Portland Cement concrete curbs shall be constructed to a height of 6 inches above the finished pavement.

(2) Buffer Trees/Landscaping.

(a) A minimum of one 15-gallon buffer tree shall be planted for every 20 to 40 lineal feet of property line where a required side or rear yard abuts an A, C, FP, MH, OS, R, or residential PD District.

(b) Masonry walls, solid building walls, trash enclosures, and/or fences facing a street or driveway shall be buffered with continuous shrubs or vines.

- (3) Parking Lot Trees/Planters.
- (a) Parking areas shall include a minimum of one 15-gallon parking lot tree for every six parking stalls, except where restricted because of design constraints.
 - (b) Parking lot trees shall be planted in tree wells or landscape medians located within the parking area, unless an alternative location is approved by the Planning Director. Required street and buffer trees shall not qualify as parking lot trees.
 - (c) The minimum dimension of any tree well or landscape median shall be 5 feet, measured from back of curb.
 - (d) The end of parking rows shall be capped with landscape medians, except where space is restricted because of existing site conditions.
 - (e) Parking and loading areas shall be buffered from the street with shrubs, walls, or earth berms, as determined by the Planning Director. Where shrubs are used for buffering, the type and spacing of shrubs shall create a continuous 30-inch-high screen within 2 years.
- (4) Street Trees. Street trees shall be planted along all street frontages at a minimum of one 24-inch or larger box tree per 20 to 40 lineal feet of frontage or fraction thereof, except where space is restricted due to existing structures or site conditions.
- (5) Irrigation. Within all required landscaped areas, an automatic water efficient irrigation system shall be installed upon initial construction of any building or substantial alteration to any building or site.
- (6) Tree Preservation.
- (a) Trees shall be preserved in accordance with the Tree Preservation Ordinance with measures included for tree protection during the construction period.
 - (b) A tree removal permit is required prior to removing any tree 30 inches or larger in trunk circumference (or approximately 10 inches or larger in trunk diameter), measured 2 feet above the ground.
- (7) Maintenance.
- (a) After initial installation, all plantings shall be maintained in a reasonably weed-free and litter-free condition, including replacement where necessary as determined by the Planning Director.
 - (b) Required street, parking lot, and buffer trees shall not be severely pruned, topped, or pollarded (cut back to the trunk).

~~q. p.~~ Lighting, Exterior. Exterior lighting and parking lot lighting shall be provided in accordance with the Security Standards Ordinance (No. 90-26 C.S.) and be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way or interfere with airport operations or flight operations. Such lighting shall also be designed such that it is in keeping with the design of the development.

~~r. q.~~ Outdoor Storage. All uses shall be conducted wholly within enclosed buildings. Minor open storage is a secondary use and is permitted, provided the materials, products, or equipment stored are necessary to the operation of a use being conducted on the site. Storage shall not exceed the height of any fence or wall required by this Ordinance, and storage shall not be placed within required yard or parking areas. Outdoor storage shall be screened by a view-obscuring fence or masonry wall and be compatible with adjoining uses, as determined by the Planning Director (for example, adequately screened, set back or not too high, and not visually unpleasant as with outside storage of appliances in conjunction with appliance sales/service).
All uses shall be conducted wholly within enclosed buildings. Minor open storage is a secondary use and is permitted, provided the materials, products, or equipment stored are necessary to the operation of a use being conducted on the site. Storage shall not be placed within required yard or

parking areas, and the storage shall be compatible with adjoining uses, as determined by the Planning Director (for example, adequately screened, set back or not too high, and not visually unpleasant as with outside storage of appliances in conjunction with appliance sales/service).

s. f. Parking, Driveways and Paving. Parking, driveways and paving for air terminal, industrial and commercial uses shall be provided in accordance with the City of Hayward Off-Street Parking Regulations, Standard Details, and the following criteria:

(1) Parking Spaces Required.

(a) The number of parking stalls required shall be:

- (i) one space for each 500 square feet of gross floor area, or
 - (ii) If a building or structure has leasable bays of 2,500 square feet or greater, the minimum off-street parking required is 1.0 space for each 1,000 square feet of gross floor area, or
 - (iii) If a building or structure has leasable bays of 10,000 square feet or greater, the minimum off-street parking required is 1.0 space for each 1,500 square feet of gross floor area, or
 - (iv) If a building or structure has leasable bays of 20,000 square feet or greater, the off-street parking required is 1.0 space for each 2,000 square feet of gross floor area.
- (b) If an industrial use has an office area greater than 10 percent of the gross floor area of the industrial use, then the office area shall provide 1.0 parking space for each 250 square feet of gross office floor area.
- (c) Parking spaces for other uses, such as offices, retail, etc., shall be required per the Off-Street Parking Regulations.

(2) Parking Space Dimensions.

- (a) Standard car parking spaces shall be a minimum of 9 feet wide by 19 feet long.
- (b) Compact car parking spaces shall be a minimum of 9 feet wide by 15 feet long.
- (c) Covered or uncovered parking spaces located adjacent to walls or support columns shall be increased in width by at least one foot on the effected side(s), to accommodate door swing.
- (d) Covered parking spaces shall provide a minimum unobstructed vertical clearance of 7 feet. Parking space areas shall be unobstructed by stairs, cabinets, utilities, etc.

(3) Parking Space Locations. Parking spaces shall not be located within any required front, side, side street, or rear yard setback.

(4) Driveways and Paving.

- (a) The minimum driveway width shall be 20 feet for a two-way driveway and 12 feet for a one-way driveway.
- (b) In no case should a driveway exceed one-third of the width of the property frontage width or 35 feet.
- (c) Parking and driveway surfaces shall be paved with asphaltic surface or comparable all-weather dustless material(s), such as bricks or pavers, as approved by the Planning Director.

(5) Driveway Aisle Dimensions. The minimum parking lot driveway aisle width shall be 26 feet for a two-way standard car aisle and 20 feet for a compact aisle.

(6) Driveway Turn-around Requirement. All airport terminal property shall provide a sufficient paved driveway turn-around to allow vehicles to exit property in a forward direction.

(7) Driveway Security Gates. Refer to Chapter 10, Article 14 of the Hayward Municipal Code.

(8) Emergency Vehicle Turn-Around Requirement. Where the farthest point of a structure(s) is located 150 feet or more from the point of street access, a turn-around area shall be provided which will accommodate the turning around of fire protection vehicles, unless

otherwise approved by the Fire Prevention Bureau. (For further details or alternative design considerations contact the Fire Prevention Bureau.)

- (9) Private Street Criteria. Refer to the Standard Details and Section 10-1.2735.h. for design criteria and standards.

~~t. s.~~ Retaining Walls. Retaining walls which are not a part of walls of buildings shall require review and approval by the Planning Director.

~~t.~~ Not used.

u. Not used.

v. Not used.

w. Not used.

x. Roof-Mounted Equipment. Roof-mounted equipment, antennas, satellite dishes, support structures and similar devices shall be screened from public view as required by the Planning Director or other approval authority.

y. Signs. Signs shall be of a design in harmony with the environment, shall not constitute excessive visual impact, shall not be hazardous to vehicular traffic, and shall be of a quality conducive to the development of commerce. (Refer to the City of Hayward Sign Ordinance for specific regulations.)

z. Surfacing. All open areas not landscaped shall be treated or paved with an all-weather, dustless material, such as an asphaltic surface, as approved by the Planning Director. Surfacing shall be permanently maintained, including replacement where necessary.

aa. Trash and Recycling Facilities.

- (1) Trash and recycling facilities shall be adequately screened from view, utilizing a decorative wood or masonry wall or combination thereof compatible with the design of the primary building on the site.
- (2) Shall be located no further than 100 feet from the use it is designed to serve, unless the site topography is such that adhering to this standard would interfere with the collection of trash.

bb. Truck Loading Facilities.

- (1) Truck loading spaces and the access and maneuvering areas serving loading spaces shall be located on the same parcel as the activity served and must be exclusive of the area used for required parking spaces. Truck turning templates should be used for design.
- (2) Truck loading/unloading shall not take place on public streets and shall not interfere with on-street traffic, parking or sidewalks.
- (3) Loading areas should not dominate the street frontage, and should not directly face a major street. Where loading docks or doors are located directly off abutting street(s), the following policy shall be used for truck maneuvering:
 - (a) If the abutting street is a major street where the curb-to-curb width is 72 feet or more, the loading facility/dock/door, etc., shall be located so that a truck cannot use the street as a means to maneuver in a backwards motion towards the unloading point. This will require an unobstructed on-site minimum depth of 95 - 115 feet in front of the loading area. Driveways shall not be placed to line up with the loading docks.

(b) On service roads (streets 40-48 feet curb-to-curb), truck maneuvering can take place within the street area, and the driveway may be lined up with the loading dock. When a truck is parked at the loading point, it shall not project into the public right-of-way. A minimum of 65 feet shall be unobstructed and provided in front of the loading area.

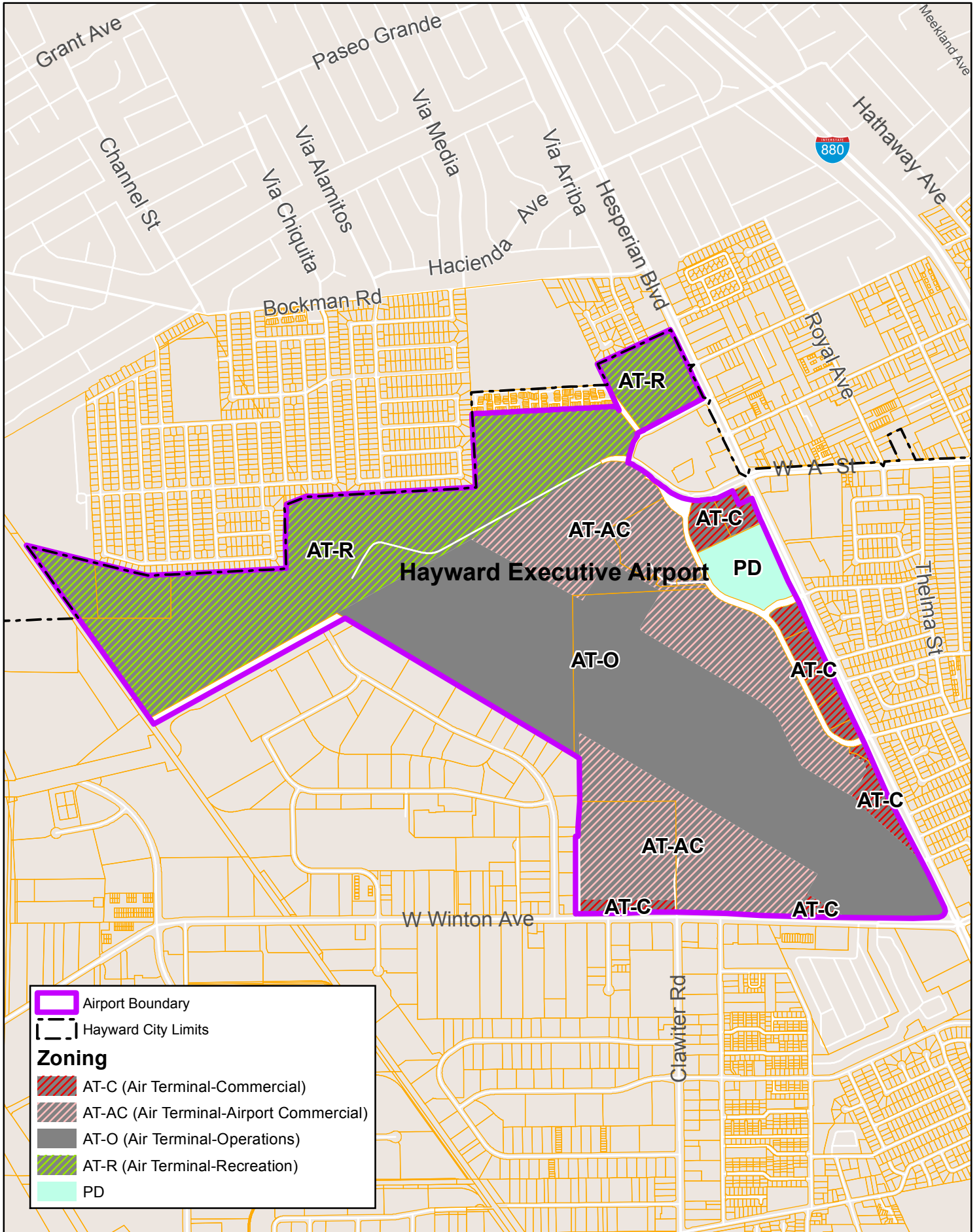
cc. Yard Exceptions. Spur tracks, open bays for truck loading, and off-street parking spaces may be placed within rear or side yards, except when abutting any A, FP, MH, O, R, or residential PD District.

dd. Window Coverage. Transparent windows and doors of buildings occupied by businesses engaging in retail sales, all or a portion of which are within 5 vertical feet of the floor and which are visible from public rights-of-way or pedestrian walkways or are otherwise visible by the general public from the exterior, shall remain free of coverings and materials that prevent views into or out of the stores. Retail goods intended for sale, or goods being stored, or other coverings or materials shall be located no closer than 5 feet from a transparent window or door, unless they are located beneath or above a window and are not visible from public right-of-way or pedestrian walkways or are otherwise visible by the general public. This section shall not apply to signs or retail goods that are presented within or adjacent to a window and that are a part of a decorative window display, as determined by the Planning Director.

SEC. 10-1.2700 - GENERAL REGULATIONS

SEC. 10-1.2730 - SPECIAL HEIGHT REQUIREMENTS.

- a. ~~Reserved. Height—Airport. Height provisions of airport or air approach regulations shall govern when in conflict herewith or in absence of provisions for such height regulation herein.~~
- b. Height—Exceptions.
 - (1) Chimneys, cupolas, flagpoles, elevator shafts, radio and television towers, wind machines, and similar mechanical or architectural appurtenances, if attached to a building shall not exceed a height of 15 feet unless authorized by the Planning Director or other approval authority for two-story dwellings or dwellings located on hillsides. If not attached to a building, they shall not exceed 25 feet in height unless authorized by the Planning Director or other approval authority.
 - (2) Church steeples may be exempted from the height requirements as long as the steeples are in scale with the design of the church/religious facility and surroundings, as determined by the Planning Director or other approval authority.
- c. Height—Accessory Building. Unless otherwise specified in the District Regulations, an accessory building shall not exceed one story in height



	Airport Boundary
	Hayward City Limits
Zoning	
	AT-C (Air Terminal-Commercial)
	AT-AC (Air Terminal-Airport Commercial)
	AT-O (Air Terminal-Operations)
	AT-R (Air Terminal-Recreation)
	PD

Hayward Executive Airport: Corsair Blvd Building Height Map





CITY OF HAYWARD

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

File #: MIN 17-170

DATE: December 14, 2017

TO: Planning Commission

FROM: Interim Development Services Director

SUBJECT

Minutes of the Planning Commission Meeting of November 9, 2017

RECOMMENDATION

That the Planning Commission approve the minutes of the Planning commission meeting of November 9, 2017

ATTACHMENTS

Attachment I Draft Minutes of November 9, 2017



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, November 9, 2017, 7:00 p.m.
777 B Street, Hayward, CA 94541**

MEETING

A regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair Enders.

ROLL CALL

Present: COMMISSIONERS: Willis Jr., Goldstein, Bonilla Jr., Schott, McDermott, Faria
CHAIRPERSON: Enders
Absent: COMMISSIONER: None

CALL TO ORDER Pledge of Allegiance

Commissioner Bonilla Jr. led in the Pledge of Allegiance.

Staff Members Present: Baquilar, Brick, Chan, Hinkle, Langbauer, Lochirco

General Public Present: 16

PUBLIC COMMENT:

There were none.

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

1. Proposed eight (8) lot Subdivision of Two Existing parcels totaling 1.27 acres located at 29265 Vagabond Lane, Hayward (APNs 465-0060-002-00 and 465-0060-003-00), requiring approval of a Vesting Tentative Tract Map 8280; Application No. 201600359 Habib Asef (Applicant)

Assistant Planner Langbauer provided a synopsis of the staff report and presented a PowerPoint presentation

Chair Enders opened the public hearing at 7:05 p.m.

Ms. Shirley Viner, Hayward resident, spoke about issues with mattresses placed on her fence which has broken the fence and is concerned about increased people moving into the area that can bring more problems to the area.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION**

Council Chambers

Thursday, November 9, 2017, 7:00 p.m.

777 B Street, Hayward, CA 94541

Assistant City Attorney Brick confirmed for Chair Enders that staff can reach out to Ms. Viner regarding her concerns.

Enders closed the public hearing at 7:11 p.m.

In response to Commissioner McDermott's question of whether the future development's planned homeowner's association (HOA) will be responsible for any damage to neighboring residences, Principal Planner Lochirco responded said that if it is found that the proposed development caused property damage to a neighboring residence then this issue would fall under the purview of the future HOA. Mr. Lochirco added that the future HOA could develop provisions to take care of fence maintenance. Mr. Lochirco said currently there is not an active HOA in that area and the original CCNRs that were developed in the 1900s are no longer being enforced.

Commissioner Schott noted that in the Conditions of Approval 19(i) that the HOA is required provide fence maintenance.

In response to Commissioner Faria's questions about putting a fence between the proposed development and existing residences, Principal Planner Lochirco said it can be difficult to regulate a fence that is shared by two properties and if the applicant feels a fence is necessary to provide privacy for future residents then there could be justification for the fence to be a part of the development plan.

Chair Enders requested that staff keep the Commission informed as to outcome of the concerns.

Chair Enders reopened public hearing period at 7:16 pm

Mr. Juan Gallardo, Hayward resident, in response to the Mr. Gallardo's question about if the HOA would be for all residents on that street, staff confirmed that the HOA is only for the new development. Mr. Gallardo expressed concern about the additional traffic on the Vagabond Street as it is a narrow private street that is not maintained by the City and is in bad shape. Mr. Gallardo said it is not fair to existing residents to bring in eight new houses.

Assistant Planner Langbauer said that the private street, Vagabond Lane, had been evaluated according to the City standards and will would be upgraded to meet the requirements for a two-way road.

In response to Chair Enders' request for staff to elaborate on the minimum number of units when projects need to go under environmental review to address any traffic impacts, Principal Planner Lochirco said the threshold capacity for issues related to traffic impacts are minimal in this case. He said in order to be able to require significant mitigation or



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION**

Council Chambers

Thursday, November 9, 2017, 7:00 p.m.

777 B Street, Hayward, CA 94541

improvement of the existing roadway there would have to be a fairly significant number of PM Trips which will not be generated by the addition of eight single family lots. Mr. Lochirco said the legal threshold is not there and what is being incorporated in the Conditions of Approval is construction of a new roadway that will meet City standards. The new homeowners that will have access to Vagabond Lane would also be required to share in the maintenance repairs or upgrades to the property.

In response to Chair Ender's question regarding the resident's concerns of the condition of Vagabond Lane and who would the Vagabond resident contact regarding street improvement or request that the roadway be repaved with the developer's financial input, Principal Planner Lochirco said Vagabond Lane is a private street and the City would not be able to provide assistance with this. This would be up to the homeowners who are a party to the private easement, the private easement allows existing homeowners with access to their homes. Mr. Lochirco said the private easement information would be available through the Alameda County Recorder's office.

Ms. Veronica Reyes, Hayward resident, expressed concerned that their small private community will lose its feel and this development is only from the developer's viewpoint and is concerned that their privacy will be lost. Ms. Reyes is concerned about the number of homes and people that the new development will bring to a very small street.

Chair Enders closed the public hearing at 7:26 p.m.

Commissioner Willis hopes that the applicant, Mr. Habib, will make the street viable for all property owners. Mr. Habib said they accept all the Conditions of Approvals and read the COA that referred to the requirement to improve the street, to bring curb appeal and improve the cul de sac. In response to Mr. Willis, Mr. Habib said the intent is to subdivide the lots and build the single-family homes on the eight lots. Mr. Habib said he will meet the code standards for a two-lane road and addressed questions from speakers and said there will be a structural barrier between the proposed development and existing residences. Commissioner Willis said that when the applicant comes back with plans for the homes there should be allowances for access for ingress and egress, sufficient parking and mitigate the traffic that will be created.

In response to Commissioner Schott's question regarding the pony wall, Mr. Habib said the wall improvement will be part of the construction phase of the project and the wall's purpose will be to separate the properties.

Chair Ender's thanked the public in attendance and said this hearing is about the subdivision of the site and recognizes the speakers concerns, the sense of community and ruralness on this private street when the speakers purchased their home. Ms. Enders said that she is in favor of the City Council's vision regarding the complete streets strategy, which includes infill



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, November 9, 2017, 7:00 p.m.
777 B Street, Hayward, CA 94541**

development and this project meets this vision and she views this vision in a positive light as a previous speaker had mentioned a mattress in the area which can indicate that there are homeless in the area. Ms. Enders said she is in favor of the proposed subdivision.

Commissioner Bonilla said in viewing the site plan he also had concerns about traffic and parking issues due to additional families coming and added that the issues can be dealt with when the building plans will be reviewed by staff. Mr. Bonilla said he is in favor of the proposed subdivision.

In response to Chair Enders' question if the home plans will come before the Planning Commission, Principal Planner Lochirco said as stated in the Conditions of Approval, the homes are subject to Site Plan Review which is a staff level discretionary review. Mr. Lochirco said that any time a new home is being proposed a notice will be mailed to all property owners in the neighborhood and the owners will have the opportunity to contact staff to review and comment on the plans.

Chair Enders addressed those who spoke this evening and said this is a single family residential zoned area and it is difficult for the Planning Commission to deny the proposed subdivision based on sentiment or concerns about a private road that property owners own.

Chair Enders made a motion to approve the staff recommendation, Commissioner McDermott seconded the motion.

Commissioner Willis expressed concerns that the applicant might change his mind about building the homes and would decide to sell the subdivided properties and asked if the COAs can include the requirement for the building of the homes and the formation of the HOA. Mr. Habib said it is their intent to build the homes. Principal Planner Lochirco said the requirement for the HOA is completely separate from the individual home designs and added that whether it is this developer or individual homeowners building the homes, all building plans will be subject to the Site Plan Review.

In response to Commissioner Bonilla's question that if the developer were to change his mind about building the homes after subdividing the property, Principal Planner Lochirco said the item before the Commission is to subdivide the property, the actual site plan review and the building of the homes will be coming in the future but this does not preclude an owner to legally subdivide their lot per the standards of the City's zoning ordinance and the subdivision act.

Commissioner Schott commented that when a property owner applies for a subdivision, they are required to put down a substantial deposit with the City to ensure that all the conditions are met and the entire project is completed. He said it is typical that a property owner will



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, November 9, 2017, 7:00 p.m.
777 B Street, Hayward, CA 94541**

obtain the approval of a vesting tentative map, then work on the site plan review process to be able to build the homes as quickly as possible as after the homes are built the developer will get their deposit back.

Chair Enders made a motion to approve the staff recommendation, Commissioner McDermott second. The motion passed with the following vote:

AYES:	Commissioners Willis Jr., Goldstein, Bonilla Jr., Schott, McDermott, Faria Chair Enders
NOES:	None
ABSENT:	None
ABSTAIN:	None

Chair Enders said to the developer to be kind to the neighbors and to listen to them. Ms. Enders also encouraged the property owners to attend the next noticed meeting and meet with the developer and City staff. Ms. Enders said residents are always welcome to reach out to the Planning Commission.

2. Mission Seniors Residential Development. Proposed Vesting Tentative Map No. 894, Site Plan Review with Grading Permit, Warrants and an Exception of the South Hayward BART/Mission Boulevard Form Based Code, Environmental Review, and Zoning Text Map Amendment of the South Hayward BART/Mission Boulevard Form Based Code Application No. 201700782 to allow 200 market-rate, senior condominium units and three (3) single-family detached residences.

Principal Planner Lochirco provided a synopsis of the staff report and presented a PowerPoint Presentation.

Commissioner Willis spoke about positive aspects of the project and new security measures. Mr. Willis is in favor of the project.

Principal Planner Lochirco provided a hand out for the Commission which were the amendments to the Conditions of Approval that added Conditions numbers 46, 53 and 127. Mr. Lochirco spoke about the additional COAs; #46 regarding public access hours amended to 8 am to 5 pm for security reasons; #53 the applicant is to work with the City's Landscape Architect regarding the design and installation of landscaped sidewalk bulb-outs on Mission Boulevard which is a traffic calming measure; and #127 which addresses the applicant installing bus shelters for n/b and s/b AC transit bus stops located on Mission Boulevard near Valle Vista Avenue. Mr. Lochirco added that Clear Channel will donate two bus shelters. Mr. Lochirco indicated that these revisions are to be included to the COAs in attachment six.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION**

Council Chambers

Thursday, November 9, 2017, 7:00 p.m.

777 B Street, Hayward, CA 94541

In response to Commissioner Willis' request on clarity on the new affordable housing ordinance that went before Council on November 7, 2017 and requested clarity on the proposed changes to the affordable housing in-lieu fees, Assistant City Attorney Brick said the new fees are set at a higher rate to be more in line with the cost of building the affordable housing units and that there is a provision for the grandfathering in of projects that are already in the pipeline and are approved by a certain date.

Commissioner Schott disclosed that he had met twice with applicant, once before the Work Session and again this past Tuesday. In response to Mr. Schott's question if the new COA #53 is same the condition placed on a previous project; Principal Planner Lochirco said COA #53 is the same concept with a slightly different approach. Mr. Lochirco said the City is seeking to identify a traffic calming measure solution on Mission Boulevard, the intent is to provide a safer experience for residents and would allow for negligible impacts to the existing services. Mr. Lochirco said the City still needs to take a closer look to come up with a design that make sense. Mr. Schott shared that as a commuter, significant funds were spent on the Route 238 bypass improvements and he is not in favor of the traffic calming measures on Mission Boulevard. Mr. Schott said he felt it would be more beneficial to place traffic patrol units to slow down the traffic.

Commissioner Faria had concerns regarding the first-floor units that does not have fencing around it and inquired as to who will maintain the bus shelters as the City currently has a problem with bus shelters not being regularly maintained and the homeless living in the bus shelters. Ms. Faria pointed out that some shelters have been removed because of the homeless problems. Principal Planner Lochirco said the maintenance of the bus shelters are the responsibility of AC Transit and Clear Channel. Mr. Lochirco confirmed for Ms. Faria that the Code Enforcement Division can be instrumental in making sure the shelters are maintained.

Commissioner McDermott commended Principal Planner Lochirco on his clear presentations. Mr. Lochirco confirmed for Ms. McDermott that this project would fall under the grandfathering in provision of the new affordable housing ordinance that went before Council on November 7, 2017, and thus the project would fall under the guidelines of the previous affordable housing ordinance and in-lieu fees. Mr. Glen Simmons of Dahlin Group Architects responded to Ms. McDermott's questions regarding the foundation, he said the foundation will be conventional for a project of this type and proceeded to describe the foundations for the different areas of the development.

Commissioner Goldstein is interested in the bulb-outs as traffic calming measures which is a part of the Complete Streets Strategy and requested confirmation that areas of Mission Boulevard are part of the Complete Streets program, Principal Planner Lochirco responded that the traffic moves very quickly on Mission Boulevard and pedestrians and bicyclists do



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION**

Council Chambers

Thursday, November 9, 2017, 7:00 p.m.

777 B Street, Hayward, CA 94541

not always feel safe and the proposal to add bike/pedestrian facility will help encourage a Complete Streets concept. Mr. Lochirco said Mission Boulevard is primarily for vehicle access and the proposed trail is another multi-modal transportation option for bikes and pedestrians. Mr. Lochirco added that as more residential developments are built near BART the City would like to encourage residents to walk to BART and there is the need to balance the safety of pedestrians and bicyclists along the Mission Boulevard corridor. Mr. Lochirco also noted that this is a senior development and the City wants to provide the best environment possible to provide some separation between the vehicle travel lane and the sidewalk and to provide a better walking environment to the BART Station. Mr. Lochirco confirmed for Mr. Goldstein that there will be no loss of vehicle capacity but there will be a slowing down in the areas marked 40 mph and creating more of a break between the pedestrian experience and the vehicles. Mr. Goldstein was clear that he will not vote for a project without this COA language and he spoke about how he has been working with the Fairway Park and other neighborhoods that feel very strongly about improvements to walkability and bicycles and the City is not going to get these changes unless we start now. Mr. Goldstein thanked the developer for accepting these additions to the COAs and he pointed out that the multi-use bike and pedestrian trails and other amenities are noteworthy and hopes other builders will be as thoughtful as this developer.

In response to Commissioner Willis request for pet free areas, Ms. Chu Rao, the applicant, confirmed for Mr. Willis that through the instrument of the condominiums documents there will be designated areas where pets will be allowed and not allowed and there will also be breed and size restrictions.

Commissioner Schott made a motion to approve the staff recommendation with removal of COAs #53 that pertains to the traffic calming measures and #127 pertaining to the bus shelters, Mr. Schott said it is the responsibility of Clear Channel and AC Transit to install and maintain the public transit bus shelters on a public street.

Commissioner Willis seconded the motion.

Chair Enders noted that the Commission still must go through the Public Hearing section.

Commissioner Bonilla favored the project stating that it was very comprehensive, he appreciated the considerations for walkability and the health, safety and security of the community. Mr. Bonilla said the project aligns with a lot of City Council strategic initiatives of Complete Streets and Complete Communities. Mr. Bonilla said that he would like to see affordable housing elements incorporated into future developments as this is very important for the City. Mr. Bonilla appreciated the applicant's flexibility and the accommodations they have made and that this is an exciting and vibrant community that will be coming to Hayward. Mr. Bonilla noted there is support from the community for this



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION**

Council Chambers

Thursday, November 9, 2017, 7:00 p.m.

777 B Street, Hayward, CA 94541

development, it is well done and well thought out and what is needed in that area of Hayward.

In response to Chair Enders about the bike path and asked what is the size for a minimum roadway for a vehicle, Principal Planner Lochirco said what is needed is 10 to 12-foot travel lanes in each direction and the proposed bike lane could only be a single lane. In response to Ms. Enders about the intent and purpose of the pathway, Mr. Lochirco said the pathway will be paved and currently leads to dirt as the site has not been developed yet. Mr. Lochirco said the City is working on the development of a Pedestrian Plan and updating the Bicycle Plan. Mr. Lochirco said staff saw a potential public benefit in replacing the vehicular roadway with a pathway that can encourage a bicycle and pedestrian pathway and in working with the applicant and their willingness to move this project forward the original pedestrian pathway was able to be widened to accommodate bicycles as well. Mr. Lochirco was confident that when the City is able to look at the Pedestrian and Bicycle Master Plans this pathway element will be an essential component. He said as more residential is being built the connections to transit stops will become more important.

Commissioner Willis commented that there is a motion on the floor and felt the motion needed to be voted on.

Assistant City Attorney Brick said the Chair can determine the direction of the meeting and the Chair can honor the motion at a later time after the Public Comments section and after members of the Commission has had an opportunity to speak and discuss the item.

In response to Chair Enders regarding the placement of the pathway lower down the hill as opposed to further up, Principal Planner Lochirco said one the main considerations is fire access as a fire trucks need to be able to access the back part of the site which includes Building C, located on the far side safe of the property and the fire trucks need a turnaround area. Mr. Lochirco said because of the topography and depth, it is required to have roadway that extended all the way back to provide those necessary fire access pathways. Mr. Lochirco also indicated that the specific location would be preferred as it could allow for an ADA accessible pathway, which would not be possible if the trail were located towards the rear of the project site.

Chair Enders opened and closed the public hearing at 8:24 pm

Commissioner Schott made a motion to approve the staff recommendation with the removal of COAs #53 and #127. Commissioner Willis seconded the motion.

Commissioner Goldstein said that if this motion fails, he will be making a motion per the staff recommendation that includes the additional COAs of #46, #54 and #127.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION**

Council Chambers

Thursday, November 9, 2017, 7:00 p.m.

777 B Street, Hayward, CA 94541

The motion failed.

Commissioner Willis said that he misunderstood Commissioner Schott's motion that included removal of the added COAs. In response to Mr. Willis' question if the applicant accepts the amended COAs, Ms. Rao confirmed that she accepts the amended COAs.

The following Planning Commission members disclosed having met with the applicant; Chair Enders, Commissioners Faria, Willis, Goldstein, and McDermott.

Commissioner Goldstein made a motion per the staff recommendation including the amended COAs of #46, 53 and 127. Commissioner Bonilla seconded the motion.

The motion passed with the following vote:

AYES:	Commissioners Willis Jr., Goldstein, Bonilla, Schott, McDermott, Faria Chair Enders
NOES:	None
ABSENT:	None
ABSTAIN:	None

APPROVAL OF MINUTES

3. Approval of minutes of the Planning Commission Meeting of September 14, 2017
Commissioner McDermott made a motion, seconded by Commissioner Faria, to approve the Planning Commission Meeting Minutes of September 14, 2017. The motion passed with the following votes:

6:0:1 (AYES: Willis Jr., Goldstein, Enders, Schott, McDermott, Faria; ABSTAIN: Bonilla Jr.)

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

Principal Planner Lochirco announced that the Election of Officers will be held at the next Planning Commission Meeting on December 14, 2017.

Commissioners' Announcements, Referrals:

There were none.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, November 9, 2017, 7:00 p.m.
777 B Street, Hayward, CA 94541**

ADJOURNMENT

Chair Enders adjourned the meeting at 8:31 p.m.

APPROVED:

Julius Willis, Jr. Secretary
Planning Commission

ATTEST:

Denise Chan, Senior Secretary
Office of the City Clerk