

**PLANNING COMMISSION MEETING  
THURSDAY, FEBRUARY 28, 2019**

**PRESENTATIONS**

# **STAFF PRESENTATION**

## **ITEM #1 WORK SESSION WS#19-015**

### **FORMER STATE ROUTE 238 CORRIDOR LANDS**



# Route 238 Property Development

Program Update to the Planning Commission

February 28, 2019

Jennifer Ott, Deputy City Manager

John Stefanski, Management Analyst II

# Background

- **1970s** – Over 400 Parcels Purchased by Caltrans for State Route 238 Bypass Project
- **2009** – Bypass Project Abandoned, Joint City/County Land use study
- **2016** – Agreement adopted between City and Caltrans to dispose of property
  - Allows City to Shape the Future Development
  - Allows City to Solicit the Best Proposals
- **8** Parcel Groups Remain for Disposition
  - 4 of which are under exclusive negotiations

# Caltrans Agreement

## Timeline

- Provides city with 6 years to acquire and resell the 10 parcel groups
- 3 years remaining to January 2022 deadline

## Parcel Groups

- Two Parcel Groups (1 & 10) sold
- Four Parcel Groups under Contract (2-4, 7)
- Remaining 4 Groups Require Analysis & Pre-planning (5-6, 8-9)

## Proceeds

- Sales proceeds within appraised value allocated to transportation fund
- Excess sale proceeds above appraised value to be allocated to city for public benefit

# Program Goals and Objectives

1. Eliminate blight in neighborhoods
2. Provide for the cohesive, productive use of land
3. Sell property groups in excess of Caltrans purchase price
4. Use value of the land to fund key public benefits within and nearby the parcel groups (e.g. upgraded infrastructure, park/trail amenities)



# Caltrans Agreement Parcel Groups

# Remaining Parcel Groups

Parcel Groups 2-9



# Parcel Group 2: The True Life Companies

## Proposal and Status Update

- 190 unit multi-family mixed use project
  - Mix of condominiums and townhomes
- 102 units within City parcel
- On-site affordable units
- 11,000 sf commercial space (Day Care)
- Formal application is currently under review
- No General Plan or zoning changes are anticipated



# Parcel Group 3 & 4: Eden Housing & The Pacific Companies.

## Proposal and Status Update

- 150 Affordable Unit Development
- 49,000sf charter school site
- Borders new La Vista Park
- Three homes for Parcel Group 4
- Formal Application by July 2019
- No General Plan or zoning changes are anticipated





# Parcel Group 5: Bunker Hill

## Vision and Next Steps

- Undergoing master site planning
- Anticipate 70-80 low-density single family homes with range of lot sizes (5,000 SF to 20,000 SF)
  - Consistent with General Plan and supported by GP EIR
  - Zoning would be amended by developer for lot sizes
- Master Site Plan due for completion in April.

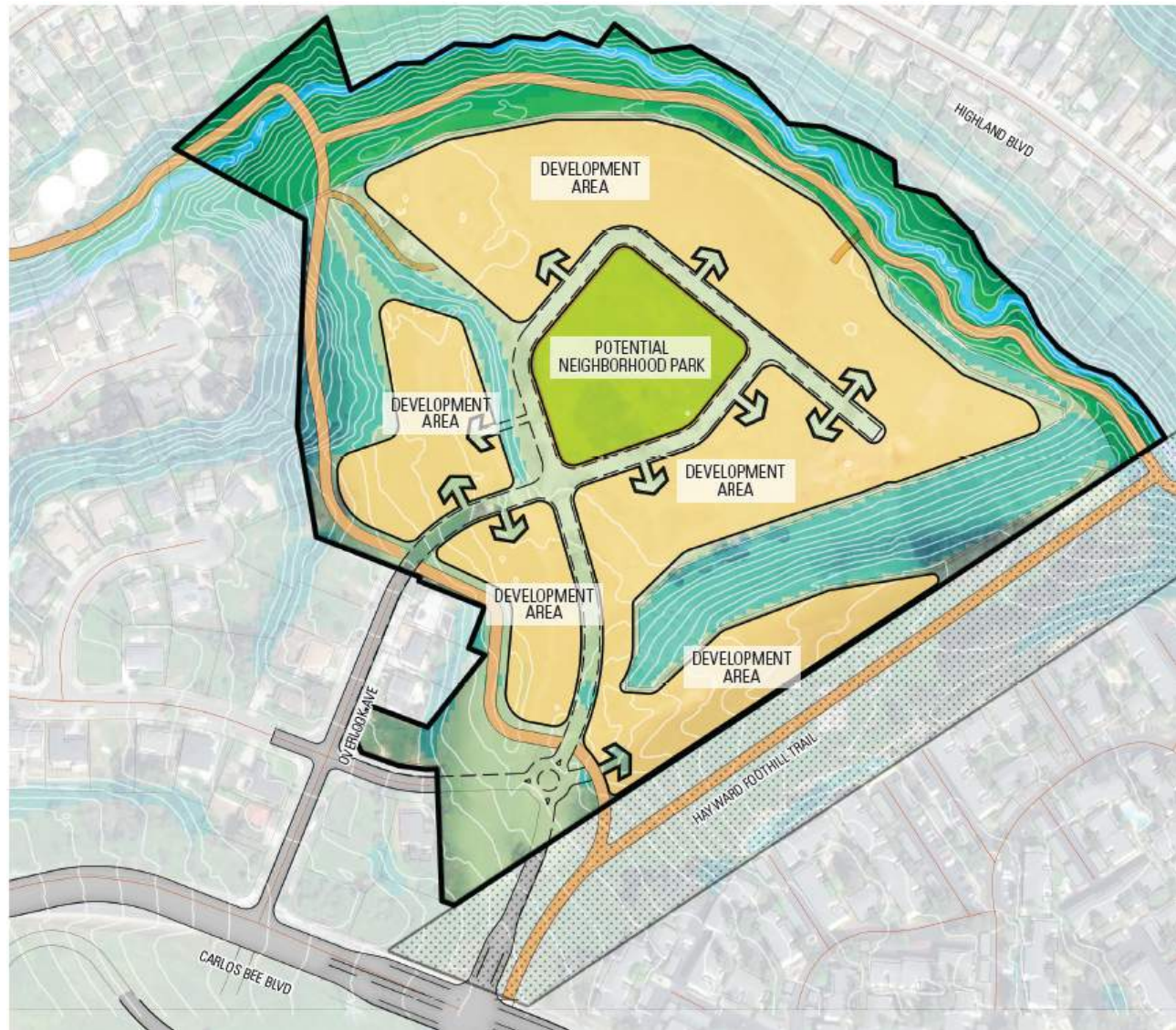




# Parcel Group 6: Carlos Bee Quarry

## Vision and Next Steps

- Undergoing master site planning
- Current Sustainable Mixed Use zoning allows for 1000+ residential units
  - Master site plan envisions development with multiple product types
  - Opportunity for Student Housing
- Development will include a new neighborhood park
- Construction of Foothill Trail loop
- Master Site Plan due for completion this summer



# Parcel Group 7: Subaru

## Proposal and Status Update

- Two story brand name auto dealership
- Developer preparing architectural and preliminary site plans
- Formal planning application by July 2019





# Parcel Group 8: Grove Way

## Vision and Next Steps

- Undergoing master site planning
- Mix of product types
  - Market Rate Apartments
  - Senior/Assisted Living Facilities
  - Affordable Housing
  - Townhomes
- Designated Open Space could serve as an extension of Carlos Bee Park
- Master Site Plan due for completion later this year



# Parcel Group 9: Apple/Oak

## Vision and Next Steps

- Undergoing due diligence for a business concept hotel
- Would require a zone change from Commercial Office (CO) to Commercial General (CG)
- Formal zone change will be brought to the Planning Commission later this summer.



# Draft Approach and Timeline

Est. Timeframe	Activity
Early 2019	Continue Design Workshop planning process and present draft Parcel Plans for review by community, developers/investors, <b>Planning Commission</b> , CEDC and City Council.
Early to Mid 2019	Modify Parcel Plans based on community feedback and obtain approval on Parcel Plans and any master entitlements from City Council.
Mid 2019 through Early 2022	Issue Request for Proposals and enter into development agreements from qualified developers for community driven Parcel Plans.
2020-2022	Selected developers prepare and finalize detailed site plans consistent with already approved Parcel Plans.



# Questions and Comments?

**PRESENTATION**

**ITEM #2 WORK SESSION**

**WS# 19-013**

**PROPOSED UPDATES  
MISSION BLVD CORRIDOR  
&  
SO. HAYWARD BART STATION  
FORM BASED CODES**

# Form-Based Code Updates

City of Hayward, CA



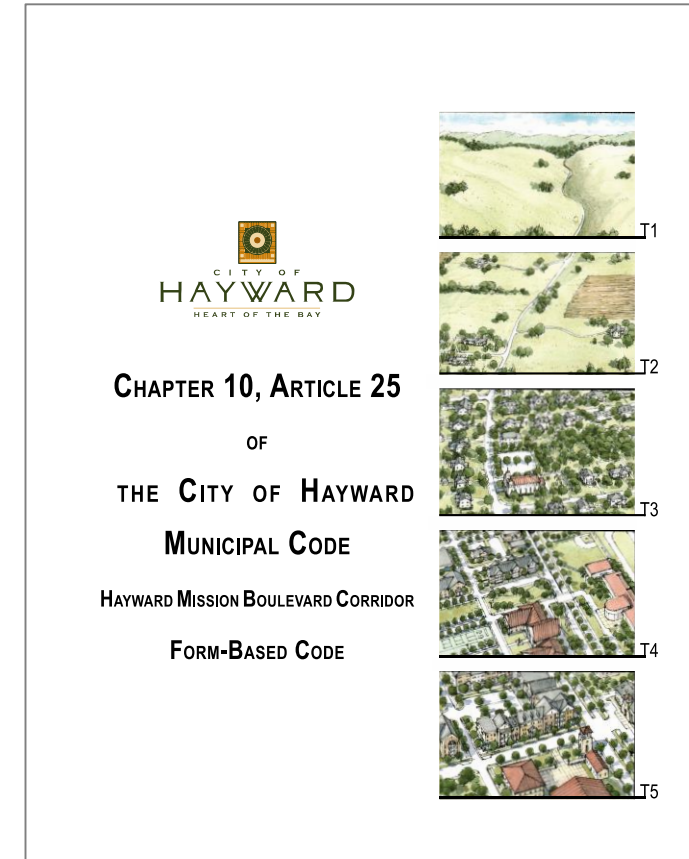
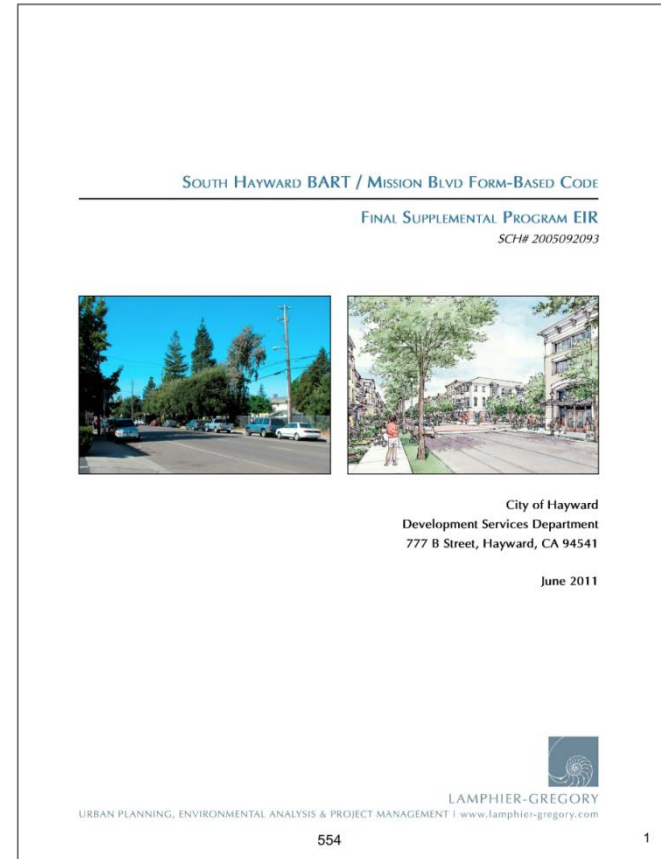
# AGENDA

- 1 PROJECT OVERVIEW
- 2 INTRODUCTION TO FORM-BASED CODES
- 3 ISSUES & OPTIONS
- 4 DISCUSSION
- 5 SCHEDULE & NEXT STEPS

# PROJECT OVERVIEW

# PROJECT OVERVIEW

- Update to the **Mission Boulevard Corridor** Form-Based Code and the **South Hayward BART/Mission Boulevard** Form-Based Code
- Create a concise and user-friendly set of regulations that will implement the City's vision for the Mission Boulevard Corridor as an attractive mixed-use boulevard with a variety of commercial functions and residential densities that support walking and transit





# PROJECT OVERVIEW



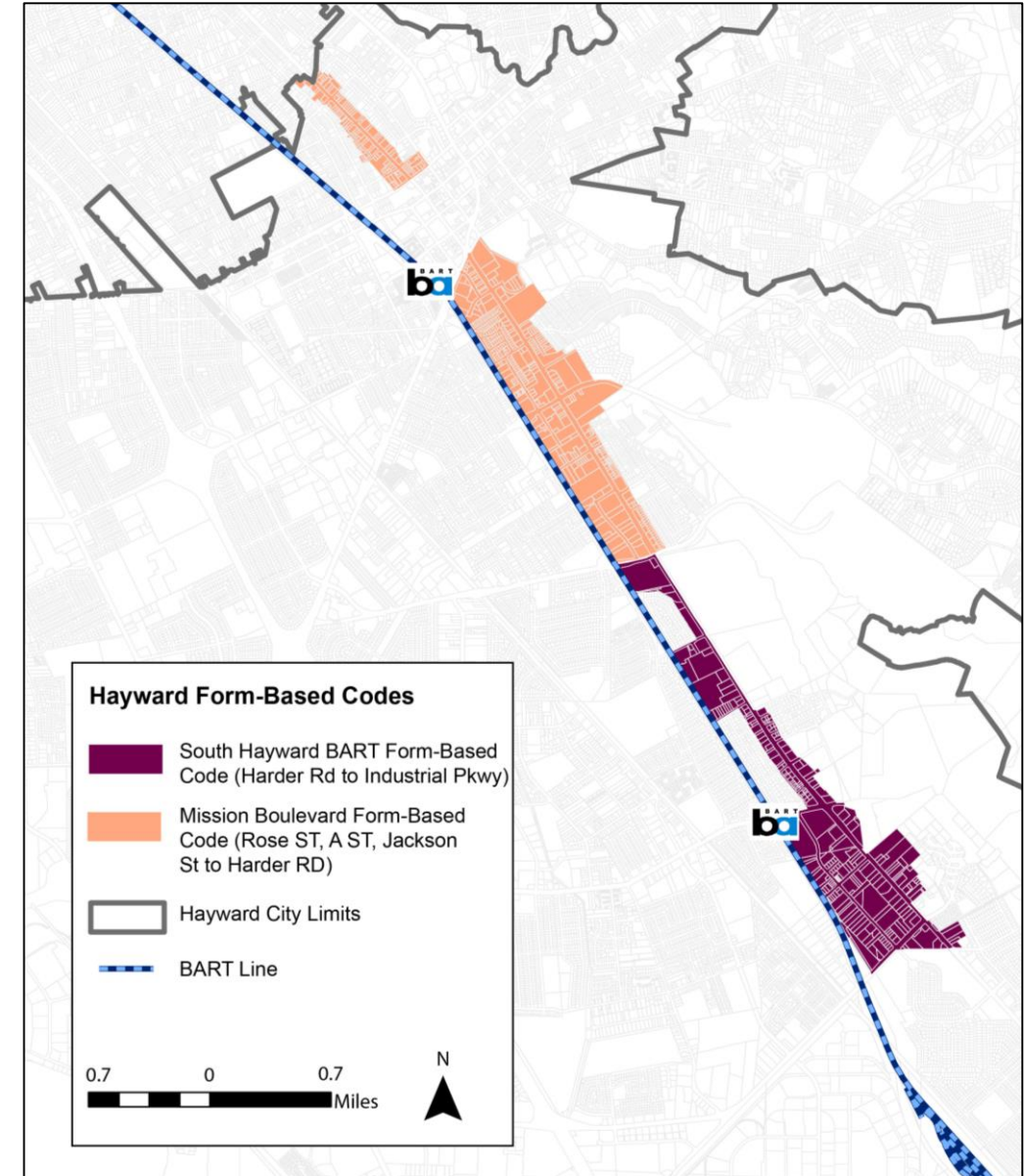
Mission Boulevard Corridor Form-Based Code, 2014

- Rose Street to A Street
- Jackson Street to Harder Road

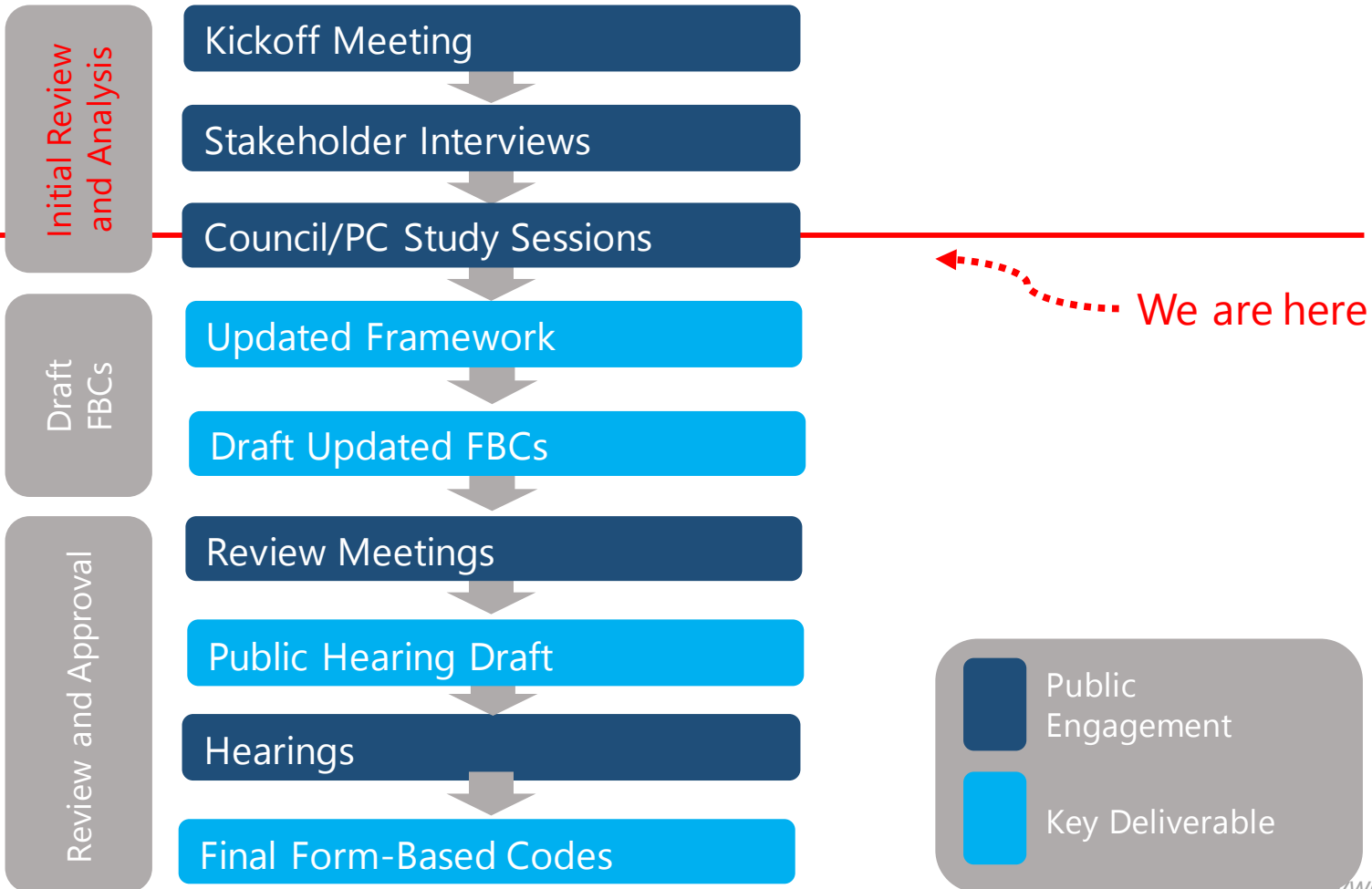


South Hayward BART/Mission Boulevard Form-Based Code, 2011

- Harder Road to Industrial Parkway



# PROJECT OVERVIEW





# INTRODUCTION TO FORM-BASED CODES

# FORM-BASED CODES

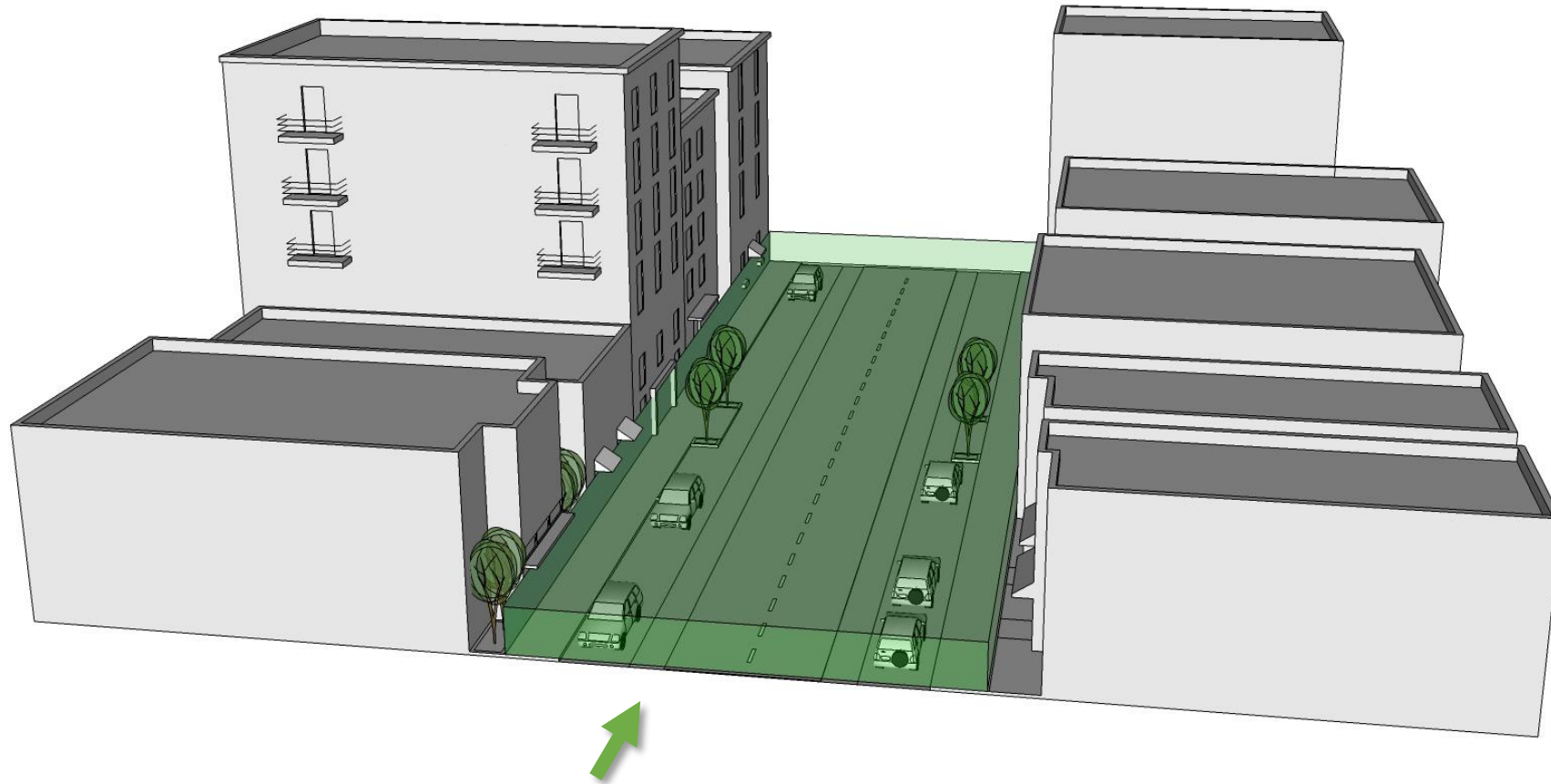
- Intended to foster predictable, high-quality built environments
- Emphasis on **form** and the **public realm**



*Opticos Design, Inc.*

# FORM-BASED CODES

Regulates the “public” space in-between facades



# TYPES OF ZONING

Types	Description
<i>Use-Based</i>	Separates the city into districts/zones where certain uses and intensities are specified
<i>Incentive</i>	Relaxes certain requirements in exchange for amenities (e.g. the proposed height/FAR bonus)
<i>Performance-Based</i>	Applies of objective and quantifiable standards to reduce impacts and promote land use compatibility
<i>Physical Form-Based</i>	Prescribes design of buildings and street typologies (typically through prototypes/illustrations)
<i>Hybrid</i>	Combines physical and performance regulations into conventional zoning to create a character-based or contextual ordinance

# FORM-BASED CODES OVERVIEW

## USE-BASED CODE

Use/Density

Management

Form

## FORM-BASED CODE

Form

Management

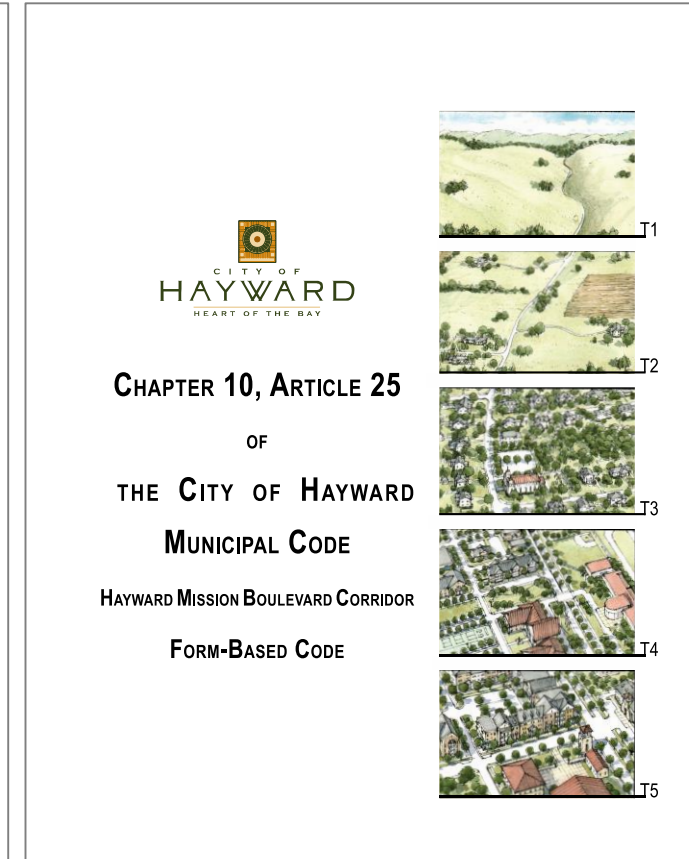
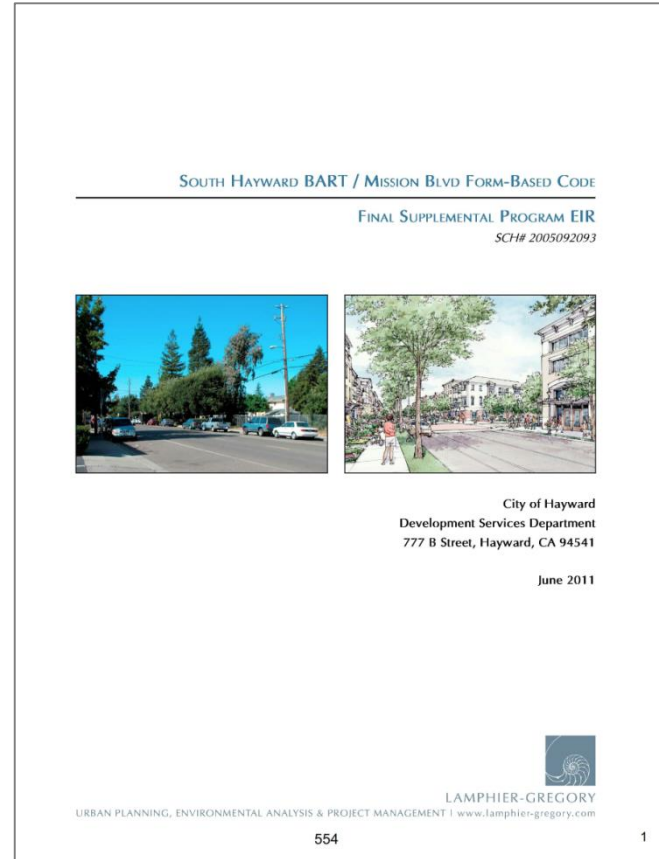
Use/  
Density

# ISSUES TO ADDRESS

# PROJECT OBJECTIVES

Update the FBCs to:

- Be consistent with and implement the General Plan and City's Economic Development Strategy Plan
- Promote high quality design *through clear and effective regulations*
- Use clear, modern terms and definitions
- Establish a clear permitted process, *increasing efficiency and predictability*
- Be consistent with State and Federal law
- Be clear, concise, understandable, and easy to use





# STAKEHOLDER INTERVIEWS

- Small group meetings with 20 representatives, including:
  - City staff
  - Design professionals
  - Developers
  - Neighborhood representatives
  - Regional agencies
  - City Manager's office
- Conducted December 10th and 11th, 2018
- Intended to gain an understanding of an “insiders” or “users” perspective of issues & opportunities



# KEY ISSUES

## **Complexity**

- Difficult to interpret and hard to navigate

## **Development Standards**

- Current standards are too prescriptive in some instances, too lax in others. Focus on key elements of form

## **Parking Supply**

- Strike balance to ensure accessibility and support transit and a vibrant, walkable, mixed-use area. Parking Management and enforcement could help alleviate parking problems

## **Ground Floor Uses**

- Ensure activity at the ground floor along street frontages. A variety of active uses is appropriate

## **Thoroughfares**

- Connectivity is important but the current thoroughfare standards are overly prescriptive, outdated, and can render new development infeasible

## **Flexibility**

- Incorporate flexibility to respond to unique site conditions

# DISCUSSION

# DISCUSSION

- What is effective in the current codes?
  - What **should not** change?
- What is not effective in the current codes?
  - What **should** change?
- Do the ***physical development standards*** promote appropriate development?
- Are the ***use regulations*** effective in keeping out undesirable uses, but also letting in desired ones?
- How well do the ***administrative procedures*** work?
  - Are there decisions that require a Planning Commission hearing action that could be made at the Staff level?
- ***Other*** thoughts and observations for the Form Based Codes update?

# SCHEDULE & NEXT STEPS

Upcoming Events	Date
<b>Updated Form-Based Codes Framework</b>	February 2019
<b>Draft Updated Form-Based Codes</b>	Spring 2019
<b>Review Meetings</b>	Spring/Summer 2019
<b>Public Hearing Draft</b>	Summer 2019



# **PRESENTATION**

## **ITEM #3 PUBLIC HEARING**

**PH# 19-0014**

**AMEND CHAPTER 10, ARTICLE 1  
ZONING ORDINANCE  
PROPOSED MODIFICATION  
FOR COMMERCIAL  
CANNABIS BUSINESSES**

# **CANNABIS**

**PLANNING COMMISSION**

**FEBRUARY 28, 2019**





# FOR COMMISSION CONSIDERATION

- Review and recommendation of proposed text amendments to Chapter 10, Article 1, Section 10-1.3600, Cannabis to allow the following:
    - Additional flexibility related to the setback requirements for commercial cannabis businesses from sensitive land uses; and
    - Reduction of the Overconcentration Buffer from 1,000 feet to 500 feet for Commercial Cannabis Retail Dispensaries of the Hayward Municipal Code in the City of Hayward
  - The City Council reviewed various options at their meeting on January 15, 2019 and directed staff to process a zoning text amendment to reduce the overconcentration buffer
-

## BACKGROUND

- On November 8, 2016, Prop 64 was approved and authorized the use, possession, cultivation and processing of marijuana and its products for non-medical (or recreational) uses.
  - On October 30, 2017 and November 28, 2017, respectively, the City Council adopted Ordinance 17-14 and 17-15, which enacted the regulatory and land use ordinances authorizing cannabis businesses in the City, subject to compliance with the local and state regulations.
  - Since 2017, several municipalities adopted similar land use and regulatory ordinances but have modified or eliminated the State's buffering recommendations. While the City's existing Ordinance requires a minimum separation from sensitive land uses and other retail dispensaries, the City has adopted an RFP process that already provides for an independent and comprehensive evaluation of the cannabis operators prior to filing any land use applications.
  - On January 15, 2019, City Council directed staff to process a text amendment to reduce the over-concentration buffer from 1,000-foot to 500-feet. While this reduction could result in several dispensaries locating in closer proximity to one another, it would expand the number of sites in the downtown area that are available to accommodate retail dispensaries.
-



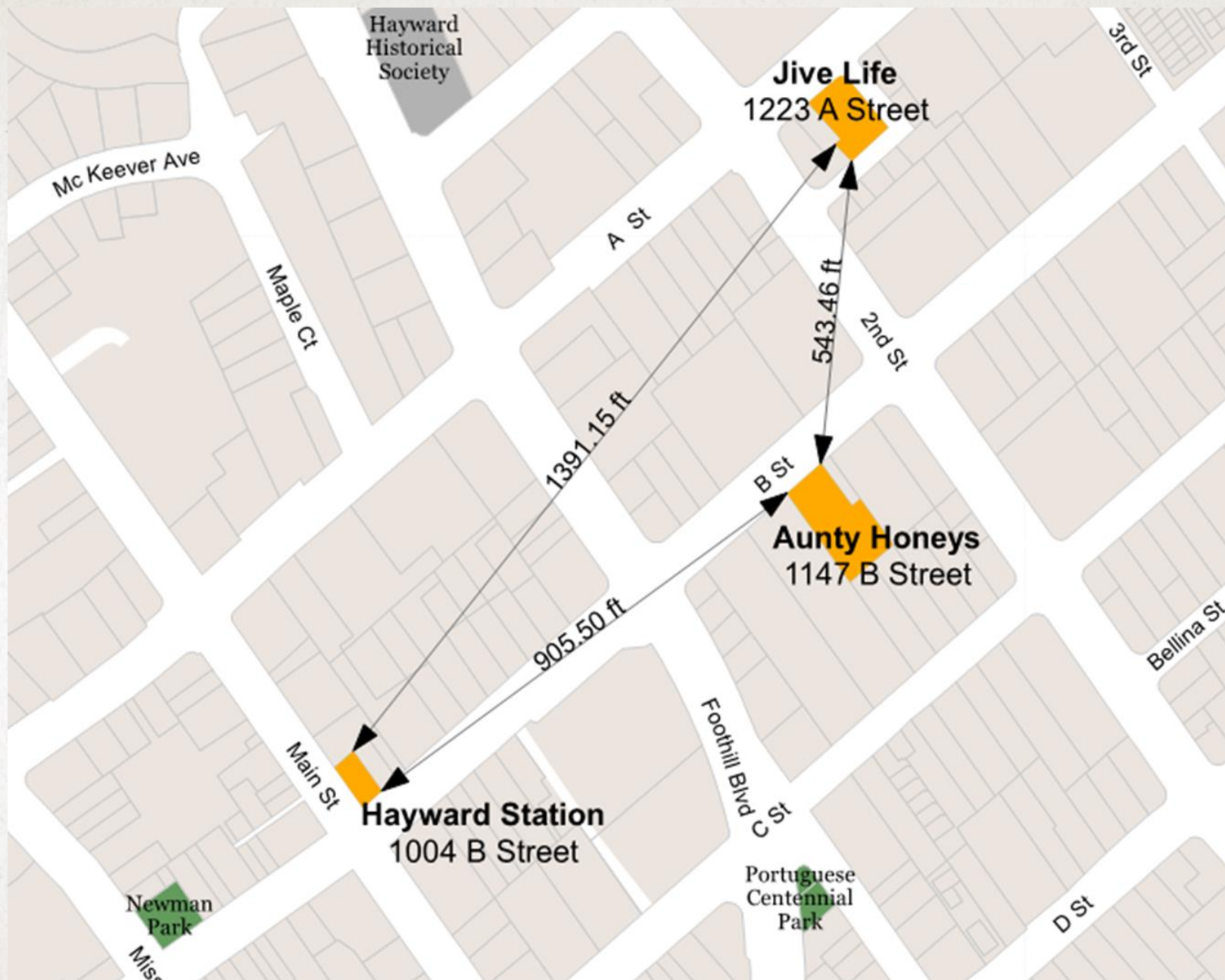
# PROPOSED AMENDMENTS



## OVER-CONCENTRATION BUFFER

- The purpose of the over-concentration buffer is to limit the proximity of retail cannabis dispensaries from one another to mitigate potential cumulative impacts.
  - When the Council adopted the Ordinances, retail dispensaries were required to recognize a 1,000-foot buffer between dispensaries. At that time, it was not known where dispensaries would locate.
  - In July 2017, the Council selected three proposals to operate retail dispensaries.
  - By December 2018, all three applicants selected locations and submitted applications within 1,000 feet from one another.
  - The proposed text amendment would reduce the over-concentration buffer for retail cannabis dispensaries from 1,000 feet to 500 feet but the applicants would still be subject to the sensitive land use requirements discussed below and required to obtain a Conditional Use Permit, which would assess any environmental, physical or safety impacts related to the use.
-





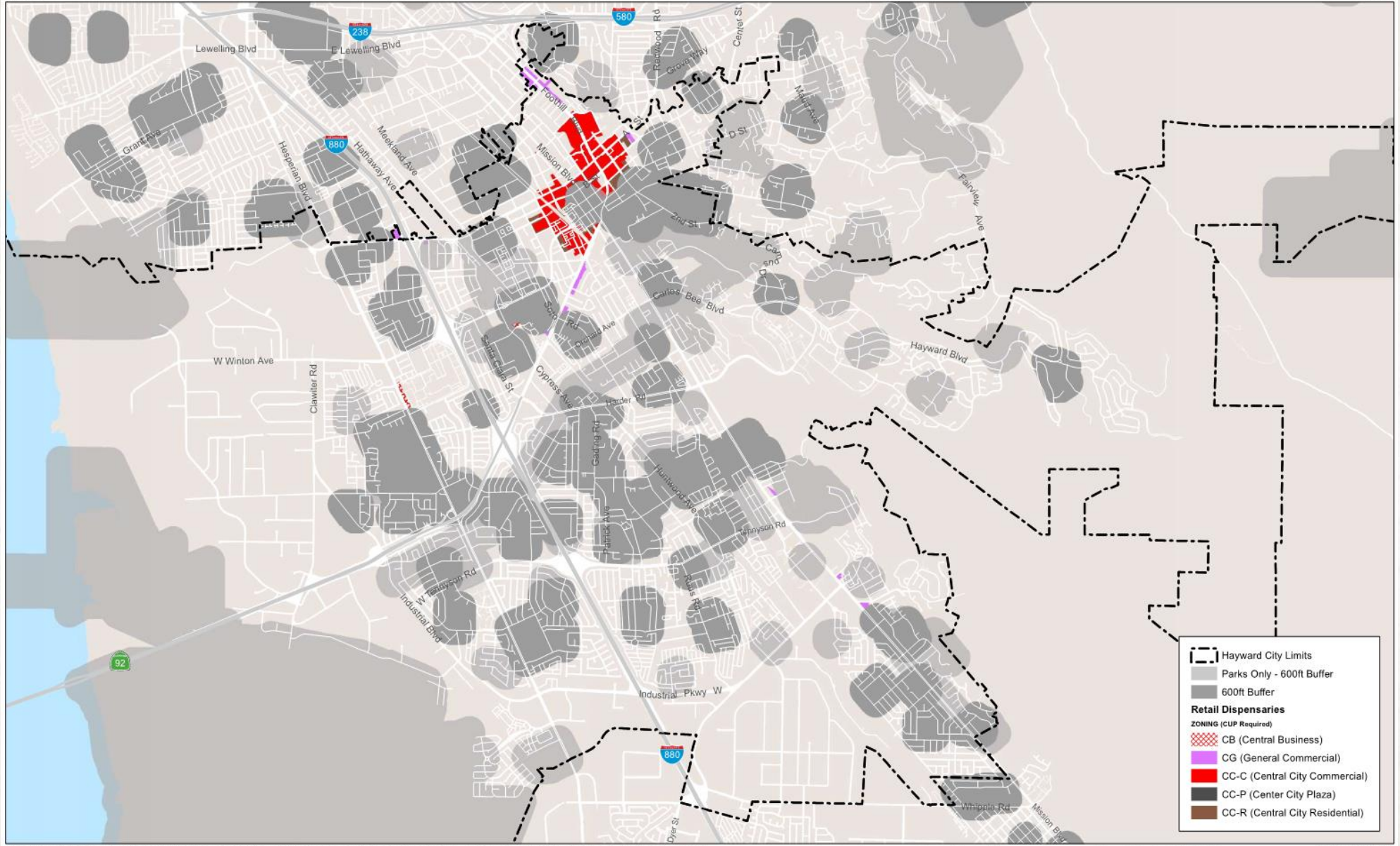
## **BUFFER FROM SENSITIVE LAND USES**

- The text amendment would provide a consistent application of the required buffer from commercial cannabis businesses and additionally provide the Commission with flexibility to reduce the 600-foot buffer from all sensitive land uses, if additional findings of necessity are made.
  - Currently, cannabis operators can apply for a Use Permit if located within 600 feet of parks, libraries and open space areas that contain children's playgrounds.
  - The proposed amendment would extend that provision to include the other sensitive land uses that serve children and provide a consistent land use standard throughout the City.
  - As part of the regulatory toolkit established by the State and the land use ordinances adopted by the City in 2017, staff believes that the current regulatory framework is sufficient to ensure that any impacts related to sensitive land uses are evaluated and minimized as part of a Use Permit process.
-





# Commercial Cannabis Retail Dispensaries – Zoning Districts



Note: Sensitive Receptors include libraries, community centers, public parks, recreation centers, youth centers, K-12 schools, and day care centers.

Small retail component allowed in Industrial zones, subject to provisions of Section 10-1.3606(H).

November 2017



# ENVIRONMENTAL REVIEW

- The proposed text amendments are 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 Zoning Text Amendment to the Hayward Zoning Ordinance would reduce the over-concentration buffer between retail dispensaries to 500 feet and require additional findings for commercial cannabis uses locating within 600 feet of sensitive land uses.
  - Commercial cannabis operators would still be subject to the RFP review and selection process and subject to the land use entitlement process, which would evaluate applications on a case-by-case basis for environmental impacts pursuant to CEQA.
-

## RECOMMENDATION & NEXT STEPS

- That the Planning Commission recommend to Council approval of the proposed Zoning Text Amendments (Attachment II) to Chapter 10, Article 1, Section 10-1.3600, Cannabis, of the Hayward Municipal Code related to the setback requirements for commercial cannabis businesses and the over-concentration buffer for retail dispensaries in the City of Hayward, based on the required Findings.
- Following Planning Commission review and recommendation, this item will be forwarded to the City Council for a first reading and consideration on March 19, 2019. If approved, the proposed text amendments would become effective in April 2019.

## QUESTIONS?

---