

Council Economic Development Committee



March 2, 2020

Approval of Minutes from February 3, 2020
Regular Meeting

Mission Boulevard Corridor Form Based Code Update Work Session

Council Economic Development Committee
March 2, 2020
Jeremy Lochirco, Principal Planner
Marcus Martinez, Associate Planner in association with Lisa Wise Consulting



PROJECT AREA

Mission Boulevard Corridor Form-Based Code

- Rose to "A" Street; then Jackson Street to Harder Road

South Hayward BART/Mission Boulevard Form-Based Code

- Harder Road to Garin Avenue



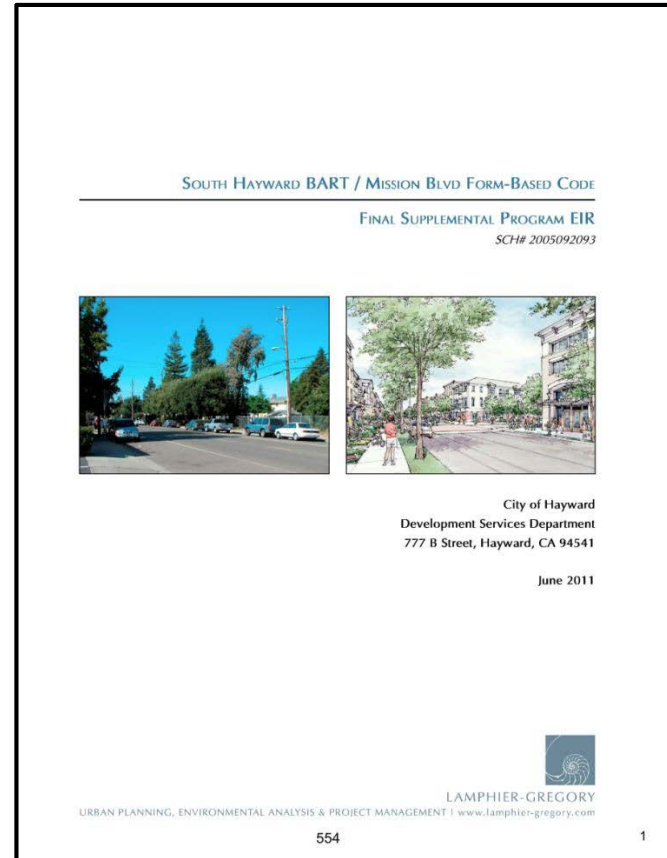


GOAL:

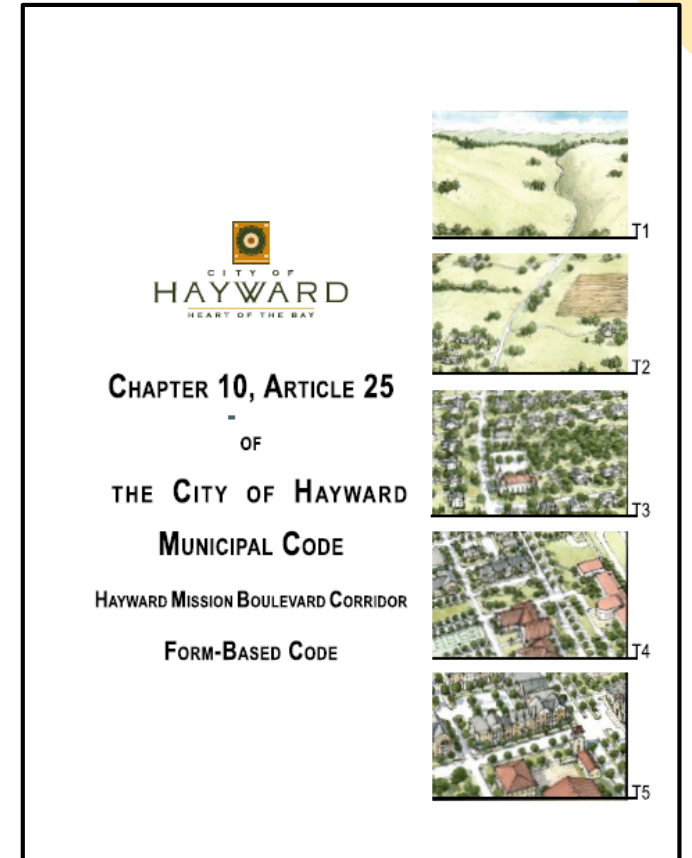
To implement the City's vision for the Mission Boulevard Corridor as an attractive mixed-use boulevard with a variety of commercial functions and residential densities that support walking and transit.

PROJECT OBJECTIVES

- ☐ Update the two Form Based Codes (FBCs) that regulate development and land uses along the Mission Boulevard Corridor
- ☐ Clean Up and Consolidate Documents for Consistency
- ☐ Clear Implementation
- ☐ Create More Objective Design Standards



South Hayward BART FBC
Adopted 2011



Mission Boulevard Corridor FBC
Adopted 2014

PROJECT HISTORY & TIMELINE

Form Based Code Adoptions

- South Hayward BART FBC Adopted 2011
- Mission Boulevard Corridor FBC Adopted 2014

Stakeholder Interviews

- December 2018
- Included public agencies, transit providers, neighborhood associations, developers & design professionals

City Council Work Session

- January 2019
- Obtained early feedback on FBCs

Planning Commission Work Session

- February 2019
- Obtained early feedback on FBCs

Public Review Draft

- Released February 2020
- Available online
- Shared with Stakeholders

Planning Commission Work Session #2

- Obtained feedback on Public Review Draft

STAKEHOLDER KEY ISSUES

- ✓ City staff interviewed industry professionals, developers, neighborhood associations, community stakeholders, etc.
- ✓ Six themes and topics of concerns emerged



Complexity



Development Standards



Parking Supply



Ground Floor Uses



Thoroughfares



Flexibility

PREVIOUS STUDY SESSION FEEDBACK

City Council

- Original goals of the FBC not being met today;
- FBC is complex to understand and implement; and
- Too many Planned Development (PD) Rezones that deviate from FBC standards

Planning Commission

- Study placement of open spaces/outdoor eating areas for properties along Mission Boulevard
- Recommended incorporating flexibility in land use to address vacant commercial spaces;
- Incorporate multi-modal and pedestrian friendly elements; and
- Encourage streamlining of Planning review for development activity

FORM BASED CODE PUBLIC REVIEW DRAFT

Significant Changes

- ✓ General Reorganization
- ✓ Refined Development Standards and Regulating Plan ("Map Amendments")
 - ✓ Modification and Expansion of Overlays
 - ✓ Land Uses
- ✓ Consistency with Adopted Plans and Ordinances

Available to View Online:

tiny.cc/haywardfbc *case sensitive*



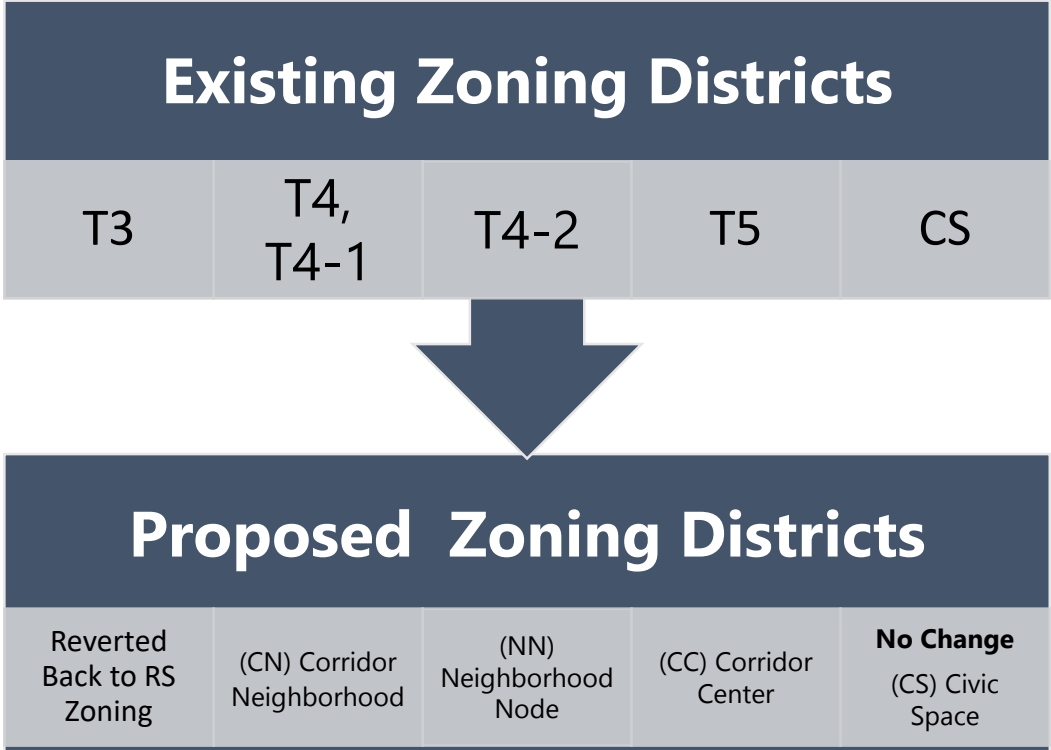
MISSION BOULEVARD CODE

City of Hayward, California
Public Hearing Draft | February 2020

SIGNIFICANT IMPROVEMENTS:

General Reorganization

- South Hayward BART and Mission Boulevard Corridor Codes consolidation;
- Restructured to be more user friendly
- Match layout, verbiage, and application of the adopted Downtown Specific Plan;
- Renamed zoning districts



SIGNIFICANT IMPROVEMENTS:

Refined Development Standards and Regulating Plan

Development Standards

- Removed parking maximums
- Removed overly restrictive architectural standards
- New administrative processes for flexibility

Thoroughfares

- Removed prescriptive thoroughfare requirements (new streets)
- Replaced with pedestrian and bicycle connectivity requirements for large sites

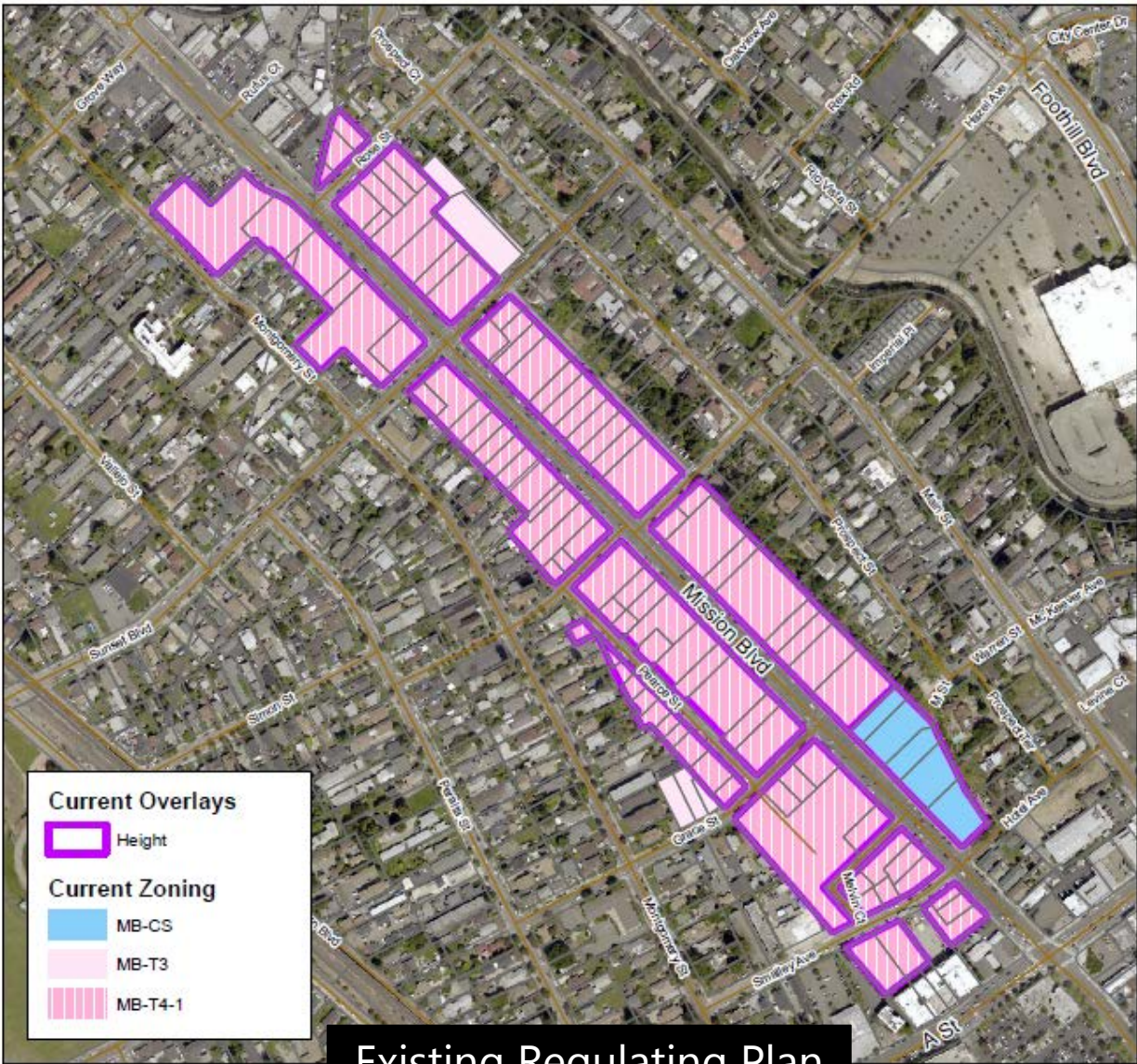
Land Uses

- Process established for temporary uses
- Flexibility for CS-zoned properties
- Allowed more uses by-right

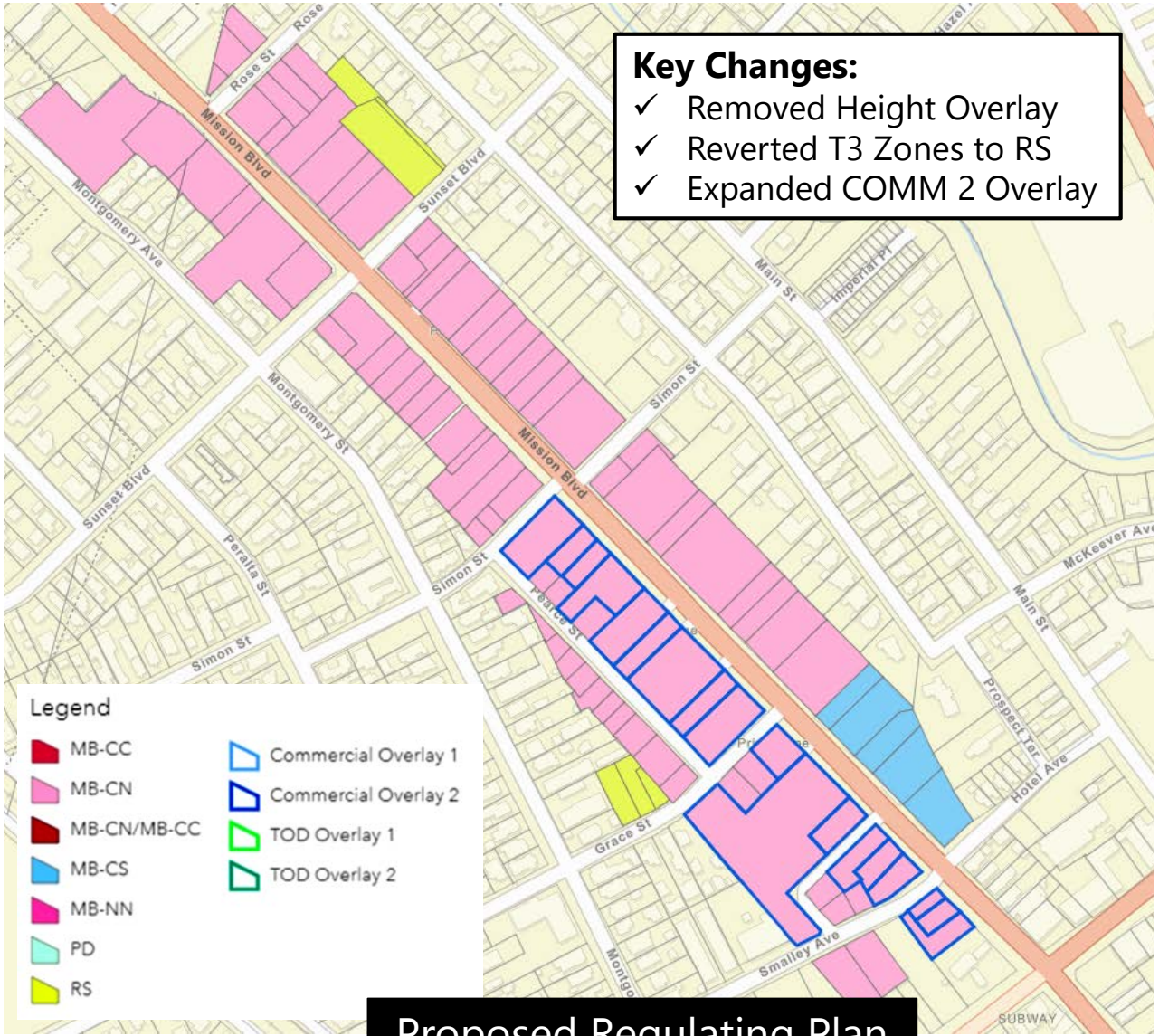
Zoning Map and Overlays

- Eliminated dual-zoned properties
- Expanded TOD Overlay #2 for properties adjacent to South Hayward BART; increased housing density
- Modified application of COMM Overlays

Map Amendments: Rose Street to "A" Street

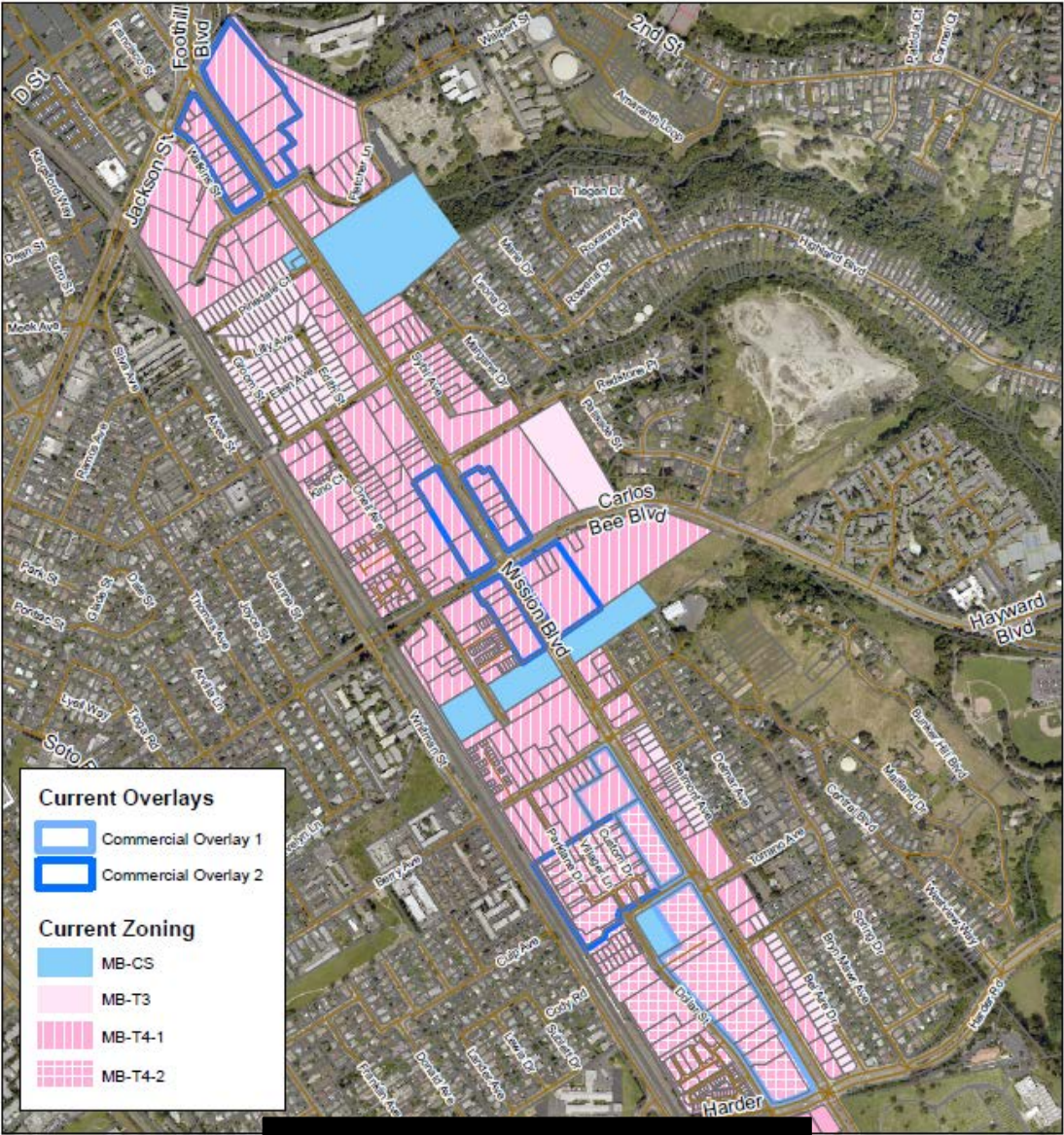


Existing Regulating Plan

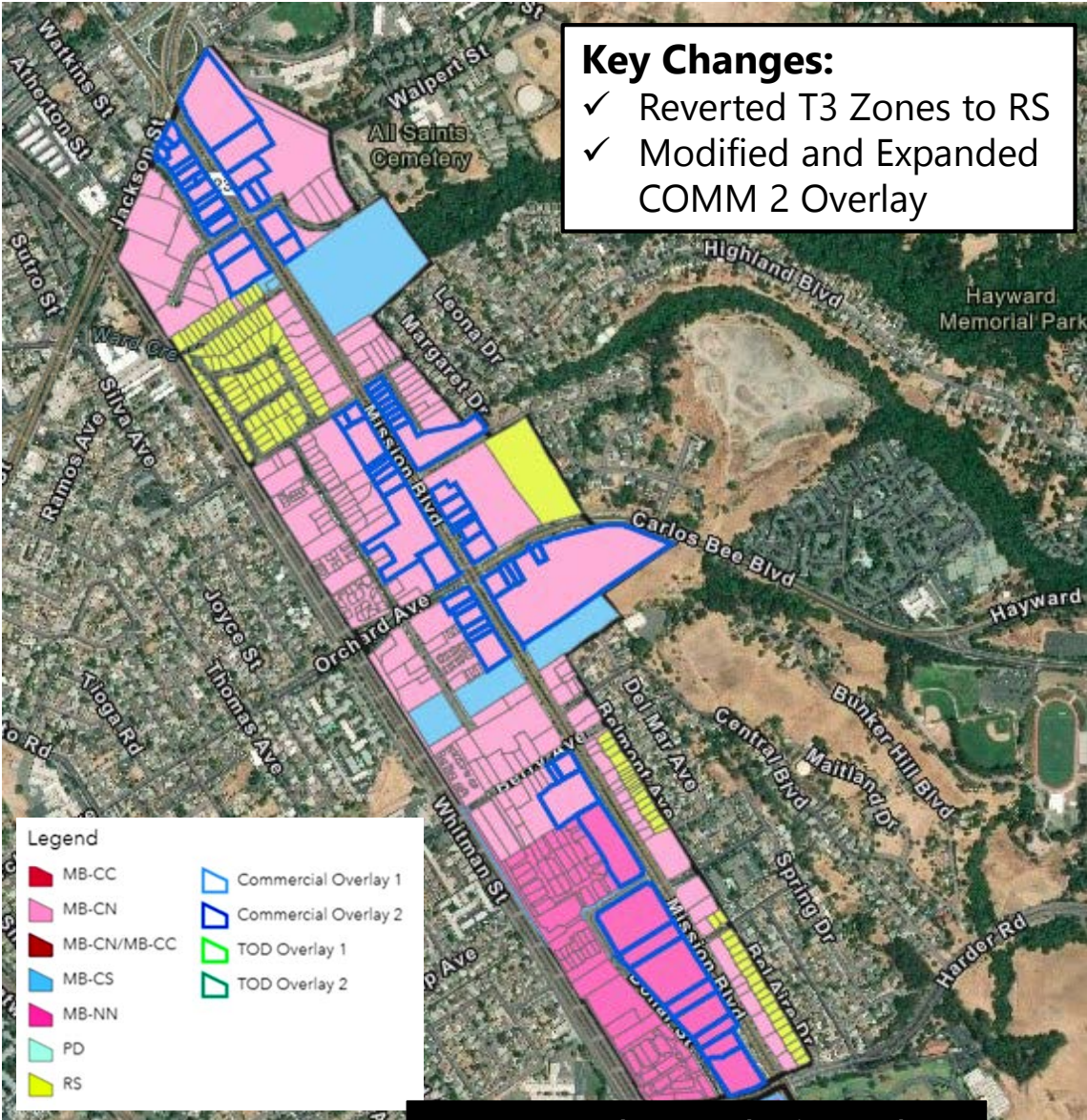


Proposed Regulating Plan

Map Amendments: Jackson Street to Harder Road



Existing Regulating Plan

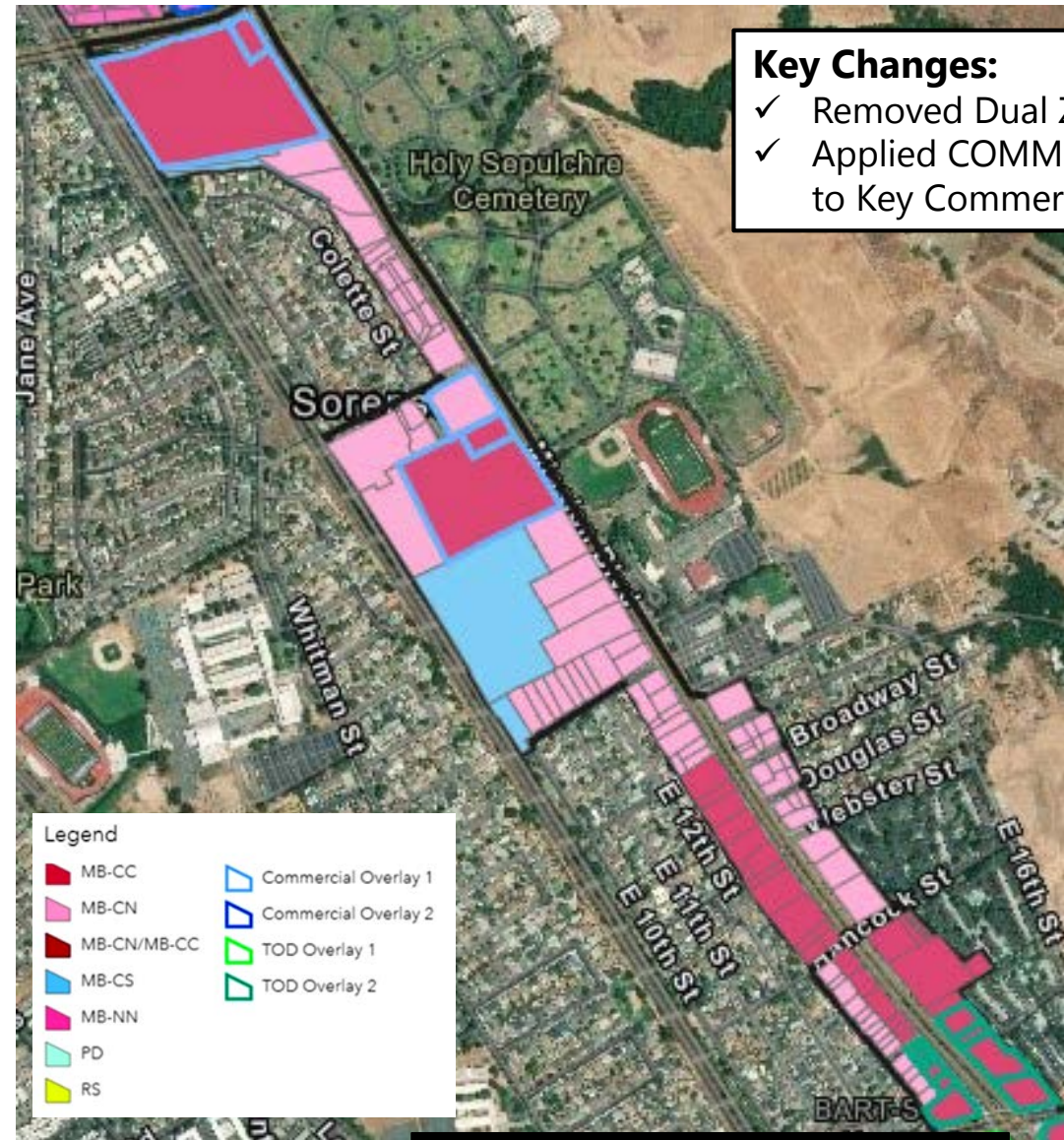


Proposed Regulating Plan

Map Amendments: Harder Road to Tennyson Road

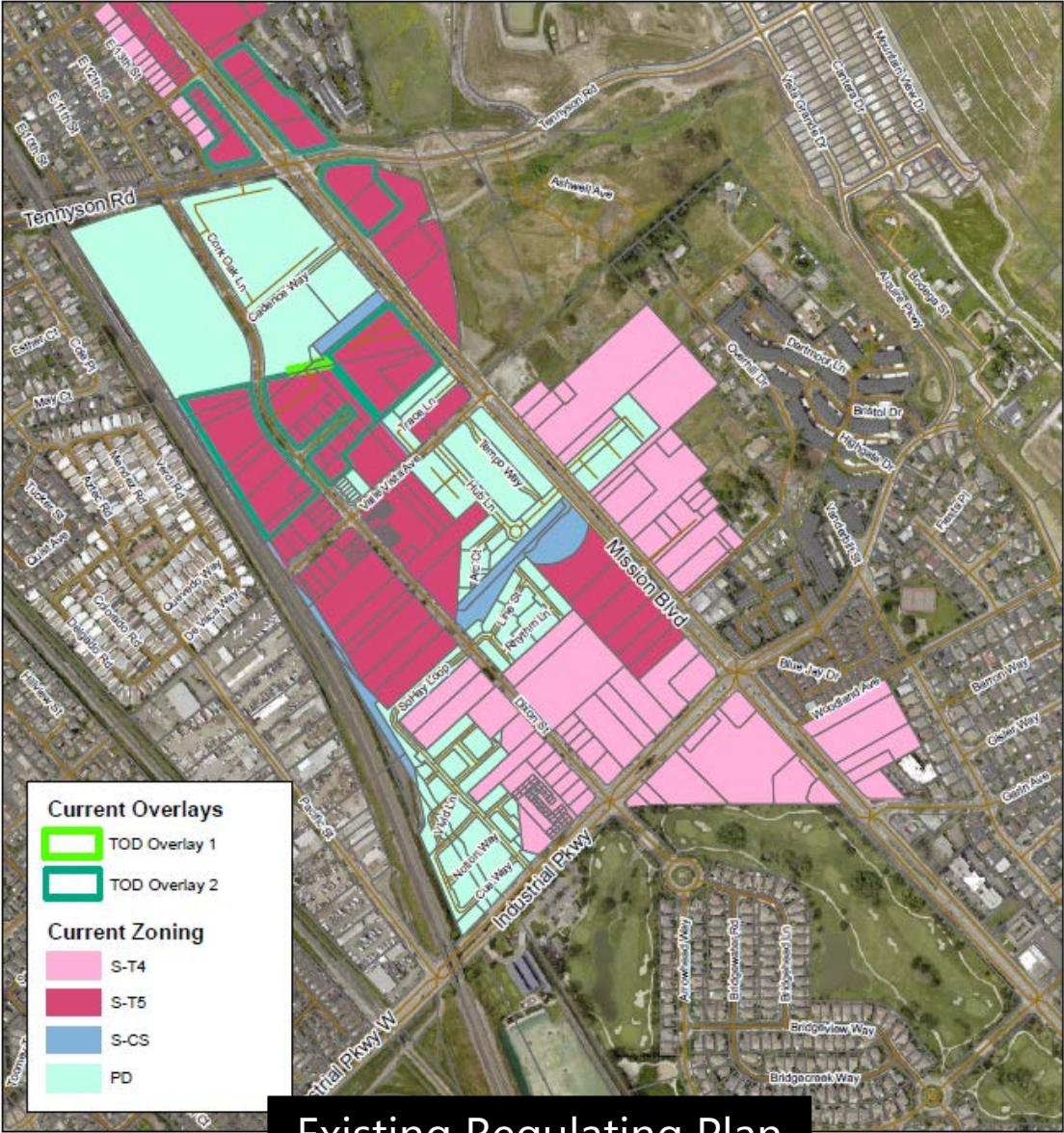


Existing Regulating Plan

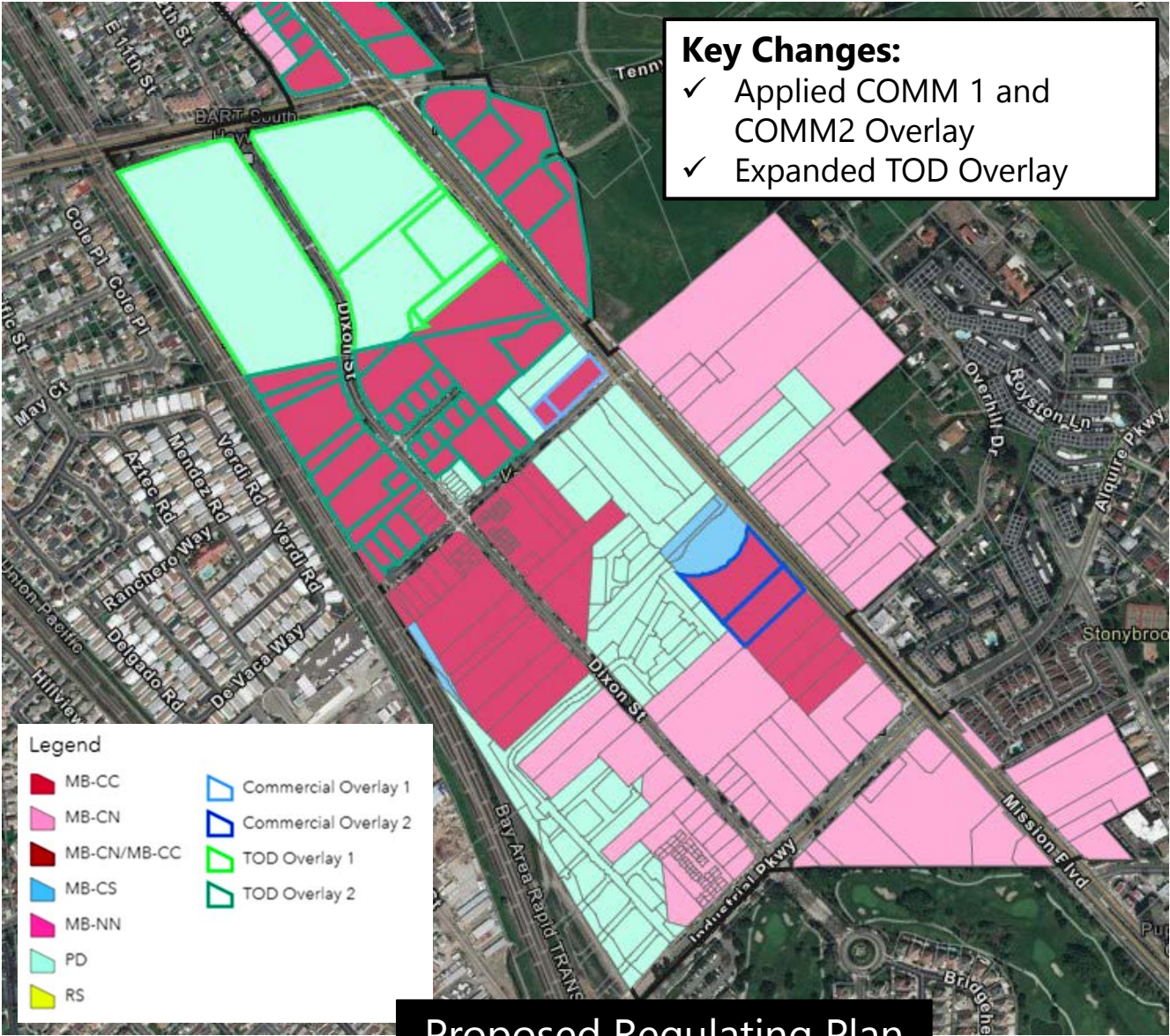


Proposed Regulating Plan

Map Amendments: Tennyson Road to Garin Avenue



Existing Regulating Plan



Proposed Regulating Plan

SIGNIFICANT IMPROVEMENTS:

Consistency with Adopted Plans and Ordinances

Modified Height and Density

- Allow for increased height and density in all zones subject to Major Site Plan Review (MSPR)
- Underdevelopment of site subject to MSPR

State Laws and Regional Goals

- Create objective standards
- Allow for more housing along major transit corridors and near transit stops
- Achieve Regional Housing Needs Allocation (RHNA) for affordable housing

Economic Development Strategic Plan

- Align land use table to be consistent with goals of the EDSP
- Match COMM overlays with identified catalyst sites



SCHEDULE & NEXT STEPS

Council Economic Development Committee

- Work Session – Today

Environmental Review

- Compliance with CEQA

Planning Commission

- Public Hearing for Adoption – April/May 2020

City Council

- Public Hearing for Adoption – May/June 2020
- Becomes Effective following 2nd Reading



A nighttime photograph of the San Francisco Bay Bridge, illuminated with lights, stretching across the water. The city lights of San Francisco are visible in the background, and the foreground shows a dark, silhouetted landscape.

STAFF RECOMMENDATION

That the CEDC provides feedback
to City staff on the Public Review Draft of the FBC



POLICY DIRECTION

Staff seeks feedback on the following items:

Land Use Table

- Permitted, Conditionally Permitted and Prohibited Uses

Zoning Map Amendments

- Application of Commercial and TOD Overlays

Development Standards

- Elimination of Parking Maximums





Questions or Comments?

Project Website:

tiny.cc/haywardfbc *case sensitive*

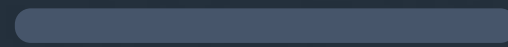
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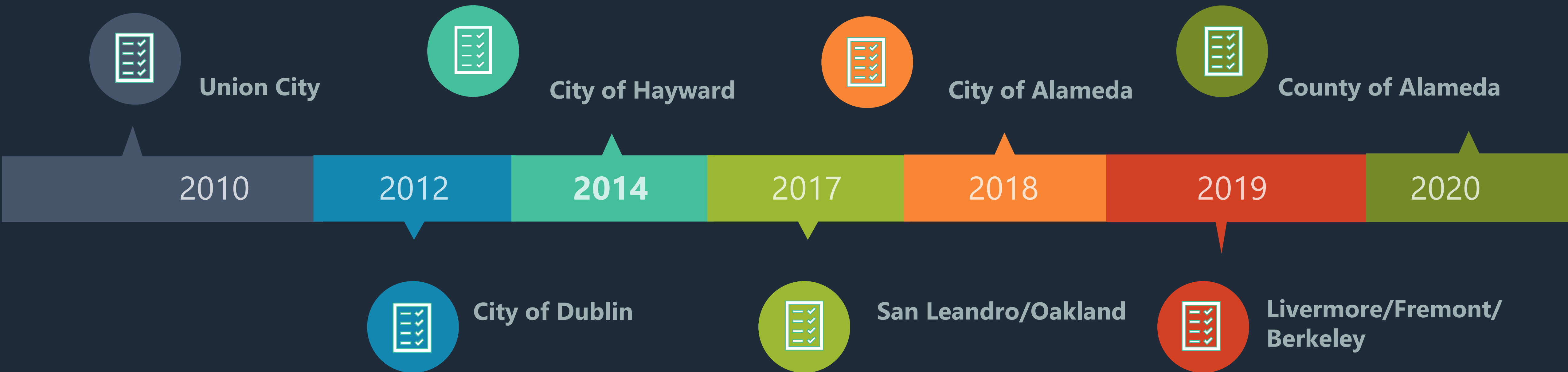
TOBACCO ORDINANCE UPDATE

CODE ENFORCEMENT DIVISION



REGIONAL TOBACCO CONTROL EFFORTS

Ordinance and Program Adoption Timeline



TRL Locations

2015 – 144

2019 – 119

(No new locations approved.)

Vapor/Hookah Lounges

2015 – 3

2019 – 0

Police Decoy Inspections

Average % Passed

2015 – 83% (113 inspections)

2019 – 87% (289 inspections)

September 2019

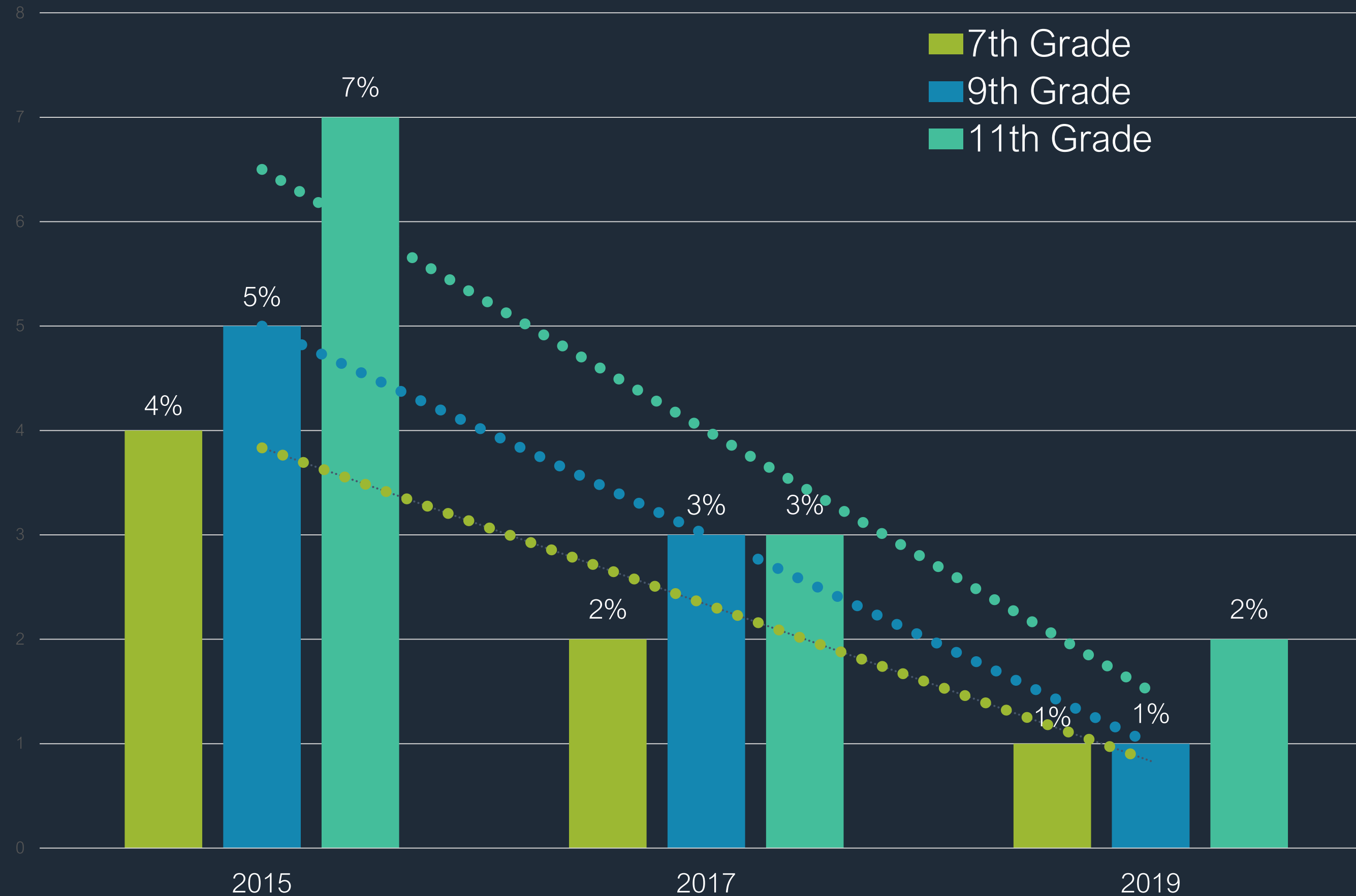
Staff received Council memorandum for discussion to review our Tobacco Retail Licensing Ordinance (TRL) and its current alignment with best practices as it relates to recent trends in the rise of youth smoking and vaping.

In December 2019

- 0 A Tobacco Policy Meeting was held with members of the Coalition for Health Against Tobacco advocacy group and other stakeholders, where substantial regional and national data for best practice measures to help reduce the access of tobacco products to youth was presented.

Secondary Student Cigarette Smoking

Hayward Unified School District



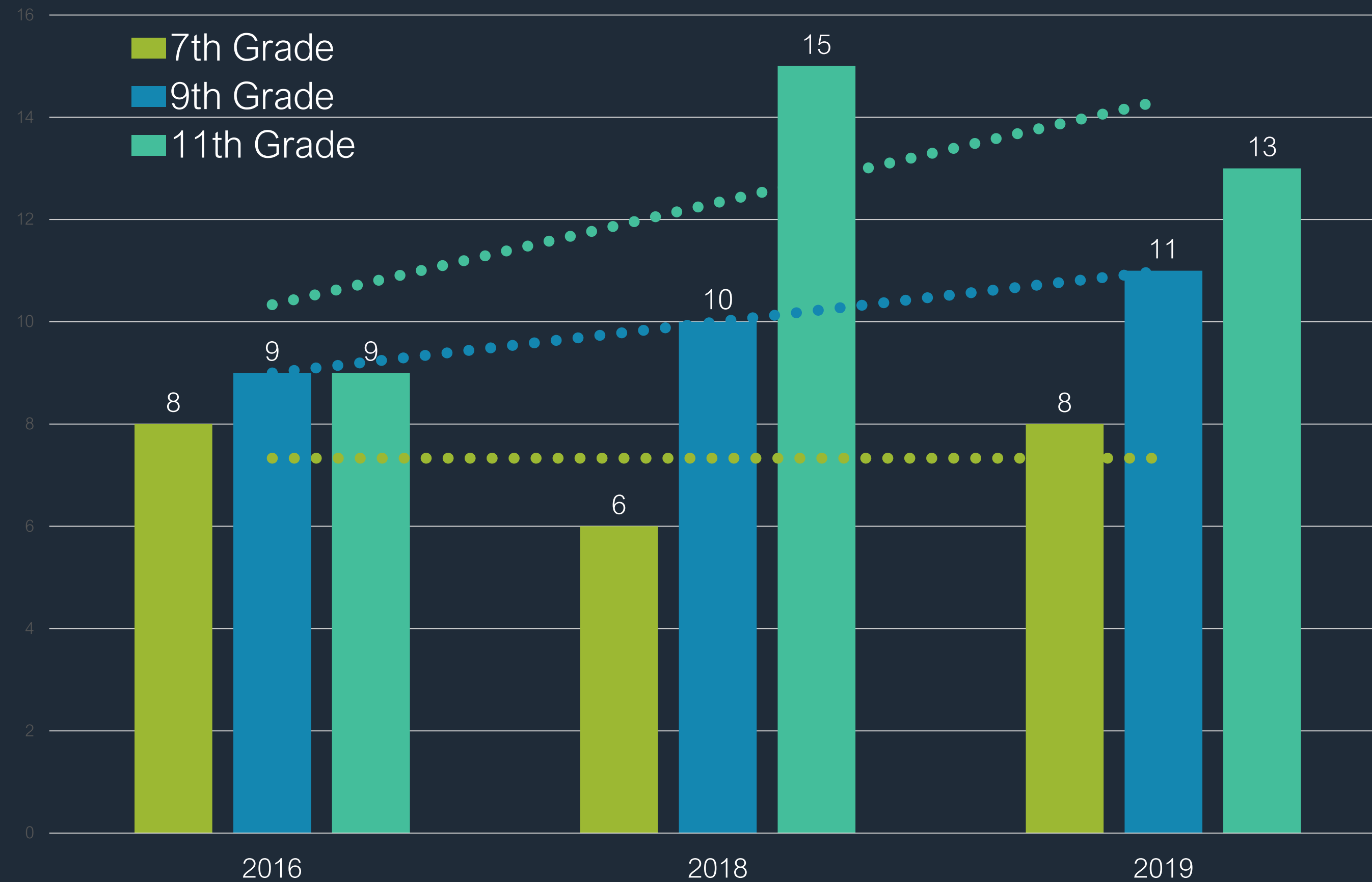
Grades 7th, 9th and 11th

Downward trend from 2015 – 2019 in the percentage of total youth using historical cigarette products since the adoption of the ordinance.

SOURCE: www.calschls.org – CA Department of Education

Secondary Student Electronic Cigarette Use

Hayward Unified School District



Grades 7th, 9th and 11th

Upward trend identified from 2016 – 2019 in the percentage of total youth using vapor products since the adoption of the ordinance.

SOURCE: www.calschls.org – CA Department of Education

COUNCIL MEMORANDUM

Considerations for Tobacco Ordinance Improvement

01

Restrictions on the sale of tobacco and vaping products; and additional monitoring for compliance.

02

Further regulation on the location of tobacco and vaping products to youth sensitive areas.

03

Other changes to help reduce teen use of tobacco and vaping products.

Analysis/Review

01

Restrictions on the sale of tobacco and vaping products and additional monitoring for compliance.

Current Ordinance

- Prohibits the sale of flavored tobacco and vaping products for new tobacco establishments.
- Businesses in place prior to the adoption of the ordinance were deemed legal non-conforming.
- Prohibit the sale of single cigarettes, packages of less than 5 units, and single cigars of less than \$5.
- Does not restrict the number of inspections or decoy operations.

Analysis/Review

02

Further regulation on the location of tobacco and vaping products to youth sensitive areas.

Current Ordinance

- 500-foot buffer to schools and other youth sensitive areas.

03

Other changes to help reduce teen use of tobacco and vaping products.

Current Ordinance

- Vapor lounges or Hookah bars are prohibited.
- Silent on the sale of other vaping products, i.e. devices, parts, batteries, atomizers, tips, etc.

QUESTIONS FOR COUNCIL



Should staff move forward to initiate a revision to the ordinance that will:

1. Eliminate the legal non-conforming status for the sale of all flavored tobacco and vaping products.
2. Increase the buffer distances of TRL locations for new businesses to 1,000 feet to schools and youth sensitive areas.
3. Add language changes to align with State and Federal requirements for the sale of flavored tobacco and vaping products.

NEXT STEPS

- Survey local tobacco retail establishments for sales and product data centered on areas of concerns.
- Conduct gap analysis of current tobacco licensing inspection program and ordinance to identify any performance and areas of improvement.
- Draft Ordinance Revision for Council's consideration.

QUESTIONS



Future Meeting Topics

Committee Member/Staff Announcements

Now Open!



A heart Szechuan
766 W A Street



Bamboo Steamer
24297 Hesperian Blvd



Fire Wings
24703 Amador St



Curry Cravings
22872 Main St

Coming Soon!

Late Spring



Megan's Nails - Reopening!
1087 B Street



TikTok Sweets
1081 B Street

March

Summer 2020



Teaspoon
25034 Hesperian Blvd



Denny's
25010 Hesperian Blvd



Craft Eatery/Sector 19
22380 Foothill Blvd

Adjournment