



CITY OF  
**HAYWARD**  
HEART OF THE BAY

2

**DATE:** December 2, 2008

**TO:** City Council/Redevelopment Agency Board Members

**FROM:** David Rizk, Director of Development Services Department

**SUBJECT:** Confirmation on Direction of South Hayward BART Plan Revisions and Authorization of Executive Director to Enter Into a Contract with Hall Alminana, Inc. to Develop a Form Based Code for the South Hayward BART Station Area

**RECOMMENDATION**

That the City Council/Redevelopment Agency Board adopts the attached resolution authorizing the Executive Director to negotiate and execute a contract with Hall Alminana, Inc., for an amount not to exceed \$300,000, to prepare a Form-Based Code and supporting analyses for the South Hayward BART Station area and that Council confirm staff direction related to the South Hayward BART Plan implementation.

**SUMMARY**

This staff report provides follow-up to a July 29, 2008, City Council work session addressing the South Hayward BART/Mission Boulevard Concept Design Plan. The report presents two options for the City Council/Redevelopment Agency Board consideration in the South Hayward BART station area: (1) retain the Concept Design Plan; or (2) prepare a Form-Based Code for the South Hayward BART Station area. Staff's recommendation – to prepare a Form-Based Code – is particular to only the area nearest the South Hayward BART Station and is accompanied by a suggested community involvement process, schedule, and budget. Staff's recommendation is intended to establish much clearer design expectations, inclusive of the public and private realms, and to better enable investment in vacant and underutilized properties in proximity to a mass transit hub. Lastly, the Form-Based Code would be informed and supported by a Parking Strategy Report, updated Market Analysis, and Fiscal Impact Analysis.

**BACKGROUND**

During a work session on July 29, 2008, staff and its consultant provided a presentation addressing the South Hayward BART/Mission Boulevard Concept Design Plan, Form-Based Codes, and Community Facilities Districts. Many questions about Form-Based Codes were raised. Ultimately, the Council decided to continue the matter to a future regular meeting for further discussion.

In January of 2008, the City Council identified top priorities related to its vision for Hayward. One

of those priorities, related to *Land Use and Sustainability*, is to revisit the South Hayward BART Plan. The work session in July and this report, including staff's recommendation, are in response to such priority.

On June 27, 2006, the Council approved the South Hayward BART/Mission Boulevard Concept Design Plan. The Plan furthered existing General Plan policy to "Seek to integrate greater intensity of development and enhance the surrounding neighborhood within ½ mile of the South Hayward BART Station" and to "Support higher-intensity and well-designed quality development in areas within ½ mile of transit stations and ¼ mile of major bus routes in order to encourage non-automotive modes of travel." The Plan did so by establishing strategies to: (a) increase building intensity and massing; (b) allow residential land uses in certain locations where previously prohibited; (c) require ground-floor commercial use at certain locations; (d) provide an increase in building height at certain locations; and (e) enable off-street parking spaces ratios and configurations conducive to Transit Oriented Development (TOD) and BART ridership.

## **DISCUSSION**

This staff report outlines two options for the Council's consideration: (1) retaining the Concept Design Plan unchanged; or, as staff recommends, (2) revising its implementation measures into a new Form-Based Code, along with a supporting parking strategy report, an updated market analysis, and fiscal impact analysis. Both options would retain the Council's earlier policy decisions outlined above.

### Option #1: Retain Concept Design Plan:

The Concept Design Plan presents a dispersed set of regulations and guidelines to control development intensity and building design. This framework consists of abstract and uncoordinated parameters bearing an unclear relationship to a planned integrated built form. As a result, the community's vision is implemented through a discretionary decision-making process. Both the Planning Commission and City Council provide this function – on a project-by-project basis - in the Concept Design Plan area.

The Mission Paradise project discussed in the prior staff report provides a relevant case study of the Concept Design Plan's strengths and weaknesses. Though arguably consistent with all standards and guidelines, the project was initially denied. Yet its sponsor returned with a revised design, substantially similar to the original, to test the waters a second time. Though by no means a negative assessment of the Concept Design Plan's value, it is possible future development proposals could also be subject to multiple discretionary review hearings, but ultimately obtain approval. Few projects will attempt this in the future.

Another Concept Design Plan weakness is its largely permissive rule scheme expressed through guidelines rather than standards. Here community character is advanced through "recommendations", "desires", and a liberal use of the word "should." The intent of each, as it applies to individual projects, is deliberated through the discretionary review process. The design expectations for each project are largely implied and decided after pen has been put to paper. While the Concept Design Plan contains graphical depictions of road design changes, their method of

implementation is less apparent. This exposes a vulnerability to achieving consistent pedestrian and vehicle thoroughfare connectivity in the Concept Design Plan area.

Despite these challenges to the Concept Design Plan, staff is recommending not revisiting it, but furthering its implementation with development of a Form-Based Code, as discussed in the following sections. Such decision would send a clear message to the development community that a stable set of policies and guidelines exists to evaluate their proposals, and that the City is interested in better defining a vision for this portion of the City to, in part, facilitate expeditious development review.

Concerns by developers who may be hesitant to submit new development proposals for fear of a rule change mid-process could be addressed by Council subsequently adopting a resolution to continue accepting and processing applications while the Form-Based Code is being produced. Alternatively, Council could establish a cut-off date to evaluate proposals under existing rules.

Also, retaining the Concept Design Plan would result in the retention of existing funds (\$300,000), which may be used for other planning efforts or infrastructure improvements within the City's Redevelopment Project Area. The prior staff report from the July work session (Exhibit C) comprehensively describes the Concept Design Plan.

#### Option #2: Prepare Form-Based Code:

As addressed in the earlier staff report, when considering the regulatory tools currently applicable to the Concept Design Plan area, a Form-Based Code would be functionally similar to the combined application of the Zoning Ordinance, the Subdivision Ordinance, the Citywide Design Guidelines, and the South Hayward BART/Mission Boulevard Concept Plan design guidelines. Thus, preparing a Form-Based Code means extracting and revising provisions from each of these and condensing them into one concise rule set.

Form-Based Codes, from a purely functional viewpoint, strive for clarity of rules to achieve more certain results aligning with a community vision. This often results in reduced real estate development risk and, as a result, a valuable incentive to further desired neighborhood revitalization. Form-Based Codes also tend to quell neighborhood opposition and may even turn project opponents into project advocates. Broadly stated, the design expectations are clearer and have connectivity from project-to-project.

The Form-Based Code Institute provides the following definition to help further explain Form-Based Codes:

Form-Based Codes are a unified method of regulating development to achieve a specific urban form. Form-Based Codes create a predictable public realm by primarily controlling physical form, with a lesser focus on land use, through city or county regulations.

Form-Based Codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in Form-Based Codes, presented in both diagrams and

words, are keyed to a regulating plan that designates the appropriate form and scale (and therefore, character) of development rather than only distinctions in land-use types. This is in contrast to conventional zoning's focus on the micromanagement and segregation of land uses, and the control of development intensity through abstract and uncoordinated parameters (e.g., FAR, dwellings per acre, setbacks, parking ratios, traffic LOS) to the neglect of an integrated built form. Not to be confused with design guidelines or general statements of policy, Form-Based Codes are regulatory, not advisory.

Form-based codes are drafted to achieve a community vision based on time-tested forms of urbanism. Ultimately, a Form-based code is a tool; the quality of development outcomes is dependent on the quality and objectives of the community plan that a code implements.

A continued explanation of Form-Based Codes is provided after the below explanation of the processes involved in their preparation.

Suggested Process:

Define Project Area: The prior Concept Design Plan resulted in land use policy and regulation changes for properties generally along Mission Boulevard and extending from Harder Road (north) to Industrial Parkway (south). Staff recommends that a Form-Based Code cover a reduced portion of this area. This would include properties generally within ½-mile of the South Hayward BART station and including an area, depicted in Figure One below, with general boundaries of Tennyson Road, railroad/BART tracks, Industrial Parkway and Mission Boulevard (both sides). This reduced area focuses on properties generally within walking distance of the BART station that are underutilized or vacant.



**Figure One. Proposed Form-Based Code Boundary**

The Form-Based Code's boundaries may be adjusted during the charrette process described below. Also, at the time of the charrette, if a specific project has been approved for the South Hayward BART station parking lot properties and the former Perry & Key site, all of which are being proposed to be developed by Wittek-Montana-BART with Eden Housing, such sites will be excluded from the project area. It is staff's opinion that processing the Wittek-Montana project before development of a Form-Based Code would not preclude such project from being consistent with a Form-Based Code and related design principles. The Wittek-Montana project architect, BAR Architects, helped design Santana Row in San Jose. That project incorporates the benefits of mixed-used urbanism (residential + retail + commercial), includes buildings that shape vital public spaces, and accommodates parking in ways that are not detrimental to urbanism, all of which is consistent with form-based coding. Also, the Wittek-Montana project's proponents and designers would be encouraged to meet with the Form-Based Code consultant team and staff, so that it could be shown how a Form-Based Code would benefit them directly by adding value to their investment, and would bring lasting improvements to the entire area (i.e., predictability, focus on quality of public space, etc.). The Wittek-Montana proponents and designers would also be invited to participate in the planned charrette as major stakeholder.

It is important to note that retaining a boundary equal to or less than the prior Concept Design Plan may yield reduced costs and time attributable to environmental review. The Form-Based Code's environmental review would be performed by city staff, or if accommodated within the proposed budget, by the consultant, and would tier from the prior Program Environmental Impact Report (EIR) prepared for the South Hayward BART Plan study.

Conduct Synoptic Survey: It is important to note Form-Based Codes are always calibrated to local environmental conditions. This begins with the thorough documentation of a community's physical attributes prior to code drafting. This process is frequently termed a 'synoptic survey.' Its purpose is to enable the community and code writers to make informed decisions and achieve a fuller understanding of the code's outcome.

Where perpetuation of existing character is desirable, a synoptic survey will provide the 'DNA' to achieve this. Conversely, where character is absent or undesirable, the synoptic survey provides a platform for explicit and intentional change. For example, a synoptic survey is prepared prior to a charrette and serves as the baseline for many scheduled topical discussions. One such discussion could focus on parking. The synoptic survey informs the discussion on this topic through diagrams depicting, for example, the specific location, number and restrictions (e.g., time limits, fees) of all on-street and off-street parking available in the study area. The chief benefit of this method is that civil discourse is not only enabled, but of a higher caliber since all participants may benefit from full documentation of existing conditions.

Conduct Parking Analysis: Parking policies play a key role in shaping development patterns in communities throughout the Bay Area. They also consistently rank as the top challenge to transit-oriented development (TOD). The preparation of a Form-Based Code provides an opportunity to enact TOD-supportive parking policies. As such, staff recommends the retention of Nelson/Nygaard to assist in the preparation of a Form-Based Code.

While the Synoptic Survey will enable an understanding of the physical parking situation, Nelson/Nygaard will evolve this baseline info, in consultation with the Form-Based Code team and community, into recommended TOD-supportive parking policies. Key innovative parking strategies resulting from this policy identification effort could include, for example:

- Implement transit/TOD supportive policies – including transit passes and carsharing;
- Reduce parking requirements – including parking maximums and shared parking for complementary uses;
- Price Parking – including unbundling parking costs from housing, cashing out of employee parking benefits and metering;
- Manage and finance parking districts – establish programs to provide benefits for local residents and/or businesses;
- Design parking to fit within the community – consider “wrapping” to improve the experience for pedestrians and landscaping/permeable surfaces to improve the environmental impacts.

Nelson/Nygaard’s contribution would involve: (a) assistance in defining of the community’s goal for the character of land use; (b) exploration of parking policies that may serve the community’s goals; (c) recommendations for best practices relating to local conditions and community aspirations; and (d) recommended Form-Based Code provisions.

Conduct Market Analysis Update: The prior Concept Design Plan was preceded by the preparation of a market analysis evaluating real estate market conditions and demographic trends. The results of that prior analysis are summarized in Pages 34 to 37 of the Concept Design Plan. While very little has since changed with regard to the building/business stock, significant alterations have come about in the real estate market. Additionally, a new Form-Based Code would enable a much greater level of specificity concerning commercial land use type, location, configuration and size.

Staff recommends the retention of Economic Research Associates (ERA) to support the Form-Based Code team and community in its effort to correctly calibrate commercial land use requirements. As a part of the charrette process described below, ERA’s market research will feed into the Form-Based Code team’s effort to design in detail. In doing so, a collaborative effort will be undertaken to establish, for example, adequate commercial floor areas and commercial land use types to support planned new residential dwellings.

Conduct Charrette: A charrette is a design-based, accelerated, collaborative project management system for all aspects of community planning. It is a proven, flexible, three-step framework inclusive of all stakeholders, including the community. Compared to conventional workshop processes that take years of endless meetings, the charrette process saves time and money through:

- Time-compressed intensive design sessions;
- Reduced need for revisions due to immediate, focused feedback; and
- Broad support/input from citizens, professionals, and staff.

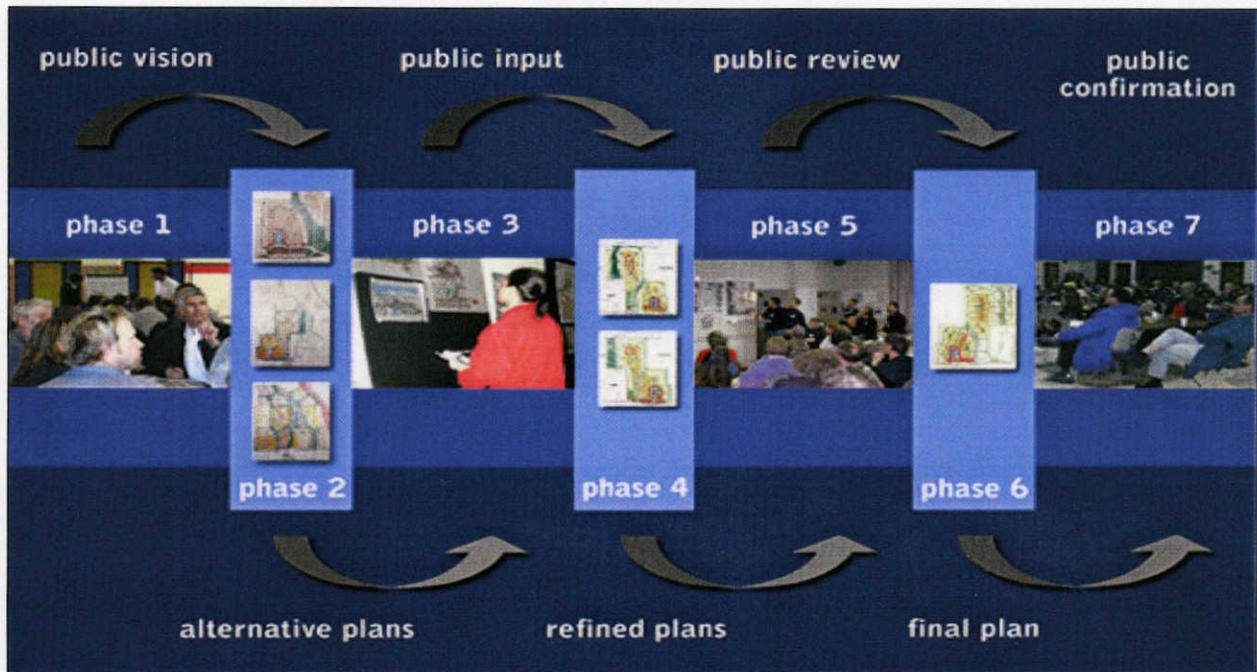
The charrette process also increases probability for implementation through:

- Multi-disciplinary teamwork;
- Early focus on engineering and finance; and
- Bringing all participants together for a compressed period of time (including Council members and Planning Commissioners).

The charrette is the catalytic event of the dynamic planning process. It is a collaborative event that lasts four to seven days. The goal of the charrette is to produce a feasible Form-Based Code that benefits from the support of all stakeholders through its implementation. A multidisciplinary charrette team, consisting of consultants and sponsor staff, produces this Code.

This all takes place in a charrette studio situated on or near the project site. During the charrette, the charrette team first conducts an open public meeting to solicit the values, vision, and needs of the stakeholders. The team then breaks off to create alternative plans, testing and refining them with the goal of producing a preferred draft Code. However, this does not occur as an unfocused free-for-all.

The charrette is organized as a series of feedback loops through which stakeholders are engaged at critical decision-making points. These decision-making points occur in primary stakeholder meetings, several public meetings, and possibly during an open house throughout the course of the charrette. These feedback loops (see Figure Two below) provide the charrette team with the information necessary to create a feasible Form-Based Code. Just as importantly, they allow the stakeholders to contribute to and become co-authors of the Code so that they are more likely to support it. Such process in developing the Code increases the chances of successful Code implementation.



**Figure Two. Proposed Form-Based Code Boundary.**

The charrette needs to last at least four days for the simplest of projects, and six to seven days for a standard project, in order to accommodate the required three feedback loops. Processes that last less than four days usually do not allow enough time to perform feasibility testing and to deal with major stakeholder issues. A successful charrette includes all of the attributes outlined in Exhibit D.

Conduct Fiscal Impact Analysis: Form-Based Codes entail defining zoning; therefore, they affect development intensity and land use, and associated property tax and sales tax revenues, and related costs for public services. Therefore, after completion of the draft Form-Based Code, staff recommends forecasting its resultant fiscal impacts. This would again entail utilization of Economic Research Associates (ERA) services. ERA would assess the Form-Based Code’s impacts on general fund accounts on the City of Hayward and forecast the amount of new tax increment that would be generated by the Code, at build out. This would include a 25-year analysis on an annualized basis of fiscal impacts, consideration of both revenue and expenses, as well as an indication of the bondable capacity available through the Redevelopment Agency, based on existing fiscal policy and negotiated pass-through requirements. Additionally, to address concerns with provision of adequate public safety services, including police services, the fiscal impact analysis will also address the financial aspects of forming a Community Facilities District (CFD), or Mello-Roos District, in the project area and involving properties for which new development is proposed.

Code Components:

Form-Based Codes are, by their very nature, more prescriptive than conventional zoning. They endeavor for a situation of, “everything in its place, not everything every place.” They also can counter the monotony of “Anywhere USA” architecture. Form-Based Codes still offer choice, though it is channeled to facilitate the community’s vision. Expectations are, overall, more precisely

stated and this reveals the primary focus of Form-Based Codes – fulfillment of a desired physical outcome inclusive of the public *and* private realms. Land use and development intensity are still addressed though they no longer take center stage. The core contents of every Form-Based Code consist of the following four core components:

- A Regulating Plan – A plan or map assigning the code’s various standards to physical locations. This is analogous to a conventional zoning map. Staff’s consultant presented a theoretical Regulating Plan for the Dixon Street area during the prior workshop.
- Public Space Standards – Specifications for the elements within the public realm including, for example, thoroughfares and civic spaces. These standards are key to reformatting urban fabric such as that found in the Dixon Street area. Moreover, these standards articulate a range of common outdoor space for community gathering.
- Building Form Standards – Regulations controlling the configuration, features, and functions of buildings that define and shape the public realm. These typically include, for example, regulations for lot sizes, building placement and form, use, parking, and frontage types.
- Administration – Requirements for the project application and review process including, for example, a glossary to define uncommon technical terms and phrases used in the code.

Depending upon individual community needs, a Form-Based Code may also contain building type standards, architectural standards or guidelines, green building standards and landscape standards. Attachment F in the prior staff report (Exhibit C) contains a list of website resources for those interested in further researching Form-Based Codes.

#### Applicability to the South Hayward BART Station Area:

During the prior Council work session, much concern was expressed around the Dixon Street area and, more specifically, in the inherent difficulty in achieving community transformation with very narrow and deep lots. As the area stands today, many lots are developed with buildings lacking public frontage and, hence, a resulting dull streetscape and a decreased perception of safety, which result in an unattractive pedestrian environment. The root of this issue lies in the past delineation of property lines. Therefore, one time-tested resolution includes the incremental modification of these property lines and new placement of public thoroughfares.

Form-Based Codes may prohibit buildings lacking public frontage, but may also contain subdivision regulations directing the reconfiguration of lot lines. This begins with a delineation on the Regulating Plan or, alternatively, on an illustrative plan where potential and desirable thoroughfare alignments are variable. Nevertheless, separate subdivision regulations provide textual standards and graphic guidelines on lot line delineation and thoroughfare insertion. The Ventura Downtown Specific Plan provides an example of this approach and is contained in Exhibit E. If requested by the City Council/Redevelopment Agency during the public meeting, staff can provide further graphical clarification on how the Form-Based Code would address transforming the deep, narrow lot configurations that exist along Dixon Street with new lot lines that would facilitate implementation of the existing Plan’s policies.

Also, the City's vision for the form and function of development along Mission Boulevard would be defined by a Form-Based Code that addresses areas along both sides of this major corridor in the South Hayward BART station area.

## **FISCAL AND ECONOMIC IMPACT**

In the event that the City Council approves the development of a Form-Based Code in the area around the South Hayward BART Station, the FY 2009 Redevelopment Agency budget includes up to \$300,000 for this purpose. Staff suggests that preparation of a Form-Based Code should also include a market analysis update, fiscal impact analysis, parking analysis and, most importantly, a charrette. The market analysis update would incorporate current information and specifically address how higher densities would be needed to support retail development; the fiscal impact analysis would utilize current information to assess fiscal impacts on the City, and a parking analysis would be used to assist in development of the Form-Based Code. The allocated \$300,000 would allow for development of all of these studies/analyses. However, such amount would not cover the costs for conducting environmental analysis. Such assessment would tier off the adopted South Hayward BART/Mission Boulevard Concept Design Plan Study Program Environmental Impact Report. Therefore, the cost for doing such assessment is envisioned to be minimal and could be done in-house by staff, or done by the consultant with possible use of approximately \$25,000 of the \$300,000 funds designated in the scope of work as contingency fund.

To address concerns with provision of adequate public services, including police services, the fiscal impact analysis will also address the financial aspects of forming a Community Facilities District (CFD), or Mello-Roos District, in the project area and involving properties for which new development is proposed.

The estimated timeframe for completing a Form-Based Code is eleven months (See Exhibit B). An overview of the proposed scope is included as Exhibit A, which indicates a total project cost of not more than \$300,000, including a 10% contingency fee. The existing Redevelopment Agency budget can accommodate completion of all these tasks.

## **PUBLIC CONTACT**

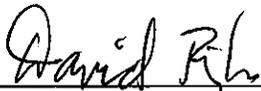
As previously noted, the South Hayward BART/Mission Boulevard Concept Design Plan was adopted in June 2006. The public participation process for considering the Plan included three community meetings, which were held beginning in January 2005 through early 2006. In addition, BART and AC Transit staff were included in the technical advisory group that led the planning process. BART also performed a more specific planning study involving its own South Hayward BART Station properties, and an additional community meeting to review that study was held in September 2005.

On June 4, 2008, the Sustainability Committee received a presentation on Transit-Oriented Development. This included mention of the role new regulatory tools (e.g., form-based codes) local governments could utilize to combat global climate change. The Sustainability Committee took no action as a result of that presentation. Notice of this meeting was provided by the regular posting and distribution of the Council meeting agenda.

## SCHEDULE

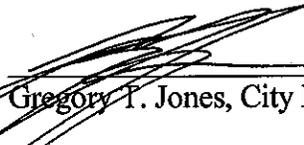
As with the prior work session, the next steps concerning this item are entirely dependent upon direction provided by the City Council. If the City Council is satisfied with the current South Hayward BART/Mission Boulevard Concept Design Plan, staff will continue to evaluate development proposals under existing General Plan policies, City guidelines, and Zoning Ordinance regulations. Alternatively, the City Council may accept staff's recommendation and pursue completion of a Form-Based Code and supporting analyses, which will take approximately one year to complete and bring back to the Council/Agency Board.

Prepared by:



\_\_\_\_\_  
David Rizk, AICP  
Director of Development Services Department

Approved by:



\_\_\_\_\_  
Gregory F. Jones, City Manager

Attachments:

- Exhibit A: Overview of Proposed Scope of Work
  - Exhibit B: Proposed Schedule
  - Exhibit C: July 29, 2008 City Council Staff Report
  - Exhibit D: Charrette: Key Strategies
  - Exhibit E: Form-Based Code: Subdivision Regulation Example
- Draft Resolution



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November 17, 2008

David Rizk, Director  
Department of Development Services  
City of Hayward  
777 B Street  
Hayward, CA 94541-5007

**Re: South Hayward BART / Mission Boulevard Project – Scope and Budget for Form-Based Code; Fiscal Impact Analysis; Market Analysis; Parking Strategy Report**

Dear David:

Thank you for the opportunity to submit this letter outlining a proposed scope of work for the South Hayward BART / Mission Boulevard Form-Based Code project. This scope is inclusive of highly qualified professionals and the timely delivery of a forward-looking and effective community building tool. The proposal is outlined below as (1) Project Team; (2) Project Understanding; (3) Scope of Services; and (4) Time and Cost Estimate.

### **1. Project Team**

- Prime Consultant: Hall Alminana, Inc. - Laura Hall, Project Director; Robert Alminana, Urban Designer and Form-Based Code writer;
- Project Manager/Staff Liaison: Lamphier-Gregory – Kevin Colin
- Architect: Brown Design Studio – Eric Brown, Principal
- Illustrator: Christopher Illustrations – Dede Christopher, Principal
- Market Analysts: Economic Research Associates (ERA) – David Bergman, Principal
- Parking Specialists: Nelson\Nygaard Consulting Associates – Patrick Siegman, Principal

### **2. Project Understanding**

The Project area is coterminous with that portion of the South Hayward BART/Mission Boulevard Concept Design Plan (June 2006) southerly of the intersection of Mission Boulevard and Tennyson Road. Within this geographic area, the City desires to replace the prior Concept Design Plan with a Form-Based Code that results in:

- New buildings of high-quality architecture;
- Stimulated private investment due to reduced risk associated with a predictable decision-making process;
- Building intensity both supportive of transit-oriented development and contextually respectful to existing development; and
- High quality public open spaces for existing and future residents and visitors.

Our proposal is formulated around these core intentions. We understand that the City does not desire to increase the intensity of future development above that envisioned by the prior Concept Design Plan. If this goal is realized throughout the charrette and in the resulting draft Form-Based Code, the City may realize cost and time savings through reduced environmental review costs. It is therefore possible that the Form-Based Code will result in a Negative Declaration that tiers off of the prior Program Environmental Impact Report.

The Form-Based Code's boundaries may be adjusted during the charrette process described below. Also, at the time of the charrette, if a specific project has been approved for the South Hayward BART station parking lot properties and the former Perry & Key site, all of which are being proposed to be developed by Wittek-Montana-BART with Eden Housing, such sites will be excluded from the project area.

Unless directed otherwise by the City, the Form-Based Code would be informed by, and will not recommend changes to, the approved 238 Corridor Improvement Project. We note that the City has already committed significant resources to carrying out that project.

### **3. Scope of Services**

Based upon our understanding of the Project and preliminary direction from City staff, we have composed a budget and schedule that includes four project phases with accompanying tasks. To better understand the scope of each project phase, the proposal contains a table of deliverables and responsible parties. Each project phase and its accompanying tasks are summarized below.

- **Phase 1: Documenting.** This project phase involves the inventory of multiple data sets to facilitate later project phases. Hall Alminana, Inc. and Lamphier-Gregory will jointly complete a Synoptic Survey including a detailed inventory of the best examples of Hayward's architecture and urbanism and the existing regulatory geography.

Hall Alminana, Inc. and Lamphier-Gregory will conduct pre-charrette interviews with stakeholder groups identified by City staff.

### **Parking Strategies Report:**

While the Synoptic Survey will enable an understanding of the physical parking situation, Nelson/Nygaard will evolve this baseline info, in consultation with the Form-Based Code team and community, into recommended TOD-supportive parking policies. Nelson/Nygaard will complete a Parking Strategy Report that will involve: (a) assistance in defining of the community's goal for the character of land use; (b) exploration of parking policies that may best serve the community's goals; (c) recommendations for best practices relating to local conditions and community aspirations; and (d) recommended Form-Based Code provisions. Key innovative parking strategies resulting from such an effort could include, for example:

- Implement transit/TOD supportive policies – including transit passes and car-sharing;
- Reduce parking requirements – including parking maximums and shared parking for complementary uses;
- Price Parking – including unbundling parking costs from housing, cashing out of employee parking benefits and metering;
- Manage and finance parking districts – establish programs to provide benefits for local residents and/or businesses;
- Design parking to fit within the community – consider “wrapping” to improve the experience for pedestrians and landscaping/permeable surfaces to improve the environmental impacts.

We recognize not all parking policy changes may be implemented through the Form-Based Code. For example, the establishment of a parking permit district is not appropriately established through zoning. Nonetheless, since identifying such complementary parking policy changes has value, Nelson/Nygaard will author a report of recommended parking strategies to be implemented now or in the future through a separate effort.

### **Market Analysis Update:**

Economic Research Associates (ERA) will support the Form-Based Code team and community in its effort to correctly calibrate commercial land use requirements. As a part of the charrette process described below, ERA will complete an abbreviated update to the 2005 Strategic Economics market analysis. ERA's market research will feed into the Form-Based Code team's effort to design in detail. In doing so, a collaborative effort will be undertaken to establish, for example, adequate commercial floor areas and commercial land use types to support planned new residential dwellings.

*Deliverables: Synoptic Survey, Parking Strategy Report and Market Analysis Update*

- **Phase 2: Charrette.** Our public involvement strategy includes a 5-day charrette. This dynamic planning method will provide a highly collaborative forum for ideas and feedback. The charrette builds trust, fosters a shared community vision, results in a feasible plan, and avoids costly rework associated with conventional workshops. The charrette will integrate designers, parking specialists, marketing specialists, code end users, developers, regulators, and citizens into a relatively brief, cyclical process of output and input. Our detailed design work will result in a plan that is feasible and economically sound with fiscal impacts addressed in real-time.

As a nationally recognized facilitator, I will lead the charrette and serve as its spokesperson. All professional firms on the Project Team will attend the charrette. A Charrette Report [or, alternately, a Charrette Poster] will be produced after the charrette to document both the process and the outcome.

Please note our budget assumes the City will provide a high level of support for the charrette both in terms of guidance on stakeholders, provision of venue and staff support on logistics. This includes a room, tables, chairs, public notice (e.g., flyers, mailed cards, newspaper, and website), one van for ad-hoc tours, and IT staff support. We have, however, accommodated materials, lodging and meals in the budget.

*Deliverable: Charrette Report [or Charrette Poster]*

- **Phase 3: Assembly.** This project phase transforms the community vision into a legal tool which implements desirable investment in the project area. The primary code authors will be Hall Alminana, Inc. and Lamphier-Gregory. The Form-Based Code will be based upon the Transect, which consists of six zones that describe the physical form and character according to the density and intensity of its land uses.

**Fiscal Impact Analysis:**

After completion of the draft Form-Based Code, ERA will forecast its resultant fiscal impacts by assessing the Form-Based Code's impacts on general fund accounts on the City of Hayward and forecasting the amount of new tax increment that would be generated by the Code, at build out. This would include a 25-year analysis on an annualized basis of fiscal impacts; consideration of both revenue and expenses; as well as an indication of the bondable capacity available through the Redevelopment Agency based on existing fiscal policy and negotiated pass-through requirements. Additionally, to address concerns with provision of adequate public safety services, including police services, the fiscal impact analysis will also address the financial aspects of forming a Community Facilities District (CFD, or Mello-Roos District) in the project area and involving properties for which new development is proposed.

*Deliverable: Final Draft Form-Based Code, Fiscal Impact Report*

- **Phase 4: Adoption.** This project phase results in Form-Based Code integration into the City's land use regulations. Also known as the "splice," we will ensure the Form-Based Code is well-functioning without ambiguities. This critical calibration process will provide end-users the much needed clarity needed to facilitate high quality design. This project phase also provides for Hall Alminana, Inc. and Lamphier-Gregory to attend up to three code adoption hearings.

*Deliverable: Ordinance Amendments to Approve Form-Based Code.*

#### **4. Time / Cost Estimate**

Our grand total estimated cost to complete the scope of work outline above is \$300,000. Given the complexity of the Project and desire to maintain timely delivery of all deliverables, this total includes a 10% contingency equaling \$27,817. Further details of the budget as correlated to phases, tasks and professional firms are provided in the proposal.

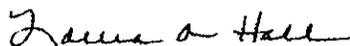
For contractual purposes, Hall Alminana, Inc. will serve as the prime consultant with all remaining professional firms serving as subcontractors. As the budget spreadsheet details, Hall Alminana, Inc. and Lamphier-Gregory will build on a prior working relationship and collaborate extensively on this project. Kevin Colin of Lamphier-Gregory will utilize his experience in both Form-Based Code creation and implementation to lead the consultant team.

From beginning to end, we have prepared a project schedule concluding in ten months (see attachment). We are available to provide the City of Hayward our full attention and commence work immediately. With contract execution occurring by the end of December 2008, we will be able to conduct the charrette at the beginning of April 2009. We realize, of course, the schedule is highly dependent upon City staff feedback. We welcome such input.

In closing, thank you again for this opportunity to propose a scope of work and cost estimate for the South Hayward BART / Mission Boulevard Form-Based Code Project. If you have any questions or would like to discuss this further, please do not hesitate to contact me at (415) 986-9111 or at [laura@hallalminana.com](mailto:laura@hallalminana.com).

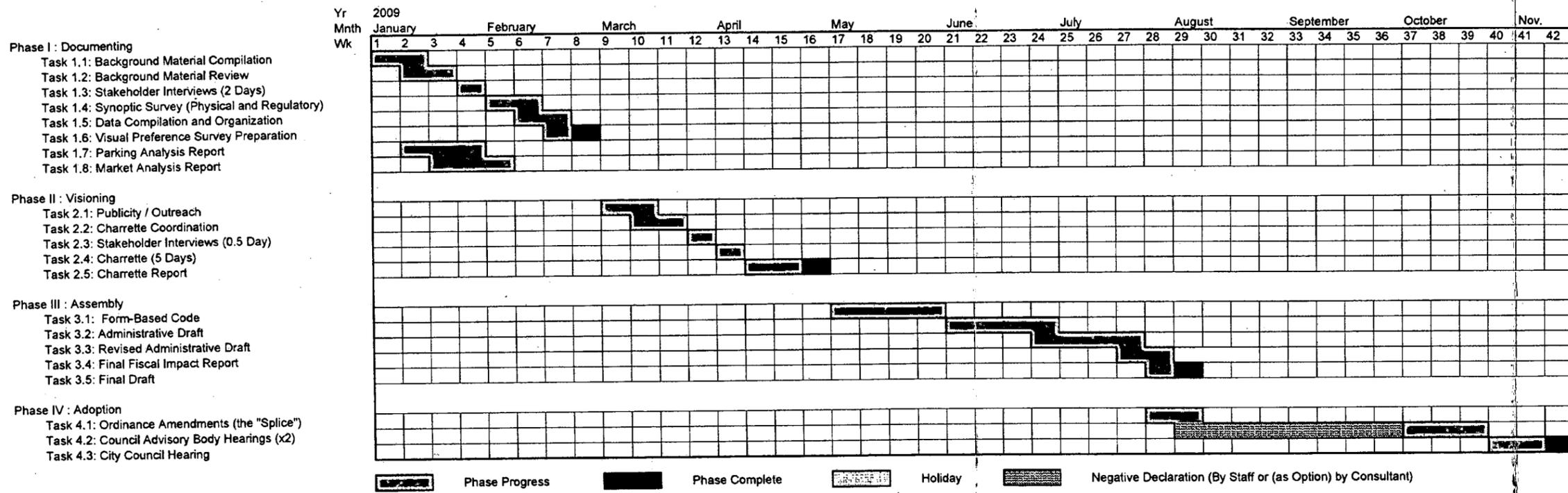
Sincerely,

Hall Alminana, Inc.



Laura Hall  
Principal-in-Charge

**South Hayward BART / Mission Boulevard - Form-Based Code - Estimated Schedule**



WS#2

**DATE:** July 29, 2008  
**TO:** Mayor and City Council  
**FROM:** Director of Community and Economic Development  
**SUBJECT:** South Hayward BART/Mission Boulevard Concept Design Plan

### **RECOMMENDATION**

That Council reviews this report and provides staff with policy direction on the South Hayward BART/Mission Boulevard Concept Design Plan.

### **SUMMARY**

The contents of this staff report are threefold: (1) summary of the South Hayward BART/Mission Boulevard Concept Design Plan; (2) description of proposed developments since the Concept Design Plan's adoption; (3) synopsis of a different community building tool – Form-Based Codes – for discussion purposes; and (4) introduction to Community Facilities Districts. Staff is asking for Council's direction on whether the Concept Design Plan is adequate, and whether it meets Council's current policy and land use objectives.

### **BACKGROUND**

On June 27, 2006, after an 18-month study, the City Council approved the South Hayward BART/Mission Concept Design Plan. That action followed the Planning Commission's June 15, 2006 approval recommendation.

In a Council work session held in January regarding Council priorities, a majority on Council requested staff bring the approved plan back for discussion in work session. This report addresses that request.

### **DISCUSSION**

#### **South Hayward BART / Mission Boulevard Concept Design Plan –**

The South Hayward BART/Mission Boulevard Concept Design Plan covers approximately 240 acres along Mission Boulevard, between Harder Road and Garin Avenue. It speaks to some, but not all, properties along Mission Boulevard (see Exhibit A); and the Plan identified the potential for development of an additional approximate 1,800 to over 3,200 dwelling units at build-out. The City

Council will be provided a copy of the Concept Design Plan under separate cover due to its length. The public may review a copy of the Plan at the Permit Center in City Hall.

Before summarizing the Concept Design Plan, it is necessary to clarify where planning policies and standards are located for this portion of Hayward. On the whole, the Concept Design Plan documents the history and thought process that lead to General Plan and Zoning Ordinance changes. Thus, it is not a plan in the conventional sense. Actual development policy and regulation, reflecting the contents of the Concept Design Plan, is found in the General Plan and Zoning Ordinance. This was intended and is clearly acknowledged in the Concept Design Plan on page 41, where it states, "This Concept Plan does not provide the level of specificity required to fully describe development standards and opportunities. It is intended to be implanted in conjunction with Hayward's General Plan and Zoning Ordinance, which was amended as a result of the South Hayward BART/Mission Boulevard Study." So, when describing this document, it is most accurate to qualify the Concept Design Plan as the starting point for the conversation about community revitalization and visioning. With this point clarified, the following text will summarize the Concept Design Plan's contents.

Chapter 2. Existing Conditions (Pages 9 to 40) – Approximately one-third of the Concept Design Plan is devoted to the documentation of existing conditions. Subject matter includes a land use/urban form assessment, identification of real estate market conditions/demographic trends, and two pages devoted to a transportation assessment.

The *Land Use and Urban Form Assessment* (Pages 9 to 33) provides brief descriptions of site character and buildings, and the pedestrian environment, along with identification of needs. The descriptions of existing conditions focus primarily on such issues as parcel depths and sizes, locations of buildings related to street frontage and setbacks, etc. Information presented is, on the whole, qualitatively described. Amidst this information, many suggestions (i.e., "opportunity assessments" for sub-areas) are provided relative to both private and public properties. These are most often advanced in generic land use terms. Of note is the absence of a clear linkage between suggestions and an implementing policy, program, or regulation found later in the document or elsewhere.

The *Real Estate Market Conditions and Demographic Trends* section (Pages 34 to 37) states on page 35, "Continued population growth and rising income levels in the Primary Market Area are good indicators of its marketability as a housing location, and also signal potential new retail market opportunities." In terms of potential for new retail opportunities, the Plan indicates that although strong local support exists for, "newer generation retail formats and tenants in the Plan area, high traffic volumes and diffuse, outmoded commercial development on some stretches of Mission Boulevard have constrained potential development opportunities." The lack of new retail development in the Plan area since the 2006 adoption seems to support this statement.

The *Transportation Assessment* (pages 38 to 39) does identify specific opportunities/measures that could facilitate enhanced pedestrian and bicycle movement in the Plan area. However, specific ways to implement such improvements, including identification of funding sources, are not identified.

Chapter 3. Concept Land Use Plan (Pages 41 to 55) – This chapter summarizes land uses that resulted in General Plan Land Use and Zoning designations. It does not convey the sum total of planning policy and zoning regulation applicable to the area. Rather, it provides the highlights of standards found largely within various Zoning Ordinance chapters; explains some of the intentions of changed policies and regulations; and, occasionally provides design ideas (in text) and/or land use suggestions for certain properties. Policy and regulation revisions mentioned here include:

- General Plan Land Use Map and Zoning Map changes that were adopted as a result of the Plan (see Exhibit B). Zoning Ordinance development standards for those designations are identified below:
  - New Station Area Residential (SAR) General Plan and Zoning designations for certain properties in closest proximity to the South Hayward BART station.
    - 75-100 units per net acre required, with some ground floor commercial use required
    - 60 feet in height allowed (up to 80 feet allowed with certain findings)
    - maximum of 1.0 to 1.3 parking spaces allowed per residential unit
    - 100 square feet minimum of private open space per unit be provided for at least 40% of the units in a development; and that group or common open space be provided totaling at least 20% of the lot area, plus the area that is not provided as private open space for units
  - New Mission Boulevard Residential (MBR) General Plan and Zoning designations in two locations for certain properties near the South Hayward BART station and along Mission Boulevard.
    - 34.8 to 55.0 units per net acre required
    - maximum 55 feet in height allowed
    - maximum of 1.3 to 1.5 parking spaces allowed per residential unit
    - 100 square feet minimum of private open space per unit be provided for at least 40% of the units in a development, and that group or common open space be provided totaling at least 15% of the lot area, plus the area that is not provided as private open space for units
  - Existing High Density Residential (HDR or RH) designations to enable residential (only) land use along portions of Mission Boulevard and Dixon Street, which, along with the MBR designation, rendered many properties with commercial development along Mission Boulevard nonconforming.
    - 17.4 to 34.8 units per net acre required
    - maximum of 40 feet in height allowed
    - up to 2.1 parking spaces required

Note that no changes to this Zoning District were made as a result of the Plan adoption.

- Modifications to existing Neighborhood Commercial-Residential (CN-R) Zoning

District standards to require mixed use developments for properties at selected intersections along the west side of Mission Boulevard, and along the east side of Mission Boulevard between Hancock and Webster Streets (the Mission Paradise site – see later discussion).

- minimum density required at 27-55 units per net acre above ground floor (no minimum required outside Plan area)
  - maximum height allowed up to 60 feet (compared to 40 feet outside Plan area)
  - minimum lot size of 20,000 square feet required (compared to 10,000 square feet outside Plan area)
- Public and Quasi-Public (P) General Plan Land Use designation for a future Bowman School expansion, the central portion of the BART station property west of Dixon Street, and for a future public park and community center along the south side of Valle Vista Avenue.
  - Zoning Ordinance changes also included creation of a new overlay district: the South Hayward BART/Mission Boulevard Special Design District (SD-6) codifying: (a) additional development standards (sometimes duplicative) to be used in conjunction with those found elsewhere in the Zoning Ordinance and in the Concept Design Plan; and (b) certain conceptual circulation improvements described in the Concept Design Plan.

Viewed as a whole, all of these planning policy and regulation changes resulted in: (a) increased building intensity and massing (including residential density); (b) allowed residential land uses in certain locations where they were previously prohibited; (c) required ground-floor commercial land use at certain locations; (d) provided for a general increase in building height at certain locations; and (e) reduced off-street parking spaces ratios, including permissive alternative configurations (i.e., tandem), to better facilitate Transit Oriented Development (TOD) and BART and bus transit ridership.

Chapter 4. Design Guidelines (Pages 60 to 79) – The Concept Design Plan contains design guidelines that address three subjects: (1) street frontage character; (2) site access and parking; and (3) building character. Provisions are implemented through the SD-6 Special Design District in the Zoning Ordinance; however, the level of design and architectural specificity is based on these three general guideline aspects. Projects would typically still be subject to the City’s discretionary Site Plan Review process. In fact, developments within the Station Area Residential and Mission Boulevard Residential Zoning Districts are specifically required to undergo Site Plan Review before both the Planning Commission and City Council. These guiding principles are intended to be applied in conjunction with the existing Citywide Design Guidelines. In other words, both sets of guidelines apply.

Chapter 5. Circulation Improvements (Pages 81 to 87) – The Concept Design Plan’s final component consists of a list of recommended circulation improvements, including measures to enhance north-south and east-west pedestrian and bicycle connectivity. While some are suggested future capital improvement projects, others are intended to be carried out by private developers in

conjunction with their project(s). Direction provided is highly conceptual and not clearly articulated in plan details, nor are there specific funding strategies identified for such improvements. None of the noted circulation improvements have been constructed.

### **Subsequent Development Proposals**

No development projects have been constructed since approval of the Concept Design Plan's resulting General Plan and Zoning Ordinance changes. In two years, only the Mission Paradise Project has acquired entitlement.

The Mission Paradise Project (see Exhibit C), located at property fronting the east side of Mission Boulevard between Webster and Hancock Streets, although recommended by staff and the Planning Commission, was initially denied by the City Council on July 17, 2007. Council expressed concerns primarily related to scale and massing. However, the applicant subsequently revised the project's design and submitted a separate, new application for review. The project's two residential corner towers above the retail and parking garage were reduced by 4 to 6 feet, and the two central towers were reduced by 13 to 15 feet and one story. After nearly twelve months after the original denial, the Planning Commission approved the revised project on June 12, 2008. That approval is now final and the applicant may submit a building permit application to pursue construction, provided a tract map for the residential ownership units is processed. It took approximately 24 months for the applicant to entitle a project for this location, which was frustrating for all parties involved.

Planning staff has received many other general inquiries concerning the development feasibility of properties in the Concept Design Plan area. Only one of these culminated in a development application. The Haymont Village Project (see Exhibit D) would have revitalized an aging strip commercial center fronting the west side of Mission Boulevard north of Sorenson Road with pedestrian-oriented retail and new attached homes in an innovative mixed-use project. Unfortunately, that application was closed due to inactivity. The applicant indicates the current real estate market climate is not conducive to the proposal.

Another proposed project in the Plan area entails a mixed use project directly east and across Dixon Street from the BART station, which also would have frontage along Mission Boulevard. Such development would encompass a private property and the BART overflow parking lot site. Although no application has been submitted, staff held a pre-application meeting with the project proponent. The project would entail development of 343 condominium units in five-story residential structures over one level/story of parking and ground floor retail use, at a total overall maximum height of 60 feet (see Exhibit E).

### **Form-Based Codes**

Staff has received comments about some aspects of the Concept Design Plan, including the Plan's lack of parkland designations, the extent of potential height and density allowed, lack of retail sites, etc. As indicated previously, the Concept Plan provides the starting point for discussions about community revitalization and vision. Using traditional Zoning standards and general guidelines, the Plan lays out a general vision and direction. However, as evidenced by the two-year Mission

Paradise project process, the lack of specificity leaves decision-makers, developers, and staff without clear direction and predictability. Form-Based Codes offer a remedy for this situation through increased clarity of rules and, consequently, more certain results. This often results in reduced real estate development risk and, as a result, a valuable incentive to further neighborhood revitalization. Form-Based Codes also tend to quell neighborhood opposition and may even turn project opponents into project advocates.

This staff report section will *briefly* introduce the concept of Form-Based Codes. While much can be said on this topic, the following discussion will be limited to the definition and core components of a Form-Based Code. A brief comparison to the Concept Design Plan area will also be provided.

### Definition and Core Components

When considering the regulatory tools currently applicable to the South Hayward BART/Mission Boulevard Concept Design Plan area, a Form-Based Code would be functionally similar to the combined application of the Zoning Ordinance (Zoning District, Special Design District, Off-Street Parking Requirements, Tree Preservation, Administrative Provisions), the Subdivision Ordinance, the Citywide Design Guidelines, and the South Hayward BART/Mission Boulevard Design Guidelines. Thus, the first notable distinction of a Form-Based Code is its ability to consolidate all development regulations into one comprehensive yet succinct document.

The Form-Based Code Institute provides the following definition which further explains what Form-Based Codes are.

*Form-Based Codes are a unified method of regulating development to achieve a specific urban form. Form-Based Codes create a predictable public realm by primarily controlling physical form, with a lesser focus on land use, through city or county regulations.*

*Form-Based Codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in Form-Based Codes, presented in both diagrams and words, are keyed to a regulating plan that designates the appropriate form and scale (and therefore, character) of development rather than only distinctions in land-use types. This is in contrast to conventional zoning's focus on the micromanagement and segregation of land uses, and the control of development intensity through abstract and uncoordinated parameters (e.g., FAR, dwellings per acre, setbacks, parking ratios, traffic LOS) to the neglect of an integrated built form. Not to be confused with design guidelines or general statements of policy, Form-Based Codes are regulatory, not advisory.*

*Form-based codes are drafted to achieve a community vision based on time-tested forms of urbanism. Ultimately, a Form-based code is a tool; the quality of development outcomes is dependent on the quality and objectives of the community plan that a code implements.*

It is important to note Form-Based Codes are always calibrated to local conditions and often contain the following four core components:

- A Regulating Plan – A plan or map assigning the code’s various standards to physical locations.
- Public Space Standards – Specifications for the elements within the public realm including, for example, thoroughfares and civic spaces.
- Building Form Standards – Regulations controlling the configuration, features, and functions of buildings that define and shape the public realm. These typically include, for example, regulations for lot sizes, building placement and form, use, parking, and frontage types.
- Administration – Requirements for the project application and review process including, for example, a glossary to define uncommon technical terms and phrases used in the code.

Depending upon individual community needs, a Form-Based Code may also contain building type standards, architectural standards or guidelines, green building standards and landscape standards. To further aid in an understanding of what Form-Based Code may look like, please review Exhibit F, which contains a list of website resources.

### South Hayward BART/Mission Boulevard Concept Design Plan Comparison

Contrary to Form-Based Codes, the Concept Design Plan results in a dispersed set of development regulations and guidelines that control development intensity and building design. Rules are imposed through a conventional zoning approach of abstract and uncoordinated parameters (e.g., dwellings per acre, setbacks, parking ratios). There is also no clear relationship to a planned integrated built form. This is not to say that current Concept Design Plan area tools would render good projects impossible. By way of example, the Mission Paradise Project (discussed above) provides a relevant case study. In the case of Mission Paradise, the planning process was difficult for both the City and the applicant, because the adopted zoning parameters led to a proposed development that was initially found to be unacceptable, although after design modifications the project was approved, and is considered to be well-designed.

To illustrate the ability of such codes to provide succinct and clear rule sets, Exhibit G contains an example of the primary components of a Form-Based Code necessary to substantially understand the development potential of a property in downtown Ventura. Staff’s code consultant will be available at the work session to elaborate further, at Council’s discretion, on the application of Form-Based Codes to development proposals, and to also illustrate the hypothetical application of a Form-Based Code to a portion of the Concept Design Plan area.

### Community Facility Districts

The Concept Design Plan resulted in regulatory changes that would enable development of approximately 1,800 to over 3,200 net new dwelling units at build-out. This increase in population naturally raises a question of funding for community services and facilities. One way communities may address these funding needs is through a Community Facilities District.

The Mello-Roos Community Facilities Act of 1982 has become an increasingly common tool for cities, counties and special districts to finance public facilities and the provision of certain local

services eligible under the Act. The Act authorizes a public entity to form a Community Facilities District (a "CFD") within a specified geographic area upon approval by a two-thirds vote of registered voters or landowners within the CFD.

Upon formation, the District can fund the authorized public facilities or services through the levy of special taxes on properties within the CFD. Typically, facilities are funded by issuance of bonds secured by the levy of a facilities special tax; and services are funded on a pay-as-you-go basis from a services special tax. At the time of formation, local agencies can determine to establish either or both a facilities and/or a services special tax, depending on its funding priorities or objectives.

Unlike assessments, special taxes are not required to be derived based on the benefit to the property. This provides great flexibility in designing the special tax to be imposed on properties within the CFD. The special tax is not an ad valorem tax, but the lien of the special tax has the same priority as the ad valorem tax.

The following are authorized services that may be funded under the Act:

- Police protection services;
- Fire protection and suppression and ambulance and paramedic services;
- Recreation program services, library services, maintenance services for elementary and secondary school sites and structures, and the operation and maintenance of museums and cultural facilities;
- Maintenance of streets, roads, parks, parkways and open space;
- Flood and storm protection, including operation and maintenance of storm drainage systems and sandstorm protection systems; and
- Removal and remedial action services for the cleanup of any hazardous substance released or threatened to be released into the environment.

Such services may only be paid for by a CFD to the extent that they are in addition to those provided in the territory of the CFD before it was created. The additional services may not supplant services already available when the CFD was created.

As the two-thirds registered voter approval threshold is often difficult to obtain, the common application of new CFD's for local services is as a requirement of new development. New subdivisions or other new development of a predetermined size or scale would be required as a conditional of approval to form a new CFD or annex to a pre-existing CFD to fund certain services. Prior to development, the CFD special tax is approved by landowner election.

Staff's fiscal consultant will be available at the work session to elaborate further, at Council's discretion, on Community Facilities Districts.

## **FISCAL AND ECONOMIC IMPACT**

In the event that the City Council determines to reconsider or refine all or portions of the South

Hayward BART/Mission Boulevard Concept Design Plan, the FY 2009 Redevelopment Agency budget includes \$300,000 for this purpose. A comprehensive reconsideration of the plan, including development of a Form-Based Code for this area and a fiscal impact analysis, would likely require this level of funding. A more selective reconsideration or refinement of the Plan would require less funding.

## **PUBLIC CONTACT**

As previously noted, the South Hayward BART/Mission Boulevard Concept Design Plan was adopted in June 2006. The public participation process for considering the Plan included three community meetings, which were held beginning in January 2005 through early 2006. In addition, BART and AC Transit staff was included in the technical advisory group that led the planning process. BART also performed a more specific planning study involving its own South Hayward BART Station properties, and an additional community meeting to review that study was held in September 2005.

On June 4, 2008, the Sustainability Committee received a presentation on Transit-Oriented Development. This included mention of the role new regulatory tools (e.g., form-based codes) local governments could utilize to combat global climate change. The Sustainability Committee took no action as a result of that presentation. No other community meetings occurred prior to this work session. Notice of this work session was provided by the regular posting and distribution of the Council meeting agenda.

## **SCHEDULE**

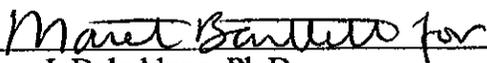
Next steps concerning this work session are entirely dependent upon direction provided by the City Council. If the City Council is satisfied with the current South Hayward BART/Mission Boulevard Concept Design Plan, staff will continue to evaluate development proposals under existing General Plan policies, City guidelines, and Zoning Ordinance regulations. If, however, the City Council would like to refine, clarify, and evolve the Concept Design Plan into a more definitive policy and implementation document, including possibly through a form-based code, staff is prepared to return to the Council in the fall with a proposed work scope, budget and timeline.

Prepared by:



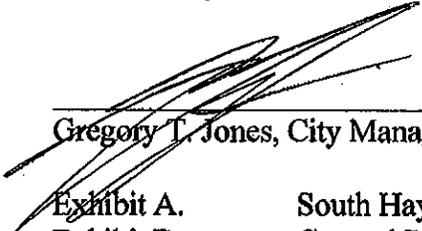
\_\_\_\_\_  
David Rizk, AICP  
Planning Manager

Recommended by:



\_\_\_\_\_  
Susan J. Daluddung, Ph.D.  
Director of Community & Economic Development

Approved by:



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Gregory T. Jones, City Manager

- ~~Exhibit A.~~ South Hayward BART/Mission Boulevard Concept Design Plan Area
- ~~Exhibit B.~~ General Plan Land Use Map & Zoning Map Changes
- ~~Exhibit C.~~ Mission Paradise (28000 Mission Boulevard) Project Plans
- ~~Exhibit D.~~ Haymont Village (26601-26699 Mission Boulevard) Project Plans
- ~~Exhibit E.~~ Wittek/Montana (28931 Mission Boulevard) Conceptual Plans
- ~~Exhibit F.~~ Form-Based Code Resources
- ~~Exhibit G.~~ Ventura Form-Based Code Example
- ~~Exhibit H.~~ South Hayward BART/Mission Boulevard Concept Design Plan, dated June 27, 2006 (distributed previously)

**DUE TO THE LENGTH AND COLOR OF  
THE REFERENCED EXHIBITS, THEY  
HAVE BEEN ATTACHED AS  
SEPARATE LINKS**

## FORM-BASED CODE – RESOURCES

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### Adopted Form-Based Codes

City of Ventura: Downtown Specific Plan  
([http://www.ci.ventura.ca.us/depts/comm\\_dev/downtownplan/pdfs/dtsp.pdf](http://www.ci.ventura.ca.us/depts/comm_dev/downtownplan/pdfs/dtsp.pdf)) (12 MB)

City of Ventura: Midtown Corridors Code  
([http://www.cityofventura.net/community\\_development/planning/planning\\_communities/resources/midtown/main\\_thompson\\_adopted.pdf](http://www.cityofventura.net/community_development/planning/planning_communities/resources/midtown/main_thompson_adopted.pdf)) (49.6 MB)

City of Benicia: Downtown Master Plan & Form-Based Code  
([http://www.formbasedcodes.org/downloads/BeniciaCA\\_DMU\\_FBC.pdf](http://www.formbasedcodes.org/downloads/BeniciaCA_DMU_FBC.pdf)) (6.6 MB)

### Form-Based Codes Articles

Place Making with Form-Based Codes, Urban Land, by Mary Madden and Bill Spikowski  
(<http://www.smartgrowthschool.com/Resources/Place%20Making%20with%20Form-Based%20Codes%20-%20Urban%20Land%20Institute.pdf>) (2.4 MB)

Form-Based Codes: Implementing Smart Growth, Local Government Commission  
([http://www.lgc.org/freepub/PDF/Land\\_Use/fact\\_sheets/form\\_based\\_codes.pdf](http://www.lgc.org/freepub/PDF/Land_Use/fact_sheets/form_based_codes.pdf)) (3.9 MB)

### Form-Based Codes Organizations

Form-Based Code Institute  
(<http://www.formbasedcodes.org/>)

SmartCode Central  
(<http://www.smartcodecentral.com/>)

Congress for the New Urbanism  
(<http://www.cnu.org/>)

## Charrette – Key Strategies

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**Work collaboratively** - All interested parties must be involved from the beginning. Having contributed to the planning, participants are in a position both to understand and support a project's rationale.

**Design cross-functionally** - A multi-disciplinary team method results in decisions that are realistic every step of the way. The cross-functional process eliminates the need for rework because the design work continually reflects the wisdom of each specialty.

**Compress work sessions** - The charrette itself, usually lasting four to seven days, is a series of meetings and design sessions that would traditionally take months to complete. This time compression facilitates creative problem solving by accelerating decision making and reducing unconstructive negotiation tactics. It also encourages people to abandon their usual working patterns and “think outside of the box.”

**Communicate in short feedback loops** - During the charrette, design ideas are created based upon a public vision, and presented within hours for further review, critique, and refinement. Regular stakeholder input and reviews quickly build trust in the process and foster true understanding and support of the product. A feedback loop occurs when a design is proposed, reviewed, changed, and re-presented for further review.

**Study the details and the whole** - Lasting agreement is based on a fully informed dialogue, which can only be accomplished by looking at the details and the big picture concurrently. Studies at these two scales also inform each other and reduce the likelihood that a fatal flaw will be overlooked in the plan.

**Produce a feasible plan** - To create a feasible plan, every decision point must be fully informed, especially by the legal, financial, and engineering disciplines. The focus on feasibility brings a level of seriousness and rigor to the process for everyone involved.

**Use design to achieve a shared vision and create holistic solutions** - Design is a powerful tool for establishing a shared vision. Drawings illustrate the complexity of the problem and can be used to resolve conflict by proposing previously unexplored solutions that represent win/win outcomes.

**Include a multiple day charrette** - Most charrettes require between four and seven days, allowing for three feedback loops. The more difficult the problem, the longer the charrette.

**Hold the charrette on or near the site** - Working on site fosters the design team's understanding of local values and traditions, and provides the necessary easy access to stakeholders and information. Therefore, the studio should be located in a place where it is easily accessible to all stakeholders and where the designers have quick access to the project site.

## ARTICLE II. URBAN STANDARDS

### 2.40.010 MIXED TYPE DEVELOPMENT STANDARDS

#### A. Purpose

This section regulates the development of large parcels or parcel assemblages. The intent is to generate buildings whose massing and articulation reflect the scale of the historic downtown development pattern, and to prevent large monolithic and repetitive buildings. Large development projects shall be composed of multiple structures and/or shall be designed to have the appearance of multiple independent buildings. A variation in building height and a mix of building and dwelling types within the same project is required in order to reflect the scale and rhythm of Downtown Ventura's historic lotting pattern.

#### B. Applicability

Any parcel or parcel assemblage with a contiguous area of 30,000 sf or more shall be developed as Mixed Type Development in accordance with the standards in this section [E]. Parcels or parcel assemblages with a contiguous area less than 30,000 sf may also be developed as Mixed Type Development.

#### C. Submittal Requirements

An application for a development qualifying under this section shall include, at a minimum, a plan sheet, inclusive of diagrams and text, which identifies proposed individual building sites and their dimensions, existing adjacent thoroughfares, proposed new thoroughfares, proposed Building Type(s), proposed Frontage Type(s) and the relationship of the project site to its surrounding context.

#### D. Relationship to Urban Standards, Building Type Standards and Design Guidelines

Each building within a Mixed Type Development shall comply with the applicable requirements in the Urban Standards, Building Types Standards and Design Guideline. However, standards and requirements shall be amended as follows:

1. **Street Setback:** For buildings not abutting a street this requirement shall be waived. Buildings shall instead conform with the dimensions and requirements for semi-public paseos and/or courtyards described above [E or W].
2. **Access:** For buildings not abutting a street pedestrian access shall be taken directly from a paseo or courtyard that functions as the extension of the public realm as described above [E].
3. **Side and/or Rear Setback:** The overall project site shall be governed by the applicable Urban Standards. Nominal lots shall be governed by the interior side setback for the applicable zone as per the Urban Standards [W].

#### E. Mixed Type Development Standards

##### 1. MIX OF BUILDING TYPES

- a. Developments on parcels or parcel assemblages between 30,000 sf and 50,000 sf shall be composed of at least 2 buildings which may be of the same or different building types as allowed by the applicable zone [E].
- b. Developments on parcels or parcel assemblages exceeding 50,000 sf shall be composed of at least 3 buildings which may be of the same or different building types as allowed by the applicable zone [E].
- c. Stacked Dwellings are generally not permitted in the downtown as they do not contribute much to enliven the street facade and do not provide direct street access for individual dwelling units. However, Mixed Type Developments allow for the inclusion of Stacked Dwellings if they are integrated into the overall design of a project. Stacked Dwelling building type shall comprise no more than 30% of the total number of units and are encouraged to be located toward the rear of a lot [E].

##### 2. PEDESTRIAN ACCESS

The relatively large downtown blocks and resulting deep lots often accommodate buildings within the block that do not necessarily have direct frontage on any of the block bounding streets. These standards aim at ensuring that all dwelling units and/or residential lobbies independent of their location within a block have access to and are connected with the public realm and the life of the city. To that end, the public realm shall extend into the block in the form of new streets, paseos and/or interconnected courtyards that provide direct access to a public street. Paseos and courtyards are limited to pedestrian traffic, and in no case may a vehicular driveway be the sole means of access to a dwelling. Permitted building types shall be arranged around and take their primary access from this extension of the public realm.

Semi-public paseos and courtyards that serve as an extension of the public realm shall have the following minimum dimensions and setbacks:

- a. Paseos shall be a minimum of 15 ft wide between primary building walls. Architectural encroachments are not permitted [E].
- b. Courtyards shall be at minimum 30 ft wide for North/South oriented courtyards, or 40 ft wide for East/West oriented courtyard [W]. See Article III, section 3.10.120 for further detail. Architectural encroachments are permitted per the Urban Standards.

**3. VEHICULAR ACCESS**

- a. Parking shall be accessed from new internal streets, alleys or driveways. Cul-de-sacs and dead end streets are prohibited unless topographical constraints prohibit through streets. Alleys may be dead-end if they allow for future connection to adjacent parcels. Garage doors shall face alleys or driveways. Flag lots are prohibited [E].
- b. Thoroughfares shall fluctuate in design (i.e., travel lane widths, sidewalk widths, landscaping, etc.) according to variables including, but not limited to, vehicle capacity, vehicle speed, topography, pedestrian (including bicycle use) circulation, public transit, placement of adjacent buildings and businesses and function beyond the project development boundaries, all subject to City Engineer approval. Within Downtown, vehicle and pedestrian movement should emphasize the pedestrian.

**4. MASSING AND ARTICULATION**

- a. Development shall be designed as if buildings were built on narrow lots, following the 50 foot historic lotting pattern in Downtown Ventura. Each building shall have a clear and harmonious pattern of vertically-oriented facade openings including entries, windows, and bays and columns or other exposed vertical supports. Vertical articulations can be produced by variations in roof lines, window groupings, applied facade elements such as piers or pilasters, bay windows and subtle changes in materials and vertical planes that create shadow lines and textural differences. Vertical elements break up long, monolithic building facades along the street. Major vertical elements should be a maximum of 50 ft apart measured center-to-center, which reflects the historic parcel increment of much of Downtown. Article V Design Guidelines shall apply [DR].

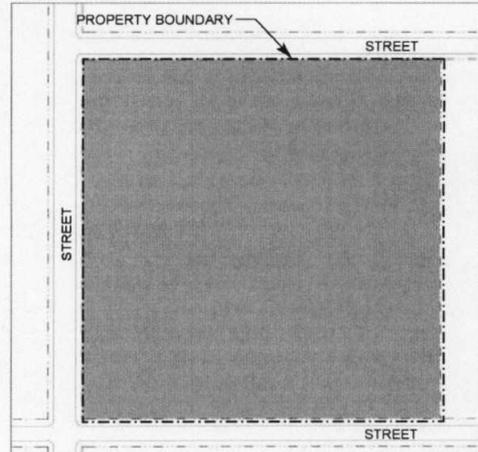
**5. PUBLIC BUILDINGS**

- a. Public buildings that, if included, are located in visually prominent central locations recognizable and accessible to the public.

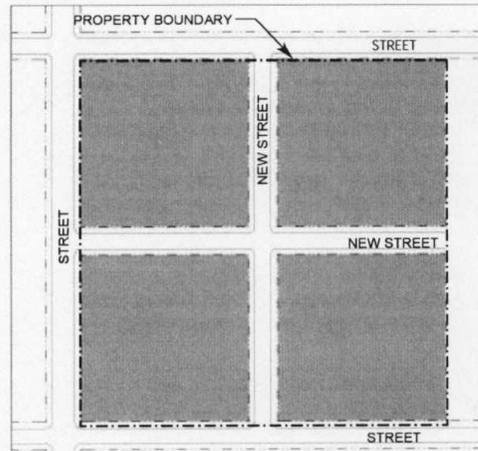
**F. Illustrative Diagrams**

The diagrams at right and on the following page (III-28) provide an illustrative example of how to comply with this section.

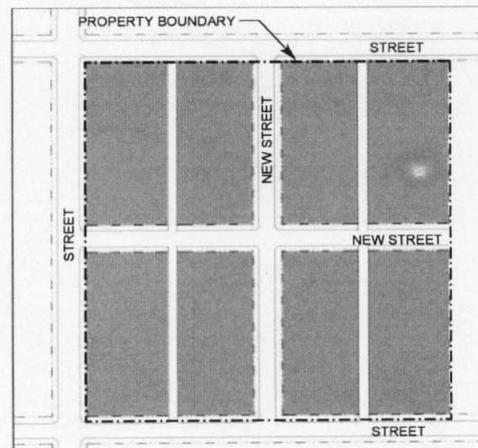
**1. Original Site**



**2. Introduce Streets**



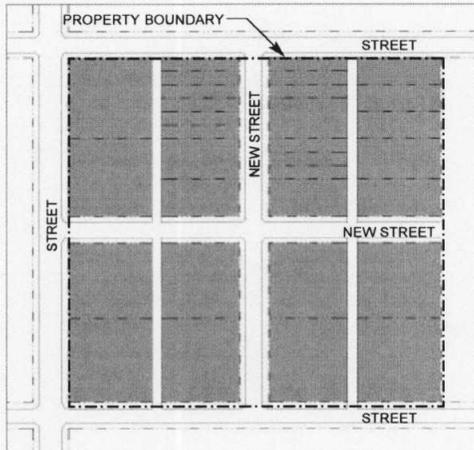
**3. Introduce Alleys**



# ARTICLE II. URBAN STANDARDS

## 2.40.010 MIXED TYPE DEVELOPMENT STANDARDS

### 4. Introduce Lots



### 5. Introduce Building Types

