



CITY OF  
**HAYWARD**  
HEART OF THE BAY

7

**DATE:** May 26, 2009

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

**FROM:** 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 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 \$250,000, to prepare a form-based code and supporting analyses for the South Hayward BART Station area.

**SUMMARY**

The Planning Commission supports development of a form-based code for the South Hayward BART station area. Staff also recommends development of such a code, and feels it will combine the concept, vision, and design guidelines of the 2007 South Hayward BART/Mission Boulevard Concept Design Plan with zoning regulations, subdivision standards, and design standards (not guidelines) all in one clear, concise, and comprehensive document. Under this new code, the Hayward community will get development that is pedestrian- and transit-friendly and that accurately reflects its vision and supports the economic revitalization of the corridor. Developers will get a clear, predictable and efficient review and entitlement process.

**BACKGROUND**

Related to direction by the Council/Board at its December 2, 2008 meeting (see page 6 of the attached minutes, Exhibit A), staff held a two-hour work session before the Planning Commission on January 15, 2009 (see minutes and staff report, Exhibits B and C). The Commissioners were presented with a detailed overview of form based codes by both staff and its consultants, and the Commissioners indicated support for the Agency Board to proceed with authorizing development of a form-based code for the South Hayward BART station area.

## DISCUSSION

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., Floor Area Ratio (FAR), dwellings per acre, setbacks, parking ratios, traffic Levels of Service (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.

The Form-Based Code would also be informed and supported by a Parking Strategy Report, updated Market Analysis, and Fiscal Impact Analysis, and would entail an intensive, five-day charrette with the community and stakeholders. The Market Analysis and Fiscal Impact Analysis are key to better understanding our economic development opportunities and challenges in the project area. Staff has negotiated a reduced price with the consultant (\$250,000 versus \$300,000), associated with the elimination of the project contingency fund and elimination of the charrette report. The consultant will produce a charrette poster, which is not as extensive as a report, to summarize the input that would be provided during the charrette exercise.

### **Overview of Project Approach -**

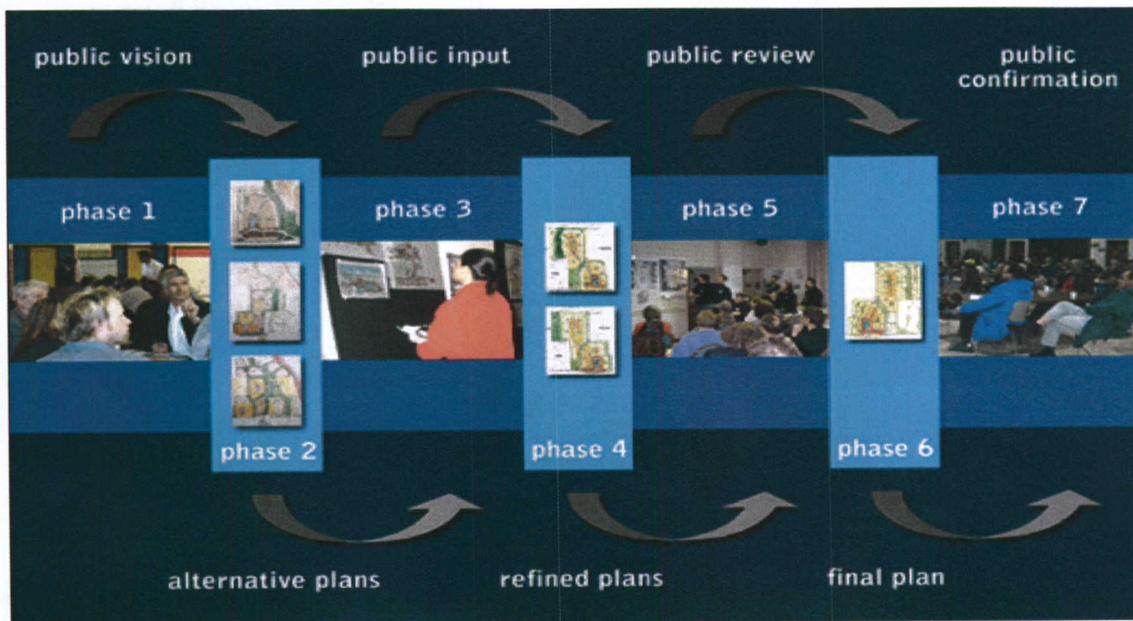
Exhibit D provides an overview of the project scope, including a project schedule. In summary, the project would consist of four phases, as described below and in Exhibit D.

#### Phase 1: Documenting -

This initial phase is estimated to take seven weeks and entail conducting a Synoptic Survey and development of a Parking Strategies Report and an update on the Market Analysis conducted for the 2006 Concept Design Plan. The Synoptic Survey will entail a detailed inventory of the project area's physical parameters (e.g., lot widths, building types, setbacks, heights, etc.), the best examples of Hayward's architecture and urbanism, along with an explanation of the existing regulatory framework and processes.

#### Phase 2: Visioning -

Focusing on community engagement and outreach, the 10-week second phase culminates with a five-day charrette involving the project team and staff meeting with, and receiving input and feedback from, various stakeholders and the community. A charrette poster will be developed that will summarize the charrette process and outcomes. Below is a graphic representation of the charrette process.



Phase 3: Assembly –

The 15-week long third phase entails development of a draft Form-Based Code and a Fiscal Impact Analysis. The Fiscal Impact Analysis assesses the Form-Based Code’s impacts on the City’s general fund accounts and forecasts the amount of new tax increment that will be generated by the Code, at build out. This includes 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 polices 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 Form-Based Code will 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.

#### Phase 4: Adoption -

Phase four is envisioned to take 14 weeks and entail development and adoption of the final Form-Based Code, along with amendments to the Hayward Municipal Code. An environmental assessment will be conducted that will tier off the 2006 South Hayward BART/Mission Boulevard Concept Design Plan Program Environmental Impact Report.

#### **Applicability to the South Hayward BART Station Area -**

The City's vision for the form and function of development along Mission Boulevard will be defined by a Form-Based Code that addresses areas along both sides of this major corridor in the South Hayward BART station area. During the prior Council work session, concern was expressed related to the Dixon Street area and, more specifically, regarding 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. This results in a dull streetscape and a decreased perception of safety, creating an unattractive pedestrian environment. The root of this issue lies in the past delineation of property lines. This project will seek the incremental modification of these property lines and new placement of public thoroughfares, which will help to promote pedestrian and bicycle activity and a perception and/or realization of enhanced safety.

With this project and the anticipated development next fiscal year of a Mission Boulevard Corridor Specific Plan as previously directed by Council, which will include a form-based code that covers Mission Boulevard from Harder Road through Downtown to the City limits, the City will lay the foundation for its vision for future development along this major City corridor, not only related to land use, but also the economic viability of the entire corridor.

#### **FISCAL AND ECONOMIC IMPACT**

The Redevelopment Agency budget includes \$250,000 for this project, and the Agency Board previously approved up to \$300,000 for it. Staff anticipates that \$5,000 of that amount will be spent in the current fiscal year. The project will also include a proposed market analysis update, fiscal impact analysis, parking analysis, and a charrette, all of which will be covered by the \$250,000 project budget. The market analysis update incorporates current information and will address issues related to support of retail development, directly in support of Council's priority on Economic Development. The fiscal impact analysis will utilize current information to assess fiscal impacts on the City; and a parking analysis will be used to assist in development of the Form-Based Code and parking policy in the South Hayward BART station area.

#### **PUBLIC CONTACT**

On June 4, 2008, the Sustainability Committee received a presentation on Transit-Oriented Development. This included mention of the role of new regulatory tools (e.g., form-based codes) local governments can utilize to combat global climate change. The Sustainability Committee took no action as a result of that presentation.

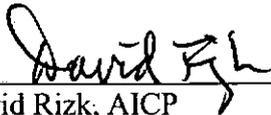
Notices were mailed out for the December 2, 2008 Council/Board meeting, the January 15, 2009 Planning Commission work session, and this meeting, including approximately 2,500 for both the

January Commission work session and this meeting. Also, notice of this meeting was published in *The Daily Review* on May 16.

## SCHEDULE

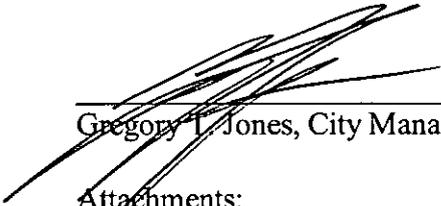
Staff anticipates the contract will be executed and work started by July 1. The project schedule indicates 10½ months will be needed to develop the form-based code and complete various supporting studies/reports. A charrette is anticipated to be conducted in October, 2009.

Prepared by:



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

Approved by:

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

Attachments:

- Exhibit A: December 2, 2008 City Council/RDA Meeting Minutes
- Exhibit B: January 15, 2009 Planning Commission Work Session Minutes
- Exhibit C: January 15, 2009 Planning Commission Work Session Staff Report
- Exhibit D: Project Overview, with Project Schedule

Draft Resolution

## LEGISLATIVE BUSINESS & INFORMATIONAL ITEMS

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

Staff report submitted by Director of Development Services Department Rizk, dated December 2, 2008, was filed.

Director of Development Services Department Rizk made the report, describing the South Hayward BART/Mission Boulevard Plan ("Plan"), its 2006 approval and responded to questions. He stated that using a form based code provides guidelines that can assist in the implementation for that development. He responded to questions. He introduced representatives Kevin Colin, Project Manager and Project Director Laura Hall, from the consulting firm, Hall Alminana Inc., who made presentations.

Mr. Colin presented the form based code process, which includes the defining of the project area, a synoptic survey, a parking analysis, a market analysis and the conduct of a charrette. Mr. Colin explained the process to complete a charrette that drafts the community's vision. He also spoke on the fiscal impact study and report, the new tax increment and the residential/retail mix fiscal aspects of a Mello Roos District. He noted the advantages and disadvantages of the form based code. Using displays, he showed the series of steps taken using the form based code that was completed in the City of Ventura to enable pedestrian oriented development.

Laura Hall also explained form based code, which is a method of regulating development to achieve a specific and desired urban form. It creates a predictable public realm primarily by regulation of the physical form, with a lesser focus on land use. She spoke on conventional uses and showed examples of using it.

Director of Development Services Department Rizk summarized the staff report, noting that staff is recommending Option 2. Staff supports this concept as it will establish clearer design expectations, address both the public and private realms, and provide opportunities for investments in proximity to a mass transit hub. He spoke briefly about the Wittek/Montana project that will include a Safeway store and this will not conflict with that project.

Council/RA Member Dowling commented favorably on the presentation, noting that this is very similar to the new urbanism concepts, which he favors. He stated that he has no problem with the form based code concept if the project plan for a particular area is at the initiation stage, but the South Hayward Plan is already approved and using Redevelopment Funds at this time was a major concern for him in light of the recent impacts by the State to the Redevelopment Agency budget. He asked for further information on the current Redevelopment Agency budget.

City Manager/Executive Director Jones reported that the allocation for this form based code plan was included in the previously approved budget and this is a one-time expenditure for the Redevelopment Agency. He expressed concerns about future State impacts and listed several other projects where the Redevelopment Agency is the funding source.



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In response to Council/RA Member Dowling's question on the funding for this and what other Redevelopment Agency costs are involved, Director of Development Services Department Rizk indicated that there will be other funding sources from Proposition 1C grants as well as funding from the low and moderate housing funds. Council/RA Member Dowling questioned the need for another plan and the use of Redevelopment Agency funds. He commented on the number of acres that are vacant in the South Hayward BART area and expressed concern regarding the undeveloped acreage currently owned by Caltrans. He was of the opinion that revised environmental reports would need to be developed and was concerned of the cost implications when consultants are used. He noted the three projects recently discussed including the Haymont Plaza, the Mission Paradise project and the Wittek/Montana project, which he concluded to be new urbanism designs. He did not understand the need to spend additional funds. He understood that there are some specific problems with the Plan that was approved, but those can be addressed as development occurs. He agreed with Mayor Sweeney on the formation of a community services and facilities district in that area. He was willing to discuss specific issues, but objected to the use of redevelopment funds to develop this form based code.

Council/RA Member Halliday had similar questions, but commented favorably on the presentations. She expressed concern for adding another layer of regulations to the Plan and asked why this would work if such projects have been supported using current standards. In response, Director of Development Services Department Rizk noted that with a form based code, a project with vision and form, but not within the current standards, can be developed and lots can be re-configured using form based code and agreements by the property owners. She was informed by Ms. Hall that this would not be an additional layer, but that a plan that would confirm the vision of both the developers and the property owners as in the Cannery area. Council/RA Member Halliday expressed her concern in spending \$350,000 as well as asked how much staff time would be utilized for this project. Lastly, she stated that perhaps this agenda item can be continued referring to the City's current fiscal state.

Director of Development Services Department Rizk indicated that almost all of the work will be completed by the consultant. He noted that the CEQA requirements will be minimal as there is a current EIR for the South Hayward Transit Plan and can be completed by staff. Additionally, the contract is structured with a contingency fund of \$25,000.

Recalling her previous experience with community meetings in this area, Council/RA Member Halliday asked what can be expected and who might attend the community meetings. City Manager/Executive Director Jones described his experience with form based code in Chico and the charrette. He indicated that it was a totally unique experience with an extensive community involvement that included the development community. This was beneficial as the developers then knew what the expected standards were. He acknowledged the expenditure, noting this would facilitate future development processes. This is the best time to approve this as it will provide developers with accepted standards for future development.

Council/RA Member Henson asked for clarification on approving form based code even though the South Hayward BART plan has already been adopted. He was impressed by the presentations here and also at the Sustainability Committee, but the Plan has already been adopted and form based code usage is generally indicated at the beginning of a project. He commented on the 27-month process and the community input prior to the Plan adoption. In his opinion, the form based code could be inserted into the Plan. Council/RA Member Henson asked how this would address pre-existing development and highlighted his main concern, which is how the deep lots on Dixon Street would be addressed into this concept; this was key to him. He envisioned a "Rockridge type" look with shops around the South Hayward BART Station.

Director of Development Services Department Rizk indicated that the nature of a form based code and its development is comprehensive and furthers implementation of the concept design plan and provides specificity.

Mr. Kevin Colin and Laura Hall provided an example of a city in Southern California with pre-existing developments.

Council/RA Member Council Member Quirk indicated that one of his concerns was public input. He described his experience with the community involvement process when the Plan was developed and recalled that most of the residents participating were from Fairway Park and not many from the Dixon Street area or those who lived in the impacted area.

Director of Development Services Department Rizk responded that pre-meetings are essential prior to the charrette to inform property owners of potential values that they could realize by developing a form based code.

Council/RA Member Quirk indicated that such pre-meeting requirements need to be made a part of the motion should it be approved.

Laura Hall described the charrette process, and noted that the key is to develop relationships. She noted that the meetings can be held in various sites in order to reach the various segments of the community. Kevin Colin, in describing the charrette, stressed that this is not a free for all. He indicated that there will be designated times for public input, open house periods, as well as time for the designers' to utilize this feedback. The charrette will be noticed and open to the Council and developers will be invited to participate.

Council/RA Member Quirk commented that local developers are not used to this process and not familiar with form based codes. He was also concerned that the Wittek/Montana development would be anchored by a grocery store that catered to customers driving rather than walking to the store. He was concerned that there will be a lack of "walk ability" as is found in some areas of the Cannery Project. He referenced correspondence from Sherman Lewis related to this.

Director of Development Services Department Rizk reported that he received the correspondence and discussed the supermarket which includes parking spaces.



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There was also discussion on the property owned by a union and the intent to add another building by the property owners. Staff indicated that contact has occurred with the property owner related to this project.

Staff responded to Council/RA Member Zermefio's question and confirmed the scope of the work as far as the geographical sites to be studied. It was also noted that potential developers would be invited to the charrette and should development occur prior to the completion of the code base, staff would encourage aspects of form based code.

Council/RA Member May stated, "I am just curious to know if we have information on how many rentals there are versus owner occupied properties within the boundaries."

As there were no requests to speak, Mayor/Chair Sweeney opened and closed the public hearing at 9:42 p.m.

Council/RA Member Quirk discussed the Cannery project development. After reviewing the presentations on form based code he felt that some mistakes were made in the project in particular in the area of promoting pedestrian oriented development. He moved the staff recommendation with an addition to the motion that maximum effort be made to engage people ahead of the charrette to insure a successful community outreach. He also added that these same ideas, objectives, and principles be applied to the Wittek/Montana project to the highest extent possible, so that it is a "walk able" project. Mayor/Chair Sweeney seconded his motion.

Council/RA Member Dowling reiterated his concerns as previously discussed. He also asked whether staff sent notices as was done for the adoption of the South Hayward BART Plan and commented that in that process the community meetings were not well attended, but reasonable for that area. Staff reported that notices were not sent for this discussion.

Council/RA Member Dowling was not in favor of spending the \$300,000 and stated that he would not be supporting the motion.

Council/RA Member Henson asked staff whether this process should be more formally adopted as an overall policy so that it could encompass the other potential developments and not just this area. It was noted that this could be applied.

Council/RA Member Henson asked what happens if during the charrette process, which is intended to engage all aspects of development, it actually discourages developers or endorses something different other than what Council already adopted. He felt that inserting form based code would "gut" the original plan and to him this was problematic. Although he liked the form based code, to change something that was already adopted two years ago, would be opening up that process.

Kevin Colin responded and discussed the elements to having a successful charrette, which is a process to derive at an outcome. He discussed the general plan policy already adopted and pointed out that the form based code does produce implementation.

Council/RA Member Halliday stated that she was considering invoking her Council prerogative in continuing this item to the next meeting, but as there is no regular meeting, this may not be possible. She appreciated the consultants' presentations, but had reservations on spending the money.

Mayor/ Chair Sweeney agreed procedurally that it is appropriate to continue the item. He asked Council/RA Member Quirk to withdraw his motion as he would withdraw his second to the original motion.

Council/RA Member Zermefio agreed with the motion on the floor and stated that he had more negatives on his list than positives on this proposal.

Council/RA Member Halliday motioned, seconded by Council/RA Member Quirk, and unanimously carried, to continue this discussion to a regular meeting after it is reviewed by the Planning Commission.

Council/RA Member Dowling, emphasizing the need for everyone impacted to be noticed, asked that all residents who live in this area, including those who attended the previous South Hayward BART Conceptual Plan meetings, be notified.

Mayor/Chair Sweeney commented that at the South Hayward BART Plan public hearing there were more in attendance against the Plan than in favor. He stressed the fact that there is no plan for development south of the Wittek/Montana project on Dixon Street. He compared that area with the Manon and Tyrell neighborhood that had deep lots and where density was increased which later caused excessive use of City services and was not a great economic success.

3. Adoption of an Ordinance Amending Chapter 10 of the Hayward Municipal Code by Adding Article 22, a Green Building Ordinance for Private Development (*Introduced on 11/25/08*)

Staff report submitted by Deputy City Clerk Lens, dated December 2, 2008, was filed.

Mayor/Chair Sweeney indicated that this is under Legislative Business due to the vote at introduction. As there were no requests to speak, he opened and closed the public hearing at 10:02 p.m.

It was moved by Council/RA Member Quirk, seconded by Council/RA Member Henson, and carried with Council/RA Member May voting no, to adopt the following:

Ordinance 08-20, "An Ordinance Adding Article 22 to Chapter 10 of the Hayward Municipal Code Establishing Green Building Requirements for Private Development"



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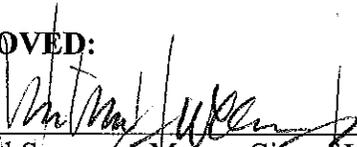
**COUNCIL REPORTS**

There were no Council reports.

**ADJOURNMENT**

Mayor/Chair Sweeney adjourned the meeting at 10:04 p.m. in memory of Dr. Keyne P. Monson, a long time resident and medical physician of Hayward, who gave back to this community. Mayor/Chair Sweeney asked that staff contact his family to plant a tree in his memory.

**APPROVED:**

  
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Michael Sweeney, Mayor, City of Hayward  
Chair, Redevelopment Agency

**ATTEST:**

  
\_\_\_\_\_  
Angelina Reyes, City Clerk, City of Hayward  
Secretary, Redevelopment Agency



**MINUTES OF THE WORK SESSION OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, January 15, 2009, 6:30 p.m.  
777 B Street, Hayward, CA 94541**

## MEETING

The work session of the Hayward Planning Commission was called to order at 6:32 p.m., by Acting Chair Mendall.

## ROLL CALL

Present:	COMMISSIONERS:	McKillop, Márquez, Peixoto, Thnay, Loché
	ACTING CHAIRPERSON:	Mendall
Absent:	COMMISSIONER:	None
	CHAIRPERSON:	Lavelle

Staff Members Present: Patenaude, Conneely, Rizk, Lens, Philis

General Public Present: 30

## PUBLIC COMMENTS

Hayward resident Andy Wilson reminded Commissioners of the Bay Area Air Quality Managements Districts' hearing regarding Russell City Energy Center planned for January 21, 2009, at 6pm, to be held in the Council Chambers. He pointed out that the Federal Aviation Administration still has concerns regarding the project. He also remarked that the current median home values for Hayward, as listed in the newspaper, are some of the lowest in the area. He said he hopes tonight's topic (form-based code), and Cal State East Bay's proposal to increase their total student and faculty population, will help Hayward grow and prosper.

Fremont resident, and Hayward apartment owner Jeevan Zutshi, said a lot of change is needed in the Tennyson/BART station area to make it more pedestrian friendly and safe. He said the property lots are deep and windows don't face the street so residents can't see what's happening on the street. He indicated he has hired private security, but when they are off duty it's "business as usual." He suggested that the Planning Commission take a hard look at the area.

## WORK SESSION

### 1. Proposal to Develop a Form-Based Code for the South Hayward BART Station Area

Director of Development Services David Rizk welcomed and thanked residents for attending the meeting. He said the purpose of the work session was to explain how staff had arrived at this point, give an overview of the existing Concept Design Plan as adopted by Council in June of 2006, and finally to introduce consultants who will give an overview of form-based codes and how they could be beneficial to the South Hayward BART station area.

As background, Mr. Rizk explained that in 2008, the City Council adopted as one of their priorities revisiting the South Hayward BART plan, and in response, staff was exploring the development of a form-based code in the southern portion of the area. Mr. Rizk indicated that a form-based code was first discussed at a Council work session in July 2007, and again December 2, 2008, when staff sought Council approval to begin development of a form-based code, and that Council deferred making a decision until the Planning Commission could make a recommendation. Council would like to make a decision based on the Commission's feedback in early February 2009.

He stated that main concerns of Council expressed at past meetings included re-opening a development plan that had already been adopted and whether or not the Redevelopment Agency had enough money to support the development of a form-based code. The estimated cost of developing the code and to conduct community outreach is \$300,000.

Mr. Rizk gave a brief overview of the Concept Design Plan for the South Hayward BART area, which was adopted by Council in June 2006 and included amendments to the Zoning Ordinance and General Plan. He stated that the plan has five chapters, which included existing conditions and a description of the Concept Plan Area: approximately 240 acres between Mission Blvd. and the BART tracks, and from Industrial to Harder Road. He indicated that Chapter 3 has the concept land use plan, which details housing densities and open space; Chapter 4 has design guidelines which address the relationship between buildings and the street; and Chapter 5 addressed circulation improvements including bike paths and pedestrian linkages.

Staff then introduced the consultants, Kevin Colin of Lamphier-Gregory, and Laura Hall of Hall Alminana. Mr. Colin worked for the City of Ventura where he led the development of a form-based code. Ms. Hall most recently applied a form-based code to development in Petaluma. She also gives workshops and seminars on Smart and Form-Based Codes. Architect Robert Alminana, instrumental in the development of form-based code most recently in Hercules, supplemented Ms. Hall's presentation.

In their three-part PowerPoint presentation, Mr. Colin first gave a hypothetical case study of what would currently be required of a developer looking to develop a property on Dixon Street in the South Hayward area in terms of the City's laws and regulations. Looking at all the many regulatory documents of the City, he said it was very difficult for a developer to "see" the City's desired physical outcome. He concluded that too much was open for interpretation and could only lead to ambiguous results. He showed photographic examples from a walking tour of Dixon Street of what could result under current guidelines.

Ms. Hall explained what form-based code is and how it might apply to the South Hayward BART area. Historically, zoning was used to separate, for example, homes from the factories. Decades later that has created the need to drive from one land use to another. She explained that form-based codes regulate development to achieve a very specific and desired urban form. Form-based codes are useful to implement measures for achieving certain general plan goals, such as walkable neighborhoods and mixed-use and transit-oriented development.

She said, in 2004, the State approved AB No. 1268 which institutionalized form-based codes. She added that now there's also legal impetus to adopt form-based codes. The Global Warming Solutions Act, Assembly Bill No. 32, requires the State Air Resources Board to adopt a stateside



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greenhouse gas emissions limit equivalent to the statewide levels in 1990 to be achieved by 2020. And SB375, the anti-sprawl bill, is incentive-based, offering developers faster approvals, funding, etc. She said that 44.8% of greenhouse gases in Hayward are from various forms of transportation.

She then asked why so many people take their cars rather than walking. She pointed out that areas have to be engaging to attract foot traffic. There are psychological reasons why people don't want to walk through certain areas; they feel too exposed. Areas and buildings created using form-based code theories are more easily defensible because focus is external rather than internal, she said. Smaller block size also make people more comfortable when walking. Form-based codes allow for higher density, thus more people on the street and a higher sense of safety.

She then reviewed several of Hayward's current setback regulations showing examples of why greenery in front of a building pushes activity away from the street and removes any feeling of safety for pedestrians. Form-based codes are not just about architectural style and setbacks and landscaping, she said, it's about blending those elements. It's the same amount of investment but it brings all the uses together to create safe, walkable spaces, she explained.

She said that form-based codes create a written code or a Regulating Plan which is like a zoning map but with design standards embedded in it. The code covers the area from the private lot to the street, all the public area, and not so much behind the front of the building. And the civic spaces like parks and town squares, she said, are intentional, not just the green areas left over.

Ms. Hall showed slides of Pass Christian, Mississippi, that was 80% destroyed by Hurricane Katarina. Traditionally the property lots were long and narrow similar to Hayward, but after applying form-based codes, property owners could see the value in allowing streets to cut through their lots creating smaller blocks and more foot traffic. One historic building was slated for destruction, but, using a form-based code, the area gained enough value that the building owner could afford to rehabilitate and use the building.

Because form-based codes so change an area, she said, the community has to participate in the design process so they feel involved and understand the goals. For form-based code, the charrette process is used. A charrette is a week-long workshop where designers are working in front of the public and feedback groups are giving direction as the project unfolds. The charrette allows the public to express what they want, introduce the developer to *their* town and includes everyone, even children, in the process of designing an area. When organizing a charrette a City should include people who don't normally participate by going out to them. "You have to find a way to reach them," she said.

Mr. Colin concluded the presentation with a "What If". What if a developer approaches the City with a plan? "He's somewhere between a stack of rules and a review process." Based on the rules he will come up with a project that is usually average or below average in quality. That begins the negotiation process that will hopefully produce a compromise that will benefit all parties, from the community to the City to the developer, he said. One particular project he worked on for 10 years

went through 15 different plans based on the old style of planning but none of them were satisfactory. Finally using a form-based code, the 16<sup>th</sup> plan worked. The instructions were much clearer and the project mixed uses, created value, and created a sense of community.

Acting Chair Mendall thanked them for the presentation and then opened the floor to comments and questions.

Commissioner Marvin Peixoto thanked them for the presentation. He said he finds form-based codes an attractive alternative to current planning. What he likes best about the code is the element of functionality. He said past developers have come before the commission trying to create transit-oriented areas but it just ends up as high-density housing situated next to BART. He asked the consultants how form-based codes can avoid that. If an area is designated for high density housing, do form-based codes specify that sufficient park space should also be in the area? Yes, Kevin said, form-based codes can tell you exactly where to put those things.

Commissioner Loché thanked them for the presentation saying that it clarified a number of questions he had had. He was very intrigued with the psychological effects of form-based codes; his main concern being safety. He wanted to know how much effect form-based codes had on crime and wondered if there were any numbers that supported the presentation. Mr. Colin said in his experience in Ventura, the Police Department found they didn't need to ask for better street lighting or security fences because, using form-based code techniques, the houses' porch lights provided the light and the buildings were all aligned together.

Ms. Hall suggested reading "a great book" called *Life Between Buildings*, which summarizes studies of how many interactions between people occur based on the different building types. She also did a drive-along with the police about 15 years ago she said they knew where the crime was going to be based on the building types.

Commissioner McKillop pointed out that the City has made a lot of changes to the downtown and she asked Mr. Colin what he thought of the changes in respect to form-based codes. Kevin said "You've got good bones to start with." The street network is already built, he said, and anything we do to the buildings will only add value. He said he also sees a lot more pedestrian traffic downtown than he does in South Hayward. Ms. Hall said that form-based codes connect everything and could have been used to create a more cohesive plan for the gaps between walkable areas.

Commissioner McKillop then asked Mr. Colin if he's come forward with a form-based code in an area where another design plan had already been adopted. How did he combine the two? Mr. Colin said he had to go through a "series of surgeries". In Ventura, they could not do a comprehensive implementation of form-based code but had to plug it in incrementally and that took five years. Ms. Hall added that there's always an awkward transition time during any zoning or plan update.

Commissioner McKillop asked if the Concept Design Plan that the City already has for the South Hayward BART area has any value now. Ms. Hall said absolutely. The currently plan will give form-based code developers ideas of what the goals for the area are, she said.

Commissioner Christopher Thnay said the presentation was very clear but asked how do planners work with all the different property owners and easement issues to create a form-based code if the



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owners don't want to participate? Also, how do you deal with subdivisions? He also asked if form-based codes are ever found to be too rigid. And finally he asked why, if these codes are so good, aren't we applying them to the whole city?

Ms. Hall answered the first question saying that during the charrette the property owners realize that a form-based code is going to create value. "All their interests can be met through design," she said. "Nothing gets forced."

Mr. Colin answered the Commissioner Thnay's question about rigidity by telling the story of downtown Ventura. Developers there said a form-based code would restrict their designs and they were also reluctant to revise designs already completed. But by the end of the charrette process, the developers realized that a form-based code is more specific and clear but that there is still an inherent flexibility to designing within the code. It was only by designing within form-based code did the developers realize how easily it could be done, he explained.

Ms. Hall added that what property owners and developers end up with is something better than that originally designed and typically they then start to compete to create more interesting spaces.

Architect Robert Alminana explained that most property owners are afraid that whatever is built around them might decrease the value in their own property. Through form-based codes, the project starts with a vision and there is some predictability that everyone can agree on. "It's not taking from one to give to the other...it brings up everyone's values," he said. Owners don't need to be afraid of what happens next to them because the rules have been set.

Commissioner Thnay wondered how the City would get people to show up. What would they do, he asked, if half the property owners don't want to show up? Ms. Hall said they have all sorts of ways to get to people. During the project in Gulf Port, Mississippi, residents were so angry with the prospect of introducing a form-based code that they refused to show up to the workshops. So Robert Alminana went to their houses to talk to them and the issues were resolved. You can't be afraid to engage the people, she said.

Commissioner Elisa Marquez asked for more information about the tools of the charrette. Ms. Hall explained that written and visual surveys create common interests. This process creates guided visualization that people can see and get excited about. Other tools include small group exercises and large group discussions. Commissioner Marquez asked how long this process takes and Ms. Hall answered one week. Using the various tools and getting people to participate is more intense at the beginning, she explained, with visits to non-participants in the middle of the week. By the end of the week the tools are still being used, but the controversy has dropped off.

Commissioner Marquez then asked how a form-based code applies to the existing properties? For example, she said, on Dixon there are a lot of properties with deep lots; how would they incorporate those lots into the vision? Mr. Colin said a form-based code would replace all the zoning regulations, subdivision regulations and design guidelines. All of those are consolidated into a

single new concise document. Commissioner Marquez clarified by asking what would physically happen to these properties? Mr. Alminana explained that nothing would happen. That whatever is there would be grandfathered in, nothing would be destroyed, and that the code would then apply to the next generation of buildings.

Commissioner Mendall said that traditionally, five different property owners would create housing with a certain percentage of open space within each development. What would happen if you have five neighboring properties slated for housing and a park under a form-based code? How do you get that fifth owner to agree to have his property be the park and not the housing? Ms. Hall answered that there should be diversity of open space in a neighborhood and courtyard housing is fantastic for the elderly and parents with young children. Form-based codes intentionally create open space of varying amounts and types.

Mr. Alminana added that one rule of form-based codes is that the higher the density of the housing the larger and more important the shared open space. But communities should have all kinds of open spaces, he said, depending on the use of the area. Open space can be used in different ways: you can walk in it, play in it, sit, listen to music or just be visually open. So any open space contributes to the enjoyment of the community and the value, he said.

But Commissioner Mendall asked, how do you appease the owner who ends up with the park? Mr. Colin said acquiring property is never an easy answer. In the South Hayward area the state owns a lot of the land so it might be easier to acquire. The purpose of a charrette is to come up with a feasible plan. If a city has a particular purpose in mind for a property or area, the city would have to see how feasible it is to buy the land that would become a park. "You have to test the question," he said.

Commissioner Mendall asked staff if the City were to re-open the design plan for the South Hayward area would all the properties be included or the same subset of properties? Staff responded that the City would include all the properties, especially if the goal is to change the character of the area.

Commissioner Mendall asked Director of Development Services David Rizk if he was excited by a form-based code. Mr. Rizk responded that yes, he's very excited. The opportunity to make significant changes is great in the South Hayward BART area, he said. The predictability of a form-based code to really create a transit, pedestrian-oriented area is exciting. Mr. Rizk said he's also looking forward to engaging the community. "We've never done a charette in Hayward, it's a different experience and we hope people will get excited about it and participate."

Acting Chair Mendall then opened the discussion to the public.

Navdeep Gill, a Hayward business owner and resident, stated he is a proponent of form-based code. He's seen examples in Palo Alto, San Francisco, Oakland and Berkeley and it really seems to work well with retailers and communities, he said. His biggest concern in Hayward is the actual policing of the area. Before the development of the Twin Bridges project, the South Hayward area was crime-ridden, and on any given Friday night there are only nine police officers for the entire city. He wondered if policing would be increased if the density of housing is increased. He's also noticed that if an area doesn't have a retail hub and coffee shops and restaurants, people just walk out of



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their houses and go to work. There's no central hub, no place to get together and get to know each other. In conclusion, he's seen a lot of changes in the South Hayward area and he welcomes this project and thinks that a form-based code would be excellent for the area if the City is truly open to the opinion of public and local retailers.

Lee Williamson, Delgado Road/Spanish Ranch II mobile home park resident, said that regardless of what zoning practice is used to develop the area that decision is going to impact the people who already live there. He wonders what current residents will think of all the new people and traffic coming into the area. He also made the analogy of logging trees: when they clear cut an area they leave a strip of forest between the road and the bare land. He feels like he's the clear cut with this nice strip of forest being planned along Mission Boulevard. "Don't forget us is all I'm saying." Don't forget how the changes (both visually and practically—including traffic on Tennyson) would impact people already there, he said.

Charles McKeag, Citation Homes, expressed support for the staff's recommendation and the council's direction to pursue looking at a form-based code. He also "echoed" Commissioner Thnay's question of why don't we apply it to the entire city? He said the downtown area would have benefited from a more comprehensive approach. From the developers perspective, he said, one of the great positives of a form-based code approach is it allows developers making a land acquisition decision to know specifically where the City stands on fundamental elements. He said he won't have to wonder how the council will like his setback because a form-based code provides the specific answers for the exact areas that you want it. He applauds the City for looking at form-based codes.

Henry So, first-time home owner on Dixon Street, came to the meeting worried that a form-based code would negatively impact his property, but now he's excited about the plan. Crime is occurring in his neighborhood and he hopes a form-based code will help eliminate it.

Jose Vidal, May Court resident, doesn't think it's a good idea to dovetail a form-based code into an existing plan. He likes the project proposed by Wittek and Montana with the supermarket and the open space. He owns a large piece of property in Hayward and he wants to decide what to do with it, not be told by the City. He said he feels it's too late to introduce a form-based code into the plans already on the books. It might have worked in Mississippi, he said, but they started with nothing so anything was better than what they had.

Steve Murtaugh, Oakes Drive resident, wasn't expecting to speak tonight but thought it was a great presentation and thinks form-based codes are a great idea that could benefit the area. But he's interested in the preservation and restoration of local creeks and wonders what will happen to the creek that flows through the South Hayward BART area. He hopes a form-based code can take the creek into consideration. Mr. Hall said it can.

Andy Wilson, Greenbrier Lane resident, said the presentation was very good but imbedded within the presentation he sees increased housing density without increased police and fire protection. He

requested some numbers to demonstrate how that area was going to be sufficiently protected. Also, during the Mission Boulevard work session, people requested a community center on some state-owned land on Dixon and possibly a basketball court on Industrial just west of Dixon. Is staff going to apply the form-based code to only Dixon Road or the entire area? Staff responded that the entire area is being considered including the Holiday Bowl site. In addressing police services, staff indicated that council has also expressed concern and is looking into forming a Community Facility District which would help fund increased police presence. But form-based code, through design, should also mitigate some of those concerns. Mr. Wilson's final comment is that the entire length of Mission Boulevard should be included in the plan because of the number of available properties and the lack of appearance standards. In conclusion, if the issue of police and fire is dealt with, he's in support of a form-based code.

Mimi Bauer, Meadowbrook resident/Fairway Park Neighborhood Association member, is in favor of the form-based code. But she thinks there is a misunderstanding. We're talking about South Hayward BART station area and not the entire City, she said, because during discussions (the charrette process) the City would want to talk to the people who live in the area, not everyone in the City. Once you're done with that area then you'd move to a new spot and talk to the neighbors there, she said. She thinks it's a great opportunity for the community to finally be heard and the charrette process is the culmination of what they've been asking for. The charrette would give them the opportunity to make sure that they are being understood through feedback and give them a chance to clarify again what they meant during the Concept Design Plan process. Ms. Bauer also mentioned Acting Chair Mendall's question about who gets the park versus who gets the houses. Could a property owner swap land with the City or State, she asked?

Mr. Colin explained that they are focusing on the South Hayward BART location at the Council's direction. Ms. Hall said whether or not to look at just one area or the entire City just depends on what makes the most sense for the community. She explained, however, that the City does want everyone in the whole City to get involved in any charrette because it's their town too, not just the people who live in the immediate area. By including everyone it creates a much richer process, she said.

Evelyn Cormier, Carrol Avenue resident, thanked the commission for the discussion and said she is in favor of a form-based code. She said she's delighted to hear Ms. Hall say that she's interested in the broader community's opinion because she lives on the south side of Industrial, but she's very interested in what's happening. She thought she heard Mr. Alminana say that the change would be generational and that made her wonder if all the buildings and apartments along Dixon would be included or only some? Mr. Alminana responded that all buildings would be included.

Acting Chair Mendall closed the public comments at 8:35pm. Because this was a work session and required no official vote, Acting Chair Mendall asked the commissioners if anyone wanted to sum up with an opinion, thought or recommendation for Council.

Commissioner Loché said it was the City's duty to think long term. He said that economics are a huge issue right now but points out it would be "a bad thing" to look back 20 years from now and say the South Hayward area could have been a lot nicer, but at the time we were a little short on cash so we did something different to save money. It would be short-changing the citizens who live in that area, and the community at large, if we don't move forward with a form-based code, he said.



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“We don’t want to make a wrong decision at this time and pay for it over the years.” He concluded by saying he was in favor of pursuing a form-based code.

Commissioner Peixoto asked staff to explain where the money is coming from? Will the City sacrifice another project if they spend the \$300,000 on this project? Staff said the Redevelopment Agency has already appropriated the money for this project. Commissioner Peixoto concluded that he is fully in support of a form-based code and can’t see any reason not to move forward. Also he’s hopeful the charette process will make everyone in the community feel truly involved and heard.

Commissioner Thnay believes the money needs to be spent if the result outweighs the cost. In this case, he thinks this money will be well-spent. He’s against a piecemeal approach and thinks a form-based code is a better way to improve the area, he said. He hopes South Hayward will become a destination point.

Commissioner Julie McKillop asked what about the timing if Council decides to move forward with a form-based code. Staff answered that they envision an 11 month process to develop a form-based code. Commissioner McKillop asked if the code could get “stale” during the time it takes to buy property and actually build. Staff replied that due to the involvement of the community and policy makers in developing a vision for that area, it is unlikely that any plans would get stale. Staff also thinks that the introduction of a form-based code will increase the likelihood of development as would the Wittek and Montana project which is proceeding independently of the code.

Commissioner Marquez asked if City staff have contacted developers who have already expressed interest in the area to see if they want to work with a form-based code. Staff replied there aren’t a lot of developers they need to contact, but the ones they’ve talked to are interested. Commissioner Marquez also asked what is the next step if the Commission recommends a form-based code to Council. Staff said they are tentatively scheduled to go before Council on February 3, 2009. In conclusion, Commissioner Marquez said she appreciates the presentation because of the clarity it provides to residents who attended the meeting. She’s concerned that people won’t participate but sees there are different tools to pull them in.

Staff clarified that the Commission’s positive recommendation to Council would allow them to authorize the City Manager to enter into a contract for development of a form-based code.

Commissioner McKillop said she neglected to add that she thinks this is a fabulous idea.

Commissioner Mendall thanked everyone who attended. It was a long meeting, he said, but the feedback and input from the public is helpful. He explained that he saw the consultant’s presentation months ago and came away excited and confused. Now seeing it again he’s just excited. He said he’s ready to try something different and he thinks form-based codes can provide that opportunity. Even if only half the things they promise come true, he said, it’s still worth trying. In conclusion, he said the South Hayward BART area is the obvious place to try something new; \$300k for a chance to change something from good to WOW is not that much. He’s very much in

favor of pursuing a form-based code.

### **ADDITIONAL MATTERS**

#### **2. Oral Report on Planning and Zoning Matters**

Planning Manager Richard Patenaude said no meeting is planned for February 5<sup>th</sup>, but that February 19<sup>th</sup> looks like a busy meeting and hopes everyone can attend.

#### **3. Commissioners' Announcements, Referrals**

Commissioner McKillop asked who was responsible for cleaning up the property across from the new Burbank Elementary School. The project was completed months ago, she said, but there is still a lot of "junk" and debris. Staff replied that they would speak to Redevelopment.

### **ADJOURNMENT**

Acting Chair Mendall adjourned the meeting at 8:52 p.m.

#### **APPROVED:**



Rodney Loché, Secretary  
Planning Commissioner

#### **ATTEST:**



Suzanne Phllis  
Senior Secretary

1

**DATE:** January 15, 2009

**TO:** Planning Commission

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

**SUBJECT:** Proposal to Develop a Form Based Code for the South Hayward BART Station Area

### **RECOMMENDATION**

Staff recommends that the Planning Commission review this report and information to be provided at the work session, and provide input to staff on a proposal to develop a Form Based Code for the South Hayward BART Station area. Such input will be forwarded to the City Council for consideration, and staff will be recommending development of a Form Based Code to City Council.

### **SUMMARY**

As reflected in the attached draft meeting minutes of December 2, 2008 (Attachment A), the City Council directed staff at that meeting to present the proposal to develop a Form Based Code to the Planning Commission. While many of the Council members/Redevelopment Agency (RDA) Board members supported the concept of a Form Based Code, some expressed concern with using up to \$300,000 of Redevelopment Agency funds to develop such a Code in an area where a Concept Design Plan has been adopted. Such funds have been allocated in the current RDA budget for such purpose.

Staff is recommending that such a Code be developed for the South Hayward BART station area, as a means to provide clearer direction for the community's vision for future development in the area, which will be beneficial to the City and to the development community, and will increase likelihood for future development/investment in the area.

This work session is being conducted to provide an opportunity for staff and its consultants, Laura Hall and Kevin Colin, to provide an overview of Form Based Codes. Ms. Hall and Mr. Colin will also compare and contrast the review process and design outcome that currently exist associated with the South Hayward BART station area with those that would exist with development of a Form Based Code, and will also provide an overview of the benefits of conducting an intensive community engagement event, called a charrette.

## BACKGROUND

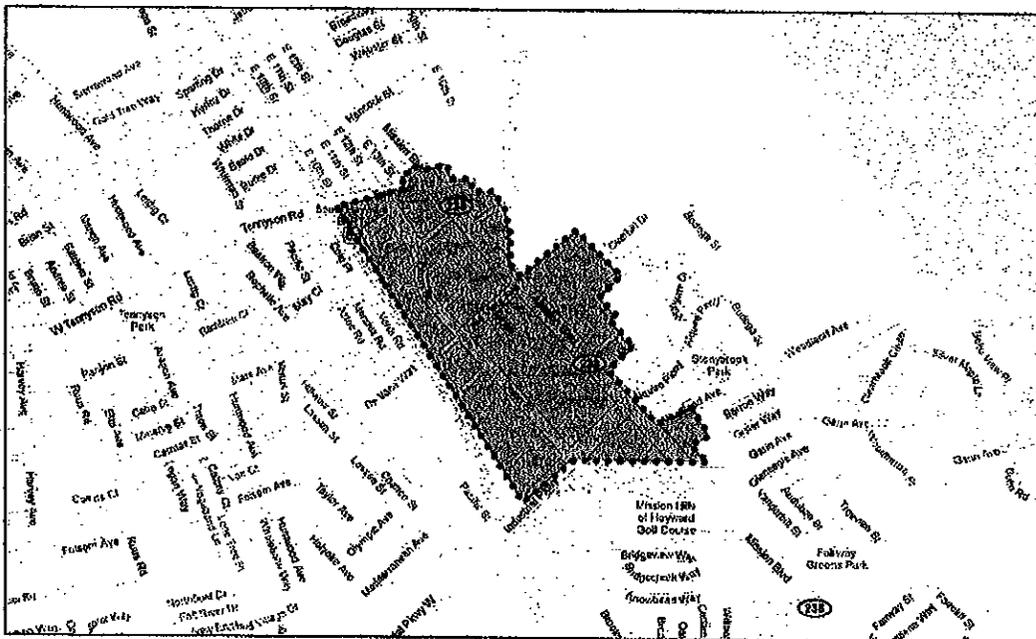
During a work session on July 29, 2008, staff and its consultant provided a presentation addressing the South Hayward BART/Mission Boulevard Concept Design Plan, Form-Based Codes, and Community Facilities Districts. Many questions about Form-Based Codes were raised. Ultimately, the Council decided to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

Such discussion and consideration occurred on December 2, where the Council considered authorization to develop a Form Based Code and related documents. After much discussion, Council directed staff to present the Form Based Code proposal to Planning Commission.

## DISCUSSION

The staff report presented to the Council on December 2 (Attachment B) outlined 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.

The area proposed for development of a Form Based Code, as shown below, would encompass the area formed by Tennyson Road to the north, the BART tracks to the west, Industrial Parkway to the south, and Mission Boulevard to the east. Properties on both sides of Mission Boulevard, as well as the Holiday Bowl site at the southwest corner of Mission Boulevard and Industrial Parkway, would also be included.



The report provides:

- an overview of the existing South Hayward BART/Mission Boulevard Concept Design Plan;
- what is included in a Form Based Code;
- the suggested process for development of such a Code, including an intensive multiple-day “charrette” to engage and involve the community;
- details on the other components of the project that would be completed, including a fiscal impact analysis and new market analysis; and
- an overview of how such a Code could enhance the South Hayward BART station area and facilitate new development and investment in such area.

Additional information on what a Form Based Code is can be found on the internet. Various websites that are particularly informative are <http://www.formbasedcodes.org/> (Form Based Codes Institute); <http://transect.org/> (Center for Applied Transect Studies), and <http://www.smartcodecentral.com/> (Smart Code Central). Also, various cities in the Bay area have developed Form Based Codes, including Benicia, Hercules, Petaluma, Ukiah and Sonoma.

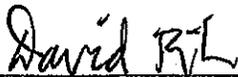
## **PUBLIC CONTACT**

Staff has sent approximately 2,500 notices of this work session to owners and residents in the South Hayward BART station area.

## **SCHEDULE**

Staff will forward input from the Commissioners to the City Council/RDA Board members, to be considered in determining whether to authorize development of a Form Based Code in the South Hayward BART station area, tentatively scheduled for January 27 or February 3. Notices of that meeting will also be mailed out.

Prepared by:



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

### **Attachments:**

- Attachment A: Draft Meeting Minutes of the December 2, 2008 Hayward City Council/ Redevelopment Agency Board members
- Attachment B: December 2, 2008 Staff Report with Attachments

# HALL ALMINANA

I N C O R P O R A T E D

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April 17, 2009

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, Principal-in-Charge; Robert Alminana, Operations Manager, 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 Specialist: Nelson\Nygaard Consulting Associates – Patrick Siegman, Principal

## 2. Project Understanding

The Project area is coterminous with the South Hayward BART/Mission Boulevard Concept Design Plan (June 2006) excluding the recently approved Wittek-Montana project. 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.

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 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.

*Deliverables: Final Draft Form-Based Code, Regulating Plan and 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 \$249,919. Further details of the budget as correlated to phases, tasks and professional firms are provided in the proposal.

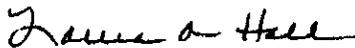
For contractual purposes, Hall Alminana, Inc. will serve as the prime consultant with all remaining professional firms serving as subcontractors. As the budget spreadsheet details, Hall Alminana, Inc. and Lamphier-Gregory will build on a prior working relationship and collaborate extensively on this 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 10½ 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 middle of June 2009, we will be able to conduct the charrette during the 2<sup>nd</sup> week of October 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.

Sincerely,

Hall Alminana, Inc.



Laura Hall  
Principal-in-Charge



