



CITY OF  
**HAYWARD**  
HEART OF THE BAY

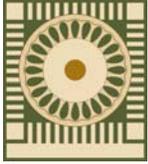
## **PLANNING COMMISSION**

**APRIL 12, 2012**

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CITY OF HAYWARD  
777 B STREET, HAYWARD, CA 94541-5007  
(510) 583-4205 / [www.hayward-ca.gov](http://www.hayward-ca.gov)  
LIVE BROADCAST – LOCAL CABLE CHANNEL 15

**AGENDA**  
**HAYWARD PLANNING COMMISSION**  
**Thursday, April 12, 2012 , AT 7:00 PM**  
**COUNCIL CHAMBERS**

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**MEMBERS OF THE AUDIENCE WISHING TO ADDRESS THE PLANNING COMMISSION:**

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

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**ROLL CALL**

**SALUTE TO FLAG**

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

**NON-ACTION ITEMS:** (Work Session items are non-action items. Although the Commission may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda).

**WORK SESSIONS:**

1. Proposed General Plan Update Process Overview

[Staff Report](#)

[Attachment I - Minutes from March 20, 2012 Council Meeting](#)

[Attachment II - Western Cities Article](#)

[Attachment III - OPR Letter dated June 15, 2011](#)

[Attachment IV - Northern News Article](#)

[Attachment V - Possible Organization of General Plan](#)



Assistance will be provided to persons requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons needing accommodation should contact Sonja Dal Bianco 48 hours in advance of the meeting at (510) 583-4204, or by using the TDD line for those with speech and hearing disabilities at (510) 247-3340.

2. Implementation of the South Hayward BART/Mission Boulevard Form-Based Code

[Staff Report](#)

[Attachment I - Plans](#)

**COMMISSION REPORTS:**

3. Oral Report on Planning and Zoning Matters
4. Commissioners' Announcements, Referrals

**APPROVAL OF MINUTES**

5. None

**ADJOURNMENT**

**PLEASE TAKE NOTICE** that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing. **PLEASE TAKE FURTHER NOTICE** that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

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

**DATE:** April 12, 2012  
**TO:** Planning Commission  
**FROM:** Erik J. Pearson, Senior Planner  
**SUBJECT:** Proposed General Plan Update Process Overview

## **RECOMMENDATION**

That the Commission reads and comments on this report and provides direction to staff regarding a comprehensive General Plan update.

## **SUMMARY**

Hayward's General Plan was last updated in 2002, and in 1986 before then. While there is no legal standard for when a general plan must be updated (other than for the Housing Element of the General Plan), the standard practice according to State guidelines is to do a comprehensive update every ten years. A comprehensive General Plan update will be a significant, multi-year project for the City of Hayward. Staff anticipates the General Plan update will officially begin in July 2012 and that the new Plan would be adopted by June 2014. The two-year project is expected to cost approximately \$2.2 million, which also includes associated staff costs.

Development of the new General Plan will require significant public outreach and will be updated to reflect several new State requirements as well as current best practices. Issues to be addressed in the new General Plan include sustainability and climate action, consideration of existing neighborhood plans, transportation and circulation, public health, and possibly addressing the easternmost portion of the City that was identified for detachment in the 2002 General Plan. An Environmental Impact Report (EIR) on the proposed General Plan is also required.

This report includes an overview of the State requirements for general plans, why the General Plan should be updated, the proposed process for developing the new General Plan, ideas for the organization of the new document, tentative schedule, and anticipated public outreach associated with the project.

## **BACKGROUND**

*What is a General Plan?*—The California Supreme Court has called the general plan the “constitution for future development.” The general plan expresses a community’s development goals and

embodies public policy relative to the distribution of future land uses, both public and private. According to the General Plan Guidelines from the Governor's Office of Planning and Research, the purpose of a general plan is to:

- Identify the community's land use, circulation, environmental, economic, and social goals and policies as they relate to land use and development.
- Provide a basis for local government decision-making, including decisions on development approvals and exactions.
- Provide citizens with opportunities to participate in the planning and decision-making processes of their communities.
- Inform citizens, developers, decision-makers, and other cities and counties of the ground rules that guide development within a particular community.

*General Plan Content Requirements* – Since 1937, California law has required counties and cities to adopt general plans. Over the years, the State has added requirements for specific elements of a general plan. Following is a list of the seven mandated Elements, the year in which they became required, and a short description of the required content for each Element:

1. Land Use – 1955

The land use element functions as a guide to planners, the general public, and decision-makers as to the ultimate pattern of development for the City at build-out. It is required to address: the type, intensity, distribution, and location of each class of land use proposed by the Plan; community design principles; flood hazard areas; open-space areas; severe slopes; public and private parks; the equitable distribution of parks and recreational facilities; wildlife habitats; agricultural land; relationship to local zoning, subdivision, and building ordinances; airports and relationship to the local Airport Land Use Compatibility Plan; school facilities; public facilities; liquid and solid waste facilities; relationship to the capital improvements program; and general plan designations to allow compliance with State requirements regarding the provision of low and moderate income housing.

2. Circulation – 1955

The circulation element is an infrastructure plan addressing the circulation of people, goods, energy, water, sewage, storm drainage, and communications. By statute, the circulation element must correlate directly with the land use element. The circulation element also has direct relationships with the housing, open-space, noise, and safety elements. Mandatory circulation element issues as defined in statute are: major thoroughfares; transportation routes; terminals; and other local public utilities and facilities.

The circulation element may also address: streets and highways; public transit routes, stops, and terminals; bicycle and pedestrian routes and facilities; truck routes; railroads and railroad depots; paratransit; airports; parking facilities; transportation system management; and emergency routes.

### 3. Housing – 1967

Unlike the other mandatory elements, the housing element is subject to detailed statutory requirements regarding its content and must be updated every eight years. The housing element is also subject to mandatory review by the California Department of Housing and Community Development (HCD). The Housing Element must show that the city's regional housing needs allocation (RHNA) can be accommodated by including an inventory of appropriately zoned developable properties. The housing element must also include a housing program, which outlines a series of actions to meet statutory requirements such as the preservation of existing and facilitation of new affordable housing.

### 4. Conservation – 1970

The conservation element provides direction regarding the conservation, development, and utilization of natural resources. Its requirements overlap those of the open-space, land use, safety, and circulation elements. The conservation element is distinguished by being primarily oriented toward natural resources.

### 5. Open Space - 1970

The open-space element guides the comprehensive and long-range preservation and conservation of "open space land." Open-space land is defined in statute as any parcel or area of land or water that is essentially unimproved and devoted to open-space use. Along with the housing element, the open-space element has the most detailed statutory intent and, next to land use, is the broadest in scope. Because of this breadth, open-space issues overlap those of several elements and the open-space element is commonly combined with other elements.

### 6. Noise – 1971

The purpose of the noise element is to limit the exposure of the community to excessive noise levels. Local governments must "analyze and quantify "noise levels and the extent of noise exposure through actual measurement or the use of noise modeling. Existing and anticipated future noise level contours must be mapped and the conclusions of the element used as a basis for land use decisions. The element must include implementation measures and possible solutions to existing and foreseeable noise problems. Furthermore, the policies and standards must be sufficient to serve as a guideline for compliance with sound transmission control requirements.

### 7. Safety– 1971

The aim of the safety element is to reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from fires, floods, earthquakes, landslides, and other hazards. Other locally relevant safety issues, such as airport land use, emergency response, hazardous materials spills, and crime reduction, may also be included. Some local jurisdictions have even chosen to incorporate their hazardous waste management plans into their safety elements.

State law does not require that a general plan be organized according to the required elements. The required elements may be organized to fit the needs of the local jurisdiction. The ultimate organization

does not need to be determined at this time – in fact it may be desirable to determine the organization after the visioning process, which is described later in this report. In addition, State law permits the inclusion of optional elements that address needs, objectives, or requirements particular to that city or county. Hayward’s current General Plan includes the following elements/chapters: Land Use, Circulation, Economic Development (an optional element), Housing, Community Facilities and Amenities (an optional element), Conservation and Environmental Protection (includes content required for conservation, open space, noise, and safety elements), and Public Utilities and Services (an optional element). Additional content required for a noise element is included in the current General Plan as Appendices ‘M’ and ‘N.’

Other optional elements that are common in general plans throughout California include administration/governance, air quality, climate change, design, historic preservation, parks and recreation, and seismic. The general plan must be periodically updated to assure its relevance and usefulness. The zoning ordinance, development standards, design guidelines, public capital improvements, and other City development actions and policies must all be consistent with the general plan.

*History of Hayward’s General Plan* – The City of Hayward adopted its first General Plan in 1953 and it was updated in 1965, 1974, 1986, 1998 (Circulation Element only) and 2002. In 1986 and 2002, the General Plan was prepared primarily by staff, though consultants were used for more technical analyses. The EIRs for the 1986 and 2002 updates were completed by consultants. Also, the City hired a consultant to prepare the 1998 Circulation Element and EIR. When the 2002 General Plan update project was done, the Advanced Planning section of the Planning Division was staffed by one Senior Planner, one Associate Planner, and one full-time paid Planning Intern. Today, the section has only one Senior Planner.

*City Council Review* – The General Plan update was presented during a City Council work session on March 20, 2012<sup>1</sup>. All Council members agreed that the update should be completed for less than staff’s estimate of \$2.8 million and that the update needs to be completed more quickly than the three and one-half years anticipated by staff. Staff had completed surveys of other cities and recommended a \$2.8 million project cost and three and one-half year schedule in line with general plan updates of those other cities. Other Council comments included:

- the existing General Plan was a good document and did not need to be substantially updated;
- the City needs to reach out to the community and include people who do not regularly attend public meetings;
- the new General Plan should be organized around Council’s priorities;
- social equity issues should be incorporated into General Plan;
- detachment of the Pleasanton Ridge area would only be acceptable if we can also limit development and encourage park expansion in that area;
- the Neighborhood Plans do need to be updated and should be incorporated into the General Plan;
- the new General Plan should be available in an electronic format;
- an implementation plan is needed; and
- the City needs to engage youth and schools in the process.

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<sup>1</sup>Report is Item # 1 at <http://www.hayward-ca.gov/citygov/meetings/cca/2012/CCA12PDF/cca032012full.pdf>

The minutes from the March 20, 2012 Council meeting are included as Attachment I. This report includes a revised timeline prepared in response to Council comments.

## DISCUSSION

*Why update the General Plan Now?* – While there are no specific legal requirements for updating a general plan, the State’s General Plan Guidelines state that “a general plan based upon outdated information and projections is not a sound basis for day-to-day decision making and may be legally inadequate. As such, it will be susceptible to successful legal challenge.”

As discussed in the attached article from Western Cities, titled *Why Now is a Smart Time to Consider Updating Your General Plan* (see Attachment II), the current economy presents a unique opportunity. The lower volume of development proposals allows staff and decision makers more time to consider long-range policies. Also, as consultants have less work during the slow economy, responses to RFPs may be priced lower than during good economic times. The article provides a brief overview about the general plan update process and considerations and also introduces *Reinventing the General Plan*, a project of the California Planning Roundtable, which is discussed later in this report under the *Organization of the General Plan* heading.

*Ramifications of not Updating the General Plan*– If the General Plan is not updated, the City will have to rely upon out-of-date policies when reviewing development proposals. The General Plan would not include the City Council’s current priorities, especially those around sustainability, climate action, and climate adaptation. The Circulation Element would remain out of compliance with current State guidelines (i.e. Complete Streets policies) and may cause the City to be ineligible for grant funding. The City’s Climate Action Plan would not be updated and would remain without a certified environmental document. As discussed later in this report, if the CAP has a certified environmental document, then it may be used to help streamline environmental analysis of new development projects.

As referenced in the attached letter from the California Office of Planning and Research (OPR) dated June 15, 2011 (see Attachment III), Government Code Section 65040.5(a) requires OPR to notify cities with general plans that have not been revised within the last eight years. The OPR letter states that, “General Plans that have not been revised within the past eight (8) years are not necessarily legally inadequate. However, the California Supreme Court has stated that local governments have an implied duty to keep their general plans current (*DeVita v. County of Napa*, 9 Cal 4<sup>th</sup> 763 (1995)). Additionally, local governments must review and revise their general plans as often as they deem necessary or appropriate (Government Code section 65103(a)).” The letter further states that, “Additionally, OPR is also required to report to the Attorney General, cities and counties with general plans that have not been revised in ten (10) years (Government Code section 65040.5(b)).” While cities do have a responsibility to maintain up-to-date general plans, the Supreme Court has recognized that cities have wide latitude in determining how and when to update their general plans.

*Scope of the General Plan*–Much has changed since the adoption of the current General Plan in 2002. The City Council has developed priorities that were not considered in the current General Plan. Public safety, cleanliness, and “green and sustainable” are all much clearer and focused priorities than they were ten years ago. The City’s fiscal stability and economic development are also much higher priorities. Hayward has established a Sustainability Committee and adopted a

Climate Action Plan. Finally, with SB 375 and the development of the regional Sustainable Communities Strategy, the General Plan can be revised to implement, at a local level, policies needed to reduce emissions from cars and light trucks.

There are generally two schools of thought regarding the content of a general plan. One is to include only the State-mandated topics and address other topics in separate, stand-alone documents. The other approach is to include every topic of interest to community stakeholders. As noted in a recent article that appeared in the *Northern News* titled “*The once and future General Plan*” (see Attachment IV), including too many topics “puts planners in the position of drafting policies they cannot implement.” The author also notes that, “The general plan should not become the clichéd kitchen sink for every municipal policy document.” However, staff is of the opinion that the general plan should be comprehensive and should reflect Council priorities. Furthermore, policies contained in the general plan carry more weight, as consistency with the General Plan is required for approval of tracts, use permits and other development applications.

Staff intends to develop a General Plan that specifically fits the needs of Hayward by crafting a document that includes the content that is important to Hayward in an easy-to-use format, while still meeting State requirements. Staff will also rely on recent studies and community outreach for those studies to help inform staff and consultants to develop draft documents. Staff will also rely on creative ways to engage the public (e.g., social media) that efficiently uses limited resources and reduces the project timeline, which is aggressive and 18 months less than originally proposed to the City Council.

Staff has reviewed model general plans such as those profiled on the *Reinventing the General Plan* website<sup>2</sup>, which is a project of the California Planning Roundtable. Staff has identified several new issues as well as updates to current General Plan content that may be addressed in the new General Plan, possibly and where appropriate, as optional elements:

- *Neighborhoods* - A possible new section that would update the policies contained in the City’s neighborhood plans that were developed between 1987 and 1998. Updating each plan individually would be a very time consuming and costly undertaking. Staff proposes that a section/element of the General Plan include a historic narrative as well as new/restated policies from the neighborhood plans. One issue that may be addressed is whether or not the current neighborhood boundaries are still appropriate. This would also be a way to get the residents of each neighborhood involved in the overall General Plan update process. See later discussion regarding health and “quality of life” issues.
- *Sustainability* – While there should be a section devoted to the topic of sustainability, climate action, and adaptation to climate change, sustainability policies and initiatives would also be integrated throughout the General Plan. The actions identified in the 2009 Climate Action Plan (CAP) could be revisited and reprioritized. Furthermore, emissions thresholds against which to measure new development might be added to the CAP. This new General Plan section or element could serve as an index to easily locate the sustainability-related policies that are located in other elements in the Plan.

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<sup>2</sup><http://reinventingthegeneralplan.org/>

- City Boundaries – The new General Plan could address the current inconsistency between Hayward’s city limits and its Sphere of Influence (SOI). As it has for decades, Hayward’s boundary currently extends to Pleasanton, but the SOI stops short of Palomares Road. (The SOI should and typically would extend beyond the city limits.) The current General Plan, adopted in 2002, includes a set of Ridglands Area Policies (Appendix J). Policy 7 states that Hayward “shall detach the area consisting of those parcels with frontage on Santos Ranch Road or otherwise lying east of the brow of Pleasanton Ridge...and shall annex comparable area from the County.” The General Plan could also address the City’s long term intentions with respect to possible annexations along this northern boundary, as well as other areas that share boundaries with Unincorporated Alameda County.
- Historic Preservation–The City’s recently adopted Historic Preservation Program (specifically the context statement and inventory) can be incorporated into the General Plan.
- Health–As a member of the Healthy Cities Campaign, Hayward can address public health in the General Plan. The Healthy Eating, Active Living Cities Campaign is a partnership between the League of California Cities and the California Center for Public Health Advocacy and can assist with development of a Health Element and/or integrating health-related policies throughout the General Plan. As an alternative to a health element, these health-related policies could be integrated into a broader “Quality of Life” element that would address such issues, crime and safety, in addition to childhood health and obesity, and other neighborhood-related issues. If this approach is taken, there may not be a need for a separate neighborhoods element.
- Circulation Element – While not a new section, this element would be substantially revised to be compliant with OPR’s Circulation Element/Complete Streets Guidelines, which were released in December 2010.
  - Complete Streets Policy – The City will need to adopt a Complete Streets policy consistent with that being developed by the Alameda County Transportation Commission. A Complete Streets policy ensures that streets are designed and operated with *all users* in mind - including bicyclists, public transportation vehicles and riders, and pedestrians of all ages and abilities. Consistency with the Complete Streets Guidelines will make Hayward eligible for funding through the Alameda County Transportation Commission’s 2012 Transportation Expenditure Plan; as well as through the regional One Bay Area grants, which will be administered by the Association of Bay Area Governments and the Metropolitan Transportation Commission.
  - Pedestrian Plan – A new Pedestrian Master Plan and an updated Bicycle Master Plan should be incorporated into the Circulation Element. The former is a requirement for eligibility for the One Bay Area grants.
  - Airport Land Use Compatibility–The City of Hayward must determine that the Hayward General Plan is consistent with the Hayward Airport Land Use Compatibility Plan (ALUCP), which is scheduled for adoption by the Alameda County Airport Land Use Commission this spring, or must amend its General Plan to be consistent, within 180 days of adoption of the ALUCP. This determination would not be required if the City Council adopts a resolution overriding the ALUCP.

- Hazards -
  - Flood Hazards - Assembly Bill 162 (2007) requires cities and counties to address flood hazards not only in the conservation element of the general plan, but also in the land use, housing, and safety elements, effective upon the next revision of the housing element on or after January 1, 2009.
  - Incorporate the recently adopted Local Hazard Mitigation Plan, which identifies potential hazards, assesses vulnerability to the hazards, and identifies specific actions that can be taken to reduce the risk from the hazards.
- Air Quality– An air quality element could address the Bay Area Air Quality Management District’s (BAAQMD) CEQA Guidelines, which call for health risk assessments for development projects located within 1,000 feet of a major roadway. According to the BAAQMD, Hayward is an impacted community due its air quality and demographic characteristics and BAAQMD strongly encourages impacted communities to develop Community Risk Reduction Plans (CRRP). A CRRP takes a comprehensive, community-wide approach to reducing local air pollution emissions and exposures so that health risk assessments do not have to be prepared for individual development proposals.
- Implementation Plan – A final chapter in the General Plan would identify a plan of action for implementing the updated General Plan. This might include a plan for initiating annexations or detachments identified in the General Plan.

Process for Updating the General Plan – Following is an outline of the process staff proposes:

- Hold initial visioning meeting. A community meeting to kick off the update process will be held to help to shape the update process as well as the content of the new General Plan.
- Develop a vision and a list of issues identified during visioning meeting(s). Review with City Council and Planning Commission.
- Review current General Plan and prepare background reports, including a market analysis.
- Prepare a draft set of goals and policies; review with City Council and Planning Commission.
- Develop alternatives to be considered for the General Plan; City Council and Planning Commission.
- Hold a second community meeting(s) to present alternatives.
- Prepare Draft General Plan and technical analyses, including a fiscal impact analysis.
- Hold meetings throughout the community to present the Draft General Plan.
- Prepare Draft Environmental Impact Report.
- Present Draft EIR (will incorporate information from previous background reports).
- Present Final General Plan and Final EIR.

Organization of General Plan – There are many options regarding organizing the General Plan content, and staff will review examples of Plans from other similar jurisdictions to provide a future

recommendation for content. One option for Hayward would be to organize the new General Plan around the City Council’s adopted set of priorities – Safe, Clean, Green, Organizational Health, Land Use, and Fiscal Stability. Each of the six priorities could be a chapter of the General Plan that would also include the mandated elements. In Attachment V, staff has provided a table showing the possible organization of the plan if organized by Council priorities.

**ENVIRONMENTAL REVIEW**

As required by the California Environmental Quality Act (CEQA), an EIR would be prepared for the new General Plan. By incorporating the CAP into the General Plan, the CAP will be analyzed in the EIR, which will allow streamlined environmental review for new development projects. The Bay Area Air Quality Management District’s CEQA Guidelines<sup>3</sup> and Section 15183.5 of the CEQA Guidelines allow a project’s impact relative to greenhouse gas (GHG) emissions to be considered less than significant if it is consistent with an adopted qualified GHG Reduction Strategy (may be a Climate Action Plan). This can eliminate the need to do a detailed GHG analysis for many new development proposals, which can reduce costs for preparation of applications by developers and reduce application processing time. CEQA Guidelines require that a GHG Reduction Strategy or Climate Action Plan must be adopted following the certification of an EIR. In Hayward’s case, an amended CAP might be adopted as a stand-alone document along with the updated General Plan or it could be incorporated into the updated General Plan.

**SCHEDULE**

The schedule below shows that the General Plan update is proposed to officially begin in July 2012 and that the new Plan will be adopted by June of 2014.

*Items in italics are actions outside direct control of the City of Hayward*

<b>Fiscal Year</b>	<b>Timeframe</b>	<b>Action/Task</b>
Prep Year FY 12	March 20, 2012	Council Work Session to discuss Scope, Process, & Budget
	April 12, 2012	Planning Commission Work Session to discuss Scope & Process
	April 24, 2012	City Council Scheduled to Adopt New Fee Schedule for FY13
	June 19, 2012	Council Adopts Budget and Capital Improvement Program
	Early Summer, 2012	Council Adopts Resolution Authorizing General Plan Update

<sup>3</sup>See Section 4.3 at [http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines\\_May%202011\\_5\\_3\\_11.ashx](http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines_May%202011_5_3_11.ashx)

FY 13	July 2012	Begin Collecting GP Fee Issue Request for Proposals
	<i>September 2012</i>	<i>ABAG will adopt the Final Regional Housing Needs Allocation</i>
	September 2012	Council Adopts Resolution to Authorize Contract with Consultant
	October 2012	Kick-off Project and First Community Meeting
	<i>April 2013</i>	<i>MTC will adopt the final RTP and SCS</i>
	Oct. – Dec. 2012	Review current GP & prepare background reports (incl. market analysis)
	December 2012	Formulate/Present Vision and Identification of Issues
	Jan. – March 2013	Draft Goals, Policies, Alternatives
	June 2013	Select Preferred Alternative
FY 14	July – October 2013	Draft General Plan
	Oct. 2013 – Jan. 2014	Prepare Draft EIR and Fiscal Impact Analysis
	March – April 2014	Prepare Final EIR
	June 2014	Certify EIR and Adopt New General Plan

## PUBLIC CONTACT

One of the first steps in updating the General Plan will be to develop a community vision. Staff expects to gather ideas and input during this first phase, and to also use input from development of the South Hayward BART/Mission Boulevard Form-Based Code, the Mission Boulevard Specific Plan/Form-Based Code (anticipated to be adopted by this fall), and the future Downtown Plan. Staff also expects to hold public meetings as policies are drafted, alternatives formulated, and then during review of the draft General Plan, draft EIR and final adoption of each. Staff also intends to use social media and web-based forums to collect ideas and distribute materials. Such media may include on-line surveys, Facebook, Twitter, YouTube, a wiki site and other similar technologies. The Office of Planning and Research (OPR) offers the following guidelines for public participation:

- Public participation processes take time and resources. Dedicate adequate staff time and other resources to the process. *The revised budget and schedule would hinder this objective from being met.*
- Community members should be included in the general plan process as soon as possible. A visioning process, focus groups, or an advisory committee can be used to identify issues and involve the community before the process is designed.
- Participants need to know up front what they can expect from their participation and what the process sponsors will do with the information that comes out of the process.
- It is critical to understand the issues that are important to different segments of the community, including residents, business owners, and elected decision-makers. Address their issues and concerns during the process. Make sure that all stakeholder groups feel that they have an opportunity to give input early in the process.

- The process should be simple and transparent; participants should be updated frequently as the process moves forward.
- The process should be designed to meet the needs of your community. No two processes should be the same. Questions to consider include: Will community members need childcare in order to attend meetings? Are residents more likely to participate on a weekend or early in the morning due to work obligations? Will providing refreshments influence more people to attend? How do community members get their information? How comfortable are they with technology? Is translation necessary?
- The entire process should be documented. This includes keeping a record of and reporting on all groups that have been contacted, any information that is used to inform the process, and all decisions that are made. Documentation can be done through media stories, a website, newsletters, or other materials in order to keep the public informed.
- The process should be as engaging, interactive, and fun as possible.

## **NEXT STEPS**

Depending on direction received by staff, a resolution will likely be presented to the City Council in Spring of this year with a formal proposed process and detailed budget to seek project authorization and funding.

*Prepared by:* Erik J. Pearson, AICP, Senior Planner

Recommended by:



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Richard Patenaude, AICP  
Planning Manager

Approved by:



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David Rizk, AICP  
Development Services Director

Attachments:

- Attachment I Minutes from March 20, 2012 City Council Meeting
- Attachment II Western Cities Article – Why Now is a Smart Time to Consider Updating Your General Plan
- Attachment III OPR Letter dated June 15, 2011
- Attachment IV Northern News Article – The once and future General Plan
- Attachment V Possible Organization of General Plan by Council Priority



**MINUTES OF THE CITY COUNCIL MEETING OF  
THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, March 20, 2012, 7:00 p.m.**

The City Council Meeting was called to order by Mayor Sweeney at 7:00 p.m., followed by the Pledge of Allegiance led by Mayor Sweeney.

**ROLL CALL**

Present: COUNCIL MEMBERS Zermeño, Quirk, Halliday, Peixoto, Salinas, Henson  
MAYOR Sweeney  
Absent: None

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson reported that the Council met with Labor Negotiators regarding all bargaining units, and with Legal Counsel regarding Nanette Dillard v. Alameda County Associated Community Action Program Governing Board, Alameda County Superior Court No. RG11572661. He noted there were no reportable items. City Attorney Lawson also reported that Council met with Legal Counsel concerning Franklin Sunseri v. City of Hayward c/o JT2 Integrated Resources - Workers' Compensation Appeals Board Case No. ADJ3810992, and noted that Council unanimously approved settlement of the case.

**PROCLAMATIONS**

Mayor Sweeney proclaimed the month of March 2012 as American Red Cross Month in the City of Hayward and encouraged all residents to support the organization and its noble humanitarian mission. Mr. Mark Williams, on behalf of the American Red Cross, accepted the award and thanked the Council for such recognition.

Mayor Sweeney also proclaimed the month of March 2012 as Art IS Education Month in the City of Hayward and urged all Hayward art supporters and friends of the City to enjoy the Art IS Education event. It was mentioned that artists from Mt. Eden High School, Tennyson High School, Moreau Catholic High School, and Faith Ringgold School of the Arts and Science had their work on display at the Cinema Place Gallery exhibit. Ms. Gail Lundholm, representing the Art's Council, accepted the award and thanked the Council for such recognition.

**PUBLIC COMMENTS**

Mr. Mark Williams, AC Transit Board representative, announced that AC Transit entered into a contract with Gillig Corporation of Hayward for the purchase of 65 buses.

Ms. Wynn Grcich, Industrial Parkway SW resident, referred to the movie, "Gasland: Can you light your drinking water on fire?" and to an article entitled, "Fracking in California Prompts State Legislators to Introduce Regulation Bill" from the Huffingtonpost.com, and mentioned that Food & Water Watch is urging people to sign a petition to ban fracking in California.

Mr. Jim Drake, Franklin Avenue resident, reported that Alameda County Waste Management did not seem to be in compliance with the City's Noise Ordinance because trash bins were picked up during non-permitted hours. Mr. Drake urged Council to ensure that the Franchise Agreement with Alameda County Waste Management is not in conflict with the Noise Ordinance.

Mr. John Super, Myrtle Street resident, informed the Council that Conditional Use Permit PL2009-0100 for operation at the Libitzky warehouse was in violation of the Final Conditions of Approval because the company had not submitted a performance bond prior to the expiration of the Use Permit, August 20, 2010, for the estimated cost of the demolition of the building. He also noted the language dealt with Tract 7613 (Taylor Morrison) and the construction has open space that has been isolated. He was concerned that the condition of his neighborhood would deteriorate and asked that the item be referred to the Planning Commission or for enforcement of the agreement. Mayor Sweeney asked staff to look into this matter and report back to Council and Mr. Super.

Ms. Desiree Unsworth, Administrative Intern with the Kid's Breakfast Club, announced and invited the Council and staff to the Kid's Breakfast Club Saturday Academy on "Global Youth Service Day," April 21, 2012, at the Burbank Elementary School.

#### **WORK SESSION (60-Minute Limit)**

##### 1. Proposed General Plan Update Process Overview

Development Services Director Rizk announced the report and introduced Senior Planner Pearson who provided a synopsis of the staff report.

Mayor Sweeney offered suggestions for the General Plan: the Plan needs to be accomplished in a more cost effectively approach and within a shorter timeframe; there needs to be further research regarding proposed fees in comparison with other cities in Alameda County; citizen outreach needs to reach populations without social media access in order to obtain at-large participation; there needs to be Conflict of Interest rules in place for participants.

Council Member Henson concurred with Mayor Sweeney's comments and added that a lengthy process in updating the General Plan could jeopardize potential funding through the Alameda County Transportation Commission's 2012 Transportation Expenditure Plan and One Bay Area grants. Mr. Henson mentioned that the Plan would need to determine if it is consistent with the Hayward Airport Land Use Compatibility Plan (ALUCP). He agreed that the Plan could address inconsistencies between Hayward's city limits and its Sphere of Influence (SOI) and mentioned the Pleasanton Ridge. He emphasized the importance of the General Plan being consistent with Council's priorities and mentioned he would like portals that allowed for public input and equity included in the next General Plan Mr. Henson felt a policy should be included in the General Plan for a friendlier permit process thereby encouraging businesses to come to Hayward.

Mayor Sweeney added he was amenable with staff that the General Plan address possible annexations along the boundary of Pleasanton Ridge, but wanted to continue the protections for



**MINUTES OF THE CITY COUNCIL MEETING OF  
THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, March 20, 2012, 7:00 p.m.**

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lands in the area with assurances that could not be undone regarding development and to also protect the opportunity for future park expansion.

Council Member Zermeño was also concerned about the time frame being too long and the cost of \$2.8 million to update the General Plan. He appreciated that stakeholder groups were considered to participate in updating the General Plan. Mr. Zermeño liked that the Council Priorities were included in elements of the General Plan. He favored the inclusion of the Pedestrian Master Plan and an updated Bicycle Master Plan in the Circulation Element.

Council Member Halliday expressed concern that the proposed cost of \$2.8 million for a three-year time frame might be too long and too costly. Ms. Halliday noted the need to update the General Plan, but voiced concern that the 14% General Update surcharge fee on building permit fees could hinder new businesses and development in the City. Ms. Halliday concurred that there was a need for citizen input and updating neighborhood plans. She suggested the Neighborhood Partnership Program could facilitate community input. She suggested staff develop an efficient process to reduce costs and shorten the timeline and for the General Plan to be more accessible by utilizing technology tools.

Council Member Salinas concurred with previous comments and suggested a scoring metric to measure goal outcomes be included in the updated General Plan. Senior Planner Pearson noted that staff recommended that an implementation plan be added as a final chapter of the General Plan. Mr. Salinas suggested the inclusion of education and youth elements to engage all schools in Hayward and also create activities for youth. He appreciated the inclusion of a Health Element in the General Plan and commented that the current trend by agencies was to frame issues within the context of health.

Council Member Quirk agreed with prior comments about shortening the time frame and possibly reducing the cost of updating the General Plan and added it was an essential item. Mr. Quirk was concerned about introducing a surcharge permitting fee to pay for the General Plan update. In terms of public participation in updating the General Plan, Mr. Quirk concurred with Mayor Sweeney about the need for a Conflict of Interest element and the importance of including ordinary citizens. Mr. Quirk cautioned having too many people involved in the process and having sub-committees that do not interact during the development process. He also cautioned adding too many elements to the General Plan, but noted it was important to have elements that would change City policy. He liked that the General Plan itself be a web-product. He agreed that the General Plan needed to be based on elements of the Council Priorities such as housing, public safety, keeping Hayward clean and green, and also economic development.

Council Member Peixoto referred to a notification from the Governor's Office of Planning and Research, which noted that the General Plan had not been revised in the last eight years. Development Services Director Risk said the Housing Element was required to be updated more frequently for funding purposes. Mr. Peixoto voiced concern about a 14% fee increase for permits

and the estimated cash flow based on projected revenue, and staff responded that further research could be done to compare fees in other surrounding cities. Council Member Peixoto said in a post-redevelopment era, there needed to be a revaluation approach that was cost effective and able to be accomplished in a timely manner.

Mayor Sweeney reiterated that the General Plan needed to be updated, but noted there were concerns about the lengthy time frame and the high cost and urged staff to come up with other options. He cautioned staff to not allow the Housing Element to drive the General Plan and noted the industrial areas must be protected. Mayor Sweeney noted that Council looked forward to seeing the next iteration.

## CONSENT

Consent Items 3 and 4 were removed for further discussion.

### 2. Approval of Minutes of the City Council Meeting on February 28, 2012

It was moved by Council Member Zermeño, seconded by Council Member Quirk, and carried unanimously, to approve the minutes of the City Council Meeting of February 28, 2012.

### 3. Highland 250-Highland 500 16-inch Transmission Main Replacement and Highland 250 Pump Station Upgrade: Approval of Addendum No. 1 and Award of Contract

Staff report submitted by Associate Civil Engineer Lam, dated March 20, 2012, was filed.

In response to Council Member Halliday's inquiry about Addendum No. 1, Director of Public Works - Utilities and Environmental Services Ameri explained that the addendum made minor technical changes and did not affect the cost or scope of the project and noted the addendum was issued prior to the bidding process.

It was moved by Council Member Halliday, seconded by Council Member Henson, and carried unanimously, to adopt the following:

Resolution 12-031, "Resolution Approving Addendum No. 1 Modifying the Plans and Specifications for the Highland 250 - Highland 500 16-inch Transmission Main Replacement and Highland 250 Pump Station Upgrade Project, Project Nos. 7045 and 7052, and Awarding the Contract to Platinum Pipeline, Inc."

### 4. Request for Assignment of the Purchase and Sales Agreement between the City of Hayward and Urban Dynamic, LLC to KB Home South Bay, Inc. for the Construction and Sale of Fifty-Seven Detached Single-Family Homes on Property Located at 353 B Street

Staff report submitted by Project Manager Ortega, dated March 20, 2012, was filed.

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# Why Now Is a Smart Time to Consider Updating Your General Plan

BY EVA SPIEGEL AND JUDE HUDSON



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Eva Spiegel is communications director for the League and can be reached at [espiegel@cacities.org](mailto:espiegel@cacities.org). Jude Hudson is editor in chief of Western City and principal of the Sacramento-based strategic communication consulting firm Hudson + Associates; she can be reached at [jude@surewest.net](mailto:jude@surewest.net). Dan Carrigg, the League's legislative director, also contributed to this article.

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California law requires every city and county to periodically update its General Plan, the document considered by many to be the Constitution for land-use decisions at the local level. But in today's economic climate, most local officials are focused on budget cuts and balancing their agency's budget. At first glance, updating the General Plan may not seem like a high priority. It's a costly exercise, and finding the necessary funds can be difficult. However, now is an excellent time to begin updating your General Plan.

## **Why a General Plan Update Is Worth Doing Now**

The economic downturn has provided a new opportunity for local governments to focus on their general plans. During periods of economic growth, high volumes of impending or proposed development often create immense pressure on local officials to move ahead quickly. Making decisions under such duress doesn't allow much time for considering the potential impacts that may result later. The current economic downturn gives local officials and their communities the breathing room to think long term about the future, without the constant distractions and pressures of project-driven priorities associated with boom periods. When things are slow and little development is occurring, there are fewer hot issues to fight about — which are exactly the sort of issues that tend to muddy the water and confuse conversations about long-term planning. During this type of lull, it's possible to take the time to develop a General Plan that's carefully crafted with thoughtful community input and expert assistance.

In today's economy, the consulting services that support General Plan updates are priced much more attractively as planning consultants

and others who assist with these projects compete for work. The chances of getting high-quality assistance for a good price are greatly improved right now — a plus for cities and counties seeking the best value for their scarce dollars.

Another thing to think about is that the update process offers the chance to re-examine the economic assumptions underlying the General Plan. Many economists expect that the post-recovery economy of the near future will be unlike the booming pre-recession economy. They predict a “new normal.”

Cities and counties are well advised to consider these factors when planning ahead. Economic assumptions made just three or four years ago may likely be invalid. For example, one popular way to fund infrastructure has been through Mello-Roos districts, which involve working with a developer and issuing bonds. This approach worked well during past booms in communities where rapid growth appeared to be a given and it seemed safe to assume that ever-expanding, lower-density housing would continue to be developed at a brisk pace. However, not only did the pace of development slow dramatically, but those very types of lower-density developments were subsequently hit hard by waves of foreclosures. Thus, a General Plan that assumes rapid ongoing low-density development in such a community may be outdated, and its assumptions may need to be re-evaluated. In a related vein, communities that are built out and focused on infill may find it timely to re-examine their General Plan’s assumptions related to density.

A General Plan is more likely to withstand pressure to change it when it has been updated in a comprehensive way with public input and all the necessary environmental documents have been completed. Such a plan can work well for residents and community activists because they know what they want and have agreed to in terms of their collective vision for the future. When the public is engaged in the planning process and the updated General Plan reflects that, a win-win situation ensues. Not only does the community have a clear picture of its priorities, but developers also benefit from the certainty that community members are essentially on the same page. A solid, updated General Plan also helps entrepreneurs and business people better understand what the community wants. And when the baseline environmental work has been completed as part of the update process, projects consistent with local plans are likely to enjoy broader community support.

### **Going About It the Right Way: Public Engagement**

State law requires local governments to involve the public in developing and updating the General Plan, and it’s one of the most significant ways that residents engage in local government decision-making. Using many different techniques and tools throughout the update process helps cities and counties to ensure the participation of the largest possible cross section of the community. The goal is to engage more than just “the usual” people who attend public meetings. Local governments use public noticing, print and broadcast media, the Internet and more to promote and attract public participation. Residents can offer public comments on proposed policies at town hall meetings and other forums, as well as at city council meetings and hearings conducted by the local planning commission.

A broad range of resources on land-use planning ([www.ca-ilg.org/landuse](http://www.ca-ilg.org/landuse)) and civic engagement ([www.ca-ilg.org/engagement](http://www.ca-ilg.org/engagement)) is provided for local officials by the Institute for Local Government (ILG), the nonprofit research arm of the League and the California State Association of Counties. ILG promotes good government at the local level with practical, impartial and easy-to-use resources for California communities.

“More public engagement occurs in the planning area than in any other activity that cities or counties are involved with,” reports Terry Amsler, ILG’s Public Engagement and Collaborative Governance program director. “Rather than simply using traditional engagement approaches where the public is brought in later in the process to review plans that have already been drafted, now communities involve people early in the process to think through planning issues, consider their priorities and envision what kind of community they want to have.”

In Richmond, the city sent staff out in a van into neighborhoods to reach out with information about the General Plan update process and also used a website to solicit comments from residents. “Community residents typically are not expert planners, but they have information to provide and play an important role,” Amsler observes.

“In updating the General Plan, members of the community partner with experts,” says Steve Sanders, director of ILG’s Land Use and Healthy Neighborhoods programs. “Residents bring to the table their preferences, values and hopes for the community’s future quality of life. Planners and professionals bring a way of translating that into actual plans and processes.”

“It’s a major decision, and it’s appropriate to involve the public in it,” says Tom Pace, long-range planning manager with the City of Sacramento’s Community Development Department. About 4,500 Sacramento residents participated in Sacramento’s recent General Plan

update. “While we initially set out to have robust public involvement, the city council really expanded the effort to reach out into every nook and cranny to engage people who aren’t normally involved in local government or planning issues,” Pace explains. The city advertised on Hmong radio stations, made presentations at African-American churches and held 25 town hall meetings, including some that specifically targeted high-school and college students. In addition, when the draft plan was released the city held four open houses throughout the community to solicit feedback.

In Southern California, the City of Ontario is creating an entire new downtown in its airport area where 250 acres of land stand vacant. It will take 20–30 years to fully plan and develop, but it represents Ontario’s vision of its future with high-density mixed-use zoning and access to transit, including a stop on the light-rail system linking the city with Los Angeles.

Ontario used multiple techniques to engage the community in developing this vision, first conducting interviews with council members, city commissioners and department heads to identify issues that will affect the city over the next three decades. City officials met with local business leaders to focus on economic development aspects and held a five-hour workshop for residents that focused on the future of the new downtown. In the area surrounding the airport, city staff talked to hundreds of residents in meetings about the proposed major land-use changes.

“It’s not just about the built environment but also about what happens in it — the services, social activities and more,” says Ontario Planning Director Jerry Blum. Ontario is committed to revisiting its plan annually. “By ensuring that the council is involved in looking at policy directions each year, it then becomes the community’s plan, not just the Planning Department’s plan,” Blum adds. “It’s important that this plan is sustainable for many future councils and their staff.”

### **Be Prepared for the Costs**

A well-executed General Plan creates a blueprint for the community’s future growth and, ultimately, its quality of life. So it’s not surprising that updating the General Plan is an expensive project for local governments. Some county general plans cost upward of \$10 million, and large cities’ general plans sometimes run into the millions. The City of Sacramento spent about \$4 million on its plan update, and Ontario spent \$3 million, plus staff time for both cities. The City of Santa Monica spent \$2.3 million plus staff time. The more expensive general plans typically take the city in a new direction and include extensive analyses beyond the required environmental impact report (EIR). The cities of Ontario and Sacramento both executed these types of plans.

A city of 100,000 might expect to spend \$800,000–\$900,000 on a General Plan. The EIR is actually one of the most expensive components of the entire process and can cost \$200,000 on the low end. Even a city of just 5,000 may spend at least \$400,000–\$500,000 on its General Plan.

### **The Advantages of Starting Now**

Despite the financial challenges, there are some solid reasons to begin a General Plan update now rather than later. As noted earlier, services are priced more competitively in today’s economy. But just as important, the slower housing market means that local governments are able to operate without the pressure traditionally exerted by a list of pending projects. Making sound, informed decisions is easier in an environment where community discussions can be conducted without the looming prospect of imminent development. It’s a good idea to have the necessary conversations about planning for the future when elected officials and community members alike are not overwhelmed by political pressure and numerous competing development proposals.

While these are hard times, local officials who nevertheless take a proactive stance on updating the General Plan will find their communities better prepared when the economy eventually turns around. Savvy local leaders will look for less expensive ways to begin the process and take advantage of the free and low-cost resources provided by the Institute for Local Government and others (for additional information, see “More Resources Online” at right). Lay the groundwork now to develop a solid long-term plan that unites your community in realizing its vision for the future.

#### **Some Background on General Plans**

A General Plan must include seven specific elements — land use, circulation, housing, conservation, open space, noise and safety. It may also contain other



permissive elements related to land-use development, including (but not limited to): urban design; economic and fiscal development; capital improvements and public facilities; air quality; energy; flood management; geothermal resources; and water. Yet the General Plan process offers a great deal of latitude to create a vision for the community that reflects its residents' unique needs and those of the surrounding region.

State law requires that local governments update their general plans periodically but doesn't specifically define how often. The housing element, however, which is one of the seven mandatory elements, must be updated every five to eight years, depending on which update requirement applies to the region in question. All general plans must also include an Environmental Impact Report (EIR) to satisfy the California Environmental Quality Act.

Local governments traditionally drafted their general plans focused solely inside the city limits or county lines, but that has changed. Today, taking neighboring cities and the region as a whole into consideration is an essential part of the process. General plans are increasingly being drafted in the context of regional sustainable communities strategies that address greenhouse gas reduction through land-use, housing and transportation planning (for more information, see "City Officials Think Regionally to Tackle Transportation, Housing and Environmental Issues.")

A General Plan update typically takes 12–18 months, but can last as long as five or six years depending on the circumstances. The City of Ontario adopted its General Plan, called the Ontario Plan, in 2010 following a four-year process. The previous update was completed in 1992. The City of Sacramento began its General Plan update in 2004 and adopted the plan in March 2009. In both instances, the cities extensively engaged residents in the update and used the General Plan to create a long-term vision going beyond issues of land use.

Experts advise local government officials to examine their General Plan at least every 10 years. Economic and other conditions change, and projects approved by the city or county must be consistent with the General Plan. Regularly updating the plan enables a local government to consider and plan for the community's needs based on thoughtful analysis, public input and current conditions.

**Helpful Resources From the  
Institute for Local Government**

- [SB 375 and Regional Planning](#)
- [Planning Sustainable Communities](#)
- [Understanding the Basics of Land Use and Planning](#)
- [Participating Effectively in the Planning Process](#)
- [Understanding the Basics of Land Use and Planning: A Guide to Planning Healthy Neighborhoods](#)
- [Understanding the Basics of Land Use and Planning: A Glossary of Land Use and Planning Terms](#)
- [Demystifying Land Use Terminology for the Public: Public Hearing One-Pagers](#)
- [Public Engagement and Collaborative Governance \(Intro\)](#)
- [Public Engagement: Planning, Housing, & Redevelopment](#)
- [Principles of Local Government Public Engagement](#)
- [Involving Youth in Local Planning \(Western City\)](#)

**California Planning Roundtable Launches  
“Reinventing the General Plan”**

Long-range planning is the key mechanism for communities to identify and pursue great visions for their future. Recently, however, many communities have struggled with significant political, fiscal and legal barriers to effective long-range planning. These challenges are compounded by the requirements of SB 375 and the impact of an ongoing economic downturn.

That is why the California Planning Roundtable, an organization of planners from the public, private and academic sectors, has launched a project called Reinventing the General Plan. It includes an online “incubator” at [www.ReinventingTheGeneralPlan.org](http://www.ReinventingTheGeneralPlan.org) that provides models and examples of outstanding general plans. The incubator’s purpose is to catalyze innovative thinking for staff, city leaders and the public about the potential of the General Plan.

The project's blog, at [www.ReinventingTheGeneralPlan.org/Blog/](http://www.ReinventingTheGeneralPlan.org/Blog/), offers a way to share stories of General Plan experiences and ideas for its reinvention. The California Planning Roundtable also welcomes submissions of other models for inclusion on the site.



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KEN ALEX  
DIRECTOR

**RECEIVED**

JUN 16 2011

Development Services Department

June 15, 2011

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

Dear Mr. Rizk:

Pursuant to State statute, the Governor's Office of Planning and Research (OPR) is required to notify cities and counties with general plans that have not been revised within the last eight (8) years (Government Code section 65040.5(a)). Our records indicate that the City of Hayward's General Plan has not been revised in the past eight (8) years or longer.

For purposes of this notification, a revision is considered to be a comprehensive update of at least five (5) of the seven (7) mandatory general plan elements, which have been adopted by the local legislative body. According to our records, the mandatory elements of the General Plan for the City of Hayward were last updated during the years noted:

Land Use:	2002
Circulation:	2002
Housing:	2010
Conservation:	2002
Open Space:	2002
Safety:	2002
Noise:	2002

If this information is incorrect, please contact Cuauhtémoc Gonzalez at the OPR State Clearinghouse via email [cuauhtemoc.gonzalez@opr.ca.gov](mailto:cuauhtemoc.gonzalez@opr.ca.gov) or phone (916) 445-0613 so that we may update our records.

As part of our process to identify jurisdictions with general plans that have not been revised in eight (8) years, OPR surveyed local government planning agencies in the 2010 Annual Planning Survey for current information regarding their general plans. In addition, OPR reviewed General Plan Annual Progress Reports, public notices from the jurisdictions, environmental document filings, as well as websites of individual jurisdictions.

General plans that have not been revised within the past eight (8) years are not necessarily legally inadequate. However, the California Supreme Court has stated that local governments have an implied duty to keep their general plans current (*DeVita v. County of Napa*, 9 Cal. 4<sup>th</sup> 763 (1995)). Additionally, local governments must review and revise their general plans as often as they deem necessary or appropriate (Government Code section 65103(a)). The general plan statutes do not provide a mandatory minimum time

frame for revision of elements, except for housing elements, which must be revised based on the schedule established in Government Code Section 65588. In addition, Government Code sections 65302 and 65302.1 require certain information be included in general plan elements at the time a jurisdiction next revises its housing element.

Additionally, OPR is also required to report to the Attorney General, cities and counties with general plans that have not been revised in ten (10) years (Government Code section 65040.5(b)). We will report your jurisdiction to the Attorney General only if your general plan becomes 10-years old. If our records indicate that your general plan has not been revised in ten (10) years, we will report this information to the Attorney General in late July 2011.

**If you would like to make corrections to our records, please respond by July 15, 2011.** This will allow us to update our records prior to notifying the Attorney General of general plans that have not been revised in ten (10) years. If you have any questions or require additional information, please contact Cuauhtémoc Gonzalez at [cuauhtemoc.gonzalez@opr.ca.gov](mailto:cuauhtemoc.gonzalez@opr.ca.gov) or by phone at (916) 445-0613.

Sincerely,



Ken Alex  
Director

# NORTHERN NEWS



American Planning Association  
California Chapter  
Northern

Making Great Communities Happen

A Publication of the Northern Section of the California Chapter of APA

DECEMBER 2011 / JANUARY 2012



## The once and future General Plan

By Barry Miller, AICP

The modern California general plan has been with us for 40 years. Save for a minor revision in 1984 (dropping the “seismic safety” and “scenic highways” elements), we are operating under the same content requirements that have guided general plans since 1971. The state has nearly doubled in population since then, and there have been enormous physical, social, economic, political, and technological changes. These changes suggest it may be time for a paradigm shift, if not a wholesale reinvention of the general plan as we know it.

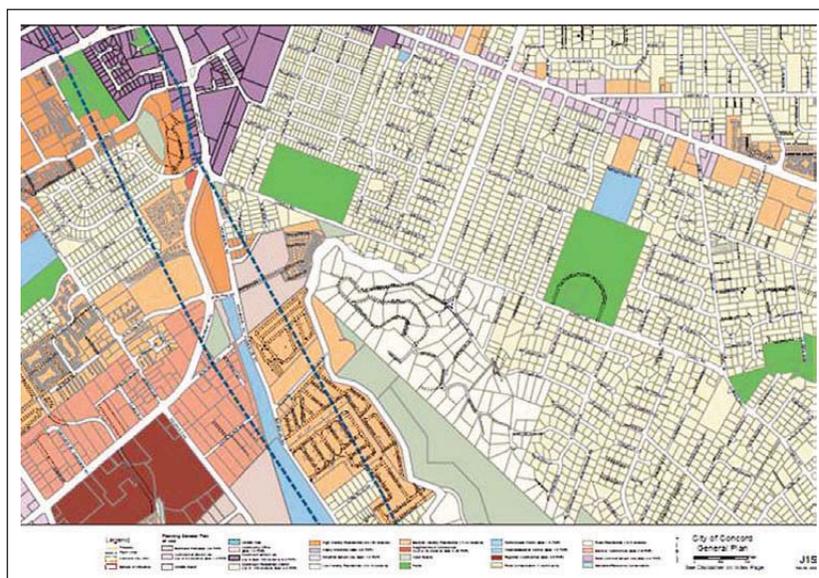
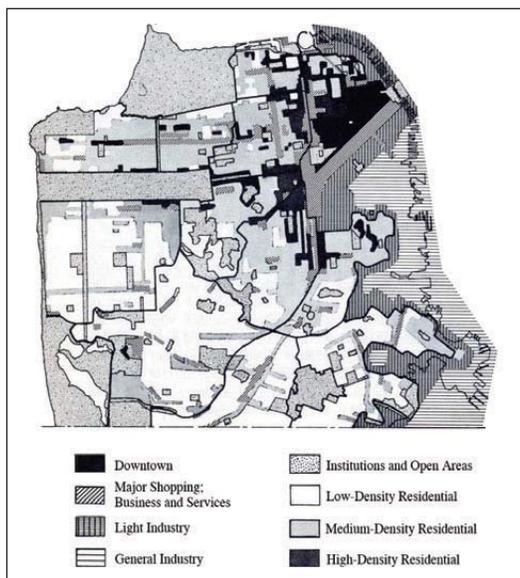
The California Planning Roundtable kicked off the discussion by highlighting best practices around the State and asking local planners to think about ways to keep their plans relevant and effective. (See related article on page 16.) It may be helpful to look at the reasons the rules need to change. The list below offers my perspective. Consider it food for thought as California’s “second planning revolution” begins.

**1. Big data.** According to IBM, ninety percent of the data in the world today was created in the last two years. Access to information has reshaped the way we plan. With the touch

of a finger, we can call up detailed aerial photos and street-level views of every block in our community. We can summon an encyclopedia of local demographics, history, and science. We can manipulate and communicate data on a scale never imagined before.

The challenge for planners is not to be overwhelmed. It’s easy to get lost in data and miss the big picture, or to rely too much on data and not enough on intuition. As planners, we must stay ahead of the curve and constantly develop new methods, strategies, and communication tools to utilize information and technology. The 2003 General Plan Guidelines do not recognize the resources available to us today and need to be updated on a more regular basis.

**2. Subject creep.** Early general plans focused on land use and transportation. Over time, their scope evolved to include housing, conservation, and hazards. State provisions for “optional” elements have enabled countless additional topics, creating more interesting and responsive plans.



**Then and Now.** General Plans from the 1940s through the 70s used a few categories and conceptual shapes to convey big picture concepts. (San Francisco General Plan, 1953, at left). With the advent of GIS, the diagrams now resemble zoning maps, with dozens of categories and parcel-level detail. (Concord General Plan, 2007, at right).

# Call for Nominations 2012 APA–California Northern Section Awards

Now is the time to think about those plans, projects, and programs that you want to celebrate! An application form and submission details are provided at <http://goo.gl/Wpex8>. Applications are due Friday, March 16, 2012.

We invite you to apply for an award in one of the categories below:

## Outstanding Planning Awards

- Comprehensive Planning
- Planning Implementation
- Planning Project
- Innovation in Green Community Planning
- Focused Issue
- Best Practices
- Grassroots Initiative
- Neighborhood Planning

## Distinguished Leadership and Service Awards

- Distinguished Leadership
- Distinguished Service

## Planner Emeritus Network Honor Awards

### Planning Achievement Awards

- Advocacy/Social Change/Diversity Planning
- Contribution to Women and Families
- Education Project
- Academic Award

## Journalism and Media Awards

## Environmental Awards

The Awards will be presented on Friday, May 11, 2012. Please contact Awards Co-Directors Eileen Whitty at [ewhitty@ebmud.com](mailto:ewhitty@ebmud.com) or Andrea Ouse at [Andrea.ouse@isa-assoc.com](mailto:Andrea.ouse@isa-assoc.com) for more information. ■



Worth a look: Seattle Comp Plan 2011, short video, 6:30. (Set to HD and go full screen.) <http://bit.ly/vivi1S>

## The once and future General Plan

(continued from page 1)

As the spectrum of topics has grown, general plans have drifted from their original mission (not necessarily a bad thing). We have more holistic plans that recognize the interconnected nature of development issues. But where do we stop? Among the topics now addressed in general plans are juvenile justice, educational quality, and health care. Venturing into such subjects puts planners in the position of drafting policies they cannot implement.

More significantly, subject creep has led to extremely long plans. It is not uncommon today to find general plans that exceed 1,000 pages or consist of multiple volumes. Their bulk reduces their utility and accessibility. The answer is not to stop planning for these topics, but rather to recognize that the general plan may not be the best place for them. The general plan should not become the clichéd kitchen sink for every municipal policy document.

**3. Evolution of the map.** The general plan diagram was conceived during an era of colored pencils and press-on letters. It was intended to be interpreted broadly and designed to be legible on an 8.5 x 11 page or a foldout. Even our General Plan Guidelines emphasize the generalized nature of plan diagrams and their intent as a foundation for more detailed zoning maps.

GIS has made general plan diagrams precise, to the point they effectively have become zoning maps. Designations are snapped to parcel lines, reducing any element of uncertainty. This is magnified (figuratively and literally) through online PDF files that enable Internet users to zoom in on their properties.

The response of some general plans has been to develop a new family of diagrams to convey the big picture in a way the old plan map no longer can. These plans feature “change maps” which highlight areas that will grow and areas that will stay the same, and “strategy diagrams” that illustrate future city form. Such maps complement the general map nicely, and can communicate the plan’s intent in a more understandable way.

**4. Telescoping geography.** General plans in California’s counties and larger cities cover vast geographic areas. Plans covering the entire jurisdiction are often so broad that they do not provide enough detail to guide localized decisions. These jurisdictions may resort to multiple geographic tiers in their plans, telescoping from the city (or county) to planning areas (which in aggregate comprise the entire jurisdiction) or to “focus areas” which may comprise just a few large parcels.

For example, Fremont’s new plan contains a 200-page “Community Plan Element” which divides the 90 square mile city into 11 subareas. Each subarea is profiled in the Element, and place-based policies are provided. Within each subarea, smaller “special study areas” are discussed. A benefit of this approach is that it provides a framework for existing area plans and a context for future area plans. It also helps make the plan more meaningful for residents. The downside is that the plan can become overly specific and lengthy.

**5. Fiscal distress.** The framework for the modern general plan was established long before fiscal crises gripped local governments. There

(continued on next page)

## Job ads update

Northern News is no longer publishing job ads. Instead, as a free service to its members, APA California Northern Section is posting relevant job ads via the LinkedIn APA Northern Group, <http://linkd.in/tMwfnm>. We will also continue to feature job ads on our website, <http://bit.ly/uyq63G>. All job ad postings are free of charge.

Public agencies and private companies wishing to advertise employment opportunities to members of the planning, environmental, and related professions should complete the form at <http://bit.ly/tAXWhl>. Employers may also submit their ad copy to Darcy Kremin, AICP, at [darcy.kremin@cardno.com](mailto:darcy.kremin@cardno.com). ■

MTC's cost-benefit analysis confirmed that the benefits of BART to Silicon Valley heavily outweigh its considerable costs, and it performs extremely well on reducing greenhouse gas emissions and transportation costs.

—Sam Liccardo, <http://bit.ly/w43QpS>

## The once and future General Plan

*(continued from previous page)*

even was a time when federal grants were provided for preparing general plans. Even as resources shriveled, the cost of doing a general plan ballooned. One to two million dollar price tags are now common in mid- and large-sized cities.

Fiscal distress has impacted general plan practice in several ways. More communities are deferring their plan updates, treating the plan's horizon year as the target for updates rather than updating on a five- or ten-year cycle. Others are doing "housekeeping" updates which simply edit baseline data and projections while carrying existing policies forward.

Cities are also seeking creative ways to conduct their plan updates. Some are preparing their plans in-house or hiring limited-duration contract planners. Others are hiring consultants — not to write their plans, but to train staff in plan writing and procedure.

**6. The role of CEQA.** When it comes to general plans, CEQA often feels like the tail wagging the dog. The EIR routinely consumes a larger share of the budget than the plan itself, and its findings can become the primary focus of the general plan effort. At best, CEQA provides technical rigor and gives plans a strong, defensible factual basis. At worst, it takes the imagination out of planning and shifts the focus to a series of baffling analytical and legal machinations.

Traffic modeling is the biggest culprit. We build, run, and tweak the model, and run it repeatedly, relying on tenuous assumptions to reach conclusions that will shape countless future decisions. Air quality, greenhouse gas analyses, and noise studies bring more black boxes to the mix. This volleys the conversation away from planners and into the court of engineers, scientists, and attorneys. The shift has become more pronounced since the advent of climate change legislation and new air quality rules.

The answer is not to abandon general plan EIRs or to diminish the role of CEQA. However, we should make sure the Plan drives the EIR and not vice versa.

**7. RHNA, RHNA, RHNA.** The last decade has seen ascendance of the housing element as a driver of the general plan update. Housing— always the oddball element—must be certified by the State, updated on a regular schedule, and structured to satisfy a rigorous checklist. The Regional Housing Needs Assessment (RHNA) process, along with other legislative requirements, has pushed this element even further to the fringe.

For many communities, preparing a housing element has become a high-stakes game with HCD. Cities and counties pursue their certification letter with vigor, offering excruciating detail on obscure topics to satisfy State reviewers. This single element has become almost as lengthy as all other elements of the General Plan combined. Worse, cities concoct policies and actions that may not reflect local context. The fundamental role of the general plan as a broad "constitution" for development has given way to the ordinance-like quality of this element.

The upside is that the Housing Element keeps local governments on their toes. The RHNA process compels cities to address social equity and smart growth, and to maintain a regional perspective as they plan. Additional flexibility at the State level would improve the process and enable more realistic housing solutions.

*(continued on next page)*

## OBITUARY—Al Boeke, Sea Ranch developer, 88

While flying along the Sonoma Coast 100 miles north of San Francisco in 1962, architect and planner Al Boeke envisioned a residential community that would blend with and preserve the area's natural beauty. A year later, as vice president of planning and development for Oceanic Properties (a division of Castle & Cooke, a real estate entity of the Dole Food Company), Mr. Boeke purchased the land and assembled a design team. Principal designers included Bay Area architects Charles Moore, Joseph Esherick, William Turnbull, Jr., and landscape architect Lawrence Halprin. Their vision led to the development of Sea Ranch, founded in 1965.

Sea Ranch now has a population of 1,305 (2010 Census) and just over 1,800 homes, including one owned by Mr. Boeke. He died there on Nov. 8.

Alfred A. Boeke was born in Denver, Nov. 20, 1922. His family moved to California, and he received his bachelor's degree in architecture from the University of Southern California in 1948.

See Dennis Hevesi, "Al Boeke, architect who sought ecological harmony," *The New York Times*, Nov. 16, 2011, <http://nyti.ms/vUAzul>. Also see Wikipedia, "Sea Ranch, California," <http://bit.ly/sXj22N>. ■

To suggest that redistricting can ever be entirely divorced from politics is overselling the case. Death, taxes, and lawsuits in redistricting are the only things certain in life. —Keesha Gaskins, *Brennan Center for Justice*, NYU. <http://usat.ly/vN72zG>

## The once and future General Plan

(continued from previous page)

**8. Measuring progress.** Measurement has always been an essential part of shorter-range strategic planning. It has had less of a role in comprehensive planning, which focuses on long-term, intangible outcomes. A number of factors have brought the two closer together, with general plans now placing more emphasis on measurable results.

The Housing Element, for example, requires quantified objectives for production and assistance. Greenhouse gas emissions measurements, solid waste diversion rates, VMT reduction, and walkability scores have also found their way into plans. Public demand for government accountability is driving the demand for measurement, and has given rise to "scorecards," budgets, and capital improvement programs within plan documents.

**9. Bye bye LOS.** For years, roadway level of service (LOS) provided the basis for land use choices, transportation plans, growth management strategies, and capital improvement programs. LOS was the undisputed benchmark for determining how much growth a city could support and where it should occur.

Today, planners and elected officials are rejecting LOS or replacing it with new benchmarks that recognize more than vehicle speed and delay. Standards are being developed to consider transit, bicycle, and pedestrian trips, with the goal of creating multi-modal transportation systems. Where this brave new world of transportation planning will lead us is still unclear.

**10. Public input.** Rounding out the top 10 is the changing concept of public input in the planning process. Input used to be solicited through newspaper-advertised town hall meetings.

It is hard to attract participants to such meetings today, and planning meetings are often populated by (affectionately) "the usual suspects." When we do attract a crowd, participants are focused on their short-term needs. Rarely are they willing to ponder what their city should be like in 20 years.

Meanwhile, the Internet and social media are revolutionizing public participation, reaching audiences that public workshops never could. Commission meetings can be streamed at any time of the day or night. Input is provided through online surveys, links to general plan websites, blogs, and tweets. General plan updates have their own Facebook pages and YouTube videos. Planning has become accessible to everyone, giving planners a unique opportunity to educate and learn at the same time. We've only just begun to explore the limitless opportunities.

**WHAT'S NEXT?** Even with all the above, the general plan framework created four decades ago has been remarkably resilient. The legislation of the 1970s gave us great latitude in plan drafting and organization. This flexibility has also allowed cities and counties to adapt their plans to changing times and evolving priorities.

Where we go next is another question and perhaps the topic for another article. Updating the General Plan Guidelines is an important first step. At the same time, we should start rethinking the template we've been using for the last four decades. In doing so, we can put California back on the cutting edge of national best practices and ultimately allow planners to better serve their communities.

Barry Miller, AICP, is a planning consultant in Oakland. He can be reached at [Barry@BarryMiller.net](mailto:Barry@BarryMiller.net) ■

# WHAT'S INSIDE

## SECTION B

### Reinventing the GP—worth a look

The California Planning Roundtable wants to “reinvent the general plan” and revitalize it to help California communities tackle 21st Century issues. [PAGE 16](#)

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Governor Brown on high-speed rail: “You can't make an omelet unless you break the egg. I want to see the first segment completed in short order. You can't build something like this in one jump. We have the first step paid down. We're in for a rough ride for the next couple of years in terms of the budget, but we're going to promote investments in the state; they're crucial.” <http://lat.ms/toqmlv>

## Reinventing the GP—worth a look

At a meeting in Cambria, California, in July 2008, members of the California Planning Roundtable discussed how they might encourage the state of California to begin its mandated redrafting of the General Plan Guidelines — something the state has failed to do thus far. Perhaps the Roundtable could assist the state in updating the guidelines, or even draft new guidelines with or without the state's cooperation.

From that discussion three years ago, a product and an ongoing process evolved to guide communities in better ways to prepare general plans.

California communities are facing crises on many fronts, including climate change, financially strapped governments, congestion, unaffordable housing, and job loss. The general plan is the single best tool to help communities tackle these issues in a comprehensive way. But the General Plan is too often costly, complex, and ineffective.

Supported by APA California, the California Planning Roundtable has undertaken to “reinvent the general plan” and revitalize it as an essential tool to help California communities tackle 21st century issues. You can see an online “incubator” that highlights the most innovative, exciting, and reproducible features of six general plans at <http://bit.ly/uRY4Cc>.

*Reinventing the General Plan* delves into these plans, pinpointing their most innovative and compelling features. Links direct users to exemplary maps, images, text, and ideas. Ultimately, the incubator is a place where individuals and communities can find specific guidance to transform their thinking and help them produce general plans that achieve better vision, communication, and action.

The Roundtable recommends that cities and counties follow 10 principles in updating their general plans:

1. Create a vision.
2. Manage change.
3. Make life better.
4. Build community identity.
5. Promote social equity and economic prosperity.
6. Steward and enhance the environment.
7. Engage the whole community.
8. Look beyond local boundaries.
9. Prioritize action.
10. Be universally attainable.

These principles are fleshed out on the website, followed by a presentation of the best aspects of six general plans. Featured thus far are the general plans of the cities of Sunnyvale, Ontario, San Diego, Sacramento, and Truckee, and the county of Marin. Readers can search the models for specific tags such as climate change, graphics, or web strategies.

Users are invited to submit other examples of outstanding plans or those with unique groundbreaking elements. To ask about *Reinventing the General Plan* or to submit a model, contact the *Reinventing the General Plan* team at <http://bit.ly/rNTr11>. ■

In the following table, the Council priorities are listed on the left and the right column indicates the content that would be included in each chapter.

<p align="center"><b>City Council Priorities FY 2013</b> (as listed in the February 21, 2012 agenda report)</p>	<p align="center"><b>Corresponding GP Elements</b> (Elements in <b>Red</b> are required)</p>
<p><b>Safe</b></p> <ul style="list-style-type: none"> <li>• Improve public safety in targeted areas                             <ul style="list-style-type: none"> <li>○ Downtown</li> <li>○ Neighborhoods</li> <li>○ Entertainment areas</li> <li>○ Retail areas</li> <li>○ BART Stations</li> </ul> </li> <li>• Continue consistent, determined use of the SMASH Program</li> <li>• Reduce gang violence in Hayward                             <ul style="list-style-type: none"> <li>○ Continue implementation of a continuous and focused gang enforcement strategy</li> <li>○ Develop a gang injunction program for use as appropriate</li> <li>○ Support gang prevention and intervention programs through the schools and other agencies</li> <li>○ Partner with all applicable agencies and organizations to reduce gang activity in Hayward</li> </ul> </li> <li>• Improve safety of school campuses and routes to/from schools                             <ul style="list-style-type: none"> <li>○ Partner with HUSD to improve training and operations of school campus safety personnel</li> <li>○ Enhance curfew and truancy enforcement</li> </ul> </li> <li>• Improve the ambiance of, and shopping experience in, all major retail areas, particularly Downtown and in malls and centers.</li> <li>• Improve Disaster Preparedness and disaster response in the organization and within the community</li> <li>• Continue to abate homeless encampments in the community</li> </ul>	<p><b>Safety</b> <b>Noise</b></p> <p><b>Education (and child care)</b> <b>Climate Adaptation (sea level rise)</b></p>
<p><b>Clean</b></p> <ul style="list-style-type: none"> <li>• Strengthen code enforcement and eliminate blight citywide</li> <li>• Continue the Neighborhood Partnership Program.                             <ul style="list-style-type: none"> <li>○ Revise Strategic Plan to incorporate strategies for the next phase of the program</li> <li>○ Implement next phase of program</li> </ul> </li> <li>• Strengthen and expand KHCG Task Force into neighborhood organizations</li> <li>• Decrease litter in the city</li> <li>• Decrease illegal dumping</li> <li>• Prevention and rapid abatement of graffiti</li> <li>• Improve graffiti prevention through increased use of public art in retail and commercial areas</li> </ul>	<p><b>Housing</b></p> <p><b>Air Quality</b> <b>Arts/Culture (mural program)</b> <b>Community Design</b></p>

<ul style="list-style-type: none"> <li>Control and/or regulate car sales in the Public ROW</li> </ul>	
<p><b>Green</b></p> <ul style="list-style-type: none"> <li>Continue implementation of the Climate Action Plan</li> <li>Increase Hayward's sustainability as a community in all aspects of urban life</li> <li>Continue efforts to increase the overall tree inventory throughout the community</li> <li>Develop, and implement residential and commercial energy efficiency and renewable energy programs, including non-General Fund financing components.</li> <li>Increase use of clean and green energy such as solar photovoltaic and bio-gas-to-energy production at utility facilities</li> <li>Increase use of recycled water</li> <li>Continue to implement the "Healthy City" program and to gain national and state recognition             <ul style="list-style-type: none"> <li>Partner with other agencies to fight obesity among Hayward youth</li> <li>Pursue and implement a model "urban gardening" program throughout the community</li> </ul> </li> <li>Work with partners to successfully implement the Promise Neighborhood grant, and to secure multi-year funding</li> <li>Through partnership with other agencies and organizations, develop and support the necessary elements to provide high quality educational opportunities for all throughout the community</li> <li>Continue efforts to eliminate long-term homelessness in Hayward and to identify housing for individuals when and where appropriate.</li> </ul>	<p><b>Open Space Conservation</b></p> <p><b>Energy Climate Action Health &amp; Wellness</b></p>
<p><b>Organizational Health</b></p> <ul style="list-style-type: none"> <li>Ensure a safe and healthy work environment</li> <li>Implement the selected Financial Enterprise/Enterprise Resource Planning (ERP) system</li> <li>Improve the organization's ability to apply business process analysis in decisionmaking.</li> <li>Redesign and deploy the City's WEB page</li> <li>Continue staff development and succession planning</li> <li>Develop an employee attraction and retention program</li> <li>Strengthen the organization's ability and capacity to manage disasters.</li> <li>Continue the development, adoption, and maintenance of strategic plans for key functions             <ul style="list-style-type: none"> <li>Finance Functions (develop)</li> <li>Economic Development (update &amp; implement)</li> <li>Police (update &amp; maintain)</li> </ul> </li> </ul>	<p><b>Economic Development</b></p>
<p><b>Land Use</b></p> <ul style="list-style-type: none"> <li>Continue implementation of the 238 Settlement Agreement</li> <li>Implement a 238 Corridor land disposition strategy</li> </ul>	<p><b>Housing (2) Land Use Circulation</b></p>

<ul style="list-style-type: none"> <li>• Adopt and implement Mission Boulevard Corridor Form-Based Code</li> <li>• Redesign and update gateways and corridors; partner with County where appropriate</li> <li>• Continue implementation of South Hayward BART TOD Project</li> <li>• Revise the City’s Sign Ordinance</li> <li>• Develop a Downtown Specific Plan</li> <li>• Develop framework, scope, budget, and funding for updating the General Plan</li> <li>• Continue implementation of Airport development projects including CA Air National Guard reuse</li> <li>• Continue to implement Historic Preservation Program elements</li> <li>• Continue to implement Housing Element program elements</li> <li>• Continue to participate in development of a regional Sustainable Communities Strategy</li> <li>• Update the City’s Subdivision Ordinance</li> </ul>	
<p><b>Fiscal Stability</b></p> <ul style="list-style-type: none"> <li>• Implement programs and fiscal policies to resolve long-term structural deficit</li> <li>• Protect and maximize local revenues</li> <li>• Increase community property values             <ul style="list-style-type: none"> <li>○ Increase academic performance in Hayward schools in partnership with HUSD and the community</li> <li>○ Brand, market, and promote the community of Hayward</li> </ul> </li> <li>• Determine strategy and funding options for economic development efforts following dissolution of Redevelopment Agency</li> <li>• Protect City’s assets and key interests in the wake of the State’s elimination of the Redevelopment Agency</li> <li>• Strengthen and protect Hayward’s business community             <ul style="list-style-type: none"> <li>○ Engage in and succeed at aggressive economic development</li> <li>○ Protect and promote Hayward’s industrial base</li> <li>○ Strengthen Chamber &amp; business/industrial partnerships</li> </ul> </li> <li>• Seek and secure outside funding             <ul style="list-style-type: none"> <li>○ Grants</li> <li>○ Appropriations</li> <li>○ Federal &amp; State programs</li> </ul> </li> <li>• Develop long term facilities master plan to identify and evaluate City facility needs and funding options</li> </ul>	<p><b>Economic Development (2)</b></p>

**DATE:** April 12, 2012

**TO:** Planning Commission

**FROM:** Erik J. Pearson, AICP, Senior Planner

**SUBJECT:** Implementation of the South Hayward BART/Mission Boulevard Form-Based Code

### **RECOMMENDATION**

That the Planning Commission reads and comments on this informational report, and provides comments to staff related to the implementation of the South Hayward BART/Mission Boulevard Form-Based Code.

### **BACKGROUND**

The South Hayward BART/Mission Boulevard Form-Based Code was recommended by the Planning Commission on June 23, 2011 and adopted by the City Council on September 27, 2011. The Code and related background materials are available on the City's website<sup>1</sup>.

### **DISCUSSION**

The Mission Paradise project, which was approved by the Planning Commission on June 12, 2008, is located in the area subject to the new Form-Based Code. The Code now designates the subject property as T4 Urban General Zone. Staff has reviewed the Mission Paradise project for conformity to the new Code and will lead the Commissioners in an exercise to likewise evaluate this project. This exercise is intended to have the Planning Commission become more familiar with how future projects will be evaluated under the new Code.

The Mission Paradise project was approved across three parcels totaling 1.9 acres located on Mission Boulevard between Hancock Street and Webster Street. The project includes 82 residential units and 13,804 square feet of retail space that could be used for approximately six retail shops along the Mission Boulevard frontage. Plans for the project are attached to this report.

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<sup>1</sup><http://www.hayward-ca.gov/forums/SHBARTFBC/shbartfbcforum.shtm>

*Prepared by:* Erik J. Pearson, AICP, Senior Planner

Recommended by:



---

Richard Patenaude, AICP  
Planning Manager

Approved by:



---

David Rizk, AICP  
Development Services Director

Attachments:

Attachment I      Mission Paradise Project Plans

# 28000 MISSION BOULEVARD HAYWARD, CA



## PLANNING COMMISSION SUBMITTAL SET 17 MARCH, 2008

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- A0.3 RENDERING FROM ADJACENT PROPERTY
- A0.4 RENDERING FROM ADJACENT PROPERTY
- A0.5 SITE PHOTOS
- A0.6 SITE PHOTOS
- A0.7 CODE INFO
- A2.1 SITE & ROOF PLAN
- A2.2 FLOOR PLAN - GARAGE (BELOW GRADE)
- A2.3 FLOOR PLAN - GARAGE AND RETAIL (STREET LEVEL)
- A2.4 FLOOR PLAN - PODIUM LEVEL (RESIDENTIAL UNITS 1ST FLOOR)
- A2.5 FLOOR PLAN - 2ND & 3RD LEVELS RESIDENTIAL
- A2.6 FLOOR PLAN - 4TH LEVEL RESIDENTIAL
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- A3.3 BUILDING SECTIONS
- A3.4 ENLARGED PLAN & ELEVATION AT MISSION BLVD.
- A3.5 ENLARGED ELEVATIONS AT MISSION BLVD.
- A3.6 ENLARGED ELEVATION AND CONCEPTUAL LIGHTING SCHEME
- A3.7 CONCEPTUAL LIGHTING PROGRAM
- A3.8 CONCEPTUAL SIGNAGE PROGRAM
- A3.9 CONCEPTUAL ENERGY CONSERVATION DIAGRAM (NOT CHANGED SINCE LAST SUBMITTAL)

**RECEIVED**

JUN 05 2008

PLANNING DIVISION

MISSION PARADISE  
MOHAMMAD SHAIQ

STANTON  
ARCHITECTURE



825 DE HAVO, SUITE 300  
SAN FRANCISCO, CALIFORNIA  
94107-3221  
T: 415.399.9999  
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SKETCH OF MISSION BOULEVARD (WEST) ELEVATION



STREETSCAPE LOOKING NORTH ON MISSION BOULEVARD

COPYRIGHT © 2007 MICHAEL EVANSTON ARCHITECTURE - ALL RIGHTS RESERVED

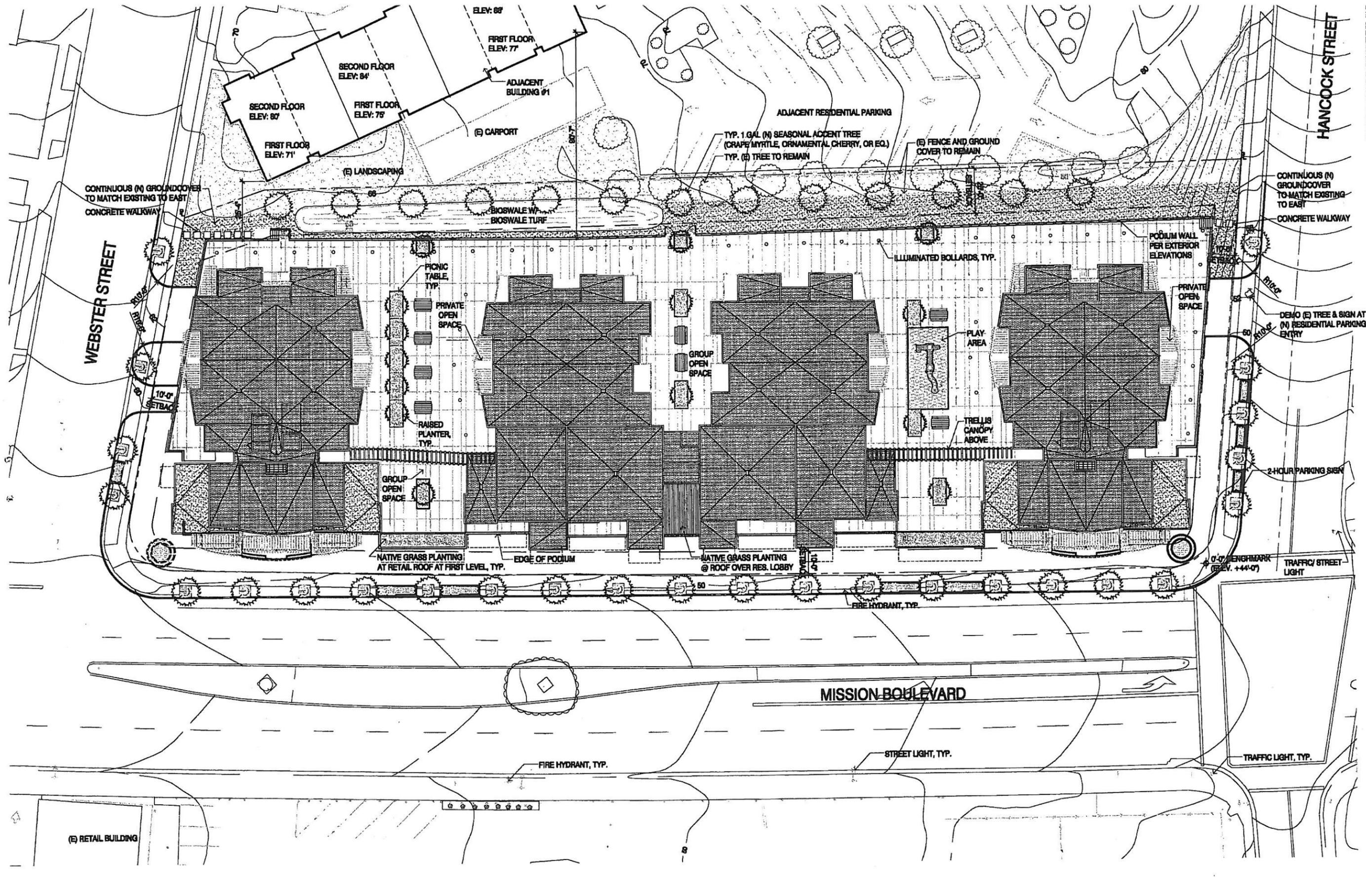
888 DE WARD, SUITE 200  
SAN FRANCISCO, CALIFORNIA  
94107-3307  
TEL: 415.442.9800  
FAX: 415.442.9800

28000 MISSION BOULEVARD  
HAYWARD, CA

SKETCH OF STREETSCAPE  
AND WEST ELEVATION

Date: 17 MAR 08	Job #: 2506
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Drawn: CAC	Check: MS
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**A0.2**



28000 MISSION BOULEVARD  
 HAYWARD, CA

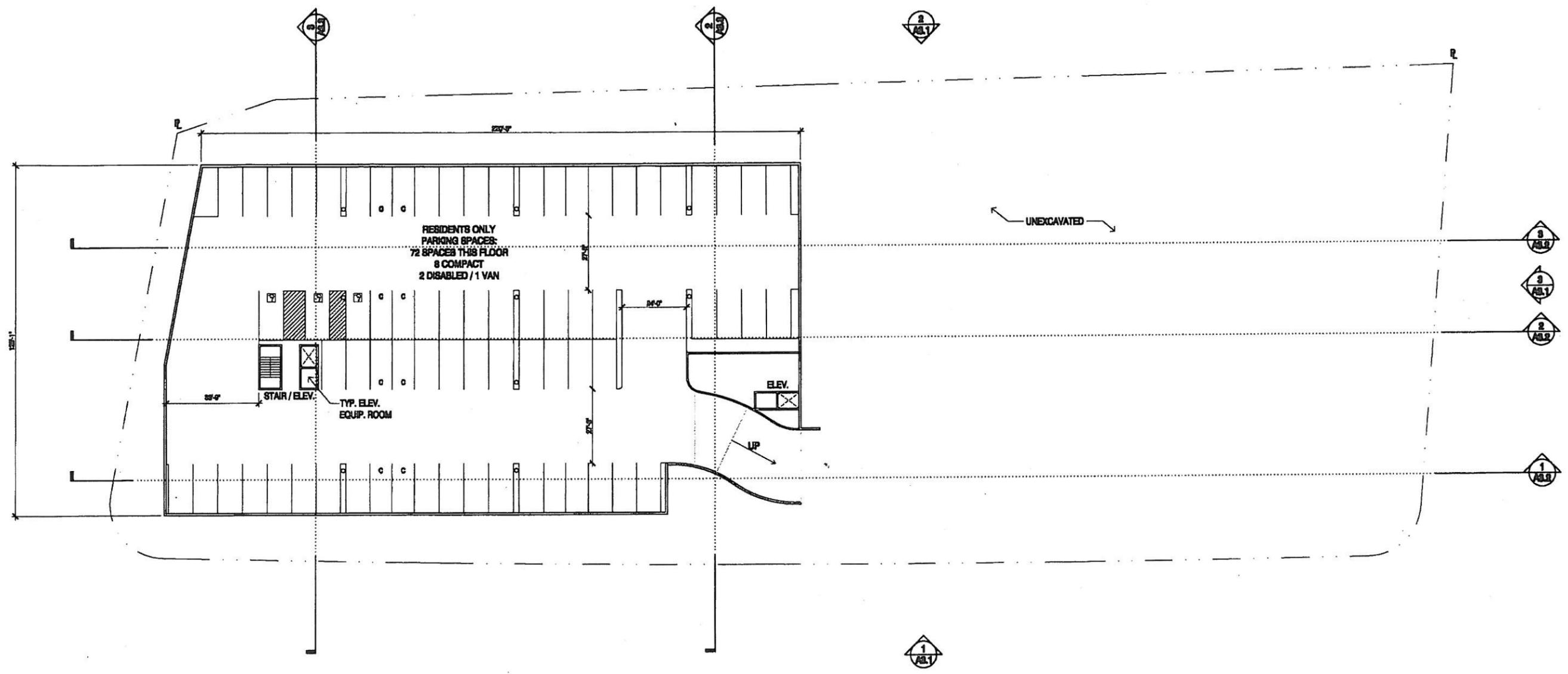
SITE & ROOF PLAN

Date	17 MAR 08	Job #	2508
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By	CAC	Check	MS

**1 SITE & ROOF PLAN**  
 1" = 20'-0"

0 5 10 20 40 1" = 20'-0"

**A2.1**



28000 MISSION BOULEVARD  
 HAYWARD, CA

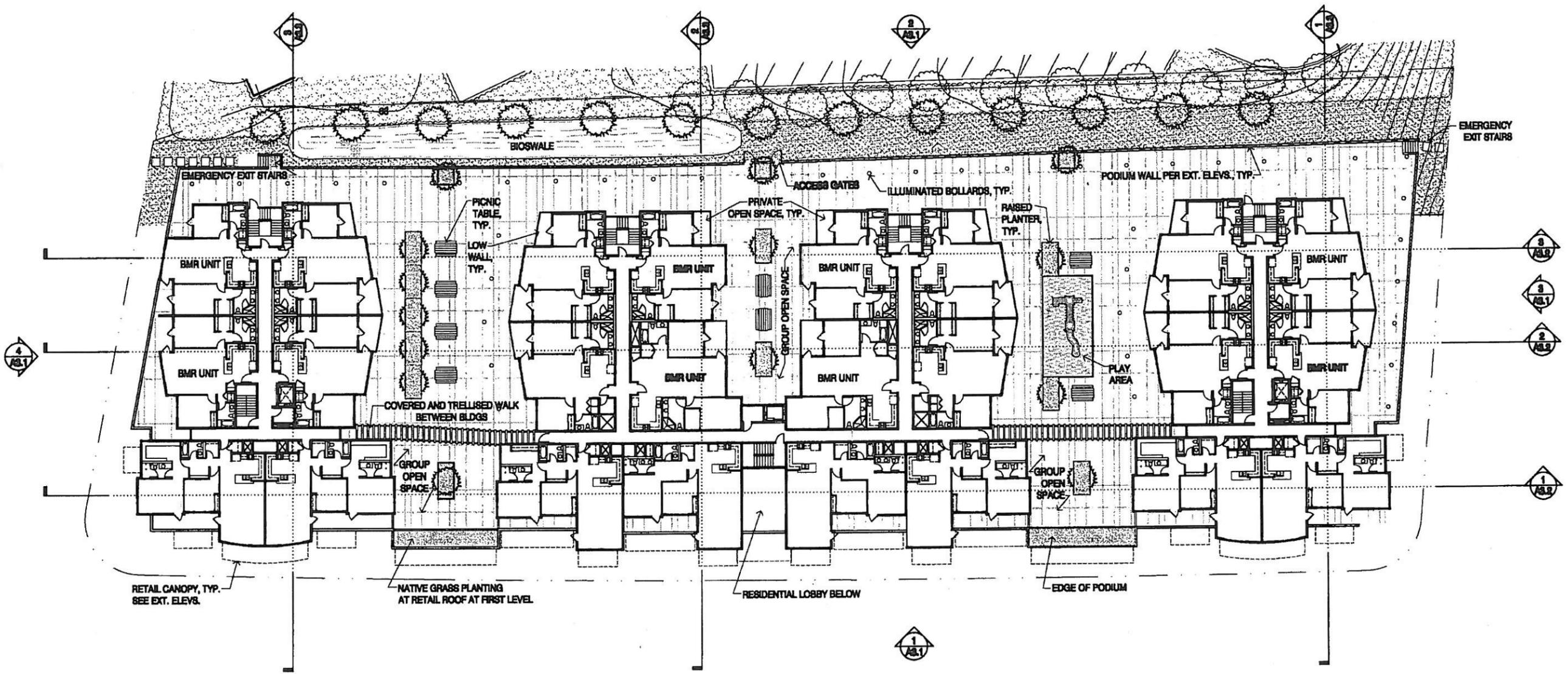
FLOOR PLAN - RES. GARAGE  
 (BELOW GRADE)

Date: 17 MAR 08	Job #: 2508
Scale: AS NOTED	
Drawn: CAC	Check: MS

1 FLOOR PLAN - RESIDENTIAL PARKING GARAGE (BELOW GRADE)  
 1" = 20'-0"



A2.2



28000 MISSION BOULEVARD  
 HAYWARD, CA

FLOOR PLAN - PODIUM LEVEL  
 (RESIDENTIAL UNITS 1ST FLOOR)

DATE	17 MAR 08	JOB #	2508
SCALE	AS NOTED		
DESIGNER	CAC	CHECKER	MS

**A2.4**

**1 FLOOR PLAN - PODIUM LEVEL (RESIDENTIAL UNITS - 1ST FLOOR)**  
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 NOTE: SEE A2.7 FOR PATHS OF EGRESS FOR RESIDENTIAL UNIT LEVELS

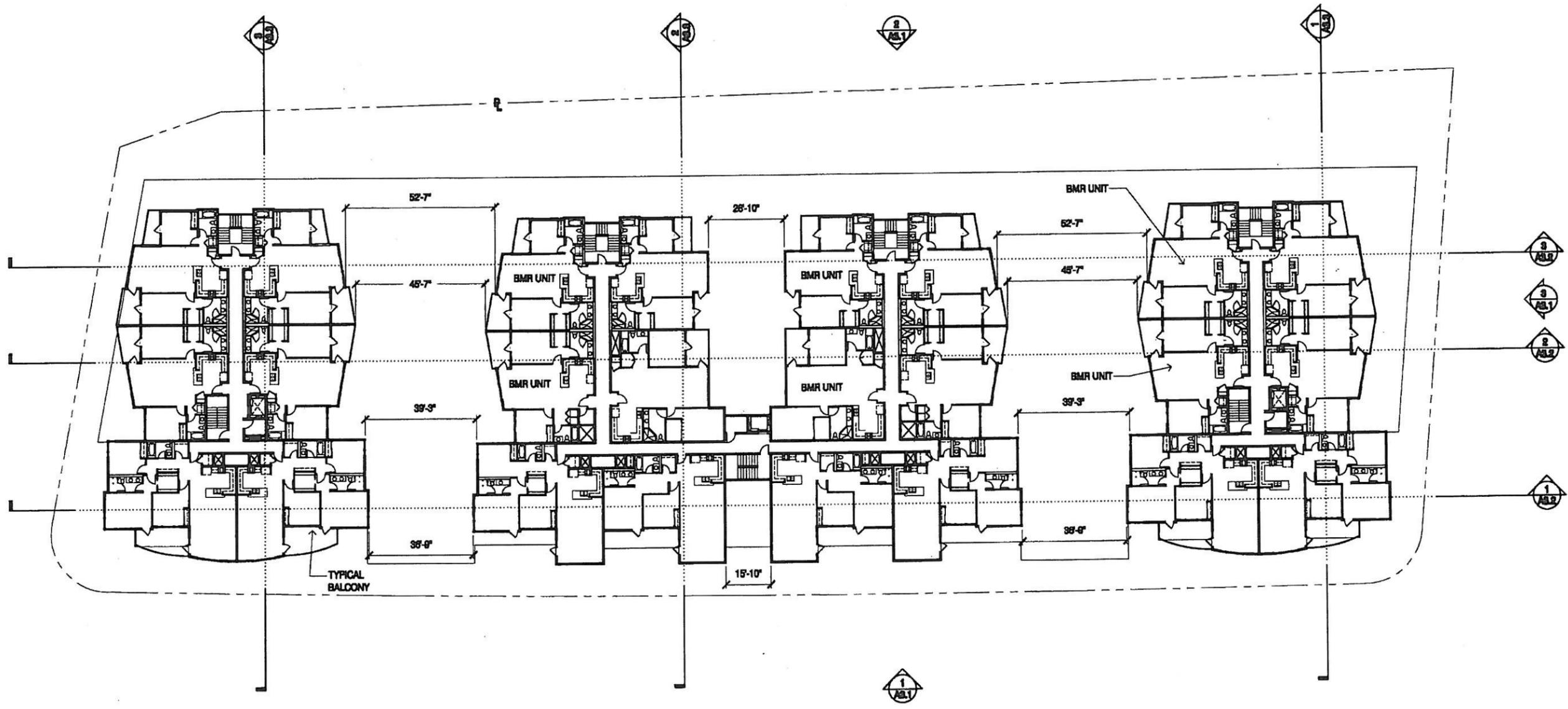


28000 MISSION BOULEVARD  
 HAYWARD, CA

FLOOR PLAN  
 RESIDENTIAL UNITS 2ND & 3RD FLOORS

DATE	17 MAR 08	NO. 2508
REVISION	AS NOTED	
DESIGNER	CAC	CHECKER MS

**A2.5**



**1 FLOOR PLAN - RESIDENTIAL UNITS 2ND & 3RD FLOORS**  
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 NOTE: SEE A2.7 FOR PATHS OF EGRESS FOR RESIDENTIAL UNIT LEVELS

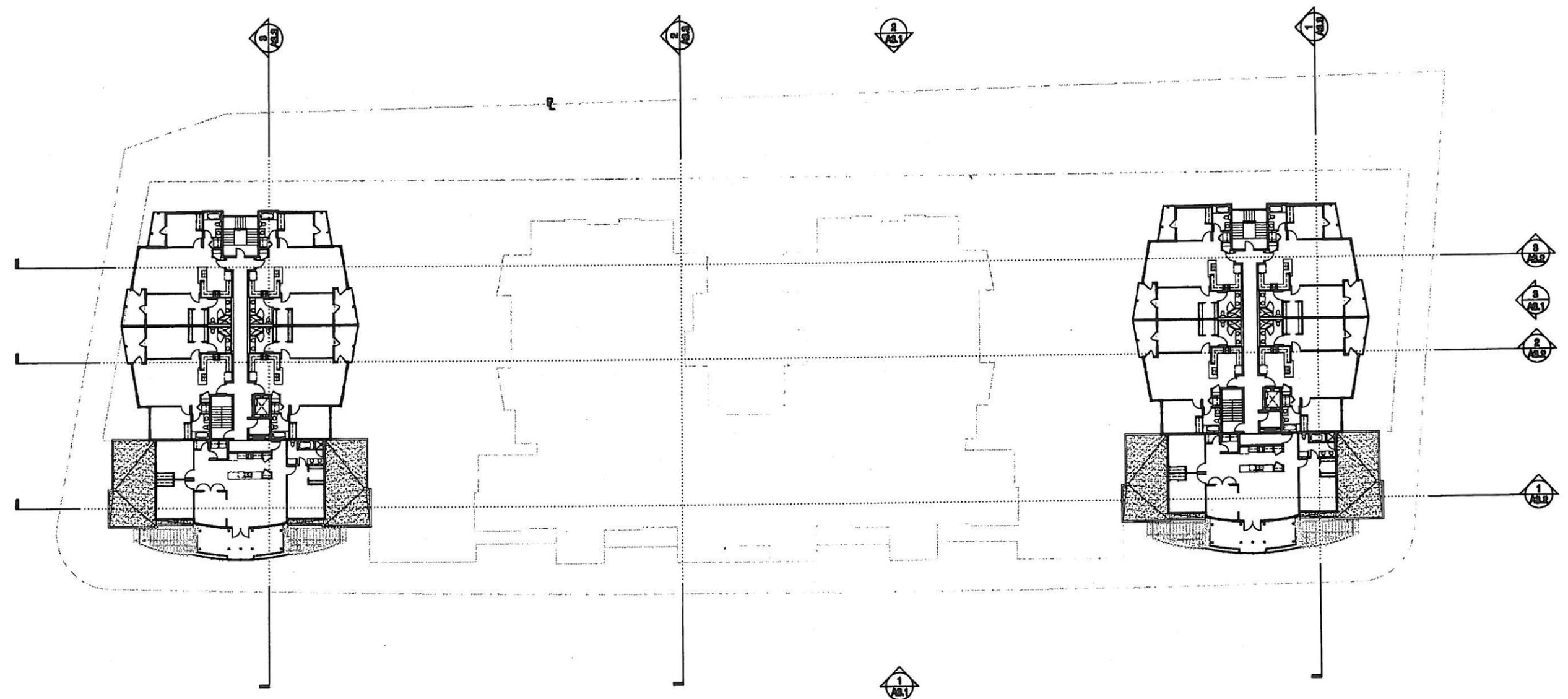


28000 MISSION BOULEVARD  
 HAYWARD, CA

FLOOR PLAN - FOURTH LEVEL  
 RESIDENTIAL

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By	AS NOTED		
Chk	CAC	Desk	MS

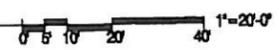
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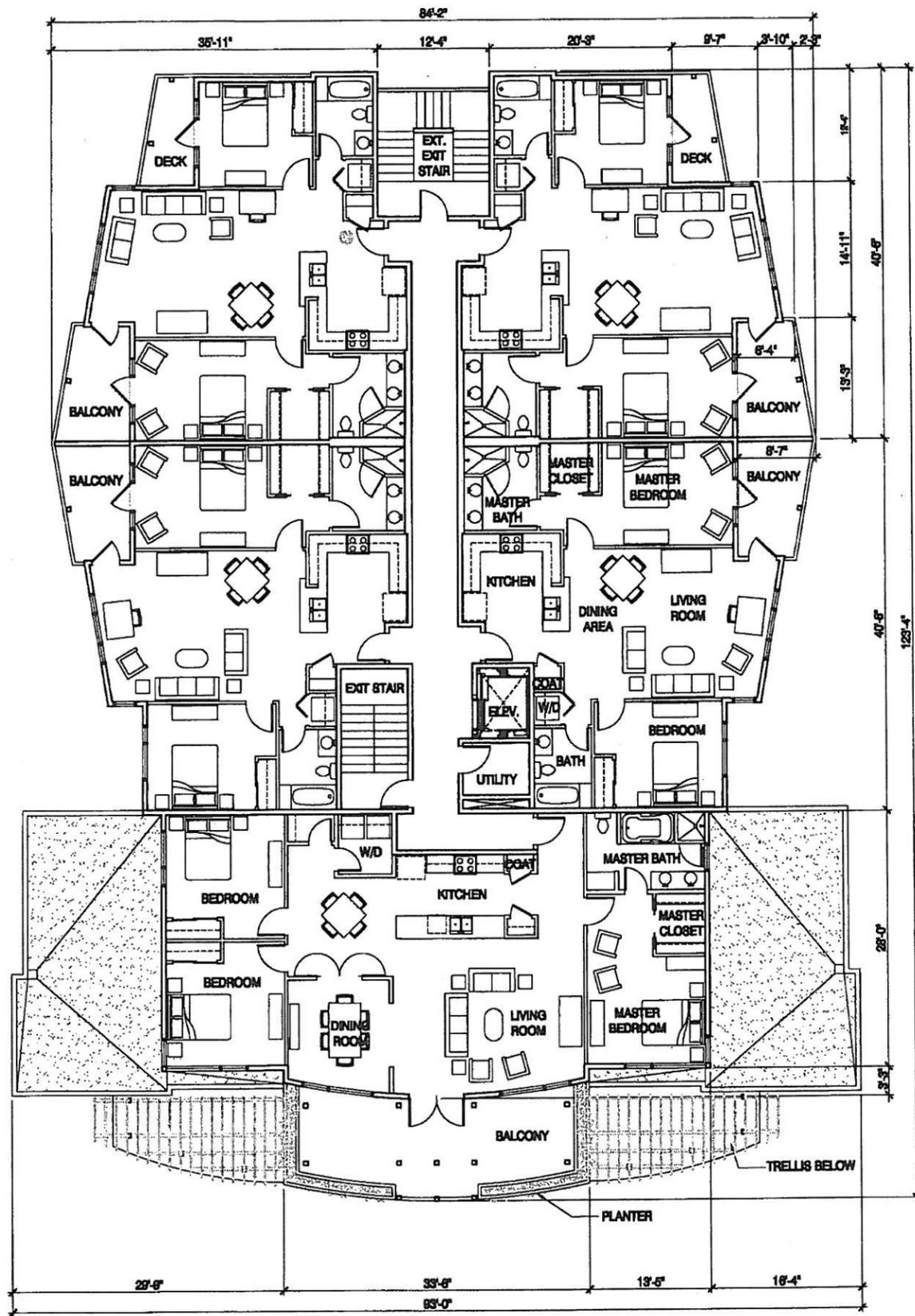


**1 FLOOR PLAN - RESIDENTIAL UNITS 4TH FLOOR**

1" = 20'-0"

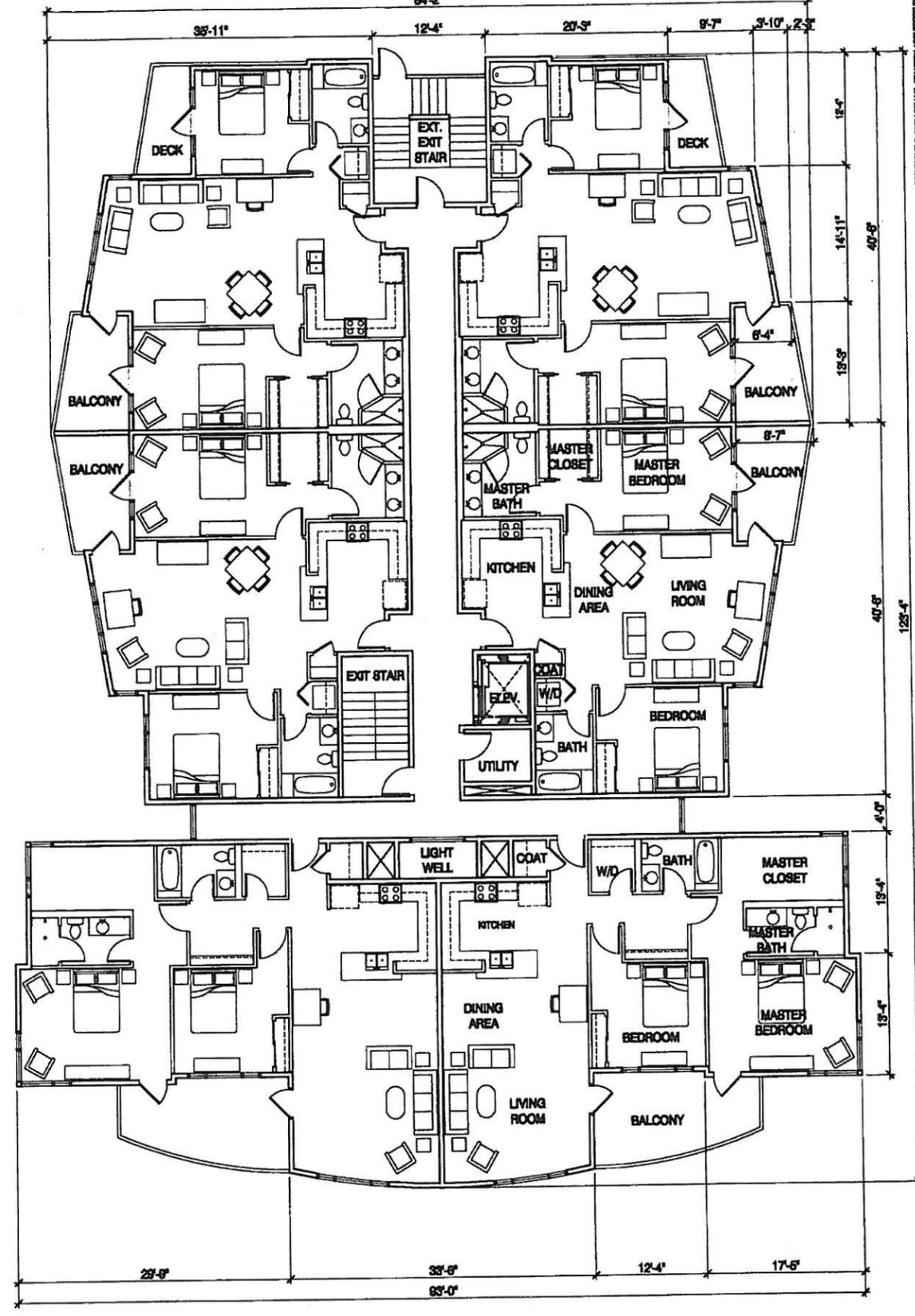
NOTE: SEE A2.7 FOR PATHS OF EGRESS FOR RESIDENTIAL UNIT LEVELS





2 TYPICAL RESIDENTIAL BLOCK (FOURTH FLOOR RES.)

7,188 S.F.



1

TYPICAL RESIDENTIAL BLOCK (PODIUM LEVEL)  
(SECOND AND THIRD LEVEL RES. SIMILAR)

8,439 S.F.

0 2 4 8 16 1/8"=1'-0"

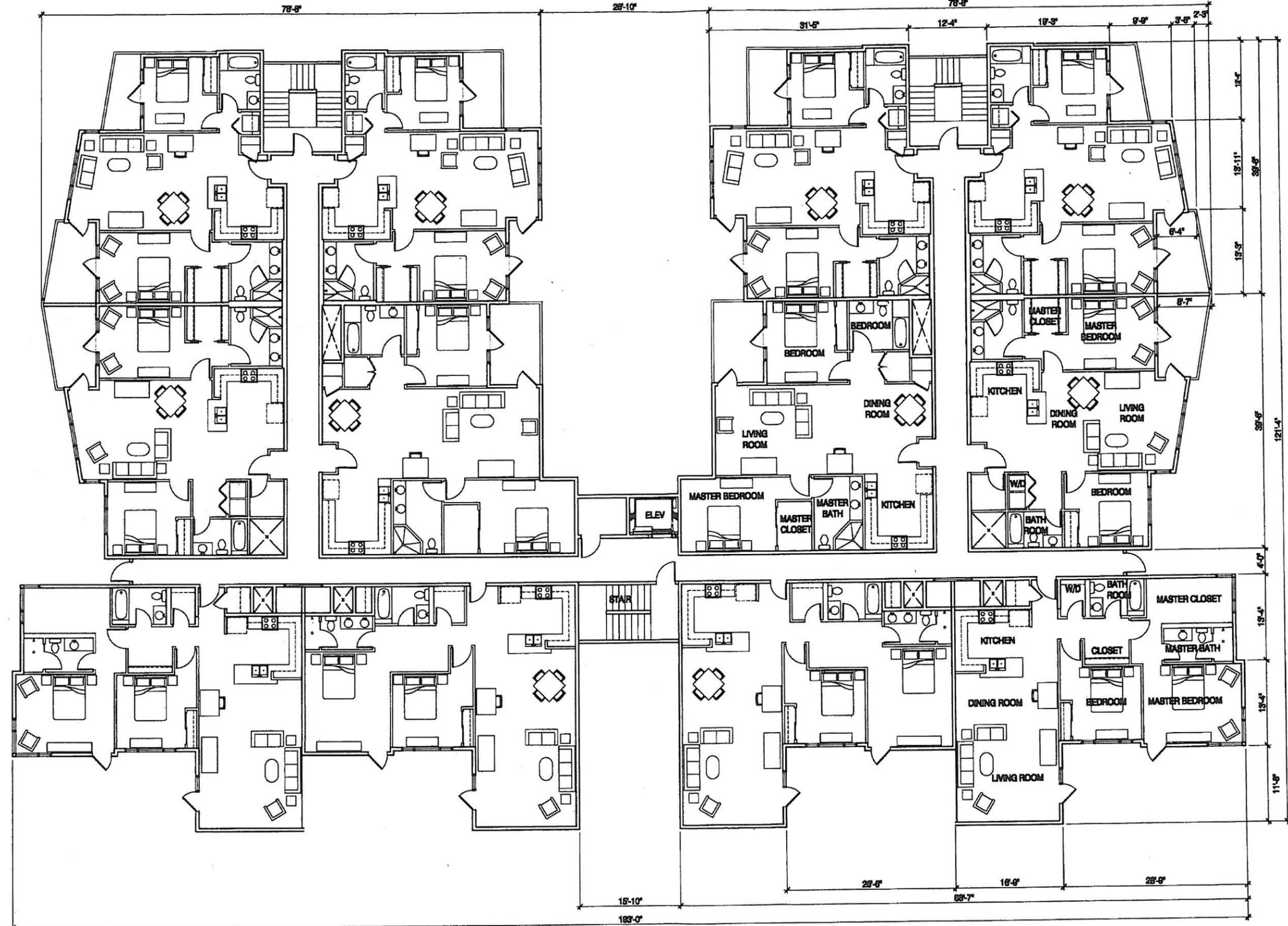
333 DE HARO, SUITE 300  
SAN FRANCISCO, CALIFORNIA  
94107-3881  
TEL: 415.388.8888  
FAX: 415.388.8888

28000 MISSION BOULEVARD  
HAYWARD, CA

ENLARGED PLANS

Rev: 17 MAR 08	Job #: 2506
Rev: AS NOTED	
Rev: CAC	Draw: MS

A2.7



1 TYPICAL RESIDENTIAL BLOCK (PODIUM LEVEL)  
 (SECOND AND THIRD LEVELS SIMILAR)



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 HAYWARD, CA

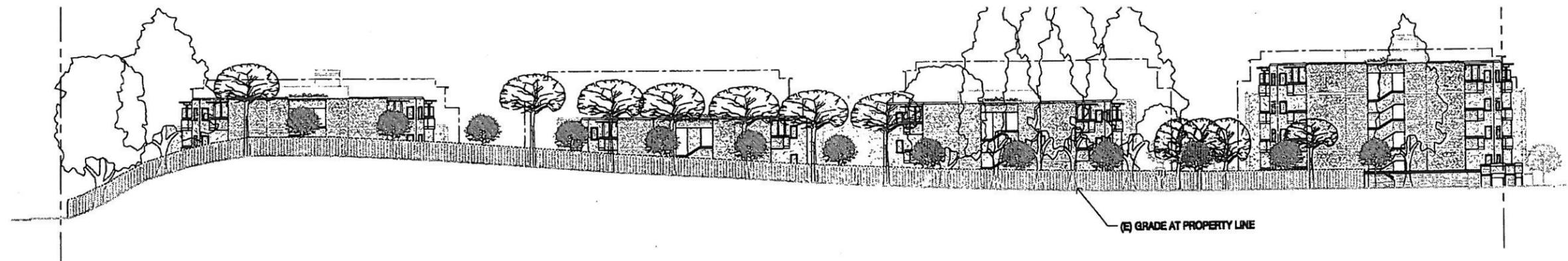
ENLARGED PLANS

DATE	17 MAR 08	JOB #	2508
BY	AS NOTED		
CHKD	CAC	DATE	M8

A2.8

28000 MISSION BOULEVARD  
 HAYWARD, CA

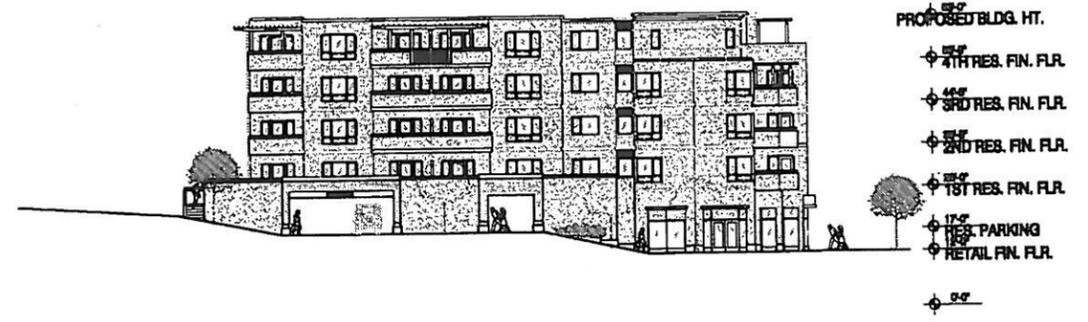
EXTERIOR ELEVATIONS



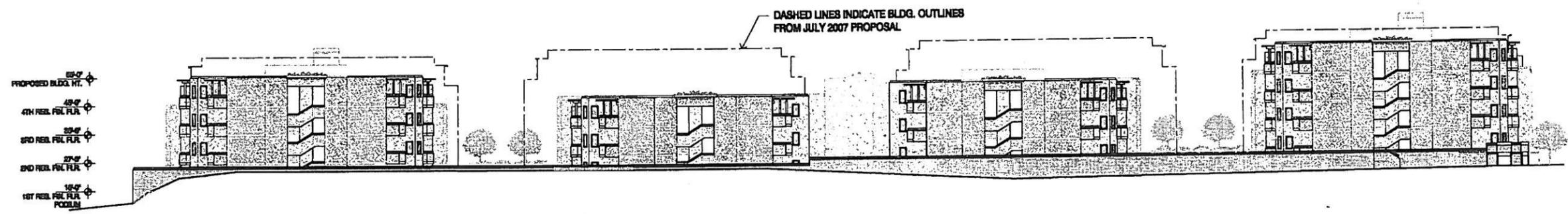
5 REAR (EAST) ELEVATION FROM ADJACENT PROPERTY  
 1" = 20'-0"



3 HANCOCK STREET ELEVATION  
 1" = 20'-0"



4 WEBSTER STREET ELEVATION  
 1" = 20'-0"

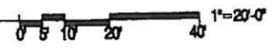


2 REAR (EAST) ELEVATION  
 1" = 20'-0"



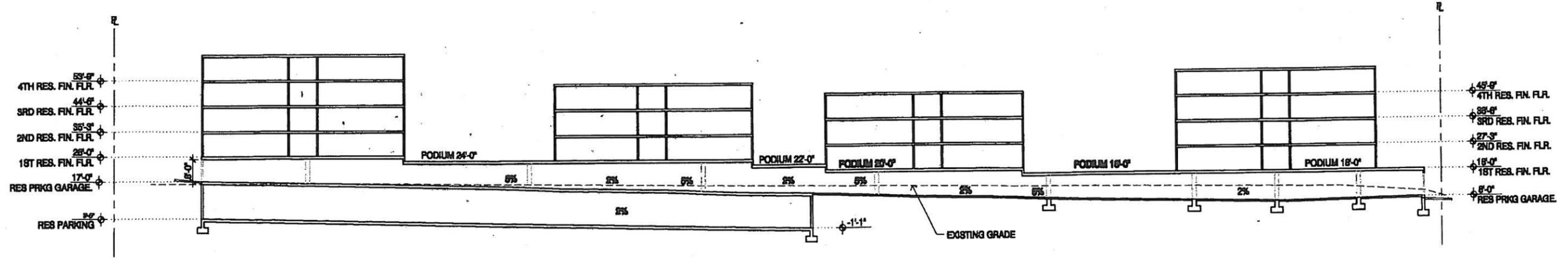
1 MISSION STREET (WEST) ELEVATION  
 1" = 20'-0"

REFER TO SHEET A3.4 FOR ENLARGED ELEVATION INDICATING TYPICAL FINISH MATERIALS

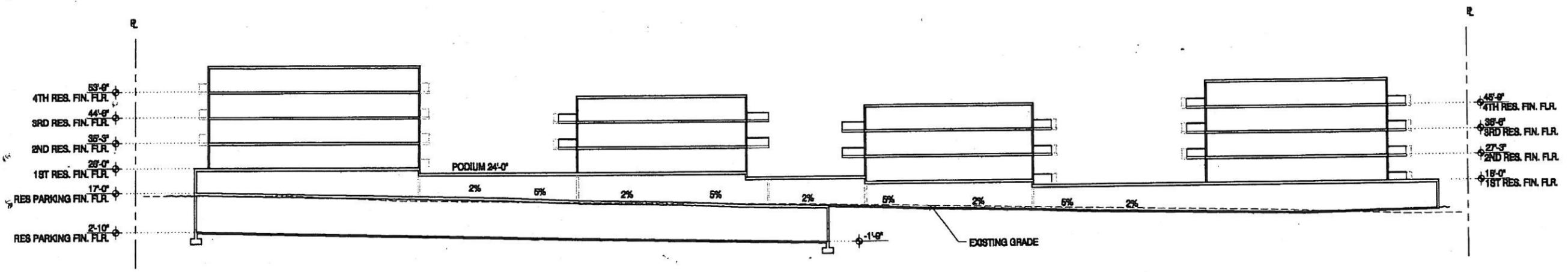


Date: 17 MAR 08	Job #: 2508
Scale: AS NOTED	
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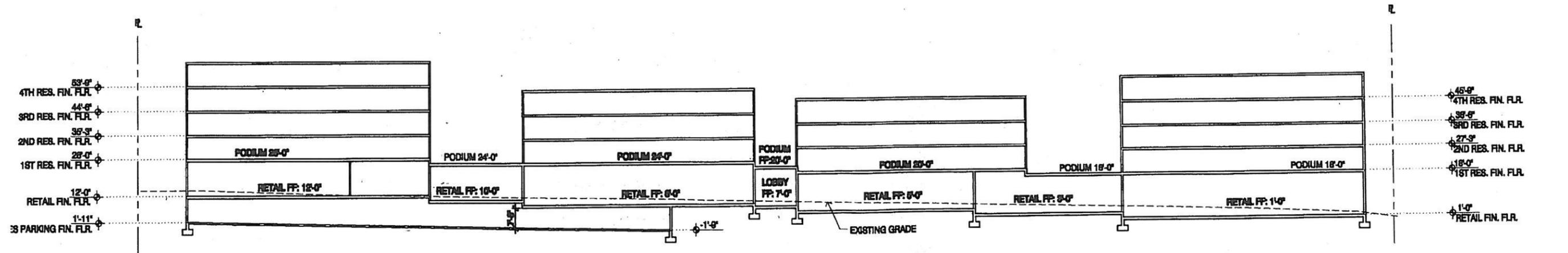
A3.1



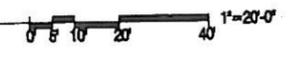
3 BUILDING SECTION



2 BUILDING SECTION



1 BUILDING SECTION

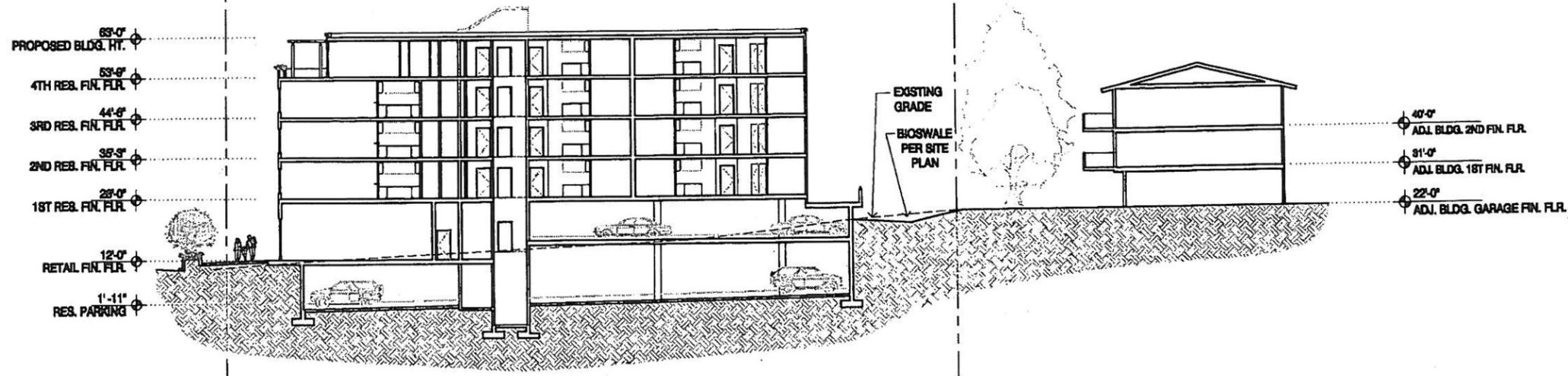


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 HAYWARD, CA

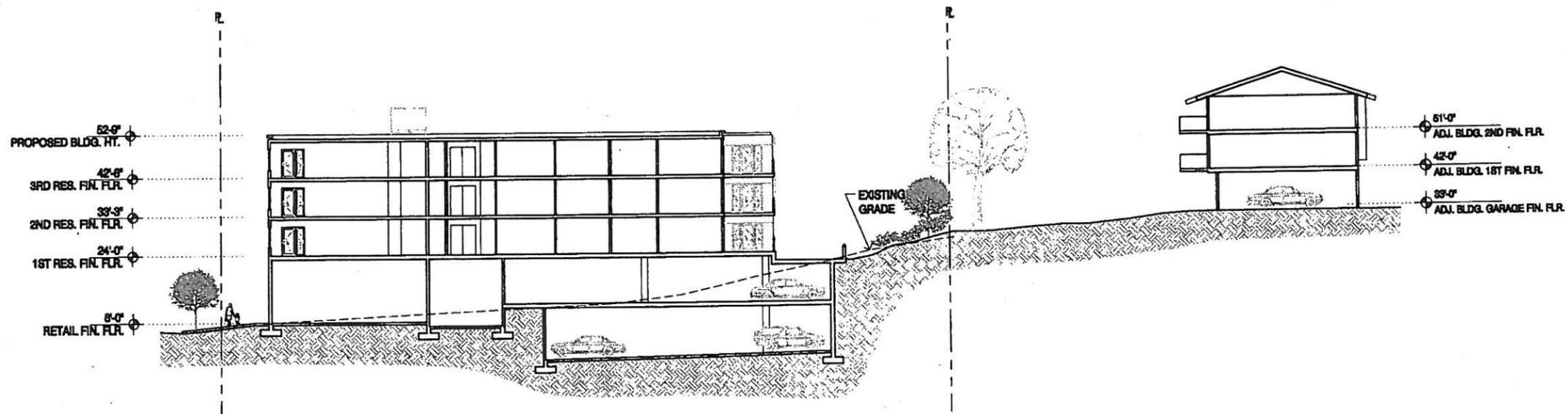
BUILDING SECTIONS

Date: 17 MAR 08	Job #: 2508
Rev: AS NOTED	
Drawn: CAC	Check: MS

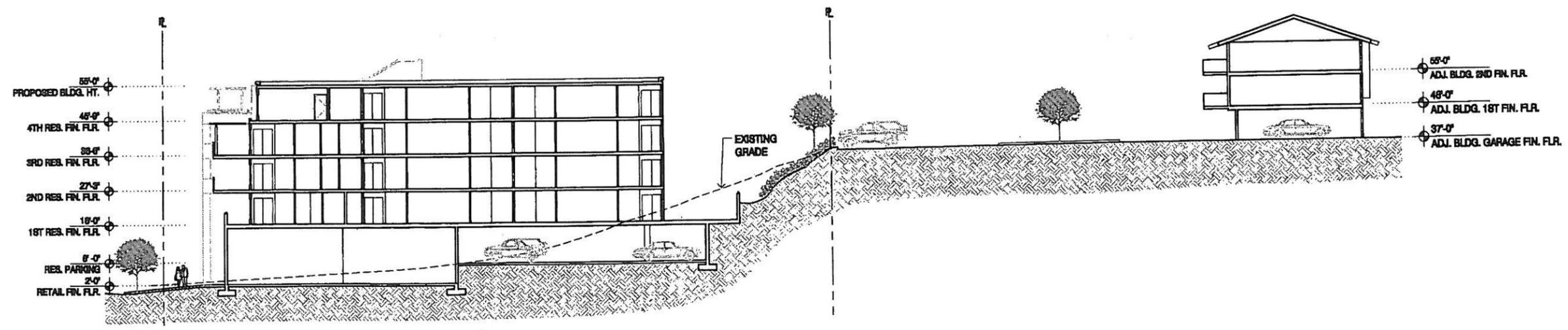
A3.2



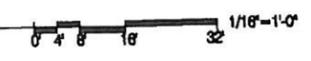
**3** BUILDING SECTION  
 1/16"=1'-0"



**2** BUILDING SECTION  
 1/16"=1'-0"



**1** BUILDING SECTION  
 1/16"=1'-0"



28000 MISSION BOULEVARD  
 HAYWARD, CA

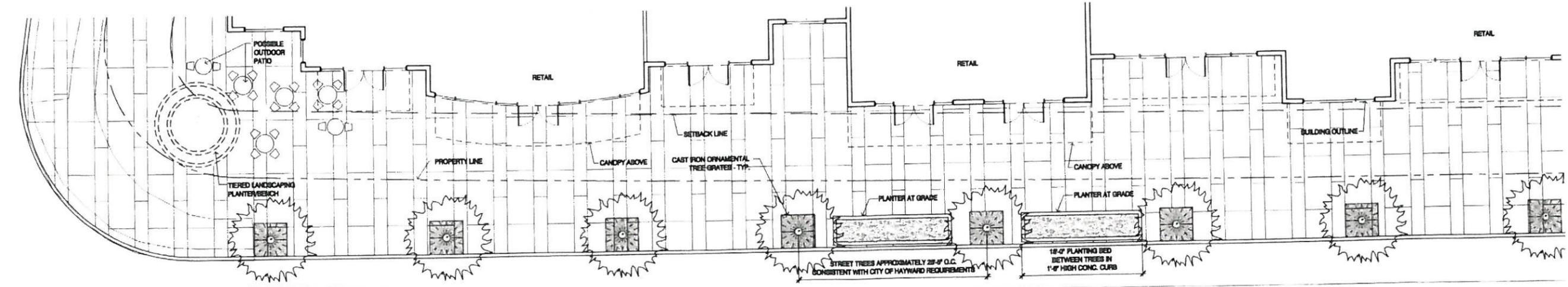
BUILDING SECTIONS

Date:	17 MAR 08	Job #:	2508
Rev:	AS NOTED		
Drawn:	CAC	Check:	MS
Design:			

**A3.3**



2 PARTIAL MISSION BOULEVARD ELEVATION



1 PARTIAL FIRST LEVEL HARDSCAPE

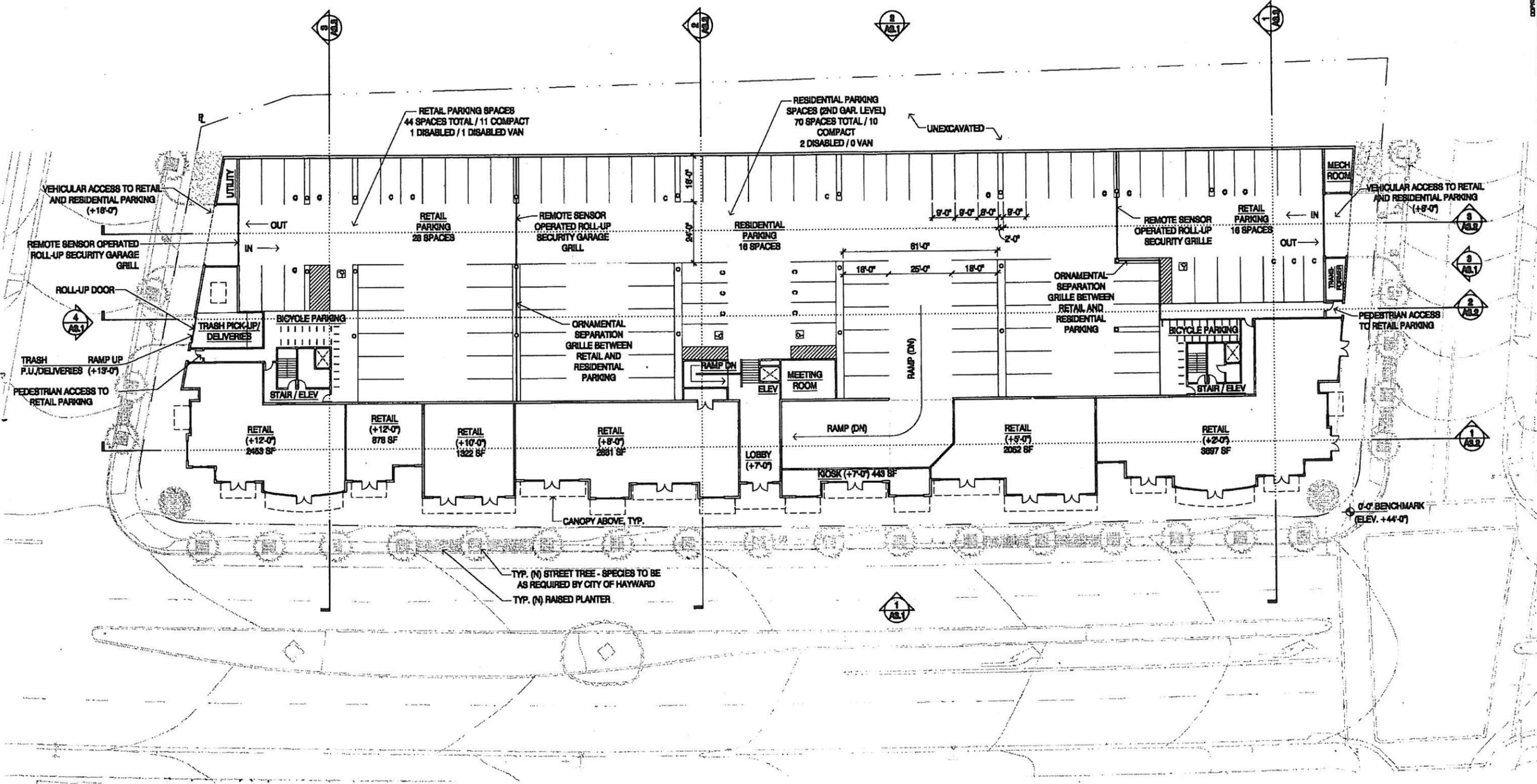


28000 MISSION BOULEVARD  
 HAYWARD, CA

ENLARGED PLAN AND ELEVATION AT  
 MISSION BOULEVARD

Date: 17 MAR 08	Job #: 2508
Scale: AS NOTED	
Drawn: CAC	Check: MS

A3.4



28000 MISSION BOULEVARD  
 HAYWARD, CA

FLOOR PLAN - GARAGE AND RETAIL  
 (STREET LEVEL)

1 FLOOR PLAN - GARAGE AND RETAIL LEVEL (STREET)  
 1" = 20'-0"

Rev	17 MAR 08	Job No.	2508
By	AS NOTED		
By	CAC	Check	MB

A2.3

**HAYWARD PLANNING DATA SUMMARY**  
 Zoning: CG - Commercial General  
 Lot Area: 82,584 s.f. or +/- 1.8 acre  
 Lot Coverage: 66605 s.f. or 81 %  
 Proposed Use: Mixed-Use Residential  
 Type of Construction/  
 Occupancy Use: Type V-A / R-2 over Type V-A / M & S-2

Gross Floor Area: 203,843 s.f.

Dwelling Density: 22-75 units/acre  
 allowed  
 Units allowed: 1.9 x 22 unit = 42 units -  
 1.9 x 75 unit = 143 units  
 Units proposed: 82 units or 43 units/acre

Retail Area proposed: 13,804 s.f.

**Residential Parking:**

Parking required: 2.0 stalls max. per dwelling unit  
 (Sec. 10-2.310)  
 Stalls required: 82 x 2.0 = 164 stalls max.  
 Accessible stalls required: (1 per 25 stalls = 7 stalls) or 2 %  
 (CBC Sec. 1118.1)  
 Accessible van stalls: (1 per 8 H.C. stalls = 1 stall)  
 (CBC 1118A.4.2)  
 Compact allowed: 30%  
 (Sec. 10-2.310)  
 Stalls provided: (1 Accessible van stall, 4 Accessible stall, 118 full size and 18 compact) = 142  
 (CBC 1118A.4.2) Accessible van stall = 9'x18.5' with 8' wide aisle & 8'-2" vertical clearance  
 (CBC 1118A.2) Accessible stall = 9'x18.5' with 5' wide aisle & 8'-2" vertical clearance  
 Standard stall = 9' x 18'  
 Compact stall = 8' x 15'

**Retail Parking:**

Parking required: 1 stall per 315 s.f.  
 (Sec. 10-2.340)  
 Stalls required: 13,804 s.f. / 315 s.f. per stall = 44 stalls  
 Accessible stalls required: (1 per 25 stalls = 2 stalls) or 2 %  
 (CBC Sec. 1118.1)  
 Accessible van stalls: (1 per 8 H.C. stalls = 1 stall)  
 (CBC 1118A.4.2)  
 Compact allowed: 30%  
 (Sec. 10-2.310)  
 Stalls provided: (1 Accessible van stall, 1 Accessible stall, 31 full size and 11 compact) = 44  
 (CBC 1118A.4.2) Accessible van stall = 9' x 18.5' with 8' wide aisle & 8'-2" vertical clearance  
 (CBC 1118A.2) Accessible stall = 9' x 18.5' with 5' wide aisle & 8'-2" vertical clearance

Height & Bulk: 4-6 Stories  
 Height proposed: 5 Stories 60' max. from grade  
 (Sec. 10-1.935a.)

Set backs required: 10' at front and side streets  
 Rear yard proposed: 20' at rear

Private open space = 10' x 10' min. above ground  
 (Sec. 10-1.500-1)(a) Private open space = 10' x 10' min. on ground  
 Private open space = 24 units on ground of 100a.f. ea. min. = 2,400 s.f. min.  
 59 units above ground of 100 s.f. = 5,800 s.f. min.

Proposed Private open space on ground = 3,910 s.f.  
 Proposed Private open space above ground = 8,820 s.f.

Proposed Common open space: 20,455 s.f. Provided

**Allowable Floor Area per Construction Type**

Occupancy:	Type R-2	over	M & S-2
(Sec. 308, 310 & 311.3)			
Construction Type:	Type V - A (sprinklered)		Type III - A (sprinklered)
(Table 601)			
Area / Height allowed:	12,000 s.f. / 3 stories		18,500 s.f. / 4 stories
(Table 5b)			
Height Increase:	1		1
(Sec. 604.2)			
Area increase factor $i_c$ :	2		2
allowed for automatic sprinkler			
(Sec. 608.3)			
Area increase factor $i_s$ :	-		[811 / 1260 - .25] * 30 / 30
allowed for automatic sprinkler			= .39
(Sec. 608.3)			
Allowable Area &:	12,000 + [12,000 x 2]		18,500 + [18,500 x .39] + [18,500 x 2]
Height	= 36,000 s.f. / 4 stories		= 82,715 s.f. / 5 stories
(Sec. 608.1)			
Proposed Area &:			9,473 + 43,330 + 820 + 5,420
Height	= 32,835 s.f. / 4 stories		= 58,843 s.f. / 2 stories
(per each Residential Tower)			

**Floor Area Breakdown:**

Retail Area = 2,399 + 811 + 13,222 + 2,881 + 443 + 2,052 + 3897 = 13,804 s.f.  
 Parking = 28,330 (Basement) + 37,832 (Street Level) = 66,162 s.f.

**Residential Units:**

Unit Type A: (8) LR/2BR/2bath Units  
 Each Unit = 1,150 s.f. (interior) + 149 s.f. (exterior) = 1,300 s.f.  
 Unit Type B: (8) LR/2BR/2bath Units  
 Each Unit = 1,150 s.f. (interior) + 150 s.f. (exterior) = 1,300 s.f.  
 Unit Type C: (16) LR/2BR/2bath Units  
 Each Unit = 1,163 s.f. (interior) + 99 s.f. (exterior) = 1,269 s.f.  
 Unit Type D: (12) LR/DIN/2BR/2bath Unit  
 Each Unit = 1,494 s.f. (interior) + 162 s.f. (exterior) = 1,656 s.f.  
 Unit Type E: (8) LR/2BR/2bath Unit  
 Each Unit = 1,150 s.f. (interior) + 150 s.f. (exterior) = 1,300 s.f.  
 Unit Type F: (8) LR/2BR/2bath Unit  
 Each Unit = 1,085 s.f. (interior) + 70 s.f. (exterior) = 1,172 s.f.  
 Unit Type G: (8) LR/2BR/2bath Unit  
 Each Unit = 1,348 s.f. (interior) + 105 s.f. (exterior) = 1,461 s.f.  
 Unit Type H: (6) LR/2BR/2bath Unit  
 Each Unit = 1,163 s.f. (interior) + 98 s.f. (exterior) = 1,269 s.f.  
 Unit Type J: (12) LR/DIN/2BR/2bath Unit  
 Each Unit = 1,384 s.f. (interior) + 116 s.f. (exterior) = 1,500 s.f.  
 Unit Type K: (2) LR/DIN/2BR/2bath Unit  
 Each Unit = 1,730 s.f. (interior) + 371 s.f. (exterior) = 2,102 s.f.

Residential Floors 1 - 3 = 78,477 s.f.  
 Residential Floor 4 = 18,024 s.f.

Total Residential s.f. of (4) buildings = 92,501 s.f.

Residential Lobby on Podium Level = 600 s.f.  
 Residential Lobby on Street Level = 600 s.f.

Total Residential Area = 92,501 + 600 + 600 = 93,701 s.f.

Total Gross s.f. = 93,701 s.f. + 13,804 + 66,338 = 173,843 s.f.

**Inclusionary Ordinance Requirements**

Below Market Rate (BMR) Units required: 15% of 82 = 12.3 units  
 Below Market Rate (BMR) Units provided: 14 units

28000 MISSION BOULEVARD  
HAYWARD, CA

CODE INFORMATION

Date: 17 MAR 08	Job #: 2508
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A0.7



WEBSTER STREET

28000 MISSION BOULEVARD  
 HAYWARD, CA

2 PARTIAL MISSION BOULEVARD ELEVATION



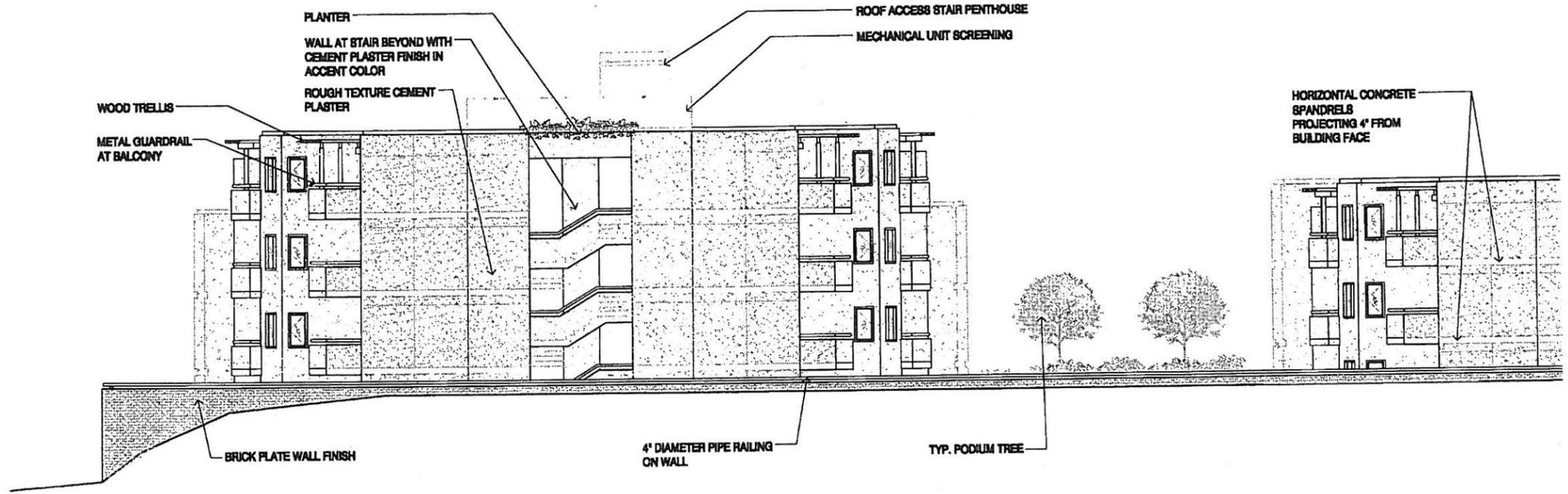
1 PARTIAL MISSION BOULEVARD ELEVATION

ENLARGED ELEVATIONS AT MISSION  
 BOULEVARD

Date	17 MAR 08	Job #	2508
Scale	AS NOTED		
Drawn	CAC	Check	MS

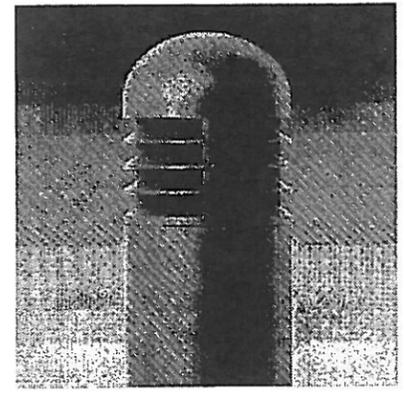
A3.5

28000 MISSION BOULEVARD  
 HAYWARD, CA

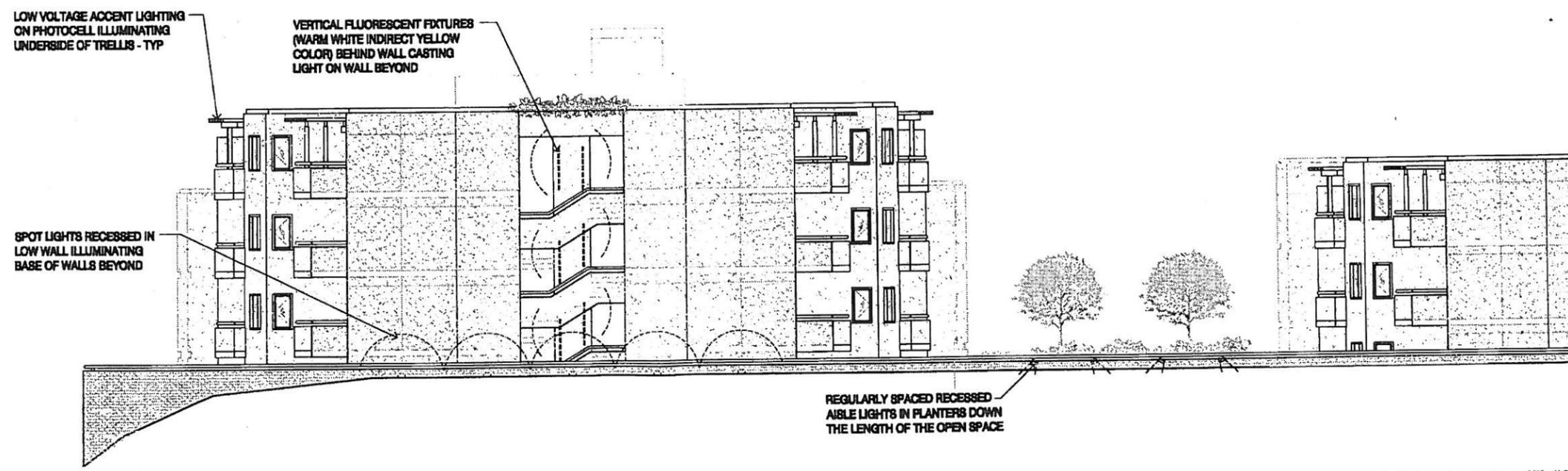


1 PARTIAL REAR ELEVATION

0 2 4 8 16 1/8"=1'-0"



EXAMPLE OF ILLUMINATED BOLLARD



2 CONCEPTUAL LIGHTING PLAN

0 2 4 8 16 1/8"=1'-0"

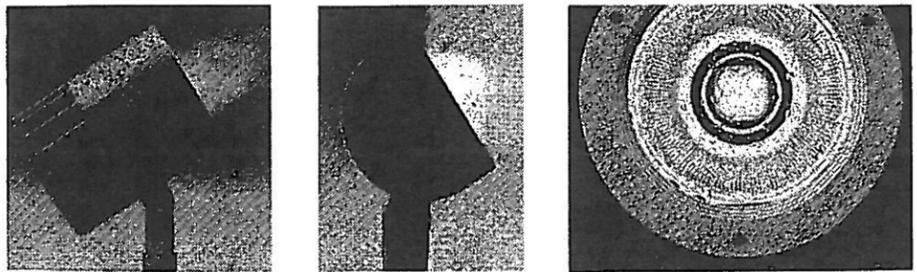
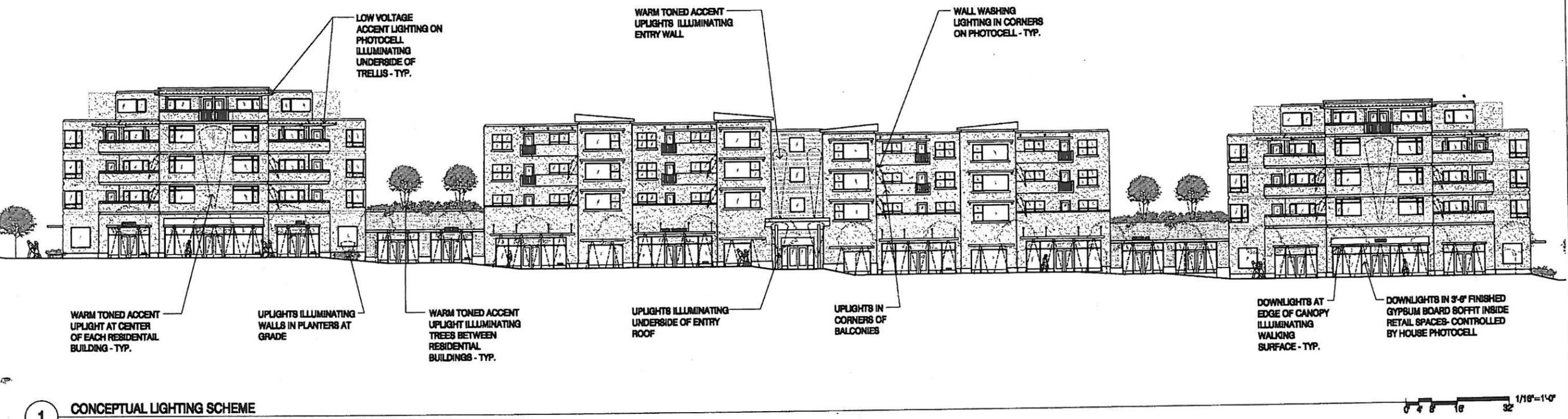
ENLARGED ELEVATION AND  
 CONCEPTUAL LIGHTING PLAN

Date: 17 MAR 08	Sheet: 2508
By: AS NOTED	
Check: CAC	Check: MS

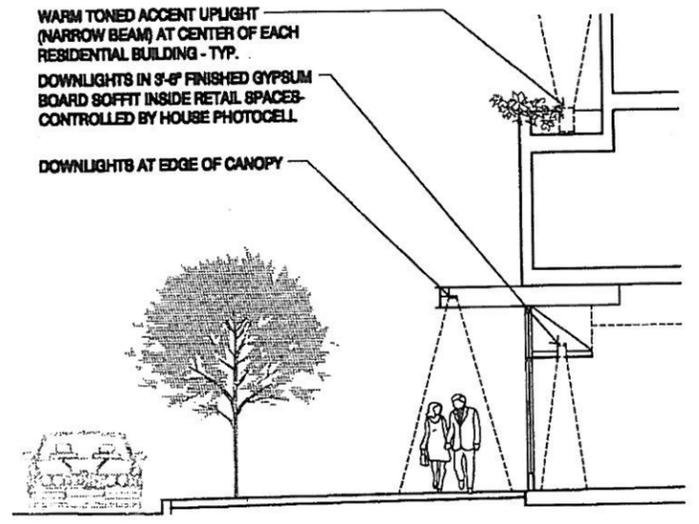
A3.6

28000 MISSION BOULEVARD  
 HAYWARD, CA

CONCEPTUAL LIGHTING SCHEME



EXAMPLES OF EXTERIOR LIGHTING



DATE	17 MAR 08	JOB #	2508
BY	AS NOTED		
REV	CAC	CHKD	MS

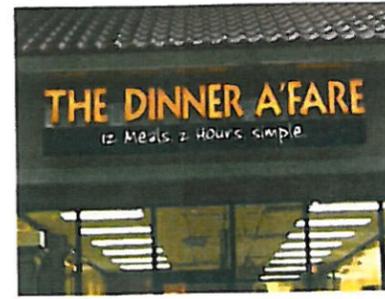
**A3.7**



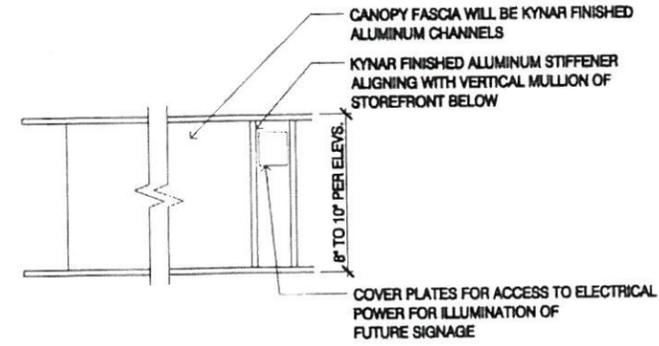
EXAMPLE OF OPTIONAL BLADE SIGN REQUIRED AT EACH RETAIL SPACE



EXAMPLE OF MAJOR BUILDING SIGNAGE - INDIVIDUAL STAINLESS STEEL LETTERS WITH SILHOUETTE ILLUMINATION



EXAMPLES OF OPTIONAL RETAIL SIGNAGE ON BUILDING CANOPY - INDIVIDUAL ILLUMINATED LETTERS & BOX SIGN



2 DETAIL OF RETAIL CANOPY FASCIA  
1-1/2" x 1-0"

STANTON ARCHITECTURE  
800 DE BARD, SUITE 200  
SAN FRANCISCO, CALIFORNIA  
94107-2001  
T: 415.882.9000  
F: 415.882.9000

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HAYWARD, CA

CONCEPTUAL SIGNAGE PROGRAM

Date: 17 MAR 08	Job #: 2508
Scale: AS NOTED	
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A3.8



CORNER RETAIL TENANT ON WEBSTER ALLOWED TO MOUNT OPTIONAL RETAIL SIGN ON BUILDING FACE

CANOPY DETAIL - REFER TO DETAIL 2 - ABOVE

ONE ILLUMINATED NEON SIGN BEHIND STOREFRONT IS ALLOWED AT EACH RETAIL SPACE PER EACH TENANT - 4'-8" x 4'-8" ± MAXIMUM

ONE NON-ILLUMINATED 18" ± x 3'-0" ± DOUBLE SIDED BLADE SIGN IS REQUIRED AT EACH RETAIL SPACE PER EACH TENANT

EACH RETAIL TENANT IS ALLOWED TO HAVE EITHER:  
ONE ILLUMINATED BOX SIGN ATTACHED TO CANOPY CENTERED ON STOREFRONT [SIGN TO BE A MAXIMUM OF 1'-10" ± x 12'-0" ±] [ALL SIGN ATTACHMENTS TO BE CONCEALED] OR,

ONE SIGN COMPOSED OF INDIVIDUAL METAL LETTERS WITH ACRYLIC FACING AND BACK LIGHTING [SIGN TO BE A MAXIMUM OF 1'-8" ± x 12'-0" ± [LETTERS TO BE MOUNTED TO A CONTINUOUS HORIZONTAL METAL SUPPORT THAT CONCEALS ALL WIRING AND ATTACHMENTS]

SURFACE MOUNTED 8" ± HIGH ADDRESS NUMBER IS REQUIRED ON ENTRY DOOR PER EACH RETAIL TENANT

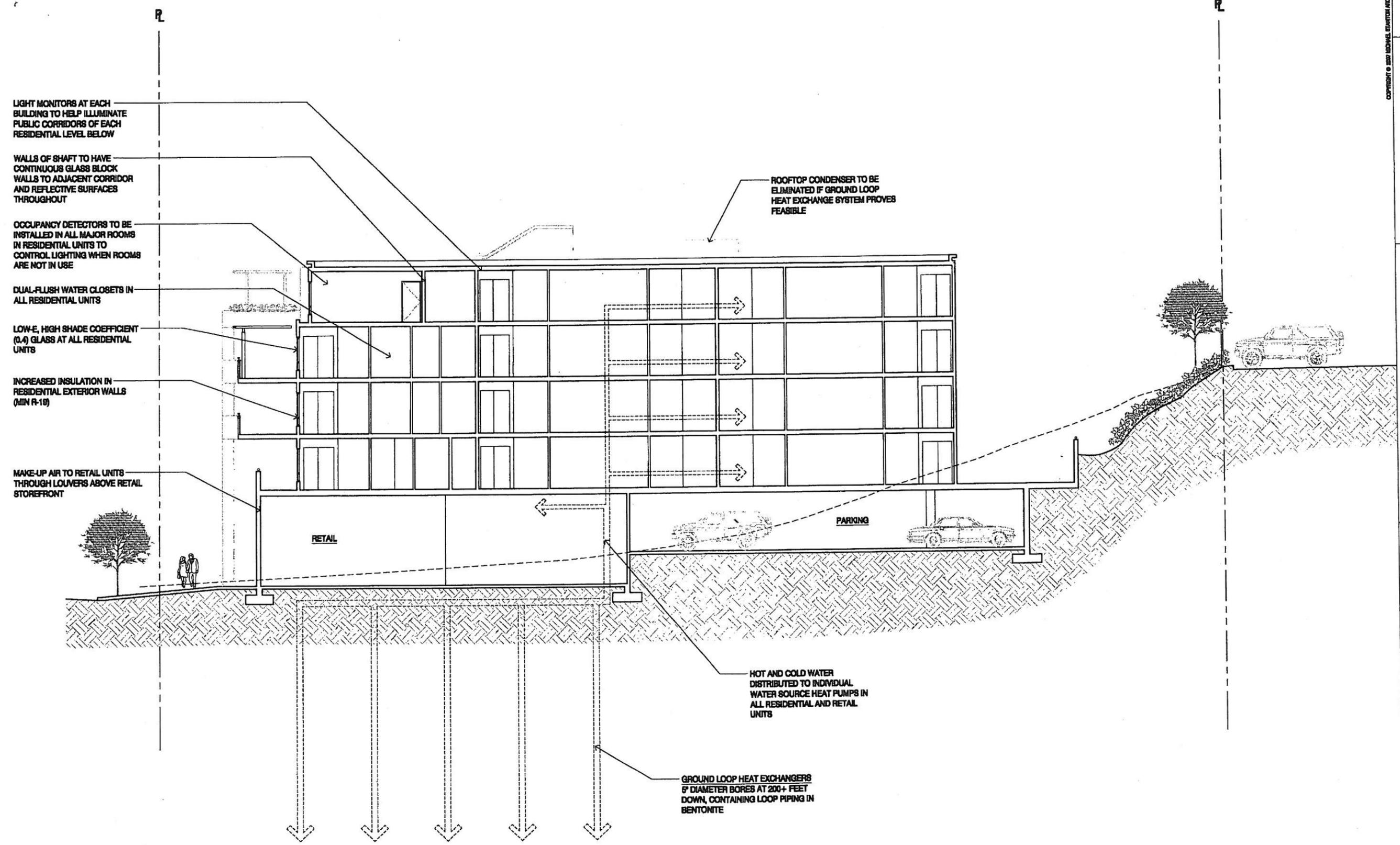
STREET ADDRESS IN 14" ± RAISED LETTERS WITH BACKLIGHT SILHOUETTE LIGHTING ABOVE MAIN ENTRANCE

28000 MISSION BOULEVARD  
 HAYWARD, CA

CONCEPTUAL ENERGY CONSERVATION  
 DIAGRAM

17 MAR 03	2508
AS NOTED	
CAC	MS

**A3.9**



1 CONCEPTUAL ENERGY CONSERVATION DIAGRAM

