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**To:** City of Hayward

**From:** Lisa Wise Consulting, Inc.

**Date:** December 17, 2018

**Subject:** City of Hayward Form Based Code Update-Stakeholder Interview Summary

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## Introduction

As part of the Hayward Form Based Code Update (Project), Lisa Wise Consulting (LWC) conducted interviews with a cross-section of “code-users”—people who have used the Mission Boulevard Corridor Form Based Code and South Hayward BART/Mission Boulevard Form Based Code (Form Based Codes) in Hayward or otherwise have knowledge of development in Hayward or of development regulation.

On December 10th and December 11<sup>th</sup>, LWC conducted ten interviews with 20 representatives, including City staff, design professionals, developers, neighborhood representatives, regional agencies, and the City Manager’s office.

The purpose of the interviews was to gain an understanding of an “insider’s” or “user” perspective of issues with the Form Based Codes, elements of the Form Based Codes that are working well, and opportunities for improvement. Interviews were conducted by senior staff from LWC. No staff members were present during the interviews to encourage candid responses.

Each interview began with an overview of the Project and purpose of the interviews. Then LWC asked open ended questions in conversational manner. No two interviews were alike, as individuals had unique experiences using the Form Based Codes and perspectives on opportunities for improvement.



## Common Themes

Several similar opinions emerged among interviewees regarding issues with the current Form-Based Codes. While the interviewees may ultimately differ on the exact recommended changes, there was clear agreement that the Codes need to be reorganized and simplified to make them easier to use and understand. Following is a list of common themes from the interviews.

1. **Complexity.** The codes are too complex and hard to interpret, and the documents are difficult to navigate.
2. **Development Standards.** Focus development standards on key elements of form. The Form Based Codes are overly prescriptive in some instances, such as roof pitch and building articulation, and offer too many options in other instances.
3. **Parking Supply.** A balance should be struck between providing parking to ensure accessibility and limiting parking to encourage and support transit use and the development of vibrant, walkable, mixed-use areas. Parking management and enforcement could help alleviate parking problems in the project area and adjacent neighborhoods.
4. **Ground Floor Uses.** Ensure activity at the ground floor along street frontages. However, restricting the ground floor to retail uses is onerous and likely not viable. Active ground floor uses could include a variety of restaurant, entertainment, and service uses, and in some areas residential and community uses, all which contribute to a 24-hour street presence and 'eyes on the street'.
5. **Thoroughfares.** Connectivity is important but the thoroughfare standards in the Form Based Codes are overly prescriptive, do not reflect best practices and other City standards for the design of accessways, and in some cases, render new development infeasible.
6. **Flexibility.** Flexibility should be incorporated to address irregular lot sizes, unique site conditions, or specific issues while still ensuring the intent of the regulation is satisfied. This process can replace warrants/exceptions, which have a negative connotation, and help streamline the process while encouraging creativity in design.



## Summary of Comments

A list of the comments received, organized by topic, follow.

### ***Parking and Parking Management***

One of the two most frequently discussed topics was parking and parking management, with stakeholders representing a range of perspectives on the parking regulations in the Form Based Codes and the supply of parking along Mission Boulevard. Comments include:

- There is too much/not enough parking along Mission Boulevard
- Increasing parking requirements is not consistent with intent for walkable corridor, increased transit use, or more density
- New projects do not supply enough parking for proposed residents and units w/o enough parking are difficult to sell/rent
- Parking maximums are a problem in certain cases, especially if not close to alternatives, such as transit
- New projects can't/are expected to solve existing parking problems in older neighborhoods
- Parking is expensive and high parking requirements make projects infeasible to build
- We should create space for people not for cars
- The main concern is 'spillover parking' into neighborhoods where street parking is unregulated
- Parking management, through parking permits, metered parking, or similar mechanisms can reduce strain of new development on existing areas
- Parking cannot be solved by the Form Based Codes alone, need management and transportation demand management strategies

### ***Allowed Land Uses***

The other topic most frequently mentioned by stakeholders was the type of uses that should or shouldn't be allowed within the Form Based Code area. While many uses were discussed, key feedback pertained to non-residential uses and the requirement for (and feasibility of) ground floor retail uses in parts of the project area. Comments include:

- It is unrealistic to expect ground floor retail along the entire Mission Boulevard corridor, there is not a market for this much retail space



- The requirement for ground floor retail should include other commercial uses
- One challenge to development is the requirement for commercial ground floor space
- Residential uses on the ground floor contribute to vibrancy, sometimes more so than offices or other non-residential uses
- Desire for more commercial uses in general, specifically higher end hotels, stores, and grocery stores
- Residential and general commercial and service are better than vacant storefronts
- Bars with appropriate controls and more residential add to 'eyes on the street' or 'natural surveillance' (part of CPTED)
- Mixed-uses are OK if residents understand noise potential, or are not near quieter neighborhoods

### ***Development Standards***

Stakeholders provided input on the development standards of the Form Based Codes, including height, density, architectural standards, roof pitch, ground floor dimensions, and others. This item is related to uses, as it considers standards for ground floor uses. Comments include:

- Concept of layer 1, layer 2, and layer 3 is difficult to understand and implement. It doesn't make sense on lots without frontage along Mission Boulevard
- Lot width maximums are too restrictive, walkability can be regulated through block length instead
- Articulation requirements perpetuate single-family aesthetic, rather than accommodating larger building types
- Glazing requirements are too low/too high
- Regulating building materials is/is not appropriate
- Roof pitch regulations are challenging, making construction more difficult
- Frontage requirements are difficult to meet for internal streets
- Ground floor non-residential should have minimum dimensions to ensure viability (suggestions included range of ground floor depth and minimum height)
- Buildings are too tall and restrict scenic views from adjacent neighborhoods
- Minimum open space requirement is/is not appropriate. There is a benefit to regulating by percent of lot, allowing more units w/o increasing open space

### ***Thoroughfares and Connectivity***

Unlike other topics where the stakeholders represented a range of views, most stakeholders deemed the thoroughfare standards problematic for one reason or another. However; most stakeholders supported alternative methods for improving connectivity for pedestrians and bicycles, especially routes to/from transit stops. Comments include:

- Thoroughfare requirements render properties undevelopable due to the placement and/or the need for an easement or land dedication
- New thoroughfares are badly placed and cut through properties
- Intent of thoroughfares can be achieved through pedestrian paths or non-vehicular routes
- Standards are not consistent with City complete streets policy
- Many projects receive warrants and/or map amendments to remove, relocate, or change the thoroughfare requirement
- Slip lanes do not make sense and are not aligned with intent of the project area. We should not be expanding right of ways, but rather increasing area for pedestrians
- Wide thoroughfares increase speed and accommodate cut through traffic
- Consider dedicating lanes to stormwater infrastructure or transit instead
- Add findings to ensure project improves/promotes connectivity without strict street design requirements or placement across parcels

### ***Entitlement and Administration***

Stakeholders discussed the various stages in the entitlement process, from initial submission, through the review process, and finally project approval. Comments include:

- Codes will not be perfect, need a good staff to interpret, apply, and enforce
- Should not have a custom, negotiated process for each project- need predictability
- Important to allow staff flexibility to modify standards as appropriate, it helps get projects entitled without going to Commission or Council
- More flexibility/modification at the staff level- they know more about development and it is more cost effective/streamlined than working through design committees or council
- Code should provide clear intent and method for deviation from standard while meeting objectives



- Lack of interdepartmental coordination through entitlement, creating conflicts in conditions of approval or working through problems
- Code should be flexible to apply to different contexts, conditions, and changes over time
- City should be required to follow codes as written, without exceptions to developers
- Warrants are perceived as negative, as though the developer is breaking the rules when the project aligns with City requests

### ***Miscellaneous***

Other topics discussed, in no particular order, include:

- Transit- preferred transit amenities, connections to transit, indicators of transit accessible development
- Community Character- existing character, historic context, design
- Safety- Crime Prevention through Environmental Design (CPTED) and crime
- Projects- projects approved, under construction, or pending approval
- Incentives- reduced parking or open space requirements, reduced fees
- Graphics- improved graphics, clarity of images/diagrams
- Complexity- ease of use of the codes
- Opportunity sites- areas for potential catalyst development
- Sustainability- elements of sustainable development