

## Appendix G: California Executive Orders and Legislation Pertaining to Climate Change

### **California Executive Orders Pertaining to Climate Change**

[Governor Schwarzenegger Executive Order # S-14-08](#), November 17, 2008, Increasing Renewable Portfolio Standards to 33 percent renewable energy by 2020.

[Governor Schwarzenegger Executive Order # S-13-08](#), November 14, 2008, Directing state Agencies to Plan for Sea Level Rise and Climate Impacts.

[Governor Schwarzenegger Executive Order # S-01-07](#), January 18, 2007, on Low Carbon Fuel Standard.

[Governor Schwarzenegger Executive Order # S-20-06](#), October 18, 2006, on responsibilities and roles of state agencies in climate change.

[Governor Schwarzenegger Executive Order # S-06-06](#), April 25, 2006, on biofuels and bioenergy from renewable resources.

[Governor Schwarzenegger Executive Order # S-03-05](#), June 1, 2005, establishing greenhouse gas emission reduction targets.

### **California Adopted Legislation on Climate Change 2008**

[Assembly Bill 811](#) (Levine, Chapter 159, Statutes of 2008) – Contractual Assessments: Energy Efficiency Improvements.

[Assembly Bill 1470](#) (Huffman, Chapter 536, Statutes of 2008) – Solar energy: Solar Water Heating and Efficiency Act of 2007.

[Senate Bill 375](#) (Steinberg, Chapter 728, Statutes of 2008) – Transportation Planning: Travel Demand Models:

### **California Adopted Legislation on Climate Change 2007**

[Assembly Bill 118](#) (Núñez, Chapter 750, Statutes of 2007) - Alternative Fuels and Vehicles Technologies.

[Assembly Bill 236](#) (Lieu, Chapter 593, Statutes of 2007) - Public Resources: State and Local Motor Vehicle Fleets.

[Assembly Bill 532](#) (Wolk, Chapter 598, Statutes of 2007) - State Property: Solar Energy.

[Assembly Bill 662](#) (Ruskin, Chapter 531, Statutes of 2007) - Water Conservation.

[Assembly Bill 1103](#) (Blakeslee, Chapter 684, Statutes of 2007) - Energy: Renewable energy resources, hydrogen highway.

[Assembly Bill 1109](#) (Huffman, Chapter 534, Statutes of 2007) - Energy Resources: Lighting Efficiency: Hazardous Waste.

[Assembly Bill 1470](#) (Perata, Chapter 536, Statutes of 2007) - Solar Water Heating and Efficiency Act of 2007.

[Assembly Bill 1560](#) (Huffman, Chapter 532, Statutes of 2007) - Public Resources: Water efficiency in building standards.

[Assembly Bill 1613](#) (Blakeslee Chapter 713, Statutes of 2007) - Waste Heat and Carbon Emissions Reduction Act.

[Senate Bill 85](#) (Committee on Budget and Financial Review, Chapter 178, Statutes of 2007)

[Senate Bill 97](#) (Dutton, Chapter 185, Statutes of 2007) - Directs Governor's Office of Planning and Research to develop CEQA guidelines "for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions."

### **California Adopted Legislation on Climate Change 2006**

[Assembly Bill 32](#) (Núñez, Statutes of 2006, Chapter 488) - California Global Warming Solutions Act of 2006.

[Assembly Bill 1803](#) (Committee on Budget, Chapter 77, Statutes of 2006) - Transfers greenhouse gas inventory to Air Resources Board from Energy Commission.

[Assembly Bill 1925](#) (Blakeslee, Chapter 471, Statutes of 2006) - Report on carbon dioxide sequestration.

[Senate Bill 107](#) (Simitian, Chapter 464, Statutes of 2006) – Renewable Energy: California Renewable Portfolio Standard Program

[Senate Bill 1368](#) Perata, (Chapter 598, Statutes of 2006) - Electricity greenhouse gas performance standard.

### **Previous Recent Years**

[Assembly Bill 117](#) (Migden, Chapter 838, Statutes of 2002) – Electrical restructuring, Community Choice Aggregation

[Senate Bill 1078](#) (Sher, Chapter 516, Statutes of 2002) – Renewable Energy: California Renewable Portfolio Standard Program

[Senate Bill 812](#) (Sher, Chapter 423, Statutes of 2002) – Climate Action Registry.

[Assembly Bill 1493](#) (Pavley, Chapter 200, Statutes of 2002) - Vehicle emissions, greenhouse gases.

[Senate Bill 527](#) (Sher, Chapter 769, Statutes of 2001) – Climate Action Registry.

[Senate Bill 1771](#) (Sher, Chapter 1018, Statutes of 2000) - Greenhouse gas emission registry and reduction and impacts on climate change. (2000 - PDF file)

[Assembly Bill 4420](#) (Sher, Chapter 1506, Statutes of 1988) - The California Energy Commission was directed to prepare and maintain the state's inventory of greenhouse gas (GHG) emissions and to study the effects of GHGs.

## Appendix H: Recommended Changes Municipal Code

Hayward’s Municipal Code, in relation to the climate change plan, is intended to achieve the following relevant goals:

- To protect the public health, safety, and welfare of the citizens of the City of Hayward;
- To gain compliance with state Codes, ordinances, and regulations in a timely and efficient manner.

This sections lists a number of recommended changes to the Municipal Code to successfully:

- Address the CAP’s environmental, social and economic goals relative to applicable sections of the Code.
- Describe Climate Change Plan-applicable laws and ordinances for reducing greenhouse gas (GHG) emissions and its reliance on non-renewable resources for existing and future development.

The recommended changes impact the following sections of the Municipal Code:

- Chapter 10: Article 1 – Zoning Ordinance
- Chapter 10: Article 2 – Off Street Parking Regulations
- Chapter 10: Article 3 – Subdivision Ordinance
- Chapter 10: Article 11 – Historic Preservation

The general regulations apply to all districts and to all uses permitted in the districts. The provisions are intended to amplify and to supplement district regulations. In the event of conflict with the specific district regulations, whichever regulations are more restrictive shall apply, unless otherwise determined by the Planning Director.

### Recommended Changes to Chapter 10: Article 1 - Zoning Ordinance

<u>Municipal Code Section</u>	<u>Recommended Change</u>
Sec. 10-1.2720 Special Lot Requirements a. Minimum Lot Frontage Except as provided herein, each lot shall have a minimum frontage of 35 feet.	1. In order to allow a wider range of housing, permit narrow lots for single-family detached homes that are alley-loaded, including reduced lot size widths of 30 feet for detached housing and 18 feet for vertically attached housing. Attached town homes or condos are allowed to have narrow lots (no min. specified in Code).
Yard Exceptions - Accessory Buildings and Uses (1) In conjunction with single-family development located on parcels zoned for same, and in zoning districts where single-family homes are permitted: (a) Accessory buildings not used for parking and not exceeding 14 feet in height and 120 square feet in area and detached from the main buildings, when located in area other than the required front yard (i.e., in side or rear yard area), shall be placed no closer than 3 feet from the side and rear property lines.	2. In order to facilitate the addition of more cost-effective housing, correlate the allowable height and area of Accessory Buildings with the lot size, using the overall lot coverage and rear and side setbacks as determinants, to permit large units on larger lots.
q. Front Yards - Driveway Width and Coverage (1) Driveway width, regardless of the number of driveways, shall not exceed 20 feet in front of the garage, except for 3-car garages where the width shall not exceed 26 feet. In addition, for access to a recreational vehicle storage area adjacent to a dwelling, a maximum 10-foot-wide driveway may be located on the opposite side of the lot from the garage, and outside the required side yard.	3. In order to reduce the amount of impervious and low albedo surfaces, limit driveway widths to 18 feet for impervious paving, with exceptions for greater width only for pervious paving materials approved by the City Building Official, aesthetics notwithstanding.
i. Private Street Criteria Approval of a private way as a private street (not part of a	4. In order to reduce the amount of impervious and low albedo surfaces on private streets, while maintaining emergency

<u>Municipal Code Section</u>	<u>Recommended Change</u>
<p>subdivision or other development project) for the purpose of establishing a street frontage for a lot shall be governed by the following:</p> <p>(3) In the instance that multiple lots are to be served by one private street, the following criteria may apply:</p> <p>(a) Six or fewer lots require a minimum of a 20-foot wide paved private driveway.</p> <p>(b) Seven or more lots require a minimum of a 24-foot wide paved private street.</p> <p>(c) Six or fewer lots may be served by a hammerhead.</p> <p>(d) Seven or more lots shall be served by a cul-de-sac.</p>	<p>vehicle access, require a maximum of 20 feet street width for the travel lanes.</p> <p>5. A circular or elongated turn-around should consist of a maximum 12 feet width one-way lane enclosing a sustainably landscaped center.</p>
<p>k. Vehicle Parking, Repair, Display, and Storage Requirements</p> <p>(1) Single-Family Residential Uses.</p> <p>(a) Parking and Storage in Front Yards. Vehicles shall be parked in the required front yard only on the paved driveway which provides direct access to the garage from a public street or an approved private street, perpendicular to the street, or on a curved driveway.</p> <p>(b) Parking or Storage in Other Than Front Yards.</p> <p>(i) Parking or storage of vehicles in areas other than the front yard is permitted subject to the following requirements:</p> <p>(ii) Parking or vehicle storage areas shall be paved with asphaltic or Portland Cement concrete and conform to City standards.</p>	<p>6. Provide incentives for alley-loaded lots in order to reduce the predominance of front-loaded lots with driveways that constrain the placement of trees and the consistency and safety of the sidewalk.</p> <p>7. Require or provide incentives for pervious paving materials with low albedo surfaces, as substitutes for standard asphaltic or Portland Cement concrete.</p>
<p><b>Industrial District</b></p> <p>The Industrial District currently allows office buildings only within business or industrial parks that are 25 acres or greater in size...and office buildings cannot exceed 40 feet in height. A Manufacturing district could be structured to accommodate manufacturing facilities as well as research and development operations. A new Warehousing district could respond to the needs of wholesaling and distribution uses.</p>	<p>8. Continue to allow mixed-use development such as allowing office buildings with first floor commercial in commercially zoned areas with permitted heights scaled to surrounding, desired conditions.</p> <p>9. Locate transportation-intensive manufacturing adjacent to existing or extendable rail infrastructure and roadways.</p> <p>10. Locate 'light manufacturing' and research and development uses in commercial/mixed use areas.</p>

### Recommended Changes to Chapter 10: Article 2 – off street parking regulations

<u>Municipal Code Section</u>	<u>Recommended Change</u>
<p>Sec. 10-2.205 Administration</p> <p>Except where indicated otherwise, the Director of Community and Economic Development/Planning Director shall administer and interpret these regulations. Prior to authorization for occupancy of any structure, including authorization for gas and/or electric meter service, City officials shall ensure that the use, arrangement, construction, and improvements are in accordance with plans approved through the verification of zoning compliance procedure.</p>	<p>11. Adopt a Parking Management Plan that considers ways to reduce the need for additional parking garages, queuing of parking seekers, and the improvement of pedestrian access:</p> <p>12. Parking Pricing: Set Prices to ensure parking availability</p> <p>13. se Differential Rates Instead of Time Limits: Since short-term shoppers are the most important user to accommodate in the downtown, prioritize short-term users with time limits, or eliminate in favor of differential rate to simplify parking by eliminating the complex mix of meters.</p> <p>14. Market Pricing: Setting rates to achieve an 85% occupancy goal.</p> <p>15. Extend Meter Hours: If Hayward decides to adopt metered parking, extending meter hours would bring additional revenue for the City, and make it easier to find a parking space in the evenings.</p> <p>16. Improve Payment Options: Consider options such as multi-space meters or pay-and-display machines.</p>
<p>Sec. 10-2.300 Required Ratio Of Parking Spaces</p> <p>Uses not specifically listed in this article shall provide the minimum off-street parking required of the use most similar in nature, as determined by the Director of Community and Economic Development/ Planning Director. Additional parking spaces may be required for developments requiring conditional use permits, parcel map or tract map approvals, or other conditionally approved projects at the discretion of the Director of Community and Economic Development/Planning Director.</p>	<p><b>Parking and New Development</b></p> <p>17. Reduce Parking Requirements Downtown: As downtown Hayward becomes a mixed-use, walkable district which has a lower parking generation rate than the single use suburban land use environment that dominates parking generation rates prescribed in the ITE Parking Generation Handbook, consider parking demand at ranges from 1.6 to 1.9 spaces per 1,000 square feet of non-residential built space, or one-third to one-half of that typically required for conventional suburban</p>

	<p>development.</p> <ol style="list-style-type: none"> <li>18. Consider Parking Requirements Strategies: Adopt a single “blended” parking requirement, for example 1.7 spaces per 1,000 square feet. This simplifies changes of use, for example from offices to restaurants.</li> <li>19. Allow on-street parking along the property’s frontage to count towards satisfying parking requirements.</li> <li>20. Eliminate Parking Provision Requirements Downtown: Allow developers to choose the optimum amount of parking to maximize development feasibility and reduce traffic generated by excess parking.</li> <li>21. Parking Maximums: Set parking maximums instead of parking minimums. With parking maximums, developers have a cap on the amount of parking that they may build on site.</li> <li>22. Parking Preferences: Provide parking preferences in public lots, garages and on-street spaces for residents who rideshare or use low-carbon fuel vehicles.</li> </ol>
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**Recommended Changes to Chapter 10: Article 3 - Subdivision Ordinance**

<u>Municipal Code Section</u>	<u>Recommended Change</u>
<p>Sec. 10-3.515 Pavement Surfaces All streets shall have an asphalt-concrete, plant-mixed surface. The thickness of the surface course shall be as determined by the method described in section 10-3.525 herein.</p>	<p>23. Require or provide incentives for pervious paving materials with low albedo surfaces, as substitutes for standard asphaltic or Portland Cement concrete.</p>
<p>Sec. 10-3.550 Private Streets Private streets, alleys or ways shall not be permitted unless approved by the Advisory Agencies and/or the City Council, and then only under conditions which guarantee the construction and continued maintenance thereof.</p>	<p>24. Permit and encourage the use of alleys in both new and existing development where feasible, in order to improve the quality of sidewalks and landscape along the street.</p>
<p>Sec. 10-3.845 Block Lengths Blocks shall not exceed 1200' in length between street lines in standard residential and industrial subdivisions. Block lengths in hill area subdivisions may vary from said standard when approved by the City Engineer who shall give consideration to the following factors in granting such approval.</p>	<p>25. Reduce the maximum length of blocks to 600 feet in new development, and encourage the installation of mid-block pedestrian walkways in longer, existing blocks to increase the degree of ‘walkability’ by making destinations more convenient.</p>

**Recommended Changes to Chapter 10: Article 11 – Historic Preservation**

<u>Municipal Code Section</u>	<u>Recommended Change</u>
<p>Sec. 10-11.05 Alteration Of Significant Structures Or Sites. a. Review Process. All development permit applications affecting a significant structure or site shall be reviewed as follows: (1) The Director of Community and Economic Development/ Planning Director shall review and may approve additions or alterations which will not adversely affect the exterior architectural characteristics or the historical or aesthetic value of a significant structure or site or its site or surroundings in accordance with the procedures for approval of an administrative use permit. (2) The Planning Commission shall review all development permit applications for proposed alterations of a significant structure or site which may substantially affect its style, scale, or bulk as well as new construction in an historic district or on an historic site. The Planning Commission's decision shall become final ten days after the decision.</p>	<ol style="list-style-type: none"> <li>26. Encourage the addition of energy conserving measures to historic structures that do not qualitatively and adversely impact its historic value, including near-clear, low-emissivity glazing and roof-mounted solar collection equipment that is visually screened from any and all public rights-of-way.</li> <li>27. Coordinate with federal, state, and regional governments to support the incorporation of GHG considerations into the policies and standards for the alteration of significant facilities.</li> </ol>

<b><u>Municipal Code Section</u></b>	<b><u>Recommended Change</u></b>
<p>Sec. 10-11.06 Demolition Of Significant Structures.  a. Applications for demolition of a significant structure shall include one (1) clear photograph of the front of the building and such other information as may be required by the City Building Official and the Director of Community and Economic Development/ Planning Director.</p>	<p>28. Consider and quantify the value of the embedded or sequestered carbon within the structure as important criteria in determining whether or not to allow demolition of a structure.</p>
<p>Residential zoning districts</p>	<p>29. Allow neighborhood-serving commercial uses.</p>

## Appendix I: Recommended Changes to General Plan

The City's General Plan, last updated in 2002, provides a fundamental means for documenting and integrating the Climate Action Plan's environmental, social and economic goals, objectives, principles, policies, and programs within each of the relevant General Plan's categorical elements, and the CAP's relationship to the community's development over a twenty-year time horizon. The Climate Action Plan process, therefore, requires an assessment of those General Plan elements and recommendations for modifications, deletions, and/or additions to the policies, etc. in order to fulfill the purpose of the CAP: reducing the community's greenhouse gas (GHG) emissions and its reliance on non-renewable resources, and improving the environmental, social and economic health of the community.

The City's General Plan is intended to:

- Address the CAP's environmental, social and economic goals;
- Describe policies for reducing greenhouse gas (GHG) emissions and its reliance on non-renewable resources for existing and future development;
- Provide methods for analyzing proposed development to determine consistency with the CAP goals, objectives, and policies.

The General Plan Elements addressed in the following documents consist of:

- Chapter 2: Land Use
- Chapter 3: Circulation
- Chapter 5: Housing
- Chapter 6: Community Facilities and Amenities
- Chapter 7: Conservation and Environmental Protection
- Chapter 8: Public Utilities and Services

### **Recommended Changes to Chapter 2: Land Use**

Chapter 2 focuses on Hayward's lands within the City as well as those areas beyond the City limits that are within its sphere of influence. California's land continues to be developed at a rate almost three times faster than population growth. This expansive development has caused CO<sub>2</sub> emissions from cars to rise even as it reduces the amount of forest, natural coastal and inland areas available to absorb CO<sub>2</sub>. Despite Hayward's fixed development boundaries, market pressures could continue to alter the City's development patterns. Growing out instead of within could exacerbate the adverse environmental impacts from increasing energy and water use to vehicle miles traveled. Land availability is a primary issue for the City of Hayward. The amount of vacant land available for business expansion and new development has become quite limited.

Recommendations to the General Plan's Principles

The General Plan follows "smart growth" principles that encourage the reduction of greenhouse gas (GHG) emissions and reliance on non-renewable resources for existing and future development.

The following recommendations could help “activate” the smart growth principles.

<b>Principles</b>	<b>Recommendations</b>
<ul style="list-style-type: none"> <li>Mix land uses</li> </ul>	1. Codify to allow mixed use in most City areas to help reduce vehicle miles traveled (VMT)
<ul style="list-style-type: none"> <li>Take advantage of compact building design</li> </ul>	2. Codify compact design in appropriate City areas to improve energy conservation
<ul style="list-style-type: none"> <li>Create a range of housing opportunities and choices</li> </ul>	3. Codify a range of housing opportunities and choices in appropriate City areas to increase the ability to maintain neighborhood viability and value over time, and to help reduce vehicle miles traveled (VMT)
<ul style="list-style-type: none"> <li>Create walkable neighborhoods</li> </ul>	4. Codify walkability in most City areas to help reduce vehicle miles traveled (VMT)
<ul style="list-style-type: none"> <li>Foster distinctive, attractive communities with a strong sense of place</li> </ul>	5. Codify distinctive, attractive design in most City areas to improve economic value
<ul style="list-style-type: none"> <li>Preserve open space, natural beauty, and critical environmental areas</li> </ul>	6. Codify the preservation of open space, natural beauty, and critical environmental areas, to increase local food production opportunities and carbon sequestering
<ul style="list-style-type: none"> <li>Strengthen and direct development towards existing neighborhoods</li> </ul>	7. Codify incentives for developing in existing neighborhoods to reduce infrastructure and land consumption
<ul style="list-style-type: none"> <li>Provide a variety of transportation choices</li> </ul>	8. Create a long range transit and pedestrian action plan to help reduce vehicle miles traveled (VMT)
<ul style="list-style-type: none"> <li>Make development decisions predictable, fair and cost-effective</li> </ul>	9. Codify the development ‘rules’ to provide the ‘rules’ to equitably measure development’s climate change benefits and drawbacks
<ul style="list-style-type: none"> <li>Encourage community and stakeholder collaboration in development decisions</li> </ul>	10. Codify the standards for comparing and assessing development proposals to provide CAP benefits and drawbacks

The following recommendations address the Land Use Element

<b>Excerpts from the Land Use Regulations and Development Standards</b>	<b>Recommendations</b>
<p><b>Industrial Corridor</b></p> <ul style="list-style-type: none"> <li>Development regulations in the Industrial Corridor essentially presume and encourage a manufacturing-based economy, whereas a new approach may be warranted that better reflects the needs of the information-based economy. This is essential with regard to provisions for business parks and research and development firms.</li> </ul>	11. Encourage ‘green’ manufacturing and determine development standards for a range of users, and appropriate locations. 12. Create redevelopment standards for business parks to allow a mix of uses, maximum building coverage, minimum parking requirements, and maximize pedestrian and transit access. 13. Allow work/live uses in commercial/mixed use areas.
<p><b>Industrial District</b></p> <ul style="list-style-type: none"> <li>The Industrial District currently allows office buildings only within business or industrial parks that are 25 acres or greater in size...and office buildings cannot exceed 40 feet in height. A Manufacturing district could be structured to accommodate manufacturing facilities as well as research and development operations. A new Warehousing district could respond to the needs of wholesaling and distribution uses.</li> </ul>	14. Continue to allow mixed-use development such as allowing office buildings with first floor commercial in commercially zoned areas with permitted heights scaled to surrounding, desired conditions. 15. Locate transportation-intensive manufacturing adjacent to existing or extendable rail infrastructure and roadways. 16. Locate ‘light manufacturing’ and research and development uses in commercial/mixed use areas.
<p><b>Integration vs. Separation of Land Uses</b></p> <ul style="list-style-type: none"> <li>The separation of these industrial uses from adjacent residential uses makes it easier for emergency responders to mitigate and evacuate a hazardous situation. On the other hand, as portions of the Industrial Corridor are developed with more intensive uses, the increase in employee densities may result in a need for child-care facilities in closer proximity to the workforce.</li> </ul>	17. Separate potential hazard-generating industrial uses from adjacent residential uses in designated locations and in flexible configurations, recognizing that the number of these types of users will decline over time. Hayward currently requires a use permit when an industrial use is located adjacent to residential. 18. Allow the replacement of business parks over time by mixed-use centers populated with a majority of employment uses. 19. Permit the inclusion of child-care facilities in employment areas that protect the health and safety of the children.
<p><b>Parking Requirements</b></p> <ul style="list-style-type: none"> <li>Parking issues arise as more intensive development occurs in the Industrial Corridor. Parking requirements for warehouse uses are obviously much less than those for more intensive uses. This situation often inhibits the conversion of warehouse space to office and research and development uses. There are several approaches that might address this problem. Higher parking ratios could be required for all new</li> </ul>	20. Minimize or eliminate minimum parking requirements. 21. Provide transit alternatives to driving and parking, and/or parking and shuttle ride lots. 22. Maximize on street parking wherever feasible. 23. Adopt a policy requiring limitations on idling for commercial vehicles, construction vehicles, buses and other similar vehicles, beyond state law, where feasible. 24. Provide an employer incentive program for a voluntary commute

<u>Excerpts from the Land Use Regulations and Development Standards</u>	<u>Recommendations</u>
<p>buildings so as to facilitate conversion at a later date. Or, perhaps an overlay district could be applied to certain areas to address parking issues, including those related to conversion of warehouses to more intensive uses. In addition, it may be desirable to explore with industrial park owners the possibility of allowing on-street employee and visitor parking (no trucks) within some of the business and industrial parks.</p>	<p>trip reduction programs, such as car-sharing and other services that reduce the need for personal motor vehicle use.</p>
<p><b>Minimum Parcel Size</b></p> <ul style="list-style-type: none"> <li>It may also be appropriate to consider increased minimum parcel sizes for certain types of industrial development. The minimum lot size in the Industrial District is currently 10,000 square feet. However, lots this small are not conducive to manufacturing or research and development operations. Perhaps the City should consider prohibiting the subdivision of industrial land into parcels of less than one acre.</li> </ul>	<p>25. Determine the appropriate lot size thresholds for industrial users that require buffering for security and public health needs. 26. Determine whether new large industrial areas are appropriate for the City, and whether these facilities can be redeveloped if and when this industry changes its requirements.</p>

### Recommendations for Chapter 3: Circulation

The City’s General Plan Circulation Element addresses the movement of people and goods through and around the City through freeways, local roads, bus and rail transit, by bicycle and as pedestrians. Bicycle facilities are addressed in more detail in the Bicycle Master Plan; Recreational trails, including bikeways and pedestrian pathways, are addressed in the Open Space Element

The following recommendations address the Circulation Element

<b>Excerpt from General Plan</b>	<b>Recommendations</b>
<p><b>Circulation Element</b></p> <ul style="list-style-type: none"> <li>State law recognizes that circulation and land use are closely related and requires that policies in the Circulation Element and Land Use Element complement and support each other. The policies and strategies should demonstrate a balance between land uses and the transportation facilities that serve them. Within the larger context of the General Plan, the circulation policies are also interwoven with economic, housing, open space, air quality, noise, and safety policies.</li> <li>Better integration of transportation and land use planning in Bay Area communities could help to reduce the use of the automobile. One obvious solution is to achieve a more balanced distribution of jobs and housing in the surrounding communities and the greater Bay Area. Although it is not always possible for people to live and work in the same community, this approach would help to reduce the amount of commute traffic traversing the City. Improved transit systems along with greater usage of transit could also help to reduce the amount of auto travel. These solutions are regional in scope and beyond the City's ability to successfully address or implement by itself.</li> <li>Regional growth projections prepared by the Association of Bay Area Governments indicate that in addition to growth in Alameda County, Silicon Valley will continue to show significant gains in employment and the Tri-Valley and Central Valley areas will continue to add substantially more housing units, all of which will continue the existing regional imbalance in the distribution of jobs and housing.</li> </ul>	<p>27. Amend the General Plan to more comprehensively integrate the Land Use and Circulation Elements, rather than just including text from each in the Elements. 28. Describe policies that will enable people to live, work, shop, and recreate within walking or bicycling distance of some of the destinations of work, shops, schools, parks, and transit stops. 29. Accelerate workshops and meetings and other venues with regional transportation partners to plan collaboratively, and determine responsibilities and authority for implementation and, if need be, enforcement of new GHG reduction requirements, as each agency or entity contains different strengths and capabilities that should be utilized. 30. Develop local government quantification protocols, improve VMT estimation tools, and develop more refined land use and transportation models that reflect the benefits of high-quality development, and use these tools for planning and to measure progress 31. Modify zoning to allow mixed use in most City areas and to allow more compact design in appropriate City areas to help reduce vehicle miles traveled (VMT). 32. Modify zoning and development standards to allow a broader range of housing opportunities and choices in appropriate City areas to increase the ability to help reduce VMT.</p>

Excerpt from General Plan	Recommendations
<b>Dealing with Traffic on Highways and Major Arteries</b>	
<ul style="list-style-type: none"> <li>• Major increases are projected in the future for in-commuting from Oakland/Hayward and Contra Costa County, as well as San Joaquin County.</li> <li>• Hayward's central location within the regional transportation network, in combination with the imbalances in the growth of jobs and households throughout the Bay Area, have contributed to the significant amount of regional or through traffic congesting area highways, primarily during the peak commute hours, and spilling over onto City arterials and into residential neighborhoods.</li> <li>• The amount of regional traffic traversing the Hayward area ... (regional through traffic that does not have an origin or destination in Hayward) contributes as much as 25%-30% of the peak hour traffic on some of the major arterials in Hayward. As a result, it is readily apparent that the City's ability to reduce local traffic congestion is inextricably linked to its success in enlisting the cooperation of surrounding jurisdictions in dealing with regional traffic.</li> </ul>	<ol style="list-style-type: none"> <li>33. Circulation policies must reflect the trends of aging population, changing demographics, rising gas prices, and longer commutes in the City's transportation, land use, and development standards, that will allow the market to respond to the demand for townhouses, condominiums, and smaller homes nearer to jobs, schools, and other activities.</li> <li>34. Create policies to direct jobs and households to brownfield and other infill sites that reduce overall travel, congestion and emissions from cars. If a small percentage of the Bay Area's jobs and households were shifted over time toward redevelopment and infill, congestion, cut-through traffic, and emissions would be significantly reduced.</li> <li>35. Encourage local employers to "hire Hayward" in order to reduce the distance for those employed in the City have to travel.</li> <li>36. Update transportation models and surveys to capture data for and accurately reflect all modes of transportation.</li> <li>37. Make reductions in vehicle-miles traveled (VMT) high-priority criteria in evaluation of policy, program and project alternatives.</li> <li>38. Implement transportation planning procedures that consider demand management solutions equally with strategies to increase capacity.</li> <li>39. Include all significant impacts (costs and benefits) in benefit-cost assessment of alternatives, including non-market or indirect impacts, such as improving mobility options or reducing air pollution and greenhouse gas emissions.</li> <li>40. Improve infrastructure and Transportation Systems Management (TSM).</li> </ol>
<b>Linking Transportation and Land Use Planning</b>	
<ul style="list-style-type: none"> <li>• Better integration of transportation and land use planning in Bay Area communities could help to reduce the use of the automobile. One obvious solution is to achieve a more balanced distribution of jobs and housing in the surrounding communities and the greater Bay Area. Although it is not always possible for people to live and work in the same community, this approach would help to reduce the amount of commute traffic traversing the City</li> </ul>	<ol style="list-style-type: none"> <li>41. Revise development standards to allow appropriate mix of land uses in most areas of the City to facilitate the proximity of commerce and housing.</li> <li>42. Where possible and appropriate, add housing, including affordable housing, in areas of Hayward best served by transit, jobs, retail options, and other services</li> <li>43. Create a Safe Routes to School Program (SR2S) combined with more progressive school siting to allow most children to walk or bike to school, or at least use public transit.</li> </ol>

Excerpt from General Plan	Recommendations
<b>Proposed Transportation Improvements</b>	
<ul style="list-style-type: none"> <li>• Transit improvements essentially reflect proposals contained in the BART Long-Range Transit Plan or envisioned in the AC Transit Central County Transit Study. Although expanded express bus service across the San Mateo Bridge has been envisioned in the past and is supported in the Countywide Transportation Plan, funding is not included in the Regional Transportation Plan and efforts by AC Transit to implement this service have been rejected by the Metropolitan Transportation Commission.</li> <li>• Issues of importance to Hayward residents focus on the inaccessibility and infrequency of bus service and the perception of inefficiencies and duplication of transbay service between BART and AC Transit. Hayward residents have also indicated a desire for transit-related improvements such as coordinated transfers/passes, posted routes and schedules at bus stops, bus shelters, and safe, convenient parking at BART stations. The City, in cooperation with AC Transit, has undertaken a major project to install bus shelters and benches throughout the City.</li> <li>• The fundamental service design problem in Hayward is that the widely spaced BART stations and freeway overpasses provide very few opportunities for continuous east-west lines.</li> </ul>	<ol style="list-style-type: none"> <li>44. Partner with BART to improve bicycle access on trains, at Hayward's two stations, and other BART stations.</li> <li>45. Consider the cost/benefits of a Hayward streetcar system that connects higher density neighborhoods and centers with BART and the City Center along transportation corridors. Because streetcars do not require dedicated ROW, their installation and operation is about 1/3 less than Light Rail Transit (LRT).</li> <li>46. Support regional efforts to implement improved bus service, including Bus Rapid Transit (BRT).</li> <li>47. Where possible and appropriate, provide incentives for attracting essential retail services in Hayward's main transit and economic corridors.</li> </ol>
<b>Walking and Biking</b>	
<ul style="list-style-type: none"> <li>• Walking (and biking) is popular as a form of recreation, exercise, and commuting for relatively short trips. Walking can be promoted as an alternative to driving if there are safe, attractive facilities. A network of pedestrian pathways between activity centers and transit facilities, as well as between residences, schools and neighborhood shopping, can encourage walking.</li> <li>• Greater use of bicycles can provide many benefits. Bicycles are a quiet, non-polluting form of transportation that does not directly consume fossil fuels or require vast amounts of land and expensive infrastructure. Bicycling can be encouraged with the provision of bikeways to major destinations and requirement of bike racks and lockers at destination points such as governmental centers or other places of employment..</li> </ul>	<ol style="list-style-type: none"> <li>48. Expand and improve bicycle and pedestrian infrastructure improvements such as adding additional bike lanes and introducing bike boulevards, and maintaining and improving sidewalks.</li> <li>49. Increase bicycle and pedestrian safety by enforcement of existing laws, and partnering with other agencies to provide continuing education for motorists, cyclists and pedestrians.</li> <li>50. Identify and improve areas with high auto/pedestrian and auto/bicycle collision rates.</li> <li>51. Partner with other agencies to promote and market cycling and walking as an attractive alternative to driving</li> <li>52. Reduce pedestrian block length by introducing mid-block crossings and reducing redeveloped or new block lengths to a maximum of 600 feet.</li> </ol>
<b>Intersection Level of Service (LOS)</b>	
<ul style="list-style-type: none"> <li>• A summary of the existing LOS conditions, including the calculated stopped delay in seconds per vehicle for PM Peak Hour conditions for all study intersections, is presented in Appendix G. Of the 27 intersections analyzed, 19 currently operate at an acceptable level of service (LOS D or better) during the PM Peak Hour. Four intersections operate at marginal conditions (LOS E), while four intersections operate at LOS F or unacceptable conditions.</li> <li>• The roadway miles of congested segments in 2005 were calculated to be about 98 miles in length. The roadway miles of congested segments in 2025 with the General Plan network were calculated to be about 92 miles in length. The roadway miles of congested segments under the Constrained Project were calculated to be about 96 miles in length.</li> </ul>	<ol style="list-style-type: none"> <li>53. Recommend an expansion of roadway and intersection performance metrics to include pedestrian, bicycle, and transit 'LOS' criteria to measure quantitative and qualitative metrics such as accessibility, intersection crossing times, and other relevant and contextual data.</li> <li>54. As transportation design, planning, funding decisions are considered; recommend using the multi-modal evaluation metrics rather than the more conventional AASHTO and ITE Manual criteria.</li> <li>55. Implement Intelligent Transportation Systems (ITS) for surveillance and traffic control, such as synchronized signals, transit and emergency signal priority, and other traffic flow management techniques, to improve traffic flow and reduce vehicle idling.</li> <li>56. Develop infrastructure improvements such as HOV/HOT lanes and dedicated bus rapid transit right-of-ways.</li> <li>57. Implement programs to reduce "incident-based" traffic congestion, such as expedited clearing of accidents from major traffic arteries, airport traffic mitigation, etc.</li> </ol>

Excerpt from General Plan	Recommendations
<b>Promoting Public Transit and Alternative Modes of Transit</b>	
<ul style="list-style-type: none"> <li>The increase in traffic congestion within Hayward and throughout the region, as well as the collective environmental costs of automobile proliferation, have intensified the need to promote alternative transportation modes.</li> </ul>	<ol style="list-style-type: none"> <li>Provide continual educational opportunities for residents, businesses, and others to help them recognize the critical connection between urban development and vehicle travel patterns, its contribution to climate change, and its essential role in combating it.</li> <li>Provide agency employees with incentives to use alternatives to single occupant auto commuting, such as parking cash-out, flexible schedules, transit incentives, bicycle facilities, ridesharing services and subsidies, and telecommuting.</li> <li>Reduce greenhouse gas emissions from municipal fleet operations by purchasing or leasing high MPG, low carbon fuel or hybrid vehicles, or by using an external car sharing program in lieu of City/county fleet.</li> <li>Work with major employers in the community to offer incentives and services to increase the use of alternatives to single-occupant auto commuting (voluntary commute trip reduction programs).</li> <li>Encourage and facilitate the development of car-sharing and related programs.</li> </ol>
<b>Transit and Density of Development</b>	
<ul style="list-style-type: none"> <li>Discretionary use of transit is primarily dependent upon frequency of service and proximity, both of which are linked to the density and design of development. More intensive development, whether denser residential development or concentrations of employment, supplies more potential riders along a route. Lower intensity development requires more route mileage to bring service close to residents and each route may have too few riders to be economically feasible.</li> </ul>	<ol style="list-style-type: none"> <li>Coordinate the scale of roadways with the scale of development and anticipated densities and uses.</li> </ol>
<b>Street Widening and Intersection Improvements</b>	
<ul style="list-style-type: none"> <li>The City has completed several major street widening projects, including West A Street and D Street. Other widening projects are contemplated for the future.</li> </ul>	<ol style="list-style-type: none"> <li>Recommend the reallocation of funding for street widening to pedestrian, bicycle, and transit improvements. Street widening will not decrease GHG emissions since they tend to induce motor vehicle use.</li> </ol>
<b>Street Design</b>	
<ul style="list-style-type: none"> <li>Principles of “smart growth” call for greater attention to the design of streets and the overall streetscape and consideration of how those aspects can contribute to the creation of more livable neighborhoods. Furthermore, the quality of street design can play a significant role in determining property values within a neighborhood and throughout the City. This section focuses on the design of the street pattern and public rights-of-way and the need for coordination with alternative modes (e.g. sidewalks, bicycle lanes) and consideration of related concerns (e.g., pedestrian safety, street trees and landscaping).</li> </ul>	<ol style="list-style-type: none"> <li>The criteria for the design of Hayward’s streets should address the convenience, safety, and attractiveness for motor vehicles, pedestrians, and bicycles.</li> <li>The design or redesign of existing streets for retrofitting should first determine the desired motor vehicle speed most appropriate for surrounding physical context, and for the integration of the desired alternative mobility modes – pedestrian, bicycles, and transit.</li> <li>Rather than add speed bumps and other retrogressive elements, recommend using street design improvements, such as visual narrowing techniques, to reduce speeding.</li> </ol>

## Recommendations for Chapter 5: Housing

The purpose of the Housing Element is to identify local housing issues within the broader regional context, determine associated housing needs, and set forth a housing strategy that will address those needs, consistent with adopted goals and policies.

The following recommendations address sections of the Housing Element:

Excerpt from General Plan	Recommendations
<b>Excerpts from Patterns and Trends</b>	
<ul style="list-style-type: none"> <li>• Developers thought of Hayward as a suburban, rather than an urban area where single family development could not be too dense; otherwise, the units might not sell. However, through the City's efforts to redevelop downtown and create transit-oriented housing, this perception is slowly changing.</li> <li>• Although the City is very supportive of mixed-use development to increase the supply of housing and highlight smart growth principles, many developers would prefer not to build these types of projects because they are much more complex to finance. Unless the project is in a high demand market, there is also the risk that the retail or office space will be or become vacant.</li> </ul>	<ol style="list-style-type: none"> <li>68. Recommend a form-based zoning code and development standards that reflect the desired uses, forms, and scale, and calibrated to the specific local context as a tool to add housing appropriate to Hayward's neighborhoods, centers, and corridors, and to the goals of the Climate Action Plan.</li> <li>69. Recommend providing builder and developer incentives, such as expedited planning approval and building permitting for applications consistent with the City's codes and the CAP.</li> <li>70. Recommend using a 'Town Architect' to review applications for consistency.</li> <li>71. Recommend holding a forum with local, regional, and national builders, lenders, planners, and other real estate professionals and community representatives to exchange needs, desires, information and values relative to proposed new form-based zoning code and development standards, and the CAP.</li> </ol>
<b>Excerpts from Land Use Controls: General Plan and Zoning Ordinance</b>	
<ul style="list-style-type: none"> <li>• The City's General Plan and Zoning Ordinance provide for a wide range of housing types and densities, ranging from one unit per net acre in the Hayward Hills to a maximum of 65 units per acre in the downtown (Parts of the South Hayward BART plan allow up to 100 units per acre). In addition, the City allows a density bonus for developments that qualify under state law.</li> </ul>	<ol style="list-style-type: none"> <li>72. Recommend that a form-based zoning code and development standards specifically target those areas designated as infill and/or redevelopment opportunities.</li> </ol>
<ul style="list-style-type: none"> <li>• The basic concept is to make more efficient use of existing developed areas so that the need to accommodate growth through unfettered expansion of developed area is minimized. The basic principles can be summarized as follows:             <ul style="list-style-type: none"> <li>• Mix land uses</li> <li>• Take advantage of compact building design</li> <li>• Create a range of housing opportunities and choices</li> <li>• Create walkable neighborhoods</li> <li>• Foster distinctive, attractive communities with a strong sense of place</li> <li>• Preserve open space, natural beauty, and critical environmental areas</li> <li>• Strengthen and direct development towards existing communities</li> <li>• Provide a variety of transportation choices</li> <li>• Make development decisions predictable, fair and cost-effective</li> <li>• Encourage community and stakeholder collaboration in development decisions</li> </ul> </li> </ul>	<ol style="list-style-type: none"> <li>73. Recommend a codification of the "basic principles" into specific, prescriptive standards to achieve the designed results:</li> <li>74. Mix land uses – Create a wider range of permitted uses in more areas of the City.</li> <li>75. Create a range of housing opportunities and choices – Provide builder/developer incentives and clear 'development rules'.</li> <li>76. Create walkable neighborhoods – See the Circulation Element.</li> <li>77. Foster distinctive, attractive communities with a strong sense of place – Create and adopt a place-based, form-based code.</li> <li>78. Preserve open space, natural beauty, and critical environmental areas – Create more incentives for infill and redevelopment.</li> <li>79. Strengthen and direct development towards existing communities - Create and adopt a place-based, form-based code to set specific rules for where and how infill and redevelopment will occur.</li> <li>80. Provide a variety of transportation choices – See the Circulation Element.</li> <li>81. Make development decisions predictable, fair and cost-effective – Create and adopt a place-based, form-based code.</li> <li>82. Encourage community and stakeholder collaboration in development decisions – Require the uses of the Charrette process for all significant development planning.</li> </ol>

Excerpt from General Plan	Recommendations
<b>Excerpts from Parking Requirements</b>	
<ul style="list-style-type: none"> <li>Hayward has reduced the parking requirements for residential developments on a case-by-case basis where development has been adjacent to transit or is a senior or special needs project. Success has been mixed. In senior and special needs projects, few problems have been noted. In market-rate rental developments, the City has gotten many complaints from the adjoining neighborhood and from tenants in the development about the proliferation of vehicles. Although many tenants take public transportation to work, each tenant has his or her own vehicle. Since rents are high, it is not unusual for three single adults to inhabit two or three bedroom unit.</li> </ul>	<ol style="list-style-type: none"> <li>Recommend lowering parking requirements to reduce the amount of impervious paving, discourage auto dependency, and encourage alternative mobility modes – while reducing housing cost.</li> <li>However, reduced parking requirements require counterbalancing increases in convenient, safe, and accessible transit within a ¼ mile, and zoning and development standards that allow and encourage a comprehensive mix of uses as incentives to walk and bike to destinations.</li> <li>Primarily residential areas with live-work (primary residence and allowed limited business) and/or work-live (primary business and allowed residence) will require specific parking strategies.</li> </ol>
<b>Expand The Housing Supply</b>	
<ul style="list-style-type: none"> <li>Maintain an adequate supply of land designated and zoned for residential use at appropriate densities to meet housing needs, consistent with the objective of maintaining a balance of land uses.</li> <li>Encourage mix of shopping, employment and residential use in areas that are to be more intensely developed.</li> <li>Promote development of infill housing units within existing residential neighborhoods in a variety of housing types.</li> <li>Encourage high-density residential development along major arterials and near major activity or transit centers.</li> <li>Encourage developers to create housing units that accommodate varied household sizes and income levels.</li> </ul>	<ol style="list-style-type: none"> <li>Recommend that promotion include adopted land use and development standards that require – as opposed to merely encouraging – transit, bike, and pedestrian-oriented development – in appropriate centers and corridors.</li> <li>Recommend permitting horizontal and vertical mix of uses in all appropriate locations, especially centers and corridors, including allow live-work and work-live units.</li> <li>Recommend the drafting and adoption of a form-based code calibrated to the context of each City area, to provide infill building standards consistent with community values.</li> <li>Recommend the drafting and adoption of a form-based code calibrated to the context of each City area, to provide compatible 'high-density residential development'.</li> <li>Recommend the drafting and adoption of a form-based code that include flexible building types that are intergenerational, and provide a greater range of housing choices.</li> </ol>
<b>Conserve the Housing Stock</b>	
<ul style="list-style-type: none"> <li>Maintain and upgrade the housing stock by encouraging the rehabilitation, maintenance and upkeep of residential properties.</li> </ul>	<ol style="list-style-type: none"> <li>Recommend City programs to provide incentives for sustainable building redevelopment.</li> <li>Provide incentives such as flexibility in owner-builder options.</li> </ol>

**Additional Recommendations for Consideration: Land Value Taxes**

The following describes one strategy for helping accomplish the goals of the Housing Element and the CAP. To accomplish some of these changes, Hayward may need to work with the County Assessor and possibly change state laws. Most property taxes base themselves on the highest and best use for the underlying land; and, whatever improvements are on the land. This causes two distinct problems as it relates to building:

First, it permits owners of land in downtown areas to remain undeveloped, such as parking lots, or under developed, such as one story buildings. Substituting a land value tax that primarily taxes the land, not the improvements (i.e., the buildings) will provide incentives to develop the land consistent with the City’s land and development standards, since the economic value will naturally flow to those who are willing to develop the land.

Second, business and home owners pay a disproportionately large percentage of total property taxes (land + improvements) yet enjoy the same locational advantages as speculators, investors, and other non-users, all of whom pay far less. So, a shift to land taxation would lower individual home owners and business owners property tax bill, providing more “fairness” to the system.

Third, property taxes are far less “green” than land taxes. Firstly because they discourage building reuse but also because they lack the density incentives inherent in a land tax.

Fourth, a property tax provides an incentive for owners of land on the edge of Hayward to sell to developers who can build subdivisions on the underlying land, as long as the agricultural value of land is a fraction of what someone might sell it if it were developed as a residential lot. Thus, demand alone does not turn this property into conventional subdivisions; the property taxes provide an incentive for the rancher or farmer to turn the property into a subdivision.

Generally, in a land value tax, Hayward would provide a high improvements tax where open space preservation is wanted and a high land tax where more intense development is desired.

Land value tax references:

Mark Alan Hughes, Why So Little Georgism in America: Using the Pennsylvania Case Studies to Explain the Slow, Uneven Progress of Land Value Taxation.

<http://www.lincolnst.edu/pubs/PubDetail.aspx?pubid=1275>

Spencer Banzhaf, How Smart is the Split-Rate Property Tax.

<http://www.lincolnst.edu/pubs/PubDetail.aspx?pubid=1372>

Richard England, Current Use Property Assessment and Land Development:

<http://www.lincolnst.edu/pubs/PubDetail.aspx?pubid=669>

A web-based course on Two-Rate Taxation of Land and Buildings:

<http://www.lincolnst.edu/education/leo.asp>

## Recommendations for Chapter 6: Community Facilities and Amenities

The Chapter provides a background for discussion of the community facilities and amenities, both existing and desired, in the Hayward area. Community facilities include public schools, libraries, and parks, as well as community and cultural centers. Amenities include historic resources and the surrounding open space that provides the visual setting for the City.

The following recommendations address the Community Facilities and Amenities Element:

Excerpt from General Plan	Recommendations
<p><b>Schools</b></p> <ul style="list-style-type: none"> <li>The increase in student enrollment, in conjunction with the state-mandated reduction in classroom size for the lower grades, has greatly exacerbated the overcrowding of existing school facilities and sites. In addition, all of the District’s schools are more than 40 years old. They lack many of the facilities required for a quality education, such as modern libraries, comprehensive computer capabilities, and science and math labs.</li> </ul>	<p>93. Review latest Facilities Study to determine the potential for addressing sustainability issues at the macro scale (e.g., siting relative to walkability, proximity to student services, etc.).</p> <p>94. Create a Safe Routes to School Program (SR2S) combined with more progressive school siting to allow most children to walk or bike to school, or at least use public transit.</p>
<p><b>Facilities</b></p> <ul style="list-style-type: none"> <li>The continued use of relocatables can have significant impacts on individual sites... Construction of new permanent buildings would address these concerns and also create a better learning environment and improve the overall aesthetic appearance of the site.</li> </ul>	<p>95. Consider designing and building durable, flexible-use, multiple-story buildings that can accommodate a diversity of educational venues, and adapt to business and other uses over time without replacement, and conserve building energy more effectively.</p>
<p><b>Consideration of Surplus Sites</b></p> <ul style="list-style-type: none"> <li>The District is currently evaluating the possibility of reopening school facilities on various sites now used for other purposes.</li> </ul>	<p>96. Revisit the siting and reuse criteria to determine: a) the types of buildings should serve as the most innovative, adaptable, and energy-efficient facilities in the long term; b) the sites should provide adequate connectivity to the neighborhoods they serve and daily needs required by the users, and greatly reduce the need for motor vehicle transportation and parking; c) the sites should serve as community models of adaptive, sustainable reuse economically, environmentally, and socially.</p>
<p><b>Schools as Community Centers</b></p> <p>At the same time the District is focusing on efforts to accommodate the need for additional classroom facilities, desires have been expressed by various segments of the community to have the schools enhance their function as community centers.</p>	<p>97. Minimize or eliminate minimum parking requirements.</p> <p>98. Provide transit alternatives to driving and parking, and/or parking and shuttle ride lots.</p> <p>99. Maximize on street parking wherever feasible.</p> <p>100. Revise zoning and development standards to permit the building and rebuilding of facilities for an appropriate diversity of uses.</p>
<p><b>Park Sizes and Uses</b></p> <p>It may be desirable to consider more, smaller parks to adequately serve existing neighborhoods as well as new infill housing developments.</p>	<p>101. Revise park and open space standards and uses to allow both private and public gardens</p> <p>102. Revise park and open space standards to allow a range of sizes, including ‘pocket parks’ and other lot scale facilities within a two minute walk of most neighborhood homes.</p>
<p><b>Historic Preservation</b></p> <ul style="list-style-type: none"> <li>Historic preservation can play an important role in enhancing the character of the community. Some buildings have been officially recognized as architecturally and/or historically significant structures.</li> </ul>	<p>103. Well-built, traditional buildings represent a timeless model of efficient, adaptable, and carbon-conserving structures that should be protected for their economic and environmental value, beyond their architectural significance.</p>

## Recommendations for Chapter 7: Conservation and Environmental Protection

This Chapter focuses on the conservation of natural resources and protection from environmental Hazards, including preservation of open space, protection of mineral resources, biological resources, and hydrology and water quality, and environmental protection including geological and seismic hazards, flood hazards, hazardous materials, air quality, and noise mitigation.

The following recommendations address the Conservation and Environmental Protection Element:

Excerpt from General Plan	Recommendations
<b>Open Space Preservation</b>	
<ul style="list-style-type: none"> <li>There is a need to protect surrounding regional open space and maintaining open space corridors within the urbanized area.</li> </ul>	104.Recommend considerations for open space allocations for community food production.
<b>Air Quality</b>	
<ul style="list-style-type: none"> <li>The climate of Hayward is affected by its proximity to San Francisco Bay. Winds are predominantly out of the northwest during the summer months. As a result, Hayward has a relatively high potential for poor air quality during the summer and fall. When high pressure dominates, low mixing depths and bay and ocean wind patterns can concentrate and carry pollutants from other cities to Hayward, adding to the locally emitted pollutant mix.</li> <li>There are currently no federal, state or local air quality-related constraints on cities in the Bay Area. Although the Bay Area is a federal non-attainment area for ozone, there are no plans to impose the federal sanctions provided for in the federal Clean Air Act. The BAAQMD has, however, developed guidelines and thresholds of significance for local plans that will affect the CEQA documentation for the Hayward General Plan Update.</li> <li>Guide development into patterns that reduce dependency on automobile usage.</li> <li>Require pedestrian-, bicycle-, and transit-oriented features in new development projects.</li> <li>Encourage compact development featuring a mix of uses that locates residences near jobs and services.</li> <li>Facilitate the development of higher-density housing and employment centers</li> <li>Encourage employers and developers to provide bicycle access and facilities.</li> <li>Incorporate subdivision, zoning and site design measures that reduce the number and length of single-occupant automobile trips.</li> <li>Consider traffic calming strategies in capital improvement programs.</li> </ul>	<p>105.Recommend accelerated climate action coordination between Hayward and the surrounding jurisdictions to reduce regional emissions.</p> <p>106.Recommend a special and continued focus on reducing both point source and tail pipe emissions in Hayward.</p> <p>107.Incorporate and adopt sustainable development patterns into Hayward’s zoning maps and development standards.</p> <p>108.Draft and adopt development standards that require effective actions to enable robust pedestrian, bicycle, and transit mobility.</p> <p>109.Draft and adopt sustainable development patterns into Hayward’s zoning maps and development standards, and development standards that allow a range of uses as of right</p> <p>110.Recommend the drafting and adoption of a form-based code calibrated to the context of each City area, to provide compatible ‘high-density residential development’.</p> <p>111.Require conformance similar to the LEED credits for facility bicycle access and facilities.</p> <p>112.Draft and adopt development standards that allow a range of uses as of right, compact development, and multi-modal connectivity.</p> <p>113.Draft and adopt street design standards that calm or slow motor vehicles through the design of the street section rather than retrofitting the street after construction. Refer to the draft CNU/ITE Street Design Manual.</p> <p>114.Recommend advocacy for revision to CEQA to provide consistency with and relevance to the current and evolving state ‘sustainable’ policies and standards.</p>

## Chapter 8: Public Utilities and Service

This Chapter focuses on fire protection and emergency response, water supply and distribution, wastewater collection and treatment, solid waste management, telecommunications facilities, and energy conservation. The recommendations below address the energy conservation section of Chapter 8.

The following recommendations address the Public Utilities and Service Element:

Excerpt from General Plan	Recommendations
<b>Excerpts from the Energy Conservation Regulations and Development Standards</b>	
<ul style="list-style-type: none"> <li>• Energy Conservation: The City may elect to go beyond outreach or provision of incentives in promoting energy conservation by adopting a variety of energy related ordinances.</li> </ul>	<p>115. Consider phasing in those sections of the new California Building Standards Commission adopted on July 17, 2008 in anticipation of its required implementation. The code will require improved energy efficiency and reduced water consumption in all new buildings.</p>
<b>Excerpts from Public Utilities And Services Policies And Strategies</b>	
<ul style="list-style-type: none"> <li>• Promote development patterns that are integrated with existing transit systems and encourage transit, bike and pedestrian circulation.</li> <li>• Encourage mix of shopping, employment and residential use in areas that are to be more intensely developed.</li> <li>• Develop an ordinance that encourages solar orientation in the site planning for new construction, protects solar access from future adjacent development, and promotes the use of solar systems where cost effective.</li> <li>• Seek to expand programs that capture energy from waste treatment.</li> </ul>	<p>116. Recommend that promotion include adopted land use and development standards that require – as opposed to merely encouraging – transit, bike, and pedestrian-oriented development – in appropriate centers and corridors.</p> <p>117. Recommend permitting horizontal and vertical mix of uses in all appropriate locations, including live-work (primary residence, and allowed limited business) and work-live (primary business and allowed residence).</p> <p>118. Recommend designing the ordinance accommodative of the specific physical context to maximize the potential of solar benefits while reducing the potential for adverse consequences (reducing a block’s desired urban form and housing densities by reconfiguring the home sites for individual solar access).</p> <p>119. Evaluate carefully the costs and benefits of waste-to-energy against significantly reducing and recycling solid waste.</p>

## Appendix J: Public Comments on the Draft Climate Action Plan

### Comment #1

Let's take *creative* and *bold leadership* and make our Climate Action Plan one that other cities will want to emulate ... let's raise the bar to the limit, and then strive to reach what some may believe are "the unreachable." Like Sonoma County's [ClimateProtectionCampaign](#), let's aim to reduce CO2 lower and faster than AB 32. AB 32 is good, but not good enough.

As you probably know, Dr. James E. Hansen (Director of NASA Goddard Institute of Space Studies) and Dr. Rajendra K. Pachauri (Chairman of the IPCC), and many others have expressed the need to take all means necessary to begin reducing CO2 emissions globally by 2012 and to continue reducing them at an aggressive rate thereafter if we are to have a chance at averting catastrophic climate change. They are unanimous in their assessment that we need to bring the atmospheric concentration of CO2 back to 350 ppm.

In Sweden -- an early champion of bold climate policy -- the person deemed most influential on the Swedish climate agenda (with the prime minister in third place and the environmental minister in fourth place) is Dr. Christian Azar, an IPCC scientist who has argued for over ten years that having a fair chance of staying within the temperature target set by the European Union requires a 350 ppm target.

I have a good friend who works for Dr. Azar. She showed me some of his graphs from 1997(!). It's painful to look at them and see that it was already so clear where we needed to aim a decade ago. And to know that we've wasted so much time.

With immediate action, the CO2 concentration will increase from the present 387 ppm up through 400 and possibly as high as 450 at the end of this century and into the next, but by mid-next century, CO2 will eventually return to 350 ppm. There will be significant impacts on human populations and our civilization. Scientist and military organizations have warned us of some of the possibilities that are in store for future generations.

Keep in mind that ice began to form on the planet 50 million years ago as the CO2 concentration declined below 425 (+/-75) ppm. Imagine an ice-free planet as we allow CO2 to increase and remain above 425 (+/-75) ppm. Please refer to **Target Atmospheric CO2: Where Should Humanity Aim?** (attached).

### Comment #2

AB 32 reduction targets are aligned with the IPCC target range of 450 ppm to 550 ppm.

I was fortunate to meet Dr. Hansen in April and Dr. Pachauri in July. They both expressed their concern that 350 ppm is what current science indicates is necessary. Dr. Pachauri specifically stated that California's AB 32 target CO2 emission reduction targets are to be applauded, but insufficient to return to 350 ppm and a reasonable probability avert catastrophic climate change.

The 2050 CO2 emissions reduction target 80% below 1990 levels is insufficient. Lester Brown's target of an 80% reduction by 2020 intends to keep CO2 below 400 ppm. Hayward should take Lester Brown's assessment under consideration and aim lower than AB 32.

We have a choice. Let's be *bold*. Let's be *creative*. Let's be *regional and national leaders*.

For the earth,  
for humanity,

Doug Grandt

## **Part 1 of 3**

Erik,

Last week after the joint work session of the City Council and Planning Commission, I promised to send you my thoughts in writing.

Since that time I have not had time to write, or to reread the Executive Summary or to even glance at the full report.

The past several days have been very full for me with a new harbor craft regulatory deadline; a major climate change presentation to residents of Lafayette, Moraga, Orinda, Walnut Creek, Alamo and Palo Alto; Measure A precinct captain training; and finally completing my tax returns -- I have not had an opportunity to put pen to paper.

This endeavor of reviewing and critiquing the Draft CAP is too important to try and develop a cohesive thought in one sitting, so I will try to lay out my thoughts in a series of short bursts. At some point, these chapters could conceivably be stitched together.

Bottom line: Last week at the joint working session of the City Council and the Planning Commissions, I attempted to address "two meaty topics" to use the Mayor's words in a short three-minute public comment. Judging from the responses around the table, I missed the mark. I just cannot speak in sound bites ...

My objective at the joint working session was five-fold:

1. To express my joy that the City has come to the pinnacle of activity in adopting AB 811 and publishing the CAP.
2. To express my total support of the report on AB 811 adoption, and to encourage its implementation in Hayward.
3. To clarify that staff's report on implementation of AB 811 and the Draft CAP refer to "solar" with apparent implication of "solar photovoltaic"
4. To demonstrate that we are conditioned to think of "solar PV" when the sole term "solar" is used. (Members of the City Council and the Planning Commission voiced "solar energy", "solar panels", "solar electric", "solar generation" and "solar plexus", but none voiced "solar thermal".
5. To ask that all references to "solar" in all documents make reference specifically to "solar photovoltaic", "solar thermal water heating", "solar thermal space heating" and "solar thermal space cooling" with the express purpose of educating all who read the documents, and ultimately to create awareness that solar thermal applications actually produce greater financial returns on investment and are economically available at this time. There is no need to delay installing such systems.

My message that the Draft CAP is insufficient and unacceptable was lost in my praise of its mere existence. I stated that the gap between the planned CO2 reductions and the targets set by AB 32 must be closed. To leave the gap open and subject to reliance on state and federal legislation is unacceptable when there are viable options to close the gap if one were to use a bit of imagination. One strategy to help close the gap is to target weaning ourselves off of coal, off of oil and off of natural gas. I stated that very clearly, but people seem to have only heard my approval of the report on AB 811.

Since I am unable to speak in sound bites in a three minute window, I will take this opportunity to develop my rationale for insisting that the draft CAP not be accepted as is, and I will make specific suggestion to make it sufficiently aggressive to warrant adoption.

Next: Part 2 will establish the urgency for aggressive action.

## **Part 2 of 3**

Erik,

Imagine, in the beginning -- some four billion years ago -- the atmosphere was essentially anaerobic, poisonous to life and diversity as we know it. Concentrations of carbon dioxide were two orders of magnitude (100x) greater than the CO<sub>2</sub> levels during the past several million years. Oxygen began to increase, spike and fluctuate dramatically about 2 billion years ago.

There was no ice on the planet during the first 4.5 (+/-) billion years of Earth's existence. Temperatures were sufficiently high so as to prohibit the formation of ice. Anywhere. Sea level was several hundred feet higher than today. It was a world we would not recognize, and difficult to imagine.

Carbon dioxide did not begin to decline significantly until about 50 million years ago when Azolla blooms in the fresh surface water of the extremely layered seas absorbed and sequestered CO<sub>2</sub> through photosynthesis during a "brief" 800,000 period. As the concentration of CO<sub>2</sub> declined through about 425 ppm, temperatures declined and made the planet more suitable to support life.

And ice began to form for the first time. At about 425 ppm ... remember that ... ICE < 425 ppm.

More and more CO<sub>2</sub> was sequestered through photosynthesis and the temperature continued to decline with less greenhouse effect and more albedo. Various forms of life have come and gone during the past 50 million years. The concentration of CO<sub>2</sub> during the past million years has stabilized in the range below 280 ppm. Ice has been present in amounts that fluctuate with the periodic hundred-thousand year Milankovich cycles, ebbing and flowing, but ever present.

With the industrial revolution and discovery of convenient and energy intense fossil fuels (coal, oil and natural gas) we have driven the concentration of CO<sub>2</sub> from 280 ppm up to the current level of 387 ppm. Scientists who contributed to the U.N. International Panel on Climate Change 4th Assessment Report last year conclude that there is a high likelihood that business as usual scenarios will result in atmospheric CO<sub>2</sub> concentration heading up to 400 ppm and beyond -- probably as high as 100 ppm depending upon how well we respond and mitigate CO<sub>2</sub> emissions.

Imagine what will happen as the CO<sub>2</sub> concentration returns to levels exceeding 425 ppm. Thereabouts, Earth will return to an ice-free state.

The rapid and unexpected acceleration of the Arctic ice cap melting fosters serious concern because the scientific models did not predict it -- this canary in the coal mine is dying a premature death -- premature by several decades. The implications of long-ignored global warming is now "in our face" instead of looming just beyond the horizon.

Dr. James E. Hansen (Director of NASA Goddard Institute of Space Studies), Dr. Rajendra K. Pachauri (Chairman of the IPCC), Dr. Christian Azar (IPCC scientist and author who has been deemed the person most influential on climate policy in Sweden, one country that is a roll model for climate policy) and many others have expressed the need to take all means necessary to begin reducing CO<sub>2</sub> emissions globally by 2012 and to continue reducing them at an aggressive rate thereafter if we are to have a chance at averting

catastrophic climate change. They are unanimous in their assessment that we need to bring the atmospheric concentration of CO2 back to 350 ppm. With immediate action, the concentration will increase from the present 387 ppm up through 400 and possibly as high as 450 at the end of this century and into the next, but by mid-next century, CO2 will eventually return to 350 ppm. There will be significant impacts on human populations and our civilization. Scientist and military organizations have warned us of some of the possibilities that are in store for future generations.

I met Dr. Pachauri as well as Dr. Hansen during June and July. They expressed their concerns to me as individuals. Dr. Pachauri stated at his lecture to the Air Resources Board where I am employed that California's target CO2 reductions through 2050 are to be applauded, but they are not sufficient. He stated that we actually need to be more aggressive in reducing CO2 emissions.

Targeted 80% reduction of CO2 emissions below 1990 levels is insufficient. Some say we need to target 90% to 94%. Some say we need to actually must sequester more CO2 than we emit by 2050 if we are to avert catastrophic climate change.

AB 32 is not aggressive enough, so say the leading climate scientists of the world.

Hayward's CAP which strives to mirror AB 32 is, therefore, not aggressive enough.

As written, Hayward's plan admittedly falls far short of AB 32 targets for 2050.

The Draft CAP should be rejected in its current state. We must produce a CAP that is a model for other cities in California, in the nation, and around the world. Now is the time to address the issues and not to procrastinate.

Hayward has the opportunity to join and even surpass other cities that are taking bold, creative steps -- we know who those cities are. Berkeley took a bold, creative step with its BerkeleyFIRST initiative. Palm Desert took a bold, creative step by enlisting Assembly Member Lloyd Levine to advance AB 811 through to Governor Arnold Schwarzenegger's signature July 21, 2008.

There are a multitude of other cities and towns including Santa Monica, Santa Rosa, Rohnert Park and Sebastopol to name just a few.

### ***Bold and creative ...***

The CAP is neither as presently drafted. If it is adopted as presented, we will have missed a significant opportunity and we will have done our part in helping assure catastrophic climate change and all its implications for our offspring and their offspring and their offspring ... and their ... and theirs.

Next: Part 3 will address the gap between target CO2 emission reductions and the current plan.

## **Part 3 of 3**

Erik,

The CAP makes the following statement in the **Meeting the 2020 target** section of the Executive Summary:

Given the estimated quantity of emissions reductions possible if Hayward achieves all program goals and implements programs according to the suggested timeline (154,600 MMTCO2e/year), the City will likely meet its target 2020 if the BAU emissions are closer to Scenario 2 projections.

***However, without improvement to fuel economy or increases in renewable electricity generation, Hayward will not meet its 2020 target. This is a clear indication that state and federal programs will greatly impact Hayward's local emissions. If the state and federal programs are not successful, Hayward will not meet its emission target.***

The following statement appears in the **Meeting the 2050 target** section of the Executive Summary:

This analysis indicates that ***the proposed CAP actions will not reduce emissions enough to meet the long-term emissions reduction target, even if recently established state and federal fuel economy and renewables goals are achieved.*** The City can do several things to help ensure long-term targets are met:

1. Make long-term CAP program goals more aggressive. It is technically possible for Hayward to meet its 2050 target by setting very aggressive program goals. To meet the 2050 goal, Hayward will have to eliminate all energy-related emissions (provide all electricity from renewable sources), eliminate all methane emissions from waste decomposition, and reduce fuel consumption to 70 percent below BAU levels. ***Though technically feasible, it will be extremely difficult for Hayward to achieve these goals without state, regional and federal cooperation.***
2. Work with state and federal agencies to ***encourage even more aggressive climate policies.*** Scenario 2 assumptions are aligned with legislation that has already exists [sic] (CAFE Standards and RPS goals). Scenario 2 does assume a slight increase in both fuel economy and percent renewable energy generation by 2050, but these assumptions are quite conservative relative to what could be required by 2050. ***More aggressive state and federal policies will bring the projected emissions down, and in doing so will bring Hayward closer to its 2050 goal.***
3. Hayward should re-evaluate the CAP regularly to incorporate new technologies and new ideas that are not include in this iteration of the plan. In the future there may be more effective ways to sequester carbon, or more advanced technologies that Hayward would benefit from adopting. Technology improvements that may help Hayward meet the 2050 target include ***vehicles with higher fuel economy, solar panels that can create more electricity per square foot and more cost-effective, and energy-efficient appliances. ...***

This is not a plan. This is an assessment of some set of assumptions that preclude achieving the target. A plan should explore alternatives that will achieve the target, as well as the ramifications of adopting measures that achieve the target.

What is missing from the assumptions that restricts our ability to achieve the desired -- and mandated -- target?

Conversely, what alternative measures are available to us that will achieve the target? Put them into the plan.

For one thing, if we were to completely -- or nearly -- eliminate reliance on natural gas by promoting solar photovoltaic, solar thermal water heating, solar thermal space heating, solar thermal space cooling and energy efficiency measures in residences and commercial buildings, that would go a long way toward an 80%, 90% or 94% reduction. We can begin to make that happen using the CityFIRST program established by Berkeley and AB 811. We need to prioritize Action 5.1 (priority 1), Action 5.3 (priority 2), Action 3.6 (priority 3), Action 3.7 (priority 4), Action 3.8 (priority 5), and Action 5.3 (priority 7) with start dates on each set with the highest urgency.

Simultaneously, we can make electricity from the grid carbon-free by promoting wind, solar photovoltaic, concentrated solar thermal, tidal and other emerging technologies and facilities in which entrepreneurs are now investing billions of venture capital right here in California. We need to prioritize implementation of a Community Choice Aggregation (CCA) program similar to others that are being developed now in several

cities and counties around the state. Where is this in the CAP? It appears that it might be Action 5.4. Let's set it at the highest priority with an immediate start date for investigative work. CCA should not be relegated to "later."

As Thomas Friedman stated December 16, 2007 in The New York Times: ***"It's Too Late for Later."***

A paradigm shift is needed in our way of thinking. By relying on federal fuel economy standards or appliance efficiency standards to incrementally improve efficiency by single digit percentage points while continuing to use the same old fossil fuel combustion technology, we will never achieve the target of 80% reduction in CO2 emissions -- let alone 90% - 94% that has been suggested by the leaders in science.

The solution is to eliminate carbon-based fuels and replace them with carbon-free fuels -- the solution is to leave the remaining carbon-based fuels in the ground -- or use them as building materials. To transition to that new paradigm will take time. Time is the limited resource here -- we have only 3 to 4 years to begin begin significant CO2 reductions.

We need to start immediately with technology that is available now. To wait for new improved technology will be a never ending waiting game. As with computer technology, we initially pay more, but the price comes down and we replace or supplement older less efficient machines with the latest greatest fastest processors.

We need to start with what is available now. There will be a return on the investment.

Hayward can take the ***bold and creative*** step of announcing -- like San Francisco recently did -- that it will install electrical outlets in its parking garages to charge electric and plug-in hybrids.. The task can be accomplished incrementally over time. By taking the initiative to install the "seed" of infrastructure and promote electrical automobiles, the reality will come to fruition sooner than later.

Although we cannot necessarily influence federal legislation, or even State programs, we can influence and accommodate our own residents who are more apt to rally in support of innovation than other parts of the state and other parts of the nation. State and federal legislators are less flexible and have more restrictions than do our mayors and city councils.

We cannot wait for federal or state programs. Hayward, like other cities around the state and around the nation, must take the lead with bold and creative local action.

The CAP is incomplete if it does not address innovative options to close the gap between perceived limitations and the required target.

The CAP cannot leave anything to chance.

Hayward must take control of its own destiny.

Next: Part 4 will address specific CAP language and priorities.

## Comment #3

March 30.2009

Erik J. Pearson, AICP  
Senior Planner  
Department of Community and Economic Development  
City of Hayward  
777 B Street, Hayward, CA 94541

Dear Erik,

Re: Draft Climate Action Plan

First let me compliment the City of Hayward for taking this forward looking approach to a very much needed effort. It is critically important for all of us to understand and take action on our own and as a collective entity to deal with the impacts of global warming.

The costs of improving energy efficiencies to existing businesses and private residences seem to me to be both needed and daunting. Much of Hayward's housing was built long before many of us were aware of global warming. The construction of the housing and the appliances they contain could be costly for residents to modify. Both education and in some cases financial assistance would be needed. The plan does outline several potential strategies for achieving energy conservation that would reduce the carbon footprint and I would encourage the city to pursue any and all that might be available to achieve the desired outcome.

Reducing the carbon footprint on new building seems more manageable especially since the city does have a green building ordinance. The non-energy benefits described on pages 63-64 would apply to all buildings I think and might be a useful tool when conducting education outreach to various neighborhood groups.

The emphasis on solar capacity as a source of renewable energy is a very workable strategy for many commercial and residential buildings. The City of Berkeley's program for dealing with costs of installing solar panels seems to be a very useful model to follow as tailored to the needs of Hayward residents.

Is there a site that would be available within Alameda County to establish a county-wide composting facility? This would reduce the transportation cost and reduce greenhouse gases at the same time.

And finally, in the final paragraph page 82 of the draft sums up the intent of this plan very well. I would suggest that it might be possible to get a neighborhood or two to commit to implementing as much of the plan as possible to encourage other neighborhoods to follow suit. When Hayward does make significant progress on this ambitious project it will give us all something to crow about and make citizens proud to say that they live in Hayward. Thank you for looking forward to our future as an energy efficient community reducing our carbon footprint on our world.

Yours truly,  
Evelyn M. Cormier  
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Hayward, CA 94544  
[evcormier@sbcglobal.net](mailto:evcormier@sbcglobal.net)

## Comment #4

Author : Stopwaste.org (Heather Larson) (IP: 75.144.31.228 , 75-144-31-228-sfba.ca.comcastbusiness.net)

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URL :

Whois : <http://ws.arin.net/cgi-bin/whois.pl?queryinput=75.144.31.228>

Comment:

Hi City of Hayward-

Please find below Stopwaste.org's comments on Hayward's Climate Action Plan. In general, it looks great!

1) Recommend adding the following introduction to page 97-98 (the funding section).

“The City Hayward can leverage its locally available funding by participating in the countywide project to green existing buildings. This will increase the likelihood of receiving competitive funding from federal, state and regional programs. In addition, the City will benefit from economies of scale in program administration, bulk purchasing, and consumer outreach.”

2) Recommend modifying this paragraph on page 61:

“When the Ordinance takes effect, developers of new residential and commercial buildings will be required to submit documentation verifying that the building has been rated by the GreenPoints Rating 47 system, or a similar rating system like LEED.<sup>48</sup> The City will not grant a Certificate of Occupancy without the required documentation.”

To something like:

“By adopting a Private Development Green Building Ordinance, Hayward joined a number of Bay Area Cities, including Berkeley and San Francisco, that have adopted ordinances that require developers to follow industry-accepted green building standards when designing and building new buildings.<sup>46</sup> When the Ordinance takes effect, new residential buildings will be required to be Green Point Rated<sup>47</sup>(or equivalent third party verified program) and commercial buildings will be required to meet LEED standards (or equivalent third party verified program).<sup>48</sup> The City will not grant a Certificate of Occupancy without the required documentation from the respective program. While equivalent third party verified rating systems will be accepted for residential new construction, Build It Green's GreenPoint Rated system is referenced in the City's ordinance because; it is a California specific program and requires projects to meet or exceed all current State Codes. It is the program most commonly adopted by Bay Area local governments therefore developers benefit from regional consistency. In addition, GreenPoint Rated has been endorsed by the California Building Industry Association and the Home Builders Association of Northern California. The estimated greenhouse gas emission reductions of GreenPoint Rated projects will be calculated in Build It Green's Climate Calculator and can inform the City of Hayward climate action planning.”

3) There is an error on page 61 (PDF page 87); footnote “GreenPoints Rating system,” when it should say “Build It Green's GreenPoint Rated program” to be more clear.

4) Suggest that on Page 65 change “Build It Green: [www.builditgreen.org](http://www.builditgreen.org)” to “GreenPoint Rated Program: [www.builditgreen.org](http://www.builditgreen.org)”

5) Suggest that on Page 65 in place of the Boulder Program (used to be prominent program, now is one of many examples), include a more comprehensive list of sample Local Government Green Building

Ordinances, such as the Attorney General's Local Government Green Building Ordinances in California:  
[http://ag.ca.gov/globalwarming/pdf/green\\_building.pdf](http://ag.ca.gov/globalwarming/pdf/green_building.pdf)

6) Page 65 also says:

“Additional GHG emissions reductions: Green building program results in solid waste reductions, but reductions in waste-related emissions were not calculated for the Climate Action Plan. Green buildings can also earn credit for innovative means of encouraging alternative modes of transportation (i.e. credit for secure bike parking), but CAP does not account for emissions savings from transportation.” Suggest adding something like: “Some of these savings will however be captured through residential green building and the GreenPoint Rated Climate Calculator which estimate these types of emissions reductions.”

Regards,  
Heather

Heather Larson  
Program Manager

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[www.StopWaste.Org](http://www.StopWaste.Org)

## Comment #5

Erik, let me offer some comments on the Draft Hayward Climate action Plan from my perspective as a transit planner.

First off, the plan is commendably clear about the central role transportation plays in greenhouse gas emissions. It is also important that the plan highlights the need to both reduce vehicle miles traveled and to reduce the carbon intensity of each mile. While many believe that reducing automotive carbon emissions is the sole answer, increases in vehicle miles traveled can erode or eliminate those gains.

The evaluation of specific potential emission reductions from various actions is interesting, but somewhat confusing. I believe there is additional potential to shift travel modes from cars to transit, walking, and bicycling.

Appendix C of the Plan provides detailed analyses of the assumptions used to derive estimates of greenhouse gas reductions. This section is based on an estimated growth of “commuters” from approximately 107,000 to 119,000 by 2017. It’s unclear to me where this number comes from. The 2000 Census indicates that there were some 62,000 employed residents of Hayward. This number is likely to have risen to some extent, but not by 40%. Does the 107,000 figure represent two trips per commuter, one to work and one home? I’d also note that the definition of commuter states that it is a traveler entering or leaving Hayward, but approximately ¼ of employed Hayward residents work in Hayward.

Strategies 1.1-1.6 are intended to reduce single occupant vehicle commute trips and/or vehicle miles traveled. But the target effect of the strategy is listed only as a reduction in SOV travel by *new* commuters. While a reduction in the SOV share of new commuters is desirable, shifts in modes by existing travelers are also important. In addition, if transit service were improved such that new commuters had a different mode split, that transit service would be attractive to some existing commuters as well.

Such mode shifts would be more likely to occur if new transit service were coupled with new charges on driving and/or parking. Some of these charges might be instituted at the regional or county level, some in “destination” cities with large numbers of jobs. The Plan rules out disincentives as distasteful to drivers. Yet it seems increasingly likely that some carbon-related fees will be charged in coming years, with the major questions being which entities will charge them and how will they use the revenue. Charges can be highly effective—the high cost of parking in Downtown San Francisco helps dissuade commuters from driving there.

Implementation of a parking cash out program—not mentioned in the Plan—could help encourage use of transit and non-automotive modes. Under such a program, employers that provide free parking to employees would charge for the parking, and pay their employees the cost of the parking. The employee could use the money to pay for parking, or to pay for transit (or a bicycle). This would “level the playing field” so that all travel choices were supported, whereas today only driving to these workplaces is subsidized.

It is of course a very challenging time to be considering transit expansions, when transit funding has been cut so drastically. In the immediate term, there is likely to be less transit rather than more. In the medium-term, such as represented by Phase I of this Plan, the Bay Area will simply have to find fiscal mechanisms to adequately support transit. Hayward should consider how it can provide local contributions—such as development fees or entities buying transit passes in bulk—to this effort.

The Plan should also be bolder about estimating greenhouse gas reductions due to smart growth development. On p.120, the Plan states (with regard to Strategy 1.9) that “GHG savings from these actions are not calculated or evaluated due to lack of sufficient data.” However, there has been substantial research on precisely this topic. The Urban Land Institute’s 2008 publication **Growing Cooler** focuses on this topic, particularly in Chapter 4 “The Urban Development/VMT Connection.” While the subject is complex, Hayward should be able to make a reasonable estimate.

In the meantime, the chart on p. 110 treats smart growth impacts differently stating “emission reductions included in other actions in this strategy.” Presumably that statement refers to other strategies’ proposals for transit and non-motorized improvements. It is reasonable to assume that transit improvements would be needed to pursue a widespread smart growth strategy in Hayward. However, residents in smart growth development can also take advantage of existing transit, making that transit more efficient. In this way, smart growth can create emission reductions are greater than the amount of transit improvement.

Please feel free to contact me if you have any questions about these comments. I look forward to continuing to work with you on the Plan.

Nathan Landau

## Comment #6

To: City of Hayward  
Council  
Manager  
Planning Staff

Comments on Climate Action Plan, March 31, 2009

by Sherman Lewis, President  
Hayward Area Planning Association  
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sherman@quarryvillage.us

### **Problems of policy imagination and cross-policy lineage in a complex situation.**

The City at this time is processing several policies, including the Climate Action Plan (CAP), but it is not using innovative policies which are needed to achieve greenhouse gas (GHG) goals, and it does not adequately relate policies from one area to another. Partly as a result, the CAP is unable to achieve its goals in the out years.

The South Hayward Plans of April and June 2006 have good general ideas, but already assume replacement parking for BART and no exploration of rapid shuttles or of sustainable, affordable housing for people who do not own a car. By the time we get to the Wittek proposal of November 2008 and March 2009, the lack of imagination has become hardened into a project that goes directly contrary to the goals of the CAP and, indeed, the goals of the South Hayward Plan.

Looking first at CAP goals, there are now 1,207 parking spaces in the Wittek area, and the proposed development increases the number of spaces to 3,096, an increase of 157 percent. Car-oriented development is masquerading as Transit Oriented Development. Amount of City research into the market demand for car-free living? None. Amount of City research into fast shuttle access to BART? None. Estimates of savings to renter or home buyer from not having to pay for parking? None.

“Blame BART” is an excuse that works only at the most superficial level. BART is as conflicted over its replacement parking policy as anyone else. It has paralyzed station area development by creating huge costs not faced by other developers. It is all the more uneconomical with the collapse of housing prices. Neither BART nor cities, nor developers for that matter, have shown much if any imagination. BART needs to develop a replacement access policy to replace its promotion of global warming in the name of transit. But also, no one has come to BART and

said, here's a better way. Cities and BART have been almost brain dead on this issue, part of our larger American car culture problem.

With our brains anaesthetized by our car culture, we stumble towards the slow Armageddon of the end of the Holocene epoch, terminating with our own ignorance and recklessness the climate most supportive of our species. With our right hand we insulate houses and put up solar panels; with our left hand we increase parking and use of cars with public subsidies.

Now looking at selected goals of the South Hayward BART Plan:

"1) help create a vibrant, livable neighborhood with high-quality, safe, well-used public spaces,

...

3) encourage coordinated development that enhances the existing neighborhood fabric,

4) manage public and private parking resources to enhance the livability of the neighborhood,

5) encourage development that is oriented towards the street and is scaled to the pedestrian and

..." (South Hayward BART/Mission Boulevard Concept Design Plan, p. 3)

Concerning 1, do parking structures and increased parking contribute to a vibrant, livable neighborhood with high-quality, safe, well-used public spaces?

Concerning 3, do they "enhance the existing neighborhood fabric"?

Concerning 4, do they "enhance the livability of the neighborhood"?

Concerning 5, can they really be "scaled to the pedestrian"?

After Wittek came forward in November, the City considered revising the South Hayward BART Plan, largely by developing a Form Code. The Form Code proposal included five parking strategies (Dec. 2, 2008 staff report, p. 6 of 11, p. 3 of 5). While lacking in the ideas needed for rapid bus shuttles, the proposal was a big step forward.

Meanwhile, the City is working on the CAP. In fact, having a Form Code is CAP Strategy 1 Action 10. Form Code strategy 1 (TOD, transit passes, car sharing) is similar to CAP Strategy 1 Actions 1, 2, and 9. Form Code strategy 2 (reduce parking requirements, parking maximums, shared parking) overlaps with CAP Strategy 1 Action 3 (modify parking ordinances, time limits, paid spaces, let desired traffic limit spaces) and to Action 10 (vague "standards" to reduce GHG). Form Code strategy 3 (unbundling, cash out, metering) overlaps with CAP Strategy 1 Action 3 ("fees," but no detail).

Form Code strategy 4 (parking fee districts), however, has no CAP back up. The CAP should be improved to be as specific as Form Code ideas. The underlying problem is the scope of work in the CAP grant for the BAAQMD, which has historically been weak on transportation policies and pricing. It is, I hope, not too late to add the specific ideas of the Form Code strategies to appropriate Strategy 1 actions 1, 2, 3, 9, and 10.

The CAP, in its favor, has an item, Strategy 1 Action 7, that the Form Code needs and lacks: “Plan ...bus rapid transit that eventually greatly decreases the need for personal vehicles for travel within the City. ... the City will ...give preference to solutions that reduce auto dependency and minimize GHG emissions.”

The City, however, takes too restrictive a view of rapid bus, excluding rapid shuttles (CAP Strategy 1 Action 4). Other cities — Union City, Emeryville, San Leandro — have supported their own services other than AC Transit. While they fall far short of rapid bus, they show a system that Hayward could build on.

Meanwhile, the City is processing Wittek, which totally ignores ideas I have put forward, the CAP and Form Code and goals of the South Hayward Plan. Instead, the City wants to spend millions of dollars of Redevelopment Agency funds as local match for state Proposition 1C Housing funds to build a very expensive parking structure that will subsidize increased Vehicle Miles Traveled.

City support for an unneeded structure at South Hayward, without exploring rapid shuttle replacement access with BART, means the City cannot very well try to stop CSUEB Hayward from building a parking structure. Publically subsidized parking structures are increasing GHG, undermining the policies of the CAP. We can't get there from here. The parking structure gun is shooting a hole in the GHG foot, and we will limp around bragging about fixing up houses.

I will be proposing a study of alternative access to South Hayward BART. I attach as part of this comment a slide show on sustainable access to CSUEB Hayward, compared to a parking structure. The rapid shuttle is less expensive than the structure and provides equal or better access.

The Sustainability Committee and Council should hold work sessions on policy integration concerning the CAP, the 238 Land Use Study, the Wittek Project, Prop 1C, BART access, the South Hayward Plan, and Form Code. The city needs more imagination about car free transit-oriented development and rapid shuttles, and more integration of related policies. The CAP plan's good policies need to be beefed up and other policies need to be consistent with them.

## Comment #7

Erik,

I'm having car trouble and may not be able to get to the meeting tonight. The one stand I want related to me is to STOP the LOOP project and slow the people Zipping through Hayward.

We need to attract shoppers and faster driving through our streets won't get them here to shop.

I would even support Foothill and Jackson becoming a toll road. That way we'd at least make some money off their passings.

Peggy Guernsey  
25236 Delmar Ave  
hayward, CA 94542-1806  
510-881-7553

## Summary of comments from second community meeting

The following is a summary of comments collected from worksheets participants filled out during the second community meeting on the Climate Action Plan. For each strategy we have listed action items or proposed changes to the Draft Action Plan that were identified because of comments received during the meeting.

### Strategy 1

#### Comments from Worksheets

Dixon Street as transit corridor with bus rapid transit  
Bus rapid transit S. Hayward-Fairview as proposed  
Bee – Mission – downtown with bus rapid transit  
Bus rapid transit to CSU  
Need another BART station at Harder & Mission Blvd  
Success of commuter benefits program depends on level of funding  
City uses inaccurate traffic modeling for non project alternatives  
General Plan has good ideas most implemented by zoning  
CAP not related to 238 Land-Use Plan – Need better TOD policies and stop Car-Oriented Development (COD)  
When updating codes, instruct staff to accomplish clear goals in the process of doing the updates (i.e. show how the new parking standards will reduce VMT)  
Allow community to participate in updating the Circulation Element of the General Plan.  
Have Steve Coyle review form-based codes  
Subsidized parking structures increases global warming  
QV – great for climate / great to avoid out-year parking failure?  
Need to identify more spaces for car-share cars & create ease of access  
Expanding transit services will require demonstrated commitment from riders  
Traffic signal synchronization is a large GHG benefit for the buck  
Review San Leandro’s “links” program as a possible commuter benefit program.

### Strategy 2

#### Comment from Worksheets

Work with other cities to prepare for electric / plug-in vehicles

### Strategy 3

#### Comment from Worksheets

Focus on RECO & CECO first  
Estimate cost & cost savings associated with RECO and CECO  
RECO & CECO need more definition: should include caulking, weather stripping, programmable thermostats, double-paned windows, insulation (older homes have asbestos), new furnace, new duct work.  
Efficiency improvements can be tax write-offs  
If Hayward uses CCA, the City could have access to funding for efficiency improvements  
CCA can fund large scale efficiency improvements

An attempt to encourage a voluntary reduction in energy use is easy, achieving a 10% reduction in energy use is difficult. Need to work with schools.

Would commercial efficiency improvements impact productivity? If improvements have to be made off production time, it could increase cost.

PG&E has installed smart gas and electric metering, can we tap into PG&E's system to get real-time feedback on energy use?

Efficiency financing could be tough, can people afford a second mortgage?

Hayward is in a housing depression. Many people don't have the money for efficiency improvements. They would need tax breaks.

Offer carrots to encourage people to invest in energy efficiency

3.4 & 3.5 require behavioral change and are therefore unlikely to be successful

For financing programs, focus on one neighborhood at a time, growing media, awareness, enthusiasm, then expand to other neighborhood

Could target the club houses in mobile home parks for efficiency retrofits

Habitat for Hayward could retrofit low income homes

## **Strategy 4**

### **Comment from Worksheets**

Should be stringent to ensure maximum energy savings

Will stringent development requirements drive developers away?

## **Strategy 5**

### **Comment from Worksheets**

Plan should assume 100% success in eliminating fossil-fuel electricity as target. Aim for target, achieve 80%, 90%, or 95%

CCA should be priority to be implemented as appropriate with or without inclusion of neighboring cities – begin evaluation ASAP

CCA may be a great option for Hayward/ Alameda County

Could Hayward join Marin's CCA?

PV and solar-thermal co-gen

Need to include wind and solar thermal in the plan

Need to eliminate existing regulations that inhibit people from installing renewable energy. For example, existing regulations do not allow structures to be over 20 feet. If residents want to install wind turbines or tracking solar panels this regulation would likely be inhibiting.

## **Strategy 6**

### **Comment from Worksheets**

Success will depend on level of funding and consistency of funding

Need more participation in existing programs

Many businesses only have room for a black bin

Need C&D recycling staging area

Encourage / impose plastic bag recycling @ large companies

Require recycling in private sector construction projects

Cause group interactions by trying to implant a ban  
Education at younger ages is critical to successful waste management  
Consider incentives for good waste management practices  
Offer coupons – real perceived incentive  
Educate younger generation via school curriculum  
Compile / update various groups (social & envit  
Use list-serves / online subscriptions to keep people informed  
HOA sign-up on list for action items or input  
Blog – keep city informed  
Send message to large stores by citing recycling problems – containers full so can't accept more plastic bags (ie. Target experience)  
Implement e-waste diversion program  
Offer historical artifacts from building demolitions to citizens

## **Strategy 7**

### **Comment from Worksheets**

vast, low-costs opportunities exist for reforestation in urban and rural areas of the city  
Allow HASPA to have a more valued comment to City Council

## **Strategy 9**

### **Comment from Worksheets**

Gateway projects / pilot projects would create visibility  
Strategic placement of “landmark” projects  
Not everybody has a computer, so a green portal website is not the only solution  
Green portal will require manpower to build and maintain  
CSUEB, Hayward High School, and Chabot College all have TV studios & courses in web and media.  
Could Hayward leverage these schools to help engage the community using modern media?  
Zucchini Festival / Blues Festival / other Festivals / Community Groups / Churches are good audiences and venues for change  
Community gardens can help reduce emissions from transporting food and can help create green spaces and community awareness

## **Other**

### **Comment from Worksheets**

Reject fossil-fuel electricity generation within City limits  
City plans should not digress from State mandates. Hayward should fully participate in State programs  
City should take advantage of as many funding sources as possible.  
Plan needs to identify measures that will get us to 2050 target  
Show impact relative to non-pass-through travel separately  
CAP needs to identify actions that will allow the City to achieve targets based on AB 32.  
Set targets to be more aggressive. Current targets are not aggressive enough