



HAYWARD

RESIDENTIAL DESIGN STUDY



Hayward Residential Design Study Background Report

September 2022



PREPARED BY WRT FOR:
THE CITY OF HAYWARD

Hayward Residential Design Study

Background Report

The Hayward Residential Design Study is an update to the City's zoning regulations to support the development of quality housing. The study aims to make requirements for residential design predictable, easy to understand, and resolve inconsistencies between various planning documents to eliminate ambiguity that may pose a barrier to residential development. The Study will focus on establishing objective development and design standards that can be applied to both single-family, multi-family and mixed-use developments. As defined by State law, "objective standards are those that involve no personal or subjective judgement by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official."

Purpose of The Report

This report provides a summary of the existing regulatory context that will inform updates to the citywide residential standards. The report has three components:

- A. A summary of State housing laws with a focus on recent changes intended to streamline housing approvals, especially for multifamily housing.
- B. A summary of the City of Hayward's existing zoning standards and design guidelines for residential development.
- C. A summary of findings from comparable jurisdictions that have adopted Objective Development Standards.

A. Summary of State Legislation

Housing Accountability Act

The Housing Accountability Act (1982) recognizes a shortage of housing as a critical problem across the state of California and promotes infill development by streamlining housing approvals. It limits the ability of local government to restrict new development if it meets objective criteria established in the City's General Plan, zoning regulations or other planning documents, if it does not cause specific adverse impact on public health, and if it meets standards of CEQA and the California Coastal Act.

Applicability: The law applies to all residential development with more than two housing units in multifamily projects or mixed-use projects with at least two-thirds of square footage for residential use.

Restrictions on City discretion:

- Cities cannot deny or reduce the density of projects which conform to adopted objective design and development standards.

- Cities cannot impose conditions of approval on projects with affordable units which make provision of such units infeasible.

Density Bonus Law – Incentivizing Affordable and Senior Housing

The Density Bonus Law provides developers with tools to encourage the development of affordable and senior housing. As amended in recent years, the law allows for up to a 50 percent increase in density, depending on the amount of affordable housing provided, and an 80 percent increase in density for projects which are completely affordable. The law also allows developers to make use of parking reductions, height increases, waivers from other development standards, and concessions/incentives that result in identifiable cost savings to make affordable and senior housing projects more financially feasible to develop. Additionally, recent amendments to AB 1763 (Density Bonus Law) allow projects that are 100 percent affordable and located within one-half mile of a major transit stop to have unlimited density bonus, a height increase of up to three additional stories, and no minimum parking requirements. These projects also receive up to four regulatory concessions.

Applicability: Cities and counties are required to grant a density bonus and other incentives or concessions to housing projects which meet specified affordability criteria. Developers need to submit the density bonus applications to local jurisdictions, and jurisdictions must notify the applicant of the level of density bonus and parking ratio the development is eligible to receive.

SB 35 - Streamlined Approval Process for Affordable Housing

SB 35 requires a ministerial approval process for multifamily or mixed-use housing developments in localities that have not yet made sufficient progress toward meeting their regional housing need allocation (RHNA). This streamlined entitlement process must rely on objective design standards and does not allow public hearings or discretionary review. A jurisdiction subject to SB 35 must review applications for qualifying housing developments within a statutory time frame. Qualifying projects are also not subject to environmental review under the California Environmental Quality Act (CEQA).

Applicability: Housing projects qualify for SB 35 if they satisfy following criteria:

- Located in a jurisdiction that has not made sufficient progress toward meeting RHNA (Regional Housing Needs Allocation). Hayward is currently in this category.
- On a site zoned or planned to allow residential uses.
- Has two or more new housing units in multifamily projects or mixed-use projects with at least two-thirds of the square footage designated as residential uses.
- Include a minimum percentage of affordable units based on the jurisdiction's progress towards their RHNA.
- Complies with all objective design standards.
- Pays prevailing construction wages (only for projects with 10 or more units).
- Does not demolish buildings on local, state, or national historic building registers.
- Does not demolish any housing units that have been occupied by tenants in the last 10 years.

SB 330 Housing Crisis Act - Limits Local Laws that Would Limit Housing

SB 330 strengthens the Housing Accountability Act and the Permit Streamlining Act to address California's housing crisis by removing barriers to residential development, protecting existing housing inventory, and expediting permit processing. It prohibits local jurisdictions from enacting new laws that would have the effect of reducing the legal capacity for new housing or delaying housing development via administrative or other regulatory barriers. Specifically, SB 330 prohibits local jurisdictions from adopting development standards that would reduce the intensity of the residential use that is currently allowed by the General Plan and zoning ordinance. SB 330 defines "housing development" to include residential projects, mixed-use projects with two-thirds of the square-footage dedicated to residential units and transitional and supportive housing projects.

SB 330 also allows a housing developer to submit a preliminary application and pay permit processing fee to freeze the applicable fees and development standards while the rest of the material necessary for a full application is assembled. After an application is deemed complete, and if the project is consistent with the objective standards, local agencies cannot disapprove an eligible housing development project or condition its approval at a lower density, with very limited exceptions. Under the Permit Streamlining Act, SB 330 shortens timeframes for housing development approval to 90 days, following certification of the environmental impact report. It is further shortened to 60 days for a low-income projects seeking tax-credits or other public funding.

Applicability:

- SB 330 applies to all types of housing and to all cities, including charter cities.

SB 8

SB 8 extends key provisions of the SB 330 Housing Crisis Act, streamlining the process of housing production, until January 1, 2030. SB 8 added the statute of prohibiting an agency from conducting more than five hearings on an application for a housing development project; and clarifies language in SB 330 to expand the definition of "housing development project" to include a single dwelling unit (i.e. a single family home).

It prohibits downzoning of properties or reducing intensity of allowable development. It protects low-income tenants against displacement by prohibiting the approval of any proposed housing development project on a site that will require demolition of existing dwelling units or occupied or vacant "Protected Units" unless the Project replaces those units. SB 8 also requires that existing occupants that had to leave their units be allowed to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market.

SB 9 California Housing Opportunity and More Efficiency ("HOME") Act

SB 9 is intended to enable housing development in single-family residential zones by allowing lot splits and two dwelling units per parcel, which may result in up to four units total. Each new lot must comprise at least 40 percent of the area of the original lot and may not be less than 1,200 square feet. SB 9 housing units are granted specific development standards including minimum four-foot rear and side setbacks. SB 9 requires ministerial approval, without discretionary review or hearings. However, the

development may not result in a significant adverse impact to the physical environment or public health and safety.

Applicability:

SB 9 is applicable in single-family residential zoning districts and development is capped at four units. ADUs are included in the total unit count. Within Hayward, this act applies to most RS (single-family residential) zoned parcels.

What are Objective Development and Design Standards?

Under State law, certain types of residential development in California, including projects subject to SB 35, SB 330, and SB 9, must be approved if the development meets objective development and design standards. These are defined in Government Code Sections 65913.4 and 66300(a)(7) as standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal.

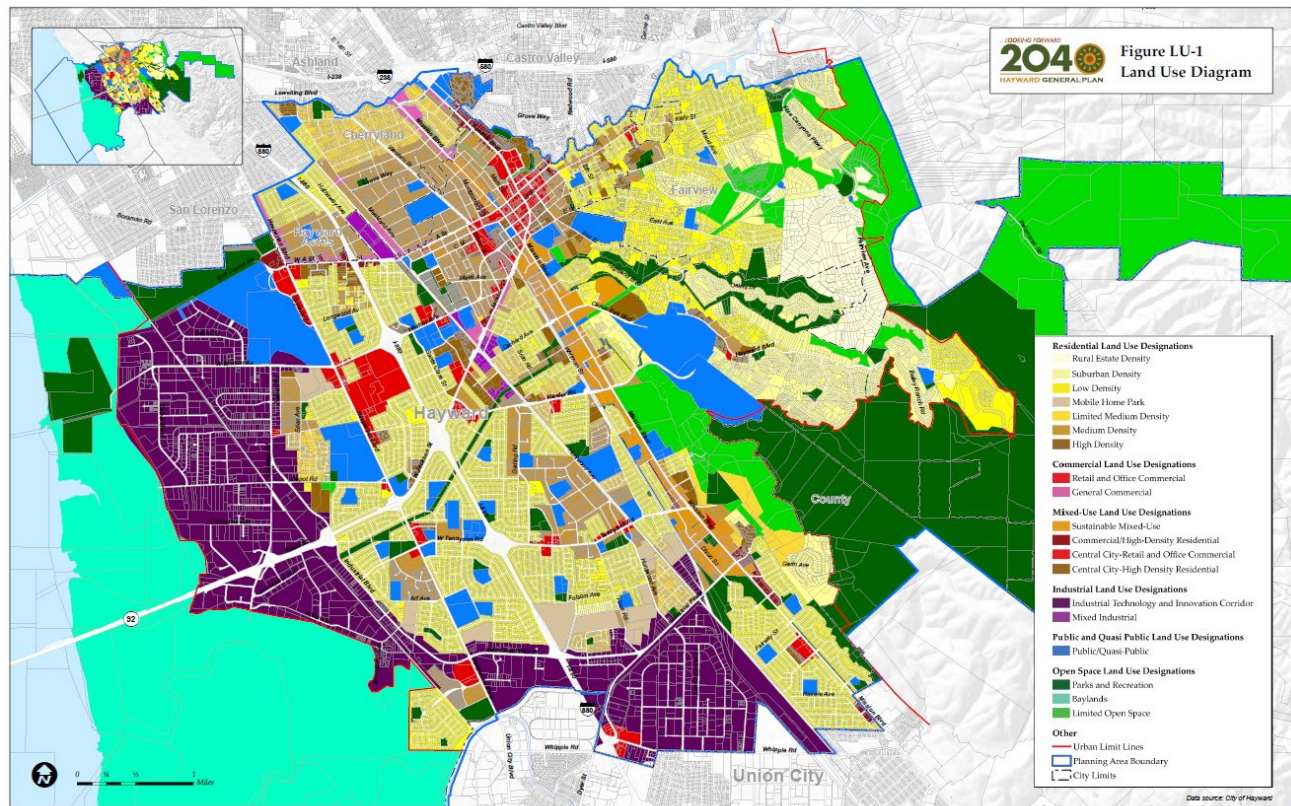
REVIEW OF EXISTING PLANNING DOCUMENTS

The City's planning documents currently include a mix of objective and subjective standards. Each of these is summarized below as they relate to residential development standards.

Hayward 2040 General Plan

The Hayward 2040 General Plan advances the City's goals for smart growth and sustainability while enhancing the qualities and characteristics of Hayward's districts and neighborhoods with an attractive mix of uses and amenities. The General Plan land use diagram includes nineteen land use designations. Each land use designation has a corresponding set of compatible zoning districts. The land use designations include density and intensity standards to regulate development within each designation. Below are the land use designations that allow residential uses.

Figure 1: Hayward 2040 General Plan Land Use Diagram



September, 2013

Table 1: Hayward 2040 General Plan Land Use Designations that Allow Housing

Land Use Category	Allowed/ Supporting Residential Uses	Density in dwelling units per acre (du/ac)
Residential Designations		
Rural Estate Density	Detached single-family homes, second units	Density: 0.2 to 1.0 du/ac
Suburban Density	Detached single-family homes, second units	Density: 1.0 to 4.3 du/ac
Low Density	Detached single-family homes, second units	Density: 4.3 to 8.7 du/ac
Limited Medium Density	Detached & attached single-family homes, multi-family homes, second units	Density: 8.7 to 12.0 du/ac
Medium Density	Detached & attached single-family homes, multi-family homes, second units	Density: 8.7 to 17.4 du/ac
High Density	Attached single-family homes, multi-family homes	Density: 17.4 to 34.8 du/ac
Commercial Designations		
Retail and Office Commercial	Mixed use with multi-family homes on upper floor; live-work units	Max. Density: 17.4 du/ac Min. Density not required
General Commercial	Mixed use with multi-family homes on upper floor; live-work units	Max. Density: 17.4 du/ac Min. Density not required
Mixed-Use Designations		
Commercial/High Density Residential	Attached single-family homes, mixed use with multi-family homes on upper floor; multi-family homes, live-work units	Max. Density: 34.8 du/ac Min. Density not required
Sustainable Mixed Use	Detached & attached single-family homes, mixed use with multi-family homes on upper floors; multi-family homes, live-work units, second units	Density: 4.3 to 100 du/ac
Central City Designations		
Land Use Category	Allowed/ Supporting Residential Uses	Density
Central City Retail and Office Commercial	Attached single-family homes, mixed use with multi-family homes on upper floor, multi-family homes, live-work units;	Max. Density range: 40 -110 du/ac. Min. Density not required.
Central City High-density Residential	Attached single-family homes, mixed use with multi-family homes on upper floor, multi-family homes, live-work units;	Max. Density range: 40-110 du/ac. Min. Density not required.

Neighborhood Plans

The City of Hayward has adopted plans for seventeen neighborhoods under the Neighborhood Planning Program launched in 1986. The neighborhood plans are a bridge between the General Plan and specific development in neighborhoods. They provide detailed guidance on the application of General Plan policies and goals to specific neighborhoods and districts in response to local issues which are not otherwise addressed in the General Plan. Historically, the neighborhood plans have served as an important vehicle for public participation in the planning process. While the General Plan has been periodically updated since the 80s, the Neighborhood Plans have not been updated since they were adopted.

Recommendations in the neighborhood plans include policies and strategies relating to land use, circulation, open space, public services, and design and neighborhood appearance. The plans include a preferred land use map that shows the desired land use and circulation pattern. Due to state legislation explained earlier, many of these policies are not enforceable due to their subjective nature. However, the neighborhood plans will serve as preliminary guidance for the development of objective residential development standards.

Zoning Ordinance

The General Plan land use diagram is largely implemented by the City's Zoning Ordinance. The purpose of the Zoning Ordinance is to promote public health, safety, general welfare and preserve and enhance the aesthetic quality of the city, by regulating the mix of land uses and development. The Zoning Ordinance includes development and design standards for all zoning districts that address:

- Lot requirements such as lot width, lot depth, lot coverage, and lot frontage,
- Yard requirements such as front, rear and side setbacks,
- Building height limits, and
- Other development and performance standards.

Hayward has several residential zoning districts including RS (Single Family Residential), RM (Medium Density Residential), RH (High Density Residential), RNP (Residential Natural Preservation), SMU (Sustainable Mixed-Use), RO (Residential Office), and MH (Mobile Home). Multifamily and mixed-use residential development is also permitted or conditionally permitted in certain commercial and agriculture zoning districts. The Hayward Residential Design Study will primarily focus on the following residential zoning districts for updates to the design standards:

- RS (Single-Family Residential) promotes the development of lower density residential units with large front and rear yards and smaller building heights. Per the adopted Zoning Ordinance, the only permitted residential type in this zoning district is detached single-family homes. Accessory dwelling units are allowed as a secondary use. However, as mentioned above, SB 9 now allows the development of up to four residential units (may be attached or detached) on each RS zoned lot.
- RNP (Residential Natural Preservation) allows for the development of area where topographic conditions, and compatibility with the preservation of major natural features are a major consideration in determining the suitability for construction. The only permitted residential type

in this zoning district is detached single-family homes. Accessory dwelling units are allowed as a secondary use.

- RM (Medium Density Residential) promotes the development of medium density residential units with large front and rear yards, greater building heights and a larger variety of building forms. Permitted residential types in this zoning district are detached single-family homes, townhomes and condominiums, group homes and multi-family homes. Accessory dwelling units are allowed as secondary uses.
- RH (High Density Residential) promotes the development of high-density residential units with greater lot coverage and building heights, typically near commercial uses and transit. Permitted residential types in this zoning district are multi-family homes and small group homes. Accessory dwelling units are allowed as a secondary use.

Figure 2: Hayward Zoning Districts

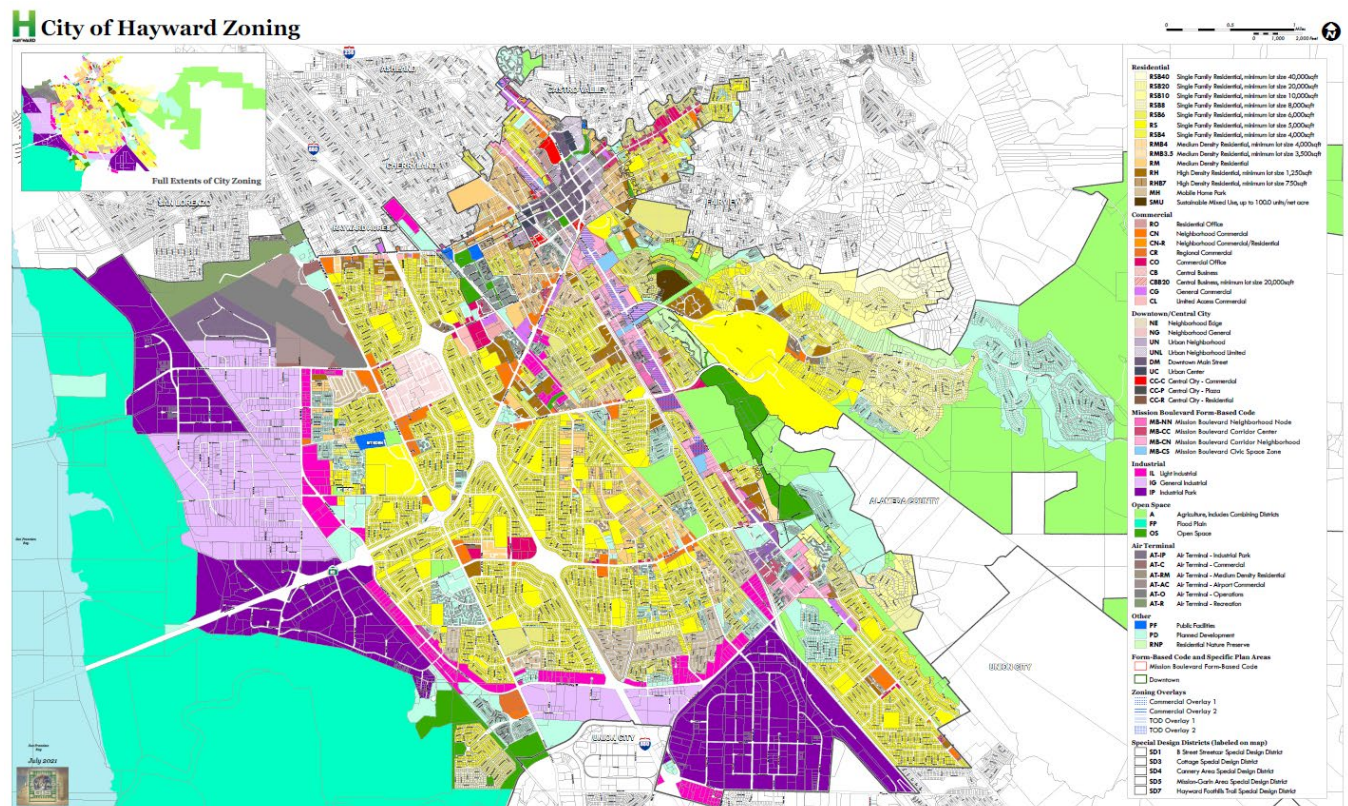


Table 2: Summary of Key Development Standards by Zoning Districts

Zone	RS Residential Single Family	RNP Residential Natural Preservation	RM Residential Medium Density	RH Residential High Density
Lot Requirements¹				
Min. Lot Size	Interior: 5,000 sq. ft. Corner: 5,914 sq. ft.	20,000 sq. ft.	Interior: 5,000 sq. ft. Corner: 5,914 sq. ft. Townhouse lot: consistent with building footprint	7,500 sq. ft.
Min. Lot Area per dwelling unit	N/A	N/A	Minimum lot area per dwelling unit shall be based on the ratio of lot frontage to lot depth, ranging from 2,500 to 5,000 sq. ft. per unit	<60' frontage + 1-story bldg.: 2500 sq. ft. 60-120' frontage + 2-story bldg.: 1500 sq. ft. >120' frontage + 3-story bldg.: 1,250 Townhouse lot: consistent with building footprint
Min. Lot Frontage	35'	35'	35'	35'
Min. Flag Lot Frontage	One-Flag Lot: 22' Two-Flag Lots: 28' *Exceptions apply to hillside lots	One-Flag Lot: 22' Two-Flag Lots: 28'	N/A	N/A
Min. Avg. Lot Width	Interior Lot: 50' Corner Lot: 60' (excluding radius for street return)	100'	Interior Lot: 60' Corner Lot: 60' (excluding radius for street return)	60'
Min. Avg. Lot Depth	80'	100'	80'	80'
Max. Lot Coverage	40%	30%	40%	65%
Yard Requirements¹				
Max. Rear Yard Coverage	40%	40% when not in tree line	N/A	N/A
Min. Front Yard	20'	20'	20'	20'
Min. Side Yard	5' or 10% of the lot width at front setback line (whichever is greater) up to a max. of 10'	30' combined, with no one side yard of less than 10'	5' or 10% of the lot width at front setback line (whichever is greater) up to a max. of 10'	5' or 10% of the lot width at front setback line (whichever is greater) up to a max. of 10'
Min. Side Street Yard	10'	10'	10'	10'
Min. Rear Yard	20'	20' or 30' from tree line	20'	20'



Zone	RS	RNP	RM	RH
Parking Spaces				
Location	Parking spaces shall not be located within required front yard or side street yard setback or within 5 feet of any side or rear yard property line	Parking spaces shall not be located within required front yard or side street yard setback or within 5 feet of any side or rear yard property line	Off-street parking areas not located under buildings shall be located behind the primary building(s) Parking spaces shall not be located within required front yard or side street yard setback or within 5 feet of any side or rear yard property line Parking spaces shall be setback 7 feet to a property line or primary building if a 2-foot vehicular overhang is used, or 7 feet 6 inches if a 2-foot 6-inch vehicular overhang is used. Parking spaces shall not be located further than 200 feet from the dwelling unit they are required to serve	Off-street parking areas not located under buildings shall be located behind the primary building(s) Parking spaces shall not be located within required front yard or side street yard setback or within 5 feet of any side or rear yard property line Parking spaces shall be setback 7 feet to a property line or primary building if a 2-foot vehicular overhang is used, or 7 feet 6 inches if a 2-foot 6-inch vehicular overhang is used. Parking spaces shall not be located further than 200 feet from the dwelling unit they are required to serve
Min. Parking Dimensions	<u>Enclosed Garage:</u> 11' wide x 19' deep for one space 11' wide x 38' deep for two tandem spaces 20' wide x 19' deep for two side-by-side spaces	<u>Enclosed Garage:</u> 11' wide x 19' deep for one space 11' wide x 38' deep for two tandem spaces 20' wide x 19' deep for two side-by-side spaces	Standard car-parking spaces: 9' wide x 19' deep	Standard car-parking spaces: 9' wide x 19' deep
Min. Dimensions for Garage Door	8' for one-car garage 16' for two-car garage	8' for one-car garage 16' for two-car garage	8' for one-car garage 16' for two-car garage	8' for one-car garage 16' for two-car garage
Unobstructed vertical clearance	7'	7'	7'	7'
Height Limit				
Max. Bldg. Height	30'	30'	40'	40'
Max. Accessory Bldg. Ht.	14' and 1 story ADU: 16'	14' and 1 story ADU: 16'	14' and 1 story ADU: 16'	14' and 1 story ADU: 16'
Max. Ht. For Fences, Hedges, Walls	Front and Side Street Yard: 4' Side and Rear Yard: 6'	Front and Side Street Yard: 4' Side and Rear Yard: 6'	Front and Side Street Yard: 4' Side and Rear Yard: 6'	Front and Side Street Yard: 4' Side and Rear Yard: 6'



Zone	RS	RNP	RM	RH
Landscaping				
Landscaping	<p>Min. 15-gallon size or larger street tree planted within required front and side street yard setbacks. (Species to be approved by Planning Director).</p> <p>For lot width > 50' or side street yard >50' one street tree to be planted for every 50' of frontage.</p> <p>For subdivisions, all front and side street yards shall be landscaped; require landscape and irrigation plans to be approved by Planning Director</p>	<p>Min. 15-gallon size or larger street tree planted within required front and side street yard setbacks. (Species to be approved by Planning Director).</p> <p>For lot width > 50' or side street yard >50' one street tree to be planted for every 50' of frontage.</p> <p>For subdivisions, all front and side yards shall be landscaped; require landscape and irrigation plans to be approved by Planning Director</p>	<p>All required yard areas and other areas not utilized for structures or paving shall be landscaped unless otherwise authorized.</p> <p>Water conserving planting shall be used.</p> <p>Masonry walls, solid building walls, trash enclosures and fences shall be landscaped with continuous shrubs or vines.</p>	<p>All required yard areas and other areas not utilized for structures or paving shall be landscaped unless otherwise authorized.</p> <p>Water conserving planting shall be used.</p> <p>Masonry walls, solid building walls, trash enclosures and fences shall be landscaped with continuous shrubs or vines.</p>
Open Space Requirements				
General Requirements in square feet (sq. ft.)	N/A	N/A	<p>For multi-family developments of four or more dwelling units:</p> <p>Min. 350 sq. ft of usable open space per dwelling unit in a building with three stories or less.</p> <p>Min. 150 sq. ft. of usable open space per dwelling unit in a building with more than three stories.</p> <p>Min. 100 sq. ft. of the total required open space per dwelling unit shall be used for group open space.</p>	<p>For multi-family developments of four or more dwelling units:</p> <p>Min. 350 sq. ft of usable open space per dwelling unit in a building with three stories or less.</p> <p>Min. 150 sq. ft. of usable open space per dwelling unit in a building with more than three stories.</p> <p>Min. 100 sq. ft. of the total required open space per dwelling unit shall be used for group open space.</p>
Group Open space	N/A	N/A	<p>Min. 400 sq. ft of exterior group open space in a rectangular shape with min. dimension of 20' on any side.</p> <p>Shall have a slope of 5% or less.</p> <p>Shall be centrally located.</p> <p>Shall not include required yard space.</p>	<p>Min. 400 sq. ft of exterior group open space in a rectangular shape with min. dimension of 20' on any side.</p> <p>Shall have a slope of 5% or less.</p> <p>Shall be centrally located.</p> <p>Shall not include required yard space.</p>
Private Open Space	N/A	N/A	<p>Private ground level open space shall not include required front or side street yard.</p> <p>Ground-level open space shall be screened from</p>	<p>Private ground level open space shall not include required front or side street yard.</p> <p>Ground-level open space shall be screened from</p>

	<p>public view by fencing or landscaping.</p> <p>Ground-level space shall be min. 100 sq. ft. in area in a rectangular shape with a min. dimension of 10' on any side.</p> <p>Above-ground space shall be min. 60 sq. ft in area in a rectangular shape with a min. dimension of 6' on any side.</p> <p>Above-ground space may encroach 5' into required rear yard and shall not be less than 10' from rear property line.</p> <p>Private usable open space meeting the above criteria shall count as double toward the open space requirement.</p>	<p>public view by fencing or landscaping.</p> <p>Ground-level space shall be min. 100 sq. ft. in area in a rectangular shape with a min. dimension of 10' on any side.</p> <p>Above-ground space shall be min. 60 sq. ft in area in a rectangular shape with a min. dimension of 6' on any side.</p> <p>Above-ground space may encroach 5' into required rear yard and shall not be less than 10' from rear property line.</p> <p>Private usable open space meeting the above criteria shall count as double toward the open space requirement.</p>
<p>1. The Zoning Ordinance also has a number of Combining Districts, which serve to augment the minimum lot size, minimum lot area, minimum average lot width and/or yard requirements of the underlying zoning district.</p>		

For all four of these districts, new residential developments are typically subject to a discretionary Site Plan Review process prior to issuance of a Building Permit. However, the Planning Director may waive Site Plan Review if the proposed improvements are minor in nature, will not materially alter the appearance or character of the property or area and is compatible with City policies, standards, and guidelines.

Off-Street Parking Regulations

The Hayward Municipal Code establishes on-site parking regulations for all use types with the intent of ensuring adequate amounts of parking. Determining the appropriate amount of parking is important in achieving a desired scale of development, ensuring an engaging street frontage, and reducing construction costs. Additionally planning for alternate transportation choices such as transit, shuttles, walking, biking, ride-shares and shared micro-mobility such as scooters, reduces dependence on personal vehicle ownership and reduces the need for dedicating prime real estate to parking use. All these factors are important considerations when encouraging residential infill development. The table below summarizes current off-street parking requirements for residential developments in Hayward.

Table 3: Summary of Parking Requirements

Uses	Parking spaces Required
Single Family Dwellings	2 covered spaces per dwelling unit
If a lot abuts a public or private street that has no parking lane on either side of the street or is posted for no parking on both sides of the street.	2 covered spaces per dwelling unit plus 2 open spaces per dwelling unit, which shall not block access to the covered parking.
If a dwelling with a single car garage was built prior to March 24, 1959	1 covered space per dwelling unit
Multiple-Family Dwellings	
Studio	1.0 covered and 0.50 open spaces per dwelling unit
One-bedroom	1.0 covered and 0.70 open spaces per dwelling unit
Two or more bedrooms	1.0 covered and 1.10 open spaces per dwelling unit

Mission Boulevard Code

The Mission Boulevard Code, adopted from 2011 to 2014 and updated in 2020, was created to facilitate urban design, transit orientation, walkability, higher densities, and mixed uses, in future development along and near Mission Boulevard.

The Code applies to all land uses, subdivisions, and development within the Mission Boulevard Code Area, extending from Rose Street to Smalley Avenue and from Jackson Street to Arrowhead Way. Standards in this Code supersede the Hayward Zoning Ordinance and Municipal Code unless otherwise specified.

Figure 3: Mission Boulevard Code Area



The Mission Boulevard Code has three districts that allow residential development. These zones and some of their measurable design development standards are as stated below:

a. Mission Boulevard Corridor Neighborhood (MB-CN) Zone

- Mixed-use neighborhood environment with moderate intensity, medium-scale residential uses
- Density range: 17.5 to 35 du/ac. 55 du/ac may be allowed on certain sites with Major Site Plan Review.
- Development standards include 18' minimum lot widths, 80 percent maximum lot coverage, a minimum of 15 percent of lot area shall be landscaped and a minimum of 150 sf of open space per unit.

b. Mission Boulevard Neighborhood Node (MB-NN) Zone

- Vibrant, urban neighborhood serving node supporting mixed-use infill development.
- Density range: 17.5 to 35 du/ac. 65 du/ac may be allowed on certain sites with Major Site Plan Review.
- Development standards include 18' minimum lot widths, 80 percent maximum lot coverage a minimum of 10 percent of the lot area shall be landscaped and a minimum of 100 sf of open space per unit.

c. Mission Boulevard-Corridor Center (MB-CC) Zone

- Transit-oriented mixed-use, urban center with high-intensity residential uses
- Density range: 35 to 55 du/ac. 75 du/ac may be allowed on certain sites with Major Site Plan Review. Properties close to BART are modified to allow for an increase in residential density and height.
- Site Planning includes 18' minimum lot widths, 90 percent maximum lot coverage minimum of 10 percent of the lot area shall be landscaped and a minimum of 100 sf of open space per unit.

Building Form Standards:

For all the zones, the building form standards are provided with measurable regulations highlighting:

- Allowable stories and heights,
- Building setbacks,
- Building depths, Accessory structure square footages and setbacks, and
- Ground floor specifications.

Frontage Standards:

For all the zones, the frontage standards regulate:

- The design of primary and secondary frontages.
- Percentage of glazing with clear glass on first story facades for non- residential uses and residential common areas.
- Façade standards for frontage types such as: stoop, forecourt, dooryard, maker shopfront, shopfront, terrace, and gallery

In addition to the above Zones, the Mission Boulevard Code includes the following Overlay Zones:

1. **TOD Overlays.** Properties within close proximity to public transit centers, including BART, as identified on the Mission Boulevard Code, are modified to allow for an increase in residential density and adjusted height regulations.
2. **Commercial Overlay #1.** Properties designated with a Commercial Overlay Zone 1 designation shall not be developed with residential units on the ground floor. Uses associated with the residential use, such as leasing office, community space, amenities, etc., are allowed on the ground floor. This requirement may be adjusted through the Major Site Plan Review process.
3. **Commercial Overlay #2.** Properties designated with a Commercial Overlay Zone 2 designation shall not be developed with ground floor residential units along the primary street frontage unless permitted with a conditional use permit.

This code also includes supplemental standards for the development of each frontage type, civic space type, and related general standards within each zone. The supplemental standards apply to all proposed development within the code area and must be considered in combination with the standards for each zone.

The parking standards in this code are applied in conjunction with the Off-street Parking Regulations of the Hayward Municipal Code, with some key exceptions. The Mission Boulevard Code does not establish

a minimum requirement for parking, instead, a parking maximum is established, which is generally lower than the minimum off-street parking regulations of the Hayward Municipal Code.

Since the Mission Boulevard Code was recently updated and already includes a number of detailed objective standards, the Residential Design Study will have a lighter focus on this area. Updates to existing standards or the incorporation of new standards will be necessary only if any discrepancies or deficiencies are identified.

Downtown Hayward Specific Plan and Development Code

The Downtown Hayward Specific Plan and Development Code, adopted in 2019, provides a strategy to achieve the community's vision of a resilient, safe, attractive, and vibrant Downtown. The Plan guides initiatives and investments that capitalize on the City's unique assets, such as the Downtown Hayward BART station; parks, creek and public gardens; compact street grid; historic buildings; and extensive public art.

The Downtown Development Code applies to new development and improvements/modifications to existing development in Downtown, an area that encompasses 320 acres, bounded loosely by Grand Street to the west, E Street to the south, 3rd Street to the east, and Hazel Avenue to the north.

The Specific Plan establishes five zones to provide a mix of uses and intensity of development that implement the vision and intent of the Downtown Specific Plan. These zones are:

a. Neighborhood Edge (NE Zone)

- Walkable urban neighborhood with small-to-medium-size buildings with lower-intensity housing developments.
- Allowable building forms are carriage buildings, detached houses, duplexes, a cottage court, and small multiplex buildings.
- Maximum building height of primary buildings up to 2 ½ stories (35 feet)
- Minimum lot widths range from 35-75 feet; maximum lot widths range from 75-150 feet.
- Minimum lot depths range from 80-100 feet.
- Maximum lot coverage is 60%.

b. Neighborhood General (NG Zone)

- Walkable urban neighborhood with small-to-medium-footprint, moderate-intensity, medium scale buildings.
- Allowable building forms are houses, rowhouses, small multiplexes, and courtyard buildings.
- Maximum building height of primary buildings up to 3 ½ stories (45 feet)
- Minimum lot widths range from 18-100 feet; maximum lot widths, where specified, range from 40-150 feet.
- Minimum lot depths, where specified, range from 80-100 feet; a maximum lot depth is only specified for courtyard building types at 150 feet.
- Maximum lot coverage is 70%.

c. Urban Neighborhood (UN Zone), Urban Neighborhood – Limited (UN-L)

- Mix of residential and commercial uses. It is characterized by large house-scale and block-scale buildings with moderate-intensity of housing developments.
- Allowable building forms are, large multiplex buildings, rowhouses, a courtyard building, a stacked flats building and a lined building.
- Maximum building height of primary building up to 5 stories (70 feet)
- Minimum lot widths, where specified, range from 18-100 feet; maximum lot widths, where specified range from 50-320 feet.
- Minimum lot depths, where specified, range from 100-200 feet; maximum lot depths, where specified, range from 150-420 feet
- Maximum lot coverage is 75%.

The Urban Neighborhood – Limited (UN-L) zone is a sub-zone to UN Zone and provides the same building form, but it is restricted in allowed uses, by not permitting Live/Work and Senior Housing.

d. Downtown Main Street (DT-MS Zone)

- The DT-MS zone is comprised of a mix of uses with ground-floor commercial and office and/or residential on upper stories, and is characterized by block-scale buildings with moderate to high-intensity housing developments.
- Allowable building forms include main street and lined buildings.
- Maximum building height of primary building up to 7 stories (85 feet)
- Maximum lot widths range from 200-400 feet.
- Minimum lot depths range from 100-400 feet.
- Maximum lot coverage is 95%.

e. Urban Center (UC Zone)

- The general use in UC zone is mix of uses with primarily office and/or residential, ground-floor commercial where required, and it is characterized by block-scale buildings with moderate-intensity of housing developments.
- Allowable building forms include courtyard buildings, stacked flats buildings, lined buildings and mid-rise buildings.
- Maximum building height of primary building up to 11 stories (124 feet)
- Maximum lot widths range from 250-400 feet.
- Minimum lot depths, where specified, range from 100-150 feet; maximum lot depths are only specified for lined and mid-rise buildings at 400 feet.
- Maximum lot coverage is 95%.

Each zone includes development standards focused on site planning, building form and frontage.

Building form standards:

For all the zones, the building form standards are provided with measurable regulations highlighting:

- Allowable stories and heights
- Ground floor and upper floor ceiling heights and ground floor finish levels
- Building massing including widths and depths
- Building setbacks and step backs in certain cases

- Building footprints
- Architectural elements and façade articulation requirements, including oriels

Frontage standards:

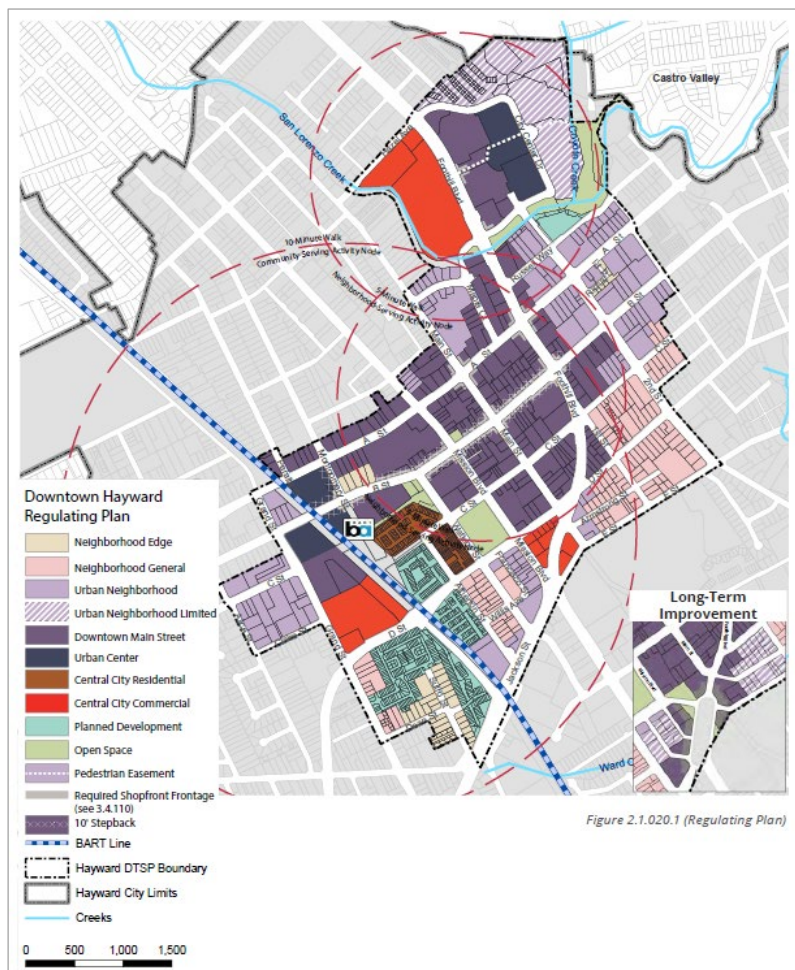
For all the zones, the frontage standards regulate:

- The design of primary and secondary frontages.
- Façade standards for frontage types such as: stoop, forecourt, dooryard, maker shopfront, shopfront, terrace, and gallery.

The parking standards in this Code reduce the required number of spaces to just one per residential unit as compared to the parking requirements of 1.5-2.1 spaces per unit, depending on bedroom count, in the Off-Street Parking Regulations of the Hayward Municipal Code.

The Downtown Hayward Development Code was also recently updated and includes detailed objective standards. Therefore, the Residential Design Study will have a lighter focus on this area. Updates to existing standards or writing new standards will be necessary only if any discrepancies or deficiencies are identified.

Figure 4: Downtown Hayward Specific Plan Area



City of Hayward Design Guidelines

The City of Hayward Design Guidelines, adopted in 1993, identify good design elements that are essential to enhancing the appearance and livability of Hayward. They are meant to be flexible to respond to the unique set of circumstances of each site and type of development and to balance different design elements.

Applicability: The Hayward Design Guidelines provide general design considerations that apply to all development in the city, with specific guidance for specific land uses and for specific places. The Hayward Design Guidelines serve as a supplement to the development standards established in the Zoning Ordinance for specific zoning districts. However, due to state legislation explained earlier, many of these guidelines are not enforceable due to their subjective nature.

General Guidelines: The general citywide guidelines address site planning, circulation, architectural design, and landscape design, which are common to all types of development.

Site planning guidelines address site design features including site grading, solar access, creek setbacks, landscaping, outdoor spaces, and transitions between uses. These are important considerations to ensure good living environments without undesirable environmental effects. They also provide guidance on street design for vehicular and pedestrian circulation, parking, loading access, etc. to ensure functional and cohesive streetscapes.

The architectural design considerations emphasize compatibility of new development with existing development, natural features, and or specific/area plans. They provide guidance on building form, façade design, materials and colors, entries and awnings, roofs, and signage. The Guidelines also include general considerations for landscape design, site furnishings, and lighting.

As noted previously, the general design guidelines are not currently “objective” under State law. However, they do represent good design principles that could be a basis for the development of objective residential design standards.

Land Use Specific Guidelines: Within the design guidelines, there are specific guidelines for residential, commercial, and industrial land uses, but this background report summarizes only those guidelines that are relevant to the Residential Design Study.

The residential design guidelines address different housing types, subdivision street patterns, access, view protection, parking, and open space. They also address architectural features such as bulk, rooflines, entries, fenestration, second story additions, street frontages, façade articulation, and privacy. Many guidelines are good design principles without measurable parameters and therefore leave room for subjective interpretation. There are also some measurable criteria that could be adjusted to become objective development standards, including the following:

- In single-family detached homes, limit garages to less than 50 percent of structure frontage in order to maintain living spaces overlooking the street.
- Limit percentage of the total site area paved for streets, parking drives, parking courts, or access roads to approximately 25 percent (not including parking located beneath dwelling units).

- Maintain privacy of individual units. Facing living room windows should generally be at least 35' apart to provide at least one view window. Avoid second-floor views into adjoining ground-level patios.
- Design decks carefully as they affect the light admitted to lower levels of building and neighbors' privacy. Avoid placing decks within 15 feet of a property line that abuts other residences.

Hillside Design and Urban/Wildlife Interface Guidelines

The Hillside Design and Urban/Wildland Interface Guidelines are intended to implement General Plan policies and strategies pertaining to hillside development; promote quality architectural, landscape, site and street design that will enhance the aesthetic character of the hillside setting; protect and preserve important environmental resources and significant natural features in the hills; and ensure that hillside development incorporates public safety measures relating to the fire defensibility and access.

Applicability: The guidelines are separated into two parts: Hillside Design Guidelines and Urban/Wildland Interface Guidelines. The guidelines apply to development in the Hayward Hills, generally east of Mission Boulevard and south of D Street. These guidelines supplement the City of Hayward Design Review Guidelines and other City standards and regulations. As with the Hayward Design Guidelines, due to state legislation explained earlier, some of these guidelines are not enforceable due to their subjective nature.

Guidelines: Part one of the guidelines address development features including street design, sidewalk and planter strips, driveways, ridgelines, cluster home development, setbacks from open space areas to maintain fire breaks, building design considerations on slopes of 15 percent or greater, grading, landscaping, and signage.

Part two of the guidelines include building construction standards for fire protection, a fuel management program, and identification of fuel management sites.

The Hillside Design and Urban/Wildland Interface Guidelines provide good design principles combined with specific measurable standards especially focused on setbacks, buffers and building on slopes. There is an opportunity to adjust certain other guidelines to become measurable standards that could be included in the objective standards developed through this project.

B. APPROACHING OBJECTIVE STANDARDS AND A SUMMARY OF CASE STUDIES

The intent of creating objective development and design standards is to provide applicants and review authorities with clear requirements that are predictable and easy to interpret. The following are high-level categories of building development that may be regulated by objective standards.

Table 4: Summary of Categories typically addressed by Objective Standards

Subject	Potential Intent of Standards
Site Design	
Building Orientation and Placement	<ul style="list-style-type: none"> • Create a coherent and active interface between private development and the public realm. • Ensure that building frontages are compatible with nearby buildings. • Optimize building orientation for thermal comfort, shading, daylighting, and natural ventilation.
Access, Parking and Loading	<ul style="list-style-type: none"> • Provide facilities for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within a site and in the surrounding context. • Ensure that loading and service areas are integrated into building and landscape design and located to minimize impact on the pedestrian experience. • Ensure that parking is screened from the street so that its visual presence is limited.
Commercial/Office Location	<ul style="list-style-type: none"> • Allowance or requirement for commercial uses on ground floor.
Open Space and Common Areas	<ul style="list-style-type: none"> • Provide private and common shared open space with usable dimensions in a secure environment with well-located amenities.
Landscaping	<ul style="list-style-type: none"> • Incorporate sustainable practices like the use of native planting, maximizing on-site stormwater management through landscaping and permeable paving, and creating comfortable micro-climates and reduction of heat island effects through planting. • Dense landscaping and/or architectural treatments shall be provided to screen unattractive views and features such as storage areas, trash enclosures, freeway structures, transformers, generators, and other similar elements.
Lighting	<ul style="list-style-type: none"> • Ensure that public areas of buildings are lit for wayfinding and safety while minimizing impacts of glare and light pollution.
Fencing	<ul style="list-style-type: none"> • Ensure that fencing along street frontage serves the function of demarcating public and private realm without blocking visibility. • Enable appropriately scaled fencing along private property boundaries.
Building Form	
Building Massing and Modulation	<ul style="list-style-type: none"> • Design buildings that are compatible with surrounding areas in terms of height, scale, and massing. Massing should create a human-scale environment. • Break up large building volumes with modulation in the form of upper floor projections and recesses, vertical recesses etc.
Building Setback and Step backs	<ul style="list-style-type: none"> • Require setbacks to provide a hardscape and/or landscaped area to create a transition between public and private space. • Provide side and rear setbacks and/or upper story step backs to create a compatible relationship with adjacent lower density residential development.
Roof Articulation	<ul style="list-style-type: none"> • Articulate roof forms to create an interesting skyline using combination of different roof forms including but not limited to flat, gables, pitched roofs, and other design strategies such as variations in roof and parapet heights.
Frontage	
Ground Floor	<ul style="list-style-type: none"> • Provide percentage of glazing with clear glass on the first story facades for non- residential uses and common areas for residential.
Building Entryways	<ul style="list-style-type: none"> • Create a clear sense of entry and connection to the street. • Provide privacy and separation using setback or height.
Façade Design	<ul style="list-style-type: none"> • Create cohesive building facades with human-scaled details that incorporate textures, colors, and other details. • Taller buildings to have clearly distinguishable ground, middle and top floor to help create a more human scale. • Variation in horizontal and/or vertical projections such as shading and weather protection devices, decorative architectural details, or similar to create interest.

	<ul style="list-style-type: none"> Express a vertical rhythm and pattern that reflects the size and scale of a housing unit and/or individual rooms and spaces.
Materials	<ul style="list-style-type: none"> Use high quality, durable, sustainable, and attractive materials that exhibit a sense of permanence and contribute to the aesthetic quality of the development and to the urban design fabric of the community.
Balconies, Patios, and Porches	<ul style="list-style-type: none"> Private open spaces should be designed with usable dimensions to provide areas of outdoor enjoyment in residential development.

Learning from Peer Cities

Many cities in the Bay Area are preparing objective development and design standards in response to state legislation. The table below summarizes approaches taken by a range of Bay Area jurisdictions where objective standards have been adopted. The table considers two features of objective standards in particular. First, what format has been used for the standards? Have they been incorporated as amended sections throughout the Zoning Ordinance or adopted as a standalone ordinance or chapter? Second, what types of development are the objective standards applied to? In all cases, the objective standards apply to multifamily residential and mixed-use development. The table also provides general notes on each of the case study. These notes indicate aspects of the objective standards that are distinctive and may represent an approach that could be taken by Hayward.

Table 5: Selected Cities with Adopted Objective Standards

City	Format	Applicability	Notes	Reference Links
City of Alameda	Supplement the zoning ordinance	<ul style="list-style-type: none"> Multi-family Residential Mixed-use Residential 	<ul style="list-style-type: none"> Has detailed architectural element requirements in a checklist format for development. 	City of Alameda - File #: 2020-7700 (legistar.com)
City of San Leandro	Code amendment. Has included specific changes to existing code to include objective standards.	<ul style="list-style-type: none"> Mixed-use Residential Multi-family Residential Excludes the B-TOD District which has its own Specific Plan and design standards 	<ul style="list-style-type: none"> Objective standards apply to the ground level treatments, building design, and open space that are private, common, and publicly accessible. Design standards and explained using illustrations and text. 	
City of El Cerrito	Standalone	<ul style="list-style-type: none"> Multi-Family Residential, Mixed-Use Residential 	San Pablo Avenue Form-based code	https://www.el-cerrito.org/DocumentCenter/View/17518/2_Form-Based-Code-071822
Marin County	Streamlining review process. Supplement to the zoning code.	<ul style="list-style-type: none"> Mixed-use Residential Multi-family Residential 	<ul style="list-style-type: none"> Form-based code, Very detailed approach with extensive architectural design inputs. 	https://www.marincounty.org/depts/cd/divisions/planning/long-range-planning-initiatives/objective-design-and-development-standards
City of Gilroy	Supplement to development regulations.	<ul style="list-style-type: none"> Mixed-use Residential Multi-family Residential 	<ul style="list-style-type: none"> Standards regulate site and structure design only. Projects must also comply with all applicable building permit requirements, zoning code requirements, and development standards such as height, setbacks, floor area ratio, etc. Has used illustrations to explain regulatory design elements and design standards. Very detailed approach with extensive architectural design inputs. 	https://www.cityofgilroy.org/905/Objective-Design-Standards
City of Walnut Creek	Addendum to the Design Review Guidelines. These are mandatory for projects seeking streamlining pursuant to state law.	<ul style="list-style-type: none"> Single-Family Residential requiring Design Review, Multi-Family Residential, Mixed-Use Residential 	<ul style="list-style-type: none"> One of the few cities to create standards for single family housing. Includes a simple checklist for application and evaluation. If a project applicant seeks exceptions or modifications to the Objective Design Standards, the project becomes subject to the discretionary Design Review process. 	https://www.walnut-creek.org/home/showpublisheddocument/26524/637613446881170000 https://www.walnut-creek.org/home/showpublisheddocument/26522/637613446840870000

City	Format	Applicability	Notes	Reference Links
City of San Jose	Supplement to the City documents and regulations.	<ul style="list-style-type: none"> Mixed-use Residential Multi-family Residential Not Applicable to: <ul style="list-style-type: none"> Single-family residences Rehabilitation, modifications, or addition to historic buildings or adaptive reuse of historic buildings; and Downtown San José, including the Diridon Station Area 	<ul style="list-style-type: none"> Design standards are accompanied by design guidelines and are graphic/illustrations rich. The section on specific development types provides detailed examples of how to apply Design Standards and Guidelines as 'roadmaps' for typical development categories, including townhomes, offices, and warehouses. 	https://www.sanjoseca.gov/Home/ShowDocument?id=69148

Other jurisdictions in the Bay Area including Los Gatos, San Carlos, Palo Alto and Santa Cruz are in the process of adopting of their Objective Development and Design Standards.

Conclusion

State housing laws increasingly rely on project compliance with objective design standards to streamline approval of housing projects and boost housing production. Therefore, the Hayward Residential Design Study will focus on updating the city's residential development standards to make them "objective" per State law by including measurable and enforceable parameters.

The Study will primarily focus on the below residential districts in the Zoning Ordinance:

- RS (Single-Family Residential)
- RNP (Residential Natural Preservation)
- RM (Medium Density Residential)
- RH (High Density Residential)

There may be minor updates to the Mission Boulevard Code and the Downtown Hayward Specific Plan and Code to bring them in alignment with updates to the other residential zoning districts and to comply with current State requirements. Many of the city's planning documents summarized in this report have good design guidelines based on best practices for site planning and building design, which will be considered in the Residential Design study but will be written in an objective manner. Examples from peer cities indicate different approaches to Objective Development and Design Standards, which can range from targeted updates to the Zoning Ordinance, to a comprehensive update to residential design standards in a stand-alone document that works in conjunction with the Zoning Ordinance.

Based on the findings of the background review, analysis and community input received from the project's outreach events, interactive web map and survey, and a series of walking workshops ("walkshops"), the project team will identify the design issues to be addressed in residential design standards of single family, multi-family, and mixed-use residential projects. This prioritization will inform the level of detail employed and the overall approach to the development of new objective standards that reflect community priorities, while making them easy for applicants to understand and staff to administer.