

## HAYWARD CITY COUNCIL

RESOLUTION NO. 20-

Introduced by Council Member \_\_\_\_\_

RESOLUTION TO ADOPT FINDINGS IN SUPPORT OF AMENDMENTS TO THE ZONING MAP AND CHAPTER 10, ARTICLE 1 (ZONING ORDINANCE), ARTICLE 7 (SIGN REGULATIONS), ARTICLE 24 (SOUTH HAYWARD BART/MISSION BOULEVARD FORM BASED CODE) AND ARTICLE 25 (MISSION BOULEVARD CORRIDOR FORM BASED CODE) OF THE HAYWARD MUNICIPAL CODE RELATED TO THE COMPREHENSIVE UPDATE OF THE MISSION BOULEVARD CODE

WHEREAS, in September 2011, the City Council adopted Article 24, the South Hayward BART/Mission Boulevard Form Based Code (FBC) which spans from Harder Road southland to Garin Avenue, and subsequently in February 2014, the Council adopted Article 25, the Mission Boulevard Corridor Form Based Code which extends from Rose Street to "A" Street, then from Jackson Street to Harder Road. Since adoption of the FBCs, there have been few revisions or modifications to the Codes and like any zoning ordinance, specific plan, or general plan, regular updates and/or amendments are required to reflect new policies, development standards, and land uses.

WHEREAS, in July 2014, the City Council adopted the *Hayward 2040 General Plan* which established a new vision for the Mission Boulevard corridor with corresponding general plan land use designations with respect to permitted uses, floor area ratio, and residential densities. The *Hayward 2040 General Plan* specifically identifies the FBC areas as regional Priority Development Areas to focus employment and job growth as well as residential development due to its proximity to mass public transit.

WHEREAS, on May 22, 2018, the City Council adopted Resolution No. 18-085, authorizing the City Manager to execute an agreement with Lisa Wise Consulting, Inc. (LWC) for an update to the Codes. Since May 2018, LWC has been meeting with City staff, conducting public outreach, and evaluating the existing form-based codes to identify issues related to Code administration and implementation.

WHEREAS, between December 2018 and February 2019, City staff and the consultant team met with community stakeholders, developers, transit providers, design professionals, neighborhood associations, and presented the findings from those interviews to the Planning Commission and City Council during a work session to discuss the proposed changes on the vision of the form-based code update.

WHEREAS, on February 13, 2020 and March 2, 2020, the Planning Commission and Council Economic Development Committee, respectively, held public Work Sessions on the Public Review Draft of the Mission Boulevard Code update.

WHEREAS, on May 15, 2020, a legal ad was published in the Daily Review newspaper and public hearing notices were mailed to all properties located within the current form-based code area plus a 300-foot radius notifying property owners, businesses, residents, and stakeholders of the Planning Commission and City Council hearings for adoption.

WHEREAS, on May 28, 2020, the Planning Commission considered the proposed Zoning Map and Text Amendments and voted (6-0-0), that the City Council approve the proposed Map and Text Amendments to Chapter 10 of the Hayward Municipal Code and adopt the consolidated Mission Boulevard Code.

WHEREAS, on June 26, 2020, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on July 14, 2020.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows:

CALIFORNIA ENVIRONMENTAL QUALITY ACT

1. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168, a Program Environmental Impact Report (EIR) was prepared for the Hayward 2040 General Plan. On July 1, 2014, the City Council adopted Resolution No. 14-108, approving the Hayward 2040 General Plan Update and related Program EIR. The General Plan EIR incorporated prior EIR analyses conducted along the Mission Boulevard corridor including the South Hayward BART/Mission Boulevard Code Supplemental EIR (SEIR), certified on September 13, 2011, that tiered off Conceptual Design Plan Program EIR (2006) and 238 Land Use Study EIR (2009). These program level EIRs cover the proposed Amendments to the Hayward Municipal Code.
2. In accordance with Section 15164 of the CEQA Guidelines, a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. That the Program EIR covers the subject zone change as a subsequent action contemplated with the adoption of the Hayward 2040 General Plan Update and is consistent with the General Plan Land Use diagram.
3. Based on the draft regulations and the analysis provided in this staff report, no new or unanticipated levels of development are anticipated that were not previously identified in the General Plan and General Plan EIR, and no new or unanticipated traffic, employment density, or construction impacts are expected to be generated as a result of adoption of these regulations. Therefore, the proposed Amendments substantially conform to the Goals and Policies set forth in the General Plan, and that were analyzed in the related Program EIR. No further environmental review is necessary.
4. That the project complies with CEQA, and that the City Council has reviewed and

considered the information prior to approving the project. The custodian of the record of proceedings upon which this decision is based in the Development Services Department, City of Hayward located at 777 B Street, Hayward, CA 94544.

**FINDINGS FOR ZONING MAP AND TEXT AMENDMENTS TO CHAPTER 10 OF THE HAYWARD MUNICIPAL CODE**

**1. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward;**

The Zoning Map and Text Amendments will consolidate the two existing Form Based Codes into one updated code called the “Mission Boulevard Code” which will promote the public health, safety, convenience and general welfare of the residents and businesses in Hayward in that the updated development and land use standards will result in clear, consistent and interpretable standards and processes to catalyze economic development and housing production along the Mission Boulevard corridor. The intent of the FBC is promote walkable, mixed-use developments along the corridor to include a mix of personal service, retail, and office businesses in close proximity of residences and transit stops to ultimately minimize the reliance of personal automobiles to further reduce greenhouse gas emissions at a local and regional scale. With the implementation of the FBC, new developments will include open space amenities, attractive landscaping, and articulated well-designed buildings to complement the future urban form of the corridor and support existing businesses and residents in the area.

**2. The proposed change is in conformance with all applicable, officially adopted policies and plans;**

The Mission Boulevard Code will be conformance with the purposes of the Hayward Municipal Code in that per Sections 10-24.515 and 10-25.515 of the Hayward Municipal Code, the FBCs call for code maintenance to review the outcomes of the FBCs and if needed, update the regulations to address current conditions and future projections of Hayward. Consistent with the Bay Area’s Regional Transportation Plan (RTP) and Sustainable Community Strategy (SCS), the two form-based code plan areas are designated as Priority Development Areas (PDAs) intended to focus regional economic and employment growth as well as housing production along the Mission Boulevard corridor. The Code update is intended to meet those adopted goals by enhancing and revitalizing the corridor to accommodate and encourage growth within compact, mixed-use, and walkable neighborhoods and districts that are located near the city’s job centers and regional transit facilities. As such, the Amendments are consistent with the following goals and policies set forth in the *Hayward 2040 General Plan* listed below:

- **LU Policy 1-3: Growth and Infill Development.** The City shall direct local population and employment growth toward infill development sites within the city, especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan.

- LU Policy 1-5: Transit Oriented Development. The City shall support high-density transit-oriented development within the city's s to improve transit ridership and to reduce automobile use, traffic congestion, and greenhouse gas emissions.
- LU Policy 1-13: Local Plan Consistency with Regional Plans. The City shall strive to develop and maintain local plans and strategies that are consistent with the Regional Transportation Plan and the Sustainable Communities Strategy to qualify for State transportation funding and project CEQA streamlining.
- LU Policy 2-8: S. Hayward BART Urban Neighborhood and Mixed-Use Corridor. The City shall encourage the development of vibrant, compact, mixed-use, and walkable urban neighborhoods within the South Hayward BART Neighborhood and the South Hayward BART Mixed-Use Corridor.
- LU Policy 2-13: Mission Boulevard Specific Plan. The City shall maintain and implement the Mission Boulevard to guide and regulate development within the Mission Boulevard Mixed-Use Corridor.
- LU Policy 2-12: Mission Boulevard Mixed-Use Corridor. The City shall encourage the redevelopment of the Mission Boulevard corridor to create an attractive mixed-use boulevard with a variety of commercial functions and residential densities that support walking and transit.
- LU Policy 3-1: Complete Neighborhoods. The City shall promote efforts to make neighborhoods more complete by encouraging the development of a mix of complementary uses and amenities that meet the daily needs of residents. Such uses and amenities may include parks, community centers, religious institutions, daycare centers, libraries, schools, community gardens, and neighborhood commercial and mixed-use developments.
- LU Policy 4-2: Transformation of Auto-Oriented and Strip Commercial Uses. The City shall support the transformation of auto-oriented and strip commercial uses into attractive pedestrian-oriented developments that frame and enhance the visual character of the corridor.
- LU Policy 4-3: Mixed Use Developments within Commercial-Zoned Properties. The City shall allow mixed-use developments within commercially-zoned properties along corridors and ensure that these uses are located, designed, and operated in a manner that maintains compatibility with adjacent residential uses.
- ED Goal 1: Diversified and Robust Economy. Diversify the economic base of Hayward to support a robust and stable economy with a diverse range of employment, shopping, and cultural opportunities for local residents
- ED Policy 5-5: Quality Development. The City shall require new development to include quality site, architectural and landscape design features to improve and protect the appearance and reputation of Hayward.
- Housing Policy 3-1: Diversity of Housing Types. The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments.
- Housing Policy 3.3: Sustainable Housing Development. The City shall improve affordability by promoting sustainable housing practices that incorporate a 'whole system' approach to siting, designing, and constructing housing that is integrated

into the building site, consumes less water and improves water quality, reduces the use of energy use, and other resources, and minimizes its impact on the surrounding environment.

- Housing Policy 3-4: Residential Uses Close to Services. The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.
- Housing Policy 4-1: Flexible Development Standards. The City shall review and adjust as appropriate residential development standards, regulations, ordinances, departmental processing procedures, and residential fees that are determined to be a constraint on the development of housing, particularly housing for lower- and moderate-income households and for persons with special needs.
- Housing Policy 4-2: Clear Development Standards and Approval Procedures. The City shall strive to maintain and administer clear development standards, and approval procedures for a variety of housing types, including, but not limited to, multifamily housing and emergency shelters.

**3. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified; and**

The Zoning Map and Text Amendments would refine and update the existing development standards and land use regulations for the corridor to be consistent with the adopted goals, policies and designations of the *Hayward 2040 General Plan* with respect to development intensity, density, and envisioned land uses. The updated Mission Boulevard Code does not directly require the creation of new streets and/or public facilities; rather, the Code emphasizes providing multi-modal transportation options and pedestrian/bicycle connectivity (on-site and off-site) throughout the corridor and large key development sites. Development standards have been established within the form-based code update for new non-residential development to be oriented toward the public frontage with articulated entrances, storefront windows, and attractive landscaping to encourage and promote walkability, bicycle mobility and the use of mass transit to reduce the overall use of personal, single-occupancy vehicle trips and overall greenhouse gas emissions. The updates to the Code also focus on prioritizing density most adjacent to major transit hubs such as the Hayward and South Hayward BART stations to further support the utilization of mass transit versus dependence on automobiles resulting in congestion along the corridor. Overall, the existing street circulation network and public facilities are deemed adequate to serve all proposed residential and non-residential developments and land uses with the proposed zoning map and text amendment updates.

**4. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.**

The Zoning Map and Text Amendments include the consolidation of the former South Hayward BART/Mission Boulevard Form-Based Code (Article 24) and the Mission Boulevard Corridor Form-Based Code (Article 25) into a singular regulating document referred to as the “Mission Boulevard Code” that will regulate new

development and land uses for the majority of the corridor. The update will consolidate the existing zoning districts between the two form-based codes and create four primary zoning districts including Corridor Neighborhood (CN), Neighborhood Node (NN), Corridor Center (CC) and Civic Space (CS) for greater consistency between the permitted and conditionally permitted uses as well as the development pattern along the corridor. As proposed, the updates provide clearer direction and consistent interpretations of the land uses and code requirements along the plan area which will result in a benefit to residents, businesses, stakeholders, and the development community. The Code updates increase efficiency and predictability in the development review process for applicants and minimizes inconsistencies between the existing form-based codes and the City’s zoning ordinance. Overall, the adoption of the Mission Boulevard Code replaces the overly complex, prescriptive development standards with land uses and development standards that provide more flexibility to ensure the intent of the proposed zoning districts are aligned with goals and policies of the General Plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the findings in support of the Zoning Map and Text Amendment, subject to the adoption of the companion Ordinance.

BE IT RESOLVED that this resolution shall become effective on the date that the companion Ordinance (Ordinance No. 20-\_\_) becomes effective.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2020.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward