

**SPECIAL
JOINT WORK SESSION
OF THE
CITY COUNCIL
AND
PLANNING COMMISSION**

OCTOBER 19, 2021

PRESENTATION

WORK SESSION

ITEM #1

WS 21-039

**HOUSING ELEMENT
UPDATE
AND
RESIDENTIAL OBJECTIVE
STANDARDS**

Housing Workshop

Joint Session of the City Council and Planning Commission
October 19, 2021



Purpose of this Housing Workshop

- ✓ **Update & Overview of State Housing Legislation**
- ✓ **Opportunity for Planning Commission to Initiate Discussions with Council on Key Policy Issues**
 - ✓ **Affordable Housing Ordinance**
 - ✓ **Parking Standards**
- ✓ **Overview of Affordable Housing Ordinance**
- ✓ **Introduction to the Housing Element Project**
- ✓ **Introduction to Objective Residential Standards & Comprehensive Upzone Project, including Parking Standards**



Purpose of this Housing Workshop



This is the **first of several meetings** that will be held with the **Planning Commission, City Council, & the community** to discuss housing-related policy issues and projects.

There will be **additional opportunities to provide general and specific feedback** at different stages throughout all of these processes.

Recently Adopted State Housing Legislation



January 1, 2018
16 new laws go into effect.

January 1, 2020
12 new laws go into effect

**January 1, 2022 –
Comeback California
Housing Legislation
Package**
31 new laws will go into effect

2018

2019

2020

2021

2022

January 1, 2019
18 new laws go into effect

January 1, 2021
14 new laws go into effect

Recently Adopted State Housing Legislation



Major Themes in Housing Legislation passed since 20...

- ✓ Loosening regulations on ADUs
- ✓ Increasing options and flexibility for Density Bonus projects
- ✓ Streamlining Planning & Approval Processes
- ✓ Limiting Local Control to Adopted Objective Standards
- ✓ Increasing Housing Production
- ✓ Updating Housing Element Laws

Affordable Housing Ordinance



- **Affordable Housing Ordinance (AHO) was adopted in 2003 and last revised February 2018**
- **Councilmembers, Planning Commissioners, and community members have expressed concern with:**
 - **Low percentage of affordable units required**
 - **Compliance options**
- **In response the City Council updates to the Strategic Roadmap, the following are to be completed in 2022:**
 - **Evaluation of the Affordable Housing Ordinance**
 - **Hold Work Session for Potential Revisions, including with Planning Commission**

Affordable Housing Ordinance – Key Considerations

- ✓ **State regulates inclusionary requirement with a cap on the maximum percentage**
- ✓ **Too high of a fee or on-site unit requirement can make overall housing production infeasible**
- ✓ **Ability of on-site inclusionary housing units to meet the community's needs (right now likely to create more moderate-income ownership housing)**
- ✓ **Construction of market rate apartments may not be feasible in City due to high costs under status quo (market rents not high enough to support costs)**
- ✓ **Affordable housing fees can be significantly leveraged to fund affordable rental housing most needed by Hayward renters at risk of displacement and produce a higher rate of compliance with the City's RHNA allocation**



Affordable Housing Ordinance

Questions/Discussion





Community starts with
Climate and Housing!

**Housing
Element
101**

Housing Element 101



What is a Housing Element?

- The Housing Element is one of eight mandatory elements of the General Plan.
- Required to be updated every eight years.
- The only element that is reviewed and certified by the State.
- Hayward's Housing Element Update is being combined with General Plan Amendments related to the Climate Action Plan, Environmental Justice, and Safety Element Updates.

Housing Element 101

Why do we need a Housing Element?

- Opportunity for **community conversation** about local housing challenges & solutions, environmental justice, safety, and hazard planning and climate change.
- State law does not require that local jurisdictions to build or finance housing, but we must plan for it.
- Noncompliance creates the potential for being sued when making land use decisions & makes the City ineligible for community development and infrastructure grants and funding sources.



Housing Element 101



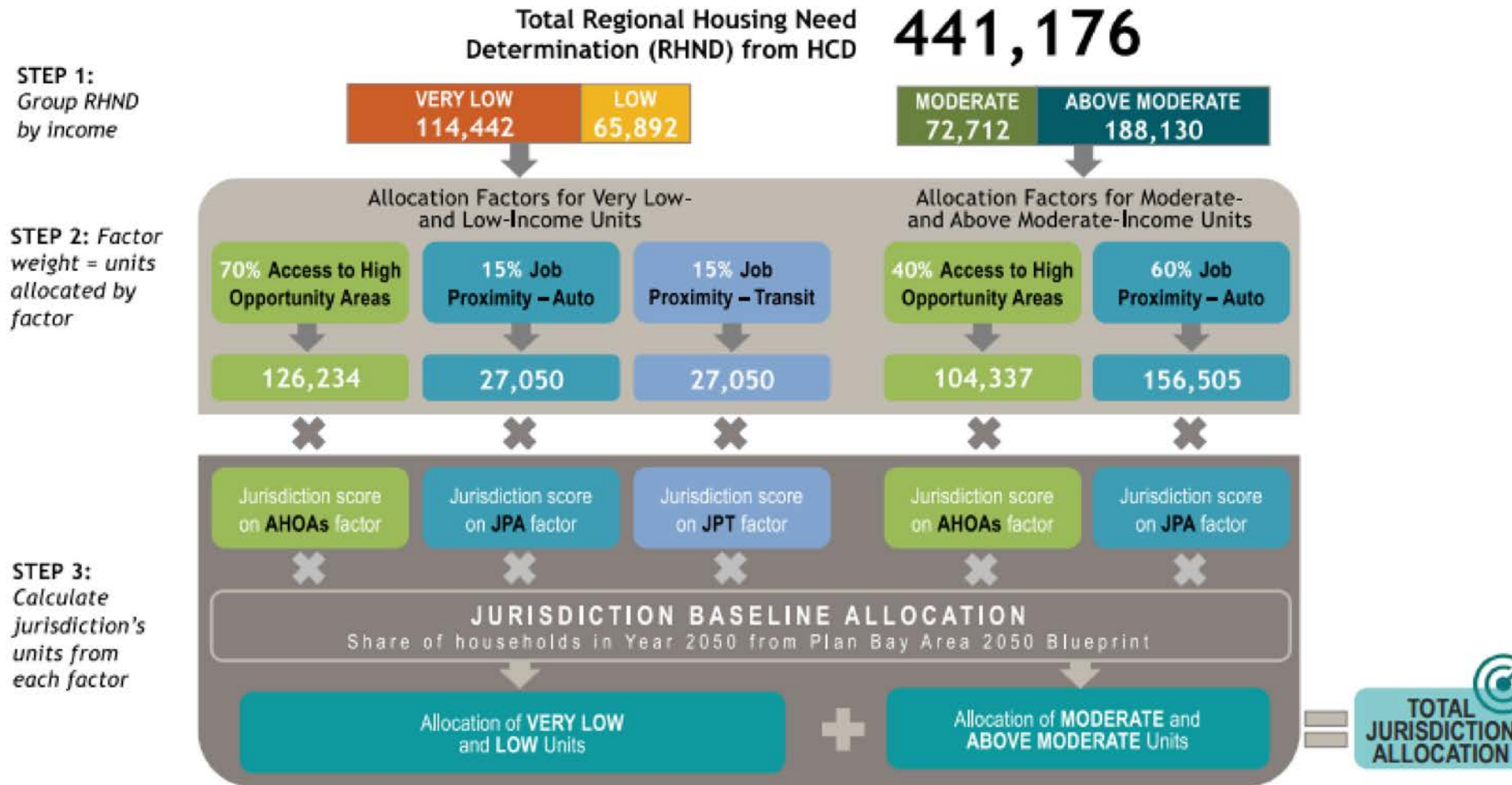
Housing Element 101



What is the Regional Housing Needs Assessment (RHNA)?

- Every eight years, the State projects housing need for the State as a whole and allocates a total to each Council of Government. The Association of Bay Area Governments (ABAG) covers the nine-county Bay Area region.
- Bay Area was allocated 441,176 units – a 234% increase over the last cycle. That total is broken down into income categories.
- ABAG's Housing Methodology Committee released a Draft Allocation in May 2021, which is anticipated to be finalized in Fall 2021.

Housing Element 101



Housing Element 101

Hayward's RHNA Allocation

	Very Low Income (<50% AMI)	Low Income (50-80% AMI)	Moderate Income (80-120% AMI)	Above Moderate Income (>120% AMI)	Total
2015-2023 Allocation	851	480	608	1,981	3,920
2023-2031 <i>Draft</i> Allocation	1,075	617	817	2,115	4,624



Housing Element 101



How are we doing with our 2015-2023 RHNA?

Income Category*	Unit Goal	Reported 2020		Approved		Pending Approval		Estimated Compliance		Estimated Deficiency	
		Units	% of Goal	Units	% of Goal	Units	% of Goal	Units	% of Goal	Units	% of Goal
Very Low	851	65	8%	208	24%	76	9%	357	42%	494	58%
Low	480	153	32%	79	16%	2	0%	354	74%	126	26%
Moderate	608	72	12%	216	36%	40	7%	201	33%	407	67%

*The City has achieved Above Market Rate housing goals for the 2015-2023 RHNA cycle.

Housing Element 101



Housing Element Timeline



Housing Element 101



Outreach Plan Next Steps...

- Gallery Walk with project materials in English/Spanish at various locations throughout Hayward. Use recorded comments from interactive gallery wall in HE. Bilingual recorded presentation of gallery walk materials on website.
- Prepare bilingual mini-presentations/tool kits: History of Housing in Hayward, What is redlining? What is environmental justice? & other topics
- Website launch mid-October with Idea Generator tool
- Mini-grants and stipends to advocacy and other groups for Housing & Climate Action Planning outreach.

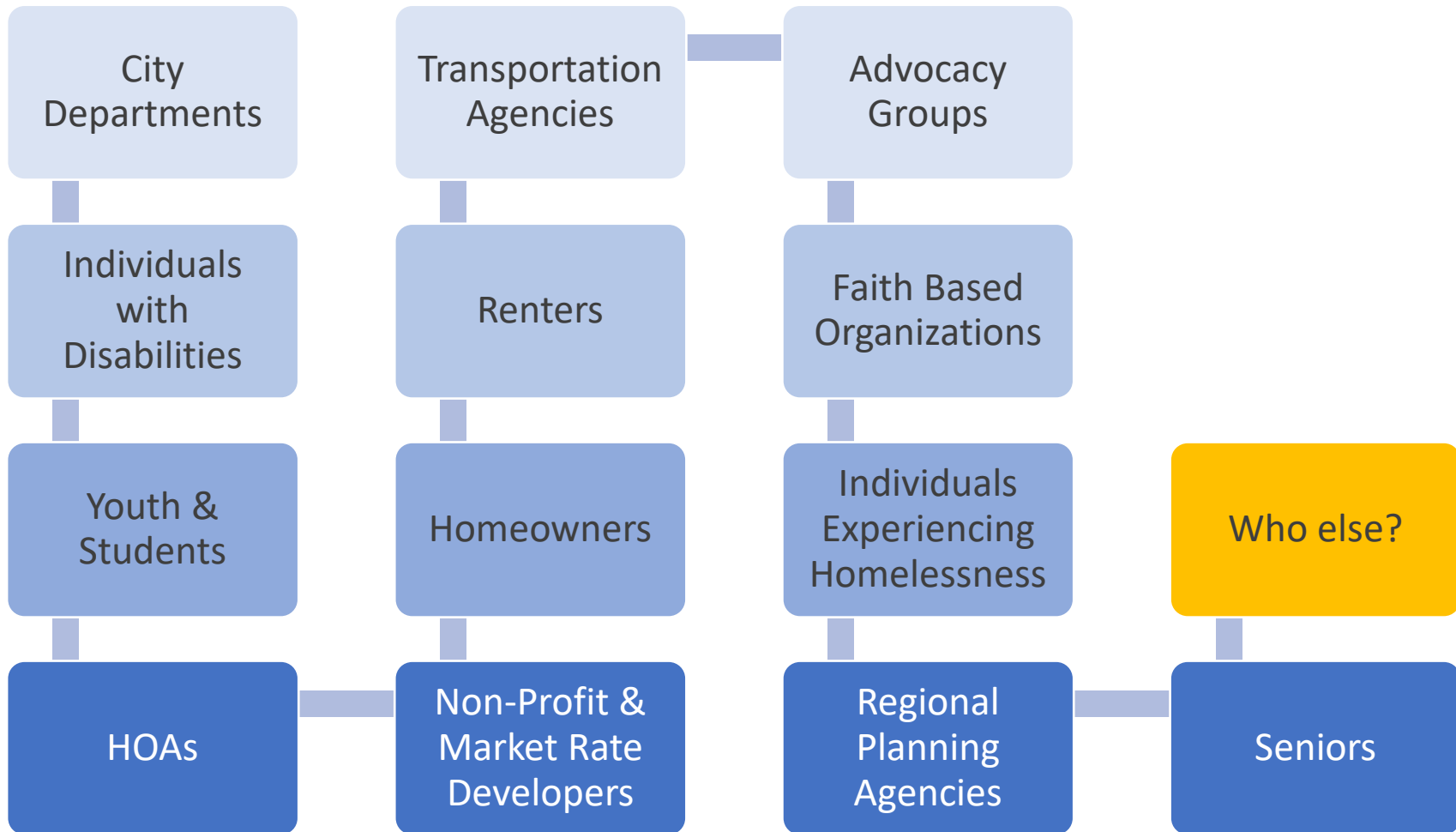
Housing Element 101



Outreach Plan Next Steps...

- In winter 2021, partnering with a Chabot English class to interview Hayward residents and community members about housing, environmental justice. Focus on “listening.”
- City will use interviews, stories, photos, and videos from Chabot interviews on social media and the website to generate more stories about housing. Focus on “storytelling.”
- The outreach component of the Housing Element project is the Diversity, Equity, and Inclusion project for Development Services.

Housing Element 101



**Outreach
Target
Groups**

Housing Element 101



Questions and Comments?

- Are there Housing Element-related issues the Planning Commission wants to share with Council?
- What community, advocacy or interest groups do you suggest that staff reaches out to in particular to achieve broad equitable outreach?
- Are there any specific locations or events that you recommend staff visit to ensure broad equitable outreach?
- One of the early outreach efforts includes a survey to understand community concerns. Are there any specific topics or questions that you would like to see included in the survey?

Housing Element 101

Questions/Discussion



Objective Residential Standards & Zoning/General Plan Consistency

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The City was awarded SB 2 grant in 2020.

✓ **Zoning/General Plan Consistency**

- Over 1,500 parcels are zoned RS, but have GP designations that allow/require higher densities.
- Through rezoning or zoning overlay, these parcels will be brought into conformance with the GP.

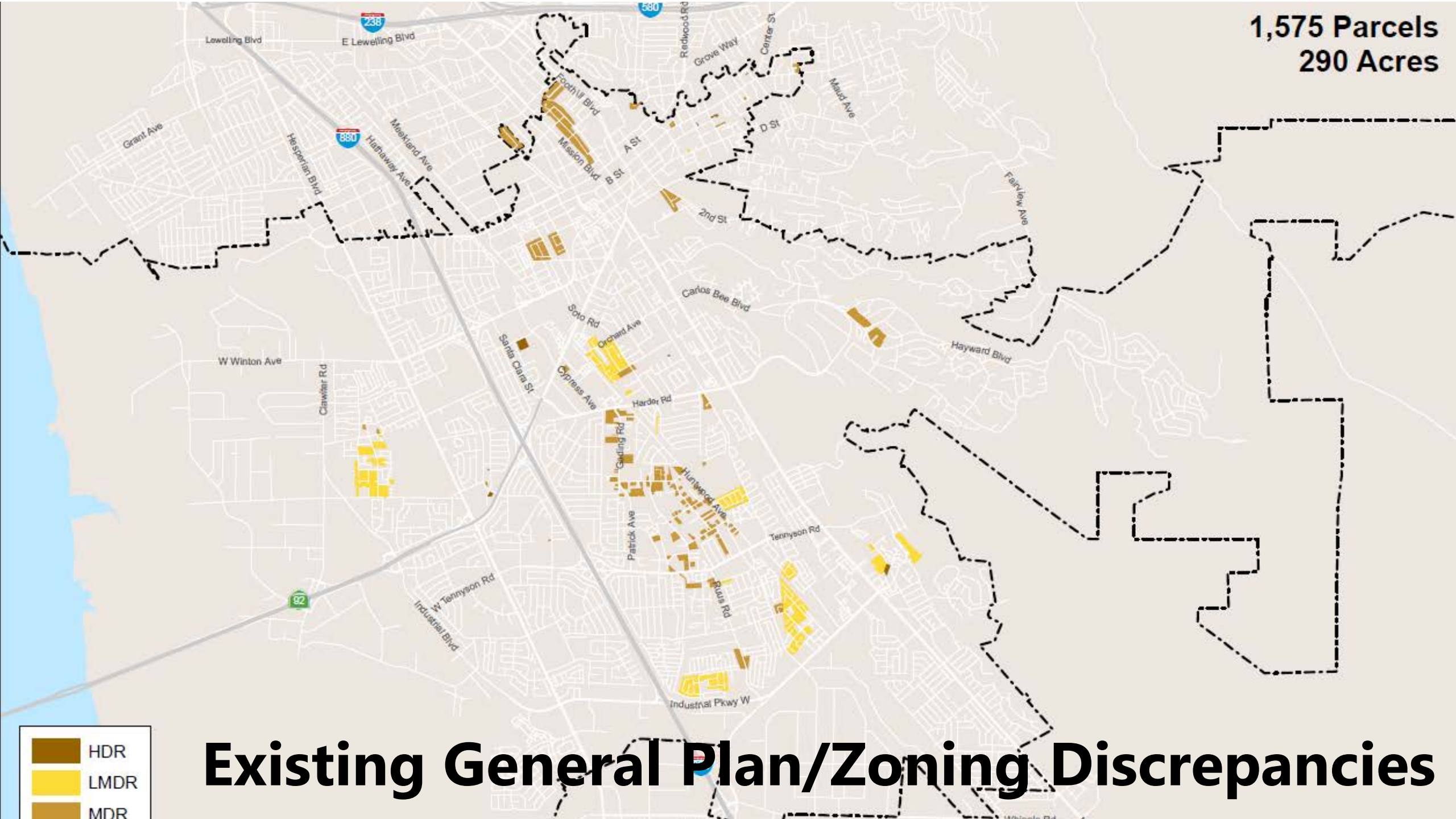
✓ **Residential Objective Standards**

- Development of more detailed objective residential standards in response to SB 330 and other recent legislation.



Project Scope

1,575 Parcels
290 Acres



Existing General Plan/Zoning Discrepancies

- HDR
- LMDR
- MDR

Recently Adopted State Housing Legislation

AB 744 – Density Bonus	AB 1771 – RHNA
AB 1934 – Development Bonus - Mixed Use	AB 686- Affirmatively Further Fair Housing
AB 2208 – Inventory of Land for Residential Development	AB 2162 – Supportive Housing
AB 2685 – Housing Element Adoption	AB 2372 – Floor Area Ratio Bonus
SB 35/SB 765 – Affordable Housing Streamlined Approval	AB 2797 – Density Bonuses
SB 166 – Residential Density and Affordability	AB 3194 – Housing Acct Act: Project Approval
SB 229 – Accessory Dwelling Units	SB 828 – RHNA
SB 540 – Workforce Housing Opportunity Zone	SB 1227 – Density Bonuses
AB 1505 – Zoning (Inclusionary Housing Ord.)	AB 587 – Separate Sale or Conveyance: ADU
AB 72 – Housing Element Compliance	AB 670 – ADU; Common Interest Dev.
AB 678/SB 167 – Housing Accountability Act	AB 1783 H-2A – Worker Housing
SB 330 – Housing Crisis Act of 2019	AB 879 – Housing Development Fees



Recently Adopted State Housing Legislation



SB 35 (2018)

This law establishes a streamlined, ministerial review process for certain multi-family affordable housing projects that meet **adopted objective standards**.

Developments must be infill, comply with zoning, have 10% of units for lower-income and requires projects over 10 units use prevailing wage and skilled and trained labor.

Hayward has approved two SB 35 projects and is processing a third application.

SB 330 (2019)

Prohibits an affected city or county from enacting a development policy or standard that would:

- Reduce intensity of land use unless an equivalent increase in intensity is provided elsewhere
- **Impose design review standards that are not objective**
- Limit housing through moratoria, land use approvals or permits, or capping housing units

Cities are prevented from enacting ordinances that would negatively affect housing developments that have already submitted a preliminary application.

Projects shall have no net loss in residential units for affordable housing.

AB

AB

AB

AB

AB

AB

SB

SB

AB

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AB

Recently Adopted State Housing Legislation



SB 9 (2022)

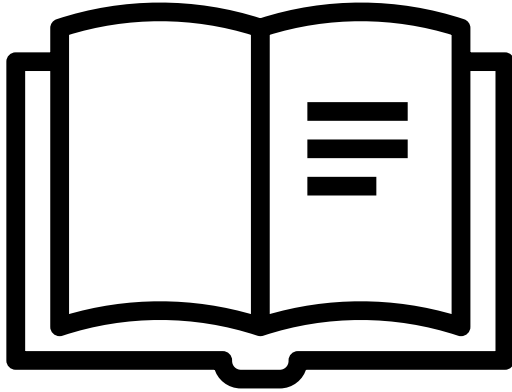
Allows development of duplexes on all single-family zoned properties; and allows single family zoned lots to be split into two separate lots provided that they meet minimum size requirements.

This law limits local control on any development that meets adopted objective standards.

	AB 1771 – RHNA
	AB 686- Affirmatively Further Fair Housing
Development	AB 2162 – Supportive Housing
	AB 2372 – Floor Area Ratio Bonus
Approval	AB 2797 – Density Bonuses
	AB 3194 – Housing Acct Act: Project Approval
	SB 828 – RHNA
	SB 1227 – Density Bonuses
	AB 587 – Separate Sale or Conveyance: ADU
AB 72 – Housing Element Compliance	AB 670 – ADU; Common Interest Dev.
AB 678/SB 167 – Housing Accountability Act	AB 1783 H-2A – Worker Housing
SB 330 – Housing Crisis Act of 2019	AB 879 – Housing Development Fees



"Missing Middle"



"Objective Standards are standards that involve no personal or subjective judgement by a public official"

Objective Standards

Definition

Non-Objective Standard:

Select colors that are harmonious with surroundings and other building materials. Accent colors are encouraged to enliven buildings.



Objective Standard:

All structures shall include at least one primary color and a maximum of two (2) accent colors, in addition to the color of the roofing material.



Objective Standards *Examples*



Non-Objective Standard:

Avoid unrelated bulk in the placement of one- and two-story structures.

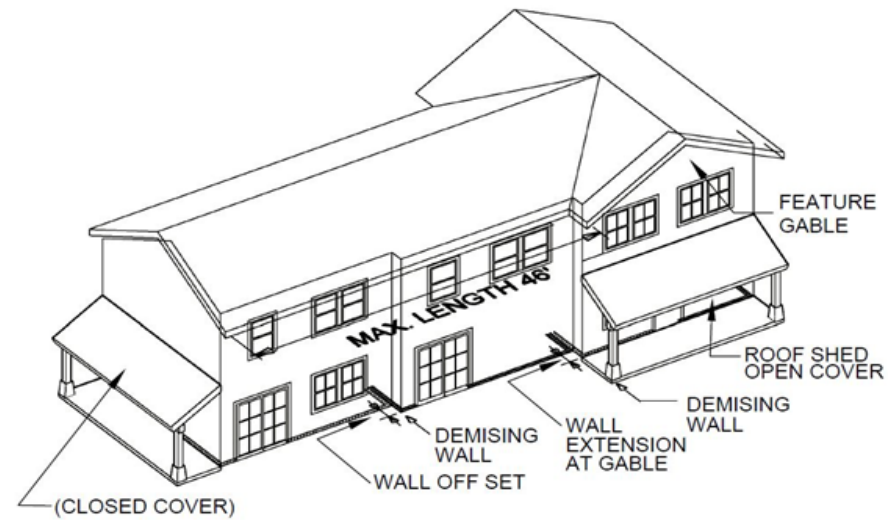
Objective Standard:

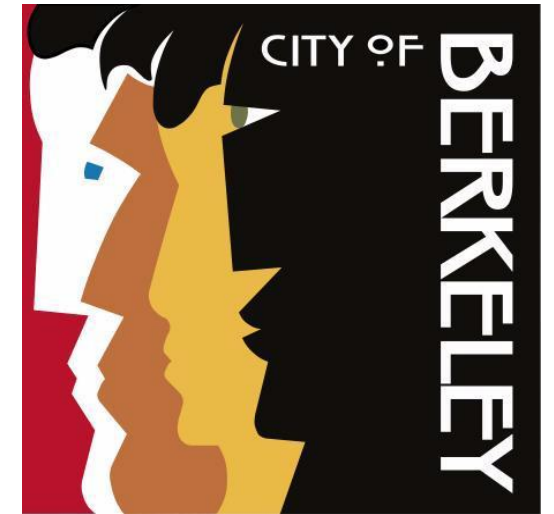
The longest dimension of the facade of at least one structure shall include a wall plane-break comprised of an "offset" of at least one foot six inches in finished depth located at every demising wall between living units within a single structure and/or at least every 30 feet.



Objective Standards

Examples



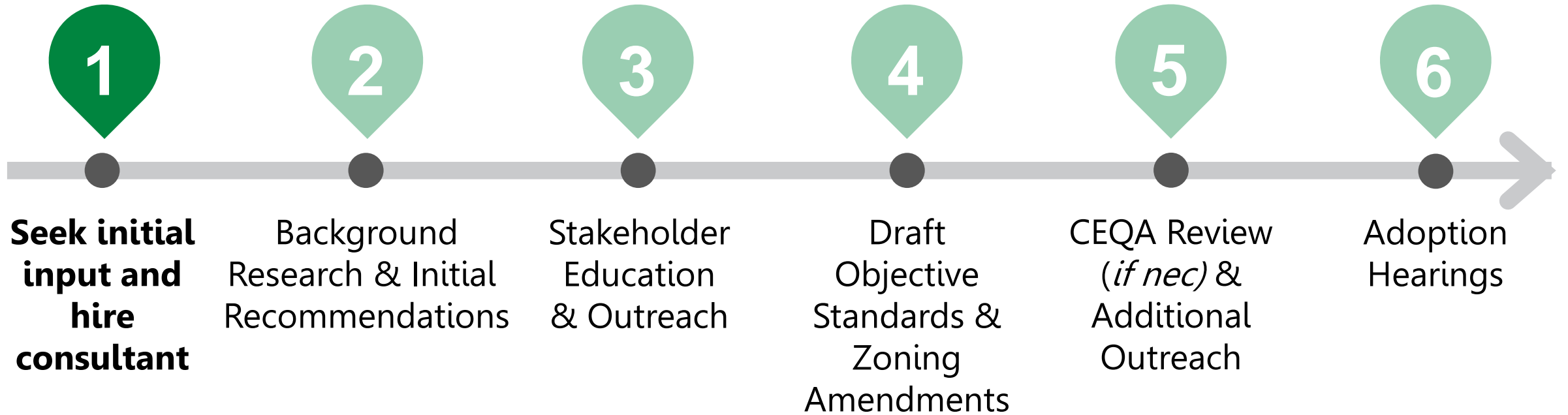


Zoning & Objective Standards

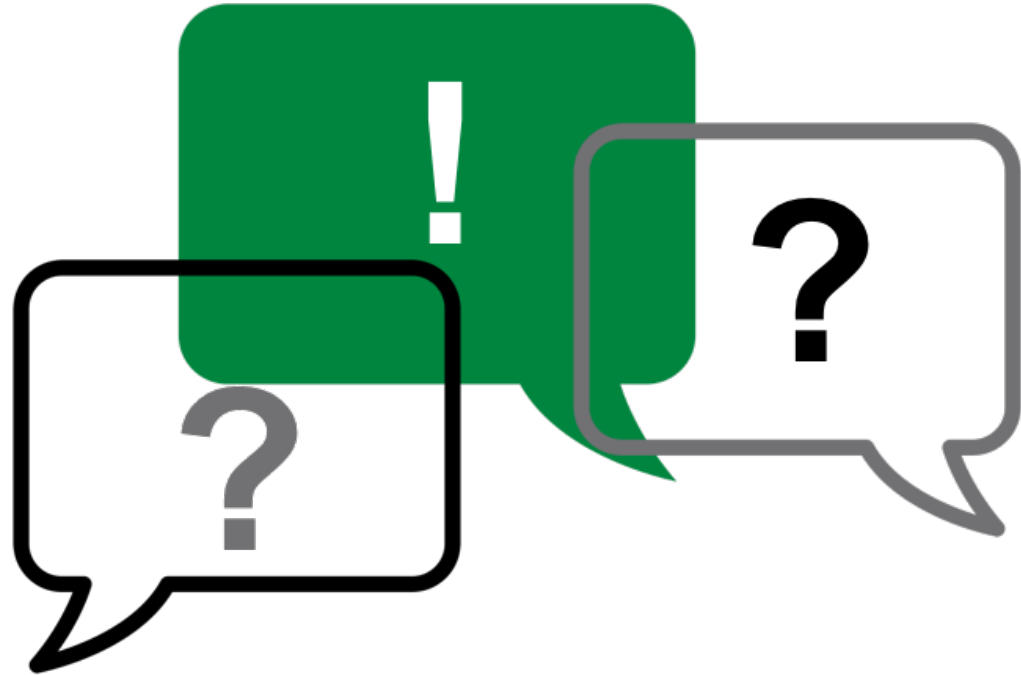
What are other jurisdictions doing?



Potential Stakeholders/Outreach Strategies



Process



Questions for Discussion

- 1 Are there parking issues the Planning Commission wants to share with Council?
- 2 What qualities of residential development should the objective standards focus on?
 - *Massing (overall, upper stories)*
 - *Relationship to surrounding development*
 - *Frontage types*
 - *Windows/Privacy*
 - *Landscaping*
 - *Colors/materials*
 - *Parking*
- 3 What stakeholders should be engaged as part of this process and/or what outreach strategies should be used?