



DATE: December 12, 2023

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Hayward Residential Design Study: Consideration of Proposed Text Amendments to Hayward Municipal Code Chapter 10, Article 1 (Zoning Ordinance), Article 2 (Off Street Parking Regulations), Article 24 (Mission Boulevard Code), and Article 28 (Downtown Development Code); Zoning Map Amendments; and Finding that No Further Environmental Review is Required Pursuant to the California Environmental Quality Act

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) supporting the proposed Text Amendments to Hayward Municipal Code Chapter 10, Articles 1, 2, 24, and 28 and related Zoning Map Amendments and finding the Amendments to be exempt from further environmental review pursuant to the California Environmental Quality Act, and introduces an ordinance (Attachments III) codifying the Amendments.

SUMMARY

The Hayward Residential Design Study is a long-range planning project focused on the development of objective residential development and design standards and related zoning amendments to support General Plan and Zoning Ordinance consistency. Following an extensive research and outreach process, the proposed Amendments were first reviewed with the Planning Commission and City Council at work sessions on August 24, 2023¹ and September 12, 2023² respectively. In response to comments received at those work sessions, the following key changes are proposed in Attachment III and exhibits:

- *Chapter 10, Section 10-1.200, Residential Districts.*
 - HMC 10-1.204 (b), Additions to Primary Buildings: All additions are proposed to comply with upper floor massing requirements. Large additions, defined as

¹ Work Session of the Planning Commission, August 24, 2023:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=6319713&GUID=12261BD6-8DE2-48A3-8665-1A03BF3D8E68&Options=&Search=>

² Work Session of the City Council, September 12, 2023:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=6343381&GUID=5F46F658-48FB-41C6-9F0F-935CC11A5359&Options=&Search=>

- increasing the gross square footage by 80 percent or more, shall also comply with the facade design requirements of new developments.
- HMC 10-1.204 (j), Mailboxes: Mailboxes are proposed to be located within secure areas which cannot be accessed by the public.
 - HMC 10-1.204 (l), Open Space: Points awarded for open space amenities have been adjusted to incentivize rooftop amenities. Additional minor modifications were made to better align point values with community and Council priorities.
 - HMC 10-1.205 (b) & 10-1.206 (b), Façade Design: Façade design standards are now proposed to be regulated through a points system.
 - *Chapter 10, Article 2, Parking Regulations.*
 - HMC 10-2.310, Large Detached Residential. The parking requirement for detached homes over 3,000 gross square feet is proposed to be increased from two to three covered parking spaces within an enclosed garage.
 - HMC 10-2.403, Residential Credit for Transportation Demand Management Program. The proposed maximum parking reduction for residential projects that employ specified Transportation Demand Management (TDM) measures has been reduced from 15 percent to five percent. Only projects that are required to provide at least 20 off-street parking spaces would be eligible for the reduction. Additionally, the list of eligible TDM measures has been adjusted to include more bicycle related options, and a points value has been assigned to each measure.
 - HMC 10-2.414, Unbundled Parking. New State legislation (AB 1317) requires that new residential rental developments with 16 or more units unbundle the cost of parking from the cost of rental units starting in 2025. HMC 10-2.414, Unbundled Parking, has been revised to align with State law.
 - *Chapter 10, Article 24, Mission Boulevard Code and Chapter 10, Article 28, Downtown Development Code.* Proposed revisions in these sections focus on eliminating subjective standards and ensuring consistency with other residential code sections. Notably, this includes new building massing and façade design requirements in the Mission Boulevard Code that are consistent with the standards proposed for multi-unit residential developments.

BACKGROUND

Summary of State Legislation. In response to California’s housing crisis, the State legislature has passed several laws removing barriers for residential development, protecting existing housing inventory, and expediting permit processing. These laws include Senate Bill 9 (SB 9), Senate Bill 35 (SB 35), and Senate Bill 330 (SB 330).

Under these State laws, residential development must be approved if it meets all objective development and design standards. Objective standards are defined 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 to and knowable by both the development applicant or proponent and the public official before submittal.” In

other words, an objective standard must be written in such a way that anyone reading it would have the same understanding as to what the standard requires. The proposed regulations described later in the report were crafted to ensure objectivity per State law.

Project Overview. In 2019, the City of Hayward was awarded an SB 2 Planning Grant by the California Department of Housing and Community Development (HCD) for various housing projects, including the Hayward Residential Design Study. The Hayward Residential Design Study is an update to the City’s zoning regulations to support the development of quality housing while ensuring that the City’s residential standards are “objective” by including measurable, enforceable, and understandable parameters. In addition, the Study aims to resolve inconsistencies between the General Plan, Zoning Ordinance, and other portions of the Municipal Code to eliminate ambiguity that may pose as a barrier to residential development.

Kickoff Meeting Joint Session. On February 1, 2022,³ the Council and Planning Commission held a joint work session to provide initial guidance at the onset of the Hayward Residential Design Study. The Council and Planning Commission provided significant feedback during this session, including that new standards should address building massing, height and setback standards, frontage treatments including landscaping, aesthetics, the relationship to existing development, and the development of “missing middle” housing.⁴

Initial Public Outreach. Outreach efforts for the Hayward Residential Design Study have included an online community survey, an online interactive mapping tool, in-person “walkshops” (walking workshops around Hayward neighborhoods), and various in-person community events. These efforts were promoted through the City’s e-newsletter, social media platforms, and at the Permit Center, libraries, and community-based organizations. The community survey and promotional materials were provided in Spanish, Mandarin, and English.

Through these efforts, staff gathered both quantitative and qualitative data to inform the development of the proposed standards and zoning amendments attached to this staff report. Key findings from the outreach include a range of community priorities, including allowing for a variety of architectural styles, avoiding “bulky” buildings, creating a relationship between buildings and the street, ensuring well designed landscaping and open spaces, taking into consideration existing neighborhood characteristics, and developing strategies to reduce on-street parking demand. A full summary and analysis of public outreach feedback is available on the project webpage on the City’s website.⁵

³ Joint Session of City Council and Planning Commission, February 1, 2022:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=5397460&GUID=B175606F-4591-4D2E-B41A-328BD292B038>

⁴ The term “Missing Middle Housing” was originally coined by Daniel Parolek of Opticos Design to refer to small scale multi-unit residential development that is naturally more walkable and affordable than traditional detached residential subdivisions. More information about Missing Middle Housing can be found here: <https://missingmiddlehousing.com/about/>.

⁵ Project Webpage on City of Hayward Website: <https://www.hayward-ca.gov/your-government/departments/planning-division/residential-design-study>

Parking Analysis. On January 24, 2023⁶ and February 9, 2023⁷, the City Council and Planning Commission, respectively, held work sessions to provide feedback on the Parking Analysis associated with the Hayward Residential Design Study. The Council and Planning Commission recommended maintaining parking requirements along Mission Boulevard and further consideration of Transportation Demand Management (TDM) strategies and the unbundling of parking.

Options and Recommendations Report. On April 13, 2023⁸ and April 18, 2023,⁹ the Planning Commission and City Council respectively, held work sessions to provide feedback on the Options and Recommendations Report associated with the Hayward Residential Design Study. The Council and Planning Commission supported increasing building heights, allowing for design diversity, incentivizing high quality open spaces, and drafting standards to enhance security.

Stakeholder Interviews. In Spring 2023, the project team held interviews with 13 individuals to gather feedback on the recommendations outlined within the Options and Recommendations Report. The individuals included market-rate housing developers, affordable housing developers, architects, community and housing advocates, neighborhood group representatives and “walkshop” attendees. A comprehensive summary of all stakeholder feedback is available on the project webpage.¹⁰

Draft Regulations. On August 24, 2023¹¹ and September 12, 2023,¹² the Planning Commission and City Council respectively, held work sessions to provide feedback on the Draft Regulations for the Hayward Residential Design Study. Recommendations from the Council and Planning Commission are summarized below:

- Develop a point system for the façade design standards, rather than a menu of options.
- Add façade design standards to the Mission Boulevard Code.
- Incentivize public art in the Mission Boulevard Code area.
- Adjust point values for open space amenities and incentivize rooftop amenities.
- Modify the Transportation Demand Management (TDM) policy to include different measures, a point system, eligibility requirements, and a smaller maximum reduction in off-street parking.
- Clarify the unbundled parking policy.

⁶ Work Session of the City Council, January 24, 2023: <https://hayward.legistar.com/MeetingDetail.aspx?ID=1067802&GUID=1C292A3B-F528-43B6-BE57-6258FAD071AF&Options=info&Search=>

⁷ Work Session of the Planning Commission, February 9, 2023:

<https://hayward.legistar.com/MeetingDetail.aspx?ID=1079506&GUID=73806132-61F2-40A7-ABB7-FE0E8074DF34&Options=info&Search=>

⁸ Work Session of the Planning Commission, April 13, 2023:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=6124459&GUID=9247590B-5A20-47F4-9149-33DE135F8263&Options=&Search=>

⁹ Work Session of the City Council, April 18, 2023: <https://hayward.legistar.com/LegislationDetail.aspx?ID=6171585&GUID=D0718FF2-DDC8-4949-9F0C-6FD5FA838B2F&Options=&Search=>

¹⁰ Hayward Residential Design Study Website: <https://www.hayward-ca.gov/your-government/departments/planning-division/residential-design-study>

¹¹ Work Session of the Planning Commission, August 24, 2023:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=6319713&GUID=12261BD6-8DE2-48A3-8665-1A03BF3D8E68&Options=&Search=>

¹² Work Session of the City Council, September 12, 2023: <https://hayward.legistar.com/LegislationDetail.aspx?ID=6343381&GUID=5F46F658-48FB-41C6-9F0F-935CC11A5359&Options=&Search=>

- Increase parking requirements for large detached residential units.
- Develop standards for mailbox security.

During these work sessions, the Planning Commission and City Council also supported the creation of development standards for small lot single-family units. As part of a subsequent project to be undertaken in 2024, staff plans to build off of the proposed Amendments to facilitate the development of small lot subdivision standards that will create a streamlined process for this popular development type.

Planning Commission Public Hearing. On October 26, 2023¹³, the Planning Commission held a public hearing where the Commissioners unanimously recommended that the City Council approve the proposed Zoning Text and Map Amendments with two modifications and one recommendation:

- **Modification 1: Align Unbundled Parking Standard with State Law.** The first modification that the Planning Commission recommended was to remove any unbundled parking regulations that exceed the requirements of AB 1317.
- **Modification 2: Do Not Provide Design Points for Public Art along Mission Boulevard.** The second modification recommended was to remove the points for public art from the façade design point system in the proposed Mission Boulevard Code.
- **Recommendation: Adjust Façade Design Point Totals.** Finally, the Commission also recommended that staff and the City Council review and consider increasing the minimum number of points required for façade design.

Project Description

The proposed text amendments to Chapter 10 of the Hayward Municipal Code (HMC) include changes to Article 1 (Zoning Ordinance), Article 2 (Off-Street Parking Regulations), Article 24 (Mission Boulevard Code), and Article 28 (Downtown Development Code). In addition, Zoning Map amendments are proposed to ensure consistency between the *Hayward 2040 General Plan* and the Zoning Ordinance.

The proposed amendments were discussed in detail in the staff report for the September 12, 2023 Council work session.¹⁴ This staff report builds off of the previous one by highlighting specific changes proposed since the September work session in response to Council and Planning Commission comments. The full extent of proposed map and text amendments is provided in Attachment III and exhibits.

Chapter 10, Article 1, Section 10-1.200, Residential Districts. Sections 10-1.200 through 10-1.500 of the HMC are proposed to be consolidated into a single section governing the four residential zoning districts: Residential Natural Preservation (RNP), Low Density Residential (RL, previously referred to as “RS” and “Single Family Residential”), Medium Density Residential

¹³Public Hearing of the Planning Commission, October 26, 2023:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=6389094&GUID=13D39C94-ED60-478A-B77D-D668D446A880&Options=&Search=>

¹⁴ Work Session of the City Council, September 12, 2023: <https://hayward.legistar.com/LegislationDetail.aspx?ID=6343381&GUID=5F46F658-48FB-41C6-9F0F-935CC11A5359&Options=&Search=>

(RM), and High Density Residential (RH). This section includes development standards (i.e. setbacks, building heights, minimum lot requirements) and design standards (i.e. open space amenities, building massing standards, façade treatment requirements) for residential development. Key changes proposed in response to the September 12, 2023 work session are described below.

- HMC 10-1.204 (b), Additions to Primary Buildings: As proposed, all additions to existing residential development shall comply with applicable upper floor massing requirements and use matching building materials to the existing development. Additionally, large additions, defined as additions that increase the gross square footage by 80 percent or more, are shall also comply with the full extent of facade design requirements applicable to new development.
- HMC 10-1.204 (j), Mailboxes: In response to Council concerns regarding mail theft, proposed regulations now include a standard requiring mailboxes be located within a secure area which cannot be accessed by the public. Please note that mailboxes must also comply with the United States Postal Services standards.¹⁵
- HMC 10-1.204 (l), Open Space: Additional points are now proposed for outdoor amenities that are located on a rooftop. Further, points for water drinking fountains are proposed and point values for small courtyards, fountains, swimming pools and amphitheaters are reduced.
- HMC 10-1.205 (b) & 10-1.206 (b), Façade Design: The proposed façade design standards are now organized into point systems, instead of menus of options. Additional façade design elements have been added to each table. Façade design elements for detached residential, duplexes, and triplexes are shown in Table 1, while design elements for multi-unit residential (4+ units) are shown in Table 2. Detached residential, duplex, and triplex developments are required to obtain 50 façade design points. Multi-unit residential (4+ units) developments that have up to 10 dwelling units are required to obtain 100 points while development with 11 or more dwelling units are required to obtain 125 points. In response to the Planning Commission’s recommendation that staff and the Council consider increasing the minimum point thresholds that were initially proposed, staff created two different thresholds for multi-unit residential (4+ units), raising the minimum points required for developments with 11 or more units from 100 to 125. Staff also considered raising the minimum points required for detached residential, duplex, triplex and small multi-unit residential (4+ unit) development but ultimately elected not to, as it would be more difficult for these smaller developments to accommodate additional design elements without creating unintended barriers to development.

TABLE 1: DETACHED RESIDENTIAL, DUPLEX, AND TRIPLEX DEVELOPMENTS FAÇADE DESIGN <i>A minimum of 50 points is required.</i>	
<i>Design Element</i>	<i>Points Value</i>
Variation of street-facing front façade plane by a minimum depth of 24 inches for the entire height of the structure	30

¹⁵ USPS National Delivery Planning Standards: <https://about.usps.com/handbooks/po632.pdf>

TABLE 1: DETACHED RESIDENTIAL, DUPLEX, AND TRIPLEX DEVELOPMENTS FAÇADE DESIGN *A minimum of 50 points is required.*

<i>Design Element</i>	<i>Points Value</i>
At least every 30 feet along the street facing building façade, horizontal eaves shall be broken by at least one of these strategies: <ul style="list-style-type: none"> • Inclusion of gables • Change in the roof height by a minimum of 2 feet • Inclusion of dormer windows 	30
A covered porch for each unit entrance with a minimum landing depth of 5 feet (excluding stairs), minimum landing width of 5 feet (excluding stairs), and minimum clear floor-to- ceiling height of 8 feet	30
At least two distinct building materials that each make up at least 25 percent of the total building facades	20
At least one balcony for all street facing units with no dimensions less than 5 feet	20
A projected stoop for each unit entrance with a minimum overhang projection of 3 feet from the façade plane, minimum landing depth of 5 feet (excluding stairs), minimum landing width of 5 feet (excluding stairs), and minimum clearance of 8 feet from top of the landing to the underside of the overhang/canopy	20
Windows covering at least 20 percent of the total surface area of the front facing façade	20
At least one bay window or box window along the street-facing facades with a minimum projection of 18 inches from the façade	10
Window moldings at least 4 inches wide on all windows	10
Use of shutters on at least 50 percent of street facing windows	10

TABLE 2: MULTI-UNIT RESIDENTIAL (4+ UNITS) FAÇADE DESIGN
A minimum of 100 points is required for developments with 4-10 units.
A minimum of 125 points is required for developments with 11+ units.

<i>Design Element</i>	<i>Points Value</i>
Balconies on at least 50 percent of street facing units with no dimensions less than 5 feet	50
A covered porch for each ground floor unit with a minimum landing depth of 5 feet (excluding stairs), minimum landing width of 5 feet (excluding stairs), and minimum clear floor-to- ceiling height of 8 feet	50
A projected stoop for each ground floor unit with a minimum overhang projection of 3 feet from the façade plane, minimum landing depth of 5 feet (excluding stairs), minimum landing width of 5 feet (excluding stairs), and minimum clearance of 8 feet from top of	35

TABLE 2: MULTI-UNIT RESIDENTIAL (4+ UNITS) FAÇADE DESIGN	
<i>A minimum of 100 points is required for developments with 4-10 units.</i>	
<i>A minimum of 125 points is required for developments with 11+ units.</i>	
Design Element	Points Value
the landing to the underside of the overhang	
A projected stoop for the primary building entrance with a minimum overhang projection of 5 feet from the façade plane, minimum landing depth of 5 feet (excluding stairs), minimum landing width of 8 feet (excluding stairs), and minimum clearance of 8 feet from top of the landing to the underside of the overhang	35
At least one of the building material treatments: <ul style="list-style-type: none"> • Use of a siding or cladding material on the ground floor building facades that differs from the materials used above the ground floor • Use of at least two distinct building materials that each make up at least 25 percent of the total building facades 	35
Variation in roof height or parapet by at least 2 feet	35
Roof overhang of at least 2 feet along all street facing facades	35
Upper story step back of at least 5 feet along at least 75 percent of street facing facades	35
Use of horizontal window overhangs with a depth of at least 18 inches covering the entire length of the window on at least 25 percent of street facing windows	35
Windows covering at least 20 percent of the total surface area of the front facing façades	35
Cornices along the top of all building facades that are at least 6 inches deep	25
At least one sconce light fixture every 15 feet along the street facing facades	25
At least one horizontal decorative band that is either: <ul style="list-style-type: none"> • A building material that is different from abutting façade materials • Projects at least 2 inches along at least 50 percent of the building facades 	20
Window moldings at least 4 inches wide on all windows	20
Use of shutters on at least 50 percent of street facing windows	20

Chapter 10, Article 1, Zoning Ordinance. In addition to the updated Residential District sections, further updates are proposed to the remainder of Chapter 10, Article 1 (Zoning Ordinance) to remove subjective standards related to residential development, align with recently adopted State legislation, eliminate discrepancies following the adoption of the City’s 6th Cycle Housing Element, and provide clean up and clarification where necessary. All revisions to Chapter 10, Article 1, Zoning Ordinance are provided in redline (strikethrough for deleted text and underline for new text) in Attachment III, Exhibit B.

Chapter 10, Article 2, Off-Street Parking Regulations. The proposed updates to Chapter 10, Article 2, Off-Street Parking Regulations, are aimed at addressing community concerns related to inadequate parking, ensuring standards align with State Law, correcting terminology for consistency, and removing redundancies. All revisions to Chapter 10, Article 2, Off-Street Parking Regulations are provided in redline (strikethrough for deleted text and underline for new text) in Attachment III, Exhibit C. Key changes proposed since the September 12, 2023 work session are described below.

- HMC 10-2.310, Large Detached Residential. In response to community and Planning Commission concerns regarding having sufficient off-street parking for large, detached homes, the parking requirement for detached homes over 3,000 square feet is proposed to be increased from two covered parking spaces to three covered parking spaces. As specified in the proposed code language, the required spaces must be located within an enclosed garage.
- HMC 10-2.403, Residential Credit for Transportation Demand Management Program. In response to feedback from the Planning Commission and City Council, the proposed maximum parking reduction for residential projects that employ specified Transportation Demand Management (TDM) measures has been reduced from 15 percent to five percent. Only projects that are required to provide at least 20 off-street parking spaces would be eligible for the reduction. Additionally, the list of eligible TDM measures has been adjusted to include more bicycle related options, and a points value has been assigned to each measure. Eligible residential projects would need to include TDM measures totaling at least 15 points in order to receive the 5 percent parking reduction.
- HMC 10-2.414, Unbundled Parking. In October, the Governor signed AB 1317 into law. This new legislation requires that new residential rental developments with 16 or more units that are constructed after January 1, 2025, unbundle the cost of parking from the cost of housing. At the October 26, 2023 Planning Commission public hearing, staff proposed a standard that would go beyond the requirements of State law to allow unbundled parking for all rental projects of four or more units. Citing concerns raised by the Public Works Director and a general lack of Hayward-specific data on the effects of unbundling, the Planning Commission recommended modifying the draft standard (HMC Section 10-2.414) to align with the requirements of State law without exceeding them. The latest proposed version of HMC Section 10-2.414 reflects this requested modification.

Chapter 10, Article 24, Mission Boulevard Code. The Mission Boulevard Code was first adopted in 2014 and updated in 2020. All proposed amendments to this Article are to ensure standards are objective and create consistency with residential regulations applicable in other zoning districts. A summary of key amendments is described below.

- Various Sections, Lot Coverage. Lot coverage requirements are proposed to be removed to be consistent with the changes proposed for other residential zoning districts. The size of structures within the Mission Boulevard Code area will be controlled by setbacks, height limits, and new proposed massing standards.

- Various Sections, Open Space. The open space amenity requirements from the new consolidated residential section are proposed to be applicable to the Mission Boulevard Code to ensure the inclusion of high-quality open spaces in new developments.
- HMC 10-24.3.2.060, Landscape Buffer. Consistent with standards proposed for other residential districts, new development within the Mission Boulevard Corridor Neighborhood (MB-CN) and Mission Boulevard Neighborhood Node (MB-NN) districts would be required to install landscape buffers with evergreen trees if new buildings are 15 feet or taller than existing buildings on abutting properties. This will ensure softened transitions between the higher densities permitted in these districts and surrounding lower density existing development.
- HMC 10-24.3.2.010, Architectural Standards. All subjective architectural standards are proposed to be removed and replaced with building massing and façade design requirements that closely align with the standards proposed for multi-unit developments within the new consolidated residential standards. Table 3 contains the proposed façade design points table for the Mission Boulevard Code area. New developments would be required to earn at least 70 façade design points from the table. Coupled with the Code’s existing building frontage standards in Section 10-24.3.3.030, the new objective architectural standards will ensure that new development within the Mission Boulevard Code area more closely mirrors the community’s preferences.

At their October 26, 2023 public hearing, the Planning Commission recommended that this table be modified to remove points for murals and sculptures as they were concerned over the lack of oversight over potential public art pieces. Rather than removing points for public art, staff addressed the Planning Commission’s concerns by revising the table to require that any public art must be formally approved by the City Manager and Development Services Director through the City’s established Mural Art Program. This will ensure that there is oversight over art pieces proposed as part of new development along Mission Boulevard.

TABLE 3: MISSION BOUELVARD FAÇADE DESIGN	
<i>A minimum of 70 points is required.</i>	
<i>Design Element</i>	<i>Points Value</i>
Balconies on at least 50 percent of street facing units with no dimensions less than 5 feet	50
Use of a siding or cladding material on the ground floor building facades that is different from the materials used above the ground floor	35
At least two distinct building materials that each make up at least 25 percent of the total building facades.	35
Variation in roof height or parapet by at least 2 feet	35
Roof overhang of at least 2 feet along all street facing facades	35
Upper story step back of at least 5 feet along at least 75 percent of street facing facades.	35
Use of horizontal window overhangs with a depth of at least 18 inches covering the entire length of the window on at least 25 percent of street	35

TABLE 3: MISSION BOUELVARD FAÇADE DESIGN	
<i>A minimum of 70 points is required.</i>	
<i>Design Element</i>	<i>Points Value</i>
facing windows	
Windows covering at least 20 percent of the total surface area of the front facing façades	35
Cornices along the top of all building facades that are at least 6 inches deep	25
At least one sconce light fixture every 15 feet along the street facing facades	25
A mural or wall mounted sculpture that is at least 200 square feet along a street-facing facade. The art piece must be approved through the City's Mural Art Program.	20
At least one horizontal decorative band that is either: <ul style="list-style-type: none"> • A building material that is different from abutting façade materials • Projects at least 2 inches along at least 50 percent of the building facades 	20
Window moldings at least 4 inches wide on all windows.	20
Use of shutters on at least 50 percent of street facing windows.	20

Chapter 10, Article 28, Downtown Development Code. Adopted in 2019, the Downtown Development Code contains detailed development and design standards. All proposed amendments to this Article are to ensure standards are objective and create consistency with other residential regulations. A summary of the key amendments is described below and included in Attachment III, Exhibit E.

- Various Sections, Lot Coverage. Lot coverage requirements are proposed to be removed to be consistent with the changes proposed for other residential zoning districts. The size of structures Downtown will be controlled by setbacks, height limits, and massing standards.
- Various Sections, Open Space. Two building forms (Cottage Court and Multiplex: Small) currently require common open space. The open space amenity requirement from the new consolidated residential section is proposed to be applicable to the relevant Downtown development to ensure high-quality open spaces.
- Various Sections, Unit Count. Some Downtown building forms limit the number of units allowed on a lot or in a building, which can preclude developments from meeting their allowable density per the General Plan. As a result, all standards that potentially precluded General Plan densities from being met are proposed to be removed.
- HMC 10-28.3.3.160, Architectural Elements. The Downtown Development Code includes detailed architectural requirements related façade design and articulation. These are proposed to be modified slightly to ensure objectivity and clarity.

Zoning Map Amendments. The Hayward 2040 General Plan and Zoning Ordinance shape and regulate development throughout the city. The land use designations within the General Plan

determine what densities and general land uses are allowed in various parts of the city, while the Zoning Ordinance contains regulations that determine the form and design of development and specific uses that are allowed. Under California State law, the Zoning Ordinance is required to be internally consistent and compatible with the General Plan.¹⁶ Of the over 20,000 Residential Low (RL) zoned parcels in Hayward (previously referred to as “RS”), 857 parcels are inconsistent with their underlying residential General Plan land use designations, in that the General Plan requires a higher minimum density than is currently allowed by the Zoning Ordinance.¹⁷

The majority of these inconsistencies are proposed to be remedied by removing standards related to residential density from the Zoning Ordinance so that properties default to the density ranges allowed by the General Plan. In addition, staff recommends the rezoning of 49 parcels to zoning districts that more closely align with their General Plan land use designations. A comprehensive list of the 49 parcels proposed to be rezoned, their General Plan land use designations, and the existing and proposed zoning can be found in Attachment III, Exhibit F.

Policy Context and Code Compliance

Hayward 2040 General Plan. The proposed Zoning Map and Text Amendments are consistent with the goals and policies set forth in the *Hayward 2040 General Plan* in that the updated regulations are designed to protect and enhance the city’s housing stock. They establish objective design standards for the Residential Natural Preserve, Low Density Residential, Medium Density Residential, High Density Residential, Mission Boulevard, and Downtown districts in alignment with the *Hayward 2040 General Plan* and State law.

In addition, the General Plan states, “The [General Plan] Land Use Diagram is largely implemented through the City’s zoning regulations... By definition, the Land Use Diagram is intended to be more general than the Zoning Map. Because land use designations may not reflect specific property and neighborhood conditions, they should not be interpreted to either propose or preclude land uses or developments without consideration of the guiding principles, goals, and policies of the General Plan.” As such, the General Plan will continue to determine general uses (e.g. residential) and density ranges allowed on a given property, while the Zoning Ordinance will be used to determine the more specific uses (e.g., detached residential, duplex, triplex, or multi-unit residential) permitted and the applicable development and design requirements.

The proposed Amendments are consistent with the following goals and policies set forth in the *Hayward 2040 General Plan*:

- Goal LU-1.7: Maintain and implement commercial, residential, industrial, and hillside design guidelines to ensure that future development complies with General Plan goals and policies.

¹⁶ Government Code Section 65300.5

¹⁷ Currently, the RL District does not have an explicit density standard, but rather, allowable density is determined through allowed uses (typically one primary detached dwelling unit, or two if a lot exceeds 10,000 square feet) and minimum lot size requirements.

- Goal LU-2.7: Develop, maintain, and implement a plan to establish a vision for Downtown Hayward and to guide and regulate future development and infrastructure improvements.
- Goal LU-2.12: Maintain and implement the Mission Boulevard to guide and regulate development within the Mission Boulevard Mixed-Use Corridor.
- Goal LU-3.6: Encourage residential developments to incorporate design features that encourage walking within neighborhoods by:
 - Creating a highly connected block and street network.
 - Designing new streets with wide sidewalks, planting strips, street trees, and pedestrian-scaled lighting.
 - Orienting homes, townhomes, and apartment and condominium buildings toward streets or public spaces.
 - Locating garages for homes and townhomes along rear alleys (if available) or behind or to the side of the front façade of the home.
 - Locating parking facilities below or behind apartment and condominium buildings.
 - Enhancing the front façade of homes, townhomes, and apartment and condominium buildings with porches, stoops, balconies, and/or front patios.
 - Ensuring that windows are provided on facades that front streets or public spaces.
- Goal LU-3.7: Protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features.
- Goal LU-3.8: Require home additions to be compatible with the mass, scale, and character of the existing home and neighborhood by using compatible building forms, materials, and features. Home additions along rear or side facades are encouraged.
- Goal M-9.1: Ensure that adequate parking is provided appropriately to all areas of the city, while prioritizing alternative transportation modes and Transportation Demand Management strategies that reduce parking demand.
- Goal M-9.2: Consider reduced parking requirements for projects located near public transit, or new residential developments that fulfill senior, disabled, or other special housing needs.
- Goal M-9.10: Encourage multifamily development projects to separate (i.e., unbundle) the cost of parking from lease or rent payments.
- Goal H-3.1: 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.
- Goal H-3.6: Allow flexibility within the City's standards and regulations to encourage a variety of housing types.
- Goal H-4.1: Strive to create and administer clear objective development standards and streamlined approval procedures for a variety of housing types, including, but not limited to, multifamily housing and emergency shelters.

Zoning Ordinance. As indicated above, the proposed Text and Map Amendments will help align the City's Zoning Ordinance with the City's General Plan. Pursuant to HMC Section 10-1.3425(b),¹⁸ the Planning Commission shall make the following findings prior to recommending approval or approving zoning text and zoning map amendments:

1. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward;
2. The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans;
3. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified; and
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.

Based on the information contained in this report, staff recommends that the City Council make the necessary findings and approve the proposed zoning map and text amendments. Additional details and staff analysis to support these findings can be found in Attachment II.

Environmental Review

On July 1, 2014, the City Council adopted Resolution No. 14-108, approving the Hayward 2040 General Plan Update and related Program Environmental Impact Report (EIR). In accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary pursuant to the conditions described in Section 15162. Under Section 15162, a subsequent EIR need not be prepared unless the lead agency determines one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR;

¹⁸ Required Findings:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOOR_S10-1.3400AM_S10-1.3425PLCOPR

- b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed Amendments are entirely consistent with the *Hayward 2040 General Plan*. Thus, no new or unanticipated levels of development are expected as a result of the proposed Amendments that were not previously identified in the General Plan and General Plan EIR. 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, Policies, and Land Use Diagram set forth in the *Hayward 2040 General Plan* and were adequately analyzed in the related Program EIR. As such, no further environmental review is necessary.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Preserve, Protect and Produce Housing for All. Specifically, this item relates to the implementation of the following project:

Project H6: Create objective residential development standards and update zoning regulations to align with the General Plan.

FISCAL IMPACT

Consultant Mintier Harnish's approved contract and associated budget, including contingency, is \$234,910 and will be paid through the HCD SB2 Planning Grant awarded in 2019. There is no additional fiscal impact associated with the draft regulations for the Hayward Residential Design Study.

NEXT STEPS

If the Council adopts the resolution and introduces the ordinance, an action item for adoption of the ordinance will be scheduled for a subsequent Council meeting. Pursuant to Section 620 of the City Charter, ordinances related to zoning are effective upon adoption by the City Council. The City must notify the County Assessor within 30 days of adoption of the ordinance regarding the re-zoning of the 49 parcels identified in the amended zoning map.

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Approved by:



Kelly McAdoo, City Manager