

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-\_\_\_

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

RESOLUTION TO ADOPT ZONING MAP AND TEXT AMENDMENTS TO CHAPTER 10, ARTICLE 1 (ZONING ORDINANCE), ARTICLE 2 (OFF-STREET PARKING REGULATIONS), ARTICLE 24 (MISSION BOULEVARD CODE), AND ARTICLE 28 (DOWNTOWN DEVELOPMENT CODE) OF THE HAYWARD MUNICIPAL CODE RELATED TO THE HAYWARD RESIDENTIAL DESIGN STUDY

WHEREAS, the State of California adopted Senate Bills (SB) SB 35, SB 330, and SB 9, limiting local jurisdiction review on certain housing projects to standards that are objective, involving no personal or subjective judgement 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 prior to submittal;

WHEREAS, on May 3, 2022, the City Council adopted Resolution No. 22-117, adopting the Updated City of Hayward Three Year Strategic Roadmap (Fiscal Year 2021 – Fiscal Year 2023), which contains Project H6 to create objective residential development standards and update zoning regulations to align with the General Plan, under the subcategory Preserve, Protect, and Produce Housing for All;

WHEREAS, in 2019, the City of Hayward (“the City”) was awarded grant funding under SB 2 for various housing projects, including to develop objective residential standards and make zoning updates to ensure consistency with the Hayward 2040 General Plan;

WHEREAS, on January 1, 2022, the City Council adopted Resolution No. 22-025, authorizing the City Manager to negotiate and execute an agreement with Mintier Harnish for the development and adoption of objective standards for residential development and zoning consistency updates;

WHEREAS, between February 2022 and April 2023, the consultant team and city staff conducted background research and community outreach, including preparing a Vision and Objectives document and a Background Report; hosting an online community survey and interactive mapping tool; conducting in-person “walkshops” (walking workshops) in five Hayward neighborhoods; hosting pop-up tables at various community events; holding stakeholder interviews with developers, architects, housing advocates, and community members; posting articles and information in the City’s e-newsletter and on its social media channels; and maintaining a detailed project website;

WHEREAS, on January 24, 2023 and February 9, 2023, the Council and Planning Commission, respectively, held public Work Sessions on the Parking Analysis completed for the Hayward Residential Design Study;

WHEREAS, on April 13, 2023 and April 18, 2023, the Planning Commission and Council, respectively, held public Work Sessions on the Options and Recommendations Report completed for the Hayward Residential Design Study;

WHEREAS, on August 24, 2023 and September 12, 2023, the Planning Commission and Council, respectively, held public Work Sessions on the Draft Amendments completed for the Hayward Residential Design Study;

WHEREAS, on October 26, 2023, the Planning Commission considered the proposed Zoning Map and Text Amendments and voted (5-0), that the City Council approve the proposed Amendments with modifications to align the unbundled parking standard with State law and remove design points for public art given the lack of oversight and a recommendation that staff and the Council consider raising the façade design point thresholds; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on December 12, 2023.

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 Environmental Impact Report (EIR).
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. The Program EIR covers the subject zoning map and text amendments as a subsequent action contemplated with the adoption of the Hayward 2040 General Plan Update. The Amendments are fully 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, residential or 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 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 is the Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA 94541.

FINDINGS FOR ZONING MAP AND TEXT AMENDMENTS TO 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 proposed Zoning Map and Text Amendments will promote the public health, safety, convenience and general welfare of the residents in Hayward in that the updated regulations will promote attractive high quality residential development that benefits existing and future residents; address and minimize compatibility issues between higher and lower density residential uses; and create a more predictable and streamlined development process for housing developers aligned with State housing law.

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

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.

The proposed Zoning Map Amendments 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. 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.

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 Code 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 facade of the home.
- Locating parking facilities below or behind apartment and condominium buildings.
- Enhancing the front facade 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.

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

The proposed Zoning Map and Text Amendments make small changes to the allowable uses in the city's residential zoning districts. The proposed uses are generally consistent with land uses envisioned in the Hayward 2040 General Plan and analyzed in the related Program Environmental Impact Report. While the city's residential areas are generally built out and have adequate streets and public facilities to serve the areas, each new project would be evaluated on a case-by-case basis for environmental impacts and would be required to install or upgrade utilities, upgrade roadways or install frontage improvements as standard conditions of approval to ensure that the future development or land use is adequately served.

**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 proposed Zoning Map and Text Amendments include residential districts with allowable uses and development standards to ensure that future housing development is compatible with existing development. The proposed Amendments include the creation of building massing and landscaping standards that will buffer higher density residential uses from adjacent lower density uses. The Amendments would achieve a beneficial effect by promoting well-designed, amenity-rich residential development. Overall, the proposed Amendments would protect and enhance the city's residential areas by providing coherent site-specific standards and expectations for future development within the area.

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 Zoning Map and Text Amendments related to the Hayward Residential Design Study, subject to the adoption of the companion Ordinance.

BE IT FURTHER RESOLVED that this resolution shall become effective on the date that the companion Ordinance (Ordinance No. 23-\_\_) becomes effective.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2023.

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