



DATE: April 18, 2023

TO: Mayor and City Council

FROM: Acting Development Services Director

SUBJECT: Residential Design Study Work Session: Options and Recommendations Report for the Hayward Residential Design Study

RECOMMENDATION

That the City Council provides feedback on the recommendations contained within the Options and Recommendations Report for the Hayward Residential Design Study.

SUMMARY

The Hayward Residential Design Study is a long-range planning project that will result in the development of objective residential design standards as well as zoning amendments that ensure General Plan and Zoning Ordinance consistency. As part of this effort, an Options and Recommendations Report (Attachment II) was prepared to evaluate the City's current residential design standards and provide options and recommendations for updates. Specifically, the Report recommends the following:

- **Site Development.** Establish site development standards based on lot size, lot width, and the surrounding context.
- **Building Height.** Update the building height standards of the Medium Density Residential and High Density Residential zoning districts to allow for four or five story buildings and to be more consistent with the Mission Boulevard Code.
- **Building Massing.** Require building step-backs for upper stories on two-story single family homes and multifamily residential development taller than two stories.
- **Building Frontage.** Adopt standards for building frontage design that address ground floor and façade treatments, window size and placement, roofline variation, front yard treatment, and fencing.
- **Architectural Styles.** Allow for a diversity of architectural styles and building types by limiting prescriptive design standards around any particular architectural style.
- **Open Space.** Make open space requirements easy to understand and provide clear definitions of the different types of open spaces. Ensure that open space requirements do not limit the feasibility of achieving the maximum allowable density and/or lot coverage.

- **Landscaping and Lighting.** Adopt objective standards around lighting and landscaping.

At this work session, staff is requesting specific feedback from the City Council on the following questions related to the Options and Recommendations Report for the Hayward Residential Design Study:

- Which of the recommendations and related options are not right for Hayward?
- Are there any other residential design issues not discussed in this report that should be considered when preparing the updated standards?

BACKGROUND

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 and streamline the review and development of quality housing. The Study aims to make the requirements for residential projects objective, predictable, and easy to understand; to resolve inconsistencies between various planning documents; and, to eliminate ambiguity that may pose as a barrier to residential development. The Study will primarily focus on establishing objective development and design standards that can be applied to single family, multifamily and mixed-use developments.

Summary of Recent 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 the project 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 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 recommendations provided at the end of the Options and Recommendations report focus on ways to update the City's residential standards to make them "objective" by including measurable, enforceable, and understandable parameters.

To assist local jurisdictions with developing objective standards, the Department of Housing and Community Development (HCD) published an Objective Design Standards Toolkit, which is included as an appendix of Attachment II. This toolkit focuses on how to regulate design objectively and presents approaches and considerations for adopting objective design standards. It emphasizes that local jurisdictions should include flexibility and predictability in their standards while also minimizing constraints for housing development.

Additionally, under SB 330, local jurisdictions are prohibited from adopting development standards that would effectively reduce the allowable residential density that is currently permitted by the General Plan and Zoning Ordinance. Thus, this Study must ensure that all new standards and/or the standards collectively do not prohibit residential development from being built at the current allowable densities.

Kickoff Meeting Joint Session. On February 1, 2022,¹ the Council and Planning Commission held a joint work session to provide initial guidance and feedback on 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, relationship to existing development, and the development of missing middle housing.

Public Outreach. To date, outreach efforts for the Hayward Residential Design Study have included an online community survey, an online interactive mapping tool, in-person “walkshops” (walking workshops) and various in-person community events. These efforts were promoted through the City’s e-newsletter, social media platforms, 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 that will be used to inform the development of objective residential standards and zoning amendments. Key findings from the outreach thus far 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, and taking into consideration existing neighborhood characteristics. A full summary and analysis of public outreach to date is available on the City’s website.²

Informational Reports. On October 11, 2022³ and October 27, 2022,⁴ the City Council and Planning Commission respectively, received Informational Reports from staff providing a status update on the Hayward Residential Design Study. The reports and their attachments provide a detailed overview of community outreach conducted to date, a project vision statement and objectives, and background information related to relevant State legislation, the City’s current regulations for residential development, and best practices from surrounding communities. As these items were included on the meeting agendas as Informational Reports, no discussions were held or actions taken.

¹ 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>

² Project Webpage on City of Hayward Website:
<https://www.hayward-ca.gov/your-government/departments/planning-division/residential-design-study>

³ Informational Report to the City Council, October 11, 2022:
<https://hayward.legistar.com/LegislationDetail.aspx?ID=5866918&GUID=894C7C53-DC5C-4221-B088-0EBF8B2AEA96>

⁴ Informational Report to the Planning Commission, October 27, 2022:
<https://hayward.legistar.com/LegislationDetail.aspx?ID=5892998&GUID=7857C30F-1A87-4B4B-9E5E-A8B0339C69FF>

Parking Analysis Work Sessions. On January 24, 2023⁵ and February 9, 2023⁶, 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 provided clear guidance during these sessions, including a desire to maintain the existing parking requirements within Downtown Hayward, the Mission Boulevard corridor and conduct additional research on Transportation Demand Management (TDM) strategies and the unbundling of parking to help reduce parking demand.

Interested Parties Interviews. In late March and early April, the project team held interviews with eight small groups to gather feedback on the recommendations outlined within the Options and Recommendations Report. The small groups included market-rate housing developers, affordable housing developers, architects, community and housing advocates, neighborhood group representatives and “walkshop” attendees. To date, the interested parties’ feedback is summarized below:

- Support for increasing current structure height limits as it is a constraint to meeting density requirements.
- Support for step-back requirements that address architectural monotony but do not result in the substantial loss of developable square footage. Strong preference to see step-back requirements beginning on the third or fourth floor and having no requirements for single-family dwellings.
- Support for larger setbacks for garages or entirely reorient garages to the back of the home for single-family dwellings.
- Preference for small front porches and variation in form for single-family dwellings.
- Prioritize landscaping, balconies, and windows that consider interior function and exterior aesthetic for multi-family dwellings.
- Support for common and private open spaces with an emphasis and greater square footage dedicated to common open spaces. There was wide support for allowing developers to choose which amenities to install based on approved City list.
- Conceal parking facilities behind landscaping, building or structural elements for multi-family dwellings.

Planning Commission Work Session. On April 13, 2023, the project team held a work session with the Planning Commission to obtain similar feedback on the recommended design standards. Staff will provide a verbal update during the Council work session regarding the Commission’s feedback.

To inform the Options and Recommendations Report for the Hayward Residential Design Study, the project team evaluated relevant State legislation and the City’s regulations. A summary of relevant State legislation and existing regulations are described below but additional details are provided in Attachment II.

⁵ 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=>

⁶ 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=>

Summary of Current Residential Development Standards. Current residential development standards are described within Chapter 10 of the Hayward Municipal Code⁷ and the *Hayward 2040 General Plan*⁸. Key regulations including density, setbacks, height, and lot standards are summarized in Table 1 and Table 2 below.

Table 1: Allowable Density and Use by General Plan Land Use Designation

Land Use Designation	Allowed/Supported Uses	Density (du/acre)
Rural Estate Density	Detached single-family homes, second units	0.2 to 1.0
Suburban Density	Detached single-family homes, second units	1.0 to 4.3
Low Density	Detached single-family homes, second units	4.3 to 8.7
Limited Medium Density	Detached & attached single-family homes, multi-family homes, second units	8.7 to 12.0
Medium Density	Detached & attached single-family homes, multi-family homes, second units	8.7 to 17.4
High Density	Attached single-family homes, multi-family homes	17.4 to 34.8

⁷ Chapter 10 of the Hayward Municipal Code: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU

⁸ Hayward 2040 General Plan: <https://www.hayward2040generalplan.com/>

Table 2: Summary of Key Development Standards by Zoning District

	Single Family Residential (RS)	Medium Density Residential (RM)	High Density Residential (RH)
Min. Lot Size	Interior: 5,000 sq. ft. Corner: 5,914 sq. ft.	Interior: 5,000 sq. ft. Corner: 5,914 sq. ft. Townhouse lot: consistent with building footprint	7,500 sq. ft.
Min. Front Setback	20'	20'	20'
Min. Rear Setback	20'	20'	20'
Min. Street Side Setback	10'	10'	10'
Min. Side Setback	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'	5' or 10% of the lot width at front setback line (whichever is greater) up to a max. of 10'
Max Lot Coverage	40%	40%	65%
Building Height	30'	40'	40'
Open Space	N/A	Open Space: 350 sq. ft./DU <i>Dedicated Common Open Space: 100 sq. ft./DU</i>	Open Space: 350 sq. ft./DU <i>Dedicated Common Open Space: 100 sq. ft./DU</i>
Min. Parking Requirements	2 Covered in Enclosed Garage	<ul style="list-style-type: none"> • Studio Unit: 1 Covered and 0.5 Uncovered • One Bedroom Unit: 1 Covered and 0.7 Uncovered • Two or More Bedroom Unit: 1 Covered and 1.10 Uncovered 	<ul style="list-style-type: none"> • Studio Unit: 1 Covered and 0.5 Uncovered • One Bedroom Unit: 1 Covered and 0.7 Uncovered • Two or More Bedroom Unit: 1 Covered and 1.10 Uncovered

There are additional regulations related to landscaping⁹, subdivisions¹⁰, and parking¹¹ which are not included in the tables above. There are also State Laws, such as ADU law and SB 9, that require certain development standards that supersede local regulations. For example,

⁹ Chapter 10 of the Hayward Municipal Code:
https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU

ADU law requires cities to allow ADUs on single family and multifamily properties to have four-foot rear and side setbacks. Collectively, these standards impact the development potential of sites throughout the city.

DISCUSSION

Analysis of Existing Standards. The Options and Recommendations Report identified sample sites in the RS, RM, and RH zoning districts to test the impact of the City's current residential standards on project design and feasibility. This analysis resulted in the following findings. Additional analysis, including massing diagrams and summary tables are provided in Attachment II.

- **Single Family Residential (RS) Zoning District**
 - Projects are generally able to meet the maximum density allowed (8.7 dwelling units/acre) and maximum lot coverage allowed (40 percent).
 - Limited massing standards (beyond setbacks) can result in bulky and boxy buildings.
 - Garages are allowed at the front setback line, which can dominate the building façade on narrow lots, resulting in a less than ideal street environment.
- **Medium Density Residential (RM) Zoning District**
 - Apartment buildings were able to meet the maximum density allowed (17.4 dwelling units per acre) but not the maximum lot coverage allowed (20 percent achieved of 40 percent allowed). Setback, open space, and parking standards are preventing projects from making use of the full maximum lot coverage allowed.
 - The parking requirement of 2.1 spaces per unit for units with two or more bedrooms is resulting in large surface parking lots that take up a large portion of the site area.
 - The maximum height limit of 40 feet effectively restricts building heights to three stories.
 - Achieving the maximum allowable density for a townhome project is challenging due to restrictive site design standards, such as setbacks and maximum lot coverage.
 - Open space standards are difficult to understand and apply.
- **High Density Residential (RH) Zoning District**
 - Apartment building projects cannot achieve the maximum allowed density (34.8 dwelling units per acre). They also can't achieve the maximum allowable lot coverage (65 percent) on lots smaller than 18,000 square feet. This is due to restrictive parking, setback, and open space standards.
 - Buildings with podium or subterranean parking may be cost prohibitive, especially for smaller projects.

¹⁰ Subdivision Ordinance:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART3SUOR

¹¹ Off-Street Parking Regulations:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART2OREPARE

- Large front yard setbacks (20 feet) and side setbacks (up to 10 feet) create a site constraint that hinders project feasibility, especially on smaller sites.
- The maximum height limit of 40 feet effectively restricts building heights to three stories.
- Open space standards are difficult to understand and apply.

Recommendations. In response to the analysis above, the project team has developed a series of recommendations to refine and enhance the City’s residential design standards while ensuring objectivity in accordance with State law. The recommendations and related options are summarized below. Additional discussion and illustrative photos and diagrams are provided in Attachment II.

- **Site Development.** Establish site development standards based on lot size, lot width, and the surrounding context. Options to consider include reducing the front and rear setback requirements for multifamily zones and/or reducing the front setback in single family zones if certain architectural features are included.
- **Building Height.** Update the building height standards of the Medium Density Residential and High-Density Residential zoning districts to be more consistent with the Mission Boulevard Code. Options to consider include increasing the maximum allowable building height to 50 feet to allow for four story buildings and/or 60 feet to allow for five story buildings.
- **Building Massing.** Require building step-backs for two-story single-family homes and multifamily residential development taller than two stories to help control bulk and mass.
- **Building Frontage.** Adopt standards for building frontage design that address ground floor and façade treatments, window size and placement, roofline variation, front yard treatment, and fencing. Options to consider include requiring a ground floor height of 14 feet to allow for lobbies, fitness rooms, or community rooms; requiring a percentage of the ground floor to have a transparent façade to encourage “eyes on the street”; establishing a vertical rhythm of bays that are at least 15 feet wide but no more than 50 feet wide; and/or setting standards for the orientation of building entrances, lighting, and site amenities.
- **Architectural Styles.** Allow for a diversity of architectural styles and building types by not making design standards too prescriptive around any particular architectural style.
- **Open Space.** Make open space requirements easy to understand and provide clear definitions of the different types of open spaces. Ensure that open space requirements do not limit the feasibility of achieving the maximum allowable density and/or lot coverage. Options to consider include reducing the open space requirement to 150 square feet per unit for buildings up to three stories; reducing the open space requirement to 75 square feet per unit for buildings over three stories; allowing setbacks to count toward open space if “usable”; reducing the front setback to create more space for usable common open space elsewhere on the property; allowing increased building heights for rooftop garden structures; and/or establishing a minimum private open space requirement of 50 square feet per unit.
- **Landscaping and Lighting.** Adopt objective standards around lighting and landscaping. Options to consider include codifying lighting standards; limiting the

amount of impervious surfaces on a site; requiring bioswales and other stormwater systems in parking lots; and/or requiring landscaping that provides privacy for ground floor units.

Questions. At this work session, staff is requesting specific feedback from the City Council on the following questions related to the Options and Recommendations Report for the Hayward Residential Design Study:

- Which of the recommendations and related options do you think are not right for Hayward?
- Are there any other residential design issues not discussed in this report that should be considered when preparing the updated standards?

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 (s):

Project 4, Part 4d: Implement housing incentives and production work plan in accordance to state housing limits; Develop an Overlay Zoning District to allow RS zoned properties (single family residential) to develop into a variety of housing types at densities permitted under the applicable General Plan designation.

FISCAL IMPACT

The approved contract and funding with Mintier Harnish totals \$234,910. The approved contract is funded through the previously approved and appropriated HCD SB2 Planning Grant. There is no additional fiscal impact associated with the parking analysis for the Residential Design Study.

NEXT STEPS

Using the feedback received from decision makers and the community at all the project public meetings and outreach events to date, draft objective standards and zoning amendments will be brought forth in early summer with the goal of adopting final standards in August.

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Recommended by: Sara Buizer, AICP, Acting Development Services Director

Approved by:



Kelly McAdoo, City Manager