



DATE: May 20, 2025

TO: Mayor and City Council

FROM: Director of Development Services

SUBJECT: Universal Residential Design: Introduce an Ordinance Amending the Hayward Municipal Code to add Article 9, Chapter 9 (Building Regulations), establishing Universal Residential Design and Visitability Standards, and finding the Amendments Categorically Exempt from CEQA Review Pursuant to Section 15061(b)(3) of the CEQA Guidelines

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) supporting the proposed amendments to Chapter 9, Article 9 of the Hayward Municipal Code, and introduces an Ordinance (Attachment III) amending the Hayward Municipal Code for the establishment of a Universal Residential Design program for the City of Hayward, and finds the action categorically exempt from CEQA review pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SUMMARY

As part of the 6th Cycle Housing Element (2023-2031) and in alignment with the implementation strategies outlined in the *Hayward 2040 General Plan*, the City is committed to developing and implementing Universal Design Guidelines that promote accessibility for individuals of all ages and abilities. To fulfill this commitment, staff has drafted a new Universal Design Ordinance, which would apply to all new single-family, duplex, and townhome developments in the City, consistent with similar approaches adopted by other jurisdictions across California. The proposed Ordinance includes the following provisions:

- All new single-family, duplex, and townhome developments must be designed to accommodate Universal Design features, which can be installed during construction or at a later date, as needed.
- Projects proposing five (5) or more new single-family, duplex, and townhome units must be designed to meet Visitability requirements in at least 50% of the units.
- All new single-family, duplex, and townhome developments receiving City funding assistance must include Universal Design features in at least 50% of the units, with 100% of the units designed to meet Visitability requirements.

- Waivers and exceptions to the Ordinance will be allowed under certain circumstances, including extreme financial hardship, site topography, the conversion or creation of residential units within an existing building, the development of new Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), and the creation of new affordable housing.

Under the California Building Code (CBC), which sets the accessibility requirements for new residential construction, the City is somewhat limited in adopting accessibility standards that exceed CBC provisions. However, the City can strengthen accessibility requirements within the broader context of building design for residential development. As part of the Ordinance adoption, staff is proposing to amend Chapter 9 (Building Regulations) of the Hayward Municipal Code to add Article 9 (Universal Design). This amendment would enable the City to achieve its goal of establishing Universal Design guidelines, while promoting new housing that is inclusive and accessible to all ages and abilities.

BACKGROUND

The City of Hayward is a diverse community comprising individuals of various backgrounds, lifestyles, family structures, and income levels. Many residents also have specific housing needs. State law requires the City to address the needs of certain special populations, including seniors, persons with disabilities, large families with children, female-headed households, and individuals experiencing homelessness. Meeting the needs of these groups requires a comprehensive range of housing strategies and supportive services. These priorities were emphasized in the City's recently completed Displacement Study and incorporated into the 6th Cycle Housing Element¹, which was certified by the State in 2023 and integrated into the *Hayward 2040 General Plan*².

One of the strategies identified in the Housing Element is the development of Universal Design Guidelines for the City of Hayward. Universal design focuses on making walkways, streetscapes, and public environments more accessible and navigable for individuals of all ages and abilities. As advances in health care enable people with disabilities to live longer and the aging population continues to grow, universal design practices that promote health, safety, and accessibility are increasingly essential. These approaches help cities plan for a broader range of needs, including the most marginalized and vulnerable members of Hayward.

Implementing universal design can present challenges, such as perceived cost, resistance to change, regulatory conflicts, and limited awareness or expertise. Despite these obstacles, universal design offers significant benefits: it reduces the need for costly and inefficient retrofits, supports sustainable development, enables residents to age in place, and fosters more inclusive and equitable living environments.

Accessibility and Universal Design. Accessibility, as defined in the California Building Code (CBC), refers to "the combination of various elements in a building, facility, site, or area, or

¹ Hayward Housing Element: <https://www.hayward-ca.gov/your-government/documents/planning-documents>

² Hayward General Plan: <https://www.hayward2040generalplan.com/node/307>

a portion thereof, which allows access, circulation, and full use of the building and facilities by persons with disabilities in compliance with this code." More broadly, accessibility encompasses services and facilities that are designed or modified to be usable by individuals of all abilities.

Universal Design is a design principle aimed at making products, components, and the physical environment more usable by as many people as possible, including those with varying levels of ability, and with little or no additional cost.

The Americans with Disabilities Act (ADA) outlines federal requirements for disabled access, particularly as they apply to the built environment. The ADA, enacted in 1990, prohibits discrimination against individuals with disabilities in all areas of public life, including employment, transportation, and both public and private spaces open to the general public. The ADA establishes minimum design standards for non-residential buildings and public and common-use areas within residential construction, specifically through the 2010 ADA Standards for Accessible Design.

While the California Building Code (CBC) incorporates these ADA Standards, local agencies are responsible for enforcing the CBC but do not have jurisdiction over federal ADA law. Furthermore, they do not have the authority to modify ADA's requirements.

California Building Code. California's Building Code (CBC) is outlined in Title 24 of the California Code of Regulations (CCR)³. Title 24 includes 13 separate parts, such as the California Building Code, Electrical Code, Mechanical Code, and Green Building Code, among others. CBC Chapter 11B is written to conform with the federal Americans with Disabilities Act (ADA). Except for certain building occupancies subject to state agency enforcement, such as schools and hospitals, the CBC must be enforced by local governments for all construction projects.

Accessibility requirements for residential projects are specified in CBC Chapters 11A (for private development projects) and 11B (for publicly funded housing projects). Chapter 11A applies to apartment buildings with three or more units and condominiums with four or more units. However, not all units within a development are considered "covered units" and, therefore, are not required to meet these requirements. Specifically, units that are not on the ground floor or are not accessible by an elevator or ramp are not classified as "covered units." While the CBC addresses accessibility for most multi-family developments, it does not impose accessibility requirements on most single-family, duplex, or townhome developments, unless they are built with public funding.

The CBC mandates that all covered units in a project be designed as "adaptable," which is defined in the Building Code as being "designed with elements and spaces that allow the unit to be adapted or adjusted to accommodate the user." In essence, there is no requirement for covered units to be fully accessible to persons with disabilities at the time of construction; rather, the units must be designed in a way that they can easily be modified or adapted to accommodate individuals with disabilities requiring accessible features. These design elements include an accessible route to and through the unit, wider doors and

³ California Building Code: <https://www.dgs.ca.gov/bsc/codes>

maneuvering clearances, special door hardware, appropriate kitchen and bathroom layouts, backing for grab bars, and receptacle and switch/control heights that are adjustable. These features must be incorporated into the design to allow accommodations to be made, as needed, by an occupant.

While these standards are generally less stringent than commercial design standards, they are intended to ensure basic usability for homeowners or tenants with disabilities. The CBC provides flexibility in meeting these requirements, offering multiple options (e.g., a bathtub with a handheld shower or a roll-in shower, and a kitchen with lower-height counters or a pull-out breadboard-type work surface).

Limits on CBC Amendments. In Hayward, the California Building Code (CBC) is adopted into the Hayward Municipal Code (HMC) by reference, with limited local amendments. State law establishes the authority and framework for local amendments to Title 24, specifying that such amendments may only be adopted to address specific local topographic, geographic, or climatic conditions. Furthermore, findings supporting these amendments must be explicitly required when incorporated into a local ordinance.

Since the proposed Universal Design Ordinance cannot reasonably be linked to topographic, geographic, or climatic conditions, the City cannot adopt it as a mandatory building code requirement under the CBC. Therefore, staff is proposing that the Universal Design Ordinance be adopted separately as a design requirement in Article 9, Chapter 9 of the Hayward Municipal Code. This approach would allow the City to enforce the ordinance outside of the scope of Title 24 CBC.

Hayward Displacement Study. In April 2021, the City of Hayward completed a Displacement Study⁴ that established a framework for policymakers, community stakeholders, and residents to better understand the type and extent of residential displacement occurring in the city. This displacement has been largely driven by the unprecedented housing pressures experienced throughout the Bay Area over the past decade.

Among the groups most significantly impacted by displacement is the senior population. As the number of older adults in both Hayward and Alameda County continues to grow, many senior residents face unique challenges that increase their risk of displacement. In particular, limited accessibility and the high cost of retrofitting existing homes often prevent seniors from remaining in their residences as they age.

Stable, accessible housing plays a critical role in allowing seniors to age in place, which is strongly linked to improved mental and physical health outcomes. In response, City staff recommend the adoption of Universal Design guidelines to expand accessibility options. These guidelines would help ensure that more housing is designed or modified to meet the evolving needs of senior residents, reducing the likelihood of displacement and supporting long-term community stability.

⁴ Hayward Displacement Study: <https://www.hayward-ca.gov/documents/city-hayward-displacement-study>

Nationwide Surveys. In addition to the City's Displacement Study, numerous nationwide surveys highlight the growing need for housing units that incorporate universal design features. According to the Centers for Disease Control and Prevention (CDC), approximately 28.7% of U.S. adults aged 18 and older reported having some form of disability in 2022, totaling over 70 million individuals. These disabilities include mobility, cognition, hearing, vision, and self-care limitations. Furthermore, 12.2% of U.S. adults experience serious difficulty walking or climbing stairs, indicating that a significant portion of the population faces mobility challenges. This includes 43.9% of adults aged 65 and older, many of whom experience severe limitations in one or more functional areas.

Research also suggests that over the lifespan of a typical housing unit, between 25% and 60% of those units will house a disabled person. Additionally, between 53% and 91% will have a disabled visitor at some point during the unit's lifetime.

Further, studies show that a significant majority of older adults prefer to remain in their current homes as they age. For example, a 2000 AARP survey found that 90% of individuals aged 65 and older expressed a desire to stay in their homes for as long as possible. Similarly, a 2021 AARP survey revealed that two-thirds of adults aged 50 and older wish to remain in their current home and community. Implementing Universal Residential Design features—such as no-step entries, wider doorways, and accessible bathrooms—enables individuals to live independently and safely in their homes for longer periods. Universal Residential Design standards create homes that are accessible and comfortable for people of all ages and abilities. This inclusivity also supports multigenerational living arrangements, where families of varying ages and physical abilities can coexist harmoniously. The proposed amendments to the Hayward Municipal Code (HMC) to establish Universal Design and Visitability requirements will address these needs and expand accessibility in single-family, duplex, and triplex projects throughout the City.

Housing Policy and Resource Committee. On September 19, 2024, the Housing Policy and Resource Committee⁵ held a work session to review and provide input on key policy questions related to the proposed Universal Design Ordinance. The Committee expressed support for requiring Universal Design standards in 100% of all new single-family housing projects in Hayward. Additionally, the Committee endorsed the inclusion of a "visitability" requirement to ensure that first-floor areas of new homes are accessible to residents with disabilities.

The Committee also recommended that the City adopt best practices from other jurisdictions and supported the creation of a list of exemptions or waivers, allowing staff to review requests on a case-by-case basis. Furthermore, the Committee advocated for incentives to encourage small projects to incorporate Universal Design features, even in cases where they might otherwise be exempt.

Following the Housing Policy and Resource Committee work session, staff engaged in further discussions with the Building Industry Association of Northern California and disability rights advocates from Community Resources for Independent Living to refine the

⁵ Housing Policy and Resource Committee Meeting:
<https://hayward.legistar.com/MeetingDetail.aspx?ID=1228822&GUID=7F2FF5CA-E19E-43A1-806F-8E762003E950&Options=infoj&Search=>

draft Universal Design Ordinance. Staff also consulted with the State’s Housing and Community Development (HCD) Department for additional feedback and policy guidance. While the Housing and Community Development (HCD) Department supported the draft Ordinance, they advised staff to ensure the Ordinance provides sufficient flexibility, allowing homebuilders to comply without the need for formal requests for waivers or exceptions. In response to feedback from the Committee, community stakeholders, and HCD, staff revised the draft to include flexible compliance options. These changes are designed to streamline the process, avoid lengthy reviews, and minimize financial burdens that could delay new housing construction. Staff believes that the revised Ordinance, as currently proposed, strikes a balanced approach by preserving the original intent while mitigating unnecessary administrative challenges during implementation.

Hayward 2040 General Plan. The proposed Universal Design Ordinance aligns with the *Hayward 2040 General Plan*⁶, which outlines a community-based vision for the future of Hayward. The General Plan sets forth goals, policies, and implementation programs to help the City and the broader Hayward community achieve that vision. As the City’s overarching planning document, the General Plan provides a comprehensive blueprint for growth and development by establishing land use policies citywide.

Additionally, the recently certified Housing Element offers updated policy guidance, reflecting the City’s commitment to improving access to safe, high-quality housing for residents across all income levels, with an emphasis on sustainability and environmental stewardship. Strategies to achieve these goals include promoting a diversity of housing types, enhancing the feasibility of developing underutilized sites, and focusing new housing near transit and employment centers. The Housing Element also outlines the City’s plan for removing barriers to housing production, addressing the housing shortage, and ensuring that the City meets its “fair share” of affordable and market-rate housing.

To support this effort, the City developed a Housing Plan that sets forth the goals and policies required to meet the needs of both current and future residents. The adoption of Universal Design guidelines is identified as a key policy within the Housing Plan and also supports several other goals and policies of the *Hayward 2040 General Plan*, including:

- Housing Goal H-5: Provide housing choices that serve the needs of special needs populations, including seniors, homeless, female-headed households, large families, and persons with disabilities, including developmental disabilities.
- Housing Policy 5.8: Universal Design Standards: The City shall implement universal design standards or guidelines that promote accessibility for everyone regardless of age or physical ability.
- HQL-6 Goal: Create neighborhoods that enable residents to remain in their homes and live healthy, productive lives as they age.
- HQL-6.1: Aging in Place: The City shall promote community health, safety, and neighborhood cohesiveness by supporting housing and neighborhood amenities that allow residents to age in place.

⁶ Hayward 2040 General Plan: <https://www.hayward-ca.gov/2040-General-Plan>

- HQL-6.3: Range of Housing for Seniors: The City shall facilitate the development of a range of housing types, including affordable housing, multi-generational housing, independent living, and assisted living for Hayward seniors.
- HQL-6.5: Universal Design: The City shall promote the use of Universal Design Principles in new construction and rehabilitation of housing to improve accessibility for seniors.

DISCUSSION

When reviewing opportunities to expand accessibility requirements for residential development, it is important to recognize that accessibility and disability encompass a broad range of needs among individuals. For instance, not all people with disabilities use wheelchairs, meaning that a roll-in shower may not always be the most suitable or desirable feature for every unit or occupant. Therefore, it is essential that the Ordinance offers flexibility and a range of options that align with universal design principles, ensuring that new dwellings are designed to accommodate people of all ages and abilities.

To provide a regulatory framework for Universal Design and assist cities in developing local programs, the State has adopted a model ordinance along with a related checklist. These resources can serve as valuable guides when creating and implementing local accessibility programs.

Universal Design Ordinance. In 2002, the State adopted AB 2787, which authorized the Department of Housing and Community Development (HCD) to develop guidelines and a model ordinance for local jurisdictions to use in new for-sale residential construction incorporating universal design principles. In response, HCD developed the Model Universal Design Ordinance⁷, and jurisdictions are given the option to adopt a local ordinance that is in substantial conformance with, or “substantially similar” to, the Model Ordinance.

The Model Ordinance applies specifically to single-family, duplex, or triplex units (or combinations thereof), excluding custom-built homes, and does not overlap with the accessibility requirements for multi-family developments with more than three units, as outlined in the California Building Code (CBC).

The “substantially similar” requirement means that any locally adopted ordinance must address a similar range of project types, such as buildings with three or fewer units, while excluding larger multi-family projects that are already required to include accessibility features in compliance with the CBC.

Staff reviewed the State’s Model Ordinance, as well as “substantially similar” ordinances from ten other jurisdictions in California, which are summarized in Attachment IV. The range of features listed in these ordinances includes widely accepted universal design recommendations, such as step-free entries, minimum doorway and passageway widths, bathtubs and showers designed for accessibility, switches and receptacles positioned at heights that do not require standing or bending, non-slip flooring, accessible appliances,

⁷ HCD Universal Design Model Ordinance:
<https://www.hcd.ca.gov/building-standards/state-housing-law-program/universal-design-model-ordinance>

single-handle faucets, pull-out shelves, closets with adjustable height rails, and accessible workspaces.

In nearby jurisdictions, the City of Dublin⁸ and the City of Fremont⁹ have adopted “substantially similar” versions of the State’s Model Ordinance, taking an approach that requires only a “mandate to offer” these features to prospective buyers, with the installation costs borne by the buyer. The City of Alameda¹⁰ also adopted and recently updated their Universal Design Ordinance, which is considered “substantially similar” to the State’s Model Ordinance. In Hayward, staff is proposing a similar “mandate to offer” approach for new homes, similar to the Ordinance the City of Alameda adopted. This approach acknowledges that Universal Design upgrades may result in minor increases to construction costs, and some requirements, such as wider hallways or step-free entries, could be challenging to implement on certain sites due to adjacent grade variations.

In addition to universal design, many cities have incorporated a “visitability” requirement, which is also included in the City’s draft Ordinance and discussed in greater detail below.

Universal Design Checklist. AB 1400, codified as Health and Safety Code Section 17959.6, was adopted by the State in 2003 and required the Department of Housing and Community Development (HCD) to develop guidelines and adopt a Universal Design Checklist. This checklist must be provided by the developer to the buyer of any new for-sale residential housing development. However, there is currently no obligation for developers to submit the checklist to the City for compliance verification.

The checklist informs the buyer of the universal accessibility features that would make the home’s entrance, interior routes of travel, bathrooms, and kitchen areas more usable for everyone, including persons with disabilities. The list of items is generally consistent with features outlined in the California Building Code (CBC). The developer must indicate whether the feature is standard, limited, optional, or unavailable, and if available, the buyer must notify the developer during the construction process if they wish to purchase the feature.

Although staff does not believe that every new custom or single-family home should be required to provide this checklist for approval prior to obtaining building permits, the draft Ordinance does include a requirement stating: “Any residential development that includes an on-site sales office, where buyers may purchase a unit prior to completion, must offer buyers the opportunity to select and purchase additional universal design features from a pre-approved list of offered features.” Applicants have the option to develop their own checklist or use the State’s Model Checklist¹¹, which is available to download online at no cost.

To ensure compliance, the developer would be required to prepare a brochure or checklist detailing the universal design features, including pricing information, for review and approval by the City before the issuance of building permits. Staff believes that having the applicant prepare this list, based on the availability of universal design features, will reduce the

⁸ Dublin Universal Design Ordinance: <https://www.codepublishing.com/CA/Dublin/html/Dublin07/Dublin0790.html>

⁹ Fremont Universal Design Ordinance: <https://www.codepublishing.com/CA/Fremont/html/Fremont15/Fremont1567.html>

¹⁰ Alameda Universal Design Ordinance: https://library.municode.com/ca/alameda/codes/code_of_ordinances?nodeId=CHXXDERE_ARTIZODIRE_30-18UNREDE

¹¹ Model Universal Design Checklist: <https://www.hcd.ca.gov/building-standards/state-housing-law-program/universal-design-model-ordinance>

administrative burden for City staff and eliminate the “one-size-fits-all” approach, which may be challenging for some developments.

Visitability Requirement. The concept of “visitability” in new residential construction has gained momentum nationwide over the past three decades. Visitability refers to single-family housing designed in a way that makes it accessible for individuals with disabilities to live in or visit. A house is considered visitable when it meets the following basic requirements:

- One zero-step entrance;
- Doorways with at least 32 inches of clear passage space and hallways with at least 36 inches of clear passage;
- One bathroom or powder room on the main floor accessible by wheelchair, with reinforced walls to support the addition of grab bars;
- Raised electrical outlets and lowered climate control and light switches; and
- Levered door handles and single-lever kitchen and bathroom faucets.

Visitability focuses on accommodations that a guest would use, such as a ground-floor entrance, a first-floor bathroom, and wider hallways, rather than features intended for residents who may need additional accessibility features. Many cities that have incorporated visitability requirements in their Universal Design Ordinances have also included waivers or exceptions when compliance is not feasible.

Given the growing need for more accessible dwelling units for both residents and visitors, staff has included a visitability requirement in the draft Ordinance. This would mandate that projects proposing five (5) or more new dwelling units include at least 50% of the units as visitable. The proposed 50% threshold offers flexibility to developers to determine which home sites are best suited to accommodate this requirement, particularly on sites with steep topography or geologic hazards, while ensuring that at least half of the new units provide expanded accessibility.

Exceptions. While the overall goal of adopting a Universal Design Ordinance is to increase the number of housing units accessible to people of all ages and abilities, every jurisdiction surveyed has identified exceptions where strict compliance could negatively impact housing construction. Specifically, cities have included exceptions for economic hardships, potential construction delays, and challenging site topography that may render the construction of certain units difficult or cost-prohibitive. As currently proposed, staff has included the following exceptions within the draft Ordinance:

- Rehabilitation or expansion of an existing residential unit;
- Reconstruction of a residential unit destroyed by fire or natural disaster;
- Accessory or junior dwelling units;
- Addition of four (4) or fewer residential units to or within an existing structure;
- Addition of four (4) or fewer new residential units above a ground-floor commercial space or a parking structure that does not include an elevator; and
- Any residential structure constructed with a primary entry above grade, such as when the primary entry is located over a lower level of the dwelling, subterranean parking, or elevated due to the structure’s location in a designated floodplain.

Staff notes that the list of exceptions noted above are similar to those allowed by other jurisdictions and enable the City to maintain compliance with recently adopted State legislation, including the Housing Accountability Act and Housing Crisis Act¹².

Waivers. In addition to the list of exceptions provided above, staff is also proposing a list of waivers be included in the Ordinance for projects that meet specific criteria. Similar to California's Density Bonus Law, waivers are modifications or reductions in development standards that would otherwise make it physically impossible to construct a project. Waivers ensure that projects can proceed as intended without unnecessary delays. As currently proposed, staff recommends that the Development Services Director or their designee, or the highest approving body when part of a planning entitlement application, consider granting a waiver to any of the provisions of the Ordinance if they can make one (1) or more of the following findings:

- The requested waiver is necessary to make the required findings for project approval;
- The requested waiver is necessary to support the provision of affordable housing units;
- The requested waiver is necessary to avoid undue and substantial financial hardship caused by topographical conditions on the site, the size or configuration of the site, other site constraints, or legal constraints, and equivalent facilitation is not available; or
- The requested waiver is necessary to avoid a conflict with adopted local, regional, state, or federal regulations.

Staff believes that the proposed list of waivers is reasonable and aligns with waivers included by other cities, without creating an undue burden for applicants. Additionally, processing and evaluating these requests administratively on a case-by-case basis, rather than through a separate, lengthy public hearing process, will save applicants both time and money and help prevent construction delays.

Enforcement and Annual Reporting. While some California cities have adopted their own ordinances requiring Universal Design for new single-family, duplex, triplex, and townhome developments, many cities have taken a "mandatory to offer" approach. This approach requires developers to provide documentation to the City that Universal Design options were offered to homebuyers prior to purchase, in accordance with AB 1400. To minimize the resources required to administer the program and verify compliance, the draft Ordinance mandates that all single-family dwellings be designed to accommodate Universal Design features unless the projects receive public funding assistance from the City in the form of land donations, direct monetary assistance and/or loans.

As currently proposed, the Ordinance requires applicants to submit a brochure or checklist to the Chief Building Official detailing the Universal Design features offered as part of a new home purchase prior to the issuance of building permits. Additionally, staff believes the Visitability requirement could be verified by the Planning Division early in the project entitlement process, ensuring an efficient and effective approach that integrates seamlessly

¹² Housing Accountability Act and Housing Crisis Act: <https://www.hcd.ca.gov/planning-and-community-development/accountability-and-enforcement>

into the existing development review process. Failure to provide this information in a timely manner may result in delays in permit issuance and/or enforcement action by the City's Code Enforcement Division.

In response to feedback from the Building Industry Association and to help track progress towards program implementation, staff has added an annual reporting requirement to the Ordinance. This report will be included in the City's Annual Housing Progress Report and will provide an opportunity for the City Council to recommend any necessary changes or revisions to the Ordinance.

Density Bonus Incentives for Universal Design. In January 2023, the City updated its Density Bonus Ordinance to align with recent State legislation and to further incentivize the production of affordable housing. As part of this update, a 5% increase to the baseline density was approved for new housing developments that accommodate certain target populations, including projects that incorporate Universal Design features in more than 20% of the units. Although the City has not yet received a Density Bonus application for a project proposing Universal Design features, staff is not recommending any additional changes to the recently adopted Density Bonus Ordinance. Staff believes the additional 5% density bonus currently offered to projects will help offset the slightly increased construction costs associated with implementing these features.

Staff will continue to monitor the number of density bonus applications that propose Universal Design features and may propose amendments to the Density Bonus Ordinance in the future to further incentivize the inclusion of Universal Design, if necessary.

ENVIRONMENTAL REVIEW

Pursuant to CEQA Guidelines Section 15061(b)(3), also known as the "general rule" exemption, CEQA exempts activities that can be shown with certainty to have no possibility of causing a significant effect on the environment. Additionally, this Ordinance is not considered a "project" under Section 15378 of the CEQA Guidelines because it constitutes an administrative activity that does not result in a physical change to the environment. The proposed amendments to the Hayward Municipal Code primarily outline the process by which development applications are reviewed and do not promote physical development. Therefore, this Ordinance is exempt from CEQA under the general rule, which applies only to projects that have the potential to cause a significant environmental impact. For these reasons, it can be concluded with certainty that this Ordinance will not have a significant effect on the environment.

SUSTAINABILITY FEATURES

The proposed Ordinance and text amendments will not directly result in new development. However, any future development carried out under these regulations will be subject to the Reach Code, the California Building Code, and any other applicable sustainability-related regulations.

ECONOMIC IMPACT

There is no significant economic impact associated with the creation of the Universal Design Ordinance. However, developers and future homeowners may incur minimal financial costs when incorporating Universal Design features into new construction. That said, staff anticipates that for certain target populations, such as seniors and individuals with disabilities, there could be long-term financial benefits. These benefits may include reduced living and moving expenses, as these residents would not need to retrofit their current home or relocate due to physical or accessibility limitations.

FISCAL IMPACT

No fiscal impact to the City's General Fund is anticipated as a result of the Amendment to the Hayward Municipal Code to accommodate Universal Design. However, additional staff resources may be required in the future to support the implementation of the program. Once the Ordinance is enacted, staff will monitor its impact on resources and will provide an update to the City Council after the first year of implementation.

STRATEGIC ROADMAP

This agenda item supports the City Council's Strategic Roadmap Priorities to *Preserve, Protect, and Produce Housing for All* and aligns with the implementation of the following project:

- *Encourage Housing Production For All: Adopt Universal Design Guidelines for Accessible Housing.*

PUBLIC CONTACT

Housing Element Outreach. Between August 2021 and August 2022, the City's Housing Team—comprising staff from both the Planning and Housing Divisions—conducted extensive community outreach as part of the development and certification of the City's 6th Cycle Housing Element, which includes a commitment to develop Universal Design Guidelines. Outreach efforts included focus group discussions with Community Resources for Independent Living, interviews with nearly 400 Hayward residents regarding their priorities for housing policy, a social media campaign, multiple community workshops, and the creation of bilingual materials to encourage broad community participation throughout the Housing Element update process. The Universal Design Ordinance is one of several programs identified for near-term implementation in 2025.

Targeted Stakeholder Outreach. Between July 2024 and April 2025, City staff conducted targeted outreach meetings with key community stakeholders, including the Building Industry Association of Northern California and Community Resources for Independent Living, to gather feedback on the proposed policies related to the development of a Universal Design Ordinance in the City.

State's Housing and Community Development Review. In late March 2025, City staff submitted the draft Universal Design Ordinance to the California Department of Housing

and Community Development (HCD) for review and feedback. On April 17, 2025, City staff held a virtual meeting with HCD representatives to discuss the proposed Ordinance and confirm its consistency with State law, including the Housing Accountability Act and the Housing Crisis Act. HCD staff expressed general support for the draft Ordinance and recommended that the City continue to monitor the program after adoption to ensure the regulations do not inadvertently hinder housing production.

As noted above, staff has incorporated a requirement for annual reporting and program evaluation as part of the City's Annual Housing Progress Report, which is submitted to the State by April 1 of each calendar year.

Additionally, a Notice of Public Hearing was published in *The Daily Review* on May 9, 2025 and a *Stack* article to promote this Ordinance was sent electronically to Hayward subscribers in early May. To date, staff has not received any public correspondence regarding the proposed project.

NEXT STEPS

If approved, the Ordinance will return to the City Council for a second reading on the consent calendar on May 27, 2025. If adopted at that meeting, the Ordinance will take effect 30 days thereafter, and the accompanying Resolution will take effect upon adoption of the Ordinance. Following adoption, staff will notify the California Department of Housing and Community Development (HCD) to confirm completion of the required actions and ensure the City remains in compliance with State law. In addition, staff will work over the next few months to develop supplemental handouts that explain the Universal Design Ordinance program and update the City's webpage to provide additional resources for applicants and homeowners.

Prepared by: Jeremy Lochirco, Planning Manager

Recommended by: Sara Buizer, AICP, Development Services Director

Approved by:



Dr. Ana M. Alvarez, City Manager