

CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Thursday, April 13, 2023

7:00 PM

Council Chambers & Virtual Participation (Zoom)

Planning Commission

PLANNING COMMISSION MEETING

NOTICE: The Planning Commission will hold a hybrid meeting in the Council Chambers and virtually via Zoom.

How to watch the meeting from home:

1. Comcast TV Channel 15
2. Live stream <https://hayward.legistar.com/Calendar.aspx>
3. YouTube Live stream: <https://www.youtube.com/user/cityofhayward>

How to submit written Public Comment:

Send an email to cityclerk@hayward-ca.gov by 3:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the Planning Commission and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda. Written comments received after 3:00 p.m. that address an item on the agenda will still be included as part of the record.

How to provide live Public Comment during the Planning Commission Meeting:

Please click the link below to join the meeting:

<https://hayward.zoom.us/j/84435198542?pwd=SDVPZk5kQVBndVh3OVVVTW5DVkdGdz09>

Webinar ID: 844 3519 8542

Passcode: PC4/13@7pm

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

1 669 900 6833 or +1 646 931 3860 (Toll Free)

Webinar ID: 844 3519 8542

Passcode: 8507616235

International numbers available: <https://hayward.zoom.us/j/84435198542>

A Guide to attend virtual meetings is provided at this link: <https://bit.ly/3jmaUxa>

CALL TO ORDER Pledge of Allegiance**AB 2449 TELECONFERENCE NOTIFICATIONS AND CONSIDERATION****ROLL CALL****PUBLIC COMMENTS**

The PUBLIC COMMENTS section provides an opportunity to address the Planning Commission on items not listed on the agenda. The Commission welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Commission is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff for further action.

ACTION ITEMS

The Commission will permit comment as each item is called for Public Hearing. Please submit a speaker card to the Secretary if you wish to speak on a public hearing item.

PUBLIC HEARING

For agenda item No. 1 the Planning Commission may make a recommendation to the City Council.

- 1** [PH 23-018](#) Recommended FY 2024 - FY 2033 Capital Improvement Program

Attachments: [Attachment I Staff Report](#)

WORK SESSION

Work Session items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.

- 2** [WS 23-010](#) Options and Recommendations Report for the Hayward Residential Design Study

Attachments: [Attachment I Staff Report](#)
 [Attachment II Options & Recommendations Report](#)

APPROVAL OF MINUTES

- 3** [MIN 23-045](#) Minutes of the Planning Commission Meeting on February 9, 2023

Attachments: [Attachment I Draft Minutes of February 9, 2023](#)

- 4 [MIN 23-044](#) Minutes of the Planning Commission Meeting on February 23, 2023

Attachments: [Attachment I Draft Minutes of February 23, 2023](#)

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters

Commissioners' Announcements, Referrals

ADJOURNMENT

NEXT MEETING, APRIL 27, 2023, 7:00PM

PLEASE TAKE NOTICE

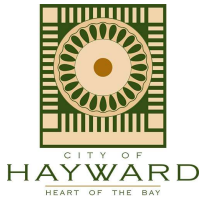
That if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.

PLEASE TAKE FURTHER NOTICE

That the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

****Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Permit Center, first floor at the above address. Copies of staff reports for agenda items are available from the Commission Secretary and on the City's website the Friday before the meeting.****

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or cityclerk@hayward-ca.gov.



CITY OF HAYWARD

Hayward City Hall
777 B Street
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File #: PH 23-018

DATE: April 13, 2023

TO: Planning Commission

FROM: Director of Public Works

SUBJECT

Recommended FY 2024 - FY 2033 Capital Improvement Program

RECOMMENDATION

That the Planning Commission finds that the Recommended FY 2024 - FY 2033 Capital Improvement Program (CIP) is consistent with the Hayward 2040 General Plan.

SUMMARY

The City's Capital Improvement Program (CIP) is a planning document intended to guide the City's capital improvement activities over the next ten years. The CIP has been reviewed and developed to ensure that it is consistent with the City's General Plan. It has also been developed to support the Priorities identified by Council as part of the City's Strategic Roadmap.

The proposed CIP budget includes approximately \$115 million in FY 2024 and an estimated \$905 million in the next ten years. Given that Hayward is a full-service city, the CIP covers a wide range of projects, which may include street construction and improvements; bike and pedestrian improvements; traffic calming; water, wastewater, recycled water, and storm water systems upgrades; groundwater projects; airport projects; construction of public buildings; clean and renewable energy generation; replacement of major equipment and other miscellaneous projects. As in past years, the document also includes Identified and Unfunded Capital Needs, which currently total \$511 million.

The Recommended FY 2024 - FY 2033 CIP can be found [here <https://www.hayward-ca.gov/your-government/documents/capital-improvement-program>](https://www.hayward-ca.gov/your-government/documents/capital-improvement-program) on the City's website and is presented in a user-friendly online format. More information about navigating the online format can be found at the provided link.

ATTACHMENTS

Attachment I Staff Report

File #: PH 23-018



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The proposed CIP budget includes approximately \$115 million in FY 2024 and an estimated \$905 million in the next ten years. Given that Hayward is a full-service city, the CIP covers a wide range of projects, which may include street construction and improvements; bike and pedestrian improvements; traffic calming; water, wastewater, recycled water, and storm water systems upgrades; groundwater projects; airport projects; construction of public buildings; clean and renewable energy generation; replacement of major equipment and other miscellaneous projects. As in past years, the document also includes Identified and Unfunded Capital Needs, which currently total \$511 million.

The Recommended FY 2024 – FY 2033 CIP can be found [here](#)¹ on the City's website and is presented in a user-friendly online format. More information about navigating the online format can be found at the provided link.

BACKGROUND

State law requires that the Planning Commission review the City's currently Recommended FY 2024 – FY 2033 CIP to ensure conformance with the City's General Plan. The Council will review the Recommended FY 2024 – FY 2033 CIP at a work session in May 2023.

DISCUSSION

The following discussion lists some of the specific CIP projects which align with the various General Plan elements.

¹ <https://www.hayward-ca.gov/your-government/documents/capital-improvement-program>

Public Facilities and Services Element²

The CIP includes an emphasis on updating and improving the City's infrastructure, which supports a core priority of the Strategic Roadmap, and is aligned with various goals and policies from Elements of the General Plan, including the following from the Public Facilities and Services Element:

Goal PFS-1: Ensure the provision of adequate and efficient facilities and services that maintain service levels, are adequately funded, accessible, reliable, and strategically allocated.

Policy PFS-1.2: Priority for Infrastructure

The City shall give high priority in capital improvement programming to funding rehabilitation or replacement of critical infrastructure that has reached the end of its useful life or has capacity constraints.

The ongoing development of the South Hayward Youth & Family Center aligns with the following goal and policy of the Public Facilities and Services Element:

Goal PFS-1: Ensure the provision of adequate and efficient facilities and services that maintain service levels, are adequately funded, accessible, reliable, and strategically allocated.

Policy PFS-1.6 Public Facility Clustering

The City shall promote the clustering of public and quasi-public facilities (e.g., schools, parks, libraries, childcare facilities, community activity centers), the joint-use of these facilities, and agreements for sharing costs and operational responsibilities among public service providers.

In addition to the previously stated Public Facilities and Services Policy PFS-1.2, sewer and water improvement projects such as the Water Pollution Control Facility (WPCF) Switchgear Rehabilitation Project and WPCF Phase II Improvement Projects adhere to the policies under the following Public Facilities and Services goals:

Goal PFS-3: Maintain a level of service in the City's water system that meets the needs of existing and future development while improving water system efficiency.

Goal PFS-4: Maintain a level of service in the City's wastewater collection and disposal system to meet the needs of existing and future development.

Mobility Element³

Key projects which align with the first Mobility Element goal and policies include the Mission Boulevard Phase 3 Project, Campus Drive Improvement Project, and the Main Street Complete Street Project.

Goal M-1: Provide a comprehensive, integrated, and connected network of transportation facilities and services for all modes of travel.

Policy M-1.2: Multimodal Choices

² <https://www.hayward2040generalplan.com/public-facilities-services>

³ <https://www.hayward2040generalplan.com/mobility>

The City shall promote development of an integrated, multi-modal transportation system that offers desirable choices among modes including pedestrian ways, public transportation, roadways, bikeways, rail, and aviation.

Policy M-1.6: Bicycling, Walking, and Transit Amenities

The City shall encourage the development of facilities and services, (e.g., secure term bicycle parking, streetlights, street furniture and trees, transit stop benches and shelters, and street sweeping of bike lanes) that enable bicycling, walking, and transit use to become more widely used modes of transportation and recreation.

Paving and transportation projects also align with the third Mobility Element goal and policies, including the FY 2024 Pavement Rehabilitation Project, the Old Hayward Highland Association (OHHA) Pavement Improvements, FY 2024 New Sidewalk Project, Main Street Complete Street Project, and Mission Boulevard Phase 3.

Goal M-3: Provide complete streets that balance the diverse needs of users of the public right-of-way.

Policy M-3.1 Serving All Users:

The City shall provide safe, comfortable, and convenient travel along and across streets to serve all users, including pedestrians, the disabled, bicyclists, motorists, movers of commercial goods, and users and operators of public transportation.

Natural Resources Element⁴

Projects aligning with the Natural Resources Element goals and policies include Transitioning 15% of the Total City Fleet to EV/Hybrid Models, the Citywide EV Charging Strategy Upgrade & Publicly Accessible Faster Chargers Projects, and the Recycled Water Master Plan and Phase II Projects.

Goal NR-2: Improve the health and sustainability of the community through continued local efforts to improve regional air quality, reduce greenhouse gas emissions, and reduce community exposure to health risks associated with toxic air contaminants and fine particulate matter.

Policy NR-2.10: Zero-Emission and Low-Emission Vehicle Use

The City shall encourage the use of zero-emission vehicles, low-emission vehicles, bicycles and other non-motorized vehicles, and car-sharing programs by requiring sufficient and convenient infrastructure and parking facilities throughout the City.

Policy NR-6.10: Water Recycling

The City shall support efforts by the regional water provider to increase water recycling by residents, businesses, non-profits, industries, and developers, including identifying methods for water recycling and rainwater catchment for indoor and landscape uses in new development.

An additional project which aligns with Natural Resources Element goals and policies is the Design and Construction of the La Vista Park.

⁴ <https://www.hayward2040generalplan.com/natural-resources>

Policy NR-1.5: Large-Scale Natural Area Access

The City shall support efforts to improve access to publicly owned large-scale natural areas located within the Planning Area, including the shoreline, creeks, regional parks, riparian corridors, and hillside open space areas, by allowing them to be open for controlled access to improve public enjoyment and education, while also limiting access to extremely sensitive natural habitat and minimizing human-related environmental impacts.

The 1.4-Megawatt Solar Photovoltaic Energy System at WPCF is a renewable energy project which aligns with the following NR goal and policy:

Goal NR-4.1: Reduce energy consumption through increased production and use of renewable energy, sustainable energy purchasing, and improved energy efficiency.

Policy NR-4.10- Energy Efficiency Measures: The City shall ensure that all new City-owned facilities are built with renewable energy, as appropriate to their functions, and shall install renewable energy systems at existing City facilities, where feasible.

*Community Safety Element*⁵

The construction of the new Fire Station No. 6 and Training Center aligns with Community Safety Element goals and policies related to Fire Protection and Emergency Medical Services.

Goal 4: Provide coordinated fire protection and emergency medical services to promote a safe and healthy community.

Policy CS-4.4 Timing of Services

The City shall ensure that growth and development does not outpace the expansion of Hayward Fire Department staffing and the development of strategically located and fully equipped fire stations.

Policy CS-4.5 Station Call Volumes and the Reallocation of Resources

The City shall monitor call volumes at individual fire stations to determine if certain areas of the City are in high demand of fire and emergency medical services. The City shall consider reallocating resources (fire units and/or equipment) or building new fire stations to serve high demand areas.

*Land Use Element*⁶

The CIP also focuses on beautification and improvement of landscaping along key thoroughfares, including the Jackson Corridor Landscape Beautification Project, which aligns with many General Plan Land Use Element goals and policies, including:

Goal LU-4: Create attractive commercial and mixed-use corridors that serve people traveling through the City, while creating more pedestrian-oriented developments that foster commercial and social activity for nearby residents and businesses.

Policy LU-4.11 Streetscape Enhancements

The City shall strive to improve the visual character of corridors by improving streetscapes with landscaped medians, and widened sidewalks that are improved

⁵ <https://www.hayward2040generalplan.com/community-safety>

⁶ <https://www.hayward2040generalplan.com/land-use>

with street trees, pedestrian-scaled lighting, underground utilities, landscaping, and streetscape furniture and amenities.

ECONOMIC IMPACT

The direct economic impact of these projects is not quantifiable. However, maintaining and improving the City's infrastructure, fleet, buildings, and recreational facilities will have a beneficial impact on maintaining and improving economic desirability, health, and vitality of the City and community.

FISCAL IMPACT

The capital budget for FY 2024 totals approximately \$115 million, with a total of approximately \$905 million tentatively programmed for the entire ten-year period from FY 2024 through FY 2033. An additional \$511 million of unfunded needs have been identified for the same period.

Only five of the twenty-three CIP funds rely on transfers from the General Fund for project expenses. The following table reflects the proposed General Fund transfers to these five funds when compared to FY 2023.

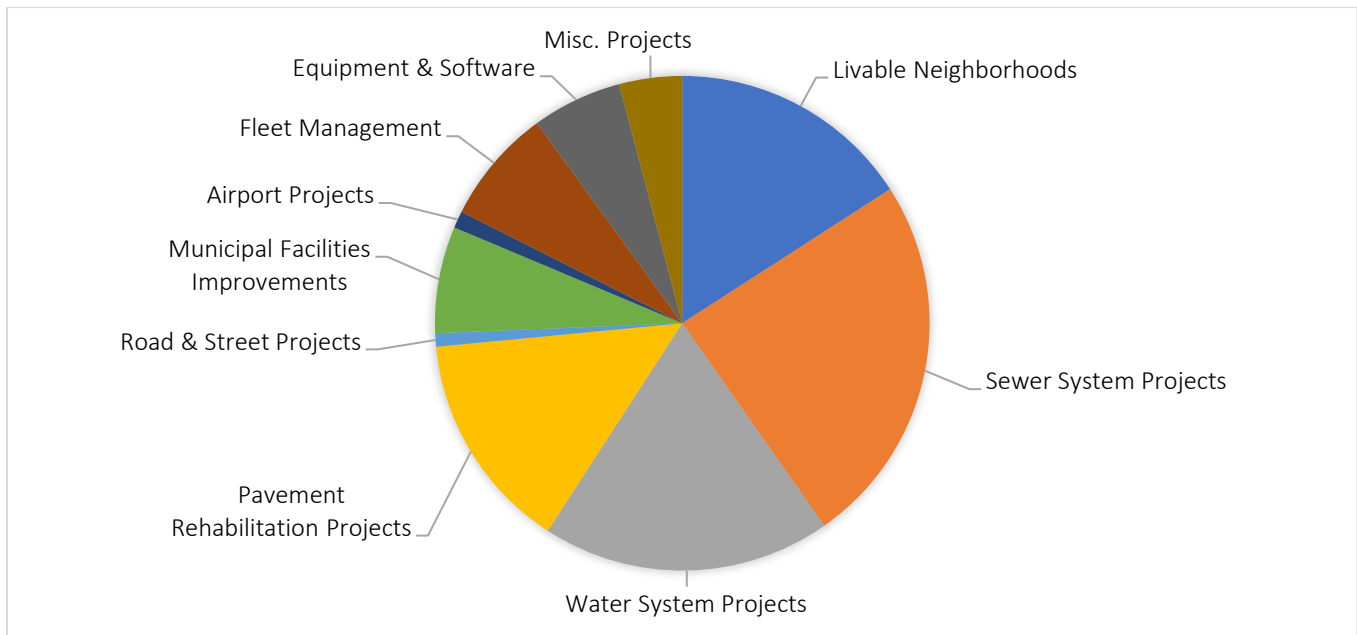
| CIP Fund | FY 2023 GF Transfer | FY 2024 GF Transfer | Increase / (Decrease) from FY 2023 |
|---------------------------------------|---------------------|---------------------|------------------------------------|
| 405/Capital Projects (General) | \$1,539,000 | \$1,200,000 | (\$339,000) |
| 460/Transportation System Improvement | \$500,000 | \$500,000 | \$0 |
| 726/Facilities Management Capital | \$757,000 | \$360,000 | (\$397,000) |
| 731/Information Technology Capital | \$1,125,000 | \$300,000 | (\$825,000) |
| 736/Fleet Replacement | \$161,000 | \$0 | (\$161,000) |
| Total Cost to General Fund | \$4,082,000 | \$2,360,000 | (\$1,722,000) |

Four of the CIP funds are also Internal Service Funds, meaning they use Internal Service Fees (ISF) to finance project expenses. Internal Service Fees are collected when one City department provides a service to another, drawing those service expenses from the operating budget of the benefiting department. Although some departments are funded by Enterprise funds, many are part of the General Fund. The Internal Service Fees paid by General Fund-supported departments have an impact on the General Fund. The total proposed Internal Service Fees for FY 2024 are shown below.

| CIP Fund | FY 2023 ISF | FY 2024 ISF | Increase / (Decrease) from FY 2023 |
|---|--------------------|--------------------|------------------------------------|
| 726/Facilities Management Capital | \$350,000 | \$350,000 | \$0 |
| 731/Information Technology Capital | \$855,000 | \$810,000 | (\$45,000) |
| 736/Fleet Management Capital (General Fund) | \$3,000,000 | \$4,000,000 | \$1,000,000 |
| 737/Fleet Replacement (Enterprise Funds) | \$606,000 | \$156,000 | (\$450,000) |
| Total ISF | \$4,811,000 | \$5,316,000 | \$505,000 |

As displayed in the tables above, there is an overall decrease of \$1,722,000 in proposed FY 2024 General Fund transfers when compared to FY 2023, and an increase of \$505,000 in proposed FY 2024 ISF. The proposed project costs by CIP category are as follows:

| Project Category | FY 2023 Adopted | FY 2024 Recommended | Increase/ (Decrease) from FY 2023 CIP |
|---|----------------------------|--------------------------------|--|
| Livable Neighborhoods | \$37,307,000 | \$18,327,000 | (\$18,980,000) |
| Sewer System Projects | \$21,124,000 | \$28,135,390 | \$7,011,390 |
| Water System Projects | \$19,500,000 | \$21,789,265 | \$2,289,265 |
| Pavement Rehabilitation Projects | \$10,888,000 | \$16,539,000 | \$5,651,000 |
| Road & Street Projects | \$6,455,000 | \$1,015,000 | (\$5,440,000) |
| Municipal Facilities | \$6,000,000 | \$8,040,000 | \$2,040,000 |
| Misc. Projects | \$912,000 | \$1,286,000 | \$374,000 |
| Airport Projects | \$5,900,000 | \$8,727,000 | \$2,827,000 |
| Fleet Management | \$5,380,000 | \$6,789,000 | \$1,409,000 |
| Equipment & Software | \$4,656,302 | \$4,742,000 | \$85,698 |
| Total Capital Improvement Projects | \$118,122,302 | \$115,389,655 | (\$2,732,647) |



The proposed project costs in each CIP Fund are as follows:

| CIP Fund | FY 2024 Recommended |
|---|--------------------------------|
| (210) Special Gas Tax | \$4,192,000 |
| (211) RRAA (SB1) | \$4,000,000 |
| (212) Measure BB - Local Transportation | \$6,455,000 |
| (213) Measure BB - Ped & Bike | \$2,019,000 |

| | |
|--|----------------------|
| (215) Measure B - Local Transportation | \$226,000 |
| (216) Measure B - Ped & Bike | \$15,000 |
| (218) Vehicle Registration Fund | \$900,000 |
| (219) Measure BB - Paratransit | \$750,000 |
| (405) Capital Projects | \$13,228,000 |
| (406) Measure C Capital | \$8,971,000 |
| (410) Rte. 238 Corridor Improvement | \$1,010,000 |
| (411) Rte. 238 Settlement Admin | \$771,000 |
| (450) Street System Improvements | \$5,356,000 |
| (460) Transportation System Improvements | \$615,000 |
| (603) Water Replacement | \$10,551,265 |
| (604) Water Improvement | \$9,902,000 |
| (611) Sewer Replacement | \$9,953,390 |
| (612) Sewer Improvement | \$19,318,000 |
| (621) Airport Capital | \$8,727,000 |
| (726) Facilities Capital | \$1,190,000 |
| (731) Information Tech Capital | \$1,440,000 |
| (736) Fleet Management Capital | \$5,270,000 |
| (737) Fleet Management Enterprise | \$530,000 |
| Total | \$115,389,655 |

STRATEGIC ROADMAP

The 2024 Vision and Strategic Roadmap adopted in 2020 are at the forefront of the City's capital project planning efforts, and each CIP project is evaluated for consistency with the City's Strategic Priorities.

CIP Projects touch the Confront Climate Crisis & Champion Environmental Justice, Enhance Community Safety & Quality of Life, Grow the Economy, and Strengthen Organizational Health Priorities, but predominantly support the Invest in Infrastructure Priority.

SUSTAINABILITY FEATURES

While the proposed projects are aligned with and advance the Council's Sustainability goals and policies, the action taken for this agenda report will not result in any physical development, purchase or service, or a new policy or legislation. Any physical work will depend upon a future Council action. Sustainability features for individual CIP projects will be listed in each staff report.

PUBLIC CONTACT

On March 31, 2023, a Notice of this Public Hearing for the Planning Commission meeting was published in *The Daily Review* newspaper. The public has the opportunity to review and comment on the CIP at this evening's Planning Commission meeting and will again at the Council Infrastructure Committee Meeting (CIC), which has been tentatively scheduled for April 26, 2023.

The public will also have an additional opportunity to review and comment on the CIP at the Council work session, which has been tentatively scheduled for May 16, 2023, and the Council Public Hearing, which has been tentatively scheduled for June 6, 2023.

A notice advising residents about the Council Public Hearing on the CIP will be published in the *Daily Review* newspaper at least ten days in advance. A copy of the Recommended CIP is made available online at www.hayward-ca.gov/CIP, and printed copies are available at the Public Works & Utilities' Department office, at the City Clerk's office, and at both [Libraries](#)⁷. Individual projects receive Council approval and public input as appropriate.

NEXT STEPS

Once the Commission has completed the review of the Recommended CIP and found it in conformance with the General Plan, the CIP will be reviewed at a CIC, tentatively scheduled for April 26, 2023, at a Council work session, tentatively scheduled for May 16, 2023, and then again at a public adoption hearing tentatively scheduled for June 6, 2023.

Prepared by: Kaitlyn Byrne, Senior Management Analyst

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Jeremy Lochirco, Planning Manager



Sara Buizer, AICP, Acting Development Services Director

⁷ <https://www.hayward-ca.gov/public-library/using-library/locations-hours>



File #: WS 23-010

DATE: April 13, 2023

TO: Planning Commission

FROM: Taylor Richard, Assistant Planner & Elizabeth Blanton, AICP, Senior Planner

SUBJECT

Options and Recommendations Report for the Hayward Residential Design Study

RECOMMENDATION

That the Planning Commission provide 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 Planning Commission 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?

ATTACHMENTS

Attachment I Staff Report

Attachment II Options and Recommendations Report



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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.

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

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>

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=>

corridor and conduct additional research on Transportation Demand Management (TDM) strategies and the unbundling of parking to help reduce parking demand.

Interested Party 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 which 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 chose which amenities to install based on approved City list
- Conceal parking facilities behind landscaping, building or structural elements for multi-family dwellings.

POLICY CONTEXT

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.

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.

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 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 |

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.

ANALYSIS

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 Planning Commission 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?


NEXT STEPS

Following the Planning Commission work session, staff will be taking the Options and Recommendations Report to the City Council for consideration at a work session on April 18, 2023. 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.

Prepared by: Taylor Richard, Assistant Planner
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Recommended by: Leigha Schmidt, AICP, Principal Planner

Approved by:



Jeremy Lochirco, Planning Manager



Sara Buizer, AICP, Acting Development Services Director



HAYWARD

RESIDENTIAL DESIGN STUDY



OPTIONS AND RECOMMENDATIONS TECHNICAL REPORT

March 2023



Prepared BY WRT
For City of Hayward

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Overview

Purpose of the Report

The purpose of this report is to set the stage for Draft Residential Design Standards by:

- Evaluating if the current standards promote a diversity of housing options and achieve target density and the desired neighborhood environment.
- Identifying standards that need to be updated.
- Giving decision makers and community stakeholders options for possible approach(es) for making standards “objective”.

This report incorporates findings from the Hayward Residential Design Study Background Report (September 2022), the Outreach and Engagement Summary Report (September 2022), Vision and Objectives (October 2022), and General Plan and Zoning Discrepancy Memo (March 2023).

City’s Objectives for the Hayward Residential Design Study

Despite the multitude of State laws aimed at increasing affordable housing stock, the housing crisis has prompted many communities to find their own innovative solutions. Through its Zoning Ordinance and existing residential development standards, the City of Hayward has a unique opportunity to revisit existing residential development regulations that may not be resulting in the type of housing development the community would like and create new regulations that increase the feasibility of housing production and further enhance the City’s character. The City’s objectives for the Hayward Residential Design Study are to:

- Update the Zoning Ordinance to allow single-family zoned properties the ability to develop in compliance with their underlying 2040 General

Plan designations to simplify and streamline the development of these properties.

- Analyze the City’s current objective standards for residential development and determine whether these are sufficient to meet the City’s goals for development.
- Explore options for and adopt new objective standards that address design, massing, neighborhood compatibility, parking, setbacks, and/or other topics identified as important by the community, stakeholders, decision makers, and City staff.
- Engage a wide range of community members and stakeholders, including communities that have limited or no access to technology, homeowners, renters, housing advocates, developers, architects, and community members who are hard to reach and/or do not typically participate in City processes.

This report presents findings and approaches for residential design standards, with consideration to the goals described above.

Key Takeaways from Outreach & Engagement

The following themes that emerged from the outreach and engagement efforts, directly inform the residential design standards.

- **Front yard setbacks:** Front yard setbacks and their treatment (with high-quality landscaping or lack thereof) directly impacts the street environment. On single-family parcels, inadequate front setbacks can cause cars parked in the driveway to hang over the sidewalk. On multi-family parcels with bigger buildings, front yard treatment with landscaping

and planting can create an inviting environment and balanced transition to adjacent buildings.

- **Building step-backs:** Upper floor “step-backs” create an attractive variation in the building mass and façade and a balanced transition to adjacent smaller scaled buildings.
- **Second story additions to single family homes:** Second story additions to single family homes that are well-articulated and scaled appropriately in relation to the first floor, result in a better building design, create a pleasing street environment, and avoid boxy buildings.
- **Porches, patios, and balconies:** Porches, patios, and balconies on street-fronting facades and overlooking interior courtyards create an engaging relationship with the street and ensure designated outdoor space in multi-family residential development.
- **Building frontage – windows:** Windows are an important building feature, not only because they provide direct access to light, but the scale and quantity of windows can impact the aesthetic of the building façade. Privacy of habitable spaces can be impacted by window placement and orientation.
- **Diversity of architectural styles:** Encouraging a diversity of architectural styles with a variety of tastefully coordinated building materials, and details will prevent cookie-cutter development and allow new development to respond better to specific neighborhood needs and enhance character.
- **Common outdoor spaces:** Common outdoor spaces in multifamily residential developments are important for providing access to outdoor space. Spaces must be designed to be inviting and usable.
- **Parking ratios and parking design:** A balanced supply of parking is important to maintain

the overall scale and massing of a building and result in a development compatible with its context. Too much parking requires either large surface lots or parking garages leaving less usable space for residential development. Design and visibility of a parking lot or garage is critical in creating an inviting street environment.

- **Landscaping:** Well-designed and well-maintained landscaping is important to create a pedestrian- friendly and pleasing street environment, to buffer residences and larger scale development from the street, and to maintain privacy.
- **Fencing:** Fence height, fencing material and fence treatment are important characteristics for an engaging and attractive street environment.
- **Universal design:** Universal design features are important for accessibility and allowing residents to age in place.
- **Development feasibility:** Development standards have a direct impact on the ability to develop affordable and market rate housing.

Key Takeaways from General Plan and Zoning Discrepancy Memo

There are several single-family zoned parcels that are inconsistent with their underlying General Plan Land Use designations of Limited Medium Density Residential (LMDR), Medium Density Residential (MDR), and High Density Residential (HDR); primarily due to a discrepancy between allowed density ranges, and in some cases, allowed land uses. The development feasibility of individual parcels is also impacted by the cumulative effect of other development standards applicable to that parcel, such as setback requirements, maximum lot coverage, building heights, parking ratios, etc.

Evaluation of Current Standards

The Hayward Residential Design Study will focus primarily on three residential zoning districts: RS (Residential Single Family), RM (Residential Medium Density), and RH (Residential High Density). An example site was selected for each zoning district and current development standards were applied to each residential type that is allowed in the respective zoning districts.

Example Sites

Test Site 1: Lynn Street

Zoning: RS (Single Family Residential)

General Plan Land Use Designation: LDR (Low Density Residential)

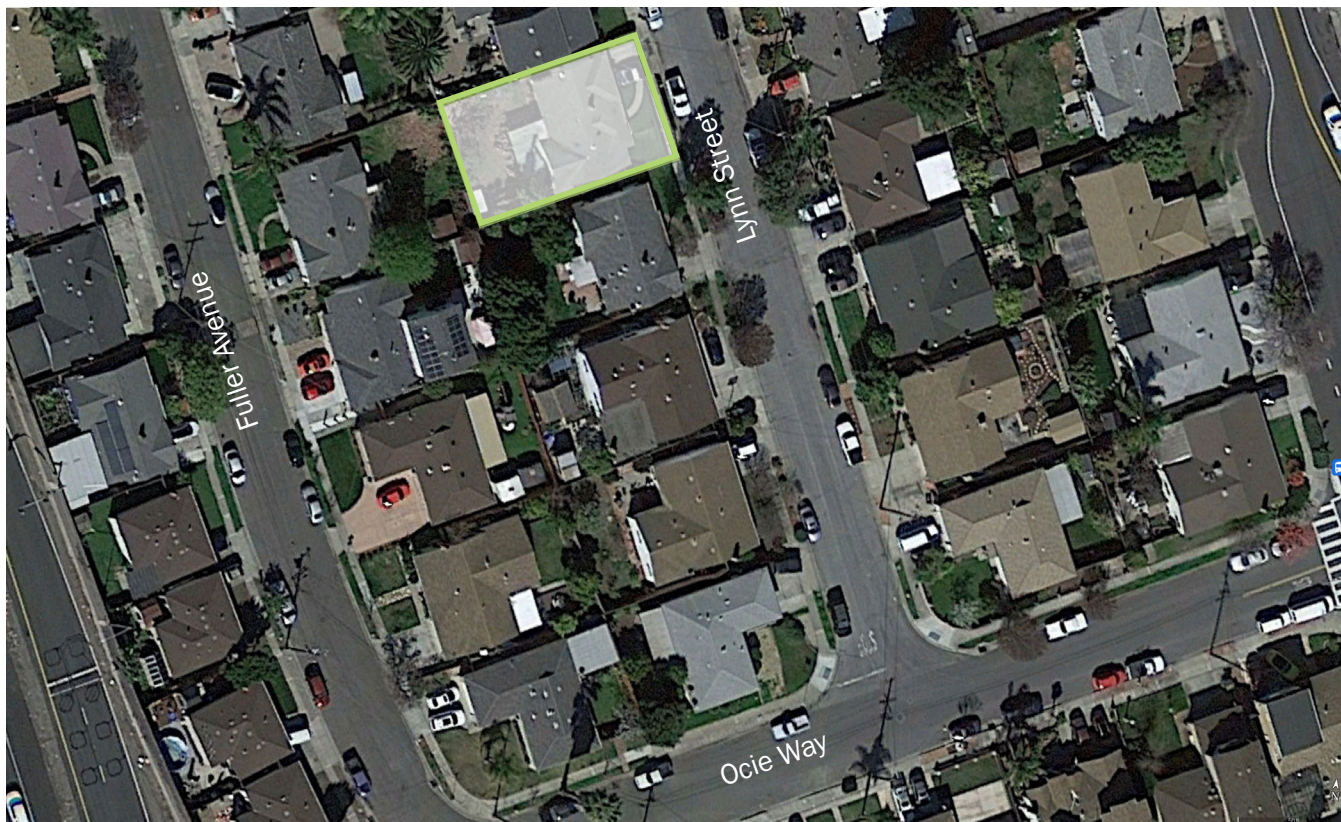
Lot Size: 5,035 square feet

Lot Features: Flat lot, interior lot

Existing Context: This site is located in a single-family residential neighborhood with most of the lots approximately the same size as the test lot. Most houses are single story with two car garages and consistent front setbacks.

Permitted Residential Types by current zoning standards and State Law:

- Detached single-family homes
- Accessory dwelling units as secondary use
- Up to four residential units (attached/detached) allowed under SB 9 with lot splits, where each lot is a minimum of 1,200 square feet and approximately equal size



RS - Single Family Residential Zoning District

Existing Development Standards

Test Site 1: Lynn Street

Lot Area - 5,035 Sq. Ft (Interior Lot)

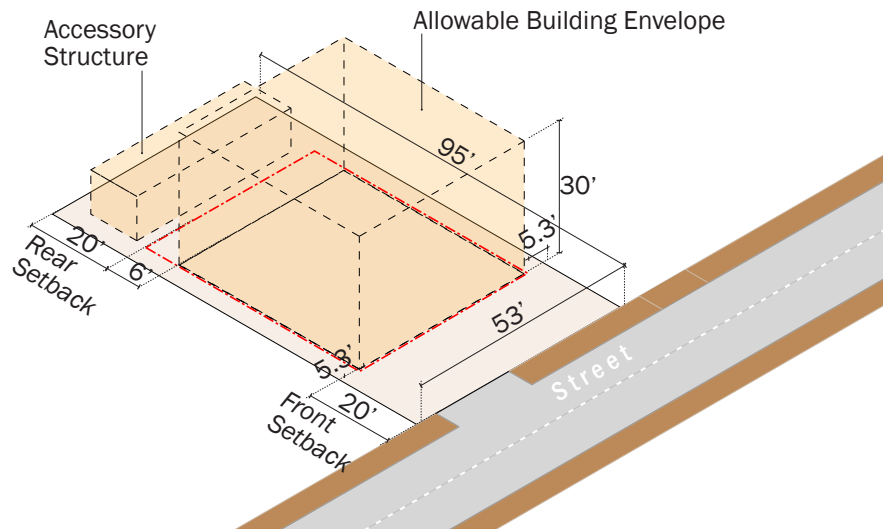


Fig 1: Building Envelope per Existing Standards

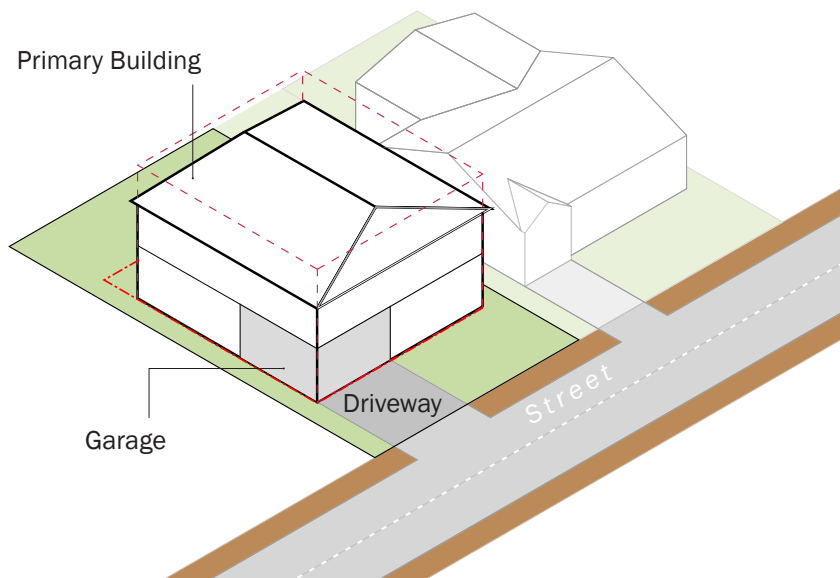


Fig 2: Test with 1 Primary Unit

RS - Single Family Residential Zoning District

Existing Development Standards

Test Site 1: Lynn Street

Lot Area - 5,035 Sq. Ft (Interior Lot)

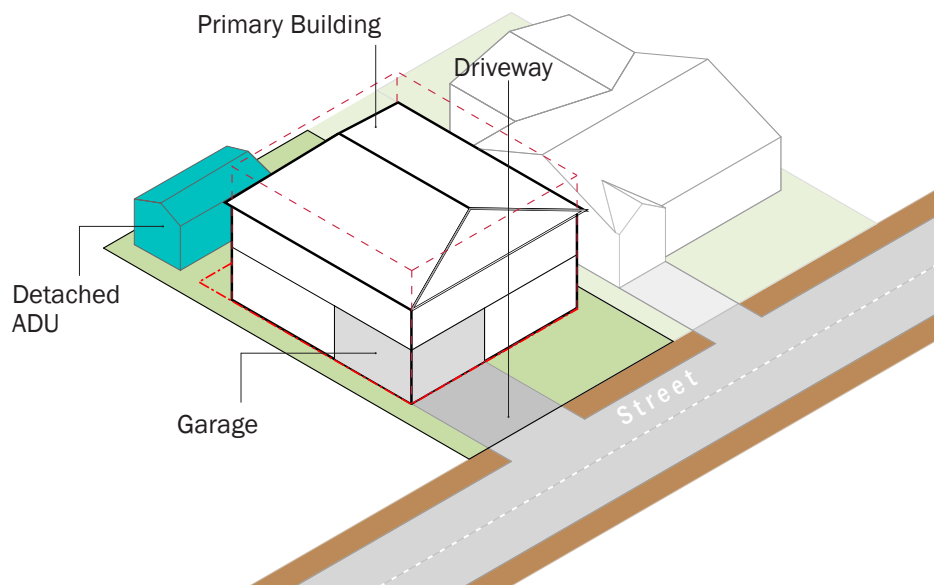


Fig 3: Test with 1 primary unit + 1 Detached ADU (Conversion of Accessory Structure)

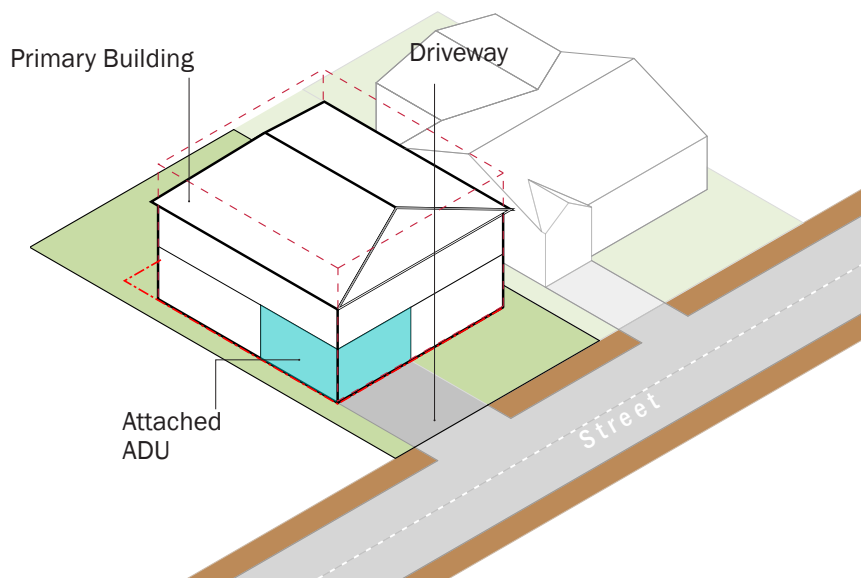


Fig 4: Test with 1 primary unit + 1 Attached ADU (Garage Conversion)

| Standards | Requirements | Test Results (Fig. 2) |
|----------------------|--|--|
| Min. Lot Size | 5,000 sq. ft. | |
| Min. Yard Setbacks | Front - 20' Rear - 20' Side - 5' or 10% of lot width at front setback, whichever is greater | Front - 20' Rear - 20' Side - 5'3" |
| Max. Lot Coverage | 40% | 40% (Achieved) |
| Density | 4.3 to 8.7 DU/Acre | 8.6 DU/Acre |
| Building Height | 30' | 26' |
| Open Space | No requirements | |
| Min. Parking | 2 spaces per single family unit (tandem or side-by-side) | 2 spaces (side-by-side parking) |
| ADU (max. unit size) | <ul style="list-style-type: none"> 850 sq. ft for 1 bedroom and studios 1,000 sq. ft. for 2 or more bedrooms Shall not exceed 50% of total floor area of primary units or 1,200 sq. ft. whichever is less | 750 sq. ft. |

Analysis Findings

- The test parcel was able to achieve the upper range of maximum allowed density of 8.7 DU/Acre; and the maximum lot coverage of 40% after fulfilling setback requirements.
- While RS zoned parcels have a maximum lot coverage requirement of 40%, there are no standards for the second story in the form of maximum square footage or as a percentage of the total area of the first story. This **results in bulky and boxy buildings without variation in massing.**
- Current development standards allow parking garages to be built up to the front setback line, which results in a significant length of the **street facing facade to be blank** (especially on narrow lots where the overall width of the building is also limited) **creating an less than ideal street environment.**

Test Site 2: Mohr Drive

Zoning: RM (Residential Medium Density)

General Plan Land Use Designation: MDR
 (Medium Density Residential)

Lot Size: 36,892 square feet

Lot Features: Flat lot, corner lot

Existing Context: This site is located in a predominantly residential neighborhood with neighborhood retail and community uses such as churches. The majority of the houses on the street are one to two story, with two-car garages. The neighborhood has a mix of single family residential, townhouses, and low-rise apartments.

Permitted Residential Types per current zoning standards:

- Detached single-family homes
- Attached single-family homes (townhomes and rowhouses)
- Multi-family dwellings
- Second units
- Accessory dwelling units as secondary use



RM - Medium Density Residential Zoning District

Existing Development Standards - with Apartments

Test Site 2: Mohr Drive

Lot Area - 36,892 Sq. Ft (Corner Lot)

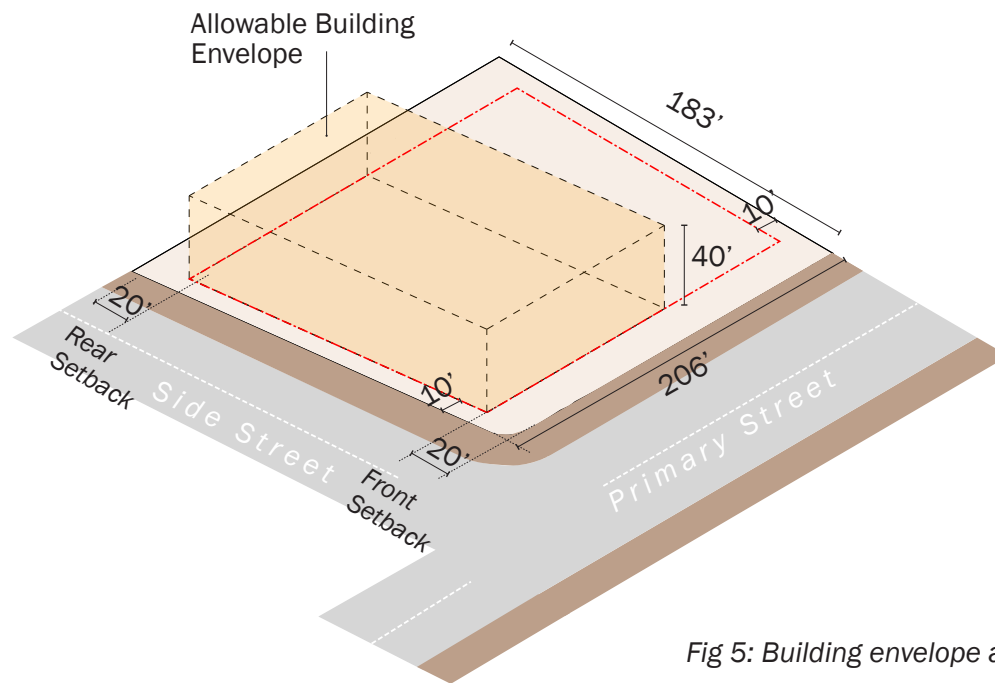


Fig 5: Building envelope allowed by existing standards

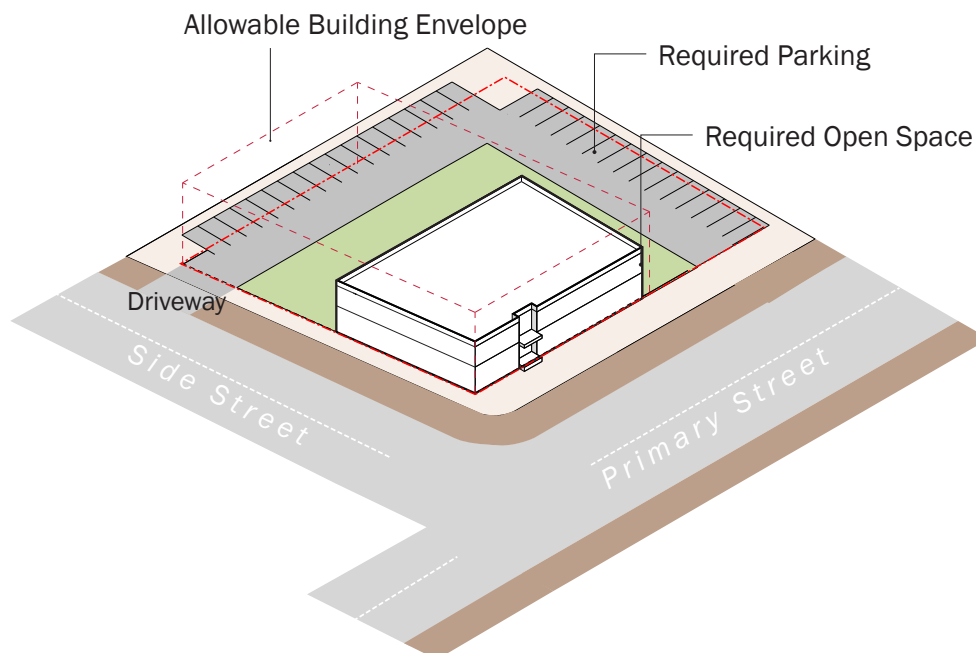


Fig 6: Test with apartments

RM - Medium Density Residential Zoning District

Existing Development Standards - with Townhomes

Test Site 2: Mohr Drive

Lot Area - 36,892 Sq. Ft (Corner Lot)

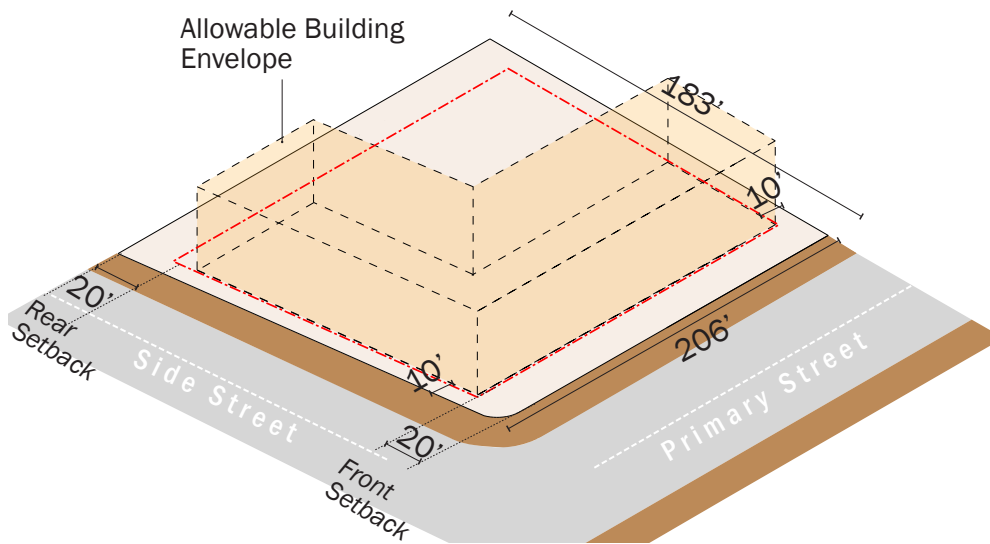


Fig 7: Building envelope as per existing standards

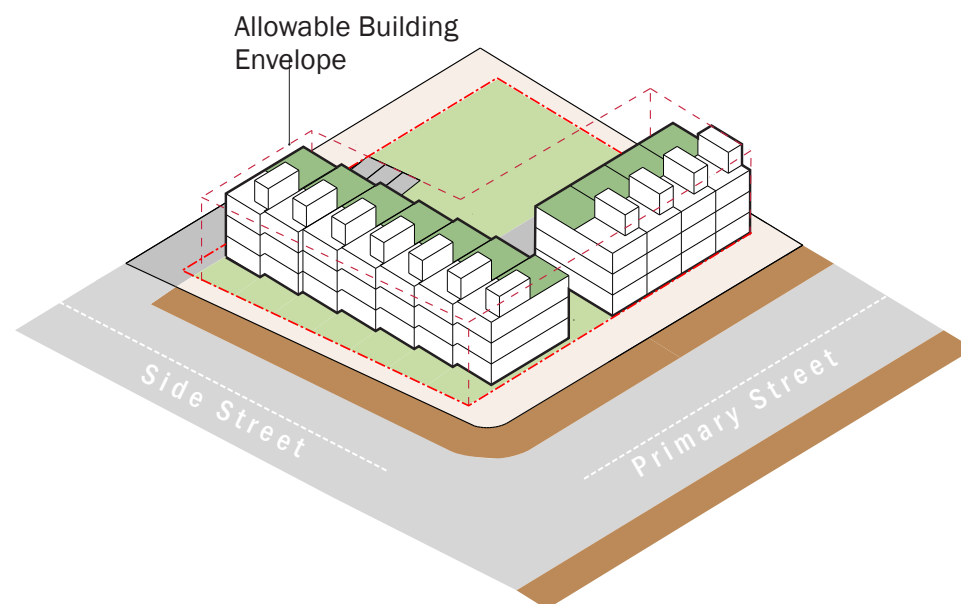


Fig 8: Test with townhomes

| Standards | Requirements | Test Results with Apartments (36,892 sq. ft.) | Test Results with Townhomes (36,892 sq. ft.) |
|------------------------------|--|---|--|
| Min. Lot Size | 5,000 sq. ft. | | |
| Min. Yard Setbacks | <ul style="list-style-type: none"> Front yard- 20' Rear yard - 20' Side Street yard - 10' Interior side yard - 5' or 10% of lot width at front setback, whichever is greater, up to a maximum of 10' | Front yard - 20' Rear yard - 20' Side yard - 10' | Front yard - 20' Rear yard - 20' Side yard - 10' |
| Max. Lot Coverage | 40% | 20% (Achieved) | 30% (Achieved) |
| Density | 8.7 to 17.4 DU/Acre | 17.4 DU/Acre (assumes avg. unit size at 900 sq.ft. gross area) | 13 DU/Acre |
| Building Height | 40' | 23' (2 stories) | 40' (3 stories + roof top open space) |
| Open Space per dwelling unit | Open Space - 350 sq. ft. Dedicated Common Open Space - 100 sq. ft./DU | Common Open Space - 600 sq. ft./DU. (outdoor at grade) | Common Open Space - 550 sq. ft./DU. (outdoor at grade) |
| Min. Parking | 1 space per unit (covered) 1.1 spaces per unit (open to sky) | 1 space per unit (covered) 1.1 spaces per unit (open to sky) | 2 spaces (tuck under parking) |

Analysis Findings

- Apartment buildings with surface parking were able to achieve the maximum allowed density of 17.4 DU/acre, however the **building footprint occupies only 20% of the lot area**. The lot has capacity to accommodate more dwelling units within the allowable building height limit.
- The **parking requirement of 2.1 spaces per unit, is restrictive in achieving maximum density** in an apartment typology, because parking takes up a large portion of the site. This also results in a large surface with impervious paving creating a heat island effect, and does not contribute to an active street environment.
- Limiting building heights to 40 feet results in apartment buildings with nine feet floor heights which is less than ideal. With an optimal floor height of 10 feet, only 3 stories will be feasible considering the ground floor should be at least three feet above grade for privacy.
- Achieving maximum allowed density with a townhome typology is challenging** due to site design standards such as setback requirements and maximum lot coverage.
- Open space standards are difficult to understand**, as clear definitions of general open space, group open space, and private open space are not available. It is also not clear if yard setbacks can be applied towards open space.
- The standards don't clearly explain whether general and group open spaces are required to be outdoor and at grade, or can also include indoor spaces, rooftop spaces, balconies and patios.

Test Site 3: Alice Street

Zoning: RH (High Density Residential)

General Plan Land Use Designation: HDR (High Density Residential)

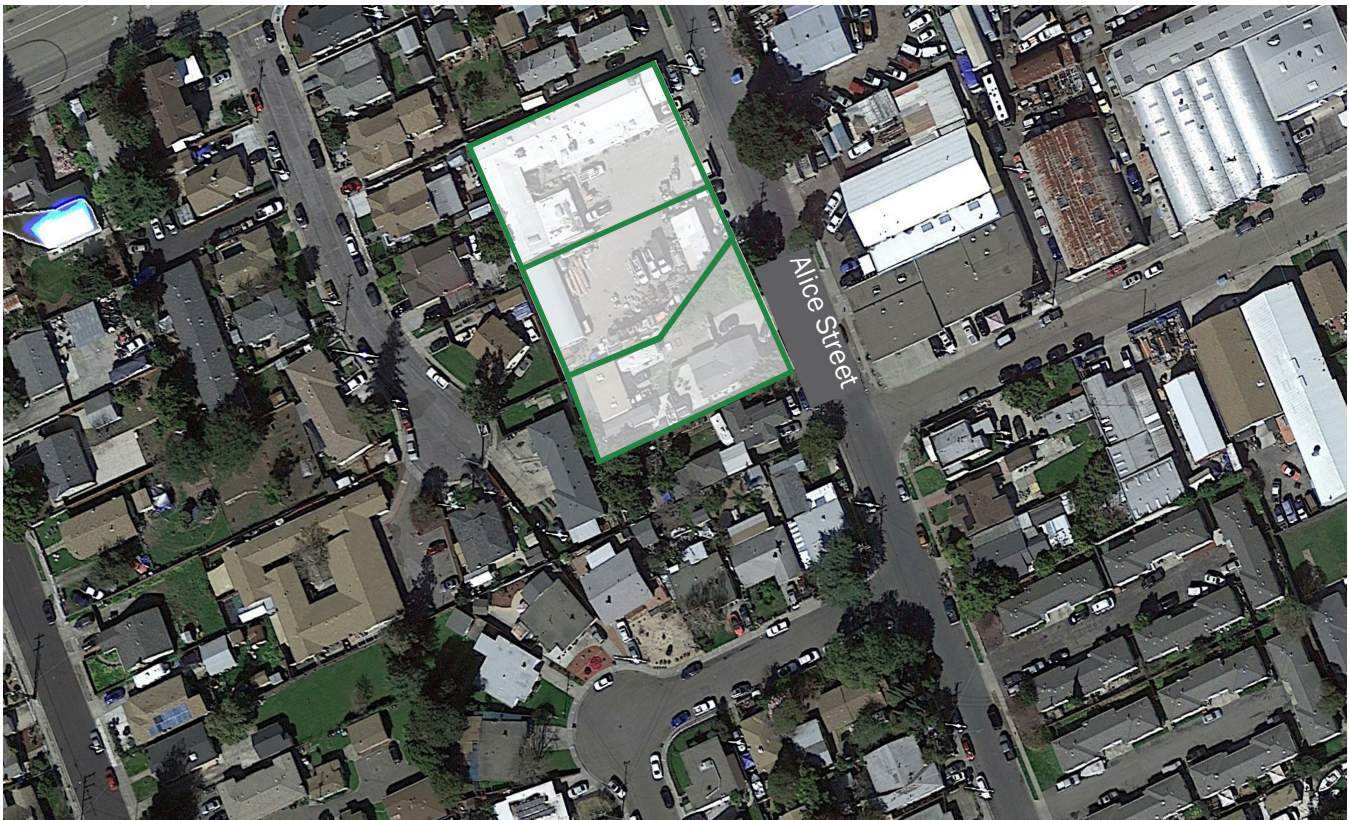
Lot size: 16,968 square feet (single parcel) & 42,300 square feet (3 aggregated parcels)

Lot features: Flat lot

Existing context: This site is in a predominantly residential neighborhood with some commercial uses. Building types in the neighborhood consist of detached and attached single family residences, multiplexes, and multi-family.

Permitted Residential Types per current zoning standards:

- Attached single-family homes (townhomes and rowhouses)
- Multi-family dwellings
- Small group homes
- Accessory dwelling units as secondary use



RH - High Density Residential Zoning District

Existing Development Standards - on a small site | single parcel

Test Site 3: Alice Street

Lot Area - 16,968 Sq. Ft (Interior Lot)

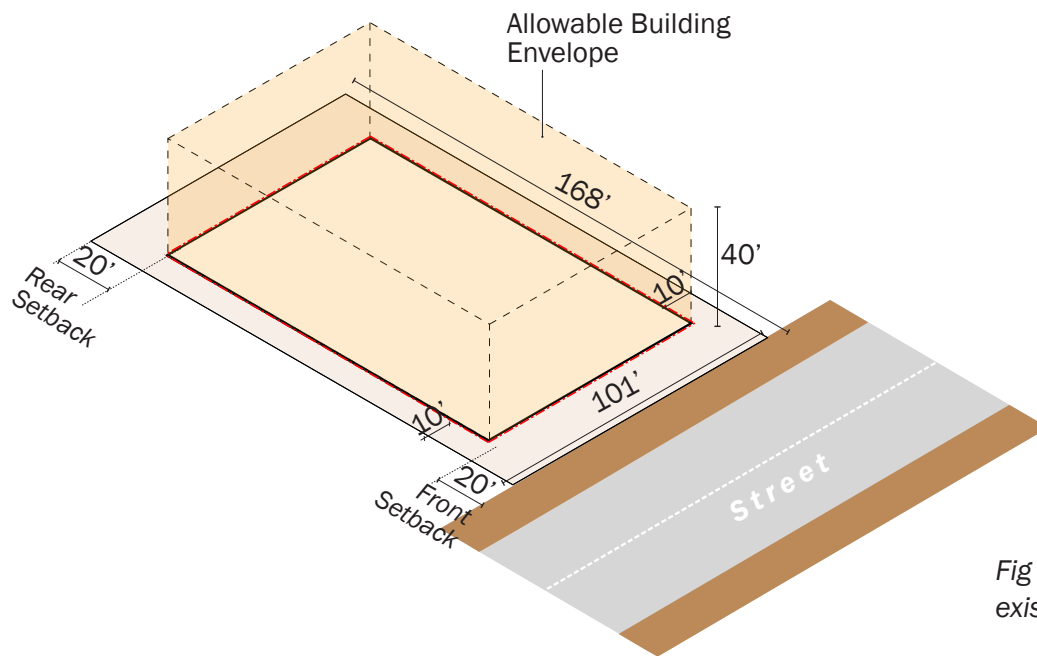


Fig 9: Building envelope per existing standards

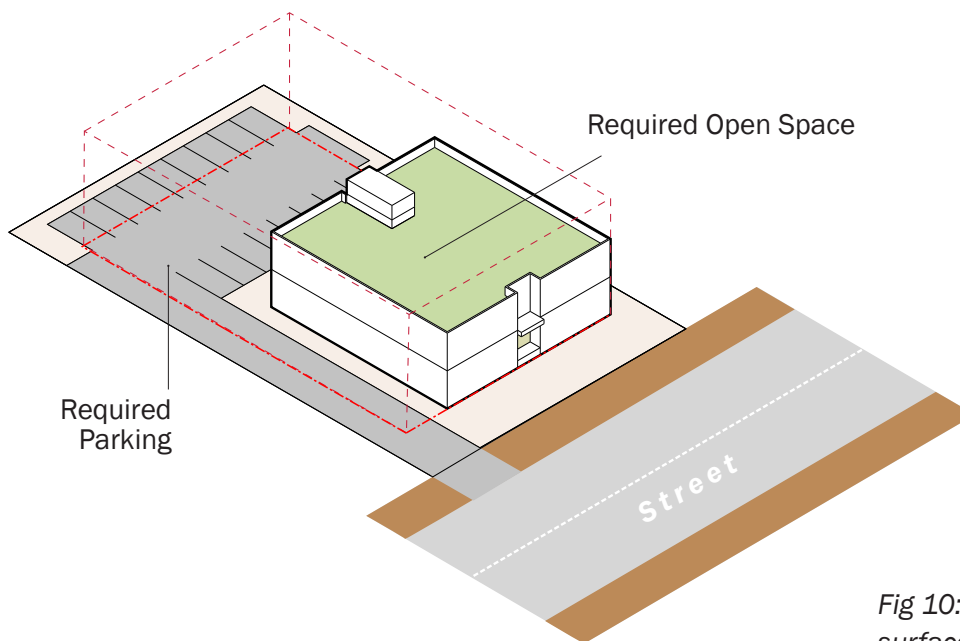


Fig 10: Test with apartments + surface parking

RH - High Density Residential Zoning District

Existing Development Standards - on a large site / aggregated parcels

Test Site 3: Alice Street

Lot Area - 42,300 Sq. Ft (Interior Lot)

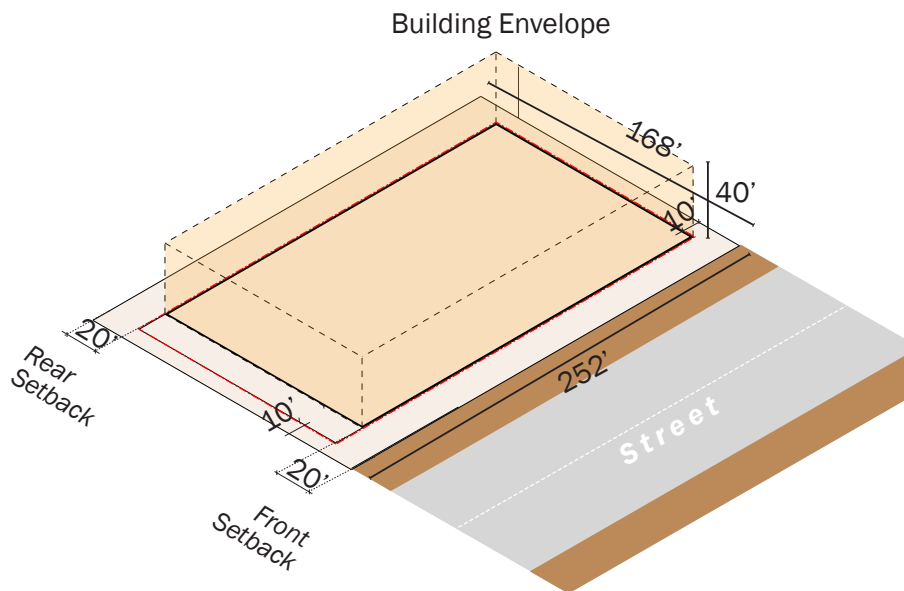


Fig 11: Building envelope per existing standards

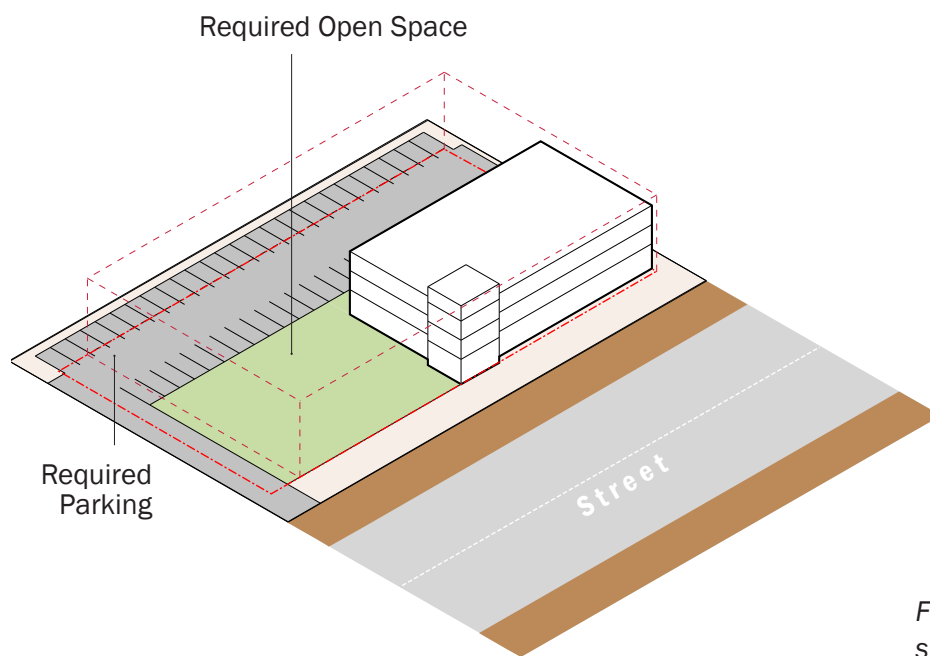


Fig 12: Test with apartments + surface parking

RH - High Density Residential Zoning District

Existing Development Standards

Test Case for minimum required lot size in RH Zoning District

Lot Area - 7,500 Sq. Ft (Interior Lot)

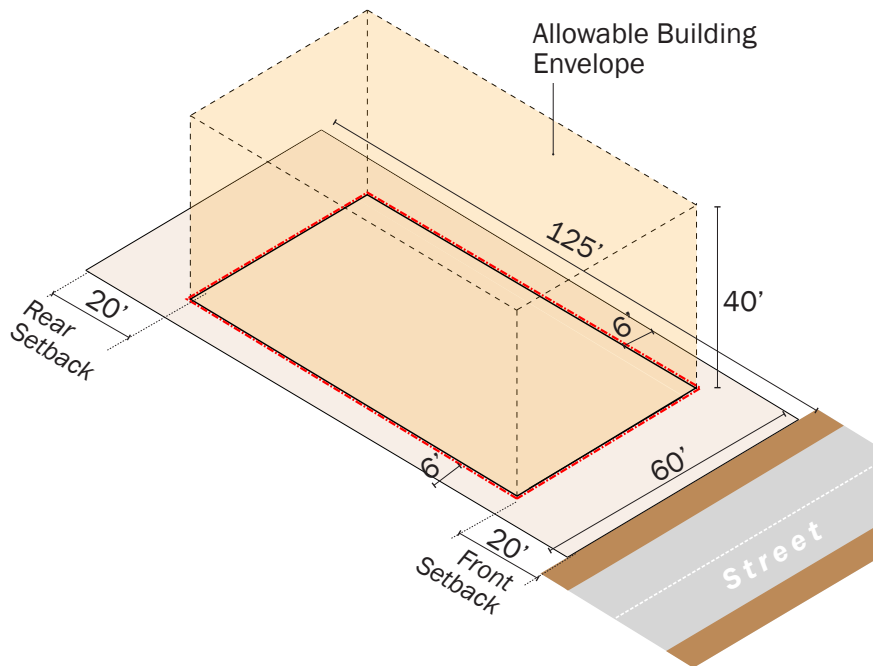


Fig 12: Building envelope per existing standards

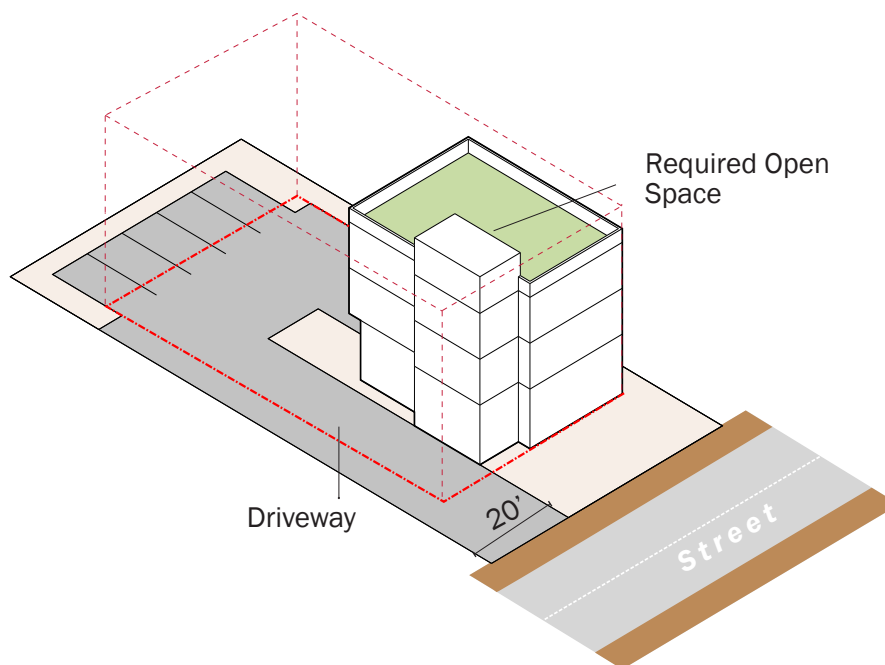


Fig 13: Test apartments + surface parking

| Standards | Requirements | Test Results with Apartments (single parcel - 16,968 sq. ft.) | Test Results with Apartments (three aggregated parcels - 42,300 sq. ft.) | Test on minimum required lot size (7,500 sq. ft.) |
|-----------------------------------|--|---|--|---|
| Min. Lot Size | 7,500 sq. ft. | | | |
| Min. Yard Setbacks | <ul style="list-style-type: none"> ● Front yard- 20' ● Rear yard - 20' ● Side Street yard - 10' ● Interior side yard - 5' or 10% of lot width at front setback, whichever is greater, up to a maximum of 10' | Front yard - 20' Rear yard - 20' Side yard - 10' | Front yard - 20' Rear yard - 20' Side yard - 10' | Front yard - 20' Rear yard - 20' Side yard - 6' |
| Max. Lot Coverage | 65% | 25% (Achieved) | 17% (Achieved) | 16% (Achieved) |
| Density | 17.4 to 34.8 DU/Acre | 20.5 DU/Acre (assumes avg. unit size at 900 sq.ft. gross area) | 24.7 DU/Acre (assumes avg. unit size at 900 sq.ft. gross area) | 17.4 DU/Acre (assumes avg. unit size at 900 sq.ft. gross area) |
| Building Height | 40' | 23' (2 stories) | 33' (3 stories) | 33' (3 stories) |
| Open Space per dwelling unit (DU) | General Open Space - 350 sq. ft. Dedicated Common Open Space - 100 sq. ft./DU | Common Open Space 420 sq. ft./DU (rooftop) | Common Open Space - 370 sq.ft/DU (outdoor space at grade) | Common Open Space 350 sq.ft/DU (Rooftop) |
| Min. Parking | 1 space per unit (covered) 1.1 spaces per unit (open to sky) | 1 space per unit (covered) 1.1 spaces per unit (open to sky) | 1 space per unit (covered) 1.1 spaces per unit (open to sky) | 1 space per unit (covered) 1.1 spaces per unit (open to sky) |

Analysis Findings

- **Maximum allowed density for apartment buildings with surface parking, cannot be achieved** due to the parking requirement of 2.1 spaces per dwelling unit, because parking takes up a large portion of the site. This also results in a large surface with impervious paving creating a heat island effect, and does not contribute to an active street environment.
- Buildings with podium or subterranean parking may be able to achieve maximum allowed density but would likely be cost prohibitive for many projects.
- Development on **lot sizes less than 18,000 sq.ft. cannot achieve maximum allowable lot coverage** with current setback requirements.
- Large front yard setbacks (same as RS zone) make feasibility of high density residential challenging.
- Side setbacks of 10 feet on sites with narrow frontage pose a constraint for achieving an efficient floor plate size for residential development.
- Limiting building heights to 40 feet results in apartment buildings with nine feet floor heights which is less than ideal. With an optimal floor height of 10 feet, only 3 stories will be feasible.
- **Open space standards are difficult to understand**, as clear definitions of general open space, group open space, and private open space are not available. It is also not clear if yard setbacks can be applied towards open space.
- The standards don't clearly explain whether general and group open spaces are required to be outdoor and at grade, or can also include indoor spaces, rooftop spaces, balconies and patios.

Possible Approaches for Updating Residential Design Standards

This section suggests key considerations for updating the residential design standards so that they support the City's goals in achieving density targets and responding to community concerns, while ensuring that the criteria are objective.

Site Development

Site development standards such as minimum setbacks, maximum lot coverage, etc. together with maximum building heights and parking requirements affect the feasibility of achieving maximum allowed densities and the building to street relationship. Large setbacks for multi-family residential can make it difficult to develop a project that can achieve the maximum density allowed, especially on smaller parcels.

Recommendation: The City should consider establishing site development standards based on the size of the parcels, lot widths, and context such as street width and adjacencies.

Some options to consider for building setbacks would be:

- Reduce front and rear setbacks for multifamily zones.
- Reduce front setback in single family zones if certain architectural features are included .

Building Height

Existing standards for both RM and RH allow small scale multi-family residential, 3 to 4 stories tall with surface parking. But current height standards and site development standards restrict large-format apartment buildings with podium parking.

The Mission Boulevard Code (MBC) allows a

maximum of 4 stories and 5 stories with major site plan review. A 5-story allowance makes podium parking feasible especially on larger sites, making the land available for common outdoor open space which would otherwise be taken up by a surface parking lot. It also offers opportunity to provide common indoor space on the ground floor or upper floor without the need to reduce residential units.

The MBC also allows an overall height of 57 feet, compared to the maximum height of 40 feet in RM and RH zoning standards.

Recommendation: Update building height and other site development standards of RM and RH parcels to be more consistent with building heights in the Mission Boulevard Code (MBC).

Increase maximum allowable height (measured up to highest finished floor) for residential only buildings of four stories to 50 feet to allow generous floor to ceiling heights of 10 feet or more, raised plinths with stoops for privacy, a sub-basement for amenities and/or parking, and taller ground floor height to accommodate common use amenities without reducing the ability to achieve maximum allowable density.

Increase maximum allowable height (measured up to highest finished floor) for residential only buildings of five stories to 60 feet. to allow generous floor to ceiling heights of 10 feet or more, raised plinths with stoops for privacy, a sub-basement for amenities and/or parking, taller ground floor height to accommodate common use amenities and mechanically stacked parking, without reducing the ability to achieve maximum allowable density.



Legacy / Hayward, CA. Building height is about 44 feet for 4 stories, with an allowance for some areas to be taller than 44 feet to accommodate architectural elements.



The Mix / Hayward, CA. Building height to the highest roof plane is 46' for 4 stories and to the highest parapet is 55'

Building Massing

Building massing, modulation of form and facade articulation all help to break the monotony of a continuous building edge and to create a visually rich street environment. Especially in larger buildings they help to break down the mass and create a transition that is appropriately scaled to the street or adjacent buildings.

Step-backs and step-downs are particularly effective to create a better transition between taller, bigger buildings to smaller scale buildings on

adjacent parcels. Step-backs are also a good tool to ensure privacy and daylight access to the upper floors.

Recommendation: Update standards to include building step-backs for new two-story single family homes or second story additions to single family homes or for multifamily residential development taller than two stories, to break the mass and bulk of the building and create a visually pleasing street environment due to variation in building form.

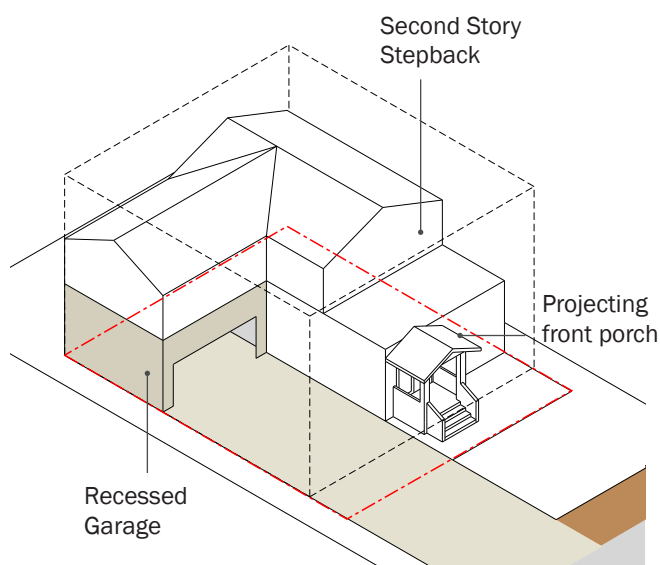


Illustration of a two story Single-family residence with upper story step-back, projecting front porch and a recessed garage that creates a visually pleasing building form by articulation building mass.



Four story multi-family residential building with upper story step-back, a step-down towards single family home, and recessed and projecting facade elements creates a visually pleasing street environment and a well-scaled transition to adjacent buildings.

Building Frontage

Building facades which incorporate architectural treatments such as windows, balconies and terraces, roof articulation, overhangs, shallow projections and recesses, and material changes create a visually rich frontage along the street.

Recommendation: The City should consider updating current standards for building frontage, ground floor treatment, facade treatment, fenestration, roof variation, front yard treatment, and fencing.

Options for quantifiable standards would be:

- Require minimum ground floor height of 14 feet (finished floor to finished ceiling) for non-

residential uses such as community rooms, fitness room, lobby, gallery, etc.

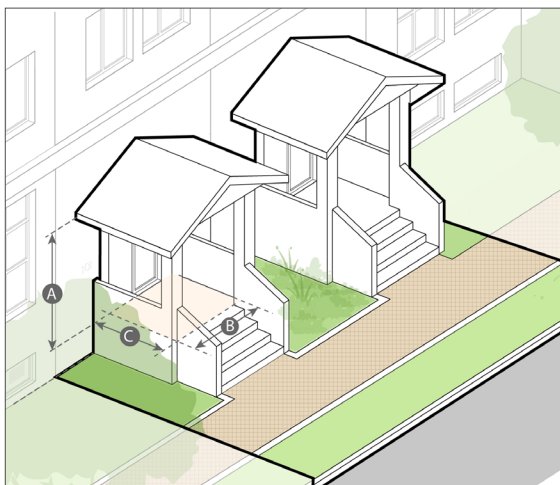
- Require minimum 50% of the ground floor to have a transparent facade to encourage “eyes on the street”.
- Establish a vertical rhythm of bays at least 15 feet wide, and no more than 50 feet wide.

Options for qualitative standards would be:

- orientation of the entrance (multifamily),
- lighting,
- seating.

Example of ground floor articulation, focusing on entrances, materials, transparency, facade articulation, fenestration, etc. to strengthen the building-to-street relationship





Example illustration for standards on ground floor treatment, focusing on entrances, porches and stoops, to create an engaging street environment.

Architectural Styles

Recommendation: Allow a diversity of architectural styles and building types by not making design standards too prescriptive around any particular architectural style.

Basic design characteristics such as site development, building massing, height, frontage and landscaping are applicable to all buildings irrespective of the architectural style used, and when regulated appropriately for different building types, will yield desired outcome.

Open Space Requirements

Recommendation: Update standards to make open space requirements easy to understand and apply to projects. Provide clear definitions of the different types of open spaces desired to ensure good quality shared spaces such as outdoor open space, rooftop or podium top landscaped area, indoor common use spaces, and private open spaces such as balconies, patios and terraces.

Open space requirements should ideally not limit the feasibility of achieving maximum allowed

density. The higher the open space requirement, the smaller the building footprint, and lesser the units achieved. This can be balanced by either lowering the open space requirements or increasing allowable building height.

Some options for consideration would be:

- Reduce open space requirement to 150 s.f./unit for 1-3 story buildings;
- Reduce open space requirement to 75 s.f./unit for 4+ story buildings.
- Allow some setbacks to count toward open space if “usable”.
- Reduce front setback to create more space for usable common open space elsewhere on the parcel.
- Allow increased building height for roof garden structures.
- Minimum private open space requirement of 50 square feet per dwelling.

Landscaping and Lighting

Landscape reduces stormwater run-off, improves privacy, and creates an aesthetic transition between the building and the street. Well-lit buildings contribute to a sense of security.

Recommendation: Codify lighting standards.

Limit area of impervious surface on the parcel by establishing maximum square footage or percentage of paved area.

Require surface parking lots to have stormwater systems such as bioswales along with landscaping and trees.

Require front setbacks to have landscaping and planting for privacy of ground floor residential units.

Parking Standards

Tests on example sites illustrate that the current parking standards are quite high and occupy a lot of developable land, resulting in a lower unit yield. If current parking standards are to be maintained, then other standards such as building height, setbacks, maximum coverage, and open space requirements need to be adjusted to make sure maximum allowed density can be achieved on a parcel, and cost of a podium or sub-terranean garage can be recovered.

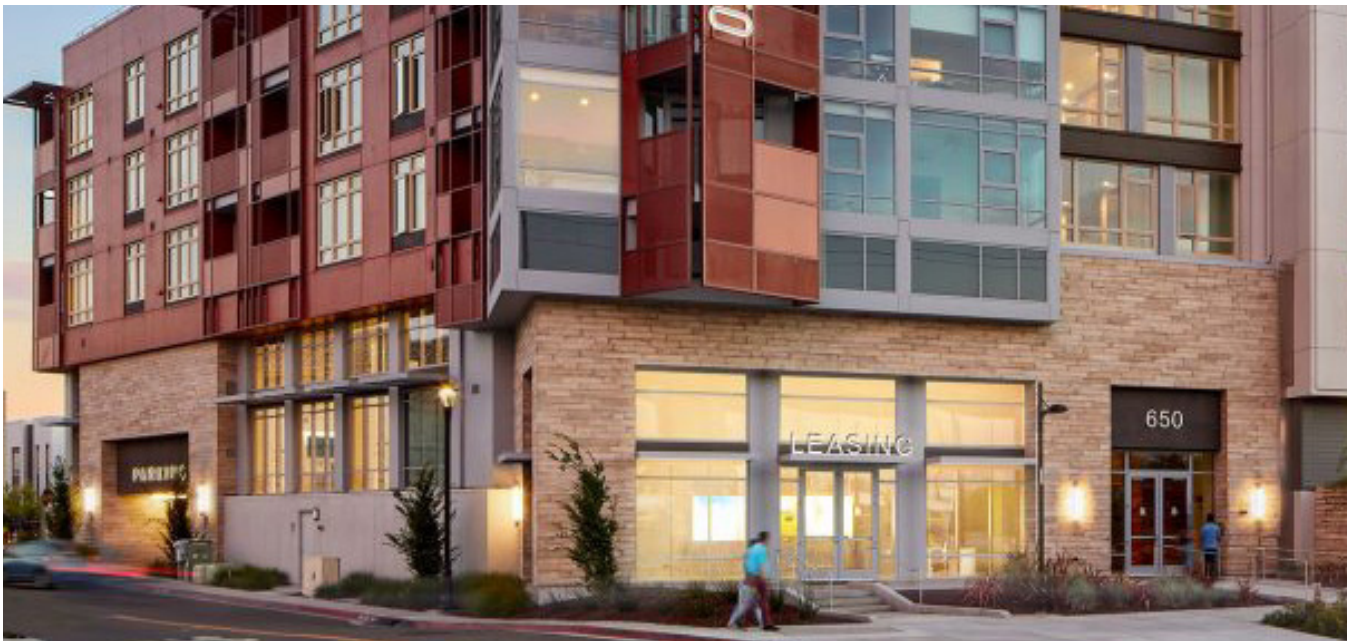
Parking Garage Design

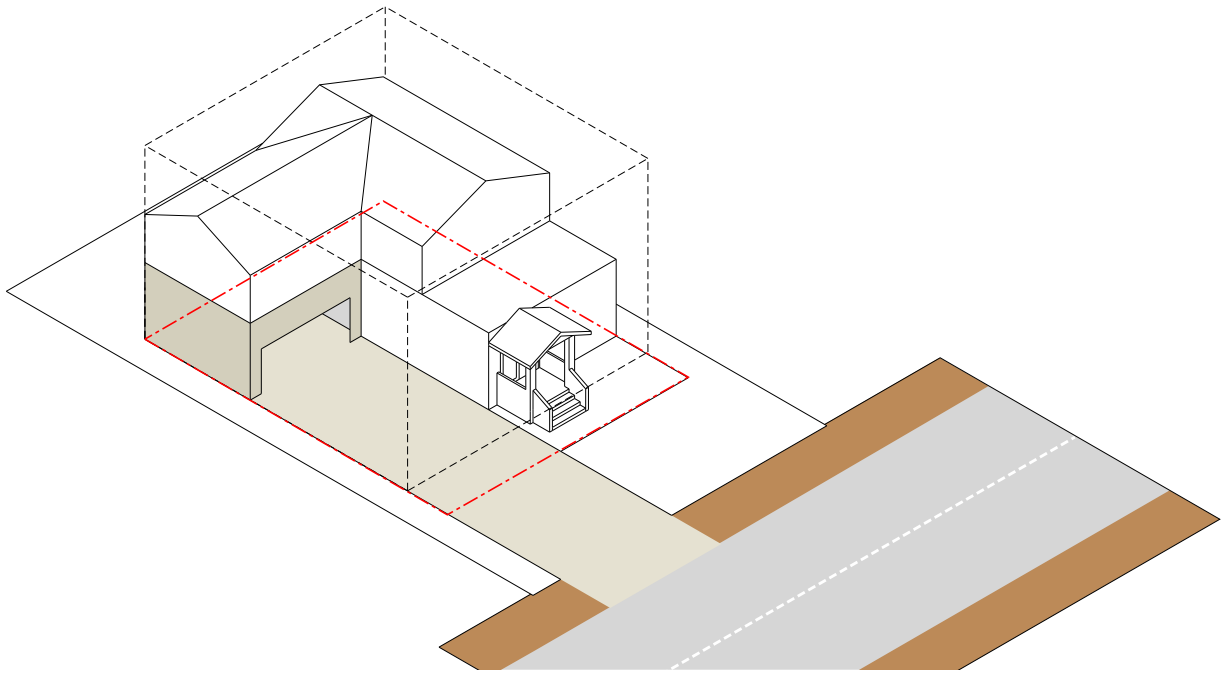
Recommendation: Include design standards for parking garages to avoid blank facades and long garage walls or parking lots along the street. For single family homes, require garages to be set back from the primary building.

Some options for consideration would be:

- For single family homes, garage must be setback 20', but reduce the front setback of primary building to 10 feet (This may be allowed only if an architectural treatment from a list is incorporated into the facade design such front porch, dormers, bay windows, etc.)
- Keep front yard setback at 20', but increase setback for garage to 25 or 30'.
- For multifamily residential, limit garage entrances to 22' width.
- Limit the length of blank garage walls facing the street.

Example of garage design of a multi-family residential building. Non-parking uses fronting the garage and use of building materials creates a less hostile street environment.





Example illustration of a garage of a single family home setback further from the primary building.

Example of of a single family home with the garage setback further from the primary building.



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APPENDIX: REFERENCE MATERIALS

HCD Guide for Objective Development Standards

OBJECTIVE DESIGN STANDARDS

INTRODUCTION

To address the housing shortage, recent State legislation, including Senate Bill (SB) 35 and SB 330, requires projects to be reviewed against objective standards. Objective standards include a **broad set of standards used by an agency to regulate development**, including “objective zoning standards,” “objective subdivision standards,” and “objective design review standards.” Objective standards are the only basis a local agency may use to deny or reduce the density of certain eligible projects.

This toolkit focuses on how to regulate design objectively and presents approaches and considerations for adopting objective design standards. There is no one-size-fits-all approach to objective design standards, and each community should consider different options for implementing such standards. Although there are a range of approaches, it is important to balance flexibility and predictability while minimizing constraints on the development of new housing.

WHAT ARE OBJECTIVE DESIGN STANDARDS?

Objective design standards are intended to make the requirements that apply to certain eligible residential projects more predictable and easier to interpret for all stakeholders, including decision makers, staff, applicants, and members of the public. The purpose of objective design standards is for applicants to know beforehand what requirements apply to a proposed development and for the applicant to be able to design a project that meets those requirements before submittal. Objective design standards are defined in Government Code Sections 65913.4 and 66300(a)(7) 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.

Objective design standards may include portions of general plans, specific plans, zoning codes, overlay zones, subdivision requirements, and landscaping and other land development regulations.

Provided as Part of HCD’s SB 2 Technical Assistance Program

The Building Homes and Jobs Act (SB 2, 2017) provides funding and technical assistance to all local governments in California to help cities and counties prepare, adopt, and implement plans and process improvements that streamline housing approvals and accelerate housing production. The California Department of Housing and Community Development (HCD), in coordination with the Governor’s Office of Planning and Research (OPR), has developed this toolkit as part of a technical assistance program to accelerate housing production and streamline the approvals of housing.

SB 2 Planning Grants Technical Assistance

<https://www.hcd.ca.gov/community-development/planning-grants-ta.shtml>

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OVERVIEW OF GUIDING LEGISLATION

Affordable Housing Streamlined Approval Process (SB 35, 2017)

SB 35 creates an opt-in program for developers that allows a streamlined ministerial approval process for developments in localities that have not yet made sufficient progress toward meeting their regional housing need allocation (RHNA). Eligible developments must include a specified level of affordability; be on an infill site; comply with existing residential and mixed-use general plan or zoning provisions; and comply with other requirements such as, locational and demolition restrictions. The streamlined, ministerial entitlement process created by SB 35 relies on objective design standards.

Housing Crisis Act (SB 330, 2019)

SB 330 allows a housing developer to submit a “preliminary application” to a local agency for a housing development project. Submittal of a preliminary application allows a developer to provide a specific subset of information on the proposed housing development before providing the full amount of information required by the local government for a housing development application. Upon submittal of a preliminary application and payment of the permit processing fee, a housing developer is allowed to “freeze” the applicable fees and development standards that apply to a project while the rest of the material necessary for a full application submittal is assembled. After an application is deemed complete, local agencies cannot “disapprove” an eligible housing development project or condition its approval at a “lower density,” as defined in Government Code Section 65589.5(g), if the project is consistent with objective standards. SB 330 also places additional limitations on an “affected” agency’s ability to limit development, and requires HCD to develop a list of cities (“affected cities”) and census designated places (CDPs) within the unincorporated county (“affected counties”) that are prohibited from taking certain zoning-related actions, including, among other things:

- ▶ Downzoning or actions resulting in lesser intensification
- ▶ Imposing a moratorium on development
- ▶ Imposing design standards that are not objective

The law also requires jurisdiction-wide housing replacement when housing affordable to lower-income residents is demolished. Most of these provisions sunset on January 1, 2025, unless extended by the legislature and governor.

Streamlined Ministerial Approval Process

Guidelines prepared by HCD are available at:

<https://www.hcd.ca.gov/policy-research/docs/sb-35-guidelines-final.pdf>

SB 35 Statewide Determination Summary

A summary of which jurisdictions are subject to the streamlined ministerial approval process (SB 35 streamlining) is available on HCD’s website (Statutory Determinations for Limiting Jurisdictions’ Abilities to Restrict Development):

<https://www.hcd.ca.gov/community-development/accountability-enforcement/statutory-determinations.shtml>

Preliminary Application for Development

SB 330 requires HCD to develop a standardized form that applicants for housing development projects may use for the purpose of satisfying the requirements for submittal of a preliminary application if a local agency has not developed its own application form. HCD has also provided a template that local governments may use to develop their own preliminary application form.

- [Preliminary Application Form for use by Developers \(PDF\)](#)
- [Preliminary Application Template for use by Local Governments \(Word\)](#)

Designated Jurisdictions Prohibited from Certain Zoning-Related Actions

A list of “affected cities” and “affected counties” can be found on HCD’s website (Statutory Determinations for Limiting Jurisdictions’ Abilities to Restrict Development). Visit:

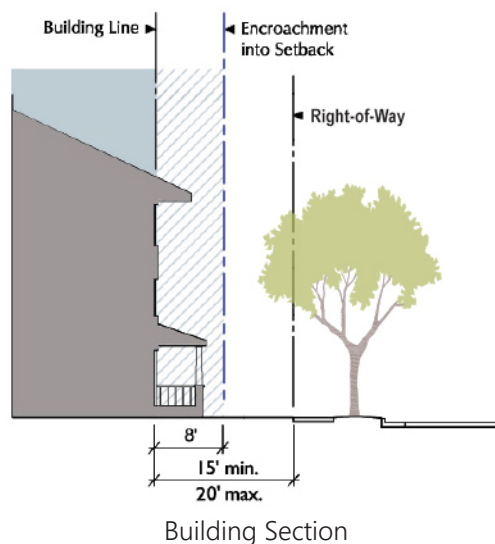
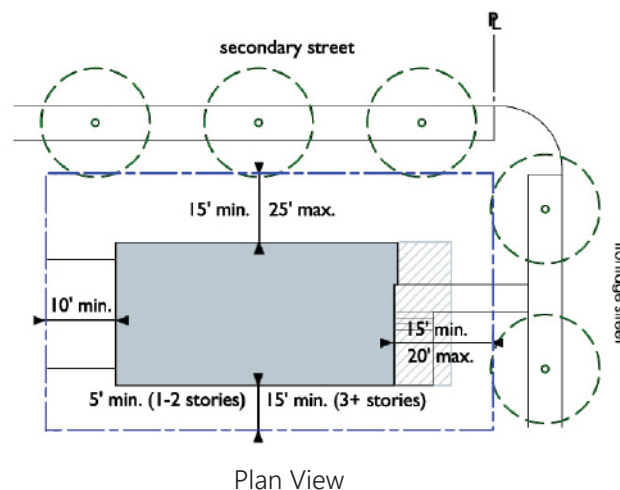
<https://www.hcd.ca.gov/community-development/accountability-enforcement/statutory-determinations.shtml>

HOW DO YOU MEASURE DESIGN OBJECTIVELY?

Developing objective design standards for sites and buildings is challenging. On the one hand, standards should provide a predictable outcome for a wide variety of contexts and scenarios; on the other hand, standards must avoid being restrictive and producing monotonous or undesirable development. Furthermore, design may be considered subjective, and preferences can vary among community groups, places, and time periods, so today's standards will need to adapt to changes in preference, evolutions in technology, and changing design solutions.

Objective design standards must be measurable and verifiable.

Objectivity requires that a standard can be measured and be verifiable (i.e., no "gray area" for interpretation). Objective design standards should have a predictable input: knowing what the requirements are and how they are measured. Objective standards should also result in a predictable output: a determination of consistency that can be validated. The result should be the same consistency determination no matter who is reviewing the project, and there should be no dispute between applicants and staff as to whether a project is consistent.



Example graphics illustrating setbacks and allowable encroachments.

HOW IS A DESIGN GUIDELINE DIFFERENT FROM A DESIGN STANDARD?

Many jurisdictions use design guidelines as a tool to shape the design of sites and buildings. Design guidelines provide direction to applicants and staff when reviewing projects but are often vague and open to interpretation, which adds uncertainty to the development process. Guidelines and standards are distinguished by their level of enforceability. In general, objective standards are requirements (e.g., “shall” or “must”), and guidelines are recommendations (e.g., “should” or “may”).

Typical Characteristics of Guidelines Versus Standards

| Design Guidelines | Design Standards |
|--|---|
| Subjective | Objective |
| Recommendations, which may not be enforceable or have the “teeth” of regulations | Requirements, which are enforceable as regulations |
| Open to interpretation, difficult to measure or verify | Measurable and verifiable |
| Use words such as “should” or “may” | Use language such as “shall,” “must,” or “is required to” |
| Adopted by resolution | Adopted by ordinance |

Examples of Guidelines and Standards

| Design Guidelines | Design Standards |
|---|--|
| Provide articulation to reduce the apparent mass and scale of the building and to be sensitive to the neighborhood. | At intervals of at least 100 feet of building length, there shall be a plane break along the facade composed of an offset of at least 5 feet in depth by 25 feet in length. The offset shall extend from grade to the highest story. |
| Rooftop mechanical equipment <i>should be</i> screened from public view by a parapet wall, decorative equipment screen, or other architectural treatment. | Rooftop mechanical equipment <i>shall be</i> screened from public view by a parapet wall, decorative equipment screen, or other architectural treatment. |
| Provide ample width and design for universal access along pathways and walks. | The paved section of sidewalks shall be at least 8 feet in width. |

A VARIETY OF APPROACHES

The use of objective design standards does not require that everything be quantifiable and presented with a numeric value. The following differing approaches can be used to craft objective design standards:

- ▶ True/False
- ▶ Counts and Measurements
- ▶ Ratios and Calculations
- ▶ Lists
- ▶ Scorecards
- ▶ Benchmarks and Performance Measures

These and other approaches can be used to create effective objective standards that are measurable and verifiable. Descriptions of these basic approaches are presented below, along with examples of objective design standards that demonstrate use of each approach. Of course, it is possible, if not required, to mix and match approaches to develop solutions that achieve a balance between predictability and flexibility.

True/False

A true/false standard can be used to evaluate whether a proposed development has satisfied a criterion that is specified in an objective standard. A true/false standard can be useful for criteria that cannot be measured or counted.

Example of Objective Design Standards

Street-facing building facades shall include building entrances that front the street.

Automobile and pedestrian access points shall not be gated or otherwise closed off to the public.

Counts and Measurements

Numeric values, including counts and measurements, are a clear and direct way to structure objective design standards, especially when a standard is based on a minimum value, a maximum value, or an acceptable range of values. Counts represent a number of specified elements, and measurements represent the size of design features. Many zoning and subdivision standards that are fundamental to land use and development regulation, such as those related to lot size, height, setbacks, and stepbacks, may already be built around measurements.

Example of Objective Design Standards

Any development that includes 10 or more units shall provide a minimum of 10% of the total number of units as three-bedroom dwelling units.

Walls adjacent to streets shall not run in a continuous plane for more than 48 feet without incorporating at least two of the following design features:

1. A minimum 2-foot change in plane for at least 10 feet;
2. A minimum 18-inch raised planter for at least 10 feet;
3. A minimum 18-inch change in height for at least 10 feet;
4. Use of pilasters at 48-foot intervals and at changes in wall planes and height; or
5. A section of open grillwork a minimum 4 feet in height for at least 10 feet.

Approaches and Considerations for Objective Design Standards

Ratios and Calculations

Ratios and calculations can be used to create standards that are linked to the scale of a project. Many common planning tools, including density, floor area ratio, parking, private and common open space, and landscaping requirements, rely on ratios and calculations. Ratios and calculations are also well suited for objective design standards because they can be used to address design features that are directly related to the scale of a development. Ratios and calculations often require additional standards to clarify how to satisfy the requirement of the ratio. For example, if a minimum area of 300 square feet of common open space is required per unit, a designer may try to make that space 3 feet wide and 100 feet long in the setback in front of the parking stalls. This technically meets the standard but would appear to fall short of the intent of the common open space. A design standard that refers not only to 300 square feet of open space per unit but to a minimum of a 10-foot width is more likely to result in a usable lawn than in perimeter landscaping.

Example of Objective Design Standards

The common open space area shall be at least 300 square feet or 25 square feet per dwelling unit, whichever is greater. Common open space must have a minimum width of 10 feet on any side.

For ground-floor commercial uses in mixed-use buildings, exterior walls facing a street shall include windows, doors, or other openings for at least 75 percent of the building wall area.

Lists

Where flexibility is desired, consider including a list of options. Lists can be structured by specifying a range of acceptable options ("Any of the following...") or by requiring compliance with a minimum ("At least one of the following...") or a maximum ("No more than three of the following...") number of elements. Lists work well with design elements like color where a palette of choices may be acceptable, including main color, trim, and accent. They also work well for variations of a typical architectural element.

Example of Objective Design Standards

1. All primary entryways shall incorporate at least four of the following elements:
 - a. The entryway shall be recessed at least 2 feet from the building facade to create a porch or landing area.
 - b. The doorway shall be recessed at least 3 inches from the building facade.
 - c. The entryway shall be designed with an overhead projection of at least 6 inches, such as an awning or other architectural design features, so as to distinguish the front door from the rest of the building facade.
 - d. The entryway shall be clearly marked with a side light window panel, adjacent window, or a door with a window.
 - e. The entryway shall be raised or sunken at least one stair step from the pedestrian pathway.
 - f. The landing area shall be enhanced with a unique paving material, texture, pattern, or color that is differentiated.

Approaches and Considerations for Objective Design Standards

Scorecards

Scorecards require applicants to select from a menu of options. Each option is assigned a point value, and the combined point total of the options selected by the applicant must meet or exceed a specified target. Each requirement must be an objective standard in and of itself, and similar types of requirements are often grouped together. Scorecards expand on the list approach but differ in their ability to provide more specificity and control over a larger range of possible options. A scorecard can also be used to incentivize development projects to provide exceptional design and include features beyond the bare minimum, in exchange for additional “bonuses” as part of the entitlement.

Example of Objective Design Standards

The required landscape area must provide the type of plants necessary to achieve a total of at least 35 points per square foot of landscape area according to the table shown below.

| Plant Type | Plant Container Size | Points |
|------------|-------------------------------|--------|
| Shrub | 1-gallon container | 1.0 |
| | 5-gallon container | 2.0 |
| | 15-gallon container or larger | 10.0 |
| Tree | 5-gallon container | 5.0 |
| | 15-gallon container | 10.0 |
| | 24-inch box | 20.0 |
| | 36-inch box | 50.0 |
| | 48-inch box or larger | 100.0 |

Benchmarks and Performance Measures

External benchmarks can provide a strong foundation for creating objective design standards because they are accepted performance measures and are verifiable and well documented. In particular, many transportation-related development regulations are well suited as a foundation for objective design standards. Trip generation, vehicle miles traveled calculations, parking ratios, and minimum design standards for roads and parking are often already quantifiable. Similarly, landscape standards can be tied to external benchmarks for native species or water use.

Example of Objective Design Standards

Development must meet the California Green Building Standards Code (CALGreen) by achieving CALGreen Tier I or II as adopted by the State of California; Tier II is a higher level of performance than Tier I.

The landscaped area of single-family residential, multifamily residential, mixed-use, and institutional type projects shall be designed with no more than 20% of the landscaped area planted in turf or plants that are not water-wise plants. Water-wise plants are defined as plants that are evaluated as needing “low” (10–30% reference evapotranspiration [ET_o]) or “very low” (<10% ET_o) amounts of irrigation water as defined and listed by Water Use Classifications of Landscape Species (WUCOLS) at <http://ucanr.edu/sites/WUCOLS> or other sources of water-wise plant water use classifications as verified by a licensed landscape architect.

BEST PRACTICES

The following best practices demonstrate ways to make objective design standards more effective.

Use Simple, Clear Language

Avoid using “terms of art” and technical terms that are not universally understood. When such terms are used, explain how the standard can be measured or verified.

Examples of “Terms of Art” to Avoid

- Respond to adjacent residential uses with a sensitive transition in scale and massing.
- Design buildings to fit with the context of their surroundings.
- Use street trees to delineate a public street.

Group Similar Topics Together

Group similar topics together to highlight that multiple objective design standards are related. Limit each standard to one topic or idea to distinguish individual criteria and simplify verification during approval or implementation.

Examples of Standards Grouped under Topical Headers

Residential Frontages

1. Multifamily building frontages shall include a terrace or porch.
2. Terraces or porches shall measure at least 6 feet in depth and 8 feet in width.
3. Terraces or porches shall be raised up 2–3 feet from the adjacent grade.
4. Fences or walls defining and/or retaining the front yard shall not exceed 3 feet in height from the adjacent sidewalk.

Parking

1. Parking lots shall include shade elements, such as trees, vine-covered trellises, and overhead solar panels.
 - a. Parking lots shall be located at the rear or interior of the block and shall not be located between the sidewalk and the building frontage fronting the street.
 - b. Access to parking lots or structures shall be located along side streets or alleys.
2. Parking lots shall include shade elements, such as trees, vine-covered trellises, and overhead solar panels.

Use Tables or Lists

Use tables or lists with subbullets to organize more complex standards into individual components that can be interpreted and verified as unique standards.

Example of Complex Standards Organized as a Table

The required landscape area must provide the type of plants necessary to achieve a total of at least 35 points per square foot of landscape area according to the table shown below.

Setback from the Right-of-Way

| Minimum | Maximum |
|------------------------|---|
| 0 feet (build-to-line) | 5 feet, for up to 40% of the building frontage |
| 6 feet | 10 feet, for up to 40% of the building frontage |
| 10 feet | 15 feet, for up to 40% of the building frontage |

Notes:

1. Arcades and colonnades may be used to satisfy the zero-foot build-to-line requirement.
2. Building entrances shall open to a public right-of-way or public courtyard.

Example of Complex Standards Organized as a List



Left: Illustrative diagram illustrating the requirements for porches and terraces.
Center & Right: Photo examples illustrate porches/terraces that meet the standards.

Standards for Porches and Terraces

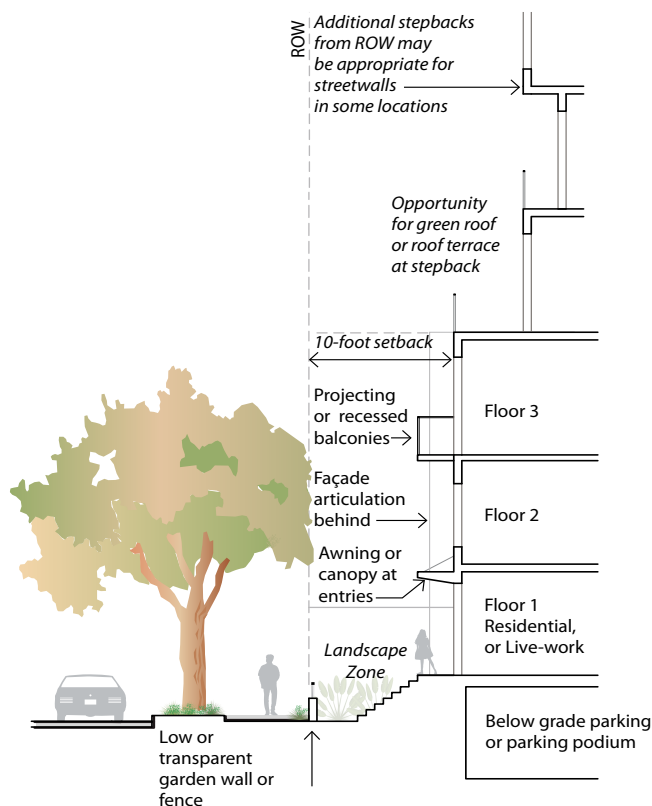
The main frontage of a multifamily residential building shall have an elevated porch or terrace. This frontage type creates a neighborhood character and street-facing orientation while providing a buffer from the sidewalk and space for landscaping. The depth of the porch or terrace will allow for a usable outdoor open space large enough to accommodate seating for at least two people.

Requirements:

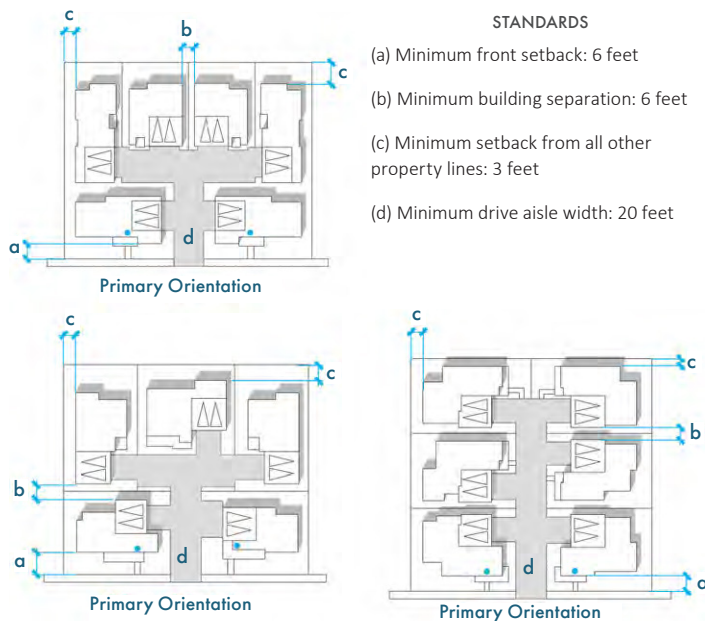
- A. Depth: 6-foot minimum
- B. Area of Porch or Terrace: 48-square-foot minimum
- C. Finished Level above Sidewalk: 3 foot maximum
- D. Garden Wall Setback from Right-of-Way: 5-foot minimum

Use Graphics to Illustrate Standards

Graphics, photos, axonometric drawings, sections, maps, and concept plan diagrams may be used to illustrate application of the standards. Use of annotations and callouts should be used to further clarify the relationship between the standards and the graphics.



Example graphic illustrating front yard setback and building articulation standards.



Example graphic illustrating acceptable forms of single-family cluster development.



Example of annotated photograph.

EXAMPLES

The following three examples demonstrate how to integrate different approaches and best practices to craft objective design standards that address different topics.

EXAMPLE #1

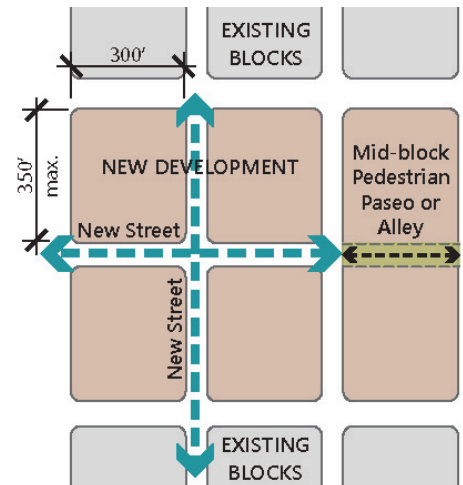
Block Size and Connectivity

Purpose

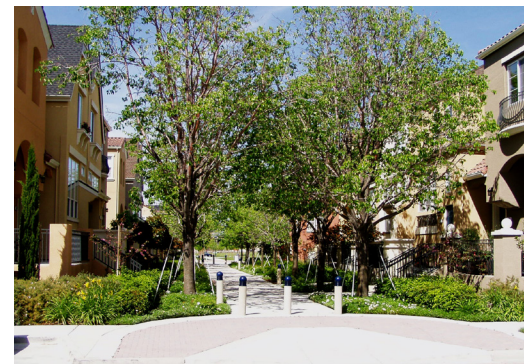
Block sizes establish the scale and character of the community and can help create connected, pedestrian-oriented neighborhoods.

Example Objective Design Standards

1. The maximum length of any side of a block shall measure no more than 350 feet.
2. When developing an area with a block length that exceeds the maximum dimension, the area shall be subdivided with new streets such that all resulting blocks are less than the maximum allowed size.
3. No building shall be greater than 200 feet in length.
 - a. Blocks greater than 400 feet in length shall be broken with a midblock connection, courtyard, or public paseo.
 - b. The minimum width of a midblock connection or paseo shall be 20 feet and consist at a minimum of a walking path, landscaping, and lighting.
4. Blocks and connections shall be designed to improve pedestrian linkages.
 - a. Where new streets are proposed, the ends of new streets shall align with existing streets or paseos in adjacent blocks.
 - b. Where cul-de-sacs exist, pedestrian linkages are required and shall provide direct connections to adjacent streets or public areas.
5. The following are prohibited:
 - a. Vacation of existing public street right-of-way
 - b. Private development over public streets, courtyards, or paseos



DO: Limit the maximum length of any side of a block to no more than 350 feet.



DO: Provide midblock connections to break up large developments.



DO: Where cul-de-sacs exist, pedestrian linkages shall be provided to create direct connections.

EXAMPLE #2**Residential Building Frontages****Purpose**

Residential building frontages along a public street, public right-of-way, or common area provide an important transition between private development and the public realm.

Example Objective Design Standards**Setback Treatment**

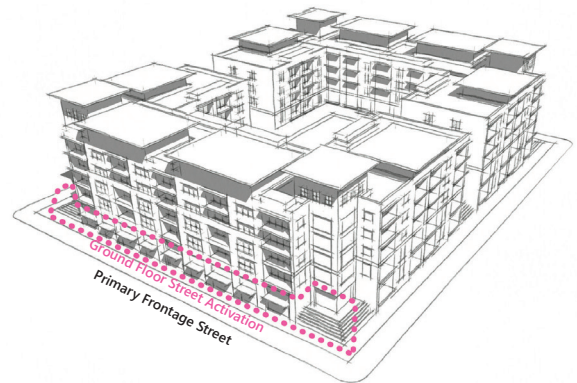
1. To accommodate porches and patios, a setback at least 5 feet and no more than 10 feet from the right-of-way shall be incorporated between the public and private realm and create individual semiprivate landscape areas or garden spaces along the street.
2. The residential ground floor shall be located within 3 vertical feet of the ground level.
3. Fences between any private open space, common areas, or public spaces shall be limited to a maximum of 3 feet in height.

Activation

1. Residential buildings shall be designed with active frontages, with residential units facing the street, public right-of way, or common open space, with overhangs, balconies, windows, and individual entries and porches to enliven the street edge and add "eyes" on the street.
 - a. All ground-level units shall include an individual entry, porch, patio, or terrace.
 - b. A minimum of 50% of upper-story units shall include a balcony or terrace.
2. Ground-floor windows shall not be opaque or tinted.
3. Rooms such as living rooms and dining rooms shall be oriented fronting toward the street and/or any adjacent common open space.
4. Where residential units are designed as townhomes or rowhomes, individual units shall be distinguished. This may be accomplished through the use of at least two of the following:
 - a. Change in wall plane
 - b. Change in color
 - c. Change in roof form
5. Blank walls without windows, doors, or other articulation are strongly discouraged. The maximum length of any blank wall shall be limited to 20 feet.



DO: Provide a landscape setback between the right-of-way and individual porches and entries.



DO: Design both street and courtyard frontages with overhangs, balconies, windows, and individual entries.



DON'T: Sideload units or create blank or facades without entries.

EXAMPLE #3**Design of Private Open Space****Purpose**

Courtyards, roof terraces, and other common areas within individual residential developments provide needed amenities to improve livability and public health.

Example Objective Design Standards**Sizing and Scale**

1. Common open space shall be provided for all residential development, consistent with the following requirements:
 - a. At least 15% of the total gross development area shall be common open space.
 - b. Setback areas shall not be used to satisfy common open space requirements.
2. Private open space shall be provided for all residential projects, consistent with the following requirements:
 - a. 80 square feet for ground-floor units in the form of a covered or uncovered patio;
 - b. 40 square feet for upper-story multifamily units in the form of a terrace, balcony, or rooftop patio; and
 - c. 120 square feet for stand-alone, multistory residential units.
3. Common open spaces, such as courtyards and gardens, shall have a minimum dimension of 40 feet in any direction, building face to building face.

Character

1. A minimum of 50% of the open space area shall be landscaped with live plant material.
2. Open spaces shall be planted with a minimum of two trees, each of which shall have a minimum container size of a 36-inch box at installation.
3. A minimum of three of the following activating features shall be incorporated into open spaces:
 - a. Fixed or movable seating
 - b. Picnic style tables
 - c. Shade trees or shaded canopy
 - d. Outdoor kitchen equipment
 - e. Children's play equipment
 - f. Public art or interactive art, such as a life-size chess game
 - g. Water feature (in conformance with sustainability standards)



DO: Design common open spaces with a minimum dimension of 40 feet in any direction.



DO: Design common open spaces with live plant materials and shade trees.



DO: Design common open spaces with active components, such as play equipment.

OPTIONS FOR IMPLEMENTING OBJECTIVE DESIGN STANDARDS

There are a range of options for local agencies implementing objective design standards. The examples below highlight basic approaches that rely on and adapt a local agency's existing framework for regulating design.

Testing the Standards

As an initial step in implementation, test your standards against built projects considered acceptable to the community. This approach allows for refinement and helps ensure that your standards are effective and meet an agency's need for flexibility.

Implementation

Options for implementing objective design standards begin with existing regulations. The following approaches can be used to supplement those regulations to provide more nuance and detail.

1

Rely on Existing Regulations

Many existing zoning and other land development regulations already include objective design standards, such as minimum lot size, building height, setbacks, floor area ratio, and other standards that define a maximum building envelope.

2

Revise Existing Design Guidelines

Strategic updates to existing design guidelines can be made to remove or rephrase subjective language, incorporate objective requirements, and revise administrative intent (i.e., make them requirements instead of recommendations). Revisions will require more than searching for and replacing subjective terms. Once revised, design standards can be adopted as regulations to supplement existing zoning.

3

Expand Existing Regulations

Existing zoning and other development regulations can be expanded with new objective design standards, or can be updated to remove subjective language and strengthen existing standards to ensure they are measurable and verifiable.

Consider codifying informal requirements or creating a concise set of objective design standards. Zoning regulations may provide maximum enforceability; however, they are difficult to change, often lack extensive graphics, and depend on a formal process for variances.

ESSENTIAL COMPONENTS

The following components are essential to creating effective objective design standards.

Define Key Terms

Objective design standards rely on clear definitions of key terms. In some cases, it may also be necessary to define methodologies and procedures for performing calculations. Even terms that seem straightforward may need to be defined. Ideally, definitions should be coordinated and consistent with the underlying zoning code and the building code, especially when they involve architectural terminology.

Use a Statement of Intent

Statements of intent are often included to clarify the purpose and goals of particular design guidelines. Although a statement of intent is not essential to the regulatory aspect of objective design standards, it may be helpful to include one. Providing a statement of intent will help both applicants and agency staff understand the context of a group of standards. A statement of intent can also provide a basis for any variances from the standards that might be pursued or granted through a discretionary review process or through a minor variance.

Continue Using Discretionary Processes on an Opt-In Basis and for Noneligible Projects

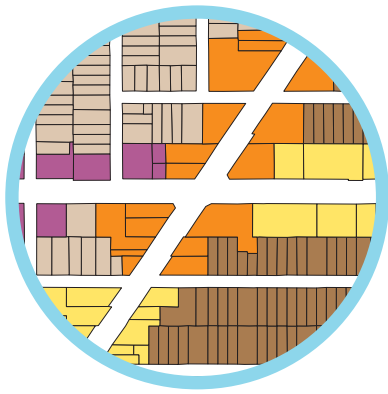
Agencies are allowed to create a list of guidelines (i.e., recommendations) that can be published and used. Although the guidelines cannot be used to deny a project, they can be used to help communicate additional, more nuanced, or subjective design preferences and to establish and communicate design concepts. They can also be used as a means to provide “incentives” to a project (e.g., additional units, reduced parking, reduced fees) if included as part of the design. Applicants that propose an extraordinary or unusual design that deviates from objective design standards should still be allowed to follow a discretionary or alternative and ancillary approval process and/or design review.

Allow Minor Variances or Deviations

Allowing minor variances or deviations at a staff level is an essential tool that can provide staff the ability to approve deviations from specified regulations. It can provide the flexibility necessary to allow small adjustments based on site conditions or specific design details while still relying on objective standards. Objective design standards should outline a process and requirements for staff to approve minor variances. Minor variances may be enabled within objective design standards by prescribing specific procedures and required findings for the relaxation of any specific portion of the standards.

KEY DESIGN TOPICS

Objective design standards must address a range of key design topics and be tailored to the unique needs of each agency. The key design topics presented on the following pages highlight incrementally more detailed and complex design topics. Many of the topics listed below may be included in different sections of a local agency's zoning and land development regulations. However, it is often beneficial for usability and administration to consolidate all applicable objective design standards in a single document.

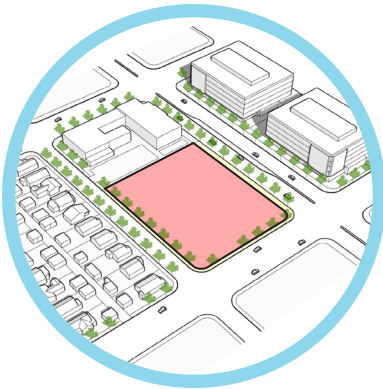


Local Context and Role of Place

Objective design standards need to be calibrated to local conditions and the context of different places in a given jurisdiction. There is no one-size-fits-all solution. Each jurisdiction should consider which topics are the most important to regulate through objective standards and on which topics it will remain silent on to allow creativity and flexibility. In addition, it may be desirable to provide design standards for different areas of the community or even housing types (e.g., downtown, historic, or mixed use).

What are the key design topics to regulate in your community? What design topics differentiate the district or community? And how can you distill those elements into objective design standards? Local context and general design guidance may already be found in plans and policies, such as:

- ▶ General plan goals
- ▶ Area and community plans
- ▶ Specific plans and planned unit developments
- ▶ Coastal zone
- ▶ Local hazards
- ▶ Open space conservation



Use Regulations

Ensure that allowable uses for residential and mixed-use projects are supported by clear definitions, and carefully consider the criteria required to allow any conditional uses. Depending on how they are written and structured, use regulations may themselves be considered objective design standards. Conditionally permitted uses often depend on other standards that also should be objective. Regulations on the following elements should be considered:

- ▶ Allowable uses
- ▶ Conditionally permitted uses
- ▶ Density



Building Envelope

Zoning regulations typically provide objective design standards, such as those related to the following elements, which together help define the maximum building envelope:

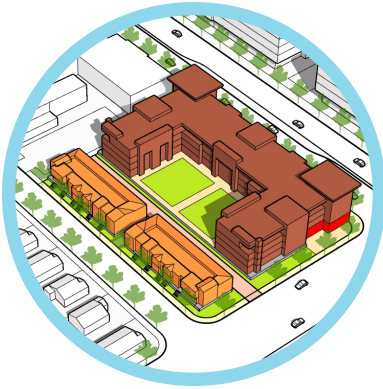
- ▶ Lot/block size
- ▶ Lot coverage
- ▶ Height
- ▶ Setbacks or stepbacks



Site Design and Refined Massing

Zoning regulations may provide limited guidance on site design and refined building massing. More detailed standards for site design and building massing, including those related to the following elements, can be incorporated:

- ▶ Transitions from adjacent properties
- ▶ Maximum building length
- ▶ Programming/arrangement of spaces
- ▶ Orientation
- ▶ Pedestrian/vehicular access
- ▶ Parking



Building Design and Articulation

Design standards for building design and articulation address important topics related to the relationship between a building and its surroundings. Emphasis should be given to the design of ground floors, which have a significant influence on the pedestrian environment and the overall public realm. Standards can address topics such as the following examples:

- ▶ Frontage types
- ▶ Design of ground floors
- ▶ Building entries
- ▶ Facade/plane break
- ▶ Roof forms
- ▶ Corner treatment
- ▶ Private open space, balconies, and patios
- ▶ Common open space



Building and Landscape Details

The level of detail addressed in objective design standards should be tailored to the criteria that are most relevant to the community and the desired community character. For example, in some communities, it may be important to focus on building materials and landscaping, while in others, it may be important to provide limited objective design standards across a larger number of topics, including the following example topics:

- ▶ Materials
- ▶ Transparency
- ▶ Fenestration
- ▶ Color
- ▶ Awnings
- ▶ Plant palette
- ▶ Screening and fencing
- ▶ Outdoor furnishings
- ▶ Signage
- ▶ Exterior lighting



Architectural Style

In some communities, it may be important to address a particular architectural character or style. Standards that address architectural style need to be carefully tailored to ensure that they are objective and specifically address and define architectural style. Objective design standards may also be differentiated by building typology or focus area where necessary. Supplemental (nonobjective) architectural design guidelines may still be used to help communicate details of architectural style, but they cannot be used to deny an eligible housing development project. Where appropriate, objective design standards may address historic preservation, in conjunction with other requirements, including the Secretary of the Interior's Standards for the Treatment of Historic Properties.

OTHER CONSIDERATIONS

In conjunction with other related requirements included in SB 35 and SB 330, objective design standards present important considerations for local agencies approving housing developments.

Limited Role of Public Hearings

SB 35 and SB 330 both place additional limitations on public hearings. SB 35 explicitly requires cities and counties to provide a “streamlined ministerial approval process” for eligible affordable housing projects, which is defined in Government Code Section 65913.4(d)(1) as follows:

Any design review or public oversight of the development may be conducted by the local government's planning commission or any equivalent board or commission responsible for review and approval of development projects, or the city council or board of supervisors, as appropriate. That design review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, and shall be broadly applicable to development within the jurisdiction. That design review or public oversight shall be completed as follows and shall not in any way inhibit, chill, or preclude the ministerial approval...

Furthermore, until January 1, 2025, SB 330 prohibits an agency from conducting more than five hearings “if a proposed housing development project complies with the applicable, objective general plan and zoning standards in effect at the time an application is deemed complete.” As described in Government Code Section 65905.5(a), an agency “shall consider and either approve or disapprove the application at any of the five hearings.”

Changing Burden of Proof

One of the implications of objective design standards is that there is a significant change in the burden of proof. Typically, design guidelines require an applicant to demonstrate consistency with design guidelines and often navigate the design review process. Through this process, the burden of proof rests on the applicant, who must demonstrate that the design guidelines have been applied in a manner that satisfies the design review board or zoning administrator.

However, objective design standards require an agency to provide a preponderance of evidence based upon a reasonable person standard showing that a project does not meet an objective design standard before it can deny the project. In other words, a project is assumed to be consistent unless an agency demonstrates through a preponderance of evidence in the record that the project does not meet an objective design standard. This significantly shifts the burden of proof from the applicant to the agency.¹

CEQA Streamlining

SB 35

Projects eligible for the streamlining provisions of SB 35 are considered ministerial and are not subject to the California Environmental Quality Act (CEQA). SB 35 was amended in 2018 to include a specific exemption from CEQA for qualifying projects under Section 65913.4(c)(2). Only technical studies required by an objective standard may be required of a project eligible for SB 35 streamlining (e.g., stormwater quality management plan, water and sewer studies, traffic studies, biological survey, historical survey).

SB 330

Although projects eligible for streamlining under SB 330 are not considered ministerial by statute, the use of objective standards removes a potential CEQA trigger associated with the review of discretionary actions.² Although SB 330 may remove a CEQA trigger, other objective standards may still require technical studies to provide substantial evidence that there are no environmental impacts.

¹ See Government Code Section 65589.5 for additional detail about burden of proof.

² See *McCorkle Eastside Neighborhood Group, et al. v. City of St. Helena, et al.* (2019) 31 Cal.App.5th 80.



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: MIN 23-045

DATE: April 13, 2023

TO: Planning Commission

FROM: Acting Development Services Director

SUBJECT

Minutes of the Planning Commission Meeting on February 9, 2023

RECOMMENDATION

That the Planning Commission approve the minutes of the Planning Commission meeting on February 9, 2023

SUMMARY

The Planning Commission held a meeting on February 9, 2023

ATTACHMENTS

Attachment I Draft Minutes of February 9, 2023



**PLANNING COMMISSION MEETING
COUNCIL CHAMBERS AND VIRTUAL (ZOOM)
PARTICIPATION
Thursday, February 9, 2023, 7:00 p.m.**

The Planning Commission meeting was called to order at 7:03 p.m. by Acting Chair Lowe. The Planning Commission held a hybrid meeting in the Council Chambers and virtually via Zoom.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: COMMISSIONERS: Bonilla Jr., Garg, Goodbody, Patterson, Stevens
VICE CHAIRPERSON: Lowe
Absent: COMMISSIONER: None
CHAIRPERSON: Ali-Sullivan
CHAIRPERSON: None

Staff Members Present: Blanton, Claussen, Kowalski, Madhukansh, Ochinero, Parras, Richard, Tabari, Vigilia, Wright

PUBLIC COMMENTS

Ms. Peggy Guernsey, participated via Zoom and a Hayward resident, shared that she had written correspondence to the Planning Commissioners and had received a response from Commissioner Lowe; she was trying to find an answer to why it was a good thing to approve the increase sale and consumption of more alcohol in the downtown; had received a response from Mayor Salinas that the proposed increase was to align with State legislation; she did not see why the City needed to increase its alcohol sales to match the State's as this causes drunkenness, homelessness, DUIs, hit-and-run accidents, and creates other challenges. Ms. Guernsey stated that there were 29 establishments in downtown where alcohol can be bought and consumed, added that increasing the sale of alcohol would increase its consumption, and did not support changing the Hayward Municipal Code to a 50:50 ratio of food-to-alcohol sales.

PUBLIC HEARING

Agenda items continued from the January 12, 2023 Planning Commission meeting.

For agenda item No. 1 the Planning Commission may make a recommendation to the City Council.

1. Proposal to Amend Chapter 10, Article 1 (Zoning Ordinance) Section 10-1.2750 of the Hayward Municipal Code for Updates to the Alcoholic Beverage Outlets Ordinance and Related Regulations in the City of Hayward, Requiring Approval of a Zoning Text Amendment. **(PH 23-001)**



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Associate Planner Kowalski provided a synopsis of the staff report and shared a PowerPoint presentation.

Commissioner Patterson asked what the patron safety information would look like and whether this would be consistent across all alcohol-serving establishments. Associate Planner Kowalski shared that Detective Wright from the Hayward Police Department's (HPD) Vice Unit was on the call and explained the police department would advise what the medium might be for this, noting that there may be a QR Code located at the bar that patrons could scan for an UBER, Lyft, or local taxi service. Detective Wright responded that this was still being determined, and that each restaurant or bar that sells alcohol for onsite consumption would have to provide alternatives to patrons for getting home safely as opposed to getting a DUI. Mr. Kowalski confirmed that this requirement would apply to all establishments through amendments to the ordinance.

Commissioner Patterson referenced Attachment I and requested further clarification on staff's comparison to neighboring city's ordinances as Hayward appeared to be more permissive than neighboring jurisdictions.

Associate Planner Kowalski responded that Hayward's ordinance was permissive in a way allowing restaurants to have a jazz band or mariachi band until midnight; noting most cities do not allow live music late at night. He underscored that most other jurisdictions fall back on the historic definition of the Department of Alcoholic Beverage Control's (ABC) regulations with a minimum of 50% proceeds from food sales and 50% from alcohol, and Hayward was stricter in that regard, and this could have been due to the previous City Council body viewing alcohol consumption as a community problem. This is now being revisited to make things more favorable for Hayward restaurants.

Commissioner Stevens referenced Page 8 of the staff report, under alcohol-related crime attributed to restaurants, and asked if the statistic of 397 alcohol-related arrests was per year. Associate Planner Kowalski answered it was per year. Detective Wright clarified the 2019 data was pre-pandemic and that the yearly figures had reduced since then, underscoring that current data showed it had reduced significantly. She shared that there were over 300 reporting districts in the City and there were approximately 190 total on-sale and off-sale alcohol establishments, and the figures could be stemming from a liquor store or residents drinking alcoholic beverages from home and stepping out drunk-in-public, or from a restaurant or bar establishment.

Commissioner Stevens mentioned the arrest number seemed statistically low given the size of the City. Detective Wright did not have comparisons for other cities and did not have data available on hand; however, she noted that drunk driving had decreased overall,



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especially from the higher reporting districts which included the downtown and Tennyson areas.

Commissioner Bonilla Jr. asked how often the 50:50 requirements were expected to be achieved. Associate Planner Kowalski predicted it would be monthly, noting that the police department did not have the resources to review the books of all existing alcoholic beverage restaurants.

Commissioner Bonilla Jr. inquired about auditing and enforcement mechanisms and Associate Planner Kowalski answered it would be complaint-based indicating that if there were challenges with alcohol-related crimes at a particular establishment, then HPD may open an investigation. Detective Wright stated that if a restaurant with a Type 47 license was operating like a bar, this would be evaluated with HPD having a discussion with the alcohol licensee informing them of the City's ordinance in order to gain compliance. If the licensee continued to be out of compliance, then HPD would work with ABC and the establishment owner to come to a resolution.

Commissioner Bonilla Jr. asked why staff was suggesting restricting happy hour times when neighboring jurisdictions did not have such a requirement. Associate Planner Kowalski recalled the previous Council was concerned about alcohol-related crimes and suggested restricting happy hour timing and pointed out that none of the stakeholders Mr. Kowalski interviewed suggested removing the happy hour restriction. Only one establishment had suggested making happy hour earlier to attract patrons who get off from work earlier and that staff did not consider eliminating it altogether.

Commissioner Garg did not feel that Hayward's regulations were more permissive than surrounding cities, emphasizing that the proposed regulations would make Hayward's Alcoholic Beverage Outlets Ordinance more restrictive than neighboring cities as there would be restrictions on happy hour timeframes.

Planner Kowalski stated it was very progressive to have a business arrangement where there was an owner of the bar who then leased the kitchen out to a different entity. The other cities he explored did not consider this concept yet as it was still a relatively new idea. This option would make Hayward more permissive in this regard, but other than this, he concurred with Commissioner Garg that the City was not more permissive. He noted for Commissioner Garg that as this was a new concept, other cities do not necessarily preclude this option, it just takes cities a while to update an ordinance as Council support is required.

Commissioner Garg asked if staff discussed not having a food to beverage ratio. Associate Planner Kowalski confirmed the current regulation was that at least 60 percent of the sales at full-service restaurants must come from food and only 40 percent could come from



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alcoholic beverage sales. The proposal was to change that to a 50:50 ratio. He predicted the police department would not support removing the ratio altogether because some restaurants would then likely become more like bars and patrons might become intoxicated more quickly due to not having food in their system.

Commissioner Garg wanted to know if it was easier for the HPD to enforce a ratio if it were in an ordinance as opposed to just having the State regulations. Senior Planner Blanton answered the City's Code Enforcement division can only enforce City ordinances and so having it in the Hayward Municipal Code provided them with an enforcement mechanism. She noted the police department and ABC would be the entities to enforce the ratio whether it was in a City ordinance or not.

Commissioner Goodbody asked how the licensing worked if a secondary business was within an existing establishment. Associate Planner Kowalski explained the holder of the ABC license would be selling the alcohol. Detective Wright added that both entities would have to be on the ABC license, and that ABC would have to know about the partnership as well as the police department. Staff confirmed for Commissioner Goodbody that both operators would be subject to County Public Health Food Inspector training.

Commissioner Goodbody found 2:00 p.m. to be a rather early happy hour and a 7:00 p.m. end time seemed too early for people who commute. She recommended a happy hour timespan from 3:00 p.m. to 8:00 p.m. Associate Planner Kowalski concurred the Planning Commission could recommend a change. He noted the proposed happy hour times were not staff's suggestion but rather came from a local restaurateur who owns several establishments in the City.

Commissioner Goodbody wanted an incremental approach and suggested that a pilot program take place first allowing two entities to work out of one restaurant before permitting freestanding kitchens. Associate Planner Kowalski shared there was one concept that the City Council had already endorsed and approved financial assistance for which was located at a vacant lot on B Street that would have a freestanding kitchen, this was an Oakland-based company called Arthur Mac's Tap and Shack. The project was going to have two shipping containers, retrofitted to have one be a bar and one a kitchen, and the establishment would include picnic tables for dining and families would be welcome. Senior Planner Blanton commented that the City's Economic Development Division was trying to invite new uses to the city and "pop up" style locations were more attractive and a more feasible entry-point for smaller start-up businesses.

Acting Chair Lowe asked if there were any statistics regarding intoxication arrests during happy hour. Detective Wright said she did not have this specific data available, noting the data in the staff report ranged from 2019 to 2022. This data indicated that alcohol arrests



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and DUIs were previously higher and had declined currently. She expressed that in order to find detailed level of data as was being inquired, would require the review of every police report.

Acting Chair Lowe expressed concern as she wanted to ensure that bars would not pretend to operate as restaurants. She asked if the proposed changes bypass any rules, regulations, licenses, that are required to be obtained. Associate Planner Kowalski explained there were three different liquor licenses available from ABC and that the amendments would require any establishment utilizing a partnership format be subject to this. Any establishment having one of the three liquor licenses is required to have full meal service up to 30 minutes before closing. Mr. Kowalski explained there are built-in checks and balances to ensure businesses are following the rules and regulations.

Acting Chair Lowe asked what type of food was considered to be "enough food". Associate Planner Kowalski answered it could not just be bar snacks and finger foods and that customers must be able to order an entrée, appetizer, or a side dish. Senior Planner Blanton added that the costs of items could also be evaluated, exemplifying that at a bar the alcoholic beverage could easily cost more than the food item, thus resulting in the 50/50 ratio not being met, whereas at a sit-down restaurant the cost of the food items and beverages would be more on par with each other. Ms. Blanton added that there were no regulations on the types of food that must be served, theoretically all of the food items could be finger foods, but the distinction was that the restaurant must serve enough food to meet the total sales ratio.

Acting Chair Lowe inquired if there were statistics that showed having an equal food-to-beverage sales ratio would promote restaurant growth. Associate Planner Kowalski remarked there were no such statistics that he was aware of, but the changes would relax the rules and provide more flexibility to restaurants.

Acting Chair Lowe wanted to know what happened if a microbrewery or bar opened but it was unable to form a partnership for food service. Associate Planner Kowalski responded that the establishment would in this case have violated its liquor license and there would be repercussions for continued noncompliance. Detective Wright added that ABC had a protocol in place to address situations where one partner falls off, noting that in this case the operator may have to change their license type.

Acting Chair Lowe asked what alcohol trends the police department was experiencing over the last six months. Detective Wright could not recall there being any trends at the current time but would have to evaluate the data, she emphasized that officers were good at notifying their units on behaviors they were seeing such as cases of drunk-in-public or alcohol contributing to crime in an area.



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PARTICIPATION
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Acting Chair Lowe inquired if the police department was immediately supportive of the proposal or did they feel it was a compromise. Detective Wright stated the proposed amendments were aligned with the State's laws, they would not increase overconsumption, and codifying the ratio would help the police department maintain establishments that wanted to be restaurants. She commented changing the happy hours reflected a true happy hour and the regulations required establishments to offer specials on nonalcoholic beverages as well. Ms. Wright mentioned ABC already allowed freestanding kitchens and adopting the change would bring the ordinance into alignment with current state regulations.

Acting Chair Lowe asked if changing the happy hour hours would affect staffing in the police department. Detective Wright did not foresee this occurring, adding that if there was an increase in alcohol consumption due to happy hours at a specific establishment, HPD would work to resolve the challenges with that establishment.

With regards to freestanding kitchens and the allowance for different providers for food and alcohol, Commissioner Garg asked for clarification on the permitting process and whether there would be immediate approval or if there would be a review of the application for a successful partnership. Senior Planner Blanton explained that with the adoption of the proposed amendments, the City would review applications similar to the application of a restaurant which was a permitted use in many zoning areas, adding that freestanding kitchens would be required to have all the documents and licenses showing they will need a beverage and food operation component.

Acting Chair Lowe expressed concern about a restaurant application not receiving the same scrutiny that a bar application would. Senior Planner Blanton commented that what Acting Chair Lowe described could happen now, and in the future, even with the change to the definition of restaurant as there was no planning staff review. She emphasized there are many checks and balances to ensure compliance with ABC's and the City's regulations.

Commissioner Patterson mentioned the staff report said that happy hour would be extended but the proposal was to have an earlier start time. Associate Planner Kowalski restated a local restaurant owner was interested in an earlier start time and indicated that the proposed ordinance only included a timeframe and did not state it was an extension. Staff and the owner reached a compromise and that was what was being presented to the Commission.

Commissioner Patterson commented the staff report did use the word "extend" and suggested that be revised to "modify" instead in order to indicate the true intent of the amendment.



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Acting Chair Lowe opened the public hearing at 8:11 p.m.

Mr. Eric Yeverino, a restaurant owner, explained the earlier happy hour was proposed to include teachers and other professionals that ended their workday at an earlier hour. He noted serving individuals drinks to the point of intoxication was an establishment issue, not a happy hour issue. Due to the COVID-19 Pandemic, many establishments were moving to a partnership business model. Many bars that operated under a Type 48 liquor license were struggling and sales projections were not being met if food was not being provided. He supported the proposed amendments and found them to be a great step forward for the City.

Ms. Peggy Guernsey, Zoom participant, stated that based on her conversations with staff, the 60/40 ratio would still allow new restaurants to establish in the city. Concerning happy hour, she mentioned there are five schools located around the downtown area that were still in session at 2:00 p.m. This early happy hour start time was a safety concern for those students leaving school. Ms. Guernsey was concerned that intoxicated customers would not be capable of reading a small safety card about how to get home safely. She strongly encouraged the Commission to keep Hayward at a higher standard and to reevaluate the proposed amendments in a year.

Acting Chair Lowe closed the public hearing at 8:18 p.m.

Commissioner Stevens made a motion to approve the item per staff recommendation, seconded by Commissioner Bonilla Jr.

Commissioner Goodbody proposed an amendment that Chapter 10, Article 1, Section I (4) be modified to "a full-service restaurant may offer reduced priced alcoholic beverages served on the premises between the hours of 3:00 p.m. to 8:00 p.m." Commissioner Stevens accepted the amendment.

Commissioner Bonilla Jr. requested more information on the rationale for the amendment from Commissioner Goodbody, as he believed that staff had done their due diligence on what was being proposed.

Commissioner Goodbody explained it was to accommodate and represent the residents in Hayward who worked outside of the city. Commissioner Bonilla Jr. accepted the amendment.

Acting Chair Lowe appreciated the comment by the public speaker that the decrease in the crime trend may have been caused by the COVID-19 Pandemic. She supported the recommendation to wait a year on adopting the proposed amendments to ensure that the trend was really decreasing but could support the motion to move the proposed amendments



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forward. Ms. Lowe recalled there being a lot of problems coming from bars in the downtown area years ago and was unclear if that was still the trend now, and she appreciated hearing Detective Wright's perspective on the matter.

A motion was made by Commissioner Stevens, seconded by Commissioner Bonilla Jr., per staff recommendation and with a friendly amendment to modify the proposed earlier happy hour time to from 3:00 p.m. to 8:00 p.m.

The motion passed with the following roll call votes:

| | |
|----------|--|
| AYES: | Commissioners Bonilla Jr., Garg, Goodbody, Patterson, Stevens Acting Chair Lowe |
| NOES: | None |
| ABSENT: | Chair Ali-Sullivan |
| ABSTAIN: | None |

Item 2 was heard before Item 1.

2. Parking Analysis for Hayward Residential Design Study (WS 23-001)

1:41

Senior Planner Blanton and Assistant Planner Richard provided a synopsis of the staff report, Ms. Blanton noted that Transportation Consultant Josh Pilachowski with DKS Associates was also available to address any questions.

Acting Chair Lowe commented that the Hayward Municipal Code currently did not allow for unbundling of parking unless it is stated in the conditions of approval, and asked if developers have requested unbundled parking. Senior Planner Blanton responded that developers don't often ask for unbundled parking as it may not be a priority for them; however, she noted that this has been an ask of community members and decisionmakers in order to help with the parking management demand, adding that developers are usually not opposed to the idea of unbundled parking. She indicated for Acting Chair Lowe that at least two recent projects have included provisions recently that have included unbundled parking, noting that a lot of these projects are still in construction and that Planning staff typically did not monitor projects at this stage. Ms. Blanton stated that the consultant has looked into studies on the efficacy of unbundled parking across other jurisdictions and staff could bring more data to the Planning Commission on this at a later time.

Mr. Pilachowski stated that per a 2018 study from Arlington, Virginia, it was found that where parking is bundled, auto ownership is higher and single occupancy vehicle use is 12.5%



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higher for commute trips and 40% higher for non-commute trips; as for buildings with unbundled parking, they have 6% fewer vehicles per unit and have 13% fewer vehicles per adult resident. He added that the studies included sites that had available on-street parking available nearby.

Acting Chair Lowe asked if the City can dictate how unbundled spaces will be rented out, as she is concerned of the following occurring: a family with two individuals owning four cars and the ability to afford to purchase four spaces is able to acquire available parking spaces while another family of five is unable to purchase one space due to it being unavailable. She asked if there was a way to place a maximum so that a unit cannot buy out all available spaces and other units cannot purchase one due to unavailability. Senior Planner Blanton responded that staff had not looked into this as they were not at the draft standards stage yet and staff could conduct more research on other unbundled policies in an effort to include language to say there was not unlimited availability to purchase spaces, perhaps including a limit in ratio to the unit size. Ms. Blanton stated that it was apparent based on responses from the community and decisionmakers that the projects that might have unbundled parking in the downtown and along Mission Blvd, there was a concern about spillover parking and they would not want to give the parking to another use that is not a resident, and want to structure the unbundled parking program in a way that people who do not need the parking space are paying for something they don't need but any unused spaces from these residents are used by other residents in the same facility. Mr. Pilachowski added that the extra spaces could be used as carshare spaces to benefits residents and less vehicle ownership.

Acting Chair Lowe asked about recommendation No. 5 which was a regulation about the two uncovered spaces that cannot be directly behind the two covered spaces for the single-family units, and staff was recommending changing this, she asked if there was a length requirement for these spaces as some were very short. Senior Planner Blanton responded that the City's Code requirement was there be a 20' long driveway, and these driveway spaces could count as two extra spaces. Assistant Planner Richard noted for reference that the standard parking lot length is 19' but for driveways it is 20' to ensure that vehicles do not overhang into the sidewalk to accommodate vehicles comfortably.

To follow up on the point if there were any other parking design issues, Commissioner Stevens commented that the analysis should include designs for tuck-under parking and not parking in the frontage of buildings. Senior Planner Blanton noted that although there are differences between Zoning Districts, there are more standards in the Downtown Code area and the Mission Blvd Code area related to parking design. She noted that Design Standards will be presented to the Planning Commission next month and may be addressed.

Commissioner Patterson was concerned that unbundled parking would create a conflict for low-income families who would have to choose to between pay renting or being able to afford



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pay for rent and for a parking space, and the impact this may have on the community. Although there were conversations that developers pass savings along, she wondered if there will be a guarantee that the rent will be lower. Senior Planner Blanton mentioned that the same concern was raised by Council and it was suggested exploring the option that residents who opted to have no parking pay a lower rent or be provided free transit passes, in order to provide assistance with transportation. Staff would evaluate more strategies when they return to the Commission with a draft recommendation.

Commissioner Patterson referenced the staff report which mentioned SB 9, stating that in single-family residential zones lot splits could be done for up to two units per parcel, with two dwellings per parcel, resulting in a total of four units. She asked if this would qualify under the single-family or multifamily dwelling unit and would the parking spaces be based on the number of bedrooms as was the case for multifamily dwellings. Assistant Planner Richard responded that the State dictates the parking requirements for SB 9 projects so it would be one parking space per dwelling unit unless the property is located in a high-transit areas such as near BART or the Amtrak stations. She added that the SB 9 projects could provide more parking, noting that she had just processed a SB 9 application which provided two car garages with every unit.

Commissioner Patterson referenced the section of the staff report that stated staff would monitor the parking supply and occupancy of recent multifamily dwellings to see if a reduction from current standards is needed, asked what the monitoring would consist of. Senior Planner Blanton remarked that was a recommendation from the transportation consultant DKS with the overall recommendation to maintain the parking levels; however, since there was a discrepancy between the ITE rates and if there was desire to explore an option of lowering parking standards further, they recommended conducting a study to monitor how the parking was going in existing developments.

Commissioner Garg asked what options were there for residents who worked outside of the peak transit demand times and lived in an area that was a major transit area. Senior Planner Blanton responded that even though the City does not have minimum parking standards along Mission Boulevard or other similar areas, they were not seeing no parking. In speaking with members of the community who do shift work and work outside of prime commuting hours, or parents with young children, it was recognized that parking was going to be a need for some residents due to their life situations, and while it was not being suggested to completely eliminate parking in areas the City has control over. In order to accommodate families in situations where they have one parking spot and have multiple cars with needs at odd hours, staff was exploring last-mile strategies that may be required or incentivized for specific developments. Mr. Pilachowski stated that the recommendations would not change the current parking minimums; adding that the TDM was dependent on the types of transit provided, for instance if BART was in operation but the wait-time for a bus was a long time



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then this would still pose a challenge. He shared the following options for first or last mile off-hour or off-peak solutions: bikeshare or scooter-share; underscored the most successful services were on-demand transit services at high demand locations such as BART where there will be a push button to trigger a call for a shuttle; other options could include UBER subsidies to support alternative transportation options. Mr. Pillachowski added that there was also a daytime off-peak as well where bikeshare and scooter share would be more reasonable, with there being more solutions during the day. He commented that the City ultimately working with AC Transit or alternative transportation providers will be the best way forward.

Commissioner Garg appreciated that staff was exploring last mile options, but suggested staff seriously consider what the impacts of State law are as the City's mass transit locations are different from neighboring jurisdictions and recognize the impact this has on residents. She emphasized that Hayward had a broader variety of jobs and economic status, and this created different needs.

Commissioner Goodbody suggested the TDM strategies that staff was considering should include wayfinding and communication tools, especially for multi-family developments.

Acting Chair Lowe opened and closed the public comment period at 9:08 p.m.

Commissioner Stevens encouraged staff to explore the designs for downtown parking and apply these to other districts in the City. He was concerned about who would fund the work of studying a TDM and expressed that he felt uncomfortable about unbundled parking, noting that the actual practice of this was not easy. He commented that if density comes and the downtown core is filled, then there will be an economic incentive to have different types of mass transit that will work, emphasizing that it will take time accomplish this. Mr. Stevens stated that consistent with good urban design, the downtown did not have surface parking lots, as these were under building or covered; parking lots don't front major streets and were situated behind buildings; noting that the Downtown Specific Plan provides good guidance for this and could be applied to other zoning districts throughout the City.

Commissioner Bonilla Jr. supported the recommendation of maintaining parking requirements and the housing coming up along Mission Boulevard. He agreed with comments expressed that Hayward does not have the most transit friendly community, there were challenges with buses and BART, he liked the notion of having a TDM plan in place, the idea of having a walkable transit-oriented community especially in reference to downtown Hayward; more broadly the priorities of Hayward call for a community that is more walkable and less reliant on cars, and bringing this vision into play will take a lot of creativity. Although he felt that unbundled parking was a wise idea, he understood how hard this was going to be to enforce, appreciated the comments about over-buying parking if one has the financial means to do this, and concerns about the burden this may have on



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those who cannot afford it. He appreciated that if there was a significant financial incentive for people to get out cars, such as significant reductions in rent by hundreds of dollars. Mr. Bonilla Jr. supported not increasing the parking requirements for multi-family developments outside of Mission Boulevard and the downtown area. He supported the recommendations around the TDM but suggested the City be more pragmatic about what the last mile solutions will be and how to make those solutions safe, such as having a City that is more well-lit, has complete streets, have sidewalks to encourage people to get out of cars. While unbundled parking was a good concept, but he would like to better understand how this would be implemented and enforced. Also, he generally supported revising the parking requirements for single-family dwellings and encouraged staff to consider exploring incentives and how these tied into the City's other priorities to get to a City that is less dependent on parking.

Acting Chair Lowe supported the idea of having the two spaces count for single-family residences; felt there was more to think about with unbundled parking and appreciated the concerns raised by Commissioner Patterson related to unbundled parking; and appreciated staff's creativity with coming up with solutions and hoped that Hayward could be at the forefront of addressing parking.

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters

Senior Planner Blanton stated that the next Planning Commission meeting will be held on February 23, 2023 and will include the General Plan Annual Report and a tentative map application along Mission Boulevard.

Commissioners' Announcements, Referrals

There were none.

ADJOURNMENT

Acting Chair Lowe shared the unfortunate news that Alameda County Board Supervisor Richard Valle had passed away on February 8, 2023 yesterday, stated that he was instrumental in making the community better and she was grateful for his service to Alameda County.

Acting Chair Lowe adjourned the meeting in his memory at 9:19 p.m.



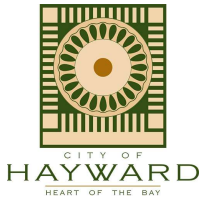
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APPROVED:

Anika Patterson, Secretary
Planning Commission

ATTEST:

Avinta Madhukansh-Singh
Interim Planning Commission Secretary
Office of the City Clerk



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: MIN 23-044

DATE: April 13, 2023

TO: Planning Commission

FROM: Acting Development Services Director

SUBJECT

Minutes of the Planning Commission Meeting on February 23, 2023

RECOMMENDATION

That the Planning Commission approve the minutes of the Planning Commission meeting on February 23, 2023

SUMMARY

The Planning Commission held a meeting on February 23, 2023

ATTACHMENTS

Attachment I Draft Minutes of February 23, 2023



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Thursday, February 23, 2023, 7:00 p.m.**

The Planning Commission meeting was called to order at 7:03 p.m. by Chair Ali-Sullivan. The Planning Commission held a hybrid meeting in the Council Chambers and virtually via Zoom.

PLEDGE OF ALLEGIANCE

ROLL CALL

| | | |
|----------|----------------|------------------------------------|
| Present: | COMMISSIONERS: | Goodbody, Lowe, Patterson, Stevens |
| | CHAIRPERSON: | Ali-Sullivan |
| Absent: | COMMISSIONERS: | Bonilla Jr., Garg |

Staff Members Present: Hahn, Richard, Lochirco, Madhukansh, Parras, Ochinero, Tabari, Vigilia

PUBLIC COMMENTS

There were none.

PUBLIC HEARING

For agenda item No. 1, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision.

1. Proposed Development of 14 Residential Condominium units and one Commercial Condominium unit on a 0.47 -acre site located at 32513 Mission Boulevard for which a Corresponding Site Plan Review Application (201900754) was Previously Approved in 2021 (APNs: 076G-2760-009-07 and 07G6-2760-021-00), Requiring a Vesting Tentative Tract Map (Tract 8660) Application No. 202204947. Applicant: Murthy Ayyagari, HAMAARA LLC.; Owner: Uday Sista, HAMAARA LLC. **(PH 23-010)**

Assistant Planner Richard provided a synopsis of the staff report and shared that the project applicant was available to address any questions. She noted that there was a typographical error in the staff report and that the correct Park Impact Fee amount was \$153,066.

Chair Ali-Sullivan commented that the project looked great and requested that the applicant provide some context as to why the project changed from rental to for sale condominium units.

Mr. Murthy Ayyagari, project applicant, responded that in being mindful of the housing



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shortage, the project seeks to give an opportunity to Bay Area residents in order to become homeowners by offering affordable housing prices and providing units that are conveniently located near BART.

Chair Ali-Sullivan asked if there would be any difference in the construction or amenities as the units are being changed from rental to for sale units. Mr. Ayyagari responded that there will be no changes.

Chair Ali-Sullivan expressed concern that with some prior projects that had been approved by the Planning Commission, they had not come to fruition and wondered if the applicant was prepared to start construction.

Mr. Ayyagari responded that upon approval, he would move forward with the project, emphasizing that there would not be any delays on the builder's side as they were committed to this project.

Assistant Planner Richard added that as the project had previously been approved as a site plan review application, that the applicant team was currently in the process of obtaining their building and grading permits.

Chair Ali-Sullivan opened and closed the public hearing at 7:18 p.m.

Commissioner Stevens made a motion to approve the project per staff recommendation and commented that the proposed project was an administrative approval of a major site development and building along a critical portion of Mission Boulevard. He indicated that such projects should not be administrative approvals given the State's acquisition and control of the City's design and review process, noting that the refinement of standards could curtail how these projects look and how they are built and emphasizing its importance. Mr. Stevens stated that per the approved elevation plan, corrugated metal siding would be used with an accent color, and although the rendering doesn't take this form, it reminded him of an industrial appearance, leading him to wonder how ministerial approvals take the architectural character of the corridor into consideration.

Commissioner Lowe seconded the motion.

Chair Ali-Sullivan appreciated the comments expressed by Commissioner Stevens, mentioning that he later realized that this project had not come before the Planning Commission, and requested that staff explain what the threshold was and why the project did not come before the Planning Commission.

Planning Manager Lochirco responded that the Hayward Municipal Code included allowances



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for administrative review and approval of projects, noting that if a project such as the proposed satisfied all of the objective design criteria and did not request any variances or necessitating project approval by a higher level of discretion, then Planning staff or the Planning Director have been enshrined with the authority to make determinations for projects that satisfy the City's Zoning Development Standards and the General Plan. He underscored that architecture was not a part of the criteria. As with any discretionary approval, Mr. Lochirco stated there was an appeal period and if the project had been appealed or called up by a member of the Council, then this project would go before the Planning Commission.

Planning Manager Lochirco confirmed for Chair Ali-Sullivan that Planning Commission staff were unable to request that an item be brought to the Planning Commission for review.

The motion passed with the following roll call votes:

| | |
|----------|--|
| AYES: | Commissioners Goodbody, Lowe, Patterson, Stevens Chair Ali-Sullivan |
| NOES: | None |
| ABSENT: | Commissioners Bonilla Jr., Garg, |
| ABSTAIN: | None |

WORK SESSION

2. General Plan Annual Progress Report – 2023 (WS 23-005)

Associate Planner Mira Hahn provided a synopsis of the staff report and shared a PowerPoint presentation.

Commissioner Patterson appreciated all City staff for their hard work as related to the General Plan. Ms. Patterson commented that per the report, limitations with staff and fiscal resources were identified as reasons why some projects from 2014 to 2019 had either not yet started or had not been completed and wondered if there were any changes anticipated in the coming years that may help move projects forward.

Associate Planner Hahn stated that in collecting information from different departments and divisions, it was staff's intention to actively look for resources to further these programs which are important to the mission of each division and department.

Commissioner Patterson asked if there would be any updates on the General Plan addressing the implications of short term or near-term programs that are not initiated or those that remain incomplete and wondered if there would be a reporting on the progress of this.



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Associate Planner Hahn responded that it was her understanding that staff was providing annual reporting on the General Plan, adding that on occasion there were amendments to this; however, she did not believe that staff would be reporting back to the Planning Commission on an annual basis. Ms. Hahn stated that the lifetime for the current General Plan was through 2040, after this time, a new General Plan may go into effect.

Planning Manager Lochirco added that when the General Plan was adopted in 2014 it reflected the Community goals in place at that time, were intended to forecast the complete build-out of the community, the overreaching goals of the City through the year 2040; however, he underscored things change over time. Mr. Lochirco commented that when the General Plan was initially adopted, the City was not experiencing the same housing crisis or environmental crisis evident today. In looking at shifting priorities, some programs that were originally envisioned to be implemented between the 2020 and 2040 timeframe were expedited as they became high priority. He underscored that a lot of the programs require staff and fiscal resources, with some additional financing from outside funding sources through grants from the state or federal government, and program implementation often relying on this.

Commissioner Patterson asked if consideration was given to prioritize programs found in the General Plan that were also aligned with the Strategic Road Map projects. Planning Manager Lochirco responded that the City Council was scheduled to discuss new strategic priorities next month, stated that a lot of the programs that are listed in the General Plan were identified as they were high priority, and emphasized that the Council would have an opportunity to consider action items or programs listed in the General Plan as near-term priorities for the Strategic Road Map.

Commissioner Goodbody appreciated the thorough update provided by staff and asked if the telecommunications systems used by public safety were on a separate broadband or fiber-optic system than what was used by residents. Planning Manager Lochirco stated that he would get back to Commissioner Goodbody's question as he did not have the information readily available on the telecommunications mechanism used by the Fire Department.

Chair Ali-Sullivan opened and closed the public comment period at 7:53 p.m.

Chair Ali-Sullivan thanked staff for the comprehensive report and expressed that the General Plan was progressing along at a positive rate as all projects identified in the plan had been tracked.

Planning Manager Lochirco agreed with Chair Ali-Sullivan highlighting that of the total 143 programs in the General Plan, a good majority of the programs had already been completed in a short period of time. He stressed that staff would continue to make progress with the



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General Plan and will continue to report back on an annual basis on the progress made to the Planning Commission and City Council.

APPROVAL OF MINUTES

3. Minutes of the Planning Commission Meeting of January 26, 2023

A motion was made by Commissioner Lowe, seconded by Commissioner Stevens, to approve the meeting minutes of January 26, 2023.

The motion passed with the following roll call votes:

| | |
|----------|--|
| AYES: | Commissioners Goodbody, Lowe, Patterson, Stevens Chair Ali-Sullivan |
| NOES: | None |
| ABSENT: | Commissioners Bonilla Jr., Garg, |
| ABSTAIN: | None |

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters

Planning Manager Lochirco shared that the League of California Cities Planning Commissioner Academy was being held in March and requested that if any Commissioners were interested in attending, to let him know. He added that AB 2449 addressing updates to meeting requirements goes into effect March 1, 2023. Mr. Lochirco added that the Planning Commission will continue to offer hybrid meetings so that any member of the public could continue to participate remotely. He stated that currently there were no items scheduled for the March 9, 2023, Planning Commission meeting.

Commissioners' Announcements, Referrals

Chair Ali-Sullivan thanked his fellow Planning Commissioners as the present meeting was his first official meeting in-person serving as the chair and appreciated the vote of confidence and trust placed in him to be the chair for the coming year. Mr. Ali-Sullivan welcomed the three new Planning Commissioners and looked forward to working with them in addition to his other colleagues.

ADJOURNMENT

Chair Ali-Sullivan adjourned the meeting at 7:59 p.m.



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APPROVED:

Anika Patterson, Secretary
Planning Commission

ATTEST:

Avinta Madhukansh-Singh
Interim Planning Commission Secretary
Office of the City Clerk