

**SPECIAL JOINT
CITY COUNCIL
AND
PLANNING COMMISSION
MEETING**

FEBRUARY 1, 2022

PRESENTATIONS

**SPECIAL JOINT CITY COUNCIL
AND
PLANNING COMMISSION
WORK SESSION**

ITEM #7

WS 22-004

**DENSITY BONUS UPDATE AND
RESIDENTIAL OBJECTIVE STANDARDS
PROJECT**

Objective Residential Standards & Zoning/General Plan Consistency

Joint Session of the City Council and Planning Commission
February 1, 2022
Elizabeth Blanton, AICP, Senior Planner



The City was awarded SB 2 grant in 2020.

✓ **Residential Objective Standards**

- Development of more detailed objective residential standards in response to SB 330 and other recent legislation.

✓ **Zoning/General Plan Consistency**

- Over 1,500 parcels are zoned RS, Single-Family Residential but have General Plan designations that allow/require higher densities.
- Through rezoning or zoning overlay, these parcels will be brought into conformance with the General Plan.



Project Scope

AB 744 – Density Bonus	AB 1771 – RHNA
AB 1934 – Development Bonus - Mixed Use	AB 686- Affirmatively Further Fair Housing
AB 2208 – Inventory of Land for Residential Development	AB 2162 – Supportive Housing
AB 2685 – Housing Element Adoption	AB 2372 – Floor Area Ratio Bonus
SB 35/SB 765 – Affordable Housing Streamlined Approval	AB 2797 – Density Bonuses
SB 166 – Residential Density and Affordability	AB 3194 – Housing Acct Act: Project Approval
SB 229 – Accessory Dwelling Units	SB 828 – RHNA
SB 540 – Workforce Housing Opportunity Zone	SB 1227 – Density Bonuses
AB 1505 – Zoning (Inclusionary Housing Ord.)	AB 587 – Separate Sale or Conveyance: ADU
AB 72 – Housing Element Compliance	AB 670 – ADU; Common Interest Dev.
AB 678/SB 167 – Housing Accountability Act	AB 1783 H-2A – Worker Housing
SB 330 – Housing Crisis Act of 2019	AB 879 – Housing Development Fees



Recently Adopted State Housing Legislation

SB 35 (2018)

This law establishes a streamlined, ministerial review process for certain multi-family affordable housing projects that meet **adopted objective standards**.

Developments must be infill, comply with zoning, have 10% of units for lower-income and requires projects over 10 units use prevailing wage and skilled and trained labor.

Hayward has approved two SB 35 projects and is processing a third application.

SB 330 (2019)

Prohibits an affected city or county from enacting a development policy or standard that would:

- Reduce intensity of land use unless an equivalent increase in intensity is provided elsewhere
- **Impose design review standards that are not objective**
- Limit housing through moratoria, land use approvals or permits, or capping housing units

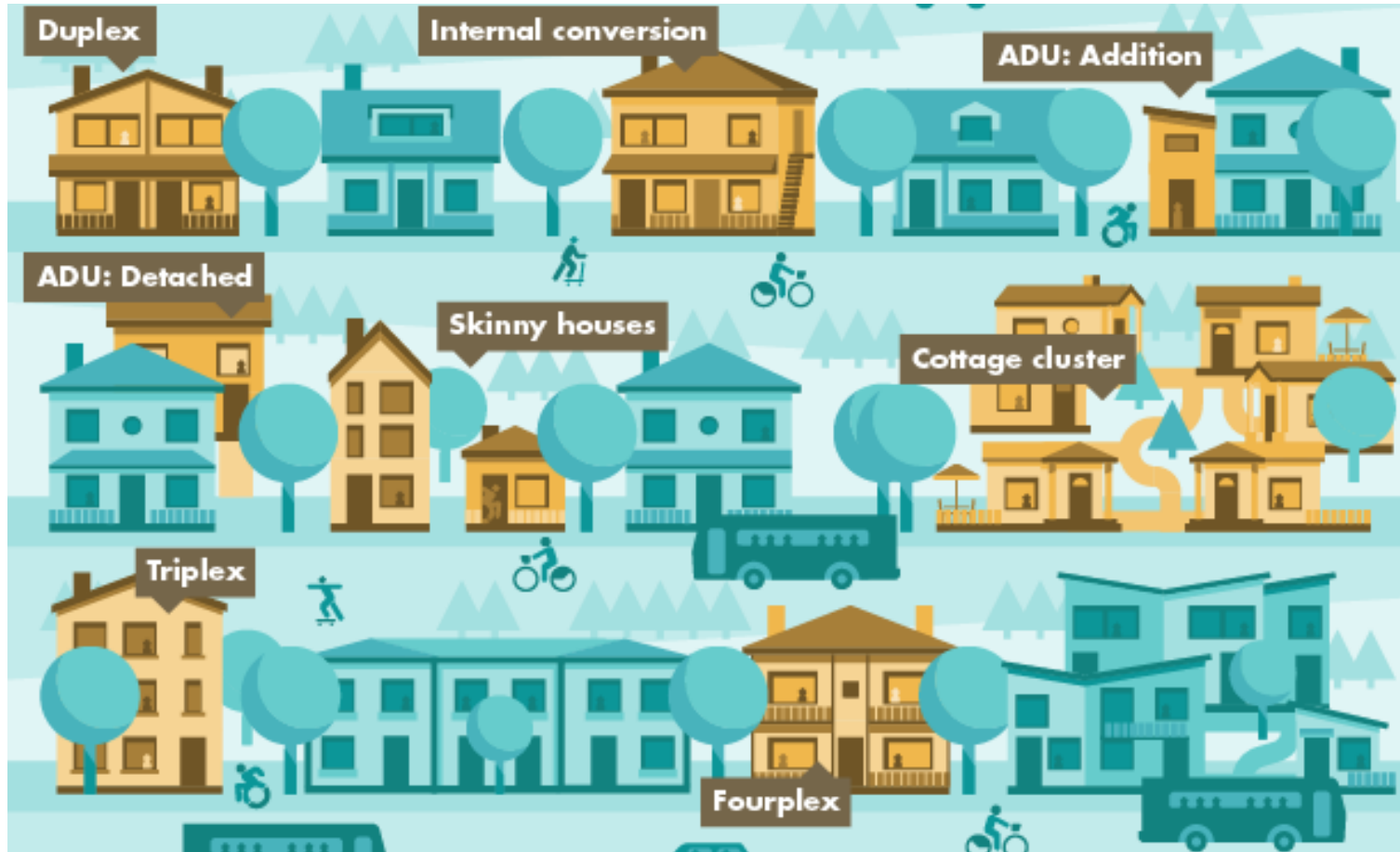
Cities are prevented from enacting ordinances that would negatively affect housing developments that have already submitted a preliminary application.

Projects shall have no net loss in residential units for affordable housing.

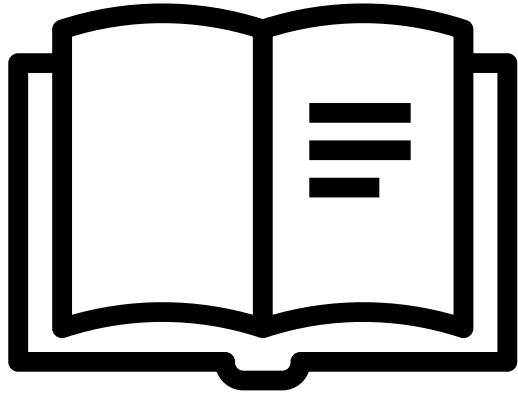
Recently Adopted State Housing Legislation

AB 744 – Density Bonus	AB 1771 – RHNA
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AB 2685 – Housing Element Adoption	AB 2372 – Floor Area Ratio Bonus
SB 35/SB 765 – Affordable Housing	<div> SB 9 (2022) Allows development of duplexes on all single-family zoned properties; and allows single family zoned lots to be split into two separate lots provided that they meet minimum size requirements. This law limits local control on any development that meets adopted objective standards. </div>
SB 166 – Residential Density	
SB 229 – Accessory Dwelling	
SB 540 – Workforce Housing	
AB 1505 – Zoning (Inclusionary)	
AB 72 – Housing Element Certification	
AB 678/SB 167 – Housing Act	
SB 330 – Housing Crisis Act	
	Project Approval
	Conveyance: ADU
	Interest Dev.
	ing
	ment Fees

Recently Adopted State Housing Legislation



"Missing Middle"



"Objective Standards are standards that involve no personal or subjective judgement by a public official"

Objective Standards

Definition

Non-Objective Standard:

Select colors that are harmonious with surroundings and other building materials. Accent colors are encouraged to enliven buildings.



Objective Standard:

All structures shall include at least one primary color and a maximum of two (2) accent colors, in addition to the color of the roofing material.



Objective Standards *Examples*



Non-Objective Standard:

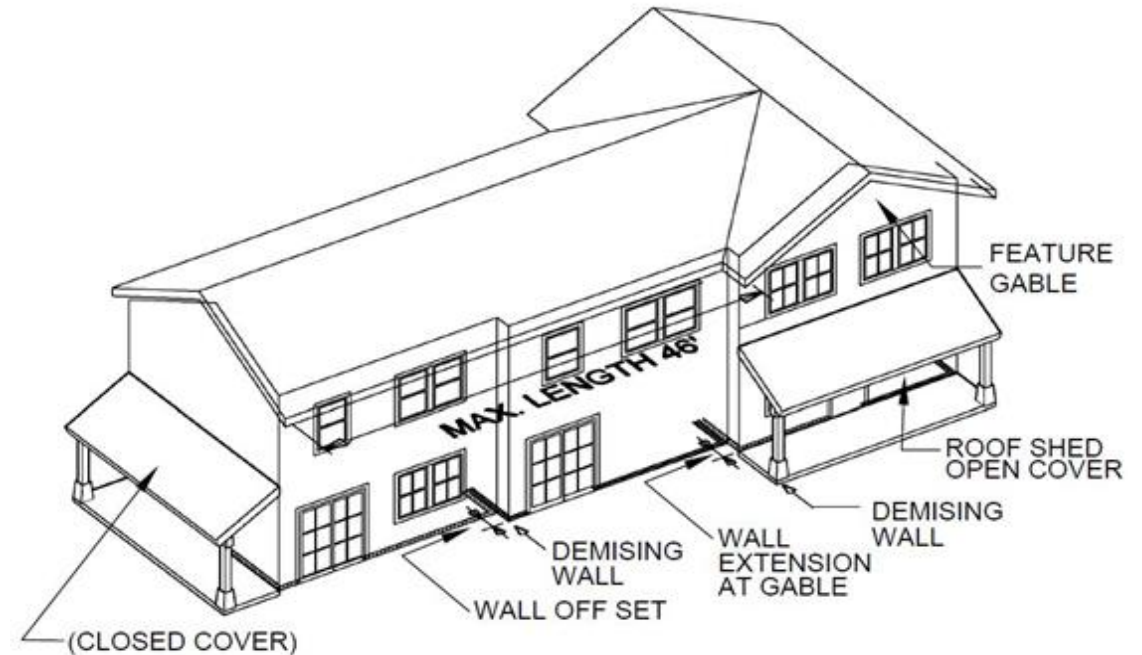
Avoid unrelated bulk in the placement of one- and two-story structures.

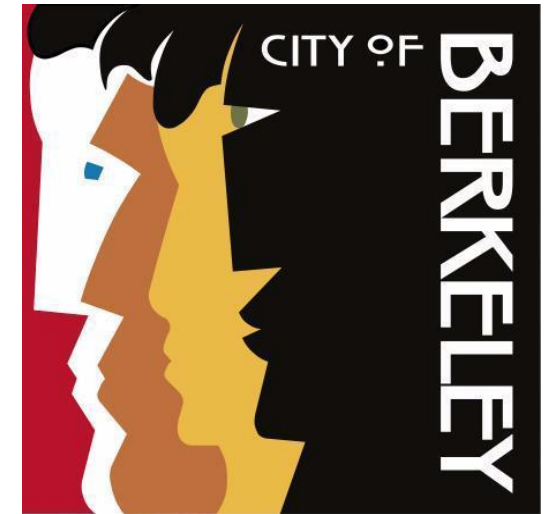
Objective Standard:

The longest dimension of the facade of at least one structure shall include a wall plane-break comprised of an "offset" of at least one foot six inches in finished depth located at every demising wall between living units within a single structure and/or at least every 30 feet.



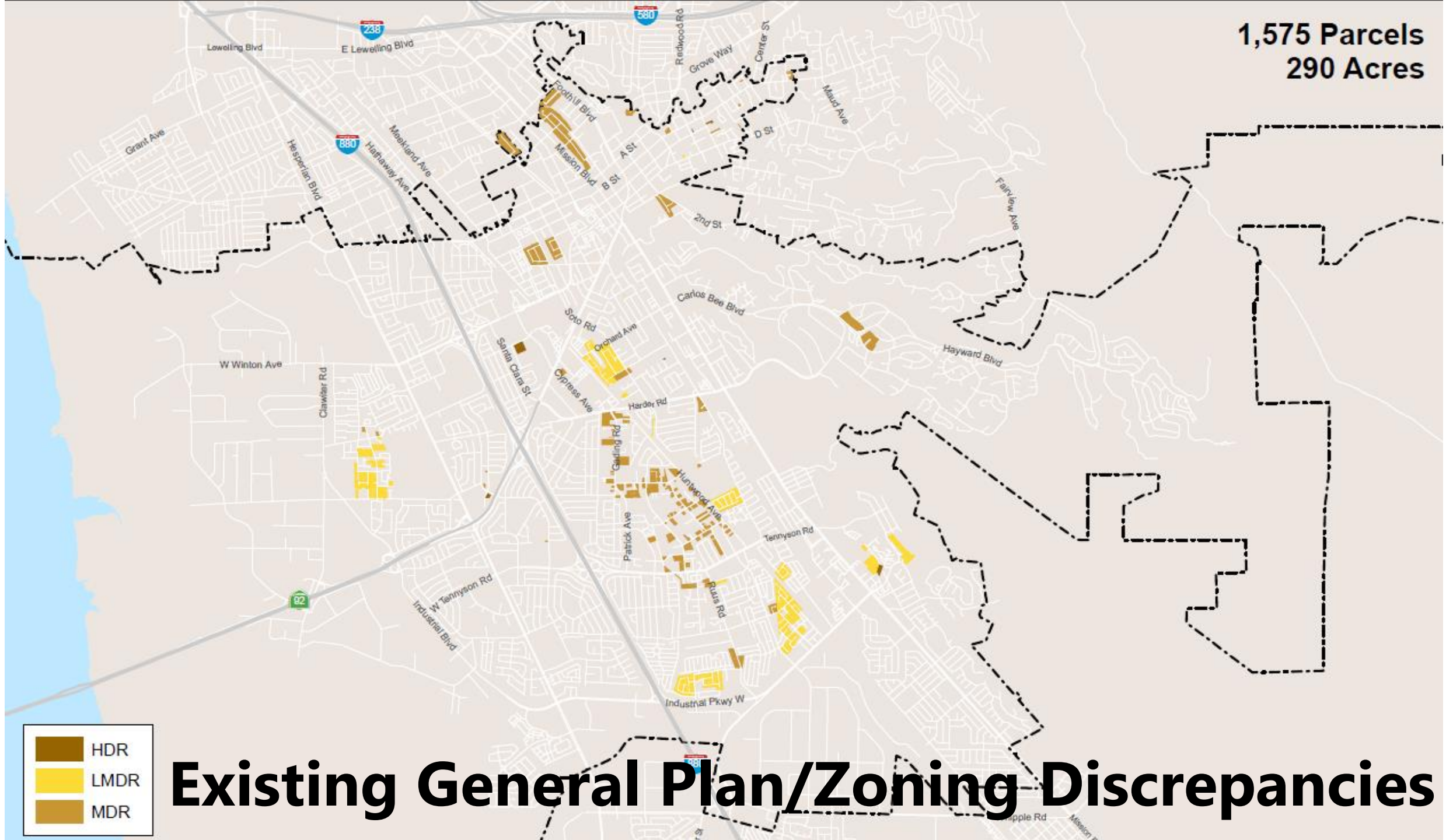
Objective Standards *Examples*





Zoning & Objective Standards
What are other jurisdictions doing?

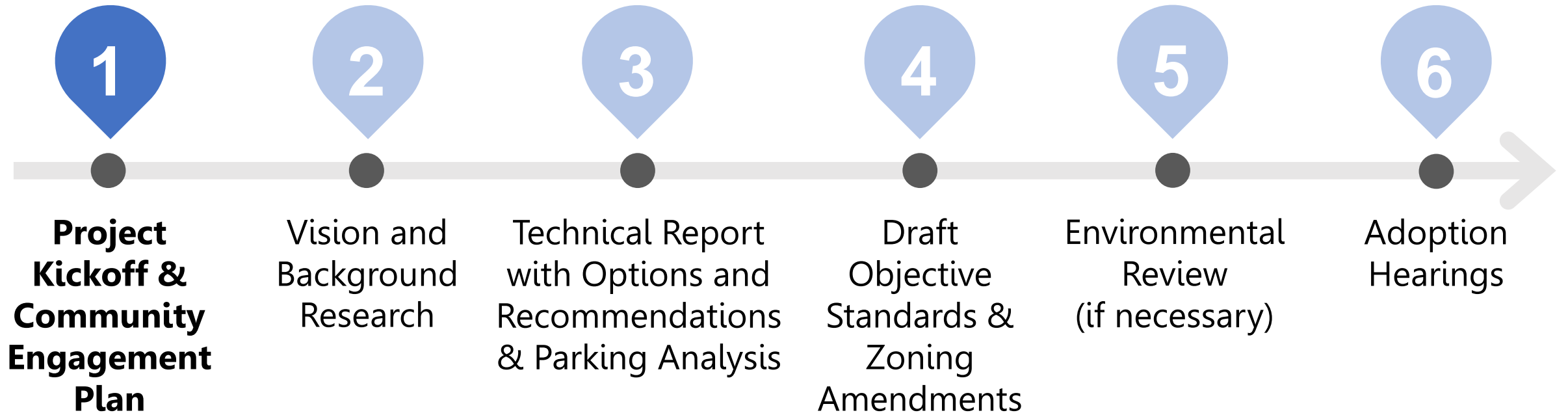
1,575 Parcels
290 Acres



Existing General Plan/Zoning Discrepancies



Potential Stakeholders/Outreach Strategies



Process



City of Hayward

OBJECTIVE STANDARDS FOR RESIDENTIAL DEVELOPMENT
AND ZONING CONSISTENCY UPDATES

PROPOSAL FOR SERVICES

Revised - December 15, 2021

SUBMITTED TO:

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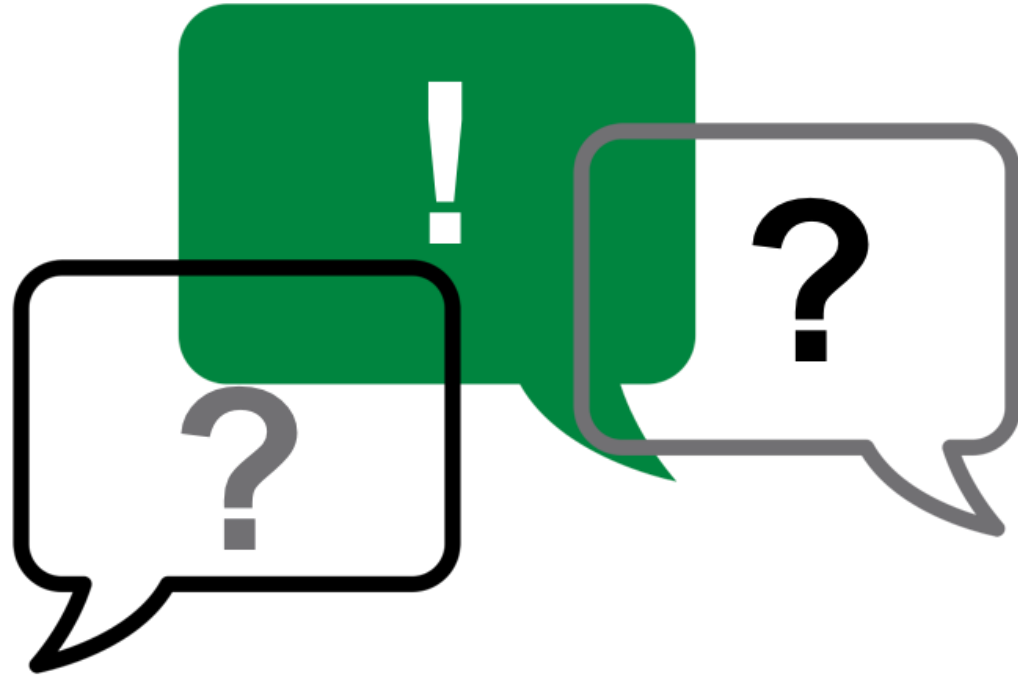
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Consultant Team



Questions for Discussion

- 1 Are there parking issues the Planning Commission wants to share with Council?
- 2 What qualities of residential development should the objective standards focus on?
 - *Massing (overall, upper stories)*
 - *Relationship to surrounding development*
 - *Frontage types*
 - *Windows/Privacy*
 - *Landscaping*
 - *Colors/materials*
 - *Parking*
- 3 What stakeholders should be engaged as part of this process and/or what outreach strategies should be used?

Density Bonus Ordinance Update

Joint Session of the City Council and Planning Commission
February 1, 2022
Jeremy Lochirco, Acting Planning Manager



Background



- City's current Density Bonus Ordinance was adopted in 2005 and does not align with recently adopted State legislation
- The City will need to repeal and replace the existing Ordinance
- Updating the Density Bonus Ordinance is a priority project identified in the City's Strategic Roadmap and identified for implementation in the Hayward 2040 General Plan
- In 2020, the City received SB2 Grant to fund the update the City's Density Bonus Ordinance to align with recently adopted State laws
- The density bonus incentivizes the inclusion of on-site affordable housing

Purpose of this Work Session



- ✓ **Provide Update & Overview** of recent State Density Bonus legislation
- ✓ **Explain Discrepancy** between current Hayward Ordinance and State Law
- ✓ **Review Case Studies** from Other Jurisdictions
- ✓ **Collect Feedback** from City Council and Planning Commission on possible options to include as part of the Ordinance update
- ✓ **Discuss Project Timeline** and Next Steps

Project Overview



Density Bonus: entitles a developer to build **more housing units** if they reserve a share of the units for **low income or senior residents**.

	Amount of Bonus Allowed	Maximum # of Incentives	Misc.
Hayward Density Bonus Ordinance	5 to 35% Density Bonus	1 to 3 incentives (parking counts as one incentive)	
California Density Bonus law	20 to 80% Density Bonus	1 to 4 incentives	Relaxed parking requirements

Options to Consider



1. Follow the State's Density Bonus formula with no additional changes
2. Offer additional incentives for certain types of housing
3. Align the density bonus approval process with the standard entitlement process to streamline housing permitting?

Recently Adopted State Legislation



2018

AB 1227: Student housing

2019

AB 1763: Increased maximum density bonus to 80%

2020

AB 2345: No parking reqs for 100% affordable projects near transit

2021

SB 728: Moderate for-sale units
SB 290: Low-income students
AB 634: Allows longer affordability period

Current State Density Bonus Law



- 20% - 80% Density Bonus
- Relaxed parking requirements
- 1-4 incentives; burden to prove ineligibility is on the City
- For 100% affordable projects near transit, no parking requirements, three-story height increase, unlimited density within that building envelope

Examples from Other Jurisdictions



Action	Goal
Default to the State formula	Flexibility to future changes
Offer additional incentives for desirable development types	Strengthen incentive for locally-important housing types
Create guidelines about what constitutes an incentive	Provides consistency and transparency for staff and applicants
Pre-define preferred incentives	Helps expedite staff approval for straightforward projects

Project Timeline and Next Steps



- Based on feedback received, City staff and our consultant team will prepare an updated Ordinance that meets State laws
- Additional public hearings and expanded community outreach will take place in once a draft Ordinance is completed
 - Housing and Homeless Task Force (May 2022)
 - Planning Commission (May 2022)
 - City Council (June 2022)
- Following Ordinance adoption, City staff and the consultant team will create a checklist and an informational handout to promote the updated program and help City staff and developers better understand their options

Questions For Discussion



Does the Council and Planning Commission want the updated Ordinance to:

1. Follow the State's Density Bonus formula with no additional changes?
2. Offer additional incentives for certain types of housing?
 - If so, what types of housing should the ordinance further incentivize?
3. Align the density bonus approval process with the standard entitlement process to streamline housing permitting?