

**CITY OF HAYWARD PLANNING COMMISSION**

**PROPOSED AMENDMENTS TO CHAPTER 10, ARTICLE 24 (SOUTH HAYWARD BART/MISSION BOULEVARD FORM BASED CODE), ARTICLE 25 (HAYWARD MISSION BOULEVARD CORRIDOR FORM BASED CODE), ARTICLE 1 (ZONING ORDINANCE), AND ARTICLE 7 (SIGN ORDINANCE) RELATED TO THE ADOPTION OF A CONSOLIDATED “MISSION BOULEVARD CODE” WITHIN THE HAYWARD MUNICIPAL CODE**

ZONING MAP AND TEXT AMENDMENTS

Pursuant to HMC Section 10-1.3425(a), the Planning Commission shall hold a public hearing on all map and text amendments. The Planning Commission may recommend approval of or deny a text amendment, reclassification, or pre-zoning to the City Council. Recommendations for approval shall be based upon all the following findings:

**1. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward;**

The proposed zoning map and text amendments will consolidate the two existing Form Based Codes into one updated code called the “Mission Boulevard Code” which will promote the public health, safety, convenience and general welfare of the residents and businesses in Hayward in that the updated development and land use standards will result in clear, consistent and interpretable standards and processes to catalyze economic development and housing production along the Mission Boulevard corridor. The intent of the FBC is promote walkable, mixed-use developments along the corridor to include a mix of personal service, retail, and office businesses in close proximity of residences and transit stops to ultimately minimize the reliance of personal automobiles to further reduce greenhouse gas emissions at a local and regional scale. With the implementation of the FBC, new developments will include open space amenities, attractive landscaping, and articulated well-designed buildings to complement the future urban form of the corridor and support existing businesses and residents in the area.

**2. The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans;**

The proposed Mission Boulevard Code will be conformance with the purposes of the Hayward Municipal Code in that per Sections 10-24.515 and 10-25.515 of the Hayward Municipal Code, the FBCs call for code maintenance to review the outcomes of the FBCs and if needed, update the regulations to address current conditions and future projections of Hayward. Consistent with the Bay Area’s Regional Transportation Plan (RTP) and Sustainable Community Strategy (SCS), the two form-based code plan areas are designated as Priority Development Areas (PDAs) intended to focus regional economic and employment growth as well as housing production along the Mission Boulevard corridor. The Code update is intended to meet those adopted goals by enhancing and revitalizing the corridor to accommodate and encourage growth within compact, mixed-use, and walkable neighborhoods and districts that are located near the city’s job centers and regional transit facilities. As such, the proposed amendments are

consistent with the following goals and policies set forth in the *Hayward 2040 General Plan* listed below:

- Land Use Policy 1-3: Growth and Infill Development. The City shall direct local population and employment growth toward infill development sites within the city, especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan.
- Land Use Policy 1-5: Transit Oriented Development. The City shall support high-density transit-oriented development within the city's s to improve transit ridership and to reduce automobile use, traffic congestion, and greenhouse gas emissions.
- Land Use Policy 1-6: Mixed-Use Development. The City shall encourage the integration of a variety of compatible land uses into new and established neighborhoods to provide residents with convenient access to goods, services, parks and recreation, and other community amenities.
- Land Use Policy 1-9: Development Standards and Greenhouse Gas Emissions. The City shall explore the use of zoning and development standards that help reduce greenhouse gas emissions when preparing or updating plans and ordinances.
- Land Use Policy 1-13: Local Plan Consistency with Regional Plans. The City shall strive to develop and maintain local plans and strategies that are consistent with the Regional Transportation Plan and the Sustainable Communities Strategy to qualify for State transportation funding and project CEQA streamlining.
- Land Use Policy 2-8: South Hayward BART Urban Neighborhood and Mixed-Use Corridor. The City shall encourage the development of vibrant, compact, mixed-use, and walkable urban neighborhoods within the South Hayward BART Neighborhood and the South Hayward BART Mixed-Use Corridor.
- Land Use Policy 2-9: South Hayward BART Form-Based Code. The City shall maintain and implement the South Hayward BART to guide and regulate future development and infrastructure improvements within the South Hayward BART Neighborhood and the South Hayward BART Mixed-Use Corridor.
- Land Use Policy 2-12: Mission Boulevard Mixed-Use Corridor. The City shall encourage the redevelopment of the Mission Boulevard corridor to create an attractive mixed-use boulevard with a variety of commercial functions and residential densities that support walking and transit.
- Land Use Policy 2-13: Mission Boulevard Specific Plan. The City shall maintain and implement the Mission Boulevard to guide and regulate development within the Mission Boulevard Mixed-Use Corridor.
- Land Use Policy 2-12: Mission Boulevard Mixed-Use Corridor. The City shall encourage the redevelopment of the Mission Boulevard corridor to create an attractive mixed-use boulevard with a variety of commercial functions and residential densities that support walking and transit.
- Land Use Policy 2-16: Uses to Attract the Creative Class. The City shall encourage the development of uses and amenities to attract creative-class professionals and businesses to Hayward's s, including: restaurants and cafes, art studios and galleries, entertainment and cultural venues, housing and live-work units, exercise and physical fitness facilities, office space and business incubators; and community-

operated workspaces where people with common interests can meet, collaborate, and develop their business ideas and products.

- Land Use Policy 3-1: Complete Neighborhoods. The City shall promote efforts to make neighborhoods more complete by encouraging the development of a mix of complementary uses and amenities that meet the daily needs of residents. Such uses and amenities may include parks, community centers, religious institutions, daycare centers, libraries, schools, community gardens, and neighborhood commercial and mixed-use developments.
- Land Use Policy 3-3: Neighborhood Commercial and Mixed-Use Developments. The City shall allow neighborhood commercial and mixed-use developments on properties with residential land use designations, subject to community input from residents and conditions of approval that ensure that these uses are located, designed, and operated in a manner that maintains neighborhood compatibility and contributes to an enhanced quality of life. Appropriate locations for neighborhood commercial and mixed-use developments include: Corner lots located along collector or arterial streets, and corner lots located adjacent to or across from a school, park, community center, or other neighborhood gathering place.
- Land Use Policy 3-1: Complete Neighborhoods. The City shall promote efforts to make neighborhoods more complete by encouraging the development of a mix of complementary uses and amenities that meet the daily needs of residents. Such uses and amenities may include parks, community centers, religious institutions, daycare centers, libraries, schools, community gardens, and neighborhood commercial and mixed-use developments.
- Land Use Policy 4-2: Transformation of Auto-Oriented and Strip Commercial Uses. The City shall support the transformation of auto-oriented and strip commercial uses into attractive pedestrian-oriented developments that frame and enhance the visual character of the corridor.
- Land Use Policy 4-3: Mixed Use Developments within Commercial-Zoned Properties. The City shall allow mixed-use developments within commercially-zoned properties along corridors and ensure that these uses are located, designed, and operated in a manner that maintains compatibility with adjacent residential uses.
- Economic Development Goal ED-1: Diversified and Robust Economy. Diversify the economic base of Hayward to support a robust and stable economy with a diverse range of employment, shopping, and cultural opportunities for local residents
- Economic Development Policy 5-5: Quality Development. The City shall require new development to include quality site, architectural and landscape design features to improve and protect the appearance and reputation of Hayward.
- Housing Policy 3-1: Diversity of Housing Types. The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments.
- Housing Policy 3-2: Transit Oriented Development. The City shall encourage transit-oriented developments that take advantage of the City's convenient availability of transit.

- Housing Policy 3.3: Sustainable Housing Development. The City shall improve affordability by promoting sustainable housing practices that incorporate a ‘whole system’ approach to siting, designing, and constructing housing that is integrated into the building site, consumes less water and improves water quality, reduces the use of energy use, and other resources, and minimizes its impact on the surrounding environment.
- Housing Policy 3-4: Residential Uses Close to Services. The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.
- Housing Policy 3-6: Flexible Standards and Regulations. The City shall allow flexibility within the City’s standards and regulations to encourage a variety of housing types.
- Housing Policy 4-1: Flexible Development Standards. The City shall review and adjust as appropriate residential development standards, regulations, ordinances, departmental processing procedures, and residential fees that are determined to be a constraint on the development of housing, particularly housing for lower- and moderate-income households and for persons with special needs.
- Housing Policy 4-2: Clear Development Standards and Approval Procedures The City shall strive to maintain and administer clear development standards, and approval procedures for a variety of housing types, including, but not limited to, multifamily housing and emergency shelters.

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

The proposed zoning map and text amendments to the Mission Boulevard form-based codes would refine and update the existing development standards and land use regulations for the corridor to be consistent with the adopted goals, policies and designations of the *Hayward 2040 General Plan* with respect to development intensity, density, and envisioned land uses. The new Mission Boulevard Code does not directly require the creation of new streets and/or public facilities; rather, the Code emphasizes providing multi-modal transportation options and pedestrian/bicycle connectivity (on-site and off-site) throughout the corridor and large key development sites.

Development standards have been established within the form-based code update for new non-residential development to be oriented toward the public frontage with articulated entrances, storefront windows, and attractive landscaping to encourage and promote walkability, bicycle mobility and the use of mass transit to reduce the overall use of personal, single-occupancy vehicle trips and overall greenhouse gas emissions. The updates to the Code also focus on prioritizing density most adjacent to major transit hubs such as the Hayward and South Hayward BART stations to further support the utilization of mass transit versus dependence on automobiles resulting in congestion along the corridor. Overall, the existing street circulation network and public facilities are deemed adequate to serve all proposed residential and non-residential developments and land uses with the proposed zoning map and text amendment updates.

**4. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.**

The proposed zoning map and text amendments include the consolidation of the former South Hayward BART/Mission Boulevard Form-Based Code (Article 24) and the Mission Boulevard Corridor Form-Based Code (Article 25) into a singular regulating document referred to as the “Mission Boulevard Code” that will regulate new development and land uses for the majority of the corridor. The update will consolidate the existing zoning districts between the two form-based codes and create four primary zoning districts including Corridor Neighborhood (CN), Neighborhood Node (NN), Corridor Center (CC) and Civic Space (CS) for greater consistency between the permitted and conditionally permitted uses as well as the development pattern along the corridor. As proposed, the updates provide clearer direction and consistent interpretations of the land uses and code requirements along the plan area which will result in a benefit to residents, businesses, stakeholders, and the development community. The proposed Code updates increase efficiency and predictability in the development review process for applicants and minimize inconsistencies between the form-based code and standards of the City’s zoning ordinance. Overall, the adoption of the Mission Boulevard Code results in the removal of overly complex, prescriptive development standards within the code while also including flexibility to ensure the intent of the districts are being met to bring future uses and development closer to the established vision of the General Plan.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

1. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168, a Program Environmental Impact Report (EIR) was prepared for the Hayward 2040 General Plan. On July 1, 2014, the City Council adopted Resolution No. 14-108, approving the Hayward 2040 General Plan Update and related Program EIR. The General Plan EIR incorporated prior EIR analyses conducted along the Mission Boulevard corridor including the South Hayward BART/Mission Boulevard Code Supplemental EIR (SEIR), certified on September 13, 2011, that tiered off Conceptual Design Plan Program EIR (2006) and 238 Land Use Study EIR (2009). These program level EIRs cover the proposed amendments to the Hayward Municipal Code.
2. In accordance with Section 15164 of the CEQA Guidelines, a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. That the Program EIR covers the subject zone change as a subsequent action contemplated with the adoption of the Hayward 2040 General Plan Update and is consistent with the General Plan Land Use diagram.
3. Based on the draft regulations and the analysis provided in this staff report, no new or unanticipated levels of development are anticipated that were not previously identified in the General Plan and General Plan EIR, and no new or unanticipated traffic, employment density, or construction impacts are expected to be generated as a result

of adoption of these regulations. Therefore, the proposed Amendments substantially conform to the Goals and Policies set forth in the General Plan, and that were analyzed in the related Program EIR. No further environmental review is necessary.

4. That the project complies with CEQA, and that the City Council has reviewed and considered the information prior to approving the project. The custodian of the record of proceedings upon which this decision is based in the Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA 94544.