

ORDINANCE NO. 24-04

AN ORDINANCE AMENDING THE ZONING MAP AND CHAPTER 10, ARTICLE 1 (ZONING ORDINANCE) OF THE HAYWARD MUNICIPAL CODE TO ESTABLISH AN AFFORDABLE HOUSING OVERLAY DISTRICT TO ALLOW MINISTERIAL DESIGN REVIEW OF NEW RESIDENTIAL DEVELOPMENT SUBJECT TO MINIMUM AFFORDABILITY CRITERIA AND TO REZONE THREE PROPERTIES SUBJECT TO THE OVERLAY DISTRICT

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Provisions. The City Council incorporates by reference the findings contained in Resolution 24-059 approving the Zoning Map and Zoning Text Amendments to the Hayward Municipal Code as detailed in Exhibits A and B to this Ordinance.

Section 2. Chapter 10, Article 1 Planning, Zoning, and Subdivisions of the Hayward Municipal Code, which establishes development standards and regulations for all zoning districts within City boundaries, is hereby amended to add a new Section 10-1.2650, Streamlined Affordable Housing Overlay District as detailed in attached Exhibit A.

Section 3. The Zoning Map is hereby amended to apply a new Affordable Housing Overlay District to three properties located 548 Claire Street (APN 431-0040-029-00); 28824 Mission Boulevard (APN 078C-0461-006-04); and Fletcher Lane (APN 445 -0001-004-13), as illustrated in the Exhibit B, introduced herewith and as specifically described in this Ordinance.

Section 4. Severance. Should any part of this Ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this Ordinance, which shall continue in full force and effect, provided that the remainder of the Ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 4. Effective Date. In accordance with the provisions of Section 620 of the City Charter, the Ordinance shall become effective 30 days after the second reading on the Ordinance.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the 26th day of March 2024, by Council Member Syrop.


ADOPTED at a regular meeting of the City Council of the City of Hayward, held the 2nd day of April 2024, by the following votes of members of said City Council.


AYES: COUNCIL MEMBERS: Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño
MAYOR: Salinas

NOES: COUNCIL MEMBERS: None

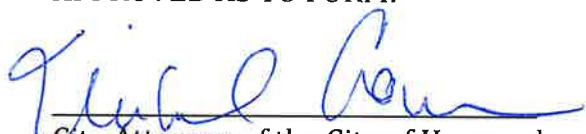
ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

APPROVED: 
Mayor of the City of Hayward

ATTEST: 
City Clerk of the City of Hayward

APPROVED AS TO FORM:


City Attorney of the City of Hayward

Section 10-1.2650 – Streamlined Affordable Housing Overlay District

10-1.2655. Purpose.

The Streamlined Affordable Housing Overlay District allows for ministerial site plan and tentative map review and approval if a housing development meets the eligibility criteria and objective standards outlined in this ordinance. Planning ministerial review is based on compliance with objective standards set forth in the Municipal Code, the General Plan, applicable Specific Plan(s), the Subdivision Ordinance, and other adopted City regulations.

10-1.2660. Eligibility Criteria

- a. Sites included in this Streamlined Affordable Housing Overlay District shall be those identified in previous housing element cycles and included in the 6th Cycle Housing Element as accommodating lower income housing units for the Regional Housing Needs Allocation.
- b. Developments proposed under this Streamlined Affordable Housing Overlay process shall meet the minimum residential development and density assumptions in the 6th Cycle Housing Element, and at least 20% of the proposed housing units developed on the subject site shall be deed restricted for extremely low, very low or low-income households. Units shall remain affordable at affordable housing cost or rent to low-income households for no less than fifty-five years for rental units, and forty-five years for ownership units, unless longer timeframes are required pursuant to other requirements or regulatory agreements.
- c. The development is not located on a site that meets any of the criteria provided in Government Code Section 65913.4(a)(6)(A-K), as amended.
- d. Proposed development that results in demolition of existing residential units shall be subject to the standards set forth in HMC Section 10-1.2736, as it may be amended from time to time.
- e. Development under this Ordinance may include requests for a Density Bonus or Tentative Map. However, such an application may not be combined with a discretionary entitlement such as a Use Permit, Variance, Zone Change, General Plan Amendment or other discretionary permit, which are not considered ministerial actions under this Ordinance.

10-1.2665. Objective Standards

The proposed development shall be consistent with objective zoning standards, objective subdivision standards, objective design review standards and performance standards set forth in the General Plan, any applicable Specific Plan, Zoning Ordinance, Subdivision Ordinance and other applicable sections of the Hayward Municipal Code. For purposes of this paragraph “objective standards” means standards that involve no personal or subjective judgement by the reviewer and are uniformly verifiable by reference to an external and uniform benchmark criterion available and knowable by the applicant and reviewer.

In the event that objective zoning, general plan, subdivision or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective zoning and subdivision standards pursuant to this section if the development is consistent with the standards set forth in the General Plan.

10-1.2670. Application and Submittal Requirements.

- a. Application.
 - (1) Application for Streamlined Approval shall be on a form as prescribed by the Planning Director and shall be signed by the applicant and by the owner of the property or the owner's authorized representative.
 - (2) The application shall be submitted to Planning Division and shall be accompanied by payment of a fee, as established from time to time by resolution of the City Council.
 - (3) The application shall be accompanied by all required written material and drawings detailed in Submittal Requirements (b) below.
 - (4) Plans shall be prepared and endorsed by qualified professional practitioners, including a licensed architect, a licensed land surveyor, a registered civil engineer and a registered landscape architect.
- b. Submittal Requirements. As determined by the Planning Director and City Engineer, the plan and supporting documents shall include all, or as much as is applicable, of the information listed below.
 - (1) Eligibility Screening Checklist (see Section 10-1.2660)
 - (2) Architectural Plans
 - (3) Grading and Utility Plans
 - (4) Landscaping and Irrigation Plans
 - (5) Phase I Report
 - (6) Soils, seismic, geological report and related geologic investigation, if required
 - (7) Preliminary Grading Plan
 - (8) Affordable Housing Plan
 - (9) Local Transportation Analysis, if required.

10-1.2675. Ministerial Planning Review and Standard Conditions of Approval

- a. Ministerial Planning Review. Application shall be screened and reviewed for consistency with eligibility requirements and objective development standards set forth in the General Plan, any applicable Specific Plan, Zoning Ordinance, Subdivision Ordinance, and other applicable sections of the Hayward Municipal Code.
- b. Qualifying projects found consistent with this Ordinance are considered ministerial projects and are not subject to environmental review under the California Environmental Quality Act.
- c. Standard Conditions of Approval. Standard conditions of approval may be applied to developments undergoing ministerial site plan review.

10-1.2680. Inactivity.

Following submittal of an application for a Streamlined Affordable Housing Overlay, if the applicant fails to provide changes or additional information necessary to make a decision on the project, and if there is no activity taking place in connection with the application for a period of six months, the application shall be closed and the applicant so informed.

10-1.2685. Modification.

- a. Application. Modification of a Streamlined Affordable Housing Development may be accomplished by submitting a request for such modification in the same manner as the application submittal process outlined in Section 10-1.2670 prior to issuance of the final building permit required for construction of the development.
- b. Approval. A Modification of an approved plan under this title shall be approved if determined to be consistent with the eligibility criteria and based on the objective planning standards in effect when the original development application was submitted.

10-1.2690. Lapse and Extension of Approval.

- a. Tentative Map. If accompanied by an application for a Tentative Map, application expiration and time extensions shall follow those set forth in the Subdivision Ordinance.
- b. General Application Expiration. Streamlined Affordable Housing Development approval not accompanied by a Tentative Map is void 36 months after the effective date of approval unless:
 - 1) Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of the approval has been granted by the Planning Director.
 - 2) If a building permit is issued for construction of improvements authorized by the Streamlined Affordable Housing Development approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on the site plan review approval. A request for an extension must be submitted in writing to the Planning Division at least 15 days prior to the above date.
- c. General Application Extension.
 - 1) The Planning Director may grant an extension(s) not to exceed 24 months.
 - 2) A request for an extension must be filed with the Planning Division at least 15 days prior to the anniversary date of approval, and action on the request shall be taken within 30 days.
 - 3) In making a decision on approval of an extension, the following shall be considered:
 - (a) the cause for delay in submittal of the building permit; and
 - (b) whether the proposal remains consistent with eligibility criteria and objective standards.
 - 4) Standard Conditions of Approval may be reviewed, updated, added or modified by the Planning Director as a result of the processing of an extension.



Affordable Housing Overlay District

0 100 200
Feet



548 Claire Street

431-0040-029-00

SITE

EXISTING ZONING/GENERAL PLAN

Zoning:

UN (Urban Neighborhood)

General Plan:

CC-ROC (Central City-Retail and Office Commercial)

CC-HDR (Central City-High Density Residential)

PROPOSED OVERLAY

Affordable Housing Overlay District

28824 Mission Boulevard

078C-0461-006-04

SITE

EXISTING ZONING/GENERAL PLAN

Zoning:

MB-CC (Mission Boulevard Corridor Center)

General Plan:

SMU (Sustainable Mixed Use)

PROPOSED OVERLAY

Affordable Housing Overlay District

Fletcher Lane

445-0001-004-13

SITE

EXISTING ZONING/GENERAL PLAN

Zoning:

MB-CN (Mission Boulevard Corridor Neighborhood)

General Plan:

SMU (Sustainable Mixed Use)

PROPOSED OVERLAY

Affordable Housing Overlay District