

DRAFT

ORDINANCE NO. _____

mre
6/17/09

ORDINANCE AMENDING ARTICLE 1 OF CHAPTER 10 OF THE HAYWARD MUNICIPAL CODE AND CREATING THE SUSTAINABLE MIXED USE ZONING DISTRICT (SMU), AND THE SPECIAL DESIGN OVERLAY DISTRICT (SD-7) FOR THE HAYWARD FOOTHILLS TRAIL

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

Section 1. This City Council incorporates by reference the findings contained in Resolution No. _____, approving the text changes requested in Zone Change Application PL-2009-0277, relating to the adoption of the Route 238 Bypass Land Use Study.

Section 2. Upon the adoption of this ordinance, Sections 10-1.750 through 10-1.795 of Article 1 of Chapter 10 of the Hayward Municipal Code, creating the Sustainable Mixed Use Zoning District (SMU), are hereby enacted to read as set forth in Exhibit "A" incorporated herein by reference.

Section 3. Upon the adoption of this ordinance, Sections 10-1.2640 of Article 1 of Chapter 10 of the Hayward Municipal Code, creating the Special Design Overlay District for the Hayward Foothills Trail (SD-7) is hereby enacted to read as set forth in Exhibit "B" incorporated herein by reference.

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 5. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective immediately upon adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ___ day of _____, 2009, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the
____ day of _____, 2009, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

SEC. 10-1.750 SUSTAINABLE MIXED USE DISTRICT (SMU)

Sections:

Section 10-1.755 Purpose.

Section 10-1.760 Subdistricts.

Section 10-1.765 Uses Permitted.

Section 10-1.770 Conditionally Permitted Uses.

Section 10-1.775 Lot/Density Requirements.

Section 10-1.780 Yard Requirements.

Section 10-1.785 Height Limit.

Section 10-1.790 Site Plan Review Required.

Section 10-1.795 Minimum Design and Performance Standards.

SEC. 10-1.755 PURPOSE.

The SMU District encourages mixed-use development consisting of either residential with retail, residential with commercial/office, or educational or cultural facilities with public open space, along major transit corridors, near transit stations or in close proximity to public higher educational facilities or large employment centers, in order to provide transit oriented development in a sustainable way.

SEC.10-1.760 SUBDISTRICTS.

None.

SEC. 10-1.765 USES PERMITTED.

a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the SMU District as primary uses:

(1) **Residential Uses.**

Multiple-family dwelling units. (at 25.0 to 55.0 units per net acre.)

(2) **Retail.**

- (a) Bakery
- (b) Bookstore
- (c) Card shop
- (d) Coffee/espresso shop
- (e) Delicatessen
- (f) Floral shop
- (g) Gift shop
- (h) Jewelry store
- (i) Supermarket

(3) Administrative and Professional Offices/Services.

- (a) Accounting and financial offices
- (b) Law offices
- (c) Medical and dental offices

(4) Personal Services.

- (a) Barber or beauty shop
- (b) Dry cleaner/laundry
- (c) Nail salon
- (d) Tailor/seamstress shop

b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the SMU District:

- (1) Home Occupation. (See definitions)
- (2) Household pets.

SEC. 10-1.770 CONDITIONALLY PERMITTED USES.

a. **Administrative Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the SMU District, subject to approval of an administrative use permit:

(1) Other Uses.

- (a) Cultural facility.
- (b) Educational Facility (Must be LEED Silver certified and include an adjacent community park)
- (c) Recreational Facility

b. **Conditional Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the SMU District subject to approval of a conditional use permit:

None.

SEC. 10-1.775 LOT/DENSITY REQUIREMENTS.

- a. Minimum Lot Size: 20,000 square feet.
- b. Required Residential Density Range: 25.0 to 55.0 units per net acre.
- c. Minimum Lot Frontage: 100 feet.

- d. Minimum Average Lot Width: 100 feet.
- e. Maximum Lot Coverage: 90 percent.
- f. Minimum Lot Depth: 80 feet.

SEC. 10-1.780 SETBACK REQUIREMENTS.

- a. Minimum Setbacks along Public Streets: 20 feet
- b. Minimum Setbacks for Other Areas: 10 feet
- c. Special Yard Requirements and Exceptions: See General Regulations Section 10-1.2725.

SEC. 10-1.785 HEIGHT LIMIT.

- a. Maximum Building Height: 55 feet.
- b. Maximum Accessory Building Height: 14 feet and one story.
- c. Maximum Height for Fences/Hedges/Walls:
 - (1) Front and Side Street Setback 4 feet.
 - (2) Side and Rear Setback 6 feet.
(Also see Section 10-1.845k for additional standards.)
- d. Special Height Requirements and Exceptions: See General Regulations Section 10-1.2730.

SEC. 10-1.790 SITE PLAN REVIEW REQUIRED.

Site plan review by the Planning Commission and approval by the City Council is required before issuance of any building permit or construction permit.

SEC. 10-1.795 MINIMUM DESIGN AND PERFORMANCE STANDARDS.

The City recognizes that sustainable mixed use developments can contribute in a positive way to a community in reducing the number of car trips necessary. In addition high quality design of structures can contribute to a positive appearance of neighborhoods and improve overall character of the community. This section establishes design and performance standards that shall

EXHIBIT A

apply to the construction of mixed use projects that contain a residential component in the SMU District.

Residential Parking Ratios.

(1) Residential units are allowed a maximum of 1.3 off-street parking spaces per studio or one-bedroom unit and a maximum of 1.5 spaces for units with two or more bedrooms.

Open Space and Amenities.

(2)

- (a) For at least 40% of the units in each mixed use development with a residential component, a minimum of one hundred (100) square feet of usable private open space, consisting of a private yard, patio, porch, deck, balcony, or a combination of the above, shall be provided for each unit.
- (b) All mixed use developments with a residential component shall provide a minimum fifteen percent (15%) of the lot area plus 100 square feet per unit for each unit that is not provided private open space, as usable common open space for both passive and recreational uses. Usable open space areas shall not include public or private rights-of-way; vehicular parking areas; areas adjacent to or between structures less than fifteen (15) feet apart; required building setback areas; private patios or yards; or areas having a slope greater than 3:1. Usable open space can include roof decks (including roof deck above structured or podium parking) or interior group open space accessible to all residents in the development.
- (c) All common open space associated with mixed use developments with a residential component shall have, at a minimum, a landscaped area of six hundred (600) square feet complete with two (2) benches. Additional amenities may include, but are not limited to, a swimming pool, spa, tot lot with play equipment, picnic shelter with barbecue area, court game facilities and indoor exercise facilities. The types of amenities shall be dependent upon the nature of development and shall be approved by the reviewing authority.

SEC. 10-1.2600 SPECIAL DESIGN OVERLAY DISTRICT (SD)

Sections:

Section 10.1-2605	Purpose.
Section 10-1.2610	“B” Street Special Design Streetcar District (SD-1).
Section 10-1.2615	Mission Corridor Special Design District (SD-2).
Section 10-1.2620	Cottage Special Design District (SD-3).
Section 10-1.2625	Cannery Area Special Design District (SD-4).
Section 10-1.2630	Mission-Garin Area Special Design District (SD-5).
Section 10-1.2635	South Hayward BART/Mission Boulevard Special Design District (SD-6).
Section 10-1.2640	Hayward Foothills Trail (SD-7).

SEC. 10-1.2640 HAYWARD FOOTHILLS TRAIL (SD-7)**a. Purpose.**

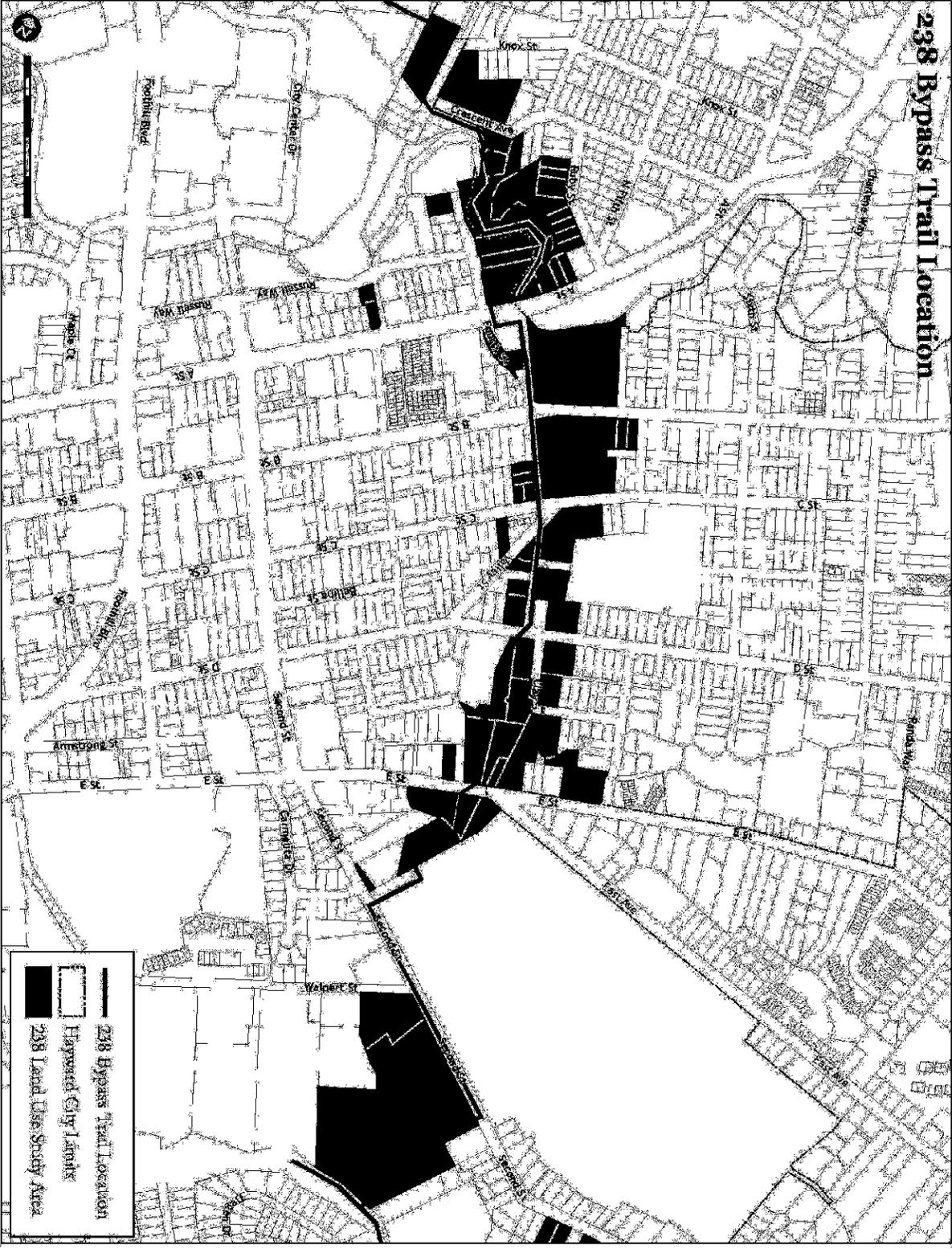
The purpose of the Hayward Foothills Trail Special Design District (SD-7) is to ensure the orderly development of a continuous trail as properties involved in the 238 Bypass Land Use Study are developed. The District establishes the general location for the trail (see map, below) as well as the standards and guidelines for establishing the trail.

b. Development Standards and Design Guidelines.

The development of the trail shall adhere to the following development standards and design guidelines.

- (1) The trail is envisioned to be a 16-foot wide trail within a 20-foot wide area where possible, to accommodate multiple users.
- (2) The trail is envisioned to be established generally in the locations as shown on the maps below.
- (3) Where the trail traverses individual properties, it is envisioned to be developed in a location which will maximize the future development potential of the property.
- (4) The trail shall be developed in coordination and approved by the Hayward Area Recreation and Park District (HARD) and in accordance with the District’s trail standards.
- (5) The trail shall be developed in areas where the natural slope is less than 25 percent, if possible.
- (6) The trail shall be a multi-use trail for pedestrian and bicycles and shall be available to the entire Hayward community as well as visitors to the Hayward community.
- (7) Residential or non-residential development adjacent to the trail shall maintain at least a ten foot setback from the edge of the trail, where feasible.
- (8) Where the trail traverses individual properties, if possible, the trail shall be located in front of structures to accommodate greater visibility and easier access, for the safety of all trail users and the occupants of future developments.

238 Bypass Trail Location



- 238 Bypass Trail Location
- Hayward City Limits
- 238 Land Use Study Area

238 Bypass Trail Location



238 Bypass Trail Location

