



August 5, 2022

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Planning Manager
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RE: Draft Housing Element

Mr. Lochirco,

East Bay for Everyone is a membership organization advocating for housing, transit, tenant rights, and long-term planning in the East Bay. We write to provide comments on the City of Hayward's 6th Cycle Housing Element Public Review Draft ("Draft").

Summary

- We think it's unlikely Hayward will be able to meet its RHNA target without rezoning
- The Draft document does not analyze the impact of land use constraints, for example parking, setbacks, FAR have on housing production in Hayward.

Constraints Analysis

- o Hayward should conduct a governmental constraints analysis that examines its zoning and development standards relative to peer cities in the East Bay. For example:
 - The 20' front setback for RM and RH zones is excessive relative to similar mixed residential and high density residential zones in peer cities.
 - The density maximum for Hayward's RH zone three story buildings on lots 120' wide or greater is 1,250 square feet ("sqf") of land per unit. By comparison neighboring San Leandro's densest residential zone requires 875 sqf of land per unit (RM-875). The density requirements for Hayward's RH zone pose a barrier to development.
 - Parking requirements, especially around transit, represent an additional cost of \$40k per space or higher if underground. Hayward requires two parking spaces per 2-bedroom unit. Consider reducing or zeroing out these parking minimums around transit.

Programs and Policies

- Goal H-5 - Density Bonus
 - Action 5.3 - Consider increasing density bonus beyond State Density Bonus Law
 - We highly encourage Hayward to pursue this action. Given the uncertainty around construction costs and interest rates, it will be important to base any local density bonus program off of an economic feasibility analysis.
- Goal H-3 - Suitable Sites
 - Policy H-3.2 - Transit Oriented Development
 - This promotion of TOD is important but Hayward does not offer concrete, actionable steps to achieve this goal. There are no actions associated with this policy.
 - Consider re-zoning areas around Hayward and South Hayward BART stations as well as the Line 10 and Line 99 AC Transit routes to allow for higher densities and height.
- Goal H-4 - Mitigate Constraints to Development
 - Program H-14 - Development Incentives
 - The potential incentives include “disposition of public land.” This should be clarified to articulate a policy of long-term ground leases, which is the best practice employed by San Francisco, Berkeley and Oakland in the development of land for mixed-income and affordable housing. Hayward should retain title to the land in order to realize the long-term upside of development and rising land values.
- Goal H-1 - Maintain Existing Housing Opportunities
 - To Add - Codify SB330/SB8 Tenant Demolition Protections and Right to Return
 - SB330/SB8 create demolition protections for protected units (deed-restricted, rent-controlled and those occupied by low-income renters) when demolition is proposed. Development applicants must replace the protected units 1 to 1 and provide a right to return at deed-restricted or rent-control levels for displaced tenants.
 - Hayward should codify these protections into its municipal code.
 - Hayward should update its development application to inform potential applicants about SB330/SB8 tenant demolition protections and right to return. In addition, the development application should require a section requesting information about the existence of SB330/SB8 protected units

that may be demolished as part of a project, plans for replacement and right to return of displaced tenants. Oakland and Los Angeles already do this for their development applications.

Site Inventory

- Hayward claims that it will meet its RHNA goals through existing zoned capacity.
 - Hayward relies on its Downtown Specific Plan to provide 1,606 units within the 6th Cycle.
 - Please confirm that all sites that have been re-used within the past two cycles will be re-zoned to allow for by-right development per AB1397.
 - What is the basis for the column labeled “Site Available” in the site inventory Table A? Is it written documentation of interest from the landowner? If so, will Hayward make this documentation available to the public?
 - Many of the sites identified are owned by Hayward. Does Hayward have an articulated program for planning and development of city-owned land? We request Hayward consider use of long-term ground leases to develop mixed-income and affordable housing as a tool to retain long-term ownership and benefits of development.
- Within the Downtown Specific Plan, two zones are slated to provide housing to meet this 1,606 figure: Central City High Density Residential (CC-HDR) and Central City Retail and Office Commercial (CC-ROC).
 - The Draft says that 35 units will be delivered within the CC-HDR zones within the 6th Cycle.
 - 507 C Street is a non-vacant parcel that has been re-used from prior planning periods. There is no analysis of why this time will be different. Please confirm that this parcel will be re-zoned to allow by-right approval per AB1397.
 - 22756 Alice Street is a non-vacant parcel that has been re-used from prior planning periods. There is no analysis of why this time will be different. Please confirm that this parcel will be re-zoned to allow by-right approval per AB1397.
 - The Draft states that 1,571 units can be delivered within the CC-ROC zones of the Downtown Specific Plan within the 6th Cycle.

- The block bounded by C Street, Grand Street, Alice Street and Claire Street includes a number of non-vacant sites zoned CC-RCO. All of these sites have been in prior housing elements. There is no analysis of why these existing industrial uses are likely to be redeveloped within the 6th Cycle. In addition, there is no analysis of any additional costs associated with potential remediation from the mid-century automotive and industrial uses on the sites. Please confirm that this parcel will be re-zoned to allow by-right approval per AB1397.
- The Draft relies on the Mission Boulevard Code to provide 1,388 units within the 6th Cycle.
 - 25376 Mission Boulevard is a good site, but the amount of zoned capacity provided (48 units on 1.86 acres) is insufficient to outbid an existing auto sales use. Increase the allowable density on this site. Please confirm that this parcel will be re-zoned to allow by-right approval per AB1397.
 - 29459 Mission Boulevard is a parking lot used by LiUNA Laborers Local 304. Has LiUNA indicated it intends to redevelop this lot during the planning period? Do they intend to move their local office? It has previously been used in prior cycles. Please confirm that this parcel will be re-zoned to allow by-right approval per AB1397.

We look forward to continuing to engage with the City of Hayward in this process.

John Minot
Co-Executive
East Bay for Everyone