



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 10/05/99
AGENDA ITEM 4
WORK SESSION ITEM _____

TO: Mayor and City Council
FROM: Director of Community and Economic Development
SUBJECT: Text Change Application 99-140-01 – Introduction of Ordinance Requiring Use Permits Relative to “Payday Loan Facilities” and Resolution Adopting Amendment to the Design Guidelines Relative to Roof Lines of Two-Story Homes and Façade Improvements to Side and Rear Elevations of all Single-Family Dwellings

RECOMMENDATION:

It is recommended that City Council introduce the attached ordinance relative to “Payday Loans” and adopt the attached resolution amending the Design Guidelines relative to the roof lines of two story homes and façade improvements to side and rear elevations of all homes.

BACKGROUND:

“Payday Loans”

During discussions of proposed Zoning Ordinance amendments, City Council members discussed adopting an Ordinance to require conditional use permits for “Payday Loan” uses. Payday loan businesses provide advances on paychecks for a fee. An ordinance to that effect is attached.

A “payday loan” is also referred to as a “deferred deposit loan,” which means any arrangement in which a person accepts a post-dated check from an individual and provides the individual with a portion of the face amount of the check in cash. The person accepting the post-dated check agrees to hold it, pursuant to a written agreement, for a period of days (typically until payday) prior to deposit or presentment.

The number and volume of lenders offering short-term, high-rate deferred deposit loans have increased substantially in recent years. During the Council’s deliberation on the Zoning Ordinance, it was observed that these uses often congregate in a single area because individuals in financial straits borrow from one deferred deposit loan/pay day loan agency to pay off another. By requiring a use permit for such uses, a finding must be made that the use will not be detrimental to the public health, safety, or general welfare in order to approve such an establishment. Each use permit will be considered on its own merits. This measure will contribute to a healthier Hayward.

Senate Bill 834 (Perata) has been introduced into the State Legislature and is currently in committee. This bill creates The Deferred Deposit Loan Act which requires an annual license from the Department of Justice in order to carry out the business of making deferred deposit loans. The Act sets forth the conditions under which such businesses can operate and imposes civil and criminal penalties for a violation of these provisions. If this act passes, it could also contribute to healthier communities by hindering dishonest practices and usury.

Design Guidelines Amendments

Also discussed during the hearings relative to the recently adopted Zoning Ordinance amendments was a method for achieving enhanced building elevations within single-family subdivisions, specifically for large two-story homes on small lots. A suggestion from a member of the public had been to apply "floor area ratios" to new housing in order to avoid the appearance of over-development of small sites. Staff had suggested amending the City's Design Guidelines to encourage more sensitive development within single-family tracts. Accordingly, the proposed amendments to the Design Guidelines provide standards for: (1) enhancing the appearance of two-story houses within new subdivisions; and, (2) improving the appearance of side and rear elevations of all houses on corner lots or where rear elevations would be visible from a right-of-way.

Currently two-story houses can be as close as 5 feet to side property lines. When both the first and second stories are to within 5 feet of both side property lines, the homes can appear to overwhelm the site, particularly when numerous homes are involved such as within a subdivision. Please refer to Exhibit A, which reflects a Twin Bridges home with both first and second stories to within 5 feet of the side property line. Therefore, suggested amendments to the Design Guidelines encourage, for at least 50 percent of homes within subdivisions of four or more dwellings, that

- (1) the second story be smaller in area than the first story, and
- (2) both side walls above the first story plane should not be constructed to the side yard setback line.

Exhibit B depicts a dwelling with floor plan similar to the Twin Bridges home but with less volume above the plane of the first floor. This resulted in a vaulted ceiling over the living room whereas the Twin Bridges ceiling extended the height of the full two stories.

In addition, some new houses have been built with rear and side elevations that are not especially attractive and which are visible from the street by the general public. In order to alleviate less than attractive homes as viewed by the public, additional guidelines are included for these homes.

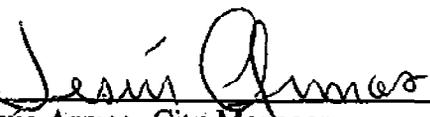
Prepared by:


Dyana Anderly, A.I.C.P.
Planning Manager

Recommended by:


Sylvia Ehrental, Director of Community
& Economic Development

Approved by:


Jesús Armas, City Manager

Attachments: Exhibit A - Dwelling w/Second Story Side Walls at Side Yard Setback Line.)
Exhibit B - Dwelling w/Second Story at Side Yard Setback Line on Only One
Side.)
Draft Ordinance
Draft Resolution

9.30.99

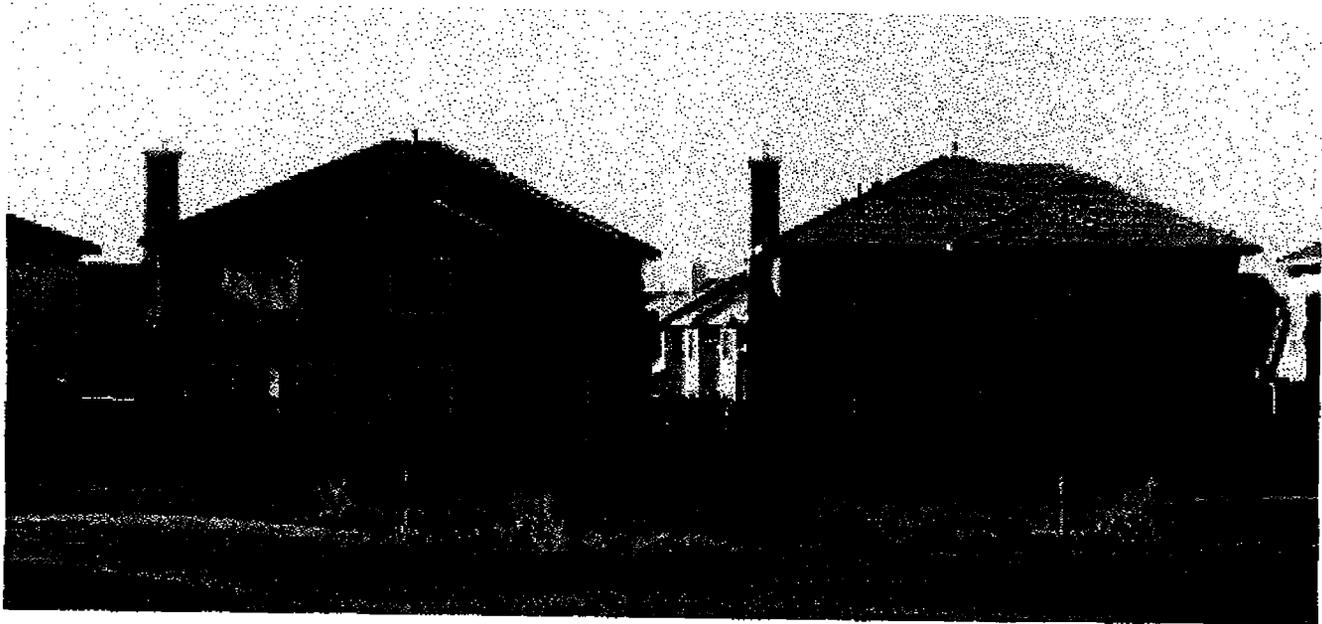


EXHIBIT A



EXHIBIT B

DRAFT JB 9/27/99

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 1
OF THE HAYWARD MUNICIPAL CODE RELATING TO
PAYDAY LOAN FACILITIES**

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

Section 1. Section 10-1.010, (Appendix A - Definitions) of Chapter 10, Article 1 of the Hayward Municipal Code is hereby amended by the addition of definition Number 172, Payday Loan Facilities, with the appropriate renumbering of existing definitions, to read as follows:

"PAYDAY LOAN FACILITIES. An establishment primarily engaged in the business of advancing funds to customers in situations where the customer uses his or her entitlement to a future paycheck from some other source as collateral for the loan, and for which the customer pays a fee (percentage or otherwise) for the advancement.

Section 2. Sections 10-1.820, 10-1.920, 10-1.1020 and 10-1.1320 of Chapter 10, Article 1 of the Hayward Municipal Code are hereby amended by adding subdivision "(b) Payday Loan Facility" to subsection b. (1) of each of the referenced sections.

Section 3. Subdivision b. (1) of section 10-1.1120 of Chapter 10, Article 1 of the Hayward Municipal Code is amended by the addition of subsection "(c) Payday Loan Facility" thereto.

Section 4. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of _____, 1999, by Council member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the ____ day of _____, 1999, by the following votes of members of said City Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

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

DRAFT *MS 9/30/99*

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION AMENDING THE HAYWARD DESIGN GUIDELINES

BE IT RESOLVED by the City Council of the City of Hayward that the Hayward Design Guidelines are hereby amended by the addition thereto of the "Addendum II to City of Hayward Design Guidelines," a copy of which is attached hereto as Exhibit "A."

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DESIGN GUIDELINES FOR ROOF FORMS AND ELEVATIONS WITHIN SINGLE-FAMILY RESIDENTIAL SUBDIVISIONS

PROPOSED AMENDMENT TO THE CITY OF HAYWARD "DESIGN GUIDELINES"

RESIDENTIAL: SINGLE-FAMILY DETACHED

Architecture:

The purpose of the following guidelines is to provide neighborhood streetscapes that feature a variety of compatible housing units without creating the perception that the building overwhelms the parcel, the following guidelines.

Within single-family subdivisions of four or more dwelling units, at least 50 percent of the houses should include the following features:

- Second stories (considered the area above the first floor plane) should be smaller in area than the first story, with the stairwell not being considered in the calculation. At least one side building wall above the first floor level should be set in from the minimum side yard setback so as to minimize the appearance of bulk associated with the homes.
- The height of at least one, second-story exterior side building wall should be lower than the opposite side building wall.

In addition, the following features should be included on homes situated on corner lots or where the rear elevations of houses are visible from a public or private right-of-way:

- Where dwellings are situated on corner lots, the architectural features (e.g., window projections, offsets, trim) of those side elevations shall be enhanced so as provide an attractive streetscape and to be consistent with the front elevation.
- Where dwellings are situated on lots where the rear elevations of houses are adjacent to or visible from a public or private right-of-way, rear elevations shall be offset and roof forms shall be varied so as to provide an attractive subdivision as viewed from the right-of-way.