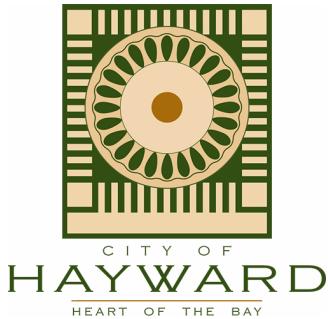


CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov



Agenda

Tuesday, January 27, 2026

7:00 PM

Council Chambers

City Council

CONCURRENT MEETING OF CITY COUNCIL AND GEOLOGIC HAZARD ABATEMENT DISTRICT BOARD

NOTICE: The City Council will hold a hybrid meeting in the Council Chambers and virtually via Zoom

PUBLIC PARTICIPATION

How to observe the Meeting:

1. Comcast TV Channel 15
2. Live stream <https://hayward.legistar.com/Calendar.aspx>
3. YouTube Live stream: <https://www.youtube.com/user/cityofhayward>

How to submit written Public Comment:

1. Use eComment on the City's Meeting & Agenda Center webpage at:
<https://hayward.legistar.com/Calendar.aspx>. eComments are directly sent to the iLegislate application used by City Council and City staff. Comments received before 3:00 p.m. the day of the meeting will be exported into a report, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda.

2. Send an email to [List-Mayor-Council@hayward-ca.gov](mailto>List-Mayor-Council@hayward-ca.gov) by 3:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda. Documents received after 3:00 p.m. through the adjournment of the meeting will be included as part of the meeting record and published the following day.

How to provide live Public Comment during the City Council Meeting:

Participate in the Council Chambers or click link below to join the meeting:

<https://hayward.zoom.us/j/89933608747?pwd=qNZcP3fpQwg06wAHo8DhkfTCMWVlr6.1>

Meeting ID: 899 3360 8747

Password: CC1/27@7pm

or

Dial: +1 669 900 6833 or +1 646 931 3860

Meeting ID: 899 3360 8747

Password: 1617644116

HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD) BOARD OF DIRECTORS MEETING

CALL TO ORDER: Mayor/GHAD Chair Salinas

Pledge of Allegiance: Council/GHAD Member Bonilla Jr.

SB 707 TELECONFERENCE NOTIFICATIONS AND CONSIDERATION

ROLL CALL**PUBLIC COMMENTS**

The Public Comment section provides an opportunity to address the GHAD Board on items not listed on the agenda. As the GHAD Board is prohibited by State law from discussing items not listed on the agenda, items will be taken under consideration and may be referred to GHAD staff.

CONSENT

1. [MIN 26-013](#) Approve the Geologic Hazard Abatement District Board (GHAD) Minutes of the Board Meeting of December 2, 2025
Attachments: [Attachment I GHAD Minutes of 12/2/2025](#)

PUBLIC HEARING

2. [PH 26-004](#) Resolution 26-01 Accepting Tabulation of Votes for the Parcel Group 3 Development within the Hayward GHAD and Resolution 26-02 Confirming the Assessment and Authorizing the Levy and Collection of Assessment for the Parcel Group 3 Development within the Hayward GHAD (Report from GHAD Manager Ralston)
Attachments: [Attachment I GHAD Staff Report](#)
[Attachment II Resolution No. 26-01](#)
[Attachment III Resolution No. 26-02](#)
[Attachment VI Notice of Assessment for Reso 26-02](#)
[Attachment V Engineer's Report for Reso 26-02](#)

GHAD Manager's Report

An oral report from the GHAD Manager on ongoing activities, events, or other items of general interest to the GHAD and the public, if any.

GHAD Boardmembers' Reports, Referral, and Future Agenda Items

Oral reports from GHAD Boardmembers on their activities, referrals to GHAD staff, and suggestions for future agenda items, if any.

ADJOURN TO CITY COUNCIL MEETING

CITY COUNCIL MEETING
777 B Street, Hayward, CA 94541
City Hall, Council Chambers

CLOSED SESSION ANNOUNCEMENT

PUBLIC COMMENTS

The Public Comments section provides an opportunity to address the City Council on items not listed on the agenda or Informational Staff Presentation items. The Council welcomes comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, items will be taken under consideration and may be referred to staff. The City Council welcomes comments, including criticism, about the policies, procedures, programs, or services of the City, or of the acts or omissions of the City Council. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a City Council. The City is committed to maintaining a workplace free of unlawful harassment and is mindful that City staff regularly attend Council meetings. Discriminatory statements or conduct that is hostile, intimidating, oppressive, or abusive – are per se disruptive to a meeting and will not be tolerated. Ration and may be referred to staff.

CITY MANAGER'S COMMENTS

An oral report from the City Manager on upcoming activities, events, or other items of general interest to Council and the Public.

ACTION ITEMS

The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council Member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk any time before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.

CONSENT CALENDAR

1. [CONS 26-032](#) Adopt a Resolution Authorizing the City Manager to Accept Grant Funding in the Amount of \$153,000 from the California Department of Justice Tobacco Grant Program, and Appropriate the Funds to the Code Enforcement Division of the Development Services Department, for the Term of Three Years

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)

2. [CONS 26-014](#) Adopt Resolutions Authorizing the City Manager to Negotiate and Execute Landscape Maintenance Contracts for Twin Bridges Landscape and Lighting Assessment District 7 with New Image Landscape Company in a Not-to-Exceed Amount of \$357,000 and for Parkside Heights Landscape and Lighting Assessment District 17 with Pacheco Landscape Management, Inc. in a Not-to-Exceed Amount of \$91,000

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution for Twin Bridges LLAD 7](#)
[Attachment III Resolution for Parkside Heights LLAD 17](#)

3. [CONS 26-015](#) Adopt Resolutions to 1) Initiate Proceedings Pursuant to Government Code Section 53753, 2) Provide Intention to Levy Assessments for FY 2026, 3) Preliminarily Approve FY 2026 the Engineer's Report, 4) Provide a Notice of Proposition 218 Public Hearing for Stratford Village Flood Control Facilities Improvement Assessment (MD1 - 2026), 5) Approve the Mailing of Ballots, and 6) Adopt Proposition 218 Assessment Ballot Procedures

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution Initiating Proceedings](#)
[Attachment III Resolution Adopting Prop 218 Procedures](#)
[Attachment IV Preliminary Engineer's Report](#)

4. [CONS 26-020](#) Adopt a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Kittelson & Associates, Inc., in a Not-to-Exceed Amount of \$1,200,000 for Consulting Services for Phase 2 of the High Injury Network Safety Plan, Project No. 06942

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III High Injury Network Corridor Map](#)

WORK SESSION

Work Session items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.

5. [WS 26-003](#) Business-Friendly Hayward Project Update: Review of Draft Municipal Code and Zoning Maps Revisions Related to the Business-Friendly Hayward Project (Report from Development Services Director Buizer)

Attachments: [Attachment I Staff Report](#)
[Attachment II Section 10-1.800 Commercial Districts Clean](#)
[Attachment III Section 10-1.800 Commercial Districts Redlined](#)
[Attachment IV Section 10-24.2.3.010 Mission Boulevard Use](#)
[Attachment V 10-28.2.3.010 Downtown Development Code](#)
[Attachment VI Section 10-1.1603 Industrial Districts Use](#)
[Attachment VII Section 10-1.2735\(a\) Accessory Commercial](#)
[Attachment VIII Section 10-1.2735\(f\) Limited Entertainment](#)
[Attachment IX Section 10-1.2700 General Regulations](#)
[Attachment X Section 10-1.3500 Definitions](#)
[Attachment XI Maps of Properties Proposed to be Rezoned](#)

PUBLIC HEARING

6. [PH 26-002](#) Moratorium on New Massage Businesses: Adoption of an Interim Urgency Ordinance Pursuant to Government Code section 65858, Extending the Temporary Moratorium on New Massage Businesses in Hayward for up to 10 Months and 15 Days, and Finding that the Action is Exempt from Environmental Review (Report from City Attorney Lawson)

Attachments: [Attachment I Staff Report](#)
[Attachment II Moratorium Extension Ordinance](#)

LEGISLATIVE BUSINESS

7. [LB 26-002](#) East Bay Greenway Multimodal Project: Adopt a Resolution Approving the Project Evaluation for the East Bay Greenway Multimodal - Hayward Segment Project (Report from Public Works Director Ameri)

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III Project Concepts](#)
[Attachment IV Phase 3 Outreach Summary](#)
[Attachment V East Bay Greenway Project Alignment](#)

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Members can provide oral reports on attendance at intergovernmental agency meetings, conferences, seminars, or other Council events to comply with AB 1234 requirements (reimbursable expenses for official activities).

COUNCIL REFERRALS

Council Members may bring forward a Council Referral Memorandum (Memo) on any topic to be considered by the entire Council. The intent of this Council Referrals section of the agenda is to provide an orderly means through which an individual Council Member can raise an issue for discussion and possible direction by the Council to the appropriate Council Appointed Officers for action by the applicable City staff.

ADJOURNMENT

NEXT MEETING, February 3, 2026, 7:00 PM

PUBLIC COMMENT RULES

Any member of the public desiring to address the Council shall limit their comments to three (3) minutes unless less or further time has been granted by the Presiding Officer or in accordance with the section under Public Hearings. The Presiding Officer has the discretion to shorten or lengthen the maximum time members may speak. Speakers will be asked for their name before speaking and are expected to honor the allotted time.

PLEASE TAKE NOTICE

That if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.

PLEASE TAKE FURTHER NOTICE

That the City Council adopted Resolution No. 87-181 C.S., which imposes the 90-day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

****Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the City website, Cable Channel 15 - KHRT, and YouTube. ****

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or cityclerk@hayward-ca.gov.

Assistance will be provided to those requiring language assistance. To ensure that interpreters are available at the meeting, interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400.



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: MIN 26-013

DATE: January 27, 2026

TO: Geologic Hazard Abatement District Board

FROM: Geologic Hazard Abatement District Manager

SUBJECT

Approve the Geologic Hazard Abatement District Board (GHAD) Minutes of the Board Meeting of December 2, 2025

RECOMMENDATION

That the GHAD Board approves the GHAD meeting minutes of December 2, 2025.

SUMMARY

The GHAD Board held a GHAD Board meeting on December 2, 2025.

ATTACHMENTS

Attachment I GHAD Draft Minutes of 12/2/2025

**MINUTES OF JOINT CITY COUNCIL/HAYWARD GEOLOGIC HAZARD
ABATEMENT DISTRICT BOARD MEETING
OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, December 2, 2025**

The Joint City Council/Hayward Geologic Hazard Abatement District Board meeting was called to order by Board Chair Salinas at 7:02 p.m.

ROLL CALL

Present: BOARD MEMBERS Zermeño, Roche, Bonilla, Syrop, Andrews, Goldstein and Chair Salinas

Absent: None

PUBLIC COMMENT

None.

CONSENT CALENDAR

1. Approve the GHAD Minutes of the Board Meeting of October 28, 2025. It was moved by Board member Zermeño and seconded by Board member Andrews to approve the minutes; the motion carried unanimously (7-0-0).

PUBLIC HEARING

2. **Resolution 25-03:** GHAD Manager Haley Ralston presented the staff report regarding approval of the annexation of the Parcel Group 3 development (Parcel Map No. 11247) into the existing Hayward GHAD, along with approval of the draft Plan of Control dated October 2, 2025. The Parcel Group 3 development is comprised of a multi-family residential building and educational building which was conditioned by the City of Hayward to be annexed into the Hayward GHAD. The property owners—La Vista Hayward, L.P. and Strategic Growth Partners, Inc.—filed a Petition for Annexation with the GHAD Clerk on September 2, 2025. A draft Plan of Control has been prepared which is separate from the La Vista (The Reserve), Ersted (The Hideaway) and Hayward SoMi Plans of Control.

There was no public comment on this item.

Motion by Board member Goldstein (seconded by Board member Syrop) to approve Resolution No. 25-03 to approve: 1) the annexation of Parcel Group 3 development into the Hayward GHAD; and 2) the draft Plan of Control, as required by GHAD Law. The motion carried unanimously (7-0-0).

3. Resolution No. 25-04: GHAD Manager Haley Ralston presented the staff report regarding the GHAD's intent to order an assessment for the Parcel Group 3 development and to further set a public hearing for January 27, 2026, for the GHAD to consider the proposed assessment and any protests thereto.

Board member Roche inquired whether it made a difference in the amount of the assessment based on the type of building on the parcel (school, commercial, etc.). GHAD Manager Ralston indicated that the Engineer's Report proposes an assessment based on square footage of the building. Board member Roche further inquired whether the assessments are passed through to the residential tenants on the property. GHAD Manager Ralston indicated the assessment is placed on the property tax bill for the parcel and that the property owner is responsible for paying the property tax bill. The GHAD has no information whether, or to what extent, assessment amounts are passed through to tenants.

There was no public comment on this item.

Motion by Board member Roche (seconded by Board member Bonilla) to approve Resolution No. 25-04 declaring the GHAD's intent to: 1) order an assessment for the Parcel Group 3 development; and 2) set a public hearing for January 27, 2026 (which is 45 days after written notice is provided) to consider the proposed assessment and any protests thereto. The motion carried unanimously (7-0-0).

4. GHAD MANAGER REPORT

The GHAD Manager reported that all the fall monitoring has been completed and all GHAD-maintained areas are performing well. The GHAD Manager will be reaching out to schedule a meeting with the Board members who are also members of the City Council public safety committee to discuss collaborative efforts around geologic hazard preparedness.

GHAD BOARD MEMBERS' REPORTS, REFERRAL, AND FUTURE AGENDA ITEMS

Board member Syrop inquired whether there could be inter-agency cooperation around the maintenance of the La Vista park project and Ms. Ralston responded GHAD staff will review the Plan of Control to confirm maintenance responsibilities.

GHAD Manager Ralston reminded the Board will reconvene on January 27, 2026.

ADJOURNMENT

GHAD Board Chair Salinas adjourned the meeting at 7:20 pm.

APPROVED:

Amara Morrison, Clerk and General Counsel
Hayward Geologic Hazard Abatement District



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: PH 26-004

DATE: January 27, 2026

TO: Geologic Hazard Abatement District Board

FROM: Geologic Hazard Abatement District Manager

SUBJECT

Resolution 26-01 Accepting Tabulation of Votes for the Parcel Group 3 Development within the Hayward GHAD and Resolution 26-02 Confirming the Assessment and Authorizing the Levy and Collection of Assessment for the Parcel Group 3 Development within the Hayward GHAD

RECOMMENDATION

Staff recommends that the GHAD Board take the following actions:

1. Open and conduct a public hearing on the proposed assessment;
2. Close the hearing and consider any protest against the assessment;
3. Direct the GHAD Clerk to canvass and tabulate the assessment ballots;
4. Adopt Resolution 26-01 Accepting the Tabulation of Votes; and
5. If the vote supports the approval, adopt Resolution 26-02 confirming the assessment, and authorizing the levy and collection of the assessment for the Parcel Group 3 Development within the Hayward Geologic Hazard Abatement District.

SUMMARY

In approving the Parcel Group 3 Development, which is improved with a multi-family residential building and an educational building, the City of Hayward included Infill Checklist Item No. 48 that required the Parcel Group 3 Development to be annexed into the existing Hayward Geologic Hazard Abatement District (GHAD).

With the approval of Resolution 25-03, the Hayward GHAD Board of Directors (GHAD Board) approved annexation of the Parcel Group 3 Development into the Hayward GHAD and approved the Plan of Control. With the approval of Resolution 25-04, the GHAD Board approved the draft Engineer's Report for the Parcel Group 3 Development which identifies the source of funding for the GHAD-maintained improvements identified in the Plan of Control. In order to impose the assessment set forth in the approved Engineer's Report, it is recommended the GHAD Board adopt Resolutions 26-01 and 26-02 to accept the tabulation of the ballots, consider any protests against the proposed assessment, and certify the canvass of votes.

ATTACHMENTS

File #: PH 26-004

Attachment I	Staff Report
Attachment II	GHAD Resolution 26-01
Attachment III	GHAD Resolution 26-2
Attachment IV	Notice for Resolution 26-02
Attachment V	Engineer's Report for Resolution 26-02

**HAYWARD
GEOLOGIC HAZARD ABATEMENT DISTRICT**

TO: Hayward Geologic Hazard Abatement District (GHAD) Board of Directors

**FROM: GHAD Manager
GHAD Attorney**

BOARD MEETING DATE: January 27, 2026

SUBJECT: Resolution 26-01 Accepting Tabulation of Votes for the Parcel Group 3 Development within the Hayward GHAD and Resolution 26-02 Confirming the Assessment and Authorizing the Levy and Collection of Assessment for the Parcel Group 3 Development within the Hayward GHAD

RECOMMENDATION(S):

Staff recommends that the GHAD Board take the following actions:

1. Open and conduct a public hearing on the proposed assessment;
2. Close the hearing and consider any protest against the assessment;
3. Direct the GHAD Clerk to canvass and tabulate the assessment ballots;
4. Adopt Resolution 26-01 Accepting the Tabulation of Votes; and
5. If the vote supports the approval, adopt Resolution 26-02 confirming the assessment, and authorizing the levy and collection of the assessment for the Parcel Group 3 Development within the Hayward Geologic Hazard Abatement District.

SUMMARY:

In approving the Parcel Group 3 Development, which is improved with a multi-family residential building and an educational building, the City of Hayward included Infill Checklist Item No. 48 that required the Parcel Group 3 Development to be annexed into the existing Hayward Geologic Hazard Abatement District (GHAD).

With the approval of Resolution 25-03, the Hayward GHAD Board of Directors (GHAD Board) approved annexation of the Parcel Group 3 Development into the Hayward GHAD and approved the Plan of Control. With the approval of Resolution 25-04, the GHAD Board approved the draft Engineer's Report for the Parcel Group 3 Development which identifies the source of funding for the GHAD-maintained improvements identified in the Plan of Control. In order to impose the assessment set forth in the approved Engineer's Report, it is recommended the GHAD Board adopt Resolutions 26-01 and 26-02 to accept the tabulation of the ballots, consider any protests against the proposed assessment, and certify the canvass of votes.

BACKGROUND AND DISCUSSION:

On March 1, 2016, the Hayward City Council adopted Resolution 16-030 approving the formation of the Hayward GHAD and appointed itself to serve as the GHAD Board of Directors.

On December 2, 2025, the GHAD Board of Directors held a public hearing on the proposed annexation of the Parcel Group 3 Development into the Hayward GHAD, and adopted Resolution 25-03 approving annexation of the Parcel Group 3 development into the Hayward GHAD and accepting the Parcel Group 3 Development Plan of Control.

A funding source has been secured for The Reserve (La Vista), Hideaway (Ersted Project), and Hayward SoMi developments within the Hayward GHAD, and it is now appropriate to secure a funding source for the Parcel Group 3 Development annexation area. Like the existing developments within the GHAD, the funding source for the Parcel Group 3 Development is through a real property assessment. The assessment for the multi-family residential building and educational building within the Parcel Group 3 Development is proposed to be imposed at the time building permits are issued for each of the buildings; this assessment will fund the maintenance of the improvements in the Parcel Group 3 Development Plan of Control previously approved by the GHAD Board on December 2, 2025 (Resolution 25-03).

On December 2, 2025, the GHAD Board adopted Resolution 25-04 approving the draft Engineer's Report for the Parcel Group 3 Development to set an assessment limit of \$0.25472 per square foot of habitable space (Fiscal Year 2025/26 dollars). The Parcel Group 3 Development assessment will not impact or change the existing assessments for The Reserve (La Vista), Hideaway (Ersted Project), and Hayward SoMi landowners within the GHAD.

Following the GHAD Board meeting on December 2, 2025, the property owners of the parcels within the Parcel Group 3 Development were provided with a copy of the draft Engineer's Report, a Notice of Intent to Order an Assessment, and a ballot (Resolution 25-04).

FISCAL IMPACT:

The developer is responsible for funding all activities undertaken by the GHAD up and until the GHAD Improvements, as defined in the Plan of Control, are accepted by the GHAD. Thereafter, the GHAD will be funded 100% through assessments levied on properties within the Hayward GHAD. Therefore, there is no fiscal impact on the City's General Fund.

NEXT STEPS:

The GHAD Board shall consider all protests against the proposed assessment and shall not impose the assessment if there is a majority protest (Resolution 26-01). If there is no majority protest, the GHAD Board shall authorize the assessment (Resolution 26-02).

Prepared by: GHAD Manager Haley Ralston and GHAD Attorney Amara Morrison

Recommended by: GHAD Manager Haley Ralston

ATTACHMENTS:

- A. Resolution No. 26-01
- B. Resolution No. 26-02

**BOARD OF DIRECTORS
HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)**

RESOLUTION NO. 26-01

**ACCEPTING TABULATION OF VOTES FOR THE PARCEL GROUP 3 DEVELOPMENT
WITHIN THE HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT**

WHEREAS, on January 27, 2026, the Hayward Geologic Hazard Abatement District (GHAD) Board of Directors (GHAD Board), held a public hearing on a benefit assessment proposed to be levied on real property located within the Parcel Group 3 Development. After the close of the public hearing, the GHAD Clerk opened the sealed ballots that had been submitted and not withdrawn prior to the close of the hearing and tabulated it in support of, or in opposition to, the proposed assessment. In tabulating the ballots, the GHAD Clerk weighted them according to the proportional financial obligation of the affected property.

NOW, THEREFORE, the GHAD Board hereby resolved and orders that:

1. The GHAD Board accepts the Tabulation of Votes from the GHAD Clerk showing the benefit assessment passed as follows:

<u>Total Landowners</u>	<u>Voted</u>	<u>Yes</u>	<u>No</u>
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La Vista Hayward, L.P.

**Strategic Growth
Partners, Inc.**

2. This Resolution shall become effective immediately upon its passage and adoption.

HAYWARD, CALIFORNIA, January 27, 2026

PASSED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

EXCUSED:

ATTEST: _____

Amara Morrison
Clerk of the GHAD Board

**THE BOARD OF DIRECTORS OF HAYWARD
GEOLOGIC HAZARD ABATEMENT DISTRICT**

RESOLUTION NO. 26-02

**RESOLUTION CONFIRMING ASSESSMENT AND AUTHORIZING THE LEVY AND
COLLECTION OF THE ASSESSMENT FOR THE PARCEL GROUP 3 DEVELOPMENT
WITHIN THE HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT**

WHEREAS, on March 1, 2016, the Hayward City Council approved Resolution 16-030 ordering the formation of the Hayward Geologic Hazard Abatement District (GHAD) and appointed itself to serve as the Hayward Geologic Hazard Abatement District Board of Directors (GHAD Board); and

WHEREAS, on October 28, 2025, the GHAD Board accepted a petition from Parcel Group 3, requesting annexation of the Parcel Group 3 Development into the GHAD; and

WHEREAS, on December 2, 2025, the GHAD Board held a public hearing on the proposed annexation and Parcel Group 3 Development Plan of Control (Plan of Control) and thereafter adopted Resolution 25-03 approving the annexation and adopting the Plan of Control; and

WHEREAS, in order to pay for costs and expenses of maintaining and operating the GHAD improvements as set forth in the Plan of Control, a funding source must be established; and

WHEREAS, an Engineer's Report has been prepared to support a real property assessment against the multifamily residential building and the educational facility at a Fiscal Year 2025/26 level of \$0.25472 per square foot of habitable space for GHAD services and is attached as Attachment 1; and

WHEREAS, Public Resources Code sections 26650 *et seq.* authorize, after a noticed public hearing, the levy and collection of an assessment upon specially benefited property within the GHAD to pay for the maintenance and operation of GHAD improvements. Article XIII(D) of the California Constitution imposes additional requirements for the levy and collection of said assessment; and

WHEREAS, the Engineer's Report was prepared by the GHAD Manager to reflect the Plan of Control adopted by the GHAD Board on December 2, 2025, the GHAD Manager being a registered professional engineer, certified in the State of California, in compliance with Public Resources Code section 26651(a) and section 4(b) of Article XIII (D) of the California Constitution; the Engineer's Report attached hereto as Attachment 1 sets forth the purpose of the Parcel Group 3 Development portion of the GHAD, the estimated budget, the total assessment that will be chargeable to the Parcel Group 3 Development portion of the GHAD, the proposed estimated assessment to be levied against each parcel of property within the Parcel Group 3 Development portion of the GHAD, and a description of the method used in formulating the estimated assessments; and

WHEREAS, the property within the Parcel Group 3 Development portion of the GHAD is identified in the plat and legal description included in Attachment 1 and each parcel is proposed to be assessed.

WHEREAS, on December 2, 2025, the GHAD Board adopted Resolution 25-04 declaring its

Page 1 of 3

intention to order an assessment on the Parcel Group 3 Development and fixed a public hearing for January 27, 2026 to consider the assessment and any protest against the assessment; and

WHEREAS, pursuant to Resolution 25-04 the GHAD Board declared its intention, consistent with the requirements of Article XIII(D) of the California Constitution, to order that the costs and expenses of maintaining and operating the GHAD improvements acquired or constructed pursuant to Public Resources Code section 26500 *et seq.* be assessed against those parcels in the Parcel Group 3 Development, as identified on the Boundary Map (Exhibit A to the Engineer's Report), that are specially benefited by the GHAD; and

WHEREAS, Resolution 25-04 declared the GHAD Board's intention to assess against those parcels in the Parcel Group 3 Development and as shown on the Boundary Map, all or part of the amount set forth in Engineer's Report commencing with the following fiscal year given there is no majority protest to the proposed assessment; and

WHEREAS, this Resolution 2026-02 directs the tabulation of the ballots and presentation of the ballots received from record owners to the GHAD Board at the hearing. This Resolution states that the GHAD Board shall then consider all protests against the proposed assessment and certify the tabulation of the ballots. This Resolution states that, in tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation on the affected property. This Resolution states that the GHAD Board shall not impose the assessment if there is a majority protest and if there is no majority protest, the GHAD Board shall authorize the assessment.

The Board of Directors of the GHAD HEREBY RESOLVES THAT:

1. That notice of the public hearing described above in accordance with Public Resources Code sections 26651 through 26653 and Article XIII(D), Section 4 of the California Constitution was provided.
2. The public hearing was held before the GHAD Board on January 27, 2026, at 7:00 p.m. at Hayward City Hall, 777 B Street, Hayward, California. At the hearing, the GHAD Board heard and considered any and all protests to the proposed assessment. After the public hearing was closed, the sealed ballot was canvassed and tabulated.
3. Based upon the tabulation of the ballot, the GHAD Board finds that there is no majority protest. Therefore, the GHAD Board is authorized to levy the proposed assessment pursuant to Public Resources Code section 26653 and Article XIII(D), Section 4 of the California Constitution on property within the Parcel Group 3 Development.
4. The GHAD Board further confirms the assessment at a FY 2025/26 level of \$0.25472 per square foot of habitable space, as set forth in the Engineer's Report.
5. The GHAD Board further orders that the assessment amount in the Engineer's Report (with an adjustment annually to reflect the percentage change in the San Francisco-Oakland-Hayward Consumers Price Index for All Urban Consumers) shall be assessed against each residential unit in the Parcel Group 3 Development, which shall be levied at the beginning of the following fiscal year given there is no majority protest to the proposed assessment for each parcel and the assessment will continue to be levied in perpetuity.
6. The GHAD Board further orders that the assessment shall be levied and collected in the following manner:

(a) The GHAD Manager shall cause to be recorded a Notice of Assessment, in substantially the form as attached hereto as Attachment 2, as provided for in Section 3114 of the California Streets and Highway Code, whereupon the assessment shall be imposed as a lien upon the property.

(b) Thereafter, the assessment shall be payable at the same time and in the same manner as general taxes on real property within the Parcel Group 3 Development are payable.

(c) All funds generated by the assessment, and all returns earned on the assessment, shall be segregated and deposited in the existing Hayward GHAD account for the exclusive benefit of the Hayward GHAD, as directed by the GHAD Treasurer. Said funds shall not be deposited or credited to the City or any of its departments, including the City Finance and Management agency or the City Treasury.

7. This Resolution shall become effective immediately upon its passage and adoption.

HAYWARD, CALIFORNIA, JANUARY 27, 2026

PASSED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____

Amara Morrison
Clerk of the GHAD Board

Attachments: 1 – Engineer's Report
2 – Notice of Assessment

AFTER RECORDATION RETURN TO:

Clerk of the District
Hayward Geologic Hazard Abatement District
2633 Camino Ramon, Suite 250
San Ramon, CA 94583

NOTICE OF ASSESSMENT

Pursuant to the requirements of Section 3114 of the Streets and Highways Code, the undersigned Clerk of the Hayward Geologic Hazard Abatement District State of California, hereby gives notice that a diagram and assessment were recorded in the office of the County Recorder of Alameda County as provided for in said section, more particularly described on that certain assessment diagram filed in accordance with the section in Book _____ of Maps of Assessments and Community Facilities Districts at Page _____ in the Office of the County Recorder of the County of Alameda and relating to the following described real property (commonly known as the Parcel Group 3 Development):

The land referred to is situated in the County of Alameda, City of Hayward, State of California, and is described as follows:

Real Property situated in the City of Hayward, County of Alameda, and State of California as described in Exhibit A.

Notice is further given that upon the recording of this notice in the Office of the County Recorder, the several assessments assessed on the lots, pieces and parcels shown on said filed assessment diagram shall become a lien upon the lots or portions of lots assessed respectively. **Levy date: January 27, 2026.**

Reference is made to the assessment diagram and assessment roll recorded in the office of County Recorder of Alameda County. Recorded on _____ at Document No. _____.

ATTEST:

Amara Morrison

Clerk of the Hayward Geologic Hazard Abatement District

Dated: _____

EXHIBIT A

HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT
LIST OF PROPERTY OWNERS

<u>Assessment</u>	<u>Assessor's</u>	<u>Name of</u>
<u>Diagram No.</u>	<u>Parcel No.</u>	<u>Property Owner</u>
1	078C-0626-019	Strategic Growth Partners, Inc.
2	078C-0626-018	La Vista, L.P.



PARCEL GROUP 3 DEVELOPMENT ANNEXATION HAYWARD, ALAMEDA COUNTY, CALIFORNIA

ENGINEER'S REPORT FOR PARCEL GROUP 3 DEVELOPMENT

SUBMITTED TO
Hayward Geologic Hazard Abatement District
777 B Street
Hayward, CA 94541

PREPARED BY
ENGEO Incorporated

November 11, 2025

PROJECT NO.
15577.000.001

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EXHIBIT A – Legal Description and Plat

EXHIBIT B – Hayward GHAD Budget – Parcel Group 3 Development Annexation

ENGINEER'S REPORT

**HAYWARD
GEOLOGIC HAZARD ABATEMENT DISTRICT
PARCEL GROUP 3 DEVELOPMENT ANNEXATION
(Pursuant to the Public Resources Code of the State of California,
Section 26500 et seq.)**

CERTIFICATION OF FILING

The Geologic Hazard Abatement District ("GHAD") provides monitoring and maintenance of improvements related to geologic hazard management within the Parcel Group 3 Development portion of the Hayward GHAD. The GHAD also levies and collects assessments in order to perform its activities.

The GHAD responsibilities, which are the subject of this report, are defined as any activity that is necessary or incidental to the prevention, mitigation, abatement, or control of a geologic hazard, construction, maintenance, repair, or operation of improvement; or the issuance and servicing of bonds issued to finance any of the foregoing (Section 26505).

This report consists of eight parts, as follows:

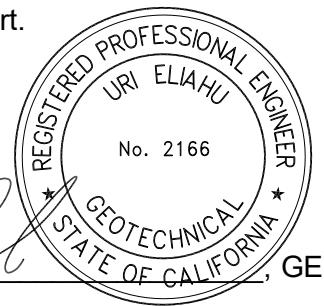
- I. INTRODUCTION
- II. BACKGROUND
- III. GEOLOGIC HAZARD ABATEMENT DISTRICT DIAGRAM
- IV. SERVICE LEVELS
- V. DESCRIPTION OF IMPROVEMENTS MAINTAINED BY THE GHAD
- VI. ASSESSMENT METHOD
- VII. ASSESSMENT LIMIT - BUDGET PROJECTION
- VIII. OWNER RESPONSIBILITIES

The undersigned respectfully submits the enclosed Engineer's Report.

Date: July 23, 2025

By: ENGEO Incorporated

Uri Eliahu



I HEREBY CERTIFY that the enclosed Engineer's Report was filed on the 23rd day of July 2025.

Patricia Curtin
Attorney and Acting Clerk of the Board
Hayward Geologic Hazard Abatement District
Hayward, Alameda County, California

I HEREBY CERTIFY that the enclosed Engineer's Report was approved and confirmed by the
GHAD Board on the 23rd day of July 2025.

Haley Ralston
Haley Ralston
GHAD Manager
Hayward Geologic Hazard Abatement District
Hayward, Alameda County, California

ENGINEER'S REPORT

for

HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT PARCEL GROUP 3 DEVELOPMENT ANNEXATION HAYWARD, ALAMEDA COUNTY, CALIFORNIA for the ESTABLISHMENT OF AN ASSESSMENT LIMIT

I. INTRODUCTION

The Hayward City Council formed the Hayward Geologic Hazard Abatement District ("GHAD" or "District") on March 1, 2016 (Resolution No. 16-030), under the authority of the California Public Resources Code, Division 17, Section 26500 et seq. The GHAD Board of Directors approved the annexation of the Parcel Group 3 Development ("GHAD Annexation Area") into the GHAD on August XX, 2025, with the approval of Resolution No. XX-XX. The members of the Hayward City Council act as the Board of Directors of the GHAD.

II. BACKGROUND

The Hayward GHAD Board of Directors approved the Plan of Control for the Parcel Group 3 Development Annexation ("Plan of Control") with the approval of Resolution No. XX-XX on August XX, 2025. The Plan of Control describes the GHAD's responsibilities to permanently monitor and maintain GHAD improvements within the GHAD Annexation Area. This Engineer's Report describes the establishment of an assessment level to fund GHAD activities necessary or incidental to geologic hazard mitigation, abatement, and control.

III. GEOLOGIC HAZARD ABATEMENT DISTRICT BOUNDARIES

The boundaries for the GHAD Annexation Area are shown in the legal description and plat attached hereto as Exhibit A.

IV. SERVICE LEVELS

The GHAD's Activities (defined in the Plan of Control) are those that are necessary or incidental to the prevention, mitigation, abatement, or control of geologic hazards including construction, maintenance, repair, or operation of any improvement; and the issuance and servicing of bonds issued to finance any of the foregoing.

The GHAD provides for the administration and review of facilities within the budgeted limits, including the following services.

1. Oversight of GHAD operations, including reporting to the GHAD Board of Directors.
2. In conjunction with the Alameda County Assessor's Office, setting the annual levying of assessments on the property tax rolls.

3. Engagement of technical professionals to perform the monitoring duties as described in the Plan of Control.
4. Performance of GHAD maintenance activities in accordance with the Plan of Control. These maintenance activities include:
 - **Surface Drainage Improvements:** The GHAD maintains surface drainage improvements, including drainage ditches, to manage stormwater runoff and prevent flooding or erosion.
 - **Functional Aspects of Water Quality Flow Control Basins and Stormwater Facilities:** The GHAD handles functional maintenance, repair, and replacement of water quality flow control basins and stormwater facilities, including retention detention ponds, to manage runoff and minimize flood risks.
 - **Storm Drainage System:** The GHAD maintains the storm drainage system to support proper function and reduce geologic hazard risks.
 - **Retaining Walls:** The GHAD maintains retaining walls and drain outlets to preserve structural integrity.
 - **Geotechnical Monitoring Instruments (if any):** The GHAD monitors and maintains geotechnical instruments used to track soil movement and other geotechnical factors.
 - **Keyway Subdrains and Outlets:** The GHAD maintains keyway subdrains and outlets to prevent blockages and sustain proper slope drainage.
 - **Geologic Hazard Abatement:** The GHAD monitors and mitigates geologic hazards, including slope stability and erosion control.
5. Preparation of annual GHAD budgets for approval by the GHAD Board of Directors.

V. DESCRIPTION OF THE IMPROVEMENTS MAINTAINED BY THE GHAD

The GHAD-maintained improvements are described in the Plan of Control. In general, these improvements include drainage systems, including concrete-lined ditches in developed areas and open space; open-space storm drain inlets and outlets; subdrains and outlets; and selected retaining walls.

VI. ASSESSMENT METHOD

The improvements and GHAD responsibilities described in Section V are distributed within the GHAD Annexation Area. The improvements described in this document will confer the following special benefits to the assessed parcels.

1. Protection from slope instability.
2. Protection from erosion due to uncontrolled surface water.
3. Protection of water quality.

The GHAD assessment is distributed among all residential and commercial/educational property owners within the GHAD Annexation Area. The improvements and responsibilities listed in Section IV provide specific benefits to the properties within the GHAD Annexation Area and the improvements are constructed for the benefit of those assessed and not the general public.

The GHAD Annexation Area consists of 214,693 planned square feet of habitable structures which include a childhood center, elementary school, and two residential complexes which include 176 units. The total area of habitable space within the GHAD Annexation Area was considered in light of the annual GHAD Annexation Area budget in developing the annual assessment limit.

The Engineer hereby finds that the planned structures within the GHAD Annexation Area receive approximately equal special benefit from the work and improvements within the GHAD based on the percentage of habitable square footage within each of the structures. As a result, the GHAD assessment for the GHAD Annexation Area is distributed among all owners of parcels as follows:

PRODUCT TYPE	SQUARE FOOTAGE	PERCENTAGE OF TOTAL ASSESSMENT
Childhood Center	10,994	5.1%
Elementary School	35,460	16.5%
Residential – Building 1	84,829	39.5%
Residential – Building 2	83,460	38.9%
TOTAL	214,693	100%

A financial analysis was performed to provide a framework for an operating budget for the on-going abatement, mitigation, prevention and control of geologic hazards within the GHAD Annexation Area. In preparation of the budget, several factors were considered including:

1. Site geology
2. Remedial grading
3. Proximity of geologic hazards to proposed structures
4. Improvements and structures
5. Site access considerations
6. Elements requiring routine maintenance, including:
 - Surface drainage facilities
 - Graded slopes
 - Retaining walls

VII. ASSESSMENT – BUDGET

The purpose of this Engineer's Report is to establish the assessment level and the apportionment of the assessment within the GHAD Annexation Area as required under Proposition 218. The annual budget in each subsequent fiscal year will apprise the GHAD Board of Directors of the estimated budget for the upcoming year.

Based on the estimated expenses for on-going operations, and allowing for larger (approximately \$200,000) geologic events at 20-year intervals and accumulation of a target reserve of \$510,000 by FY 2075/76 in FY 2025/26 dollars, a budget was prepared for the

purpose of estimating initial assessment levels (Exhibit B). For the purposes of establishing an assessment limit, it was anticipated that the target reserve would accumulate over a 50-year period; however, the target reserve may accumulate at a slower or more rapid rate than estimated depending on the GHAD's actual expenses and revenues.

The Engineer recommends an annual assessment limit for the GHAD Annexation Area of \$0.25472 per square foot of habitable space (Fiscal Year 2025/26 dollars). The proposed initial assessment level will be automatically adjusted annually on December 30 to reflect the percentage change in the San Francisco-Oakland-San Jose Consumers Price Index for All Urban Consumers. The assessments are to be levied in conjunction with the issuance of a certificate of occupancy for each of the structures.

While the assumptions and estimated expenses listed in Exhibit B were used to determine the assessment levels for the GHAD Annexation Area, they do not represent the actual budget for any one year of the GHAD's operation, since assessment of the individual structures will be based on the issuance of building permits, which may occur over a number of years. In addition, the Engineer anticipates that the projected expense amounts will be reached over time and that these amounts will be inflation-adjusted in the year that the expenses occur.

Pursuant to the schedule set forth in Section 6.4 of the Plan of Control for the Parcel Group 3 Development, the GHAD reserve at the time of transfer must have a minimum of \$114,910. In addition, all four planned structures shall be subject to the levy of the GHAD assessment. The minimum reserve amount represents the estimated total assessments that will be collected from within the Parcel Group 3 Development during the period the Owner is responsible for all GHAD activities. The reserve amount requirement may be satisfied by including remaining cash and receivables from the Alameda County Tax Collector during the period that the Owner of the Parcel Group 3 Development is responsible for performing the GHAD activities. Additional funds may be required of the developer in order to satisfy the above-stated minimum reserve requirement and shall be provided to the Hayward GHAD prior to its acceptance of the monitoring and maintenance responsibilities within the Parcel Group 3 Development.

VIII. OWNER RESPONSIBILITIES

La Vista Hayward, L.P., ("Owner") is responsible for managing and maintaining the GHAD Annexation Area until the GHAD accepts responsibility for the GHAD Improvements as set forth in the Plan of Control. In addition, the Owner is responsible for funding any necessary GHAD functions or business undertaken for the GHAD Annexation Area that the GHAD Officers or Board of Directors determine are necessary before the GHAD accepts the GHAD Improvements. If the Owner fails to fund all or a portion of these costs, the costs shall be covered by the funds generated by and for the GHAD Annexation Area (i.e., through the assessment) and the Owner shall be required to reimburse the GHAD for such costs before the GHAD can accept monitoring and maintenance responsibilities for the GHAD Improvements.

The GHAD may utilize funds generated by or for the GHAD Annexation Area to conduct any necessary GHAD functions or business for the GHAD Annexation Area required before the GHAD accepts the GHAD improvements. Such functions and business can include periodic reporting to the GHAD Board of Directors and work performed by GHAD Officers to verify the GHAD is implemented in accordance with the Plan of Control and GHAD Law.



EXHIBIT A
LEGAL DESCRIPTION AND PLAT

EXHIBIT A
LEGAL DESCRIPTION
HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT
PARCEL GROUP 3 – PARCL MAP No. 11247

All that real property, situate in the City of Hayward, County of Alameda, State of California, described as follows:

Parcel 2:

Being a portion of *Parcel 2* of “Parcel Map No. 11247”, recorded April 6, 2022, in Book 354 of Parcel Maps, at Page 79, Alameda County Records, further described as follows:

Beginning at the southwest corner of said *Parcel 2* (354 PM 79); thence along the westerly boundary line of said *Parcel 2* (354 PM 79) North 11°33'57" West, 296.43 feet; thence North 15°11'20 West, 314.38 feet to the beginning of a non-tangent curve, concave to the west and having a radius of 44.00 feet, a radial line to the beginning of said curve bears North 85°42'26" East; thence leaving said westerly boundary line north 4.79 feet along said curve, through a central angle of 6°14'00" to the beginning of a compound curve, concave to the west and having a radius of 350.00 feet; thence 64.05 feet along said curve, through a central angle of 10°29'08" to a point on the westerly boundary line of said *Parcel 2* (354 PM 79); thence along said boundary line the following nineteen (19) courses:

1. North 15°11'20" West, 16.66 feet;
2. South 57°24'10" West, 2.10 feet;
3. North 23°39'08" West, 498.22 feet to the beginning of a non-tangent curve, concave to the south and having a radius of 109.74 feet, a radial line to the beginning of said curve bears North 20°17'51" West;
4. East and Southeast 113.69 feet along said curve, through a central angle of 59°21'41" to the beginning of a non-tangent curve, concave to the southwest and having a radius of 1666.21 feet, a radial line to the beginning of said curve bears North 59°24'38" East;
5. Southeast 298.63 feet along said curve, through a central angle of 10°16'08" to the beginning of a reverse curve, concave to the northeast and having a radius of 862.55 feet;
6. Southeast 429.43 feet along said curve, through a central angle of 28°31'31" to the beginning of a reverse curve, concave to the southwest and having a radius of 1063.72 feet;
7. Southeast 178.52 feet along said curve, through a central angle of 9°36'57";
8. South 52°24'45" West, 100.60 feet;
9. South 37°28'08" East, 1.62 feet;
10. South 52°31'52" West, 31.50 feet;
11. South 37°28'08" East, 115.00 feet;
12. North 52°31'52" East, 18.00 feet;
13. South 37°28'08" East, 57.63 feet to the beginning of a curve, concave to the west and having a radius of 26.00 feet;

14. Southeast and South 30.33 feet along said curve, through a central angle of $66^{\circ}50'40''$ to the beginning of a reverse curve, concave to the east and having a radius of 46.00 feet;
15. South 29.16 feet and said curve, through a central angle of $36^{\circ}19'01''$ to the beginning of a reverse curve, concave to the west and having a radius of 26.50 feet;
16. South 27.51 feet along said curve, through a central angle of $59^{\circ}28'21''$;
17. South $37^{\circ}28'08''$ East, 13.50 feet;
18. South $52^{\circ}31'52''$ West, 25.38 feet;
19. South $77^{\circ}07'18''$ West, 230.47 feet to the **Point of Beginning** of this description.

Containing an area of 199,485 square feet (4.58 acres), more or less.

Parcel 3:

Being all of *Parcel 3* of "Parcel Map No. 11247", recorded April 6, 2022, in Book 354 of Parcel Maps, at Page 79, Alameda County Records, further described as follows:

Beginning at the northwest corner of said *Parcel 3* (354 PM 79); thence along the boundary line of said *Parcel 3* (354 PM 79) the following twenty-three (23) courses:

1. North $77^{\circ}07'18''$ East, 230.47 feet;
2. North $52^{\circ}31'52''$ East, 25.38 feet;
3. North $37^{\circ}28'08''$ West, 13.50 feet to the beginning of a non-tangent curve, concave to the west, having a radius of 26.50 feet, a radial line to the beginning of said curve bears North $37^{\circ}28'08''$ West;
4. Northeast and North 27.51 feet along said curve, through a central angle of $59^{\circ}28'21''$ to the beginning of a reverse curve, concave to the east, having a radius of 46.00 feet;
5. North and Northeast 29.16 feet along said curve, through a central angle of $36^{\circ}19'01''$ to the beginning of a reverse curve, concave to the southwest, having a radius of 26.00 feet;
6. North and Northwest 30.33 feet along said curve, through a central angle of $66^{\circ}50'40''$;
7. North $37^{\circ}28'08''$ West, 57.63 feet;
8. South $52^{\circ}31'52''$ West, 18.00 feet;
9. North $37^{\circ}28'08''$ West, 115.00 feet;
10. North $52^{\circ}31'52''$ East, 31.50 feet;
11. North $37^{\circ}28'08''$ West, 1.62 feet;
12. North $52^{\circ}24'45''$ East, 100.60 feet to the beginning of a non-tangent curve, concave to the southwest, having a radius of 1063.72 feet, a radial line to the beginning of said curve bears North $50^{\circ}46'11''$ East;
13. Southeast 297.32 feet along said curve, through a central angle of $10^{\circ}00'54''$ to the beginning of a reverse curve, concave to the northeast, having a radius of 214.30 feet;
14. Southeast 37.72 feet along said curve, through a central angle of $10^{\circ}05'02''$;
15. South $01^{\circ}08'10''$ West, 172.13 feet;
16. North $89^{\circ}39'02''$ East, 348.86 feet to a point on the northerly right-of-way line of Tennyson Road, also being the beginning of a non-tangent curve, concave to the north, having a radius of 720.00 feet, a radial line to the beginning of said curve bears North $25^{\circ}54'27''$ West;
17. West 198.93 feet along said curve, through a central angle of $15^{\circ}49'48''$;

18. South $79^{\circ}55'21''$ West, 216.36 feet to the beginning of a curve, concave to the north, having a radius of 570.00 feet;
19. West 99.75 feet along said curve, through a central angle of $10^{\circ}01'36''$;
20. North $19^{\circ}40'27''$ West, 41.77 feet;
21. North $86^{\circ}39'15''$ West; 118.04 feet;
22. South $78^{\circ}09'10''$ West, 86.04 feet;
23. Leaving said northerly right-of-way line and continuing along said boundary line of *Parcel 3 (354 PM 79)* North $11^{\circ}33'57''$ West, 173.12 feet to the **Point of Beginning** of this description.

Containing an area of 140,846 square feet (3.23 acres), more or less.

A horizontal scale bar with tick marks and numerical labels. The labels are 150, 75, 0, 150, 300, and 450, positioned above the bar. The bar itself is divided into six equal segments by the tick marks, corresponding to the labeled values. Below the bar, the text "SCALE IN FEET" is centered.

LEGEND

BOUNDARY LINE
P.O.B. POINT OF BEGINNING

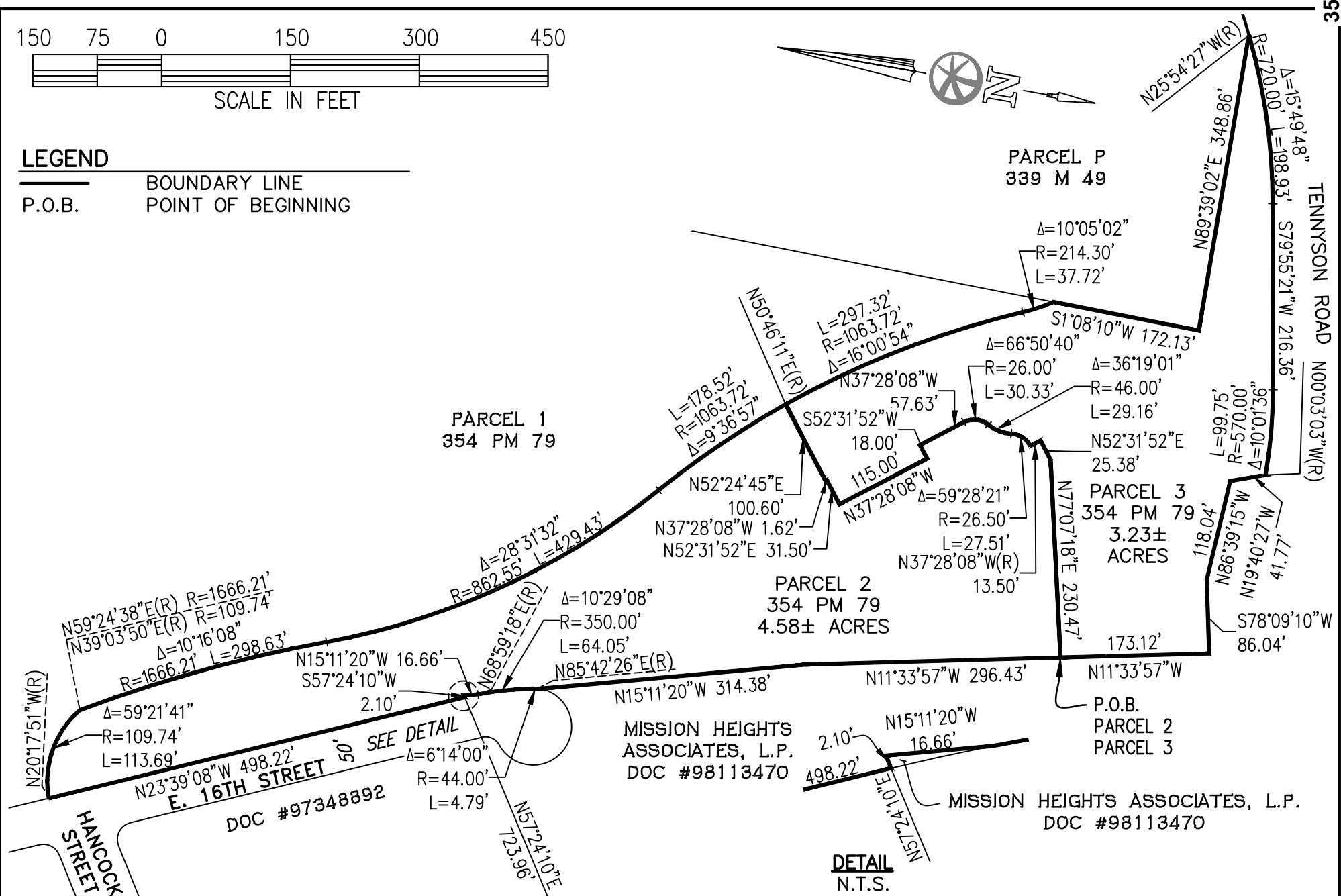


EXHIBIT B

DATE: 03/21/2025 SCALE: 1" = 150'

**HAYWARD GEOLOGIC HAZARD
ABATEMENT DISTRICT –
PARCEL GROUP 3 P.M. No. 11247**



EXHIBIT B

BUDGET – November 11, 2025

**Hayward Geologic Hazard Abatement District – Parcel Group 3 Development
Annexation**

Budget – November 11, 2025

ASSUMPTIONS

Approximate Total Habitable Space (square feet)	214,693
Annual Assessment per Habitable Structures (square feet)	\$0.25472
Annual Adjustment in Assessment (estimated)	2.0%
Inflation (estimated)	2.0%
Investment Earnings (estimated)	4.0%
Frequency of Large-Scale Repair (years)	20
Cost of Large-Scale Repair (current \$)	\$200,000

ESTIMATED ANNUAL EXPENSES IN 2025/26 DOLLARS

Administration (Manager, Treasurer, Clerk, and Legal Counsel)	\$9,750
Outside Administration Services, Membership, and Insurance	\$2,462
Monitoring Activities	\$3,375
Maintenance and Operation	\$13,900
Capital Improvements	\$11,063
Major Repair (Annualized)	\$ 10,000
Miscellaneous & Contingency (10%)	\$4,055
Reserve	<u>\$81</u>
TOTAL	<u>\$54,686</u>





CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 26-032

DATE: January 27, 2026

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Adopt a Resolution Authorizing the City Manager to Accept Grant Funding in the Amount of \$153,000 from the California Department of Justice Tobacco Grant Program, and Appropriate the Funds to the Code Enforcement Division of the Development Services Department, for the Term of Three Years

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to accept grant funding in the amount of \$153,000 from the California Department of Justice (DOJ) Tobacco Grant Program, allocating these funds to the Code Enforcement Division of the Development Services Department for a three-year term to support tobacco regulation enforcement and public health efforts.

SUMMARY

Staff recommends Council adopt the attached resolution to accept a \$153,000 grant from the California DOJ Tobacco Grant Program (Award # DOJ-PROP56-2025-26-1-018). The grant supports efforts to reduce tobacco sales to underage youth through enhanced enforcement activities over three years. There is no match required for this grant.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: January 27, 2026

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Adopt a Resolution Authorizing the City Manager to Accept Grant Funding in the Amount of \$153,000 from the California Department of Justice Tobacco Grant Program and Appropriate the Funds to the Code Enforcement Division of the Development Services Department for a Term of Three Years

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FISCAL IMPACT

Acceptance of the grant funding has no impact on the General Fund, as no City match is required. Funds will be appropriated into a Grant Reimbursement Fund to support the operation of the Code Enforcement Division's tobacco compliance efforts.

Grant Budget Breakdown

Category of Expenditure	FY25-26	FY26-27	FY27-28	FY28-29	Total
Personal Services	\$25,000	\$50,000	\$50,000	\$25,000	\$150,000
Administrative Costs	\$500	\$1,000	\$1,000	\$500	\$3,000
Total Award Amount	\$25,500	\$51,000	\$51,000	\$25,500	\$153,000

BACKGROUND

The City's Code Enforcement Division was competitively selected for a \$153,000 grant from the California DOJ Tobacco Grant Program, one of many applicants vying for a share of the program's funds amidst approximately \$50 million in requests for the 2025-26 cycle. The grant prioritizes local retailer enforcement and collaboration to curb tobacco sales to underage youth. In June 2025, the City's Grant Committee approved the Division's application, and in November 2025, the City was awarded funds under the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 (Award # DOJ-PROP56-2025-26-1-018). Over three years, the Code Enforcement Division will conduct 103 annual retailer inspections and provide education to support compliance with tobacco laws, focusing on restricting sales of flavored products and protecting public health. This grant aligns with the City's Strategic Roadmap goals of promoting public health and safety through effective regulation and enforcement.

DISCUSSION

The City's grant committee reviewed the application and recommended proceeding, contingent on using existing staff to administer the grant (no new positions added). A current Code Enforcement Inspector will conduct enforcement activities. This grant streamlines the tobacco compliance program, allowing one inspector to oversee it, and saves City funds typically used for tobacco enforcement, freeing them up for other programs. Code Enforcement currently funds this program without additional City financial support. The grant optimizes resources and provides financial benefits to the City.

ECONOMIC IMPACT

The grant funding supports enforcement efforts without requiring new City funding, reducing tobacco-related costs and promoting Hayward's economic vitality through improved public health.

STRATEGIC ROADMAP

This project supports the Strategic Priority of Enhance Community Safety, however, it is not tied to implementation of any specific projects.

SUSTAINABILITY FEATURES

The grant funding supports sustainable public health efforts by reducing tobacco use, promoting compliance with tobacco regulations, and decreasing the environmental impact of tobacco product waste. By funding enforcement activities, the City enhances community health outcomes while advancing environmental stewardship goals aligned with City of Hayward initiatives.

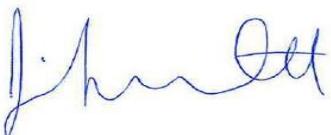
NEXT STEPS

Upon Council approval, the City Manager will accept the grant and allocate funds to the Code Enforcement Division for implementation with program activities starting FY 2025-26.

Prepared by: Tera Maroney, Management Analyst

Recommended by: Sara Buizer, AICP. Development Services Director

Approved by:

A handwritten signature in blue ink, appearing to read "Jennifer Ott".

Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AND APPROPRIATE GRANT FUNDING IN THE AMOUNT OF \$153,000 FROM THE CALIFORNIA, DEPARTMENT OF JUSTICE TOBACCO GRANT PROGRAM AND APPROPRIATE THE FUNDS TO THE CODE ENFORCEMENT DIVISION OF THE DEVELOPMENT SERVICES DEPARTMENT FOR A TERM OF THREE YEARS

WHEREAS, the City of Hayward is interested in participating in the Tobacco Grant Program (Program), which is made available through The California Healthcare Research and Prevention Tobacco Tax Act of 2016 (Prop 56) and administered by the California Department of Justice (DOJ) to support local efforts to reduce the illegal sale of tobacco products to minors; and

WHEREAS, upon City's submittal of a proposal for the Program, DOJ awarded \$153,000 for the three-year grant project beginning January 2026 and ending June 2029; and

WHEREAS, Grant funds will be used to support the operation of the Code Enforcement Division's tobacco compliance efforts.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAYWARD RESOLVES AS FOLLOWS:

1. The City Manager or a designated representative is hereby authorized, on behalf of the City, to accept grant funding in the amount of \$153,000 from DOJ.
2. The City Manager or a designated representative is hereby authorized and directed, on behalf of the City, to execute the grant documents including funding terms and conditions and to submit all documents including, without limitation, contracts, amendments, extensions, and payment requests as appropriate to accept the funds and comply with conditions of the grant.
3. The City Manager or a designated representative is hereby authorized and directed to establish all required accounts and make all expenditures, appropriations, transfers, and/or distributions of funds on behalf of the City as are necessary and appropriate to carry out the purpose and intent of this resolution.

ATTACHMENT II

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2026

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 26-014

DATE: January 27, 2026

TO: Mayor and City Council

FROM: Director of Maintenance Services

SUBJECT

Adopt Resolutions Authorizing the City Manager to Negotiate and Execute Landscape Maintenance Contracts for Twin Bridges Landscape and Lighting Assessment District 7 with New Image Landscape Company in a Not-to-Exceed Amount of \$357,000 and for Parkside Heights Landscape and Lighting Assessment District 17 with Pacheco Landscape Management, Inc. in a Not-to-Exceed Amount of \$91,000

RECOMMENDATION

That City Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute a landscape maintenance contracts for Twin Bridges Landscape and Lighting Assessment District (LLAD) 7 with New Image Landscape Company (New Image)in a not-to-exceed amount of \$357,000 and a resolution (Attachment III) authorizing the City Manager to negotiate and execute a landscape maintenance contract for Parkside Heights LLAD 17 with Pacheco Landscape Management, Inc. (Pacheco) in a not-to-exceed amount of \$91,000, both for a length of five years.

SUMMARY

Maintenance Services' Landscape Division maintains eighteen (18) LLADs and two (2) Maintenance Districts. In October 2025, staff released requests for quotes (RFQ) to seek experienced and qualified contractors to provide landscape maintenance within Twin Bridges (LLAD 7) and Parkside Heights (LLAD 17). Staff received and evaluated five (5) bids for LLAD 7 and six (6) bids for LLAD 17. For LLAD 7, staff recommends awarding the landscape maintenance contract to New Image in a not-to-exceed amount of \$357,000. For LLAD 17, staff recommends awarding the contract to Pacheco in a not-to-exceed amount of \$91,000. Both agreements will have an effective term date from July 1, 2025 - June 30, 2028, with an option to extend for two one-year extensions through June 2030. The agreements are also subject to an annual CPI increase.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution for Twin Bridges LLAD 7

File #: CONS 26-014

Attachment III Resolution for Parkside Heights LLAD 17



DATE: January 27, 2026

TO: Mayor and City Council

FROM: Director of Maintenance Services

SUBJECT: Adopt Resolutions Authorizing the City Manager to Negotiate and Execute Landscape Maintenance Contracts for Twin Bridges Landscape and Lighting Assessment District 7 with New Image Landscape Company in a Not-to-Exceed Amount of \$357,000 and for Parkside Heights Landscape and Lighting Assessment District 17 with Pacheco Landscape Management, Inc. in a Not-to-Exceed Amount of \$91,000

RECOMMENDATION

That City Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute a landscape maintenance contracts for Twin Bridges Landscape and Lighting Assessment District (LLAD) 7 with New Image Landscape Company (New Image) in a not-to-exceed amount of \$357,000 and a resolution (Attachment III) authorizing the City Manager to negotiate and execute a landscape maintenance contract for Parkside Heights LLAD 17 with Pacheco Landscape Management, Inc. (Pacheco) in a not-to-exceed amount of \$91,000, both for a length of five years.

SUMMARY

Maintenance Services' Landscape Division maintains eighteen (18) LLADs and two (2) Maintenance Districts. In October 2025, staff released requests for quotes (RFQ) to seek experienced and qualified contractors to provide landscape maintenance within Twin Bridges (LLAD 7) and Parkside Heights (LLAD 17). Staff received and evaluated five (5) bids for LLAD 7 and six (6) bids for LLAD 17. For LLAD 7, staff recommends awarding the landscape maintenance contract to New Image in a not-to-exceed amount of \$357,000. For LLAD 17, staff recommends awarding the contract to Pacheco in a not-to-exceed amount of \$91,000. Both agreements will have an effective term date from July 1, 2025 – June 30, 2028, with an option to extend for two one-year extensions through June 2030. The agreements are also subject to an annual CPI increase.

BACKGROUND AND DISCUSSION

In October 2025, staff released RFQ 26-008 that detailed landscape maintenance required for LLAD 7. In December 2025, staff received the following bids:

Vendor	Monthly Bid	Yearly Bid
NEW IMAGE LANDSCAPE COMPANY	\$ 5,100	\$ 61,200
BRIGHTVIEW LANDSCAPE SERVICES, INC.	\$ 5,261.08	\$ 63,132.96
BAYSCAPE MANAGEMENT, INC	\$ 5,480	\$ 65,760
PACHECO LANDSCAPE MANANAGEMENT, INC	\$ 6,200	\$ 74,400
LOS LOZA, INC	\$ 7,800	\$ 93,600

Staff recommends awarding the contract to New Image. The expected yearly cost, inclusive of 3% annual CPI increase and a 10% contingency, is outlined below.

Cost Type	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Total
Contractual Services	\$ 61,200	\$ 63,036	\$ 64,927	\$ 66,875	\$ 68,881	\$ 324,919
Contingency	\$ 6,121	\$ 6,120	\$ 6,120	\$ 6,860	\$ 6,860	\$ 32,081
Total	\$ 67,321	\$ 69,156	\$ 71,047	\$ 73,735	\$ 75,741	\$ 357,000

Additionally, staff released RFQ 26-012 that detailed landscape maintenance required for LLAD 17. Staff received the following bids:

Vendor	Monthly Bid	Yearly Bid
PACHECO LANDSCAPE MANANAGEMENT, INC	\$ 1,300	\$ 15,600
LOS LOZA, INC	\$ 1,920	\$ 23,040
BRIGHTVIEW LANDSCAPE SERVICES, INC.	\$ 2,070.92	\$ 24,851.04
BAYSCAPE MANAGEMENT, INC	\$ 2,495	\$ 29,940
NEW IMAGE LANDSCAPE COMPANY	\$ 2,510	\$ 30,120
RUBICON LANDSCAPE CORPORATION	\$ 4,523.45	\$ 54,281.45

Staff recommends awarding the contract to Pacheco. The expected yearly cost, inclusive of 3% annual CPI increase and 10% contingency, is outlined below.

Cost Type	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Total
Contractual Services	\$ 15,600	\$ 16,068	\$ 16,550	\$ 17,047	\$ 17,558	\$ 82,823
Contingency	\$ 1,497	\$ 1,500	\$ 1,580	\$ 1,800	\$ 1,800	\$ 8,177
Total	\$ 17,097	\$ 17,568	\$ 18,130	\$ 18,847	\$ 19,358	\$ 91,000

FISCAL AND ECONOMIC IMPACT

Each LLAD collects tax assessments levied on the parcels within the community. LLAD 7 (Fund 274) and LLAD 17 (Fund 290) have sufficient funds for this agreement. This item has no impact on the General Fund.

Routine landscape maintenance provides economic benefits, such as reduced blight, increased property values, and enjoyable outdoor spaces for recreational activities.

STRATEGIC ROADMAP AND SUSTAINABILITY FEATURES

This item is a routine operational item and does not directly support Council's Strategic Priorities or has significant sustainability features.

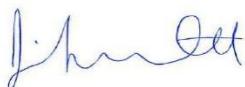
NEXT STEPS

If Council approves the attached resolution, the City Manager will execute the agreement with New Image for Twin Bridges LLAD 7 for a total not-to-exceed amount of \$357,000 and an agreement with Pacheco for Parkside Heights LLAD 17 for a total not-to-exceed amount of \$91,000. Both agreements will have a termination date through FY2030 and subject to CPI increases.

Prepared by: Manny Grewal, Management Analyst

Recommended by: Todd Rullman, Director of Maintenance Services

Approved by:



Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A LANDSCAPE MAINTENANCE CONTRACTS FOR TWIN BRIDGES LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT 7 WITH NEW IMAGE LANDSCAPE COMPANY IN A NOT-TO-EXCEED AMOUNT OF \$357,000

WHEREAS, the Landscape Maintenance Division maintains eighteen (18) Landscape and Lighting Assessment Districts (LLAD) and two (2) Maintenance Districts; and,

WHEREAS, each District collects property tax assessments levied on the parcels within the community to fund specific operating and maintenance needs for its District; and,

WHEREAS, in October 2025, staff released a Request for Quote (RFQ) 26-008 for a qualified contractor to provide maintenance on landscaping, trees, bioretention areas, irrigation, and walking paths for Twin Bridges (LLAD 7); and,

WHEREAS, in December 2025, staff received and evaluated five (5) bids; and,

WHEREAS, staff recommends awarding the contract to New Image Landscape Company (New Image), the lowest bidder, in an annual amount of \$67,321, which includes a 10 percent contingency, and is subject to CPI increases; and,

WHEREAS, the contract term length would be for three (3) years with two (2) options for one (1)-year extensions, for a total contract term length of five years; and,

WHEREAS, the District has sufficient balance in its fund for this contract and will have no impact on the General Fund.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized to negotiate and execute a landscape maintenance contract for Twin Bridges Lighting and Landscape Assessment District 7 with New Image Landscape Company in a not-to-exceed amount of \$357,000 effective from FY26 thru FY30.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2026

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-__

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A LANDSCAPE MAINTENANCE CONTRACTS FOR PARKSIDE HEIGHTS LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT 17 WITH PACHECO LANDSCAPE MANAGEMENT, INC. IN A NOT-TO-EXCEED AMOUNT OF \$91,000

WHEREAS, the Landscape Maintenance Division maintains eighteen (18) Landscape and Lighting Assessment Districts (LLAD) and two (2) Maintenance Districts; and,

WHEREAS, each District collects property tax assessments levied on the parcels within the community to fund specific operating and maintenance needs for its District; and,

WHEREAS, in October 2025, staff released RFQ 26-012 for a qualified contractor to provide maintenance on landscaping, trees, bioretention areas, irrigation, and walking paths for Parkside Heights (LLAD 17); and,

WHEREAS, in December 2025, staff received and evaluated six (6) bids; and,

WHEREAS, staff recommends awarding the contract to Pacheco Landscape Management, Inc. (Pacheco), the lowest bidder, in an annual amount of \$17,097, including a 10 percent contingency, and subject to CPI increases; and,

WHEREAS, the contract term length would be for three (3) years with two (2) options for one (1)-year extensions, for a total contract term length of five years; and,

WHEREAS, the District has sufficient balance in its fund for this contract and will have no impact on the General Fund.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized to negotiate and execute a landscape maintenance contract for Parkside Heights Lighting and Landscape Assessment District 17 with Pacheco Landscape Management, Inc. in a not-to-exceed amount of \$91,000, effective from FY26 thru FY30.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2026

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 26-015

DATE: January 27, 2026

TO: Mayor and City Council

FROM: Director of Maintenance Services

SUBJECT

Adopt Resolutions to 1) Initiate Proceedings Pursuant to Government Code Section 53753, 2) Provide Intention to Levy Assessments for FY 2026, 3) Preliminarily Approve FY 2026 the Engineer's Report, 4) Provide a Notice of Proposition 218 Public Hearing for Stratford Village Flood Control Facilities Improvement Assessment (MD1 - 2026), 5) Approve the Mailing of Ballots, and 6) Adopt Proposition 218 Assessment Ballot Procedures

RECOMMENDATION

That the City Council adopts two resolutions (Attachment II and III):

1. Initiating proceedings pursuant to Government Code Section 53753,
2. Providing intention to levy assessments for FY 2026,
3. Preliminarily approving the FY 2026 Engineer's Report,
4. Providing a notice of Proposition 218 Public Hearing,
5. Approving the mailing of ballots, and
6. Adopting procedures for Proposition 218 Assessment Ballot Proceedings for the Stratford Village Flood Control Facilities Assessment District.

SUMMARY

Maintenance District #1 (District) was established in 1995 as a financial funding mechanism to fund the operation, maintenance, and the capital repair and replacement of the Stratford Village Storm Water Lift Station, the critical flood protection infrastructure for the neighborhood. Thirty years later, the funds generated from the annual assessment revenue are no longer sufficient to provide proper operation, maintenance, and the capital repair and replacement of the District's storm water drainage and pumping infrastructure.

To meet this need, staff is recommending a Proposition 218 assessment balloting procedure to propose a new assessment that includes:

- 1.) A cost-of-living adjustment mechanism in order to ensure that the flood control infrastructure is properly funded over time for operations and maintenance.

File #: CONS 26-015

- 2.) An annual augmentation of approximately \$7,544 (2025-26 dollars) to the annual operating budget.
- 3.) A capital investment of \$379,049, to be financed over 40 years to fund the Pump and Equipment Replacement Fund/2030 Pump replacement.

Tonight, staff is recommending that the Council take formal action to initiate the Proposition 218 election process by preliminarily approving the Engineer's Report, providing a Notice of Public Hearing in compliance with Proposition 218, approving the mailing of ballots, and adopting Proposition 218 Assessment Ballot Proceeding Procedures.

ATTACHMENTS

Attachment I Staff Report

Attachment II Resolution for Twin Bridges LLAD 7

Attachment III Resolution for Parkside Heights LLAD 17

Attachment IV Preliminary Engineer's Report



DATE: January 27, 2025

TO: Mayor and City Council

FROM: Director of Maintenance Services

SUBJECT: Adopt Resolutions to 1) Initiate Proceedings Pursuant to Government Code Section 53753, 2) Provide Intention to Levy Assessments for FY 2026, 3) Preliminarily Approve FY 2026 Engineer's Report, 4) Provide a Notice of Proposition 218 Public Hearing for Stratford Village Flood Control Facilities Improvement Assessment (MD1 - 2026), 5) Approve the Mailing of Ballots, and 6) Adopt Proposition 218 Assessment Ballot Procedures

RECOMMENDATION

That the City Council adopts two resolutions (Attachment II and III):

1. Initiating proceedings pursuant to Government Code Section 53753,
2. Providing intention to levy assessments for FY 2026,
3. Preliminarily approving the FY 2026 Engineer's Report,
4. Providing a notice of Proposition 218 Public Hearing,
5. Approving the mailing of ballots, and
6. Adopting procedures for Proposition 218 Assessment Ballot Proceedings for the Stratford Village Flood Control Facilities Assessment District.

SUMMARY

Maintenance District #1 (District) was established in 1995 as a financial funding mechanism to fund the operation, maintenance, and the capital repair and replacement of the Stratford Village Storm Water Lift Station, the critical flood protection infrastructure for the neighborhood. Thirty years later, the funds generated from the annual assessment revenue are no longer sufficient to provide proper operation, maintenance, and the capital repair and replacement of the District's storm water drainage and pumping infrastructure.

To meet this need, staff is recommending a Proposition 218 assessment balloting procedure to propose a new assessment that includes:

- 1.) A cost-of-living adjustment mechanism in order to ensure that the flood control infrastructure is properly funded over time for operations and maintenance.
- 2.) An annual augmentation of approximately \$7,544 (2025-26 dollars) to the annual operating budget.

- 3.) A capital investment of \$379,049, to be financed over 40 years to fund the Pump and Equipment Replacement Fund/2030 Pump replacement.

Tonight, staff is recommending that the Council take formal action to initiate the Proposition 218 election process by preliminarily approving the Engineer's Report, providing a Notice of Public Hearing in compliance with Proposition 218, approving the mailing of ballots, and adopting Proposition 218 Assessment Ballot Proceeding Procedures.

FISCAL IMPACT

This action has no impact on the City's General Fund.

The District funds the operations and maintenance of the Stratford Village Storm Water Lift Station (SWLS) through its assessments. Currently, there are insufficient funds to properly maintain or replace the SWLS, increasing the risk of neighborhood flooding. The ballot procedure proposed in this report would increase the assessment to create a sustainable operating budget and establish a fund balance to ensure positive cash flow.

BACKGROUND

The Stratford Village neighborhood is located within a large drainage basin, with the Ward Creek¹ drainage facilities running along the western edge of the neighborhood. In 1992, as part of the Stratford Village neighborhood pre-development analysis, it was determined that the neighborhood was located below the 100-year flood zone. Due to the increased risk of flooding, the conditions of development approval required extensive grading to raise the elevation of the property to receive approvals from the City.

Development of the neighborhood was eventually made possible with the construction of a dedicated SWLS, built in 1995, designed solely to service this specific development. The SWLS was constructed at the end of Pacheco Way to pump storm water runoff for the developed area adjacent to Alameda County Flood Control and Water Conservation District's (ACFCWCD) Line B, Zone No. 3A, Ward Creek. The SWLS was designed with capacity to only process the stormwater run-off generated by the 174-lot development, a portion of Ruus Lane, Stratford Road, and the Stratford Village Park. No added capacity was constructed for run-off from other areas outside those mentioned above.

The ACFCWCD², through an agreement with the City, provides a range of construction, repair, maintenance, operations, and upgrades to the district's storm drainage and pump station improvements. These improvements protect the usefulness, utility, desirability, and livability of all properties within its jurisdictional area by preventing flooding.

The District was formed as a financial mechanism for the property owners to fund the station's operation, maintenance, and capital replacement in perpetuity. This station is the

¹ [URL](#) – Ward Creek – Old Alameda Creek Watershed

² [URL](#) – ACFCWCD Site

only privately built SWLS in the City, initially funded by the developer, and able to be operated and maintained solely with assessment revenue collected by the benefited property owners.

Presently, \$42,456 in assessment revenue is collected annually, with each of the 174 property owners contributing \$243.92 per year. The annual maximum charge rate (Assessment) was established and set when the District was established in 1995 and cannot be legally increased without official property owner approval completed through a formal assessment balloting procedure. Thirty years later, the funds generated from the annual Assessment are no longer sufficient to properly operate and maintain the Stratford Village SWLS and to provide for repair and replacement of its critical infrastructure assets.

DISCUSSION

Properties in the Stratford Village neighborhood are currently at an increased risk for flooding if the SWLS is not operating properly. The proposed Assessment will fund an increase in maintenance, operations, and improvement activities to reduce the likelihood of SWLS failure and reduce the threat of flooding, thereby significantly reducing the risk of property damage potential and loss of life associated with floods. Proper flood control operation, maintenance, and capital repair helps to protect, and specifically benefits, all properties in the District.

Each year the City evaluates the need to increase assessments to ensure there are adequate funds to continue to provide proper operation, maintenance, and capital replacement of the storm water pumping facilities. As part of this effort, the County of Alameda updated their capital replacement study to determine whether the MD1 is adequately funded. Currently there are not sufficient funds to replace the MD1 capital facilities when they reach the end of their useful life.

Based on input from the Stratford Village neighborhood, staff recommends establishing a new assessment that incorporates several critical improvements to the existing assessment including:

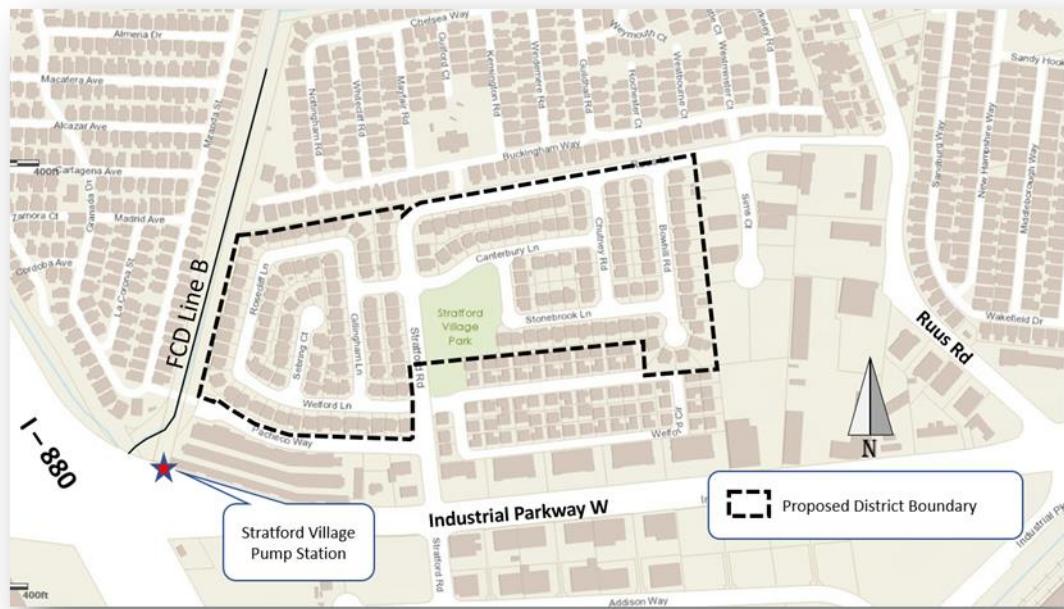
- 1.) A cost-of-living adjustment mechanism to ensure that the flood control infrastructure is properly funded over time for operations and maintenance.
- 2.) An annual augmentation of approximately \$7,544 (2025-26 dollars) to the annual operating budget.
- 3.) A capital investment of \$379,049, to be financed over 40 years to fund the Pump and Equipment Replacement Fund/2030 Pump replacement.

The attached Engineer's Report (Attachment IV) serves as the basis for this proposed new assessment (MD1-2026) to fund a specific portion of these critically needed storm water pumping facilities improvements. This assessment, if approved by property owners, will be in addition to the existing MD1 assessment, adding a new assessment designated as MD1-2026.

The area that will benefit from the proposed flood includes 29.1 acres, of which 24.7 acres are residential, 1.9 acres are for a park site, and 2.5 acres are for the collector streets associated with Stratford Road and Ruus Lane. Pacheco Way does not drain into this

drainage basin system nor does the industrial property to the south. The area is characterized by relatively flat terrain, low elevation and drains into the ACFCD's Line B, Zone No. 3A. The area is served by a pump station to manage storm runoff and avoid any surface flooding.

The boundary of the District is shown below



Legal Analysis of Proposition 218 to Fund Flood Control

The proposed assessment complies with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996 and is now Article XIIIIC and XIIID of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services and improvements, as well as maintenance and operation expenses of a public improvement which provide a special benefit to the assessed property.

Proposition 218 imposes several important requirements, including property-owner balloting, for the formation and continuation of assessments, and these requirements are satisfied by the process being used to establish this proposed assessment.

Funding for flood control is a well-supported and appropriate use of a benefit assessment. In fact, when Proposition 218 was initially approved in 1996, it allowed for certain types of assessments, including flood control, to be "grandfathered" in, and these were exempted from the property-owner balloting requirement. Proposition 218 is manifested as Article XIIID of the State Constitution, and states in part in Section 5:

“Beginning July 1, 1997, all existing, new, or increased assessments shall comply with this article. Notwithstanding the foregoing, the following assessments existing on the effective date of this article shall be exempt from the procedures and approval process set forth in Section 4:

“(a) Any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems (emphasis added) or vector control. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.”

Specific mention of “flood control and drainage systems” underscores the fact that the drafters of Proposition 218 were satisfied that funding for such activities is an appropriate use of benefit assessments, and therefore confers a direct and special benefit to property.

Proposition 218 Process³

Principal requirements. Section 4 of Article XIII D and the Proposition 218 Omnibus Implementation Act (Gov. Code § 53750 et seq.) sets forth Proposition 218’s procedural requirements. The principal requirements are:

1. An agency must provide 45 days’ written notice of a public hearing, and mail ballots to the owners of the parcels to be assessed;
2. The notice must include specified information, including information regarding the special assessments, the public hearing, and owners’ right to cast votes weighted by each owner’s special assessment amount;
3. An agency must hold a noticed public hearing for the purpose of allowing public testimony regarding the proposed assessments. At the public hearing, the agency will tally the results of the majority protest vote; and
4. If it is determined that the assessment ballots submitted in opposition to the proposed assessments do not exceed the assessment ballots submitted in favor of the assessments (weighted by the proportional financial obligation of the property for which ballots are submitted), the City Council may take action to approve the imposition of assessments for fiscal year 2026.
5. If a majority of the weighted votes does not oppose the special assessments, the agency may vote to levy the special assessment.

Funding Options

The financial plan also includes the establishment of a fund balance equal to at least half of the annual operating costs to ensure positive cash flow to account for assessment revenues

³ [URL](#) – League of California Cities Review of Proposition 218 and 26

that lag approximately six months. The plan includes a reasonable fund balance to allow for occasional major maintenance expenses in future years to ensure the pump station retains its capacity and reliability. The estimated unfunded cost of providing the services in FY26 is \$17,020.23.

The current assessment rate is \$243.92 per parcel in the District. The proposed cost increase is \$97.82 for a total annual assessment of \$341.74. This rate would be subject to annual CPI increases, if appropriate, by an amount equal to the annual change in the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index – All Urban Consumers (CPI) for the Northern California Consumer Price Index, SAN FRANCISCO-OAKLAND-HAWYARD, not to exceed 3% per year. The February-to-February CPI will be used to calculate the CPI. The CPI adjustment will be applied to the sum of the existing 1995 assessment and the proposed new assessment.

PUBLIC CONTACT

Previously, through a series of mailers, virtual community meetings, a dedicated webpage, flyers delivered to each of the 174 properties in the neighborhood, use of electronic message boards parked in the neighborhood, and Council meetings, staff has sought to inform and receive input from Stratford Village property owners and Council regarding the best path forward to protect Stratford Village from flooding.

On December 9, 2025, staff held an in-person event with representatives from ACFCWCD and SCI Consultants for residents at the pump station to explain how it works, the upgrades needed, and the Prop 218 process.

NEXT STEPS

If Council adopts the attached two resolutions, a notice and ballot materials will be sent to all property owners of record within the District at least 45 days prior to the scheduled public hearing. The ballot materials will include a postage paid return envelope, addressed to the City of Hayward Office of the City Clerk. The City Clerk will collect all received ballot envelopes and will only open those ballot envelopes at the April 21, 2026 public hearing.

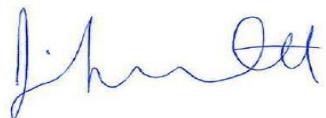
In addition, a required legal notice will be published in the Daily Review, announcing April 21, 2026 as the public hearing date in which the ballots will be opened and counted.

The public hearing will be held on April 21, 2026 to open, tally, and report on ballots received by the Office of the City Clerk. Should the proposed Proposition 218 balloting be performed and pass the City Council may take action to approve the imposition of assessments for fiscal year 2026 (July 2026 through June 2027) and each fiscal year thereafter. The levy and collection of the assessments would continue year to year until terminated by the City Council.

Prepared by: Manny Grewal, Management Analyst

Recommended by: Todd Rullman, Director of Maintenance Services

Approved by:

A handwritten signature in blue ink that appears to read "Jennifer Ott".

Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO._____

Introduced by Council Member_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD INITIATING PROCEEDINGS PURSUANT TO GOVERNMENT CODE SECTION 53753 AND ARTICLE XIIID OF THE CALIFORNIA CONSTITUTION, PROVIDING INTENTION TO LEVY ASSESSMENTS FOR FISCAL YEAR 2026, PRELIMINARILY APPROVING THE ENGINEER'S REPORT, AND PROVIDING FOR NOTICE OF HEARING, AND THE MAILING OF ASSESSMENT BALLOTS FOR THE STRATFORD VILLAGE FLOOD CONTROL FACILITIES IMPROVEMENT ASSESSMENT (MD1-2026)

WHEREAS, on June 6, 1995, by Resolution No. 95-103, the City Council ordered the formation Maintenance District No. 1 - Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road, and Russ Lane ("MD1") to provide for the operation and maintenance of the storm drainage improvements and the stormwater pumping facility to serve the area commonly known as Stratford Village; and

WHEREAS, the funds generated from the MD1 Assessment are no longer adequate to continue to provide proper operation, maintenance, and capital replacement of the drainage and pump facilities.

WHEREAS, Chapter 26 of Part 3 of Division 7 of the Streets and Highways Code of the State of California, authorizes formation of a maintenance district, and imposition of assessments to finance construction, improvement, and maintenance of drainage facilities; and

WHEREAS, the City of Hayward ("City") desires to initiate the proceedings for the establishment of the Stratford Village Flood Control Facilities Improvement Assessment pursuant to Government Code Section 53753 and Article XIIID of the California Constitution; and to provide improved maintenance and operations services and improvements to the drainage and pump facilities within the proposed district; and

WHEREAS, Proposition 218 was adopted on November 6, 1996, adding Articles XIIIC and XIIID to the California Constitution; and

WHEREAS, Articles XIIIC and XIIID of the California Constitution and implementing statutes impose certain procedural and substantive requirements relating to assessments (as defined); and

WHEREAS, an Engineer's Report (the "Report") has been prepared by SCI Consulting Group (the "Engineer of Work") and submitted to the City Council (the "Council"), in which a new assessment is proposed to fund the cost to provide maintenance and operations services and improvements to the drainage and pump facilities within the proposed district boundaries; and

WHEREAS, this proposed assessment shall be described as the "Stratford Village Flood Control Facilities Improvement Assessment (MD1-2026)" (hereinafter the "Assessment").

NOW THEREFORE BE IT RESOLVED, by the City of Hayward City Council as follows:

1. Reference to Initiation. SCI Consulting Group, the Engineer of Work, has prepared an Engineer's Report in accordance with Article XIID of the California Constitution and Government Code section 53750, 54710 et seq. (the "Report"). The Report has been made, filed with the City Clerk and duly considered by the Council and is hereby deemed sufficient and preliminarily approved. The Report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to the foregoing resolution.

2. Description of the Services. Within the Assessment District, the proposed Services will include improved maintenance and operations services and improvements to the drainage and pump facilities as described in the Engineer's Report.

3. Reference to Engineer's Report. Reference is hereby made to the Report for a full and detailed description of the Services, the boundaries of the Assessment District and the proposed assessments upon assessable lots and parcels of land within the Assessment District.

4. Report of the Engineer of Work. The Report, which is available for public review upon request is hereby incorporated by reference. This Engineer's Report includes:

- A. A description of the Services to be funded with Assessment proceeds;
- B. An estimate of the annual cost of such Services;
- C. A description of the assessable parcels of land within the District and proposed to be subject to the new Assessment;
- D. A description of the proportionate special and general benefits conferred on property by the proposed Assessment;
- E. A description of the boundaries of the proposed Assessment District;
- F. A specification of the amount to be assessed upon various types of assessable land to fund the cost of the Services.

5. Description of Assessment District. The Assessment District consists of the lots and parcels shown on the Assessment Diagram of the Assessment District on file with the City Clerk, and reference is hereby made to such map for further particulars.

6. Proposed Assessment Rate. It is the intention of this Council to levy and collect assessments within the Assessment District. The estimated fiscal year 2026 cost of providing the Services to be funded by this proposed assessment is \$17,020.23 This cost results in a maximum proposed assessment rate per single-family equivalent benefit unit of NINETY-SEVEN DOLLARS AND EIGHTY-TWO CENTS (\$97.82) . If approved, these rates may be increased in future years by an amount equal to the annual change in the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index – All Urban Consumers (“CPI”) for the Northern California Consumer Price Index, SAN FRANCISCO-OAKLAND-HAWYARD, not to exceed 3% per year. The February-to-February CPI will be used to calculate the CPI. The CPI adjustment will be applied to the sum of the existing 1995 assessment and the proposed new assessment.

7. CPI. If approved, these rates may be increased in future years by an amount equal to the annual change in the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index – All Urban Consumers (“CPI”) for the Northern California Consumer Price Index, SAN FRANCISCO-OAKLAND-HAWYARD, not to exceed 3% per year. The February-to-February CPI will be used to calculate the CPI. The CPI adjustment will be applied to the sum of the existing 1995 assessment and the proposed new assessment. Any CPI in excess of 3% may be used in subsequent years when the CPI is less than 3%. In the case of a negative February to February CPI, a 0.0% CPI will be used.

8. Public Hearing. The public hearing on the proposed assessment shall be held before the City Council on Tuesday, April 21, 2026, at the hour of 7:00pm and for the purpose of this Council’s determination of whether the public interest, convenience and necessity require the Services and this Council’s final action upon the Report and the assessments therein.

9. Notice and Ballot. The City Clerk is hereby authorized and directed to cause Notice of the hearing ordered under Section 53753 of the Government Code and Article XIIID, Section 4 of the California Constitution law by mailing, postage prepaid, in the United States mail, and such Notice shall be deemed to have been given when so deposited in the mail. The envelope or cover of the mailing shall include the name of the District. The mailed Notice shall be given by such mailing by name to those persons whose names and addresses appear on the last equalized secured property tax assessment roll of the County of Alameda, or in the case of any public entity, the representative of such public entity at the address thereof known to the City Clerk. The Notice shall include, but not be limited to, the total amount of the assessment proposed to be levied in the Assessment District for fiscal year 2026, the assessment proposed for the owner's particular parcel(s) and the duration thereof and the reason for the assessment. Each Notice shall also contain the proposed assessment and the basis upon which the amount of the assessment was calculated. Each Notice shall also contain an assessment ballot, a summary of the procedures applicable to the completion, return and tabulation of assessment ballots, the date, time, and location of the public hearing and a statement that the existence of a majority protest will result in the assessment not being imposed. The Notice herein provided shall be mailed not less than forty-five (45) days before the date of the public hearing.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2026

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO._____

Introduced by Council Member_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD ADOPTING PROCEDURES FOR PROPOSITION 218 ASSESSMENT BALLOT PROCEEDINGS FOR THE STRATFORD VILLAGE FLOOD CONTROL FACILITIES IMPORVEMENT ASSESSMENT (MD1-2026)

WHEREAS, Proposition 218 was adopted on November 6, 1996, adding Articles XIIIC and XIIID to the California Constitution; and

WHEREAS, Articles XIIIC and XIIID of the California Constitution impose certain procedural and substantive requirements relating to assessments (as defined); and

WHEREAS, some of the requirements of Proposition 218 are unclear and require, or have required, judicial interpretation and/or legislative implementation; and

WHEREAS, the City of Hayward (the "City") believes it to be in the best interest of the City and its property owners to confirm and memorialize the City's procedures and guidelines regarding implementation of the provisions of Proposition 218 and pertinent statutes relating to assessments.

WHEREAS, under Government Code sections 53759.1 and 53759.2 (known as "AB 2257"), the City may establish supplemental procedures for objecting property owners to exhaust administrative remedies, also described in this resolution, by which the City will take specified actions in response to any "timely written objection." Under this process, only an owner who submits a timely written objection will have a right to challenge a proposed assessment through a legal proceeding. (These supplemental processes were authorized by Assembly Bill No. 2257, Chapter 561, Statutes of 2024, effective January 1, 2025.); and

WHEREAS, this resolution identifies the procedural steps the City will follow to implement the administrative remedies property owners must exhaust under Government Code sections 53759.1 before initiating any legal action to challenge an assessment. In general, at least 45 days before a public hearing to consider a proposed new assessment, the City will make publicly available the proposed new assessment and post the written basis for the proposed new assessment on its website. During this period (for at least 45 days after notice of public hearing), any property owner may review the proposed assessment and submit a written objection specifying the grounds for alleging noncompliance with Proposition 218. The City will consider each timely written objection and provide a substantive written response prior to the close of the public hearing.

WHEREAS, for any new assessment approved by the City implementing the procedures described in this resolution, a person or entity shall be prohibited from bringing a judicial action or proceeding alleging noncompliance with Article XIII D of the California Constitution for such new assessment, unless that person or entity has timely submitted to the City a written objection to that assessment that specifies the grounds for alleging noncompliance with Proposition 218; and

WHEREAS, the City Council hereby intends to adopt the exhaustion of administrative remedies procedure as outlined in Government Code section 53759.1, and the administrative record principles contained in Government Code section 53759.2.

NOW, THEREFORE, the City Council of the City of Hayward does hereby resolve as follows:

SECTION 1. Statement of Legislative Intent. In adopting this resolution, it is the Council's intent to adopt assessment ballot proceedings, which are consistent and in compliance with Articles XIIIC and XIIID of the California Constitution and with Government Code Sections 53750 through 53754. It is not the intent of the Council to vary in any way from the requirements of either the California Constitution or the laws of the State of California. If there is any inconsistency between a provision of this resolution and state law, state law will govern.

SECTION 2. Definition of Assessment. Proposition 218 defines "assessment" as "any levy or charge by an agency upon real property that is based upon the special benefit conferred upon the real property by a public improvement or services, that is imposed to pay the capital cost of the public improvement, the maintenance and operation expenses of the public improvement or the cost of the service being provided." "Assessment" includes, but is not limited to, "special assessment," "benefit assessment," "maintenance assessment," and "special assessment tax."

SECTION 3. Assessment Ballot Proceeding. The following procedures shall be used in an assessment ballot proceeding that follows the requirements of Article XIIID, section 4 of the California Constitution:

- A. **Amount of Assessment.** Only special benefits are assessable. The amount of each assessment shall be each identified parcel's proportionate share of the cost of the additional flood control facilities and maintenance services based upon that parcel's special benefit from the Service. The amount shall be proportional to and no greater than the special benefits conferred on the property.
- B. **Engineer's Report.** The Council shall direct the filing of an engineer's report that shall comply with the applicable state statute authorizing the assessment and with Article XIIID, Section 4, of the California Constitution. The engineer's report shall explain the special benefits conferred by the improvements and/or services funded by the assessments. The engineer's report shall also provide the evidence upon which the Council may find that a special benefit exists. If the improvement or service confers a general benefit, the engineer's report shall describe the general benefit and an

alternative funding source for any general benefits. The engineer's report shall be prepared by a registered professional engineer certified by the State of California, (the "Assessment Engineer"). The cost of preparing the engineer's report shall be included as a cost of the assessment.

C. **Notice.** The following guidelines shall apply to giving notice of an assessment:

1. The record owner(s) of each parcel to be assessed shall be determined from the last equalized property tax roll. If the property tax roll indicates more than one owner, each owner shall receive notice. Only property owners shall receive notice;
2. The notice shall be sent at least forty-five (45) days prior to the date set for the public hearing on the assessment;
3. The notice provided by this section shall contain the following information:
 - a. The total amount to be assessed for the entire assessment district;
 - b. The amount to be assessed to the owner's particular parcel;
 - c. The duration of the payments;
 - d. The reason for the assessment;
 - e. The basis upon which the amount of the proposed assessment was calculated;
 - f. The date, time and location of the public hearing on the proposed assessment;
 - g. A summary of the procedures for the completion, return and tabulation of the assessment ballots;
 - h. A disclosure statement that the existence of a majority protest will result in the assessment not being imposed; and
 - i. A ballot to be completed by the owner, as further described in section D of this resolution.
4. The notice provided by this section and in accordance with Government Code Sections 53753(b) and (c) shall supersede and be in lieu of any other statutes requiring notice to levy or increase an assessment, including but not limited to the notice required by the state statute authorizing the assessment and Government Code section 54954.6;
5. Failure of any person to receive notice shall not invalidate the proceedings;
6. The cost of providing notice shall be included as a cost of the assessment.

D. Assessment Ballot. The following guidelines shall apply to the assessment ballot:

1. The ballot required by Article XIIIID, section 4(d), of the California Constitution shall be mailed to all property owners of record subject to the proposed assessment at least forty-five (45) days prior to the date of the public hearing on the proposed assessment. This ballot shall comply with Government Code Sections 53753(b) and (c). The ballot shall be designed in such a way that, once sealed, its contents are concealed.
2. All ballots must be returned either by mail or by hand delivery; not later than the date for return of ballots stated on the notice and ballot described in this section. Mailed ballots must be returned to: Office of the City Clerk, 777 B Street, 4th Floor, Hayward, CA 94541, Attn: Stratford Village Flood Control Facilities Improvement Assessment District, or, if delivered at the time and location of the public hearing, to the City Clerk's Office drop box located on the 1st floor of City Hall, 777 B Street. Ballots must be returned either by mail or by hand delivery prior to the conclusion of the public input portion of the public hearing scheduled for 7:00 p.m. on April 21, 2026. The City Clerk, with the assistance of SCI Consulting Group shall tabulate the ballots (the "Tabulator").
3. Each ballot must be signed under penalty of perjury. In the event that more than one of the record owners of a parcel submits an assessment ballot, the amount of the proposed assessment to be imposed upon the parcel shall be allocated to each ballot submitted in proportion to the respective record ownership interests or, if the ownership interests are not shown on the record, as established to the satisfaction of the Council or Assessment Engineer by documentation provided by the record owners. If two or more persons own a parcel subject to the assessment, any one owner may cast an assessment ballot for all owners.
4. If a parcel has multiple owners, any owner may request a proportional assessment ballot. If the ownership interest of the owner is not shown on the last equalized secured property tax assessment roll, such request must include evidence, satisfactory to the City, of the owner's proportional rights in the parcel. The Assessment Engineer will provide the proportional ballot to the owner at the address shown on the assessment roll. Any request for a ballot to be mailed to another location must include evidence, satisfactory to the City, of the identity of the person requesting the ballot. Each proportional ballot will be marked to identify it as a proportional ballot and to indicate the owner's proportional rights in the parcel. The Assessment Engineer will keep a record of each proportional ballot provided to an owner.
5. The City will only accept official ballots mailed or otherwise provided to owners by the Assessment Engineer.
6. If an assessment ballot is lost, withdrawn, destroyed or never received, the Assessment Engineer will mail or otherwise provide a replacement ballot to the owner upon receipt of a request delivered to the City or the Assessment Engineer.

The replacement ballot will be marked to identify it as a replacement ballot or a replacement proportional ballot. Any request for a replacement or replacement proportional ballot to be mailed to another location must include evidence, satisfactory to the City or the Assessment Engineer, of the identity of the person requesting the ballot. The same procedure applies to replacement ballots or replacement proportional ballots, which are lost, withdrawn, destroyed, or never received.

7. If an assessment ballot is returned by the United States Post Office as undeliverable, the Assessment Engineer may mail a redelivered ballot to the current property owner, if updated ownership or owner mailing address can be determined. The redelivered ballot will be marked to identify it as a redelivered ballot.
8. An assessment ballot proceeding is not an election.
9. An assessment ballot is a disclosable “public record” as that phrase is defined by Government Code section 6252 during and after tabulation of the ballots.
10. The California Government Code requires that assessment ballots be signed by property owners. However, property owner names and corresponding votes will remain strictly confidential, except as necessary to count the votes or as may be required by California law.
11. To complete an assessment ballot, the owner of the parcel or his or her authorized representative must (1) mark the appropriate box (or circle) supporting or opposing the proposed assessment, and (2) sign, under penalty of perjury, the statement on the ballot that the person completing the ballot is the owner of the parcel or the owner's authorized representative. Only one box (or circle) may be stamped or marked on each ballot. All incomplete or improperly marked ballots shall be disqualified from balloting. The Tabulator will retain all such invalid ballots.
12. To complete an assessment ballot, the owner of the parcel or his or her authorized representative must (1) mark the appropriate box (or circle) supporting or opposing the proposed assessment, and (2) sign, under penalty of perjury, the statement on the ballot that the person completing the ballot is the owner of the parcel or the owner's authorized representative. Only one box (or circle) may be stamped or marked on each ballot. All incomplete or improperly marked ballots shall be disqualified from balloting. The Tabulator will retain all such invalid ballots.
13. After returning an assessment ballot to the City, or the Tabulator on behalf of the City, the person who signed the ballot may withdraw the ballot by submitting a written statement to the City directing the City to withdraw the ballot. Such statement must be received by the City or the Tabulator prior to the close of the public input portion of the public hearing on the proposed assessment. When ballots for the assessment are tabulated, the Tabulator will segregate withdrawn ballots from all other returned ballots. The Tabulator will retain all withdrawn ballots and will indicate on the face of such withdrawn ballots that they have been withdrawn.

14. In order to change the contents of a ballot that has been submitted, the person who has signed that ballot may (1) request that such ballot be withdrawn, (2) request that a replacement ballot be issued, and (3) return the replacement ballot fully completed. Each of these steps must be completed according to the procedures set forth above.

- E. **Tabulating Ballots.** The following guidelines shall apply to tabulating assessment ballots:
 1. Assessment ballots shall remain sealed until tabulation commences at the conclusion of the public input portion of the public hearing.
 2. An impartial person shall tabulate the assessment ballots. An impartial person includes, but is not limited to, the City Clerk, City staff, and any independent third party engaged by the City for the purpose of tabulating assessment ballots. The Tabulator shall follow the rules and procedures of the laws of the State of California, this resolution and any other rules and procedures of the Council. If the Tabulator needs clarification, then they shall inquire of the Council, who is the final arbiter. All ballots shall be accepted as valid except those in the following categories:
 - a. A photocopy of a ballot, a letter or other form of a ballot that is not an official ballot provided by the City or the Assessment Engineer on behalf of the City;
 - b. An unsigned ballot, or ballot signed by an unauthorized individual;
 - c. A ballot which lacks an identifiable mark in the box for a “yes” or “no” vote or with more than one box marked;
 - d. A ballot which appears tampered with or otherwise invalid based upon its appearance or method of delivery or other circumstances;
 - e. A ballot for which the barcode representing the parcel number is damaged or obstructed, unless the parcel number or property ownership information is legible and allows the Tabulator to clearly determine the property(s) identified on the ballot;
 - f. A ballot received after the close of the balloting time period.

The Tabulator’s decision, after consultation with the Council’s legal counsel that a ballot is invalid, shall be final and may not be appealed to the Council.

3. If more than one of the record owners of a parcel submits an assessment ballot, the amount of the proposed assessment to be imposed upon the parcel shall be allocated to *each ballot in proportion to the respective record ownership interests, as shown on the record or as established to the City’s satisfaction by documentation provided by the record owners.*

4. In the event of a dispute regarding whether the signer of a ballot is the owner of the parcel to which the ballot applies, the Council will make such determination from the official County Assessor records and any evidence of ownership submitted to the Council prior to the conclusion of the public hearing. The Council will be under no duty to obtain or consider any other evidence as to ownership of property and its determination of ownership will be final and conclusive.
5. In the event of a dispute regarding whether the signer of a ballot is an authorized representative of the owner of the parcel, the Council may rely on the statement on the ballot signed under penalty of perjury that the person completing the ballot is the owner's authorized representative and any evidence submitted to the Council prior to the conclusion of the public hearing. The Council will be under no duty to obtain or consider any other evidence as to whether the signer of the ballot is an authorized representative of the owner and its determination will be final and conclusive.
6. A property owner who has submitted an assessment ballot may withdraw the ballot and submit a new or changed ballot up until the conclusion of the public input portion of the public hearing on the assessment. Assessment ballots may be withdrawn, and newer changed ballots submitted up until the conclusion of the public input portion of the public hearing on the assessment.
7. A property owner's failure to receive an assessment ballot shall not invalidate the proceedings conducted under this section and section 4, Article XIID, of the California Constitution.
8. The City shall retain all ballots for a period of three (3) years from the date of the public hearing.

F. Public Hearing.

1. At the public hearing, the Council shall hear and consider all public testimony, objections and protests regarding the proposed assessment and accept ballots until the close of the public input portion of the public hearing.
2. Reasonable time limits may be imposed on both the length of the entire hearing and the length of each speaker's testimony.
3. At the conclusion of the public input portion of the hearing, but prior to the conclusion of the public hearing, the Tabulator shall begin tabulation of the ballots at the direction of the Council, including those received during the public hearing.
4. If it is not possible to tabulate the ballots on the day of the public hearing, or if additional time is necessary for public testimony, the Council may continue the public hearing to a later date to receive additional testimony or information, or to finish tabulating the ballots.
5. If it is determined that the assessment ballots submitted in opposition to the proposed assessments do not exceed the assessment ballots submitted in favor of the assessments (weighted by the proportional financial obligation of the property for which ballots are submitted), the City Council may take action to approve the imposition of assessments for fiscal year 2027 (July 2026 through June 2027) and each fiscal year thereafter. The levy and collection of the assessments would continue year to year until terminated by the City Council.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2026

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

THE CITY OF HAYWARD
STRATFORD VILLAGE FLOOD CONTROL FACILITIES IMPROVEMENT
ASSESSMENT (MD1-2026)

PRELIMINARY ENGINEER'S REPORT

JANUARY 2026

PURSUANT TO CHAPTER 26 OF PART 3 OF DIVISION 7 OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND CHAPTER 10, ARTICLE 10, SECTION 10-10.25 OF THE HAYWARD MUNICIPAL CODE, AND ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

ENGINEER OF WORK:
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FAIRFIELD, CALIFORNIA 94534
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CITY OF HAYWARD

CITY COUNCIL

Mark Salinas, Mayor
Julie Roche, Mayor Pro Tempore
Angela Andrews
Ray Bonilla Jr.
Dan Goldstein
George Syrop
Francisco Zermeño

CITY MANAGER

Jennifer Ott
CITY ATTORNEY
Michael Lawson

ENGINEER OF WORK

SCI Consulting Group

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INTRODUCTION

On January 5, 1993, the City of Hayward (the "City") City Council, by Resolution No. 93-010, approved Tentative Tract Map 6472, which authorized the subdivision of land on both sides of Stratford Road into 148 single-family home lots commonly known as Stratford Village. On April 4, 1995, the City Council, by Resolution No. 95-6, approved Tentative Tract Map 6682, which authorized the subdivision of the two existing properties at 1362 and 1384 Ruus Lane into 27 single-family homes. The storm drainage system serving these properties necessitates pumping the storm water run-off into Ward Creek. Conditions of Approval for the tentative map of Tract 6472 and Tract 6682 included provisions for storm drainage improvements and construction of an approved storm water pumping facility.

The drainage basin includes 29.1 acres of which 24.7 acres are residential, 1.9 acres are for Stratford Village Park, and 2.5 acres are for the collector streets of Stratford Road and Ruus Lane. Pacheco Way does not drain into this basin system nor does the industrial property to the south. The total number of lots in the drainage basin is approximately 175.

A Storm Water Lift Station ("SWLS") was constructed at the end of Pacheco Way to pump storm water runoff for the developed area adjacent to Alameda County Flood Control and Water Conservation District's ("ACFCD") Line B, Zone No. 3A, Ward Creek. The SWLS was designed with capacity for only the development of the area encompassing the 175 potential lots, a portion of Stratford Road, Ruus Lane and the Stratford Village Park. No added capacity was constructed for run-off from other areas such as the Georgian Manor and Spanish Ranch Mobile Home Parks, although there is space for additional pumps if they wish to connect in the future. The mobile home parks are presently served by privately owned and operated pumping facilities located within each mobile home park.

On June 6, 1995, by Resolution No. 95-103, the City Council ordered the formation of Maintenance District No. 1 ("MD1") to provide for the operation and maintenance of the storm drainage improvements and the stormwater pumping facility to serve the drainage basin. The maximum annual assessment rate is \$243.92 per parcel, and it may not be increased to reflect any change in the Consumer Price Index.

On August 29, 1995, an agreement between the City and the ACFCD transferred ownership of the SWLS to the Flood Control District. The agreement states that the Flood Control District concurred with the SWLS transfer subject to the City providing the Flood Control District with the funds to operate, maintain, and provide for capital equipment replacement and for modifications that may become necessary for the optimal performance of the SWLS.

Each year the City evaluates the need to increase assessments to ensure there are adequate funds to continue to provide proper operation, maintenance, and capital replacement of the storm water pumping facilities. As part of this effort, the County of Alameda updated their capital replacement study to determine whether the MD1 is

adequately funded. Currently there are not sufficient funds to replace the MD1 capital facilities when they reach the end of their useful life.

Based upon input from the Stratford Village neighborhood, the City has decided to proceed with the formation of a new assessment which incorporates several critical improvements to the existing assessment including:

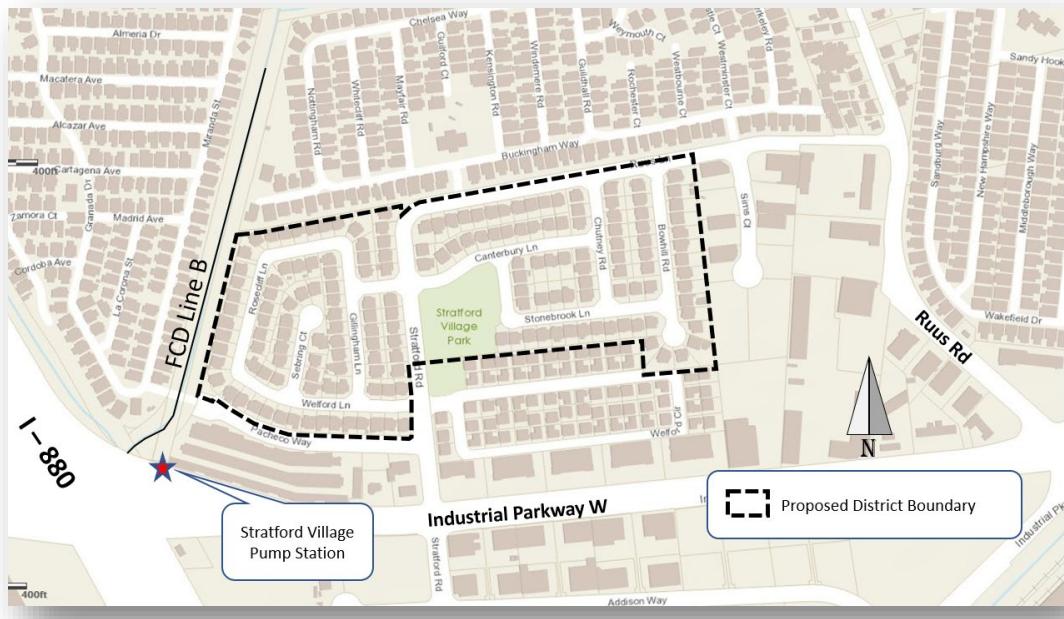
- 1.) A cost-of-living adjustment mechanism in order to ensure that the flood control infrastructure is properly funded over time for operations and maintenance.
- 2.) An annual augmentation of approximately \$7,544 (2025-26 dollars) to the annual operating budget.
- 3.) Creation of the “2030 Pump Replacement” dedicated fund, which is a capital investment of \$379,049, to be financed over 40 years to fund the pump and equipment replacement.

This Engineer’s Report serves as the basis for this proposed new assessment to fund a specific portion of these critically needed storm water pumping facilities. This assessment, if approved by property owners, will be in addition to the existing MD1 assessment, adding a new assessment designated as MD1-2026.

The area that will benefit from the proposed flood includes 29.1 acres, of which 24.7 acres are residential, 1.9 acres are for a park site, and 2.5 acres are for the collector streets associated with Stratford Road and Ruus Lane. Pacheco Way does not drain into this drainage basin system nor does the industrial property to the south. The area is characterized by relatively flat terrain, low elevation and drains into the ACFCD’s Line B, Zone No. 3A. The area is served by a pump station to manage storm runoff and avoid any surface flooding.

The boundary of the District is shown in Figure 1.

FIGURE 1 – AREAS BENEFITED FROM PROPOSED IMPROVEMENTS



SPECIAL FLOOD HAZARD AREAS

A Special Flood Hazard Area is defined by FEMA as a high-risk area in which land would be inundated by a flood having a one percent chance of occurring in any given year. Owners of properties within a Special Flood Hazard Area are 1) Required to purchase flood insurance if they have federally-backed mortgages, and 2) Required to make significant improvements to their property prior to any development or major renovation, including raising the elevation of the property to above the base flood level.

FEMA is responsible for creating and updating maps which indicate Special Flood Hazard Areas within flood-prone communities throughout the United States. The current maps adopted in August 2009 for the City of Hayward indicate that within MD1 15 single-family parcels, the park, and several street areas fall within a Special Flood Hazard Area.

LEGAL ANALYSIS OF PROPOSITION 218 TO FUND FLOOD CONTROL

The proposed assessment complies with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996, and is now Article XIIIIC and XIID of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services and improvements, as well

as maintenance and operation expenses of a public improvement which provides a special benefit to the assessed property.

Proposition 218 imposes a number of important requirements, including property-owner balloting, for the formation and continuation of assessments, and these requirements are satisfied by the process being used to establish this proposed assessment.

Funding for flood control is a well-supported and appropriate use of a benefit assessment. In fact, when Proposition 218 was initially approved in 1996, it allowed for certain types of assessments, including flood control, to be “grandfathered” in, and these were exempted from the property-owner balloting requirement. Proposition 218 is manifested as Article XIID of the State Constitution, and states in part in Section 5:

“Beginning July 1, 1997, all existing, new, or increased assessments shall comply with this article. Notwithstanding the foregoing, the following assessments existing on the effective date of this article shall be exempt from the procedures and approval process set forth in Section 4:

“(a) Any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, **flood control, drainage systems** (emphasis added) or vector control. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.”

Specific mention of “*flood control and drainage systems*” underscores the fact that the drafters of Proposition 218 were satisfied that funding for such activities is an appropriate use of benefit assessments, and therefore confers a direct and special benefit to property.

SILICON VALLEY TAXPAYERS ASSOCIATION, INC. v SANTA CLARA COUNTY OPEN SPACE AUTHORITY (2008) 44 CAL.4TH 431

On July 14, 2008, the California Supreme Court issued its ruling on the *Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority* (“Silicon Valley”). Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special, not general benefit
- The services and/or improvements funded by assessments must be clearly defined
- Special benefits are directly received by and provide a direct advantage to property in the Assessment District

DAHMS v. DOWNTOWN POMONA PROPERTY (2009) 174 CAL.APP.4TH 708

On June 8, 2009, the 4th District Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court granted review and transferred the case to the Court for Appeal for reconsideration in light of the Supreme Court’s discussion in the above cited *Silicon Valley*. In *Dahms*, the Appellate Court on reconsideration upheld the assessment that was 100% special benefit (i.e., 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the

assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

BONANDER V. TOWN OF TIBURON (2009) 46 CAL.4TH 646

On December 31, 2009, the California Supreme Court overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of the Town of Tiburon. The Court invalidated the assessments on the grounds that the assessments had been apportioned to assessed property based in part on relative costs within sub-areas of the assessment district instead of proportional special benefits.

BEUTZ V. COUNTY OF RIVERSIDE (2010) 184 CAL.APP.4TH 1516

On May 26, 2010, the 4th District Court of Appeal issued a decision on the *Steven Beutz v. County of Riverside* ("Beutz") appeal. This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services were not explicitly calculated, quantified and separated from the special benefits.

GOLDEN HILL NEIGHBORHOOD ASSOCIATION V. CITY OF SAN DIEGO (2011) 199 CAL.APP.4TH 416

On September 22, 2011, the 4th District Court of Appeal issued a decision in *the Golden Hill Neighborhood Association v. City of San Diego*. This decision overturned an assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The court described two primary reasons for its decision. First, as in *Beutz*, the court found the general benefits associated with services were not explicitly calculated, quantified, and separated from the special benefits. Second, the court found that the City had failed to document the basis for the assessment on its own parcels.

COMPLIANCE WITH CURRENT LAW

This Report is consistent with the requirements of Article XIIIC and XIIID of the California Constitution and with the *Silicon Valley* decision because the Services to be funded are clearly defined; the Services and Improvements are available to and will be directly provided to all benefited property in the proposed assessment district; the Services and Improvements provide a direct advantage to property in the Assessment District that would not be received in absence of the assessment, and are benefits that are over and above general benefits conferred on real property located in the district or to the public at large by other public entities that make up the membership of the District.

This Report is consistent with *Dahms* because, similar to the Downtown Pomona assessment validated in *Dahms*, the services and improvements will be directly provided to property in the Assessment District. More specifically, as discussed hereafter, the services and improvements afford benefits specifically unique and supplied only to property owners within the District with a corresponding effect that is not shared by other parcels outside of the District or real property in general including the public at large.

The Report is also consistent with *Bonander* because the Assessment has been apportioned based on the proportional special benefit to each property. Furthermore, the Assessment is consistent with *Beutz* and *Golden Hill* because the general benefits have been explicitly calculated, quantified, and excluded from the assessment.

ASSESSMENT PROCESS AND FUTURE CONTINUATION OF ASSESSMENTS

Following submittal of this Report to the City for preliminary approval, the City of Hayward City Council may, by Resolution, call for an assessment ballot proceeding and public hearing on the proposed establishment of a Flood Control Facilities Improvement Assessment.

If the City Council approves such a Resolution, a notice of assessment and assessment ballot shall be mailed to each property owner within the proposed Assessment District boundaries who will be subject to the proposed assessment. Such notice will include a description of the services and improvements to be funded by the proposed assessments, the total amount of the proposed assessment chargeable to the entire Assessment District and the amount chargeable to the specific owner's parcel, the reasons for the proposed assessments and the basis upon which they were calculated, and an explanation of the process for submitting a ballot. Each notice would also include a postage prepaid return envelope and a ballot on which the property owner may mark his or her approval or disapproval of the proposed assessments as well as affix his or her signature.

After the ballots are mailed to property owners in the Assessment District, a minimum 45-day time period must be provided for the return of the assessment ballots. Following this balloting time period, a public hearing must be held for the purpose of allowing public testimony regarding the proposed assessments. At the public hearing, the public will have the opportunity to speak on the issue.

If it is determined that the assessment ballots submitted in opposition to the proposed assessments do not exceed the assessment ballots submitted in favor of the assessments (weighted by the proportional financial obligation of the property for which ballots are submitted), the City Council may take action to approve the imposition of assessments for fiscal year 2026 (July 2026 through June 2027) and each fiscal year thereafter. The levy and collection of the assessments would continue year to year until terminated by the City Council.

The authority granted by the ballot proceeding would be for a Fiscal Year 2026 maximum assessment rate of \$97.82 per parcel, with a possible adjustment each subsequent year by the annual change of the U.S. Department of Labor, Bureau of Labor Statistic Consumer Price Index – All Urban Consumers (“CPI”) for the San Francisco-Oakland-Hayward, CA MSA Consumer Price Index for All Urban Consumers (CPI-U), not to exceed 3% per year. The CPI adjustment may be applied to the sum of the existing 1995 assessment and the proposed new assessment for each parcel.

DESCRIPTION OF FACILITIES IMPROVEMENTS

The City of Hayward, through an agreement between the City and the ACFCD, provides a range of construction, repair, maintenance, operations, and upgrades to its storm drainage and pump station improvements. These improvements protect the usefulness, utility, desirability, and livability of property within its jurisdictional area by preventing flooding.

The additional improvements (the "Improvements") proposed to be undertaken by the City and the cost thereof to be paid from the levy of the annual assessment provide special benefit to Assessor Parcels within the Assessment District as defined in the Method of Assessment herein. These proposed Improvements are over and above the current level of service of the existing facilities.

The formula below describes the relationship between the final level of Services, the baseline level of Service if the assessment is not instituted, and the enhanced level of services funded by the assessment.

$$\boxed{\text{Final Level of Service} = \text{Baseline Level of Service} + \text{Enhanced Level of Service}}$$

In this case, the Baseline Level of Service is that which is provided by the existing flood control facilities. The Enhanced Level of Service will be provided by the City's Stratford Village Flood Control Improvements.

Below is a more detailed description of these improvements that are proposed to be provided for the special benefit of property in the Assessment District.

FACILITY IMPROVEMENTS

The existing facilities, which have been constructed within the City's MD1 boundaries, and which will be operated, maintained, and serviced and are generally described as follows:

The Stratford Village Storm Water Lift Station (SWLS):

- 2 - 15 H.P. Pumps
- 1 - 5 H.P. Pump
- 1 - 3 H.P. Dewatering Pump
- 1 - Generator
- 1 - Supervisory Control and Data Acquisition (SCADA) System
- 1 - Masonry Building to house the SCADA System and Generator

These existing facilities are approximately 30 years old. A recent evaluation of the flood control facilities shows that various elements of the facility need repair, replacement, or rehabilitation. Those improvements are detailed below in Table 1.

Table 1 – Proposed Capital Improvements

Element	Cost Estimate
Evaluation / Design	\$ 41,560.00
SCADA Upgrades	255,000.00
Pump Rehabilitation	49,248.00
Other Improvements	33,241.00
TOTAL	\$ 379,049.00

The Improvements will include the installation and maintenance of the Stratford Village Storm Water Lift Station as referenced above, as well as financing costs and other expenses associated with the financing for the improvements, and incidental expenses.

“Installation” means the construction or installation of improvements, including, but not limited to, land preparation, such as grading, leveling, cutting, and filling.

COST AND BUDGET ESTIMATE

The City of Hayward developed a long-range financial plan which includes ongoing operating and maintenance costs as well as the capital improvement costs described above. The District budget showing the first four years of the financial plan is shown in Table 2 below.

TABLE 2 – PROPOSED BUDGET

		Total Amount
<i>Beginning Unrestricted Net Assets</i>		\$0.00
Current Annual Operating Costs		\$50,000.00
Pump and Equipment Replacement Dedicated Fund/(or 2030 Pump Rep)		\$9,476.23
Total Annual Costs		\$59,476.23
Assessment Calculator		
Total Annual Costs		\$59,476.23
Less Contribution from Current Funding Sources		(\$42,456.00)
Balance to Assessment		\$17,020.23
<u>Benefit Units(a)</u>	<u>SFE Rate(b)</u>	(a)*(b)
174.00	\$97.82	\$17,020.23
Total Assessment Amount =		\$17,020.23

The financial plan includes the establishment of a fund balance equal to at least half of the annual operating costs to ensure positive cash flow while revenues lag approximately six months.¹ The plan also includes a reasonable additional fund balance to allow for occasional major maintenance expenses in future years to ensure the pump station retains its capacity and reliability.

Article XIID of the California Constitution (Proposition 218) limits the assessment amount to reasonable costs of the proportional special benefit conferred. Therefore, future assessments may be set below the maximum allowable in order not to exceed that limit.

¹ Assessments are collected on the property tax bills. Proceeds from those collections are not sent to the City until approximately six months into each fiscal year.

METHOD OF APPORTIONMENT

This section includes an explanation of the special benefits to be derived from the maintenance, operations and repair activities, the criteria for the expenditure of assessment funds and the methodology used to apportion the total assessments to properties within the proposed Assessment District. The proposed Assessment District area consists of all Assessor Parcels included within the Stratford Village boundaries.

The method used for apportioning the assessment is based upon the proportional special benefits conferred to the properties over and above the general benefits conferred to real property in the Assessment District, or to the public at large. Special benefit is calculated for each parcel in the District using the following process:

- 1.) Identification of all benefit factors derived from the Improvements
- 2.) Calculation of the proportion of these benefits that are general
- 3.) Determination of the relative special benefit within different areas of the Assessment District
- 4.) Determination of the relative special benefit per property type
- 5.) Calculation of the specific assessment for each individual parcel based upon special vs. general benefit, zones, property type and other supporting attributes

DISCUSSION OF BENEFIT

California Streets and Highways Code Section 5820 *et seq.* allows agencies which provide flood control and drainage services, such as the City, to levy assessments for those Services. Section 5821 states that the governing body may:

“... in its resolution declaring its intention to order work done or improvements made or by separate resolution, declare its intention to order that the expenses of maintaining and operating any or all of said improvements or any or all other improvements such as are permitted to be constructed herein, including the cost of necessary repairs, replacements, fuel, power, electrical current, care, supervision, and any and all other items necessary for the proper maintenance and operation thereof, shall be assessed, either partly or wholly, upon the real property or upon the land only lying within the district to be benefited by and to be assessed to pay the cost of the construction of said improvement.”

In addition, California Government Code Section 53750 defines the terms "drainage" and "flood control" as follows:

- e) "Drainage System" means any system of public improvement that is intended to provide for erosion control, for landslide abatement, or for other types of water drainage."
- f) "Flood control" means any system of public improvements that is intended to protect property from overflow by water.

Therefore, the maintenance, operational and improvement activities to be provided by the proposed Assessment District fall within the scope of Services that may be funded by assessments under the Code.

The assessments can be levied based only on the special benefit to property. This benefit is received by property over and above any general benefits. Moreover, such benefit is not based on any one property owner's specific use of the maintenance, operations and improvements activities or a property owner's specific demographic status. With reference to the requirements for assessments, Proposition 218, as codified in Article XIIIID of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

Since assessments are levied on the basis of special benefit, they are not a tax and are not governed by Article XIIIIA of the California Constitution.

The benefit factors below, when applied to property in the proposed Assessment District, confer special benefits to property and ultimately protect property in the proposed Assessment District and improve the safety, utility, and functionality of such property.

FLOOD CONTROL IS A SPECIAL BENEFIT TO PROPERTIES

The Engineer's Report concludes that enhanced flood control is a special benefit directly to the property that is being protected from flooding. The proposed Maintenance and Operations Services and Improvements, which would be over and above the baseline level, will result in the storm drainage and pump facilities being maintained to a much higher standard, and accordingly will reduce the risk of flooding and the associated damage to property.

The following Benefit Factors section describes how and why the Services and Improvements specially benefit properties. This benefit is particular and distinct from its effect on property in general or to the public at large.

BENEFIT FACTORS

The primary special benefit from the Services and Improvements is the significantly reduced risk of damage to property from flooding. In addition, this section describes other special benefits conferred to residential and other lots and parcels resulting from the Services and Improvements that will be provided. These types of special benefit are summarized as follows:

REDUCED RISK OF DAMAGE TO REAL PROPERTY ASSETS FOR ALL PROPERTY OWNERS WITHIN THE ASSESSMENT DISTRICT

Properties in the proposed Assessment District are currently at higher risk of flooding. The proposed Assessments will fund an increase in maintenance, operations, and improvement activities to reduce the likelihood of pump station failure and reduce the threat from flooding, thereby significantly reducing the risk of property damage potential and loss of life associated with floods. Flood control maintenance helps to protect and specifically benefits all properties in the Assessment District. The following citations illustrate the importance of the proposed maintenance, operational and improvement activities:

- 1.) *Pump stations are one of the more vulnerable features of a flood risk management project. The failure of a pump station during a flood could result in considerable damage within the protected area.²*
- 2.) *[T]he one flood variable that is always expected to be associated with an increase in flood damages is the depth of flooding or flood stage. As the water gets deeper, damages increase.³*

² US Army Corps of Engineers, Mechanical and Electrical Design of Pump Stations, Engineers Manual, April 30, 2020 (<https://www.publications.usace.army.mil/Portals/76/Users/182/86/2486/EM1110-2%20-3105.pdf>)

³ US Army Corps of Engineers, National Economic Development (NED) Procedures Manual for Flood Damage Reduction (<http://www.hq.usace.army.mil/nedp/DB%20Pages/Content.asp?ID=17>)

- 3.) *During and after Hurricane Katrina, many of those levees and floodwalls were overtopped and several were breached, allowing billions of gallons of water from the Gulf of Mexico, Lake Borgne, and Lake Pontchartrain to flow into New Orleans and flood major portions of the city. As of August 2, 2006, 1,118 people were confirmed dead in Louisiana as a result of Hurricane Katrina. Another 135 people are still missing and presumed dead. Thousands of homes were destroyed. Direct damage to residential and non-residential property is estimated at \$21 billion, damage to public infrastructure another \$6.7 billion. Nearly half the region's population has not yet returned after evacuating.⁴*
- 4.) *The flood that followed inundated the town of Olivehurst and 15 square miles of farmland and towns. One man is known dead and two other people are missing, 180 homes and businesses were destroyed and another 480 were damaged, according to the state Office of Emergency Services, which put preliminary damage estimates at \$200 million.⁵*
- 5.) *After natural disasters such as hurricanes, tornadoes, and floods, excess moisture and standing water contribute to the growth of mold in homes and other buildings.⁶*

REDUCED RISK OF LOSS OF LIFE OR HARM TO PROPERTY FROM FLOODING

The proposed Assessments will fund maintenance, operations, and improvement activities to reduce the likelihood of pump station failure and reduce the threat from flooding. These services will reduce the loss of life, injuries, and other public health issues associated with flooding. The reduced risk of direct and indirect contact with flood water will increase public safety and will provide positive health benefits in the Assessment District. These are special benefits to property in the Assessment District because property is ultimately more desirable and valuable in areas that are safer and have less risk of harmful flooding. The following citations illustrate the importance of robust flood protection measures for the health and safety of the community:

⁴ American Society of Civil Engineers, The New Orleans Hurricane Protection System, What Went Wrong and Why (<http://www.asce.org/files/pdf/ERPreport.pdf>)

⁵ San Francisco Chronicle, January 12, 1997, Page C 1

⁶ Centers for Disease Control and Prevention, "Protect Yourself from Mold" (<http://www.bt.cdc.gov/disasters/mold/protect.asp>)

- 1.) *Annually, the nation experiences an average of 100 flood-related fatalities.⁷*
- 2.) *Every effort should be made to limit contact with flood water due to potentially elevated levels of contamination associated with raw sewage and other hazardous substances.⁸*
- 3.) *Six inches of water will reach the bottom of most passenger cars causing loss of control and possible stalling. A foot of water will float many vehicles. Two feet of rushing water can carry away most vehicles including sport utility vehicles (SUV's) and pick-ups.⁹*

PROTECTION OF TRANSPORTATION SYSTEMS AFFECTING PROPERTY

The proposed Assessment District will provide funding for maintenance, operational and improvement activities that will reduce the risk of significant disruption and harm in the Assessment District. The maintenance, operations and improvement activities will also better protect the roads and transportation systems in the Assessment District that are crucial for maintaining access for residents, goods movement, maintenance of utilities, and emergency vehicles. Without reliable roads and access, the value of property in the Assessment District would be diminished. Therefore, another special benefit to property is the protection of the local transportation systems.

ELIMINATION OF LIMITATIONS ON DEVELOPMENT/RENOVATION RESULTING FROM SFHA DESIGNATION BY FEMA

The Assessments would fund Improvements that may prevent additional properties in the proposed district from being mapped in a Special Flood Hazard Area ("SFHA") flood zone. Without such funding for the Improvements, additional properties within the proposed Assessment District may be designated as being in a SFHA by the Federal Emergency Management Agency ("FEMA"). Additional SFHA designations would result in limitations on property development; therefore, prevention of limitations on development is another tangible and direct special benefit to property in the proposed Assessment District.

⁷ "Be Aware and Be Prepared" Weather Service Issues Annual Flood Outlook", National Weather Service Press Release 99-20 (<http://www.publicaffairs.noaa.gov/releases99/mar99/noaa99-20.html>)

⁸ US Environmental Protection Agency, "Response to 2005 Hurricanes – Health Precautions" (<http://www.epa.gov/katrina/precautions.html>)

⁹ FEMA FloodSmart web site (http://www.fema.gov/hazard/flood/fl_during.shtml)

Our findings support the hypothesis that increases in flood risk decrease values for residential properties within the 100-year floodplain. Unlike other studies which conclude that there are uniform impacts within the floodplain, we find declining effects with reduced risk. Furthermore, there is evidence suggesting that flooding events heighten sensitivity to such risks and raise the property price premium associated with a given level of flood risk.¹⁰

¹⁰ "Using GIS To Evaluate The Effects Of Flood Risk On Residential Property Values ", Bartosova et. al, Proceedings of "Environmental Problem Solving with Geographical Information Systems: A National Conference", U.S. EPA, September 22-24, 1999, Cincinnati, Ohio

GENERAL VERSUS SPECIAL BENEFIT

Proposition 218 requires any local agency proposing to increase or impose a special assessment to “separate the general benefits conferred on a parcel.”¹¹ The rationale for separating special and general benefits is to ensure that property owners are not charged a benefit assessment in order to pay for general benefits. Thus, a local agency carrying out a project that provides both special and general benefits may levy an assessment to pay for the special benefits, but must acquire separate funding to pay for the general benefits.¹²

In other words:

$$\text{Total Benefit} = \text{General Benefit} + \text{Special Benefit}$$

However, flood control operations, such as the Services, provide only special benefits. Special benefits are benefits that are “peculiar and distinct over and above general benefits located in the district or to the public at large.”¹³ Because flood control infrastructure protects particular identifiable parcels (including residents of the parcel and any appurtenant facilities or improvements) from damage due to inundation or force by rising floodwaters, the benefits are provided directly to those parcels, and to no other parcels. By contrast, general benefits provided to the public at large are discussed in terms of general enhanced property values, provision of general public Services such as police and fire protection, and recreational opportunities that are available to people regardless of their location.¹⁴

The issue of general benefits merits further discussion, however, because flood control Services and improvements have an obvious indirect relationship to the provision of general benefits. For example, the Services may protect restaurant and/or recreation facilities in the Assessment District that may be used by people regardless of whether they own property in the District. But this indirect relationship does not mean that the Services and Improvements themselves will provide any general benefits. Rather, the Services will provide direct special benefits to parcels that may themselves be used in the provision of general benefits.

More to the point, the public at large will be paying for the general benefits provided to benefiting “public use” property, and specially benefited property owners’ assessments will not be used to subsidize general benefits provided to the public at large or to property outside

¹¹ California Constitution Article XII D 4

¹² Silicon Valley Taxpayers’ Association, Inc. v. Santa Clara County Open Space Authority (2008) 44 Cal 4th 431,450

¹³ California Constitution Article XII D 2(i)

¹⁴ Silicon Valley Taxpayers’ Association, Inc. v. Santa Clara County Open Space Authority (2008) 44 Cal 4th 431, 450-56

the Assessment District. All property that is specially benefited by the Services and Improvements will be assessed, including the parcels used in the provision of general benefits. Thus, the general public will pay for a portion of the provision of the flood control Services and Improvements because the assessed public agencies will use general taxes and other public revenue to pay their Assessments, and privately-owned parcels (such as restaurants) will collect revenue from customers to pay for any “general benefits.”

The Assessment Engineer finds that the Services and Improvements are of distinct and direct special benefit to the property within the Assessment District.

The Assessment Engineer conducted a parcel-by-parcel analysis and has developed an approach, described below as the industry standard. In any case, following is a description of the separation of general benefit from special benefit, and the quantification of the general benefit, in the District. In each step of this analysis, conservative assumptions and determinations have been used in order to ensure that the total calculated general benefit is maximized which reduces the special benefit assessed on any one parcel.

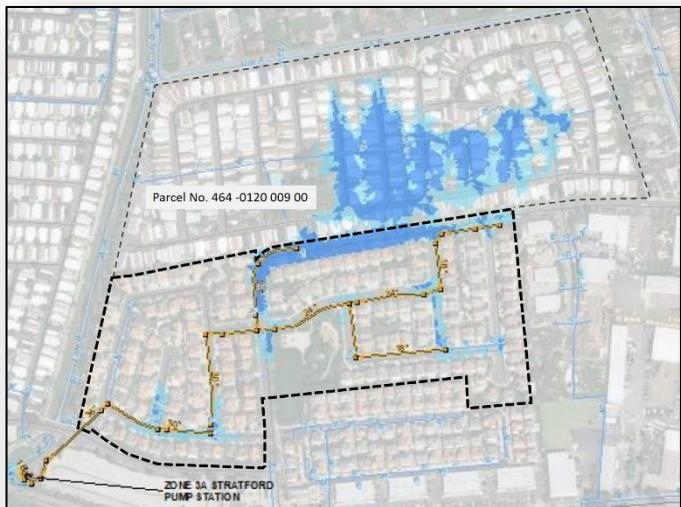
A formula to estimate the general benefit is listed below:

General Benefit	=	Benefit to real property outside of improvement district	+	Benefit to real property inside of improvement district	+	Benefit to public at large
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GENERAL BENEFIT TO PROPERTY OUTSIDE, BUT PROXIMATE, TO THE ASSESSMENT DISTRICT

An inundation analysis¹⁵ shows that only one parcel outside the boundaries of the District may benefit from the City's pump station: Parcel number 464 -0120-009-00, which contains a mobile home community with approximately 265 home sites. Of those sites, approximately

92 home sites have the potential to be affected by ponding water up to one foot in depth in the scenario in which all the pumps fail.



Such flooding events can cut off or temporarily interrupt access by residents, movements of goods, and response times for emergency vehicles. In order to evaluate the relative impacts of interruptions to access, the primary metric used was average daily trips by residents. Parcels within the District are single family residential; parcel number 464 - 0120-009-00 is an age-restricted mobile home park. According to a study conducted by the San Diego Association of

Governments (SANDAG), the average daily trips for these two residential land uses is 10 and 3, respectively. Therefore, trips within the District are estimated at $(174 \times 10) = 1,740$, and trips attributed to the 92 affected home sites in the parcel number 464 -0120-009-00 is estimated at $(92 \times 3) = 276$, which is 16% of the trips within the District.

However, a telephone conversation with the authors¹⁶ of the inundation analysis confirmed that the on-site drainage system of parcel 464-0120-009-00 was not factored into the analysis. They agreed that, while not known precisely, it is reasonable to assume that the on-site drainage system (consisting of a piping system and a privately-owned pump station) could alleviate all or most of the flooding on that parcel caused by a complete failure of the District's pump station. Therefore, the home sites on parcel number 464-0120-009-00 may not receive any benefit from the District's pump station. The true benefit received by this parcel is within the range of zero to 16% and is likely to be at the lower end of that range. For this Report, that benefit is conservatively estimated at half of the maximum, or 8%.

TOTAL GENERAL BENEFIT TO PROPERTIES OUTSIDE, BUT PROXIMATE, TO THE DISTRICT = 8%

¹⁵ "Zone 3A - Stratford Pump Station Assessment Summary", Wood Rogers, Feb. 2020

¹⁶ Jeremiah McMahon, Satish Kumar; Wood Rogers, April 26, 2021

GENERAL BENEFIT TO PROPERTY WITHIN THE ASSESSMENT DISTRICT

The “indirect and derivative” benefit to property within the Assessment District is particularly difficult to calculate. A solid argument can be presented that all benefits within the Assessment District are special because the improvements are clearly “over and above” and “particular and distinct” when compared with the baseline level of service and the unique proximity of and access to the improvements enjoyed by benefiting properties in the Assessment District. Percentage of parcels receiving indirect and derivative benefit = 0%

TOTAL GENERAL BENEFIT TO PROPERTIES WITHIN THE ASSESSMENT DISTRICT = 0%

GENERAL BENEFIT TO THE PUBLIC AT LARGE

The Stratford Village Park within Stratford Village is used almost exclusively by property owners within the Assessment District. While there is some occasional use by non-property owners, with no connection with property owners, including bikers, walkers, picnickers, etc., the Park itself derives no benefit from the Improvements and Services due to its elevation (no inundation) and adequate access during a flood event. Therefore, there is no benefit under this category.

GENERAL BENEFIT TO THE PUBLIC AT LARGE = 0%

TOTAL GENERAL BENEFITS

Using a sum of these three measures of general benefit, we find that 8% of the benefits conferred by the Improvements may be general in nature and must be funded by sources other than the assessment.

General Benefit Calculation

8%	Property outside the District
+ 0%	Property within the District
+ 0%	Public at large
8%	TOTAL General Benefit

SPECIAL NOTE ON GENERAL BENEFITS

In the 2009 *Dahms* case, the court upheld an assessment that was 100% special benefit on the rationale that the Services funded by the assessments were directly provided to property in the assessment district. Similar to the assessments in Pomona that were validated by *Dahms*, the Assessments described in this Engineer’s Report fund Flood Control Services that are directly provided to property in the assessment area. Moreover, as noted in this Report, the Services directly reduce flood risk on all property in the assessment area. Therefore, *Dahms* establishes a basis for minimal or zero general benefits from the Assessments. However, in this report, the general benefit is more conservatively estimated and described and then budgeted so that it is funded by sources other than the assessment.

THE CURRENT GENERAL BENEFIT CONTRIBUTION FROM THE CITY

This general benefit cannot be funded from the Assessments; it must be funded from other sources such as the City's General Fund or other non-District funds. These contributions can also be in the form of in-lieu contributions to the installation and maintenance of the Improvements such as other City assets that support and protect the Improvements. The City of Hayward will contribute both monetary and in-lieu resources to ensure that the general benefits conferred by the proposed Improvements are not funded by the District's Assessments.

A summary and quantification of these other contributions from the City is discussed below:

The City of Hayward owns, maintains, rehabilitates, and replaces curb and gutter along the border of the District Improvements. This curb and gutter serve to support, contain, retain, and manage stormwater flows. The contribution from the City towards general benefit from the maintenance, rehabilitation, and replacement of the curb and gutter is conservatively estimated to be 3%.

The City owns and maintains a storm drainage system throughout the District. This system serves to prevent flooding and associated damage to the Improvements; and to manage urban runoff including local pollutants loading from the Improvements. The contribution from the City towards general benefit from the maintenance, and operation of the local storm drainage system is conservatively estimated to be 3%.

The City owns and maintains local public streets along the border of the District Improvements. These public streets provide access to the Improvements to facilitate efficient maintenance. The contribution from the City towards general benefit from the maintenance of local public streets is conservatively estimated to be 3%.

The value of the construction of the improvements can be quantified and monetized as an annuity. Since this construction was performed and paid for by non-assessment funds, this "annuity" can be used to offset general benefit costs and is conservatively estimated to contribute 10%.

The total General Benefit is liberally quantified at 8% which is entirely offset by the conservatively quantified total non-assessment contribution towards general benefit described above of 19%. Therefore, no additional General Benefit must be funded by the City.

ASSESSMENT APPORTIONMENT

In the process of determining the appropriate method of assessment, various alternatives were considered. For example, a fixed or flat assessment for all properties was deemed to be inappropriate because properties less likely to be affected by flooding would be assessed the same as properties more likely to be affected. Hence, the appropriate method of

assessment should be based on the type and use of the property, the relative size of the property, and the level of potential damage to property. This method is further described below.

ZONES OF BENEFIT

Many assessment districts, including assessment districts to fund flood protection, confer different types and amounts of special benefit on parcels in different areas of the assessment district. Therefore, the creation of zones of benefit, corresponding to these various areas, are routinely considered in the development of an assessment district for flood control. However, this District contains a relatively homogenous community in which zone partitions are not of value. As such, no zones are differentiated.

METHOD OF ASSESSMENT

The next step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a "benchmark" property, a single family detached dwelling on one parcel (one "Single Family Equivalent Unit" or "SFE"). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefits. In this Engineer's Report, all properties are assigned an SFE value, which is each property's relative benefit in relation to a single-family home on one parcel.

The relative benefit to properties from maintenance, operational and improvement activities that reduce the potential for flooding is described by the following equations:

TABLE 3 – EQUATIONS

Equation
1 $\sum \text{Special Benefit}_{\text{parcel}} = \sum \text{Assessment}_{\text{parcel}}$
2 $\text{Assessment}_{\text{parcel}} = \text{Rate}_{\text{zone}} \times f(\text{Replacement Factors, Parcel Specific Factors})$
3 $\text{Rate}_{\text{zone}} = \text{Base Rate} * \text{Relative Zone Factor}$
4 $\text{Base Rate} = \frac{\sum \text{Costs}}{\sum \text{SFEs}}$

The special benefit conferred to property is a function of flood risk factors, flood damage factors, shared facilities factors, and land use factors. The derivation of these factors is described in the sections below.

FLOOD RISK FACTORS (PARCEL SPECIFIC FACTOR I)

Flood risk factors are typically derived from an analysis of the relative risks corresponding to specific sections of flood protection system; and then assigned to specific corresponding geographic zones. However, all parcels within the proposed Assessment District are equally protected by the storm drainage system of gutters, pipes, and pumps, all with the same relative risk of failure. Therefore, the relative risk factors are the same for all parcels.

FLOOD DAMAGE FACTORS (PARCEL SPECIFIC FACTOR II)

Flood damage is a function of the depth of flooding, with higher water levels causing greater damage to structures and property. Flood Inundation maps were used to evaluate elevation data and the risk to property improvements in the event that the pump station failed to operate during a 100-year storm event. Inundation levels were determined to be below the levels of any permanent residential units on private property. While there are some private improvements that will be inundated such as roadways, driveways, walkways and landscaping, no permanent damage is anticipated beyond minor clean up after flood waters have receded. Based on the foregoing, the flood risk factors are the same for all parcels.

SHARED FACILITY FACTORS (PARCEL SPECIFIC FACTOR III)

Shared facilities factors affect zones of parcels in similar ways. A weighted system is used based upon an equal distribution for each of the four critical shared facilities to model the effect of the degradation of these facilities in different zones during a flood event. Three of the categories (water, sewer, and power) will experience minimal disruption. The fourth (access) will experience a more pronounced interruption to access by residents, movements of goods, and response times for emergency vehicles. However, the level of disruption for all four categories will be the same for all parcels within the District.

WEIGHTED PARCEL FACTOR SUBTOTALS

Within the proposed Assessment District boundaries, Flood Risk Factors, Flood Damage Factors and Shared Facility Factors describe the relative benefit to each parcel within a group and are adjusted by their relative importance (weighting). However, since all three factors are equal across all parcels in the District, there is no differentiation to be made.

LAND USE FACTORS TO DETERMINE REPLACEMENT FACTORS

The final step in determining the apportionment is to factor in the land use, or replacement value for each type of use within a Group. There are no permanent residential improvements at risk in this District. As a result, the Land Use Factors are considered to be embedded in the analysis above and no further weighting is warranted.

SFEs AND RATE FACTORS

The metric used for assessments is the Single-Family Equivalent (SFE), which is defined as the special benefit received by the benchmark property (single-family residential).

SINGLE-FAMILY RESIDENTIAL

The residential portion of the District is made up of 174 single-family residential units. Each of the rate factors were determined to be equal among all residential parcels. As the benchmark property, these are assigned one SFE each.

PUBLICLY OWNED PARCELS

Article XIIID, Section 4 of the California Constitution states that publicly owned properties shall not be exempt from assessment unless there is clear and convincing evidence that those properties receive no special benefit.

Publicly owned parcels were individually reviewed and assigned the most appropriate property type. The only public parcel within this District is the Stratford Village Park, which contains a playground, sport court, skate park, and a turf area – none of which will be inundated in a flood event. Furthermore, access during a flood event is likely not necessary (due to the associated extreme weather). Therefore, this parcel will not be impacted by a flood event nor benefited by the drainage facilities; it receives no special benefit and is exempt from the assessment.

ASSESSMENT RATES

Assessment rates are determined by dividing the total benefit by the number of Single-Family Equivalents (SFEs) in order to determine an assessment rate per SFE. The base rate for a single-family home is set at $(\$17,020 \div 174) = \97.82 per parcel.

CRITERIA AND POLICIES

PARCEL CHANGES

The signatory Assessment Engineer is responsible for a parcel-by-parcel analysis, and determination of special benefit and assessment amount for each parcel in the proposed Assessment District. Each year, the Assessment Engineer will re-analyze and re-calculate individual benefits and corresponding assessments for each parcel, incorporating parcel splits and combinations, land use changes, specific flood risks, etc. The Assessment Engineer shall use the lien date roll obtained from the County of Alameda, or a third-party distributor of this data as the basis for the levy roll. Review of aerial photos and other data including real estate data, and site visits are anticipated.

APPEALS OF ASSESSMENTS LEVIED TO PROPERTY

Any property owner who feels that the assessment levied on their property is in error as a result of incorrect information being used to apply the foregoing method of assessment may file a written appeal with the Maintenance Services Director of the City of Hayward or his or her designee. Any such appeal is limited to correction of an assessment during the then current fiscal year. Upon the filing of any such appeal, the Maintenance Services Director or his or her designee will promptly review the appeal and any information provided by the property owner. If the Maintenance Services Director or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment

roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the Maintenance Services Director or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the Maintenance Services Director or his or her designee shall be referred to the City Manager of the City of Hayward and the decision of the City Manager shall be final.

DURATION OF THE ASSESSMENT

If approved by property owners in an assessment ballot proceeding conducted pursuant to the Article and Government Code Section 53750 et seq., the assessments can be levied annually commencing with Fiscal Year 2026.

COST OF LIVING ADJUSTMENTS TO ASSESSMENT RATE

The assessment cannot be increased in future years without approval from property owners in another assessment ballot proceeding, except for an annual adjustment tied to the annual change of the U.S. Department of Labor, Bureau of Labor Statistic Consumer Price Index – All Urban Consumers (“CPI”) for San Francisco-Oakland-Hayward, CA MSA Consumer Price Index for All Urban Consumers (CPI-U), not to exceed 3% per year. The February-to-February CPI will be used to calculate the CPI. Any CPI in excess of 3% will be used in subsequent years when the CPI is less than 3%. In the case of a negative February to February CPI, a 0.0% CPI will be used. The CPI adjustment will be applied to the sum of the existing 1995 assessment and the proposed new assessment for each parcel to obtain the maximum allowable rate. The actual rate applied each year may be less than or equal to the maximum allowable rate and will be determined by the City Council based on the needs within MD1.

This sub-section describes the criteria that shall govern the expenditure of assessment funds and ensures equal levels of benefit for properties of similar type. The criteria established in this Report, as finally confirmed, cannot be substantially modified; however, the Council may adopt additional criteria to further clarify certain criteria or policies established in this Report or to establish additional criteria or policies that do not conflict with this Report.

ASSESSMENT FUNDS MUST BE EXPENDED WITHIN THE PROPOSED ASSESSMENT DISTRICT

The net available assessment funds, after incidental, administrative and other costs, shall be expended exclusively for improvements that protect property within the boundaries of the proposed Assessment District.

SENIOR AND LOW-INCOME EXEMPTIONS

The Government Code does not provide for exemptions to assessments for senior citizen or low-income property owners.

Government Code § 53759.1 and 53759.2

AB 2257, effective January 1, 2025, codifies Government Code §§ 53759.1 and 53759.2. Government Code § 53759.1 authorizes public agencies to implement an exhaustion of

administrative remedies requirement in the context of a proposed Proposition 218 property related fee or assessment. If the local agency complies with certain specified requirements, property owners are required to submit a written objection regarding a proposed property related fee or assessment during the ratemaking process and by a specified deadline no less than 45 days after mailing of notice pursuant to Proposition 218, and prohibited from challenging the property related fee or assessment in litigation if they did not submit a timely written objection. To implement this requirement, the local agency is required, among other things, to prepare written responses to the timely submitted objections and present them to the local agency governing body, which will make certain specified determinations prior to the close of the Proposition 218.

Government Code § 53759.2 specifies the scope of a Court's review of the administrative record of the underlying ratemaking proceeding, if the local agency complied with Government Code § 53759.1 in adopting the property related fee or assessment being challenged.

MD1-2026 intends to comply with and implement Government Code § 53759.1 with respect to the proposed assessment. Property owners will be informed of the deadline and process to submit a written objection, and other dates related to MD1-2026 compliance with this provision.

ASSESSMENT

WHEREAS, the City Council of the City of Hayward is proceeding with the proposed formation of the Stratford Village Flood Control Facilities Improvement Assessment District under Chapter 26 of Part 3 of Division 7 of the Streets and Highways Code of the State of California, and Chapter 10, Article 10, Section 10-10.25 of the Hayward Municipal Code, and Article XIID of the California Constitution, to proceed with the proposed levy of assessments;

WHEREAS, the undersigned Engineer of Work has prepared and filed a report presenting an estimate of costs, a diagram for the Assessment District and an assessment of the estimated costs of the Improvements upon all assessable parcels within the Assessment District;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under State law and the order of the City Council, hereby makes the following assessment to cover the portion of the estimated cost of said Improvements, and the costs and expenses incidental thereto to be paid by the Assessment District.

The amount to be paid for said Improvements and the expense incidental thereto, to be paid by the Assessment District for the fiscal year 2026 is generally as follows:

Element	Cost Estimate
Total Annual Costs	\$ 59,476.23
Less Contribution from current funding sources	\$ 42,456.00
TOTAL ASSESSMENT AMOUNT	\$ 17,020.23

An Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of said Assessment District. The distinctive number of each parcel or lot of land in said Assessment district is its Assessor Parcel Number appearing on the Assessment Roll.

I do hereby assess and apportion said net amount of the cost and expenses of said Improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within said Assessment District, in accordance with the special benefits to be received by each parcel or lot, from the Improvements, and more particularly set forth in the Cost Estimate and Method of Assessment hereto attached and by reference made a part hereof.

The maximum allowed assessment is subject to an annual adjustment tied to the annual change of the U.S. Department of Labor, Bureau of Labor Statistic Consumer Price Index – All Urban Consumers (“CPI”) for the San Francisco-Oakland-Hayward, CA MSA Consumer Price Index for All Urban Consumers (CPI-U), not to exceed 3% per year. The

February to February CPI will be used to calculate the CPI. The CPI adjustment will be applied to the sum of the existing 1995 assessment and the proposed new assessment.

In the event that the actual assessment rate for any given year is not increased by an amount equal to the maximum of 3% or the yearly CPI change plus any CPI change in previous years that was in excess of 3%, the maximum authorized assessment shall increase by this amount. In such event, the maximum authorized assessment shall be equal to the base year assessment as adjusted by the increase to the CPI, plus any and all CPI adjustments deferred in any and all prior years. The CPI change above 3% will be used in a future year when the CPI adjustment is below 3%.

If property owners, in an assessment ballot proceeding, approve the initial fiscal year benefit assessment for the special benefits to their property including the CPI adjustment schedule, the assessment may be levied annually and may be adjusted by up to the maximum annual CPI adjustment without any additional assessment ballot proceeding. In the event that in future years the assessments are levied at a rate less than the maximum authorized assessment rate, the assessment rate in a subsequent year may be increased up to the maximum authorized assessment rate without any additional assessment ballot proceeding.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Alameda for the fiscal year 2026. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of Alameda County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2026 for each parcel or lot of land within the said Assessment District.¹⁷

Dated: December 16, 2025



Engineer of Work

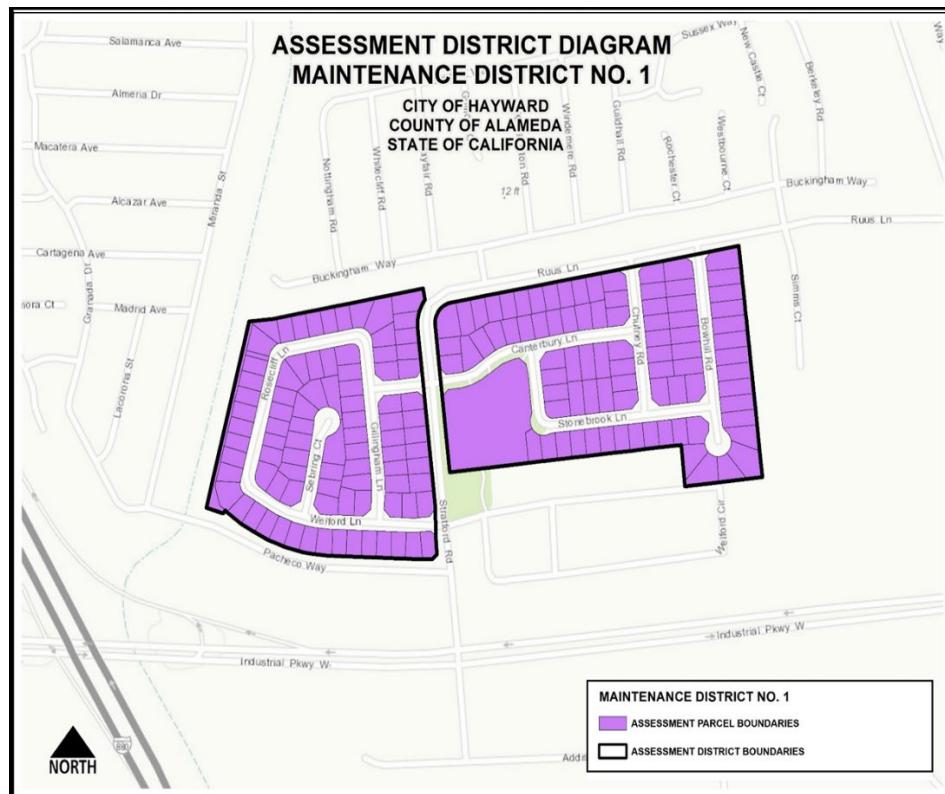
By _____
John Bliss, License No. C052019

¹⁷ Each parcel has a calculated assessment based on the estimated level of special benefit to the property.

ASSESSMENT DIAGRAM

The Assessment District includes all properties within the proposed boundaries of the Stratford Village Flood Control Facilities Improvement Assessment. The boundaries of the Assessment District are displayed on the following Assessment Diagram. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions as shown on the maps of the Assessor of the County of Alameda, for fiscal year 2026, and are incorporated herein by reference, and made a part of this Diagram and this Report.

FIGURE 2 – STRATFORD VILLAGE FLOOD CONTROL ASSESSMENT DIAGRAM FY 2026



APPENDICES

APPENDIX A – ASSESSMENT ROLL, FY 2027

The Assessment Roll is made part of this report and is available for public inspection during normal office hours. Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference, made part of this report. These records shall govern all details concerning the description of the lots or parcels.



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 26-020

DATE: January 27, 2026

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Kittelson & Associates, Inc., in a Not-to-Exceed Amount of \$1,200,000 for Consulting Services for Phase 2 of the High Injury Network Safety Plan, Project No. 06942

RECOMMENDATION

That City Council adopts a resolution (Attachment II) authorizing the City Manager to execute a professional service agreement with Kittelson & Associates, Inc., (Kittelson) in an amount not to exceed \$1,200,000 for preparation of the High Injury Network Safety Plan, Project No. 06942.

SUMMARY

On July 7, 2023, staff applied to the U.S. Department of Transportation Safe Streets for All (SS4A) grant program to develop a Speed Management Plan and a High Injury Network Safety Plan, to help advance implementation of the City's Local Road Safety Plan. On October 27, 2023, the City was awarded \$3,252,000 in grant funding for these two projects, which City Council accepted on February 6, 2024, and allocated \$813,000 in City matching funds for the grant.

In January 2025, staff awarded contracts with not-to-exceed amounts of \$1,600,000 to Kimley-Horn, Inc., and \$950,000 to Fehr & Peers, to prepare Phase 1 of the High Injury Network Safety Plan, including the Downtown Loop, and \$210,000 to Fehr & Peers for a Speed Management Plan. On October 17, 2025, staff published a request for proposals for Phase 2 of the High Injury Network Plan and received four proposals. Staff recommends awarding the contract in an amount not-to-exceed \$1,200,000 to Kittelson to prepare Phase 2 of the High Injury Network Safety Plan. The execution of this contract will allow the City to proceed with the development of the High Injury Network Safety Plan. The anticipated completion of Phase 2 of the plan is November 2027.

ATTACHMENTS

Attachment I Staff Report

Attachment II Resolution

Attachment III High Injury Network Corridor Map

File #: CONS 26-020



DATE: January 27, 2026

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Kittelson & Associates, Inc., in a Not-to-Exceed Amount of \$1,200,000 for Consulting Services for Phase 2 of the High Injury Network Safety Plan, Project No. 06942

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FISCAL IMPACT

There is no impact to the General Fund or Measure C from this project.

The High Injury Network Safety Plan is primarily funded by a \$3,252,000 grant from the USDOT SS4A program. These grant funds are applied across three Capital Improvement Program projects: 06942 – High Injury Network, 06943 – Speed Management Plan, and 06945 – Evaluate Alternatives to Downtown Loop.

The matching funds for the grant are paid from Fund 213 (Measure BB Pedestrian & Bicycle), Fund 215 (Measure B Local Transportation), and Fund 410 (Route 238 Corridor Improvement), and are not from the General Fund.

Project	Total
06943 Speed Management Plan	\$210,000
06945 Evaluate Alternatives to Downtown Loop (HIN Phase 1 – Loop Segments of Foothill Blvd, Mission Blvd, and A St)	\$950,000
06942 High Injury Network Safety Plan (HIN Phase 1 – Tennyson Rd, A St, and B St)	\$1,600,000
<i>06942 High Injury Network Safety Plan (HIN Phase 2 – Hesperian Blvd, Jackson St, and Mission Blvd)</i>	<i>\$1,200,000</i>
Total	\$3,960,000

BACKGROUND

Launched in 2022, the purpose of the SS4A grant program is to improve roadway safety by significantly reducing or eliminating roadway fatalities and serious injuries through safety action plan development and refinement and implementation focused on all users. The program provides funding to develop the tools to help strengthen a community's approach to roadway safety and save lives while meeting the needs of diverse local, Tribal, and regional communities.

City Council adopted the Local Road Safety Plan (LRSP) on June 27, 2023¹, which assesses and identifies locations and strategies to improve road safety throughout the City. Along with identifying the City's High Injury Network, the LRSP recommends a set of strategies and countermeasures to address and prevent severe injury and fatal collisions. City Council also adopted Vision Zero by 2050, a goal to eliminate fatalities and severe injuries on the City's roadways by 2050.

Action Item 2 of the LRSP recommends the near-term action of pursuing SS4A grant funding. Recognizing the effort needed to achieve Vision Zero by 2050, the City applied for supplemental planning funds from SS4A to develop a comprehensive approach to reduce speeds (Speed Management Plan) and conduct a set of corridor-specific safety plans

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=6271751&GUID=D83F21F7-16CB-46E5-A249-672EAD37C991&Options=&Search=>

focused on the City's high injury network. The Speed Management Plan will help address the LRSP focus area of unsafe speeding and aggressive driving, addressing the significant role that vehicle speed plays in generating serious injuries and fatalities.

On October 27, 2023, the City was awarded the full amount of \$3,252,000 requested in its application to the SS4A grant program. On February 6, 2024², City Council adopted a resolution accepting the funding and allocating \$813,000 in City matching funds from Measure BB Pedestrian & Bicycle, Measure B Local Transportation, and Route 238 Corridor Improvement.

The High Injury Network Safety Plan will consist of seven study locations. These locations are as follows: 1) Downtown Area, consisting of A Street from Foothill Boulevard, Mission Boulevard from A Street to Foothill Boulevard, and Foothill Boulevard from Mission Boulevard to A Street 2) A Street from Mission Boulevard to Hesperian Boulevard 3) B Street from Martin Luther King Drive to 4th Street, 4) Tennyson Road from Hesperian Boulevard to Mission Boulevard 5) Hesperian Boulevard from A Street to City Limits, 6) Jackson Street from Santa Clara Street to Mission Boulevard and 7) Mission Boulevard from Industrial Parkway W to Foothill Boulevard. The development of the plan is broken down in two phases: The Downtown Area, A Street, B Street, and Tennyson Road are being completed as Phase 1 of the plan and have been progressing with anticipated completion in 2026. Hesperian Boulevard, Jackson Street, and Mission Boulevard depicted in Attachment III – HIN Phase 2 Corridor Map will be completed as Phase 2 of the plan.

DISCUSSION

Staff released an RFP for Phase 2 of the High Injury Network Safety Plan on October 17, 2025, and received proposals from four firms: Fehr & Peers, Kimley-Horn, Kittleson & Associates, and TJKM. The staff evaluation team, which consisted of five Department of Public Works engineers and planners, reviewed and scored the proposals based on their project management & team leads, project understanding & approach, work plan & fee, and qualification of firm/team. The three top-ranked firms had similar average ratings and were invited for interviews, which consisted of an identical set of predetermined questions regarding scenario planning and proposal clarification. With a first round score of 58.0, TJKM did not advance. After conducting those interviews, staff reviewed and finalized their scores, with Kittleson receiving the highest ranking of all firms. The table below provides the average final score for each of the firms after interviews were held.

Kittleson & Associates	89.0
Kimley-Horn	88.8
Fehr & Peers	85.1

After consideration of the project scope, submitted proposals, and interview performance, staff recommended that Kittleson be selected to deliver components of the Phase 2 project

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=6504747&GUID=E1C46D84-F953-4AAA-BB3F-E51DB7873759&Options=&Search=>

scope. Their proposed fee was within the expected range, given proposed task work, and was competitive compared to other submissions. Staff negotiated scope down to the proposed maximum compensation of \$1,200,000. The Kittelson proposal included a strong team of partners with extensive outreach, planning, and construction experience, and they proposed creative and insightful ideas that were unique to each corridor. During the interview, they showed a strong understanding of the community and were able to showcase nuanced opportunities for the City in their responses. Their scope would cover Hesperian Boulevard from A Street to City Limits, Jackson Street from Santa Clara Street to Mission Boulevard, and Mission Boulevard from Industrial Parkway W to Foothill Boulevard.

Selecting Kittelson for the project provides several advantages to the City, including increased staff capacity, significant experience working at Federal, State, and local levels to develop and implement best practices in developing and designing multimodal corridor safety plans, and direct experience conducting outreach and engagement on transportation safety issues in the City.

The execution of this contract will allow the City to proceed with the development of the High Injury Network Safety Plan. The anticipated completion of Phase 2 of the plan is November 2027.

ECONOMIC IMPACT

The High Injury Network Safety Plan will develop comprehensive design concepts for Hesperian Boulevard, Jackson Street, and Mission Boulevard, which when implemented, will help reduce the likelihood of serious injuries and fatalities. Vehicle crashes have a significant economic cost, both to those directly impacted and to other users of the transportation system. By helping to avoid these impacts, the High Injury Network Plan will have a significant economic benefit for Hayward residents and visitors.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority to Invest in Infrastructure. Specifically, this item relates to the implementation of the following project:

Project 1, Part N1: Continue to implement major corridor traffic calming initiatives.

This item will advance implementation of the City Council adopted Local Road Safety Plan.

SUSTAINABILITY FEATURES

The High Injury Network Safety Plan will help the City implement strategies to reduce greenhouse gas emissions and aligns with the City's Climate Action Plan by promoting sustainable local and regional travel options to reduce VMT (vehicle miles traveled). Walking, biking, and rolling are all sustainable ways to travel locally, and improving safety and comfort for users can have substantial impacts on decisions around using these modes. Additionally, two of the corridors, Mission Blvd and Hesperian Blvd, host two of the highest

ridership bus routes for AC Transit. Ensuring quality transit routes will support a sustainable future for the broader region.

PUBLIC CONTACT

The Local Road Safety Plan included community engagement, including City Council review and acceptance of the strategy to reduce speeds as a core strategy to improve roadway safety in Hayward. The High Injury Network Safety Plan Phase 2 will include coordination with internal and external stakeholders and work session and ultimate City Council consideration of the plan's approval. This will include online engagement, with surveys and maps, in-person engagement with pop-ups and activities, and creative options such as a design charrette. The process will be iterative and clearly communicate the ways public input will be incorporated into final decisions and designs.

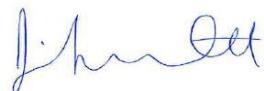
NEXT STEPS

If City Council approves this request, the City Manager will execute a professional service agreement with Kittelson & Associates, Inc., for Phase 2 of the High Injury Network Safety Plan in a not-to-exceed amount of \$1,200,000.

Prepared by: George Foster, Senior Transportation Planner
Byron Tang, Principal Transportation Engineer

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH KITTELSON & ASSOCIATES IN A NOT-TO-EXCEED AMOUNT \$1,200,000 FOR CONSULTING SERVICES FOR PHASE 2 OF THE HIGH INJURY NETWORK SAFETY PLAN, PROJECT NO. 06942

WHEREAS, professional service assistance is needed for Phase 2 of the High Injury Network Safety Plan, Project No. 06942; and

WHEREAS, the High Injury Network Safety Plan will help develop strategies to implement the Hayward Local Road Safety Plan and Vision Zero policy; and

WHEREAS, on October 17, 2025, four (4) valid proposals were received and then evaluated for the most qualified proposal. Kittelson was ranked the highest with an average score of 89/100 based on criteria established in the Request for Proposal 26-021; and

WHEREAS, the negotiated cost proposal is in the amount not-to-exceed \$1,200,000 for Kittelson & Associates, Inc.; and

WHEREAS, the required matching funds for the \$3,252,000 U.S. Department of Transportation Safe Streets for All (SS4A) grant are paid from Fund 213 (Measure BB Pedestrian & Bicycle), Fund 215 (Measure B Local Transportation, and Fund 410 (Route 238 Corridor Improvement) and has no impact to the General Fund.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Council hereby authorizes the City Manager to execute a professional services agreement with Kittelson & Associates, Inc., in a not-to-exceed amount \$1,200,000 for consulting services, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2026

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

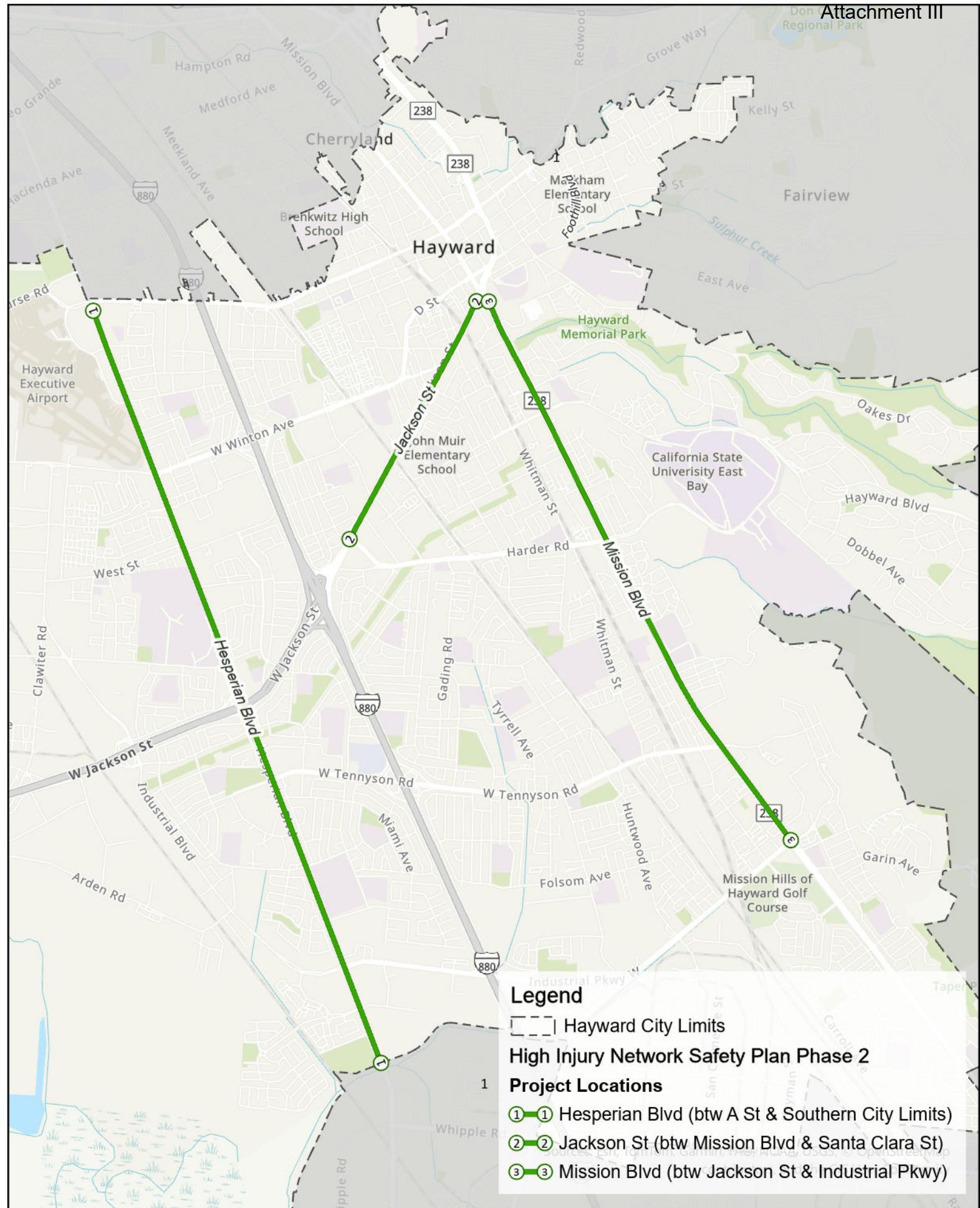
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



Project Locations Map
High Injury Network Safety Plan Phase 2

0 0.25 0.5 1 Miles

N
117



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: WS 26-003

DATE: January 27, 2026

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Business-Friendly Hayward Project Update: Review of Draft Municipal Code and Zoning Maps Revisions Related to the Business-Friendly Hayward Project

RECOMMENDATION

That the City Council provides feedback on the draft Municipal Code and Zoning Map revisions related to the Business-Friendly Hayward project.

SUMMARY

The Business-Friendly Hayward Project aims to accomplish a series of Strategic Roadmap projects and Downtown Specific Plan implementation programs by focusing on the following objectives:

- Streamline entitlement and permitting processes for desirable businesses across the City's commercial and mixed-use zoning districts.
- Activate vacant and underutilized properties and storefronts Downtown.

To date, City staff have reviewed best practices from nearby jurisdictions, analyzed Hayward's existing codes and practices related to commercial and mixed-use districts, conducted an analysis of commercial businesses in the Downtown area, and facilitated a series of public outreach efforts aimed at getting feedback from businesses, the public, and other community stakeholders.

Based on these efforts and feedback received from the Planning Commission and Council, revisions to the Municipal Code and Zoning Map have been drafted for the Council's feedback. These include a new organization and simplification of the Commercial Districts section of the Zoning Ordinance; relaxed permitting requirements for popular business types; strategic new land use controls; new simple permit types to better support emerging businesses and activation of our commercial areas; and rezonings to simplify the Zoning Map.

At this work session, staff is requesting feedback from the Council on the following:

- Are the draft Municipal Code revisions, new permit types, and proposed rezonings appropriate for Hayward?
- Are the Downtown and Mission Boulevard Corridor the suitable areas to pilot Accessory Commercial Units (ACUs) in Hayward and does the Council support the list of proposed uses allowed (barber/beauty shop, nail salon, pet grooming, fitness studio, retail, take-out coffee shop, neighborhood-serving grocery shop)?
- Does the Council support the types of entertainment uses listed in the Limited Entertainment Permit program, which includes live band/musicians, open mic, and karaoke? Are there other entertainment activities the Council believes should be allowed via this streamlined process?
- Is the Council supportive of adding “event space” into our definition of cultural facility/community center, thus allowing event spaces in more zoning districts through a simpler process, including Downtown, as long as events end by 11:00 p.m.?

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Section 10-1.800, Commercial Districts - Clean
Attachment III	Section 10-1.800, Commercial Districts - Redline Revisions
Attachment IV	Section 10-24.2.3.010, Mission Boulevard Use Table - Redline Revisions
Attachment V	Section 10-28.2.3.010, Downtown Development Code - Redline Revisions
Attachment VI	Section 10-1.1603, Industrial Districts Use Table - Redline Revisions
Attachment VII	Section 10-1.2735(a), Accessory Commercial Units - New Code Section
Attachment VIII	Section 10-1.2735(f), Limited Entertainment Permit - New Code Section
Attachment IX	Section 10-1.2700, General Regulations - Redline Revisions
Attachment X	Section 10-1.3500, Definitions - Redline Revisions
Attachment XI	Maps of Properties Proposed to be Rezoned



DATE: January 27, 2026

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Business Friendly Hayward Project Update: Review of Draft Municipal Code and Zoning Maps Revisions Related to the Business-Friendly Hayward Project

RECOMMENDATION

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- Is the Council supportive of adding “event space” into our definition of cultural facility/community center, thus allowing event spaces in more zoning districts through a simpler process, including Downtown, as long as events end by 11:00 p.m.?

FISCAL IMPACT

There is no fiscal impact from this work session. The City procured a consultant, Rincon, for a portion of this work. Rincon’s contract and associated budget was \$99,877 and was paid through the Planning Division’s consultant budget in FY 2025. To reduce consultant costs for this project, staff entirely led the extensive outreach efforts and have taken the lead in drafting revisions to the Municipal Code.

BACKGROUND

Downtown Specific Plan. In 2019, the City Council adopted the Downtown Specific Plan,¹ which provides a strategy to achieve the community’s vision of a resilient, safe, attractive, and vibrant historic Downtown. It has a series of implementation programs, including:

- *Program LU 2:* Update zoning regulations to allow temporary uses such as temporary structures on vacant lots, temporary uses in existing structures, pop-up shops, fruit stands, and mobile businesses, especially in vacant or underutilized spaces (including vacant storefronts) to increase small-scale business opportunities and to temporarily fill gaps in the urban fabric.
- *Program LU 4:* Update zoning regulations to modernize land use regulations and allow uses consistent with the vision for Downtown, such as neighborhood and regional serving retail, destination dining, entertainment, and indoor recreation that serve a diverse population including students, families, seniors, creative class professionals, and artists.
- *Program CD 2:* Update use regulations to encourage pedestrian-oriented uses that can help to activate the Downtown, such as sidewalk dining and outdoor seating.
- *Program ED 2:* Modify zoning regulations to allow on-site retailing with small-scale production or processing at the same location.

¹ Hayward Downtown Specific Plan: <https://www.hayward-ca.gov/sites/default/files/documents/DSD-Planning-Hayward-Downtown-Specific-Plan.pdf>

- *Program ED 3:* Modify zoning regulations to allow collaborative incubator and working spaces for emerging innovative start-ups or smaller companies that benefit from shared and more affordable working space.
- *Program ED 6:* Improve and streamline the entitlement process to attract investment and development and for projects involving the expansion and upgrades of existing Plan Area businesses, including for code-compliance upgrades.

Project Overview. The Business-Friendly Hayward Project aims to accomplish the Downtown Specific Plan implementation programs listed above and Strategic Roadmap projects listed at the end of the report by focusing on the following project objectives:

- Streamline entitlement and permitting processes for desirable businesses across the City's commercial and mixed-use zoning districts.
- Activate vacant and underutilized properties and storefronts Downtown.

In partnership with Rincon Consultants and Metrovation Retail Resources, staff reviewed best practices for creating lively and thriving commercial areas, completed an analysis of the City's codes and practices related to commercial and mixed-use districts, and conducted a commercial analysis that identifies community preferences and impediments to business attraction and retention. In addition, staff led a series of outreach efforts aimed at getting feedback from businesses, the public, and community stakeholders. These efforts are discussed further in the Analysis and Public Outreach sections below. The proposed Muni Code and Zoning Map revisions in the Discussion section of this report are based on this research and the feedback gathered to date.

ANALYSIS

Summary of Best Practices Report. The Summary of Best Practices Report² provides an overview of ordinance amendments and other initiatives taken by jurisdictions throughout the region to enliven their commercial districts and support business vitality. Some key takeaways that potentially provide good models for Hayward include allowing flexibility in land use regulations to adapt to varying marketing conditions, streamlining small live performances through the use of live entertainment permits, and promoting pop-up and temporary uses.

Analysis of Hayward Codes and Practices. The Analysis of Hayward Codes and Practices³ provides a deep dive into the portions of the City's Municipal Code that govern commercial and mixed-use districts. It identifies land use regulations, permitting processes, development standards, and organizational issues that serve as obstacles towards attracting desirable businesses and activities, and offers recommendations for business-friendly code amendments. Key recommendations from this report include establishing simplified permitting processes for temporary uses, outdoor dining, and small-scale live entertainment; reducing permitting requirements for popular uses to better align with community

² Summary of Best Practices Report: <https://www.hayward-ca.gov/sites/default/files/documents/DSD-PL-Business-Friendly-Hayward-Code-Updates.pdf>

³ Analysis of Hayward Codes and Practices: <https://www.hayward-ca.gov/sites/default/files/documents/DSD-PL-Analysis-of-Hayward-Codes-and-Practices.pdf>

preferences and market demand; and consolidating the number of commercial zoning districts to make the zoning map easier to navigate.

- Appendix A includes an analysis and breakdown of Downtown Hayward's commercial conditions and market dynamics. The analysis identifies specific barriers to business attraction and retention, and evaluates physical conditions, tenant mixes, market strengths, and opportunities for improvement in the Downtown core, particularly around B Street, Foothill Boulevard, and the Cinema Place area. Key findings include that Downtown lacks a more balanced mix of entertainment venues, experiential businesses and local-serving retail that would better serve a younger demographic and draw outside visitors. Additionally, vacant storefronts and underutilized lots create opportunities for pop-up businesses and placemaking interventions.

PUBLIC OUTREACH

Council Economic Development Committee Meeting. On February 3, 2025, staff met with the Council Economic Development Committee (CEDC) to kick off the project. The CEDC provided their first impressions of the project and provided direction on the items and areas they wanted staff to focus on. These areas included:

- Expanding "Personal Services"⁴ as a use that is permitted by right throughout commercially zoned areas.
- Encouraging community amenities, entertainment uses, and meeting spaces.
- Allowing a more streamlined permitting process for pop-up events and temporary uses.

As discussed further in the Discussion section below, in response to these recommendations, staff is proposing several targeted amendments to the Zoning Ordinance.

First Planning Commission Work Session. On August 28, 2025, staff presented the Business-Friendly Hayward project to the Planning Commission to receive preliminary input and feedback following the completion of the background research, analysis, and outreach phases of the project. The Commission expressed overall enthusiasm for the project and expressed support for the creation of Live Entertainment Permits and streamlined permitting requirements for popular uses, including breweries and wineries. The Commission also expressed interest in exploring the potential for establishing entertainment districts in Downtown Hayward.

The Commission did, however, express concern regarding ACUs and parklets. Commissioners felt that introducing ACUs at this time could compound existing challenges related to sidewalk vending. They also voiced hesitation about converting Downtown parking spaces into parklets, expressing doubt about their suitability and effectiveness within the Hayward context. The Commission emphasized the importance of tailoring strategies to align with Hayward's unique identity. Commissioners cautioned against adopting programs solely based

⁴ Personal services typically include uses such as barber shops and beauty salons; nail salons, dry cleaners; locksmiths; shoe repair shops; and tailors.

on practices observed in other jurisdictions and underscored their desire for staff to prioritize initiatives that enhance and preserve the character that makes Hayward distinctive.

As outlined further in the Discussion section below, in response to these comments, staff is proposing the creation of new permits and relaxed permitting requirements to largely address these recommendations. However, while there was considerable interest in exploring the establishment of entertainment districts within the City of Hayward, further evaluation revealed that creating and administering such districts would require staff time and resources the City does not currently have available. Although this concept may be reconsidered in the future, staff is not recommending moving forward with entertainment districts at this time.

First City Council Work Session. On September 23, 2025, staff conducted a similar work session with the City Council. Like the Planning Commission, the Council was generally supportive of staff's recommendations, including making popular uses more permissible, including beer and wine sales and allowing small-scale live entertainment activities with a simplified permitting process. However, they differed from the Commission in that they directed staff to continue pursuing introducing ACUs in limited zoning districts and to encourage parklets to promote outdoor dining and activate key commercial areas, like Downtown Hayward.

Again, in the Discussion section below, staff believes the proposed revisions incorporate nearly all of Council's recommendations, with the exception of moving forward with a revamped parklet program. While staff initiated preliminary discussions with other stakeholder departments regarding the creation and implementation of a parklet program to be piloted in the Downtown area, due to current constraints on staff time and resources, as well as the level of effort required to develop and administer the program, staff is not recommending moving forward at this time. Staff hopes to revisit this effort in the future and, in coordination with Public Works, conduct the necessary outreach, surveys, and research required to launch such a program when resources allow.

Second Planning Commission Work Session. On January 22, 2026 staff held a work session with the Planning Commission to discuss the draft Muni Code revisions and map amendments discussed below. The details of this meeting will be discussed verbally in staffs' presentation as this agenda report was written prior to the work session.

Additional Outreach. Below is a list of the additional public outreach that staff conducted to solicit feedback from community members and business owners:

- Tabling at Summer Street Parties: June 12, July 17, and August 21, 2025
- Downtown Hayward Improvement Association Meeting: July 10, 2025
- Online Survey to Business Owners and Community Members: July 2025
- Business Member Focus Group: October 15, 2025
- Community Member Focus Group; October 16, 2025

Business owners identified licensing requirements and compliance with health and safety regulations as challenges to business operations. They also highlighted concerns related to

perceptions of safety, especially in Downtown, and frustration with regulatory restrictions on uses such as outdoor dining, live music, and beer and wine sales.

From members of the public and community stakeholders, the most requested new businesses in Hayward include support for more recreational uses, such as skating rinks, axe throwing, and recreation catered towards families and children. Community members specifically indicated they would spend more time and money in Downtown if there were more businesses, events, or nightlife available. Castro Valley, Pleasanton, and Dublin were often cited as places Hayward community members enjoy visiting, because of their perceived safety, walkability, and low vacancy rates. Additional details on the data collected from the community outreach efforts is available on the project webpage.⁵

Upcoming Outreach. Due to stakeholder interest, staff will be holding a community meeting in February with business owners in the industrial areas in order to discuss the few changes to the industrial use table .

Additionally, staff will provide mailed notice to property owners whose parcels are proposed to be rezoned. The notice will identify each parcel's existing zoning designation, the proposed zoning designation, and summarize any changes between the two. The notice will also include the dates of the project's upcoming public hearings, as well as information on a community meeting where property owners may speak directly with staff to ask questions or share concerns.

DISCUSSION

Based on the research and analysis presented above and the feedback garnered from the business community, public, and decision makers, a series of revisions to the Municipal Code and Zoning Map are proposed to achieve the project's goals of making Hayward more business friendly in line with community priorities and market demands. These revisions are presented in detail in Attachments II-XI and are summarized below.

Organization and Simplification. To make the Zoning Ordinance easier to navigate, the commercial zoning districts have been consolidated from their current eight sections into one (Attachment II-III). Mirroring other recently updated sections of the code, this includes new land use and development standard tables that allow prospective businesses and developers to easily identify which types of businesses are allowed in each district and what the requirements for new development or redevelopment would be. Additionally, land uses have been consolidated into fewer, simpler categories, such as "office" and "retail" that allow for a wide variety of businesses and greater flexibility to adapt to new, emerging uses.

Relaxed Permitting Requirements. Staff recommends relaxing the permitting requirements for a number of uses in the City's commercial and mixed-use zoning districts to make it easier for businesses to open and operate, as reflected in Attachments II, III, IV and V. Notably, this includes reducing the requirement for businesses selling or serving beer, wine, or alcoholic cider from a Conditional Use Permit (requiring Planning Commission approval at a public

⁵ Project Webpage: <https://www.hayward-ca.gov/your-government/departments/planning-division/business-friendly-hayward-project>

hearing) to an Administrative Use Permit (requiring staff approval) in most districts; and to be permitted by right in the Central Business District (Southland Mall) and in the Downtown Main Street and Urban Center districts (Downtown core). Distilleries are also recommended to be allowed with approval of an AUP in the Downtown core. Staff further proposes allowing day care centers, recreational facilities, and cultural facilities/community centers by right in most commercial and mixed-use districts, as these uses are highly sought after by the community. Similarly, staff is proposing that animal care facilities be allowed in a wider range of commercial districts with approval of an AUP. In addition, staff is recommending that tattoo shops be allowed by right in our Downtown core, at Southland Mall, and in our General Commercial district, while requiring an AUP rather than a CUP in other commercial and mixed-use districts.

Staff also recommends amending the definition of *cultural facility* to include event spaces that may be rented out for events that end by 11:00 p.m. Conversely, banquet halls, which would allow events that go past 11:00 p.m. would require a CUP in all zoning districts. This change, supported by the Hayward Police Department, would allow event spaces within cultural facilities, religious facilities, community centers, and other similar spaces to be permitted through an AUP in broader range of zoning districts and by right in select locations, including the Downtown area. Staff finds this appropriate given Downtown's proximity to BART, the availability of municipal parking garages and lots, and the desire to get more people in our Downtown core. As banquet halls hosting late night events have the potential to create more nuisances, staff finds it appropriate to limit this use to fewer districts and require a CUP to ensure applications are reviewed with a higher level of scrutiny.

Strategic New Land Use Controls. In addition to relaxing entitlement process for the above uses, staff is also recommending increasing the entitlement and permitting requirements for two specific land uses that necessitate additional control to ensure public health, safety, and general welfare.

First, staff recommends requiring approval of a CUP to operate a massage establishment in the Downtown area (Attachment V). Since the Downtown Specific Plan was adopted in 2020, massage establishments have been allowed by right in three Downtown zoning districts (Urban Neighborhood, Downtown Main Street, and Urban Center), which has led to a concentration of massage businesses downtown. Recently, the Hayward Police Department became aware of instances of commercial prostitution at permitted and unpermitted massage businesses within the city, and as a result, the Council approved a temporary moratorium on the establishment of new massage businesses until stricter land use and operational controls for these establishments can be put into place.⁶ Requiring a CUP for massage establishments in the Downtown area, will close a current "by-right" loophole and ensure that all massage businesses in Hayward are required to go through the same screening and permitting process, which includes review by the Planning Division and Hayward Police Department.

Second, given the operational characteristics and potential for impacts to sensitive receptors, staff is also recommending all data centers be subject to a CUP and be limited to the IG, General Industrial zoning district (Attachment VI). As defined in our current code, data

⁶ City Council Meeting December 16, 2025; <https://hayward.legistar.com/LegislationDetail.aspx?ID=7783347&GUID=EE9C5E0D-279D-484F-89D8-1B6B8405D515&Options=&Search=>

centers are considered an “office” use and permitted by right in many commercial and industrial zoning districts. Two recent data center projects that have come before the Planning Commission have only been required to do so because they have requested a height increase beyond the 75-foot height limit and were located on a site over 10 acres, which requires Major Site Plan Review. Otherwise, these projects would have been eligible for staff level review. Requiring a CUP for data centers will ensure that in all cases these types of projects are reviewed at a public hearing before the Planning Commission, and limiting their location to the IG zoning district will reduce the potential for impacts to sensitive uses.

New Permit Types. In addition to the above-described revisions to the Muni Code, staff is also proposing new permit types to better support emerging businesses and help activate the City’s commercial areas.

- **Zoning Conformance Permit for Accessory Commercial Units (ACUs).** ACUs are similar to Accessory Dwelling Units (ADUs), except that they serve as small commercial storefronts at people’s homes, often in garage conversions (Attachment VII). Staff recommends allowing ACUs within districts that allow detached residential units located within the Downtown and Mission Boulevard corridor. Limiting ACUs geographically is intended to “pilot” the ACU concept in areas that already have a mixed-use character to further promote walkability and strengthen connection within these areas, while also allowing new businesses the opportunity to incubate, gain customers, and traction.

The range of permitted ACU uses is intentionally limited and focused primarily on low-impact retail and service uses such as beauty salons, pet grooming, fitness studios, tutoring, and coffee shops. Staff also considered the Planning Commission’s concerns regarding the potential for ACUs to inadvertently encourage unpermitted restaurant uses to pop up in people’s homes. As a result, restaurants are not included as an allowed use at this time.

- **Limited Entertainment Permit.** To streamline the permitting process for live entertainment uses, staff proposes introducing a new Limited Entertainment Permit (Attachment VIII). This permit type is intended to facilitate small-scale entertainment activities that are ancillary to primary uses while maintaining appropriate safeguards for surrounding uses. This might include an open mic night at a coffee shop, karaoke at a restaurant, or live music at a brewery.

The proposed Limited Entertainment Permit is specifically designed for small entertainment uses and is not meant to accommodate higher-intensity activities such as nightclubs or large entertainment venues, which would continue to be regulated by the City’s Cabaret Ordinance. As the regulatory framework in the Cabaret Ordinance is highly restrictive, in practice, it discourages or screens out most forms of live entertainment altogether, regardless of scale. The new Limited Entertainment Permit is intended to loosen requirements where appropriate, in order to allow for a faster and less expensive permitting process. This approach allows the City to support a more active and engaging commercial environment without removing regulatory

oversight, focusing instead on right-sizing regulations to match the scale and impact of the proposed activity.

- **Temporary Use Permit.** While many zoning districts currently allow Temporary Uses, such uses require approval of an Administrative Use Permit. An AUP application requires a \$2,000 initial deposit and typically takes three to five months to process. While this level of review is appropriate for permanent uses, it is overly burdensome for smaller, low-impact activities that will operate for a limited period of time.

To address this issue, staff is proposing a new Temporary Use Permit for small-scale temporary uses. This permit would function similarly to a Zoning Conformance Permit, in that applicants would be required to meet established standards, but the permit would not be subject to noticing nor would it need to go through the same level of interdepartmental review appropriate for a permanent use. Processing time is anticipated to be less than one month, and a flat application fee could be set based on estimated staff time.

Rezonings. Finally, to simplify the Zoning Map and eliminate some of the unnecessary nuance between the City's current eight base commercial zoning districts, staff recommends consolidating three of the smallest commercial districts into larger districts that have substantially similar zoning regulations and development patterns but allow more uses by right and with use permits. As shown in Attachment XI, staff is recommending properties in the Residential Office (RO) district be combined with the Commercial Office (CO) district to create a new district called the Commercial Office – Residential (CO-R) district. In addition, staff is recommending the Limited Access Commercial (CL) district be rezoned to the General Commercial (CG) district, and the Regional Commercial (CR) district be rezoned to the General Commercial (CG) district. These rezonings will impact approximately 83 properties. Through these rezoning efforts, no significant changes will impact the allowed uses or development potential of each property. Letters explaining the proposed rezonings will be sent out to all affected property owners, tenants, and residents in January 2026, and stakeholders will be invited to meet with City staff to discuss the rezoning of their property in greater detail.

Other Process Improvements. Based on feedback staff has heard from City Council about process improvements related to the permitting process, staff wanted to share some process improvements that have been implemented as well as those staff will be implementing to address concerns about processing timelines. While staff is meeting all mandated timeframes for application processing, staff understands that development and the permitting process is complex. Although there are many nuanced reasons why some projects take longer than others to go through the review process, there are always opportunities for improvements.

- Staff will be requiring a meeting between city staff plan reviewers and the project applicant for any project that has completed their third round of review and have not yet been issued a permit. The purpose will be to discuss those roadblocks and ensure issuance following the fourth submittal. Please note that 80% of all permits are processed in less than 3 rounds of review.

- All staff plan reviewers of development applications meet bi-weekly to discuss project application status and collaborate on challenges.
- DSD staff and ED staff are generating a list of City priority projects which will be shared with all Department Heads as well as plan review staff and can serve as a focus for discussions at those bi-weekly meetings.
- DSD staff and IT staff are working on developing a dashboard or two that can help track development applications.

Staff is open to exploring other improvements provided they are consistent with the regulatory framework the City is bound by and within available resources.

Feedback Requested. As previously indicated, staff is requesting feedback from the Council on the following:

- Are the draft Municipal Code revisions, new permit types, and proposed rezonings appropriate for Hayward?
- Are the Downtown and Mission Boulevard Corridor the suitable areas to pilot Accessory Commercial Units (ACUs) in Hayward and does the Council support the list of proposed uses allowed (barber/beauty shop, nail salon, pet grooming, fitness studio, retail, take-out coffee shop, neighborhood-serving grocery shop)?
- Does the Council support the types of entertainment uses listed in the Limited Entertainment Permit program, which includes live band/musicians, open mic, and karaoke? Are there other entertainment activities the Council believes should be allowed via this streamlined process?
- Is the Council supportive of adding “event space” into our definition of cultural facility/community center, thus allowing event spaces in more zoning districts through a simpler process, including Downtown, as long as events end by 11:00 p.m.?

STRATEGIC ROADMAP

The Hayward Strategic Roadmap⁷ is a Council led initiative that outlines the shared vision for Fiscal Year 2025 and beyond. There are six core priorities required to achieve the Strategic Roadmap's vision and numerous key projects to advance each priority. The *Grow the Economy* priority focuses on investing in business support services, creating thriving commercial corridors, growing workforce development pipelines, and strategically disposing of City property. This effort supports two of the projects listed under this priority:

- *Project EP5:* Provide a report on how midsized cities revitalized downtowns.

⁷ Hayward Strategic Roadmap: <https://www.hayward-ca.gov/your-government/documents/hayward-strategic-roadmap>

- *Project EP6:* Provide a report on ordinances that may have adverse impacts on businesses.⁸

ECONOMIC IMPACT

Streamlining the permitting process for commercial development may result in more businesses opening in Hayward and operating successfully for longer periods of time. This in turn can lead to increased tax revenue for the City, the creation of local jobs, and further investment in our commercial centers.

NEXT STEPS

Based on the direction received at tonight's work session final updates to the City's Municipal Code will be drafted. In addition, staff will hold a community meeting with business owners in the industrial area and provide opportunities for feedback for properties that are proposed to be rezoned. Staff anticipates bringing final code and map amendments before the Council for adoption this spring.

Recommended by: Sara Buizer, AICP, Development Services Director

Approved by:

John Ott

Jennifer Ott, City Manager

⁸ In order to alleviate adverse impacts on restaurants and remove unnecessary restrictions, the City's alcohol regulations were updated in March 2023 to make it easier for full-service restaurants to obtain permission from the City to serve alcohol at their establishments. City Council Public Hearing, March 7, 2023:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=6050568&GUID=9C6E57B1-0937-4560-BD41-5D1B007B5745&Options=&Search=>

Sec. 10-1.800 Commercial Districts

Sec. 10-1.801 Purpose

- a. **Commercial Office-Residential District (CO-R).** The CO-R District maintains a residential identity while containing a mix of residential and office uses. The scale, form, and activity of uses should not detract from adjacent residential uses.
- b. **Neighborhood Commercial-Residential District (CN-R).** The CN-R District includes a mixture of neighborhood serving businesses and residences along portions of certain arterials in order to provide housing with ready access to shops and transit.
- c. **Commercial Neighborhood District (CN).** The CN District includes a variety of neighborhood serving businesses in close proximity to residential in order to provide convenience goods and services purchased frequently.
- d. **General Commercial District (CG).** The CG District includes a wide variety of commercial uses, including uses that would attract neighborhood, local, and regional audiences.
- e. **Central Business District (CB).** The CB District provides an alternate commercial hub outside of the Downtown area characterized by a mix of retail, restaurants, amusement and recreation uses.

Sec. 10-1.802 Use Regulations—Commercial Districts

Table 10-1.802, Land Use Regulations—Commercial Districts, sets the land use regulations for Commercial Districts by letter designation as follows unless a use or activity is prohibited or subject to a higher level of permit pursuant to other parts of this Section, other requirements of the Hayward Municipal Code, or other applicable regulations:

"P" designates permitted uses.

"A" designates uses that are permitted after review and approval of an Administrative Use Permit.

"C" designates uses that are permitted after review and approval of a Conditional Use Permit.

"—" designates uses that are not allowed.

A project which includes two or more categories of land use in the same building or on the same site is subject to the highest permit level required for any individual use or single component of the project.

Section numbers in the right-hand column refer to other sections of the Zoning Ordinance or other limitations as well as subsections following the Table.

Land uses are defined in Article 1, Section 10-1.3500, Definitions. In cases where a specific land use or activity is not defined, the Planning Director or other approving authority shall assign the land use or

activity to a classification that is substantially similar in character. Land uses defined in the Hayward Municipal Code and not listed in the table or not found to be substantially similar to the uses below are prohibited. Unless otherwise explicitly stated, all uses shall be conducted indoors.

TABLE 10-1.802: Use Regulations Commercial Districts

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed

Use	Districts					Additional Regulations
	CO-R	CN-R	CN	CG	CB	
<i>Administrative and Professional Offices</i>						
Office	P	P	P	P	P	Excluding check cashing
Cannabis testing laboratory	-	-	-	A	-	
Check cashing store	-	-	C	C	C	
Commercial cannabis delivery	-	-	-	A	-	
Payday loan facilities	-	-	C	C	C	
<i>Automobile Related Uses</i>						
Automobile brokerage office	-	-	-	A	-	See definitions
Automobile Sales and Rental	-	-	A	P	-	Along Mission Blvd only
Automobile repair – minor	-	-	C	A	A	
Automobile repair – major	-	-	-	A	A	
Automobile service station	-	-	C	A	A	
Automobile storage facility	-	-	-	A	-	
Car wash	-	-	C	A	A	
Drive-in establishments	-	-	C	A	C	See Section 10-1.2735.e for special requirements.
EV Charging Station	-	-	A	A	A	
Parking lot	A	A	A	A	A	
<i>Personal Services</i>						
Personal Services	P	P	P	P	P	
Massage establishment	-	-	C	C	C	
Tattoo	-	A	A	P	P	

TABLE 10-1.802: Use Regulations Commercial Districts

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed

Use	Districts					Additional Regulations
	CO-R	CN-R	CN	CG	CB	
<i>Residential Uses</i>						
Detached residential unit(s)	A	-	-	-	-	Subject to density limitations in the General Plan
Duplex/Triplex	P	P ¹	P ¹	P ¹	P ¹	Subject to density limitations in the General Plan
Multi-Unit Residential (4+ attached units)	P	P	P ¹	P ¹	P ¹	Subject to density limitations in the General Plan
Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.	P	P	P	P	P	As provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.
Small Unlicensed Group Home	P	-	-	-	-	See definitions.
Large Unlicensed Group Home	C	-	-	-	-	See definitions.
Small Licensed Group Home	P	-	-	-	-	See definitions.
Medium Licensed Group Home	A	-	-	-	-	See definitions.
Large Licensed Group Home	C	-	-	-	-	See definitions.
Single Room Occupancy	-	-	-	A	A	
Accessory dwelling unit(s)	P	P	P	P	P	Where primary use is residential. See Section 10-1.2740 for criteria and standards
<i>Retail Commercial Uses</i>						
Retail	-	P	P	P	P	
Bar, cocktail lounge	-	C	C	C	C	See General Regulations Section 10-1.2750 et seq. for regulations of alcohol
Brewery/winery/cidery	-	A	A	A	P	
Commercial cannabis retail dispensary	-	-	-	C	C	See Section 10-1.3600.

TABLE 10-1.802: Use Regulations Commercial Districts

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed

Use	Districts					Additional Regulations
	CO-R	CN-R	CN	CG	CB	
Dance or night club	-	C	C	C	C	See General Regulations Section 10-2.2750 et seq. for regulations of alcohol.
Distillery	-	-	-	A	A	
Liquor store	-	C	C	C	C	See General Regulations Section 10-2.2750 et seq. for regulations of alcohol.
Nursery (plant)	P	P	P	P	P	
Restaurant	-	P	P	P	P	
Theater (Small Motion Picture or Live Performance Only)	-	P	P	P	P	
Theater, Large Motion Picture	-	C	C	C	C	See Section 10-1.1045 for special requirements.
<i>Service Commercial Uses</i>						
Appliance service and repair shop	-	-	A	P	P	Not ancillary to a primary use
Copying, mailing, or reproduction facility	-	P	P	P	P	
Equipment rental	-	-	-	P	P	
Hotel or motel	-	-	-	P	P ²	
Recycling collection area	-	-	A	A	A	When located within a convenience zone.
Reverse vending machine(s)	P	P	P	P	P	When located within a convenience zone.
<i>Other Uses</i>						
Animal hospital	-	A	A	A	A	
Ambulance Service	-	-	A	A	A	
Artisan/Craft Production	C	C	P	P	P	
Auction	-	-	-	A	A	
Banquet hall	-	-	C	C	C	
Broadcasting studio	-	-	-	P	P	

TABLE 10-1.802: Use Regulations Commercial Districts

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed

Use	Districts					Additional Regulations
	CO-R	CN-R	CN	CG	CB	
Catering facility	-	-	P	P	P	
Cultural facility	A	P	P	P	P	
Day care home	P	P	P	P	P	State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions
Day care center	A	P	P	P	P	State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definitions.
Educational facility	P/A	P/A	P/A	P/A	P/A	Permitted by right if less than 10,000 square feet. Otherwise an AUP is required.
Home occupation	P	P	P	P	P	See definitions
Home occupation – expanded	A	A	A	A	A	See definitions
Hospital	-	-	-	-	A	
Kennel	-	-	A	A	A	
Low Barrier Navigation Center	P	P	P	P	P	
Passenger transportation terminal	-	-	-	-	A	
Public agencies facilities	P	P	P	P	P	See definitions
Recreational facility						
Indoor	-	A	P	P	P	
Outdoor	A	A	A	P	P	
Temporary use	P	P	P	P	P	

Notes:

1. 1. Above first floor commercial only
2. 2. Hotel uses not permitted in Airport Overlay Zone 2. See Sec. 10-6.30.

Sec. 10-1.803 Development Standards

Table 10-1.803, Development Standards-Commercial Districts, prescribes the development standards for Residential Districts.

Standard	CO-R	CN-R	CN	CG	CB
<i>Lot Requirements (See also Section 10-1.2720 for Special Lot Requirements and Exceptions)</i>					
Minimum Lot Size (sf)	5,000	10,000 (20,000 in SD6)	6,000	6,000	6,000
Minimum Lot Frontage (ft)	35	100	60	35	35
Minimum Average Lot Width (ft)	50	100	60	60	60
Maximum Lot Coverage (%)	50	90	90	90	90
Minimum Average Lot Depth (ft)	80	80	100	100	100
<i>Minimum Yards (ft) (See also Section 10-1.2725 for Special Yard Requirements and Exceptions)</i>					
Front Yard	10	10	10	10, unless the building is located at the property line	10
Side Yard	5	0, unless abutting a R, A, MH, OS, or residential PD District where the side yard shall be 5 ft	0, unless abutting a R, A, MH, OS, or residential PD District where the side yard shall be 5 ft	0, unless abutting a R, A, MH, OS, or residential PD District where the side yard shall be 5 ft	5
Side Street Yard	10	10	10	10, unless building is located at the property line	10
Rear Yard	10	10	0, unless abutting a R, A, MH, OS, or residential PD District where the side yard shall be 10 ft	0, unless abutting a R, A, MH, OS, or residential PD District where the side yard shall be 10 ft	10
<i>Maximum Height (ft) (See also Section 10-1.2730 for Special Height Requirements and Exceptions)</i>					
Building	40	40	40	50	40
Accessory Building	14, one story	14, one story	14, one story	14, one story	14, one story

TABLE 10-1.803: DEVELOPMENT STANDARDS – COMMERCIAL DISTRICTS

Standard	CO-R	CN-R	CN	CG	CB
Fences/hedges/walls					
Front and Side Street Yard	4	4	4	4	4
Side and Rear Yard (See also Section 10-1.804.d.)	7	7	7	7	7

Sec. 10-1.804 Site Plan Review Required.

Site Plan Review, pursuant to Section 10-1.3000, Site Plan Review, is required for the following development projects and uses unless the project otherwise requires Planning Commission approval:

1. Development of new primary structures.
2. Development of new accessory structures greater than 2,500 square feet in size.
3. Additions to a primary structure that increase the net floor area of that structure by at least 50 percent.
4. Any site modification affecting 5,000 square feet or 10 percent of the site area, whichever is greater.

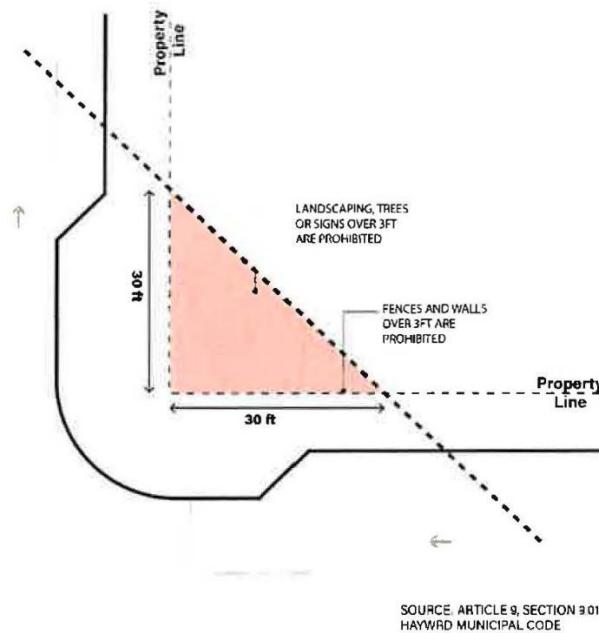
Sec. 10-1.805 Minimum Design and Performance Standards for Commercial Buildings and Uses

For commercial buildings (including second story residential uses) refer to the design criteria contained in the Hillside Design and Urban/Wildland Interface Guidelines and the following specific criteria and standards.

- a. Accessory Buildings, Detached. Detached accessory buildings, including but not limited to carports, garages, greenhouses, patio covers, sheds, etc., shall meet the following criteria:
 - (1) Shall not exceed one story or 14 feet in height.
 - (2) Shall use exterior building materials and colors which either match or are compatible with the primary building. Special design consideration should be given to structures visible from a public street.
 - (3) Shall not be located in a required front yard or side street yard.
 - (4) Shall be setback a minimum of 5 feet from a side or rear property line. Use setback for primary building if less than 5 feet.
 - (5) Shall not be located in front of a primary building..
 - (6) Shall be setback a minimum of 10 feet from a primary building and any other accessory building.

- (7) The area of all accessory buildings, either individually or cumulatively shall not exceed 50 percent of the ground floor area of the primary building.
- b. Architectural Projections into Yards. Architectural features such as bay windows, cornices, canopies and awnings that are attached to the primary structure, and eaves may extend 2 feet into any required yard; open porches may extend 4 feet into a required rear yard.
- c. Decks and Ramps.
 - (1) Decks and ramps 12 inches or less in height may be located in any yard.
 - (2) Decks and ramps between 12 to 30 inches in height may be located in any rear or side yard but no closer than three feet to the rear or side property line.
 - (3) Decks 30 inches or more in height shall conform to the minimum yard setback requirements of the primary building and shall also count toward the lot coverage calculation for the site.
 - (4) Decks located in hillside areas shall conform to the Hillside Design and Urban/Wildland Interface Guidelines.
- d. Fences, Hedges, Walls.
 - (1) Fence, hedges and walls shall not exceed a height of 4 feet in a required front yard, side street yard or rear yard abutting a street.
 - (2) A masonry wall not less than 6 feet in height, shall be required where any commercial district abuts any R, A, MH, OS, residential PD District, or other district where there is conforming residential development on the first floor (except adjacent to a required front or side street yard or abutting a street right-of-way). The masonry wall shall be constructed and maintained along the interior lot lines of such district abutted.
 - (3) For fences limited to a maximum of 4 feet in height, the height limit shall not be exceeded at grade measured on either side of the fence.
 - (4) Allowed Fencing Types. Allowable fence types include wrought iron, tubular steel, omega type steel, decorative metal panels with punched out designs, wood picket, brick, stone, etc. Chain link is only permitted within side and rear yard areas that do not front private driveways or public roadways. Barb, electric or razor wire or similar security fencing is prohibited, unless otherwise permitted by State law.

(5) Where a lot is situated at the intersection of two or more streets, fences, hedges and walls exceeding 3 feet shall not be permitted within the triangle of visibility.



SOURCE: ARTICLE 9, SECTION 9.01
HAYWARD MUNICIPAL CODE

(6) Retaining Walls.

- (a) Retaining walls which are not a part of walls of buildings shall not exceed 6 feet in height as measured from finished grade elevation to top of wall.
- (b) A maximum of two successive, approximately parallel retaining walls is permitted when they are separated by a minimum horizontal distance of 6 feet as measured between centerline of the walls.
- (c) Any additional successive walls shall require a minimum of 15 feet separation provided the required grading is in conformance with City standards and guidelines.
- (d) The sides of exposed exterior retaining walls that are visible from the public right-of-way, private streets and driveways, and private and public common open space shall be architecturally treated with colored concrete, plaster, stone veneer, brick, tile, natural stone, cultured stone, the same material as the primary building or an acceptable alternative as approved by the Planning Director. Alternatively, the exposed exterior retaining wall may be screened by landscaping that blocks 50 percent of the visible wall area at maturity.
- (e) The Planning Director may administratively alter or waive any wall requirement, if there is evidence that no practical alternative exists, the purpose of these regulations will not be compromised, and no detrimental impact will result. Applicant shall submit request to alter or waive requirement in writing along with any documentation showing that no practical alternative exists to the Planning Director.

- e. Grading. All grading activity shall follow the grading and terrain design standards of the City of Hayward Subdivision Ordinance, Design Guidelines and Hillside Design and Urban/Wildland Interface Guidelines.
- f. Landscaping.
 - (1) Landscape Areas.
 - (a) Required front, side, side street, and rear yard areas shall be landscaped except for permitted driveways, and walkways. All other areas not utilized for structures or paving shall be landscaped.
 - (b) Required landscaped areas shall be planted with water-conserving trees, shrubs, turf grass, ground cover, or a combination thereof. The sole use of bark, decorative paving, or decorative rock shall not be allowed in required landscape areas.
 - (c) Where any landscaped area adjoins driveways or parking areas, Class B Portland Cement concrete curbs shall be constructed to a height of 6 inches above the finished pavement.
 - (2) Buffer Trees/Landscaping.
 - (a) A minimum of one 15-gallon buffer tree shall be planted for every 20 lineal feet of property line, where a required side or rear yard abuts an A, R, MH, OS, or residential PD District.
 - (b) Masonry walls, solid building walls, trash enclosures, and/or fences facing a street or driveway shall be buffered with continuous shrubs or vines.
 - (3) Street Trees. Street trees shall be planted along all street frontages at a minimum of one 24-inch box or larger tree per 20 to 40 lineal feet of frontage or fraction thereof.
 - (4) Landscaping Near BART.
 - (a) Parcels abutting, or within 500 feet and in direct view from the BART right-of-way shall include a minimum 10-foot-wide landscape strip along the property line(s) abutting or in view from the BART right-of-way.
 - (b) A minimum of one 15-gallon buffer tree shall be planted for every 20 lineal feet of property line.
 - (5) Irrigation. Within all required landscaped areas, an automatic water efficient irrigation system shall be installed upon initial construction of any building or substantial alteration to any building or site.
 - (6) Maintenance.
 - (a) After initial installation, all plantings shall be maintained in a reasonably weed-free and litter-free condition, including replacement where necessary as determined by the Planning Director.
 - (b) Required street, parking lot, and buffer trees shall not be severely pruned, topped, or pollarded (cut back to the trunk).
- g. Roof-Mounted Equipment. Roof-mounted equipment, antennas, satellite dishes, support structures and similar devices shall be screened from public view.

- h. Surfacing. All open areas not landscaped shall be treated or paved with an all-weather, dustless material, such as an asphaltic surface, as approved by the Planning Director. Surfacing shall be permanently maintained, including replacement where necessary.
- i. Trash and Recycling Facilities.
 - (1) Shall be adequately screened from view, utilizing a decorative wood or masonry wall or combination thereof compatible with the design of the primary building on the site.
 - (2) Shall be located no further than 100 feet from the use it is designed to serve, unless the site topography is such that adhering to this standard would interfere with the collection of trash.

Sec. 10-1.806 Minimum Design and Performance Standards for Residential Buildings and Uses.

For residential uses, refer to the Development Standards in Sections 10-1.803 and the Minimum Design and Performance Standards contained in the Residential Districts, [Sections 10-1.204](#) to [10-1.208](#).

Sec. 10-1.800 Commercial Districts

Sec. 10-1.801 Purpose

- a. **Residential Office District (RO).** The purpose of the Residential Office District is to protect the residential amenity of areas with a mix of residential and office use. The scale and form of office buildings, the scale and siting of office parking, office traffic generation, and hours of operation should not detract from adjacent or future residential use.
- b.a. **Commercial Office-Residential District (CO-R).** The CO-R District maintains a residential identity while containing a mix of residential and office uses. The scale, form, and activity of uses should not detract from adjacent residential uses. shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to provide for and protect administrative, professional, business and financial organizations which may have unusual requirements for space, light and air, and which are clean and quiet and which are not detrimental to the residential use of adjacent properties.
- c.b. **Neighborhood Commercial-Residential District (CN-R).** The CN-R District includes a mixture of neighborhood serving businesses and residences along portions of certain arterials in order to provide housing with ready access to shops and transit. The CN-R District encourages joint development of lots along arterials in order to minimize curb cuts and maximize architectural continuity. The CN-R District adjusts parking and open space requirements to reflect the characteristics of mixed-use development along arterials.
- d.c. **Commercial Neighborhood District (CN).** The CN District includes a variety of neighborhood serving businesses in close proximity to residential in order to provide shall be subject to the following specific regulations in addition to the general regulations hereinafter contained, in order to make provision for a number of areas throughout the City carefully located in relationship to other Commercial Districts and to the Residential Districts served. The products and services intended are those primarily represented by convenience goods and services purchased frequently.
- e.d. **General Commercial District (CG).** The CG District includes a wide variety of commercial uses, including uses that would attract neighborhood, local, and regional audiences shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to provide services for the support of primary business activities in the CB District or CC Districts.
- f. **Limited Access Commercial District (CL).** The CL District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to accommodate uses typically serve the motoring public and are accessible from major arterials and freeways. Uses within the CL District are service-related, and serve the motoring public adjacent to highways of major importance.
- g.e. **Central Business District (CB).** The CB District provides an alternate commercial hub outside of the Downtown area characterized by a mix of retail, restaurants, amusement and recreation uses. shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to make provision for a principal downtown area

~~of regional importance, and several outlying areas of more than neighborhood importance, where concentrations of comparison shopping facilities, financial and business services, and amusement or recreation may be found in quantity.~~

h. **Regional Commercial District (CR).** ~~The CR District is intended to provide for the sale of retail goods with a regional or sub-regional marketing base, pursuant to an adopted specific plan or design plan.~~

Sec. 10-1.802 Use Regulations—Commercial Districts

Table 10-1.802, Land Use Regulations—Commercial Districts, sets the land use regulations for Commercial Districts by letter designation as follows unless a use or activity is prohibited or subject to a higher level of permit pursuant to other parts of this Section, other requirements of the Hayward Municipal Code, or other applicable regulations:

"P" designates permitted uses.

"A" designates uses that are permitted after review and approval of an Administrative Use Permit.

"C" designates uses that are permitted after review and approval of a Conditional Use Permit.

"—" designates uses that are not allowed.

A project which includes two or more categories of land use in the same building or on the same site is subject to the highest permit level required for any individual use or single component of the project.

Section numbers in the right-hand column refer to other sections of the Zoning Ordinance or other limitations as well as subsections following the Table.

Land uses are defined in Article 1, Section 10-1.3500, Definitions. In cases where a specific land use or activity is not defined, the Planning Director or other approving authority shall assign the land use or activity to a classification that is substantially similar in character. Land uses defined in the Hayward Municipal Code and not listed in the table or not found to be substantially similar to the uses below are prohibited. Unless otherwise explicitly stated, all uses shall be conducted indoors.

TABLE 10-1.802: Use Regulations Commercial Districts

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "—" Use Not Allowed

Use	<i>Districts</i>					Additional Regulations
	<i>CO-R</i>	<i>CN-R</i>	<i>CN</i>	<i>CG</i>	<i>CB</i>	
<i>Administrative and Professional Offices</i>						
<i>Office</i>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Excluding check cashing</u>

TABLE 10-1.802: Use Regulations Commercial Districts

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed

Use	<i>Districts</i>					Additional Regulations
	CO-R	CN-R	CN	CG	CB	
Accounting and financial offices	P	P	P	P	P	Excluding check-cashing
Architectural and engineering offices	P	P	P	P	P	
Banks and financial institutions	P	P	P	P	P	
Cannabis testing laboratory	A-	-	-	A	-	
Check cashing store	-	C	C	C		
Chiropractic and acupuncture offices	P	P	P	P	P	
Commercial cannabis delivery	A-	-	-	A	-	
Insurance and real estate offices	P	P	P	P	P	
Law offices	P	P	P	P	P	
Medical and dental offices	P	P	P	P	P	
Medical/dental laboratory	A	A	A	A		
Pharmaceutical sales	A					
Payday loan facilities	-	C	C	C		
Travel and airline agency offices	P	P	P	P	P	
Automobile Related Uses						
Automobile brokerage office	-	-	-	A	-	See definitions
Automobile Sales and Rental	-	-	A	P	-	Along Mission Blvd only
Automobile dealership				P		Dealership selling primarily new vehicles, when all minimum design standards are met and when located along Mission Blvd between Highland/Sycamore and 700 feet south of Harder
Automobile parts store			P	P	P	
Automobile repair – minor	-	-	C	A	A	See Section 10-1.1045h for special requirements.
Automobile repair – major	-	-	-	A	A	See Section 10-1.1045h for special requirements.

TABLE 10-1.802: Use Regulations Commercial Districts

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed

Use	<i>Districts</i>					Additional Regulations
	CO-R	CN-R	CN	CG	CB	
Automobile service station	-	-	C	A	A	See Section 10-1.1045h for special requirements.
Automobile storage facility	-	-	-	A	-	See Section 10-1.1045h for special requirements.
<u>Car rental agency</u>			<u>A</u>			
Car wash	-	-	C	A	A	See Section 10-1.1045h for special requirements.
Drive-in establishments	-	-	C	A	C	See Section 10-1.1045h-2735.e for special requirements.
<u>EV Charging Station</u>			<u>A</u>	<u>A</u>	<u>A</u>	
Parking lot	A	A	A	A	A	See Section 10-1.1045h for special requirements.
<i>Personal Services</i>						
<u>Personal Services</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Barber or beauty shop</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Dance studio</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Dry cleaner/laundry</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Studio: Fitness, art, dance, music, etc.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Health club</u>			<u>A</u>	<u>P</u>	<u>P</u>	
<u>Martial arts studio</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Massage (When ancillary to an established primary use such as a beauty salon)</u>		<u>A</u>	<u>A</u>			
<u>Massage parlor establishment</u>	-	<u>-C</u>	C	<u>C</u>	C	Not located within an established beauty salon.
<u>Music studio</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Nail salon</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Palm reading service</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Photography studio</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

TABLE 10-1.802: Use Regulations Commercial Districts

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed

Use	<i>Districts</i>					Additional Regulations
	CO-R	CN-R	CN	CG	CB	
Physical fitness studio	P	P	P	P	P	
Suntan parlor			A	A	A	
Tailor/seamstress shop	P	P	P	P	P	
Tattoo parlor	-	CA	CA	P	P	
<i>Residential Uses</i>						
Detached residential unit(s)	A	-	-	-	-	Subject to density limitations in the General Plan
Single family dwelling	A					
Second single family dwelling	A					When one single family dwelling already exists on a lot, one additional single family dwelling may be constructed provided the minimum development standards (lot size, setbacks, height, etc.) can be met for each dwelling
Duplex/Triplex	P	P ¹	P ¹	P ¹	P ¹	Subject to density limitations in the General Plan
Multi-Unit Residential (4+ attached units)	P	P ¹	P ¹	P ¹	P ¹	Subject to density limitations in the General Plan
Multiple family dwelling	P	A			C	
Residential dwelling unit(s)		P	P	P	P	Above first floor commercial uses only.
Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.	P	P	P	P	P	As provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.
Group home	P ²					6 or fewer residents, excluding staff. See definitions
Small Unlicensed Group Home	P	-	-	-	-	See definitions.
Large Unlicensed Group Home	C	-	-	-	-	See definitions.
Small Licensed Group Home	P	-	-	-	-	See definitions.

TABLE 10-1.802: Use Regulations Commercial Districts

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed

Use	<i>Districts</i>					Additional Regulations
	CO-R	CN-R	CN	CG	CB	
<u>Medium Licensed Group Home</u>	<u>A</u>	-	-	-	-	<u>See definitions.</u>
<u>Large Licensed Group Home</u>	<u>C</u>	-	-	-	-	<u>See definitions.</u>
<u>Large group home</u>						
Single Room Occupancy	-	-	-	A	A	
Accessory dwelling unit(s)	P	P	P	P	P	{Where primary use is residential. See Section 10-1.2740 for criteria and standards}
<u>Boarding home</u>	<u>A</u>					<u>For seven or more persons. See definitions</u>
<u>Convalescent home</u>	<u>A</u>	<u>A</u>				
<i>Retail Commercial Uses</i>						
<u>Retail</u>	<u>-</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Antique Store</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Appliance Store</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Art and art supplies store</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Bakery</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Bar, cocktail lounge, alcohol	-	C	C	<u>C</u>	C	See General Regulations Section 10-1.2750 et seq. for regulations of alcohol
<u>Brewery/winery/cidery</u>		<u>A</u>	<u>A</u>	<u>A</u>	<u>P</u>	
<u>Bicycle shop</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Bookstore</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Camera store</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Card shop</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Carpet/drapery store</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Clothing store</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Coffee/espresso shop</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Commercial cannabis retail dispensary	-	-	-	<u>C</u>	C	See Section 10-1.3600.

TABLE 10-1.802: Use Regulations Commercial Districts

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed

Use	<i>Districts</i>					Additional Regulations
	CO-R	CN-R	CN	CG	CB	
Consignment store			P	P		
Convenience market			A	A	A	See Section 10-1.2750 et seq. for regulations of alcohol.
Dance or night club	-	C	C	C	C	See General Regulations Section 10-2.2750 et seq. for regulations of alcohol.
Distillery	-	-	-	A	A	
Delicatessen		P	P	P	P	
Electronics store						
Fabric store		P	P	P	P	
Floral shop		P	P	P	P	
Furniture store		P	P	P	P	
Garden supplies store		P	P		P	
Gift shop		P	P	P	P	
Hardware store		P	P	P	P	
Jewelry store		P	P	P	P	
Liquor store	-	C	C	C	C	See General Regulations Section 10-2.2750 et seq. for regulations of alcohol.
Locksmith shop		P	P	P	P	
Major retail anchor						Minimum 100,000 square feet required
Music store		P	P	P	P	
Nursery (plant)	P	P	P	P	P	
Office supply, furniture and business machine stores						
Paint/wallpaper store		P	P	P	P	
Pet store		P	P	P	P ⁴	
Plumbing and heating store		P	P	P	P	

TABLE 10-1.802: Use Regulations Commercial Districts

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed

Use	<i>Districts</i>					Additional Regulations
	CO-R	CN-R	CN	CG	CB	
Restaurant	A-	P/A ⁵	P/A ⁵	P/A ⁵	P/A ⁵	
<i>Sporting goods store</i>		P	P	P	P	
<i>Stationery store</i>		P	P	P	P	
<i>Supermarket</i>		P	P	P	P	
Theater (Small Motion Picture or Live Performance Only)	-	P	P	P	P	
Theater, Large Motion Picture	-	C	C	C	C	See Section 10-1.1045 for special requirements.
<i>Thrift store</i>		P	P	P		
<i>Toy store</i>		P	P	P	P	
<i>Variety store</i>		P	P	P	P	
<i>Video sales and rental store</i>		P	P	P	P	
<i>Wine shop</i>				A		
<i>Service Commercial Uses</i>						
Appliance service and repair shop	-	-	A	P/AP	AP	Not ancillary to a primary use
Copying, <i>mailing</i> , or reproduction facility	P-	P	P	P	P	
Equipment rental	-	-	-	P/AP	P	
Hotel or motel	-	-	-	P/AP	P ² A/C ⁷	
<i>Mailing or facsimile service</i>	P	P	P	P	P	
Recycling collection area	A-	-	A	A	A	When located within a convenience zone.
Reverse vending machine(s)	P	P	P	P	P	When located within a convenience zone.
<i>Sign shop</i>				A		
<i>Upholstery shop (furniture)</i>				P		
<i>Other Uses</i>						
<i>Accessory buildings and uses</i>	P	P	P	P	P	See Section 10.1.845
Animal hospital	-A	A	A	A	A	

TABLE 10-1.802: Use Regulations Commercial Districts

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed

Use	<i>Districts</i>					Additional Regulations
	CO-R	CN-R	CN	CG	CB	
Ambulance Service	-A	-	A	A	A	
<u>Artisan/Craft Production</u>	C	C	P	P	P	
Auction	-	-	-	A	A	
Banquet hall	-	-P	P/C ⁸	<u>C</u> P/A ⁹	P/A/C ⁴	
<u>Bed and breakfast inn</u>						
Broadcasting studio	-	-	-	P	P	
<u>Carnival</u>			A	A	A	
Catering facility	-	-	P	P/A ¹¹	P/A/C	
<u>Christmas tree or pumpkin patch lot</u>	A	P	P	P	P	See General Regulations Section 10-2735c for standards.
<u>Commercial amusement</u>					A	
Cultural facility	A	AP	AP	P	AP	
Day care home	P	P	P	P	P	State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions
Day care center	A	PP	AP	P	P/A	State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definitions.
Educational facility	AP/E ¹² A	P/A ¹³ A	P/A ¹³ A	P/A ^P	P/A ^A	Permitted by right if less than 10,000 square feet. Otherwise an AUP is required.
<u>Garage sales</u>	P	P	P	P	P	Four per year per dwelling. See General Regulations Section 10-1.2735.d.
Home occupation	P	P	P	P	P	See definitions
Home occupation – expanded	A	A	A	A	A	See definitions
Hospital	-	-	-	-	A	Hospital
<u>Household pets</u>	P	P	P	P	P	

TABLE 10-1.802: Use Regulations Commercial Districts

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed

Use	<i>Districts</i>					Additional Regulations
	CO-R	CN-R	CN	CG	CB	
Kennel	-	-	A	A	A	
Low Barrier Navigation Center	P	P	P	P	P	
Outdoor gathering			A		A	Refer to General Regulations Section 10-1.2735g
Passenger transportation terminal	-	-	-	-	A	
Pet grooming shop		P/A	P/A	P/A	P	
Public agencies facilities	P	P	P	P	P	See definitions
Recreational facility						
<u>Indoor</u>	-	A	<u>AP</u>	<u>P</u>	<u>AP</u>	
<u>Outdoor</u>	A	A	A	P	P	
Religious facility	A	A	A	A	A	
Temporary use	<u>AP</u>	<u>AP</u>	<u>PA</u>	<u>P</u>	<u>AP</u>	i.e., parking lot or tent sale
Wind energy conversion system	A					

Notes:

1. 1. Above first floor commercial only
1. 2. Hotel uses not permitted in Airport Overlay Zone 2. See Sec. 10-6.30.
5. Permitted where not abutting a residential district or property and with no bar. Otherwise, an AUP is required.
6. Permitted if full service. Otherwise CUP.
8. Permitted where not abutting a residential district or property and where no alcohol is served. Otherwise CUP.
9. Permitted where not abutting a residential district or property and where no alcohol is served. Otherwise AUP.
10. Permitted where not abutting a residential district or property and where no alcohol is served. AUP if not abutting residential district with alcohol served. Otherwise CUP.
11. Permitted if not abutting a residential district or property. Otherwise AUP.
2. AUP if less than 2,000 square feet, designed to augment the learning process of elementary and secondary school students. Otherwise an CUP is required.
3. 13. Permitted by right if less than 2,000 square feet, designed to augment the learning process of elementary and secondary school students. Otherwise AUP.

TABLE 10-1.802: Use Regulations Commercial Districts

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed

Use	<i>Districts</i>					Additional Regulations
	CO-R	CN-R	CN	CG	CB	

Sec. 10-1.803 Development Standards

Table 10-1.803, Development Standards-Commercial Districts, prescribes the development standards for Residential Districts.

TABLE 10-1.803: DEVELOPMENT STANDARDS - COMMERCIAL DISTRICTS					
Standard	CO-R	CN-R	CN	CG	CB
<i>Lot Requirements (See also Section 10-1.2720 for Special Lot Requirements and Exceptions)</i>					
Minimum Lot Size (sf)	5,000	10,000 (20,000 in SD6)	6,000	6,000	6,000
Minimum Lot Area per Dwelling Unit	Same as RM or RH District, whichever is consistent with the General Plan Map and Neighborhood Plan; Townhouse Lot shall be consistent with building permit footprint and	Lots with < 80 ft of frontage and/or < 20,000 sf in area shall require a minimum of 2,500 sf; Lots with > 80 ft of frontage and > 20,000 sf of frontage shall be allowed a	Same as RM or RH District, whichever is consistent with the General Plan Map and Neighborhood Plan	Same as RM or RH District, whichever is consistent with the General Plan Map and Neighborhood Plan	Same as RM or RH District, whichever is consistent with the General Plan Map and Neighborhood Plan

TABLE 10-1.803: DEVELOPMENT STANDARDS – COMMERCIAL DISTRICTS						
<i>Standard</i>	<i>CO-R</i>	<i>CN-R</i>	<i>CN</i>	<i>CG</i>	<i>CB</i>	
	printed project areas	minimum of 1,743 sf				
Minimum Lot Frontage (ft)	35	100	60	35	035	
Minimum Average Lot Width (ft)	50	100	60	60	60	
Maximum Lot Coverage (%)	50	90	90	90	90	
Minimum Average Lot Depth (ft)	80	80	100	0100	0100	
<i>Minimum Yards (ft) (See also Section 10-1.2725 for Special Yard Requirements and Exceptions)</i>						
Front Yard	10	10	10	10, unless the building is located at the property line	10, unless waived by the Planning Director or approving authority	
Side Yard	5	0, unless abutting a R, A, MH, OS, or residential PD District where the side yard shall be 5 ft, except where entrances or windows face the side lot line, 10 ft	0, unless abutting a R, A, MH, OS, or residential PD District where the side yard shall be 5 ft	0, unless abutting a R, A, MH, OS, or residential PD District where the side yard shall be 10 ft	5	
Side Street Yard	10	10	10	10, unless building is located at the property line	10, unless waived by the Planning Director or approving authority	
Rear Yard	2010	2010	0, unless abutting a R, A, MH, OS, or residential PD District where the side yard shall be 10 ft	0, unless abutting a R, A, MH, OS, or residential PD District where the side yard shall be 10 ft	010	

TABLE 10-1.803: DEVELOPMENT STANDARDS – COMMERCIAL DISTRICTS					
<i>Standard</i>	<i>CO-R</i>	<i>CN-R</i>	<i>CN</i>	<i>CG</i>	<i>CB</i>
			<u>the side yard shall be 10 ft</u>	<u>if abutting CG district, otherwise the same as the required rear yard of the abutting District</u>	
<i>Maximum Height (ft) (See also Section 10-1.2730 for Special Height Requirements and Exceptions)</i>					
Building	40	40	40	<u>No Limit 50</u>	<u>No Limit 40</u>
Accessory Building	14, one story	14, one story	14, one story	14, one story	14, one story
Fences/hedges/walls					
<i>Front and Side Street Yard</i>	4	4	4	4	4
<i>Side and Rear Yard (See also Section 10-1.804. xd)</i>	<u>67</u>	<u>67</u>	<u>67</u>	<u>67</u>	<u>67</u>

Sec. 10-1.804 Site Plan Review Required.

~~Site Plan Review approval is required before issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards and guidelines. This may include fences (i.e., such as anodized gray chain-link fences) in certain circumstances.~~

Site Plan Review, pursuant to Section 10-1.3000, Site Plan Review, is required for the following development projects and uses unless the project otherwise requires Planning Commission approval:

1. Development of new primary structures.
2. Development of new accessory structures greater than 2,500 square feet in size.
3. Additions to a primary structure that increase the net floor area of that structure by at least 50 percent.
4. Any site modification affecting 5,000 square feet or 10 percent of the site area, whichever is greater.

Sec. 10-1.805 Minimum Design and Performance Standards for Commercial Buildings and Uses

~~The City recognizes that high-quality design of commercial structures can contribute to a positive appearance of commercial districts and neighborhoods and improve the overall character of the community. This Section establishes design and performance standards that shall apply to the construction of residential and commercial buildings and certain commercial uses in the CN District, including but not limited to cultural, educational, religious or recreational facilities. The development of CN-zoned properties in the South of Route 92 planning area is also subject to the provisions of the South of Route 92/Oliver and Weber Properties Specific Plan and the Development Guidelines for the South of Route 92 Oliver/Weber Properties.~~

~~The City recognizes that high-quality design of commercial structures can contribute to a positive appearance of neighborhoods and improve the overall character of the community. This Section establishes design and performance standards that shall apply to residential and commercial development allowed in the CG District, including but not limited to cultural, educational, religious or recreational facilities.~~

For commercial buildings (including second story residential uses) refer to the design criteria contained in ~~the City of Hayward Design Guidelines~~, the Hillside Design and Urban/Wildland Interface Guidelines and the following specific criteria and standards.

- a. Accessory Buildings, Detached. Detached accessory buildings, including but not limited to carports, garages, greenhouses, patio covers, sheds, etc., shall meet the following criteria:
 - (1) Shall not exceed one story or 14 feet in height.
 - (2) Shall use exterior building materials and colors which either match or are compatible with the primary building. Special design consideration should be given to structures visible from a public street.
 - (3) Shall not be located in a required front yard or side street yard.
 - (4) Shall be setback a minimum of 5 feet from a side or rear property line. Use setback for primary building if less than 5 feet.
 - (5) Shall not be located in front of a primary building. ~~unless no other practical alternative exists.~~
 - (6) Shall be setback a minimum of 10 feet from a primary building and any other accessory building.
 - (7) The area of all accessory buildings, either individually or cumulatively shall not exceed 50 percent of the ground floor area of the primary building.

b. ~~Accessory Structures, Decorative. Detached decorative accessory structures used in conjunction with car washes and similar activities as determined by the Planning Director, including but not limited to arbors, trellises, shade covers, etc., shall meet the following criteria:~~

- ~~(1) Shall not exceed one story or 14 feet in height.~~

(2) Shall use exterior materials and colors which either match or are compatible with the primary building. Canvas, plastic and similar materials shall not be used. Special design consideration should be given to structures visible from a public street.

(3) Shall not be located in a required front yard or side street yard.

c. Accessory Promotional Tents. Detached accessory promotional tents shall only be permitted in conjunction with the four promotional events permitted per year in the Sign Regulations.

d. Additions and Accessory Structures Attached to Primary Building. Additions and accessory structures attached to the primary building shall meet all the development standards required of the primary building, including the City of Hayward Design Guidelines and Hillside Design and Urban/Wildland Interface Guidelines.

e. Adult Entertainment Activity. Refer to General Regulations Section 10-1.2735.a. for Adult Entertainment Activity Regulations.

f. Alcoholic Beverage Outlets. Refer to General Regulations Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations.

g. Antennas and Satellite Dishes and Telecommunications Devices. Refer to Chapter 10, Article 13 of the Hayward Municipal Code, the Antenna and Telecommunications Facilities Ordinance, for regulations of antennas, satellite dishes and telecommunications devices.

h. Architectural Projections into Yards. Architectural features such as bay windows, cornices, canopies and awnings that are attached to the primary structure, and eaves may extend 2 feet into any required yard; ~~landing places and~~ open porches may extend 4 feet into a required rear yard.

b.

i. Automobile Dealerships (New, located on Mission Boulevard between 700 feet south of Harder Road and Highland/Sycamore).

Design and Performance Standards. Before occupancy all design and performance standards must be met to the satisfaction of Planning Director. The design of all structures shall be consistent with the City of Hayward Design Guidelines, the General Policies Plan, applicable neighborhood plans, and special design districts.

(1) Parking shall be provided for employees and customers in accordance with the Off Street Parking Regulations in addition to that provided for vehicle display. The employee/customer parking lot shall be clearly delineated from the auto display area. All parking and maneuvering areas shall be paved with Class B Portland Cement Concrete, or a minimum of 3 inch asphaltic concrete over a minimum of 6 inches aggregate base @ 95 percent compaction. This shall be accomplished to the satisfaction of the City Engineer prior to issuance of occupancy permits.

(2) Signs shall be installed in accordance with the City of Hayward Sign Ordinance; all non-conforming signs shall be removed.

(3) A trash/recyclables enclosure shall be provided, which is attractive and consistent in the design of the primary structure. The space provided for the storage of recyclable should be the same size as that provided for trash. The City's Solid Waste Manager shall approve a recycling plan for the dealership.

(4) The site shall be adequately lighted for safety and security. Lighting fixtures shall be decorative and shall not shed light on adjacent residential areas.

- (5) ~~All vehicle run-off does not enter the storm drain.~~
- (6) ~~A Caltrans permit is required for any work within Mission Boulevard right of way.~~
- (7) ~~Landscaping and irrigation shall be installed in accordance with plans prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance.~~
- (a) ~~A 6 inch high Class "B" Portland Cement concrete curb shall separate landscaped areas adjoining drives and/or parking areas.~~
- (b) ~~The parking area, excluding the auto display area, shall include one 15-gallon tree for every 6 parking stalls. Parking lot trees shall be planted in tree wells or landscape medians located within the parking area. Parking rows shall be capped with a landscape median. All tree wells and medians shall be a minimum 6 inch wide measured inside the curbs.~~
- (c) ~~Parking and loading areas shall be screened from both streets with shrubs of a type and spacing that will create a continuous 30-inch high hedge within two years.~~
- (d) ~~Landscaping shall be maintained in a healthy, weed free condition at all times. Plants shall be replaced when necessary. Trees that are severely topped or pruned shall be replaced immediately, as determined by the City Landscape Architect.~~
- (8) ~~Any fencing shall be constructed of decorative tubular or wrought metal fencing, except where the dealership abuts a residential district, in which case an 8 foot high masonry wall shall be installed.~~
- (9) ~~All other applicable City codes, including building, fire and community preservation codes, shall apply.~~
- (10) ~~All project features, including buildings, paving, signs landscaping, shall be well maintained.~~
- (11) ~~Violation of these conditions is cause for revocation of the use after public hearing before the duly authorized review body.~~
- (12) ~~Any public address/telephone/employee communication system shall be maintained so as to not be audible outside the confines of the dealership property as determined by the Planning Director.~~

j.c. Decks and Ramps.

- (1) Decks and ramps 12 inches or less in height may be located in any yard.
- (2) Decks and ramps between 12 to 30 inches in height may be located in any rear or side yard but no closer than three feet to the rear or side property line.
- (3) Decks 30 inches or more in height shall conform to the minimum yard setback requirements of the primary building and shall also count toward the lot coverage calculation for the site.
- (4) Decks located in hillside areas shall conform to the Hillside Design and Urban/Wildland Interface Guidelines.

k. Drive in Establishments - Special Standards and Conditions.

- (1) ~~Location and Design Criteria. In addition to the minimum Commercial Development Standards, the following requirements shall apply:~~
- (a) ~~Use permit applications for drive-in establishments in addition to standard requirements shall include the following information: a map and brief description of similar uses within a one-mile radius of the site; number and~~

~~location of similar uses, indicating the location of all uses under the same brand name or franchise.~~

(b) ~~Drive in uses shall not be located across a street from residential zoning districts, unless at least one street abutting the site is an arterial or major street and pedestrian safety measures are provided as determined necessary. This provision does not apply to commercial off street parking lots.~~

(c) ~~Access to drive-in uses shall not be located next to the access to schools, parks, playgrounds, libraries, churches and other public and semi-public uses if pedestrian safety hazards would result.~~

(d) ~~Exterior storage and display of goods for sale or rent is not allowed.~~

(e) ~~All required yard areas abutting streets and not used for vehicle maneuvering or parking shall be landscaped. In all zoning districts a planter at least 10 feet wide shall be installed parallel to the street right-of-way or precise plan line except where the use is a drive-in restaurant, then a 15-foot wide landscaped setback is required.~~

(f) ~~A minimum of 20 percent of the total site area shall be landscaped.~~

(g) ~~Except for driveways, corner lots shall have a landscaped triangular area formed by the street right-of-way lines and a line connecting them at points 30 feet from the rear or projected point of intersection of the street right-of-way line. (See Article 9, Hayward Traffic Code for visibility requirements.)~~

(h) ~~Fencing and Screening Except for areas used for traffic circulation, or except where the drive-in functions as part of a larger development, for example, a shopping center where there is shared parking or access, a uniformly painted fence or masonry wall shall be maintained along all interior lot lines. Where any interior lot line abuts an R, A, MH, OS, or residential PD District, or a lot with residential uses, a masonry wall shall be constructed. The wall shall be at least 6 feet high but not exceed 8 feet, except within the required yard area abutting a right-of-way or precise plan line, in which case it shall not exceed four feet in height at grade measured on either side of the fence.~~

(i) ~~Where a drive-through aisle is located between the right-of-way and the primary structure, low shrubs and/or berms shall be installed within the landscape setback for visual buffering.~~

(2) ~~Requirements for Existing Drive-In Uses. An operator of an existing drive-in use who applies for a new use permit or modifications to an existing use permit shall conform to as many of the design and site plan standards for new uses as possible within the limits of the existing site layout and structural location.~~

(3) ~~Performance Standards for Drive-In Uses. Drive-in uses shall be operated in a manner which does not interfere with the normal use of adjoining properties. If in the opinion of the Planning Director the provisions of this paragraph are being violated, the violations shall be grounds for reopening use permit hearings and adding conditions to control the violation. Performance standards include, but are not limited to, the following considerations, which, where appropriate, shall be incorporated as conditions of approval in all use permits as determined by the Planning Commission:~~

(a) ~~Noise levels measured at the property line shall not exceed the level of background noise normally found in the area or 65 decibels, whichever is greater. Loud speakers shall not be audible from residentially zoned and developed properties.~~

(b) ~~The premises shall be kept clean, and the operator shall make all reasonable efforts to see that no trash or litter originating from the use is deposited on adjacent properties. For drive-in restaurants or other uses which typically generate trash or litter, adequate trash containers, as determined by the Planning Director, shall be required and employees shall be required daily to pick up trash or litter originating from the site upon the site and within 300 feet of the perimeter of the property.~~

(c) ~~Hours of operation, including deliveries to the site, shall be compatible with the needs and character of the surrounding neighborhood. For purposes of this section, the usual operating hours shall be considered to be between 6:30 a.m. and 11:00 p.m. on weekdays and 7:00 a.m. to 1:00 a.m. on weekends.~~

(d) ~~No undesirable odors shall be generated on the site.~~

(e) ~~The on-site manager of the use shall take whatever steps are deemed necessary to assure the orderly conduct of employees, patrons, and visitors on the premises.~~

(f) ~~A copy of these performance standards and all conditional use permit conditions of approval shall be posted along side the necessary business licenses and be visible at all times to employees.~~

(4) ~~Automobile Service Stations—Additional Design Criteria.~~

(a) ~~The following operations are prohibited in conjunction with the operation of an automobile service station: auto body repair, major mechanical repair, and outside display of new or used vehicles or parts for sale.~~

(b) ~~Exterior display of goods for sale or rent is not permitted, except the following uses which are subject to design and location approval:~~

i. ~~Vending machines.~~

ii. ~~Oil display cabinets.~~

iii. ~~Tire displays.~~

(c) ~~Entry to lubrication bays and/or service areas shall be designed to minimize the impact on adjacent residential uses.~~

(d) ~~Minimum facilities required:~~

i. ~~Two restrooms open to the public, one for each sex;~~

ii. ~~Equipment and storage area adequate to provide for operation and maintenance of station;~~

iii. ~~Minimum of one air and water outlet and window washing equipment and towels.~~

(e) ~~Minimum Site Requirements:~~

- i. Building site: 20,000 square feet.
- ii. Frontage on one street: 140 feet. In the case of corner lots, frontage will be measured to the extension of the intersecting property lines
- iii. Setback for fuel pump islands: a distance equal to 15 percent of the depth of the lot, or 20 feet, whichever is less, measured from the street right of way or precise plan line.

(f) Automobile service stations engaged in the concurrent sale of fuel and alcoholic beverages shall be permitted only with approval of a Conditional Use Permit, and shall comply with the following standards:

- i. There shall be no display of alcoholic beverages within five feet of the cash register unless in a permanently affixed cooler.
- ii. Advertising of alcoholic beverages at motor vehicle fuel island is prohibited.
- iii. There shall be no sale of alcoholic beverages from a drive-in window.
- iv. Alcoholic beverages shall not be displayed or sold from an ice tub.
- v. Advertising of liquor on motor fuel island is prohibited.
- vi. Self-illuminated advertising for liquor on buildings or windows is prohibited.
- vii. Employees on duty between the hours of 10:00 p.m. and 2:00 a.m. shall be at least 21 years of age to sell alcoholic beverages.

(5) Drive Through Restaurants.

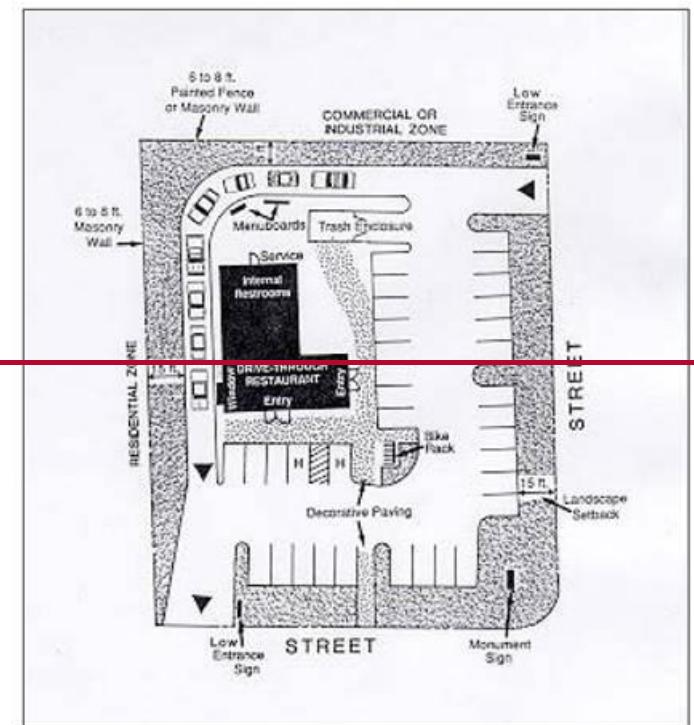
(a) Drive-in or drive-through restaurants shall be prohibited within ½ mile radius of one another as measured from the building walls of existing or proposed buildings, unless all the following required findings are met:

- i. The drive-in or drive-through restaurants are located within one-half mile from the Interstate 880 (Nimitz Freeway) or State Route 92 (Jackson Freeway) rights-of-way as measured by the existing roadway network;
- ii. The location of the drive-in or drive-through restaurants will not have a substantial adverse effect on vehicular (including bicycle), pedestrian circulation and safety, or transit accessibility;
- iii. The drive-in or drive-through restaurants will not conflict with City adopted goals and policies including, but not limited to, the General Plan and Bicycle Master Plan; and
- iv. The site is suitable and adequate for the proposed use because the drive-in or drive-through restaurant lanes and service windows will be located at least seventy five (75) feet away from residential uses and residentially zoned properties.

(b) For each drive-in restaurant a bicycle rack shall be installed with a capacity for at least five bicycles.

- (c) Drive through lanes installed in connection with drive-in restaurants shall have a capacity for at least eight vehicles, at 20 feet per vehicle, unless adequate access and circulation is provided to minimize spillover onto public property.
- (d) Pedestrian circulation areas located within drive-in restaurant developments with drive-up windows shall consist of decorative paving such as brick, paving stones, or Bomanite.
- (e) Access to bathroom facilities located within drive-in restaurant developments shall be from within the structure, with no direct access from the parking area.
- (f) Roof lights, refrigeration units or other extraneous features which are not integral parts of the main structure, inflexible building prototypes which result in an ability to meet setback and compatibility requirements, and unattractive building elevations visible to customers or passersby are prohibited.
- (g) Identification signs for drive-in restaurants (excluding directional signs and the menu board) shall be limited to one monument sign not to exceed 10 feet in height and 36 square feet per face and two wall signs with letters not to exceed 18 inches in height. Total area for wall signs may include logos not to exceed 24 inches in height.
- (h) All required yard areas abutting streets and not used for vehicle maneuvering or parking shall be landscaped. In all zoning districts a landscaped setback at least 15 feet wide shall be installed parallel to the street right(s) of way or precise plan line(s) and on interior property lines where drive-through aisles abut residential zoning districts.
- (i) Minimum building site (lot area or lease area) shall be 25,000 square feet in area, unless adequate access and cross-parking is provided.
- (j) Drive-through aisles shall not be located between the building and the right-of-way and pick-up windows shall not face the right-of-way unless their visibility is minimized through the use of innovative building architecture and mounded or bermed landscaping to minimize their visual impact from the street. Menu board shall be placed so as to not be visible from the street.
- (k) Drive-through restaurants shall have an architectural theme that is unique for a given area as specified by City standards and policies or as determined by

the Planning Director; franchise architecture shall be avoided where possible.



(6) Drive-Through Coffee/Espresso Shops

- (a)** ~~Drive-through coffee/espresso shops shall be prohibited within ½-mile radius of one another as measured from the building walls of existing or proposed buildings, unless all the following required findings are met:~~
 - i.** ~~The drive-through coffee/espresso shops located within one-half mile from the Interstate 880 (Nimitz Freeway) or State Route 92 (Jackson Freeway) rights-of-way as measured by the existing roadway network;~~
 - ii.** ~~The location of the drive-through coffee/espresso shops will not have a substantial adverse effect on vehicular (including bicycle), pedestrian circulation and safety, or transit accessibility;~~
 - iii.** ~~The drive-through coffee/espresso shops will not conflict with City adopted goals and policies including, but not limited to, the General Plan and the Bicycle Master Plan; and~~
 - iv.** ~~The site is suitable and adequate for the proposed use because the drive-through coffee/espresso shop lanes and service windows will be located at least seventy five (75) feet away from residential uses and residentially zoned properties.~~
- (b)** ~~Drive-through coffee/espresso shop buildings shall not exceed 500 square feet in area.~~
- (c)** ~~Drive-through lanes for drive-up windows shall have a capacity for at least two vehicles, at 20 feet per vehicle, unless adequate access and circulation is provided to minimize spillover onto public property.~~

- (d) Drive through lanes shall consist of decorative paving such as brick, paving stones, or Bomanite.
- (e) Public bathroom facilities shall be provided inside the drive through building, unless public bathroom facilities are located within 200 feet on the same property and are accessible during coffee shop business hours.
- (f) Roof lights, refrigeration units or other extraneous features which are not integral parts of the main structure, inflexible building prototypes which result in an ability to meet setback and compatibility requirements, and unattractive building elevations visible to customers or passersby are prohibited.
- (g) Identification signs for drive-through coffee/espresso shops shall comply with the Hayward Sign Ordinance and shall be limited to one monument sign not to exceed 6 feet in height and two wall signs with letters not to exceed 18 inches in height. Total area for wall signs may include logos not to exceed 24 inches in height.
- (h) All required yard areas abutting streets and not used for vehicle maneuvering or parking shall be landscaped. In all zoning districts a landscaped setback at least 10 feet wide shall be installed parallel to the street right-of-way or precise plan line and on interior property lines where drive-through aisles abut residential zoning districts.
- (i) Minimum building site (lot area or lease area) shall be sufficient to accommodate the building and required circulation, maneuvering and parking.
- (j) Drive-through aisles and pick-up windows may be located between the building and the right-of-way, but their visibility should be minimized through the use of innovative building architecture and mounded or bermed landscaping to minimize their visual impact from the street. Menu board(s) shall be placed so as to not be visible from the street.
- (k) Drive-through coffee/espresso shops shall have an architectural theme that is unique for a given area as specified by City standards and policies or as determined by the Planning Director; franchise architecture shall be avoided where possible.

1.d. Fences, Hedges, Walls.

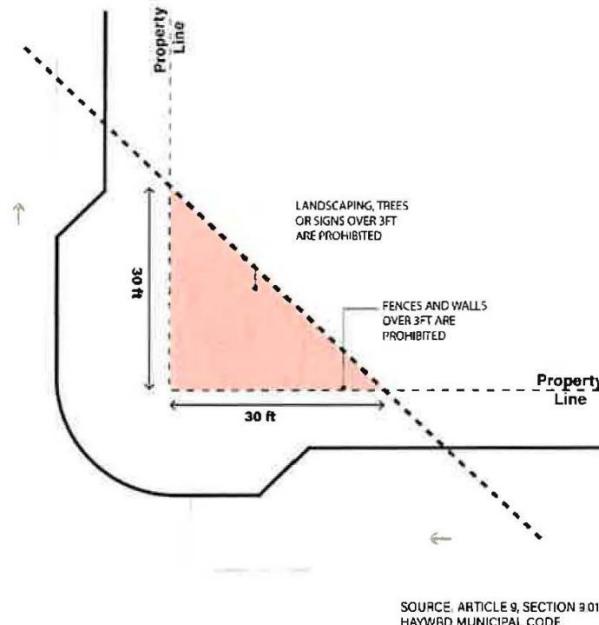
- (1) Fences are discouraged within front and side street yards of commercial establishments.
- (2) Fences, hedges and walls shall require approval by Planning Director or other approving authority, as determined by the Planning Director.
- (3) Fences, with the exception of uses relating to auto/RV sales, fences are discouraged in front and side street yards.
- (4)(1) Fence, hedges and walls shall not exceed a height of 4 feet in a required front yard, side street yard or rear yard abutting a street.

(5)(2) A masonry wall not less than 6 feet in height, shall be required where any commercial district abuts any R, A, MH, OS, residential PD District, or other district where there is conforming residential development on the first floor (except adjacent to a required front or side street yard or abutting a street right-of-way). The masonry wall shall be constructed and maintained along the interior lot lines of such district abutted ~~unless waived or another material is approved by the approving authority because the abutting activity or use is nonconforming, or the commercial activity or use is of low intensity and any impact can be otherwise mitigated.~~

(3) For fences limited to a maximum of 4 feet in height, the height limit shall not be exceeded at grade measured on either side of the fence. ~~For fences and walls required to be at least 6 feet high or greater, the height shall be at least the required on both sides of the fence or wall;~~

(6)(4) ~~barb~~-Allowed Fencing Types. Allowable fence types include wrought iron, tubular steel, omega type steel, decorative metal panels with punched out designs, wood picket, brick, stone, etc. Chain link is only permitted within side and rear yard areas that do not front private driveways or public roadways. ~~Barb, electric or razor wire or similar security fencing is prohibited, unless otherwise permitted by State law.~~

(5) Where a lot is situated at the intersection of two or more streets, fences, hedges and walls exceeding 3 feet shall not be permitted within the triangle of visibility.



(6) Retaining Walls.

- (a) Retaining walls which are not a part of walls of buildings shall not exceed 6 feet in height as measured from finished grade elevation to top of wall.
- (b) A maximum of two successive, approximately parallel retaining walls is permitted when they are separated by a minimum horizontal distance of 6 feet as measured between centerline of the walls.

(c) Any additional successive walls shall require a minimum of 15 feet separation provided the required grading is in conformance with City standards and guidelines.

(d) The sides of exposed exterior retaining walls that are visible from the public right-of-way, private streets and driveways, and private and public common open space shall be architecturally treated with colored concrete, plaster, stone veneer, brick, tile, natural stone, cultured stone, the same material as the primary building or an acceptable alternative as approved by the Planning Director. Alternatively, the exposed exterior retaining wall may be screened by landscaping that blocks 50 percent of the visible wall area at maturity. The sides of exposed exterior retaining walls shall be architecturally treated as approved by the Planning Director.

(e) The Planning Director may administratively alter or waive any wall requirement, if, in the Planning Director's opinion, there is evidence that no practical alternative exists, the purpose of these regulations will not be compromised, and no detrimental impact will result. Applicant shall submit request to alter or waive requirement in writing along with any documentation showing that no practical alternative exists to the Planning Director.

Where a lot is situated at the intersection of two or more streets, fences, hedges and walls shall not be erected, placed, planted, or allowed to grow in such a manner as to obstruct intersection visibility, as contained in Ordinance No. 100 C.S., as amended, Hayward Traffic Code, Sections 9.01 through 9.05, relating to Obstructions to Visibility at Intersections Prohibited, as the same are now in effect or which may hereafter be amended or replaced.

m.e. Grading. All grading activity shall follow the grading and terrain design standards of the City of Hayward Subdivision Ordinance, Design Guidelines and Hillside Design and Urban/Wildland Interface Guidelines.

n.f. Landscaping.

(1) Landscape Areas.

(a) Required front, side, side street, and rear yard areas shall be landscaped except for permitted driveways, and walkways. All other areas not utilized for structures or paving shall be landscaped unless otherwise authorized by the Planning Director or other approving authority because of site constraints, existing or adjacent site conditions, or phased development.

(b) Parking is prohibited within required front and side street yards. Where no front or side street yards are required:

- i. A landscape strip at least 10 feet wide, unless a wider strip is otherwise required by the approving authority, shall be installed between accessory parking areas and all existing or future street rights-of-way; and
- ii. The area between all buildings and existing or future street rights-of-way shall be landscaped unless waived by the approving authority.

~~(c)(b)~~ Required landscaped areas shall be planted with water-conserving trees, shrubs, turf grass, ground cover, or a combination thereof. The sole use of bark, decorative paving, or decorative rock shall not be allowed in required landscape areas.

~~(d)(c)~~ Where any landscaped area adjoins driveways or parking areas, Class B Portland Cement concrete curbs shall be constructed to a height of 6 inches above the finished pavement.

(2) Buffer Trees/Landscaping.

- (a) A minimum of one 15-gallon buffer tree shall be planted for every 20 lineal feet of property line, where a required side or rear yard abuts an A, R, MH, OS, or residential PD District.
- (b) Masonry walls, solid building walls, trash enclosures, and/or fences facing a street or driveway shall be buffered with continuous shrubs or vines.

~~(3) Parking Lot Trees/Planters.~~

- ~~(a) Parking areas shall include a minimum of one 15-gallon parking lot tree for every six parking stalls, except where restricted because of design constraints.~~
- ~~(b) Parking lot trees shall be planted in tree wells or landscape medians located within the parking area, unless an alternative location is approved by the Planning Director. Required street and buffer trees shall not qualify as parking lot trees.~~
- ~~(c) The minimum dimension of any tree well or landscape median shall be 5 feet, measured from back of curb.~~
- ~~(d) The end of parking rows shall be capped with landscape medians, except where space is restricted because of existing site conditions.~~
- ~~(e) Parking and loading areas shall be buffered from the street with shrubs, walls, or earth berms, as determined by the Planning Director. Where shrubs are used for buffering, the type and spacing of shrubs shall create a continuous 30-inch high screen within 2 years.~~

~~(4)(3) Street Trees.~~ Street trees shall be planted along all street frontages at a minimum of one 24-inch box or larger tree per 20 to 40 lineal feet of frontage or fraction thereof, ~~except where space is restricted due to existing structures or site conditions.~~

~~(5)(4) Landscaping Near BART.~~

- (a) Parcels abutting, or within 500 feet and in direct view from the BART right-of-way shall include a minimum 10-foot-wide landscape strip along the property line(s) abutting or in view from the BART right-of-way.
- (b) A minimum of one 15-gallon buffer tree shall be planted for every 20 lineal feet of property line. ~~The approving authority may waive the requirement if it would not accomplish the intent of City policies as they relate to landscaping due to existing structures or other obstructions to viewing landscaping.~~

~~(6)(5)~~ Irrigation. Within all required landscaped areas, an automatic water efficient irrigation system shall be installed upon initial construction of any building or substantial alteration to any building or site.

~~(7)~~ Tree Preservation.

~~(a) Trees shall be preserved in accordance with the Tree Preservation Ordinance with measures included for tree protection during the construction period.~~

~~(b) A tree removal permit is required prior to removing any tree 30 inches or larger in trunk circumference (or approximately 10 inches or larger in trunk diameter), measured two feet above the ground.~~

~~(8)(6)~~ Maintenance.

(a) After initial installation, all plantings shall be maintained in a reasonably weed-free and litter-free condition, including replacement where necessary as determined by the Planning Director.

(b) Required street, parking lot, and buffer trees shall not be severely pruned, topped, or pollarded (cut back to the trunk).

~~o. Lighting, Exterior. Exterior lighting and parking lot lighting shall be provided in accordance with the Security Standards Ordinance (No. 90-26 C.S.) and be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights of way. Such lighting shall also be designed such that it is decorative and in keeping with the design of the development.~~

~~p. Mixed Use Development. Mixed-use development shall be subject to the following requirements:~~

~~(1) Shall provide separate entrances, isolation of noise and smell generating activities, and other compatibility features shall be addressed.~~

~~(2) Special attention shall be given to architectural and landscape continuity, vehicular access and attractive pedestrian orientation. Where at all possible, parking in front of the building shall be avoided.~~

~~(3) A minimum of 150 square feet of usable open space per residential dwelling unit shall be provided.~~

~~(4) Studio apartments shall be required to have only one covered off street parking place per dwelling unit.~~

~~q. Outdoor Storage. All uses shall be conducted wholly within enclosed buildings. Minor open storage is a secondary use and is permitted, provided the materials, products, or equipment stored are necessary to the operation of a use being conducted on the site; storage is not placed within required yard or parking areas, and the storage is compatible with adjoining uses, as determined by the Planning Director (for example, adequately screened, set back or not too high, and not visually unpleasant as with outside storage of appliances in conjunction with appliance sales/service).~~

~~r. Parking, Driveways and Paving. Parking, driveways and paving for commercial uses shall be provided in accordance with the City of Hayward Off Street Parking Regulations, Standard Details, and the following criteria:~~

- (1) ~~Parking Spaces Required. Refer to the specific parking space requirements contained in the Off-Street Parking Regulations.~~
- (2) ~~Parking Space Dimensions.~~
 - (a) ~~Standard car parking spaces shall be a minimum of 9 feet wide by 19 feet long.~~
 - (b) ~~Compact car parking spaces shall be a minimum of 9 feet wide by 15 feet long.~~
 - (c) ~~Covered or uncovered parking spaces located adjacent to walls or support columns shall be increased in width by at least one foot on the effected side(s), to accommodate door swing.~~
 - (d) ~~Covered parking spaces shall provide a minimum unobstructed vertical clearance of 7 feet. Parking space areas shall be unobstructed by stairs, cabinets, utilities, etc.~~
- (3) ~~In the CR District, on-site parking shall be provided at 1 space per 200 square feet; compact spaces shall comprise no more than 30 percent of the total spaces.~~
- (4) ~~Parking Space Locations.~~
 - (a) ~~Parking spaces shall not be located within the required front yard or side street yard setback.~~
 - (b) ~~Parking spaces and driveways, not located under a building may be located in a required side and rear yard, but shall not be located within 5 feet of any side or rear yard property line or building. Unless wheel-stops are used, curbing for standard car or compact car parking spaces shall be setback 7 feet 6 inches and 7 feet, respectively, from a property line or building if a vehicular overhang is used.~~
 - (c) ~~For lots less than 51 feet in width, parking and vehicular circulation may be located to within three feet of a side property line.~~
- (5) ~~Driveways and Paving.~~
 - (a) ~~The minimum driveway width shall be 20 feet for a two-way driveway and 12 feet for a one-way driveway.~~
 - (b) ~~In no case should a driveway exceed one third of the width of the property frontage width or 35 feet.~~
 - (c) ~~Parking and driveway surfaces shall be paved with asphaltic surface or comparable all-weather dustless material(s), such as bricks or pavers, as approved by Planning Director.~~
- (6) ~~Driveway Aisle Dimensions. The minimum parking lot driveway aisle width shall be 26 feet for a two-way standard car aisle and 20 feet for a compact car aisle, or as allowed per the City's Off-Street Parking Regulations.~~
- (7) ~~Driveway Turnaround Requirement. All commercial property shall provide a sufficient paved driveway turnaround to allow vehicles to exit property in a forward direction.~~
- (8) ~~Driveway Security Gates. Refer to Chapter 10, Article 14 of the Hayward Municipal Code.~~

~~(9) Emergency Vehicle Turn-Around Requirement. Where the farthest point of a structure(s) is located 150 feet or more from the point of street access, a turn-around area shall be provided which will accommodate the turning around of fire protection vehicles, unless otherwise approved by the Fire Prevention Bureau. (For further details or alternative design considerations contact the Fire Prevention Bureau.)~~

~~s. Retaining Walls.~~

- ~~(1) Retaining walls which are not a part of walls of buildings shall not exceed 6 feet in height as measured from finished grade elevation to top of wall.~~
- ~~(2) A maximum of two successive, approximately parallel retaining walls is permitted when they are separated by a minimum horizontal distance of 6 feet as measured between centerline of the walls.~~
- ~~(3) Any additional successive walls shall require a minimum of 15 feet separation provided the required grading is in conformance with City standards and guidelines.~~
- ~~(4) The sides of exposed exterior retaining walls shall be architecturally treated as approved by the Planning Director.~~
- ~~(5) The Planning Director may administratively alter or waive any wall requirement, if, in the Planning Director's opinion, no practical alternative exists, the purpose of the regulation will not be compromised, and no detrimental impact will result.~~

~~t.g. Roof-Mounted Equipment. Roof-mounted equipment, antennas, satellite dishes, support structures and similar devices shall be screened from public view as required by the Planning Director or other approval authority.~~

~~u. Signs. Signs shall be of a design in harmony with the environment, shall not constitute excessive visual impact, shall not be hazardous to vehicular traffic, and shall be of a quality conducive to the development of commerce. (See the Sign Ordinance for specific regulations.)~~

~~v.h. Surfacing. All open areas not landscaped shall be treated or paved with an all-weather, dustless material, such as an asphaltic surface, as approved by the Planning Director. Surfacing shall be permanently maintained, including replacement where necessary.~~

~~w.i. Trash and Recycling Facilities.~~

- ~~(1) Trash and recycling facilities shall be adequately screened from view, utilizing a decorative wood or masonry wall or combination thereof compatible with the design of the primary building on the site.~~
- ~~(2) Shall be located no further than 100 feet from the use it is designed to serve, unless the site topography is such that adhering to this standard would interfere with the collection of trash.~~

~~x. Window Coverage. Transparent windows and doors of buildings occupied by businesses engaging in retail sales, all or a portion of which are within 5 vertical feet of the floor and which are visible from public rights-of-way or pedestrian walkways or are otherwise visible by the general public from the exterior, shall remain free of coverings and materials that prevent views into or out of the stores. Retail goods intended for sale, or goods being stored, or other coverings or materials shall be located no closer than 5 feet from a transparent window or door, unless they are located beneath or above a window and are not visible from public right-~~

~~of way or pedestrian walkways or are otherwise visible by the general public. This section shall not apply to signs or retail goods that are presented within or adjacent to a window and that are a part of a decorative window display, as determined by the Planning Director.~~

- ~~y. Large Motion Picture Theaters. Large Motion Picture Theaters shall demonstrate the ability to provide on-site parking at the ratio of one (1) parking space for every four seats and to maintain or improve the existing Level of Service at all affected intersections. In addition, a study acceptable to the Planning Director documenting the absence of negative impact upon the downtown of the opening of another Large Motion Picture Theater must accompany the application.~~
- ~~z. South of Route 92 Area. The development of CR zoned properties in the South of Route 92 planning area are also subject to the provisions of the South of Route 92/Oliver & Weber Properties Specific Plan and the Development Guidelines for the South of Route 92 Oliver/Weber properties.~~

Sec. 10-1.806 Minimum Design and Performance Standards for Residential Buildings and Uses.

For residential uses, refer to the Development Standards in Sections 10-1.803 and the Minimum Design and Performance Standards contained in the Residential Districts, [Sections 10-1.204](#) to [10-1.208](#).

10-24.2.3.010 ALLOWED LAND USES AND PERMIT REQUIREMENTS

A. Table 2.3.010.A (Allowed Uses and Permit Requirements), sets the land use regulations for the Mission Boulevard Corridor Zones by letter designation as follows unless a use or activity is prohibited or subject to a higher level of permit pursuant to other parts of this Code or other applicable regulations:

"P" designates permitted uses.

"A" designates uses that are permitted after review and approval of an Administrative Use Permit.

"C" designates uses that are permitted after review and approval of a Conditional Use Permit.

"P/C" designates uses that are permitted or permitted after review and approval of a Conditional Use Permit under certain circumstances.

"-" designates uses that are not allowed.

B. A project which includes two or more categories of land use in the same building or on the same site is subject to the highest permit level required for any individual use or single component of the project.

C. Land uses are defined in Section 10-1.3500 (Definitions), of the Hayward Zoning Code. In cases where a specific land use or activity is not defined, the Planning Director may make a determination in compliance with Section 10-1.2835 (District Uses Not Specified) of the Hayward Zoning Code.

Table 2.3.010.A: Allowed Uses and Permit Requirements

Land Use	MB-CN	MB>NN	MB-CC	MB-CS ¹	Additional Regulations
Residential					
Live-Work	P/C ^{2, 3}	P/C ^{2, 3}	-	-	
Multi-Unit Residential	P/C ^{2, 3}	P/C ^{2, 3}	P/C ^{2, 3}	-	
Duplex/Triplex	P/C ^{2, 3}	P/C ^{2, 3}	P/C ^{2, 3}	-	
Detached Residential Unit ⁴	P	P	P	-	
Single Room Occupancy	A	A	A	-	See Section 10-1.2736(e) for criteria and standards.
Dormitory	A	A	A	-	
Accessory Dwelling Unit(s)	P	P	P		Where primary use is residential. See Hayward Zoning Code Section 10-1.2740 for criteria and standards.
Lodging					
Hotel	A	A	A	-	
Office					
Architectural Service, Drafting Service, Engineering Service	P	P	P	-	
Banks ⁵	P	P	P	-	
Financial Institutions ⁵	P	P	P	-	
Medical/Dental Laboratory	A	A	A	C	
Office	P	P	P	-	
Retail/Commercial					

Alcohol Sales	Refer to Section 10-1.2750 et seq. of the Hayward Zoning Code for Alcoholic Beverage Outlets Regulations				
Appliance Repair Shop	P	P	A	-	
Appliance Store	P	P	A	-	
Bar, Cocktail Lounge	C	C	C	-	
<u>Brewery/winery/cidery</u>	<u>A</u>	<u>A</u>	<u>A</u>		
Carpet/Drapery Store	P	P	A	-	
Check Cashing Store	-	-	-	-	
<u>Convenience Market</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	<u>If use includes alcohol sales, see also Section 10-1.2750 et seq. of the Hayward Zoning Code for Alcoholic Beverage Outlets Regulations</u>
Copying or Reproduction Facility	P	P	P	-	
Equipment Rental Service	A	A	A	-	
Furniture Store	P	P	A	-	
Health Club	A	A	A	C	
Kennel	A	A	A	-	
Large Motion Picture Theater	C	C	C	C	
Liquor Store	-	-	-	-	
Live Performance Theater	A	A	A	A	
Massage Parlor	-	-	-	-	
Media Production	A	A	P	-	
Newspaper Printing Facility	A	A	P	-	
Nursery (Plants)	P	P	P	-	
Pawn Shop	-	-	-	-	
Payday Loan Facilities	-	-	-	-	
Personal Services	P	P	P	-	
Physical Fitness Studio	P	P	P	C	
Publishing Facility	A	A	P	-	
Recreational Facility	A	A	A	C	
Small Recycling Collection Facilities/Recycling Collection Area	A	A	A	-	See Hayward Zoning Code Subsection 10-1.2735.j, Small Recycling Collection Facilities and Unattended Collection Boxes
Restaurant, Including Micro-Breweries as accessory to the Restaurant and	P	P	P	-	See Hayward Zoning Code Section 10-1.2750 et seq. for alcohol regulations See Section 3.4.040.F.4 and

standalone Catering Facilities					5 for outdoor seating requirements
Retail	P	P	P	C	
Small Motion Picture Theater	A	A	A	C	
Tattoo Parlor	-	-	-	-	
Tobacco Retail Sales Establishment	-	-	-	-	
Civic					
Banquet Hall	C	-	C	-	
Cultural or Meeting Facilities	A	A	A	C	
Public Park/Public Gathering	P	P	P	P	
Parking Lots and Structures	A	A	A	C	
Public Agency Facilities	P	P	P	P	
Religious Facility	A	A	A	C	
Other: Agriculture					
Community Garden	P	P	P	P	
Other: Automotive					
Automobile Repair (Minor)	A	A	A	-	
Automobile Repair (Major)	C	C	C	-	
Automobile Sales ⁶	P/A	P/A	P/A	-	
Drive-In Establishment	C	C	C	-	
Automobile Service Station	C	C	C	-	
Taxi Company	A	A	A	-	
Other: Civil Support					
Hospital	A	A	A	C	
Mortuary	A	A	A	C	
Other: Education					
Day Care Center	P	P	P	C	
Day Care Home	P	P	P	-	
Educational Facilities ≤ 2,000 GFA	P	P	P	C	
Educational Facilities > 2,000 GFA	A	A	A	C	
Industrial/Vocational Trade School	A	A	A	C	
Other: Light Industrial					
Micro-Brewery	C	C	C	-	See Hayward Zoning Code Section 10-1.2750 et seq. for alcohol regulations
Custom Manufacturing	P	P	P	-	

Distillery	C	C	C	-	See Hayward Zoning Code Section 10-1.2750 et seq. for alcohol regulations
Light Manufacturing	AUP	AUP	-	-	
Research and Development	P	P	-	-	
Other Use					
<u>Accessory Commercial Unit (ACU)</u>	P	P	P	-	<u>See Hayward Zoning Code Section 10-1.2735a for ACU regulations</u>
Animal Hospital	A	A	A	-	
Commercial Amusement Facility	A	A	A	-	
Emergency Shelter	P	P	P	-	Limited to parcels abutting Mission Boulevard. See Section 10-1.2736(a) for criteria and standards.
Food Vendor	P	P	P	-	See Hayward Zoning Code Subsection 10-1.2735.m, Food Vendor Permit
Group Home					
Small Unlicensed	P	P	P		
Large Unlicensed	C	C	C		
Small Licensed	P	P	P		
Medium Licensed	A	A	A		
Large Licensed	C	C	C		
Low Barrier Navigation Center	P	P	P	-	See Section 10-1.2736(b) for criteria and standards.
Psychiatric and Rehabilitation Facility	A	A	A	-	
Temporary Uses	See Section 3.5.020, Temporary Uses				
Specific Limitations:					
1. When the MB-CS Zone is applied to privately owned property, the use and building existing at the time this Code comes into effect may continue until the site is redeveloped or becomes under public ownership.					
2. For properties located within Commercial Overlay Zone 1, as shown in the Regulating Plan, commercial uses are required on the ground floor along roadway frontages. Uses associated with the residential use, such as leasing office, community space, amenities, etc., are allowed on the ground floor.					
3. For properties located within Commercial Overlay Zone 2, as shown in the Regulating Plan, residential units are only allowed along the primary street frontage with a conditional use permit.					
4. Detached residential unit permitted if the lot/parcel has an existing, permitted detached residential unit that was constructed prior to the effective date of this Code. No new detached residential units are allowed.					
5. Does not include check cashing, pay loans, or auto title loans.					

6. An Administrative Use Permit is required for automobile sales uses south of Harder Road.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024; Amended by Ordinance 25-02, § 1(Exh. C), adopted January 21, 2025)

ARTICLE 28 DOWNTOWN DEVELOPMENT CODE

10-28.2.3.010 ALLOWED LAND USES AND PERMIT REQUIREMENTS

- A. **Allowed Land Uses.** The land uses allowed in the Downtown Zones are established in Table A (Allowed Uses in Downtown Zones). Each land use listed in Table A (Allowed Uses in Downtown Zones) is defined in Section 6.1.020 (Land Uses).
- B. **Permit Required.** Land uses identified in Table A (Allowed Uses in Downtown Zones) are subject to the permit requirements listed in the Table.
- C. **Additional Standards.** Table A includes references to additional standards for specific uses in Division 3.5 (Specific to Use) or Chapter 10 (Planning, Zoning, and Subdivisions) of the Hayward Code.
- D. A land use that is not listed in Table A (Allowed Uses in Downtown Zones) is not allowed, unless the Director finds that the proposed use is similar to, compatible with, and is consistent with the purpose of the zone, the General Plan, and the Specific Plan, and the new use will not involve a greater intensity than a listed use.

Table 2.3.010.A Allowed Uses in Downtown Zones

Land Use Type	Specific to Use Regulations	Permit Required by Zone					
		NE	NG	UN	UN-L	DT-MS	UC
Residential Uses							
Accessory Dwelling Unit(s) (Where primary use is residential)	10-1.2740	P	P	P	P	P	P
Day Care							
Day Care Center		-	P CUP	P	P	P	P
Day Care Home		P	P	P	P	P	P
Dormitory		-	-	AUP	-	AUP	AUP
Group Home							
Small Unlicensed		P	P	P	P	P	P
Large Unlicensed		CUP	CUP	CUP	CUP	CUP	CUP
Small Licensed		P	P	P	P	P	P
Medium Licensed		AUP	AUP	AUP	AUP	AUP	AUP
Large Licensed		CUP	CUP	CUP	CUP	CUP	CUP
Home Occupation	3.5.040	P	P	P	P	P	P
Live/Work	3.5.050	-	P	P	-	P	P
Residential		P	P	P	P	P	P
Single Room Occupancy	10-1.2736(e)	-	-	AUP	-	AUP	AUP
Civic, Education, Entertainment, and Assembly Uses							
<u>Banquet Hall</u>		-	-	-	-	C	C
Cultural or Meeting Facility		AUP	AUP	P AUP	P AUP	P	P

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(Supp. No. 25, Update 1)

Educational Facility							
< <u>210</u> ,000 sf		AUP	AUP	P	AUP	P	P
≥ <u>210</u> ,000 sf		-	-	CUP	-	CUP	CUP
Entertainment Facility		-	-	<u>P</u> <u>AUP</u>	-	P	P
Public Agency Facility		P	P	P	P	P	P
Public Park/Public Gathering		P	P	P	P	P	P
Recreational Facility							
Indoor		AUP	<u>AUP</u> -	<u>P</u> <u>AUP</u>	<u>P</u> <u>AUP</u>	P	P
Outdoor		<u>AUP</u> -	<u>AUP</u> <u>CUP</u>	AUP	<u>AUP</u> -	<u>AUP</u> -	<u>AUP</u> <u>CUP</u>
<u>Studio; fitness, art, dance, music, etc.</u>		-	<u>AUP</u>	<u>P</u>	-	<u>P</u>	<u>P</u>
Office and Service Uses							
Animal Hospital		-	-	CUP	-	AUP	AUP
Bed and Breakfast		AUP	AUP	P	P	P	P
Business/Commercial/Financial Services		-	AUP	P	-	P	P
Check Cashing Store		-	-	CUP	-	CUP	CUP
Drive-in, Retail or Service	10-1.1045j	-	CUP	CUP	-	-	-
Hotel/Motel		-	-	AUP	-	P	P
<u>Massage Establishment</u>		-	-	<u>CUP</u>	-	<u>CUP</u>	<u>CUP</u>
Office		CUP	AUP	P	-	P	P
Pawn Shop		-	-	CUP	-	CUP	CUP
Payday Loan Facility		-	-	CUP	-	CUP	CUP
Personal Services		-	AUP	P	-	P	P
Tattoo		-	-	<u>AUP</u> <u>CUP</u>	-	<u>P</u>	<u>P</u>
<u>— Restricted</u>		-	-	<u>CUP</u>	-	<u>CUP</u>	<u>CUP</u>
Retail and Food Uses							
Artisan/Craft Production		-	CUP	CUP	-	P	P
Bar/Cocktail Lounge/Nightclub	10-1.2750	-	-	-	-	CUP	CUP
<u>Brewery/Winery/Cidery</u>			<u>AUP</u>	<u>AUP</u>		<u>P</u>	<u>P</u>
Commercial Cannabis Retail Dispensary	10-1.3600	-	-	CUP	-	CUP	CUP
<u>Distillery</u>		-	-	-	-	<u>P</u>	<u>P</u>
Liquor Store	10-1.2750	-	-	-	-	CUP	CUP
<u>Restaurant</u>							
<u>Restaurant—General</u>		-	P	P	-	P	P

— <u>Full Service</u>	<u>10-1.2750</u>	-	-	<u>CUP</u>	-	P	P
— <u>Drive-In Establishment</u> <u>Through</u> <u>2735e</u>	<u>10-1.1045j</u>	-	-	CUP	-	-	-
Retail, General							
≤ 10,000 sf		-	CUP	AUP	-	P	P
> 10,000 sf		-	-	CUP	-	AUP	AUP
Auto Uses							
Automobile Sales and Rental		-	-	CUP	-	CUP	-
<u>Minor</u> Automobile Repair <u>and</u> <u>Service Station</u>		-	-	CUP	-	CUP	-
Parking Structure		-	-	CUP	-	AUP	AUP
Passenger Transportation		-	-	AUP	-	AUP	AUP
Other Uses							
<u>Accessory Commercial Unit</u> <u>(ACU)</u>	<u>10-1.2735a</u>	P	P	P	P	P	P
Accessory Uses	3.5.030	P	P	P	P	P	P
Low Barrier Navigation Center	10- 1.2736(b)	P	P	P	P	P	P
Temporary Uses	3.5.060	TUP P	TUP P	TUP-P	TUP-P	TUP-P	TUP-P
Key							
P Permitted	AUP	Administrative Use Permit	CUP	Conditional Use Permit			
<u>TUP</u> <u>Temporary Use Permit</u>		- Not Permitted					

(Amended by Ordinance 21-05, § 4, adopted July 20, 2021; amended by Ordinance 24-01, adopted Jan. 23, 2024; Amended by Ordinance 25-02, § 1(Exh. D), adopted January 21, 2025)

ARTICLE 10-28.6: DEFINITIONS

DIVISION 10-28.6.1 PURPOSE AND INTENT

10-28.6.1.010 PURPOSE AND INTENT

This Division describes and classifies land uses and terms that apply to the Downtown Specific Plan and Code. This Division supplements, and supersedes, if in conflict with, the terms defined in Section 10-1.3500 (Definitions) in the Hayward Code.

10-28.6.1.020 LAND USES

A. A Definitions.

Accessory Use. A use which is subordinate and incidental in height, bulk, volume and/or use to the lawfully permitted principal use on the same lot, and which does not alter the essential characteristics of said principal use and is in keeping with other uses permitted in the same district. Examples include, but are not limited to:

- a. A garage, carport, shed, or building for domestic storage;
- b. A children's playhouse, gazebo, greenhouse, pool, or recreation building;
- c. Storage of merchandise normally carried in stock on the same lot with any retail service or business use;
- d. Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities; and
- e. Off street parking.

Animal Hospital. Any buildings or portion of a building designed or used for the care, observation or treatment of cats, dogs, or other household pets, with incidental boarding. Also referred to as a veterinary hospital. This use does not include animal boarding.

Artisan/Craft Production. An establishment manufacturing and/or assembling small products primarily by hand or using low power machinery, including but not limited to clothing, furniture, jewelry, pottery and other ceramics, as well as small glass and metal art and craft products.

Automobile Sales and Rental. An establishment engaged in the retail sales, service, rental, and/or leasing of new and used automobiles, trucks, trailers, motorcycles, mopeds, and supplies.

Automobile Repair and Service Station. The use of a site for the service, tune up, and repair of automobiles, noncommercial trucks, or motorcycles, including the sale, installation, and servicing of equipment and parts. This use includes, but is not limited to, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage.

B. B Definitions.

Bar/Cocktail Lounge/Nightclub. Any on-sale alcohol related establishment that engages primarily in the sale, or sale and production of alcoholic beverages and where food service, if any, is subordinate or incidental to the sale of alcoholic beverages. Bars include but are not limited to night clubs, taverns, pubs, cocktail lounges, micro breweries, brew pubs, and similar establishments.

Bed and Breakfast. The use of an owner-occupied single family residence for commercial lodging purposes.

Business/Commercial/Financial Services. An establishment that provides business, commercial, or financial services including but not limited to banks and other financial institutions, ATMs, computer related services (rental); office equipment sales and service, photo copying and printing, land mailing and mail box services (not operated by the USPS), janitorial services, window cleaning, landscaping, linen supply, appliance repair, exterminators, and personal storage.

C. C Definitions.

Commercial Cannabis Retail Dispensary. See Hayward Municipal Code Section 10-1.3600 (Cannabis)

Cultural or Meeting Facility. Facilities maintained to develop, promote, or foster the arts or literature, as well as a clubhouse, lodge hall, and religious meeting places, and ancillary activities as determined by the Director. Includes, but is not limited to, public, quasi-public, or private facilities, for example: aquariums, art galleries and exhibitions, historic sites and exhibits, libraries, and museums. May include but is not limited to accessory retail uses such as a gift/book shop, restaurant, etc.

D. D Definitions.

Day Care.

1. **Day Care Center.** A facility which provides non-medical care to 15 or more children and/or adults in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. May include pre-schools, infant centers, and extended day care facilities.

2. **Day Care Home.** The use of a residence to provide day care to 14 or fewer persons, including any children under the age of 10 years who reside at the home.

Drive-in, Retail, or Service. An establishment which accommodates the patrons and their motor vehicles from which the occupants may watch, purchase, or receive goods or services (Includes a drive-in bank or pharmacy, drive-up photo finishing, car wash, gas station, mini-mart with gas, automobile lubrication facility, etc.). Does not include drive-through restaurant.

E. E Definitions.

Educational Facility. Facilities maintained to provide instruction to students for the purpose of developing their faculties and powers, and ancillary activities as determined by the Director. May include, but is not limited to, trade schools, a beauty college, or business college.

Entertainment Facility. A facility offering entertainment open to the public for a fee or by membership subscription including, but not limited to, theaters, live performance venues, and music venues.

F. F Definitions. No specialized land uses beginning with the letter F are defined at this time.

G. G Definitions. No specialized land uses beginning with the letter G are defined at this time.

H. H Definitions.

Home Occupation. Any occupation conducted within the living area of a dwelling unit, by persons living there, which the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character of the property. Also referred to as a "Mail and Telephone Business Listing."

Hotel/Motel. A building or group of attached or detached buildings where lodging with or without meals is provided to the general public for compensation typically on a nightly basis in individual sleeping or living units and where a maximum continuous length of stay is no longer than that established for transiency pursuant to Article 8-4 (Transient Occupancy Tax) of the Hayward Code. Does not include institutions where any human being is detained under legal restraint.

I. I Definitions. No specialized land uses beginning with the letter I are defined at this time.

J. J Definitions. No specialized land uses beginning with the letter J are defined at this time.

K. K Definitions. No specialized land uses beginning with the letter K are defined at this time.

L. L Definitions.

Liquor Store. An alcoholic beverage sales establishment primarily involving the sale of alcohol where beer, wine or distilled spirits are sold for off-sale consumption.

M. M Definitions. No specialized land uses beginning with the letter M are defined at this time.

N. N Definitions. No specialized land uses beginning with the letter N are defined at this time.

O. O Definitions.

Office. An establishment which provides administrative or professional services (i.e., law firm, stock broker, insurance, or real estate office), or medical or travel agency services, as well as consulting service offices including architects and accountants. This use excludes business/commercial/financial services.

P. P Definitions.

Parking Structure. Facilities for the temporary parking of motor vehicles within a privately or publicly owned off street parking facility. This use includes commercial parking lots and garages.

Passenger Transportation. A service or system which provides transportation between stations or passenger identified pick-up and drop-off locations (i.e., AC Transit, Amtrak, BART, Greyhound, airport, taxis, pedicabs, and rideshare).

Personal Services. An establishment that provides non-medical services to an individual as a primary use. Examples of these use include but is not limited to barber shops and beauty salons; nail salons, clothing rental; dry cleaning pick up stores with limited equipment; locksmiths; massage; shoe repair shops; and tailors. These uses may also include, but are not limited to, accessory retail sales of products related to the services provided.

1. Restricted. Personal services that may not be desirable or compatible with certain areas. Dispersal of these uses may reduce any adverse impacts of their placement in these areas, including, but not limited to, payday loan facilities, tattoo parlors, pawn shops, and check cashing facilities.

Public Agency Facility. Facilities, structures and accessory uses which house public agencies including federal, state, or local government, and other agencies such as utility and telephone companies governed by the Public Utilities Commission.

Public Park/Public Gathering. A park, playground, swimming pool, reservoir, golf course, or athletic field within the City which is under the control, operation, or management of the City of Hayward, Hayward Area Recreation District, Alameda County, the East Bay Regional Park District, or the State of California or Federal Government.

Q. Q Definitions. No specialized land uses beginning with the letter Q are defined at this time.

R. R Definitions.

Recreational Facility. A private facility maintained to provide a pastime, sport, or exercise and ancillary activities as determined by the Director. The use may be a commercial or non-commercial facility. Under no circumstance, as a primary, permitted or accessory use, may any Recreational Facility be allowed to operate simulated gambling devices as defined in Article 4-16 (Prohibition of Simulated Gambling Devices) of the Hayward Code.

- 1. Indoor.** Includes, but is not limited to, athletic health clubs, gyms, bowling alleys, ice and roller-skating rinks, pool/billiard parlors, and electronic video arcades.
- 2. Outdoor.** Includes, but is not limited to, sport fields or courts, driving ranges, batting cages, skate parks, and golf courses.

Residential. Buildings used as a residence. Includes, but is not limited to, single family, duplex, triplex, and multi-family housing.

Restaurant.

- 1. General.** Any establishment, other than a boarding house or dormitory, where food and beverages are provided for consumption on premises or off premises, and where typically, but not necessarily, there are tables, counters, benches, or other public seating facilities provided, or where food is taken off-premises, disposal containers are provided. Includes, but is not limited to, a sit-down dining facility, fast food restaurant (no drive-through window), donut shop, pizza shop, cafe, bakery, cafeteria, coffee shop, lunchroom, delicatessen, and ice cream parlor. Does not include alcohol sales.
- 2. Full Service.** A restaurant with incidental bar, cocktail lounge, or other area designated primarily for the service of alcohol on the premises, which operates as part of the restaurant and is subservient to the primary function of the restaurant. Does not include fast food restaurant.

3. **Drive Through.** Any high volume establishment serving food or beverages which utilizes a building design, site layout, or operating procedure whereby customers can drive onto the premises and remain in their vehicles while food or beverages are sold or dispensed.

Retail, General. Stores and shops selling many lines of merchandise for personal or household consumption. Typical uses may include, but are not limited to, sales of apparel and accessories, antiques, appliances, art and fabric supplies, books, electronics, furniture, jewelry, luggage, office supplies, sporting equipment, as well as department stores, drugstores, flower shops, hardware stores, specialty stores, convenience stores, grocery stores, and variety stores. Does not include the sale of automotive parts or on-site production.

S. S Definitions.

Studio: Fitness, art, dance, music, etc. Small-scale facilities focused on the instruction of students of any age group. Does not include activities listed in "Entertainment Facility" or "Recreation Facility." Studio facilities includes, but is not limited to, individual and group instruction and training in the arts; production rehearsal; photography, physical fitness, and martial arts training studios; and gymnastics instruction, aerobics, and gymnastics studios with no other fitness facilities or equipment.

T. T Definitions.

Temporary Use. Short term activities that are not allowed on a permanent basis but because of their temporary non-permanent intermittent or seasonal nature are acceptable. Includes, but is not limited to, mobile businesses, Christmas tree or pumpkin patch lot, farmer's market, fruit stands, garage sales, and auctions.

U. U Definitions. No specialized land uses beginning with the letter U are defined at this time.

V. V Definitions. No specialized land uses beginning with the letter V are defined at this time.

W. W Definitions. No specialized land uses beginning with the letter W are defined at this time.

X. X Definitions. No specialized land uses beginning with the letter X are defined at this time.

Y. Y Definitions. No specialized land uses beginning with the letter Y are defined at this time.

Z. Z Definitions. No specialized land uses beginning with the letter Z are defined at this time.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024; Amended by Ordinance 25-02, § 1(Exh. D), adopted January 21, 2025)

10-28.6.1.030 GENERAL TERMS

A. A-Definitions.

Adjacent. Sharing a common property line, or with property lines separated only by an alley.

Adjacent Buildings. Two or more buildings located upon adjacent lots.

Allowed Use. Uses that are allowed by right and are not subject to the conditions of approval, mandatory review periods, or expiration periods as required for Conditional Use Permits or Administrative Use Permits.

Applicant. Any person who is filing an application requesting an action who is:

- a. The owner or lessee of property;
- b. A party who has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with this Code, and who presents written authorization from the property owner to file an application with the City; or
- c. The agent of either of the above who presents written authorization from the property owner to file an application with the City.

Approval. Includes both approval and approval with conditions by a review authority of the City.

Architectural Features. Exterior building elements intended to provide ornamentation to the building massing, including, but not limited to, eaves, cornices, bay windows, oriels, window and door surrounds, light fixtures, canopies, and balconies.

Awning. A roof or cover which projects from a wall of a building over a window or door, made of canvas, metal or wood, which may be fixed in place or be retractable.

B. B-Definitions.

Bay Window. A window that projects from the building facade or elevation that begins on the ground floor and can extend to upper floors.

Basement. That portion of a building between floor and ceiling, which is partly below and partly above grade (see Grade), but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

Block. An area of land separated from other areas by adjacent streets, railroads, rights of-way, or public areas.

Block Face. The horizontal distance measured from one end of the block to the other end along the same right-of-way.

Block Perimeter. The aggregate of all sides of a block measured along the adjacent right-of-way.

Building. A habitable structure requiring a certificate of conformance, which consists of one or more of the following foundations that surround an interior space: floors, walls, and roofs. May include, but is not limited to, exterior appurtenant structures such as porches and decks.

1. **Block-Scale.** A building that is individually as large as most or all of a block or when arranged together along a street, appear as long as most or all of a block.
2. **Existing.** See Structure, Existing.
3. **House-Scale.** A building that is within the range of size of a small to large house and set apart from other buildings with setbacks.
4. **Primary.** A building in which the primary use is conducted.

Buildable Area. The area in which a building is allowed to be constructed.

Building Elevation. The exterior wall of a building not adjacent to a public right-of-way, the front or side along a private street, or civic space.

Building Entrance. A point of pedestrian ingress and egress to a building.

Building Facade. The exterior wall of a building adjacent to a public right-of-way, the front or side along a private street, or civic space.

Building Form. The overall shape and dimensions of a building.

Building Frontage, Primary. The length of the property line of any one premises parallel to and along each public right-of-way which it borders and is identified by an address.

Building Type. A structure defined by its combination of configuration, disposition and function.

C. C-Definitions.

Carriage Building. See Section 3.3.040 (Carriage Building).

City. The City of Hayward.

City Engineer. The City Engineer of the City of Hayward.

Civic Space. Land that is improved for civic gathering purposes.

Courtyard Building. See Section 3.3.110 (Courtyard Building).

Cottage Court. See Section 3.3.070 (Cottage Court).

Council. The City Council of the City of Hayward.

D. D-Definitions.

Director. The Planning Director of the City of Hayward.

Detached House. See Section 3.3.050 (Detached House).

Distance Between Entries. The horizontal distance measured parallel to the building facade between entrances to a building or buildings.

Driveway. A vehicular lane within a design site or shared between two sites leading to a garage, or other approved parking or loading area.

Duplex. See Section 3.3.060 (Duplex).

E. E-Definitions.

Encroachment. Any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, oriel window, bay window, terrace or deck, that breaks the plane of a vertical or horizontal regulatory limit extending into a setback, or beyond the zero lot line into the public frontage, or above a height limit.

Entry. An opening, such as a door, passage, or gate, that allows access to a building.

F. F-Definitions.

Facade. The vertical surface of a building, generally placed facing a street ("front facade").

Facade Zone. The area between the minimum and maximum setback lines along the front of a parcel and along the side street of a corner parcel.

Facility. An improvement, structure or building that is designed and used for a particular purpose.

Fence. A structure made of wire, wood, metal, masonry, or other material, and typically used as a screen or enclosure for a yard or open space or as a divider along a lot line.

Footprint. The outline of the area of ground covered by the foundations of a building or structure.

Footprint Area. The total square footage contained within a footprint.

Frontage. A strip or extent of land abutting a thoroughfare, civic space, or other public right-of-way. See Figure 1 (Frontage).

1. **Private.** The area between the building facade and the shared lot line between the public right-of-way and the lot.
2. **Public.** The area between the curb of the vehicular lanes and shared lot line between the public right-of-way and the lot.

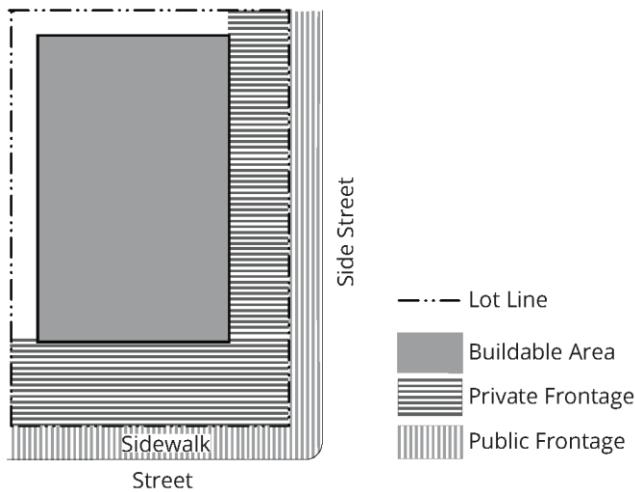


Figure 6.1.030.1 Frontage

G. G-Definitions.

Gable. A vertical wall in the shape of a triangle formed between the cornice or eave and the ridge of the roof.

Glazing. Openings in a building in which glass is installed.

Grade.

1. **Existing.** The grade of a site before it is modified by moving earth, adding or removing fill, or installing a berm, retaining wall, or architectural or landscape feature. The development services director may require an applicant to provide a third-party report that shows the existing, or natural grade, of a site.
2. **Finished.** The finished ground level at any point along the exterior walls of a structure. If walls are parallel to and within five feet of a sidewalk, alley or other public way, the level above ground must be measured at the elevation of the sidewalk, alley or public right-of-way.

Gross Floor Area. The total floor area inside the building envelope, including the external walls, but not including the roof.

Ground Floor. The floor of a building located nearest to the level of the existing grade around the building.

H. H-Definitions.

Hayward Code. The City of Hayward's Code of Ordinances.

Height. See Figure 2 (Height).

1. **Ground Floor, Finished Floor.** Height from finished floor to finished ceiling of primary rooms on the ground floor, not including secondary rooms such as bathrooms, closets, utility rooms, and storage spaces.
2. **Ground Floor, Floor-to-Ceiling.** Height from finished floor to finished ceiling of primary rooms on the floor(s) above the ground floor, not including secondary rooms such as bathrooms, closets, utility rooms, and storage spaces.
3. **Primary Building.** Height can be determined in two ways: to eave/parapet or maximum overall height.

- a. **Overall.** The vertical distance measured from the midpoint of the lowest and highest points of the structure adjacent to the finished grade to the highest point of the structure.
- b. **Eave/Parapet.** The vertical distance measured from the midpoint of the lowest and highest points of the structure adjacent to the finished grade to the highest eave of the building or top of parapet wall.

4. **Number of Stories.** The number of stories in a structure allowed above grade. A half story is defined as usable living space contained within a sloping roof where the wall plates on at least two opposite exterior walls do not exceed four feet in height.

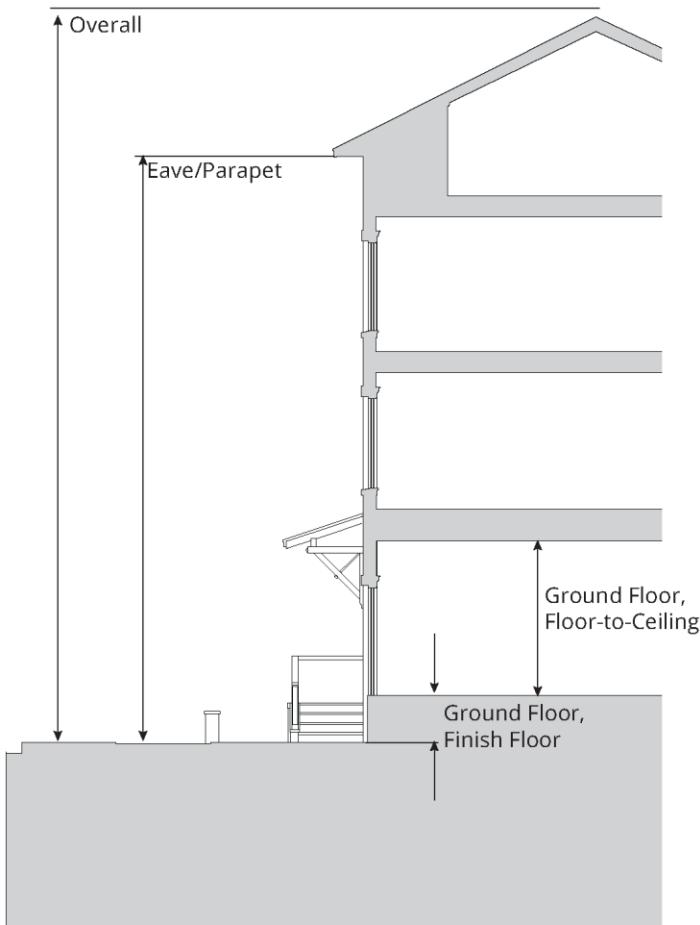


Figure 6.1.030.2 Height

I. **I-Definitions.**

Impervious Surface. A surface compacted or covered with a layer of material so it is highly resistant to infiltration of water.

J. **J-Definitions.** No specialized terms beginning with the letter J are defined at this time.

K. **K-Definitions.** No specialized terms beginning with the letter K are defined at this time.

L. **L-Definitions.**

Lined Building. See Section 3.3.140 (Lined Building).

Lot. A division of land separated from other divisions for purposes of sale, lease or separate use, described on a recorded subdivision plat, recorded map, or by metes and bounds and includes the terms "plat" and "parcel." See Figure 3 (Lot).

1. **Corner.** A lot that abuts the intersection of two or more streets at an angle of not more than 135 degrees. Where the angle of intersection exceeds 135 degrees, the area abutting the two streets shall be a front yard.
2. **Interior.** A lot which is not a corner lot.

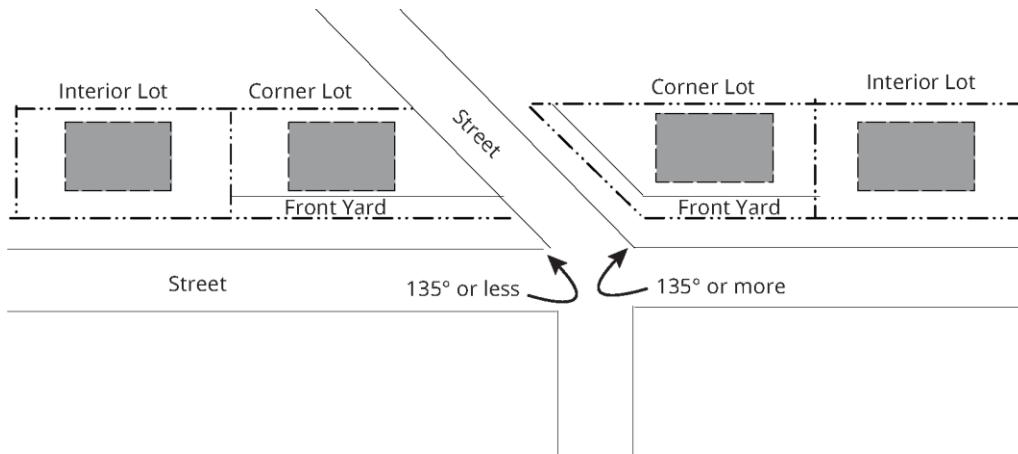


Figure 6.1.030.3 Lot

Lot Coverage. The percentage of total lot area occupied by structures and impervious surfaces.

Lot Depth. The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. The Director shall determine lot depth for parcels of irregular configuration.

Lot Frontage. The lot line(s) of a lot fronting a thoroughfare, other public way, or a civic space.

Lot Line. Any recorded boundary of a lot.

1. **Front.**
 - a. On an interior lot, the property line separating the lot from the street.
 - b. On a corner lot, the shorter property line abutting a street. If the street-fronting lot lines of a corner lot are equal in length, the Director shall determine the front lot line.
 - c. On a through lot, both lot lines are front lot lines and the lot is considered to have no rear lot line
2. **Rear.** The lot line which is opposite and furthest from the front lot line and does not intersect the front lot line. In the case of an irregular or triangle lot, the rear lot line is parallel to and at a maximum distance from the front lot line, having a minimum length of 10 feet.
3. **Side.** Any lot line that is not a front lot line or a rear lot line.

Lot Width. The horizontal distance between the side lot lines, measured at right angles to the depth at a point midway between the front and rear lot lines. The Director shall determine the lot width of an irregularly shaped lot.

Lot Width (Net). The lot width exclusive of driveways, right-of-ways, and easements.

M. M-Definitions.

Main Street (building). See Section 3.3.130 (Main Street Building).

Mid-Rise. See Section 3.3.150 (Mid-Rise Building).

Multiplex. See Section 3.3.080 (Multiplex: Small) and Section 3.3.090 (Multiplex: Large).

N. N-Definitions. No specialized terms beginning with the letter N are defined at this time.

O. O-Definitions.

Oriel Window. A window that projects from the building facade, located on upper floors and may extend for multiple stories.

P. P-Definitions.

Primary Street. A street intended to serve as the principal frontage for a project, to which the front facade and primary building entrance is oriented. Primary streets are intended to provide the greatest degree of pedestrian orientation and access, with less emphasis on vehicular access where it can be avoided.

Primary Use. The main purpose for which a lot is developed and occupied. Also, a principal use.

Q. Q-Definitions. No specialized terms beginning with the letter Q are defined at this time.

R. R-Definitions.

Regulating Plan. A map for a development that identifies transect zones to be applied to replace the existing zones and that identifies the civic and open space types, thoroughfare types, building types, and frontage types for the development. Upon approval of the development, the regulating plan's content is incorporated into the Hayward Zoning Map.

Review Authority. The individual or official City body (e.g., Planning Director, Planning Commission, City Council) identified by this Code as having the responsibility and authority to review and approve or deny a permit application.

Right-of-way. The strip of land dedicated to public use for pedestrian and vehicular movement, which may also accommodate public utilities, that is either publicly owned or subject to an easement for right-of-way purposes benefiting the general public. Right-of-way typically includes streets, alleys, sidewalks, landscape areas, and drainage facilities.

Rowhouse. See Section 3.3.100 (Rowhouse Building).

S. S-Definitions.

Screening. Landscaping, decorative fencing, architectural features, or wall, as allowed by the Downtown Zone, to obstruct the public view of either private area on a design site or of mechanical/utilitarian equipment that does not contribute positively to the streetscape.

Setback. The area measured from the lot line to a building facade or elevation that must be maintained open and unobstructed from finished grade to sky with the exception of specifically permitted encroachments. See Figure 4 (Setback).

1. **Front.** An area extending the full width of a lot between the front lot line and the front setback line.
2. **Side.** An area extending the full width of a lot between the side lot line and the side setback line.
3. **Street Side.** An area extending the full width of a lot between the street side lot line and the street side setback line.
4. **Rear.** An area extending the full width of a lot between the rear lot line and the rear setback line.
5. **Parking.** The mandatory clear distance between a lot line and parking.

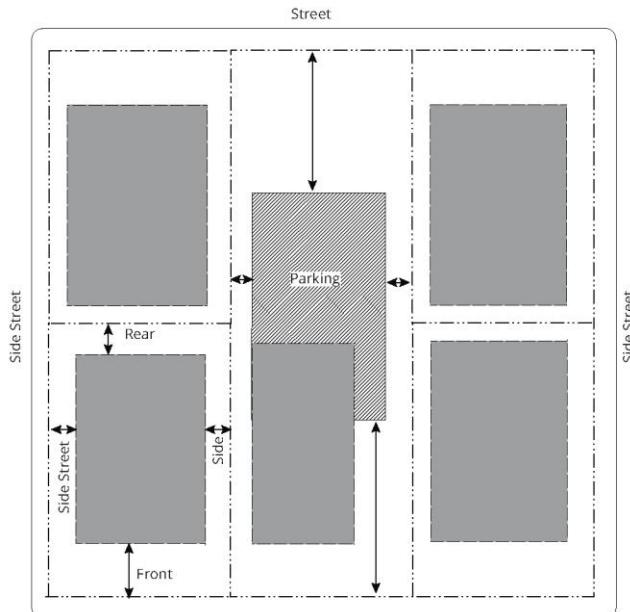


Figure 6.1.030.4 Setback

Site Plan. A plan that is to scale and illustrates the proposed physical changes on a lot.

Stacked Flats Building. See Section 3.3.120 (Stacked Flats Building).

Stacking area. The stacking area is the space occupied by vehicles queueing for the service to be provided in a drive-through business.

State. The State of California.

Structure. Anything constructed or erected, except fences not exceeding six feet in height, which requires permanent location on the ground or is attached to something having location on the ground.

1. **Accessory.** A subordinate structure, the use of which is incidental and secondary to that of the main structure on the same lot. "Accessory structure" does not mean "Accessory Dwelling Unit."
2. **Existing.** A structure legally erected prior to the effective date of this Ordinance, or one for which a valid legal Building Permit has been issued before this effective date of this Ordinance.

T. **T-Definitions.** No specialized terms beginning with the letter T are defined at this time.

U. **U-Definitions.**

Use. The specific purposes for which land or a building is designated, arranged, or intended, or for which it is or may be occupied or maintained.

Unit. See "Dwelling Unit."

V. **V-Definitions.** No specialized terms beginning with the letter V are defined at this time.

W. **W-Definitions.** No specialized terms beginning with the letter W are defined at this time.

X. **X-Definitions.** No specialized terms beginning with the letter X are defined at this time.

Y. **Y-Definitions.** No specialized terms beginning with the letter Y are defined at this time.

Z. **Z-Definitions.** No specialized terms beginning with the letter Z are defined at this time.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024; Amended by Ordinance 25-02, § 1(Exh. D), adopted January 21, 2025)

SEC. 10-1.1603 USE REGULATIONS—INDUSTRIAL SUBDISTRICTS.

Table 10-1.1603, Land Use Regulations—Industrial Subdistricts, sets the land use regulations for Industrial Subdistricts by letter designation as follows unless a use or activity is prohibited or subject to a higher level of permit pursuant to other parts of this Section, other requirements of the Hayward Municipal Code, or other applicable regulations:

"P" designates permitted uses.

"A" designates uses that are permitted after review and approval of an Administrative Use Permit.

"C" designates uses that are permitted after review and approval of a Conditional Use Permit.

"—" designates uses that are not allowed.

A project which includes two or more categories of land use in the same building or on the same site is subject to the highest permit level required for any individual use or single component of the project.

Section numbers in the right-hand column refer to other sections of the Zoning Ordinance or other limitations as well as subsections A through E following the Table.

Land uses are defined in Article 1, Section 10-1.3500, Definitions. In cases where a specific land use or activity is not defined, the Planning Director or other approving authority shall assign the land use or activity to a classification that is substantially similar in character. Land uses defined in the Hayward Municipal Code and not listed in the table or not found to be substantially similar to the uses below are prohibited. Unless otherwise explicitly stated, all uses shall be conducted indoor.

Table 10-1.1603: Use Regulations—Industrial Subdistricts					
Use	Subdistrict			Additional Regulations	
	IL	IP	IG		
Residential Uses					
Caretakers Quarters	A	A	A	Limited to one dwelling per parcel unit no greater than 1,200 square feet in size for a caretaker or security employee necessary and incidental to the primary use on-site.	
Single Room Occupancy	A*	A*	A*	Only permitted if conversion of existing hotel. See Section 10-1.2736(e) for criteria and standards.	
Administrative and Professional Offices/Services					
Architectural Service, Drafting Service, Engineering Service	P	P	P		
Banks	P	P	P		
Financial Institutions	P	P	P		
Medical/Dental Laboratory	P	P	P		
Office	P	P	P		
Automobile Related Uses					

Automobile Brokerage Office	P	P	P	See definition. Maximum of two vehicles on site.
Automobile Dismantling Facility	-	-	C	
Automobile Parts Store	P	P	P	
Automobile Rental	-	-	A	
Automobile Repair, Major	-	-	P	
Automobile Repair, Minor	A	P	P	
Automobile Sales	-	-	-	
Automobile Service Station	-	-	A	See Section 10-1.1045, Minimum Design and Performance Standards, for special requirements
Automobile Storage Facility	-	-	A	
Automobile Storage Yard	-	-	C	
Automobile Towing Yard	-	-	C	
Automobile Wholesale	P	P	P	See definition. No vehicles permitted on-site.
Car Wash	A	A	A	If applicable, see Section 10-1.1045, Minimum Design and Performance Standards, for special requirements
Drive-In Establishments	A	A	A	See Section 10-1.1045, Minimum Design and Performance Standards, for special requirements
<u>EV Charging Station</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Recreational Vehicle Storage Facility	-	-	C	
<i>Industrial Uses</i>				
Brewery	A	P	P	See Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations
Cannabis	See below			
Commercial Cannabis Cultivation (up to 5,000 square feet)	A	A	A	See Section 10-1.3600, Cannabis
Commercial Cannabis Cultivation (5,001 square feet or Greater)	C	C	C	See Section 10-1.3600, Cannabis
Commercial Cannabis Delivery	A	A	A	See Section 10-1.3600, Cannabis
Commercial Cannabis Retail Dispensary	C	-	-	See Section 10-1.3600, Cannabis
Commercial Cannabis Distribution	A	A	A	See Section 10-1.3600, Cannabis
Commercial Cannabis Manufacturing Level 1, (Up to 5,000 square feet)	A	A	A	See Section 10-1.3600, Cannabis
Commercial Cannabis Manufacturing, Level 1, (5,001 square feet or greater)	C	C	C	See Section 10-1.3600, Cannabis
Commercial Cannabis Manufacturing, Level 2	C	-	-	See Section 10-1.3600, Cannabis

Commercial Cannabis Microbusiness	C	C	C	See Section 10-1.3600, Cannabis
Commercial Testing Laboratory	P	P	P	See Section 10-1.3600, Cannabis
Contractor Services	P	P	P	
Storage Yard	-	-	C	
Data Center	<u>C</u>	<u>C</u>	<u>C</u>	
Distillery	A	A	A	See Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations
Industrial Equipment Sales, Rental & Service	-	-	P	
Manufacturing	See below			
Custom Manufacturing	P	P	P	
General Manufacturing	-	P	P	
Light Manufacturing	P	P	P	
Micro-Brewery	C	C	C	See Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations
Passenger Transportation Terminal	A	A	A	
Railroad Yard	-	-	C	
Recycling Facilities	See below			
Small Recycling Collection Facilities	See Section 10-1.2735(j), Small Recycling Collection Facilities and Unattended Collection Boxes			
Large Recycling Collection Facilities	-	-	A	
Recycling Processing Facilities	-	-	C	
Renewable Electric Power Generation, Transmission, and Distribution	C	A	A	
Research and Development	P	P	P	
Truck Terminal	-	-	C	
Warehouse and Distribution Facility, less than 150,000 square feet of floor area	P	P	P	
Warehouse and Distribution Facility, 150,000 square feet or more of floor area	C	C	C	
Waste Treatment Facility	-	-	C	
Waste Transfer/Handling Facility	-	-	A	
Wholesale Establishment, less than 150,000 square feet of floor area	P	P	P	
Wholesale Establishment, 150,000 square feet or more of floor area	C	C	C	
Wind Energy Conversion System	A	A	A	
Personal Services				
Barber, Beauty Shop	P	P	P	
Dry Cleaner/Laundry	P	P	P	
Shoe Repair Shop	P	P	P	

Tailor/Seamstress Shop	P	P	P	
Tattoo Parlor	A	-	-	
<i>Retail Commercial Uses</i>				
Appliance Store	P	-	-	
Bar, Cocktail Lounge	C	C	C	See Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations
Building Materials (Sales)	-	-	P	
Carpet/Drapery Store	P	-	-	
Convenience Market	P	P	P	
Furniture Store	P	-	-	
Nursery (Plants)	P	-	-	
Restaurant	P	P	P	
Retail	P	P	Sale of goods produced on site: P; otherwise: C	
<i>Service Commercial Uses</i>				
Appliance Repair Shop	P	P	P	
Contractor Services	P	P	P	
Copying or Reproduction Facility	P	P	P	
Equipment Rental Service	P	P	P	
Hotel	P	P	A	
Mailing or Facsimile Service	P	P	P	
Motel	P	P	A	
Upholstery Shop	P	P	P	
<i>Other Uses</i>				
Animal Hospital	P	-	-	
Broadcasting Studio	P	P	P	
Catering Facility	P	P	P	
Christmas Tree and Pumpkin Patch Lots	P	P	P	See Section 10-1.2735.c, Christmas Tree and Pumpkin Patch Lot Regulations
Commercial Amusement Facility	A	A	-	
Cultural Facility	A	-	-	
Day Care Center	A	A	C*	*Only permitted in IG District if day care center is intended to serve employees of a large-scale business or business park.
Educational Facilities	A	A	A*	*Only permitted in IG District if included within business park development.
Emergency Shelter	P*	P*	P*	*Permitted on city-owned property. See Section 10-1.2736(a) for criteria and standards.)
Food Vendor	P	P	P	Subject to Food Vendor Permit. See Section 10-1.2735(m), Food Vendor Permit

Industrial/Vocational Trade School	P	P	P	Limited to programs serving persons 18 years or older
Health Club	See below			
Facilities that are only available for use by employees	P	P	P	
Facilities that may be used by the public	A	A	A	
Kennel	C	A	A	
Public Agency Facilities	P	P	P	
Media Production	A	A	A	
Psychiatric and Rehabilitation Facility	A	A	A	
Recreational Facility	See below			
Facilities that are only available for use by employees	P	P	P	
Facilities that may be used by the public	A	A	A	
Religious Facility	A	-	-	
Taxi Company	-	-	A	
Temporary Uses	A	A	A	

- A. Outdoor Storage. Refer to Section 10-1.1605(L) for Outdoor Storage regulations.
- B. Adult Entertainment Activity. Refer to General Regulations Section 10-1.2735.a. for Adult Entertainment Activity Regulations.
- C. Alcoholic Beverage Outlets. Refer to General Regulations Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations.
- D. Antennas and Satellite Dishes and Telecommunications Devices. Refer to Chapter 10, Article 13 of the Hayward Municipal Code, the Antenna and Telecommunications Facilities Ordinance, for regulations of antennas, satellite dishes and telecommunications devices.
- E. Hazardous Materials Use and Storage. All uses allowed in the Industrial Subdistricts pursuant to Table 10-1.1603 shall comply with all applicable code and regulation requirements pertaining to hazardous materials and the following permit requirements.
 - 1. Permitted. The following hazardous materials use and storage activities are permitted:
 - a. Production, storage, and/or handling, utilizing Group B hazardous materials less than 5,000 pounds of solids, 550 gallons of liquids, or 2,000 cubic feet of gases at standard temperatures and pressures.
 - b. Production, storage, and/or handling, utilizing Group C hazardous materials less than 50,000 pounds of solids, 5,500 gallons of liquids, or 20,000 cubic feet of gases at standard temperatures and pressures.
 - 2. Administrative Use Permit. The following hazardous materials use and storage activities are subject to Administrative Use Permit approval:
 - a. Production, storage, and/or handling, utilizing Group B hazardous materials which exceed the following thresholds: 5,000 pounds of solids, 550 gallons of liquids, or 2,000 cubic feet of gases at standard temperatures and pressures.

- b. Production, storage, and/or handling, utilizing Group C hazardous materials which exceed the following thresholds: 50,000 pounds of solids, 5,500 gallons of liquids, or 20,000 cubic feet of gases at standard temperatures and pressures.
- 3. Conditional Use Permit. Conditional Use Permit approval is required for the production, storage, handling, or similar activities utilizing any amount of hazardous materials classified as Group A hazardous materials by the Fire Chief or his or her designee.

(Amended by Ordinance 21-05, § 2, adopted July 20, 2021; Amended by Ordinance 25-02, § 1(Exh. A), adopted January 21, 2025)

SEC. 10-1.2735(a) – ACCESSORY COMMERCIAL UNITS

- a. Accessory Commercial Units.
 - (1) The purpose of this Division is to allow the construction and operation of accessory commercial units (ACUs) that complement primary residential uses and ensure compatibility with surrounding properties.
- b. Permitted Uses. An ACU shall include only one of the following commercial uses listed below:
 - (1) Barber or beauty shop.
 - (2) Nail salon.
 - (3) Pet grooming.
 - (4) Fitness studio.
 - (5) Retail.
 - (6) Take-out coffee/espresso shop.
 - (7) Neighborhood-serving grocery store.
- c. Zoning Conformance Permit Required. Zoning Conformance Permit approval is required prior to the establishment of any accessory commercial use.
- d. Development Standards. ACUs shall meet the following criteria:
 - (1) Number of ACUs Allowed. ACUs shall be limited to a maximum of one ACU per lot.
 - (2) ACU Orientation. An ACU shall be fronting and visible from a public right-of-way.
 - (3) Detached ACUs. ACUs that are detached from the primary structure shall be located at least five feet from all surrounding structures on the property.
 - (4) Pedestrian Access Required. The ACU shall have at least one pedestrian accessible entrance that is accessible from a public right-of-way.
 - (5) Separate Entrance Required. An ACU shall have a separate entrance from the main entrances to the primary residential building on the property.
 - (6) Maximum Floor Area. An ACU shall not exceed a floor area of 500 square feet or 40 percent of the gross floor area of the primary residential building on the property, whichever is less.
 - (7) Maximum Building Height and Ground Floor Requirement. An ACU shall be limited to one story and shall be limited to the ground floor.
 - (8) Parking. Parking spaces shall not be required for an ACU.
 - (9) ACU Signage Requirements. The following sign requirements shall apply to all ACUs:
 - (10) An ACU may have one non-illuminated wall sign, not exceeding a total sign area of six square feet.
 - (11) Roof signs, free standing business signs, temporary signs, and banners are prohibited.
- e. Minimum Design and Performance Standards. ACUs shall comply with the following performance standards:
 - (1) Hours of Operation. The hours of operation shall be limited to 7:00 a.m. to 9:00 p.m. unless otherwise conditioned by an approved permit.

- (2) Maximum of eight customers at a time.
- (3) Loading requirements. All loading, unloading and maintenance shall be conducted within the hours of operation.
- (4) ACUs providing food or beverage sales shall be for off-site consumption only and on-site dining and customer loitering are prohibited.
- (5) Trash and Recycling Receptacles and Enclosures. ACUs shall maintain designated trash and recycling collection containers and enclosures which are not visible from the street.

SEC. 10-1.2735(f) – LIMITED ENTERTAINMENT PERMIT REGULATIONS

e. Limited Entertainment Permit Regulations

- (1) Purpose. The purpose of this Division is to establish a permit process and regulations to live entertainment events and activities within the City of Hayward.
- (2) Limited Entertainment Permit Required. Any person providing entertainment, as defined in this article, shall first obtain a Limited Entertainment Permit by filing an application with the Development Services Department. An Entertainment Permit shall be required for an activity that is incidental to the principal use of a site, such as karaoke or similar activities that take place at a restaurant or similar establishment.
 - (a) Application requirements. A Limited Entertainment Permit application shall include the following:
 - (i) The names and addresses of the applicant(s);
 - (ii) The date(s) and time(s) that the proposed entertainment activity will occur;
 - (iii) The name and address of the business, location or venue where the proposed entertainment will occur and a statement of the nature and character of the business where the proposed entertainment will occur;
 - (iv) A description of the entertainment activity, including whether or not sound amplification will be used. If amplification is to be used, the applicant shall provide a description of the nature and type of amplification.
 - (v) A description of the business where the proposed entertainment will occur; and
 - (vi) Any other information associated with the proposed entertainment activity as required by the Development Services Department or other departments responsible for reviewing the Entertainment Permit.
- (3) Limitations on Limited Entertainment Permits.
 - (a) Activities and events that are presented as live entertainment for an audience shall require a Cabaret License instead of a Limited Entertainment Permit, if required pursuant to Section 6-2.10 of the Hayward Municipal Code.
 - (b) Bars, nightclubs, and other similar uses as determined by the Planning Director are prohibited from obtaining a Limited Entertainment Permit and shall require a Cabaret License pursuant to Section 6-2.10
- (4) Entertainment Permit Performance Standards
 - (a) All live entertainment activities must end by 11pm; and
 - (b) Live entertainment activities must be permitted to all ages; and
 - (c) Limited to facilities that accommodate less than 100 patrons
- (a) Non-Transferability of Permit. Each entertainment permit is non-transferable and shall be used only at the specific building or premises for which the entertainment permit was issued.
- (5) The Development Services Department Director may deny or revoke a Limited Entertainment Permit application for any of the following reasons:
 - (a) The applicant provides false information in the application submitted for a Limited Entertainment Permit.
 - (b) The business or premises for which the Limited Entertainment Permit is requested is found to not be in compliance with all applicable City, state and federal laws, ordinances and codes.

(c) The proposed entertainment activity would have an adverse effect on adjacent property or uses in the vicinity of the premises where the entertainment event or activity will be located, including one or more of the following:

- (i) Noise levels that exceed the City's noise regulations (Sec. 4-1.03.1) or which substantially increase the ambient noise levels in the vicinity of the building or premises where the entertainment activity will occur.
- (ii) The site does not have adequate parking and/or results in spillover parking into adjacent commercial or residential areas.
- (iii) The proposed entertainment activity occurs outside of the date(s) and time(s) specified in the approved Limited Entertainment Permit.
- (iv) The proposed activity results in an increase in traffic in adjacent neighborhoods.
- (v) The proposed activity increases criminal activity, including but not limited to, graffiti, illegal drug activity, littering, public intoxication, urination, or violence in the vicinity of the entertainment venue.
- (vi) In the event the Development Services Director denies a Limited Entertainment Permit pursuant to this Division, no other Entertainment Permit shall be issued to the same applicant within a minimum of one year from the date that the denial or revocation is final.

(6) Revocation or Suspension of a Limited Entertainment Permit.

(a) The Development Services Director shall have the authority to revoke or suspend a Limited Entertainment Permit under this Division, pursuant to the procedures of Section 10-1.2845 of Chapter 10 of the Hayward Municipal Code. The suspension or revocation of a Limited Entertainment Permit shall be based on one or more of the following:

- (i) Any of the criteria established for the denial of a Limited Entertainment Permit in Sections (e)(3), above.
- (ii) The entertainment event or activity for which the permit was issued violates one or more of the conditions imposed upon the approved Entertainment Permit or the requirements of this Division.
- (iii) The Limited Entertainment Permit is being used to conduct an event or activity that differs from that which said permit was granted.
- (iv) Guests or patrons of the Entertainment venue create repeated disturbances and disturb the peace either on the premises or near the vicinity of the premises after leaving the venue where the entertainment activity occurred.

SEC. 10-1.2735 SPECIAL STANDARDS AND CONDITIONS FOR CERTAIN USES.

Special standards and conditions as set forth below are applicable to uses enumerated in this Section and listed in the individual districts. Departure or variation from these standards is permitted only when it can be established by the applicant that the intent and purpose of the district or the necessary findings for permit approval, as specified in this ordinance, are not compromised. Where warranted by ordinance regulations or to implement official City policy, standards of development may be required that exceed those listed in this Section.

a. Adult Entertainment Activity Regulations.

- (1) Purpose. In adopting these regulations it is recognized that certain types of adult entertainment activities possess objectionable operational characteristics which, when concentrated, have a deleterious effect upon adjacent areas. It is also recognized that locating adult entertainment activities in the vicinity of facilities frequented by minors will cause the exposure of adult material to minors who, because of their immaturity, may be adversely affected by them. Special regulations of sex-oriented, adult entertainment businesses is necessary to insure that adverse effects will neither contribute to the blighting or downgrading of surrounding neighborhoods nor have an adverse effect on minors.
- (2) Definitions. For the purpose of these regulations, certain terms and words shall have the following meanings:
 - (a) Adult Entertainment Activity. An activity which is characterized by an emphasis on depicting, describing or relating to "specified sexual activities" or "specified anatomical areas." Said term includes, by way of illustration only, the following:
 - (i) Adult Arcade. An establishment where one or more motion picture projectors, slide projectors or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
 - (ii) Adult Bookstore. An establishment having as a substantial or significant portion of its stock-in-trade, and offers for sale one or more of the following: books, magazines, and other periodicals which are substantially devoted to the depiction of "specified sexual activities" or "specified anatomical areas."
 - (iii) Adult Gift Store. An establishment having as a substantial or significant portion of its stock in trade, and offers for sale one or more of the following: instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities" (i.e., "adult gifts.")
 - (iv) Adult Motion Picture Theater. An enclosed building used for presenting material in the form of motion picture film, video tape or other similar means, and in which a substantial portion of the total presentation time is devoted to the depiction of "specified sexual activities" or "specified anatomical areas" for observation by persons therein.
 - (v) Adult Theater. A theater, concert hall, auditorium or similar establishment in which a substantial portion of the total presentation time is devoted to live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

(vi) Sexual Encounter Establishment. An establishment which provides a place where two or more persons may congregate, associate or consort in connection with "specified sexual activities" or the exposure of "specified anatomical areas." This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State of California engages in sexual therapy.

(b) Specified Sexual Activities. This term shall be used herein to mean:

- (i) Human genitals in a state of sexual stimulation or arousal;
- (ii) Acts of human masturbation, sexual intercourse or sodomy;
- (iii) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

(c) Specified Anatomical Areas. This term shall be used herein to mean:

- (i) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- (ii) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(3) Location. No person shall place, maintain, own or operate any adult entertainment activity, as herein defined, in the following locations:

- (a) Within 500 feet of any parcel of real property zoned primarily for residential use; or
- (b) Within 500 feet of any parcel of real property on which is located any of the following facilities:
 - (i) A school primarily attended by minors;
 - (ii) A church which conducts religious education classes for minors;
 - (iii) A public park, playground or other recreational facility;
 - (iv) A museum;
 - (v) A library.

(c) Within 500 feet of any other adult entertainment activity as herein defined.

(4) Public Display of Certain Matter Prohibited. No person shall place, maintain, display or exhibit any material in a manner which exposes to public view photographs or illustrations of "specified sexual activities" or of poses which emphasize or direct the viewer's attention to "specified anatomical areas." As used herein, "exposes to public view" means exposes to the view of persons outside the building in which said material is placed, maintained or displayed.

(5) Discontinuance of Nonconforming Activities. No later than September 19, 1980, all adult entertainment activities made nonconforming by reason of the provisions hereof, except those activities rendered nonconforming because of being within 500 feet of any other adult entertainment activity, shall be discontinued or shall be brought into full conformance with the provisions hereof, except that such activities may be allowed to continue for an additional period upon the approval of a variance with the finding that the activity is obligated by written lease entered into before the effective date of this section for a period exceeding two years from such effective date, or that the activity involves investment of money in leasehold or improvements of such that a longer period is necessary to prevent undue financial hardship.

- b. Catering Truck Standards. All catering truck operations shall comply with the following standards:
 - (1) Catering trucks shall only park on private property with the permission of said property owner(s).
 - (2) Catering trucks shall not park on any City streets, rights-of-way or property.
 - (3) Catering trucks shall not be located on a single parcel more than 20 minutes at a time.
 - (4) Catering trucks shall not be located within 300 yards of a food vendor as defined in this Ordinance.
 - (5) Catering trucks shall not return to the same location within less than two hours.
 - (6) Catering trucks shall obtain all necessary approvals for the County Health Department and City of Hayward Police Department.
- c. Christmas Tree and Pumpkin Patch Lot Regulations. All Christmas tree and pumpkin patch lots shall comply with the following standards:
 - (1) Pumpkin Patch lots shall not be established before October 1 of each year and Christmas tree lots shall not be established before November 22 of each year. Annual permits must be obtained from the Fire Department and the Building Division.
 - (2) Prior to opening for business, all Fire Department and the Building Division permits shall be obtained. The lot shall be maintained and operated in compliance with all Fire Department and the Building Division requirements.
 - (3) No merchandise, equipment, vehicles, refuse, or other material associated with the proposed lot shall block circulation or parking aisles outside fenced areas.
 - (4) No aspect of the proposed operation shall impede access to any public driveway, nor any parking areas required for the operation of surrounding uses.
 - (5) All parking and loading must be done on the lot and not on any public street. Parking areas shall be surfaced to prevent mud or dust from being tracked onto the public right-of-way.
 - (6) An electrical permit must be obtained prior to installation of any lighting.
 - (7) Fencing around the premises shall be properly stabilized.
 - (8) Signs shall be confined to the designated lot area only and must not obstruct vision of motorists.
 - (9) If sawdust or other similar material is used to cover the lot, it shall be kept moist.
 - (10) A minimum of one employee shall be on the premises at all times to insure compliance with the conditions of approval.
 - (11) All trees or pumpkins, merchandise, debris, fences, poles, hay or sawdust and other evidence of the use must be removed within 7 days after the Halloween or Christmas Holiday. To the maximum extent possible, all wood products must be recycled. While other recycling facilities may be used, it is preferred that all wood products such as trees, tree stands, and sawdust (but not including flock and tinsel) be recycled by drop-off at the City of Hayward Water Pollution Control Facility.
 - (12) Notices must be conspicuously posted on the lot and distributed to customers at the point of sale providing information about the City of Hayward Christmas tree Recycling Program provided by the Office of Solid Waste Management.
- d. Cannabis, Personal Cultivation and Commercial Cannabis. Refer to Section 10-1.3600, Cannabis.
- e. Drive-in Establishments - Special Standards and Conditions.

(1) Location and Design Criteria.

- (a.) Use permit applications for drive in establishments in addition to standard requirements shall include the following information: a map and brief description of similar uses within a one-mile radius of the site; number and location of similar uses, indicating the location of all uses under the same brand name or franchise.
- (b.) Drive in uses shall not be located across a street from residential zoning districts, unless at least one street abutting the site is an arterial or major street and pedestrian safety measures are provided as determined necessary. This provision does not apply to commercial off street parking lots.
- (c.) Access to drive in uses shall not be located next to the access to schools, parks, playgrounds, libraries, churches and other public and semi-public uses if pedestrian safety hazards would result.
- (d.) (a.) Exterior storage and display of goods for sale or rent is not allowed.
- (b.) All required yard areas abutting streets and not used for vehicle maneuvering or parking shall be landscaped. In all zoning districts a planter at least 10 feet wide shall be installed parallel to the street right-of-way or precise plan line except where the use is a drive-in restaurant, then a 15-foot-wide landscaped setback is required.
- (e.) A minimum of 20 percent of the total site area shall be landscaped.
- (f.) Except for driveways, corner lots shall have a landscaped triangular area formed by the street right of way lines and a line connecting them at points 30 feet from the rear or projected point of intersection of the street right of way line. (See Article 9, Hayward Traffic Code for visibility requirements.)
- (c.) Fencing and Screening - Except for areas used for traffic circulation, or except where the drive-in functions as part of a larger development, for example, a shopping center where there is shared parking or access, a uniformly painted fence or masonry wall shall be maintained along all interior lot lines. Where any interior lot line abuts an R, A, MH, OS, or residential PD District, or a lot with residential uses, a masonry wall shall be constructed. The wall shall be at least 6 feet high but not exceed 7 feet, except within the required yard area abutting a right-of-way or precise plan line, in which case it shall not exceed four feet in height at grade measured on either side of the fence.
- (g.) Where a drive through aisle is located between the right of way and the primary structure, low shrubs and/or berms shall be installed within the landscape setback for visual buffering.

(2) Requirements for Existing Drive In Uses. An operator of an existing drive in use who applies for a new use permit or modifications to an existing use permit shall conform to as many of the design and site plan standards for new uses as possible within the limits of the existing site layout and structural location.

(2) Performance Standards for Drive-In Uses. Drive-in uses shall be operated in a manner which does not interfere with the normal use of adjoining properties. If in the opinion of the Planning Director the provisions of this paragraph are being violated, the violations shall be grounds for reopening use permit hearings and adding conditions to control the violation. Performance standards include, but are not limited to, the following

~~considerations, which, where appropriate, shall be incorporated as conditions of approval in all use permits as determined by the Planning Commission:~~

- (a.) ~~Noise levels measured at the property line shall not exceed the level of background noise normally found in the area or 65 decibels, whichever is greater. Loud speakers shall not be audible from residentially zoned and developed properties.~~
- (b.) ~~Hours of operation, including deliveries to the site, shall be compatible with the needs and character of the surrounding neighborhood. For purposes of this section, the usual operating hours shall be considered to be between 6.30 a.m. and 11.00 p.m. on weekdays and 7:00 a.m. to 1:00 a.m. on weekends when abutting or adjacent to residential zones.~~
- (a.) ~~No undesirable odors shall be generated on the site.~~
- (b.) ~~The on-site manager of the use shall take whatever steps are deemed necessary to assure the orderly conduct of employees, patrons, and visitors on the premises.~~
- (c.) ~~A copy of these performance standards and all conditional use permit conditions of approval shall be posted along side the necessary business licenses and be visible at all times to employees.~~

(3) Automobile Service Stations – Additional Design Criteria.

- (d.) ~~The following operations are prohibited in conjunction with the operation of an automobile service station: auto body repair, major mechanical repair, and outside display of new or used vehicles or parts for sale.~~
- (a.) ~~Exterior display of goods for sale or rent is not permitted, except the following uses which are subject to design and location approval:~~
 - (i.) ~~Vending machines.~~
 - (ii.) ~~Oil display cabinets.~~
 - (iii.) ~~Tire displays.~~
- (e.) ~~Entry to lubrication bays and/or service areas shall be designed to minimize the impact on adjacent residential uses.~~
- (b.) Minimum facilities required:
 - (i.) Two~~One~~ restrooms open to the public, one for each sex;
 - (i.) ~~Equipment and storage area adequate to provide for operation and maintenance of station;~~
 - (ii.) ~~Minimum of one air and water outlet and window washing equipment and towels.~~
- (c.) Minimum Site Requirements:
 - (i.) Building site: 20,000 square feet
 - (ii.) Frontage on one street: 140 feet. In the case of corner lots, frontage will be measured to the extension of the intersecting property lines.

(iii.) ~~Setback for fuel pump islands: a distance equal to 15 percent of the depth of the lot, or 20 feet, whichever is less, measured from the street right-of-way or precise plan line.~~

(f.) ~~Automobile service stations engaged in the concurrent sale of fuel and alcoholic beverages shall be permitted only with approval of a Conditional Use Permit, and shall comply with the following standards:~~

- (i.) ~~There shall be no display of alcoholic beverages within five feet of the cash register unless in a permanently affixed cooler.~~
- (ii.) ~~Advertising of alcoholic beverages at motor vehicle fuel island is prohibited.~~
- (iii.) ~~There shall be no sale of alcoholic beverages from a drive-in window.~~
- (iv.) ~~Alcoholic beverages shall not be displayed or sold from an ice tub.~~
- (v.) ~~Self illuminated advertising for liquor on buildings or windows is prohibited.~~
- (vi.) ~~Employees on duty between the hours of 10:00 p.m. and 2:00 a.m. shall be at least 21 years of age to sell alcoholic beverages.~~

(4) Drive-Through Restaurants

(a.) ~~Drive-in or drive-through restaurants shall be prohibited within ½-mile radius of one another as measured from the building walls of existing or proposed buildings, unless all the following required findings are met:~~

- (i.) ~~The drive-in or drive-through restaurants are located within one-half mile from the Interstate 880 (Nimitz Freeway) or State Route 92 (Jackson Freeway) rights-of-way as measured by the existing roadway network, or on any parcel located within the ATOC zoning subdistrict;~~
- (vii.) ~~The location of the drive-in or drive-through restaurants will not have a substantial adverse effect on vehicular (including bicycle), pedestrian circulation and safety, or transit accessibility;~~
- (ii.) ~~The drive-in or drive-through restaurants will not conflict with City adopted goals and policies including, but not limited to, the General Plan and Bicycle Master Plan; and~~
- (iii.) ~~The site is suitable and adequate for the proposed use because the drive-in or drive-through restaurant lanes and service windows will be located at least seventy-five (75) feet away from residential uses and residentially zoned properties.~~

(b.) ~~For each drive-in restaurant a bicycle rack shall be installed with a capacity for at least five bicycles.~~

(c.) ~~Drive-through lanes installed in connection with drive-in restaurants shall have a capacity for at least eight vehicles, at 20 feet per vehicle, unless adequate access and circulation is provided to minimize spillover onto public property.~~

(d.) ~~Pedestrian circulation areas located within drive-in restaurant developments with drive-up windows shall consist of decorative paving such as brick, paving stones, or Bomanite.~~

(e.) Access to bathroom facilities located within drive-in restaurant developments shall be from within the structure, with no direct access from the parking area.

(g.) Roof lights, refrigeration units or other extraneous features which are not integral parts of the main structure, inflexible building prototypes which result in an inability to meet setback and compatibility requirements, and unattractive building elevations visible to customers or passersby are prohibited.

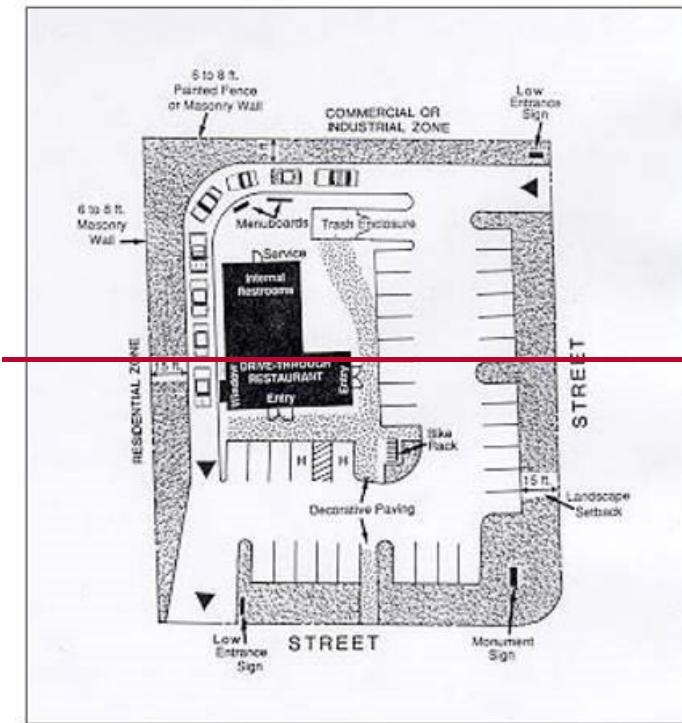
(h.) Identification signs for drive-in restaurants (excluding directional signs and the menu board) shall be limited to one monument sign not to exceed 10 feet in height and 36 square feet per face and two wall signs with letters not to exceed 18 inches in height. Total area for wall signs may include logos not to exceed 24 inches in height.

(i.) All required yard areas abutting streets and not used for vehicle maneuvering or parking shall be landscaped. In all zoning districts a landscaped setback at least 15 feet wide shall be installed parallel to the street right(s) of way or precise plan line(s) and on interior property lines where drive-through aisles abut residential zoning districts.

(f.) Minimum building site (lot area or lease area) shall be 25,000 square feet in area, unless adequate access and cross-parking is provided.

(g.) Drive-through aisles shall not be located between the building and the right-of-way and pick-up windows shall not face the right-of-way unless their visibility is minimized through the use of innovative building architecture and mounded or bermed landscaping to minimize their visual impact from the street. Menu board shall be placed so as to not be visible from the street.

(j.) Drive-through restaurants shall have an architectural theme that is unique for a given area as specified by City standards and policies or as determined by the Planning Director; franchise architecture shall be avoided where possible.



(3) Drive Through Coffee/Espresso Shops.

- (a.)** ~~Drive through coffee/espresso shops shall be prohibited within $\frac{1}{2}$ mile radius of one another as measured from the building walls of existing or proposed buildings, unless all the following required findings are met;~~
 - (i.)** ~~The drive through coffee/espresso shops located within one-half mile from the Interstate 880 (Nimitz Freeway) or State Route 92 (Jackson Freeway) rights-of-way as measured by the existing roadway network;~~
 - (ii.)** ~~The location of the drive through coffee/espresso shops will not have a substantial adverse effect on vehicular (including bicycle), pedestrian circulation and safety, or transit accessibility;~~
 - (iii.)** ~~The drive through coffee/espresso shops will not conflict with City adopted goals and policies including, but not limited to, the General Plan and the Bicycle Master Plan; and~~
 - (iv.)** ~~The site is suitable and adequate for the proposed use because the drive through coffee/espresso shop lanes and service windows will be located at least seventy-five (75) feet away from residential uses and residentially zoned properties.~~
- (b.)** ~~Drive through coffee/espresso shop buildings shall not exceed 500 square feet in area.~~
- (c.)** ~~Drive through lanes for drive up windows shall have a capacity for at least two vehicles, at 20 feet per vehicle, unless adequate access and circulation is provided to minimize spillover onto public property.~~

(d.) Drive through lanes shall consist of decorative paving such as brick, paving stones, or Bomanite.

(e.) Public bathroom facilities shall be provided inside the drive through building, unless public bathroom facilities are located within 200 feet on the same property and are accessible during coffee shop business hours.

(f.) Roof lights, refrigeration units or other extraneous features which are not integral parts of the main structure, inflexible building prototypes which result in an ability to meet setback and compatibility requirements, and unattractive building elevations visible to customers or passersby are prohibited.

(g.) Identification signs for drive-through coffee/espresso shops shall comply with the Hayward Sign Ordinance and shall be limited to one monument sign not to exceed 6 feet in height and two wall signs with letters not to exceed 18 inches in height. Total area for wall signs may include logos not to exceed 24 inches in height.

(h.) All required yard areas abutting streets and not used for vehicle maneuvering or parking shall be landscaped. In all zoning districts a landscaped setback at least 10 feet wide shall be installed parallel to the street right-of-way or precise plan line and on interior property lines where drive-through aisles abut residential zoning districts.

(i.) All required yard areas abutting streets and not used for vehicle maneuvering or parking shall be landscaped. In all zoning districts a landscaped setback at least 10 feet wide shall be installed parallel to the street right-of-way or precise plan line and on interior property lines where drive-through aisles abut residential zoning districts.

(j.) Minimum building site (lot area or lease area) shall be sufficient to accommodate the building and required circulation, maneuvering and parking.

(k.) Drive-through aisles and pick-up windows may be located between the building and the right-of-way, but their visibility should be minimized through the use of innovative building architecture and mounded or bermed landscaping to minimize their visual impact from the street. Menu board(s) shall be placed so as to not be visible from the street.

(l.) Drive-through coffee/espresso shops shall have an architectural theme that is unique for a given area as specified by City standards and policies or as determined by the Planning Director; franchise architecture shall be avoided where possible.

f. Garage Sales. Garage sales, also referred to as yard sales, shall not create a public nuisance as defined herein, and shall be limited to a maximum of four times per year per dwelling for single-family homes, and four times per year per development for multi-family areas.

gf. Livestock, Apiaries, and Household Pets.

- (1) Minimum Lot Area. The minimum lot area for any lot used to maintain livestock and other animals, except for household pets, whether a temporary use or principal use of the property, shall be the lesser of either the minimum lot area specified in the zoning district in which the property is located or the area hereinafter specified:
 - (a) For large and medium livestock, the minimum lot area shall be 20,000 square feet;

- (b) For exotic animals, poultry or other birds, the minimum lot area shall be 4,000 square feet, or greater, depending on the species of the animal, as determined by the Planning Director;
- (c) For apiaries, the minimum lot area shall be 4,000 square feet.

(2) Maximum Number of Animals. The maximum number of livestock or any other animals allowed pursuant to this section is subject to a determination by the Planning Director that the site is suitable, including consideration of size, configuration and location, and can support the number of livestock or other animals without creating nuisance problems for surrounding residential properties. The following limits shall apply:

- (a) Livestock: In no case shall the number of livestock, as defined herein, kept or maintained on any lot exceed one large livestock for each 20,000 square feet of land contained in such parcel, or one medium livestock for each 10,000 square feet of land contained in a minimum 20,000 square foot parcel.
- (b) Fowl: In no case shall hens, ducks, pigeons, or other small fowl be kept on a parcel that is less than 4,000 square feet in size.
- (c) Apiaries: For apiaries, in no case shall the number of hives exceed two for a parcel which is less than 40,000 square feet in size or zero for a parcel which is less than 4,000 square feet in size.
- (d) Duration of Limit: Once a permit is granted establishing the maximum number of animals allowed on a property, the permittee is entitled to maintain that maximum number of animals indefinitely as long as an animal(s) has existed continuously, in that six months have not passed where there were no animals on the property.

(3) Minimum Available Open Area. All livestock or other animals shall be provided with the minimum available open area specified below (such area may include barns, stables, sheds or similar structures used to house animals):

- (a) For large livestock, the minimum available open area per animal shall be 5,000 square feet;
- (b) For medium livestock, the minimum available open area per animal shall be 2,500 square feet;
- (c) For poultry, the minimum available open area per animal shall be 36 square feet;
- (d) For exotic animals, the minimum available open area per animal shall be as determined by the Planning Director, based on the species of the animal.

(4) Buildings and Structures. All animals shall be provided with adequate shelter or other protection from the elements. Shelter may be provided through the construction of a coop, stable, or other structure, as appropriate for the species of animal and as determined by the Planning Director. Buildings and structures used for the housing of animals shall be located behind the principal structure on the lot. Such buildings and structures may be located elsewhere on the lot due to topography or other special characteristics of the lot, subject to approval of the Planning Director. Such structures shall be large enough and designed such that all animals may lie down, stand up, fully extend their limbs and turn around freely, as required by the section 1350 of Title 3 of the California Code of Regulations, as may be amended from time to time. Hives and accessory structures for the keeping of livestock or household pets shall not be located in front of a primary structure.

(5) Maximum Height of Structures. No building or structure used for the housing of animals shall be erected or maintained on any lot to a height greater than that permitted for accessory structures in the respective zoning district. For small livestock and household pets, the maximum height of

an enclosure shall be six feet, except for beehives. For beehives, the maximum height shall be limited to four feet. A greater height may be permitted based on consideration of special characteristics of the lot, including, but not limited to, topography, lot size, and building placement, and subject to approval of the Planning Director.

- (6) Minimum Setback Requirements. All barns, stables, and other structures used for the housing of animals, except for household pets, on any lot shall be located not less than 20 feet from any property line and not less than 40 feet from any dwelling on the same or adjoining lot. Beehives and all structures for the housing of household pets, including chicken coops, shall be located not less than 5 feet from any property line and not less than 6 feet from any dwelling on the same or adjoining lot. The distances as specified in this subsection may be reduced or waived upon the finding that such distances are not necessary for the protection of nearby residences.
- (7) Fence Requirements. All areas containing livestock or other animals shall be enclosed by fences which are good, strong, substantial, and sufficient to prevent the ingress and egress of livestock or other animals. Such fences shall be designed and constructed of appropriate materials and be of an adequate height so as to control and contain such animals at all times, while avoiding injury to such animals, preventing such animals from reaching across any property lines, and of a design that does not detract from the appearance of the site or surrounding area. Where bees are proposed to be kept, a solid fence of at least six feet in height shall be erected along all property lines within ten feet of the hive. Hives shall not be located in areas where this requirement cannot be met due to height limitations for fences.
- (8) Maintenance of Livestock and Other Animals. All livestock and other animals shall be kept or maintained so as to minimize and prevent production of flies, excessive odor, dust, noise, or other conditions detrimental to the community health and welfare, by applying the following minimum requirements:
 - (a) Manure must be removed daily from the corral, stable, paddock, or other holding areas and stored in fly-tight containers, cans or holding boxes, until disposal; roosts, lofts, and rabbit hutches must be cleaned daily unless worm beds are maintained under the rabbit hutches. Composting or similar treatments may be permissible if performed to appropriate standards so as not to constitute a nuisance, as determined by Planning Director.
 - (b) Watering troughs must be so constructed and located that they do not overflow excessively in the stall, corral or paddock area, as to promote mosquito larvae growth.
 - (c) Hay must be stored in such a manner so as not to become a nesting place for rodents, i.e., stored in rodent-proof buildings or off the floor and away from walls, other material or equipment.
 - (d) Grain feeds shall be stored in rodent-proof containers or buildings, i.e., metal cans or rodent-proof feed cribs; all other feed must be stored in vermin-proof containers.
 - (e) The entire area set aside for the animals shall be cleared of all rubbish and debris.
 - (f) Livestock shall not be abandoned on any property or right-of-way in the City of Hayward. Any application for a permit to keep livestock shall include a preliminary plan for the eventual discontinuation of the keeping of livestock on the site, including a method for the relocation of livestock.
 - (g) Where apiaries are proposed to be sited within one hundred feet of any residence, a person responsible for management of the hives must reside on the property.
- (9) Livestock as a Legal, Nonconforming Use. Livestock existing as a legal, nonconforming use may continue indefinitely as long as (1) the livestock have existed continuously in that six months

have not passed when there were no livestock on the site, (2) the maximum number of livestock established as a nonconforming use is not increased, and (3) as long as there is no intensification of livestock, e.g., legal, nonconforming medium livestock may not be intensified by replacing them with large livestock. The burden of proof for establishing the legal, nonconforming status of livestock rests with the property owner subject to the endorsement of the Planning Director.

- (10) **Permit Required.** As provided in the Zoning Ordinance, a Zoning Conformance Permit is required prior to the establishment of household pets or apiaries as a secondary use. This requirement shall be waived for household pets where the enclosure is located at least forty feet from any residence, and for apiaries where the hives are located at least one hundred feet from any residence. An application for a Zoning Conformance Permit shall be reviewed by the Planning Director or their designee and shall be approved if all of the standards of this section are met.
 - (a) **Household Pets:** A Zoning Conformance Permit is required for the establishment of the following household pets: Hens, ducks, pigeons, rabbits and other similar small animals, as determined by the Planning Director, where the proposed total number on a property does not exceed four (4) of such animals. An application for a Zoning Conformance Permit shall be submitted on a self-certification form, wherein an applicant shall acknowledge with their signature or initials that they understand the requirements of the Hayward Municipal Code with respect to the maintenance and management of the animals that are proposed. Where the City determines that compliance with such standards is impossible given the characteristics of the site where the animals are kept, then the permit shall be deemed null and void.
 - (b) **Apiaries:** An application for a Zoning Conformance Permit for beekeeping shall require noticing of all property owners within one hundred feet of the property where the bees are proposed to be kept. Such notice shall be mailed within five business days of receipt of such application. If the City receives notification and documentation acceptable to the Planning Director (such as a doctor's note) that an individual who is allergic to bees resides within one hundred feet of the property where bees are proposed, the application shall be denied. Such notification and documentation may be received from any person who received an official notice from the City or from any person who can establish that they reside within one hundred feet of the property where bees are proposed to be kept. If no notification is received within thirty calendar days of the mailing of the official notice, and if the application meets all other city design criteria, the permit shall be issued.

gh. **Manufactured Housing Regulations.** Manufactured housing to be installed on a lot shall have been constructed after July 1, 1976, and shall bear an insignia of approval under the National Mobile Home Construction and Safety Standards Act of 1974 and shall be erected in compliance with the following:

- (1) Shall be attached to a permanent foundation pursuant to Health and Safety Code Section 18551, and shall have all utility connections conform to all requirements of the City's Building, Plumbing, Electrical, and Mechanical Codes.
- (2) Shall be a minimum of 20 feet wide.
- (3) Shall have a roof constructed of asphaltic, wooden, glass fiber or tile materials.
- (4) Shall have wood, masonry or stucco siding which will extend to the ground (except when a solid masonry perimeter foundation is used, the siding need only extend to the top of the foundation).
- (5) Shall have an overhang or eave extending a minimum of 14 inches from the wall.
- (6) Shall have a floor height no more than 30 inches above the finished grade of the building pad.

- (7) Shall include a minimum 20-foot-wide garage (interior dimension) and/or landscaping where necessary to make the house compatible with surrounding residential development.
- (8) Shall conform with Hillside Design and Urban/Wildland Interface Guidelines.

h.i. Outdoor Gatherings.

- (1) Permit Required. No outdoor gathering of 275 or more people shall be held unless an administrative use permit has first been obtained.
- (2) Outdoor Gathering. Any assembly, music festival, carnival, show, circus, dance, exhibition, lecture, concert, rally, party, celebration, or similar event or activity which is:
 - (a) Open to the public or to which members of the public are invited or admitted either for a charge or free of cost; and
 - (b) Held out of doors or other than in a permanent structure that was constructed for the purpose of or constructed so that it can be used for conducting such event or activity; provided, however, that the incidental use of any patio, courtyard, deck, or other area adjacent to and outside a permanent structure (that is authorized as a permitted primary or conditional use) by participants at the event or activity shall be considered use of the permanent structure for the purposes of this provision.
- (3) Application. An application for an administrative use permit to hold an outdoor gathering shall be submitted to the Planning Director on a form provided for such purpose, setting forth the following:
 - (a) The location and legal owner of the premises on which the outdoor gathering is to be held;
 - (b) The number of people the applicant will admit to the outdoor gathering, their~~his~~ plans to limit admittance to the outdoor gathering to such number, and the date(s) and times during which the gathering is to be held;
 - (c) The applicant's plans, including facilities for the handicapped where physically feasible, for provisions of potable water, toilet facilities, solid waste disposal, and if required by the Health Officer of Alameda County, emergency medical treatment;
 - (d) The applicant's plans for provision of parking spaces, including spaces for the handicapped;
 - (e) The applicant's plans for illuminating the premises if any part of the gathering is to be held within one hour before sunset or after dark;
 - (f) A description of all sound amplification equipment the applicant plans to use and the intensity in decibels at the property line of the premises upon which the gathering is to be held; and
 - (g) The applicant's plans for provision of fire control devices and method of vehicular and pedestrian access to and from the gathering.
- (4) Permit Issuance. An administrative use permit for an outdoor gathering may be issued if the applicant shows that the following conditions have been met:
 - (a) The applicant is the owner of the premises on which the gathering is to be held or the owner of the premises has consented to the use of the premises for the outdoor gathering;
 - (b) The Chief of Police has approved the applicant's plans to limit attendance at the outdoor gathering to the number of people set forth in the application, maintain order, and assure compliance with all applicable laws and regulations, including but not limited to, the provisions of this ordinance and the conditions of the permit under which the outdoor

gathering is held. The Chief of Police shall approve the applicant's security plans if one security guard, who may be a peace officer or other person acceptable to the Chief of Police, is provided for every 275 persons expected to attend the outdoor gathering and the sole responsibility of such guard(s) is to limit attendance at the outdoor gathering to the number of people set forth in the permit, maintain order, and enforce all laws, regulations, and permit conditions;

- (c) The Health Officer of Alameda County has approved the applicant's plans, including facilities for the handicapped where physically feasible, for provisions of potable water, toilet facilities, solid waste disposal, and if required by the Health Officer, emergency medical treatment;
- (d) The Traffic Engineer has approved the applicant's plans for provisions of parking spaces, including provision for spaces for the handicapped where physically feasible. The Traffic Engineer shall approve the applicant's plans for the provision of parking if finds that parking spaces are provided for one of each four persons the applicant will admit to the outdoor gathering, safe access to and from such parking spaces is provided, and such parking spaces will be graded, marked, and separated by a physical device from all pedestrians;
- (e) The Public Works Director has approved the applicant's plans for illuminating the premises upon which the outdoor gathering is planned if any part of the gathering is expected to occur within one hour before sunset or after dark. The Public Works Director shall approve illumination plans that provide for safe lighting equipment which illuminates at the following levels:
 - (i) Open areas to be used by attendees at 10-foot candle intensity;
 - (ii) Parking and pedestrian access areas at 5-foot candle intensity; and
 - (iii) Toilet facility areas at 50-foot candle intensity;
- (f) The Planning Director has approved the applicant's plans for any use of sound amplifying equipment. The Planning Director shall approve sound amplification plans that limit noise levels to no more than 60 L_{dn} or CNEL (db) at the property line of the premises or is lawfully used for residential use or abuts property zoned or lawfully used for residential use and no more than 70 L_{dn} or CNEL (db) at the property line of the premises upon which the gathering is to be held, if such premises is neither zoned nor used for residential use nor abuts property that is zoned or used for residential use; provided, however, that the Planning Director shall not approve any sound amplification plans that call for the use of sound amplification equipment between the hours of 10:00 p.m. and 6:00 a.m.; and
- (g) The Fire Chief has approved the applicant's plans for provisions for fire control devices and plan(s) for vehicular and pedestrian ingress and egress to the site, including emergency vehicles.

¶. Private Street Criteria. Approval of a private way as a private street (not part of a subdivision or other development project) for the purpose of establishing a street frontage for a lot shall be governed by the following:

- (1) Overall, minimum right-of-way shall be 25 feet per the City Standard Design Details, and paved access shall be not less than 10 feet in width for a one-way driveway and 12 feet in width for a two-way driveway. The access may be increased up to 24 feet in width and incorporate a turn-around area, as such is determined to be necessary, giving consideration to traffic volumes, location, land use, and other relevant factors.

- (2) The access strip shall be improved to public street standards. Such improvements shall be installed, or the installation shall be guaranteed to the satisfaction of the City, prior to issuance of a building permit for any use fronting on the private street.
- (3) In the instance that multiple lots are to be served by one private street, the following criteria may apply:
 - (a) Six or fewer lots require a minimum of a 20-foot wide paved private driveway.
 - (b) Seven or more lots require a minimum of a 24-foot wide paved private street.
 - (c) Six or fewer lots may be served by a hammerhead.
 - (d) Seven or more lots shall be served by a cul-de-sac.
- (4) The above requirements may be amended after evaluating the following:
 - (a) Existing and estimated future volume of traffic.
 - (b) Existing, proposed, and potential development to be served by access.
 - (c) Adequacy of drainage facilities.
 - (d) Condition of roadway and provisions for maintenance.
 - (e) Suitability for emergency vehicle access and utility right-of-way.
 - (f) Alignment and grade.
 - (g) Need for off-street parking or pathway to serve adjacent uses.
- (5) Before approving a private street, the Planning Commission shall find that:
 - (a) The private street is physically adequate to provide access for pedestrians and vehicles.
 - (b) There is a right, exclusive or non-exclusive, to use the private street on a permanent basis which is appurtenant to the subject lot(s).
 - (c) The private access will not conflict with the General Plan.
- (6) Requests for approval shall be considered by the Planning Commission which shall recommend approval, conditional approval, or denial. Upon review by the Commission, said request shall be then considered by the City Council which shall approve, conditionally approve, or deny said request. The action of City Council is final.

¶. Small Recycling Collection Facilities and Unattended Collection Boxes.

- (1) Purpose and Intent.
 - (a) The purpose of the subsection related to facilities accepting recyclable material is to make redemption and recycling of reusable materials convenient to the consumer in order to reduce litter and increase the recycling of reusable materials in accordance with the 1986 California Beverage Container Recycling and Litter Reduction Act of 1986 (Pub. Res. Code § 14500, et seq.).
 - (b) The purpose of the subsection related to unattended collection boxes is to:
 - i. Promote community health safety and welfare by regulating the placement of unattended collection boxes for clothing and other salvageable personal property throughout the city;

- ii. Recognize that placement of unattended collection boxes in a variety of conveniently accessible locations throughout the city encourages individuals to recycle textile goods rather than placing those items in the waste stream.
- iii. Ensure that unattended collection boxes and the contents thereof do not pose a hazard or nuisance to pedestrian or vehicular traffic;
- iv. Ensure that material is not allowed to accumulate outside of the unattended collection boxes where it may be scattered by adverse weather conditions, animal contact, or human activities; and,
- v. Establish criteria that avoid attracting vermin, unsightliness and public health or safety hazards or nuisances.

(2) Definitions.

- (a) Recyclable Material: Recyclable materials" or "recyclables" are discarded materials that are collected, separated, and processed and that can be used as raw materials in the manufacture of new products. Recyclable materials are collected and treated in a manner different from refuse.
- (b) Small Recycling Facility: A center for the collection and/or processing of recyclable materials. Small recycling facilities shall not exceed 500 square feet and shall be incidental to a primary use on the site (i.e. shopping center). Such facilities collect non-hazardous recyclable materials directly from the public by donation, redemption, or purchase. Small recycling facilities generally do not use power-driven processing equipment, except for reverse vending machines, and may include mobile recycling units, bulk reverse vending machines, kiosk type units, and/or unattended containers placed for the donation of recyclable materials (such as aluminum, glass, plastic, and bimetal for recycling). This definition does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. A certified recycling facility or certified processor is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.
- (c) Responsible Party: Responsible Party shall mean the owner of the Unattended Collection Box, the operator of the Unattended Collection Box, and the owner of the property upon which the Unattended Collection Box is placed,
- (d) Unattended Collection Box: Unattended collection box shall mean any unstaffed drop-off container, receptacle or similar device that is located on any lot within the city that is used for soliciting and collecting donations of clothing and other salvageable personal property. This term does not include recycle bins for the collection of recyclable material and facilities described in (2)(b) above, or any unattended collection box located within a building.

(3) Permit Issuance.

- (a) Reverse vending machine(s) located within commercial buildings, or which are located upon commercial or industrial zoned property within a ½ mile radius of each supermarket which conducts \$2 million or more in sales a year, and meet the following criteria are primary uses and do not require permits by the City of Hayward.

- (i) The reverse vending machine(s) is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986;
- (ii) The reverse vending machine(s) is established in conjunction with a commercial use, community service facility, or industrial use provided the property is in compliance with the zoning, building and fire codes of the City of Hayward;
- (iii) The reverse vending machine(s) does not obstruct pedestrian or vehicular circulation, including the pathway required for the handicapped access;
- (iv) The reverse vending machine(s) does not occupy parking spaces required by the primary use;
- (v) The reverse vending machine(s) does not occupy more than 50 square feet of floor space per installation, including any protective enclosure, and is no more than 8 feet in height;
- (vi) The reverse vending machine(s) is clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative;
- (vii) The reverse vending machine(s) is maintained in a clean, litter-free condition on a daily basis;
- (viii) The operating hours are at least the operating hours of the host use;
- (ix) The area is illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn;

(b) An administrative use permit for small recycling facility located in commercial or industrial areas and within a $\frac{1}{2}$ mile radius of each supermarket which conducts \$2 million or more in sales a year, shall be issued if the applicant shows that the following conditions have been met:

- (i) The small collection facility shall be established in conjunction with an existing commercial use, community service facility, or industrial use which is in compliance with the zoning, building, and fire codes of the City of Hayward;
- (ii) The small collection facility shall be no greater than 500 square feet and occupy no more than 5 parking spaces not including space that will be periodically needed for removal of materials or exchange of containers;
- (iii) The small collection facility shall be set back at least 200 feet from any property line adjacent to property developed with residential uses and shall not obstruct pedestrian or vehicular circulation. A smaller separation between a proposed facility and residential uses may be permitted with submittal of a noise study and installation of noise reducing equipment, to the satisfaction of the Planning Director or his/her designee;
- (iv) The small collection facility shall accept only glass, metals, plastic containers, papers and reusable items, not including motor oil;
- (v) The small collection facility shall use no power-driven processing equipment except for reverse vending machines;

- (vi) The small collection facility shall be secured from unauthorized entry or removal of material, and a collection schedule shall be posted;
- (vii) All recyclable materials shall be stored in containers or in the mobile unit vehicle, and materials shall not be left outside of containers when attendant is not present;
- (viii) The small collection facility shall be maintained free of litter and any other undesirable materials, and the area about the machines shall be swept and cleared each day. Mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day;
- (ix) The small collection facility shall not exceed noise levels of 60 DBA as measured at the property line of residentially zoned or occupied property, other sites shall not exceed 70 DBA;
- (x) Attended facilities located within 100 feet of a property zoned or occupied for residential use shall operate only during the hours between 9:00 a.m. and 7:00 p.m.;
- (xi) Containers for the 24-hour donation of materials shall be at least 50 feet from any property zoned or occupied for residential use unless waived by the Planning Director;
- (xii) Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers;
- (xiii) Signs for recycling facilities may be provided as prescribed in Chapter 10, Article 7, Sign Regulations, of the Hayward Municipal Code;
- (xiv) The small collection facility shall not impair the landscaping required by the City for any concurrent use;
- (xv) No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One space shall be provided for the attendant, if needed;
- (xvi) Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;
- (xvii) Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use unless all of the following conditions exist:
 - aa. The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation;
 - bb. A parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site;
 - cc. The permit shall be reconsidered at the end of 18 months;
 - dd. A reduction in available parking spaces in an established parking facility may then be allowed as follows:

- For a commercial or industrial host use:

No. of Available Parking Spaces	Maximum Reduction
0–25	0
26–35	2
36–49	3
59–99	4
100+	5

- For a community facility host use:

A maximum of five spaces reduction will be allowed when not in conflict with parking needs of the host use.

(xviii) The area is illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn;

(c) Unattended Collection Box. A zoning conformance permit is required prior to placement of an unattended collection box on a property that is zoned General Commercial, Neighborhood Commercial, Mission Boulevard Code (MB-CN, MB-NN, MB-CC). An unattended collection box owned, operated and maintained by a currently operating primary or permitted use engaged in the collection of used textiles and that is located on the site of that use shall not require zoning conformance permit approval. However, such box shall meet all other requirements and standards as set forth in this subsection.

Approval of a zoning conformance permit for an unattended collection box shall be contingent upon fulfillment of the following requirements and standards:

- (i) Unattended collection boxes shall be placed on a site of an existing primary use that is in compliance with zoning, building and fire code of the City of Hayward.
- (ii) Unattended collection boxes shall be a minimum distance of 1,000 feet from any other permitted unattended collection box, unless of the following exceptions apply:
 - a. The unattended collection box owned, operated and maintained by a currently operating primary or permitted use engaged in the collection of used textiles and that is located on the site of that use; or
 - b. The unattended collection box is included on the Inventory of Unattended Collection Boxes referenced in subsection (e)(i) below; or
 - c. The unattended collection box has been approved as second box on the same parcel, pursuant to subsection (x).
- (iii) Unattended collection boxes are prohibited on the site of solely residential development.
- (iv) Unattended collection boxes shall be maintained in good condition, free of graffiti, with no structural damage, holes or visible rust.
- (v) The Responsible Party shall maintain a minimum of twenty feet of area surrounding the unattended collection box free of donated materials, junk, trash and debris or other salvageable personal property placed on the site.

- (vi) The Responsible Party shall be responsible for abatement and removal of all junk, garbage, trash, debris and other material from the unattended collection box and the immediate twenty feet surrounding the box within 24-hours of written notice from the City of Hayward. If abatement and removal is not accomplished within 24-hours of said notice, the Responsible Party shall be responsible for all costs related to abatement and removal of junk, garbage, trash, debris and other refuse material as defined above.
- (vii) Unattended collection boxes shall contain the following information in minimum two-inch font visible from the front of each facility: the name, address, telephone number, Internet Web address and email address of the unattended collection box owner and operator; the type of material to be deposited in the box; and, a statement that the collection box is owned by either a for-profit or nonprofit organization. If a nonprofit organization owns the unattended collection box, then the box's front must also display a statement describing the charitable cause that will benefit from the donations.
- (viii) Unattended collection boxes shall be locked or otherwise secured.
- (ix) Unattended collection boxes footprint shall not exceed 25 square feet in size, and shall not be taller than seven feet in height.
- (x) No more than one unattended collection box may be placed on a parcel. However, an operator with an approved box on a site that is in good standing may apply to amend their zoning compliance permit to allow the installation of a second box on the same parcel if the operator demonstrates that daily collection from the permitted unattended collection box fails to provide adequate storage capacity.
- (xi) Unattended collection boxes shall not obstruct pedestrian or vehicular circulation and shall not be placed in required parking spaces, setbacks or the public right-of-way as defined in Chapter 10 of the Hayward Municipal Code.
- (xii) Unattended collection boxes shall be visible from the public right-of-way.
- (xiii) Unattended collection boxes shall be located no further than 10 feet from a continually operating light source of at least one foot candle.
- (xiv) Unattended collection boxes shall be free of any advertising which is unrelated to the business of the unattended collection box.
- (xv) Unattended collection boxes shall remain in the exact location for which a permit was issued and shall not be moved unless the box is replaced with an identical box in the same location or removed from the property.
- (xvi) The owner or operator of a permitted unattended collection box shall report the total number of tons of material collected within the city limits. Such reporting shall be submitted in writing on an annual basis to the City's Utilities and Environmental Services Department. Written reports shall be submitted by March 30 each year for the preceding calendar year.

- (d) [Reserved.]
- (e) Removal of Unattended Collection Boxes and Liability. If an unattended collection box on private or public property is lacking the requisite permit, the Planning Director or designee shall have the authority to cause the abatement and removal thereof in accordance with

the procedures outlined in Chapter 5, Article 7 (Community Preservation and Improvement) of the Hayward Municipal Code.

(f) Nothing in these regulations is intended to diminish or otherwise alter the requirements of any other federal, state or municipal law governing regulation of unattended collection boxes.

kl. Fence Regulations for Vacant Properties.

- (1) Purpose. The purpose of this section is to set forth design and performance standards for perimeter fencing within required yards of vacant buildings and sites.
 - (a) Vacant buildings and sites provide convenient locations and opportunities for dumping, trespassing and other illegal activities, resulting in public nuisances.
 - (b) Installation of perimeter fencing around vacant buildings and sites discourage potential public nuisances. However, the City must balance the benefit of security and prevention of public nuisances with the aesthetic impact of excessive use of chain link fencing typically utilized to secure vacant property.
 - (c) The City has an interest in ensuring that highly visible perimeter fencing installed along property frontages of vacant buildings and sites is well-designed, durable, and maintained in good condition to discourage blight and trespassing on such properties and to promote the aesthetic character of the city.
- (2) Applicability. These regulations shall apply to all properties that are determined to be vacant as defined in Section 10-1.3500, for a minimum of 30 days.
- (3) Fencing installed pursuant to this section shall comply with the following standards:
 - (a) A perimeter fence may be installed around a building or site that is vacant pursuant to Section 10-1.3500, Definitions.
 - (b) Fencing installed pursuant to this section shall not exceed six feet in height within the required setbacks.
 - (c) Residential, Commercial, Mission Boulevard Code, Open Space and Public Facilities Districts, except Central City Districts: Fences located along front, corner, or street side yards of properties with any frontage along roadways identified as arterial and collector streets in the City of Hayward General Plan shall be composed of wrought iron, chain link with decorative fence screen, wood picket or rail, wood-plastic composite, vinyl clad chain link (black or green), fence lace style or Omega style fencing. Fencing around properties fronting roadways identified as local streets in the City of Hayward General Plan and all interior lot line fencing, regardless of location, may be chain link.
 - (d) Central City Districts and Downtown Development Code: Fences located along property lines that front public right-of-way shall be composed of wrought iron, chain link with decorative fence screen, wood picket or rail, fence lace style or Omega style fencing. Interior lot line fencing that does not front public right-of-way may be chain link.
 - (e) Planned Development (PD) Districts: Fence standards for PD District properties shall be as approved in the PD District. If not specified in the PD District regulations, fence standards for vacant PD zoned properties shall be the same as those of the nearest adjacent zoning district as set forth in c and d above, and f below, as determined by the Planning Director or designee.
 - (f) Industrial and Other Districts: Chain link perimeter fencing may be placed around all sides of vacant properties, including those fronting public right-of-way. Such fences shall be

consistent with the fence placement and height standards set forth in this subsection, unless otherwise permitted by the Planning Director or designee.

(g) Alternative fencing materials for all zoning districts may be approved by the Planning Director or designee upon finding that the proposed fence material is not chain link, is durable, well-designed, and enhances the aesthetic character of the City.

(4) Maintenance and Performance Standards:

- (a) Fencing installed pursuant to this section shall be maintained in good condition and appearance with no structural damage, tearing, fading or visible rust, and shall be free of graffiti.
- (b) Fences posts shall be installed in the ground unless the perimeter of the site is paved in which case fence panel stands may be used. Fence panel stands shall be composed of the same material as the fence, structurally sound, and hold fence panels in a fully erect position.
- (c) No portion of a temporary fence, including fence panel stands or other posts, shall encroach on City-owned right-of-way, unless permitted by an approved encroachment permit.
- (d) No portion of a fence installed pursuant to this section shall impair driver visibility or create a traffic hazard or otherwise violate standards set forth in Hayward Traffic Code, Article 9, Obstructions to Visibility at Intersections.
- (e) Fencing standards set forth above shall not apply to safety or emergency fencing installed on a vacant property when conditions on that property cause or constitute an imminent or immediate danger to the health or safety of the public or a significant portion thereof.

(5) Appeals of reviewing authority decisions made pursuant to this chapter shall be filed and processed in accordance with Section 10-1.2845, Appeal and Review Process, of this code.

(6) Implementation. All owners of vacant property with perimeter fencing that is located within required front, side and rear yards shall have one year from the effective date of these regulations to remove all non-conforming fencing. However, any non-conforming fencing that is structurally damaged, rusting, fading or tearing shall be removed or replaced within 60 days of adoption of this ordinance.

4m. Vehicle Parking, Repair, Display, and Storage Requirements. The term "vehicle" as used in this section shall include an automobile or truck (excluding truck tractor or any vehicle exceeding a maximum gross weight limit of 6,000 pounds of gross vehicle weight) recreational vehicle, trailer, boat mounted on trailer, special interest vehicle, or other vehicle referenced in California Vehicle Code section 5051, and other vehicles of similar kind and use. In all zoning districts, use of any kind of vehicle as defined herein for living or sleeping purposes shall be prohibited except within mobile homes within an approved mobile home park.

(1) Single-Family Residential Uses.

- (a) Parking and Storage in Front Yards. Vehicles shall be parked in the required front yard only on the paved driveway which provides direct access to the garage from a public street or an approved private street, perpendicular to the street, or on a curved driveway.
- (b) Parking or Storage in Other Than Front Yards. Parking or storage of vehicles in areas other than the front yard is permitted subject to the following requirements:
 - (i) No vehicle shall be parked or stored in a required side yard or side-street yard with the following exceptions: recreational vehicles that are not self-propelled,

and are less than 6 feet in height, such as a boat, compact trailer tent or similar recreational vehicle can be stored in a required side yard if screened from view from the street by a solid fence.

- (ii) Parking or vehicle storage areas shall be paved with asphaltic or Portland Cement concrete and conform to City standards. A secondary driveway which provides access to a recreational vehicle storage area may be constructed with concrete, asphalt, or rock or concrete wheel tracks.
- (iii) Open parking or vehicle storage areas located on lots less than 10,000 square feet in area shall not exceed 500 square feet in area (700 square feet for lots 10,000 feet or larger).
- (iv) Open or covered parking areas, and garages or carports exceeding 120 square feet in area, shall be located no less than 5 feet from the side or rear property line and shall conform to all other requirements of the Zoning Ordinance and Building Code.

(2) Multi-Family Residential Uses—Prohibited Vehicles. Parking or storage of truck tractors or vehicles that are not self-propelled (trailers, boats mounted on trailers, and other vehicles or equipment of similar kind and use) are prohibited except within designated storage areas approved as part of the site plan review, use permit, planned development or building permit.

(3) Display and Sale of Motor Vehicles. Display for sale of one motor vehicle, boat, trailer, motorhome, or other vehicle is permitted as an accessory residential use, provided said vehicle is registered to a person who currently resides on the property. Display for sale of any vehicle on any property not approved for such use is unlawful, and legal action may be taken against the vehicle owner, property owner, or both.

(4) Vehicle and Boat Repair. It shall be unlawful and a public nuisance for any person to engage in, or any property owner to allow to occur, vehicle or boat repair in any residential zone:

- (a) Upon any vehicle which is not registered to a current occupant of the premises where the work is being performed; or
- (b) Upon more than two (2) vehicles at one time on the same premises or by the same person; or
- (c) Outside a fully enclosed structure for uses defined as major automobile repair as defined in Section 10-1.000 of this Ordinance. Minor automobile repair may be performed outside a fully enclosed structure where elapsed time between the beginning and end of the repair does not exceed forty-eight (48) hours. Vehicle painting, other than spot painting, shall not be permitted in residential zones.

Food. Food Vendor Permit.

- (1) Permit Required.
 - a. No vending of food or food products shall be permitted unless a food vendor's permit has first been obtained.
 - b. A separate food vendor's permit shall be obtained for each approved location.
- (2) Permitted Locations. Food Vendors are permitted as specified in Zoning Districts, subject to the permit requirements and standards set forth below. Permits for vendors who are operating at the date of adoption of this regulation, may be renewed pursuant to the provisions of this Section.

(3) Definitions. This Section shall apply to any mobile unit (as defined below) designed or used for the vending of food or food products from a fixed or stationary location on private property. This Section shall not apply to Catering Truck operations as defined in subsection (b) of this Section or Sidewalk Vendors, as defined in Section 6-16.30(B) of the Hayward Municipal Code.

- a. Approved Location - A site approved by the Planning Director from which a vendor operating from a mobile unit may sell ~~their his or her~~ products.
- b. Mobile Unit - Any trailer, cart, wagon, conveyance or structure not permanently fixed to a permanent foundation and which may be moved under its own power, pushed or pulled by hand, towed by a motor vehicle or carried upon or in a motor vehicle or trailer.
- c. Vending - The business of selling or causing to be sold for cash or consideration of any of the following items: food or food products whether hot, cold, freshly prepared, or packaged, such as hot dogs, sandwiches, and burritos, to be consumed for a meal or snack. This definition includes an offer for sale. All items sold shall be capable of being consumed on site without preparation or cooking other than done by the vendor.
- d. Vending Equipment - Tools, umbrellas, and chair for vendor only. No accessory equipment for dining at the site is permitted. Food or food products, etc., related to vending and approved by the Planning Director.
- e. Vendor - A person who is in the business of vending or ~~their his or her~~ employee(s).

(4) Application.

- a. An application for food vendor's permit to vend food products shall be submitted to the Planning Director on a form provided for such purpose, accompanied by payment of the fee set by Resolution of the City Council.
- b. The application shall include the signature of the owner of the property upon which the applicant proposes to locate ~~their his or her~~ mobile unit indicating the property owner's permission to use the site for the purpose set forth in the application.
- c. In addition to the completed application, the following information shall be submitted on a form acceptable to the Planning Director:
 - i. Proposed location of a mobile unit plotted on a map drawn to a scale of one-inch equals 20 feet or larger, which indicates the distance to adjacent landscaping, parking stalls, buildings driveways, signs, fences, utility poles, transformers, hydrants, etc., located within 50 feet of the location of the proposed mobile unit.
 - ii. Plans for provisions to collect and store litter and dispose of it.
 - iii. Scaled drawing or manufacturers information indicating the size of the mobile unit and vending equipment the applicant proposes to use.
 - iv. Location where vendor intends to park personal motor vehicle, location of customer parking spaces, and location where vendor intends to store overnight mobile unit.
 - v. Description of the nature of the business and the goods to be sold.
 - vi. Any other information deemed necessary by the Planning Director to adequately review the application, for example, photograph or rendering of mobile unit.

(5) Standards. All applications for food vendor's permit shall comply with the following standards:

- a. Approved locations for food vending shall not be located within 300 yards of any school.
- b. All mobile units shall be set back from the public street right-of-way or a private street or driveway. A food vendor shall not locate a mobile unit or vending equipment or merchandise offered for sale in such way as to block or impede or any way hamper pedestrian or vehicular movement or to cause a hazard to any pedestrian or vehicle.
- c. Mobile units and vending equipment shall be self-supporting and shall not be attached temporarily or permanently to trees, hydrants, utility poles or transformers, or other vertical structures or benches.
- d. All mobile units with ventilating equipment shall be located 10 feet away from all buildings unless otherwise approved by the Planning Director.
- e. A food vendor shall not sell any food or food products between the hours of 7:00 p.m. and 7:00 a.m. unless otherwise authorized by the Planning Director.
- f. No food vendor shall use, play or employ any sound, outcry, amplifier, loudspeaker, radio or any other instrument or device for the production of sound where said sound exceeds the background noise levels for adjacent uses.
- g. A food vendor shall not store overnight any vending equipment or food products other than in a commissary approved by the Alameda County Department of Environmental Health Services.
- h. A food vendor shall not display any signs or similar devices unless approved by the Planning Director. Signs painted on a mobile unit shall be approved by the Planning Director, and any other sign or device(s), for example, flag, pennant, balloon, may be approved at the discretion of the Planning Director if he/she finds that such sign or device does not create a safety hazard or is not aesthetically detrimental or incompatible with surrounding uses.
- i. Any exterior lighting shall be approved by the Planning Director and shall not create a safety hazard and shall be shielded or deflected away from adjacent properties.
- j. A food vendor shall maintain ~~their his or her~~ approved location in a clean and hazard-free condition. The vendor shall provide at least one 30-gallon garbage container with a swing top nearby the mobile unit for public use and shall pick up all litter generated from his or her operation within a radius of 100 feet of the approved location. A vendor shall empty the garbage container(s) daily, or more often if necessary; disposal of garbage or trash into public trash containers is prohibited.
- k. The food vendor at all times shall be in compliance with all regulations of the Health Officer of Alameda County regarding operation of this use and all other applicable rules and regulations.
- l. Location of a mobile unit and vending equipment shall not reduce the number of parking spaces below which are required for the permitted primary or conditional use.

(6) Permit Issuance.

- a. A food vendor's permit shall be issued if the applicant satisfies the above standards and the Planning Director finds that said application complies with all pertinent regulations administered by these officials.
- b. A food vendor's permit is not transferable and shall ~~be remain valid for one year from the date of issuance. The Planning Director shall renew said permit for additional periods of one year upon payment of 50 percent of the fee for a new permit if the Planning Director determines that the applicant is then in compliance with all conditions of his or her permit.~~

Applications for renewal must be submitted 30 days prior to expiration of the current permit to qualify for renewal under the provisions of this Section until the vendor ceases operations at the permitted location for a period of 6 months or longer or the permit is revoked.

(7) Permit Revocation.

- a. A food vendor's permit shall be subject to revocation if the conditions of the permit or the regulations set forth or incorporated herein are violated.
- b. Before taking any action to revoke a permit, the Planning Director shall give notice to the permittee in writing of the proposed revocation, the reasons therefor, and the time and place the permittee will be given an opportunity to show cause to the Planning Director why the permit should not be revoked. The written notice may be served personally upon the permittee or mailed to the permittee at the address shown on the application at least 10 days prior to the date of the hearing. Upon conclusion of the hearing, the Planning Director may revoke the permit upon finding non-compliance with the conditions of the permit or the regulations herein.
- c. The Planning Director's decision revoking a permit may be appealed in writing to the Planning Commission stating the reasons why the Planning Director's decision was incorrect. The Planning Commission shall schedule a hearing within 30 days of said appeal, and its decision shall be final. Said appeals shall be filed in the Planning Division.

(Amended by Ordinance 17-15, adopted Nov. 28, 2017; amended by Ordinance 19-10, adopted June 4, 2019; amended by Ordinance 20-12, adopted July 14, 2020; Amended by Ordinance 23-08, § 7, adopted October 17, 2023; Amended by Ordinance 24-01, adopted Jan. 23, 2024)

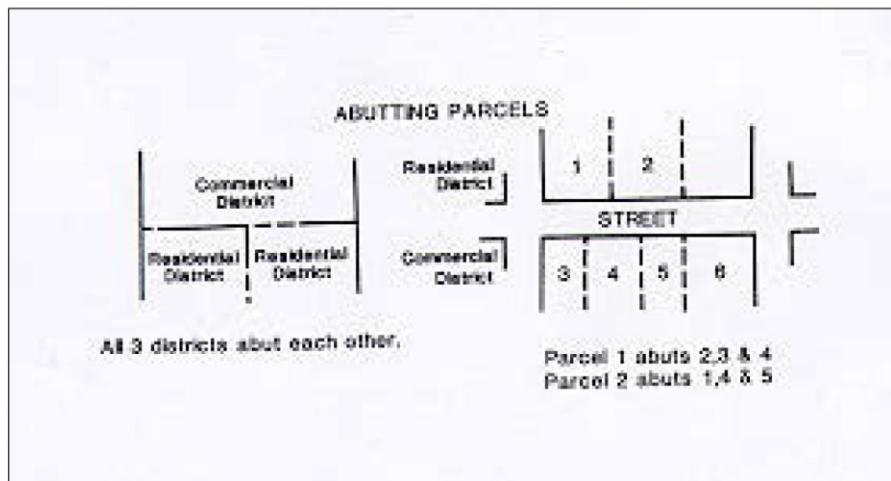
SEC. 10-1.3500 DEFINITIONS

SEC. 10-1.3500 DEFINITIONS¹**SEC. 10-1.3505 GENERAL.**

For the purposes hereof certain words and phrases are defined and certain provisions shall be construed as herein set out unless it shall be apparent from their context that a different meaning is intended.

SEC. 10-1.3510 USES AND ACTIVITIES DEFINED.

ABUTS, ABUTTING, ADJACENT. Having a common property line or district line or separated only by a private or public street, alley or easement.



ACCESS. Safe, adequate, usable, and legal ingress or egress to a property or use.

ACCESSORY BUILDING. A detached, subordinate building or structure, the use of which is subordinate, and incidental to a lawfully permitted principal use or main building on the same lot and not used for sleeping quarters.

ACCESSORY COMMERCIAL UNIT (ACU). A commercial use that is subordinate and incidental to a lawfully permitted principal use and contained within, detached from or attached to a residential structure that is located on the same lot.

ACCESSORY USE. A use which is subordinate and incidental in height, bulk, volume and/or use to the lawfully permitted principal use on the same lot, and which does not alter the essential characteristics of said principal use and is in keeping with other uses permitted in the same district. Examples include:

¹Section 10-1.3510 amended by Ordinance 11-12, adopted October 11, 2011.

Section 10-1.3500 amended by Ordinance 13-13, adopted November 19, 2013.

Section 10-1.3500 amended by Ordinance 13-18, adopted December 17, 2013.

Section 10-1.3500 amended by Ordinance 14-06, adopted February 4, 2014.

Section 10-1.3510 amended by Ordinance 15-23, adopted October 13, 2015.

Section 10-1.3510 amended by Ordinance 15-31, adopted December 1, 2015.

Section 10-1.3500 amended by Ordinance 16-05, adopted January 19, 2016.

- a. A garage, carport, shed, or building for domestic storage;
- b. A children's playhouse, gazebo, greenhouse, pool or recreation building;
- c. Storage of merchandise normally carried in stock on the same lot with any retail service or business use;
- d. Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities; and
- e. Off-street parking.

AGRICULTURAL DISTRICT (A). A land use zoning district which preserves agricultural areas until such time as a change in zoning and land use designation occurs and orderly urban development may take place.

AGRICULTURE. The tilling of soil, horticulture, floriculture, viticulture, raising crops, livestock, farming, dairying, animal husbandry, including all uses customarily accessory and incidental thereto; but excluding slaughter houses, fertilizer works, bone yards, commercial feeding of garbage or offal to swine or other animals, or plants for the reduction of animal matter.

AIR TERMINAL DISTRICT (AT). A land use zoning district within which land uses may develop which provide commercial, industrial, and public land uses that are aviation-oriented. See Section 10-1.1900. This District includes the following Subdistricts:

- a. Air Terminal—Operations (AT-O)
- b. Air Terminal—Industrial Park (AT-IP)
- c. Air Terminal—Aviation Commercial (AT-AC)
- d. Air Terminal—Commercial (AT-C)
- e. Air Terminal—Recreational (AT-R)
- f. Air Terminal—Medium Density Residential (AT-RM)

ALLEY. A public way, less than 16 feet in width, but not less than 10 feet in width, which has been dedicated for public use.

ALTERATION. Any construction or physical change in the internal arrangement of rooms or the supporting members of a building or structure, or change in the appearance of any building or structure.

AMBULANCE SERVICE. Any business which provides a facility for emergency medical team staff members (EMTs), and which dispatches ambulances for emergency response. Usually located on major arterial streets where there is no detrimental impact to residential areas due to noise and parking.

AMUSEMENT FACILITY. See "RECREATIONAL FACILITY" or "COMMERCIAL AMUSEMENT FACILITY."

ANIMAL, EXOTIC. The words "exotic animal" shall mean any animals which are not customarily confined or maintained for domestic or commercial purposes and sometimes are kept as a pet or for display, including pot belly pigs, snakes, reptiles, emus, ostriches, or similar animals, as determined by the Planning Director based on criteria established by the State Department of Fish and Game.

ANIMAL, LIVESTOCK. See "LIVESTOCK."

ANIMAL, POULTRY. The word "poultry" shall mean domesticated birds customarily kept for eggs or meat, including chickens, turkeys, ducks, geese, or similar animals, as determined by the Planning Director.

ANIMAL FANCIER. A person or persons which use a lot, building, structure, enclosure or other premises to house and maintain more than four livestock animals (i.e., horses, goats), or more than four household pets (i.e., dogs or cats) up to 12 maximum, each of which is over the age of four months, for the following purposes:

- a. For showing in recognized shows (i.e., horse shows, dog shows, County Fair exhibits), or applicable obedience or field trials.
- b. For working or hunting.
- c. For improving the variety or breed with a view to exhibition in shows and trials.
- d. For household pets.
- e. Such activity requires an "Animal Fancier's Permit" from the City Animal Services Bureau. For the purposes hereof, the breeding and sale of a litter of animals kept and maintained as household pets and/or maintained by an animal fancier, shall not be deemed and considered a commercial kennel, provided they are less than one litter per year and litters do not occur every year.

ANIMAL HOSPITAL. Any buildings or portion thereof designed or used for the care, observation or treatment of cats, dogs or other household pets, with incidental boarding. (Also referred to as Veterinary Hospital)

ANIMAL, EXOTIC. Any animal, pure or hybrid, which is generally considered a non-domestic pet or livestock, that is poisonous; must be permitted by the State of California; has the propensity to be dangerous or aggressive to humans or other animals, is required to have an "Animal Fancier's Permit" from the City Animal Services Bureau.

ANTENNA. A device for transmitting or receiving radio, television, telecommunication, or any other transmitted signal. Usually mounted on a tower and/or rooftop. (Refer to Article 13, of Chapter 10 of the Hayward Municipal Code, the Antenna and Telecommunications Facilities Ordinance, for regulations of antennas, satellite dishes and telecommunications devices.)

ANTIQUE STORE. A store engaged in the retail sales of goods, primarily works of art, furniture, or decorative objects, having the qualities of age or long existence or indicative of a specific period of craftsmanship and design. An antique store may include the retail sales of "collectible" items, which are goods typically associated with a hobby (for example, stamps, Kewpie dolls, Roy Rogers memorabilia).

APIARY. The word "apiary" shall mean any premises where bees, hives, and related appliances are located. See General Regulations Section 10-1.2735.e. "Livestock, Apiaries, and Household Pets" for regulations.

APPLIANCE REPAIR SHOP. An establishment engaged in the servicing and repair of home appliances (washers, dryers, etc.), including electronic appliances (televisions, video cam recorders, stereos, computers, etc.), with all materials and goods maintained within a building.

APPLIANCE STORE. An establishment engaged in the retail sales of home appliances and electronic appliances. These may include but not be limited to washers, dryers, refrigerators, microwave ovens, stoves, televisions, video cam recorders, stereos, cellular phones, beepers, and computers. May include ancillary repair.

ARCHITECTURAL FEATURES. Architectural features include prominent elements on a building such as columns, beams, windows, doors, chimneys, cornices, arches, balconies, etc.

ARCHITECTURAL SERVICE. An office that is occupied by an architect and their support staff and services (i.e., blueprint machine, computers, etc.) Also refer to "ENGINEERING SERVICE" and DRAFTING SERVICE."

ART AND ART SUPPLIES STORE. An establishment engaged in the display and retail sales of art (i.e., paintings, sculpture) and art supplies (canvases, paints, easels, frames, etc.).

ARTISAN/CRAFT PRODUCTION. An established manufacturing and/or assembling small products primarily by hand or using low power machinery, including but not limited to clothing, furniture, jewelry, pottery and other ceramics, as well as small glass and metal art and craft products.

ARTIST'S LOFT. A live and work situation where a resident artisan lives, and displays and sells their work on a non-first floor level.

AUCTION. An establishment engaged in the public sale of commodities and/or property, excluding automobiles, to the highest bidder.

AUTOMOBILE BROKERAGE OFFICE. The business of engaging in, for a commission or fee, bargaining or negotiating between a potential purchaser of a vehicle(s) and another automobile sales establishment(s) for wholesale purchase of a vehicle(s). For purposes of this ordinance, an automobile brokerage office consists of an office with no display or storage of vehicles for sale other than a maximum of two spaces which may serve to temporarily store the vehicle(s) which has been already secured for the purchaser of the vehicle(s). May include motorcycles, mopeds or other similar vehicles.

AUTOMOBILE DISMANTLING FACILITY. An establishment engaged in taking apart vehicles for storage, retail, recycling, or wholesale purposes.

AUTOMOBILE PARTS STORE. An establishment engaged in the retail sales of a variety of parts for vehicles of any kind.

AUTOMOBILE RENTAL. An establishment engaged in the rental and leasing of new and used automobiles, trucks, trailers, motorcycles, mopeds, and recreation vehicles and supplies, including storage of said vehicles.

AUTOMOBILE REPAIR:

- a. Automobile Repair - Minor. Minor automotive servicing and replacement of parts for passenger automobiles and/or motorcycles, usually in the same day. Services include, but are not limited to, engine tune-up, lubrication, and tire, muffler, brake, and electrical. Subject to Outdoor Storage limitations and performance standards within applicable Zoning District.
- b. Automobile Repair - Major. Repair garages and specialty establishments for motorcycles, and passenger automobiles and trucks of all sizes, such as machine, tire, body and fender, auto glass, radiator, transmission, motor tune-up, vehicle upholstery, and muffler shops. May also include repair of machinery and equipment. Subject to Outdoor Storage limitations and performance standards within applicable Zoning District.
- c. Home repair - minor adjustments or the replacement of vehicle parts where such adjustments or replacement may reasonably be expected to be accomplished within a forty-eight (48) hour period. No permit is required for such minor adjustments or replacement. Also see Section 10-1.2735.j. "Vehicle Parking, Repair, Display and Storage Requirements."

AUTOMOBILE SALES. An establishment engaged in the retail sales and services of new and used automobiles, trucks, trailers, motorcycles, mopeds, and recreation vehicles and supplies. See INDUSTRIAL EQUIPMENT SALES AND RENTAL for farm or industrial equipment, machinery, and supplies.

AUTOMOBILE SERVICE STATION. A structure or area primarily designed and used for the retail sale of motor vehicle fuel and lubricants to the public by direct delivery into the user's vehicle and may include incidental motor vehicular services such as tire repair, battery charging, brake adjustment, motor tune-up and washing where no conveyor, blower or steam cleaning device is used. Sale of food, beverages and related items as determined by the Planning Director is permitted in conjunction with an automobile service station within commercial zoning districts.

AUTOMOBILE STORAGE FACILITY. An establishment engaged in the storage of passenger automobiles, passenger trucks, motorcycles, or similar vehicles inside a building. This definition does not include storage of used, inoperative, junked or other vehicles stored for salvage purposes and shall not include the wrecking, dismantling, or repairing of vehicles which is defined as AUTOMOBILE DISMANTLING FACILITY. See also AUTOMOBILE STORAGE YARD for automobile storage outside of a building.

AUTOMOBILE STORAGE YARD. Outside storage of passenger cars and/or trucks of all sizes outside of a building. Does not include auto wrecking or towing yards. Such use shall not include the wrecking, dismantling, or repairing of vehicles which is defined as "AUTOMOBILE DISMANTLING FACILITY."

AUTOMOBILE TOWING YARD. An establishment engaged in towing motor vehicles, both local and long distance, and storage of such vehicles inside or outside of a building subject to applicable standards. for indeterminate periods of time. Such use shall not include the wrecking, dismantling, or repairing of vehicles which is defined as "AUTOMOBILE DISMANTLING FACILITY."

AUTOMOBILE WHOLESALE. A vehicle dealer who is exclusively involved in the sales of vehicles between licensed dealers and does not have any vehicles on-site. If a wholesale dealer does have vehicles on-site, see AUTOMOBILE STORAGE FACILITY if storing vehicles inside of a building or AUTOMOBILE STORAGE YARD if storing vehicles outside of a building.

BANK. See "FINANCIAL INSTITUTION."

BANQUET HALL. An establishment engaged in periodic events such as weddings, dances, and potlucks. Typically, it is rented out to private parties and/or special interest groups. Usually includes food preparation and/or serving, and live entertainment or recorded music, and is permitted to host events until 11:00pm.

BAR, COCKTAIL LOUNGE. Any on-sale alcohol-related establishment that engages primarily in the sale of alcoholic beverages and where food service, if any, is subordinate or incidental to the sale of alcoholic beverages. Bars include night clubs, taverns, pubs, cocktail lounges and similar establishments. Please see Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations.

BARBER, BEAUTY SHOP. An establishment where hair is washed, cut, dyed, and/or styled. May include ancillary services such as manicures or pedicures. Does not include massage or tanning services.

BATCH PLANTS. Any operation that involves sorting, crushing, reducing, refining, mixing, packaging or other processing of minerals for intermediate or final consumption.

BED AND BREAKFAST. The use of an owner-occupied single-family residence for commercial lodging purposes.

BEDROOM. An enclosed space in a structure which is designed such that it could be used for sleeping purposes as determined by the Planning Director. A bedroom typically meets the room dimension requirements of the most recent edition of the Uniform Building Code, is not accessed directly from the garage, and has one or more windows.

BICYCLE SHOP. An establishment engaged in the retail sales and/or repair of bicycles. Does not include motorcycles or mopeds.

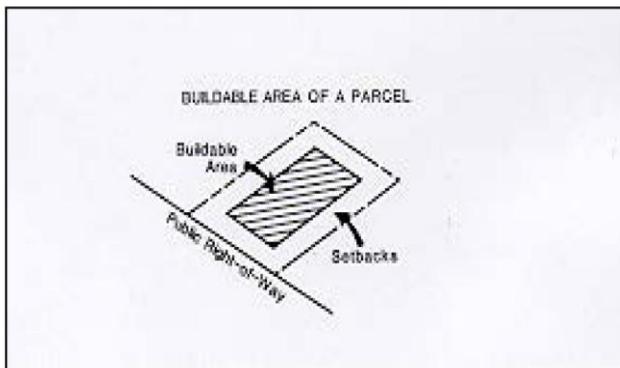
BOARDING HOME. A building where lodging or meals are provided for compensation for residents not functioning as a common household, usually for compensation.

BOOKSTORE. An establishment engaged in the retail sales of books, either used and/or new. May include a small area for coffee and bakery items (10 percent or less of floor area).

BREWERY/WINERY/CIDERY. An establishment where malt liquors, wines, or alcoholic ciders, and or kombuchas are manufactured, served, and or stored. Tasting may be included as an accessory use, but the brewery cannot operate as a bar. Also see "MICRO BREWERY." Please see Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations regarding alcohol.

BROADCASTING STUDIO. An establishment where sound or images are transmitted by radio or television to the public.

BUILDABLE AREA. The space remaining on a zoning plot within which a building may be erected after the minimum lot and yard requirements of this Ordinance have been satisfied, notwithstanding all other applicable guidelines and Subdivision Map Act requirements of steeply sloped or unstable areas.



BUILDING. Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or opening, and which is designed or intended for the shelter, enclosure or protection of persons, animals or property of any kind. Also defined as follows:

- a. "Completely enclosed building" means a building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.
- b. "Detached or accessory building" means a building separated by at least six feet of space open to the sky from any other building on the same zoning plot.
- c. "Existing building" means a building erected prior to the effective date of this title, or one for which a legal building permit has been issued.
- d. "Primary building" means a building in which is conducted the primary use of the lot on which it is situated.
- e. "Public building" means a building principally occupied by the federal, state, county, or city government, or any political subdivision agency, or instrumentally thereof.
- f. "Temporary building" means a building not permanently attached to the ground by fixed foundation, piers or substructure.

BUILDING HEIGHT. The vertical distance at any point from the finished grade or existing grade, whichever is lower, to the highest point of the coping of a flat roof, to the top roof line of a mansard roof, or to the midpoint of the highest gable of a pitched or hip roof. Where unusual deviations occur on the existing grade, such as a small swale, the Planning Director may make minor adjustments in the building height envelope to permit reasonable building design consistent with the intent and purpose of the building height standard. Graded area entirely under a building and not visible from the exterior of the building, such as underground garages and basements, shall not be included for purposes of calculating height.

BUILDING MATERIALS (SALES). An establishment engaged in the retail and wholesale sales and storage of building materials such as lumber, masonry products, rock, soil, tile, and other similar materials needed to construct a structure and/or accessory structures and uses (fences, paved areas, retaining walls).

CABARET. Any establishment, event or place where live entertainment is provided by or for any patron or guest, including but not limited to singing, playing music, dancing, performing karaoke, acting, conducting a fashion show, performing pantomime, performing comedy or other act or performance, either as the main purpose for such gathering or as an ancillary activity to some other purpose. Please refer to Chapter 6, Article 2 of this Code for regulations regarding cabarets and to Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations regarding alcohol.

CAMERA STORE. An establishment engaged in the retail sales of cameras and photographic supplies. May include ancillary repair.

CANNABIS. All parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. "Cannabis" also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972, and amended by the California Control, Regulate and Tax Adult Use of Marijuana Initiative, and as defined by other applicable state law. "Cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code. Cannabis is classified as an agricultural product separately from other agricultural crops.

CANNABIS DELIVERY. The commercial transfer of cannabis or cannabis products to a customer, including medical cannabis or cannabis products, to a primary caregiver or qualified patient as defined in Section 11362.7 of the Health and Safety Code. "Delivery" also includes the use of any technology platform owned and controlled by a Cannabis Business Operator that enables clients or patients to arrange for or facilitate the commercial transfer by a permitted commercial cannabis retail dispensary.

CANOPY. The designated area(s) at a cannabis business, except nurseries and processors, that will contain mature plants at any point in time, as follows. For indoor cultivation, canopy is calculated in square feet and measured using the room boundaries, walls, or ceiling-to-floor partitions of each enclosed area that will contain mature plants at any point in time. If mature plants are being cultivated using a shelving system, the surface area of each level is included in the total canopy calculation.

CARD CLUB. Any building or structure, or any portion of a building or structure, wherein any person or persons are permitted to play a card game in return for a fee, charge, or other compensation. Refer to Chapter 4, Article 3 of the Hayward Municipal Code for regulations.

CARETAKERS QUARTERS. A dwelling unit located on an industrial or commercial property to be used exclusively as living quarters for the caretaker(s) of the subject property.

CARNIVAL. An establishment providing one or more non-coin-operated powered amusement rides, or providing two or more uses such as a tent, a feat of daring, or an exhibition of two or more wild animals except within a public park or zoo, or providing other similar uses.

CARPET/DRAPERY STORE. An establishment engaged in the retail or wholesale sales of carpets and drapes. Does not include on-site manufacturing.

CARPORT. A permanent roofed structure not completely enclosed on the sides and used for vehicle parking.

CAR WASH. An establishment engaged in the washing of passenger vehicles for a fee.

CATERING FACILITY. An establishment engaged in the preparation of food to be served at an event held off-site, usually at a banquet hall or private facility, and establishments primarily engaged in the preparation of prepared food items in individual servings for off-premise consumption and/or sale by others. Typical uses include caterers, wholesale bakeries, commissary kitchens, and specialty food packaging and/or processing shops.

CATERING TRUCK. A commercially licensed motor vehicle, approved by the Alameda County 111, Department of Environmental Health Services, and the City of Hayward Police Department, from which food and beverages are sold, distributed, or otherwise provided to consumers on private property and which travels from place to place to conduct its operation. Does not include a Food Vendor cart. See Section 10-1.2735.b. for regulations.

CENTRAL BUSINESS DISTRICT (CB). A land use zoning district within which commercial and retail land uses may develop which provide a principal downtown area of regional importance, and several outlying areas of more than neighborhood importance, where concentrations of comparison shopping facilities, financial and business services, and amusement or recreation may be found in quantity. See Section 10-1.1300.

CENTRAL CITY DISTRICT (CC). A land use zoning district in the center of the City, within which land uses may develop which promote the development of the downtown. These land uses include business, government, cultural, financial, residential, office, and entertainment uses. See Section 10-1.1500. This District includes the following Subdistricts:

- a. Central City—Commercial (CC-C).
- b. Central City—Residential (CC-R).
- c. Central City—Plaza (CC-P).

CHECK CASHING STORE. An establishment primarily engaged in the cashing of checks for customers who usually do not have a checking account at a bank or other financial institution. Is commonly found in areas with easy access and high visibility.

CHRISTMAS TREE AND PUMPKIN PATCH LOTS. Seasonal establishments engaged in the retail sales of Christmas trees and pumpkins. See Section 10-1.2735.c. for standards.

CITY COUNCIL. The City Council of the City of Hayward, California.

CLOTHING STORE ("APPAREL"). An establishment engaged in the retail sales of new clothing, such as shoes, hats, dresses, shirts, etc. For used clothing, see "THRIFT STORE."

COMMERCIAL AMUSEMENT FACILITY. A facility offering entertainment open to the public for a fee or by membership subscription, for example, ticket, door charge, amusement device fee. Said facility shall include, but not be limited to, internet access usage, theaters, arcades (place of business containing five or more amusement devices), billiard parlors, golf courses (including miniature golf), water slides, indoor soccer, batting cages, and bowling facilities. Four (4) or less manually or coin- or token- or slug-operated viewing or electronic or video game machines or other amusement devices (excluding jukeboxes) located in association with other permitted uses and activities such as, but not limited to, taverns, restaurants, book stores, grocery stores, motels, hobby shops or toy stores, music or stereo stores, laundromats, barber or beauty shops, or computer stores shall be considered accessory to the permitted use. Under no circumstance, as a primary, permitted or accessory use, shall any Commercial Amusement Facility be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)

COMMERCIAL CANNABIS BUSINESS. An entity engaged in the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products for commercial purposes.

COMMERCIAL CANNABIS CULTIVATION. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

COMMERCIAL CANNABIS DISTRIBUTION. The procurement, sale, and transport of medical and non-medical adult recreational use cannabis and medical and non-medical adult recreational use cannabis products between commercial cannabis businesses.

COMMERCIAL CANNABIS MANUFACTURING. The production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by mean of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

COMMERCIAL CANNABIS MANUFACTURING - LEVEL 1. The manufacturing of cannabis products primarily using nonvolatile solvents, or no solvents.

COMMERCIAL CANNABIS MANUFACTURING - LEVEL 2. The manufacturing of cannabis products using volatile solvents For purposes of this section, "volatile solvents" shall include all solvents described in paragraph (3) of subdivision (d) of Section 11362.3 of the Health and Safety Code, as such section may be amended.

COMMERCIAL CANNABIS MICROBUSINESS. A commercial cannabis business holding a license issued by the State Bureau of Cannabis Control for the cultivation of cannabis on an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer, and retailer pursuant to Business and Professions Code sections 26050 and 26070. In order to be defined as a microbusiness, an operator must engage in three of the four listed activities.

COMMERCIAL CANNABIS OPERATOR or OPERATOR. The person or entity that is engaged in the conduct of any commercial medical or non-medical adult recreational cannabis use.

COMMERCIAL CANNABIS RETAIL DISPENSARY. A facility where commercial cannabis or commercial cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers medical and non-medical adult recreational use cannabis or medical and non-medical adult recreational use cannabis products as part of a retail sale.

COMMERCIAL CANNABIS TESTING LABORATORY. A laboratory, facility, or entity in the state that offers or performs tests of medical cannabis or medical cannabis products and that is both of the following:

- (1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.
- (2) Licensed by the Bureau of Cannabis Control.

COMMERCIAL OFFICE (CO). A land use zoning district within which administrative, professional, businesses and financial office land uses may exist, yet which are not detrimental to the residential use of adjacent properties. See Section 10-1.1100.

COMMERCIAL RETAIL DISTRICT (BP). A land use zoning district intended to provide for limited retail, service, and office commercial uses which serve the needs of workers within the Industrial Corridor. See Section 10-1.1400.

CONCESSION STAND. A small, ancillary retail use that provides food and beverages to a primary land use. May include light cooking and heating of food commodities.

CONSIGNMENT STORE. A retail establishment that sells good quality merchandise (for example, clean, not damaged, stained or frayed) that has been provided to the proprietor on a consignment basis as well as new merchandise. Sale of donated or otherwise second-hand merchandise is prohibited.

CONVALESCENT HOME. An establishment in which nursing, dietary and other personal services are furnished twenty-four (24) hours a day to convalescents, invalids, or the aged who are unable to or no longer want to care for themselves in a more traditional setting. Also referred to as nursing homes or intermediate care facilities. Does not include institutions which care for persons suffering from a mental disorder or communicable disease, or which offers surgery, maternity or other primary treatments.

CONVENIENCE MARKET. A retail food market which is typically less than 2,500 square feet in gross floor area and which caters to customers who buy a small number of items, is typically part of a larger chain or franchise system, often with long hours of operation, and as determined by the Planning Director.

CONSTRUCTION TRAILER. A temporary trailer used as an office, or an office/quarters combination with quarters for one security guard in connection with ongoing construction work associated with new construction of industrial, commercial, or multi-family development. See Section 10-1.2735.b.

CONTRACTOR SERVICES. An establishment providing general contracting and/or building construction services for other uses. This use classification includes general building, plumbing, electrical, air conditioning, carpentry, and other trade contractors.

COPYING OR REPRODUCTION FACILITY. An establishment which provides printing services to customers. Typically includes blueprint machines, reproduction machines, paper goods, and binding services (spiral binding, glue binding, stapling, etc.), and may include as an ancillary use, access to the internet. Under no circumstance, as

a primary, permitted or accessory use, shall any Copy or Reproduction Service be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)

COURTYARD. The word "courtyard" shall mean an open unoccupied space bounded on two or more sides by the walls of a building. An inner courtyard is a court entirely within the exterior walls of a building. All other courts are outer courts.

CULTURAL FACILITY. Facilities maintained to develop, promote, or foster the arts, literature, and/or community cohesionbuilding. This includes clubhouses, lodge halls, society meeting places, community centers, religious facilities, and similar facilities as determined by the Planning Director. These facilities may be rented out for events from time to time, but these events must end by 11:00pm. Otherwise, refer to "BANQUET HALL".

DANCE STUDIO. Refer to "RECREATIONAL FACILITY" An establishment where dance classes and dance recitals are performed to recorded music.

DATA CENTER. A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting equipment includes back-up batteries and power generators, cooling units, fire suppression systems, and enhanced security features. A physical facility that houses computer systems, servers, storage devices, and network equipment, used to store, process, and distribute large amounts of data.

DAY CARE CENTER. A facility which provides non-medical care to 15 or more children and/or adults in need of personal services, supervision, or assistanceassistance, essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. May include pre-schools, infant centers, and extended day care facilities.

DAY CARE HOME. A residence which is occupied and used as such and provides non-medical day care on less than a 24-hour basis to no more than 14 children and/or adults, including any children under the age of 10 years who reside at the home. Day care home must be State-licensed, and may be either one of the following:

a. Small Day Care Home. The use of a residence to provide day care to 8 or fewer persons, including any children under the age of 10 years who reside at the home.

b. Large Day Care Home. The use of a residence to provide day care to 8—14 persons, including any children under the age of 10 years who reside at the home.

DISTILLERY. An alcoholic beverage sales establishment where distilled spirits are made. Tasting distilled spirits may be included as an accessory use, but the distillery cannot operate as a bar. Please see Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations regarding alcohol.

DISTRICT. A zoning district established under the provisions of the Zoning Ordinance.

DORMITORY. A residence hall providing sleeping rooms, bathrooms, study and recreation rooms and a common kitchen for students.

DRAFTING SERVICE. An establishment which performs drafting services such as drawing of site plans or construction drawings of buildings. Is usually accompanied by drafting tables and blueprinting machines. Also refer to "ARCHITECTURAL SERVICE" and "ENGINEERING SERVICE."

DRIVE-IN ESTABLISHMENT. An establishment which accommodates the patrons' and their motor vehicles from which the occupants may watch, purchase or receive goods or services (i.e., a drive-through restaurant, drive-through coffee shop, drive-in theater, drive-up photo finishing, car wash, gas station, mini-mart with gas, automobile lubrication facility, etc.).

DRY CLEANER/LAUNDRY. A dry cleaner/laundry is open to the general public for dry cleaning/laundry purposes. For purposes of this ordinance, a dry cleaner/laundry excludes a dry cleaning/laundry plant which serves solely to dry clean clothing processed for other dry cleaners and not open to the general public.

DWELLING UNIT/RESIDENTIAL UNIT. One or more rooms with a single kitchen, arranged, designed, used, or intended to be used exclusively for living and sleeping purposes by one family as an independent housekeeping unit. Other definitions include the following:

- a. Accessory Dwelling Unit: An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.
- b. Detached Residential Unit: A detached building containing only one dwelling unit. See Section 10-1.200 for requirements.
- c. Duplex: A residential building with two attached dwelling units. See Section 10-1.200 for requirements.
- d. Multi-Unit Residential (4+ attached units): A residential building with four or more attached dwelling units. See Section 10-1.200 for requirements.
- e. Townhouse: A Duplex, Triplex, or Multi-Unit Residential (4+ attached units) building for which there is a subdivision map. Townhouse ownership includes the building, the land beneath the building and typically a patio or small yard adjacent to the structure. The remaining land within the development is under common ownership. See Section 10-1.2400 for requirements.
- f. Triplex: A residential building with three attached dwelling units. See Section 10-1.200 for requirements.

EDIBLE CANNABIS PRODUCT. A cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.

EDUCATIONAL FACILITY. Facilities maintained to provide instruction to students for the purpose of developing their faculties and powers, and ancillary activities as determined by the Planning Director, and whose other functions are not indicated elsewhere in this ordinance as administrative or conditional uses. May include trade schools, a beauty college, or business college.

ELECTRIC VEHICLE (EV) CHARGING STATION. A physical location that provides electricity to recharge the batteries of electric vehicles as a primary use. Sale of food, beverages and related items as determined by the Planning Director is permitted. Overnight parking/charging is not permitted.

ENGINEERING SERVICES. An establishment which provides engineering services (i.e., structural calculations, construction drawings, consultation, etc.). Usually includes office and drafting equipment, including blueprint machines. Also refer to "ARCHITECTURAL SERVICES" and "DRAFTING SERVICES."

ENTERTAINMENT. An activity, event or presentation that is incidental to the principal use of a site, - and designed to amuse, or attract the attention of patrons or guests observing the presentation or activity, including an act, -karaoke, musical performance, or play performed by one or more persons.

ENTERTAINMENT FACILITY. A facility offering entertainment open to the public by a fee or by membership subscription including, but not limited to, theaters, live performance venues, and music venues.

ENVIRONMENTAL DOCUMENT. Information within a written document which evaluates the environmental effects of a proposed project as required by the current City of Hayward and the California Environmental Quality Act (CEQA) environmental review guidelines.

ESTABLISHMENT. A separate place of business having the following characteristics:

- a. The ownership and management of all operations conducted within such establishment is separate and distinct from the ownership and management of operations conducted within other establishment(s) on the same or adjacent site;
- b. Direct public access is separate and distinct from direct access to any other business establishment;
- c. There is no direct public access from within such establishment to any other such establishment.

EQUIPMENT RENTAL SERVICE. An establishment which rents non-industrial machinery and equipment for a fee. May also include minor repair of equipment. See also INDUSTRIAL EQUIPMENT SALES AND RENTAL.

EXTRACTION. A process by which cannabinoids are separated from cannabis plant material through chemical, physical, or any other means.

FABRIC STORE. An establishment which offers such commodities as fabrics, threads, ~~Q~~ and other sewing notions for sale at retail. Usually includes retail sales of sewing machines and craft items (~~silk screening silk-screening~~ equipment, fabric paint, needlepoint materials, ribbons, etc.), and may include classes associated with the use of these commodities.

FACADE. The exterior wall of a building along with its associated windows, entryways, and projections.

FAMILY. One or more persons living together as a single housekeeping unit, as distinguished from a group living in a boarding house, hotel, motel, or group or institutional living quarters such as a group home, day care home, or convalescent home.

FARMER'S MARKET. A periodic event where fresh produce, flowers, and ~~hand-made~~handmade craft items are sold at retail. Typically held in a downtown area, outside.

FENCE. A linear structure constructed or erected to a maximum height of 6 feet unless otherwise provided herein, and which requires permanent location on the ground or is attached to something having location on the ground. Building materials used for a fence may include but are not limited to boards, bricks, wrought iron, chain link, or blocks, and do not include landscaping, such as hedges, bamboo sticks or bushes, and trees.

FENCE, HEIGHT OF. A height measured from ground level (or top of retaining wall) to top of fence. On sloping sites with a stepped fence, height may be measured at the midpoint of each fence section.

FINANCIAL INSTITUTION. An establishment which provides services to meet the financial needs of its customers (i.e., checking account services, mortgage broker services, etc.). Also refer to "CHECK CASHING STORE."

FIREARMS SALES. A person or entity engaged in the business of selling, transferring, or leasing; or advertising for sale, transfer, or lease, or offering or exposing for sale, transfer, or lease, any firearm and/or ammunition, either directly or indirectly; and/or engaged in the retail sale of ammunition, as defined in Hayward Municipal Code Section 6-11.01(d).

FLEA MARKET. One or more vendors selling new or used merchandise at retail, within a structure or open air setting where no individual building walls separate uses, or where sales areas are within stalls which are smaller in size than typical retail spaces, and that the character of the business is that typically associated with a flea market, and as determined by the Planning Director.

FLOOD PLAN (FP). A land use zoning district within which land is subject to tidal or flood water inundation. See Section 10-1.2100.

FLOOR AREA, GROSS. The area included within the surrounding walls of a building or portion thereof, exclusive of vent shaft, eaves, overhangs, atriums, covered entries and courts and any portion of a structure above ground used for parking, parking aisles or loading areas. For residential development, interior parking garages, parking aisles, and loading areas are included in the gross floor area calculation.

FLORAL SHOP. An establishment which provides flowers and floral arrangements at retail. Usually includes refrigeration units to keep flowers fresh, and delivery vans.

FOOD VENDOR. The vending of food or beverages from a movable cart-type stand or vehicle which is located on the same lot as a permitted use in a zone that allows for such operation, and subject to the standards and process set forth in HMC Section 10-2700, General Regulations.

FRONTAGE. See "LOT FRONTAGE."

FURNITURE STORE. An establishment engaged in the retail sales furnishings. These usually include chairs, tables, couches, beds, and accessories for the home. All activities occur within an enclosed structure.

GARAGE. A fully enclosed and covered attached or detached structure accessory to a residential use intended for storage of one or more motor vehicles used by the occupants of the premises; which does not have any permanent obstructions that would prevent vehicles parking within; which has garage doors that are operable; and which does not have rugs, linoleum or other non-fire-resistant coverings on the floor. For purposes of determining the existence of a one or two car garage, the minimum dimensions of an existing single-car garage wherein no permanent obstructions may occur is 10' wide x 19' deep, and the minimum dimensions of an existing double-car garage in wherein no permanent obstructions may occur is 18' wide by 19' deep. For purposes of this ordinance a garage of any dimension shall not be used as a habitable space. Construction of new garages shall have minimum interior dimensions of 11' wide x 19' deep for single-car garages and 20' wide x 19' deep for double-car garages.

GARDEN SUPPLIES STORE. An establishment which provides supplies for gardening at retail. This usually includes flower and vegetable seeds, fresh flowers and vegetable plants, grass sod, soil, and tools, and typically includes a screened-in outdoor display and servicing area.

GENERAL COMMERCIAL DISTRICT (CG). A land use zoning district within which general commercial and retail land uses may develop which provide services for the support of primary business activities in the Central City District. See Section 10-1.1000.

GENERAL REGULATIONS. Specific regulations which apply to all zone districts and to all uses permitted in the districts. The regulations are found in Section 10-1.2700 of this Zoning Ordinance, and are intended to amplify and to supplement district regulations.

GOLF COURSE. A publicly or privately owned area of land laid out for the game of golf with a series of 9 or 18 holes each. Usually includes a club house and maintenance building. May include retail sales relating to golf (pro-shop) and a restaurant/bar.

GRADE. The degree of rise or descent of a sloping surface (also see "SLOPE").

- a. Finished Grade. The final elevation of the ground surface after completion of all site preparation work or after development.
- b. Existing grade. The ground elevation prior to grading for construction. Where walls are parallel to and within five feet of a sidewalk, the above-ground level grade shall be measured at the sidewalk.

GRANNY OR IN-LAW UNIT. See "SECOND DWELLING, ATTACHED."

GREENHOUSE. A permanent enclosed structure for the propagation and growing of plants, constructed with a translucent roof and/or walls.

GROUP HOME. The use of any single-family residence or other dwelling unit for a group residence where residents pay a fee or other consideration to the Group Home operator in return for residential accommodations. A Group Home includes a boarding home, a rooming house, as well as a group residence for the elderly, or mentally or physically disabled or handicapped persons, or other persons in need of care and supervision. Each dwelling unit so used shall be considered a single Group Home. The term Group Home includes both licensed and unlicensed Group Homes.

- a. Licensed Group Home. A licensed Group Home is any residential facility subject to State licensing requirements pursuant to the California Health and Safety Code (HSC), implementing State regulations,

and amendments thereto. Any Group Home which is subject to State licensing requirements shall be treated as an unlicensed Group Home if the facility's license has expired or such license has been suspended, revoked or terminated. Group Homes subject to State licensing requirements include the following:

- (1) Residential facilities providing non-medical residential care, specifically, any residential Community Care Facility (HSC section 1502), a Residential Care Facility for the Elderly (HSC section 1569.2) and an alcoholism or drug abuse recovery or treatment facility (HSC section 11834.02).
- (2) The following types of Health Facilities (HSC section 1250, specifically, a Congregate Living Health Facility (HSC section 1250 (i)), an Intermediate Care Facility/Developmentally Disabled Habilitative (HSC section 1250 (e), an Intermediate Care Facility/Developmentally Disabled (HSC section 1250(g)), and an Intermediate Care Facility/Developmentally Disabled-Nursing (HSC section 1250(h)).

b. Unlicensed Group Home. An unlicensed Group Home is the use of a dwelling unit by an owner or operator as a dormitory, boarding house, rooming house or similar use, where such residential facility is not subject to State licensing requirements or whose state license has expired, or has been suspended or revoked.

GUN SHOP. See "FIREARMS SALES."

HARDWARE STORE. An establishment which provides a variety of supplies and materials used for small construction or repair projects, at retail.

HAZARDOUS MATERIAL. A gas, material, or substance capable of posing a risk to health, safety, or property; provided, however, use of hazardous materials contained in consumer-sized containers purchased solely for on-site maintenance activities shall not be considered a hazardous materials use for the purpose of these regulations. The Fire Chief or his or her designee has the exclusive authority to develop and apply regulations which determine which, if any of the Group A, B, or C and included categories utilized in the Industrial District regulations is applicable to a user of any hazardous materials; such regulations may include reference to federal and state law, standards, and regulations applicable to hazardous materials. The Fire Chief or his or her designee also has the exclusive authority in conjunction with the Planning Division to exclude or reduce the category of prescribed Conditional or Administrative Uses in the Zoning Ordinance when it is found that the quantities are minor or additional mitigations are found to be acceptable.

Hazardous materials which belong to more than one group or category shall be subject to the most stringent regulations. In addition to the following classifications please refer to specific Zoning Districts for hazardous materials land use requirements.

- a. Group A. Hazardous materials which include any of the following:
 - (1) Explosives and blasting agents;
 - (2) Reactive materials;
 - (3) Unstable materials;
 - (4) Radioactive materials;
 - (5) Class 3 and 4 oxidizing materials;
 - (6) Poisonous or highly toxic materials;
 - (7) Corrosive, poisonous, or unstable gases;
 - (8) State of California restricted hazardous wastes, including substances classified as extremely hazardous wastes.

- b. Group B. Hazardous materials which include any of the following:
 - (1) Flammable liquids, namely liquids that have a flashpoint below 100° Fahrenheit'
 - (2) Flammable solids;
 - (3) Class 1 and 2 oxidizing materials;
 - (4) Flammable or oxidizing gases;
 - (5) Corrosive materials.
- c. Group C. Hazardous materials which include any of the following:
 - (1) Combustible liquids, namely liquids that have a flashpoint at or above 100° Fahrenheit.
 - (2) Inert gases.
 - (3) Other regulated materials referred to in the following sources except Group A or B hazardous materials:
 - i) California Fire Code as adopted by the City of Hayward;
 - ii) 49 Code of Federal Regulations section 173.500, including amendments or successors thereto; and
 - iii) Hayward Municipal Code Section 3-8.06 except those materials exempted by Hayward Municipal Code Section 3-8.07, including amendments or successors to such provisions.

HEALTH CLUB. An establishment which provides physical fitness equipment, classes, and facilities such as racquetball and tennis courts and/or swimming pools for patrons to use for a fee. (Also see "PHYSICAL FITNESS STUDIO" for a smaller version of this type of facility.)

HIGH DENSITY RESIDENTIAL DISTRICT (RH). A land use zoning district which allows the development of multiple-family dwellings at a high density. See Section 10-1.500.

HOME OCCUPATION. Any occupation conducted within the living area of a dwelling unit by persons residing therein, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof. Also referred to as a "Mail and Telephone Business Listing." For purposes of this ordinance, a licensed Group Home shall not be considered a "home occupation." A home occupation shall comply with the following standards:

- ~~a.does not display or sell any commodities except those produced on the premises;~~
- ~~ba.~~ does not use any ~~accessory building, garage,~~ yard space, or activity outside of the dwelling unit;
- ~~eb.~~ does not generate a character and volume of vehicular traffic not normally associated with residential use;
- ~~dc.~~ does not involve the use of more than 10 percent or more than 200 square feet of floor area of the dwelling unit, whichever is less;
- ~~ed.~~ does not display signs, other than on a non-commercial vehicle, or other matter which would indicate a business is operating within the home;
- ~~fe.~~ does not allow for more than two customers/clients to visit the home each day and customers/clients are limited to visiting the house between the hours of 8 a.m. and 9 p.m.; and
- ~~g.where no repair work is permitted;~~
- ~~h.where at least one parking stall is available for guest parking either in the driveway or on the street in front of the residence; if customers/clients visit the premises;~~

*if. where no employees, other than residents of the home, come to or work from the home; and
j. which requires all applicable building and fire codes to be met.;*

HOME OCCUPATION - EXPANDED. An expansion of the provisions of or variance to a home occupation as defined above regarding numbers of customers, hours of operation, sale of commodities produced on the premises (excluding sale of guns), and minor repair only.

HOMELESS SHELTER. An institution that provides shelter for individuals and families with no limitation on the length of stay. Such use may also provide meals and supportive social services. May also include Housing Navigation Centers and Emergency Shelters (per Health and Safety Code 50801).

HOSPITAL. An institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of patients for twenty-four hours or more. The term "hospital," as used in this title, does not apply to institutions operating solely for the treatment of mentally ill persons, drug addicts, liquor addicts, or other types of cases necessitating confinement of patients, and the term "hospital" shall not be used for convalescent, nursing, shelter or boarding homes.

HOTEL. A building where lodging with or without meals is provided to the general public for compensation typically on a nightly basis, and where no provision is made for cooking in any individual guest room or suite, and where a maximum continuous length of stay is no longer than that established for transiency pursuant to Chapter 8, Article 4 (Transient Occupancy Tax) of the City of Hayward Municipal Code, but shall not include institutions where human beings are detained under legal restraint.

Extended Lodging Facilities, where kitchens, kitchenettes or other cooking facilities may be permitted within individual guest rooms, are allowed in any Zoning District where Hotels are permitted, subject to the following standards:

- a. Each guestroom shall be provided with voicemail, dataports, desk, color television, alarm clock or wake up service. Irons and ironing boards must also be made available to guests upon request.
- b. Self-service laundry facilities shall be accessible to all guests.
- c. Recreational facilities such as pool, whirlpool/spa/ and/or fitness room shall be provided.
- d. A 24-hour per day on-site supervisor shall be provided.
- e. Housekeeping services including cleaning and linen service shall be offered on a regular basis to every guestroom.
- f. Extended Lodging Facilities cannot be used for long term occupancy (i.e. apartments, care facilities, boarding houses, etc.). Leases of any duration are prohibited.
- g. Extended Lodging Facilities may have a maximum continuous length of stay no longer than that established for transiency pursuant to Chapter 8, Article 4 (Transient Occupancy Tax) of the City of Hayward Municipal Code.

HOUSEHOLD PETS. See "PETS, HOUSEHOLD."

INDUSTRIAL EQUIPMENT SALES RENTAL AND SERVICE. An establishment which provides industrial equipment and related commodities to the public for sale or rental, and servicing of that equipment. Such equipment may include large scale vehicles, large truck and trailer rigs, fork lifts, conveyor belts, and loading dock facilities.

INDUSTRIAL HEMP or HEMP. An agricultural product, whether growing or not, that is limited to types of the plant Cannabis sativa L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis.

INDUSTRIAL/VOCATIONAL TRADE SCHOOL. A trade school that provides specialized training of skilled labor including plumbing, carpentry, truck driving, mechanics, machine operations, computer repair, tool and dye, and similar technical schools. This definition excludes beauty/barber schools, business schools, or degree programs.

JEWELRY STORE. An establishment which provides jewelry, watches, gemstones, and other related commodities to the public for sale at retail. Typically includes jewelry and/or watch repair and cleaning services.

KENNEL. A lot, building, structure, enclosure or premises where one or more dogs, cats, or other household pets are kept for commercial purposes, including boarding, breeding of more than one litter per year and/or a litter every year, sale of goods or animals, or the rendering of services for profit. For the purposes hereof, the breeding and sale of the litter of animals kept and maintained as household pets and/or maintained by an animal fancier, shall not be deemed and considered a commercial kennel, provided they are less than one litter per year and litters do not occur every year.

KITCHEN. A definable area or room for food preparation, typically consisting of a permanent cooking appliance for use in food preparation, a refrigerator, cabinets, and a sink, usually in close proximity to one another.

LANDSCAPING. An area devoted to or developed and maintained predominantly with native or exotic plant materials including lawn, groundcover, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, paved or decorated surfaces (excluding driveways, parking, loading, or storage areas), and sculptural elements.

LIMITED ACCESS COMMERCIAL (CL). A land use zoning district within which commercial uses may develop which normally tend to locate apart from standard commercial areas or service industries, or uses on highways of major importance. See Section 10-1.1200.

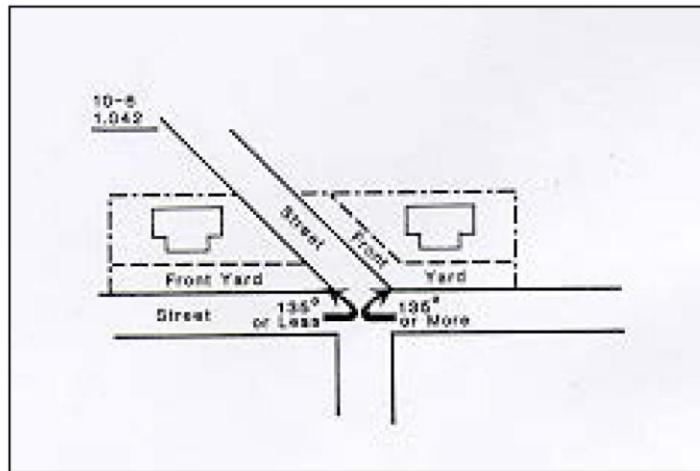
LIQUOR STORE. "Liquor store" shall mean any alcoholic beverage sales establishment primarily involving the sale of alcohol where beer, wine or distilled spirits are sold for off-sale consumption and where more than five (5) percent of the floor area of the establishment is devoted to the sale, display or storage of beer, wine or distilled spirits. Please see Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations regarding alcohol.

LIVESTOCK. Domesticated farm animals kept for use or profit (See Section 10-1.2735.e. for regulations of livestock) and further defined as follows:

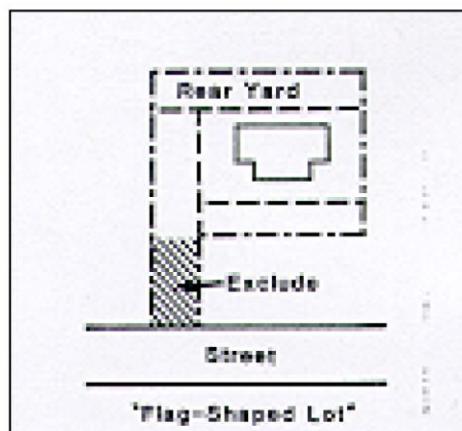
- a. Large Livestock. Horses, cattle, llamas, or similar large animals, as determined by the Planning Director.
- b. Medium Livestock. Sheep, goats, and pigs, or similar medium animals, as determined by the Planning Director.
- c. Small Livestock. Hens, ducks, pigeons, rabbits and other similar small animals, as determined by the Planning Director, totaling five (5) or more such animals on a property.

LOT. A recorded parcel of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon. The classification of lots are as follows:

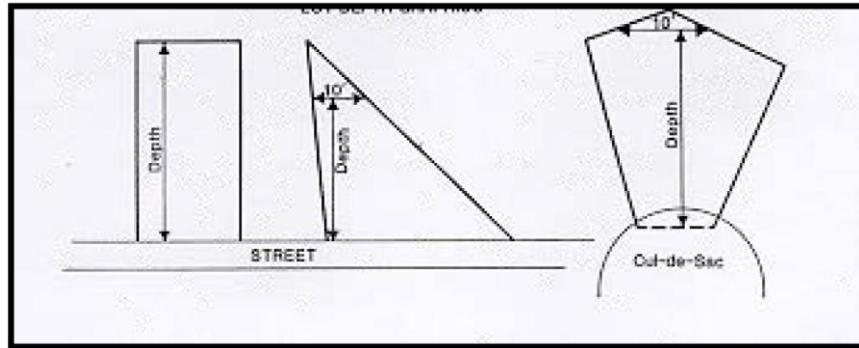
- a. Average Lot Width. The mean horizontal distance between the longest lot lines of lots having regular geometric design, such as rectangular and parallelogram lots, and in the case of lots of irregular design, shall mean the diameter of the largest horizontal circle inscribable completely within lot boundaries.
- b. Corner Lot. A lot at the intersection of two or more streets which has an angle of intersection of 135° or less. Where the angle of intersection exceeds 135°, the area abutting the two streets shall be a front yard.



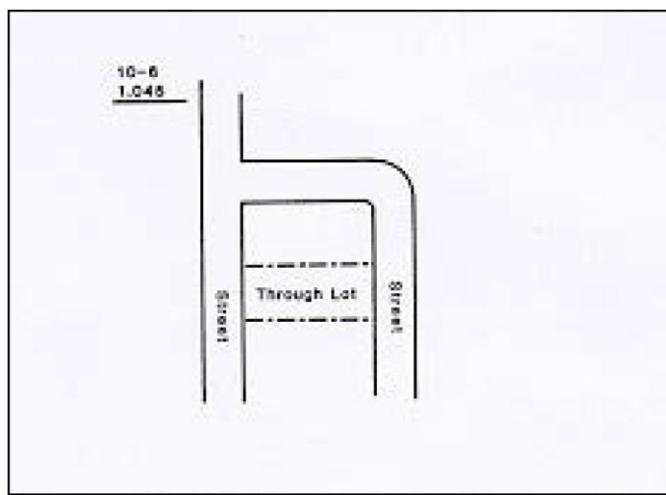
- c. Flag Lot. A parcel of land where the buildable portion of the lot is via a narrow extension of the lot (access strip) to a public or approved private street, utilizing a private or privately shared travelway. The area within an access strip shall not be counted as part of the lot area of either the front or rear lot for purposes of complying with minimum lot area requirements.



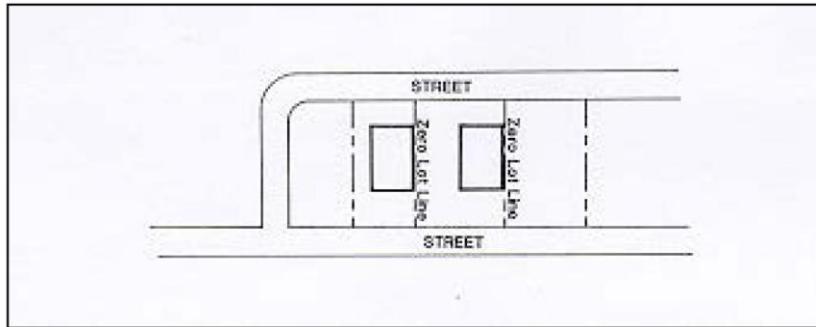
- d. Interior Lot. A lot other than a corner lot.
- e. Lot Coverage. The area of a lot enclosed by exterior walls or similar roof-supporting devices of all structures, including accessory structures and patio covers.
- f. Lot Depth. The average distance between the front and rear lot lines or between the front line and the intersection of the two side lines, if there is no rear line. In instances of a cul-de-sac where the front lot line is curved, the lot depth shall be measured off a drawn line which connects the two side lot lines that intersect the cul-de-sac.



- g. Lot Frontage. The common property line of a lot and the right-of-way line of a street.
- h. Lot Line. Any boundary of a lot. The classifications of lot lines are:
 - (1) Front. A line separating the lot from the street right-of-way. In the case of a corner lot, the owner may designate the front lot line of said lot at the time of initial construction of the primary use.
 - (2) Rear. The lot line which is opposite and most distant from the front lot line; and in the case of an irregularly shaped lot, a line 10 feet in length within the lot, and any line closest to being parallel to and at the maximum distance from the front lot line. In the case of a corner lot, the rear lot line is opposite the front property line unless the Planning Director determines otherwise where there is a reasonable alternative.
 - (3) Side. Any lot line not a front lot line or a rear lot line.
- i. Lot Size (or lot area). The total horizontal area within the lot lines of a lot, with the exception of flag-shaped lots where the lot area shall be calculated excluding the stem of the lot.
- j. Rear Lot Coverage. The area of a required rear yard enclosed by exterior walls or similar roof-supporting devices of all structures, including accessory structures and patio covers.
- k. Through Lot. A lot having frontage on two approximately parallel streets.



- l. Zero Lot Line. The location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line.



MAILING OR FACSIMILE SERVICE. An establishment which provides postal services and a facsimile machine available to the public for a fee. Typically includes packaging and weighing facilities, and may include related copy work or wrapping paper and greeting cards for sale at retail as an ancillary use, as well as internet access as an ancillary use. Under no circumstance, as a primary, permitted or accessory use, shall any Mailing or Facsimile Service be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)

MANUFACTURED HOME. A factory built or manufactured home including mobile homes, as permitted by State of California and Federal laws. A manufactured home is synonymous with the definition of a "single family dwelling."

MANUFACTURING. Establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, human-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Instruction, direct sales, or on-site consumption are incidental to the manufacturing operation. Toxic, hazardous, or explosive materials produced or used in conjunction with the manufacturing process are subject to use permits based on type and quantity of hazardous materials storied, utilized or generated by the manufacturing process (see "HAZARDOUS MATERIALS"). All impacts generated by manufacturing activities related to noise, gas, odor, dust, or vibration shall conform to the performance standards contained within the Industrial District regulations and other applicable local, state and federal regulations.

- a. **Custom Manufacturing.** Establishments engaged in the on-site assembly of hand-fabricated parts, or engaged in the on-site hand manufacture or hand fabrication of custom or craft goods. Goods are predominantly manufactured and fabricated involving the use of hand tools or domestic-scaled mechanical equipment and kilns not exceeding 20 square feet in size. Typical uses include ceramic studios, fabrics, inlays, weaving, leather work, woodwork, metal or glass work, candle making, small batch food manufacturing, or custom jewelry. See also ARTISAN/CRAFT PRODUCTION. For beer and alcohol production, see BREWERY/MICRO-BREWERY and DISTILLERY.
- b. **General Manufacturing.** Establishments engaged in manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. Production typically involves some transformation by way of heating, chilling, combining, or through a chemical or biochemical reaction or alteration. This classification includes manufacturing for biomass energy conversion, cosmetics and perfumes, electrical appliances and explosives, film and photographic processing plants, apparel and textile mills, leather and allied products manufacturing, wood/paper products, glass products, chemical products, medical/pharmaceutical products, refining, plastics and rubber products, nonmetallic minerals, primary and fabricated metal products, and automotive and heavy equipment.
- c. **Light Manufacturing.** Establishments engaged in food manufacturing and manufacturing of products and finished parts primarily from prestructured materials or components by means of physical assembly or reshaping and does not produce or utilize in large quantities as an integral part of the

manufacturing process, toxic, hazardous, or explosive materials. Because of the nature of its operation and products, little or no noise, odor, vibration, glare, and/or air or water pollution is produced.

MARIJUANA. See "CANNABIS".

MARKET. See "SUPERMARKET."

MARTIAL ARTS STUDIO. An establishment where martial arts classes, private lessons, and demonstrations are provided to the public for a fee.

MASSAGE PARLOR. An establishment where body massage is provided to members of the public for a fee. Refer to Chapter 6, Article 10 of the Hayward Municipal Code for regulations.

MEDIA PRODUCTION. Facilities for motion picture, television, ~~music, video, sound, computer~~ and other ~~communications and large scale~~ media production. Use includes incidental rehearsal and broadcasting uses; however, use does not include transmission towers. This classification may also include incidental office use, retail sales, and indoor storage of equipment related to the recording uses. Does not include small scale media production, such as podcasting or social media content production.

MEDICAL CANNABIS or MEDICAL CANNABIS PRODUCT. Cannabis or a cannabis product, respectfully, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, by a medical cannabis patient in California who possesses a physician's recommendation.

MEDICAL MARIJUANA. See "MEDICAL CANNABIS".

MEDICAL/DENTAL LABORATORY. A facility which custom manufactures and distributes false teeth, dental crowns, braces, and other related dental equipment to dentists.

MEDIUM DENSITY RESIDENTIAL (RM). A land use zoning district which primarily allows the development of multiple-family dwellings at a set density and in a suitable environment for family life in areas where a compatible mingling of single-family and multiple-family dwellings is possible. See Section 10-1.400.

MICRO-BREWERY. A retail establishment where alcoholic beverages are produced and sold for consumption either on or off premises. Tasting alcoholic beverages may be included as an accessory use, but the micro-brewery cannot operate as a bar. Refer to Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations.

MICROBUSINESS. A commercial cannabis business holding a license issued by the State Bureau of Cannabis Control for the cultivation of cannabis on an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer, and retailer pursuant to Business and Professions Code Sections 26050 and 26070.

MISSION BOULEVARD RESIDENTIAL DISTRICT (MBR).

Note(s)—Repealed by Ordinance 11-12, Adopted October 11, 2011.

MOBILE HOME. Same as "Manufactured Home," but subject to the National Manufactured Housing Construction and Safety Act of 1974.

MOBILE HOME PARK (MH). A land use zoning district designed for, used or intended to be used for the parking and occupancy of two or more mobile homes for dwelling or sleeping purposes. See Section 10-1.700.

MORTUARY. An establishment engaged in the preparation of human bodies and the arrangement and holding of funeral services prior to burial or final disposition. For the purposes of this Ordinance, a mortuary may include a crematory.

MOTEL. A group of attached or detached buildings containing individual sleeping or living units designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit where a maximum continuous length of stay is no longer than that established for transiency pursuant to Chapter 8, Article 4 (Transient Occupancy Tax) of the City of Hayward Municipal Code.

MULTIPLE-FAMILY DWELLING. See "DWELLING, MULTIPLE-FAMILY."

MUSIC STORE. An establishment which sells musical instruments, sheet music, and related commodities to the public at retail. Typically includes repair of musical instruments.

MUSIC STUDIO. An establishment which provides music classes and private music lessons to the public for a fee. Typically involves piano lessons and/or guitar lessons, both acoustical and amplified, and includes occasional music recitals by the studio students.

NAIL SALON. An establishment which provides nail manicures and pedicures to the public at retail for a fee. Does not include massage or tanning services.

NEIGHBORHOOD COMMERCIAL DISTRICT (CN). A land use zoning district which is carefully located in areas throughout the City in relationship to other commercial districts and in relationship to nearby residential districts. Land uses created in the CN district are general commercial and retail uses which provide convenience goods and services purchased frequently, serving nearby residences. See Section 10-1.800.

NEIGHBORHOOD COMMERCIAL - RESIDENTIAL DISTRICT (CN-R). A land use zoning district with a mix of neighborhood serving businesses and residences along portions of certain arterials in order to provide options for housing with ready access to shops and transit. See Section 10-1.900.

NIGHT CLUB. ~~Refer to See definition for "BARar". Any establishmentnight club that permits dancing or live entertainment on a regular basis after the hours of 10:00pm, must obtain a cabaret license as required by Chapter 6, Article 2 of this Code. Please see Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations regarding alcohol.~~

NONCONFORMING, ILLEGAL. A structure, lot, or use which did not conform to applicable laws when constructed or initiated, and does not conform to the provisions of this Ordinance.

NONCONFORMING LOT. A lot, the area, frontage or dimensions of which do not conform to the provisions of this Ordinance.

NONCONFORMING STRUCTURE. A structure which conformed to applicable laws when constructed but does not conform to the provisions of this Ordinance.

NONCONFORMING USE. A use complying with applicable laws when established but does not conform to the provisions of this Ordinance.

NUISANCE. An activity or land use which is determined to be detrimental or incompatible with adjacent properties, adjacent property owners or users, or the general public. Refer to Section 10-1.150.

NURSERY, PLANT. An establishment which grows flowers, shrubs, and trees and provides them for sale at retail to the public. Typically includes related items such as seeds, bulbs, pots, potting soil, etc. Majority of product may be displayed and stored outdoors.

OFFICE. An establishment where services are performed for predominately administrative, professional, medical, dental or clerical operations that function as a place of business for any of the following: accountants, architects, attorneys, bookkeeping services, brokers, corporate offices, drafting services, dentists, doctors, financial institutions, development companies, engineers, surveyors and planners, insurance agencies, interior decorators and designers, landscape architects, psychiatrists, psychologists, notaries, typing and secretarial services, therapists, ~~and internet publishing~~, broadcasting, ~~and web search portal establishments~~, and other similar businesses and professions, not otherwise specifically defined in this Code. ~~This use classification also includes software and internet content development and publishing; computer systems design and programming; data processing or call centers; facilities that broadcast exclusively over the Internet and have no live, in-building audiences participating in such broadcasts; and computer, technical, and informational services.~~ Under no circumstance, as a primary, permitted or accessory use, shall any Office be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)

OPEN SPACE. Open space areas and recreational amenities providing gathering space or opportunities for active or passive recreation. This is further defined as follows:

- a. Common Use Open Space. An on-site, indoor or outdoor recreational area accessible to all residents. The space shall not include the required front or side street yard, off-street parking areas, driveways, service areas, or areas of more than 5 percent slope. (Refer to appropriate sections of this ordinance for specific requirements.) For residential or mixed-use buildings, open space can be provided at grade, on podium or rooftop, or indoors.
- b. Private Open Space. An on-site recreational area directly accessible only to one residential unit from a living and non-service area, which is not more than four feet above or below the floor level. The space shall not include the required front or street side yard, areas devoted to off-street parking, driveways, or service, or areas of more than 5 percent slope. (Refer to appropriate sections of this ordinance for specific requirements.)

OPEN SPACE/PARKS AND RECREATION DISTRICT (OS). A land use zoning district intended to promote and encourage a suitable environment devoted to parks, recreation, floodplain or passive or active open space uses for the enjoyment of all members of the community. The OS District may be used to preserve and protect land areas of special or unusual ecological or geographic interest. See Section 10-1.2200.

PAINT/WALLPAPER STORE. An establishment which provides paint, wallpaper, and related commodities to the public for a fee. Typically includes installation services.

PALM READING SERVICE. An establishment which provides psychic services, such as palm reading and fortune telling, to the public for a fee.

PARCEL. A parcel of land under one ownership that has been legally subdivided or combined and is shown as a single parcel on the latest equalized assessment roll.

PARKING. A parking area which provides the required parking for a use in accordance with the City of Hayward Off-Street Parking Regulations (Chapter 10, Article 2, Hayward Municipal Code). The following definitions relating to parking are also provided:

- a. Covered Parking. Parking space(s) which are contained within a carport or garage.
- b. Parking Lot. An off-street area, whether open or enclosed, other than a showroom or sales lot, used to store motor vehicles on a daily basis, but not including the storage of dismantled or wrecked motor vehicles or parts thereof. A parking lot may be commercial, public, or private.
- c. Off-Street Parking. Parking stalls provided beyond the right-of-way of a street or highway.
- d. Off-Street Parking Space. Refer to the definition contained in the City of Hayward Off-Street Parking Regulations (Chapter 10, Article 2, Hayward Municipal Code).
- e. On-Street Parking. Parking stalls provided within the right-of-way of a street or highway.
- f. Open or Uncovered Parking. Parking space(s) which are not contained within a carport or garage.
- g. Parking Structure. Facilities for the temporary parking of motor vehicles within a privately or publicly owned off-street parking facility. This use includes commercial parking lots and garages.

PASSENGER TRANSPORTATION TERMINAL. A facility which provides a loading, transfer, or drop-off point for public transportation (i.e., Amtrak, BART, Greyhound, and airport.) For single passenger pick-up and drop-off, refer to "Taxi Company."

PAWN SHOP. An establishment which provides monetary exchange for collateral, typically personal items such as watches, jewelry, musical instruments, weapons, etc., after which the collateral item is returned to its owner after the money is repaid. Typically includes a fee and retail sales of unclaimed items.

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.

PERMITTED USE. A specified use allowed in a land use zoning district and subject to the provisions applicable to that district.

PERSON. Any individual, business, company, corporation, both public and private, association, political or governmental subdivision or unit, or other group acting as a unit or entity.

PERSONAL SERVICES. An establishment that provides non-medical services to an individual as a primary use. Examples of these uses include but is not limited to barber shops, beauty salons including microblading and permanent makeup, dog grooming, nail salons, dry cleaning pick up stores with limited equipment, locksmiths, shoe repair, and tailors.

PET GROOMING SHOP. An establishment which provides a grooming service of household pets to the public for a fee. Typically includes washing, hair trimming, and temporary boarding of animals being groomed (i.e., less than 24 hours).

PET STORE. An establishment which provides pets and pet supplies to the public for sale at retail. Pets for sale typically include dogs, cats, fish, reptiles, hamsters, birds, etc., and may include exotic pets, such as parrots, pot bellied pigs, and iguanas. Pet supplies usually include food, cages, leashes, etc. May include ancillary pet grooming.

PETS, HOUSEHOLD. Small animals ordinarily and customarily domesticated and permitted in a dwelling and kept for company or pleasure and not for profit, including the following subcategories:

- a. **Traditional Household Pets.** Dogs, cats, canaries, parakeets, fish, domestic mice, rats, guinea pigs, potbelly pigs, up to four (4) rabbits, or similar animals, as determined by the Planning Director. The keeping of more than four cats or dogs requires an "Animal Fancier's Permit" from the City Animal Control Officer.
- b. **Other Household Pets.** Hens, ducks, pigeons and other similar small animals, as determined by the Planning Director, where the total number on a property does not exceed four (4) of such animals. Other Household Pets are subject to approval of a Zoning Conformance Permit based on consistency with the standards prescribed in Section 10-1.2735 of the Hayward Municipal Code.

PHOTOGRAPHIC SUPPLY STORE. See "CAMERA STORE."

PHOTOGRAPHY STUDIO. An establishment where a professional photographer takes posed pictures of people for a fee at retail. Does not include retail sales of photographic supplies, except for picture frames and picture albums.

PHYSICAL FITNESS STUDIO. An establishment which provides physical exercise classes and/or personal one-on-one physical fitness training. Typically includes a weight room and/or an aerobics dance class room. Does not include facilities typically of the large health clubs, such as showers, a pool, racquetball or tennis courts.

PLANNED DEVELOPMENT DISTRICT (PD). A land use zoning district which permit a combination of land uses planned for a single tract of land to be developed as a unit according to a specific development plan approved by the City which result in efficient and attractive utilization of land in order to preserve open space areas, topographical features, ridge tops, and tree clusters. This district also permits the creation of a site-specific project which provides a mix of housing types as well as nonresidential development. See Section 10-1.2500.

PLANNING COMMISSION. The Planning Commission of the City of Hayward, California.

PLANNING DIRECTOR. The Director of the Community and Economic Development Department of the City of Hayward, California. This includes his or her staff members as appointed to represent him or her.

POINT OF BUSINESS SALE. An establishment which provides retail sales of commodities via internet, telephone, facsimile, and/or mail, with less than 10 percent of gross annual sales attributable to direct and physical customer contact on-site.

PREMISES. A continuous area of land and any structures thereon all under a single ownership or operation under a single direction, which premises may include one or more adjacent lots, or fractions of lots.

PREMISES. The designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.

PRIMARY USE. The principal or predominant use of any lot, building or structure.

PUBLIC AGENCY FACILITIES. Facilities, structures and accessory uses which house public agencies such as federal, state, or local government, and other agencies such as utility and telephone companies governed by the Public Utilities Commission.

PUBLIC PARK/PUBLIC GATHERING. A park, playground, swimming pool, reservoir, golf course, or athletic field within the City which is under the control, operation or management of the City of Hayward, Hayward Area Recreation District, Alameda County, the East Bay Regional Park District, the State of California or Federal Government. For private golf course, see "GOLF COURSE, COUNTRY CLUB."

PUBLIC FACILITIES DISTRICT (PF). A land use zoning district within which typical land uses include public government buildings, public libraries, public community centers, and public parking lots, whether a fee is charged or not. See Section 10-1.2300.

QUARRY. Any premises from which any rock, sand, gravel, earth, or mineral is removed or excavated for the purpose of disposition away from the immediate premises, whether the disposition is immediate or in the future, and excepting excavations within public roads and highway rights-of-way.

RADIO TRANSMISSION TOWER. See "ANTENNA."

RAILROAD YARD. A facility where railroad cars and engines are stored, repaired, and transferred to different trains. Also includes a freight station where items carried by train are transported onto and/or from trucks for transport. Also see "PASSENGER TRANSPORTATION TERMINAL."

RECREATIONAL FACILITY. ~~Those facilities maintained to provide a pastime, sport or exercise as a means to refresh one's body or mind, and ancillary activities as determined by the Planning Director, and whose other functions are not indicated elsewhere in this ordinance as administrative or conditional uses. May be a commercial or non commercial facility. Under no circumstance, as a primary, permitted or accessory use, shall any Recreational Facility be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)~~

RECREATIONAL FACILITY. A private facility maintained to provide a pastime, sport, or exercise and ancillary activities as determined by the Director. The use may be a commercial or non-commercial facility. Under no circumstance, as a primary, permitted or accessory use, may any Recreational Facility be allowed to operate simulated gambling devices as defined in Article 4-16 (Prohibition of Simulated Gambling Devices) of the Hayward Code.

a. Indoor Recreation. Includes, but is not limited to, athletic health clubs, gymnasiums, bowling alleys, ice and roller-skating rinks, pool/billiard parlors, and electronic video arcades. Studios: fitness, art, dance, music, etc.

b. Outdoor Recreation. Includes, but is not limited to, sport fields or courts, driving ranges, batting cages, skate parks, and golf courses.

RECREATIONAL VEHICLE. A vehicle primarily designed as temporary living quarters for recreational, camping, or travel use.

RECREATIONAL VEHICLE (RV) STORAGE FACILITY. A parcel or group of contiguous parcels upon which two or more recreational vehicles, camper trailers and boats may be stored for a fee when not in use.

RECYCLING FACILITIES.

- a. Small Recycling Collection Facilities/Recycling Collection Area. Small recycling facilities shall be incidental to a primary use on the site (i.e. shopping center). Accepts recyclable non-hazardous materials directly from the public by donation, redemption, or purchase at facilities no greater than five hundred (500) square feet in area and that generally do not use power-driven processing equipment. May include mobile recycling units, bulk reverse vending machines, kiosk type units, and/or unattended containers placed for the donation of recyclable materials (such as aluminum, glass, plastic, and bimetal for recycling). Small Recycling collection facilities may not process material except for limited bailing, batching, and sorting of materials.
- b. Large Recycling Collection Facilities. A facility accepting recyclable non-hazardous materials by donation, redemption, or purchase at facilities occupying an area greater than five hundred (500) square feet and that is not incidental to a primary use. Large Recycling Collection Facilities may use power driven equipment to sort and condense material for shipment to an intermediate processor or other user. Processing of materials is limited to sorting, bailing or similar activities and shall occur within an enclosed building. Storage of materials shall occur within an enclosed building or in sealed and covered containers outside of a building, subject to the Outdoor Storage screening requirements.
- c. Recycling Processing Facilities. A facility that operates within an enclosed building used for the collection, processing and storage of recyclable materials. "Processing" means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, composting and remanufacturing. Processing outside of a building is prohibited.

RECYCLABLE MATERIALS. "Recyclable materials" or "recyclables" are discarded materials that are collected, separated, composted, and processed and that can be used as raw materials in the manufacture of new products and/or materials used as alternative daily cover as defined and permitted by the State of California. Recyclable materials are collected and treated in a manner different from Refuse.

REFUSE. Waste material intended for disposal and including: (1) non-putrescible wastes, whether in solid or liquid form, except liquid-carried industrial wastes or sewage hauled as an incidental part of septic tank or cesspool-cleaning service; and (2) rubbish (such as non-recyclable materials).

RELIGIOUS FACILITY. ~~Refer to "CULTURAL FACILITY". Those facilities maintained by a tax-exempt religious institution, a government agency, or other non-profit organization exempt from taxation under the Internal Revenue laws as an organized system of belief in or the worship of God or gods or an institutionalized system of religious attitudes, beliefs and practices, and ancillary activities as determined by the Planning Director, and whose other functions are not indicated elsewhere in this ordinance as administrative or conditional uses.~~

RENEWABLE ELECTRIC POWER GENERATION, TRANSMISSION, AND DISTRIBUTION. Facilities engaged in generating electric power from renewable resources or operating power transmission systems for renewable energy, including electrical lines, transformer stations, and meters. This definition does not include ancillary renewable energy systems associated with a primary industrial use. See also WIND ENERGY CONVERSION SYSTEM.

RESEARCH AND DEVELOPMENT. A facility engaged in conducting research and development to gain or apply scientific knowledge for product/process creation. Includes commercial testing and experimental laboratory environments. Subject to Hazardous Materials Use and Storage limitations.

RESIDENTIAL NATURAL PRESERVATION DISTRICT (RNP). A land use zoning district within which topographic configuration is a major consideration in determining the most appropriate physical development of the land. This district primarily allows the development of single-family homes only where they are subservient to and compatible with the preservation of major natural features of the land. See Section 10-1.300.

RESIDENTIAL-OFFICE (RO). A land use zoning district which allows the mix of office land uses with residential, the scale and form of which does not detract from adjacent or future residential land use in the same zone. See Section 10-1.600.

RESTAURANT. Any establishment, other than a boarding house or dormitory, where food and beverages are provided for consumption on-premises or off-premises, and where typically, but not necessarily, there are tables, counters, benches, or other public seating facilities provided, or where food is taken off-premises, disposal containers are provided. Examples include a sit-down dining facility, fast-food restaurant (no drive-through window), donut shop, pizza shop, cafe, bakery, cafeteria, coffee shop, lunchroom, delicatessen, and ice cream parlor. The serving of alcoholic beverages is subject to the regulations in the "Alcohol Beverage Outlets" regulations, Section 10-1.2750 of this Ordinance.

RESTAURANT—DRIVE-THROUGH. Any high-volume establishment serving food or beverages which utilizes a building design, site layout, or operating procedure whereby customers can drive onto the premises and remain in their vehicles while food or beverages are sold or dispensed. For regulations of drive-through restaurants see the "Drive-in Establishments-Special Standards and Conditions" contained in the Design and Performance Standards of various Sections of this Ordinance, including Sections 10-1.800 and 10-1.1000.

RETAIL. The sale of commodities or goods to ultimate consumers. This definition does not include AUTOMOBILE SALES for new and used vehicles.

REVERSE VENDING MACHINES. A mechanical device which accepts one or more types of empty beverage containers, including aluminum cans, glass and plastic bottles, and cartons, and issues a cash refund or a redeemable credit slip. "Bulk reverse vending machines" are those machines which exceed 50 cubic feet in size or exceed 8 feet in height. See Section 10-1.2735.i. "RECYCLING FACILITIES."

RIDING STABLE OR ACADEMY. A facility where individuals board their horse(s) and or where horseback riding classes are taught. Typically includes public demonstrations, such as dressage or other equestrian events. Does not include any contest(s) resembling a rodeo (i.e., bronco riding, calf roping, and/or steer wrestling).

RIGHT-OF-WAY. A strip of land used acquired by reservation, dedication, prescription or condemnation and intended to be used or occupied by a road, trail, water line, sanitary sewer and/or other public utility services and uses, or any combination thereof, and includes all and any part of the entire width or other area of designated right-of-way, whether or not such entire width or area is actually used. Right-of-way includes access, pedestrian, equestrian and utility easements. The following sub-definitions are provided:

- a. Public right-of-way. A right-of-way owned by the City or any other public entity or public utility.
- b. Private right-of-way. A right-of-way owned by and for the benefit of one or more persons, including a right-of-way offered for dedication to the City or to any other public entity which has not been accepted and which no improvements or maintenance has regularly been performed by the city or other public entity.
- c. Railroad right-of-way. A strip of land on which railroad tracks, spur tracks, sidings, switching equipment and signals are located, and includes the entire width or other area of the designated right-of-way, whether or not the entire width or area is actually used for such railroad facilities.

ROOF STYLE.

- a. Flat: A roof that is almost level, with no significant slope (pitch) in any direction. Most flat roofs have a very gentle slope for rainwater run-off.

- b. Gable: A gable roof is one where only two opposite sides (usually the longer sides) slope, with walls that extend all the way to the top of the roof ridge in a triangular shape.
- c. Gambrel: A gambrel roof is a symmetrical two-sided roof with the longer sides having two segments at different pitches.
- d. Hip: A hip roof (or hipped roof) is one where all four sides slope.

SETBACK. The required distance that a building, structure, parking or other designated item must be located from a lot line.

SHOE REPAIR SHOP. An establishment which repairs, shines, and polishes shoes. Typically includes machinery necessary to repair shoes, and may include retail sales of shoes.

SHOPPING CENTER. A continuous area of land under single ownership or operated under a single direction, developed for retail and general commercial purposes, and typically has at least one major tenant and several smaller shops. Typically has driveways and parking facilities which are shared between tenants.

SIGN SHOP. An establishment which produces general advertising signs of various shapes and sizes for sale at retail.

SLOPE. The formula for calculating slope shall be as follows:

$$S = (I \times L \times 100)/A$$

S = Average existing slope in percent for the portion of the site or lot to be developed.

I = Contour interval in feet.

L = The combined length in feet of all contour lines within the portion of the site or lot to be developed.

A = Total area in square feet of the portion of the site or lot to be developed.

The total area within a site or lot that is proposed to be graded and/or covered with structures shall be included in the slope calculation. Areas proposed to be left undisturbed shall not be included.

SPECIAL DESIGN OVERLAY DISTRICT (SD). A zoning overlay which promotes the conservation and compatibility of development in areas of historic or architectural character and has specific architectural requirements for new development which enhances these resources. This District is comprised of the following Subdistricts:

- a. "B" Street Special Design Streetcar District (SD-1).
- b. Mission Corridor Special Design District (SD-2).
- c. Cottage Special Design District (SD-3).

SPECIAL LOT STANDARDS COMBINING DISTRICT (B). An overlay zone which depicts specific development standards for the zoning district it is combined with. See Section 10-1.2400.

SPORTING GOODS STORE. An establishment which sells sporting goods to the public at retail. Typically includes sports equipment (i.e., balls, bats, tennis rackets, golf clubs, skis and ski poles), and may include related clothing (i.e., tennis shoes for running, walking, basketball, etc., and sweat pants, shorts, shirts, and hats.) May also include the ancillary sale of used sporting goods.

STATION AREA RESIDENTIAL DISTRICT (SAR).

Note(s)—Repealed by Ordinance 11-12, adopted October 11, 2011.

STATIONARY STORE. An establishment which sells office-related products to the public at retail. Products typically includes paper products, calendars, pens and pencils, and may include small office equipment, such as

filings, **brief cases**, and calculators. Usually includes the sale of greeting cards, wrapping paper, photo albums, picture frames, globes, maps, and other related products.

STORAGE. A space or place where goods, materials and/or personal property is put for more than 24 hours. The following subdefinitions are provided:

- a. **Minor Open Storage.** Outside storage that is accessory or ancillary to the primary or conditional use conducted on the site, which shall not exceed 25 percent of an open yard area, excluding any required yard or parking area.
- b. **Public Storage Facility.** A space or place within an enclosed building where goods, materials, and/or personal property may be put for more than 24 hours for a fee. Typically includes a manager's dwelling unit and customer parking.
- c. **Recreational Vehicle Storage Facility.** See definition for "Recreational Vehicle (RV) Storage Facility."

STORAGE YARD. Outdoor storage of goods, materials, equipment as well as storage of operating equipment for warehouses such as forklifts, pallets and racks outside of a building for more than 24 hours as a primary use. This classification excludes auto-related outdoor storage uses otherwise defined in this section such as AUTOMOBILE STORAGE YARD, AUTOMOBILE DISMANTLING FACILITY and TOWING YARD.

STORY. The portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused underfloor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement or unused underfloor space shall be considered as a story. A mezzanine or loft that covers a portion of the floor below still constitutes a story.

STREET. A publicly maintained right-of-way for use as a public thoroughfare by the public at large, or a private street, provided said private street has been approved by the City Council.

STREET TREE. A tree located within the right-of-way, often within a sidewalk well.

STRUCTURAL ALTERATIONS. Any change which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

STRUCTURE. Anything constructed or erected, except fences not exceeding six feet in height, which requires permanent location on the ground or is attached to something having location on the ground.

SUBDIVISION. The division of land as regulated by the Subdivision Ordinance, Article 3, Chapter 10, of the Hayward Municipal Code.

SUBDISTRICT. A subcategory of a primary zoning district.

SUNTAN PARLOR. An establishment which provides tanning facilities for use by the public for a fee.

SUPERMARKET. An establishment which does retail sales of food, beverages, drugs, variety items, and similar goods. May include an automated teller machine or related financial facility.

TAILOR/SEAMSTRESS SHOP. An establishment which sews, alters, and/or mends clothing and costumes for the public for a fee. Typically includes sewing machines and sewing notions for use by the proprietor.

TANNING SALON. See "SUNTAN PARLOR."

TATTOO PARLOR. An establishment which provides a tattooing service to customers. May include body piercing as an ancillary use.

TAVERN. See "BAR, COCKTAIL LOUNGE."

TAXI COMPANY. An establishment which provides vehicle rides to the public for a fee. Typically includes automobile and/or van rides, for single passenger pick-ups and drop-offs. Minor automobile repair of vehicles used by the proprietor is permitted on-site (i.e., oil change, tune-ups).

TEMPORARY USE. Short-term activities that are non-permanent, intermittent, or seasonal in nature.
Includes, but is not limited to farmer's market, flower stand, temporary recreational uses, or similar. May not be located within public-right-of-way. A use established for a specific period of time, with the intent to discontinue the use at the end of the designated time period. Example includes retail sidewalk or tent sales. For animals, "temporary use" shall mean the keeping of animals for specified periods of time either following birth, for purposes of recovery by no-profit breed rescue organizations, or other reasons as determined by the Planning Director.

THEATER. A building or outdoor structure where films, motion pictures, video cassettes, slide or similar photographic reproductions are regularly shown, or an establishment regularly featuring live performance of dramatic productions, for any form of consideration.

- a. SMALL MOTION PICTURE THEATER. An establishment having two (2) or fewer screens or less than two hundred (200) seats.
- b. LARGE MOTION PICTURE THEATER. An establishment having three (3) or more screens or two hundred (200) or more seats and showing first run films. Large Motion Picture Theaters are also referred to as multi-plex or multi-screen theaters.
- c. LIVE PERFORMANCE THEATER. An establishment having one or more stages and featuring live or dramatic productions.

THRIFT STORE. An establishment engaged in the retail sales of used or donated goods (including clothing, furniture, appliances, etc.).

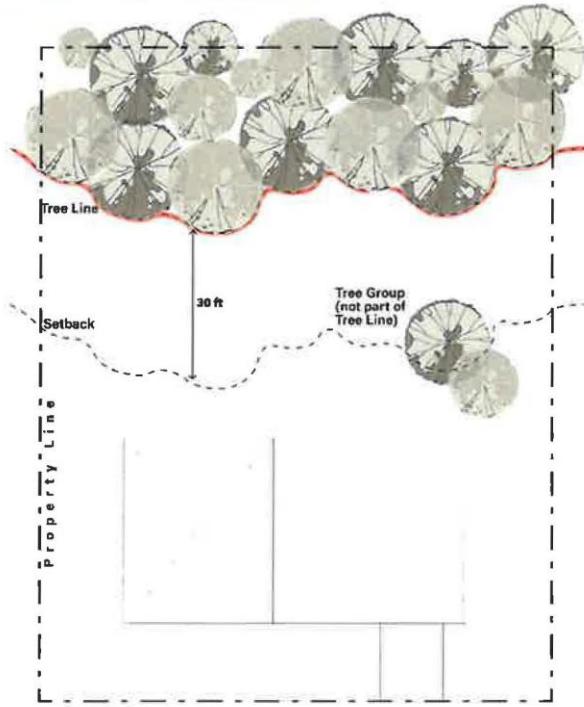
TOY STORE. An establishment which sells toys and games to the public at retail.

TRAILER. A vehicle without motor power used or adaptable for living, sleeping, business or storage purposes, having no function other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet building requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. A permanent foundation shall not change its character unless the entire structure is erected and maintained in accordance with prevailing laws.

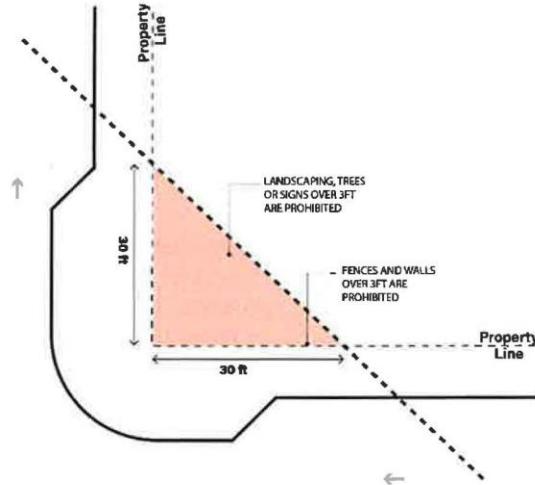
TRANSITIONAL AND SUPPORTIVE HOUSING. Transitional and supportive housing are more permanent housing options providing a more stable living situation for individuals and families that might otherwise be homeless with stay lengths that are typically six months or longer. Transitional and supportive housing uses are permitted as a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone.

TRAVEL AGENCY. See "OFFICE."

TREE LINE. An intact assemblage of trees connected to a larger forested area as defined on a property survey prepared by a Licensed Land Surveyor. This does not include small groupings or individual trees that are not connected to the larger forested area.



TRIANGLE OF VISIBILITY. The area formed at a corner intersection of two property lines whose two sides are 30 feet measured along the property lines and whose third side is a line connecting the two sides, as illustrated below. See also Hayward Traffic Code, Sections 9.01 through 9.05, as amended from time to time.



TRUCK TERMINAL. A facility used for the loading or unloading of trucks in which the storage of cargo is incidental to the primary function of freight shipment or serving as a hub (also known as trucking hub, third party logistics, last mile delivery, and similar) and which is designed to accommodate the simultaneous loading or unloading of five or more trucks. A facility which provides a transfer, loading, and unloading point for trucks and automobiles carrying goods and products. Typically includes fuel and food facilities.

UNATTENDED COLLECTION BOXES. Unattended collection box shall mean any unattended container, receptacle or similar device that is located on any lot within the city that is used for soliciting and collecting

donations of clothing and other salvageable personal property. See General Regulations "Recycling Facilities" for specific regulations.

UPHOLSTERY SHOP. A facility which re-upholsters household furnishings of all types (i.e., couches, chairs, footstools, pillows, etc.), for a fee (does not include automobile upholstering).

USE. The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained.

USE PERMIT. A land use permit termed a "discretionary entitlement" to operate a specified land use on a given parcel. Usually an activity or business. The following subcategories of use permit are provided:

- a. **Administrative Use Permit.** A Use Permit issued administratively by the Planning Director or his or her appointee. An Administrative Use Permit is typically subject to exactions and conditions of approval.
- b. **Conditional Use Permit.** A Use Permit issued by the Planning Commission or City Council through a public hearing process. A Conditional Use Permit is typically subject to exactions and conditions of approval.

VACANT BUILDING/SITE. A building, structure or real property that is undeveloped, unoccupied or occupied by a person without a legal right to occupy for at least 30 days. In determining whether a building or site is vacant, the Planning Director or designee may consider these factors among others:

- a. A building at which lawful residential or business activity has ceased.
- b. The building or site is substantially devoid of contents.
- c. The building or site lacks legally connected utility services, including but not limited to water, sewer, electrical or natural gas.
- d. This definition does not include building, structures or sites that are undergoing construction or renovation and which are in compliance with all applicable ordinances, codes, legislation, and regulations, and for which construction, renovation or rehabilitation is proceeding diligently to completion.

VARIANCE. A discretionary entitlement which permits the departure from the strict application of the development standards contained in this Zoning Ordinance.

VARIETY STORE. An establishment which provides a variety of goods to the public for sale at retail. Typically includes hair care products, a pharmacy, non-prescription drugs and hygiene products, cleaning supplies, toys, games, small household appliances, dishes, make-up, candy, etc.

VEHICLE. The term "vehicle" as used in this section shall include an automobile or truck (excluding truck tractor or any vehicle exceeding a maximum gross weight limit of 6,000 pounds of gross vehicle weight) recreational vehicle, trailer, boat mounted on trailer, or other vehicle referenced in California Vehicle Code section 5051, and other vehicles of similar kind and use. In all zoning districts, use of any kind of vehicle as defined herein for sleeping purposes shall be prohibited except within an approved mobile home park.

VEHICLE RENTAL. See "AUTOMOBILE RENTAL."

VEHICLE REPAIR. See "AUTOMOBILE REPAIR."

VEHICLE SALES. See "AUTOMOBILE SALES."

VEHICLE SERVICING. For vehicle servicing such as same-day lube, oil, and filter, see "AUTOMOBILE REPAIR - MINOR." For major vehicle repairs such as engine overhauls, vehicle upholstery, auto glass, mufflers, etc., see "AUTOMOBILE REPAIR - MAJOR."

VIDEO SALES AND RENTAL STORE. An establishment which sells at retail and/or rents video tapes to the public.

WAREHOUSE AND DISTRIBUTION FACILITY. Establishments primarily engaged in the sale, storage, and distribution of goods and materials in large quantity to retailers or other businesses for resale to individual or business customers. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for distribution in smaller lots. Does not include public storage facilities.

WASTE TRANSFER/HANDLING FACILITY. A facility that transports or handles hazardous waste, medical wastes or other wastes from offsite sources. Subject to Outdoor Storage limitations.

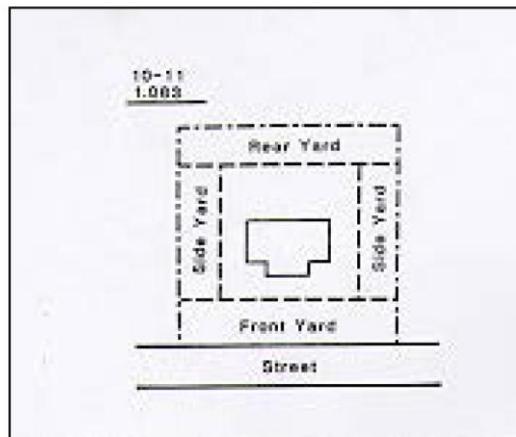
WASTE TREATMENT FACILITY. A facility that treats hazardous waste, medical waste or other waste from offsite sources. Subject to Outdoor Storage limitations.

WHOLESALE ESTABLISHMENT. The sale of commodities and goods to an establishment for resale to the consumer.

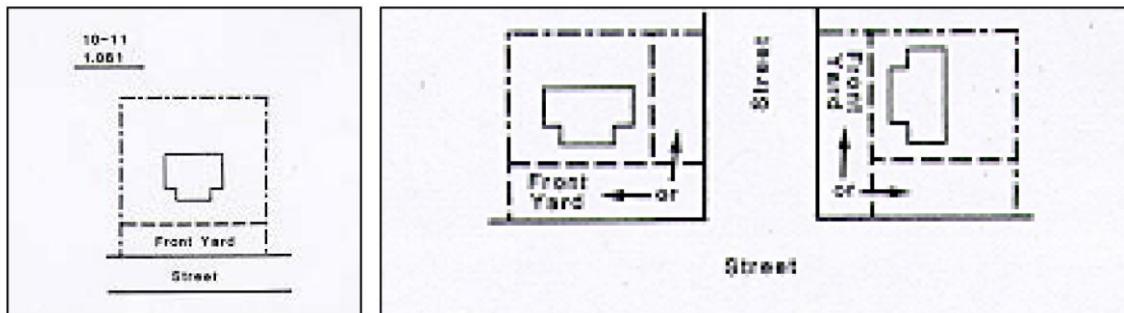
WIND ENERGY CONVERSION SYSTEM. A machine that converts the kinetic energy in the wind into a usable form. A wind energy conversion system is commonly known as a windmill or wind turbine, and includes all parts of the system including the tower and the transmission equipment.

WINE SHOP. "Wine Shop" shall mean an alcoholic beverage sales establishment, managed by a certified sommelier or oenologist, primarily for the retail sales of wine from multiple wineries and distributors that involves no sales of liquor or distilled spirits. Wine tasting may be included as an accessory use, but the wine shop cannot operate as a bar.

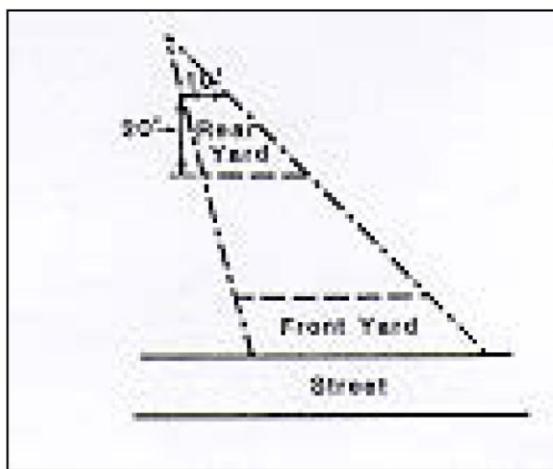
YARD. The word "yard" shall mean an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward except as otherwise provided herein. A yard extends along a lot line or official plan line to a depth or width specified in the yard regulations for the District in which such lot is located.



- a. **Front Yard.** A yard extending along the full length of the front lot line between the side lot lines, except for flag-shaped lots where yard areas shall be calculated excluding the stem of the lot, and the front yard shall be parallel to the right-of-way unless determined otherwise by the Planning Director. The developer of a corner parcel may select as the front yard property facing either of the two rights-of-way at the time of initial development of the property.



b. Rear Yard. A yard extending along the full length of the rear lot line between the side lot lines of an interior lot. The rear yard of a corner parcel shall be determined by the Planning Director and shall be opposite either of the two rights-of-way.



c. Side Yard. A yard extending along a side lot line from the front yard to the rear yard, or from the front lot line to the rear yard where no front yard is required. In determining side yards based on a percentage of lot width where the lot is irregular in shape, the width shall be determined by calculating the lot width at a point of 20 feet from the front property line.

d. Side Street Yard. A yard extending along a lot line, other than a front, rear, or interior side line, between the front yard and a side or rear lot line. The developer of a corner parcel may select the side street yard from property facing either of the two rights-of-way.

(Section 10-1.3510 amended by Ordinance 99-18, adopted October 12, 1999; Ordinance 02-08, adopted July 16, 2002; Ordinance 03-08, adopted May 27, 2003; Ordinance 04-13, adopted September 28, 2004; Ordinance 04-19, adopted December 21, 2004, amended by Ordinance 06-11, adopted July 11, 2006, amended by Ordinance 06-14, adopted July 11, 2006; amended by Ordinance 17-09, adopted June 20, 2017; amended by Ordinance 17-16, adopted Nov. 7, 2017; amended by Ordinance 17-15, adopted Nov. 28, 2017; amended by Ordinance 19-10, adopted June 4, 2019; Amended by Ordinance 21-05, § 5, adopted July 20, 2021; Amended by Ordinance 24-01, adopted Jan. 23, 2024)

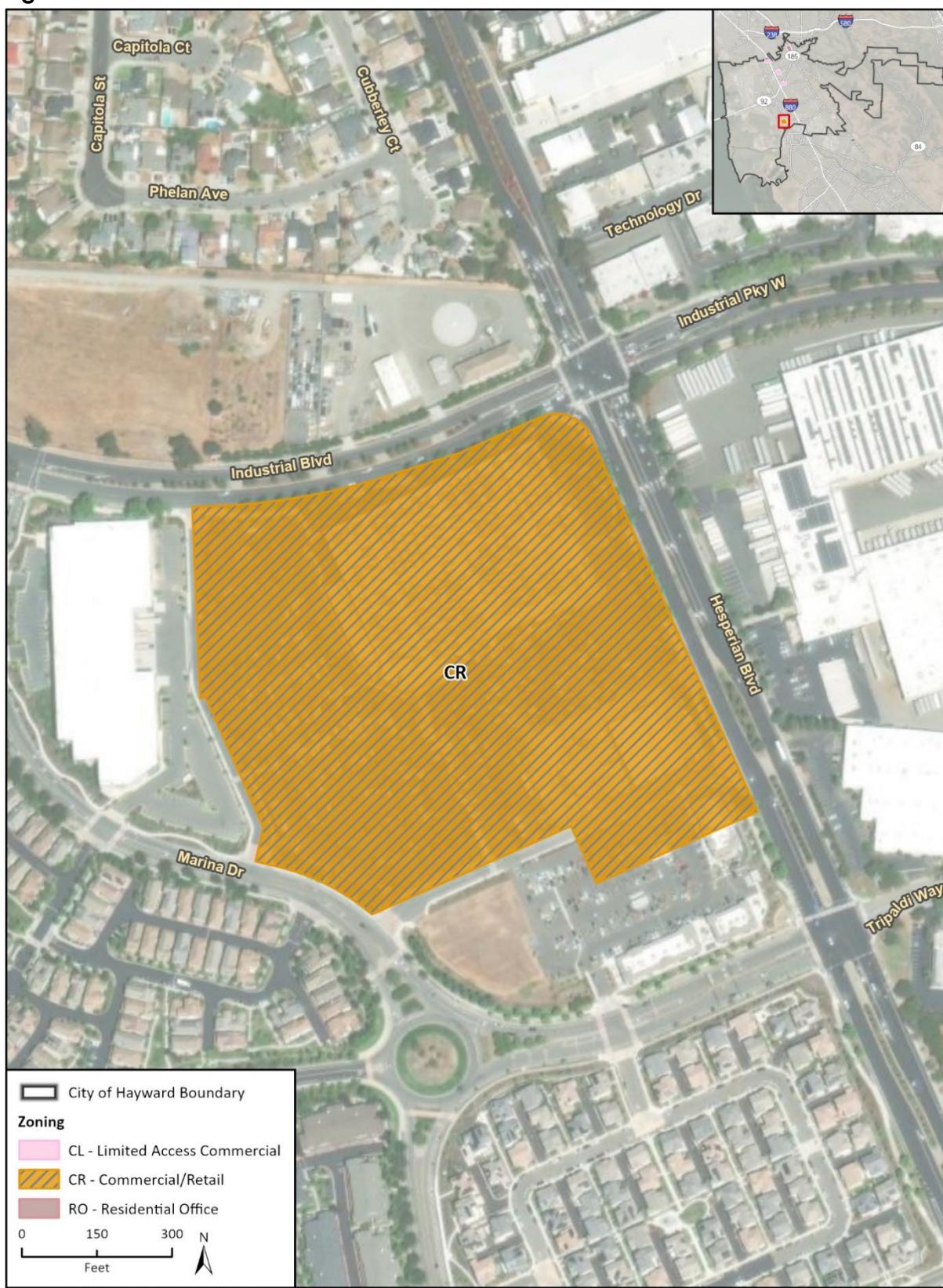
Figure 1 Residential Office Zoning Districts (North Hayward)

Figure 2 Regional Commercial (CR) District



Figure 3 Limited Access Commercial Districts

Figure 4 Limited Access Commercial Districts



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Additional data sourced from the City of Hayward, 2025.

24-17112 EPS
Fig X Zoning

Figure 5 Limited Access Commercial Zoning Districts



Address	APN	General Plan Designation	Current Zoning District	Proposed Zoning District
1000 IMPERIAL PL	428-0026-035-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1001 IMPERIAL PL	428-0026-049-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1017 IMPERIAL PL	428-0026-057-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1008 IMPERIAL PL	428-0026-039-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1011 IMPERIAL PL	428-0026-054-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1003 IMPERIAL PL	428-0026-050-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1002 IMPERIAL PL	428-0026-036-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1015 IMPERIAL PL	428-0026-056-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1006 IMPERIAL PL	428-0026-038-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1014 IMPERIAL PL	428-0026-042-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1013 IMPERIAL PL	428-0026-055-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1004 IMPERIAL PL	428-0026-037-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1018 IMPERIAL PL	428-0026-044-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1027 IMPERIAL PL	428-0026-062-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1005 IMPERIAL PL	428-0026-051-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1007 IMPERIAL PL	428-0026-052-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1026 IMPERIAL PL	428-0026-048-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1023 IMPERIAL PL	428-0026-060-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1020 IMPERIAL PL	428-0026-045-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1022 IMPERIAL PL	428-0026-046-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1009 IMPERIAL PL	428-0026-053-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1025 IMPERIAL PL	428-0026-061-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1016 IMPERIAL PL	428-0026-043-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1019 IMPERIAL PL	428-0026-058-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1010 IMPERIAL PL	428-0026-040-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1021 IMPERIAL PL	428-0026-059-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1012 IMPERIAL PL	428-0026-041-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
1024 IMPERIAL PL	428-0026-047-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
28505 HESPERIAN BLVD	456-0101-002-04	Retail and Office Commercial (ROC)	Regional Commercial (CR)	General Commercial (CG)
28509 HESPERIAN BLVD	456-0101-007-01	Retail and Office Commercial (ROC)	Regional Commercial (CR)	General Commercial (CG)
360 W A ST	431-0096-003-01	Commercial/High Desnity Residential (CHDR)	Limited Access Commercial (CL)	General Commercial (CG)
494 ROUSSEAU ST	078G-2723-009-00	Retail and Office Commercial (ROC)	Limited Access Commercial (CL)	General Commercial (CG)
410 W A ST	432-0036-004-05	Commercial/High Desnity Residential (CHDR)	Limited Access Commercial (CL)	General Commercial (CG)
430 W A ST	432-0032-004-04	Commercial/High Desnity Residential (CHDR)	Limited Access Commercial (CL)	General Commercial (CG)
450 W A ST	432-0032-003-02	Commercial/High Desnity Residential (CHDR)	Limited Access Commercial (CL)	General Commercial (CG)
500 W A ST	432-0032-002-04	Commercial/High Desnity Residential (CHDR)	Limited Access Commercial (CL)	General Commercial (CG)
22129 S GARDEN AVE	432-0032-005-02	Commercial/High Desnity Residential (CHDR)	Limited Access Commercial (CL)	General Commercial (CG)
22283 MAIN ST	428-0056-014-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
992 WARREN ST	428-0056-013-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
986 WARREN ST	428-0056-012-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22227 MAIN ST	428-0031-080-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22273 MAIN ST	428-0031-087-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22221 MAIN ST	428-0031-079-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)

Address	APN	General Plan Designation	Current Zoning District	Proposed Zoning District
22251 MAIN ST	428-0031-083-02	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22207 MAIN ST	428-0031-077-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22213 MAIN ST	428-0031-078-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
MAIN ST	428-0031-083-01	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22255 MAIN ST	428-0031-084-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
987 SIMON ST	428-0031-075-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22261 MAIN ST	428-0031-085-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22205 MAIN ST	428-0031-076-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22237 MAIN ST	428-0031-082-03	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22269 MAIN ST	428-0031-086-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22158 MAIN ST	428-0021-006-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
561 W HARDER RD	443-0065-010-00	Retail and Office Commercial (ROC)	Limited Access Commercial (CL)	General Commercial (CG)
W HARDER RD	454-0005-069-03		Limited Access Commercial (CL)	General Commercial (CG)
W HARDER RD	454-0005-069-04		Limited Access Commercial (CL)	General Commercial (CG)
W HARDER RD	454-0005-069-05		Limited Access Commercial (CL)	General Commercial (CG)
W HARDER RD	454-0005-069-02		Limited Access Commercial (CL)	General Commercial (CG)
24438 SANTA CLARA ST 150	443-0015-006-03	Public and Quasi-Public (PQP)	Limited Access Commercial (CL)	General Commercial (CG)
300 W WINTON AVE	443-0015-001-05	Public and Quasi-Public (PQP)	Limited Access Commercial (CL)	General Commercial (CG)
28539 HESPERIAN BLVD	456-0101-009-13	Retail and Office Commercial (ROC)	Regional Commercial (CR)	General Commercial (CG)
MARINA BLVD	456-0101-009-12	Retail and Office Commercial (ROC)	Regional Commercial (CR)	General Commercial (CG)
22250 MAIN ST	428-0026-021-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22268 MAIN ST	428-0026-018-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22218 MAIN ST	428-0026-028-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22248 MAIN ST	428-0026-022-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22244 MAIN ST	428-0026-023-02	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22260 MAIN ST	428-0026-019-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22240 MAIN ST	428-0026-024-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22196 MAIN ST	428-0026-031-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22192 MAIN ST	428-0026-001-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22224 MAIN ST	428-0026-027-01	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22236 MAIN ST	428-0026-025-02	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22274 MAIN ST	428-0026-017-02	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22280 MAIN ST	428-0026-016-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22254 MAIN ST	428-0026-020-02	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
MAIN ST	428-0026-032-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22202 MAIN ST	428-0026-063-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22173 MAIN ST	428-0031-103-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22175 MAIN ST	428-0031-104-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
22165 MAIN ST	428-0031-037-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)
980 SIMON ST	428-0031-102-00	Medium Density Residential (MDR)	Residential Office (RO)	Commerical Office - Residential (CO-R)



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: PH 26-002

DATE: January 27, 2026

TO: Mayor and City Council

FROM: City Attorney
Police Chief
Development Services Director

SUBJECT

Moratorium on New Massage Businesses: Adoption of an Interim Urgency Ordinance Pursuant to Government Code section 65858, Extending the Temporary Moratorium on New Massage Businesses in Hayward for up to 10 Months and 15 Days, and Finding that the Action is Exempt from Environmental Review

RECOMMENDATION

That the City Council adopts an interim urgency ordinance (Attachment II) extending the temporary moratorium on new massage businesses in Hayward for up to 10 months, 15 days and finds that the action is exempt from environmental review under the California Environmental Quality Act (CEQA).

SUMMARY

On December 16, 2025, the City Council adopted Ordinance No. 25-16, an interim urgency ordinance imposing a 45-day moratorium on approval of new massage businesses in Hayward. The moratorium will expire on January 30, 2026, unless extended by the City Council. Staff recommends that the City Council extend the temporary moratorium for up to 10 months, 15 days as allowed by state law. Staff has begun the process of developing new massage regulations which are anticipated to be presented to the City Council in Spring 2026.

During this moratorium no conditional use permits, massage permits, or business licenses would be issued for new massage establishments or existing establishments undergoing a change of ownership. Under current zoning regulations, massage businesses are allowed by right in the downtown core but require a conditional use permit in some other commercial areas and are completely prohibited in other parts of the city. Additionally, massage businesses must obtain an operating permit (massage permit) from the Hayward Police Department pursuant to Hayward Municipal Code Chapter 6, Article 10.

State law (Government Code section 65858) authorizes, as a means of protecting public health, safety and welfare, the adoption of an interim ordinance to establish a temporary moratorium on specified uses

File #: PH 26-002

that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City is considering, studying, or intends to study within a reasonable time. The urgency ordinance requires a 4/5 vote of the legislative body and can last for up to 2 years (45 day initial term with a first extension up to 10 months, 15 days and a final extension up to 1 year).

ATTACHMENTS

Attachment I Staff Report

Attachment II Ordinance



DATE: January 27, 2026

TO: Mayor and City Council

FROM: City Attorney
Development Services Director
Police Chief

SUBJECT: Moratorium on New Massage Businesses: Adoption of an Interim Urgency Ordinance Pursuant to Government Code section 65858, Extending the Temporary Moratorium on New Massage Businesses in Hayward for up to 10 Months and 15 Days, and Finding that the Action is Exempt from Environmental Review

RECOMMENDATION

That the City Council adopts an interim urgency ordinance (Attachment II) extending the temporary moratorium on new massage businesses in Hayward for up to 10 months, 15 days and finds that the action is exempt from environmental review under the California Environmental Quality Act (CEQA).

SUMMARY

On December 16, 2025, the City Council adopted Ordinance No. 25-16, an interim urgency ordinance imposing a 45-day moratorium on approval of new massage businesses in Hayward. The moratorium will expire on January 30, 2026, unless extended by the City Council. Staff recommends that the City Council extend the temporary moratorium for up to 10 months, 15 days as allowed by state law. Staff has begun the process of developing new massage regulations which are anticipated to be presented to the City Council in Spring 2026.

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State law (Government Code section 65858) authorizes, as a means of protecting public health, safety and welfare, the adoption of an interim ordinance to establish a temporary

moratorium on specified uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City is considering, studying, or intends to study within a reasonable time. The urgency ordinance requires a 4/5 vote of the legislative body and can last for up to 2 years (45 day initial term with a first extension up to 10 months, 15 days and a final extension up to 1 year).

BACKGROUND

HPD has become aware of instances of commercial sex work taking place at permitted and unpermitted massage businesses within the City. Although there are mechanisms in place to revoke existing permits for these types of violations, the lack of land use controls for massage businesses downtown creates challenges in processing new operating permit applications, and increases the risk that these new establishments will become hosts for commercial sex activity and human trafficking. A temporary pause in the issuance of new permits for massage businesses would allow city staff time to consider alternative approaches to land use approval and operational regulation of these businesses that would provide greater safeguards for the community.

New land use regulations, including stricter controls around massage establishments, are planned to be incorporated into the Business Friendly Hayward project,¹ an effort aimed at "right-sizing" the use permit process among other things, which is currently underway and expected to be adopted in Spring 2026. The Planning Division is leading the Business Friendly Hayward Project and has already been in communication with Hayward Police Department staff about potential changes to the Downtown Code, Zoning Ordinance, and Massage Permit Process to help address the issues discussed above. Additionally, the Hayward Police Department is collaborating with the City Attorney's Office to develop amendments to the Massage Permit Ordinance to strengthen enforcement capabilities.

The following example provides an illustration of the significant public health and safety risk posed by massage establishments, and the need for more robust local regulations: shortly before the 45-day moratorium was adopted, the Santa Clara County District Attorney's Office announced the arrest of three individuals who are suspected of running a network of brothels in the Bay Area, including one in Hayward.² According to the Santa Clara District Attorney, the brothels were operating under legal cover as massage parlors. The Hayward Police Department collaborated with multiple agencies at the local, state and federal levels on the investigation that lead to the arrests of the suspects and identification of over 40 women involved in commercial sex work at the brothels.

¹ Business Friendly Hayward Project: <https://www.hayward-ca.gov/your-government/departments/planning-division/business-friendly-hayward-project>

² <https://da.santaclaracounty.gov/operation-family-ties-das-human-trafficking-task-force-busts-brothel-network-worth-millions>

DISCUSSION

Massage establishments in Hayward are regulated through the Zoning Ordinance (Chapter 10, Article 1) and the Massage Permit Ordinance (Chapter 6, Article 10). Under current zoning regulations, massage businesses are allowed by right in the Downtown core,³ require a conditional use permit (CUP)⁴ in select commercial districts, and are prohibited in all other parts of the city.

The Massage Permit Ordinance⁵ requires massage establishment operators to obtain a permit issued by the Police Chief, subject to specific conditions such as background checks for all owners and employees, state certification for all massage therapists, and compliance with operational requirements. Failure to comply with the requirements of the Massage Permit Ordinance can lead to suspension or revocation of a massage permit.

The Hayward Police Department Vice Unit is responsible for enforcing the massage permit regulations. The unit is staffed with a detective and a sergeant who are responsible for reviewing massage permit applications, conducting background checks on applicants, investigating complaints, and initiating enforcement actions when necessary.

There are currently 17 permitted massage establishments in Hayward, with 10 of those establishments having complaints of illicit activity. One business recently had its massage permit revoked after an investigation revealed commercial sex activity taking place at the location. Additionally, the Police Department is aware of five unpermitted massage businesses in the city.

The combination of staffing challenges and suboptimal local regulatory tools increases the risk of bad operators who may be engaged in human trafficking and commercial sex work operating massage establishments in the city, which poses a significant threat to public health and safety. Adoption of a temporary moratorium would allow staff an opportunity to assess how the current set of regulations can be modified to prevent and deter bad actors while ensuring that legitimate massage establishments have an opportunity to operate and provide massage services within the city.

Staff is considering the following proposed updates to the Massage Ordinance:

- Requiring property owners who lease to massage businesses to provide a written acknowledgement to the City that they are aware of the nature of the business conducted by their lessee.

³ HMC Section 10-28.2.3.010, Downtown Use Table:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAMUCO_CH10PLZOSU_ART28DECO_ART10-28.2SPZO_DIV10-28.2.3USTA

⁴ HMC Section 10-1.3200, Conditional Use Permit:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAMUCO_CH10PLZOSU_ART1ZOOR_S10-1.3200COUSPE

⁵ HMC Chapter 6, Article 10, Massage Permit Ordinance:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH6BU_PRTR_ART10MAPEOR

- Prohibiting use of sexually suggestive advertising related to massage services.
- Requiring a new permit application when a permitted massage businesses undergoes an ownership change.
- Changing duration of permit from two (2) years to one (1) year.

Environmental Review - Adoption of this Ordinance is exempt from environmental review as the adoption of this Ordinance does not qualify as a "project" pursuant to the California Environmental Quality Act ("CEQA"), under Public Resource Code Section 21065 and CEQA Guidelines Section 15320, 15378, and 15061(b) (3) as there is no possibility that such action would cause either a direct, or reasonably foreseeable indirect, physical change in the environment.

FISCAL IMPACT

The recommendations provided herein will have no additional fiscal impact.

STRATEGIC ROADMAP

This agenda item is a routine operational item and does not relate to any of the six priorities outlined in the Council's Strategic Roadmap.

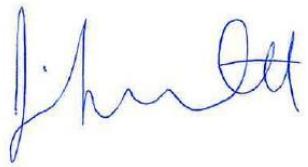
NEXT STEPS

If adopted by a 4/5 vote of the Council, the moratorium will be extended for a period of up to 10 months, 15 days. Updated regulations are tentatively scheduled to be brought to the Council for consideration in Spring 2026. Staff does not anticipate that the extended moratorium will last the entire 10 month, 15 day term. Consequently, the ordinance includes a provision that the moratorium will terminate automatically upon the effective date of the updated massage regulations.

Prepared by: Michael Vigilia, Senior Assistant City Attorney
Elizabeth Blanton, Senior Planner
Det. Gabrielle Wright, Hayward Police Department

Recommended by: Michael Lawson, City Attorney
Sara Buizer, Development Services Director
Bryan Matthews, Police Chief

Approved by:

A handwritten signature in blue ink, appearing to read "Jennifer Ott".

Jennifer Ott, City Manager

ATTACHMENT II

ORDINANCE NO. 26-_____

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAYWARD PURUSANT TO GOVERNMENT CODE SECTION 65858, EXTENDING A TEMPORARY MORAOTRIUM ON NEW MASSAGE BUSINESSES FOR A PERIOD UP TO 10 MONTHS, 15 DAYS, AND FINDING THAT THE ACTION IS EXEMPT FROM ENVIRONMENTAL REVIEW

WHEREAS, the City of Hayward ("City") is authorized under California Government Code Section 51030 et seq. to regulate a massage business when carried on within the City; and

WHEREAS, massage businesses are regulated pursuant to Hayward Municipal Code Chapter 6, Article 10 (Massage Permit Ordinance) and Chapter 10, Article 1 (Zoning Ordinance); and

WHEREAS, the Hayward Police Department has become aware of instances of commercial sex work taking place at permitted and unpermitted massage businesses within the city, which have resulted in criminal investigations and prosecutions; and

WHEREAS, there are currently 17 permitted massage establishments in the City, with 10 of those establishments having complaints of illicit activity; and

WHEREAS, on October 8, 2025, the Police Chief revoked a massage establishment permit for a business in Downtown Hayward based on evidence of commercial sexual activity taking place on the premises; and

WHEREAS, the Hayward Police Department has conducted investigations related to alleged sexual acts at massage establishments in the City which necessitate the use of limited resources, and in some instances requires partnership with multiple agencies at both the local and state level, which divert resources from violent crimes and other threats to the City; and

WHEREAS, on December 11, 2025 the Santa Clara County District Attorney's Office announced the arrest of three individuals who are suspected of running a network of brothels in the Bay Area, including one in Hayward. According to the Santa Clara District Attorney, the brothels were operating under legal cover as massage parlors. The Hayward Police Department collaborated with multiple agencies at the local, state and federal levels on the investigation that lead to the arrests of the suspects and identification of over 40 women involved in commercial sex work at the brothels; and

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WHEREAS, the current Police Department framework, which devotes one Seargent and one detective to the Vice Unit, does not afford adequate personnel and resources to effectively monitor massage establishments to ensure they are operating within the confines of local and state law; and

WHEREAS, the City Council of the City of Hayward seeks to protect the public health, safety and welfare of the citizens of Hayward from the negative secondary effects associated with massage establishments operating in violation of state and local law; and

WHEREAS, California Government Code section 65858 authorizes the City Council, by four-fifths (4/5) vote, to adopt an interim ordinance to prohibit uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City is studying or intends to study within a reasonable time; and

WHEREAS, on December 16, 2025, the City Council adopted Ordinance No. 25-16, an interim urgency ordinance pursuant to Government Code section 65858, imposing a 45-day moratorium on approval of new massage businesses in Hayward; and

WHEREAS, in order to promote and protect the public health, safety and welfare, and to allow staff an opportunity to further study the impacts of such business activities on the health, safety, and welfare, and to consider possible amendments to the Hayward Municipal Code, it is necessary that this interim urgency Ordinance be enacted and the moratorium imposed by Ordinance No. 25-16 be extended up to 10 months, 15 days; and

WHEREAS, the moratorium imposed by Ordinance No. 25-16 will expire on January 30, 2026, unless extended pursuant to Government Code section 65858; and

WHEREAS, on January 16, 2026, a notice of the public hearing on the extension of the moratorium imposed by Ordinance No. 25-16 was published in the Daily Review, in compliance with the requirements of Government Code sections 65090, 65094, and 6061; and

WHEREAS, this Ordinance is intended to be of limited duration of no more than 10 months, 15 days unless extended pursuant to existing law, and accordingly, nothing in this Ordinance is intended to effect or be construed to effect an unconstitutional taking of a property interest of any permitted use during its duration; and

WHEREAS, city staff has begun the process of developing new massage regulations which are anticipated to be presented to the City Council in Spring 2026; and

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WHEREAS, it is the intent of the City Council that the temporary moratorium will automatically terminate upon the effective date of updated massage regulations; and

WHEREAS, in accordance with California Government Code Section 65858(a), a public hearing was held concerning the adoption of this Ordinance.

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

Section 1. PURPOSE

The purpose of this interim urgency ordinance is to establish a temporary moratorium on issuance of massage establishment permits, business licenses, conditional use permits and any other approvals for massage establishments in the City to allow staff the opportunity to craft a more comprehensive approach to regulating massage establishments, and to avoid the negative secondary effects on the public health, safety and welfare.

Section 2. AUTHORITY

The City Council enacts this interim urgency ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution, Section 51031 of the California Government Code, Section 65858 of the California Government Code and Section 617 of the City Charter.

Section 3. DEFINITIONS

For the purposes of this ordinance, the terms defined below shall have the following meanings:

A. "Massage" shall mean the scientific manipulation of the soft tissues. For purposes of this definition, the terms "massage", "massage therapy", and "bodywork" shall have the same meaning.

B. "Massage Establishment" shall mean a fixed location where massage is performed for compensation, excluding those locations where massage is only provided on an out-call basis.

C. "Massage Practitioner" shall mean a person who is certified by the California Massage Therapy Council pursuant to CA Business and Professions Code Section 4604.2 and who administers massage for compensation.

D. "Massage Therapist" shall mean person who is certified by the California Massage Therapy Council under CA Business and Professions Code Section 4604 and who administers massage for compensation. For purposes of this definition, "Massage therapist", "Massage Technician", and "Masseuse" shall have the same meaning.

E. "Managing Employee" shall mean any employee of a massage establishment who has been designated by the massage establishment permittee to manage the business.

F. "Permit" shall mean a Massage Establishment Permit issued pursuant to Chapter 6, Article 10 of the Hayward Municipal Code, as well as any land use entitlement or use permit issued

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pursuant to Chapter 10 Article 1 of the Hayward Municipal Code, and any business license issued pursuant to Chapter 8, Article 1 of the Hayward Municipal Code.

G. "Person" shall mean any individual, co-partnership, firm, association, joint stock company, corporation, joint venture, or combination of individuals of whatever form or character.

Section 4. FINDINGS

The City Council of the City of Hayward hereby finds:

A. The City has received applications for issuance of massage establishment permits, as well as applications for business licenses and use permits for the establishment and/or conducting of massage.

B. The City is authorized by virtue of the California State Constitution and California Government Code Section 51031 to regulate massage establishments and massage practitioners by imposing reasonable standards relative to the skill and experience of massage practitioners and reasonable conditions on the operation of massage establishments.

C. There is a significant risk of injury to massage clients by improperly trained and/or educated massage practitioners and the City has a legitimate interest in providing reasonable safeguards against injury and economic loss to such massage clients.

D. Massage establishments are businesses which involve significant intimate contact between persons which creates opportunities for acts of prostitution and other unlawful sexual activity to occur.

E. The establishment of reasonable standards for the issuance of permits and restrictions on the operations of massage establishments would serve to reduce the risk of illegal activity.

F. The Hayward Police Department has become aware of instances of commercial sex work taking place at permitted and unpermitted massage businesses within the city, which have resulted in criminal investigations and prosecutions.

G. There are currently 17 permitted massage establishments in the City, with 10 of those establishments having complaints of illicit activity.

H. On October 8, 2025, the Police Chief revoked a massage establishment permit for a business in Downtown Hayward based on evidence of commercial sexual activity taking place on the premises.

I. On December 11, 2025 the Santa Clara County District Attorney's Office announced the arrest of three individuals who are suspected of running a network of brothels in the Bay Area, including one in Hayward. According to the Santa Clara District Attorney, the brothels were operating under legal cover as massage parlors. The Hayward Police Department collaborated with multiple agencies at the local, state and federal levels on the investigation that lead to the arrests of the suspects and identification of over 40 women involved in commercial sex work at the brothels

J. There is a current and immediate threat to the public health, safety and welfare because without the moratorium, a massage establishment could be granted a license or an

ATTACHMENT II

overconcentration of massage establishments could occur within the City without full protection to the City from the secondary effects of massage establishments.

K. The City is currently studying revised regulations to preserve the public health, safety and welfare of its citizens, which staff intends to present to the City Council for consideration in Spring 2026.

Section 5. APPLICABILITY

The regulations set forth in this Ordinance shall apply to the issuance of massage establishment permits issued pursuant to Chapter 6, Article 10 of the Hayward Municipal Code, as well as any land use entitlement or use permit issued pursuant to Chapter 10 Article 1 of the Hayward Municipal Code, and any business license issued pursuant to Chapter 8, Article 1 of the Hayward Municipal Code, and any other applicable entitlements or approvals for the establishment and/or operation of massage establishments. A temporary moratorium is not placed on the issuance of renewals of currently valid business licenses, massage establishment permits, or other renewable approvals applicable to massage establishments. An application to renew an existing permit or approval that includes a change in ownership shall be subject to the temporary moratorium.

Section 6. REGULATION

No application for massage establishment permits, as those terms are defined herein, business licenses, use permits or other applicable entitlements for the establishment of a massage establishment shall be considered or approved and no such permits, business licenses, use permits or other applicable entitlements shall be issued unless the application was deemed complete and approved prior to the adoption of this Ordinance. The preceding sentence shall also apply to applications submitted by new owners of an existing permitted massage establishment. Notwithstanding any other provision of the Hayward Municipal Code or any other ordinance or regulation of the City to the contrary, no permit or entitlement for use or environmental document which either directly or indirectly has as its result the approval or allowance of a massage establishment, shall be approved, or granted while this Ordinance remains in effect.

Section 7. ENFORCEMENT

- (a) It shall be the duty of the Chief of Police, and all officers and employees of the City of Hayward to enforce all provisions of this Ordinance.
- (b) Any person, firm or corporation, whether as principal or agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the Alameda County Jail for a term not exceeding one hundred eighty days or by both such fine and imprisonment. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each

ATTACHMENT II

day during any portion of which a violation of this Ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided.

(c) As an alternative to the provisions described in subsection (b), violations of this Ordinance may be enforced administratively pursuant to the provisions of Chapter 1, Article 3 of the Hayward Municipal Code.

(d) Any violation of this Ordinance shall constitute a public nuisance. In addition to any other remedies provided by law, the City may summarily abate such nuisance or may bring a civil suit to enjoin or abate the violation.

Section 8. NO TAKING OF PROPERTY INTENDED

Nothing in this Ordinance shall be interpreted to effect an unconstitutional taking of the property right of any person. If the City Council determined, based on specific evidence in the administrative record, that the application of one or more provisions of this Ordinance to a proposed project would effect an unconstitutional taking of a property right, the City Council shall disregard such provision or provisions to the extent necessary to avoid such unconstitutional taking.

Section 9. California Environmental Quality Act. Adoption of this Ordinance is exempt from environmental review as the adoption of this Ordinance does not qualify as a "project" pursuant to the California Environmental Quality Act ("CEQA"), under Public Resource Code Section 21065 and CEQA Guidelines Section 15320, 15378, and 15061(b) (3) as there is no possibility that such action would cause either a direct, or reasonably foreseeable indirect, physical change in the environment.

Section 10. If any section, subsection, paragraph, or sentence of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid, or beyond the authority of the City of Hayward by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed each section, subsection, clause or phrase hereof irrespective of the fact that any one or more section, subsections, clauses or phrases be held unconstitutional, invalid or unenforceable.

Section 11. This is an ordinance for the immediate preservation of the public peace, health, and safety, and shall take effect immediately in accordance with California Government Code Section 36937 and section 620 of the Charter of the City of Hayward, upon the approval of four-fifths of the City Council. The moratorium imposed by this Ordinance shall terminate 10 months and 15 days after its adoption, or upon the effective date of amendments to the Hayward Municipal Code addressing massage businesses, whichever is earlier. Nothing in this section is intended to preclude a final extension of the moratorium as allowed by Government Code section 65858, should it be necessary.

ATTACHMENT II

INTRODUCED and ADOPTED at a regular meeting of the City Council of the City of Hayward, held the __ day of __, 2026, by Council Member _____,

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



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: LB 26-002

DATE: January 27, 2026

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

East Bay Greenway Multimodal Project: Adopt a Resolution Approving the Project Evaluation for the East Bay Greenway Multimodal - Hayward Segment Project

RECOMMENDATION

That the City Council adopts the attached resolution (Attachment II) approving the completed scoping level evaluation of the East Bay Greenway Multimodal (EBGWMM) - Hayward Project, enabling project development activities to advance to the Project Approval and Environmental Document (PA&ED) phase.

SUMMARY

Alameda County Transportation Commission (Alameda CTC) is the project sponsor and implementing agency for the EBGWMM along the Bay Area Rapid Transit (BART) alignment from Lake Merritt station in Oakland to South Hayward BART station. This staff report discusses the EBGWMM - Hayward Project, a near-term project (3-5 years) within the jurisdiction of the City of Hayward (City). City staff have been integral partners during this planning process, providing key input and coordination to ensure that the East Bay Greenway reflects local priorities while supporting regional connectivity. The project has been developed through extensive input from other project stakeholders such as AC Transit, BART, and various community groups, including public schools, local residents, Bike Hayward, disability groups, and community-based organizations (CBOs).

The goals of the EBGWMM - Hayward Project are to:

- Create a continuous north/south bike facility connecting the Hayward and South Hayward BART stations.
- Provide safe, high-quality bicycle facilities suitable for people of all ages and abilities.
- Improve safety by physically separating bicyclists from high-speed vehicular traffic to the extent feasible.
- Improve access to regional transit, schools, Downtown areas, and major activity centers.
- Improve multimodal access to BART.
- Reduce greenhouse gas emissions.

The EBGWMM - Hayward Project is currently in the scoping phase. Subject to City Council's approval of the scoping level project concepts, Alameda CTC is expected to commence the next phase of project development, i.e., the PA&ED phase, in early 2026.

The project team, comprised of the City, Alameda CTC and its consultant team members, have conducted robust public outreach, coordinated with a project-specific Active Transportation Working Group (ATWG), and developed project concepts that include conceptual level project alignment and facility types. The project improvements are expected to implement a safe near-term bicycle and pedestrian facility within the project corridor.

Council Infrastructure & Airport Committee Review

The Council Infrastructure and Airport Committee (CIAC) met, reviewed and approved the project evaluation in its October 22, 2025, meeting. Now, the City and Alameda CTC are seeking the City Council to review and approve the completed scoping level evaluation of the EBGWMM - Hayward Project, enabling the project development activities to advance to the next phase of project development activities, PA&ED phase.

ATTACHMENTS

- Attachment I Staff Report
- Attachment II Resolution
- Attachment III Project Concepts
- Attachment IV Phase 3 Outreach Summary
- Attachment V East Bya Greenway Project Alignment



DATE: January 27, 2026

TO: Mayor and City Council

FROM: Director of Public Works

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FISCAL IMPACT

This item has no impact on the General Fund or Measure C.

The current scoping phase and subsequent PA&ED phase of the project are funded by Alameda CTC. The future phases of final design and the construction of the project are likely to be funded from a mix of existing county, regional, state and federal fund sources. City staff time is required to manage and oversee the transportation impact study, design, community outreach, and the implementation of EBGWMM - Hayward Project. Staff participation in these activities is expected to be funded through Fund 212 - Measure BB (Local Transportation).

BACKGROUND

The East Bay Greenway is envisioned as a 37-mile regional trail connecting northern and southern Alameda County cities. The project originated with a non-profit group, Urban Ecology, which envisioned a trail in the BART/Union Pacific Railroad (UPRR) Oakland Subdivision corridor from Oakland to Hayward. Upon passage of 2014 Alameda County Measure BB, the East Bay Greenway was included as one of three

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=7708757&GUID=03247E12-31D6-4A72-BD20-684D57E5832D&Options=&Search=>

major trails in the Transportation Expenditure Plan. During project development, several key risks were identified related to costs for land acquisition and other negotiations with Union Pacific.

In late 2021, the Alameda CTC directed the staff to evaluate a project that could be implemented in the near term (3-5 years). A near-term project likely will have to be implemented within existing City right-of-way, coordinating with local active transportation projects, serving BART stations, and providing bicycle facilities suitable for users of all ages and abilities. Recognizing the challenges in establishing an all ages-and-abilities route through Downtown and Mission Boulevard, in late 2022, Alameda CTC staff began evaluating scoping level alternatives consistent with the City's Bicycle and Pedestrian Master Plan, west of the BART and Union Pacific tracks. Streets were evaluated based on first- and last-mile connectivity to BART stations, transportation safety needs, and impacts to right-of-way and curblines.

On December 7, 2023, as the sponsoring agency, Alameda CTC approved the resources required for evaluating the street network for the multimodal project and directed its staff to form an ATWG. City and Alameda CTC staff recruited a project-specific ATWG comprised of participants from AC Transit, BART, members of bicycle advocacy organizations, people with disabilities, school and park districts, business community groups, parents of school going children and interested residents. The ATWG has met four times since its inception, to review and advise project staff and stakeholders on key project decisions and ensure that the project is responsive to local context and needs, while being suitable for bicyclists of all ages and abilities.

On October 23, 2024², staff presented a conceptual level draft alignment and types of facilities to the CIAC. The CIAC reviewed and requested to limit the number of parking space losses and conduct focused outreach to residents along Whitman Street. Staff performed additional outreach and incorporated community feedback in the recommendations where feasible. The specific outreach activities and their findings are described in the "Public Contact" section below and in Attachment IV: Phase 3 Outreach Summary.

As part of its outreach strategy, the project team conducted an online survey, met with community-based organizations, held walking and biking audits of the study corridor, conducted focus group meetings, conducted door-to-door outreach, met with school staff and conducted survey with Tennyson High School and Cesar Chavez Middle School staff and students. The project team incorporated community, school staff and students' feedback in the project concepts.

In addition to conducting public outreach and performing field reviews, the project team also conducted traffic and parking studies, as well as a cut-through traffic

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=6901017&GUID=8E4F8C13-1BB3-4A5A-A864-43FA07A4498A&Options=&Search=>

diversion analysis that informed the alignment and array of facility types that could be implemented in the near term.

On October 22, 2025, staff returned to CIAC, presented the refined project concepts, and sought CIAC's approval of this refined project concepts/evaluation. CIAC reviewed and approved the completed evaluation, however, requested the staff to embark on additional public outreach and project evaluation in the upcoming PA&ED phase.

The following is a list of outreach activities that the project team is committed to implementing within the Calendar Year 2026:

January – March 2026

- Solicit input from City Council/City Staff regarding specific groups or individuals to engage
- Work with CBOs to identify small group meeting opportunities
- Continue to meet with the project's ATWG to discuss ways to communicate/showcase project benefits

April – June 2026

- Follow-up round of door-to-door outreach to residents to discuss project benefits.
- Partner with study area schools (3) and the Safe Routes to School Program to promote the EBGWMM project during Walk & Roll to School Day in May 2026.
- Hold focus group meetings based on guidance from CBO partners and ATWG

July – December 2026

- Meet with the ATWG to discuss feedback received and additional engagement

DISCUSSION

Alameda CTC approved an “All-Ages-and-Abilities” bicycle facility policy in December 2022, which provides guidance for selecting an appropriate level of separation between bicyclists and motorists based on traffic speeds and volumes, consistent with guidance from the Federal Highway Administration. The intent is for bicycle facilities to be comfortable to use regardless of a bicyclist’s age or experience. Most people are comfortable bicycling along busy arterial streets only when a separated Class IV bicycle facility is provided. Most riders are comfortable sharing the street with traffic only when the traffic volumes and vehicle speeds are low. The EBGWMM-Hayward project consists of a mix of local, collector, and arterial streets, and the draft alignments and facility types are tailored to each street’s specific characteristics. Figure 1 and Table 2 below summarize the project concepts at the conclusion of current scoping phase. Additional detail is provided in Attachment III, and Figure 1 is also shown in Attachment V. These recommendations are still conceptual, with substantial work remaining to refine them through additional public outreach and technical study during the upcoming PA&ED phase.

While a continuous regional bicycle facility is an overall goal of the project, other community-serving amenities - such as landscaping, traffic calming, and lighting – are important elements as well. When the project is complete, it is expected to include shared use paths, protected bike lanes, bike boulevards with traffic calming, pedestrian crossing enhancements, pedestrian accessibility improvements, traffic signal modifications, lighting upgrades, bus boarding islands, transit signal priority, placemaking elements, landscaping, and urban design features.

Figure 1: Map of project concepts



Table 2: Table of project concepts

Street Name	Description of Potential Improvements
Sunset Boulevard	Bike Boulevard + Traffic Calming
Montgomery Street	Bike Boulevard + Traffic Calming
B Street	Two-Way Class IV Protected Bike Lanes
Grand Street (from B Street to D Street)	Two-Way + One-Way Class IV Protected Bike Lanes
Grand Street (from D Street to Meek Avenue)	One-Way Class IV Protected Bike Lanes
Meek Avenue	One-Way Class IV Protected Bike Lanes
Silva Avenue	Bike Boulevard + Traffic Calming
Sycamore Avenue	Two-Way Class IV Protected Bike Lanes
Whitman Street (from Sycamore Avenue to Fruitwood Way)	Class I Shared-Use Path + Traffic Calming
Whitman Street (from Fruitwood Way to Tennyson Road)	Two-Way Class IV Protected Bike Lanes + Traffic Calming
Tennyson Road	Two-Way + One-Way Class IV Protected Bike Lanes
Dixon Street	One-Way Class IV Protected Bike Lanes

Notes:

- 1) These are from a conceptual level evaluation only. Additional evaluation will be required in the next phase.
- 2) The streets described are consistent with the City's current Bicycle and Pedestrian Plan (2020).
- 3) Due to high traffic volume generated from the residences along Silva Avenue, the bike boulevard concept will not meet AAA (all ages and abilities) criteria. Traffic calming measures will be implemented to slow down motorized vehicles.

Within three months of approval of the current project evaluation, the design team will complete the preliminary intersection and traffic calming concept designs, effectively concluding the Planning phase of the project. Project improvements will be further evaluated during the next phase (PA&ED phase) of project development that is expected to commence in early 2026. During PA&ED, the project need is defined and clarified, alternatives, including a no-build alternative, are considered, and environmental impacts are identified and mitigated if necessary. Based on analysis performed for other East Bay Greenway segments, the project team anticipates that the project will be Categorically Exempt from environmental review under CEQA at this time, but this will be confirmed in this upcoming project phase.

ECONOMIC IMPACT

The East Bay Greenway project includes placemaking elements, such as landscaping and lighting, and curb-separated bike lanes. Several studies have shown that high-quality infrastructure like this, as opposed to conventional painted lanes, is likely to increase the value of properties along the corridor. Negative economic impacts are possible that relate the availability of on-street parking or travel lanes. Pedestrian and bicycle infrastructure encourages active transportation use, lowering the overall transportation costs for users and leading to better health outcomes from increased physical activity.

STRATEGIC ROADMAP

This agenda item supports the “Invest in Infrastructure” focus area and specifically supports implementation of the following:

Invest in Multi-Modal Transportation

- Project N1: Continue to implement major corridor traffic calming initiatives.
- Project N6: Continue to add approximate 10 miles of bike lanes annually, with a focus on protected bike lanes and intersections that have high traffic/incidents.

SUSTAINABILITY FEATURES

This project will provide high-quality bicycle and pedestrian improvements that will encourage road users to adopt more active forms of transportation. Mode shift towards active transportation provides environmental benefits because unlike driving trips, walking and biking do not cause pollution or greenhouse gas emissions. In addition, active transportation infrastructure supports physical activity, leading to improved physical and mental health.

PUBLIC CONTACT

The project team conducted robust public outreach to evaluate the project concepts for near-term implementation. The outreach plan includes several phases, three of which have been completed, as shown below:

Table 3: Phases of Public Outreach

Phase	Outreach Goal	Timeline
1	Share information about this EBGWMM-Hayward Segment project and gather input on existing conditions.	March 2024 – June 2024
2	Solicit input on the EBGWMM-Hayward Segment project alternatives to inform the draft concepts.	July 2024 – October 2024
3	Solicit input from residents and schools within the project study limits regarding project tradeoffs and on-street parking.	January 2025 – July 2025
4	Update and refine the concept design for the EBGWMM-Hayward Segment project.	January 2026 – March 2026
5	Increase public awareness among neighboring residents of the project plans and opportunities to provide feedback during environmental analysis.	April 2026-June 2026
6	Additional engagement as needed with input from Active Transportation Working Group	July 2026-December 2026

Outreach activities were designed to reach a broad and diverse cross-section of the community through different methods. Rather than relying on any single event, the effort was layered to ensure that different populations, including residents, students, and community-based organizations, could provide meaningful input. Some activities were meant to reach broad audiences, and others were intended to facilitate deeper, more substantial discussion. Outreach activities are included as Attachment IV, and a summary list, as provided below:

- Coordination via e-mails and website announcements
- Pop-up events at the Hawaiian May Day Festival and Eden Greenway hot meal and grocery giveaway
- Walking and biking tours of the corridor, with attendees recommended by the ATWG
- Focus groups
- Coordination with the ATWG members
- Mailers and project information flyer
- Door-to-door outreach to residents living along the corridor
- Meetings with the principals of Tennyson High School and Cesar Chavez Middle School
- Online survey to summer school students, faculty, and staff

Mailers and flyers were made available in English, Spanish, simplified Chinese, Tagalog, and Vietnamese.

At the request of CIAC in its October 2024 meeting, the project team performed additional public outreach to schools and residents directly on the proposed route between April and July 2025, where community members would be most immediately affected by the proposed alignment. In addition to distributing 969 flyers with online feedback forms, the project team knocked on 193 doors and held 55 in-person conversations. Residents shared a mixture of reactions to the proposed concept design in these in-person conversations. While some expressed support for their street receiving attention and investment and agreed that changes were necessary, there was mixed sentiment regarding what those changes may look like.

- Residents were generally supportive of the project's main multimodal goals
- Residents expressed strong support for improved aesthetics, safety, and walking conditions.
- Some residents expressed frustration with heavy traffic and speeding
- Some residents were apprehensive about the potential for removal of parking or travel lanes

Documentation and discussion about these respondents and the frequency of their sentiments is provided in Attachment IV.

In addition, the project team met with staff at Tennyson High School and Cesar Chavez Middle School and developed a survey specifically for students and staff to share their feedback on the two proposed designs for Whitman Street. One alternative preserved parking on both sides of the street and one maintained parking only on one side of the street. Responses were evenly divided, with staff preferring the design that preserved parking on both sides, and students preferring the design that removed one parking lane for better walking and bicycling facilities.

Through Spring and Summer 2026 the project team plans to hold an additional round of door-to-door outreach and partner with neighborhood schools during Walk and Roll to School Day in May. An additional meeting will be held with the Active Transportation Working Group where the potential need for additional outreach will be discussed.

NEXT STEPS

Staff request that the City Council review and approve the project evaluation, enable the project team to conclude the current scoping phase and embark on the next phase of project development activities , while continuing to engage the community and interested groups to future evaluate the project.

City Council approval would allow the project to proceed with detailed environmental review, engineering studies, and continued community engagement. This approval does not commit funding to the project or finalize design decisions. Rather, it authorizes the necessary next steps to better understand project impacts, refine designs based on technical analysis and public input, and position the project for

future funding opportunities. The final plan will continue to evolve as additional community and stakeholder input is solicited.

Staff will continue to provide periodic project status update to CIAC and the City Council, and in early 2027, will seek City Council to adopt a support position on the environmental document to be prepared for the project. Completion of an environmental document for the project is essential for soliciting federal and state funding for the next phases of project development, including for the project construction phase.

Future CIAC/City Council actions:

CIAC/City Council

Receive yearly project status updates in Fall 2026

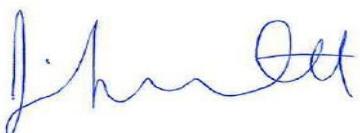
City Council

- Support the project in early 2027 (for environmental clearance)
- Approve project design for construction in spring 2029 (T)
- Accept completed construction and take ownership of project assets in spring 2031 (T).

Prepared by: Lucas Woodward, Senior Transportation Engineer

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-____

Introduced by Council Member _____

RESOLUTION OF THE CITY COUNCIL TO REVIEW AND APPROVE THE SCOPING EVALUATION OF THE EAST BAY GREENWAY MULTIMODAL - HAYWARD PROJECT

WHEREAS, the East Bay Greenway Multimodal - Hayward Project is a proposed regional trail that connects Lake Merritt to the South Hayward BART station; and

WHEREAS, the Alameda County Transportation Commission is the responsible agency overseeing the East Bay Greenway Multimodal – Hayward Project in collaboration with the City of Hayward; and

WHEREAS, City Council approval of the Scoping Evaluation is needed to continue project development activities into the Project Approval and Environmental Document phase; and

WHEREAS, the Scoping Evaluation does not approve construction, finalize funding decisions, or authorize changes to public streets, but instead identifies the preliminary alignment and bicycle facility types for the regional trail to be further studied during the Environmental Phase.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Council reviews and approves the Scoping Evaluation of the East Bay Greenway Multimodal – Hayward Project.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2024

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

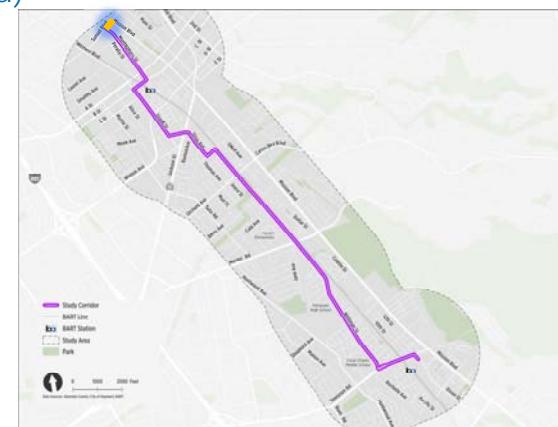
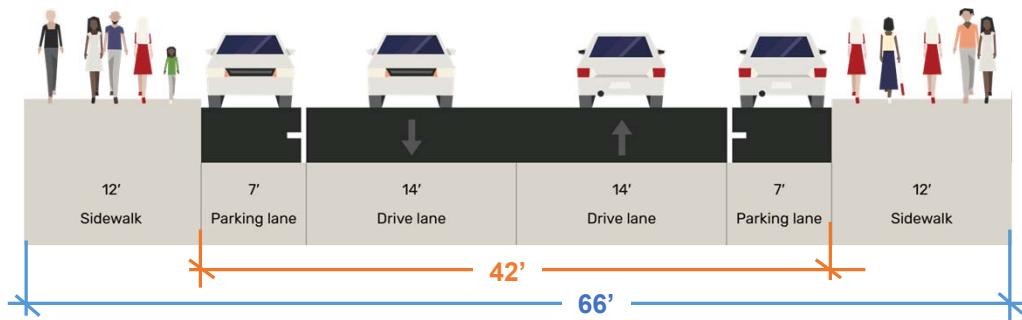
Attachment III: Project Concepts - Sections



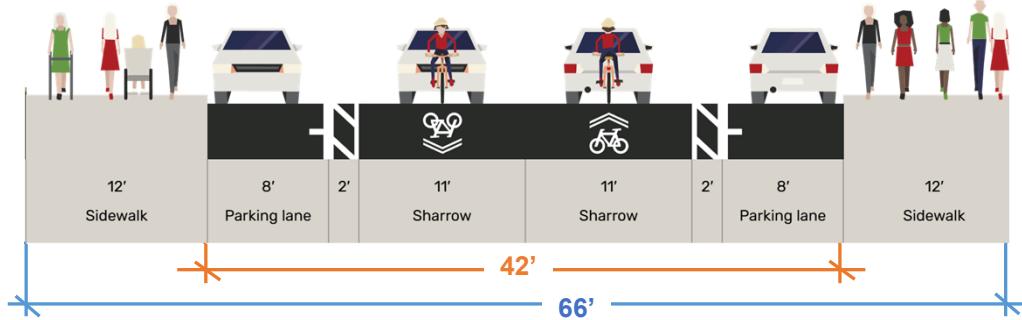
Sunset Boulevard

from Mission Blvd to Montgomery St (looking eastbound)

Existing



Project Concept



Bicycle Boulevard + Traffic Calming

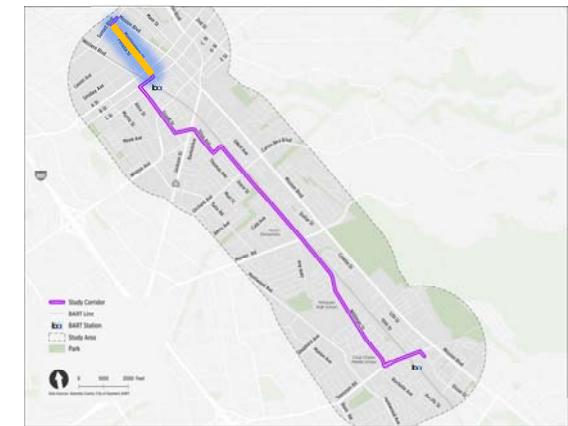
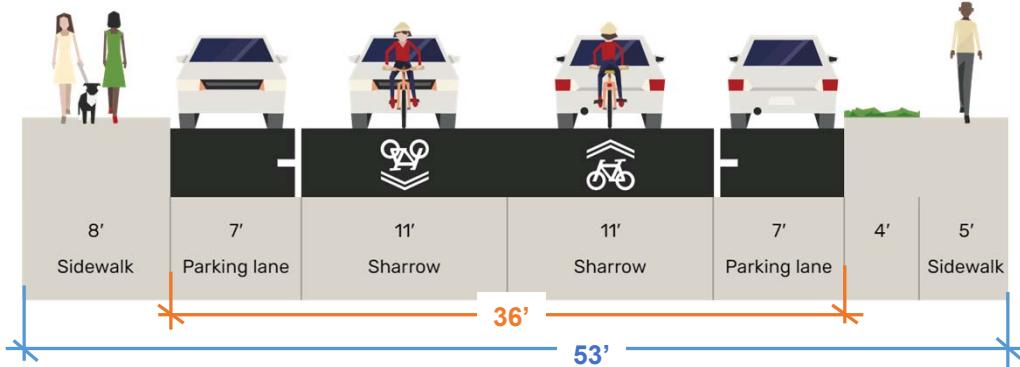
- Reduces vehicle travel lane width
- Maintains on-street parking
- Places speed humps every 250 – 300' &

Employs additional traffic calming treatments to keep vehicle volumes low and reduce vehicle speeds to 20 MPH

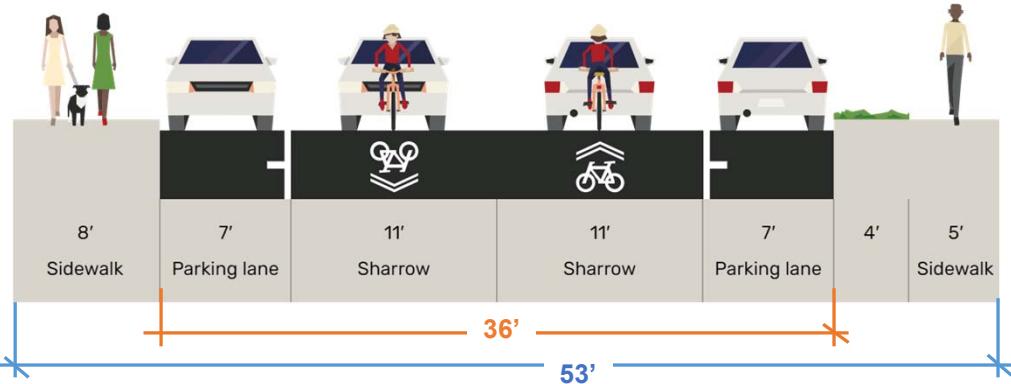
Montgomery Avenue

from Sunset Blvd to B St (looking northbound)

Existing



Project Concept



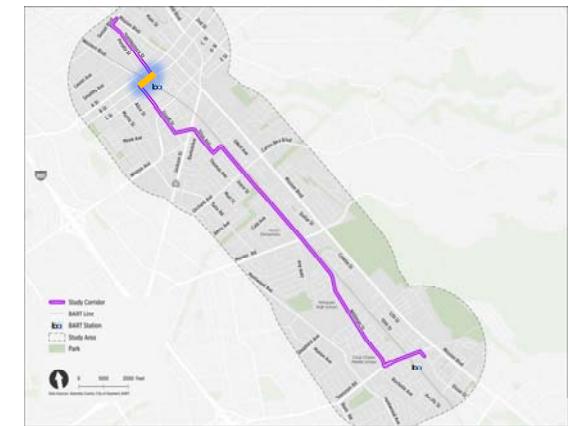
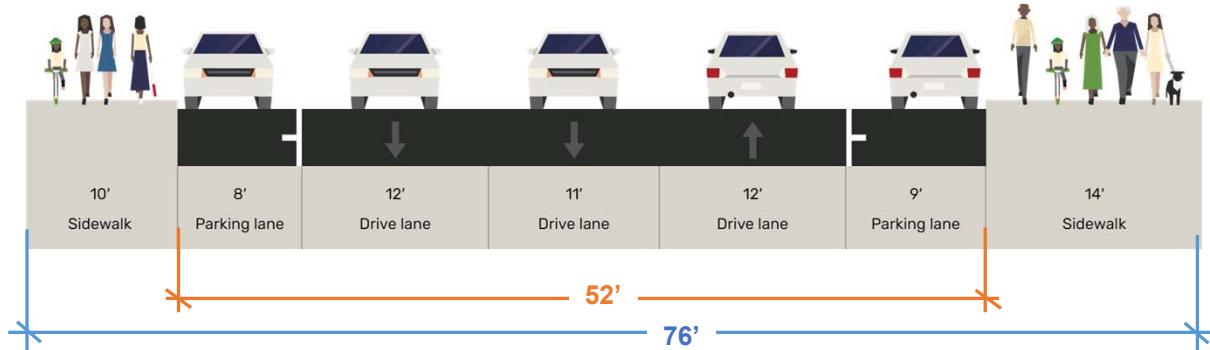
Bicycle Boulevard + Traffic Calming

- Maintains on-street parking
- Maintains existing cross section
- Places speed humps every 250 – 300' &
Employ additional traffic calming treatments recommended to keep vehicle volumes low and reduce vehicle speeds to 20 MPH

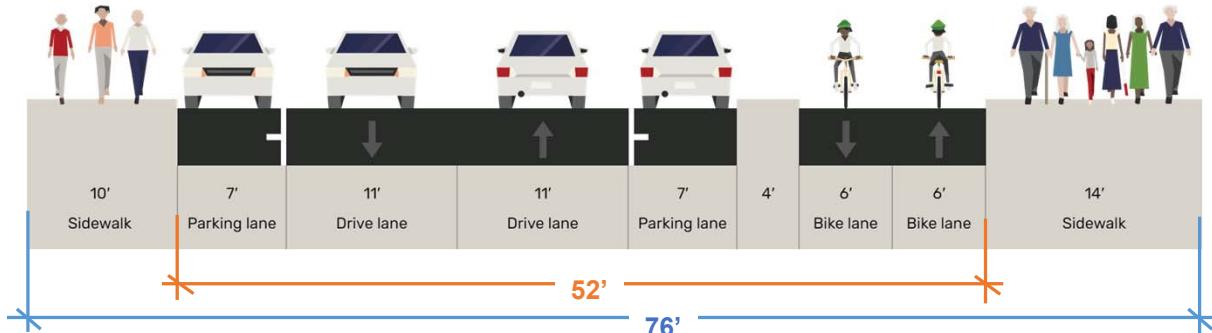
East Bay Greenway Multimodal Project Hayward Segment

B Street from Montgomery Ave to Grand St (looking eastbound)

Existing



Project Concept



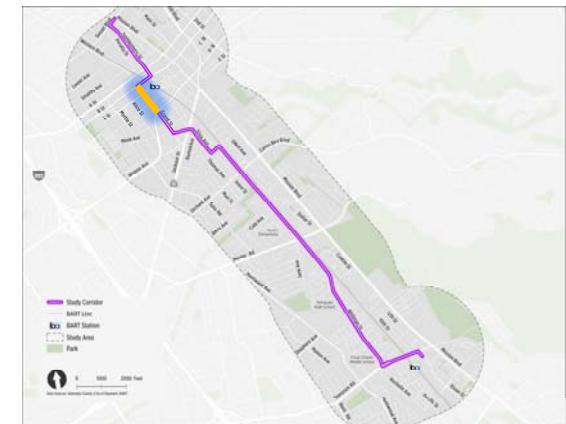
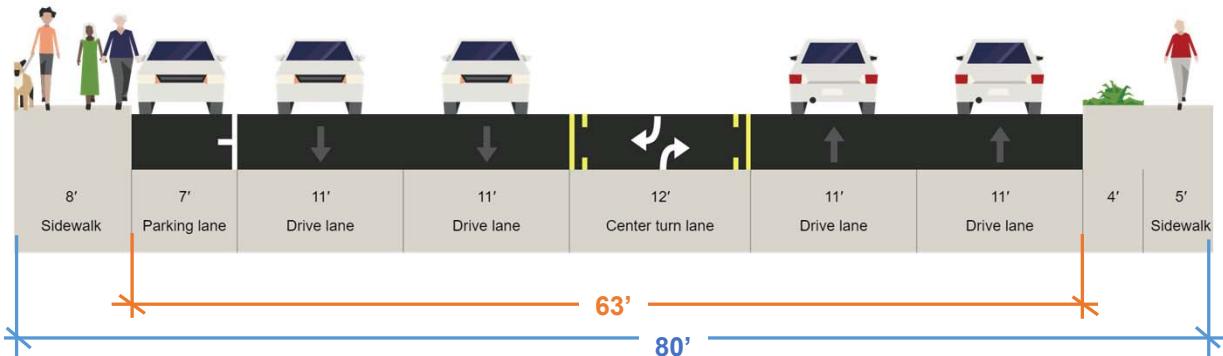
Two-Way Class IV Bikeway

- Employs road diet from 3 lanes to 2
- Maintains on-street parking
- Introduces two-way Class IV bikeway on south side, next to BART station

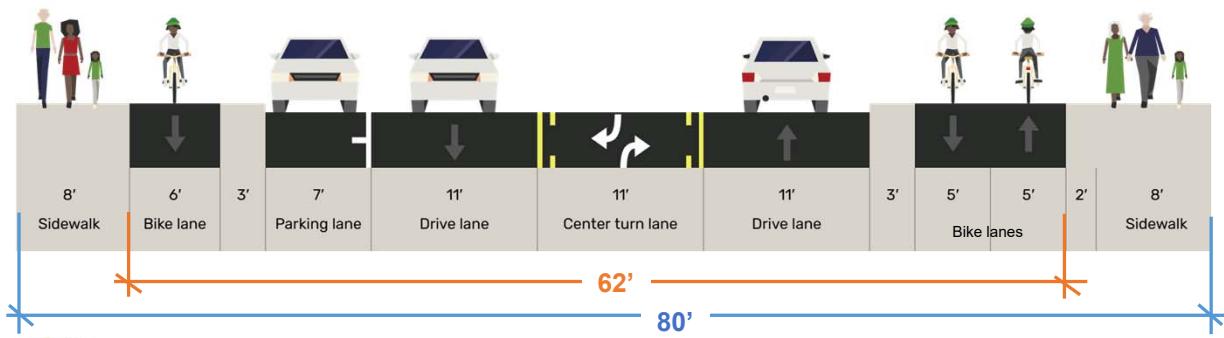
East Bay Greenway Multimodal Project Hayward Segment

Grand Street from B St to D St (looking northbound)

Existing



Project Concept



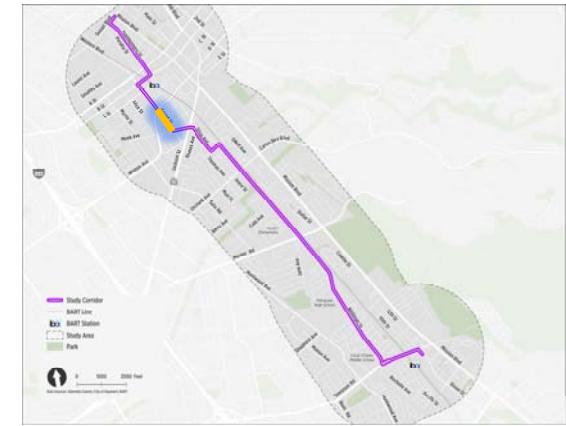
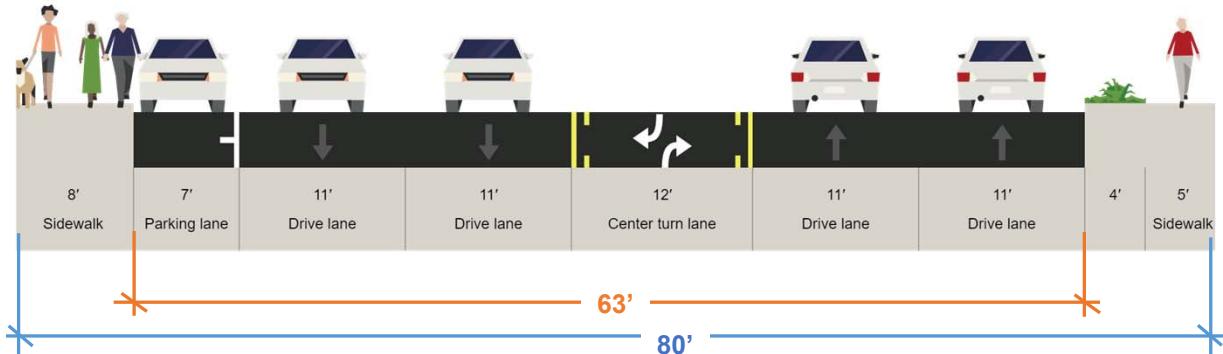
East Bay Greenway Multimodal Project Hayward Segment

Two-Way + One-Way Class IV Bikeway

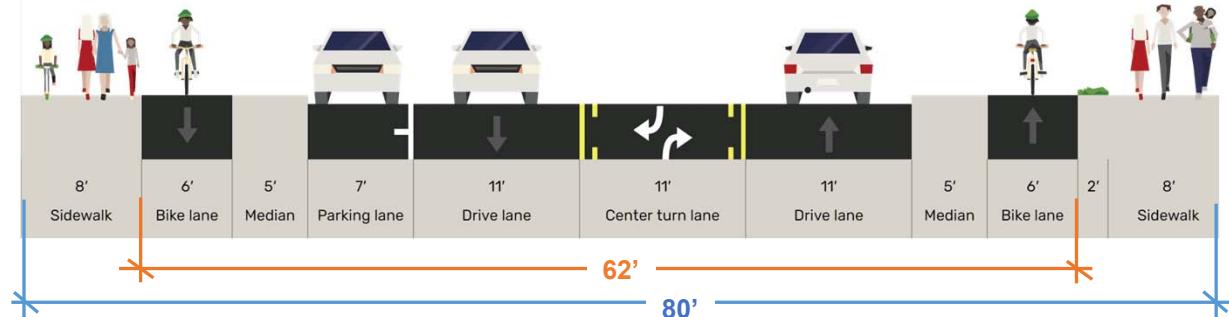
- Employs road diet from 5 lanes to 3
- Maintains on-street parking
- Introduces two-way Class IV on east side near BART (changed from one-way Class IV per BART's and ATWG's requests)
&
One-way Class IV on west side (retained previously recommended, per ATWG's request)

Grand Street from D St to Meek Ave (looking northbound)

Existing



Project Concept



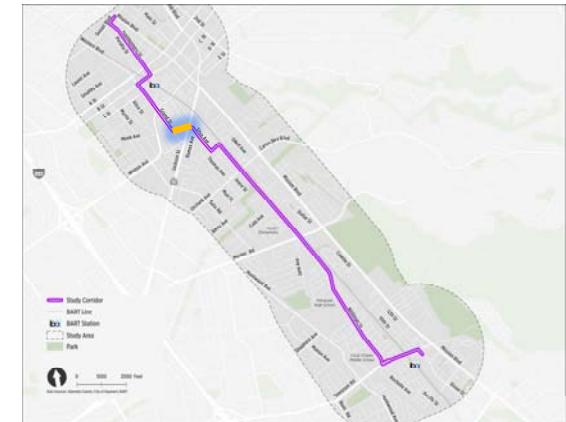
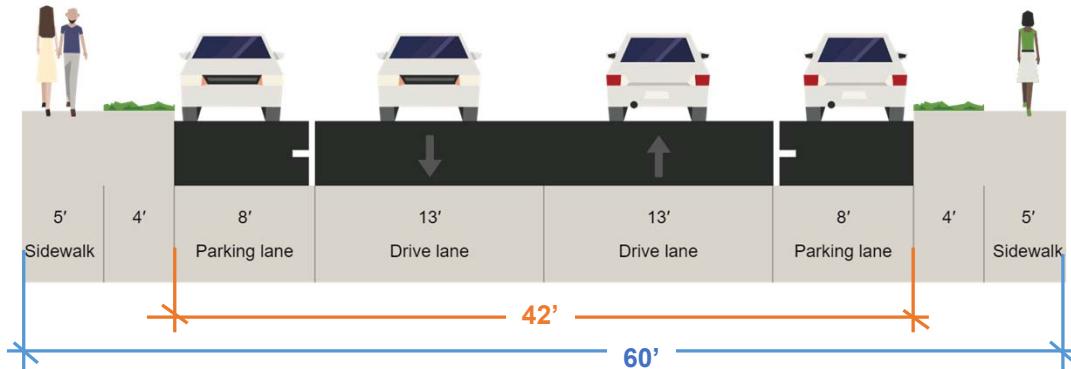
One-Way Class IV Bikeway

- Employs road diet from 5 lanes to 3
- Maintains on-street parking
- Introduces one-way Class IV on both sides

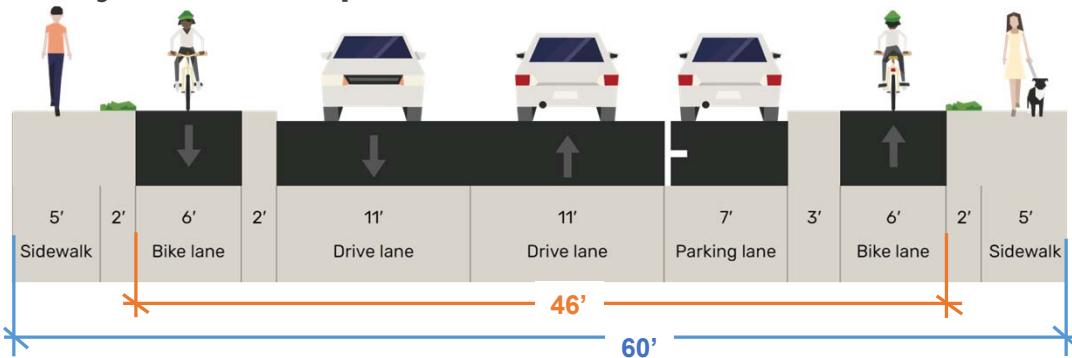
East Bay Greenway Multimodal Project Hayward Segment

Meek Avenue from Grand St to Silva Ave (looking westbound)

Existing



Project Concept



One-Way Class IV Bikeway

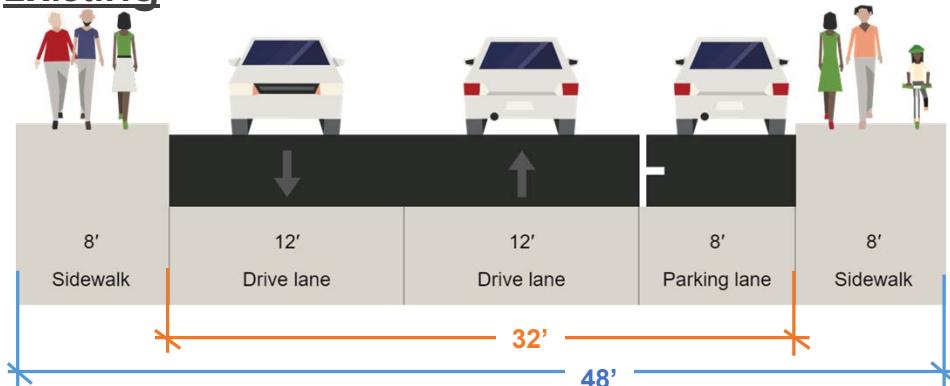
- Removes on-street parking on west side (68% utilization) (~11 spaces)
- Introduces one-way Class IV on both sides

East Bay Greenway Multimodal Project Hayward Segment

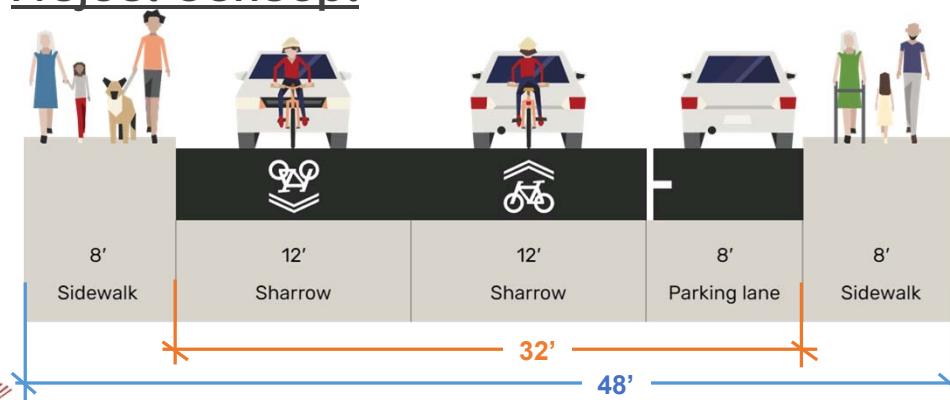
Silva Avenue

from Jackson St to Sycamore Ave (looking northbound)

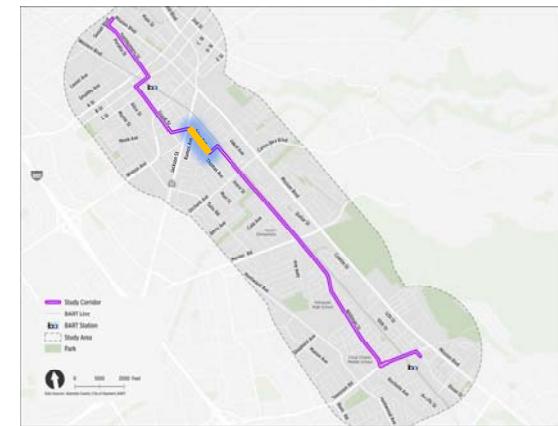
Existing



Project Concept



East Bay Greenway Multimodal Project Hayward Segment



Bike Boulevard + Traffic Calming

- Maintains on-street parking
- Places speed humps every 250 – 300 feet
&
• Employs additional traffic calming treatments to keep vehicle volumes low and reduce vehicle speeds to 20 MPH

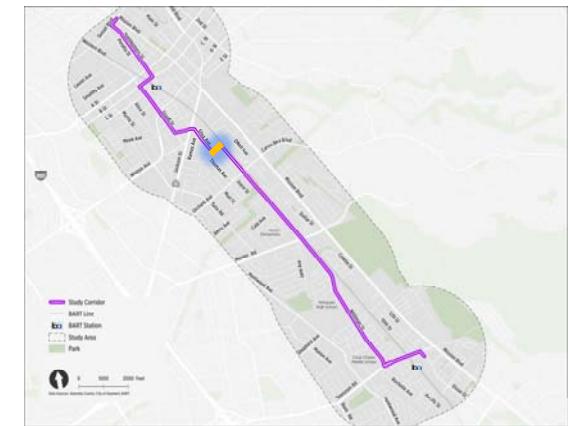
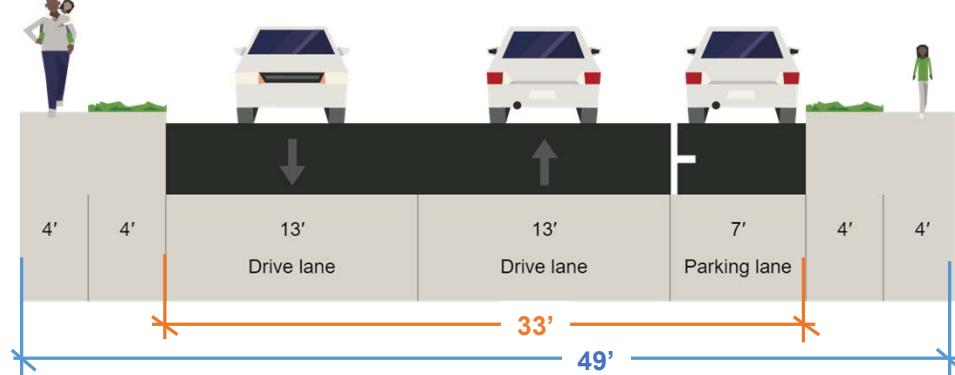
Notes:

- 1) Previously recommended "pinch point" will not work due to excessive traffic
- 2) Facility will not meet All Ages and Abilities (AAA) Criteria due to traffic volume generated within is over 5,000 vpd vs. 2,000 vpd to meet AAA Criteria

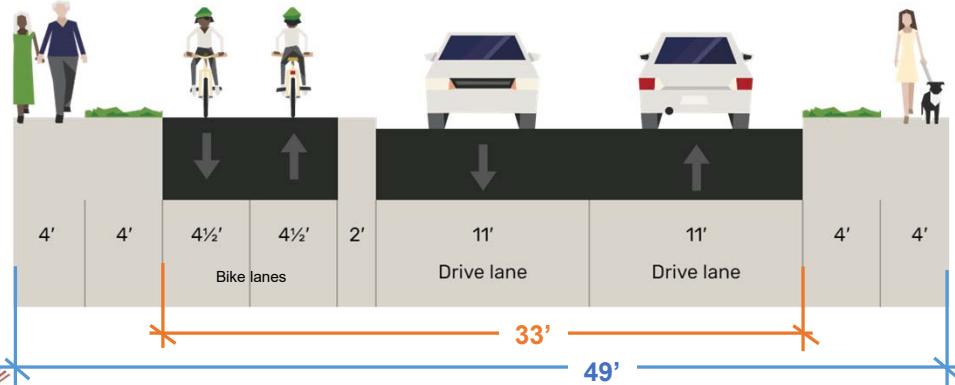
Sycamore Avenue

from Silva Ave to Whitman St (looking eastbound)

Existing



Project Concept



Two-Way Class IV Bikeway

- Removes on-street parking (49% utilization, ~7 spaces)
- Introduces two-way Class IV on north side of street
- Provides continuous two-way Class IV facility around curve to Whitman St

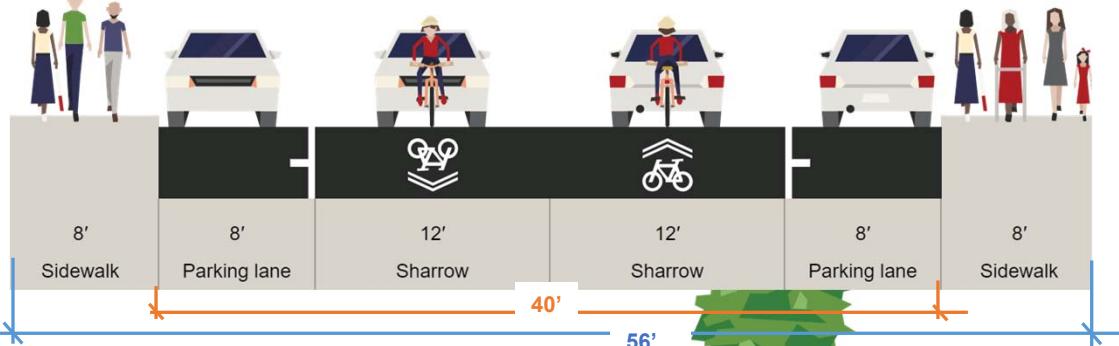
East Bay Greenway Multimodal Project Hayward Segment



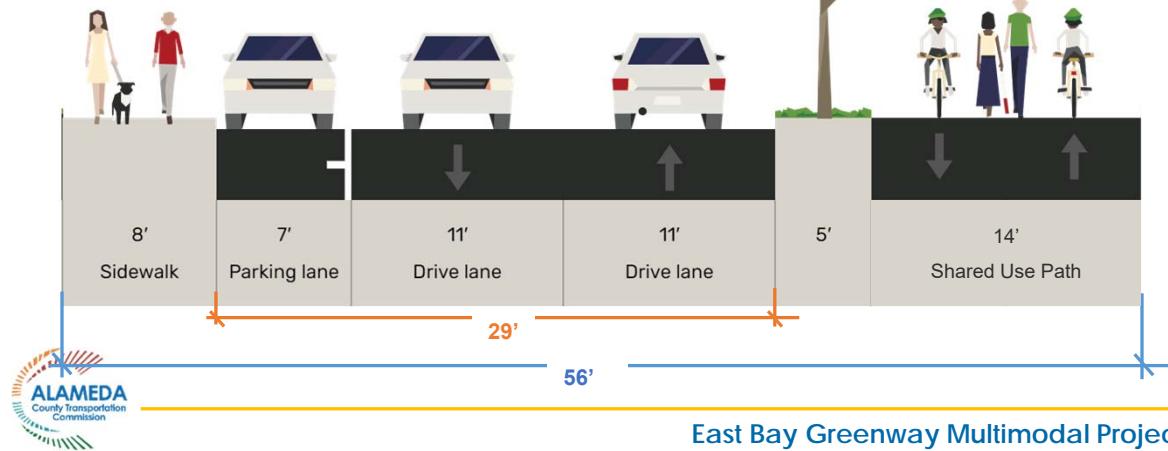
Whitman Street

from Sycamore Ave to Orchard Ave (looking northbound)

Existing



Project Concept



East Bay Greenway Multimodal Project Hayward Segment



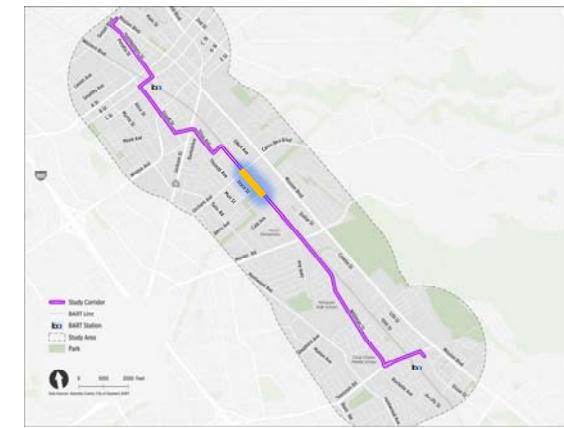
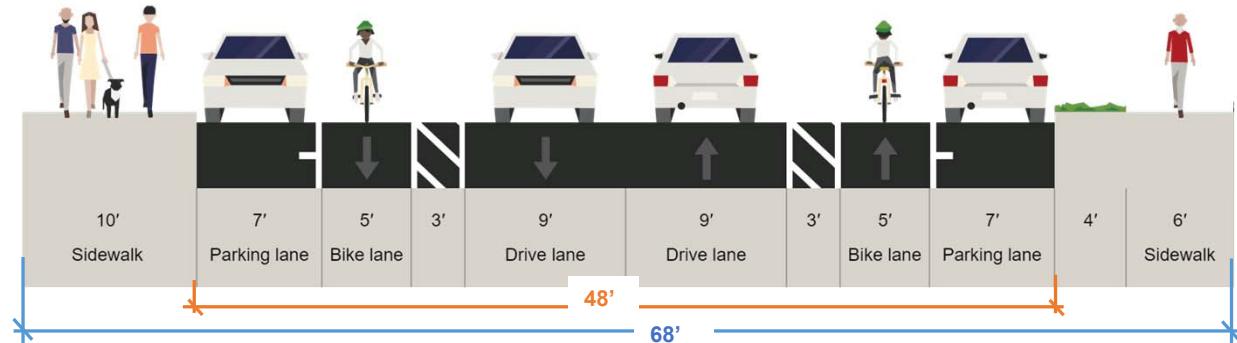
Class I Shared Use Path

- Reduces lane width from 12 to 11 feet (and maintains bus route)
- Removes on-street parking on east side only (49% utilization, ~55 spaces) (changed from previously recommended removal from both sides)
- Introduces Class I shared use path on east side within city R/W, near rail line (fewer bike/ped/driveway conflicts) (per city's request, changed from previously recommended two-way Class IV bikeway & sidewalk)
- Employs traffic calming treatments to reduce vehicle speeds to posted speed limit of 25 MPH
- Provides room for landscaping (city's request)

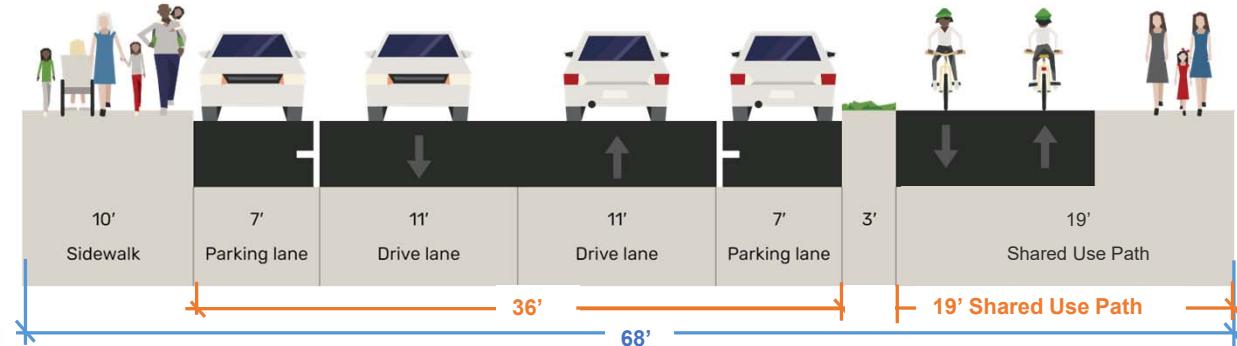
Whitman Street

from Orchard Ave to Berry Ave (looking northbound)

Existing



Project Concept



East Bay Greenway Multimodal Project Hayward Segment

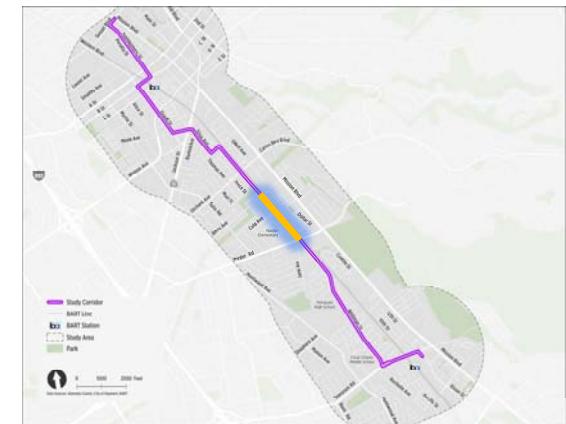
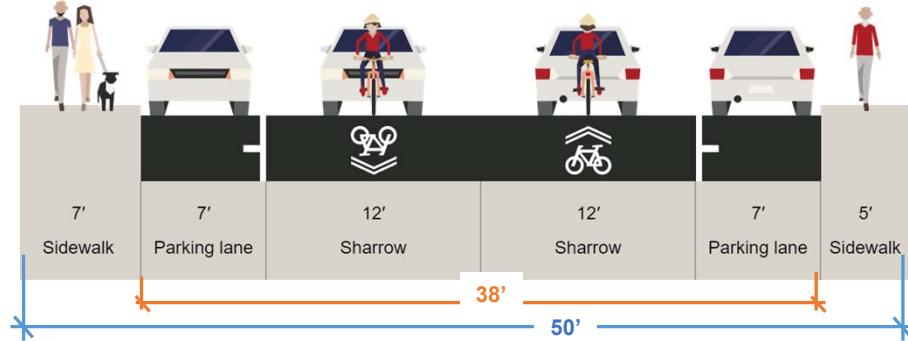
Class I Shared Use Path

- Maintains on-street parking on both sides
- Introduces Class I shared use path on east side within city R/W, near rail line (changed from previously recommended two-way Class IV bikeway & sidewalk)
- Employs traffic calming treatments to reduce vehicle speeds
- Provides room for landscaping

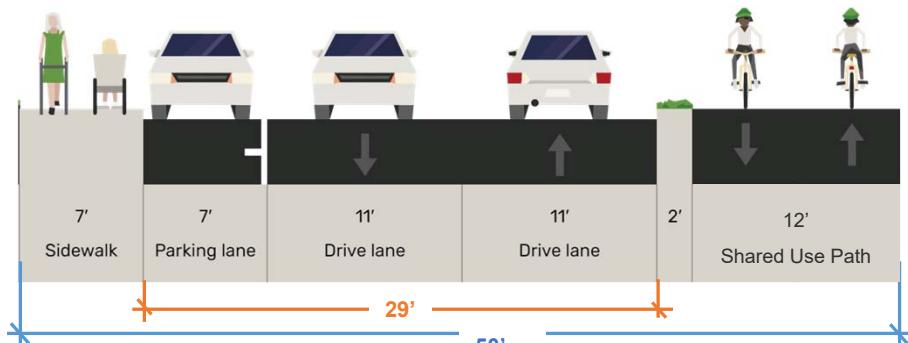
Whitman Street

from Berry Ave to Harder Rd (looking northbound)

Existing



Project Concept



Class I Shared Use Path

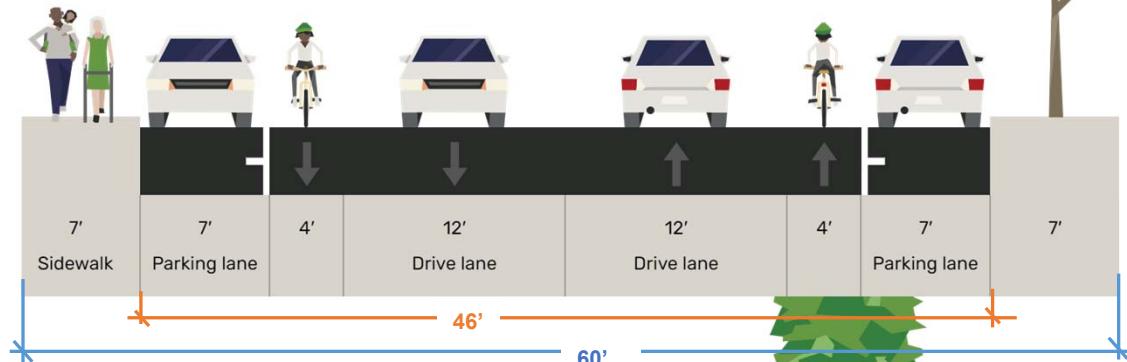
- Removes on-street parking on east side only (50% utilization, ~77 spaces)
- Introduces Class I shared use path on east side within city R/W, near rail line (changed from previously recommended two-way Class IV bikeway & separate sidewalk)
- Employs traffic calming treatments to reduce vehicle speeds

East Bay Greenway Multimodal Project Hayward Segment

12

Whitman Street from Harder Rd to Fruitwood Wy (looking northbound)

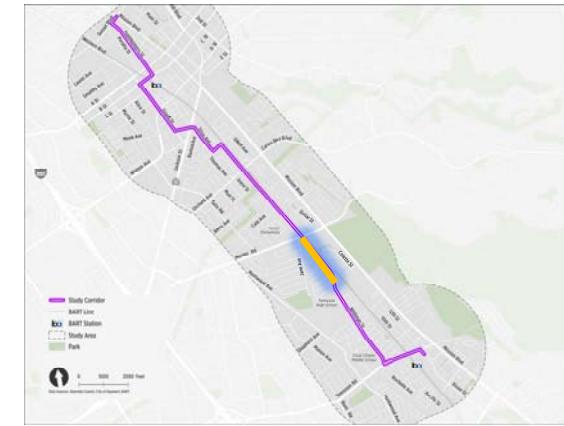
Existing



Project Concept



East Bay Greenway Multimodal Project Hayward Segment

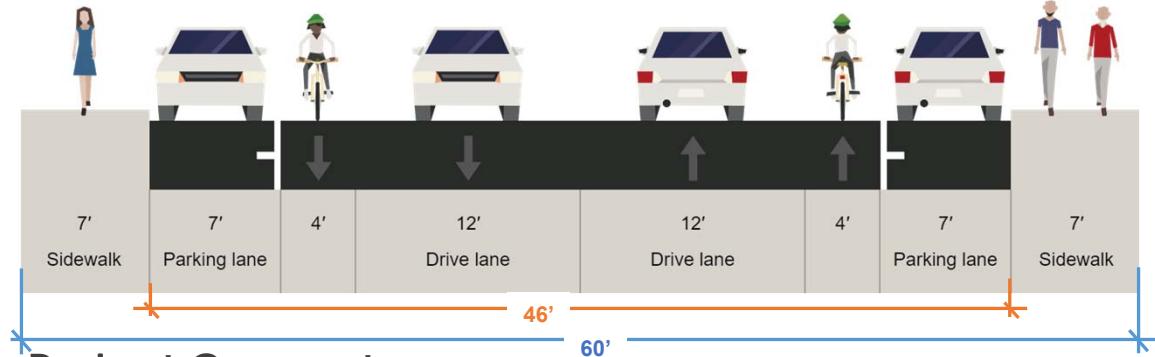


Class I Shared Use Path

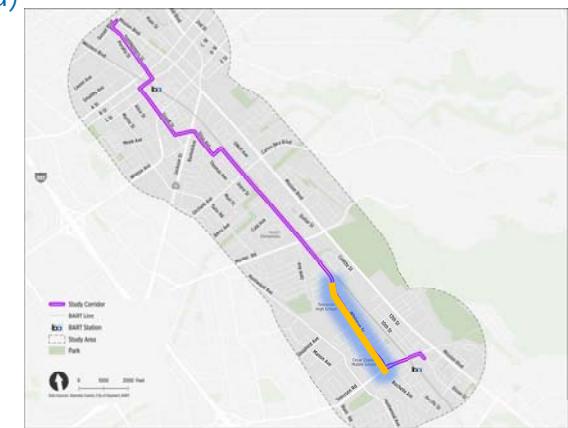
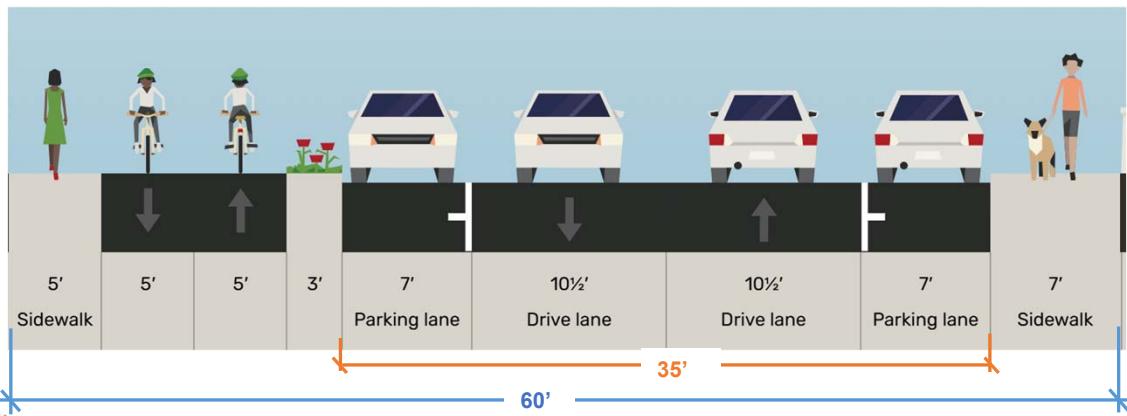
- Maintains on-street parking
- Introduces Class I shared use path on east side within city R/W, near rail line (changed from previously recommended two-way Class IV bikeway & separate sidewalk)
- Employs traffic calming treatments to reduce vehicle speeds
- Provides room for landscaping (city's request)

Whitman Street from Fruitwood Way to Tennyson Road (looking northbound)

Existing



Project Concept



Two-Way Class IV Bikeway

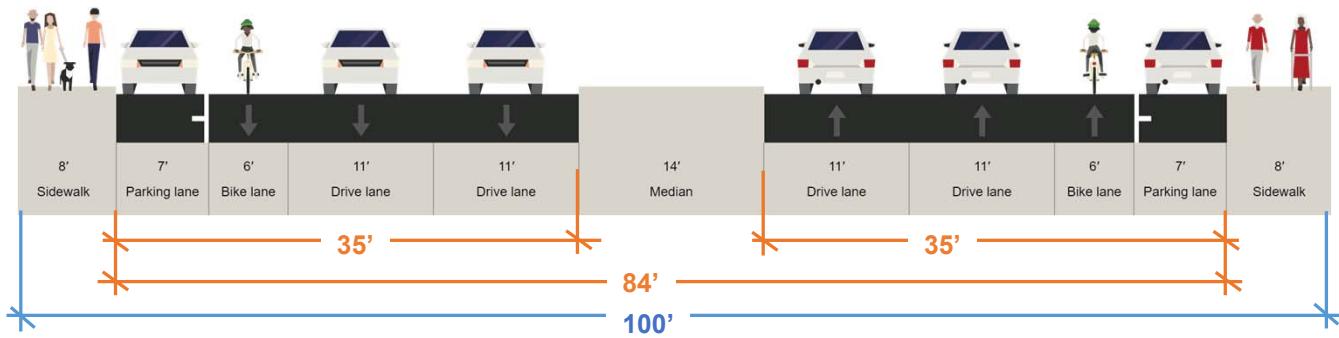
- Introduces two-way bikeway (transitions to west side from Roadway north of, next to middle and high schools to enhance safe school access)
- Employs traffic calming treatments to reduce vehicle speeds

East Bay Greenway Multimodal Project Hayward Segment

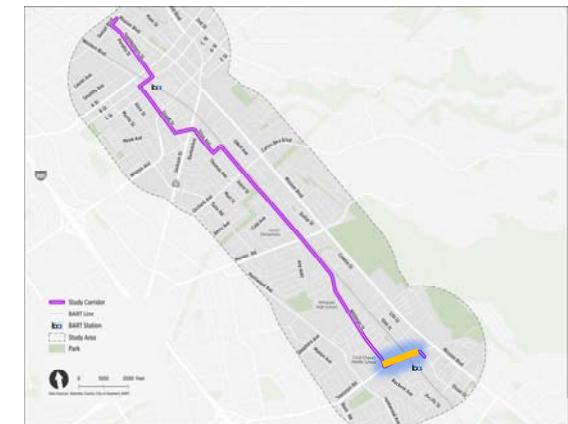
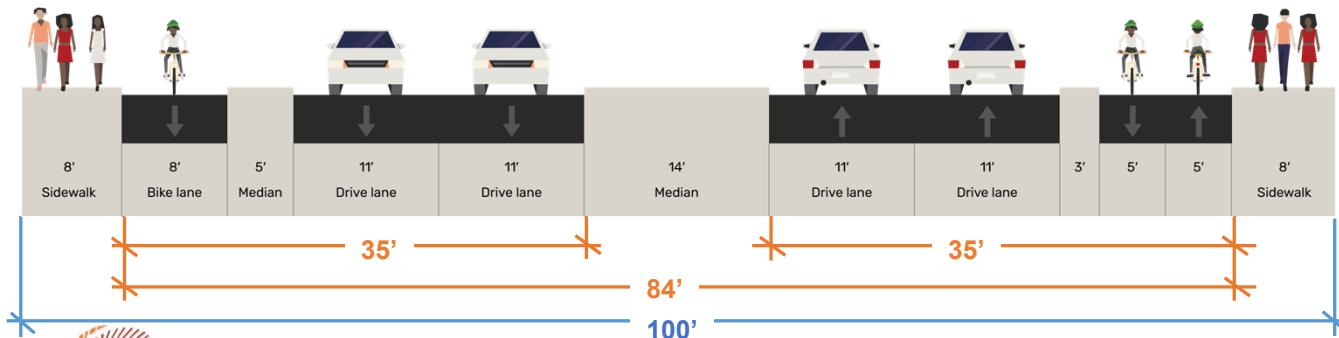
Tennyson Road

from Whitman St to Dixon St (looking eastbound)

Existing



Project Concept

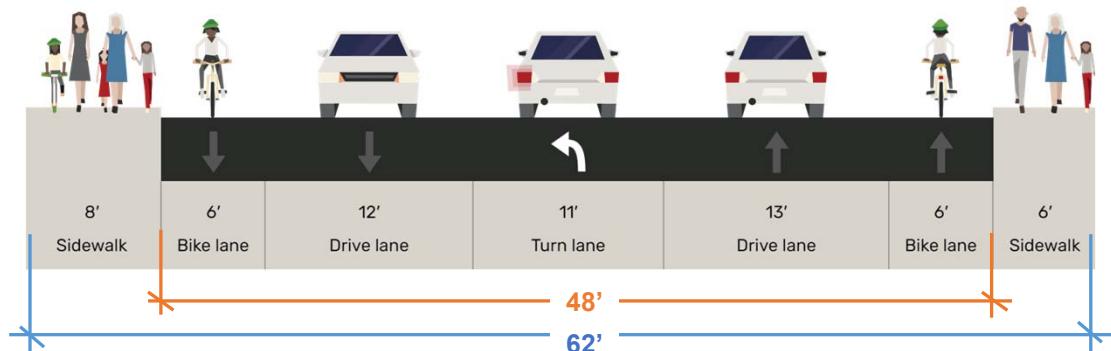


Two-Way + One-Way Class IV Bikeway

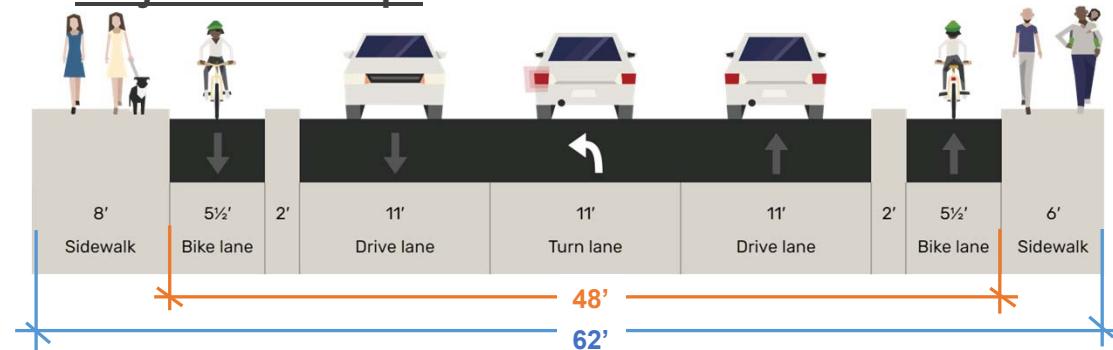
- Removes on-street parking on both sides (21% utilization)
- Introduces two-way Class IV bikeway on south side of street next to BART station
- Converts existing westbound Class II bike lane to Class IV bike lane (as requested by ATWG, changed from previous recommendation to leave as is)

Dixon Street from Tennyson Rd to BART (looking northbound)

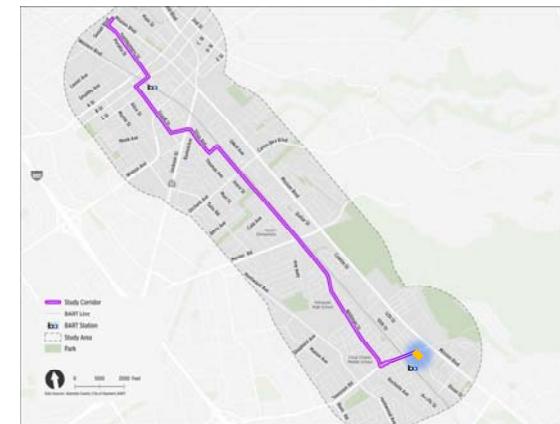
Existing



Project Concept



East Bay Greenway Multimodal Project Hayward Segment



One-Way Class IV Bikeway

- Reduces travel lane widths to 11 feet
- Converts Class II bike lanes to Class VI on both sides



East Bay Greenway Multimodal (EBGWMM) Project: Hayward Segment

Phase 3 Outreach Summary

September 2025

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Introduction and Executive Summary

This document summarizes engagement efforts and community input for Phase 3 of the Alameda County Transportation Commission's (Alameda CTC) East Bay Greenway Multimodal (EBGWMM) Project: Hayward Segment (Project).

Purpose and Approach Overview

Timing:	April-July 2025
Purpose:	<ul style="list-style-type: none">• Generate excitement about proposed improvements.• Educate residents along the corridor about the benefits of the project, as well as the timeline and tradeoffs.• Gather input from residents and community members who may be directly impacted.
Engagement Methods:	<ul style="list-style-type: none">• Flyering and door-to-door outreach along Montgomery Street, B Street, Grand Street, Meek Avenue, Silva Avenue, Sycamore Street, Whitman Street, and adjacent side streets.• Online feedback form for corridor residents to share input.• Correspondence with individual residents regarding questions or comments shared.• Communication with all three schools located along Whitman Street.• Tailored survey to collect input from Tennyson High School and Cesar Chavez Middle School staff and students.• Active Transportation Working Group (ATWG) Meeting #4.
Materials:	<ul style="list-style-type: none">• Flyer with QR code to feedback form.• Design concept cross sections.• Feedback form.• Presentation slide deck.

All materials were available in English, Spanish, Vietnamese, Simplified Chinese, and Tagalog.

Overview of Results

Over five days, the Project Team distributed 969 total flyers covering 2.5 miles of the project corridor plus all cross streets. Flyers provided a project overview and encouraged residents to take the feedback form to offer their input. This effort included:

- Door-to-door outreach: 193 flyers distributed; staff knocked on doors with the intention of speaking with a resident. Residents answered the door in some cases, resulting in 55 conversations.
- Flyering: 776 flyers were distributed with links to online feedback form; staff left flyers at properties in visible locations.

Key themes of community and stakeholder feedback included:

- Support for future changes: Residents were curious and appreciative of the effort to improve aesthetics, safety, and walking conditions.
- Concerns with existing conditions: Residents were aware of and expressed frustration with heavy traffic and speeding in their neighborhood and viewed it as a primary safety issue.
- Apprehension regarding potential impacts of future changes: Some residents shared concern that removing parking and/or vehicle lanes would cause impacts to residents. Some requested other traffic calming measures be considered.

School engagement with students and staff through a digital survey showed a desire to prioritize the safety of school students, including curbing vehicular speeds and conserving street parking.

ATWG Meeting #4 with Hayward stakeholders concluded engagement for Phase 3. ATWG members discussed the importance of traffic calming measures and emphasized the need for protected bike facilities.

Outreach Approach

To complete flyering and door-to-door outreach, the Project team spent 50 hours in the Hayward community knocking on doors, engaging in conversations, and flyering, to reach as many residents as possible and encourage people to complete the feedback form. Appendix A: Outreach Area includes a map showing the entire route, with blue and orange corridors signifying flyering routes and green corridors signifying door-to-door routes.

After every interaction and flyer distribution, a member of the Project team completed an internal reporting form to document the address, activity, and any comments or sentiments if a conversation ensued. In the portion of the outreach effort that involved knocking on doors, staff hand wrote messages on flyers when leaving them behind, to explicitly direct residents to the feedback form and encourage them to share their input.

To reach the communities of Tennyson High School, Cesar Chavez Middle School, and Harder Elementary School, the Project team visited the schools, distributed multiple emails to school staff, and followed up with phone calls with the intention of scheduling meetings. This resulted in one meeting with Tennyson High School, and a school survey distributed to students and staff of Tennyson High School and staff of Cesar Chavez Middle School developed based on feedback received in the meeting.

Materials

The Project team utilized multiple mediums to engage with residents: a Project flyer, feedback form, and cross section overview. Appendix B: Outreach Materials provides these materials. All materials were made available in Spanish, Simplified Chinese, Vietnamese, and Tagalog, meeting Title VI requirements.

- Project flyer
 - Content: existing challenges, proposed improvements, next steps, project benefits, and potential impacts.
 - Interactivity: It included QR code links to the project website and feedback form.
 - Language accessibility: The flyer included a brief overview in Spanish, Simplified Chinese, Vietnamese, and Tagalog, with QR code links to each respectively translated flyer and cross sections.
- Feedback form: The feedback form included questions surrounding the Project's benefits, street parking, potential impacts, and general comments.
- Cross sections: The cross sections, made available on the Project website, visually depicted the existing and proposed improvements, including the impacts in the Project area.
- School survey: A brief survey focusing on Whitman Street described the two options for consideration near Tennyson High and Cesar Chavez Middle Schools, detailed tradeoffs between the two options, and gathered input from students and staff on preferences between the two options.
- Presentation slide deck: For the ATWG meeting, a slide deck provided an overview of recent community engagement (door-to-door/flyering feedback and school engagement/survey) and presented on final project alternatives and design elements.

Flyering and Door-to-Door Outreach Effort

The Project team spent 50 hours in the field over the span of five days distributing a total of 969 flyers. Table 1 outlines the daily metrics that the Project team achieved in that time frame. The Project team covered approximately 19 miles of ground during outreach.

Table 1. Staff effort and flyers delivered by day.

Date	Combined Staff Hours	# of Staff	# of Flyers Distributed	Activity
4/16/2025	12 hours	4	94	Door-to-door
4/17/2025	12 hours	4	65	Door-to-door

Date	Combined Staff Hours	# of Staff	# of Flyers Distributed	Activity
4/22/2025	10 hours	3	199	Door-to-door & Flyering
4/25/2025	10 hours	3	392	Flyering
4/28/2025	6 hours	2	219	Flyering
Total	50 hours	969 Flyers		

Outreach to Organizations

In addition to private residences, the Project team ensured comprehensive outreach to stakeholders and community members in schools, businesses, places of worship, and apartment complexes along the Project area. The extent of response to the Project team's outreach varied, with some organizations accepting multiple flyers to hang around the premises, while apartment complexes distributed links directly to their residents. Table 2 outlines the details surrounding the outreach for these organizations.

Table 2. Organizations reached through flyer distribution.

Organization	Description	Projected Reach or Audience
Animal Hospital	Gave brief project introduction and dropped off flyer	Staff and clients
Berry Tree Apartment Complex	Dropped off flyer in leasing or manager office	34 residential units
Bethesda Christian Retirement Center	Dropped off flyer in leasing or manager office	40 residential units
Cesar Chavez Elementary School	Attempted to speak with staff	Not applicable
Church of Christ of Hayward	Dropped off flyer	Staff and church attendees
Collision Center	Gave brief project introduction and dropped off flyer	Staff and clients
Community Garden	Dropped off flyer	Garden members
First Christian Church	Dropped off flyer	Staff and church attendees
Fresh Outpouring Church	Dropped off flyer	Staff and church attendees
Harder Elementary School	Attempted to speak with staff multiple times but were	Not applicable

Organization	Description	Projected Reach or Audience
	unavailable at time flyering effort occurred	
Journey Church East Bay	Dropped off flyer	Staff and church attendees
Ministerios Puente de Fe	Dropped off flyer	Staff and church attendees
Mundo Feliz Family Daycare	Dropped off flyer	Staff and clients
Park Manor Apartment Complex	Sent email with links to flyers and feedback form	81 residential units
Park Orchard Apartment Complex	Sent email with links to flyers and feedback form	150 residential units
Sycamore Plaza Apartment Complex	Gave a brief project introduction and flyer to resident to share	22 residential units
Templo de la Cruz	Dropped off flyer	Staff and church attendees
Tennyson High School	Got contact information from administrative secretary to follow up after district approval	After district approval, all staff, parents, and students
Weinreb Place Senior Housing	Dropped off flyer in leasing or manager office	22 residential units
Whitman Green Apartment Complex	Sent email with links to flyers and feedback form	188 residential units
Young Scholars Program	Dropped off flyer	Staff and clients

Title VI Compliance Efforts

As part of Alameda CTC's commitment to provide meaningful access to all individuals accessing services provided by the agency, outreach for the EBGWMM Project – Hayward segment included the following methods, guided by the Title VI Language Assistance Plan (LAP) for Limited English Proficient (LEP):

- Flyers distributed to residences and organizations were provided in English, with a translated paragraph in Spanish, Vietnamese, Tagalog, and Simplified Chinese directing readers to translated versions of the document.
- Fully translated flyers and cross-section documents were available through the project website in Spanish, Vietnamese, Tagalog, and Simplified Chinese.

- The feedback form was also provided in English, Spanish, Vietnamese, Tagalog, and Simplified Chinese.
- The team conducting outreach in the field always included at least one Spanish speaker, and multiple introductory conversations with residents occurred in Spanish.
- The City of Hayward made a phone number available for residents needing additional language support; this number was included in all flyers.

Outreach Results

The Project team distributed 969 total flyers through door-to-door outreach and flyering, resulting in 55 conversations and 37 responses in the feedback form. Coordination with schools resulted in 65 school survey responses.

- Door-to-door outreach: 193 flyers distributed to residents
 - 55 conversations
 - 48 brief project introductions directing to the feedback form.
 - 7 feedback forms completed during the conversation.
 - Language Usage
 - 43 conversations held in English.
 - 12 conversations held in Spanish.
- Flyering: 776 flyers distributed to residents, apartments, businesses, and places of worship.
- Feedback form: 37 responses
- School survey: 65 responses
- ATWG meeting #4: 12 ATWG members provided input.

In-person feedback (door-to-door outreach)

Residents shared a mixture of reactions to the proposed concept design in conversations during the door-to-door outreach. While some expressed support of their street receiving attention/investment and agreed that changes were necessary, there was mixed sentiment regarding what those changes may look like. Though generally supportive of the project's main multimodal improvements (design and connectivity), residents had concerns regarding current vehicle speeding and traffic congestion, and potential parking removal associated with the improvements. Common themes of input included:

- Safety
 - Concern due to excessive speeding along Whitman Street.
 - Request for traffic calming measures, such as speed bumps and stop signs, to decrease vehicle speed.
 - Fear of heavy traffic congestion and speeding due to personal experiences with injury or loss.
- Connectivity
 - Appreciation for protected bike lanes and questions about the design aspect.
 - Support for keeping pedestrians off the street and improving sidewalks.
- Aesthetics
 - Excitement for the improvements in lighting, trees, and landscaping.
- Parking Removal

- Recognition of parking removal trade-off due to added improvements.
- Hesitancy and disapproval of parking removal due to worry that parking would flood into side streets, especially in front of the schools.

Online feedback (feedback form)

Despite the extensive outreach effort made by Alameda CTC's design team, only 37 responses were received via the online survey, which is approximately 4% of the total properties reached. The team suspects that the low number of responses may be due to several reasons, including residents being busy and unable to take time to complete the form, fatigued or overwhelmed by engagement efforts and requests, or comfortable with the direction the project is going and not motivated to share input. It may also be the case that volunteer response bias, a phenomenon where individuals choose to respond to a survey out of a strong feeling about the subject, partially skewed the data set, not representing the average view.

The feedback form posed specific questions around the project improvements and allowed residents to share their comments and concerns in their own words. Please refer to Appendix B: Outreach Materials to view the full set of survey questions.

Common themes of input included an appreciation for the intention of the Project and concern with the potential impacts. Residents noted current issues of speeding, traffic congestion, and parking availability. Many residents recognized that their street requires drastic improvements to alleviate these ailments and find that this concept design will not provide the relief necessary.

- Connectivity
 - 4 residents stressed the importance of creating a continuous walking and biking experience along Whitman Street.
- Safety
 - 4 residents highlighted the importance of prioritizing safer biking for children in the neighborhood. One had witnessed a near collision of kids on their bikes and oncoming traffic.
 - 2 residents saw the existing bike lane on Whitman Street as sufficient space for cyclists and did not find the addition of protected bike lanes necessary.
 - 7 residents recognized speeding as Whitman Street's most dangerous challenge and pressing issue, desiring calming measures that impact speeding drivers instead of residents.
- Traffic Congestion
 - 7 residents were nervous about the potential negative impacts on traffic flow and vehicular collisions during rush hours because of the proposed changes.

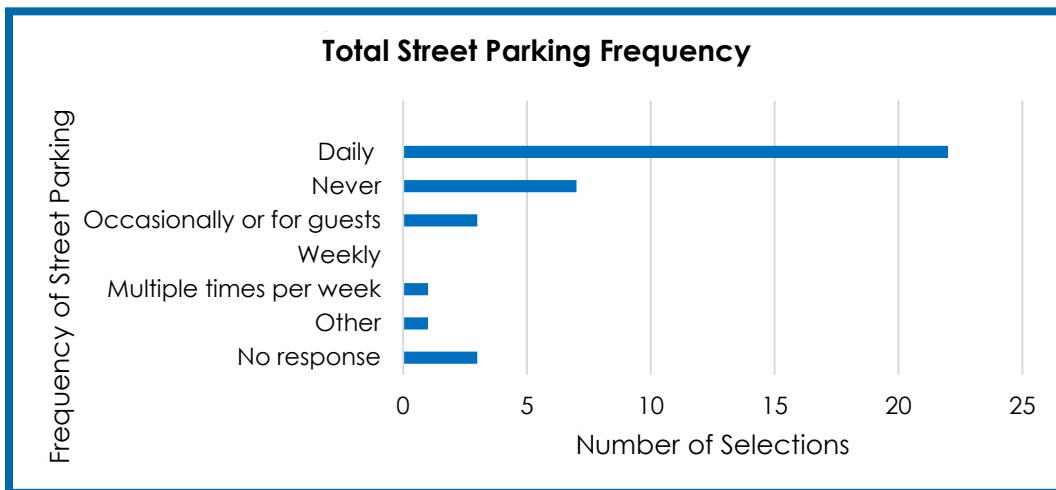
- 3 residents were worried that larger vehicles, like fire trucks and garbage trucks, would not be able to pass through because of the proposed changes/traffic calming.
- Parking and Vehicle Lane Reduction
 - 13 residents held strong opinions surrounding the removal of parking, as it would cause an influx of parking into side streets, make parking more difficult for residents in multi-unit houses, and create traffic obstructions in front of the schools.
 - 7 residents were not supportive of removing a vehicle lane as it would increase the already overcrowded and congested streets during traffic hours.
 - 1 resident pointed out that the number of people driving and using street parking outweighed the number people using the bike lane.

Parking Frequency

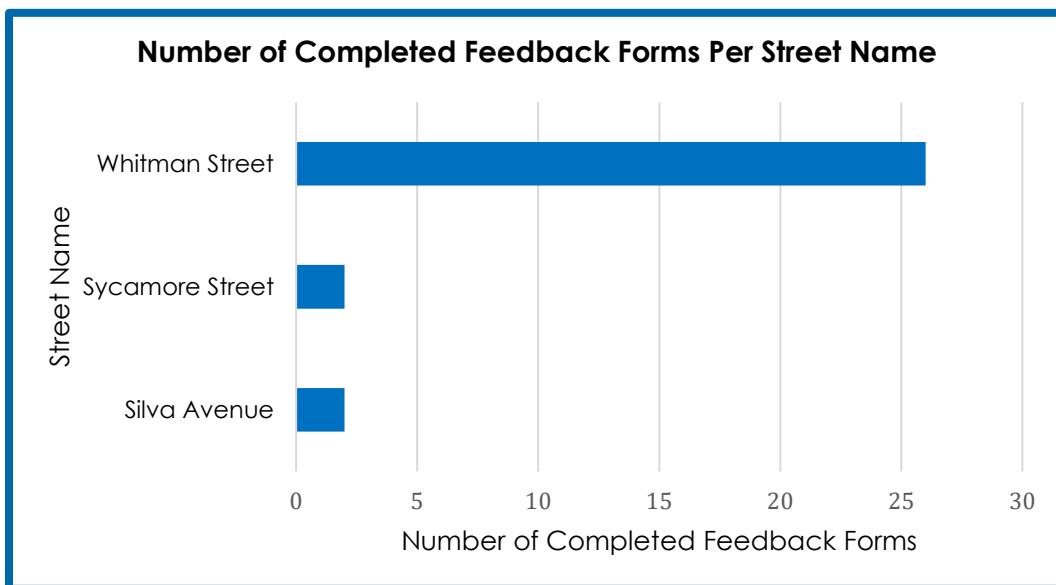
Most residents who provided input via the online feedback form shared that they use street parking often, and many of these are also Whitman Street residents. According to feedback form responses:

- 60% of residents noted they use street parking daily (see Figure 1).
- 70% of feedback received through the feedback form came from Whitman Street residents (see Figure 2).
- 43% of residents that selected 'daily parking' in the feedback form were Whitman Street residents (See Figure 3).

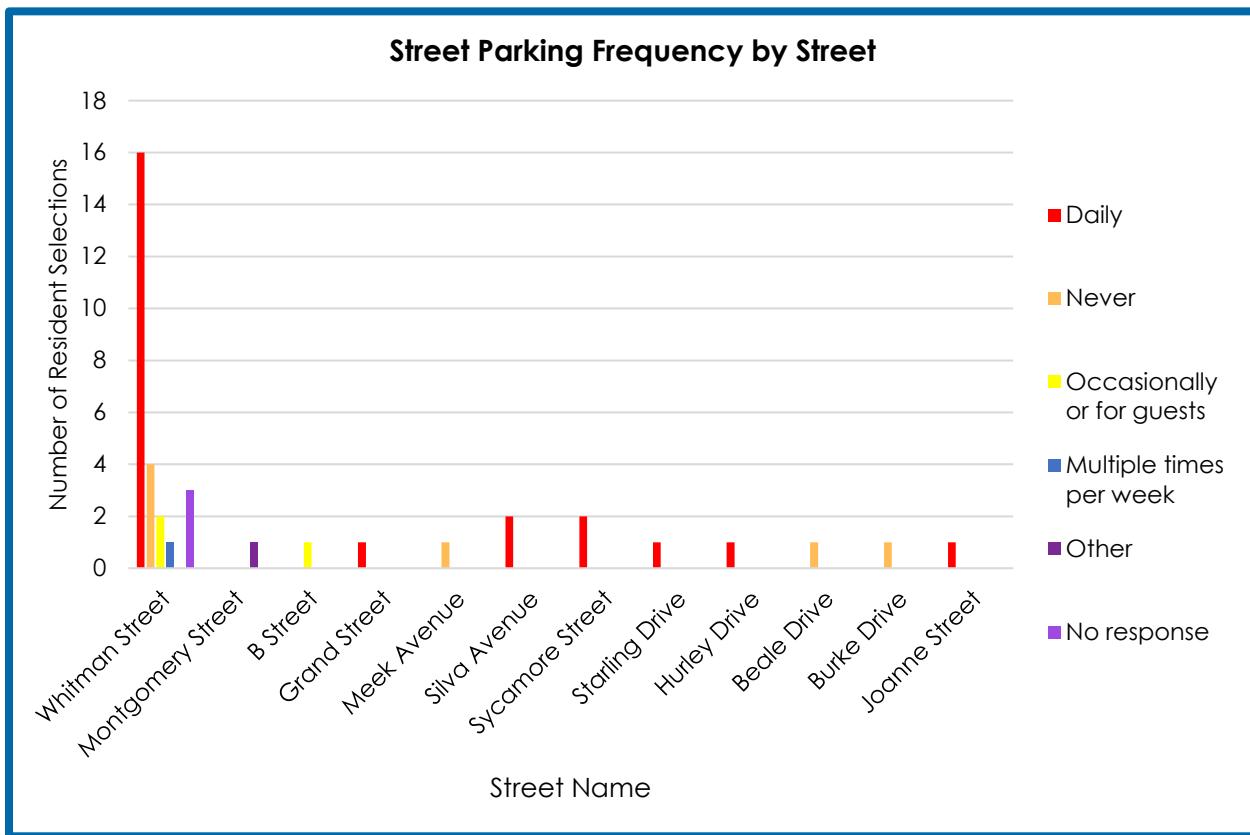
Hence, the majority of feedback collected from the outreach forms was from Whitman Street residents, residents that use street parking, or both. Issues and concerns raised in the feedback forms included residents' observations of drivers bypassing Mission Boulevard, high frequency of collisions due to speeding vehicles, and heavy reliance on street parking. Parking removal was cited as the top concern for residents who filled out the feedback form. The figures below illustrate results of the feedback form regarding street parking frequency and response rate by street residence.

Figure 1.

As shown in Figure 1, 22 of the 37 respondents selected that they use street parking daily.

Figure 2.

As shown in Figure 2, Whitman Street residents provided the most survey responses, followed distantly by Sycamore Street and Silva Avenue residents. Not shown in Figure 2 are the streets where only one response was received (Montgomery Street, B Street, Grand Street, Meek Avenue, Hurley Drive, Beale Drive, Burke Drive, Joanne Street, and Starling Drive).

Figure 3.

As shown in Figure 3, the majority of Whitman Street resident respondents use street parking daily, followed by never and no response. Of the 13 responses from other streets, 8 responded that they use street parking daily, 3 responded never, and 1 responded occasionally. In total, the 37 feedback from respondents provided 39 responses to this question with two respondents indicating parking on multiple streets.

School engagement

Tennyson High School Meeting

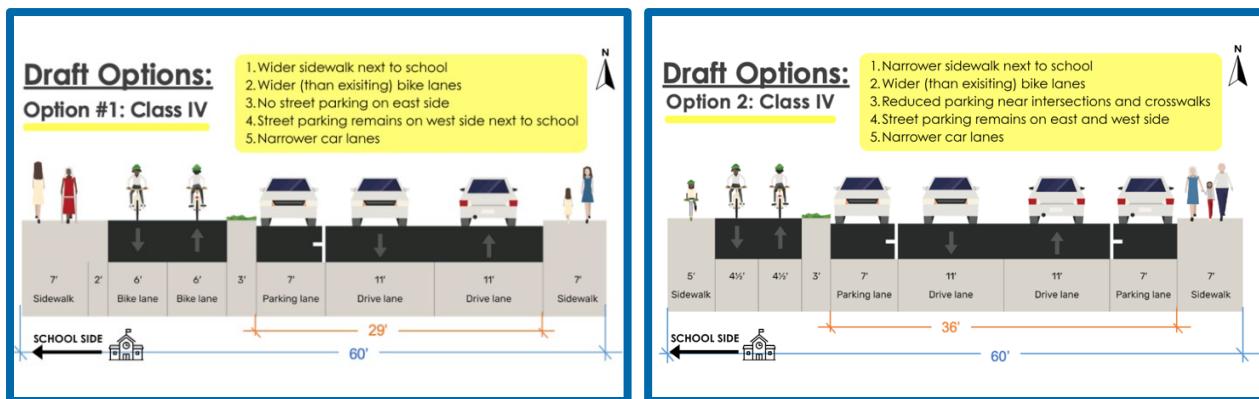
The Project team met with the principal, Veronica Estrada, and administrative secretary, Kathy Vigil, of Tennyson High School on 6/6/2025 to listen to their questions, concerns, and impressions on the project's concept design, improvements, and impacts. Listed below is an overview of their feedback:

- Concept design
 - Participants showed interest in viewing examples of the concept design to get a better understanding of what the reality of the construction would look like in front of their school.
- Parking
 - Staff currently uses both sides of Whitman Street for parking.

- Estrada and Vigil shared that staff could use the student parking lot for parking if one side of street parking were removed.
- The student parking lot has gates that close during the day, causing many students to park on Whitman Street and other side streets.
- Biking
 - Many staff and students regularly bike to school.
- Public Transit and Bus Drop Off
 - Participants raised logistical questions on how AC Transit, Eden Area ROP (Regional Occupational Program) and other bus services would continue to function in lieu of added bike facilities.
- Arrival and dismissal
 - Tennyson High School blocks off the loop driveway to avoid blockages during arrival and dismissal.
 - Traffic congestion during this time piles up and down the street.
- Desire for more engagement
 - There was a desire to gather more input from security, students, and staff who would be directly impacted by these changes, with a focus on those who bike to school.
 - Participants suggested some form of engagement during the upcoming summer school session and stated that additional outreach is vital to get their support.

School Survey

In response to direct feedback from Tennyson High School staff, the Project team created a specific survey for Tennyson High School and Cesar Chavez Middle School students, faculty, and staff. This survey highlighted two safety improvement concept options on Whitman Street in front of each facility, described tradeoffs between the options, and asked respondents to select their preference between the two options as shown in the images below.



Of the 65 respondents, 30 preferred Option 1 and 35 preferred Option 2. Please see Appendix B: Outreach Materials for the survey questions and corresponding graphics. The results of the survey are outlined below:

- 65 total responses
 - 6 responses from Cesar Chavez Middle School
 - All faculty or staff responses
 - 59 responses from Tennyson High School
 - 43 student responses
 - 16 faculty or staff responses
- Travel mode to and from school
 - 15 participants walk to school
 - 6 participants bike to school
 - 3 participants take public transit
 - 41 participants drive or driven by another person. Of those,
 - 9 use street parking on Whitman Street
 - 6 use street parking on a side street
 - 7 park in the student parking lot
 - 15 park in the staff parking lot
 - 4 participants selected other and indicated they are dropped off and picked up.

30 selections for Option 1, reasons including:

- Preference for a **wider sidewalk** as walking spaces become quite crowded with the large number of students that walk to and from school every day.
 - With more people walking and riding on the school side, it makes sense to provide more space on that side.
- Strong desire for a more **bicycle and pedestrian friendly space** due to ample staff and student parking availability.
- **Convenience** and **aesthetics**.
- Improves **safety** for students who use scooters and bikes by providing dedicated, protected bike lanes.
- Hope that narrowing lanes and parking spaces will **slow down speeding drivers** and encourage them to proceed with more caution, as many students have already reported being struck or nearly struck by vehicles with reckless drivers.
- **Student-centered** and safety conscious.

35 selections for Option 2, reasons including:

- A strong desire to **keep street parking on both sides**, in order to accommodate residents in the community that rely on it, accommodate school drop off/pick up, and avoid illegal U-turns that block up traffic.
- More **spacious** for all no matter their travel mode.

- **Concern** that removing one side of street parking would make people mad.
- **Benefits both cyclists and drivers.**
- Keeps cyclists **protected** and safe.
- Both schools have **limited staff parking**, making street parking a necessity for those driving to school.
- Need for a **parking buffer** between cars and pedestrians on both sides of the street.
- **Reduces risk of collisions** by reducing parking near intersections and crosswalks.

General comments, and concerns

- Traffic and road safety concerns
 - Concern that drivers making a right turn out of driveways leaving the condos on the west side of Whitman may not be able to see cyclists in the bike lane approaching.
 - Need for traffic calming measures beyond narrower vehicle lanes as riders are already impatient and pass stopped cars by speeding around.
 - Importance of street parking on both sides of Whitman in front of school areas to avoid traffic blockages during drop off/pick up.
 - Preference for traffic flow during drop off/pick up to come from the direction of Harder Elementary towards Tennyson Road.
 - Request for cameras or a patrol officer to monitor reckless driving on Whitman.
 - Disdain for morning traffic on Whitman and concern that these concept designs will worsen it.
 - Dislike for either option, citing high vehicle speeds coupled with the end of the school day as a chaotic time. No changes would be best, as new blueprints will create more traffic and construction will be a nightmare.
 - Fear that narrowing vehicle lanes would increase risk of accidents and hinder first responders.
 - Desire for speed bumps and crosswalk signals.
 - Push for car-centered improvements (turning lane in front of school parking lots, bigger drop off area, etc.) due to higher usage of vehicles for travel modes to school.
 - Alternative idea for green painted bike lanes on current road, with barriers only at intersections, since two-way traffic with bikes and scooters on the same side seems more dangerous.
 - Concern for bus access during field trips when car lanes are narrowed.
- Pedestrian and sidewalk concerns
 - Request that the sidewalk on both sides of Whitman Street be the same size in width.

- Other
 - Support for Greenway project.
 - Request for construction to be in the summer months.
 - Maintain enough space for street cleaning.
- Questions
 - “Why are there two lanes [one in each direction] for cars coming and going and the same for bicycles?”

Takeaways

Although total selections between Option 1 and Option 2 were essentially split down the middle, preferences among students and staff/faculty differed, with more students preferring Option 1 and more staff/faculty preferring Option 2. The details of this breakdown are below.

Student vs Staff/Faculty Option Choices

Whitman Street Option 1 (30 supporters)

- 6 faculty/staff (4 Tennyson & 2 Cesar Chavez)
- 24 students (Tennyson)

Whitman Street Option 2 (35 supporters)

- 16 faculty/staff (12 Tennyson & 4 Cesar Chavez)
- 19 students (Tennyson)

More students preferred Option 1, which removes parking on the east side of Whitman Street and widens both the sidewalk and bike lanes. More faculty/staff preferred Option 2, which maintains parking on both sides of Whitman Street and narrows both the sidewalk and bike lanes. This preferential nuance must be considered when evaluating all school feedback.

Cesar Chavez Middle School Meeting

After the closing of the school survey, the Project team met with the principal, Khanh Yeargin, of Cesar Chavez Middle School on 7/22/2025 to listen to her questions, concerns, and impressions on the project's concept design, improvements, and impacts. Listed below is an overview of her feedback:

- Preference for Option 1
 - Yeargin explained that Option 1 encourages students to bike/scooter to school and is the overall safer option.
- Parking
 - The current staff parking lot is small, at capacity, and does not hold everyone. About 10 staff members use street parking.
 - Student parking is not a concern as students do not drive to school at Cesar Chavez.

- Yeargin wondered if all the school side parking will remain. The project team explained that all the school side parking will remain except for the 10 feet of space in front of crosswalks, aligning with existing conditions.
- Biking and Safety
 - School bike cage holds ~30 bikes/scooters.
 - One Tennyson High School student got hit by a car while biking in front of Cesar Chavez.
 - Yeargin's main concern was that students can bike safely.
- Stop signs
 - Last year or so, Yeargin noted that the stop signs in front of the school at Beale Drive and Whitman Street were switched to yield signs. Yeargin requested stop signs remain in front of the school.
- Pick-Up and Drop-Off
 - Yeargin requested that the pick-up and drop-off passenger loading zone for buses remains, while keeping drivers, pedestrians, and cyclists safe.
- Overall, Yeargin appreciated being consulted, involved, and informed.

Individual input provided by email or phone

The Project team received some input from concerned residents through follow up phone calls and emails. Their input is briefly summarized in the below.

Table 3. Input from other sources.

Date	Source	Summary
4/13/2025	Email	<ul style="list-style-type: none"> ● Concern for parking removal, especially with multi-unit residents having multiple vehicles being common in Hayward. ● Support for improved lighting as current car break-ins occur in darker portions of the street.
4/22/2025	Phone Call	<ul style="list-style-type: none"> ● Concern for speeding, as drivers treat Whitman Street like a freeway. ● Desire for improved speed enforcement and signage, especially due to schools in the neighborhood. ● Excitement for more lighting and trees. ● No opinion regarding parking removal.
4/23/2025	Phone Call	<ul style="list-style-type: none"> ● Concern for parking removal as current parking options and conditions are already an issue. ● Favor for parking retention in exchange for narrower bikeway and sidewalk facilities.
4/28/2025	Email	<ul style="list-style-type: none"> ● Suggestion to acquire Union Pacific Railroad right-of-way rather than reducing a lane at Grand and B. ● Request to not use plastic delineators/bollards due to eventually being worn.

Active Transportation Working Group (ATWG) Meeting

The ATWG met for the fourth time at Hayward City Hall on Wednesday, July 23, 2025 from 10:00 AM to 11:30 AM. The Project team gave an overview of community engagement (door-to-door/flyering feedback and school engagement/survey) and presented the draft final version of the conceptual project alignment, types of facilities, and traffic calming measures. The presentation was followed by a discussion session where ATWG members shared their impressions and provided direct feedback on the project recommendations. Two follow-up virtual meetings were conducted on July 25 and August 13, 2025 with two ATWG members who were unable to attend the July ATWG meeting.

The key outcomes of the ATWG meeting were as follows:

- General Support for the Project - The project team shared that the next steps for the project would be to present these recommendations to CIAC in October. No ATWG members objected to “co-signing” or showing support for the project at the October CIAC meeting.
- Modifications to Project Recommendations | Based on feedback provided by ATWG members, the project team modified the bike facility recommendations for two locations: 1) Grand Street between B Street and D Street; and 2) Tennyson Road between Whitman Street and Dixon Street.

The specific feedback received from the ATWG meeting is described below.

Traffic Calming Measures

- Speed Hump Design | One ATWG member inquired about the composition of speed humps. He cited the ones placed on Montgomery Avenue, made of plastic and rubber composite, as effective speed reducers. In response, the City replied that they are transitioning to hot mix asphalt speed humps due to improved durability. The ATWG member named newer speed humps placed on Tampa Avenue, C Street, Tyrrell Avenue, and Fairview Avenue as extremely effective at reducing the speed of vehicles. The City responded that it is open to reviewing and potentially updating speed hump specifications and overall design standards.
- Raised Crosswalk Design | An ATWG member noted that Alameda County installed raised crosswalks taller than the ones installed by the City, and that they appear more effective at slowing vehicles.

- Distance between Traffic Calming Measures | An ATWG member asked why the various traffic calming measures were recommended at 200 feet apart, with examples cited from 7th Street where speed humps appear closer together. In response, the project team shared that speed humps must stay clear of driveways and allow for utilities access. The City also uses best practice guidelines from its Traffic Calming Toolbox to determine speed hump placement.
- Bus Stop Locations | An ATWG member representing AC Transit requested that the placement of speed humps and other traffic calming measures consider AC Transit bus stop locations. Placing vertical traffic calming away from bus stops will allow buses to stop on a level surface for boarding and alighting passengers. As part of AC Transit Realign service changes, bus stop locations will not change; the existing stop locations need to be accounted for in the final EBGWMM design.

Whitman Street Recommendations

- Parking Removal | An ATWG member shared concerns about parking removal on Whitman Street as the parking spots that would be removed are in front of people's homes, not businesses. In response, the project team confirmed that on-street parking removal is a complex issue, and that the additional community engagement completed as part of the Phase 3 Outreach showed nuanced responses for and against this tradeoff. ATWG members requested ongoing community outreach regarding the project and on-street parking, even after the environmental clearance.
- Landscaping | One ATWG member asked if the project team was open to reducing landscaping on Whitman Street to create a wider trail. In response, the project team explained that the recommended widths already meet minimum standards for Class I trails. The City noted that the project team conducted extensive outreach to the communities on Whitman Street, and the feedback received indicated that greenery, landscaping, lighting, and beautification should be included to balance those tradeoffs.
- Shared-Used Path | An ATWG member asked that the walking and biking lanes on the shared-use path will be delineated in some manner. The project team confirmed that delineation will be included where feasible.

Smooth Transitions | ATWG members asked how cyclists could maneuver safely between the two-way Class I bikeway on the east side (from Sycamore to Fruitwood) and the two-way Class IV bikeway on the west side (Fruitwood to Tennyson). The project team pointed out the transition point at Fruitwood Way

was chosen because there is an existing marked crosswalk that can be used. Crosswalk improvements at this location will be addressed as part of the final design. One ATWG member suggested small medians approaching the crosswalk to slow down traffic and get the attention of drivers.

In a follow-up call, an ATWG member representing Bike Hayward (who could not attend the ATWG meeting) recommended a raised intersection be implemented at this location, if feasible.

- Railroad Right of Way | One ATWG member asked if there was a possibility to include Union Pacific Railroad (UPRR) right of way as part of this project. In response, the project team stated that securing right of way from the rail would take a lot longer and therefore will not fit into this near-term project implementation schedule.

Separation between On-Street Parking and Bikeway | An ATWG member emphasized the need for adequate space between parking and the bikeway so that people can open their car doors comfortably. The project team confirmed that this was taken into consideration in the recommendations.

Silva Avenue & Sycamore Avenue Recommendations

All Ages and Abilities (AAA) Criteria | An ATWG member wondered how Silva Avenue will be used as part of the project if it does not meet the AAA criteria. The project team explained that the AAA guidelines are a recommendation rather than a requirement, and that Silva Avenue will still be part of the EBGWMM project. Traffic calming measures are expected to make bicycling along Silva Avenue more comfortable due to reduced speeds, and the traffic calming measures are likely to reduce cut-through traffic volumes. However, the traffic that is generated within the Silva/Whitman corridor will continue to be high. The project team explained that the EBGWMM project's improvements will not preclude the City from evaluating and completing additional improvements in the future.

- Raised Bikeway | An ATWG member asked if it was possible to have a raised bikeway on Silva Avenue. In response, the project team shared that this was evaluated and not recommended due to the fencing and trees that limit the ability of drivers entering and exiting the residential driveways to see people on the sidewalk.

Sycamore/Whitman Curve | One ATWG member asked how the curve at Sycamore and Whitman will be addressed. The project team stated that a two-

way bike lane would be on the north side of Sycamore Avenue so that it continues to the east side of Whitman Street to avoid any crossing. The project team noted that the piers for the pedestrian bridge will pose a challenge for design solutions in this area. ATWG members agreed that it is important to maintain a continuous bike facility around the curve.

Grand Street Recommendations

Two-Way Class IV Bikeway | An ATWG member asked if Grand Street could include a two-way Class IV bike lane on the east side because cyclists ride along the east side going to and from Hayward BART. The ATWG member representing BART supported this suggestion as well. They explained that cyclists currently use the sidewalk which is narrow and inadequate. In response, the project team explained that a two-way bicycle facility would not be appropriate south of D Street due to the high number of single-family homes and driveways. The project team agreed to consider the potential for a two-way Class IV bike lane north of D Street.

Another ATWG member shared that they frequently bike and walk along Grand Street and do not witness cyclists biking the wrong way on the east side. They supported the current draft recommendation that has a one-way class IV bikeway on each side of Grand Street but would be okay with a revision of the recommendation if there is still room for a southbound class IV bikeway on the western side.

- Left Turn Lane | One ATWG member asked if the left turn lane on Grand Street was necessary. In response, the project team explained the safety benefits of the turn lane, especially with the proposed lane reductions.
- Revised Recommendation | Following ATWG Meeting #4, the project team revised the recommendation for Grand Street between B Street and D Street to include a two-way Class IV bike lane as requested.

Tennyson Road Recommendations

- Class IV Bike Lanes | Following ATWG Meeting #4, one ATWG member who was unable to attend the meeting requested that a one-way protected Class IV bike lanes be provided on the north side of the street (westbound direction), in addition to the two-way Class IV bike lane that is proposed along the south side of the street. They noted that bicyclists from neighborhoods north of the South

Hayward BART station are likely to use this connection. The project team agreed to review this recommendation.

- Revised Recommendation | Following ATWG Meeting #4, the project team revised the recommendation for Tennyson Road between Whitman Street and Dixon Street to include a one-way Class IV bike lane on the north side of the street as requested.

Project Alignment

- Montgomery Avenue and Sunset Boulevard | One ATWG member asked why A Street was not being considered as the connection to Mission Boulevard, instead of the existing recommendation of Montgomery Avenue and Sunset Boulevard. In response, the project team noted the driveway conflicts along Mission Boulevard and the complex design of the Mission Boulevard/A Street intersection, and the challenges in addressing these as part of a near-term project.

One ATWG member asked what intersection treatments are proposed where Montgomery Avenue crosses A Street. The project team stated that a protected intersection is recommended at this location.

Mission Boulevard | An ATWG member expressed frustration that Mission Boulevard was no longer in the picture for safety and infrastructure improvements as part of the EBGWMM project. Although he is in favor of this project as proposed, he felt that needs along the Mission Boulevard corridor are severe. The project team noted that improvements along Mission Boulevard are being addressed separately by the City.

- Western Boulevard | One ATWG member expressed the desire for a two-way bikeway on Western Boulevard from A Street to Hampton Road with a possible connection to San Lorenzo. Their hope is that this route be considered for a future project.

BART Station Connections

- Hayward BART Transitions | ATWG members expressed a desire to maintain connectivity between bicycle facilities around the Hayward BART station, in particular from B Street to Grand Street down to Meek Avenue.

- Potential Development | One ATWG member stated that BART has identified the vacant property bordered by A Street, B Street, and Montgomery Avenue for potential transit-oriented development.

Next Steps

- Council Infrastructure and Airport Committee (CIAC) Meeting | The project team shared that the next steps for the project would be to present these recommendations to CIAC in October.

One ATWG member said the recommendations on Silva Avenue and Whitman Street make sense and seem like reasonable compromises. The ATWG members shared general excitement and support for the proposed conceptual level project improvements.

- Support for Students | One ATWG member was glad that the project prioritized pedestrian and cyclist safety on Whitman Street for students. They noted that Mayor Salinas is pushing for more kids to walk and bike to school, going hand in hand with the goals of this project.

Conclusion

In person and online feedback demonstrated appreciation of Project benefits and improvements that pertained to the safety, aesthetic, and walkability of their neighborhood. Proposed improvements that would impact traffic patterns, parking removal, and vehicle lane reductions, led to varying degrees of concern from residents who shared input, though generally residents recognized the need to improve current conditions.

This feedback can be grouped into support for future changes, concerns with existing conditions, and apprehension with future changes:

- Support for future changes
 - Praise for landscaping efforts, signaling the desire to beautify the streets with greenery, better lighting, and maintenance improvements (such as potholes on Silva Avenue).
 - Agreement with connectivity, safety, and visibility improvements, especially those that would improve walking and biking conditions on their streets, including the pedestrian bridge.
 - Desire for safe and smooth transitions between changing bike facilities remained paramount.
- Concerns with existing conditions
 - Excessive speeding is seen as a central issue in the Project area. Therefore, proposed traffic calming measures are much appreciated.
 - Frustration with daily traffic congestion, with a few residents citing drivers that use Whitman Street to bypass Mission Boulevard as significant contributors.
- Apprehension about future changes
 - Concerns with parking removal and vehicle lane reduction, especially along Whitman Street, as it may exacerbate rather than alleviate current conditions.
 - Proposed protected bike lanes generally well received but often not at the expense of residential parking removal.

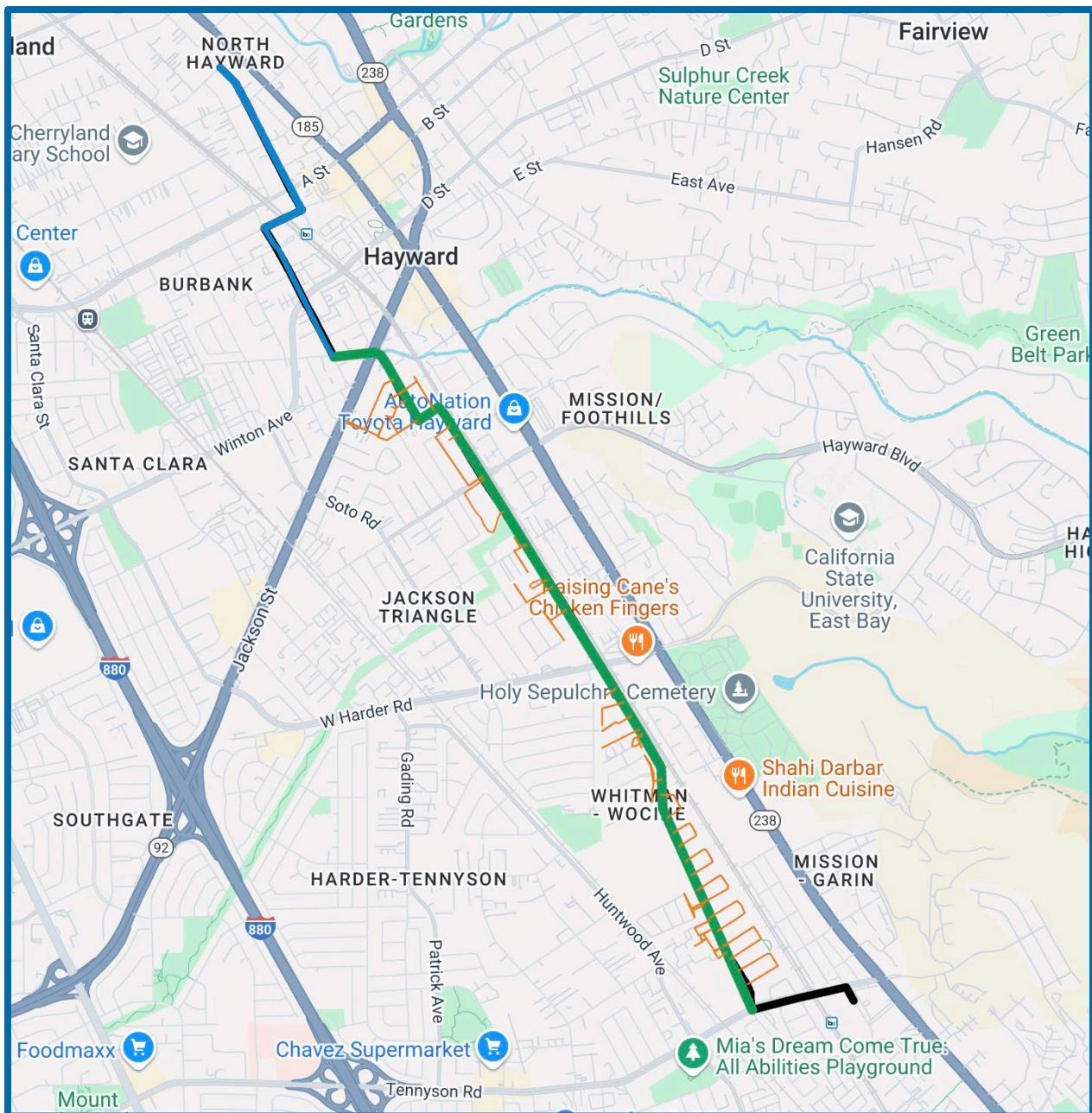
Residents recognize the desire for and benefits of including better walking, biking, and rolling options between the Hayward and South Hayward BART stations. However, due to concerns around existing conditions, such as speeding, traffic congestion, and limited parking options, some residents are also weary of the impacts that the proposed EBGWMM Project would bring to their community.

Appendix A: Outreach Area

The blue and green corridor is the total project area.

The blue and orange corridors signify flyering routes. The orange flyering routes were added to the outreach area to include residences that do not live directly on Whitman Street, but use it frequently to access their homes.

The green corridor signify door-to-door routes.



Appendix B: Outreach Materials

- Project flyer and cross sections
 - [English](#)
 - [Spanish](#)
 - [Chinese](#)
 - [Vietnamese](#)
 - [Tagalog](#)
- Door-to-door and Flyering Feedback form

Page 1 of 2



East Bay Greenway Multimodal Project - Hayward Segment

Thank you for taking the time to fill out this feedback form regarding the East Bay Greenway Multimodal Project - Hayward Segment. We are interested in feedback from residents who live on or near the proposed route. Please refer to the flyer delivered to your home when responding to these questions. **This form will remain open through April 30, 2025.**

* Required

Feedback Form for Hayward Residents

1. What is your name? (optional)

2. What is your email address? (optional)

3. What street do you live on? *

Sunset Boulevard
 Montgomery Street
 B Street
 Grand Street
 Meek Avenue
 Silva Avenue
 Sycamore Street
 Whitman Street
 Tennyson Road
 Dixon Street
 Other

EBGWMM Hayward Segment – Phase 3 Outreach Summary

Door-to-door and Flyering Feedback form

Page 2 of 2

4. The East Bay Greenway Multimodal Project will bring many benefits to residents of Hayward and people who live, work, and play in the East Bay - including safety, connections, trees and landscaping, lighting, climate protection, health, and more!

Which benefits of the East Bay Greenway Multimodal Project - Hayward Segment are you most excited about? Select your top two benefits.

Please select 2 options.

- Safety** for people of all ages and abilities who walk and bike.
- Connections** to transit, schools, housing, businesses, and other walking and biking routes.
- Trees and landscaping** to visually improve the environment and reduce heat.
- Lighting** to people using the road better navigate.
- Climate protection and sustainable communities** through reduced greenhouse gas emissions.
- Health** by providing additional active transportation choices.

5. How often do you currently use your street for vehicle parking? Select the answer that best describes your street parking use.

- Daily
- Multiple times per week
- Weekly
- Occasionally or for guests
- Never
- Other

6. How do you think the potential impacts of the East Bay Greenway Multimodal Project - Hayward Segment will affect you? See the flyer you received to understand impacts near your home, which may include vehicle lane reduction, parking removal, or a reduction to single lane of traffic.

7. On a scale of 1 to 5, how do you feel about the changes being proposed in the East Bay Greenway Multimodal Project - Hayward Segment?

1	2	3	4	5
---	---	---	---	---

I don't like it at all

I really like it

8. Is there anything else you'd like to share about the East Bay Greenway Multimodal Project - Hayward Segment?

- School Survey
Page 1 of 5



East Bay Greenway Multimodal - Hayward Segment: School Feedback on Whitman Street Options 

Thank you for taking the time to share your input regarding the East Bay Greenway Multimodal Project - Hayward Segment. We are interested in feedback about the options being proposed on Whitman Street from Cesar Chavez Middle School and Tennyson High School students, faculty, and staff. **This form will remain open until July 7th.**

Section 1 ...

Demographic and Travel Mode Questions

1 What is your name? (optional)

Enter your answer

2 What is your email address? (optional)

Enter your answer

3 Which school are you a part of? *

Cesar Chavez Middle School
 Tennyson High School

4 What is your role at the school? *

Student
 Faculty or Staff
 Other

Page 2 of 5

5

Which option do you use most often to travel to and from school? *

- Walk
- Bike
- Drive or driven by another person
- Public transit
- Other

6

If you selected "Drive or driven by another person," where and how do you or the driver most frequently park during the school day? *

- Street parking on Whitman Street
- Street parking on a side street
- Student parking lot
- Staff parking lot
- Other

Section 2

...

Whitman Street Concept Design Options: Separated Bikeway



The current design concept for the East Bay Greenway Multimodal Project – Hayward Segment proposes **two options for safety improvements on Whitman Street** in front of your school. Both options include a two-way bikeway in front of the school. The bikeway is next to the sidewalk and is separated from vehicle traffic, as shown in the photo above. (Salient differences within these two options are highlighted in subsequent pages).

Page 3 of 5

Section 3

Benefits and Tradeoffs for Whitman Street

This image shows Whitman Street as it currently exists. Both proposed options have benefits and tradeoffs. Please view and compare the images of each design, their improvement, and their potential impact in the next few sections.



Section 4

Whitman Street Option 1: Benefits and Tradeoffs

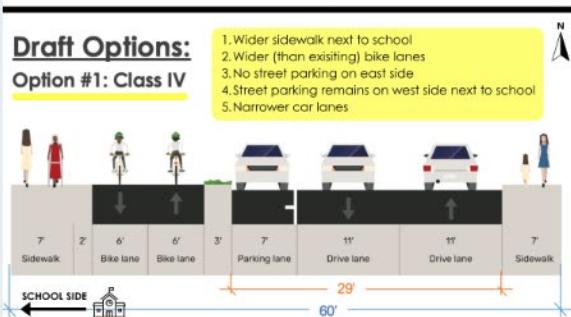
Existing Conditions



Draft Options:

Option #1: Class IV

1. Wider sidewalk next to school
2. Wider (than existing) bike lanes
3. No street parking on east side
4. Street parking remains on west side next to school
5. Narrower car lanes



Section 5

Whitman Street Option 2: Benefits and Tradeoffs

Existing Conditions

Existing Conditions diagram showing a 60' wide street with 7' sidewalks, 4' parking lanes, and 12' drive lanes. A school is located on the left side. Total width: 60'.

Draft Options: Option 2: Class IV

1. Narrower sidewalk next to school
2. Wider (than existing) bike lanes
3. Reduced parking near intersections and crosswalks
4. Street parking remains on east and west side
5. Narrower car lanes

Draft Options: Option 2: Class IV diagram showing a 60' wide street with 5' sidewalks, 4' parking lanes, and 11' drive lanes. A school is located on the left side. Total width: 60'.

Section 6

Share Your Preference

Now, we'd like to hear from you about your preferences between Options 1 and 2 for Whitman Street.

7

Based on the descriptions in the previous pages regarding benefits and tradeoffs of Option 1 and Option 2 for Whitman Street, please select the concept design you prefer. *

Draft Options: Option #1: Class IV

1. Wider sidewalk next to school
2. Wider (than existing) bike lanes
3. No street parking on east side
4. Street parking remains on west side next to school
5. Narrower car lanes

Draft Options: Option #1: Class IV diagram showing a 60' wide street with 7' sidewalks, 2' bike lanes, 6' parking lanes, and 11' drive lanes. A school is located on the left side. Total width: 60'.

Draft Options: Option 2: Class IV

1. Narrower sidewalk next to school
2. Wider (than existing) bike lanes
3. Reduced parking near intersections and crosswalks
4. Street parking remains on east and west side
5. Narrower car lanes

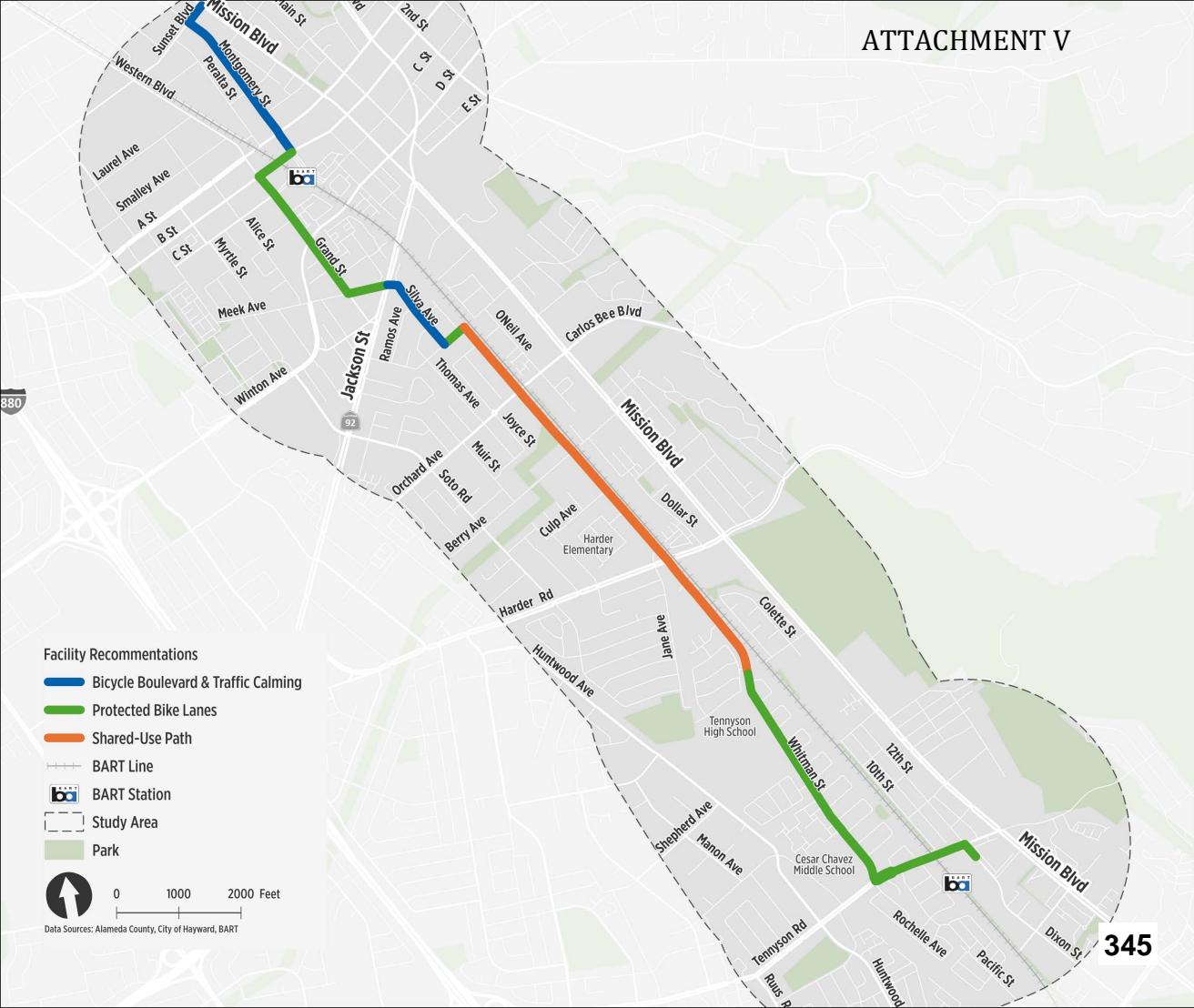
Draft Options: Option 2: Class IV diagram showing a 60' wide street with 6' sidewalks, 4' parking lanes, and 11' drive lanes. A school is located on the left side. Total width: 60'.

Option 1 Option 2

Page 5 of 5

8	Please briefly tell us why you prefer Option 1. *
<input type="text" value="Enter your answer"/>	
9	Please briefly tell us why you prefer Option 2. *
<input type="text" value="Enter your answer"/>	
10	Optional: Please share any other comments and concerns you have about this project and the changes that would be made on Whitman Street in front of your school.
<input type="text" value="Enter your answer"/>	

ATTACHMENT V



345

Data Sources: Alameda County, City of Hayward, BART