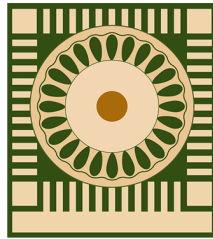


CITY OF HAYWARD

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



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Tuesday, May 5, 2026

7:00 PM

Council Chambers

City Council

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

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 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/82279118566?pwd=Kbpsa8KQe2lvhZSslc0u1BqlXyom9Q.1>

Meeting ID: 822 7911 8566
Password: CCm5/5@7pm

or

Dial: +1 888 788 0099

Meeting ID: 822 7911 8566
Password: 1315740447

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

CALL TO ORDER: Mayor Salinas

Pledge of Allegiance: Council Member Andrews

SB 707 TELECONFERENCE NOTIFICATIONS AND CONSIDERATION**ROLL CALL****CLOSED SESSION ANNOUNCEMENT****PRESENTATIONS**

La Alianza Students Recognition

Public Service Recognition Week: May 3-9, 2026

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. [MIN 26-051](#) Approve the City Council Minutes of the City Council Meeting on April 21, 2026

Attachments: [Attachment I Draft Minutes of 4/21/2026](#)

2. [CONS 26-154](#) Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 2 to the Lease Agreement for Use of Property at the Hayward Executive Airport with Ramesta Hospitality, LLC to Reflect Name Change to Ramesta Hospitality, LP
- Attachments:** [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III Ramesta Hospitality Request for Name Change](#)
3. [CONS 26-171](#) Adopt a Resolution Accepting the Clean Air Center Program Grant and Appropriating \$25,000 for the Purchase of a Five-Year Supply of Air Filters for the Downtown and Weekes Libraries
- Attachments:** [Attachment I Staff Report](#)
[Attachment II Resolution](#)
4. [CONS 26-173](#) Adopt an Ordinance of the City Council of the City of Hayward Amending Chapter 6, Article 10 of the Hayward Municipal Code Relating to Massage Permits
- Attachments:** [Attachment I Staff Report](#)
[Attachment II Summary of Published Ordinance](#)
5. [CONS 26-174](#) Adopt an Ordinance Amending the Zoning Map and Chapter 10, Article 1 (Zoning Ordinance), Article 2 (Off-Street Parking Regulations), Article 24 (Mission Boulevard Code) and Article 28 (Downtown Development Code) of the Hayward Municipal Code Associated with the Business-Friendly Hayward Project
- Attachments:** [Attachment I Staff Report](#)
[Attachment II Summary of Published Ordinance](#)
[Attachment III Updated Attach IV Exhibit D General Regs](#)
[Attachment IV Updated Attach IV Exhibit C Industrial Districts](#)
[Attachment V Attach IV Exhibit B Commercial Districts](#)
[Attachment VI Attach IV Exhibit E Alcoholic Beverage Outlets](#)
[Attachment VII Attach IV Exhibit F Conditional Use Permit](#)
[Attachment VIII Attach IV Exhibit G Definitions](#)
[Attachment IX Attach IV Exhibit H Off-Street Parking](#)
[Attachment X Attach IV Exhibit I Mission Boulevard Code](#)
[Attachment XI Attach IV Exhibit J Downtown Development](#)
[Attachment XII Attach IV Exhibit K Cabarets](#)

6. [CONS 26-179](#) Adopt a Resolution Authorizing the City Manager to Execute a Service Agreement with Bay Area Tree Specialists for the Fire Department's Vegetation Management Programs through June 30, 2031, in an Amount Not-to-Exceed \$200,000 Annually and \$1,000,000 Total, Contingent Upon the Annual Receipt and Appropriation of Grant Funding to Support the Agreement

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

7. [CONS 26-185](#) Adopt a Resolution Accepting the Resignation of Commissioner Melissa Milleman from the Clean and Green Commission, Effective Immediately

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

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.

8. [WS 26-012](#) Capital Improvement Program: Review of Recommended Capital Improvement Program for FY27 - FY36 (Report from Public Works Director Ameri)

Attachments: [Attachment I Staff Report](#)
 [Attachment II FY27 CIP Projects Fully Funded by General Fund](#)

PUBLIC HEARING

9. [PH 26-021](#) Community Development Block Grant: Approval of Fiscal Year 2026-2027 Community Development Block Grant Allocation Recommendations and Annual Action Plan (Report from Assistant City Manager Thomas)

Attachments: [Attachment I Staff Report](#)
 [Attachment II CDBG Recommendations](#)
 [Attachment III Resolution](#)
 [Attachment IV Public Comments](#)

LEGISLATIVE BUSINESS

10. [LB 26-009](#) California Public Employees Retirement System Contract:
Adoption of a Resolution of Intention to Introduce an
Ordinance Approving an Amendment to the Contract Between
the City of Hayward and the California Public Employees
Retirement System or Classic Members in the International
Association of Fire Fighters Local 1909; Hayward Fire Officers
Association; Hayward Fire Chiefs Association; Hayward Police
Officers Association; Hayward Police Management Unit and the
Unrepresented Safety Executive Group (Report from Human
Resources Director Tecson)

Attachments:

[Attachment I Staff Report](#)

[Attachment II Resolution of Intention](#)

[Attachment III Exhibit Contract Amendment](#)

[Attachment IV CalPERS CON-12 Certification of Government](#)

[Attachment V CalPERS CON-12A Certification of Compliance](#)

[Attachment VI CalPERS Contract Amendment Ordinance](#)

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 SPECIAL MEETING, May 12, 2026****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 26-051

DATE: May 5, 2026

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Approve the City Council Minutes of the City Council Meeting on April 21, 2026

RECOMMENDATION

That the City Council approves the City Council meeting minutes of April 21, 2026.

SUMMARY

The City Council held a City Council meeting on April 21, 2026.

ATTACHMENTS

Attachment I Draft Minutes of 4/21/2026



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chambers

<https://hayward.zoom.us/j/81854985923?pwd=y8dGdMaQ2EA9OQk1TEDLsEhSda30xG.1>

Tuesday, April 21, 2026, 6:30 p.m.

The City Council meeting was called to order by Mayor Salinas at 6:30 p.m. in the Council Chambers.

Pursuant to Government Code section 54953(b), the meeting included a teleconference location at The Gwen Hotel, 521 North Rush Street, Chicago, Illinois, 60611. Council Member Bonilla Jr. participated via teleconference. The agenda was posted at the teleconference location, and the public had an opportunity to address the City Council.

Pledge of Allegiance: Council Member Syrop

ROLL CALL

Present: COUNCIL MEMBERS Andrews, Goldstein, Roche, Syrop, Zermeño

MAYOR Salinas

Absent: None

Remote COUNCIL MEMBERS Bonilla Jr.

PRESENTATIONS

Mayor Salinas and Library Director Addleman introduced Mo Kim-Tong who was recognized as the third Poet Laureate of the City of Hayward with a term ending March 31, 2028. Kim-Tong performed an original poem titled "Ode to Stray Cats," celebrating Hayward's diverse history and community spirit, and received a Certificate of Recognition for his two-year appointment as Hayward's Poet Laureate.

At Mayor Salinas' request, the City Council unanimously approved a motion, moved by Council Member Goldstein and seconded by Council Member Roche, to hear the City Manager's Comments before the next Special Presentation.

CITY MANAGER'S COMMENTS

Mayor Salinas presented a special recognition to Cal State University East Bay Men's Basketball Team for their historic 2025-2026 season, which included a 30-0 regular season record, a 22-0 mark in the California Collegiate Athletic Association (CCAA), and a final record of 33-1, culminating in the first-ever National Collegiate Athletic Association (NCAA) Division II Elite Eight appearance. Individual honors included Tyree Campbell as NABC National Player of the Year, Head Coach Bryan Rooney as NABC Division II National Coach of the Year, Jaayden Bush as MVP, and Josh Ijeh as Defensive Player of the Year. The team received a certificate of recognition and challenge coins from Mayor Salinas on behalf of the City Council. California State University East Bay President Cathy Sandeen, Athletic Director

Allison Kern, Head Coach Bryan Rooney, Assistant Coach Michael Eggleton, and the full team accepted the recognition and expressed appreciation for the community support.

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session on April 21, 2026, at 5:30 p.m., with all Council Member members present, including Council Member Bonilla Jr. attending remotely per Government Code section 54953(b), and no public speakers, regarding two items: 1) public employment for City Clerk pursuant to Government Code section 54957(b)(1); and 2) conference with labor negotiators with all bargaining groups pursuant to Government Code section 54957.6. City Attorney Lawson reported that the City Council met and discussed the items but took no reportable action. Reference was made to the April 21, 2026, regular agenda for action items related to bargaining groups and Council officers. The closed session adjourned at 6:30 p.m.

PRESENTATIONS

Mayor Salinas read a Proclamation designating April 19-25, 2026, as National Library Week and April 21, 2026, as National Library Workers Day. Council Member Roche recognized members of the Library Commission and Library Director Addleman accepted the proclamation on behalf of the library.

Mayor Salinas read a Proclamation designating April 19-25, 2026, as National Crime Victims' Rights Week. The Proclamation was accepted by Madie Bains, Senior Advocate, and Claudia Romero, Victim Advocate, both from the Alameda County District Attorney's Office, on behalf of District Attorney Ursula Jones-Dixon.

Mayor Salinas announced the 43rd Annual Earth Day Poster and Writing Contest Awards Presentation; invited the community to the Earth Day Clean-Up and Community Fair on April 26, 2025, at Weekes Park; and recognized Public Works Director Ameri, Environmental Services Manager Pearson and Hayward Arts Council judges Ruey Syrop, Suzanne Philis, Ann Maloney-Mason and Pam Guard for evaluating entries submitted by Hayward schools. Council Members Zermeno, Roche and Goldstein, who also serve on the Council Sustainability Committee, announced the contest winners across kindergarten through high school grade levels; each winner received a gift card. Teachers of winning essays and posters were also recognized. Mayor Salinas drew names of students for three bonus prizes. Students, teachers, judges, and families were congratulated for their participation.

PUBLIC COMMENTS

TJ with Hayward Concerned Citizens, requested clarification on the source of funding for the Hayward Amplified grant program (\$75,000) citing budget transparency.

CONSENT CALENDAR

Items 5, 12-17 were pulled from the Consent Calendar for comment.



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chambers

<https://hayward.zoom.us/j/81854985923?pwd=y8dGdMaQ2EA9OQk1TEDLsEhSda30xG.1>

Tuesday, April 21, 2026, 6:30 p.m.

Members of the City Council acknowledged the Memoranda of Understanding (MOU) amendments reached with the City's labor groups, expressing gratitude for their partnership and willingness to make concessions during a challenging budget period.

1. Approve the City Council Minutes of the City Council Meeting on April 7, 2026 **MIN 26-045**

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the City Council meeting minutes of April 7, 2026.

2. Affirm the Appointment of a New Hayward Poet Laureate for the Period of April 2026 - March 2028 **CONS 26-108**

Staff report submitted by Library Director Addleman, dated April 21, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

AYES:	COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeno
	MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 26-041, "Resolution to Affirm the Appointment of a New Hayward Poet Laureate Effective April 21, 2026"

3. Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with Pavement Engineering, Inc., Increasing the Maximum Compensation by \$572,225, for a Total Maximum Compensation Amount Not-to-Exceed \$911,245 to Provide Engineering Services for the Fiscal Year 2026-27 Pavement Improvement Project, Project No. 05360 **CONS 26-120**

Staff report submitted by Public Works Director Ameri, dated April 21, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop,
Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 26-042, "Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with Pavement Engineering, Inc., to Provide Engineering Services for the Fiscal Year 27 Pavement Improvement Project, Project No. 05360"

4. Adopt a Resolution Approving Addendum No. 1 and No. 2 and Awarding a Contract to SubTerra Construction, Inc. for the A Street Sewer Line Replacement Project, Project No. 07831, in a Not-to-Exceed Amount of \$4,150,449 **CONS 26-129**

Staff report submitted by Public Works Director Ameri, dated April 21, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop,
Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 26-043, "Resolution Approving Addendum No. 1 and No. 2 Awarding a Contract to Subterra Construction, Inc for the A Street Sewer Line Replacement Project, Project No. 07831, in an Amount Not to Exceed \$4,150,449"

5. Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with Advanced Mobility Group, Inc., to 1) Extend the Term of Agreement by One Year, 2) Update the Agreement to Allow Two Additional One-Year Extensions, and 3) Increase the Contract Amount by \$250,000 Annually for a Total Not-to Exceed Amount of \$1,000,000 for the One-Year Extension and \$1,500,000 for the Two Additional Extensions **CONS 26-134**

Staff report submitted by Public Works Director Ameri, dated April 21, 2026, was filed.



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chambers

<https://hayward.zoom.us/j/81854985923?pwd=y8dGdMaQ2EA9OQk1TEDLsEhSda30xG.1>

Tuesday, April 21, 2026, 6:30 p.m.

Council Member Goldstein recognized Public Works staff and their partnership with the Advanced Mobility Group for their work to improve citywide traffic flow data in support of Hayward's traffic safety and Vision Zero objectives.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop,
Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 26-044, "Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Professional Services Agreement With Advanced Mobility Group, Inc., to Extend the Term of Agreement By One Year, Update the Agreement to Allow Intervals of One Year Extension for Three Additional Years, and Increase the Contract Amount By \$250,000 Annually for a Total Maximum Compensation Not-to-Exceed \$1,000,000 for One Year and \$1,500,000 for Three Additional Years to Continue On-Call Transportation Consulting"

6. Adopt a Resolution Authorizing the City Manager to Execute the Alameda County Transportation Commission Master Programs Funding Agreement for Measure B, Measure BB, and Vehicle Registration Fee Direct Local Distribution Funds **CONS 26-135**

Staff report submitted by Public Works Director Ameri, dated April 21, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop,
Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 26-045, “Resolution Authorizing the City Manager to Execute the Alameda County Transportation Commission Master Programs Funding Agreements for Measure B, Measure BB, and Vehicle Registration Fee Direct Local Distribution Funds”

7. Adopt a Resolution Awarding a Contract to Bay Cities Paving & Grading, Inc., for the FY 26 Pavement Improvement Project, Project No. 05347, in the Amount of \$10,063,947.60 and Authorizing an Administrative Change Order Budget of \$1,436,052.40 **CONS 26-140**

Staff report submitted by Public Works Director Ameri, dated April 21, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop,
Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 26-046, “Resolution Awarding a Contract to Bay Cities Paving & Grading, Inc., for the FY26 Pavement Improvement Project, Project No. 05347”

8. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Five-Year Landscape Management Contract for the 92 Reliever Route with Los Loza, Inc. with a Maximum Compensation Not-to-Exceed \$387,000 **CONS 26-143**

Staff report submitted by Public Works Director Ameri, dated April 21, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop,
Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None



CITY COUNCIL MEETING

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<https://hayward.zoom.us/j/81854985923?pwd=y8dGdMaQ2EA9OQk1TEDLsEhSda30xG.1>

Tuesday, April 21, 2026, 6:30 p.m.

Resolution 26-047, "Resolution Authorizing the City Manager to Adopt a Resolution to Negotiate and Execute a Five-Year Landscape Management Contract for the 92 Reliever Route with Los Loza, inc. with a Maximum Compensation Not-to-Exceed \$387,000"

9. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute Landscape Management Contract for CalTrans Surplus Property Weed Abatement with Joe's Landscaping and Concrete, Inc., with a Maximum Compensation Not-to-Exceed \$700,000 through FY 2030 **CONS 26-144**

Staff report submitted by Public Works Director Ameri, dated April 21, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeno
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 26-048, "Resolution Authorizing the City Manager to Negotiate and Execute a Landscape Management Contract for Caltrans Surplus Property Weed Abatement with Joe's Landscape and Concrete, Inc. with a Maximum Compensation Not-to-Exceed \$700,000"

10. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Landscape Maintenance Contract for Cannery Place Landscape and Lighting Assessment District 13 with Los Loza, Inc. with Maximum Compensation Not-to-Exceed \$470,000 Over Five Years **CONS 26-145**

Staff report submitted by Public Works Director Ameri, dated April 21, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop,
Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 26-049, "Resolution Authorizing the City Manager to Negotiate and Execute a Landscape Maintenance Contract for Cannery Place Landscape and Lighting assessment District 13 with Los Loza, Inc. with a Maximum Compensation Not-to-Exceed \$470,000 Over Five Years"

11. Adopt a Resolution Approving the Project List for FY 27 Road Repair and Accountability Act (RRAA) Funding for the FY 27 Pavement Improvement Project, Project No. 05360
CONS 26-148

Staff report submitted by Public Works Director Ameri, dated April 21, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop,
Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 26-050, "Resolution Approving Project List for FY 27 Road Repair and Accountability act (RRAA) Funding for the FY 27 Pavement Improvement Project, Project No. 05360"

12. Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and the Hayward Association of Management Employees Deferring the Cost-of-Living Adjustment Increase Due to the Pay Period Containing July 1, 2026, and Authorizing the City Manager to Execute the Agreement **CONS 26-162**

Staff report submitted by Human Resources Director Tecson, dated April 21, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.



CITY COUNCIL MEETING

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Tuesday, April 21, 2026, 6:30 p.m.

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

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 26-051, "Resolution Approving a Side Letter of Agreement with the Hayward Association of Management Employees Implementing a Cola Deferral in Fiscal Year 2026-27"

13. Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and the Hayward Police Management Unit Modifying Cost of Living Adjustment Increases and Authorizing the City Manager to Execute the Agreement **CONS 26-163**

Staff report submitted by Human Resources Director Tecson, dated April 21, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

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

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 26-052, "Resolution Approving a Side Letter of Agreement with the Hayward Police Management Unit for Implementation of a Cola Reduction in Fiscal Years 2027-28; 2028-29; And 2029-30"

14. Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and the International Federation of Professional and Technical Engineers, Local 21 Deferring the Cost-of-Living Adjustment Increase Due the Pay Period Including July 1, 2026, and Authorizing the City Manager to Execute the Agreement **CONS 26-164**

Staff report submitted by Human Resources Director Tecson, dated April 21, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop,
Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 26-053, "Resolution Approving a Side Letter of Agreement with Local 21, International Federation of Professional and Technical Engineers (Local 21) Including Implementation of a Cola Deferral in Fiscal Year 2026-27"

15. Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and Service Employees International Union, Local 1021 Clerical Unit Deferring the Cost-of-Living Adjustment Increase Due the Pay Period Including July 1, 2026, and Authorizing the City Manager to Execute the Agreement **CONS 26-165**

Staff report submitted by Human Resources Director Tecson, dated April 21, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop,
Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 26-054, "Resolution Approving a Side Letter of Agreement with Service Employees International Union, Local 1021 Clerical Unit (SEIU) Implementing of a Cola Deferral in Fiscal Year 2026-27"

16. Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and the Hayward Police Officers' Association Modifying Cost of Living Adjustment Increases and Extending Previous Shift Change Agreements; and Authorizing the City Manager to Execute the Agreement **CONS 26-166**

Staff report submitted by Human Resources Director Tecson, dated April 21, 2026, was filed.



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Council Chambers

<https://hayward.zoom.us/j/81854985923?pwd=y8dGdMaQ2EA9OQk1TEDLsEhSda30xG.1>

Tuesday, April 21, 2026, 6:30 p.m.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

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

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 26-055, "Resolution Approving a Side Letter of Agreement with the Hayward Police Officers' Association for Implementation of a Cola Reduction in Fiscal Years 2026-27; 2027-28; and 2028-29"

17. Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and Both Units Represented by the International Association of Firefighters, Local 1909: the Hayward Firefighters Association and the Hayward Fire Officers Association, for Deferring Cost of Living Adjustment Increases and Extending Previous Cost Saving Agreements; and Authorizing the City Manager to Execute the Agreement **CONS 26-168**

Staff report submitted by Human Resources Director Tecson, dated April 21, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

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

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 26-056, "Resolution Approving a Side Letter of Agreement with the Bargaining Units Represented by the International Association of Firefighters, Local 1909: the Hayward Firefighters Association and the Hayward Fire Officers Association; to Amend the Current Memoranda of Understanding"

PUBLIC HEARING

18. Stratford Village Proposition 218 Hearing: Proposition 218 Public Hearing to Receive and Tabulate Property Owner Ballots Regarding the Establishment and Levying of a New Assessment for the Stratford Village Flood Control Facilities Improvement Assessment District (MD1); Adopt a Resolution Establishing the New Stratford Village Flood Control Facilities Improvement Assessment (MD1-2026); Approve the Final Engineer's Report; and Order Levy and Collection of Assessments for Fiscal Year 2027 **PH 26-018**

Staff report submitted by Maintenance Services Director Rullman, dated April 21, 2026, was filed.

Maintenance Services Director Rullman announced the item and introduced Management Analyst Grewal, who provided a synopsis of the staff report.

In response to Council Member Roche's request for clarification on the proposed Stratford Village Flood Control Facilities Improvement Assessment District, Management Analyst Grewal explained that the proposed \$97.82 per single-family assessment would help build reserves for future maintenance and fund a \$400,000 drainage improvement project by 2030. She added that the rate remains lower than it would have been had Consumer Price Index (CPI) increases been applied from the beginning, and confirmed that residents received the required Proposition 218 hearing notices.

Council Member Syrop asked staff to clarify the history of the proposed assessment and the Proposition 218 hearing process. Management Analyst Grewal explained that previous attempts to form the district had been unsuccessful, confirmed that all property owners were properly notified and required to submit their ballots to City Hall, and noted that the ballot tabulation would begin once Mayor Salinas directed the City Clerk to proceed.

There being no speakers, Mayor Salinas opened and closed the public hearing at 8:08 p.m.

Mayor Salinas directed City Clerk Lens to tabulate the ballots and called for a City Council recess at 8:08 p.m. to allow for the ballots to be tabulated.

Mayor Salinas reconvened the meeting at 8:18 p.m. stating that the City Council would proceed with Public Hearing Item 19 and return to the prior item once the ballot tabulation was complete.

Mayor Salinas reconvened the Public Hearing for Item 18 following the ballot tabulation for the Stratford Village Flood Control Facilities Improvement Assessment and the completion of the Public Hearing for Item 19 and requested that the City Clerk present the results.

City Clerk Lens reported that 41 weighted ballots were submitted, with 22 ballots (53.66 percent) in favor and 19 ballots (46.34 percent) opposed. Based on the tabulation, the ballots submitted in opposition did not exceed those in favor; therefore, a majority protest did not exist under Proposition 218 requirements.



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Tuesday, April 21, 2026, 6:30 p.m.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

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

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 26-057, "Resolution Establishing the Stratford Village Flood Control Facilities Improvement Assessment (MD1-2026), Approving the Final Engineer's Report, and Ordering Levy and Collection of Assessments for Fiscal Year 2027"

19. Business Friendly Hayward: Proposed Text Amendments to Hayward Municipal Code Chapter 10 Articles 1, 2, 24, and 28 and Chapter 6 Article 2; Proposed Zoning Map Revisions; and Proposed Master Fee Schedule Updates Related to the Business-Friendly Hayward Project (**Report from Development Services Director Buizer**) PH 26-017

Staff report submitted by Development Services Director Buizer, dated April 21, 2026, was filed.

Development Services Director Buizer announced the item and introduced Senior Planner Blanton and Assistant Planner Riddle who provided a synopsis of the staff report.

Discussion ensued among City Council members and City staff, and several clarifications were provided: under the new streamlined regulations, businesses exclusively selling beer and wine would be exempt from the existing 500-foot separation requirement from other alcohol-related businesses; the 50-megawatt threshold aligns with current state regulatory standards for data center processing; the STACK data center, currently under construction, is expected to come online in phases over the next 12 to 18 months; food-related businesses were intentionally excluded from the Accessory Commercial Unit (ACU) pilot program to minimize neighborhood conflicts and reduce issues related to sidewalk vending; the area south of Tennyson was selected as the ACU pilot location based on feedback received at City Council meetings; a new limited entertainment permit is being proposed for smaller-scale events involving amplified sound for 10 to 100 attendees, such as karaoke or open mic nights, to provide a more streamlined approval process than the current cabaret permit; ACUs were described as small home-based businesses, such as yoga studios, nail salons, retail shops, or limited to-go coffee sales, operating from a structure attached to a residence under a carefully defined pilot program, and on-site food consumption would not be allowed; if the proposal is approved, the

City plans to conduct targeted outreach, workshops, and community engagement efforts to clearly communicate permitted uses and restrictions; all ACU activities would need to occur within enclosed structures, with parking requirements maintained, to prevent operations from resembling flea markets or informal outdoor sales; under the new Major Conditional Use Permit (MCUP) process, projects denied by the Planning Commission would still move forward to the City Council for final review; while signage is not currently required for ACUs, it may be tested during the pilot to improve transparency and enforcement; projects over 50 megawatts would require City Council approval, while smaller projects would remain with the Planning Commission unless called up by the City Council; data centers are now being treated as a distinct land-use category rather than traditional office space, and while no fixed performance ordinance is being proposed due to rapidly evolving technology, the updated permitting process is designated to offer flexibility while addressing environmental and community impacts; the City Council could choose to remove ACUs from the current proposal and direct staff to return with a separate ordinance at a later time; and under the new regulations, grocery stores currently restricted by proximity to existing liquor stores would be allowed to sell alcohol.

Mayor Salinas opened the public hearing at 8:49 p.m.

Pastor Vince Gomez, a local Hayward pastor, spoke in support of more accessible and flexible permitting options for smaller churches seeking legal space within the community.

Mayor Salinas closed the public hearing at 8:50 p.m.

In response to Council Member Syrop's question about whether newly built Accessory Dwelling Units (ADUs) could be used as Accessory Commercial Units (ACUs), Assistant Planner Riddle clarified that ACUs may operate within accessory structures on eligible single-family properties, including qualifying ADUs, but are not permitted on multifamily properties due to potential impacts on neighboring residents.

Council Member Syrop expressed his preference that all data center applications, including those under the 50-megawatt threshold, be elevated to the City Council for review, emphasizing that such project can have significant energy and infrastructure impacts regardless of their size.

Council Member Syrop expressed support for advancing the ACU pilot program, noting that expanding opportunities for small-scale home-based businesses could help reduce commercial rent burdens and foster greater economic competition throughout Hayward.

Council Member Syrop moved to approve the amendments to the Hayward Municipal Code related to the Business-Friendly Hayward project as presented, citing the extensive staff work, and unanimous support of the Planning Commission.

Council Member Goldstein seconded the motion.

In response to Council Member Andrews' questions about enforcement of the proposed ACU pilot program, Senior Planner Blanton explained that ACUs would primarily be enforced



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through Code Enforcement, and Development Services Director Buizer added that fixed-property ACUs would generally be easier to regulate than mobile street vendors because they are directly associated with identifiable residential properties.

Council Member Andrews emphasized the importance of clarifying enforcement and cost-recovery measures prior to evaluating long-term implementation.

In response to Council Member Roche's inquiry about how ACUs, such as home-based yoga studios, could affect parking, neighborhood character, and enforcement, Senior Planner Blanton explained that ACUs would be subject to occupancy limits to help manage potential impacts.

Council Member Roche expressed appreciation for staff's ongoing refinement of other zoning updates, including truck terminal definitions and broader permitting reforms intended to support more flexible business uses such as pop-ups, and suggested that the ACU pilot program be formally reviewed after one year to evaluate participation, compliance, and neighborhood impacts.

Mayor Salinas expressed overall support for the broader Business-Friendly Hayward project, but stated that he could not support the ACUs pilot; noted that introducing ACUs into already densely populated and parking-constrained neighborhoods south of Tennyson could create enforcement, traffic, and parking challenges that the City is not currently equipped to manage, particularly given ongoing struggles with illegal vending enforcement; emphasized the potential for unintended expansion of unregulated commercial activity in vulnerable communities; and urged the City Council to remove the ACU component from the current proposal and revisit it in the future when the City has stronger enforcement capacity, additional resources, and a clearer implementation strategy.

Council Member Syrop advocated for retaining the ACU pilot within the Business-Friendly Hayward project emphasizing its potential to expand economic opportunity, improve neighborhood walkability, increase local amenities, reduce carbon emissions, and generate new tax revenue in underserved areas; noted that selecting South Hayward as the pilot area was an equity-driven effort to bring investment and neighborhood-serving businesses to communities with fewer commercial resources; while acknowledging enforcement concerns, he stated that ACUs would be more manageable than sidewalk vending because operators are tied to fixed residential properties; and urged the City Council not to let existing enforcement challenges hinder innovative economic development and stressed that the pilot could be reevaluated or modified if issues arise.

Council Member Bonilla Jr. expressed general support for the broader Hayward Business-Friendly project and stated that all data centers, regardless of size, should ultimately come before the City Council for final review; supported the ACU concept in principle but echoed

Mayor Salinas' concerns about limited Code Enforcement capacity, uncertain neighborhood impacts, insufficient community input, and the suitability of the area south of Tennyson as the initial pilot location; and recommended postponing the ACU pilot and reconsidering it in approximately one year, once concerns related to pilot location and enforceability have been addressed.

Council Member Andrews acknowledged the value of expanding neighborhood amenities, but emphasized that Hayward's existing parking congestion, vehicle density, and residential character create unique challenges; advocated for removing the ACU pilot from the current proposal, carefully evaluating targeted pilot locations, and gathering community feedback; and stated she could not support the motion as presented but would support a revised version incorporating these adjustments.

Council Member Zermeño expressed support for the broader Business-Friendly Hayward project, praising its many business-friendly reforms, including expanded opportunities for existing businesses; agreed with Mayor Salinas that the City is not currently prepared to implement the ACU pilot due to ongoing challenges with enforcing the street vendor ordinance; stated that adding another difficult-to-enforce program could undermine public confidence in City governance; and urged that the ACU pilot be removed for now; and proposed a friendly amendment to eliminate the ACU provision from the proposal.

Council Member Goldstein supported moving forward with the full Business-Friendly Hayward initiative, including the ACU pilot, emphasizing its potential to expand economic opportunity for residents; and acknowledged that implementation may require adjustments but supported allowing the pilot to proceed so the City can evaluate its impacts rather than halting progress prematurely.

Council Member Roche reiterated growing concerns that allowing ACUs could unintentionally encourage unpermitted business activity and create enforcement challenges similar to those seen with street vending; questioned unresolved issues related to health permitting, neighborhood impacts, and the City's ability to effectively regulate new home-based commercial uses; expressed appreciation for the broader business-friendly reforms and the innovative goals of ACUs; stated that she could not support the proposal with the ACU element included; and urged consideration of delaying the ACU element for six months or to a time certain to allow additional time for policy refinement, evaluation of pilot location, and stronger enforcement planning.

Council Member Syrop agreed to amend his original motion by removing the ACU component from the Business-Friendly Hayward project, while advocating for ACUs to return as a standalone item in approximately six months to allow additional analysis of the concerns raised.

Council Member Goldstein reluctantly agreed to second the amended motion.

Following discussion among the City Council and staff, Council Member Syrop further amended his motion, seconded by Council Member Goldstein, to approve staff's recommendations to amend the Hayward Municipal Code related to the Business-Friendly Hayward project, require



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all data centers, regardless of size, to undergo a Major Conditional Use Permit (MCUP) process with City Council approval, and revisit ACUs as a standalone item within one year, depending on staff capacity, to allow staff time to address enforcement and pilot-location concerns.

Mayor Salinas expressed appreciation for the collaborative compromise and stated that he would be supporting the amended motion.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolutions and introduce the ordinance with a friendly amendment as stated by Council Member Syrop.

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

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 26-058, "Resolution to Adopt Zoning Map and Text Amendments to Chapter 10, Article 1 (Zoning Ordinance), Article 2 (Off-Street Parking Regulations), Article 24 (Mission Boulevard Code), and Article 28 (Downtown Development Code) and Chapter 6, Article 2 (Miscellaneous Businesses) of the Hayward Municipal Code Related to the Business-Friendly Hayward Project"

Resolution 26-059, "Resolution Amending the City of Hayward 2026-2027 Fiscal Year Master Fee Schedule for Accessory Commercial Unit, Minor Temporary Use, Limited Entertainment, and Major Conditional Use Permits Associated with Amendments to Chapter 10, Articles 1, 2, 24, and 28 and Chapter 6, Article 2 of the Hayward Municipal Code Related to the Business-Friendly Hayward Project"

Introduction of Ordinance 26-_, "An Ordinance Amending the Zoning Map and Chapter 10, Article 1 (Zoning Ordinance), Article 2 (Off-Street Parking Regulations), Article 24 (Mission Boulevard Code) and Article 28 (Downtown Development Code) of the Hayward Municipal Code Associated with the Business-Friendly Hayward Project"

20. Master Fee Schedule: Adopt a Resolution Approving the Master Fee Schedule Fiscal Year 2026-2027 and the Fiscal Year 2026-2027 Fine and Bail Schedule, and Finding the Action is Exempt from California Environmental Quality Act Review (Report from Finance Director Hilbrants) **PH 26-020**

Staff report submitted by Finance Director Hilbrants, dated April 21, 2026, was filed.

Mayor Salinas forewent staff's oral presentation.

There being no speakers, Mayor Salinas opened and closed the public hearing at 9:58 p.m.

Finance Director Hilbrants recognized Acting Deputy Finance Director Barnes for leading the extensive fee schedule revision process on an accelerated timeline; and praised City departments for their significant collaborative effort.

It was moved by Council Member Goldstein, seconded by Council Member Syrop, and carried unanimously, to adopt the resolution.

AYES:	COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 26-060, "Resolution Adopting the Master Fee Schedule Fiscal Year 2026-2027 and the Fiscal Year 2026-27 Fine and Bail Schedule Reflecting Updated Fees and Charges for Departments in the City of Hayward and Finding that the Action is Exempt from CEQA Review"

LEGISLATIVE BUSINESS

21. Massage Permits: Introduction of an Ordinance Amending Article 10, Chapter 6 of the Hayward Municipal Code Relating to Massage Permits and Finding that the Action is Exempt from Environmental Review (**Report from City Attorney Lawson and Police Chief Matthews**) **LB 26-007**

Staff report submitted by City Attorney Lawson and Police Chief Matthews, dated April 21, 2026, was filed.

Mayor Salinas forewent staff's oral presentation.

Senior Assistant City Attorney Vigilia clarified that the moratorium was intended to give staff time to strengthen regulations for massage establishments in response to operational and



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enforcement concerns; and explained that the proposed updates include expanding the definition of “owner operator” to increase accountability, broadening the types of operational violations that could result in permit suspension or revocation, adding restrictions on sexually suggestive advertising, and shortening permit terms from two years to one year to allow for more frequent oversight and regulatory review.

In response to Council Member Roche, Senior Assistant City Attorney Vigilia explained that under the recently approved business-friendly amendments, massage establishments would be limited to designated zoning districts and would now be required to obtain both a Conditional Use Permit (CUP) and a separate massage establishment permit.

Council Member Roche thanked the City Attorney’s Office and Police Chief Matthews for developing the updated massage establishment regulations, emphasizing the importance of addressing community concerns while avoiding unfair stigma toward legitimate massage businesses.

There being no speakers, Mayor Salinas opened and closed the public hearing at 10:02 p.m.

It was moved by Council Member Andrews, seconded by Council Member Bonilla Jr, and carried unanimously, to introduce the ordinance.

AYES:	COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeno MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

Introduction of Ordinance 26-_, “An Ordinance of the City Council of the City of Hayward Amending Chapter 6, Article 10 of the Hayward Municipal Code Relating to Massage Permits”

22. Salary and Benefits Resolution & Employment Agreements: Adopt Resolutions Amending the Unrepresented Employees Salary and Benefits Resolution, the City Clerk Employment Agreement, the City Attorney Employment Agreement, and the City Manager Employment Agreement (Report from Human Resources Director Tecson) **LB 26-008**

Staff report submitted by Human Resources Director Tecson, dated April 21, 2026, was filed.

Mayor Salinas forewent staff’s oral presentation.

In response to Council Member Bonilla Jr.'s request for clarification on the purpose of the item, Human Resources Director Tecson explained that it presents cost-saving measures for the upcoming fiscal year through negotiated concessions from unrepresented City employees, including deferral of scheduled cost-of-living adjustments (COLAs), applying similar compensation adjustments for the City Attorney and City Clerk, and continuing the City Manager's previously agreed-upon foregone benefits.

Mayor Salinas further clarified that City Council salary concessions would be addressed separately through the salary plan process.

There being no speakers, Mayor Salinas opened and closed the public hearing at 10:05 p.m.

Council Member Bonilla Jr. thanked the City Attorney, City Manager, and City Clerk for demonstrating leadership through their willingness to implement compensation concessions during the City's fiscal challenges, noting that their actions set an important example for the broader organization.

Council Member Syrop extended gratitude to City directors and other unrepresented employees for collectively sharing in the sacrifices needed to address the budget deficit.

It was moved by Council Member Goldstein, seconded by Council Member Bonilla Jr. and carried unanimously, to adopt the resolutions.

AYES:	COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 26-061, "Resolution Approving Amendment to the Salary and Benefits Resolution for Unrepresented Employees"

Resolution 26-062, "Resolution Approving Amendment to the Employment Agreement Between the City of Hayward and the City Attorney and Authorizing the Mayor to Execute the Agreement"

Resolution 26-063, "Resolution Approving Amendment to the Employment Agreement Between the City of Hayward and the City Clerk and Authorizing the Mayor to Execute the Agreement"

Resolution 26-064, "Resolution Approving Amendment to the Employment Agreement Between the City of Hayward and the City Manager and Authorizing the Mayor to Execute the Agreement"



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COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Andrews announced the Earth Day and annual Keep Hayward Clean and Green event at Weekes Park on April 22, 2026.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Salinas adjourned the City Council meeting at 10:08 p.m.

APPROVED

Mark Salinas
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



CITY OF HAYWARD

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

File #: CONS 26-154

DATE: May 5, 2026

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 2 to the Lease Agreement for Use of Property at the Hayward Executive Airport with Ramesta Hospitality, LLC to Reflect Name Change to Ramesta Hospitality, LP

RECOMMENDATION

That the City Council adopts the attached resolution (Attachment II) authorizing the City Manager to negotiate and execute Amendment No. 2 to the lease agreement for use of property at the Hayward Executive Airport with Ramesta Hospitality, LLC to reflect a name change to Ramesta Hospitality, LP.

SUMMARY

The City entered into a lease agreement with Ramesta Hospitality, LLC on November 15, 2017 for the property located at 22101 Hesperian Blvd at the Hayward Executive Airport. The purpose of this amendment is to change the tenant's legal name from Ramesta Hospitality, LLC to Ramesta Hospitality, LP, as required by their lending institution for a refinancing process. All other terms and conditions of the original lease remain unchanged.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Ramesta Hospitality Request for Name Change



DATE: May 5, 2026

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 2 to the Lease Agreement for Use of Property at the Hayward Executive Airport with Ramesta Hospitality, LLC to Reflect Name Change to Ramesta Hospitality, LP

RECOMMENDATION

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SUMMARY

The City entered into a lease agreement with Ramesta Hospitality, LLC on November 15, 2017 for the property located at 22101 Hesperian Blvd at the Hayward Executive Airport. The purpose of this amendment is to change the tenant's legal name from Ramesta Hospitality, LLC to Ramesta Hospitality, LP, as required by their lending institution for a refinancing process. All other terms and conditions of the original lease remain unchanged.

FISCAL IMPACT

There is no impact to the General Fund or Measure C. The Hayward Executive Airport operates as an Enterprise Fund.

BACKGROUND

The City entered into the original lease agreement on November 16, 2017, with Ramesta Hospitality, LLC for the property located at 22101 Hesperian Blvd.

Amendment No. 1 was executed on February 8, 2018, to clarify language in the lease agreement to comply with the terms of the construction loan. The amendments addressed such matters as the right to sublease, mortgage, and encumber; termination or bankruptcy

by lessee, and the commitment to abide by the FAA's rules and regulations related to grant covenants.

Ramesta Hospitality, LLC, has requested this amendment to formally change its legal name in all lease documents to satisfy the requirements of its bank for a refinancing loan (Attachment III).

DISCUSSION

The hotel located at 22101 Hesperian Blvd, Hayward, CA 94541 was constructed and opened since June 2023, and branded as a Home 2 Suites by Hilton.

The leasehold is 160,556 square feet and contains the following features and amenities:

- 132 rooms;
- A banquet facility that seats approximately 150 persons, and can be subdivided into smaller rooms;
- A swimming pool;
- A nationally-branded, stand-alone restaurant that is approximately 6,000 square feet in size; and
- A small, ancillary retail store (not constructed yet)

The sole purpose of this amendment is to replace the tenant name, Ramesta Hospitality, LLC, and replace it with the new legal name, Ramesta Hospitality, LP. This amendment ensures that all legal documents are consistent for the tenant's financial purposes.

The amendment has been reviewed by both the developer's lender and the City Attorney's Office; both concur with and agree to the revisions.

SUSTAINABILITY FEATURES

There are no sustainability features related to this action.

PUBLIC CONTACT

No public contact has been made related to this agenda item.

NEXT STEPS

If approved, the existing ground leases will be amended.

Prepared by: Doug McNeeley, Airport Manager

Recommended by: Alex Ameri, Director of Public Works

Approved by:

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

Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 2 TO THE LEASE AGREEMENT FOR USE OF PROPERTY AT HAYWARD EXECUTIVE AIRPORT WITH RAMESTA HOSPITALITY, LLC TO REFLECT NAME CHANGE TO RAMESTA HOSPITALITY, LP

WHEREAS, the City of Hayward ("City") owns and operates Hayward Executive Airport ("Airport"); and

WHEREAS, on November 14, 2017, the City of Hayward approved leases with Ramesta Hospitality, LLC for the development of a hotel on Airport property; and

WHEREAS, on February 8, 2018, Amendment No. 1 was executed to clarify language in the lease agreement to comply with the terms of the construction loan; and

WHEREAS, the developers has requested clarifying language in the leases that complies with the terms of the loan; and

WHEREAS, the City and Ramesta Hospitality, LLC have reached agreement on acceptable terms to amend the referenced lease documents.

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 second amendments to the ground leases with Ramesta Hospitality, LLC to reflect a change in name to Ramesta Hospitality, LP, 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



📍 1335 Hotel Cir S, San Diego, 92108

☎ +1 619-298-1291

🌐 www.kalthiagrouphotels.com

Date: 07/31/2025

Via Email: pamela.svrdlin@hayward-ca.gov

CC: douglas.mcneeley@hayward-ca.gov, jay@kghotel.com, mike@kghotel.com

TO: CITY OF HAYWARD

SUBJECT: Request for Lease Amendment – Lessee Entity Update from Ramesta Hospitality LLC to Ramesta Hospitality LP

To Whom It May Concern

We are writing on behalf of Ramesta Hospitality LLC, the current lessee under the lease agreement dated November 15, 2017, for the property located at 22101 Hesperian Blvd, hayward, CA 94541

We request an amendment to the existing lease agreement to reflect a change in the legal structure of the lessee entity from a **Limited Liability Company (LLC)** to a **Limited Partnership (LP)**. The new lessee entity name is **Ramesta Hospitality LP**.

Please note the following:

- The change is solely a successor by conversion from LLC to LP structure
- There has been no change in ownership, control, or business operations.
- The LP has the same federal tax identification number (EIN) as the LLC.
- All obligations under the lease will continue to be honored without interruption or modification.

We kindly ask that the lease be amended to reflect the updated lessee name: **Ramesta Hospitality LP** effective as of 03/11/2024 or if it is not possible to backdate it, please make it effective 01/01/2025, with all other terms and conditions of the lease remaining unchanged. Enclosed are the relevant support documents, including:

1. Certificate of Conversion (LLC to LP)
2. IRS confirmation of unchanged EIN
3. Signed resolution or authorization approving the change

Please let us know if any additional documentation or steps are required to process this request. We are happy to provide any further information or meet with your office at your convenience.

Thank you for your attention to this matter and your continued cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mitesh Kalthia', is written over a horizontal line.

Mitesh Kalthia(Manager)

Ramesta Hospitality LP

Email: Mike@kghotel.com

Ph: 619-298-1291



CITY OF HAYWARD

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

File #: CONS 26-171

DATE: May 5, 2026

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Accepting the Clean Air Center Program Grant and Appropriating \$25,000 for the Purchase of a Five-Year Supply of Air Filters for the Downtown and Weekes Libraries

RECOMMENDATION

That the City Council adopts the attached resolution (Attachment II) accepting the Clean Air Center Program Grant from the Bay Area Air District (Air District) and approving the appropriation of \$25,000 for the purchase of a five-year supply of air filters for the Downtown and Weekes Libraries.

SUMMARY

The City of Hayward received a grant from the Air District to designate the Downtown Library and the Weekes Library as Clean Air Centers for a five-year period. Clean Air Centers provide community members with a safe place to seek relief during periods of intense wildfire smoke or poor air quality. Under the terms of the grant agreement, the Air District will reimburse the City for the cost of a five-year supply of air filters, with a total reimbursement amount not to exceed \$24,788. Staff is requesting authorization to accept the grant and appropriate an additional \$25,000 in the FY 2026 Recycling Fund (Fund 232) budget to cover the cost for the air filters.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: May 5, 2026

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Accepting the Clean Air Center Program Grant and Appropriating \$25,000 for the Purchase of a Five-Year Supply of Air Filters for the Downtown and Weekes Libraries

RECOMMENDATION

That the City Council adopts the attached resolution (Attachment II) accepting the Clean Air Center Program Grant from the Bay Area Air District (Air District) and approving the appropriation of \$25,000 for the purchase of a five-year supply of air filters for the Downtown and Weekes Libraries.

SUMMARY

The City of Hayward received a grant from the Air District to designate the Downtown Library and the Weekes Library as Clean Air Centers¹ for a five-year period. Clean Air Centers provide community members with a safe place to seek relief during periods of intense wildfire smoke or poor air quality. Under the terms of the grant agreement, the Air District will reimburse the City for the cost of a five-year supply of air filters, with a total reimbursement amount not to exceed \$24,788. Staff is requesting authorization to accept the grant and appropriate an additional \$25,000 in the FY 2026 Recycling Fund (Fund 232) budget to cover the cost for the air filters.

FISCAL IMPACT

This agenda item will result in savings of \$24,788 to the City's General Fund.

The Air District grant will pay for air filters for the HVAC (heating, ventilation and air conditioning) systems at both libraries for five years. The filters are normally funded through the General Fund and the cost of a five-year supply of HEPA-certified air filters is \$24,788. In accordance with the grant agreement, the City will be reimbursed by the Air District approximately two months after the City purchases the filters. No additional staff

¹ <https://www.baaqmd.gov/funding-and-incentives/public-agencies/clean-air-centers>

time will be required to upgrade or maintain the air filtration systems and the libraries will not be required to be open to the public beyond normal hours of operation.

BACKGROUND

On October 2, 2019, Governor Newsom signed AB 836, Wildfire Smoke Clean Air Center for Vulnerable Population Incentive Pilot Program.² The purpose of the program is to upgrade ventilation systems and provide air filtration equipment to establish Clean Air Centers throughout California. These centers offer community members a safe place to seek relief during periods of intense wildfire or poor air quality. The California Air Resources Board (CARB) was directed to administer the program and allocated grant funding to air districts statewide to implement AB 836.

In September 2025, the City of Hayward entered into a Clean Air Center Program Grant Agreement with the Air District. Under the agreement, both the Downtown Library and the Weekes Library are required to operate as Clean Air Centers during their regular business hours for a five-year period and submit annual maintenance logs for their air filtration systems. Each facility must maintain a filtration system capable of using HEPA certified filters rated MERV 13 or higher to ensure the provision of safe, clean air is provided to the public. A facility's designation as a Clean Air Center remains in effect regardless of any future changes to its operational hours.

DISCUSSION

The grant requires that the City purchase a five-year supply of eligible air filters at once. The Air District will reimburse the City upon submission of receipts confirming the purchase. The Air District's deadline to spend all program funds from CARB is September of 2026.

Staff is requesting the City Council accept the grant with Air District and approve an appropriation of \$25,000 from the Measure D Augmentation account for the purchase of a five-year supply of HEPA certified air filters rated MERV 13 or higher for the Downtown and Weekes Libraries, enabling the City to submit receipts and obtain reimbursement in accordance with the terms of the grant agreement.

ECONOMIC IMPACT

There is no Economic Impact associated with this item.

STRATEGIC ROADMAP

This agenda item is not associated with a specific project identified in the Strategic Roadmap, but it supports the priority of Champion Climate Resilience & Environmental Justice.

² <https://ww2.arb.ca.gov/our-work/programs/wildfire-smoke-clean-air-center-grant>

SUSTAINABILITY FEATURES

The Clean Air Centers will provide clean air and relief for the community during times of intense wildfire or poor air quality.

PUBLIC CONTACT

No public contact has been made regarding this agenda item. In the near future, the Downtown and Weekes Libraries will be added to CARB's California Clean Air Center webpage.³

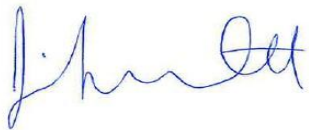
NEXT STEPS

If the City Council adopts the attached resolution, staff will proceed with the purchase of a five-year supply of eligible air filters for the Downtown and Weekes Libraries, enabling the City to request reimbursement in accordance with the purchasing requirements of the Grant Agreement with the Air District.

Prepared by: Stephanie Dumont, Sustainability Specialist
Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Jennifer Ott, City Manager

³ <https://ww2.arb.ca.gov/cleanaircenters>

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-____

Introduced by Council Member _____

RESOLUTION ACCEPTING THE CLEAN AIR CENTER PROGRAM GRANT AND
APPROPRIATING \$25,000 FOR THE PURCHASE OF A FIVE-YEAR SUPPLY OF
AIR FILTERS FOR THE DOWNTOWN AND WEEKES LIBRARIES

WHEREAS, the City and Bay Area Air District entered into a Clean Air Center Program Grant Agreement in 2025; and

WHEREAS, under the terms of the agreement, the City agreed to operate the Downtown Library and the Weekes Library as Clean Air Centers for a period of five years, providing safe indoor spaces for community members during periods of intense wildfire smoke or poor air quality; and

WHEREAS, the Bay Area Air District will reimburse the City for the cost of purchasing a five-year supply of HEPA certified air filters rated MERV 13 or higher, in an amount not to exceed \$24,788.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hayward hereby accepts the Clean Air Center Program Grant and hereby appropriates \$25,000 for the purchase of a five-year supply of HEPA certified air filters rated MERV 13 or higher for the Downtown and Weekes Library.

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 26-173

DATE: May 5, 2026

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Adopt an Ordinance of the City Council of the City of Hayward Amending Chapter 6, Article 10 of the Hayward Municipal Code Relating to Massage Permits

RECOMMENDATION

That the City Council adopts the Ordinance introduced on April 21, 2026.

SUMMARY

This item entails the adoption of an Ordinance amending Chapter 6, Article 10 of the Hayward Municipal Code relating to massage permits. The Ordinance was introduced on April 21, 2026, by Council Member Andrews.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Summary of Published Ordinance



DATE: May 5, 2026

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Adopt an Ordinance of the City Council of the City of Hayward Amending Chapter 6, Article 10 of the Hayward Municipal Code Relating to Massage Permits

RECOMMENDATION

That the City Council adopts the Ordinance introduced on April 21, 2026.

SUMMARY

This item entails the adoption of an Ordinance amending Chapter 6, Article 10 of the Hayward Municipal Code relating to massage permits. The Ordinance was introduced on April 21, 2026, by Council Member Andrews.

FISCAL IMPACT

There is no fiscal impact associated with this report.

BACKGROUND

The Ordinance was introduced by Council Member Andrews at the April 21, 2026, meeting of the City Council with the following vote:

AYES:	COUNCIL MEMBERS: Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermelo
	MAYOR Salinas
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

STRATEGIC ROADMAP

The agenda item is a routine operational item and does not relate to one of the Council's Strategic Initiatives.

PUBLIC CONTACT

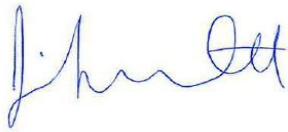
The summary of the Ordinance was published in the Daily Review c/o Bay Area News Group-East Bay on Friday, May 1, 2026. Adoption, at this time, is therefore appropriate.

NEXT STEPS

The Hayward Municipal Code and other related documents will be updated accordingly.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:

A handwritten signature in blue ink, appearing to read "Jennifer Ott", is written over a horizontal line.

Jennifer Ott, City Manager

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE
CITY COUNCIL OF THE CITY OF HAYWARD
SUMMARY OF ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAYWARD AMENDING CHAPTER 6, ARTICLE 10 OF THE HAYWARD MUNICIPAL CODE RELATING TO MASSAGE PERMITS

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

Section 1. Chapter 6, Article 10 of the Hayward Municipal Code is amended to read as reflected in Exhibit A, attached hereto and incorporated herein.

Section 2. 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 3. 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 4. Effective Date. Pursuant to Section 620 of the City Charter, this Ordinance shall become effective thirty (30) days from the date of its adoption by the City Council. The moratorium adopted by Ordinance No. 26-02 shall terminate upon the effectiveness of this Ordinance and the zoning amendments contained in the Business-Friendly Hayward ordinance considered separately but concurrently.

Introduced at a meeting of the City Council of the City of Hayward, held on the 21st day of April 2026, by Council Member Andrews.

This Ordinance will be considered for adoption at the regular meeting of the Hayward City Council, to be held on the 5th day of May 2026, at 7:00 p.m. Please note the City Council will hold a hybrid meeting which will allow for participation in the Council Chamber and virtually via the Zoom platform. The full text of this Ordinance is available for examination by the public by contacting the City Clerk’s office at cityclerk@hayward-ca.gov or (510) 583-4400.

Dated: May 1, 2025
Miriam Lens, City Clerk
City of Hayward



CITY OF HAYWARD

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

File #: CONS 26-174

DATE: May 5, 2026

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Adopt an Ordinance Amending the Zoning Map and Chapter 10, Article 1 (Zoning Ordinance), Article 2 (Off-Street Parking Regulations), Article 24 (Mission Boulevard Code) and Article 28 (Downtown Development Code) of the Hayward Municipal Code Associated with the Business-Friendly Hayward Project

RECOMMENDATION

That the City Council adopts the Ordinance introduced on April 21, 2026.

SUMMARY

This item entails the adoption of an Ordinance amending the Zoning Map and Chapter 10, Article 1 (Zoning Ordinance), Article 2 (Off-Street Parking Regulations), Article 24 (Mission Boulevard Code) and Article 28 (Downtown Development Code) of the Hayward Municipal Code related to the Business-Friendly Hayward Project

The Ordinance was introduced on April 21, 2026, by Council Member Syrop with a friendly amendment to remove Accessory Commercial Units (ACUs) from the proposal and to direct staff to return with a revised ACU proposal in one year, following further review of enforcement consideration and potential community impacts and to require all data center projects be subject to a Major Conditional Use Permit.

Attachment III (Updated Attachment IV, Exhibit D - General Regulations) has been included with the staff report to reflect the changes resulting from the removal of ACUs and Attachment IV (Updated Attachment IV, Exhibit C - Industrial Districts) has been included with the staff report to reflect the changes resulting from requiring a Major Conditional Use Permit for all data center projects.

The remaining exhibits (Attachments V-XII), which were introduced on April 21, 2026, were not affected by the friendly amendment and are included with the staff report to ensure all exhibits are compiled together.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Summary of Published Ordinance
Attachment III	Updated Attachment IV, Exhibit D (General Regulations)
Attachment IV	Updated Attachment IV, Exhibit C (Industrial Districts)
Attachment V	Attachment IV Exhibit B (Commercial Districts)
Attachment VI	Attachment IV Exhibit E Alcoholic Beverage Outlets
Attachment VII	Attachment IV Exhibit F Major Conditional Use Permit
Attachment VIII	Attachment IV Exhibit G Definitions
Attachment IX	Attachment IV Exhibit H Off-Street Parking
Attachment X	Attachment IV Exhibit I Mission Boulevard Code
Attachment XI	Attachment IV Exhibit J Downtown Development
Attachment XII	Attachment IV Exhibit K Cabarets



DATE: May 5, 2026

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Adopt an Ordinance Amending the Zoning Map and Chapter 10, Article 1 (Zoning Ordinance), Article 2 (Off-Street Parking Regulations), Article 24 (Mission Boulevard Code) and Article 28 (Downtown Development Code) of the Hayward Municipal Code Associated with the Business-Friendly Hayward Project

RECOMMENDATION

That the City Council adopts the Ordinance introduced on April 21, 2026.

SUMMARY

This item entails the adoption of an Ordinance amending the Zoning Map and Chapter 10, Article 1 (Zoning Ordinance), Article 2 (Off-Street Parking Regulations), Article 24 (Mission Boulevard Code) and Article 28 (Downtown Development Code) of the Hayward Municipal Code related to the Business-Friendly Hayward Project

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The remaining exhibits (Attachments V-XII), which were introduced on April 21, 2026, were not affected by the friendly amendment and are included with the staff report to ensure all exhibits are compiled together.

FISCAL IMPACT

There is no fiscal impact associated with this report.

BACKGROUND

The Ordinance was introduced by Council Member Syrop at the April 21, 2026, meeting of the City Council with the following vote:

AYES:	COUNCIL MEMBERS: Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño MAYOR Salinas
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

STRATEGIC ROADMAP

The agenda item is a routine operational item

PUBLIC CONTACT

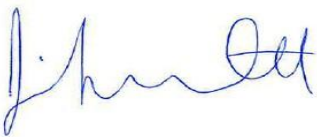
The summary of the Ordinance (Attachment II) was published in the Daily Review c/o Bay Area News Group-East Bay on Friday, May 1, 2026. Adoption, at this time, is therefore appropriate.

NEXT STEPS

The Hayward Municipal Code and other related documents will be updated accordingly.

Prepared and Recommended by: Miriam Lens, City Clerk
Sara Buizer, Development Services Director

Approved by:



Jennifer Ott, City Manager

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE
CITY COUNCIL OF THE CITY OF HAYWARD
SUMMARY OF ORDINANCE

AN ORDINANCE AMENDING THE ZONING MAP AND CHAPTER 10, ARTICLE 1 (ZONING ORDINANCE), ARTICLE 2 (OFF-STREET PARKING REGULATIONS), ARTICLE 24 (MISSION BOULEVARD CODE) AND ARTICLE 28 (DOWNTOWN DEVELOPMENT CODE) OF THE HAYWARD MUNICIPAL CODE ASSOCIATED WITH THE BUSINESS FRIENDLY HAYWARD PROJECT

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

Section 1. Provisions. The City Council incorporates by reference the findings contained in Resolution 26-058 approving the Zoning Map in Exhibit L and Zoning Text Amendments to the Hayward Municipal Code as detailed in Exhibits A, B, C, D, E, F, G, H, I, J, and K.

Section 2. The Zoning Map is hereby amended to rezone 18 properties from Limited Access Commercial (CL) and Regional Commercial (CR) districts to General Commercial (CG) district as illustrated in Exhibit L, introduced herewith and as specifically shown in this Ordinance.

Section 3. Chapter 10, Planning, Zoning, and Subdivisions of the Hayward Municipal Code, which establishes development standards and regulations for all zoning districts within City boundaries, is hereby amended to add certain text (as indicated by underline or the word “Clean” in the exhibit title) and delete certain provisions (as indicated by strikethrough) in the attached Exhibits A through K, related to the following: elimination of Hayward Municipal Code Sections 10-1.600: Residential Office District, 10-1.800: Neighborhood Commercial District, 10-1.900: Neighborhood Commercial-Residential District, 10-1.1000: General Commercial District, 10-1.1100: Commercial Office District, 10-1.1200: Limited Access Commercial District, 10-1.1300: Central Business District, and 10-1.1400: Regional Commercial District and replacement of those existing Sections with Section 10-1.800: Commercial Districts and miscellaneous revisions to Chapter 10 Article 1: Zoning Ordinance, Article 2: Off-Street Parking Regulations, Article 24: Mission Boulevard Code and Article 28: Downtown Development Code, introduced herewith and as specifically shown in this Ordinance.

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

Section 5. Effective Date. In accordance with the provisions of Section 620 of the City Charter, the Ordinance shall become effective 30 days after the second reading on the Ordinance.

Introduced at a meeting of the City Council of the City of Hayward, held on the 21st day of April 2026, by Council Member Syrop.

This Ordinance will be considered for adoption at the regular meeting of the Hayward City Council, to be held on the 5th day of May 2026, at 7:00 p.m. Please note the City Council will hold a hybrid meeting which will allow for participation in the Council Chamber and virtually via the Zoom platform. The full text of this Ordinance is available for examination by the public by contacting the City Clerk's office at cityclerk@hayward-ca.gov or (510) 583-4400.

Dated: May 1, 2025
Miriam Lens, City Clerk
City of Hayward

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.~~

cd. Cannabis, Personal Cultivation and Commercial Cannabis. Refer to Section 10-1.3600, Cannabis.

d. Data Centers

(1) Additional Submittal Requirement

- (a) Community Benefits Plan. Summary of community benefits to be provided to the community that would not otherwise be required of the project;

e. Drive-in Establishments - Special Standards and Conditions.

(1) Location and Design Criteria.

- (a) 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.
- (b) 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, 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.

(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.

- (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 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.

(3) Automobile Service Stations – Additional Design Criteria.

- (a) Minimum facilities required:
- (i) One restroom open to the public
- (ii) Window washing equipment and towels.
- (b) 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: 20 feet measured from the street right-of-way or precise plan line.

(4) Drive-Through Restaurants

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- (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 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 AT-C zoning subdistrict;
 - (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.
 - (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.
 - ~~(a)~~(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.

f. 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. 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.

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- (a.) Approved Location - A site approved by the Planning Director from which a vendor operating from a mobile unit may sell their 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 employee(s).

(3) 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 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.

(4) Standards. All applications for food vendor's permit shall comply with the following standards:

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- (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 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.

(5) 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 remain valid until the vendor ceases operations at the permitted location for a period of 6 months or longer or the permit is revoked.

(6) 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.

Fg. 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.

Gh. Limited Entertainment Permit.

(1) Limited Entertainment Permit Required. Any person providing live entertainment using amplified sound indoors or outdoors on a private patio connected to an establishment shall first obtain a Limited Entertainment Permit by filing an application with the Development Services Department.

(a) Application requirements. A Limited Entertainment Permit application shall include the following:

(i) The name and address of the business, location or venue where the proposed entertainment will occur;

(ii) The date(s) and time(s) that the proposed entertainment activity will occur;

(iii) A description of the business where the proposed entertainment will occur;

(iv) A description of the entertainment activity, including the nature and type of sound amplification; the number of people anticipated to attend; and

(v) Any other information associated with the proposed entertainment activity, as required by the Development Services Department.

(2) Limitations on Limited Entertainment Permits.

(a) The entertainment activity(ies) must be incidental to the principal use of a site.

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- (b) Permit may cover up to one year of recurring events.
 - (c) Activities and events that are presented as live entertainment for an audience of more than 100 people shall require a Cabaret License pursuant to Section 6-2.10 of the Hayward Municipal Code, instead of a Limited Entertainment Permit.
 - (d) Bars, nightclubs, adult-only activities, and other similar uses as determined by the Planning Director are prohibited from obtaining a Limited Entertainment Permit and shall require a Cabaret License to allow live entertainment activities, pursuant to Section 6-2.10.
 - (e) Outdoor gatherings as defined in Section 10-1.2735(m) shall require approval of a Minor Temporary Use Permit instead of a Limited Entertainment Permit.
 - (f) Outdoor gatherings as defined in Section 10-1.2735(n) shall require approval of an Administrative Use Permit instead of a Limited Entertainment Permit.
 - (g) Outdoor gatherings in public spaces shall require approval of a Special Event Permit instead of a Limited Entertainment Permit.
 - (3) Entertainment Permit Performance Standards
 - (a) All live entertainment activities must end by 11pm;
 - (b) Live entertainment activities must be open to all ages;
 - (c) Live entertainment activities shall be limited to audiences of between 10 and 100 patrons per event or to the maximum capacity allowed by the building occupancy, whichever is less; and
 - (d) Each Limited Entertainment Permit is non-transferable and shall be used only at the specific premises and on the specific dates for which the entertainment permit was issued.
 - (4) The Development Services Department Director may deny 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 be out of compliance with applicable City, state and/or federal laws, ordinances and codes.
 - (5) Revocation 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 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 Section 10-1.2735(h)(4), above.
 - (ii) The proposed entertainment activity results in a high volume of calls for service to the Police Department and/or the Code Enforcement Division.
 - (iii) 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.

(b) In the event the Development Services Director revokes a Limited Entertainment Permit pursuant to this Ordinance, no other Entertainment Permit shall be issued to the same applicant within a minimum of five years from the date that the denial or revocation is final.

(c) The Development Services Director's decision revoking a permit may be appealed in writing to the Planning Commission stating the reasons why the 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 with the Planning Division.

i.f. 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;

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- (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.

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- (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.

~~i.g.~~ 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, 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;~~~~

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- ~~(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.~~

k.i. 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,

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- (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 ½ 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;

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- (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
50—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 (c)(i) below~~; or

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- 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.

m. Temporary Uses, Minor.

(1) A Minor Temporary Use Permit is required for any of the following uses that will operate outdoors for a period of less than six months within a calendar year:

- (a) Carnival/circus
- (b) City sponsored/co-sponsored event
- (c) Concert
- (d) Cultural event
- (e) Food truck/cart court
- (f) Light/drone show
- (g) Pop-up market
- (h) Pop-up playground

(2) Application requirements. A Minor Temporary Use Permit application shall include the following:

- (a) The address of the location where the proposed temporary use will occur;
- (b) The date(s) and time(s) that the proposed temporary use will occur;
- (c) A description of the location where the proposed temporary use will occur;
- (d) A description of the temporary use, including a description of the following if applicable:
 - (i) The number of employees;
 - (ii) The total number of attendees per day - Include estimated attendance during peak and off-peak times;
 - (iii) The nature and type of sound amplification;
 - (iv) Any vehicles stored on-site and their respective quantities and sizes;
 - (v) How trash and recycling will be collected;
 - (vi) If there will be bathrooms on site;
 - (vii) Any food and/or beverages to be served; and

(viii) Any other information associated with the proposed temporary use as required by the Development Services Department.

(3) Limitations on Minor Temporary Use Permits.

- (a) Permit may cover up to six months within each calendar year.
- (b) Non-permanent uses that do not fall under the criteria of this subsection shall require approval of an Administrative Use Permit.
- (c) Pumpkin patch and Christmas tree lots.
 - (i) Pumpkin patch lots shall not be established before October 1 of each year.
 - (ii) Christmas tree lots shall not be established before November 22 of each year.
 - (iii) 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.

(4) Minor Temporary Use Permit Performance Standards

- (a) Attendance must be limited to between 275 and 1000 participants per day;
- (b) All temporary uses must end by 9pm;
- (c) All temporary uses must be open to all ages;
- (d) No alcohol sales are permitted;
- (e) 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.
- (f) All temporary uses shall comply with Airport Safety Zone requirements as defined in Chapter 10, Article 6, including height limitations, for all structures and equipment needed for set up and take down;
- (g) Each Minor Temporary Use Permit is non-transferable and shall be used only at the specific premises and on the specific dates for which the use permit was issued.

(5) The Development Services Department Director may deny a Minor Temporary Use Permit application for any of the following reasons:

- (a) The applicant provides false information in the application submitted for a Minor Temporary Use Permit.
- (b) The business or premises for which the Minor Temporary Use Permit is requested is found to be out of compliance with applicable City, state and/or federal laws, ordinances and codes.

(6) Revocation of a Minor Temporary Use Permit.

- (a) The Development Services Director shall have the authority to revoke or suspend a Minor Temporary Use Permit under this section, pursuant to the procedures of Section 10-1.2845 of Chapter 10 of the Hayward Municipal Code. The suspension or revocation of a Minor Temporary Use Permit shall be based on one or more of the following:
 - (i) Any of the criteria established for the denial of a Minor Temporary Use Permit in subsection (m)(5), above.
 - (ii) The proposed temporary use results in a high volume of calls for service to the Police Department and/or the Code Enforcement Division.

(iii) The temporary use for which the permit was issued violates one or more of the conditions imposed upon the approved permit or the requirements of this subsection.

(b) In the event the Development Services Director revokes a Minor Temporary Use Permit pursuant to this Ordinance, no other temporary use permit shall be issued to the same applicant within a minimum of five years from the date that the denial or revocation is final.

(c) The Development Services Director's decision revoking a permit may be appealed in writing to the Planning Commission stating the reasons why the 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 with the Planning Division.

n. Temporary Uses, Large Outdoor ~~Event~~Gathering.

(1) Administrative Use Permit Required. No outdoor gathering of 1000 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 outdoors 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 Division, 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, 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 ADA facilities where physically feasible, for provisions of potable water, toilet facilities, and solid waste disposal;

(d) The applicant's plans for provision of parking spaces, including ADA spaces;

(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.

o.k. Fence Regulations for Vacant PropertiesProperty Fencing.

- (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.

 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.

~~mn. 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.~~

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- a. ~~Approved Location—A site approved by the Planning Director from which a vendor operating from a mobile unit may sell theirhis 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 theirhis 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 theirhis 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.~~

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- 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 theirhis 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. 10-1.1603 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.

"M" designates uses that are permitted after review and approval of a Major 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				
"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; <u>"M" Major Conditional Use Permit Required</u> — "-" Use Not Allowed (unless prohibited or subject to a higher level of permit pursuant to other parts of this Section or other applicable regulations)				
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	

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(Supp. No. 25, Update 1)

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	-	-	AM	See Section 10-1.10452735(f), ~~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 10-1.10452735(f), ~~Minimum Design and Performance Standards~~ , for special requirements
Drive-In Establishments	A	A	A	See Section 10-1.10452735(f), ~~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	
Industrial Uses				
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	-	M	M	See Section 10-1.2735(e) for additional submittal requirements.
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(jm), 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				

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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	-	-	
Retail Commercial Uses				
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/Draperies 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	
Service Commercial Uses				
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	
Other Uses				
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(n)-e, ~~Christmas Tree and Pumpkin Patch Lot Regulations~~ <u>Temporary Use Permit, Minor.</u>
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(~~mg~~), 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.~~ab~~ 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.

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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. 10-1.100 General Provisions

SEC. 10-1.125 ESTABLISHMENT OF ZONING DISTRICTS.

Zoning districts are designated as follows:

RESIDENTIAL	
RL	Low Density Residential District
RNP	Residential Natural Preservation District
RM	Medium Density Residential District
RH	High Density Residential District
RO	Residential—Office District
MH	Mobile Home Park District
COMMERCIAL	
CN	Neighborhood Commercial District
CN-R	Neighborhood Commercial—Residential District
CG	General Commercial District
CO	Commercial Office District
~~CL~~	~~Limited Access Commercial District~~
CB	Central Business District
~~CR~~	~~Regional Commercial District~~
SMU	Sustainable Mixed Use District
DOWNTOWN/CENTRAL CITY	
CC-C	Central City—Commercial District
CC-P	Central City—Plaza District
CC-R	Central City—Residential District
NE	Neighborhood Edge District
NG	Neighborhood General District
UN	Urban Neighborhood District
UNL	Urban Neighborhood Limited District
DM	Downtown Main Street District
UC	Urban Center
MISSION BOULEVARD	
MB-NN	Mission Boulevard Neighborhood Node District
MB-CC	Mission Boulevard Corridor Center District
MB-CN	Mission Boulevard Corridor Neighborhood District
MB-CS	Mission Boulevard Civic Space District
INDUSTRIAL	
IL	Light Industrial District
IG	General Industrial District
IP	Industrial Park District
AIR TERMINAL	

AT-AC	Air Terminal—Aviation Commercial District
AT-C	Air Terminal—Commercial District
AT-IP	Air Terminal—Industrial Park District
AT-O	Air Terminal—Operations District
AT-R	Air Terminal—Recreational District
AT-RM	Air Terminal—Medium Density Residential District
OPEN SPACE	
A	Agricultural District
FP	Flood Plain District
OS	Open Space District
PUBLIC FACILITIES	
PF	Public Facilities District
SPECIAL DISTRICTS	
B	Special Lot Standards Combining Districts
PD	Planned Development District
SD-1	"B" Street Special Design Streetcar District
SD-3	Cottage Special Design District
SD-4	Cannery Area Special Design District
SD-5	Mission Garin Area Special Design District
SD-7	Hayward Foothill Trail Special Design District

(Amended by Ordinance 24-01, adopted 1-23-2024)

Sec. 10-1.200 Residential-Office District (RO)

(Section 10-1.600 was replaced by Ordinance 26-XX, adopted April 21, 2026.)

Sec. 10-1.800 Commercial Districts

Sec. 10-1.801 Purpose

- a. **Residential Office District (RO).** The ~~purpose of the~~ Residential-Office District ~~includes is to protect the residential amenity identity of areas with~~ a mix of residential and office uses ~~while maintaining a residential identity.~~ The scale and form of office ~~buildings, the scale and siting of office parking, office traffic generation, and hours of operation~~ uses ~~should~~ shall not detract from adjacent ~~or future~~ residential use.

- b. **Commercial Office District (CO).** The CO District includes a mix of residential and office uses. The scale, form, and activity of uses shall 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. **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. **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. **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. ~~g.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.f.~~ **Central Business District (CB).** The CB District provides an alternate commercial hub outside of the Downtown area characterized by a mix of retail, restaurants, 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.

"M" designates uses that are permitted after review and approval of a Major 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; "M" Major Conditional Use Permit Allowed; "-" Use Not Allowed

Use	Districts						Additional Regulations
	RO	CO	CN-R	CN	CG	CB	
Administrative and Professional Offices							
<u>Office</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Cannabis testing laboratory	-	A	-	-	A	-	
Check cashing store	-	C	C	C	C	C	
~~Chiropractic and acupuncture offices~~	~~A/C~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
Commercial cannabis delivery	-	A	-	-	A	-	

TABLE 10-1.802: Use Regulations Commercial Districts

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

Use	Districts						Additional Regulations
	RO	CO	CN-R	CN	CG	CB	
Financial institutions	-	P	P	P	P	P	
Insurance and real estate offices	<u>A/C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Law offices	<u>A/C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Medical and dental offices	<u>A/C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Medical/dental laboratory	-	A	A	A	A	-	
Pharmaceutical sales	-	A	-	-	-	-	
Payday loan facilities	-	C	C	C	C	C	
Travel and airline agency offices	<u>A/C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Automobile Related Uses							
Automobile brokerage office	-	-	-	-	A	-	See definitions
<u>Automobile Sales and Rental</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>A</u>	<u>P</u>	<u>-</u>	Only allowed when located along Mission Blvd between Highland/Sycamore and 700 feet south of Harder
<u>Automobile dealership</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>P</u>	<u>-</u>	<u>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</u>
<u>Automobile parts store</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Automobile repair – minor	-	-	-	C	A	A	<u>See Section 10-1.1045h for special requirements.</u>
Automobile repair – major	-	-	-	-	A	A	<u>See Section 10-1.1045h for special requirements.</u>
Automobile service station	-	-	-	<u>CM</u>	<u>AM</u>	<u>MA</u>	<u>See Section 10-1.1045h for special requirements.</u>
Automobile storage facility	-	-	-	-	A	-	<u>See Section 10-1.1045h for special requirements.</u>
<u>Car rental agency</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>A</u>	<u>-</u>	<u>-</u>	

TABLE 10-1.802: Use Regulations Commercial Districts

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

Use	Districts						Additional Regulations
	RO	CO	CN-R	CN	CG	CB	
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.f for special requirements.
<u>EV charging station</u>	~~-~~	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>Does not include ancillary EV charging that is secondary to another primary use.</u>
Parking lot	-	A	A	A	A	A	~~See Section 10-1.1045h for special requirements.~~
Personal Services							
<u>Personal Services</u>	~~-~~	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
~~Barber or beauty shop~~	-	P	P	P	P	P	
~~Dance studio~~	-	P	P	P	P	P	
~~Dry cleaner/laundry~~	-	P	P	P	P	P	
~~Studio: Fitness, art, dance, music, etc.~~	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Health club	-	-	-	A	P	P	
Martial arts studio	-	P	P	P	P	P	
Massage (When ancillary to an established primary use such as a beauty salon)	-	-	A	A	-	-	
Massage ~~parlor~~ establishment	-	C	C	C	C	C	~~Not located within an established beauty salon.~~
~~Music studio~~	-	P	P	P	P	P	
~~Nail salon~~	-	P	P	P	P	P	
~~Palm reading service~~	-	P	P	P	P	P	
~~Photography studio~~	-	P	P	P	P	P	
~~Physical fitness studio~~	-	P	P	P	P	P	
~~Suntan parlor~~	-	-	-	A	A	A	

TABLE 10-1.802: Use Regulations Commercial Districts

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

Use	Districts						Additional Regulations
	RO	CO	CN-R	CN	CG	CB	
Tailor/seamstress shop	-	P	P	P	P	P	
Tattoo parlor	-	-	CA	CA	CP	-P	
Residential Uses							
<u>Detached residential unit(s)</u>	P	A	-	-	-	-	<u>Subject to density limitations in the General Plan</u>
Single-family dwelling	P	A	-	-	-	-	
Second single-family dwelling	P	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
<u>Duplex/Triplex</u>	P	P	P/A ¹	P ²	P ²	P/C ³	<u>Subject to density limitations in the General Plan</u>
<u>Multi-Unit Residential (4+ attached units)</u>	P	P	P/A ¹	P ²	P ²	P/C ³	<u>Subject to density limitations in the General Plan</u>
Multiple family dwelling	P	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	
Small Unlicensed Group Home	P	P	-	-	-	-	See definitions.
Large Unlicensed Group Home	C	C	-	-	-	-	See definitions.

TABLE 10-1.802: Use Regulations Commercial Districts

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

Use	Districts						Additional Regulations
	RO	CO	CN-R	CN	CG	CB	
Small Licensed Group Home	P	P	-	-	-	-	See definitions.
Medium Licensed Group Home	A	A	-	-	-	-	See definitions.
Large Licensed Group Home	C	C	-	-	-	-	See definitions.
Single Room Occupancy	-	-	-	-	A	A	
Accessory dwelling unit(s)	P	P	P	P	P	P	Where primary use is residential. See Section 10-1.2740 for criteria and standards
Retail Commercial Uses							
<u>Retail</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>	
<u>Bar, cocktail lounge, alcohol</u>	-	C	C	C	C	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/C</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>CM</u>	<u>CM</u>	See Section 10-1.3600 for additional standards.
<u>Consignment store</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; "M" Major Conditional Use Permit Allowed; "-" Use Not Allowed

Use	Districts						Additional Regulations
	RO	CO	CN-R	CN	CG	CB	
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 10-1.2750 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 10-1.2750 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	
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	
Restaurant	-	A	P/A	P/A	P/A	P/A	

TABLE 10-1.802: Use Regulations Commercial Districts

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

Use	Districts						Additional Regulations
	RO	CO	CN-R	CN	CG	CB	
~~Sporting goods store~~	-	-	P	P	P	P	
~~Stationary store~~	-	-	P	P	P	P	
~~Supermarket~~	-	-	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.
~~Thrift store~~	-	-	P	P	P	-	
~~Toy store~~	-	-	P	P	P	P	
Tobacco Retail Establishment	-	-	-	-	C	-	See Section 10-1.2780 for additional standards.
~~Variety store~~	-	-	P	P	P	P	
~~Video sales and rental store~~	-	-	P	P	P	P	
~~Wine shop~~	-	-	-	-	A	-	
Service Commercial Uses							
Appliance service and repair shop	-	-	-	A	P/A	<u>AP</u>	Not ancillary to a primary use.
Copying, <u>mailing</u> , or reproduction facility	-	P	P	P	P	P	
Equipment rental	-	-	-	-	P/A	<u>-P</u>	
Hotel or motel	C ⁴	-	-	-	P/A	<u>P⁵A/C</u>	
~~Mailing or facsimile service~~	-	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.
Sign shop	-	-	-	-	A	-	
~~Upholstery shop (furniture)~~	-	-	-	-	P	-	

TABLE 10-1.802: Use Regulations Commercial Districts

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

Use	Districts						Additional Regulations
	RO	CO	CN-R	CN	CG	CB	
Other Uses							
Accessory buildings and uses	P	P	P	P	P	P	See Section 10-1.845
Ambulance service	-	A	-	A	A	A	
Animal hospital	-	A	A	A	A	~~A~~	
Artisan/craft production	-	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Auction	-	-	-	-	A	A	
Banquet hall	-	-	~~P~~	P/C	<u>CP/A</u>	~~P/A/C~~	
Broadcasting studio	-	-	-	-	P	P	
Carnival	-	-	-	A	A	A	
Catering facility	-	-	-	P	~~P/A~~	~~P/A/C~~	
Christmas tree or pumpkin patch lot	-	A	P	P	P	P	See General Regulations Section 10-2735c for standards.
Commercial amusement	-	-	-	-	-	A	
Convalescent Facility	A	A	-	-	-	-	
Cultural facility	A	A	A	A	<u>AP</u>	<u>AP</u>	
Day care home	P	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	A	P	<u>PA</u>	<u>PA</u>	~~P/A~~	State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definitions.
Educational facility	A	~~A/CP/A~~ ⁶	P/A ⁶	P/A ⁶	P/A ⁶	<u>P/A</u> ⁶	
Emergency Shelter	-	P	-	P	P	-	Limited to parcels abutting Mission and Foothill Blvds. See Section 10-1.2736(a) for additional standards.

TABLE 10-1.802: Use Regulations Commercial Districts

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

Use	Districts						Additional Regulations
	RO	CO	CN-R	CN	CG	CB	
~~Garage sales~~	~~P~~	~~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	P	See definitions
Home occupation – expanded	A	A	A	~~A~~	~~A~~	A	See definitions
Hospital	-	C	-	-	-	A	
~~Household pets~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
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 agency facilities	P	P	P	P	P	P	See definitions
Recreational Facilities							
Indoor	A	~~A~~	A	~~AP~~	~~AP~~	~~AP~~	
Outdoor	~~A~~	-	A	A	~~AP~~	P	
Religious facility	A	A	A	A	~~PA~~	~~PA~~	
<u>Temporary Use, Minor</u>	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
Temporary use	-	A	A	A	A	A	~~i.e., parking lot or tent sale See Section 10-1.2700 for additional standards.~~
Warehouse	-	-	-	-	C	-	
Wholesale establishment	-	-	-	-	C	-	
~~Wind energy conversion system~~	~~-~~	~~A~~	~~-~~	~~-~~	~~-~~	~~-~~	

1. Permitted by right if above first floor commercial. Otherwise an AUP is required.
2. Above first floor commercial only.
3. Permitted by right if above first floor commercial. Otherwise a CUP is required.
4. Bed and breakfast only.

TABLE 10-1.802: Use Regulations Commercial Districts

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

Use	Districts						Additional Regulations
	RO	CO	CN-R	CN	CG	CB	

5. Hotel uses not permitted in Airport Overlay Zone 2. See Sec. 10-6.30.

4-6. Permitted by right if less than 10,000 square feet. Otherwise an AUP is required.

Sec. 10-1.803 Development Standards

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

TABLE 10-1.803: DEVELOPMENT STANDARDS - COMMERCIAL DISTRICTS

Standard	RO	CO	CN-R	CN	CG	CB

Lot Requirements (See also Section 10-1.2720 for Special Lot Requirements and Exceptions)

Minimum Lot Size (sf)	5,000	5,000	10,000 (~~20,000 in SD6~~)	6,000	~~06,000~~	~~06,000~~
Minimum Lot Area per Dwelling Unit	Same as permitted in RM or RH Districts, whichever is consistent with the General Policies Plan and Neighborhood Plan.	Same as RM or RH District, whichever is consistent with the General Map and Neighborhood Plan; Townhouse Lot shall be consistent with building permit footprint and printed project areas	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 minimum of 1,743 sf	Same as RM or RH District, whichever is consistent with the General Map and Neighborhood Plan	Same as RM or RH District, whichever is consistent with the General Map and Neighborhood Plan	Same as RM or RH District, whichever is consistent with the General Map and Neighborhood Plan
Minimum Lot Frontage (ft)	35	35	100	60	35	~~035~~
Minimum Average Lot Width (ft)	50	50	100	60	~~060~~	~~060~~
Maximum Lot Coverage (%)	50	50	90	90	90	90

TABLE 10-1.803: DEVELOPMENT STANDARDS – COMMERCIAL DISTRICTS

<i>Standard</i>	<i>RO</i>	<i>CO</i>	<i>CN-R</i>	<i>CN</i>	<i>CG</i>	<i>CB</i>
Minimum Average Lot Depth (ft)	100	80	80	100	<u>0100</u>	<u>0100</u>
<i>Minimum Yards (ft) (See also Section 10-1.2725 for Special Yard Requirements and Exceptions)</i>						
Front Yard	10	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	~~5, or for residential properties 10 percent of the lot width at the front setback line, whichever is greater up to a maximum of 10 ft~~	~~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 ~~10-5~~ ft	~~5 or 10 percent of lot width up to 10 feet unless waived by the Planning Director or approving authority~~
Side Street Yard	10	10	10	10	10, unless building is located at the property line	~~10, unless waived by the Planning Director or approving authority~~
Rear Yard	20	~~2010~~	~~2010~~	~~0, unless abutting a R, A, MH, OS, or residential PD District where the rear yard shall be 10 ft. Shall be the same as the abutting District; where~~	~~0, unless abutting a R, A, MH, OS, or residential PD District where the rear yard shall be 10 ft. 0-if abutting CG district, otherwise the same as~~	~~0, unless abutting a R, A, MH, OS, or residential PD District where the rear yard shall be 10 ft.~~

TABLE 10-1.803: DEVELOPMENT STANDARDS – COMMERCIAL DISTRICTS

<i>Standard</i>	<i>RO</i>	<i>CO</i>	<i>CN-R</i>	<i>CN</i>	<i>CG</i>	<i>CB</i>
				abutting any R, A, MH, OS, or residential PD district, the side yard shall be 10 ft.	the required rear yard of the abutting District	
<i>Maximum Height (ft) (See also Section 10-1.2730 for Special Height Requirements and Exceptions.)</i>						
Building	40	40	40	40	No Limit50	No Limit50
Accessory Building	14, one story	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	4
<i>Side and Rear Yard</i>	67	67	67	67	67	67

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, or partial demolitions with reconstruction, to a primary structure that increases 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 mixed use buildings where 50 percent or more of the gross square footage is devoted to commercial uses, 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. Canvas, plastic, and similar materials shall not be used. Special design consideration ~~should~~shall 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 the yard requirement for the 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 open stairways 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.~~

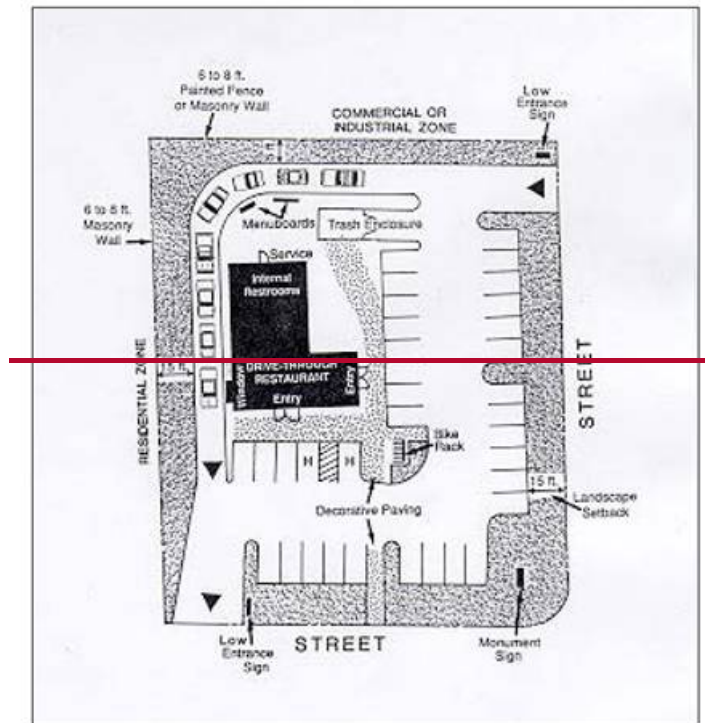
- ~~(c) Access to drive-in uses shall not be located next to the access to schools, parks, playgrounds, libraries, churches and other public and semi-public uses if pedestrian safety hazards would result.~~
 - ~~(d) Exterior storage and display of goods for sale or rent is not allowed.~~
 - ~~(e) All 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/Esspresso Shops~~

~~(a) Drive-through coffee/esspresso 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/esspresso 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/esspresso shops will not have a substantial adverse effect on vehicular (including bicycle), pedestrian circulation and safety, or transit accessibility;~~
- ~~iii. The drive-through coffee/esspresso 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/esspresso 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/esspresso shop buildings shall not exceed 500 square feet in area.~~

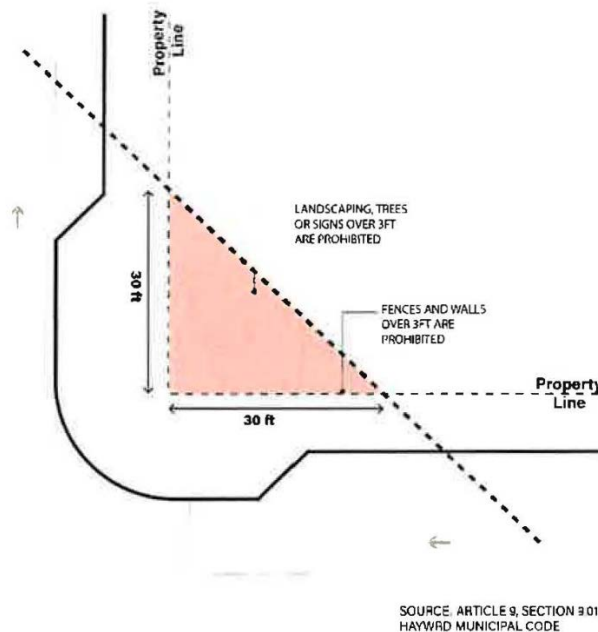
~~(c) Drive-through lanes for drive-up windows shall have a capacity for at least two vehicles, at 20 feet per vehicle, unless adequate access and circulation is provided to minimize spillover onto public property.~~

- ~~(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.~~

h.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) 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)(1)~~ 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.~~
- ~~(2)~~ 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)(3)~~ 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.
- ~~(4)~~ 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.



- ~~(5)~~ 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 the centerlines 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~~The landscape buffer shall include~~ one 15-gallon buffer tree ~~shall be~~ planted for every 20 lineal feet of property line. The tree shall be evergreen and create a continuos tree canopy at maturity as defined by the Sunset Western Garden Book.~~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.~~

~~(2)(3) Shall comply with the City's Standard Design Requirements for Collection & Storage of Trash, Recyclables and Organics, available on the City's website, as amended from time to time.~~

- ~~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, including mixed use buildings where over 50 percent of the square footage is devoted to 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 Neighborhood Commercial District (CN)

(Section 10-1.800 was replaced by Ordinance 26-XX, adopted April 21, 2026.)

Sec. 10-1.900 Neighborhood Commercial-Residential District (CN-R)

(Section 10-1.900 was replaced by Ordinance 26-XX, adopted April 21, 2026.)

Sec. 10-1.1000 General Commercial District (CG)

(Section 10-1.1000 was replaced by Ordinance 26-XX , adopted April 21, 2026.)

Sec. 10-1.1100 Commercial Office District (CO)

(Section 10-1.1100 was replaced by Ordinance 26-XX , adopted April 21, 2026.)

Sec. 10-1.1200 Limited Access Commercial District (CL)

(Section 10-1.1200 was replaced by Ordinance 26-XX , adopted April 21, 2026.)

Sec. 10-1.1300 Central Business District (CB)

(Section 10-1.1300 was replaced by Ordinance 26-XX , adopted April 21, 2026.)

Sec. 10-1.1400 Regional Commercial District (CR)

(Section 10-1.1400 was replaced by Ordinance 26-XX , adopted April 21, 2026.)

SEC. 10-1.2750 ALCOHOLIC BEVERAGE OUTLETS

SEC. 10-1.2750 ALCOHOLIC BEVERAGE OUTLETS¹

SEC. 10-1.2750 PURPOSE.

In addition to the general purposes listed in Section 10-1.110, General Provisions, the specific purpose of the Alcoholic Beverage Outlet regulations is to provide for the orderly integration of alcohol-related uses, ~~including the sale of wine and beer,~~ in a manner that will protect public safety and encourage business growth.

- a. In adopting these regulations, it is recognized that the proliferation of establishments selling alcoholic beverages within the City of Hayward presents problems that affect residents, businesses, property owners, visitors, and workers in Hayward. At the same time, it is also recognized that regulations that promote responsible alcohol sales and consumption can contribute to economic vitality, particularly in the downtown area of Hayward.
- b. Problems which can result include, but are not limited to, crime, littering, loitering, public intoxication, disturbance of the peace, discouragement of more desirable and needed commercial uses, and other similar problems connected primarily with the regular congregation of persons around establishments engaged in the sale of alcoholic beverages for consumption on or off the premises.
- c. It is also recognized that existence of such problems creates a serious impact on the peace, health, safety and welfare of residents of nearby areas including fear for the safety of children and visitors to the area, as well as contributing to the deterioration of neighborhoods and concomitant devaluation of property and destruction of community values and quality of life.
- d. These regulations are intended to ameliorate the types of problems identified above by restricting the location of establishments selling alcoholic beverages in relation to one another and their proximity to facilities primarily devoted to use by children and families with children.
- e. The use permit process is a means to review the effects of establishments selling alcoholic beverages on neighboring uses on a case by case basis, and to prevent the undue concentration of and undesirable impacts on the community stemming from such uses by the imposition of reasonable conditions upon the operation of such uses.

SEC. 10-1.2751 DEFINITIONS.

For the purpose of these regulations, certain terms and words shall have the following meaning:

- a. "Alcoholic Beverage Sales Establishment" shall mean an establishment involving the retail sale, for on- or off-premises consumption, of liquor, ~~beer, wine, or other alcoholic beverages.~~ All alcoholic beverage sales establishments are required to obtain the appropriate license from the State of California Department of Alcoholic Beverage Control (ABC), and an annual alcoholic beverage retail license and a conditional use permit from the City, unless otherwise indicated in these regulations. The fees for the annual alcoholic beverage retail licenses shall be established by the City Council from time to time in the City's Master Fee Schedule, and is payable at the time the establishment obtains or renews its business license.

¹Ordinance 13-12, adding Sections 10-1.2750 through 10-1.2776, Chapter 10, Article 1 of the Hayward Municipal Code relating to Alcohol Beverage Regulations, adopted November 19, 2013.

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- i. "On-Sale Alcohol-Related Establishment" means any business wherein ~~liquor~~alcoholic beverages ~~are~~ sold on the premises and are to be consumed on the premises including all related buildings, structures, open spaces and parking areas. This shall also include any facility, inclusive of a portion thereof, which is rented out for special event functions wherein alcoholic beverages are sold or given away on the premises and are to be consumed on the premises.
- ii. "Off-Sale Alcohol-Related Establishment" means any business that sells ~~liquor~~alcoholic beverages in original, unopened packages for consumption off of the premises where sold.
- b. "Brewery/Winery/Cidery" is defined as an establishment where malt liquors (beers), wines, or alcoholic ciders, and/or kombuchas are manufactured, and/or served, and/or stored. All alcoholic beverage sales establishments are required to obtain the appropriate license from the State of California Department of Alcoholic Beverage Control (ABC), and an annual alcoholic beverage retail license and administrative use permit (if applicable) from the City, unless otherwise indicated in these regulations
- c. "Cabaret" is defined in Chapter 6, Article 2 of this Code. All cabarets that serve alcohol must obtain a conditional use permit, unless the cabaret has deemed approved status as defined herein, and has obtained a cabaret license as required by Chapter 6, Article 2 of this code.
- ~~d.e.~~ "Critical Incident" means any event that, in the sole discretion of the Chief of Police, results in a crime of violence; or a large, unruly gathering necessitating a police response of five (5) or more police officers, directly or indirectly resulting from the operation of an alcoholic beverage sales establishment. Crimes of violence include but are not limited to discharge of firearms, robbery, physical assault or assault with a deadly weapon. Police response is the arrival of a police officer at the scene of a disturbance to render whatever service is reasonably required in order to protect public health, safety or welfare.
- ~~ed.~~ "Deemed Approved Alcoholic Beverage Establishments" means those establishments identified in Section 10-1.2767.
- f. "Distillery" means 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.
- ge. "Downtown Entertainment Area" means that area generally between A and D Streets and between Second Street and Grand Street.
- hf. "Licensee" means the holder of an ABC license, an alcoholic beverage retail license, a cabaret license and/or a use permit for the operation of an alcoholic beverage sales establishment.
- ig. "Liquor store" is defined in Section 10-1.3500 of this Ordinance ("Definitions"). All liquor stores must obtain a conditional use permit, unless the liquor store has deemed approved status as hereinafter provided. Liquor stores shall not be permitted in the Downtown Entertainment Area, until such time as ABC indicates that the census tract encompassing the Downtown Entertainment Area does not have an overconcentration of off-sale ABC licenses.
- jh. "Night Club" see definition of "Bar" in Section 10-1.3500 of this Ordinance ("Definitions"). All night clubs must obtain a conditional use permit, unless the night club has deemed approved status as hereinafter provided. Any night club that permits ~~dancing or~~ live entertainment ~~on a regular basis~~ must obtain a cabaret license as required by Chapter 6, Article 2 of this code, in addition to a conditional use permit.
- ki. "Restaurant—Full Service." A "full service restaurant" means a sit-down alcoholic beverage sales establishment which is regularly used and kept open for the primary purpose of serving meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for such meals, and which may include an 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 establishment, and which maintains a minimum of 50 percent of its gross receipts from the sale of meals. Full service restaurants may consist of an arrangement wherein one entity or individual owns the alcoholic beverage sales establishment and leases its kitchen facilities to a separate entity or individual who owns and/or provides the meal service to the establishment's customers; however, such full service restaurants may only be allowed to operate under either a: (1) Type 41; (2) Type 47; or (3) Type 75 California Department of Alcoholic Beverage Control license. Kitchen facilities may be located either physically within the alcoholic beverage sales establishment or within a separate, freestanding, permanently constructed structure or structures situated on the same property and designed to comply with all applicable development standards of the zoning district in which the property is located. For purposes of these regulations, a full-service restaurant does not include fast food restaurants. For the purpose of verifying compliance with the foregoing sales requirement, the sales receipts, accounting ledgers, and any other business records pertaining to the sales of food and alcohol shall be open for inspection by the Chief of Police or his or her designee during regular business hours of the restaurant upon seventy-two (72) hours' prior written notice. Full-service restaurants may operate without a conditional use permit, provided that the restaurant observes the performance standards set forth in Section 10-1.2752 and meets the following criteria:

- (1) A full service restaurant shall serve meals to guests at all times the establishment is open for business. An establishment shall not be considered a full-service restaurant if it serves alcohol without meal service being ~~provided~~offered.
- (2) Any bar/lounge area cannot remain open when the dining area is closed. However, the dining area may be open while the bar/lounge area is closed.
- (3) A full service restaurant may offer live or recorded music until midnight without a cabaret license or Limited Entertainment Permit, provided the music is within the parameters established by the City's Noise Ordinance. Dancing or other form of live entertainment besides music is not allowed unless a ~~conditional use permit~~Limited Entertainment Permit and ~~or~~ cabaret license ~~or permit~~ is obtained, in accordance with Chapter 6, Article 2 of this Code. The right to have live or recorded music in a full-service restaurant may be revoked or suspended if violations of the requirements in this section or performance standards contained in Section 10-1.2752 occur, in accordance with the procedures outlined in Section 10-1.2770 of these regulations.

~~(4) A full service restaurant may offer reduced price alcoholic beverages served on the premises between the hours of 3:00 p.m. and 8:00 p.m., provided that such beverages are offered in conjunction with reduced price appetizers and reduced price non-alcoholic beverages. The right to have reduced price alcoholic beverages in a full service restaurant may be revoked or suspended if violations of the requirements in this Section or performance standards contained in Section 10-1.2752 occur, in accordance with the procedures outlined in Section 10-1.2770 of these regulations.~~

~~j. "Wine Shop" is defined in Section 10-1.3500 of this Ordinance ("Definitions"). All wine shops must obtain an administrative use permit, unless the wine shop has deemed approved status as hereinafter provided.~~

(Amended by Ordinance 23-03, § 2, adopted March 28, 2023)

SEC. 10-1.2752 PERFORMANCE STANDARDS FOR ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS.

All alcoholic beverage sales establishments shall abide by all of the following performance standards:

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- a. The establishment does not result in adverse effects to the health, peace or safety of persons residing, visiting, or working in the surrounding area; and
 - b. The establishment does not result in jeopardizing or endangering the public health or safety of persons residing, visiting, or working in the surrounding area; and
 - c. The establishment does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests; and
 - d. The establishment does not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute; and
 - e. The establishment's upkeep and operating characteristics are compatible with and do not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood; and
 - f. The establishment's employees, except those employees with no customer contact, attend and successfully complete a training class on Responsible Beverage Service within ninety (90) days of being employed (exempting employees at retail stores having 10,000 square feet or more of floor area and which devote not more than five (5) percent of such floor area to the sale, display, and storage of alcoholic beverages); and
 - g. The establishment complies with all of ABC's Retail Operating Standards; and
 - h. The establishment does not sell alcoholic beverages to minors; and
 - i. The establishment makes information available to patrons on safe alternatives for getting home, such as taxicab, public transit, or rideshare services, to the satisfaction of the Chief of Police (this standard applies to on-sale alcohol-related establishments only).

j. For automobile service stations engaged in the concurrent sale of fuel and alcoholic beverages:

- (1) There shall be no display of alcoholic beverages within five feet of the cash register unless in a permanently affixed cooler.
- (2) Advertising of alcoholic beverages at motor vehicle fuel island is prohibited.
- (3) There shall be no sale of alcoholic beverages from a drive-in window.
- (4) Alcoholic beverages shall not be displayed or sold from an ice tub.
- (5) Self-illuminated advertising for liquor on buildings or windows is prohibited.
- (6) 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.

(Amended by Ordinance 23-03, § 2, adopted March 28, 2023)

SEC. 10-1.2753 SECURITY REQUIREMENTS FOR ON-SALE ALCOHOL-RELATED ESTABLISHMENTS WITH CABARET LICENSES.

All on-sale alcohol-related establishments that offer entertainment pursuant to a cabaret license ~~or cabaret permit~~ shall comply with the performance standards of Chapter 6, Article 2, "Cabarets ~~and Dances~~."

SEC. 10-1.2754 CONDITIONAL USE PERMITS FOR NEW ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS.

Except as otherwise provided herein, no new alcoholic beverage sales establishment may sell alcoholic beverages for either on-site or off-site consumption unless a conditional use permit has been approved for such establishment. A conditional use permit is not required if the establishment is one of the following:

- a. Retail stores having 10,000 square feet or more of floor area and which devote not more than five (5) percent of such floor area to the sale, display, and storage of alcoholic beverages;
- b. An establishment that has a Type 20, 23, 40, 41, 59, 60, or 75 ABC license and only serves or sells beer, wine, alcoholic cider, and/or kombucha;
- c. Full-service restaurants;
- d. Distilleries; or
- ee. Special event functions such as neighborhood or community festivals, provided all of the following criteria are met:
 - (1) The person, group, business, or organization sponsoring the event secures all applicable permits from the City of Hayward;
 - (2) The person, group, business, or organization sponsoring the event obtains a temporary on-sale ABC license for each of the dates the event will be held; and
 - (3) The duration of the event does not exceed three (3) consecutive days or five (5) days in any single calendar year, ~~such as the Russell City Blues Festival and the summer street parties sponsored by the Chamber of Commerce.~~

SEC. 10-1.2755 POSTING CONDITIONS OF APPROVAL.

A copy of the conditions of approval for the conditional use permit must be kept on the premises of the establishment and posted in a place where it may readily be viewed by the general public.

SEC. 10-1.2756 FINDINGS.

In making the findings required by Section 10-1.2815 governing conditional use permits, the Planning Director, or the Planning Commission on referral or appeal, shall consider whether the proposed use will result in an undue concentration in the area of establishments dispensing alcoholic beverages. The Planning Commission, or City Council on referral or appeal, shall also consider whether the proposed use will detrimentally affect the surrounding neighborhood after giving consideration to the distance of the proposed use from the following uses: residential structures, churches, schools, public playgrounds and parks, recreation centers, and other similar uses.

SEC. 10-1.2757 APPLICATION FOR CONDITIONAL USE PERMIT.

In addition to the requirements set forth in Section 10-1.2815 and any other applicable City regulation, an application for a conditional use permit shall set forth and include the following:

- a. The type of ABC license the applicant is seeking for the establishment; and
- b. The true and complete name and address of each lender or shareholder with a five (5) percent or more financial interest in the proposed business or any other person to whom a share or percentage of the income of the establishment is to be paid; and

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- c. A statement by the applicant indicating whether or not such applicant has at any time been convicted of any crime other than minor traffic offenses and, if so, the nature of the crime for which the applicant was convicted and the date and jurisdiction of the conviction.

SEC. 10-1.2758 REQUIREMENTS FOR NEW ON-SALE ALCOHOL-RELATED ESTABLISHMENTS.

- a. With the exception of the Downtown Entertainment Area, no new on-sale alcohol-related establishment shall be permitted within a radius of five hundred (500) feet of any other on-sale or off-sale alcohol-related establishment (with the exception of new or existing establishments which are exempted under Section 10-1.2754), or within five hundred (500) feet of any school, public park, library, playground, recreational center, day care center, or other similar use.
- b. Notwithstanding the above:
 - (1) Outside the Downtown Entertainment Area, the Planning Commission may recommend to the City Council a lesser alternative distance requirement in a particular instance, if it is found that the public convenience and necessity will be served by an alternate distance requirement and that alternative measures to assure public health and safety are in place with respect to sale and use of alcoholic beverages.
 - (2) Within the Downtown Entertainment Area, no on-sale alcohol-related establishment shall be established or maintained within a radius of one hundred (100) feet of any off-sale alcohol-related establishment (with the exception of new or existing establishments which are exempted under Section 10-1.2754), or of any school, public park, library, playground, recreational center, day care center, or other similar use. However, on-sale alcohol-related establishments that front B Street between Watkins Street and Foothill Boulevard, or Main Street between A and C Streets, shall not be restricted with respect to proximity to any school, public park, library, playground, recreational center, day care center, or other similar use.
 - (3) Within the Downtown Entertainment Area, no more than two (2) on-sale alcohol-related establishments shall be permitted per block side or face, with the exception of new or existing establishments that are exempted under Section 10-1.2754. Determination of location on a block side or block face shall be made by referring to the street address of the on-sale alcohol-related establishments on a block between the two immediate cross streets.

SEC. 10-1.2759 REQUIREMENTS FOR NEW OFF-SALE ALCOHOL-RELATED ESTABLISHMENTS.

With the exception of the Downtown Entertainment Area, no new off-sale alcohol-related establishment will be permitted within a radius of five hundred (500) feet of any other on-sale or off-sale alcohol-related establishment (with the exception of new or existing establishments which are exempted under Section 10-1.2754), or within five hundred (500) feet of any school, public park, library, playground, recreation center, day care center, or other similar use.

SEC. 10-1.2760 CONDITIONS OF APPROVAL.

To implement official City policy and to attain the purpose for requiring use permit approval, as stated in Sections 10-1.3105, 10-1.3205 and ~~Section~~ 10-1.2750, as applicable, as well as the findings listed in Sections 10-1.3125 and 10-1.3225, as applicable, the ~~Planning Commission, or the City Council on referral or appeal, decision-~~making body may attach to approvals such conditions as it deems necessary. Violations of any of these conditions unless explicitly stated otherwise are independent grounds for permit revocation. These conditions may include, but are not limited to:

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- a. Commission by the licensee or any employee of the licensee of a criminal offense for which: 1) the licensed establishment was the location where the offense was committed or where there is a direct correlation between the licensee's establishment and the criminal offense; and 2) such criminal offense is found to be detrimental to the public health, safety, or general welfare.
 - b. Alcoholic beverage sales establishments shall provide exterior lighting that is adequate for the illumination and protection of the premises. Lighting shall be installed in such a manner that it does not shine into adjacent residential properties.
 - c. Alcoholic beverage sales establishments with off-sale privileges shall prominently post a sign on the exterior of the premises stating that consumption of alcoholic beverages in public is prohibited by law pursuant Chapter 4 of the Hayward Municipal Code.
 - d. Alcoholic beverage sales establishments shall discourage patrons and visitors from loitering in public rights-of-way, parking areas, and in front of adjacent properties.
 - e. No beer or malt liquor shall be sold in bottles or containers larger than ~~twelvesixteen~~ (1216) ounces for off-site consumption.
 - f. Beer and malt liquor in containers of up to twelvesixteen (1216) ounces ~~or less~~ shall not be sold in units of less than one ~~sixfour~~ pack for off-site consumption.
 - g. Wine shall not be sold in bottles or containers smaller than seven hundred fifty (750) ml and wine coolers shall not be sold in containers smaller than twelve (12) ounces and in units of less than one four-pack for off-site consumption.
 - h. Distilled spirits shall not be sold in bottles or containers smaller than seven hundred [fifty] (750) ml for off-site consumption.
 - i. Consumption of alcoholic beverages shall not be permitted on any property adjacent to the licensed premises which is also under the control of the owner of the alcoholic beverage sales establishment.
 - j. Alcoholic beverage sales establishments shall maintain trash and garbage storage areas that are enclosed by a solid fence or wall and screened from the view of abutting properties or the public right-of-way.

SEC. 10-1.2761 EXISTING ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES.

Any alcoholic beverage sales establishment lawfully operating prior to the effective date of these regulations and licensed by ABC for the retail sale of alcoholic beverages for on-site or off-site consumption may continue such operations after the effective date of these regulations. Upon the occurrence of any of the following, however, operation of the establishment shall require approval of a conditional use permit:

- a. The alcoholic beverage sales establishment changes its type of ABC license within a license classification; or
- b. There is a substantial change in the mode or character of operation. As used herein, the phrase "substantial change of mode or character of operation" includes, but is not limited to, expansion in the amount of area devoted to the sales or consumption of alcoholic beverages, a pattern of conduct in violation of other laws or regulations, or a cessation of use for a period of six (6) months or more.

SEC. 10-1.2762 MODIFICATIONS IN PERMITTED ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS.

Any licensed alcoholic beverage sales establishment operating under either a conditional or an administrative use permit after the effective date of these regulations shall apply for a modification of its use

permit pursuant to Sections 10-1.3160 or 10-1.3260 of the Hayward Municipal Code, as applicable, when either of the following occurs:

- a. The alcoholic beverage sales establishment changes its type of ABC license within a classification; or
- b. There is a substantial change in the mode or character of operations of the alcoholic beverage sales establishment as defined in Section 10-1.2761.

SEC. 10-1.2763 NOTICE.

In addition to the notice required by Section 10-1.2820, in the case of applications for conditional use permits or appeals of administrative use permits pursuant to these regulations, notice shall also be provided to occupants of buildings located on parcels within five hundred (500) feet of the perimeter of the subject property for which use permit approval is sought.

SEC. 10-1.2764 LETTER OF PUBLIC CONVENIENCE OR NECESSITY.

The Planning Director is authorized to issue letters of public convenience or necessity to ABC for alcoholic beverage establishments that have approved conditional or administrative use permits or where the establishment engaged in the sale of alcoholic beverages is exempt from a conditional use permit. No finding of public convenience or necessity shall be made to ABC in connection with the licensing of bars or liquor stores in any Census tract in which ABC indicates that there is an over-concentration of ABC licenses, unless the Planning Commission, or City Council on appeal or call-up, makes the findings contained in Section 10-1.2756 and approves new bars with a super-majority vote of at least five members (i.e., at least two-thirds of its members).

SEC. 10-1.2765 EMERGENCY ACTION TO ABATE IMMINENT THREATS TO PUBLIC HEALTH, SAFETY OR WELFARE; SUMMARY SUSPENSION PROCEDURES.

Whenever the Chief of Police, after consultation with the City Manager and the City Attorney, or their respective designees, determines that the operation of an alcoholic beverage sales establishment has caused an imminent threat to public health, safety or welfare requiring immediate emergency action, the following procedures will be implemented:

- a. Informal Procedure. The Chief of Police or designee will attempt to contact the licensee informally by telephone, ~~by~~ electronic communication, in-person meeting or by such other means of communication that the Chief reasonably determines will result in notice to the licensee of the imminent threat and the need for emergency action. The Chief will attempt to discuss with the licensee the circumstances resulting in the imminent threat to public health, safety or welfare and to obtain the licensee's consent for voluntary compliance measures that will, in the reasonable judgment of the Chief of Police, effectively abate the imminent threat to public health, safety or welfare. The informal procedure described in this subsection shall not prohibit the Chief of Police or designee from issuing a notice of suspension pursuant to subsection (b) below if:
 - (1) The attempt to contact the licensee fails; or
 - (2) The licensee fails or refuses to immediately implement the voluntary compliance measures that the Chief of Police deems will effectively abate the imminent threat; or
 - (3) The Chief of Police determines that the compliance measures that the licensee implements are insufficient to effectively abate the imminent threat and there are no reasonably feasible additional voluntary compliance measures that would abate the imminent threat; or

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- (4) The Chief of Police determines that the threat to the public health, safety or welfare is so urgent that compliance with the informal procedure set forth above will further jeopardize the public, health, safety or welfare.
 - b. Summary Suspension. The Chief of Police, after consultation with the City Manager and the City Attorney, or their respective designees, may summarily suspend the alcoholic beverage sales establishment's City-issued license or permit to operate, for a period of time not to exceed thirty (30) days, if the Chief, the City Manager and the City Attorney, or their respective designees, determine that one or more of the following conditions exist:
 - (1) There is an urgent need to take immediate action to protect the public from a substantial threat of serious bodily injury or death existing on or within one hundred (150) feet of the alcoholic beverage sales establishment; or
 - (2) There has been a violation of the alcoholic beverage sales establishment's license or permit or other state, local or federal law or regulation that creates an imminent threat to the public health, safety or welfare on or within one hundred fifty (150) feet of the licensed establishment; or
 - (3) The licensee has conducted the operation of the alcoholic beverage sales establishment in a manner that creates or results in a public nuisance as defined by Section 4-1.00 of this Code or California Civil Code Sections 3479 and 3480, and that the public nuisance creates an imminent threat to public health, safety or welfare on or within one hundred fifty (150) feet of the licensed establishment.
 - c. Notice of Summary Suspension. The summary suspension shall take effect immediately on service of written notice to the licensee of the summary suspension. Written notice shall be provided by personal service on the licensee or, if personal service is not feasible, by U.S. mail and posting in a conspicuous place at the alcoholic beverages sales establishment. The written notice of summary suspension shall include the following information:
 - (1) The effective date and the period of the summary suspension; and
 - (2) The grounds and reasons upon which the summary suspension is based; and
 - (3) The process and time deadline for requesting an administrative hearing before the Chief of Police, the City Manager and the City Attorney, or their respective designees (the "Summary Suspension Reviewing Officials") to appeal the summary suspension; and
 - (4) A copy of these Alcohol Beverage Outlet regulations governing summary suspensions.
 - d. Duration of Summary Suspension. The summary suspension shall remain in effect until the earliest of the following occurs:
 - (1) The Chief of Police amends the notice of summary suspension to shorten the time period the suspension remains in effect; or
 - (2) The Summary Suspension Reviewing Officials issue a decision after a conducting hearing that modifies or overrules the summary suspension; or
 - (3) Thirty (30) days have passed since the written notice of summary suspension was served.
 - e. Appeal of Summary Suspension.
 - (1) If the licensee wishes to appeal the summary suspension, the licensee must file a written request for an administrative hearing before the Summary Suspension Reviewing Officials with the Chief of Police within three (3) business days of service of the notice of summary suspension. The written request shall set forth the grounds for challenging the summary suspension and contact

information for the receipt of future notices from the City. If the Chief of Police does not receive a written request for a hearing within this time period, the notice of summary suspension shall become final.

- (2) The administrative hearing shall be conducted by the Summary Suspension Reviewing Officials within five (5) business days of receipt of the licensee's request for the hearing, unless the licensee requests an extension of time.
- (3) The Chief of Police shall serve written notice of the hearing on the licensee not later than two (2) business days after receipt of the written request for the hearing from the licensee. The notice of hearing shall contain the date, time and place where the hearing will be conducted. Service of the notice of hearing shall be made in accordance with the contact information provided by the licensee.
- (4) At the hearing, the licensee shall be given the opportunity to present evidence that either rebuts the grounds for which the summary suspension was issued or demonstrates that the reason or reasons leading to the summary suspension have been mitigated or corrected. The hearing will be conducted informally and technical rules of evidence shall not apply. All evidence that the Summary Suspension Reviewing Officials deem reliable, relevant and not unduly repetitious may be considered.
- (5) Following the conclusion of the hearing, the Summary Suspension Reviewing Officials shall issue a decision that affirms, modifies or overrules the summary suspension. If the summary suspension is modified or affirmed, additional conditions may be imposed on the license and/or use permit, provided those additional conditions were reviewed at the hearing and those additional conditions are intended to protect public health, safety and welfare or prevent the conduct or condition that gave rise to the summary suspension.
- (6) The Summary Suspension Reviewing Officials shall either issue an oral decision at the close of the hearing or the Chief of Police may communicate the decision by telephone within twenty-four (24) hours after the close of the hearing. In addition, the licensee shall be served with a written decision within three (3) business days after the close of the hearing. The Summary Suspension Reviewing Officials' decision shall be final on the tenth (10) after the written decision is served, unless appealed as set forth in this subsection.
- (7) The licensee may appeal the decision of the Summary Suspension Reviewing Officials to the Planning Commission as provided in Section 10-1.2845. Decisions of the Planning Commission may be appealed by the licensee to the City Council as provided in Sections 10-1.2825(b) and 10-1.2845. Decisions of the City Council are final.
- (8) Costs of the administrative hearings authorized by this subsection may be established by the City Council from time to time in the Master Fee Schedule and shall be paid by the licensee.
- (9) The failure of any licensee to receive any notice required by this subsection shall not affect the validity of any proceeding hereunder.

SEC. 10-1.2766 CRITICAL INCIDENT RESPONSE FEE FOR ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS.

In addition to all other fees imposed in accordance with these Alcoholic Beverage Outlet regulations, a critical incident response fee shall be imposed on the party responsible for such incident, including those with deemed approved status as hereinafter provided, whenever the police department responds to a critical incident at or directly or indirectly arising from the operation of an alcoholic beverage sales establishment, and determines through investigation such party is responsible for such incident. No warning shall be required before the

imposition of the critical incident response fee. The critical incident response fee shall be the actual cost of police and fire department services, including but not limited to personnel, equipment and mutual aid response costs. The Chief of Police shall provide the party responsible for such incident with an itemized bill for the critical incident, which shall be due and payable in full within thirty (30) days of delivery.

SEC. 10-1.2767 LEGAL NONCONFORMING ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS; DEEMED APPROVED STATUS.

All establishments engaged in on-sale or off-sale alcoholic beverage sales that were legal and nonconforming uses on the date these Alcoholic Beverage Outlet regulations became effective shall automatically be deemed approved uses as of the effective date of these Alcoholic Beverage Outlet regulations and shall no longer be considered legal, nonconforming uses. Each such deemed approved use may continue to lawfully operate, provided that it does not change its type of retail ABC license or substantially change its mode of operation, as provided in Section 10-1.2761, and provided that it is operated and maintained in compliance with the "deemed approved performance standards" set forth in Section 10-1.2769.

SEC. 10-1.2768 NOTIFICATION TO OWNERS OF DEEMED APPROVED STATUS.

The Planning Manager or his or her designee shall notify the owner of each deemed approved alcoholic beverage sales establishment, and the property owner if not the same, of the establishment's deemed approved status. Such notice shall ~~be sent via certified mail return receipt requested and shall~~ include a copy of the deemed approved performance standards, with the requirement that these standards be posted in a conspicuous and unobstructed place visible from the entrance of the establishment; that a fee is required and the amount of such fee; and that the establishment is required to comply with all aspects of the deemed approved regulations.

SEC. 10-1.2769 DEEMED APPROVED PERFORMANCE STANDARDS.

An alcoholic beverage sales establishment shall retain its deemed approved status only if it conforms to all of the following deemed approved performance standards:

- a. It does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area;
- b. It does not result in jeopardizing or endangering the public health or safety of persons residing or working in the surrounding area;
- c. It does not result in repeated nuisance activities within the premises or in close proximity to the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests;
- d. It does not result in violations of any applicable provision of any other City, state, or federal regulation, ordinance or statute; and
- e. Its upkeep and operating characteristics are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood; and
- f. The establishment's employees, except those employees with no customer contact, attend and successfully complete a training class on Responsible Beverage Service within ninety (90) days of being employed; and

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- g. The establishment complies with all of ABC's Retail Operating Standards; and
 - h. The establishment does not sell alcoholic beverages to minors; and
 - i. The establishment makes information available to patrons on safe alternatives for getting home, such as taxicab, public transit, or rideshare services, to the satisfaction of the Chief of Police (this standard applies to deemed approved on-sale alcohol-related establishments only).

(Amended by Ordinance 23-03, § 2, adopted March 28, 2023)

SEC. 10-1.2770 PROCEDURE FOR ENFORCEMENT OF DEEMED APPROVED PERFORMANCE STANDARDS.

- a. When the City Manager or his or her designee determines that a deemed approved alcoholic beverage sales establishment is operating in violation of the deemed approved performance standards, the City may issue a written notice of violation to the owner of the alcoholic beverage sales establishment and the property owner, if not the same. The notice of violation shall be sent by certified mail. Failure of any person to receive notice given pursuant to this section shall not affect the validity of any proceeding that may occur hereunder.
- b. Notice of violation shall describe the nature of the violation, the corrective action to be taken and the time within which the corrective action must be taken. A notice of violation shall also either:
 - (1) Include a warning that a failure to correct the violation within the required time may result in the revocation of the establishment's deemed approved status and the imposition of penalties as provided in the City's Master Fee Schedule; or
 - (2) Provide notice that a public hearing before the Planning Commission will be scheduled, as provided in Section 10-1.2820, at which the Planning Commission shall determine whether the alcoholic beverage sales establishment as operated or maintained constitutes a nuisance and/or whether the establishment is in violation of any other applicable requirements.
- c. After such notice and public hearing the Planning Commission may modify or revoke the deemed approved status of the alcoholic beverage sales establishment. Any such action shall be supported by written findings that the establishment as operated or maintained constitutes a nuisance. As part of any modification, the Planning Commission may impose such conditions as the Planning Commission deems appropriate, including those necessary to obtain compliance with the deemed approved performance standards, to obtain compliance with other applicable laws and to protect the public health, safety and general welfare. If the Planning Commission determines that the establishment's deemed approved status should be revoked, the Planning Commission must find that the imposition of additional conditions on the alcoholic beverage sales establishment is not feasible.
- d. In deciding whether an alcoholic beverage sales establishment has violated the deemed approved performance standards, and/or in determining the appropriateness of modifying or revoking the deemed approved status, the Planning Commission may consider all of the evidence in the record, including, but not limited to the following:
 - (1) The length of time the establishment has been in violation of the deemed approved performance standards;
 - (2) The nature and impact of the violation of the performance standards on the community;
 - (3) Reasonable steps that the ABC licensee has taken, pursuant to California Business and Professions Code section 24200 to remedy the violation. "Reasonable steps" to remedy a violation include but are not limited to calling the police department in a timely manner; requesting that the persons engaging in activities causing violations of the deemed approved performance standards cease such activities,

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unless the ABC licensee or his or her employees or agents reasonably believe that their personal safety would be threatened in making that request; and making improvements to the establishment's property or operations. Operators of deemed approved establishments are encouraged to call the police department to handle violations of the deemed approved performance standards. Accordingly, in order to avoid discouraging such calls for service, a violation of the deemed approved performance standards may not be based solely on the number of police calls for service that an establishment generates.

- e. The decision of the Planning Commission shall be final unless appealed to the City Council in accordance with Sections 10-1.2825(b) and 10-1.2845. The decision of the City Council shall be final.
- f. This Section is not intended to restrict the powers and duties that may otherwise apply to deemed approved alcoholic beverage sales establishments and those persons or entities authorized to require conformance with applicable law. In the event of a conflict of law, the more restrictive provision controls.

SEC. 10-1.2771 REVOCATION OF DEEMED APPROVED STATUS.

An alcoholic beverage sales establishment that has been determined to be in noncompliance with the deemed approved performance standards and has had its deemed approved status revoked shall no longer be considered a legal use and shall cease operation immediately.

SEC. 10-1.2772 LIABILITY FOR EXPENSES.

Any person who is found to have violated the Alcoholic Beverage Outlet regulations shall be liable for such costs, expenses and disbursements paid or incurred by the City or any of its contractors in the correction, abatement, prosecution of, or administrative hearing on, the violation. Re-inspection fees to ascertain compliance with previously noticed violations shall be charged to the owner of the establishment, as may be set by the City Council in the Master Fee Schedule.

SEC. 10-1.2773 INSPECTION AND RIGHT OF ENTRY.

To the extent permissible by law, the Chief of Police, the City Manager, the City Attorney, or their respective designees, shall have the right to enter and inspect any alcoholic beverage sales establishment for the purpose of ensuring compliance with the requirements of these regulations, provided that any such entry and inspection shall be conducted in a reasonable manner whenever there is reason to suspect a violation of any of the provisions of the Alcoholic Beverage Outlet regulations. If the licensee or his or her agents refuse permission to enter, inspect or investigate the alcoholic beverage sales establishment, the Chief of Police, the City Manager or the City Attorney, or their respective designees, may seek an inspection warrant pursuant to the provisions of California Code of Civil Procedure Sections 1822.50 et seq., or any successor legislation thereto.

SEC. 10-1.2774 NUISANCE.

It shall constitute a nuisance for any person to operate an alcoholic beverage sales establishment, including deemed approved establishments, in violation of these Alcoholic Beverage Outlet regulations.

SEC. 10-1.2775 CUMULATIVE REMEDIES.

Any person who violates any provision of the Alcoholic Beverage Outlet regulations is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. The remedies provided in these regulations shall be cumulative and may include administrative citation pursuant to Chapter 1, Article 7 of this Code, in addition to any other procedures provided in the Hayward Municipal Code or

by state law, for the abatement of any violation of the Alcoholic Beverage Outlet regulations. Administrative action hereunder shall not prejudice or affect any other action, civil or criminal, for the maintenance of any such violation. The fines and penalties for violations of the Alcoholic Beverage Outlet regulations shall be established by the City Council in the Master Fee Schedule.

~~SEC. 10-1.2776 ANNUAL REPORT.~~

~~An annual report shall be provided to the City Council regarding the implementation of these provisions unless Council no longer requests such report.~~

SEC. 10-1.3280 MAJOR CONDITIONAL USE PERMIT

SEC. 10-1.3281 PURPOSE.

The purpose for requiring major conditional use permit approval are to assure certain uses, as specified in the various districts, are permitted by the City Council where there is a community need, and to assure said uses occur in maximum harmony with the area, provide sufficient public benefit, and are in accordance with official City policies. All conditions of approval and all elements of the exhibit approved with the use permit are required to be completed before occupancy or onset of business unless specifically indicated otherwise.

SEC. 10-1.3282 WHEN REQUIRED.

- a. General. All uses requiring use permit approval, as specified in the various zoning districts of this Ordinance, are subject to the regulations and procedures contained herein, except that expansion or remodeling in connection with a use existing by virtue of an approved use permit does not require further use permit approval if, in the opinion of the Planning Manager, said expansion or remodeling are minor in nature and will not materially alter the character or appearance of the property or area.
- b. Site Plan Review. When the provisions of this Ordinance require both site plan review and use permit approval, an application for a use permit constitutes an application for both. Information as required for site plan review must be furnished by the applicant, and decisions regarding the site plan must be made according to the guidelines set forth for site plan review.

SEC. 10-1.3283 APPLICATION FORM AND SUBMITTAL.

- a. An application for a major conditional use permit shall be submitted as specified in Section 10-1.2815. See additional requirements for data centers in Section 10-1.2735(e).
- b. Applications for major conditional use permit shall contain plans, diagrams, and narrative necessary to demonstrate the relationship among neighboring land uses to demonstrate how the proposed development will comply with the General Plan, Zoning Ordinance and any other applicable plan or program, including:
 1. Project Narrative. A project narrative describing existing conditions such as location of the site, acreage, existing character and use of the site and adjoining properties, and the proposed development, uses and activities;
 2. Site Plan. A site plan indicating existing and proposed uses, location and dimension of buildings and structures, gross floor area of existing and proposed structures, identification of structures to be demolished or removed;
 3. Project Plans. Architectural plans, including floor plans, landscaping plans, grading and utility plans, and any other plans necessary to show existing and proposed development;
 4. Development Schedule. An anticipated development schedule, including timing for commencement and completion of each phase of development, tabulation of the total number of acres in each separate phase, and percentage of such acreage to be devoted to particular uses;
 5. Context Map. A map showing the perimeter boundaries of the project site and all uses and structures within a 100-foot radius of the project area boundaries;

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6. Circulation Diagram. A circulation diagram indicating proposed movement of vehicles, goods, and pedestrians within the site and to and from adjacent areas, including streets and driveways, transit stops, bicycle paths, sidewalks and pedestrian ways, and off-street parking and loading areas within and connecting to the site;
 7. Sustainability Plan. A plan that incorporates best practices of sustainability for the proposed business operations and site-specific improvements. The plan may include, but shall not be not limited to, energy and water conservation and efficiency measures, strategies to reduce air emissions, and recycling practices;
 8. Neighborhood Compatibility Plan. A plan that demonstrates how the management and operation of the proposed use will be compatible with the surrounding neighborhood, including proposals to mitigate potential negative impacts;
 9. See additional requirements for data centers in Section 10-1.2735(e); and
 10. Other Information. Any other information deemed necessary by the Director to ascertain if the project meets the required findings for a major conditional use permit.

SEC. 10-1.3284 ADMINISTRATIVE OPTIONS.

If after applying for a major conditional use permit application, the applicant fails to provide changes or additional information necessary to make a decision on the project and there is no activity taking place in connection with the application for a period of 6 months, the application shall be closed and the applicant so informed.

SEC. 10-1.3285 FINDINGS.

The City Council may approve or conditionally approve an application when all of the following findings are made:

- a. The proposed use is desirable for the public convenience or welfare;
- b. The proposed use will not impair the character and integrity of the zoning district and surrounding area;
- c. The proposed use will not be detrimental to the public health, safety, or general welfare; and
- d. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.

SEC. 10-1.3286 CONDITIONS.

To implement official City policy and to attain the purposes for requiring use permit approval, as stated in Section 10-1.3281 as well as the general findings listed in Section 10-1.3285, the City Council may attach to approvals such conditions as it deems necessary. These conditions may include, but are not limited to:

- a. Site plan and architectural requirements such as, but not limited to, building arrangement, safe and efficient access, adequate open space, landscaping, screening, parking and yards, shielded lighting, compatible signs, harmonious external building design, and sufficient variety to avoid monotony in external appearance.
- b. Activities and equipment permitted;
- c. Time of day activities shall be permitted;

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- d. Specified time period within which approval is valid;
 - e. Furnishing of guarantees assuring compliance with conditions; and
 - f. Adequate safeguards against the emission of dust, heat, glare, electromagnetic interference, odors, smoke and particulate matter, wastes, refuse, water pollution and the like. The Planning Division may refer the application to qualified consultants for a report if it deems necessary. Cost of consultant services must be paid by the applicant.

SEC. 10-1.3287 NOTICE OF DECISION AND EFFECTIVE DATE.

The decision of the Council shall take effect in accord with the provisions of Section 10-1.2825 and notice shall be given pursuant to Section 10-1.2820.

SEC. 10-1.3488 PLANNING COMMISSION PROCEDURES.

- a. The Planning Commission shall hold a public hearing on all major conditional use permit applications. Notice shall be given pursuant to Section 10-1.2820.
- b. The Planning Commission may recommend approval or denial of a major conditional use permit to the City Council. Recommendations shall be based upon the findings listed in Section 10-1.3285.

SEC. 10-3489 CITY COUNCIL PROCEDURES.

- a. The City Council shall hold a public hearing on each Planning Commission recommendation of a major conditional use permit. Notice shall be given pursuant to Section 10-1.2820.
- b. The City Council may approve, modify or disapprove any major conditional use permit. The Council's decision shall be based on the findings listed in Section 10-1.3285 and is not subject to appeal.

SEC. 10-1.3290 TIME LIMITS FOR FINAL DECISION.

Where applicable, a final decision on all applications for a major conditional use permit will be made within the time limits set forth in the Permit Streamlining Act of the State of California. A major conditional use permit application which is dependent on a General Plan amendment or other legislative proposal shall not be subject to the Permit Streamlining Act's time limits until the General Plan amendment or legislative proposal is adopted.

SEC. 10-1.3291 LAPSE OF APPROVAL.

- a. General. Major Conditional Use Permit approval is void 36 months after the effective date of approval unless:
 - (1) Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official or a time extension of the approval has been granted by the Planning Manager.
 - (2) If a building permit is issued for construction of improvements authorized by the major conditional use permit approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on the major conditional use permit approval. A request for an extension must be submitted in writing to the Planning Division at least 15 days prior to the above date.
 - (3) Business operations have commenced in accordance with all applicable conditions of approval.
- b. 24-Month Extension.

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- (1) The Planning Manager may grant an extension(s) for whatever time period is deemed appropriate, provided that the cumulative total of time extension(s) does not exceed 24 months. Decisions of the Planning Manager regarding time extension(s) may be appealed to the Planning Commission or the City Council, as appropriate.
 - (2) A request for an extension of time must be filed with the Planning Division at least 15 days prior to the anniversary date of approval, and action on the request shall be taken within 30 days. Notice of said action shall be given pursuant to Section 10-1.2820.
 - (3) In making a decision on approval of an extension, the following shall be considered:
 - (a) the cause for delay in submittal of the building permit; and
 - (b) whether the proposal is in conformance with existing development regulations.
 - (4) Conditions of approval may be added or modified by the Planning Manager as a result of the processing of an extension of time.

SEC. 10-1.3292 REVOCATIONS AND MODIFICATIONS.

- a. In accord with the notice and hearing provisions detailed in Sections 10-1.2820 and 10-1.2825, the Council may revoke a major conditional use permit, or modify, or add to the conditions of approval in order to ensure the use is consistent with the findings made pursuant to Section 10-1.3285.
- b. Requests for modifications may be approved by the Planning Manager without a public notice or hearing or notice of such item, if the Planning Manager determines that such proposed modification is of a minor nature.
- c. A major conditional use permit may be revoked when the Council finds that:
 - (1) The use or the manner in which it is conducted, managed or operated impairs the character and integrity of the zoning district and surrounding area; or
 - (2) The applicant has not fully complied with or completed all conditions of approval or improvements indicated on the approved development plan and modification of the conditions or plan would not be in the public interest or would be detrimental to the public health, safety, or general welfare.

SEC. 10-1.3293 REAPPLICATION.

A major conditional use permit that has been disapproved or revoked may not be applied for within one year of the final decision to disapprove or revoke said application except when, prior to that time, the Planning Manager finds that new evidence, a change of conditions, or a change in the project justifies reconsideration.

SEC. 10-1.3294 DISCONTINUED USES.

All uses that cease operation for a period of more than six consecutive months shall be deemed to be discontinued, and the use permit establishing said use shall become null and void. Reestablishment of said use shall only be permitted upon obtaining a new use permit.

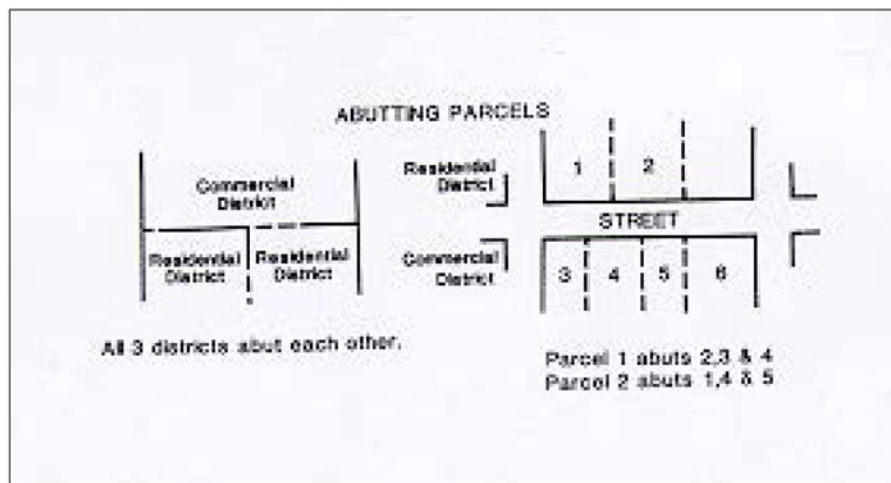
SEC. 10-1.3500 DEFINITIONS

*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.

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- 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:

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- 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. ~~je.~~ "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. A manufacturer and/or assembler of 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.gj. "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~~cars, ~~passenger trucks of all sizes~~, motorcycles, and/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, motorcycles, and/or similar vehicles 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.

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.

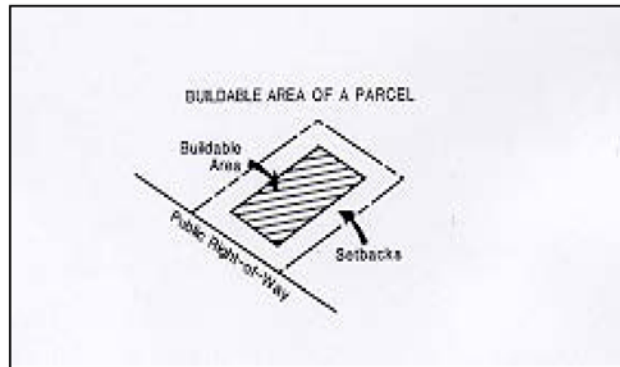
BOARDING HOME. A building where lodging or meals are provided for compensation for residents not functioning as a common household, usually for compensation.

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 (beers), wines, ~~or alcoholic ciders, and/or kombuchas~~ are manufactured, ~~and/or 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 a minimum of one hundred patrons~~ or guests, including but not limited to: ~~singing, playing live music performances, dancing, performing karaoke, acting, conducting a fashion show, performing pantomime,~~ performing comedy or other acts or performances, 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.cb. 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 secondary commercial 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 10-1.1300800.

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 ne. 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 10-1.1100800.

~~**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 ~~cohesion~~ building. This includes clubhouses, lodge halls, society meeting places, community centers and similar facilities as determined by the Planning Director. These facilities may be rented out for events from time to time as an ancillary activity, 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 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.

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 structure or area 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 lodging 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, LIVE. 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. Refer to Section 10-1.2735(i) for regulations regarding Limited Entertainment Permits and Section 6-2.10 et al for regulations regarding Cabaret.

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.

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:

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- 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, and other sewing notions for sale at retail. Usually includes retail sales of sewing machines and craft items (silkscreeningsilk-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 flower~~s~~ 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 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 10-1.1000800.

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.

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- 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 10-1.500200.

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-Does~~ not use any ~~accessory building, garage,~~ yard space, or conduct activity outside of the dwelling unit;
- ~~cb.~~ ~~does-Does~~ not generate a character and volume of vehicular traffic not normally associated with residential use;
- ~~dc.~~ ~~does-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-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-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 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 being 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.~~

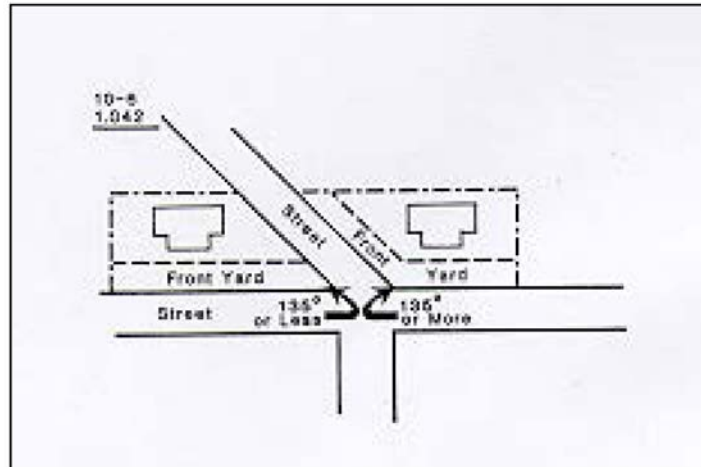
LIQUOR STORE. "Liquor store" shall mean any alcoholic beverage sales establishment primarily involving the sale of alcohol where beer, wine or distilled spirits are sold for off-sale consumption and where more than five (5) percent of the floor area of the establishment is devoted to the sale, display 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.~~je~~ for regulations of livestock) and further defined as follows:

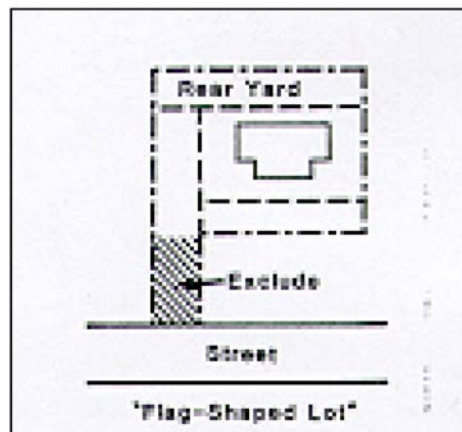
- a. Large Livestock. Horses, cattle, llamas, or similar large animals, as determined by the Planning Director.
- b. Medium Livestock. Sheep, goats, and pigs, or similar medium animals, as determined by the Planning Director.
- c. Small Livestock. Hens, ducks, pigeons, rabbits and other similar small 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:

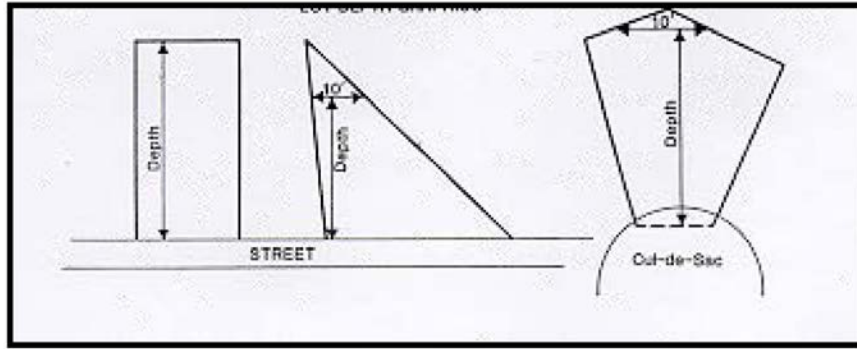
- a. Average Lot Width. The mean horizontal distance between the longest lot lines of lots having regular geometric design, such as rectangular and parallelogram lots, and in the case of lots of irregular design, shall mean the diameter of the largest horizontal circle inscribable completely within lot 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.



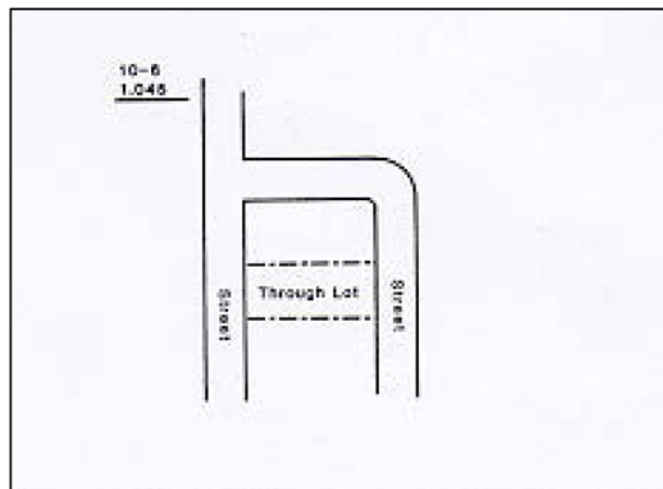
- c. **Flag Lot.** A parcel of land where the buildable portion of the lot is via a narrow extension of the lot (access strip) to a public or approved private street, utilizing a private or privately shared travelway. The area within an access strip shall not be counted as part of the lot area of either the front or rear lot for purposes of complying with minimum lot area requirements.



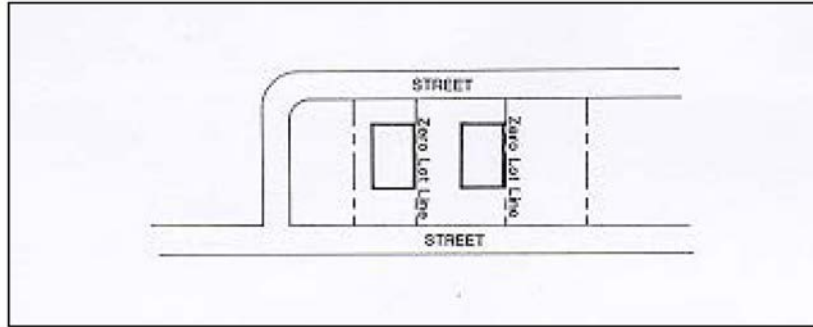
- d. **Interior Lot.** A lot other than a corner lot.
- e. **Lot Coverage.** The area of a lot enclosed by exterior walls or similar roof-supporting devices of all structures, including accessory structures and patio covers.
- f. **Lot Depth.** The average distance between the front and rear lot lines 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. See RECREATIONAL FACILITY.

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 10-1.400200.

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. See RECREATIONAL FACILITY.

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 in which~~ 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~~800.

NIGHT CLUB. ~~Refer to See definition for "BAR"~~. Any ~~establishment~~night 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 Refer to~~ 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 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. Includes bail bond agencies and similar uses.

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 are 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 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/fitness studios, gymnasiums, bowling alleys, ice _____ and roller-skating rinks, pool/billiard parlors, art/dance/music studios, and electronic video arcades.

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. 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 10-1.2300.

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~~800.

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.~~mi~~. "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 filing cabinets, ~~brief cases~~briefcases, 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 ~~sevensix~~ 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. May not be located within public-right-of-way. Refer to Section 10-1.2735 for regulations on Temporary Uses.~~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.).

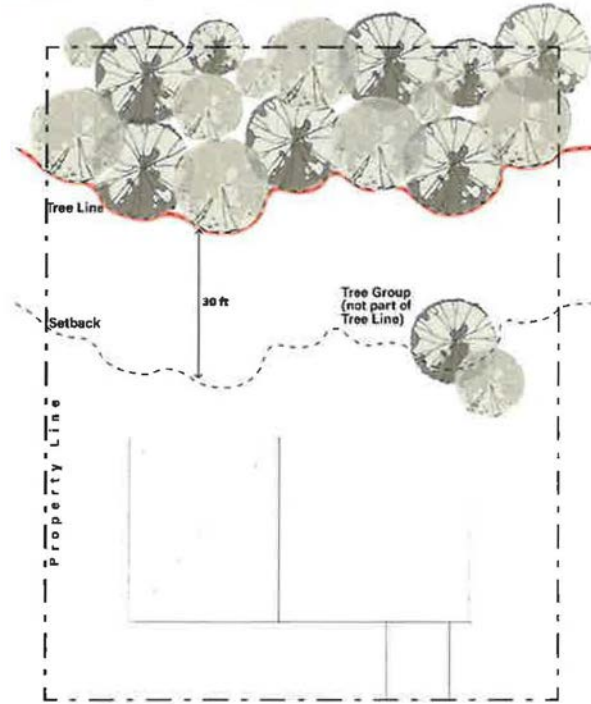
TOY STORE. An establishment which sells toys and games to the public at retail.

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.

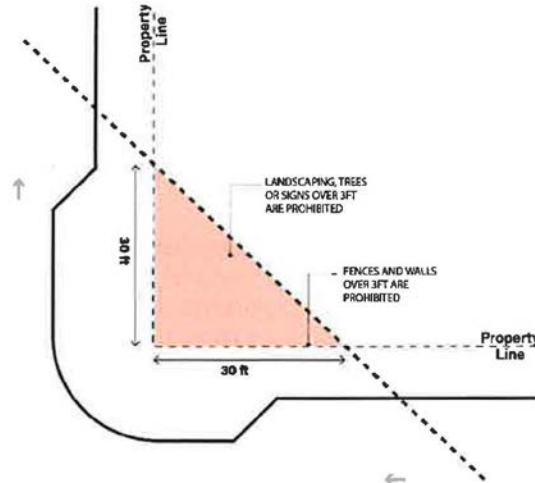
TRANSITIONAL AND SUPPORTIVE HOUSING. Transitional and supportive housing are more permanent housing options providing a more stable living situation for individuals and families that might otherwise be homeless with stay lengths that are typically six months or longer. Transitional and supportive housing 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 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 upholstery).

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.

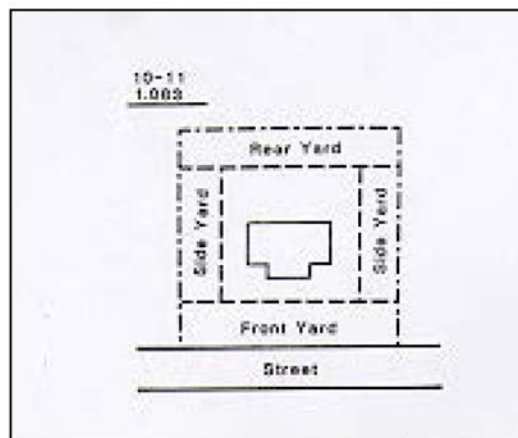
WASTE TREATMENT FACILITY. A facility that treats hazardous waste, medical waste or other waste from offsite sources. Subject to Outdoor Storage limitations.

WHOLESALE ESTABLISHMENT. The sale of commodities and goods to an establishment for resale to the consumer.

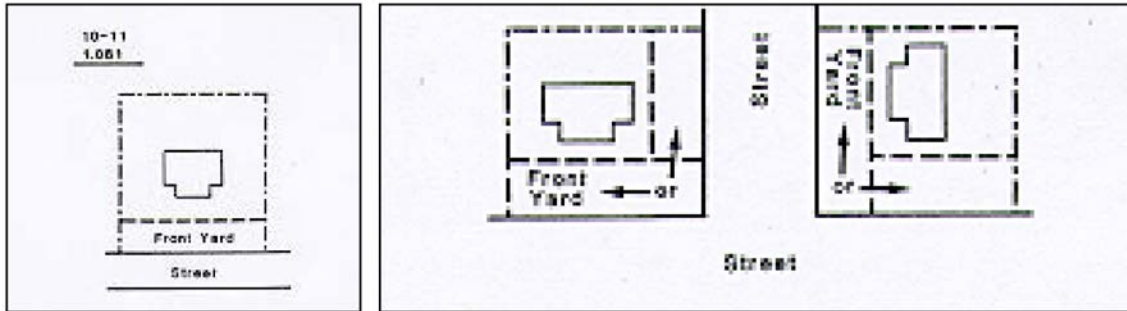
WIND ENERGY CONVERSION SYSTEM. A machine that converts the kinetic energy in the wind into a usable form. A wind energy conversion system is commonly known as a windmill or wind turbine, and includes all parts of the system including the tower and the transmission equipment.

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.

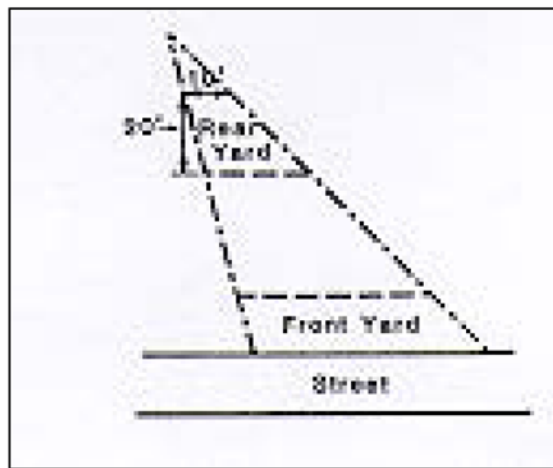
YARD. The word "yard" shall mean an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward except as otherwise provided herein. A yard extends along a lot line or official plan line to a depth or width specified in the yard regulations for the District in which such 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)

ARTICLE 2 OFF-STREET PARKING REGULATIONS

ARTICLE 2 OFF-STREET PARKING REGULATIONS¹

I. PURPOSE AND DEFINITIONS

SEC. 10-2.000 PURPOSE.

These regulations are intended to achieve the following:

- a. To relieve congestion on streets by providing convenient off-street parking and loading facilities in proportion to the demand created by the use;
- b. To provide for the safe and orderly movement of traffic through proper design and location of adequate parking, loading, and maneuvering areas;
- c. To protect neighborhoods and surrounding land uses from vehicular parking, loading and traffic congestion, noise, and dust through proper aesthetic design and location of entries, parking areas, and landscaping;
- d. To promote businesses and industries by providing safe, convenient, attractive shopping and working environments;
- e. To encourage the use of alternate forms of transportation;
- f. To Implement the City's climate change, transportation, affordable housing, and economic development objectives established by the Hayward 2040 General Plan;
- g. To Provide for the safe, efficient, and equitable use of electric automobiles; and
- h. To Reduce the air pollution and greenhouse gas emissions generated by automobile use.

(Amended by Ordinance 22-11, adopted November 15, 2022; Amended by Ordinance 23-06, § 2, adopted June 20, 2023)

SEC. 10-2.100 DEFINITIONS.

Certain words and phrases are defined within these regulations. Where it appears from the context of such words, phrases, or provisions that a different meaning is intended, the definition shall be as determined by the Director of Community and Economic Development/Planning Director.

- a. "Assigned Parking." The words "Assigned Parking" shall mean parking spaces in a residential parking facility that are assigned or designated for use by a specific living unit within the building or residence.
- b. "Automatic Load Management Systems (ALMS)." The words "Automatic Load Management Systems (ALMS)" shall mean a control system designed to manage load across one or more electric vehicle supply equipment (EVSE), circuits, or panels, and share electrical capacity and/or automatically manage

¹Note(s)—Adopted April 12, 1977, Ordinance No. 77-016 C.S., Amended in its entirety by Ordinance 96-13, adopted July 16, 1996; Amended by Ord 99-14, adopted September 7, 1999; Amended by Ordinance 01-09, adopted July 24, 2001; Amended by Ordinance 04-19, adopted December 21, 2004; Amended by Ordinance 05-11, adopted October 4, 2005; Repealed and replaced by Ordinance 06-12, adopted July 11, 2006; Amended by Ordinance 11-12, adopted October 11, 2011.

power at each connection point. ALMS systems must be designed to deliver no less than 3.3 kVa (208/240 volt, 16-ampere) to each EV Capable, EV Ready or EVCS space served by the ALMS, and meet the requirements of California Electrical Code Article 625. The connected amperage to the building site for the EV charging infrastructure shall not be lower than the required connected amperage per California Green Building Standards Code, Title 24 Part 11.

- c. "Direct Current Fast Charging (DCFC)." The words "Direct Current Fast Charging (DCFC)" shall mean a parking space provided with electrical infrastructure that meets the following conditions:
 - 1) A minimum of 48 kVa (480 volt, 60-ampere) branch circuit.
 - 2) Electric vehicle supply equipment (EVSE) located within three (3) feet of the parking space providing a minimum capacity of 80-ampere.
- d. "Electric Vehicle Charging Station (EVCS)." One or more electric vehicle charging spaces served by EVSE or receptacles.
- e. "Electric Vehicle Supply Equipment (EVSE)." The words "Electric Vehicle Supply Equipment (EVSE)" shall mean the conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle connectors, attachment plugs, personnel protection system, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.
- f. "Level 2 Electric Vehicle (EV) Charger." A 208/240-volt 30-ampere minimum electric vehicle charger connected to the premises electrical system capable of charging electric vehicles.
- g. "Level 2 EV Capable." The words "Level 2 EV Capable" shall mean a parking space provided with electrical infrastructure that meets the following requirements:
 - 1) Conduit that links a listed electrical panel with sufficient capacity to a junction box or receptacle located within three (3) feet of the parking space.
 - 2) The conduit shall be designed to provide at least 8.3 kVa (208/240 volt, 40-ampere) per parking space. Conduit shall have a minimum nominal trade size of 1 inch inside diameter and may be sized for multiple circuits as allowed by the California Electrical Code.
 - 3) The electrical panel shall reserve a space for a 208/240 volt, 40-ampere overcurrent protective device space(s) for EV charging, labeled in the panel directory as "EV CAPABLE."
 - 4) Electrical load calculations shall demonstrate that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of 208/240 volt, 40 amperes.
 - 5) The parking space shall contain signage indicating the space is EV Capable in accordance with Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s).
- h. "Level 2 Electric Vehicle (EV) Charging Receptacle." The words "Level 2 Electric Vehicle (EV) Charging Receptacle" shall mean a 208/240-volt 40-ampere minimum branch circuit and a receptacle.
- i. "Level 2 EV Ready." The words 'Level 2 EV Ready' shall mean a parking space that is served by a complete electric circuit with the following requirements:
 - 1) A minimum of 8.3 kVa (208/240 volt, 40-ampere) branch circuit.
 - 2) A receptacle labeled "Electric Vehicle Outlet" or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 30-ampere.

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- j. "Low Power Level 2 EV Ready." The words "Low Power Level 2 EV Ready" shall mean a parking space that is served by a complete electric circuit with the following requirements:
 - 1) A minimum of 4.1 kVA (208/240 Volt, 20-ampere) branch circuit.
 - 2) A receptacle labeled "Electric Vehicle Outlet" or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.
 - 3) Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.
 - k. "Unassigned or Common Use Parking." The words "Unassigned or Common Use Parking" shall mean parking spaces in a residential parking facility that are not reserved for or assigned to a specific living unit within the building or residence, including guest, staff, or other non-resident parking.
 - l. "Unbundled Parking." Vehicular parking for sale or lease to residents of a building separate from the sale or lease of living units within that residential building.

(Amended by Ordinance 22-11, adopted November 15, 2022; Amended by Ordinance 23-06, § 2, adopted June 20, 2023; Amended by Ordinance 25-01, § 2, adopted January 21, 2025; Amended by Ordinance 25-08, adopted June 24, 2025)

II. GENERAL PROVISIONS

SEC. 10-2.200 APPLICATION.

This article shall not apply to existing uses established prior to its adoption except as hereinafter modified. Off-street parking and loading spaces shall be provided subject to the provisions of this chapter:

- a. The Off-Street Electric Vehicle Charging requirements in this Article shall apply at the time of construction of any new building.
 - 1) For EV charging infrastructure requirements for existing nonresidential buildings, see Section 5.106.5.4 of the California Green Building Standards Code.
 - 2) For EV charging infrastructure requirements for existing residential buildings, see Section 4.106.4.3 of the California Green Building Standards Code.
 - 3) For additional EV infrastructure requirements for select nonresidential buildings, see Section 5.106.5.5 of the California Green Building Standards Code.
- b. At the time of construction of any new building.
- c. At the time an existing building is altered or enlarged, except in the Central Parking District. The number of parking spaces or loading berths required for a major alteration or enlargement of an existing structure shall be in addition to the number of spaces or berths existing prior to the alteration or enlargement. The required number of parking spaces for that portion of the building existing prior to the alteration or enlargement shall not be increased as a result of the alteration or enlargement. For purposes of these requirements, 'major alteration or enlargement' shall mean an alteration or enlargement that would increase the number of parking spaces or loading berths required by at least 25 percent or by at least 10 parking spaces, whichever is greater.
- d. At the time a new use is established in an existing building, where a major change of use or expansion in the existing use is involved for any lot, structure, or building, except in the Central Parking District, additional parking shall be provided for the new use based on the difference between the parking

requirements for the new use as set forth in this article and the parking requirements for the prior use. For purposes of these requirements, 'major change of use' shall mean a change of use that would increase the number of parking spaces or loading berths required by at least 25 percent or by at least 10 parking spaces, whichever is greater.

- e. At the time that cumulative additions to a residential building increase the original building floor area by more than 50 percent per unit or increase the number of sleeping rooms.

NOTE: Excess parking spaces existing at the time a building is increased in area or a new use is established may be credited toward meeting the required parking.

(Amended by Ordinance 22-11, adopted November 15, 2022; Amended by Ordinance 23-06, § 2, adopted June 20, 2023; Amended by Ordinance 24-01, adopted Jan. 23, 2024; Amended by Ordinance 25-01, § 2, adopted January 21, 2025; Amended by Ordinance 25-08, adopted June 24, 2025)

SEC. 10-2.201 EXISTING PARKING AREAS.

No existing use of land or structure shall be deemed a nonconforming use solely because of the lack of off-street parking or loading facilities required by this article. A change of occupancy is not a change of use unless the new occupant is considered in a different use classification, as described in Chapter 10, Article 1, the Zoning Ordinance, than the former occupant.

SEC. 10-2.202 PRIOR USE REQUIREMENTS.

No required parking spaces in existence prior to the date of this article, or established pursuant to the provisions of this article or subsequent amendments thereto, shall be eliminated unless an equivalent number of alternate spaces are provided in conformance with the requirements of this article.

SEC. 10-2.203 FRACTIONAL SPACES.

Any required fractional parking space shall be considered a required whole space.

SEC. 10-2.204 MIXED USES.

The total requirement for off-street parking spaces shall be the sum of the requirements of the various uses on the site except as provided in Section 10-2.401, Shared Parking, and Section 10-2.402, Off-site Parking.

SEC. 10-2.205 ADMINISTRATION.

Except where indicated otherwise, the Director of Community and Economic Development/Planning Director shall administer and interpret these regulations. Prior to authorization for occupancy of any structure, including authorization for gas and/or electric meter service, City officials shall ensure that the use, arrangement, construction, and improvements are in accordance with plans approved through the verification of zoning compliance procedure.

III. REQUIRED RATIO OF PARKING SPACES

SEC. 10-2.300 REQUIRED RATIO OF PARKING SPACES.

Uses not specifically listed in this article shall provide the minimum off-street parking required of the use most similar in nature, as determined by the Director of Community and Economic Development/ Planning Director. Additional parking spaces may be required for developments requiring conditional use permits, parcel map or tract map approvals, or other conditionally approved projects at the discretion of the Director of Community and Economic Development/Planning Director.

SEC. 10-2.310 RESIDENTIAL USES.

The number of off-street parking spaces required for residential shall be:

USES	PARKING SPACES REQUIRED
DETACHED RESIDENTIAL:	
Up to 3,000 gross square feet	2.0 covered within an enclosed garage per dwelling unit
Greater than 3,000 gross square feet	3.0 covered within an enclosed garage per dwelling unit
If a lot abuts a public or private street that has no parking lane on either side of the street or is posted for no parking on both sides of the street.	2.0 covered per dwelling unit within an enclosed garage plus 2.0 uncovered per dwelling unit. Driveway parking spaces can satisfy the uncovered parking requirement.
If a dwelling with a single car garage was built prior to March 24, 1959.	1.0 covered <u>within an enclosed garage</u> per dwelling unit
DUPLEXES, TRIPLEXES, MULTI-UNIT RESIDENTIAL (4+ UNITS):*	
Studio	1.0 covered and 0.50 uncovered per dwelling unit
One-bedroom	1.0 covered and 0.70 uncovered per dwelling unit
Two or more bedrooms	1.0 covered and 1.10 uncovered per dwelling unit
LIVE/WORK	See Section 10-2.204
SENIOR (62+) RENTAL HOUSING ³	0.5 covered per dwelling unit
HOUSING FOR INDIVIDUALS WITH DISABILITIES ³	0.3 covered per dwelling unit
MOBILE HOMES	2.0 per mobile home space, plus 1.0 guest parking space per three mobile home spaces within a mobile home park
CARETAKER QUARTER	1.0 per caretaker quarter unit
SINGLE ROOM OCCUPANCY (SRO)	1.0 per sleeping unit
1. Group Homes, Supportive Housing and Transitional Housing shall provide the required ratio of parking spaces for a detached residence, duplex, triplex or multi-unit residential (4+ units), whichever is most consistent with the building form. 2. Ten percent of parking spaces required shall clearly be marked for visitor's parking, at least 70 percent of which shall accommodate standard size vehicles. Where less than 10 parking spaces are required, a minimum of one standard parking space shall clearly be marked for visitor's parking. 3. If any of the residential dwelling units are for designed and occupied by this population, this parking regulations shall apply.	

(Amended by Ordinance 17-16, adopted Nov. 7, 2017; Amended by Ordinance 24-01, adopted Jan. 23, 2024; Amended by Ordinance 25-02, § 1(Exh. B), adopted January 21, 2025)

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(Supp. No. 25, Update 1)

SEC. 10-2.320 LODGING, REST HOMES AND HOSPITAL USES.

The number of off-street parking spaces required for boarding, hotels, convalescent homes, and hospital uses shall be:

USES	PARKING SPACES REQUIRED
~~DORMITORY~~ MEDIUM and LARGE GROUP HOMES	1.2 for each occupant based on capacity as designed. ~~For convalescent facilities, 1.0 for each 3.0 beds.~~
HOTELS and MOTELS	1.0 for each room, plus 1.0 for each two employees on the largest shift, plus 15% additional truck/trailer combination parking spaces, if located in an Industrial zoned area
~~CONVALESCENT FACILITY~~	~~1.0 for each 3.0 beds~~
HOSPITALS	1.0 for each hospital bed
EMERGENCY SHELTER, LOW BARRIER NAVIGATION CENTER	1.0 for each three employees on site during the shift that has maximum staffing, plus 1.0 space for each facility vehicle

(Amended by Ordinance 25-02, § 1(Exh. B), adopted January 21, 2025)

SEC. 10-2.321 PLACES OF LODGING, REST HOMES AND HOSPITAL USES ADDITIONAL PARKING.

Additional parking spaces for those areas used for offices, laboratories, pharmacies, cafeterias, restaurants, or other uses shall be required pursuant to Section 10-2.204, Mixed Uses. The amount of additional parking spaces required shall per the appropriate 'use' table.

SEC. 10-2.330 PLACES OF PUBLIC ASSEMBLY USES.

The minimum number of off-street parking spaces required for places of public assembly uses shall be:

USES	PARKING SPACES REQUIRED
PLACES OF PUBLIC ASSEMBLY, having fixed seating, including: Auditoriums ~~Recreation facilities (Race tracks,~~ ~~Sports arenas,~~ ~~Stadiums, etc.)~~ Theaters	1.0 for each 4.0 seats or 1.0 for each 50 square feet of gross floor area used for public assembly, whichever is greater
PLACES OF PUBLIC ASSEMBLY, having no fixed seating, including: ~~Associations~~ ~~Business, trade, and professional societies~~ Card rooms ~~Clubs~~ ~~Community centers~~ ~~Convention or meeting halls~~ ~~Cultural facilities (excluding religious facilities)~~	~~1.0 for each 5.0 seats~~ ~~plus~~ 1.0 for each ~~12~~ 00 gross square feet of non-seating area

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~~Recreational facilities (excluding golf courses, skating rinks, and commercial swimming pools)~~ ~~Lodges~~ ~~Union Halls~~	
~~ATHLETIC clubs, gymnasiums, health clubs~~ ~~HEALTH CLUBS/FITNESS STUDIOS~~	1.0 per 200 square feet of gross floor area
~~BOWLING alleys~~	~~4.0 for each lane~~
~~BILLIARD halls~~	~~2.0 for each table~~
~~CHURCHES~~ ~~RELIGIOUS FACILITIES,~~ ~~mortuaries~~ ~~MORTUARIES~~ and ~~funeral homes~~ ~~FUNERAL HOMES~~	For area used for the main assembly: 1.0 for each five seats (22 inches of bench is equivalent to one seat or 1.0 for each 100 square feet of gross floor area, whichever is greater)
GOLF courses, driving range	5.0 per hole plus 1.0 per range tee
LIBRARIES, museums, art galleries	1.0 per 300 square feet of gross floor area
~~SCHOOLS~~ ~~EDUCATIONAL FACILITIES:~~	
Colleges, not including dormitories, stadiums, and gymnasiums	1.0 for each two full-time equivalent students enrolled
High schools, not including stadiums and gymnasiums	1.0 for each four daytime students
Intermediate and elementary schools	1.2 for each classroom
Business, trade and other schools	1.0 for each four students
Nursery schools and day care facilities	1.0 for each four students, plus a drop off area
SKATING rinks	1.0 for each 200 gross square feet of skating area
SWIMMING pools, commercial	1.0 for each 200 gross square feet of water surface and dressing room area
~~TENNIS courts/racquet, commercial~~	~~3.0 per court~~

SEC. 10-2.331 PLACES OF PUBLIC ASSEMBLY USES ADDITIONAL PARKING.

Additional parking spaces in places of public assembly for those areas used for offices, restaurants, taverns, or other uses shall be required pursuant to Section 10-2.204, Mixed Uses. ~~Additional parking spaces for bowling alleys, golf courses, swimming pools, tennis courts, gymnasiums, or similar uses shall be required for fixed spectator seating per 'Places of Public Assembly having fixed seating.' The amount of additional parking spaces required shall per the appropriate 'use' table.~~

SEC. 10-2.340 OFFICE, RETAIL, AND SERVICE USES.

The minimum number of off-street parking spaces required for office, retail, and service uses shall be:

USES	PARKING SPACES REQUIRED
~~AUTOMOBILE washing operation~~ ~~CAR WASHs:~~	
Conveyor type	Five times the length of the washing operation in queuing space plus

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	2.0 parking spaces for drying and cleaning purposes per washing area or stall In all cases a minimum of 200 feet of queuing space and 5 parking spaces for drying and cleaning shall be provided
Non-conveyor type or self-service	3.0 queuing spaces per washing area in front of washing area or stall plus 2.0 parking spaces for drying and cleaning purposes per washing area
~~BARBER shops, beauty salons, nail care, massage parlors, tanning salons~~ <u>PERSONAL SERVICES</u>	~~2.0 for each chair or~~ 1.0 for each 100 square feet of gross floor area, ~~whichever is greater~~
~~GAS~~ <u>AUTOMOBILE service stations</u> <u>SERVICE STATION</u>	1.0 for each employee on the largest shift plus 2.0 for each hoist, rack, or area primarily designed for the servicing or minor repair of one motor vehicle, excluding fuel pump service areas plus 1.0 for air/water dispenser In all cases, a minimum of three off-street parking spaces must be provided.
~~GAS service stations~~ <u>AUTOMOBILE SERVICE STATION</u> with mini-markets	1.0 for each employee on the largest shift plus 2.0 for each hoist, rack, or area primarily designed for the servicing or minor repair of one motor vehicle, excluding fuel pump service areas plus 1.0 for air/water dispenser plus 1.0 for each 400 square feet of gross floor area. In all cases, a minimum of five off-street parking spaces must be provided.
LAUNDRY, ~~self-service or dry cleaning, self-service~~	1.0 for each two washing/ <u>dry cleaning</u> machines plus ~~1.0 for each dry cleaning machine~~
OFFICES, ~~general, including banks and similar financial institutions, and professional offices except medical or dental offices~~	1.0 per 250 square feet of gross floor area
~~OFFICES, medical and dental offices, clinics and laboratories, including Cannabis Testing Laboratories~~	~~1.0 for each 200 square feet of gross floor area~~
~~RESTAURANTS, taverns, bars, night clubs, lunch counters, soda fountains, diners,~~ <u>BREWRIES/WINERIES/DISTILLERIES/BARS,</u> and other eating or drinking establishments (floor area includes outdoor seating area)	1.0 per three seats of seating area, including outdoor seating plus 1.0 per 200 square feet of gross floor area for other areas. In the Industrial area, if lot abuts a street that has no parking lane on either side of the street or is posted for no truck parking on both sides of the street, additional on-site truck parking may be required.

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~~RETAIL establishments characterized by hand-carried merchandise in which a customer makes quick purchases or rentals in small quantities, including:~~ ~~Cleaners without a cleaning plant~~ ~~Convenience stores~~ ~~Commercial Cannabis Retail Dispensaries~~ ~~Delicatessen~~ ~~Doughnut shops~~ ~~Ice cream shops~~ ~~Laundry without a cleaning plant~~ ~~Off-sale liquor establishments~~ ~~Take-out restaurants~~ ~~Video stores~~	~~1.0 per 175 square feet of gross floor area where the total gross floor area of the development, whether an individual establishment or a shopping center, is 10,000 square feet or less~~ ~~or~~ ~~1.0 per 215 square feet of gross floor area where the total gross floor area of the development, whether an individual establishment or a shopping center, is over 10,000 square feet~~
RETAIL establishments characterized by hand-carried merchandise, including: Apparel shops <u>Convenience stores</u> Department stores Food markets <u>Off-sale liquor establishments</u> Pharmacies <u>Photography shop</u> Sporting goods <u>Take out restaurants/cafes (deli, ice cream shop, etc.)</u> <u>Variety stores</u>	1.0 per 200 square feet of gross floor area where the total gross floor area of the development, whether an individual establishment or a shopping center, is 10,000 square feet or less or 1.0 per 225 square feet of gross floor area where the total gross floor area of the development, whether an individual establishment or a shopping center, is over 10,000 square feet, but less than 40,000 square feet or 1.0 per 250 square feet of gross floor area where the total gross floor area of the development, whether an individual establishment or a shopping center, is over 40,000 square feet.
RETAIL establishments and service and/or repair establishments generally characterized by large or heavy merchandise and including: Appliances Building materials ~~Building trade uses, such as heating, plumbing, roofing, sheet metal working, woodworking~~ Business machines Furniture Hardware ~~Household equipment~~ Nursery products Printing Upholstering Vehicles equipment Vehicle sales and rental, including motorcycles, jet skis, recreational vehicles, trailers, etc.	1.0 for each 250 square feet of gross floor area used for offices, sales and display plus 1.0 for each 600 square feet of gross floor area used for repair or services plus 1.0 for each 1,000 square feet of gross floor area used for indoor storage plus 1.0 for each 2,000 square feet of gross area used for outdoor sales, sales display or storage.
~~VEHICLE repair and service~~<u>AUTOMOBILE REPAIR</u>	1.0 for each 500 square feet of gross floor area

(Amended by Ordinance 17-15, adopted Nov. 28, 2017)

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SEC. 10-2.341 UNKNOWN OFFICE, RETAIL AND SERVICE USES.

When the type of occupancy or use is unknown or uncertain for a commercially zoned site, the minimum off-street parking required is 1.0 space for each 200 square feet of gross floor area.

SEC. 10-2.350 WHOLESALE, MANUFACTURING, STORAGE, TRANSPORTATION, AND SIMILAR USES.

The minimum requirements for wholesale, manufacturing, storage, transportation, and similar uses are:

USES	PARKING SPACES REQUIRED
All ~~wholesale~~ WHOLESALE , ~~manufacturing~~ MANUFACTURING , ~~storage~~ STORAGE , ~~transportation~~ TRANSPORTATION , and similar uses except as specifically identified below.	1.0 for each 500 square feet of gross floor area, or If the building or structure has leasable bays of 2,500 square feet or greater, the minimum off-street parking required is 1.0 space for each 1,000 square feet of gross floor area, or If a building or structure has leasable bays of 10,000 square feet or greater, the minimum off-street parking required is 1.0 space for each 1,500 square feet of gross floor area, or If a building or structure has leasable bays of 20,000 square feet or greater, the minimum off-street parking required is 1.0 space for each 2,000 square feet of gross floor area.
~~DATA CENTERS~~	1.0 for each 5,500 square feet of gross floor area
~~Mini-storage facilities~~ MINI-STORAGE FACILITIES	2.0 covered near the residential unit and 5.0 uncovered near the office
~~Salvage~~ SALVAGE , ~~wrecking~~ WRECKING and ~~dump yards~~ DUMP YARDS	5.0 spaces, plus 1.0 for each 20,000 square feet of outdoor areas under use, plus 1.0 space of adequate size for all rolling stock stationed on the premises.
~~Passenger terminal facilities and stations~~ PASSENGER TERMINAL FACILITIES and STATIONS for airports, BART rail transit, railroads, or bus lines	1.0 for each 500 square feet of gross floor area, plus additional spaces for commuter traffic as determined by the City Engineer.
~~Research and development~~ RESEARCH AND DEVELOPMENT facilities	1.0 for each 500 square feet of gross floor area
~~T-hangars~~ T-HANGARS	1.0 for each based aircraft
~~Tie-downs~~ TIE-DOWNS (open)	1.0 for each 3 based aircraft

(Amended by Ordinance 17-15, adopted Nov. 28, 2017; amended by Ordinance 19-10, adopted June 4, 2019)

SEC. 10-2.351 WHOLESALE, MANUFACTURING AND STORAGE USES ADDITIONAL PARKING.

Note(s)—(Repealed by Ordinance 19-10, adopted June 4, 2019)

SEC. 10-2.360 GOVERNMENTAL OR OTHER PUBLIC USES.

All governmental or other public uses shall provide the minimum off-street parking requirements of the use most similar in nature, as determined by the Director of Community and Economic Development/Planning Director.

IV. EXCLUSIONS, REDUCTIONS, EXCEPTIONS, AND APPEALS

SEC. 10-2.400 PARKING SPACE WIDTH REDUCTIONS.

Parking space widths for standard cars may be reduced by 6 inches at the discretion of the Director of Community and Economic Development/Planning Director, if it can be demonstrated that the proposed spaces are for the use of employees only and that adequate standard width spaces are available for the use of non-employees near the buildings.

SEC. 10-2.401 SHARED PARKING.

An administrative use permit may be issued for shared parking serving more than one use subject to the following specific findings and conditions of approval:

- a. Up to 25 percent of parking facilities required for night-time or Sunday uses may be supplied by the off-street parking facilities provided by day-time and/or week-day use facilities.
- b. The following uses are considered as day-time and/or week-day uses: banks, business offices, medical offices, personal service shops, household equipment or furniture shops, clothing or service shops, manufacturing or wholesale buildings, and other similar primarily day-time and/or uses as determined by the Director of Community and Economic Development/Planning Director.
- c. The following uses are considered as night-time and/or Sunday uses: auditoriums incidental to a public or private school, churches, bars, bowling alleys, nightclubs, theaters, and other similar primarily night-time and/or Sunday uses as determined by the Director of Community and Economic Development/Planning Director.

SEC. 10-2.402 OFF-SITE PARKING.

An administrative use permit may be issued for off-site parking subject to the following specific findings and conditions of approval:

- a. The building or use for which application is being made shall have the main entrance located within 500 feet along a traversable pedestrian route from the farthest proposed parking space;
- b. There is a useable pedestrian route along public streets or permanently established easements between the parking and the uses or structures served;
- c. The adjacent or nearby properties will not be adversely affected relative to parking;
- d. The proposed traffic circulation will not be detrimental to the health, safety, and welfare of residents residing or working in or adjacent to the parking; and
- e. The property owner(s) must enter into a written, recorded agreement with the City, in a form satisfactory to the City Attorney, describing the off-site parking plan and including a guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking, a recording of a covenant among the properties for access to and use of the off-site parking facilities, a

provision stating that the City may, upon a finding by the Director of Community and Economic Development/Planning Director that there has been a change in use, modify, amend, or unilaterally terminate the agreement.

SEC. 10-2.403 RESIDENTIAL CREDIT FOR TRANSPORTATION DEMAND MANAGEMENT PROGRAM.

In consideration of the financial commitment involved in providing a Transportation Demand Management Program and the fact that the use of alternative commute modes serves to reduce parking demand, a residential development, excluding detached residential developments, that is required to provide at least 20 off-street parking spaces may be allowed to reduce the parking requirements of this article by 5 percent if the development achieves a total of 15 points, as specified in the table below. Mitigation measures or infrastructure improvements, required by the California Environmental Quality Act (CEQA) or by the City, are not eligible for reductions offered within this section.

Transportation Demand Management Measure	Point Value
A publicly accessible Class 4 bicycle facility through the development connecting to an existing or planned bike route identified in the City's Bike and Pedestrian Master Plan. Along the facility, there shall be at least one bike repair station with an air pump and tools. A Class 1 bicycle facility could qualify if it is not part of the public right-of-way or private street.	10
A bus shelter for any bus route within a ¼ mile radius. The bus shelter must include seating for at least three people, lighting, a roof, and a map and schedule of the bus route. The bus shelter design and future maintenance shall be approved by the City of Hayward and AC Transit.	10
A loading zone marked for ride-share vehicles that has capacity for at least two vehicles to stop.	5
A 50 percent increase in the long-term bicycle storage above the current Cal Green requirements.	5
On-site transit route maps, schedules and dynamic real time arrivals posted within a publicly visible and accessible area near the primary building entrance. The route maps, schedules and real time arrival information shall include all transit routes within ¼ mile radius.	5

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.404 NON-RESIDENTIAL CREDIT FOR TRANSPORTATION DEMAND MANAGEMENT PROGRAM.

In consideration of the financial commitment involved in providing a Transportation Demand Management Program and the fact that the use of alternative commute modes serves to reduce parking demand, a non-residential development that is required to provide greater than 50 off-street parking spaces may be allowed to reduce the employee parking requirements of this article up to 6 percent by providing an Employee Transportation Coordinator and up to another 14 percent by implementing the first 13 items below for a total of up to 20 percent.

- a. All developments may submit a plan for a Transportation Systems Management Program. The program may include, but is not limited to the following factors:
 - (1) Carpool/vanpool matching

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- (2) Preferential parking for carpools and vanpools
 - (3) Financial subsidies and rewards to walkers/carpool/vanpool/bus/BART passengers and drivers
 - (4) Employer provided vehicles for carpools and/or vanpools
 - (5) Carpool/vanpool operating subsidies, e.g. insurance, fuel, maintenance
 - (6) Provision of subscription bus services
 - (7) Sale of bus/BART passes/ticket books at the work site
 - (8) On-site route maps and schedules
 - (9) Shuttle service to bus/BART
 - (10) Bus shelter provision and maintenance
 - (11) Alternative work hours
 - (12) Capital improvements for transit services
 - (13) Bicycle linkages to established bicycle routes
- b. As a guideline, the position of an Employee Transportation Coordinator should involve at a minimum the following:
- (1) The Employee Transportation Coordinator should have completed a Bay Area Air Quality Management District certified training curriculum, or as approved by the City Engineer;
 - (2) The Employee Transportation Coordinator should be equipped with sufficient office space, marketing materials, clerical assistance, and telephone service to implement a complete transportation center;
 - (3) The Employee Transportation Coordinator should disseminate promotional materials and information to building occupants to encourage ride sharing and alternate work hours;
 - (4) The Employee Transportation Coordinator should conduct a minimum of 2 information days annually;
 - (5) The Employee Transportation Coordinator should devote a minimum 1 hour per week for every 50 employees to encourage alternative commute modes;
 - (6) The Employee Transportation Coordinator shall prepare an annual report evaluating the extent and results of the Transportation Systems Management program, including measures undertaken by the employer, average number of employees using various modes of transportation, total number of employees participating in alternative work hours, and any employer subsidies.
- c. In addition to the 6 percent reduction obtainable for providing an Employee Transportation Coordinator, a 14 percent reduction may be obtained if the Transportation Management Systems program shows how alternative modes will be implemented, the permanency of such modes, the extent of the program, the number of trips reduced, and the number of parking spaces eliminated by the alternative modes. The potential for maintaining the program will be considered in determining the reduction in required parking.
- d. In addition, the property owner(s) must enter into a written, recorded agreement with the City, in a form satisfactory to the City Attorney, setting forth the substance of the Transportation Systems Management program and including a guarantee that there will be no substantial alteration in the Transportation Systems Management program that will create a greater demand for parking without the City's knowledge and approval, and a provision stating that the City may, upon a finding by the

Director of Community and Economic Development/Planning Director that there has been a change in the plan, modify, amend, or unilaterally terminate the agreement.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.405 CREDIT FOR PROXIMITY TO PUBLIC TRANSPORTATION FACILITIES.

- a. Except for uses established in the Central Parking District, parking space requirements for public or private institutional or government uses, e.g., hospitals, office buildings, may be reduced by the Director of Community and Economic Development/Planning Director up to 15 percent, provided public transportation is available within 500 feet of the site or if public rail transportation is available within 1,000 feet of the site.
- b. Except for uses established in the Central Parking District, parking space requirements for retail establishments may be reduced by the Director of Community and Economic Development/Planning Director up to 15 percent, provided a public bus stop and shelter are immediately adjacent to the site and maintained by the retail establishment.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.406 CREDIT FOR TWO-WHEEL VEHICLE PARKING SPACE(S).

In addition to the off-street parking requirements heretofore enumerated, additional parking spaces or facilities for bicycles, motorcycles, and similar two-wheel vehicles shall be provided when more than 50 parking spaces are required. Location, area, design, and improvement of such space or facilities shall be as approved by the Director of Community and Economic Development/Planning Director.

- a. Credit for one parking space shall be given for each 4 bicycle spaces provided, whether the spaces are required or not. Bicycle spaces shall measure at least 2-feet by 7-feet and shall be located in groups of 4 and be equipped with locking devices for each bicycle.
- b. Credit for one parking space shall be given for each 2 motorcycle spaces provided, whether the spaces are required or not. Motorcycle spaces shall measure 4-feet wide by 8-feet long and shall provide an adequate maneuvering area to permit easy access to the space.
- c. Credits for bicycle and motorcycle parking, or a combination thereof, shall not exceed 5 percent of the total required parking spaces.

SEC. 10-2.407 TANDEM PARKING STANDARDS.

- a. Tandem parking is permitted for detached residential and mobile homes.
- b. Tandem parking is permitted for duplexes, triplexes, and multi-family residential (4+ units) when spaces are assigned to the same dwelling unit.
- c. Tandem parking may be permitted by the Director of Community and Economic Development/Planning Director for commercial parking facilities when a valet/attendant is on duty during the hours when the facility is being used.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.408 CARSHARING PROGRAMS.

In the Industrial Districts, required parking spaces may be substituted with designated carshare vehicle parking spaces, pursuant to the following:

- a. Carshare vehicles shall be maintained for active use by a carshare service and not for other purposes.
- b. Carshare vehicles shall be made available to members of the carsharing service through an unattended, self-service operation 24 hours a day, seven days a week.

(Added by Ordinance 19-10, adopted June 4, 2019)

SEC. 10-2.410 CENTRAL PARKING DISTRICT STANDARDS.

All requirements of this article shall apply to development located within the Central Parking District, as defined by Section 10-2.100, except as hereinafter modified.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.411 CENTRAL PARKING DISTRICT NON-RESIDENTIAL PARKING REQUIREMENTS.

1.0 space for each 315 square feet of gross floor area except for theaters; 1.0 space for each 4.0 seats.

An increase in the number of dwelling units within an existing building or the conversion of a non-residential use to residential within the Central Parking District shall not require providing parking spaces. If more than two floors are converted to residential use, the developer must meet the residential parking requirements for units on the additional floors. The developer shall demonstrate how the parking requirements for dwelling units on the additional floors will be fulfilled.

SEC. 10-2.412 CENTRAL PARKING DISTRICT RESIDENTIAL PARKING REQUIREMENTS.

Residential parking shall be provided on the site being developed. Use of combined facilities for residential parking requirements shall be permitted if parking facility is located on site of residential development. Parking shall be provided at the following rates:

1.0 covered and 0.50 uncovered spaces per dwelling unit.

0.5 space per dwelling unit for multiple-family dwellings providing housing exclusively for the elderly. (Occupancy requirements must be guaranteed, e.g., condition of government financing or grant, or other guarantee acceptable to the City.)

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.413 CENTRAL PARKING DISTRICT PARKING SPACE IN-LIEU PAYMENTS.

The Central Parking District requirements may be satisfied by providing payments in lieu of providing all or part of the required non-residential parking. Such payments shall be accepted on behalf of the City only when adequate municipal parking is available or will be provided within a reasonable walking distance of the proposed development, as determined by the Director of Community and Economic Development/Planning Director. Such payments shall be placed in a fund to be used for the provision of municipal parking facilities serving the Central Parking District. The amount of such payments shall be determined by the Director of Public Works and be computed on the basis of the estimated cost of providing an equivalent number of spaces at the time the

development is approved. The estimate shall include land costs computed at the fair market value for the land as established by the County Assessor. Construction costs shall be computed on the basis of construction of surface parking to City standards.

SEC. 10-2.414 UNBUNDLED PARKING.

Qualifying residential properties, as specified in California Civil Code Section 1947.1, shall unbundle the cost of parking from the cost of rent in accordance with California Civil Code Section 1947.1, as amended from time to time.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

Editor's note(s)—Ordinance 24-01, adopted January 23, 2024, repealed the former § 10-2.414, and enacted a new § 10-2.414 as set out herein. The former § 10-2.414 pertained to Downtown Core Area Specific Plan Reduction.

SECS. 10-2.415, 10-2.416 RESERVED.

Editor's note(s)—Ordinance 24-01, adopted January 23, 2024, repealed §§ 10-2.415, 10-2.416, which pertained to Central City—Plaza District Exceptions; Cottage District—Exceptions.

SEC. 10-2.417 SOUTH HAYWARD BART/MISSION BOULEVARD PARKING STANDARDS.

Note(s)—Repealed by Ordinance 11-12, adopted October 11, 2011.

SEC. 10-2.418 SOUTH HAYWARD BART/MISSION BOULEVARD PARKING AREA NON-RESIDENTIAL PARKING REQUIREMENTS.

Note(s)—Repealed by Ordinance 11-12, adopted October 11, 2011.

SEC. 10-2.419 SOUTH HAYWARD BART/MISSION BOULEVARD PARKING AREA RESIDENTIAL PARKING REQUIREMENTS.

Note(s)—Repealed by Ordinance 11-12, adopted October 11, 2011.

SEC. 10-2.420 EXCEPTIONS.

- a. Central City—Plaza District Exceptions. Additional off-street parking spaces shall not be required for construction of new buildings for commercial uses located on the ground floor in the Central City-Plaza District. Off-street parking spaces shall not be required for construction of new buildings of similar area which replace demolished or damaged buildings within 6 months that were located all or partially in the Central City-Plaza District.
- b. Near Transit—Exceptions. Any minimum off-street automobile parking ratios for a residential, commercial, or other development project shall not be enforced if the project is located within one-half mile of a major transit stop in accordance with California Government Code Section 65863.2, as amended from time to time.
- c. Other Exceptions.
 - (1) An exception may be granted from the provisions hereof where unnecessary or unusual hardship is shown and where such exception will not defeat the purposes of this article or the Zoning Ordinance.

Possible reasons for issuing an exception include an unusually low number of employees for a given wholesale or manufacturing use; unusually small size of units; unusual topography, size, or shape of a parcel or existing structures; compatibility with the surrounding development; or other unusual conditions.

- (2) Applications for exceptions shall be processed in accordance with Sections 10-1.2815 through 10-1.2825 and Sections 10-1.3305 through 10-1.3365 of the Zoning Ordinance. Notice of a decision by the Director of Community & Economic Development/ Planning Director on a parking exception which exceeds 25 percent of the parking requirements shall be given within 5 business days of the decision.
- (3) The Director of Community and Economic Development/Planning Director, or the Planning Commission upon referral by the Director of Community and Economic Development/Planning Director, may grant an exception when it can be determined that:
 - i. There are special conditions or circumstances peculiar to the property involved that do not apply generally to property in the same district;
 - ii. Literal interpretation of this article would cause a hardship or deprive the applicant of rights enjoyed by others in the same district, who have applied for parking since adoption of this ordinance;
 - iii. The granting of the exception does not grant a special privilege inconsistent with the limitations on other properties in the same district;
 - iv. The granting of an exception will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the requirements set forth in this article as nearly as is reasonably possible; and
 - v. The granting of an exception will not create a safety hazard or any other condition inconsistent with the purposes of this article.
- (4) For purposes of this section, the fact that the proposed parking and circulation requirements on sites with existing buildings is in compliance with the requirements set forth in this article as nearly as is reasonably possible, may constitute a special circumstance warranting an exception under this section.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.430 APPEALS.

Any person aggrieved by the action of the Director of Community and Economic Development/Planning Director may appeal such action to the Planning Commission by filing a written appeal with the Development Review Services Division within 10 days from the date of such action. Upon completion of its consideration, the Planning Commission may sustain, or modify, or reverse the preceding decision.

Any member of the City Council may request review of an application on which the Director of Community and Economic Development/Planning Director or the Planning Commission has made a final decision. The Council Member requesting review shall file a written request for review with the City Clerk before the 10th day following the day the decision is rendered. The matter shall be scheduled for review and approval by the City Council. The City Council may approve, conditionally approve, or disapprove the applications based upon the relevant findings. In the event significant new evidence, which may include change in the proposal, is presented at the time of hearing, the Council may return the matter to the approving authority for further consideration and a decision. If the application has previously been subject to notice under Section 10-1.2820, it shall be scheduled for a hearing by the City Council and noticed in accord with Section 10-1.2820. No fees by the applicant shall be required when a member of the City Council requests review of an applicant.

V. LOCATION OF PARKING AND LOADING SPACES

SEC. 10-2.500 PARKING SPACE LOCATIONS.

- a. Except for non-residential uses in the Central Parking District and as noted in Section 10-2.402 (Off-site Parking), required off-street parking spaces and access to parking spaces shall be located on the same parcel as the uses served.
- b. No required residential parking spaces shall be located further than 200 feet from dwelling units. Where driveways exceed 40 feet in length, garages, carports, or other parking areas shall be designed to require vehicles to exit property in a forward direction.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.501 TRUCK LOADING SPACE LOCATIONS.

- a. Truck loading spaces and the access and maneuvering areas serving loading spaces shall be located on the same parcel as the activity served and must be exclusive of the area used for required parking spaces and maneuvering areas. Truck loading spaces shall not interfere with on-street traffic, parking, or sidewalks. Truck turning templates should be used for design.
- b. Loading areas should not dominate the street frontage. Where loading docks or doors are located directly off abutting street(s), the following policy shall be used:
 - (1) If abutting street is a major street where the curb-to-curb width is 72 feet or more, the loading facility/dock/door, etc., shall be located so that a truck cannot use the street as a means to maneuver in a backwards motion towards the unloading point. This will require an unobstructed on-site minimum depth of 95—115 feet in front of the loading area. Driveways shall not be placed to line up with the loading docks.
 - (2) On industrial service roads (streets 40—48 feet curb-to-curb), truck maneuvering can take place within the street area. The driveway may be lined up with the loading dock. When a truck is parked at the loading point, it shall not project into the public right of way. A minimum of 65 feet shall be unobstructed and provided in front of the loading area.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.502 OFF-STREET PARKING ON/IN SLOPES.

Parking lots in all zones shall have a maximum of a 5 percent slope.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.503 OFF-STREET PARKING NEAR WALLS AND PROPERTY LINES.

- a. Except for detached residential units, duplexes, triplexes, and all development in industrial zones, parking and aisles shall be no closer than 5 feet to a building and shall be no closer than 5 feet to a property line in residential zones or where abutting residential zoning districts, 7 feet to a building or property line if a 2 foot vehicular overhang is allowed, or 7½ feet to a building or property line if a 2½ foot vehicular overhang is

allowed. An exception may be made for lots less than 51 feet in width, in which case vehicular circulation may be located within 3 feet of a side property line.

- b. For detached residential units, duplexes, and triplexes, driveways providing access to required parking shall be setback a minimum of 3 feet from a side property line and 2 feet from the primary building.
- c. In all zones, parking spaces adjacent to fences or walls shall be increased in width by at least 1 foot to accommodate door swing.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.504 OFF-STREET PARKING AND LOADING IN FRONT AND STREET SIDE YARD AREAS.

- a. Off-street parking and loading spaces or maneuvering areas for all types of vehicles—automobiles, trucks, recreational vehicles, bicycles, motorcycles, and similar two-wheel vehicles—shall not be located in any required front or street side yard, except as provided elsewhere in this article or as a part of an approved mobile home park plan.
- b. Multi-unit residential parking and loading spaces shall be located behind the primary structure(s) in order to enhance the streetscape. The Planning Director may grant an exception to this requirement when it is determined to be infeasible or impractical.
- c. In commercial and industrial zones, off-street parking spaces and driveway aisles shall be located no closer than 10 feet from the front and street side yard property lines, if the setbacks are less than 10 feet.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.505 OFF-STREET PARKING AND LOADING IN INTERIOR SIDE YARD AREAS.

- a. In residential zones (RL, RNP, RM, RH), parking and loading spaces shall not be located in a required side yard, except as specified in Section 10-1.2735.
- b. In commercial and industrial zones, parking and driveway aisles may be located in required interior side yards in conformance with Section 10-2.503 (Off-Street Parking Near Walls and Property Lines).

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.506 RESERVED.

Editor's note(s)—Ordinance 24-01, adopted January 23, 2024, repealed § 10-2.506, which pertained to off-street parking and loading in rear yard areas.

VI. DESIGN STANDARDS FOR PARKING AND LOADING SPACES

SEC. 10-2.600 CONFORMANCE BY TWO-WHEEL VEHICLES AND RECREATIONAL VEHICLES.

All parking and loading facilities shall meet the minimum dimensions and standards set forth in this article, including the appendices. Parking facilities for bicycles, motorcycles, and similar two-wheel vehicles shall incorporate security locking devices in their design, and such parking facilities, as well as recreational vehicle parking facilities, shall conform to all other standards contained in this article.

SEC. 10-2.601 CONFORMANCE WITH HAYWARD DESIGN GUIDELINES.

Parking and loading spaces shall conform to the extent possible with the Hayward Design Guidelines, which seek to create an environment that is pleasant for human use while preserving the positive physical aspects of a site such as views, mature trees, and historic buildings, and minimizing its physical problems such as flooding or noise.

SEC. 10-2.602 PARKING SPACE DIMENSIONS.

- a. Minimum stall, aisle, and driveway dimensions for off-street parking spaces shall be those shown in the attached appendices. Typically, minimum dimensions for non-angled compact car spaces shall be 8'-0" wide by 15'-0" long, and minimum dimensions for non-angled standard car spaces shall be 9'-0" wide by 19'-0" long.
- b. Covered parking spaces shall provide a minimum unobstructed vertical clearance of 7 feet. Parking space areas shall be unobstructed by stairs, cabinets, utilities, etc.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.603 LOADING SPACE NUMBER AND DIMENSIONS.

The number of spaces and dimensions for loading areas shall be determined and approved by the Director of Community and Economic Development/Planning Director for new non-residential buildings as needed and physical conditions warrant.

SEC. 10-2.604 COVERED SPACE DIMENSIONS.

- a. The minimum dimensions for covered parking spaces shall be 11 feet wide by 19 feet long for one space, 20 feet wide by 19 feet deep for two side-by-side spaces, 29 feet wide by 19 feet deep for three side by side spaces, and 11 feet wide by 38 feet long for two tandem spaces. Parking space areas shall be unobstructed by stairs, utilities, posts, etc.
- b. The minimum garage door width shall be 16 feet for a two-car garage and 8 feet for a one-car garage.
- c. A one-car garage which is either less than 9 feet wide or 19 feet deep shall be considered nonconforming, and may be eligible to be converted to habitable living area without having to provide replacement parking.
- d. Covered parking spaces shall provide a minimum unobstructed vertical clearance of 7 feet, with the exception of garage door openings which shall provide a minimum unobstructed vertical clearance of 6 feet 6 inches.
- e. Entrances to shared parking garages shall not exceed 24 feet in width.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.610 COMPACT CAR PARKING SPACES.

- a. In shared residential parking facilities containing 6 or more spaces, a maximum of 30 percent of the required spaces may be compact car spaces.
- b. A maximum of 50 percent may be compact car spaces for uses located in the Industrial Districts.

a-c. A maximum of 30 percent may be compact car spaces for uses located in the Commercial Districts.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.620 ACCESS LOCATION.

- a. For residential uses other than detached residential units, all parking and loading spaces shall be located so as not to require vehicles to back out into street right-of-way.
- b. In order to protect traffic flow and pedestrian safety and to allow for screening of parking facilities, the number of curb cuts shall be minimized. Access ways, without parking on either side, to any parking lot shall be not less than 20 feet for two-way traffic and 12 feet for one-way traffic.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.621 HOURS OF AVAILABLE USE.

All parking spaces and loading spaces shall be accessible for use during all hours of operation of the uses served.

SEC. 10-2.622 JOINT ACCESS TO PARKING SPACES.

Uses on adjoining parcels, subject to approval of the Director of Community and Economic Development/Planning Director, may share joint access to required parking spaces, providing the entire access is a minimum of 12 feet wide on each parcel (24 feet total). Owners of affected properties shall grant a recorded, reciprocal, permanent, nonexclusive easement establishing the joint access.

SEC. 10-2.623 PRIVATE DRIVEWAY STANDARDS.

- a. Driveway widths in front of two-car garages shall be 20 feet. Driveway widths providing access to three-car garages shall be between 20 and 26 feet. Driveways widths of at least 16 feet constructed prior to January 23, 2024 shall be considered legal non-conforming.
- b. Driveways leading to enclosed private garages shall be at least 20 feet long.
- c. Driveways providing access to required parking located in a side yard or rear yard shall be setback a minimum of 3 feet from a side property line and 2 feet from the primary building.
- d. For detached residential units, duplexes and triplexes, the combined driveway and paving surface area shall not exceed a maximum of 50 percent of the required front yard area.
- e. For detached residential units, a maximum 10-foot wide driveway may be allowed to provide access to a recreational vehicle storage area that is located outside of the required side yard. 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 or 700 square feet for lots 10,000 feet or larger, excluding driveways.
- f. For multi-unit (4+) residential buildings on properties greater than 72 feet in width, driveways shall not exceed one-third of the property frontage width and/or 24 feet individually. Properties less than 72 feet in width shall have one driveway with a maximum width of 24 feet.
- g. For non-residential development on lots 70 or more feet in width, the Director of Community and Economic Development/Planning Director may approve a greater driveway width if the Director of Community and Economic Development/Planning Director determines the design of the driveway is aesthetically pleasing

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and compatible with the lot terrain and adjacent development and will not create a pedestrian or vehicular hazard.

- h. In ~~non-residential districts~~Industrial District, in no case shall a driveway exceed one-third the width of the property frontage width or 35 feet, unless otherwise approved by the Planning Director.

(Amended by Ordinance 19-10, adopted June 4, 2019; Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.624 CIRCULATION TO PARKING AND LOADING SPACES.

- a. Within a shared parking facility, circulation must be such that a car entering a parking lot need not enter the street to reach another aisle.
- b. The entrance or exit to any service bay, loading space, or parking area shall not conflict with the entrance or exit to any other service bay, loading space, or parking area.
- c. Driving aisles shall be at least 12 feet wide for 1-way traffic flow and 20 feet wide for 2-way traffic flow. Parking lots and driving aisles parallel and adjacent to public sidewalks shall be separated by a minimum 10 foot landscape strip. One-way aisles shall alternate direction, or otherwise provide logical vehicular circulation as approved by the Director of Community and Economic Development/Planning Director, and shall not dead-end if greater than 60 feet in length. A 2-way dead-end driving aisle shall have minimum 5-foot turning back-up bay beyond the end stall.

- d. All non-residential property shall provide a sufficient paved driveway turnaround to allow vehicles to exit property in a forward direction.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.625 VEHICLE OVERHANG.

Where a parking lot is designed so that cars may overhang low landscaping, the stall depth for a standard-sized car may be reduced by 2½ feet. The stall depth for a compact space may be reduced by 2 feet. The area overhung shall not be included in required landscape setback. In areas where vehicles overhang a sidewalk or walkway, the width of the sidewalk or walkway shall be increased by the overhang width to provide a minimum unobstructed width of the sidewalk or walkway of 4 feet. Parking stalls adjacent to walls shall be increased in width from the standard by at least one foot to accommodate door swing.

SEC. 10-2.626 RESERVED.

Editor's note(s)—Ordinance 24-01, adopted January 23, 2024, repealed § 10-2.626, which pertained to controlled access.

SEC. 10-2.630 DRAINAGE, SURFACING AND MAINTENANCE.

- a. A storm drainage system shall be provided that conveys storm water runoff into facilities of the City or the Alameda County Flood Control District. All on-site storm drain inlets must be labeled 'No Dumping - Drains to Bay,' using approved methods.
- b. All on-site storm drains must be cleaned at least once a year prior to the rainy season (October 15). Additional cleaning may be required by the City Engineer.

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- c. Driveways for detached residential units shall be paved with Class B, Portland Cement Concrete. A secondary driveway which provides access to a recreational vehicle storage area may be constructed with concrete, "grasscrete", asphalt, or rock or concreted wheel tracks. Subject to the approval of the Fire Department, driveways exceeding 40 feet in length may be paved with asphaltic concrete or a comparable all-weather and dustless material.
 - d. All other residential and non-residential uses shall be paved with Class B, Portland Cement Concrete, or a minimum 3 inches of asphaltic concrete over a minimum of 4 inches of aggregate base or comparable all-weather and dustless material.
 - e. Parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. No cleaning agent may be discharged to the storm drain. If any cleaning agent or degreaser is used, washwater shall not be discharged to the storm drains; washwaters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the wastewater treatment plant receiving the discharge.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.640 LIGHTING AND MARKING.

- a. Parking facilities shall be adequately lighted for safety and security as determined by the City Engineer. The minimum requirement is 0.5 foot candle of light, or as determined by the Public Works Director across the entire surface of the parking area. Exterior lighting shall be designed, erected, and maintained so that light or glare is not directly cast upon adjacent properties or public rights-of-way.
- b. Aisles, approach lanes, and maneuvering areas shall be marked and maintained with directional arrows and striping to control traffic flow. Each parking space shall be stripped, marked, and maintained by surface markings or other effective means and shall be maintained so as to be readily visible at all times. All compact parking spaces and designated employee parking spaces per Section 2.400, Parking Space Width Reductions, shall be clearly marked as such.
- c. This section shall not apply to detached residential units.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.641 RESERVED.

Editor's note(s)—Ordinance 24-01, adopted January 23, 2024, repealed § 10-2.641, which pertained to space identification.

SEC. 10-2.642 DIRECTIONAL AND REGULATORY SIGNS.

Traffic directional signs as required and approved by the Director of Public Works shall be installed at no expense to the City. Each exit from any parking area, except for detached residential units, shall be clearly marked with a 'STOP' sign.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.650 LANDSCAPING.

Landscaped areas required in this section shall be composed of trees, shrubs, planted ground cover, or a combination thereof. Landscaping shall be permanently maintained, including replacement where necessary. Landscaping shall be provided as follows:

- a. Except for access driveways, a landscape planter 10 feet in width shall be provided in all required yard areas adjacent to street right-of-ways to create a separation from parking, loading, and vehicle maneuvering areas.
- b. Where no front and/or street side yards are required, a landscape strip at least 10 feet wide, unless a wider strip is otherwise required by the Zoning Ordinance, shall be installed between parking areas and all existing or future street rights-of-way.
- c. Landscape materials within 10 feet of vehicle ingress and egress points shall be maintained so as not to impair visibility or create a traffic hazard.
- d. Landscaped areas shall be irrigated by means of an automatic sprinkler system with an automatic on-off timer clock mechanism.
- e. Landscape buffers shall be provided between adjoining outdoor use spaces with walls and planting shall be provided.
- f. Parking areas shall include a minimum of one 15-gallon parking lot tree for every 6 parking stalls, except where restricted because of design constraints. 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 Director of Community and Economic Development/Planning Director. Required street and buffer trees shall not qualify as parking lot trees.
- g. Where a side or rear yard is required between a parking area and residential district, a minimum of one 15-gallon buffer tree shall be planted for every 20 lineal feet of property line.
- h. The minimum dimensions of any tree well or landscape median shall be 5 feet, measured from the back of curb. The end of the parking rows shall be capped with landscape medians except where space is restricted due to existing site conditions.
- i. Parking and loading areas shall also be buffered from the street with shrubs, walls, or earth berms, as determined by the Director of Community and Economic Development/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.
- j. Agricultural zoning districts and parcels in a residential zoning district with three or less dwelling units shall be exempt from the landscaping requirements of this section.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.660 SCREENING.

- a. A view-obscuring screen shall be installed along rear and interior lot lines whenever parking, loading, and vehicle maneuvering areas immediately abut residentially zoned parcels. At the discretion of the Director of Community and Economic Development/Planning Director or the Planning Commission, a view-obscuring screen may be required abutting any nonconforming residential buildings. The view-obscuring screen shall be uniformly painted, decorative wood fence, masonry wall or its equivalent, or chain-link fence with plant materials, and shall be constructed to withstand a 15-pound-per-square-foot wind load. The view obscuring

screen shall be 6 feet high except when located within required front and side street yard setbacks, in which case the screen shall not exceed 4 feet high.

- b. Unless there already exists a building wall or a fence, wall, or similar screen located within 2 feet of either side of a common property line, a view-obscuring screen as described above shall be installed. On Commercial or Industrial zoned properties abutting a residentially zoned parcel, the view obscuring screen shall be a concrete, brick, or masonry wall, or an equivalent.
- c. Agricultural zoning districts and parcels in a residential zoning district with 3 or less dwelling units shall be exempt from the requirements of this section.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.670 CURBING/BARRIERS.

Except for detached residential units, where abutting trees and other landscaping, walls, columns, fences and pedestrian paths, each parking and loading space shall be provided with a Class B, Portland Cement Concrete bumper block or continuous concrete curb at least 6 inches in height above the finished pavement and 6 inches thick. Barriers shall be located a minimum of 24 inches from landscaped strips and 30 inches from fences, walls, etc. Additional barriers may be required by the Director of Community and Economic Development/Planning Director where they determine necessary for proper traffic circulation or safety reasons.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

VII. PARKING FOR PERSONS WITH PHYSICAL DISABILITIES

SEC. 10-2.700 PARKING FOR PERSONS WITH PHYSICAL DISABILITIES.

Each lot or parking structure where parking is provided for public as clients, guests, or employees, shall provide accessible parking as required by this section. In addition to the following requirements, the parking space(s) for persons with physical disabilities shall be designed and provided pursuant to state and federal requirements. Parking spaces for persons with physical disabilities required by this section shall count toward fulfilling off-street parking space requirements.

SEC. 10-2.710 REQUIRED PARKING SPACES FOR PERSONS WITH PHYSICAL DISABILITIES.

The minimum number of persons with physical disabilities' accessible parking spaces shall be:

Total Number of Parking Spaces Required	Accessible Parking Spaces Required
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2 percent of total number
1,001 & over	20 plus 1 for each 100, or fraction thereof, over 1,001

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Parking for persons with physical disabilities in residential uses shall be provided at the minimum rate 1 space per dwelling unit that is designed for occupancy for persons with physical disabilities.

SEC. 10-2.720 REQUIRED PARKING SPACE SIZE FOR PERSONS WITH PHYSICAL DISABILITIES.

- a. Where single spaces are provided, they shall be 14 feet wide and outlined to provide a 9-foot parking area and a 5-foot loading and unloading access aisle on the passenger side of the vehicle. When more than one space is provided in lieu of providing a 14-foot wide space for each parking space, two spaces can be provided within a 23-foot wide area lined to provide a 9-foot parking area on each side of a 5-foot loading and unloading access aisle in the center. The minimum length of each parking space shall be 18 feet.
- b. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide minimum on the passenger side and shall be designated van accessible. All such spaces may be grouped on one level of a parking structure.

SEC. 10-2.730 LOCATION OF PARKING SPACES FOR PERSONS WITH PHYSICAL DISABILITIES.

Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

SEC. 10-2.740 ARRANGEMENT OF PARKING SPACES FOR PERSONS WITH PHYSICAL DISABILITIES.

- a. In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. Also, the space shall be so located that persons with physical disabilities are not compelled to wheel or walk behind parked cars other than their own. Pedestrian ways which are accessible to people with physical disabilities shall be provided from each such parking space to related facilities, including curbs or ramps as needed. Ramps shall not encroach into any parking space.
- b. Surface slopes of parking spaces for persons with physically disabilities shall be the minimum possible and shall not exceed $\frac{1}{4}$ inch per foot (2.083 percent gradient) in any direction.

SEC. 10-2.750 IDENTIFICATION OF PARKING SPACES FOR PERSONS WITH PHYSICAL DISABILITIES.

- a. Each parking space reserved for persons with physical disabilities shall be identified by a reflectorized sign permanently posted immediately adjacent to and visible from each stall or space, consisting of a profile view of a wheelchair with occupant in white on dark blue background. The sign shall not be smaller than 70 square inches in area and, when in path of travel, shall be posted at a minimum height of 80 inches from the bottom of the sign to the parking space finished grade. Signs may also be centered on the wall at the interior end of the parking space at a minimum height of 36 inches from the parking space finished grade, ground or sidewalk. Van accessible spaces shall have an additional sign stating 'Van-Accessible' mounted below the symbol of accessibility.
- b. An additional sign shall also be posted in a conspicuous place at each entrance to off-street parking facilities, or immediately adjacent to and visible from each stall or space. The sign shall not be less than 17 inches by

22 inches in size with lettering not less than 1 inch in height, which clearly and conspicuously states the following:

- (1) 'Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or license plates issued for persons with disabilities may be towed away at owner's expense. Towed vehicles may be reclaimed at _____ or by telephoning _____.'
 - (2) [Blank spaces are to be filled in with appropriate information as a permanent part of the sign.]
- c. In addition to the above requirements, the surface of each accessible parking space or stall shall have a surface identification duplicating either of the following schemes:
- (1) By outlining or painting the stall or space in blue and outlining on the ground in the stall or space in white or suitable contrasting color a profile view depicting a wheelchair with occupant, or
 - (2) By outlining a profile view of a wheelchair with occupant in white on blue background. The profile view shall be located so that it is visible to a traffic enforcement officer when a vehicle is properly parked in the space and shall be 36 inches high by 36 inches wide.

SEC. 10-2.760 DROP-OFF AND LOADING ZONES FOR PERSONS WITH PHYSICAL DISABILITIES.

- a. When provided, passenger drop-off and loading zones for persons with physical disabilities shall be located on accessible routes of travel. One passenger drop-off and loading zone shall provide an access aisle at least 5 feet wide and 20 feet long adjacent and parallel to the vehicle pull-up space. Such zones shall be located on a surface with a slope not exceeding 1 vertical in 50 horizontal. If there are curbs between the access aisle and the vehicle pull-up space, a curb ramp shall be provided.
- b. Valet parking facilities shall provide a passenger loading zone complying with drop-off and loading zone requirements and shall be located on an accessible route to the entrance of the facility.

SEC. 10-2.770 REQUIRED PARKING SPACES FOR PERSONS WITH PHYSICAL DISABILITIES IN MEDICAL CARE FACILITIES.

At facilities providing medical care and other services for persons with mobility impairments, the minimum required number of accessible parking spaces for persons with physical disabilities shall be:

- a. Outpatient units and facilities: 10 percent of the total number of parking spaces provided serving each such outpatient unit or facility.
- b. Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided serving each such unit or facility.

VIII. REQUIREMENTS FOR EV CHARGING INFRASTRUCTURE

SEC. 10-2.800 ELECTRIC VEHICLE (EV) CHARGING SPACES.

- a. Electric vehicle (EV) charging infrastructure shall be provided and maintained for projects whenever off-street parking is provided. The infrastructure shall be provided in accordance with the requirements of the California Green Building Standards Code, Title 24 Part 11, and the requirements in this Section, whichever provides greater number of off-street parking spaces with access to EV charging infrastructure. All accessibility provisions shall meet California Building Code Chapters 11A and 11B and Part VII of this Article. All signage provisions shall meet Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s).

- b. All such spaces shall count toward the minimum required parking spaces. Where two or more primary uses occupy a single site, the EV infrastructure required for each use shall be calculated separately. Calculations for the required minimum number spaces with EV infrastructure shall be rounded up to the nearest whole number. Requirements represent the minimum charging infrastructure required, and increases in installed infrastructure, such as EV Supply Equipment and delivered power, shall be permissible.

(Amended by Ordinance 22-11, adopted November 15, 2022; Amended by Ordinance 23-06, § 2, adopted June 20, 2023; Amended by Ordinance 25-01, § 2, adopted January 21, 2025; Amended by Ordinance 25-08, adopted June 24, 2025)

SEC. 10-2.810 ELECTRIC VEHICLE CHARGING REQUIREMENTS BY USE.

Uses	EV Charging Infrastructure Required ¹
Single-Family Dwellings and Townhomes	Each of the first two parking spaces per dwelling unit shall be provided with a Level 2 EV Ready space.
Multiple-Family Dwellings with Assigned Parking	All dwelling units with parking spaces shall be provided with at least one Low Power Level 2 EV Ready space.
	Automatic Load Management Systems (ALMS) shall be permitted to reduce load when multiple vehicles are charging.
	EV charging receptacles in multifamily parking facilities at assigned parking spaces shall be provided with a dedicated branch circuit connected to the dwelling unit's electrical meter panel, unless determined as infeasible by the project builder or designer and subject to concurrence of the local enforcing agency. Unbundled parking spaces, defined as vehicular parking for sale or lease to residents of a building separate from the sale or lease of living units within that residential building, are exempt from this requirement.
Multiple-Family Dwellings with Unassigned or Common use Parking	Where dwelling units are provided with unassigned parking spaces equal to or greater than the number of dwelling units:
	At least one Level 2 Ready with a Level 2 EV Charger shall be provided at an unassigned parking space for a minimum of 25% of total dwelling units.
	All remaining unassigned parking spaces shall be Low Power Level 2 EV Ready.
	The total number of EV charging spaces shall be equal to one hundred percent (100%) of dwelling units or one hundred percent (100%) of parking spaces, whichever is less.
	Where the total number of dwelling units exceeds the number of unassigned parking spaces:
	For unassigned or common use parking, a minimum of twenty-five percent (25%) of spaces shall be equipped with Level 2 EV chargers and shall be made available for use by all residents or guests.
	All remaining unassigned parking spaces shall be Low Power Level 2 EV Ready.
	The total number of EV charging spaces shall be equal to one hundred percent (100%) of dwelling units or one hundred percent (100%) of parking spaces, whichever is less.

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	• EV chargers shall be equipped with J1772 or J3400 connectors.
Offices and Retail	• A minimum of 20% of parking spaces provided shall be Level 2 EV Ready with Level 2 Chargers installed.
	• A minimum of 30% of parking spaces provided shall be Level 2 EV Capable.
	• ALMS shall be permitted to reduce load when multiple vehicles are charging.
Hotels and Motels	• A minimum of 25% of parking spaces provided shall be Level 2 EV Ready with Level 2 Chargers installed.
	• A minimum of 40% of parking spaces provided shall be Low-Power Level 2 EV Ready.
	• ALMS shall be permitted to reduce load when multiple vehicles are charging.
	• EV chargers shall be equipped with J1772 or J3400 connectors.
All Other Non-Residential Uses	• A minimum of 10% of parking spaces provided shall be Level 2 EV Ready with Level 2 Chargers installed.
	• A minimum of 10% of parking spaces provided shall be Level 2 EV Capable.
	• ALMS shall be permitted to reduce load when multiple vehicles are charging.

¹ When Level 2 EV Chargers are installed in a number greater than the minimum percent of parking spaces required by Section 10-2.810, the number of low power Level 2 EV Ready or Level 2 EV Capable spaces required may be reduced by a number equal to the number of EV chargers installed over the percent required.

(Amended by Ordinance 22-11, adopted November 15, 2022; Amended by Ordinance 23-06, § 2, adopted June 20, 2023; Amended by Ordinance 25-01, § 2, adopted January 21, 2025; Amended by Ordinance 25-08, adopted June 24, 2025)

SEC. 10-2.820 DIRECT CURRENT FAST CHARGING STATIONS.

- a. One DCFC may be substituted for up to five (5) Level 2 EV chargers to meet the requirements of Section 10-2.810.
- b. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 2 spaces.

(Amended by Ordinance 22-11, adopted November 15, 2022; Amended by Ordinance 23-06, § 2, adopted June 20, 2023; Amended by Ordinance 25-01, § 2, adopted January 21, 2025; Amended by Ordinance 25-08, adopted June 24, 2025)

SEC. 10-2.830 RECEPTACLE CONFIGURATIONS.

- a. 208/240V EV charging receptacles shall comply with one of the following configurations:
 - 1) For 20-ampere receptacles, NEMA 6-20R.
 - 2) For 30-ampere receptacles, NEMA 14-30R.
 - 3) For 50-ampere receptacles, NEMA 14-50R.

(Amended by Ordinance 22-11, adopted November 15, 2022; Amended by Ordinance 23-06, § 2, adopted June 20, 2023; Amended by Ordinance 25-01, § 2, adopted January 21, 2025; Amended by Ordinance 25-08, adopted June 24, 2025)

SEC. 10-2.833 EV CHARGER CONNECTORS.

EV chargers shall be equipped with SAE J1772 with a maximum output 240 Volts AC or SAE J3400 connectors. When using level 2 SAE J3400 SAE connectors, supplied by a 480 V 3-phase service, then at least 20 percent of the EV charger connectors shall be SAE J1772 with a maximum output 240 Volts AC.

(Added by Ordinance 25-01, § 2, adopted January 21, 2025; Amended by Ordinance 25-08, adopted June 24, 2025)

SEC. 10-2.835 ELECTRIC VEHICLE CHARGING STATIONS (EVCS)—POWER ALLOCATION METHOD.

- a. The power allocation method may be used as an alternative to the requirements in Section 5.106.5.3.1, Section 5.106.5.3.2 and associated Table 5.106.5.3.1. Use Table 5.106.5.3.6 to determine the total power in kVA required based on the total number of actual parking spaces.
- b. Power allocation method shall include the following:
 - 1) Use any kVA combination of EV capable spaces, low power Level 2, Level 2 or DCFC EVSEs.
 - 2) At least one Level 2 EVSE shall be provided.

TABLE 5.106.5.3.6

FACILITY TYPE	MINIMUM TOTAL kVA @ 6.6 kVA ¹	MAXIMUM kVA ALLOWED FOR EV CAPABLE SPACES ^{1, 2}	MINIMUM kVA REQUIRED IN ANY COMBINATION OF LOW POWER LEVEL 2, LEVEL 2, OR DCFC ^{1, 3}
Office & Retail	50% of actual parking spaces x 6.6	30% of actual parking spaces x 6.6	20% of actual parking spaces x 6.6
All Other	20% of actual parking spaces x 6.6	10% of actual parking spaces x 6.6	10% of actual parking spaces x 6.6
1. Calculation for spaces shall be rounded up to the nearest whole number.			
2. If EV capable spaces are utilized, they shall meet the requirements of Section 5.106.5.3.1 EV capable spaces.			
3. Level 2 EVSE @ 6.6 kVA minimum.			

(Added by Ordinance 25-01, § 2, adopted January 21, 2025; Amended by Ordinance 25-08, adopted June 24, 2025)

SEC. 10-2.840 EXCEPTIONS.

- a. Where there is no local utility power supply, or the local utility is unable to supply adequate power.
- b. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements directly related to the implementation of Section 10-2.81081030-0.3 may increase construction cost by an average of \$4,500 per parking space. EV infrastructure shall be provided up to the level that would not exceed this cost for utility service.

- c. Spaces accessible only by automated mechanical car parking systems are excepted from providing EV charging infrastructure.
- d. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) without additional parking facilities and without electrical panel upgrade or new panel installation. Detached ADUs, attached ADUs, and JADUs without additional parking but with electrical panel upgrades or new panels must have reserved breakers and electrical capacity according to the requirements of Section 4.106.4.1.
- e. Decisions on the above exceptions may be appealed pursuant to Section 10-2.430.

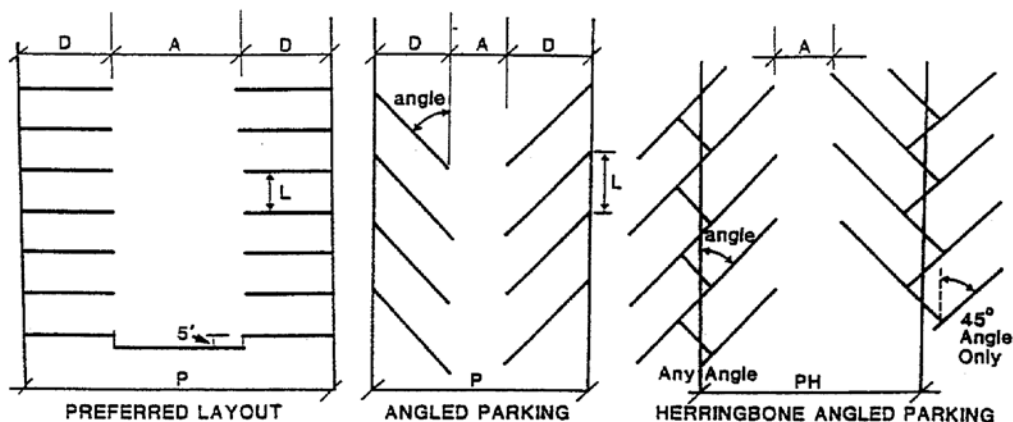
(Amended by Ordinance 22-11, adopted November 15, 2022; Amended by Ordinance 23-06, § 2, adopted June 20, 2023; Amended by Ordinance 25-01, § 2, adopted January 21, 2025; Amended by Ordinance 25-08, adopted June 24, 2025)

APPENDIX A-1. OFF STREET PARKING REGULATIONS MINIMUM STALL AND AISLE DIMENSIONS⁽¹⁾

	ANGLE DEGREES	STALL WIDTH L	STALL DEPTH D	AISLE WIDTH ⁽²⁾ A	OVER ALL P	PH
STANDARD CAR	0	23.0	8.0	12.0	28	—
	30	18.0	16.0	12.0	44	37
	45	12.7	18.5	12.0	49	43
	60	10.4	20.0	17.0	57	53
	75	9.3	19.0	23.0	61	59
	90	9.0	19.0	26.0	64	—
		9.5	19.0	25.0	63	—
		10.0	19.0	24.0	62	—
		10.5	19.0	22.0	60	—
COMPACT CAR	45	11.3	15.6	12.0	43.2	40
	60	9.2	17.0	14.5	48.5	45
	75	8.3	16.86	17.5	50.6	50
	90	8.0	15.0	20.0	50.0	—

⁽¹⁾ Alternate designs for angled parking may be used if approved by the Planning Director.

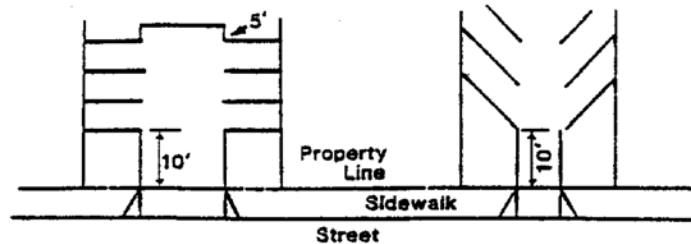
⁽²⁾ If the parking angle is less than 90°, parking aisle shall be designed for one-way circulation.



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APPENDIX A-2. DRIVEWAY AND DESIGN REQUIREMENTS

1. All covered parking spaces shall have a minimum clearance (height) of 6 feet, 6 inches for residential uses and 7 feet, 0 inches for commercial and industrial uses.
2. In order to prevent backing over sidewalks, backing into streets and congestion at lot entrances, no stall may be located within 10 feet of the property line adjacent to the street.
3. In single-entrance, 90° parking lots, provisions for adequate egress from rear stalls shall be made.

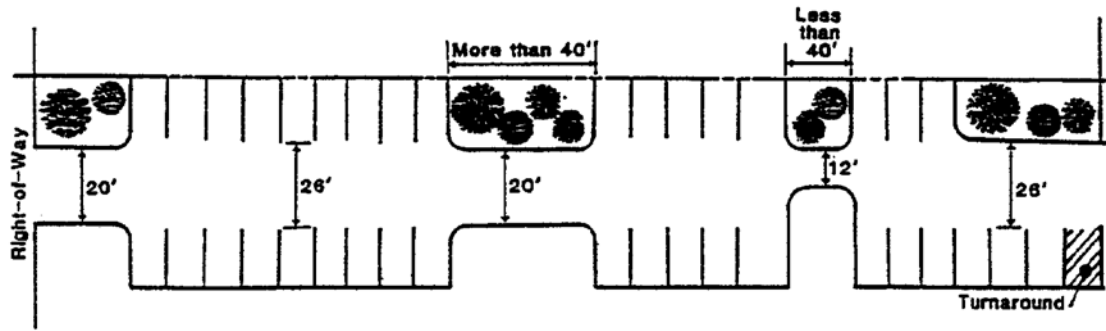


4. Two-way aisles shall have a minimum width of 20 feet.
5. Driveway openings shall be aligned with parking lot aisles.
6. Parking lot designs shall be drawn to scale with dimensions and parking angle indicated.
7. For 90° parking, 2 feet of the stall depth may be used for compact vehicle overhang; 2½ feet of stall depth may be used for standard-sized vehicle overhang.
8. Off-street loading spaces or docks in industrial districts shall be located behind the public right-of-way, a distance no less than the maximum length vehicle permitted on streets and highways by the State of California.
9. Parking spaces for the handicapped shall be 17 feet wide with an 8 foot wide loading area adjacent to the passenger side of the vehicle for one space and 26 feet wide for 2 spaces sharing an 8 foot wide loading area.
10. The minimum driveway widths shown below shall apply to all access driveways irrespective of the total length of the driveway or the number of parking bays or parking areas served by the driveway.

Number of Stalls Served	One-Way Driveway	Two-Way Driveway
1 through 7	10 feet*	12 feet**
8 or more	12 feet	20 feet

*A driveway serving one single-family residence shall be a minimum of 10 feet, except where the house is located more than 150' from public right-of-way, the Fire Department may require 12' driveway width.

**Where the distance between parking bays or areas exceeds 40 feet or visibility between parking bays or areas is impaired, the driveway width shall be 20 feet. (See illustration below.)



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.

"M" designates uses that are permitted after review and approval of a Major 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	-	Refer to Section 10-2750 et seq. for additional standards.
Brewery/Winery/Cidery	A	A	A		
Carpet/Drapery Store	P	P	A	-	
Check Cashing Store	-	-	-	-	
Convenience Market	P	P	P	-	If use includes alcohol sales, see also Section 10-1.2750 et seq. of the Hayward Zoning Code for Alcoholic Beverage Outlets Regulations
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(m), Small Recycling Collection Facilities and Unattended Collection Boxes
Restaurant, Including Micro-Breweries as accessory to the Restaurant	P	P	P	-	See Hayward Zoning Code Section 10-1.2750 et seq. for alcohol regulations See Section 3.4.040.F.4 and

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					
<u>Banquet Hall</u>	<u>C</u>	<u>-</u>	<u>C</u>	<u>-</u>	
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	<u>CM</u>	<u>CM</u>	<u>CM</u>	-	
<u>EV Charging Station</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>C</u>	<u>Does not include ancillary EV charging that is secondary to another primary use.</u>
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 ≤ <u>210,000</u> GFA	P	P	P	C	
Educational Facilities > <u>210,000</u> 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 Uses					
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.gm, 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	-	
<u>Temporary Use, Minor</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>See Section 10-1.2735(n) for criteria and standards.</u>
Temporary Uses	<u>A</u>	<u>A</u>	<u>A</u>	<u>-</u>	<u>See Section 3.5.020, Temporary Uses</u>
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)

10-24.3.5.020 TEMPORARY USES

- A. **Purpose.** The purpose of this Section is to establish standards for short term activities that would be compatible with adjacent and surrounding uses when conducted in compliance with this Section.
- B. **Applicability.** A Temporary Use allows short term activities that might not meet the normal development or use of standards of the applicable zone, but may otherwise be acceptable because of their temporary nature; ~~when reviewed and appropriately conditioned in compliance with this Section and Division 10-24.4.4 (Temporary Use Permit).~~
- C. **Exempt Temporary Uses.** The following ~~minor or limited duration~~ temporary uses are exempt from the requirements for a Minor Temporary Use Permit in Section 10-1.2735(n) or for a Temporary Use Permit in Division 10-24.4.4 (Temporary Use Permit). ~~Uses that do not fall within the categories defined below must comply with Subsection E.~~
1. **Contractors' Construction Yards On-site.**
 - a. On-site contractors' construction/storage yard(s), in conjunction with an approved construction project on the same parcel, including, but not limited to, storage or cargo containers.
 - b. The construction yard must be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.
 2. **Emergency Facilities.** Emergency public health and safety needs/land use activities, as determined by the Planning Director.
 - ~~3. **Fundraising Events.**~~
 - ~~a. Fundraising events (e.g., bake sales, yard sales, car washes, etc.) are limited to a maximum of two days per month for each sponsoring organization.~~
 - ~~b. Sponsorship is limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code.~~
 - ~~4.3. **Garage and Yard Sales.** Garage and yard sales (e.g., personal property sales) are allowed as Temporary Uses when conducted within a MB-CN or MB-NN zoned property and are subject to the standards in Subsection 10-1.2735-e(h) (Garage Sales) of the Hayward Zoning Code.~~
 - ~~5. **Sidewalk Dining.** Sidewalk dining, in compliance with Section 3-5.13 of the Municipal Code.~~
- D. **Allowed Temporary Uses Permit Required.** The following temporary uses and events
1. Temporary uses specified in Section 10-1.2735(n), Minor Temporary Use Permit, require approval of a Minor Temporary Use Permit in compliance with the procedures and requirements of that section.

~~1-2. Any other temporary uses deemed appropriate by the Planning Director require approval of an Administrative Temporary-Use Permit in compliance with the procedures and requirements of Section 10-1.3100, and must comply with the following standards:~~

- ~~1. **Events.** In addition to the following standards, temporary events must comply with Subsection 10-1.2735.h (Outdoor Gatherings) of the Hayward Zoning Code. If there is a conflict between this Section and the Municipal Code, this Section controls.~~
 - ~~a. Circuses, carnivals, and similar transient amusement enterprises in a MB-CC Zone subject to no more than 30 days of site occupation and operation in any calendar year.~~
 - ~~b. Music festivals, movie nights, outdoor art and craft shows and exhibits, and similar outdoor entertainment activities subject to a limitation on the number of days of operation as determined by the Planning Director.~~
- ~~2. **Seasonal Sale Events.** Seasonal sale events (e.g., Halloween, Thanksgiving, Christmas, etc.) must comply with Subsection 10-1.2735.c (Christmas Tree and Pumpkin Patch Lot Regulations) of the Hayward Zoning Code. Accessory uses, including temporary residence/security trailers, are only allowed on non-residential properties. Businesses holding valid a Business Permit, in compliance with Chapter 8-1 (Business Licenses) of the Municipal Code must not exceed 45 days for pumpkin and tree sales. Seasonal sales events may not occur more than four times per calendar year with a maximum of five days for each event.~~
- ~~3. **Storage Containers.** Storage containers, including cargo containers or semitrailers, used for storage purposes.~~
 - ~~a. No storage container may exceed a storage period of 15 days in any calendar year, except as specified below.~~
 - ~~b. A storage container located on an active construction site may be retained longer than 15 days, but must be removed immediately following the issuance of a certificate of conformance or final inspection.~~
 - ~~c. Storage containers are not allowed within the public ROW and must be placed to prevent public health or safety issues.~~
- ~~4. **Tract Homes or Lot Sales Offices.**~~
- ~~5. **Mobile Homes.** A mobile home to be utilized as a temporary dwelling in a residential zone while a single family dwelling is under construction and subject to the following provisions:~~
 - ~~a. The mobile home may only be located on the same parcel under construction and occupied while actual construction activities are taking place upon the parcel. The period of placement and use may not exceed 12 months.~~
 - ~~b. The mobile home may only be occupied by the property owner, the builder designated on the Building Permit, and the owner's/builder's family.~~
 - ~~c. The timely removal and compliance with all conditions of approval may be required.~~
 - ~~d. The minimum setbacks for the zone must be maintained.~~
 - ~~e. Additional conditions necessary and appropriate to ensure compatibility with surrounding development, existing and contemplated, may be imposed on the approved permit.~~
- ~~6. **Temporary Vegetable and Fruit Stands.** A temporary vegetable and/or fruit stand is allowed in compliance with the following standards:~~
 - ~~a. Vegetable and fruit stands must be operated by the producer;~~
 - ~~b. The stand may not operate more than 90 days a year;~~

- ~~c. The producer shall obtain written consent from the land owner to operate a temporary vegetable and/or fruit stand on the property;~~
 - ~~d. More than one stand per lot is prohibited;~~
 - ~~e. Stands may encroach into required setbacks, but may not encroach into the public right of way.~~
 - ~~E. **General Requirements for All Temporary Uses.** The Review Authority (See Division 10-24.4.4 (Temporary Use Permit)) may impose requirements for any of the following conditions:~~
 - ~~1. Compliance with all applicable Federal, State, or County, and local regulations and ordinances;~~
 - ~~2. Compliance with any other permit requirements (i.e., Building and/or Electric);~~
 - ~~3. Applicant availability during temporary use activity;~~
 - ~~4. Agreement that the temporary use will cease on the date printed on the permit, and all related equipment, supplies, product and personnel must be removed from the site; or~~
 - ~~5. Any other condition which will ensure the operation of the proposed temporary use or event in an orderly and efficient manner and in full compliance with the purpose of this Article, including those related to the following:~~
 - ~~a. Cumulative time limits;~~
 - ~~b. Parking;~~
 - ~~c. Operating hours;~~
 - ~~d. Screening;~~
 - ~~e. Storm water;~~
 - ~~f. Waste collection and disposal;~~
 - ~~g. Pedestrian and vehicular access/circulation; and~~
 - ~~h. Signs, in compliance with Section 10-7.600 (Temporary Sign Regulations) of the Hayward Zoning Code.~~
 - ~~F. **Temporary Structures.** Temporary structures are allowed on vacant lots for a period not to exceed six months, provided the area is left unchanged and in its original condition after the removal of the temporary structure.~~
 - ~~G. **Temporary Use of Existing Structures.** Temporary, short-term, use of an existing structure is allowed in all zones, provided:~~
 - ~~1. The short-term use, if a permanent use, would otherwise be a permitted use in the zone;~~
 - ~~2. The short-term tenant has signed a lease with the property owner for a time period of no more than six months.~~
 - ~~H. **Similar Temporary Uses.** Similar temporary uses, which are compatible with the zone and surrounding land uses, may require a Temporary Use Permit in compliance with Division 10-24.4.4 (Temporary Use Permit) and be subject to the standards in this Section, as determined by the Planning Director.~~
 - ~~I. **Condition of the Site Following Temporary Use.** Each site occupied by a temporary use must be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use.~~
- (Amended by Ordinance 24-01, adopted Jan. 23, 2024)

~~DIVISION 10-24.4.4: TEMPORARY USE PERMIT~~

~~10-24.4.4.010 PURPOSE AND APPLICABILITY~~

- ~~A. — This Division establishes the procedures for the review of Temporary Use Permits required by this Code for temporary uses and/or activities that have a short duration, are compatible with adjacent and surrounding uses when conducted in compliance with this Code when reviewed and appropriately conditioned in compliance with this Division. Standards for specific temporary uses are identified in Section 10-24.3.5.020 (Temporary Uses).~~
- ~~B. — A Temporary Use Permit is required to allow the temporary uses and/or short-term activities specified in Section 3.5.020 (Temporary Uses), unless exempted by Subsection 10-24.3.5.020.D (Allowed Temporary Uses).~~

~~10-24.4.4.020 REVIEW PROCEDURES~~

- ~~A. — **Application Filing and Processing.** The application must be filed with the Planning Director and include the information and materials in the most current Department publication for applications together with the required fee as specified in Section 10-1.2815 (Application) of the Hayward Zoning Code. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 10-24.4.4.030 (Findings).~~
- ~~B. — **Administrative Options.** The Planning Director may approve, conditionally approve, or disapprove a Temporary Use Permit application. The Planning Director's decision must be based on the findings listed in Section 10-24.4.4.030 (Findings). For uses not listed in Section 10-24.3.5.020 (Temporary Uses), the Planning Director may determine if the use is allowed with a Temporary Use Permit or requires an Administrative Use Permit in compliance with Section 10-1.2715 (Certain Uses Permitted) the Hayward Zoning Code.~~
- ~~C. — **Conditions of Approval.** In approving a Temporary Use Permit application, the Planning Director may impose conditions of approval that are considered reasonable and necessary to ensure that the permit would be in full compliance with the findings required by Section 10-24.4.4.030 (Findings). This may include conditions from other City departments (e.g., Public Works) that may have a direct effect on the operation of the temporary use. Conditions may address any pertinent factors affecting the operation of the temporary event or use to ensure the operation of the proposed event or use is temporary in nature.~~

~~10-24.4.4.030 FINDINGS~~

The Planning Director may approve a Temporary Use Permit subject to making all the following findings:

- ~~A. — The location, operation, and time period of the temporary use will not constitute a hazard to the public interest, health, safety, or general welfare.~~
- ~~B. — The operation of the temporary use will not be detrimental to adjoining properties through the creation of excessive dust, light, noise, odor, or other undesirable characteristics.~~
- ~~C. — The site on which the temporary use is proposed is adequate in size and shape to accommodate the temporary use without detriment to the enjoyment of other properties located adjacent to and near the subject property.~~

~~10-24.4.4.040 LAPSE OF APPROVAL~~

- ~~A. — A Temporary Use Permit becomes void if not used within six months following its effective date, or within a shorter time specifically prescribed as a condition of the Temporary Use Permit, or at the expiration of an associated development permit if that occurs at a later time. The Planning Director may extend the time for a~~

~~maximum period of one additional six month period only, if an application is filed before the expiration of the six month or shorter time period.~~

- ~~B. — Where the conditions of a Temporary Use Permit have not been or are not being complied with, the Planning Director shall give written notice to the permittee of intention to revoke or modify the Temporary Use Permit and shall set a date for a public hearing with the Planning Commission in compliance with Section 10-1.2820 (Notice) of the Hayward Zoning Code upon the proposed revocation or modification. The notice must be served on the owner of the subject property by mailing the notice to the owner at the address shown on the last equalized assessment roll at least 10 days before the date of the hearing, and specify the date, time, and place when and where it will be held. Following the hearing, and if the Planning Director finds that there is good cause the Temporary Use Permit may be modified or revoked.~~
- ~~C. — If a structure or use granted under a Temporary Use Permit is abandoned for a period of 30 days, the Temporary Use Permit expires.~~

~~10-24.4.4.050 TIME LIMITS~~

- ~~A. — A Temporary Use Permit is valid for up to 180 days in any given calendar year, unless otherwise stipulated in Section 10-24.3.5.020 (Temporary Uses) or the Planning Director determines that another time limit is necessary to comply with the findings in Section 10-24.4.4.030 (Findings).~~
- ~~B. — The Planning Director may limit the number of Temporary Use Permits approved for each lot in a calendar year to avoid temporary uses becoming effectively permanent uses consistent with the intent of this Division.~~

~~10-24.4.4.060 APPEALS~~

~~A decision for a Temporary Use Permit can be appealed in compliance with Section 10-1.2845 (Appeal and Review Process) of the Hayward Zoning Code.~~

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		-	<u>P</u> 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							
Banquet Hall		-	-	-	-	C	C
Cultural or Meeting Facility		AUP	AUP	P AUP	P AUP	P	P

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Educational Facility							
< ~~210~~ ,000 sf		AUP	AUP	P	AUP	P	P
≥ ~~210~~ ,000 sf		-	-	CUP	-	CUP	CUP
Entertainment Facility		-	-	~~P~~ AUP	-	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	~~A~~ -	~~P~~ AUP	~~P~~ AUP	P	P
Outdoor		~~A~~ -	~~A~~ CUP	AUP	~~A~~ -	~~A~~ -	~~A~~ CUP
~~Studio; fitness, art, dance, music, etc.~~		-	AUP	~~P~~	-	~~P~~	~~P~~
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. ~~1045j2735(f)~~	-	CUP	CUP	-	-	-
Hotel/Motel		-	-	AUP	-	P	P
~~Massage Establishment~~		~~=~~	~~=~~	~~C~~	~~=~~	~~C~~	~~C~~
Office		CUP	AUP	P	-	P	P
Pawn Shop		-	-	CUP	-	CUP	CUP
Payday Loan Facility		-	-	CUP	-	CUP	CUP
Personal Services		-	AUP	P	-	P	P
Tattoo		-	-	~~A~~ CUP	-	~~P~~	~~P~~
~~—Restricted~~		-	-	CUP	-	CUP	CUP
Retail and Food Uses							
Artisan/Craft Production		-	CUP	CUP	-	P	P
Bar/Cocktail Lounge/Nightclub	10-1.2750	-	-	-	-	CUP	CUP
~~Brewery/Winery/Cidery~~			AUP	AUP		~~P~~	~~P~~
Commercial Cannabis Retail Dispensary	10-1.3600	-	-	CUP	-	CUP	CUP
~~Distillery~~		~~=~~	~~=~~	~~=~~	~~=~~	~~P~~	~~P~~
Liquor Store	10-1.2750	-	-	-	-	CUP	CUP
~~Restaurant~~							
~~Restaurant—General~~		-	P	P	-	P	P

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(Supp. No. 25, Update 1)

~~—Full Service~~	~~10-1.2750~~	-	-	~~CUP~~	-	~~P~~	~~P~~
~~—Drive-In Establishment Through~~	~~10-1.1045j 2735(f)~~	-	-	~~CUP~~	-	-	-
Retail, General							
≤ 10,000 sf		-	~~CUP~~	~~AUP~~	-	P	P
> 10,000 sf		-	-	~~CUP~~	-	~~AUP~~	~~AUP~~
Auto Uses							
Automobile Sales and Rental		-	-	~~CUP~~	-	~~CUP~~	-
~~Minor~~ Automobile Repair ~~and Service Station~~		-	-	~~CUP~~	-	~~CUP~~	-
Parking Structure		-	-	~~CUP~~	-	~~AUP~~	~~AUP~~
Passenger Transportation		-	-	~~AUP~~	-	~~AUP~~	~~AUP~~
Other Uses							
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
~~Minor~~ Temporary Uses	3.5.060	~~TUP~~ ~~P~~	~~TUP~~ ~~P~~	~~TUP~~ ~~P~~	~~TUP~~ ~~P~~	~~TUP~~ ~~P~~	~~TUP~~ ~~P~~
~~Temporary Uses~~		~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~
Key P: Permitted AUP: Administrative Use Permit CUP: Conditional Use Permit TUP Temporary Use Permit -: 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, gymnasiums, 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 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, oriel, 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.

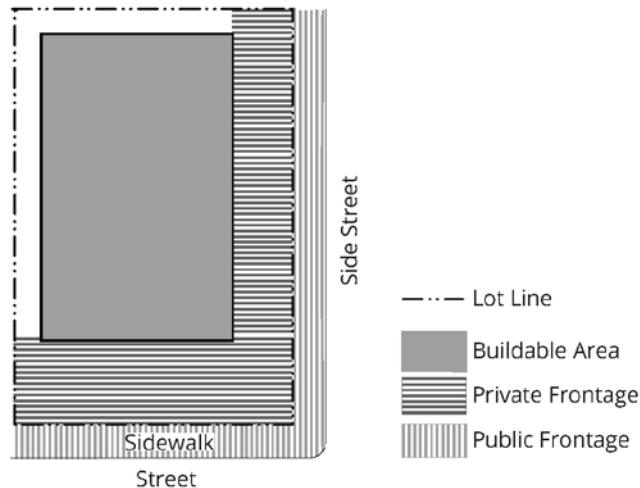


Figure 6.1.030.1 Frontage

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.

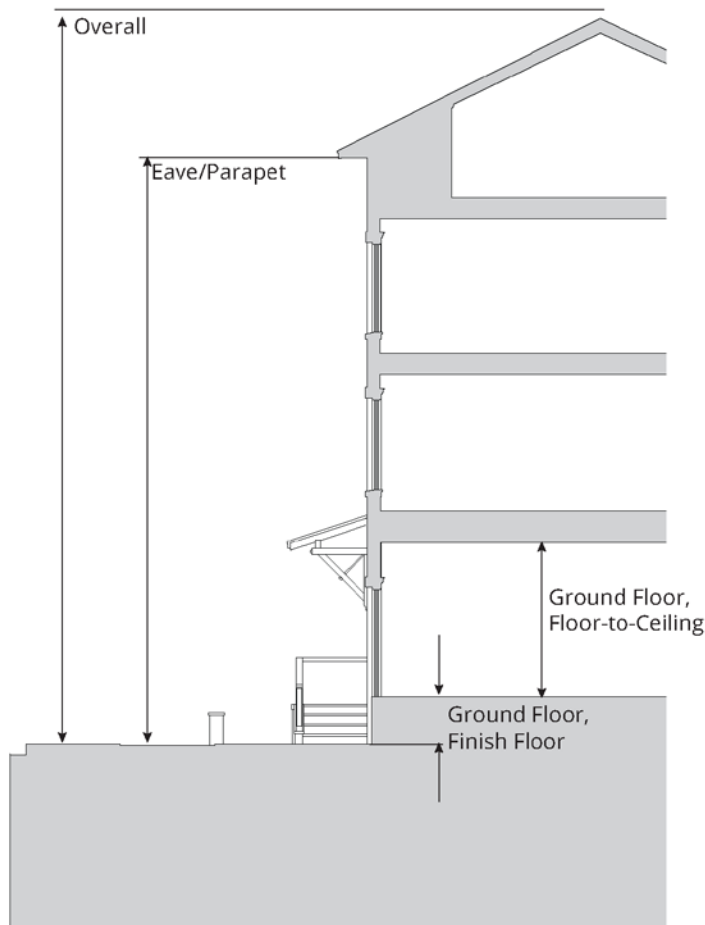


Figure 6.1.030.2 Height

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.

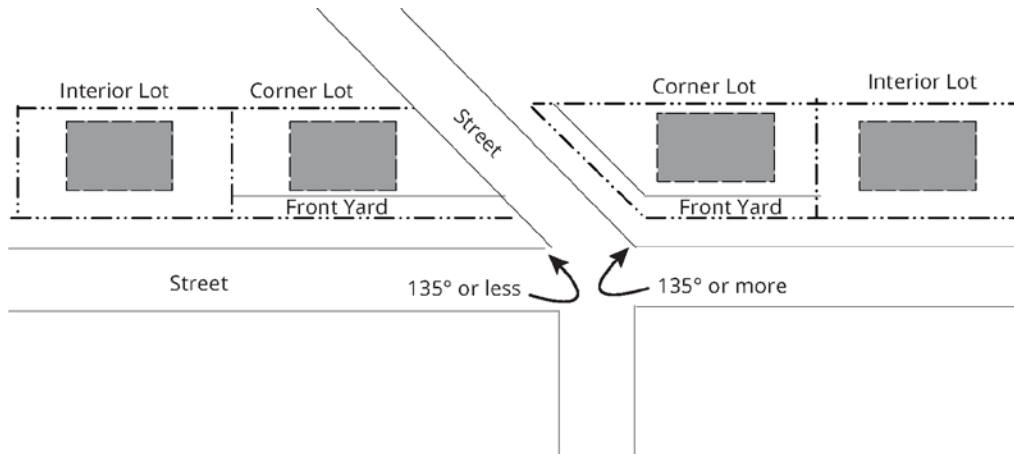


Figure 6.1.030.3 Lot

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.

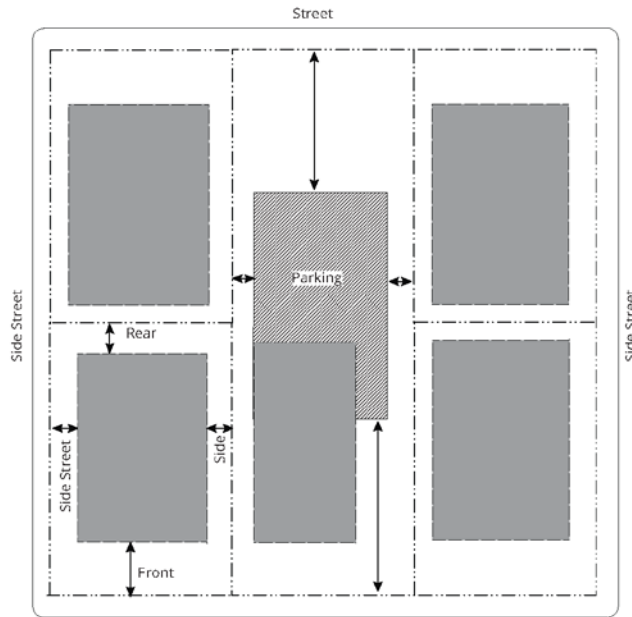


Figure 6.1.030.4 Setback

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)

CABARETS AND DANCES

CABARETS AND DANCES¹**SEC. 6-2.10 TITLE.**

These provisions, relating to cabaret and dances as those terms are hereinafter defined, may be referred to as the "Cabarets and Dances Regulations."

SEC. 6-2.11 DEFINITIONS.

For the purposes of these regulations, unless otherwise apparent from the context, certain words and phrases are defined as follows:

- ~~a.~~ "Applicant" shall mean a living person, corporation, partnership or other business entity that applies for a license to establish, operate, manage or maintain a cabaret or public dance or applies for a permit for a specific, one-time cabaret or public dance event.
- ~~b.~~ "Application" shall mean the form submitted by the owner or operator that, when completed by the applicant, contains information requested by the City of Hayward upon which the Chief of Police or designee may base his or her approval or denial of such application.
- ~~ca.~~ "Cabaret" shall mean any establishment, event, or place where live entertainment is provided ~~by or for~~ a minimum of one hundred ~~any~~ patrons or guests, including but not limited to: live music performances, ~~singing, playing music, dancing, performing karaoke~~, acting, ~~holding a fashion show, performing pantomime~~, performing comedy or other acts or performances and to which admission:
 - ~~(1) May be gained by the public generally with or without the payment of a fee or cover charge or the purchase or presentation of a ticket or token; or~~
 - ~~(2) May be gained by a person without invitation or by anyone who cannot be identified at the time of the issuance of the invitation by the sender.~~
- ~~db.~~ "Day" shall mean a working day during which the City's administrative departments are open and available to the general public.
- ~~ec.~~ "Employee" shall mean any person employed by a licensee or permittee, with or without compensation, in a cabaret.
- ~~fd.~~ "License" shall mean an annual license granted by the Chief of Police to an applicant to operate a cabaret in the City of Hayward.
- ~~ge.~~ "Licensee" shall mean any person who holds a current, valid license, issued by the City of Hayward to operate an on-going cabaret.
- ~~hf.~~ "Owner" shall mean any person, persons, corporation, partnership or any other business entity, or any combination of these, who has any interest, legal or equitable, in any cabaret or any one-time cabaret or public dance permit, excepting a bona fide lending institution licensed by the State of California or the federal government.

¹Note(s)—Public Dances Sections 6-2.10 through 6-2.17 repealed and replaced by Cabarets and Dances Sections 6-2.10 through 6-2.35 by Ordinance 13-15, adopted November 19, 2013.

- ig. "Permit" shall mean a permit granted by the Chief of Police to an applicant to hold a specific, one-time cabaret or public dance event in the City of Hayward.
- jh. "Person" shall mean and include any individual, firm, association, partnership, joint venture or corporation (whether for-profit or nonprofit), or other business entity.
- ki. "Premises" shall mean any structure or portion of a structure to be licensed or permitted, or for which a license or permit has been granted in accordance with the provisions of the Cabarets and Dances Regulations.
- l. ~~"Public Dance" shall mean any event where patrons, guests or persons attending the event are permitted to dance, not including a licensed cabaret, and to which admission:~~
 - ~~(1) May be gained by the public generally with or without the payment of a fee or cover charge or the purchase or presentation of a ticket or token; or~~
 - ~~(2) May be gained by a person without invitation or by anyone who cannot be identified at the time of the issuance of the invitation by the sender.~~

SEC. 6-2.12 CABARET LICENSE REQUIRED.

No person shall establish, maintain, manage or operate any cabaret or allow any cabaret to be established, maintained, managed or operated within any building or structure, or any portion of a building or structure, owned, occupied or controlled by him/her, unless such cabaret is maintained and operated pursuant to a valid, unexpired, unsuspended and unrevoked cabaret license issued pursuant to the provisions of the Cabarets and Dances Regulations. The holder of any such license or his/her designated representative, which representative must have been disclosed in writing to the Chief of Police, shall be required to exercise personal control and direction over the operation of the cabaret and shall be available at reasonable times, during regular operating hours, to the Chief of Police or designee. ~~The requirement for a cabaret license is in addition to any other license or permit required by the Hayward Municipal Code, including but not limited to a business license pursuant to Article 1 of Chapter 8 or any use permit or variance pursuant to Article 1 of Chapter 10.~~ The requirement for a cabaret license is in addition to any other license or permit required by the Hayward Municipal Code, including but not limited to a business license pursuant to Article 1 of Chapter 8 and Chapter 10. License holders shall also be required to comply with the conditions of approval, requirements established with any use permit or variance approvals pursuant to Article 1 of Chapter 10 of the Hayward Municipal Code.

SEC. 6-2.13 EXCEPTION TO LICENSE OR PERMIT REQUIREMENTS FOR CERTAIN PUBLIC DANCES.

~~No cabaret permit or license shall be required for dances held by public recreational or educational agencies, or bona fide patriotic, religious, or fraternal associations or organizations, or for dances held in connection with patriotic, holiday, or school celebrations or festivals, where such dances are casual or for one (1) such occasion only, and are not conducted more often than once a month.~~

SEC. 6-2.14 APPLICATION FOR A LICENSE.

An application for a cabaret license shall be completed by the applicant and filed with the Police Department upon such form as may be furnished by that department. ~~The Police Department shall forward copies of the application to the Director of the Finance Department and the Planning Manager of the Development Services Department.~~ The application shall set forth and include the following:

- a. The location of the cabaret for which the license is required, including a specific description of the place, building, structure or portion of the building, structure or place, where the cabaret is to be

situated. If the entire building, structure or place is proposed to be used as a cabaret, the application shall so state and shall request a license for the entire building, structure or place. If only a portion of the building, structure or place is proposed to be used as a cabaret, the applicant shall so state, shall describe such portion and shall request a license for only such portion. No license shall be deemed issued for any portion of any building, structure or place which the application fails to state is to be used for cabaret purposes or for which the application fails to specifically request a license.

- b. The true and complete name and address of ~~the Cabaret License applicant each owner or and/or~~ owner(s) or lessee(s) of the building, structure or place within which the cabaret is proposed to be maintained:-
- c. The true and complete name and address of the person or persons to whom it is requested that a cabaret license be issued as follows:
 - (1) If the proposed licensee is an individual, the application shall set forth the name, residence and business address of the individual;
 - (2) If the proposed licensee is a corporation, the application shall set forth the complete name of the corporation and the state within which it is incorporated, together with its ~~home address and also its~~ local address, and the names and contact information of the authorized representatives of the corporation; and, ~~as well as the names and addresses of the board of directors, the names and addresses of all of the corporate officers, and the names and addresses of each shareholder; and~~
 - (3) If the proposed licensee is a partnership, the application shall set forth the full names of all partners and the firm name under which the partnership operates, together with names and contact information of the authorized representatives of the firm. ~~the addresses of all partners.~~
- d. ~~A set of clearly identifiable fingerprints and photographs of each person to whom a license is to be granted; or in the case of a partnership, fingerprints and photograph of the managing partner; or in the case of a corporation, fingerprints and photograph of the president or chief executive officer. The fingerprints and photographs shall be in the form and manner and by an agency approved by the Chief of Police. The Applicant or licensee seeking a Cabaret License shall complete a Request for Live Scan Service and Background Check.~~ Each person shall have paid to the Police Department the current fee set by the City of Hayward's Master Fee Schedule for receiving and processing fingerprints so taken.
- e. A statement as to whether or not any of the persons required to be named in the application have at any time been convicted of any crime or crimes and if so, the nature of the crime for which they were convicted, the date and jurisdiction of the conviction.
- f. A statement describing any previous permit or license, including any conditional use or other use permit; obtained by the applicant for the sale of alcohol or any entertainment ~~or dancing~~ activities with a statement as to whether any permit or license previously granted to the applicant has been denied, revoked or suspended, and also, the type of permit or license which was denied, suspended or revoked, the time of denial, revocation or suspension, the jurisdiction denying, suspending or revoking the permit or license and the reasons for such action;
- g. A statement that the applicant understands and agrees that the cabaret established or maintained under any license issued pursuant to the application filed shall be established, operated, managed and maintained in full conformity with all the laws of the State of California and the applicable laws and regulations of the City of Hayward, and that any violation of any such laws in or in connection with the cabaret shall render any license subject to immediate suspension or revocation and the ongoing operation of the cabaret a nuisance;
- h. ~~A full and complete financial statement of the applicant (the individual, partnership, corporation or other business entity);~~

-
- ih. A statement that the applicant understands and agrees that City representatives, including the Chief of Police or designee, shall have access to the proposed cabaret premises and to the business records of the applicant for the purpose of investigating compliance with the provisions of these regulations and all other applicable state and federal laws and regulations, and the applicant consents to any such search and consequential seizure;
 - ji. A statement that the applicant understands and consents for itself and any individuals named in the application and thereby authorizes the Hayward Police Department to conduct background investigations and obtain criminal history information for each individual named in the application and further to include in any report to the City Manager and City Council any information, including but not limited to any criminal convictions, that the Chief of Police considers relevant and necessary concerning any person named in the application;
 - kj. A detailed description of the proposed activities to be conducted including whether an admission fee or cover charge will be charged or whether tickets will be issued and the identity of all on-site managers;
 - kl. A description of the specific areas, facilities or operations where security will be provided and security measures the applicant has or will take or cause to be taken, including security personnel staffing, training and provision of security ~~in and around off-street parking areas~~ and whether security personnel will be armed. The description shall also include any security provisions established in these Cabaret Regulations, including section 6-2.30 (Patron Safety and Security). If the cabaret serves alcoholic beverages, such security measures shall be consistent with the provisions contained herein;
 - ml. A statement regarding the days and hours of operation to which the licensee will adhere;
 - nm. The building and floor plan of the premises, which shall have no hidden rooms or screens and which once the license is issued shall not be modified without the prior written approval of the City;
 - on. A statement regarding whether alcohol will be served and whether the applicant has or will be applying for a license from the Department of Alcoholic Beverage Control;
 - po. Such other information that the applicant or the City may consider pertinent; and
 - qp. The contents of the application shall be certified under penalty of perjury as follows:
 - (1) By the proposed licensee if an individual;
 - (2) By a general partner if the proposed licensee is a partnership; or
 - ~~(3) By the president of the corporation if the proposed licensee is a corporation;~~
 - (43) By the controlling owner/manager/executive of any other business entity.

SEC. 6-2.15 LICENSE APPLICATION FEE.

A nonrefundable application fee, the amount of which is set in the City of Hayward's Master Fee Schedule, shall accompany the application and shall be retained by the City for the cost of investigating and processing of the application, whether the application is approved. The application fee shall be paid to the Police Department at the time of submittal of the application.

(Amended by Ordinance 17-18, adopted Nov. 28, 2017)

SEC. 6-2.16 LICENSE APPLICATION, ACCEPTANCE, REFERRAL, INVESTIGATION AND REPORT.

- a. Upon receipt of an application for a cabaret license, the Police Department shall examine it, and if it is determined that it fails to comply with the requirements of these regulations or does not contain all the information required by these regulations, the application shall be returned to the applicant for proper completion of the application, together with a statement indicating the deficiencies. If the application does comply, the Police Department shall refer copies to other City offices as needed, including the Planning Division of the Development Services Department.
- b. The Chief of Police shall investigate or cause to be investigated, the contents of the application. The Chief of Police, or designee, is hereby authorized to conduct background investigations and obtain criminal history information for each person required to be named in the application for determining whether any such person should be disqualified for any of the following reasons:
 - (1) Applicant has been convicted of any crime punishable as a felony or ~~any misdemeanor involving dishonesty or moral turpitude or~~ has entered a plea of nolo contendere to any lesser or included offense, including but not limited to crimes involving battery, assault, robbery, burglary, gambling, larceny, fraud, sale or possession for sale of a controlled substance, prostitution, pimping, pandering, or lewd conduct.
 - (2) Applicant has associated with criminal profiteering activity or organized crime, as defined by Section 186.2 of the Penal Code.

The Chief of Police, within ~~sixty~~thirty (630) days of receipt of a complete application, shall render a decision on the application, and shall give reasons for the decision.

SEC. 6-2.17 LICENSE ISSUANCE.

- a. ~~Within ten (10) days of the decision by the Chief of Police, t~~The license may be approved subject to such conditions, limitations and restrictions as may be deemed reasonably necessary. Each license approved by the Chief of Police shall be subject to the licensee's compliance with all applicable provisions of these regulations, in addition to such conditions, limitations and restrictions as the Development Services Department may deem reasonably necessary.
- b. No license shall be approved if it appears that any one (1) of the following facts exists:
 - (1) The applicant for the license has not obtained approval of a conditional use or other use permit for the cabaret or primary use, if required by Article 1 of Chapter 10 of the Hayward Municipal Code; or
 - (2) The operation of a cabaret at the proposed location will aggravate the crime problems in the area, or otherwise be detrimental to crime prevention or be detrimental to the public peace, health, welfare or safety in the area; or
 - (3) The Fire Chief, Building Official or Planning Director indicates that the license would result in a violation of the laws or regulations such officials administer; or
 - (4) That the applicant, or its owners, officers or employees, are unfit to operate a cabaret business. In making such determination, the Chief of Police may consider:
 - (i) The ~~commission conviction~~ of any criminal acts punishable as a felony by the applicant, its owners, officers, or employees involving dishonesty, fraud or deceit with the intent to benefit substantially oneself or another, or substantially injure another; or
 - (ii) The license and permit history of the applicant, ~~its owners, officers~~ and employees, and whether such person in previously operating in this or another state under a license or permit has had

such license or permit revoked, denied or suspended, the reasons for such action, and the resulting actions of such persons;

~~(iii) The applicant does not have, in the judgment of the Chief of Police, the financial capability or business experience to operate a cabaret in a manner that would protect its patrons and the citizens of the community.~~

(5) That the applicant has failed to comply with any of the provisions of the Hayward Municipal Code or other applicable laws applicable to the premises, equipment or operation of the business for which a permit is requested; or

(6) That the applicant has knowingly made false statements in the application.

c. Upon the approval or conditional approval of a license by the Chief of Police, the license shall be issued to the applicant ~~within ten (10) days of such approval~~, pursuant to such conditions, limitations and restrictions required by the Chief of Police. In the case of a partnership, a license shall be issued in the name of all the partners.

d. In the event an application is denied, the Chief of Police shall notify the applicant within ten (10) days of such denial and the reasons for the denial. The decision of the Chief of Police may be appealed to the Planning Commission in accordance with the provisions of Section 10-1.2845 of this Code.

~~e. Under no circumstances shall any conditions attached to any license be construed to convert such license into any kind of transferable, conditional use permit.~~

fe. Every licensee under these regulations shall pay a business license tax as set forth in Article 1 of Chapter 8 of the Hayward Municipal Code.

SEC. 6-2.18 SUSPENSION AND REVOCATION OF LICENSE.

All licenses authorized and issued under the provisions of the Cabarets ~~and Dances~~ regulations shall be subject to suspension or revocation by the Chief of Police under any of the following conditions:

- a. The licensee, or any employee or agent of such licensee has knowingly failed to comply with any of the provisions of these regulations; or
- b. The licensee, or any employee or agent of such licensee, has knowingly breached any term or condition upon which the cabaret license was issued; or
- c. Facts exist which would justify denial of an application for such license pursuant to these regulations; or
- d. The cabaret is conducted in such a manner as to constitute a nuisance, or to disturb the peace of persons in the vicinity or to be deleterious to the public peace, morals, health, safety or welfare; or
- e. The conditional use permit or other use permit approved for the cabaret has been suspended or revoked; or
- f. The licensee has failed or refuses to pay such fees or taxes imposed under the Hayward Municipal Code when due and payable.

SEC. 6-2.19 PROCEDURES FOR THE SUSPENSION AND REVOCATION OF CABARET ~~AND DANCE~~ LICENSES.

Cabaret ~~and dance~~ licenses or permits may be suspended or revoked pursuant to Article 1 of Chapter 6.

SEC. 6-2.20 EXPIRATION DATE OF LICENSES.

All cabaret licenses issued pursuant to these regulations shall automatically expire one (1) year after such license was issued or renewed.

SEC. 6-2.21 RENEWAL PROCEDURES AND FEES FOR LICENSES.

A valid license issued pursuant to the provisions of these regulations, or its predecessor regulations, which has not been surrendered, suspended or revoked, may be renewed for respective periods of not longer than one (1) year upon the following terms and conditions:

- a. An application for renewal of any such license shall be filed sixty (60) days prior to the expiration of the existing license with the Police Department on forms provided by that Department.
- b. Applications for renewal shall indicate whether any information required by Section 6-2.14 herein has changed, and shall be accepted, referred, investigated, reported, issued and dated as provided in Sections 6-2.16 and 6-2.17 hereinabove. If the completed application for renewal is submitted in a timely manner as required under subsection (a) above, then pending the completion of such investigations and reports, the existing cabaret license shall not expire pursuant to Section 6-2.20.
- c. If such application for renewal is not filed, or the application fee is not paid within the time specified by subsection (a) above, the license shall be deemed surrendered at the expiration date of such license.
- d. Renewal fees for licenses shall be the same as those fees charged for new licenses.
- e. Any current cabaret licensee who desires to physically relocate their cabaret must file an application for renewal pursuant to Sections 6-2.14 through 6-2.17 hereinabove and obtain ~~a conditional use permit such a use permit for the~~ new location, if ~~same is~~ required by Chapter 10, Article 1 of the Hayward Municipal Code.

SEC. 6-2.22 LICENSES NON-ASSIGNABLE.

- a. Except as otherwise provided for in these regulations, no cabaret license may be sold, transferred or assigned by the licensee, or by operation of law, to any person, persons or legal entity without the prior approval of the Chief of Police, which approval shall be conditioned upon the proposed transferee's compliance with the Cabarets and Dances regulations. Any sale, transfer or assignment, or attempted sale, transfer or assignment without such prior approval shall be deemed a voluntary surrender of such license, which license shall immediately be deemed terminated and void.
- b. A license issued to an individual who dies during the calendar year shall terminate one (1) year after the license was issued, except that the personal representative of the estate of that individual may apply for renewal of the license for one (1) year providing the representative has complied with all requirements of these regulations.
- c. If the licensee is a partnership and one (1) or more of the partners dies, the surviving partners, or partner, may, with prior approval of the Chief of Police, acquire, by purchase or otherwise, the interest of the deceased partner, or partners, without affecting a surrender or termination of the license.
- d. Any change in the ~~board of directors of a corporation which holds a license or in the~~ managing partners of a partnership or the ownership of any other business entity that holds a license shall require the prior approval of the Chief of Police, which may condition such approval ~~on any appropriate basis~~ based on the criteria listed in these Cabaret Regulations.

e. ~~Any change of legal status of a licensee (such as a change from individual to corporate status) not otherwise provided in this section, shall require the prior approval of the Chief of Police, who may condition such approval on any appropriate basis.~~

SEC. 6-2.23 COMMENCEMENT OF OPERATIONS.

- a. An applicant who has received approval for a cabaret or license and paid all appropriate fees must commence operation of the cabaret within ninety (90) days following issuance of the license.
- b. A license becomes void upon a ninety (90) day absence or suspension of operations allowed by it, regardless of the reasons for the absence or suspension of operations; except that the Chief of Police may, during the ninety (90) days, extend the time for an additional sixty (60) days, for good cause shown.

SEC. 6-2.24 OBLIGATION TO INFORM OF CERTAIN CHANGES CONCERNING LICENSEES.

- a. The licensee shall notify the Police Department in writing within fourteen (14) days of any change in the information required in an application for license issuance or renewal as provided in Section 6-2.14, except that no such change need be reported if such change occurs within thirty (30) days immediately preceding the expiration of such license. At the discretion of the City, a new or amended application for a license may be required.
- b. The Chief of Police shall promptly inform the relevant City departments of any notification received pursuant to the provisions of subsection (a) above.

SEC. 6-2.25 RECORD AND VIDEO SYSTEMS.

The licensee shall keep and maintain all cabaret books, documents, records and accounts (whether in printed form or as electronic media) in accordance with recognized business accounting principles. Any and all video recordings made for security in the cabaret shall be marked with the date and time made and shall be kept, in an unaltered state, for a period of seven (7) days, unless longer or shorter periods of time are ordered by the Chief of Police or designee. All video recordings must be made available to any law enforcement agency for duplication upon demand.

SEC. 6-2.26 PERMITS FOR SINGLE CABARET ~~OR PUBLIC DANCE~~ EVENTS.

- a. A single cabaret ~~event or public dance~~ event may be conducted in the City of Hayward upon the issuance of a permit by the Chief of Police.
- b. An applicant shall file an application with the Chief of Police at least two (2) weeks prior to the proposed event with the application fee set forth in the City's Master Fee Schedule. The application shall include:
 - (1) The location of the cabaret ~~or public dance~~ event.
 - (2) The true and complete name and address of the person or persons to whom it is requested that a cabaret permit be issued, as follows:
 - (i) If the proposed permit is an individual, the application shall set forth the name, residence and business address of the applicant;
 - (ii) If the proposed licensee is a corporation, the application shall set forth the complete name of the corporation and the state within which it is incorporated, together with its home address ~~and also its local address, and the names and contact information of the authorized representatives of the corporation; and, as well as the names and addresses of the board of directors, the names~~

~~and addresses of all of the corporate officers, and the names and addresses of each shareholder; and~~

- (iii) If the proposed licensee is a partnership, the application shall set forth the full names of all partners and the firm name under which the partnership operates, together with names and contact information of the authorized representatives of the firm~~, the addresses of all partners.~~
- (3) The true and complete name and address of each applicant, lessee(s) and/or owner or owners of the building, place or structure within which the cabaret~~-or public dance~~ is proposed to be conducted.
- (4) A description of the event including date and times of the event, number of people expected to attend, and whether alcohol will be served and if so whether the appropriate approval has been received by the State Department of Alcoholic Beverage Control.
- (5) A description of the security measures that will be taken, both at the event and in and around off-street parking areas. If alcohol will be served at the event, the security measures shall meet the requirements contained herein.
- (6) Any further information the Chief of Police deems necessary in reviewing the application.
- c. Any such permit for a single cabaret~~-or public dance~~ event shall only be approved if the event will occur in a zoning district that permits such an activity pursuant to the Zoning Ordinance set forth in Chapter 10 of the Hayward Municipal Code.
- d. In granting or denying such permit, the Chief of Police shall give consideration to the public health, safety and welfare, particularly for those persons living in the surrounding area.
- e. Only one (1) permit for a single cabaret~~-or public dance~~ event will be issued for a particular applicant or for a particular location within a three-month period.
- f. Permits issued for a single cabaret event~~-or a public dance~~ event are nontransferable and non-assignable.
- g. If both cabaret and dance activities are intended, only one (1) permit under this section will be required, depending on the primary activity to be conducted.

SEC. 6-2.27 OPERATING REGULATIONS FOR ALL CABARETS ~~AND DANCES.~~

It shall be unlawful for any person operating a cabaret or conducting an ~~an dance or~~ entertainment event, or any agent, employee, or representative or such person, to permit any breach of the peace therein or any disturbance of public order or decorum by any tumultuous, riotous or disorderly conduct or otherwise, or to violate or permit the violation of any of the following regulations:

- ~~a. The area in which any dancing is being done shall be kept well lighted.~~
- b. No obscene or illegal conduct or behavior within the building and/or premises of a licensed Cabaret event shall be permitted.
- c. No person under the age of eighteen (18) years shall be admitted unless accompanied by his parent, guardian or other person having the care and custody of such person. The Chief of Police may approve a permit to allow younger participants, if the event is planned specifically for youth.
- ~~d. No dancing shall be permitted between the hours of 2:00 a.m. and 10:00 a.m.~~
- ~~e. All persons shall be fully clothed.~~
- ~~f. No person under the influence of intoxicating liquor shall be admitted or permitted to remain in or upon the premises.~~

-
- g. At all times during the holding of any ~~dance or~~ event, all doors leading from or opening into the place where the ~~dance event~~ is held, are to remain unlocked, unbarred, or unfastened.
 - h. No return check shall be issued.

SEC. 6-2.28 LICENSEE/PERMITTEE RESPONSIBLE FOR VIOLATIONS.

The licensee of any cabaret or permittee for any cabaret ~~or public dance event~~ shall comply with all generally applicable state and local laws and regulations, and be responsible for all violations of ~~shall comply with~~ the laws of the State of California, ~~and or of~~ the ordinances, regulations and conditions of the City of Hayward that relate to the operation of a cabaret, which occur within the cabaret, whether or not the violations occur within the licensee's/permittee's presence or with the licensee's/permittee's knowledge. The licensee/permittee agrees that allowing more patrons on the premises than that authorized by the Hayward Fire Marshal constitutes a violation of the license and may be enforced by the Police Department.

SEC. 6-2.29 VIOLATION OF STATE AND CITY LAWS.

No licensee (or its agents or employees) nor permittee (or its agents or employees) shall engage in or permit any other person on such premises to engage in any act in violation of the laws of the State of California or of the ordinances, regulations and conditions of the City of Hayward.

SEC. 6-2.30 PATRON SAFETY AND SECURITY.

~~The licensee/permittee shall be responsible for the security and safety of patrons in the cabaret in and around off-street parking areas.~~ Security shall meet the following performance standards:

- a. There shall be a minimum of one (1) security personnel on duty for the first fifty (50) patrons on site. Once the number of patrons exceeds fifty (50), there shall be one (1) additional security personnel on duty for up to and including each additional fifty (50) patrons on site. "On-site" means all patrons within the establishment and waiting in line to enter the establishment.
- b. The security personnel shall be on duty when the entertainment begins or 9:00 p.m., whichever is earlier, and shall remain on duty for at least one-half hour after the establishment closes or until all patrons have vacated the area immediately surrounding the establishment and the parking sites used by the patrons.
- c. The security personnel shall provide security inside the establishment, along the outer perimeter of the establishment and parking sites immediately adjacent to the establishment and used by the patrons.
- d. Security personnel shall use an ID scanner to verify authenticity of ID cards for all patrons who enter the business.
- ~~e.~~ The security personnel, in coordination with the Hayward Police Department, shall remove all illegal contraband that may be found on patrons, report the existence of the contraband ~~to the Hayward Police Department,~~ identify the person in possession of the contraband and immediately turn the contraband over to the ~~proper~~ law enforcement authorities.
- f. All security personnel shall be registered and maintain valid registration status with the State of California's Department of Consumer Affairs. All security personnel shall be registered at a level that is equivalent to or greater than a proprietary private security officer. Proof of registration for all security personnel shall be maintained by the establishment's operator and shall consist of application forms, receipts for application fees and live scan fees and any other document showing evidence of valid registration.

- g.f.** At closing time, the security personnel shall ensure that the establishment's patrons have been cleared from the sidewalk and street areas in front of the establishment, from other areas around the perimeter of the establishment and from areas within ~~one hundred~~ fifty (150) feet of the establishment.
- hg.** While on duty, all security personnel shall wear a nameplate containing the security personnel's full name and the word "Security" printed in bold, capital letters that are at least three-fourths of one (1) inch high and in contrasting color. The nameplate shall be exhibited prominently on the clothing, at chest level, and shall be visible and easily read at all times. The nameplate shall be a minimum of two (2) inches high and four (4) inches wide. As an alternative to a nameplate, the security personnel's name and the word "Security" may be embroidered on the security personnel's outermost garment with the required information meeting the above specifications and located at chest level.
- ih.** The establishment's operator shall not allow any security personnel to, and no security personnel shall, sit at the bar, or consume alcoholic beverages or any controlled substance, be under the influence of alcoholic beverages or any controlled substance, or engage in any violations of the law while on duty.
- ji.** The establishment's operator shall not allow any security personnel to be, and no security personnel shall be, in possession of any firearm while on the establishment's premises without the security personnel having first obtained a license from the appropriate state or local agency authorizing the security personnel to be in possession of a firearm.
- kj.** If the establishment employs or otherwise engages security personnel who will be in possession of a firearm while on the establishment's premises, the security personnel shall provide the Chief of Police with the following documentation no less than fourteen (14) days prior to the date the security personnel will begin performing services at the establishment:
- (1) A copy of the license issued to the security personnel authorizing the possession of such firearm;
 - (2) A copy of the security personnel's law enforcement identification if employed by a law enforcement agency; and
 - (3) A copy of the security personnel's California driver's license or California identification card.
- lk.** The establishment's operator shall at all times manage waiting lines outside the establishment to ensure that there are no impediments to pedestrian travel in the pedestrian walkway, no blockage of neighboring businesses, and no disturbance of the public peace.
- ml.** At least one (1) person in possession of a valid cabaret license shall be present at the establishment at all times when entertainment requiring a cabaret license is being provided. Said licensee shall cooperate fully with the Chief of Police, or any City official responsible for enforcing the Alcoholic Beverage Outlet regulations, with any inquiry, inspection reasonable request or investigation necessary to implement the requirements of these regulations or to enforce any other state, local or federal law.

SEC. 6-2.31 POSTING OPERATING REGULATIONS.

A set of operating regulations in a form approved by the Chief of Police and containing the provisions of Sections 6-2.27 through 6-2.33 herein, as well as any relevant operating conditions that may be imposed by the Chief of Police, City Council or the Planning Commission, shall be prominently posted by licensee/permittee in at least one (1) conspicuous location within every cabaret, as determined by the Chief of Police.

SEC. 6-2.32 INSPECTION FOR ENFORCEMENT; SUMMARY SUSPENSION.

All premises operating pursuant to the terms of these regulations may be administratively inspected for violations of these regulations, without a warrant at any time during normal operating hours by the Chief of Police

of the City of Hayward or designee. Any evidence of any violation of the terms of these regulations that are observed during an inspection may be seized without warrant provided that such evidence shall be specifically identified and a receipt shall be given to the owner of such evidence and to the licensee of such premises or his agent. At all times, a designated manager or person in charge shall be on the premises and available to the Police Department. Evidence collected during an inspection may be used to support administrative enforcement proceedings under this Code or other applicable regulations. A violation of these Cabarets and Dances regulations may result in immediate closure by the Police Department, pursuant to the summary suspension provisions set forth in the Alcoholic Beverage Outlets regulations (Hayward Municipal Code Sections 10-1.2750 et seq.).

SEC. 6-2.33 POWERS OF CHIEF OF POLICE AND OFFICERS.

The Chief of Police and his/her sworn officers shall have the power to ~~stop any public dance or~~ close any premises, whether a permit is issued hereunder or not, for disturbing the peace, disorderly conduct, obscene or indecent behavior, or for violation of any law or ordinance.

SEC. 6-2.34 INJUNCTIVE RELIEF; ADMINISTRATIVE CITATION.

In addition to the legal remedies provided for in this Code, the operation of any cabaret in violation of the provisions of these regulations or other applicable laws and regulations shall be deemed a public nuisance, and the City of Hayward may bring an action in any court of competent jurisdiction to enjoin such nuisance or issue an administrative citation pursuant to Chapter 1, Article 7 of this Code.

SEC. 6-2.35 VIOLATIONS; PENALTIES.

Any person violating any provision of these regulations or knowingly or intentionally misrepresenting to any officer or employee of the City any material fact in procuring the license or permit shall be punishable as set forth in Article 3 of Chapter 1 of this Code.



CITY OF HAYWARD

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

File #: CONS 26-179

DATE: May 5, 2026

TO: Mayor and City Council

FROM: Fire Chief

SUBJECT

Adopt a Resolution Authorizing the City Manager to Execute a Service Agreement with Bay Area Tree Specialists for the Fire Department's Vegetation Management Programs through June 30, 2031, in an Amount Not-to-Exceed \$200,000 Annually and \$1,000,000 Total, Contingent Upon the Annual Receipt and Appropriation of Grant Funding to Support the Agreement

RECOMMENDATION

That City Council adopts the attached resolution (Attachment II) authorizing the City Manager to enter into an agreement with Bay Area Tree Specialists for the Hayward Fire Department's (HFD) Vegetation Management Programs through June 30, 2031 in an amount not to exceed \$200,000 annually and \$1,000,000 total. The continuation of this agreement is contingent upon the annual receipt and appropriation of grant funding dedicated to these services. Services offered to the community include the Department's no cost chipping services, Residential Assistance Program (RAP), and as-needed fuel reduction services.

SUMMARY

HFD is seeking to contract with Bay Area Tree Specialists to assist the Department in running its Vegetation Management Program through June 30, 2031. The cost of the contract is to be fully funded by annual grants HFD receives, and will amount to no more than \$200,000 annually, and \$1,000,000 in total. HFD has already been awarded \$215,000 from the Department of Forestry and Fire Prevention (CAL Fire) for the 2026 calendar year to help fund the Vegetation Management Program. Receipt and appropriate of the funds was previously approved by Council via Resolution 26-015.

HFD will seek additional grant funding during the course of the agreement, allowing the program to continue on an annual basis, and will obtain approval from Council to receive and appropriate that funding annually.

ATTACHMENTS

File #: CONS 26-179

Attachment I	Staff Report
Attachment II	Resolution



DATE: May 5, 2026

TO: Mayor and City Council

FROM: Fire Chief

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute a Service Agreement with Bay Area Tree Specialists for the Fire Department's Vegetation Management Programs through June 30, 2031, in an Amount Not-to-Exceed \$200,000 Annually and \$1,000,000 Total, Contingent Upon the Annual Receipt and Appropriation of Grant Funding to Support the Agreement

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SUMMARY

HFD is seeking to contract with Bay Area Tree Specialists to assist the Department in running its Vegetation Management Program through June 30, 2031. The cost of the contract is to be fully funded by annual grants HFD receives, and will amount to no more than \$200,000 annually, and \$1,000,000 in total. HFD has already been awarded \$215,000 from the Department of Forestry and Fire Prevention (CAL Fire) for the 2026 calendar year to help fund the Vegetation Management Program. Receipt and appropriate of the funds was previously approved by Council via Resolution 26-015.

HFD will seek additional grant funding during the course of the agreement, allowing the program to continue on an annual basis, and will obtain approval from Council to receive and appropriate that funding annually.

BACKGROUND

HFD established a vegetation management program in 2012 to assist residents of Hayward and Fairview with creating defensible space in high-fire hazard areas. The Vegetation Management Program offers a no-cost chipping service for residents who cut and stack their brush and tree limbs to be chipped for their use or hauled away. Since the inception of the program, HFD has received several requests for assistance with cutting and stacking materials from residents unable to perform the required work. In response, HFD implemented a RAP to assist community members unable to perform these tasks due to age, low income, or disability. HFD relies fully on grant funding to sustain this program and anticipates continued support from future local, state, and federal grants. FY26 funding was received from CAL Fire and appropriated via Council Resolution 26-015.

DISCUSSION

In March 2026, HFD conducted RFP# 26-036 to solicit quotes to perform as needed vegetation management services. HFD's Vegetation Management Program consists of on-call tree limb chipping service, residential assistance program for defensible space, and as needed fuel reduction services determined by our annual surveys, complaint inspections, and defensible space projects. HFD received seven responses to the RFP and on April 16, 2026, an award letter was issued to Bay Area Tree Specialist.

With the addition of the grant funding and expanded scope of work associated with the grant project, it is necessary for HFD to enter into a contract with a provider that has a large enough operation to handle the additional volume anticipated with the grant-funded opportunities. At the conclusion of the RFP review, HFD has selected to partner with Bay Area Tree Specialists as the provider to assist with vegetation management related work. The grant has no cost matching obligations and is fully reimbursable through Cal Fire.

Bay Area Tree Specialists was selected due to their extensive resume including successful government and private contracts since their inception in 2004. Additionally, their staff lists a wide range of expertise in critical areas, as well as managing a fleet that can handle the volume of work anticipated in the upcoming year. Bay Area Tree Specialists also provided a clear and concise work plan in partnership with HFD which provided the confidence that they would be both an excellent partner and high-quality provider. In a comparison study, costs were also aligned with similar providers, and with the addition of the grant funding, a feasible option for the City.

FISCAL IMPACT

This contract is fully funded through grants, does not require the use of City budgeted money and will have no impact on the City's funds. These funds will allow HFD to procure supplies and services it would not be able to under this year's operating budget.

STRATEGIC ROADMAP

This initiative supports the Strategic Roadmap priority to “Enhance Community Safety”. In particular, it supports the metric to “Strengthen Emergency Preparedness.”

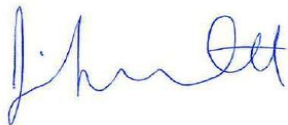
NEXT STEPS

Upon approval of the attached resolution, the City Manager will negotiate and execute an agreement with Bay Area Tree Specialists and staff will commence with scheduling Vegetation Management Program participants.

Prepared by: Lauren Dekas, Management Analyst
Norma Marples, Senior Secretary

Recommended by: Ryan Hamre, Fire Chief

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 ENTER INTO AN AGREEMENT WITH BAY AREA TREE SPECIALIST FOR THE FIRE DEPARTMENT'S VEGETATION MANAGEMENT PROGRAMS THROUGH JUNE 30, 2031 IN A NOT-TO-EXCEED AMOUNT OF \$200,000 ANNUALLY AND \$1,000,000 TOTAL, CONTINGENT UPON THE ANNUAL RECEIPT AND APPROPRIATION OF GRANT FUNDING TO SUPPORT THE AGREEMENT

WHEREAS, the Hayward Fire Department established residential assistance vegetation management programs in 2012 to assist local property owners in creating defensible space in high-fire hazard areas; and

WHEREAS, the Hayward Fire Department has continuously relied on grant funding and community support funds to continue these services as offered to residents of Hayward and unincorporated Fairview; and

WHEREAS, the Hayward Fire Department has been awarded grant funding from CalFIRE to support the program initiatives for calendar year 2026 and Resolution 26-025 appropriated and accepted the funding via Resolution 26-015; and

WHEREAS, after completing the RFP process through OpenGov and receiving seven proposals the vendor selected to perform the work for the 2026-2031 calendar years is Bay Area Tree Specialists.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized to enter into an agreement with Bay Area Tree Specialist for the Fire Department's Vegetation Management Programs through June 30, 2031 in a not-to-exceed amount of \$200,000 annually and \$1,000,000 in total, contingent upon the annual receipt and appropriation of grant funding to support the agreement.

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 26-185

DATE: May 5, 2026

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Adopt a Resolution Accepting the Resignation of Commissioner Melissa Milleman from the Clean and Green Commission, Effective Immediately

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) accepting the resignation of Commissioner Melissa Milleman from the Clean and Green Commission, effective immediately.

SUMMARY

Commissioner Melissa Milleman was appointed to the Clean and Green Commission on September 12, 2023. Ms. Melissa Milleman's resignation becomes effective immediately, according to her resignation letter (Attachment III).

Ms. Melissa Milleman's vacated position may be filled as part of the annual appointment process for the City's appointed officials.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Resignation Letter



DATE: May 5, 2026

TO: Mayor and City Council

FROM: City Clerk

SUBJECT Adopt a Resolution Accepting the Resignation of Commissioner Melissa Milleman from the Clean and Green Commission, Effective Immediately

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) accepting the resignation of Commissioner Melissa Milleman from the Clean and Green Commission, effective immediately.

SUMMARY AND DISCUSSION

Commissioner Melissa Milleman was appointed to the Clean and Green Commission on September 12, 2023. Ms. Melissa Milleman's resignation becomes effective immediately, according to her resignation letter (Attachment III).

Ms. Melissa Milleman's vacated position may be filled as part of the annual appointment process for the City's appointed officials.

FISCAL IMPACT

There is no fiscal impact associated with this action.

STRATEGIC INITIATIVES

The agenda item is a routine operational item and does not relate to one of the Council's Strategic Initiatives.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:

Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-____

Introduced by Council Member _____

RESOLUTION ACCEPTING THE RESIGNATION OF MELISSA MILLEMAN FROM
THE CLEAN AND GREEN COMMISSION

WHEREAS, Ms. Melissa Milleman was appointed to the Clean and Green Commission (formerly Keep Hayward Clean and Green Task Force) on September 12, 2023; and

WHEREAS, Ms. Melissa Milleman submitted a letter of resignation on April 20, 2026.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby accepts the resignation of Ms. Melissa Milleman; and commends her for her service to the City.

IN CITY COUNCIL, HAYWARD, CALIFORNIA, _____, 2026

ADOPTED BY THE FOLLOWING VOTE:

AYES: CITY COUNCIL MEMBERS:
MAYOR:

NOES: CITY COUNCIL MEMBERS:

ABSTAIN: CITY COUNCIL MEMBERS:

ABSENT: CITY COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

From: melissa milleman

Sent: Monday, April 20, 2026 8:00 AM

To: Colleen Kamai <Colleen.Kamai@hayward-ca.gov>; Angela Andrews
<Angela.Andrews@hayward-ca.gov>; Todd Rullman <Todd.Rullman@hayward-ca.gov>

Cc: Tom Ferreira

Subject: CGC and Regrettable Resignation

Hello All,

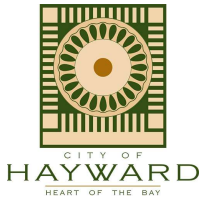
It is truly with heavy heart and deep regret that I have to officially resign from the Clean & Green Commission. My mom has been in the hospital again with a serious Sepsis infection. When she does come home (we are praying) she is going to need almost full time care for which I will be responsible for the majority. Unfortunately it just won't be fair for me to continue with CGC as I now cannot even make it to the upcoming Agenda Meeting and Saturday Citywide Clean Up event at the end of this week.

Being a part of CGC and KHCG has absolutely been one of the more rewarding endeavors of my life. I am going to miss it greatly and all the amazing people I've come to know and had the privilege to work alongside for the wonderful City of Hayward. I will be hoping this isn't the last opportunity I will have in life to serve this community.

Thank you for all your incredible support both professionally, and at times personally, over the years!

With Appreciation and Gratitude,

Melissa Milleman



CITY OF HAYWARD

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

File #: WS 26-012

DATE: May 5, 2026

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Capital Improvement Program: Review of Recommended Capital Improvement Program for FY27 - FY36

RECOMMENDATION

That the City Council reviews and comments on the Recommended Capital Improvement Program (CIP) for FY27 through FY36.

SUMMARY

The CIP is a planning document intended to guide the City's capital project expenditures for the upcoming ten-year period. The proposed CIP budget includes approximately \$264 million in FY27 and an estimated \$1.3 billion in the next ten years. Given that Hayward is a full-service city, the CIP covers a wide range of projects, which may include street construction and improvements; bike and pedestrian improvements; traffic calming; wastewater, recycled water, storm water, and water system upgrades; groundwater projects; construction of public buildings; airport projects; replacement of major equipment; clean and renewable energy generation; and other miscellaneous projects. As in past years, the document also includes Identified and Unfunded Capital Needs, which currently total \$637 million.

The Recommended FY27 - FY36 CIP can be found [here <https://www.hayward-ca.gov/your-government/documents/capital-improvement-program>](https://www.hayward-ca.gov/your-government/documents/capital-improvement-program) on the City's website and features an online format. More information about navigating the new format can be found via the link provided.

Planning Commission Review

State law requires that the Planning Commission review the Recommended CIP to ensure consistency with the City's adopted General Plan. The Recommended FY27 - FY36 CIP was presented to the Planning Commission at their April 9, 2026, meeting, and with six members present, the Commission unanimously found that the Recommended FY27 - FY36 CIP is consistent with the City's 2040 General Plan.

Council Infrastructure & Airport Committee Review

On April 22, 2026, the Council Infrastructure & Airport Committee (CIAC) discussed the proposed CIP

budget, and inquired on the General Fund impact of CIP projects in Capital Project (Governmental) Fund 405. In response, the requested information has been added to the report under General Fund Transfers and Internal Service Fund expenditures tables. In addition, Attachment II has detailed the proposed budgets of all CIP projects that are fully funded by General Fund in Fund 405.

The CIAC also discussed Police and Fire equipment items and whether they belong in the CIP. These and similar operational equipment items have been included in Capital (Governmental) Fund 405 since FY 2012, based on the direction of City Council, in order to better understand and capture a more complete picture of the overall expenditures for each of the departments and to allow for the prioritization of projects based on the amount of funding available each fiscal year. Attachment II includes the proposed budget and description of each of the Police and Fire equipment purchases. The FY27 proposed total budget for Fire equipment is \$429,000 and for Police equipment is \$1,950,000. Staff is evaluating moving all items that are not traditional Capital Improvement Projects items to the respective department's Operating Budgets in future years.

The CIAC also inquired on the status of several CIP projects including the Recycled Water Master Plan, Public Safety Center, and La Vista Park, as well as inquired details about Police Department's Automated License Plate Readers (ALPR) Expansion Project. With one CIAC member abstaining, citing lack of detailed information regarding the proposed General Fund Transfers, two remaining CIAC members approved and recommended the CIP's adoption to the City Council.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	FY27 CIP Projects Fully Funded by General Fund



DATE: May 5, 2026

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Capital Improvement Program: Review of Recommended Capital Improvement Program for FY27 – FY36

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¹ <https://www.hayward-ca.gov/your-government/documents/capital-improvement-program>

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=7970005&GUID=5A581C40-0C62-431C-A29C-3DD9E951C526>

present, the Commission unanimously found that the Recommended FY27 – FY36 CIP is consistent with the City’s 2040 General Plan.

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The CIAC also inquired on the status of several CIP projects including the Recycled Water Master Plan, Public Safety Center, and La Vista Park, as well as inquired details about Police Department’s Automated License Plate Readers (ALPR) Expansion Project. With one CIAC member abstaining, citing lack of detailed information regarding the proposed General Fund Transfers, two remaining CIAC members approved and recommended the CIP’s adoption to the City Council.

FISCAL IMPACT

The capital budget for FY27 totals approximately \$264 million, with a total of approximately \$1.3 billion tentatively programmed for the entire ten-year period from FY27 through FY36. An additional \$637 million of unfunded needs have been identified for the same period.

After careful review of the City's capital funds, there are two funds (Funds 405 and 410) that show negative balances that will need to be addressed and repaid over time. Staff are tracking these negative funds along with all City funds, and will incorporate a plan to address these fund as part of the City’s longer range sustainable fiscal planning.

- The majority of projects in Fund 405 rely on General Fund and are non-discretionary expenses supporting basic operational needs for multiple departments. Staff is evaluating the cash shortfall and will make recommendations as a part of a longer

³ <https://hayward.legistar.com/MeetingDetail.aspx?ID=1407406&GUID=535974E8-BA65-4A17-83D8-9BA99DA91224&Search=>

term fiscal strategy such as identifying other funding sources and through gradual increases of General Fund transfers until the fund no longer has a negative cash balance. Some reasons for the negative balance include amounts of transfers-in not having been made in prior years, unanticipated revenue shortfalls, and the use of the apparent fund balance to address flood damage to San Lorenzo Creek.

- Fund 410 includes infrastructure improvement projects in the Route 238 corridor, such as the Mission Boulevard Corridor Improvement Project – Phases 2 and 3. Some of this negative position will be addressed through the Local Alternative Transportation Improvement Program (LATIP). In 2005, the State created a LATIP to fund improvements along State Route 238 as Caltrans properties are sold. When the City gives Caltrans the amounts they are due for each parcel, that money is put in the LATIP to reimburse the City for designated Route 238 projects, including the Mission Boulevard projects. Staff is evaluating ways to address the entire cash shortfall.

General Fund Transfer

Four of the twenty-three CIP funds rely on some transfers from the General Fund for project expenses. The following table reflects the proposed General Fund transfers to these four funds when compared to FY26.

CIP Fund	FY24 Transfer	GF FY25 Transfer	GF FY 2026 GF Transfer	FY 2027 GF Transfer	Increase /(Decrease) from FY 2026
405/Capital Projects (General)	\$2,231,630	\$500,000	\$500,000	\$2,516,000	\$2,016,000
460/Transportation System Improvement	\$500,000	\$0	\$800,000	\$0	(\$800,000)
726/Facilities Management Capital	\$360,000	\$425,000	\$95,000	\$1,172,000*	\$1,077,000
731/Information Technology Capital	\$300,000	\$1,248,000	\$50,000	\$0	(\$50,000)
Total Cost to General Fund	\$3,391,630	\$2,173,000	\$1,445,000	\$3,688,000	\$2,243,000

**As part of the preparation for the May 12 operating budget work session, staff has identified another possible source of funding for this transfer. If the fundings source is feasible, staff will make that update in the CIP document that comes to Council for adoption in June.*

- **Fund 405 – Capital Projects:** Staff recommends a General Fund transfer of \$2,516,000 for non-discretionary expenses supporting basic operational needs for multiple departments. Attachment II details the proposed budgets of all CIP projects that are fully funded by General Fund in Fund 405.

- **Fund 460 – Transportation System Improvement:** Staff does not propose a General Fund transfer for FY27, as staff was able to secure other funding sources to support transportation projects. The budget for all projects was reduced from \$800,000 to \$444,000 and was allocated to special funds as follows:

Project No.	Project Description	FY 2027	Moved to Fund
05709	Traffic Control Device Repair/Replacement - MSD	\$64,000	210 Gas Tax
05856	Controller Cabinet Replacement and Battery Back Up Program	\$120,000	210 Gas Tax
05734	Traffic Calming Implementation Program	\$100,000	210 Gas Tax
05893	Quick Response Traffic Safety Projects	\$100,000	210 Gas Tax
05714	Transportation Software and Resources	\$10,000	212 Measure BB (Local Transportation)
05712	Intersection Improvement Project	\$50,000	212 Measure BB (Local Transportation)
	Total	\$444,000	

- **Fund 726 – Facilities Management Capital:** There is a negative cash balance in Fund 726. The recommendation above is to transfer \$1.172 million from the General Fund to cover this balance. As mentioned above, staff is exploring an alternative funding source for this transfer and will amend the CIP before adoption if that source of funding is feasible.
- **Fund 731 – Information Technology Capital:** No General Fund transfer proposed for FY27 as projects are either removed or deferred to future years.

Internal Service Fees

Four of the CIP funds are also Internal Service Funds, meaning they use Internal Service Fees (ISF) to finance project expenses. Internal Service Fees are collected when one City department provides a service to another, drawing those service expenses from the operating budget of the benefiting department. Although some departments are funded by Enterprise funds, many are part of the General Fund. The Internal Service Fees paid by General Fund-supported departments have an impact on the General Fund. The total proposed Internal Service Fees for FY27 including ISF Capital Funds will be presented as part of the Operating Budget and a summary is shown in the table on the next page.

CIP Fund	FY 2026 ISF	FY 2027 ISF	Increase /(Decrease) from FY 2026
726/Facilities Management Capital	\$450,000	\$450,000*	\$0
731/Information Technology Capital	\$50,000	\$850,000*	\$800,000
736/Fleet Management Capital (General Fund)	\$1,300,000	\$0	(\$1,300,000)
737/Fleet Replacement (Enterprise Funds)	\$506,000	\$691,000	\$185,000
Total ISF	\$2,306,000	\$1,991,000	(\$315,000)

** As part of the preparation for the May 12 operating budget work session, staff has identified another possible source of funding for the Facility Capital ISF and savings to reduce the IT Capital ISF to \$460,000. If feasible, staff will make these updates in the CIP document that comes to Council for adoption in June.*

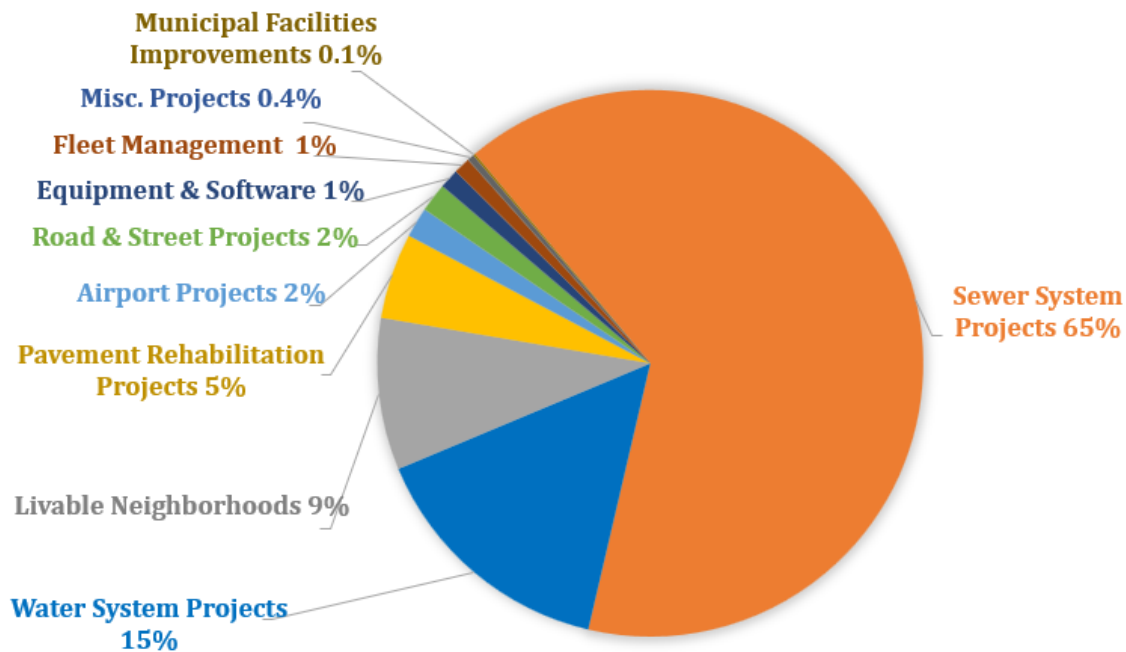
- Fund 726 – Facilities Management Capital: While the recommendation above shows a transfer of \$450,000 through ISF, staff is exploring an alternate funding source for this transfer. Staff will amend the CIP before adoption if that source of funding is feasible
- Fund 731 – Information Technology Capital: Over the past several years, the IT Department has made modifications to its capital budget to move a number of expenses into the IT operating fund (Fund 730), reducing the anticipated transfer for Fund 731. While the recommendation above shows a continued transfer of \$850,000, staff is exploring additional savings that may reduce the ISF transfer to \$460,000. Staff will amend the CIP before adoption if additional savings are feasible.
- Fund 736 – Fleet Management Capital: Staff does not recommend a General Fund transfer to Fund 736. Instead, staff recommends that purchases of police, fire and other general fleet purchases are deferred from FY27 to future years unless other funding sources are identified.
- Fund 737 – Fleet Replacement (Enterprise Funds): Staff proposes an ISF transfer of \$691,000 to Fund 737 in order to purchase vehicles and equipment specific to enterprise-funded operations for City's Water, Sewer/Utilities, Airport, and Stormwater Divisions. Typical purchases include sweepers, utility-body vehicles, heavy equipment, and passenger vehicles.

It is important to note that most of the ISF referenced above have General Fund impacts, as many Departments paying ISF are funded by the General Fund. Fund 736 for General Fund Fleet Replacement, for instance, supports fleet replacement efforts for the Fire Department, Police Department, and other General Fund-funded departments, and therefore has a direct General Fund Impact.

Project Cost by CIP Category

The proposed project costs by CIP category are as follows:

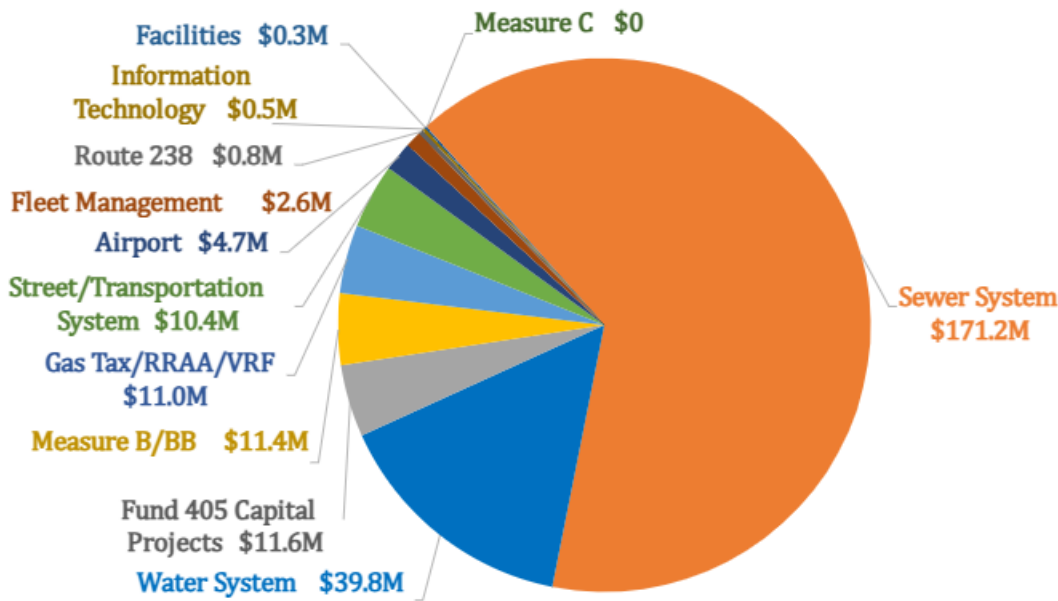
Project Category	FY 2026 Adopted	FY 2027 Recommended	Increase/ (Decrease) from FY 2026 CIP
Sewer System Projects	\$72,255,662	\$171,062,706	\$98,807,044
Water System Projects	\$17,230,350	\$39,723,000	\$22,492,650
Livable Neighborhoods	\$30,544,206	\$23,715,200	(\$6,829,006)
Pavement Rehabilitation Projects	\$13,719,000	\$13,388,000	(\$331,000)
Airport Projects	\$2,596,000	\$4,701,359	\$2,105,359
Road & Street Projects	\$994,500	\$4,518,000	\$3,523,500
Equipment & Software	\$5,469,000	\$3,059,000	(\$2,410,000)
Fleet Management	\$3,118,000	\$2,610,000	(\$508,000)
Misc. Projects	\$2,736,914	\$1,057,000	(\$1,679,914)
Municipal Facilities	\$12,300,000	\$300,000	(\$12,000,000)
Total Capital Improvement Projects	\$160,963,632	\$264,134,265	\$103,170,633



Project Cost by CIP Fund

The proposed project costs in each CIP Fund are as follows:

CIP Fund	FY 2027 Recommended
(210) Special Gas Tax	\$4,866,000
(211) RRAA (SB1)	\$5,400,000
(212) Measure BB - Local Transportation	\$7,465,785
(213) Measure BB - Ped & Bike	\$3,972,561
(215) Measure B - Local Transportation	\$0
(216) Measure B - Ped & Bike	\$0
(218) Vehicle Registration Fund	\$700,000
(219) Measure BB - Paratransit	\$0
(405) Capital Projects	\$11,558,000
(406) Measure C Capital	\$0
(410) Rte. 238 Corridor Improvement	\$0
(411) Rte. 238 Settlement Admin	\$750,000
(450) Street System Improvements	\$3,672,000
(460) Transportation System Improvements	\$6,692,854
(603) Water Replacement	\$9,501,000
(604) Water Improvement	\$30,322,000
(611) Sewer Replacement	\$12,760,000
(612) Sewer Improvement	\$158,402,706
(621) Airport Capital	\$4,701,359
(726) Facilities Capital	\$300,000
(731) Information Tech Capital	\$460,000
(736) Fleet Management Capital	\$1,155,000
(737) Fleet Management Enterprise	\$1,455,000
Total	\$264,134,265



BACKGROUND

The CIP process begins with staff's preparation of projects and related cost estimates, which are framed by the guidance provided by City Council, as well as the needs of the community. Capital projects are identified and prioritized with an emphasis on eliminating geographic inequities in the distribution of City services and infrastructure. Highest priority is given to areas in the community which have experienced a disproportionate level of improvements in past years, as well as those communities with the current highest need.

The projects in the Recommended FY27 – FY36 CIP have also been identified and prioritized based on their relevancy to the Strategic Roadmap. The CIP, by its nature, predominantly supports the Invest in Infrastructure Priority, but it also includes several projects which support the Confront Climate Crisis & Champion Environmental Justice, Enhance Community Safety & Quality of Life, Grow the Economy, and Strengthen Organizational Health Priorities.

The projects ultimately identified for inclusion in the CIP are designed to meet the requirements of the City's General Plan, specific plans, and master plans. The capital project funding requests are then submitted for evaluation to an internal capital projects review committee. Once the review committee's feedback is incorporated, the Recommended Ten-Year CIP is compiled and presented to the Planning Commission for determination of consistency with the General Plan, as well as the Council Infrastructure & Airport Committee for review and input. The public can provide comments at each of these meetings, as well as at the last public hearing, which is tentatively planned to take place on June 2, 2026. It is at this final public hearing that the capital spending plan for the upcoming year will be considered by City Council for adoption.

DISCUSSION

The CIP is a planning document intended to guide the City's capital project expenditures for the upcoming ten-year period. The proposed CIP budget includes approximately \$264 million in FY27 and an estimated \$1.3 billion in the next ten years. Given that Hayward is a full-service city, the CIP covers a wide range of projects, which may include street construction and improvements; wastewater, recycled water, storm water, and water system upgrades; groundwater projects; construction of public buildings; airport projects; replacement of major equipment; clean and renewable energy generation; and other miscellaneous projects. As in past years, the document also includes Identified and Unfunded Capital Needs, which currently total \$637 million.

Below is a discussion of major projects in each category for which work will begin or continue into FY27. Please note that not all of the projects featured in this report are being recommended to receive new FY27 funding.

Livable Neighborhoods Projects

Projects categorized as "Livable Neighborhoods" include street lighting projects, pedestrian traffic signal improvements, transportation equity projects, traffic calming measures, parks, buildings, public art and engagement, as well as sidewalk and wheelchair ramp improvements throughout the City. Some examples of Livable Neighborhoods Projects in the Recommended FY27 – FY36 CIP include the Campus Drive Improvements, through which the City is implementing pedestrian, bicycle, and traffic calming improvements to address safety concerns and mobility needs in the 0.78 mile-stretch of Campus Drive between 2nd Street and Hayward Boulevard.

The Alameda County Transportation Commission (Alameda CTC) Safe Routes to School program conducts regular School Safety Assessments for the public schools in Hayward and throughout the County, resulting in a set of infrastructure recommendations to make it easier for students to bike and walk to school. Hayward's Safe Routes to School Program (SR2S) was created to implement these recommendations. In collaboration with partners including Hayward Unified School District, Alameda CTC, and various community organizations, SR2S will combine engineering tools with safety education and other activities to encourage students to choose alternate modes of transportation on their way to school.

The City applied for and received grant funding from the California Air Resources Board to fund infrastructure improvements recommended by the School Safety Assessments. These improvements include new crosswalks, bulb-outs, street restriping and other improvements that will enhance safety for pedestrians, cyclists, and transit riders. The schools for this project include Burbank Elementary, Faith Ringgold, Impact Academy, Longwood Elementary, Martin Luther King Jr. Middle, Park Elementary, Schafer Park Elementary, Southgate Elementary, Tennyson High, Tyrrell Elementary, Winton Elementary, and Palma Ceia Elementary.

Another project is the Industrial Parkway/Ruus Road Bicycle Network and Intersection Improvement Project. This project will install traffic signal upgrades at the intersection of Industrial Parkway and Ruus Road to add left-turn protected phasing, convert pedestal-mounted traffic signal to mast arm, raised pavement markings and striping, pedestrian signals and APS pushbuttons. Improvements will improve traffic safety at the intersection and increase accessibility of all road users.

Another ongoing Livable Neighborhoods Project is La Vista Park, the 39-acre destination park located a quarter mile east of the intersection of Tennyson Road and Mission Boulevard in South Hayward. In FY22, the California Environmental Quality Act (CEQA) report was updated to include the park expansion area. The project has been awarded and construction is planned to commence in Spring 2026, with completion estimated by Fall 2027.

Road and Streets Projects

Projects in the “Road and Streets” category range from curb and gutter repair to major gateway corridor improvements and are primarily funded through non-discretionary funding including Measure B (Fund 215 and 216) and Measure BB (Fund 212, 213, and 219), Gas Tax (Fund 210), Vehicle Registration Fee (VRF) (Fund 218), Route 238 Corridor Improvement (Fund 410), Streets Improvement (Fund 450), Transportation System Improvement (Fund 460), and grants such as LATIP and Alameda CTC funds.

A key project in this category is the Interstate 880 Interchange Improvements (Winton Avenue/A Street.) The first phase of the project focuses on the Interstate 880/A Street interchange location, where the project will construct shared pedestrian and bicycle separated paths and other enhancements to the Interstate 880/A Street interchange and improve the freeway ramps and traffic signals for safer and more efficient operation. It will address safety at the I-880 on and off ramps and will create improved pedestrian and bicycle connectivity under the freeway. Funding currently allocated is for the design phase for the I-880/A Street interchange only.

Another project in this category is the Tennyson Road Railroad Crossing Safety Enhancement Project. This project will improve the safety at the at-grade rail crossing located on Tennyson Road by mitigating potential hazards to reduce the chance of future incidents. Proposed improvements include installation of queue-cutter signals, signage, striping, crosswalk, bulb-outs, pedestrian channelization, fencing, and trespass mitigation. This project is fully funded by the Rail Highway Crossing Program (Section 130).

Pavement Rehabilitation

Pavement Rehabilitation projects are a subsection of the Road and Streets projects which are typically discussed separately because they represent a relatively large part of the annual CIP. Approximately \$13.38 million in Pavement Rehabilitation programming is recommended for FY27.

Street selection for pavement rehabilitation projects is based on several criteria. First, the Pavement Management Program (PMP) is used to evaluate current roadway conditions and future condition predictions. The PMP provides a logical and efficient method for identifying street rehabilitation needs and determining a path for implementation. Staff also refers to the Metropolitan Transportation Commission's (MTC) guidelines, Maintenance Services staff's reports on streets in need of repair, especially after a severe rainy season, and public requests for street rehabilitation. The PMP is updated every two years and is a prerequisite for certain funding sources. The industry standard practice recommended by MTC is that a minimum of 15% of funding be spent on preventive maintenance and a maximum of 85% on pavement rehabilitation. The City improves on this standard with a minimum of 20% spent on preventive maintenance and 80% on pavement rehabilitation.

The City has invested heavily in paving industrial streets in the last few years including additional industrial sections that are planned to be repaved this summer. The City has paved almost all streets in poor condition in industrial areas so starting next year and beyond, the City investment in industrial streets will be lower. Additionally, in 2014, City Council approved the Economic Development Strategic Plan, which recommended additional improvements be made to streets in the Industrial area. Approximately 15% to 20% of the overall paving budget is allocated to improvements in that area. Staff also has an internal policy to allocate at least 10% of the overall paving budget to roads with a Pavement Conditions Index (PCI)⁴ of less than 30.

The table below shows the City's historical PCI for the last ten years. It is measured on a scale of 0 to 100, where 100 means a newly paved road. Both last year's PCI of 78 and the three recent year average of 76, are the highest scores in decades.

Year	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Pavement Conditions Index (PCI)	66	70	71	70	69	69	69	71	74	76	78

Municipal Facility Improvements

The "Municipal Facility Improvements" category includes projects that involve improvements to existing municipal buildings and construction of new municipal buildings. One major project included in this category is the Public Safety Center (PSC) – Conceptual Facility and Site Design. The existing Hayward Police station no longer meets the space, operational, staffing and security requirements for the Hayward Police Department (HPD). Built in 1975, the existing facility is near the end of its useful life and functionally obsolete. The facility is undersized, poorly configured, outdated, and requires security and technology improvements to meet HPD's current needs. With the police department headquarters building, currently there is also a temporary holding facility. The conceptual facility and site design for a new PSC will need to encompass not only current HPD staffing, but it will also

⁴ <https://mtc.ca.gov/operations/programs-projects/streets-roads-arterials/pavement-condition-index>

need to be designed and built to accommodate future growth. There is also the desire for increased services from the Youth and Family Services Bureau that must be included in the new Public Safety Center. Animal Services, currently located at the City's Corporation Yard, should also be added to the campus for a more centralized location for all safety-related services. The Crime Scene Technician (CST) Lab should also be integrated into the new PSC. Consequently, satellite police related campuses could eventually be repurposed for other critical City services as all police department related services could be relocated to the new Public Safety Center. All of these options were considered and included in the conceptual design and site assessment, which was recently completed in March 2026.

The City's Corporation Yard, used by both the Maintenance Services Department and Public Works & Utilities Departments is old and outdated. A new project will assess the space and facilities needs for the foreseeable future as the basis for the design of the new facilities. This project is reconfiguring the usable space more efficiently, replacing outdated infrastructure installed over 60 years ago, and making improvements to meet ADA compliance. The project scope will also improve ventilation and modernize the facilities.

Sewer System Projects

The "Sewer Systems" category includes projects which are Enterprise Fund-supported, and which are related to the improvement of the City's sewer collection system, water re-use efforts, and Water Resource Recovery Facility (WRRF), formerly known as Water Pollution Control Facility (WPCF).

The City's sewer line replacement projects are examples of key projects in this category. They typically involve the replacement of pipelines that are showing signs of age, or the upsizing of undersized mains to increase their conveyance capacity to handle current and future flows. With an ambitious goal of replacing an average of 2 miles of sewer mains annually, the proposed CIP recommends \$7.3 million in funding for the FY27 Sewer Line Replacement Program.

Other projects in this category include those related to the WRRF Phase II Improvements, which have been established following the recent development of a Facilities Plan Update, that is intended to guide the plant's infrastructure and technology needs for the next twenty years. The Phase II Facilities Plan addresses future regulatory requirements restricting discharge of nutrients to the Bay. Although the San Francisco Bay has not been adversely impacted by nutrient loading, discharge of nutrients is a growing concern and, as a result, recent requirements have been developed regulating the discharge into the Bay.

The design of the project is complete and all current regulatory approvals have been secured. In addition to the design and construction of the Phase II WRRF Upgrade, the project includes a new administration building and laboratory, as well as other related improvement needs. The total cost of the Project is estimated at \$498 million, including capital costs, contingencies, and financing costs. As part of the funding strategy, Staff has successfully issued the 2025 Wastewater Revenue Bonds in Spring 2025, providing funding for 26% of the total project cost. However, staff also applied for the USEPA Water Infrastructure Finance

and Innovation Act (WIFIA) loan, which provides 49% of the project cost. Since April 2025, the loan execution was put on hold by the USEPA. Staff are doing what is possible through advocacy and outreach to help remove the hold and release the funds. Staff has also submitted a Clean Water State Revolving Fund (CWSRF) loan application for \$50 million in December 2025 and anticipates the funding decision by May 2026. Staff plans to sell another series of municipal bonds in 2029 to help finance the remaining cost of project.

Recycled Water Projects

The Recycled Water Projects are also included in the Sewer Systems category. These projects are intended to improve the City's overall water supply reliability and conserve drinking water supplies through the delivery of tertiary treated recycled water to sites near the WRRF for landscape irrigation and industrial uses. Construction of the storage tank, pump station, and distribution pipelines for the system was completed in FY20. Construction of the treatment facility was completed in Summer 2020, and recycled water deliveries to the first phase of customers began in March 2022. Staff is currently developing a Recycled Water Master Plan to guide design and construction efforts for Phase II of the Recycled Water Program. Phase II will involve increasing the recycled water customer base, which will require designing and constructing an expanded treatment facility to meet the increased demand.

Water Systems Projects

"Water System Projects" are Enterprise Fund-supported and are related to the improvement of our water system, as well as projects which promote water conservation. One key program in this category is the Cast Iron Water Pipeline Replacement Program. Over the next ten years, the City will annually replace existing cast iron pipes that are either reaching the end of their practical useful life, as evidenced by the frequency of the main and service connection breaks and leaks, or they are hydraulically undersized. The Recommended CIP includes \$650,000 in FY27 to support this effort.

The FY27 Annual Line Replacement Program is another key Water Systems project, which involves the replacement of existing water mains to provide adequate capacity for fire flow and to maintain the operability of the water distribution system. Water mains are selected for a variety of reasons including having exceeded service life, frequency of breaks, and/or upgrades needed for supply reliability. With a goal of replacing an average of 2 miles of water pipeline annually, the proposed CIP includes \$6.3 million in funding for the FY27 Annual Line Replacement Program.

Fleet Management

The "Fleet Management" category is comprised of projects involving the replacement of fleet units in various departments, divisions, and work groups. Fleet purchases benefiting the Fire and Police departments are predominantly funded by transfers from the General Fund, while fleet purchases benefiting the Airport, Stormwater, Sewer, and Water divisions are predominantly supported by Enterprise funding. Approximately \$2.6 million in FY27 Fleet

Management category projects are included in the proposed CIP, and involve projects supporting General Fund fleet replacement efforts, Enterprise Fund-supported fleet replacement efforts, and Electric Vehicle Infrastructure efforts.

The City maintains a fleet of approximately 450 vehicles and equipment units, and the useful life of these fleet units is maximized and managed via the 10 Year Fleet Capital Replacement Plan. The plan identifies replacement timelines based on age, mileage, maintenance, and safety. When it comes time to retire a unit, carbon emissions are a key consideration. This is in alignment with the City's Strategic Roadmap "Confront Climate Crisis & Champion Environmental Justice" Priority Project to transition 15% of total City fleet to EV/hybrid models.

Following a successful pilot program in FY21, Fleet Management adopted a new standard for Hayward Police Patrol Vehicles in which all replacement purchases will be hybrid-powered models. In FY22, a total of ten hybrid patrol cars were ordered to replace vehicles that have reached the end of their useful life, and an additional nine were ordered in FY23. Once received and placed into service, the fleet vehicle matrix will consist of 18% EV/hybrid units.

The Citywide EV Charging Projects are another key group of projects in this category. A recent report by Ava Community Energy provided an analysis of the charging infrastructure that will be needed to electrify the City's fleet, including all non-emergency light, medium, and heavy-duty vehicles as well as recommended charging infrastructure for use by City employees. The report identifies a need for 152 chargers at 15 facilities for fleet vehicles, which are estimated to cost \$4.8 million. The report was presented to the City Council Sustainability Committee on January 8, 2024⁵ and to City Council on June 17, 2025⁶.

Staff are also working with Ava Community Energy to install a fast charging hub for electric vehicle charging at Muni Lot 4. The hub will be entirely funded by Ava Community Energy and will serve the general public and will be sited to also serve residents of multi-family properties, many of which are older buildings that lack the infrastructure needed to support EV charging. For City fleet vehicles, EV Ready charging spaces (conduit and electrical capacity) will be installed at Fire Station 1 and the Corporation Yard along with the solar and battery projects being constructed in 2026.

Equipment and Software

The "Equipment and Software" category is predominantly comprised of equipment-related purchases supporting the Fire, Police, Maintenance Services, Public Works & Utilities, and Information Technology Departments, such as the purchase of Fire Department radios, purchase of fleet cameras, and replacement of aging fiber optic lines between City facilities. The recommended FY27 CIP includes programming of approximately \$3 million in this category. Staff is planning to gradually move the items in this category to the operation budgets of the respective departments over the next few years.

⁵ <https://hayward.legistar.com/MeetingDetail.aspx?ID=1142685&GUID=29223BAD-5C6C-4094-97C1-E64A17A9E4C5>

⁶ <https://hayward.legistar.com/LegislationDetail.aspx?ID=7437059&GUID=4D4120B1-EDCA-4997-8DB5-4ECE45A72874>

Airport

This category encompasses all projects related to the improvement of the Hayward Executive Airport (HWD), the City's self-supporting general aviation reliever airport which encompasses nearly 500 acres. One key project in this category is the Sulphur Creek Mitigation – Design and Construction Project, which involves the installation of box culvert to place portions of Sulphur Creek underground adjacent to airport runways. These areas were identified by the local Runway Safety Action Team as a safety hazard. The project is designed to eliminate open ditches and create a flat surface near the runways. This will prevent damage to aircraft that veer off the runway pavement. Implementation of this project has been delayed due to the issues related to inter-agency agreement related to location of a suitable environmental mitigation site, and the project is anticipated to begin in Fiscal Year 2030. The project includes a total budget of \$8.3 million, which is being funded by the Federal Aviation Administration (FAA), Caltrans Division of Aeronautics, and the City's Airport Enterprise fund.

Other key Airport projects include the Taxiway Zulu West Pavement Rehabilitation and Construction project and Taxiway Alpha Design and Phasing Plan. Both projects will involve the removal and replacement of pavement on Taxiway Zulu West and Taxiway Alpha 1. Both taxiways are in need of repair due to normal wear. Both projects are also recommended in the 2002 Airport Master Plan and will ultimately help facilitate the removal and replacement of pavement on the taxiways.

Miscellaneous

The "Miscellaneous" category includes projects which do not neatly fit into the other categories. Projects include the Comprehensive General Plan Update, Property Acquisition Management, Route 238 Property Projects, and Parcel Group Projects. The Parcel Group projects and Route 238 Administrative Expenses Project, which are currently budgeted at \$500,000 combined in FY27, are used to facilitate the new cohesive development of former Caltrans 238 property parcels with the goals of eliminating blight, creating public benefits for the community, and generating excess land value to the City.

Identified and Unfunded Capital Needs

The last section of the Recommended FY27 – FY36 CIP is the Identified and Unfunded Capital Needs section. This list was last significantly modified for the FY16 CIP to remove projects that were funded with Measure C fund, like improvements to Fire Stations 1-6, construction of the new Library and Community Learning Center, or funded by transportation related Alameda County Measure BB Fund, like \$1 million per year for paving improvements. A significant reduction occurred with street and transportation-related projects, due to the passage of Measure C, Measure BB, and the state legislation Road Repair and Accountability Act (RRAA) (SB1).

While the approval of Measure C allowed the City to address many critical facility needs (e.g., the new Library, upgrades to Fire Stations, and the new Fire Training Center), significant

needs still exist. The facility update to the City's Corporation Yard (Corp Yard) is one such capital need that remains unfunded. The Corp Yard is comprised of six buildings on Soto Road which were originally constructed in the early 1960s and are in need of major improvements. The necessary improvements to the Corp Yard were estimated to amount to more than \$140 million. The FY27 CIP included a "Corporation Needs Assessment" Project, which is funding the development of a revised assessment to determine the current improvement needs and update costs.

Another significant need included in the Unfunded Capital Needs list as part of the Recommended CIP is the South Hayward Youth and Family Center, which currently has an unfunded need of an estimated \$25,000,000 for the future phases of the project.

Unfunded Capital Needs are generally broken down into the following categories:

Information Technology:	\$1,100,000
Street Improvement:	\$11,500,000
Airport:	\$43,000,000
Alternate Modes:	\$60,000,000
Pavement Maintenance:	\$70,000,000
Interchange:	\$74,500,000
Facilities and Improvement:	<u>\$377,000,000</u>
Total:	\$637,100,000

It is important to reiterate that this list identifies critical needs that have, as of now, no identified funding sources. The number of projects will continue to grow over time, as will the amounts needed to fund these extremely important upgrades and repairs to infrastructure and equipment.

Proposed Changes to the Published Recommended FY27 – FY36 CIP

Capital Projects (Governmental) Fund 405 – In the weeks following publication of the Recommended CIP, staff have identified additional project in Capital (Governmental) Fund 405, which will not impact the General Fund. The Public Works & Utilities Department's (PW&U) staff have increased over the years in various divisions. At full staffing, the current floor plan would be at capacity. Additionally, there is a need for another large conference room to serve as an alternative to Conference Room 2A for sizable meetings, including those held by the Mayor & City Council, Council Committees, and other City-related business, as well as PW&U departmental and divisional meetings. As such, staff proposes adding a new City Hall 2nd Floor Facility Improvement Project No. 06972 in an amount of \$550,000 in Fund 405. This proposed project is to provide a secondary relatively large conference room for City-related businesses, and may be one or two offices for PW&U Deputy Director positions for Engineering and for Transportation, which are currently the only Deputy Director positions in the City without offices. The cost, estimated at \$550,000, will be funded by non-General Fund sources, split between Water Enterprise, Wastewater Enterprise, and Measure D Special Revenue Funds.

ECONOMIC IMPACT

The direct economic impact of these projects is not quantifiable. However, maintaining and improving the City's infrastructure municipal buildings and facilities, fleet, and equipment will have an unquestionable impact on maintaining and improving economic health and vitality of the City.

The improvement will make the City a more desirable place in which to live, raise a family, work, and establish and grow businesses. It is also important to note that capital projects are identified and prioritized with an emphasis on eliminating geographic inequities in the distribution of City services and infrastructure. Highest priority is given to areas in the community which have experienced a disproportionate level of improvements in past years, as well as those communities with the current highest need.

STRATEGIC ROADMAP

The Strategic Roadmap adopted in 2024 is at the forefront of the City's capital project planning efforts, and each CIP project is evaluated for consistency with the City's Strategic Priorities.

The Recommended CIP Projects predominantly support the Invest in Infrastructure Priority; however, they also touch the Confront Climate Crisis & Champion Environmental Justice, Enhance Community Safety & Quality of Life, Grow the Economy, and Strengthen Organizational Health Priorities.

SOCIAL EQUITY

Consideration of social equity has been an important element of selecting certain projects, such as roadway improvements, sidewalk improvements, traffic calming, complete streets, and landscaping.

SUSTAINABILITY FEATURES

While the proposed projects are aligned with and advance the City Council's Sustainability goals and policies, the action taken for this agenda report will not result in a physical development, purchase or service, or a new policy or legislation. Any physical work will depend upon a future City Council action. Sustainability features for individual CIP projects are listed in each staff report.

PUBLIC CONTACT

The public has the opportunity to review and comment on the CIP at this evening's City Council Work Session and will again at the City Council Public Adoption Hearing, which has been tentatively scheduled for June 2, 2026.

On March 27, 2026, a Notice of this Public Hearing for the Planning Commission meeting was published in *The Daily Review* newspaper. Staff presented the Recommended FY27 – FY36 CIP to the Planning Commission at their April 9, 2026⁷ meeting, and with six members present, the Commission unanimously found that the CIP was consistent with the Hayward 2040 General Plan. On April 22, 2026⁸, staff presented the Recommended FY27 – FY36 CIP to the CIAC for review and input. The CIAC discussed the proposed CIP budget and inquired on the General Fund impact of CIP projects in Capital Project (Governmental) Fund 405. In response, the requested information has been added to the report under GF Transfers and ISF expenditures tables. In addition, Attachment II has detailed the proposed budgets of all CIP projects that are fully funded by General Fund in Fund 405. The CIAC also inquired on the status of several CIP projects including the Recycled Water Master Plan, Public Safety Center, and La Vista Park, as well as inquired details about Police Department’s ALPR Expansion Project. With one CIAC member abstaining, citing lack of detailed information regarding the proposed General Fund Transfers, two remaining CIAC members approved and recommended the CIP’s adoption to the City Council.

Another Public Notice will be published in the Daily Review newspaper at least ten days in advance of the City Council Public Adoption Hearing on June 2, 2026. A copy of the Recommended CIP is available online at www.hayward-ca.gov/CIP, and printed copies are available at the PW&U Department office, City Clerk’s office, and at both [Libraries](#)⁹. Individual projects receive City Council approval and public input as appropriate.

NEXT STEPS

Once City Council has reviewed and offered comments on the Recommended CIP, the appropriate updates will be made. The City Council Public Hearing for the adoption of the CIP budget is currently scheduled to take place on June 2, 2026. A notice advising residents about the City Council Public Hearing on the CIP will be published in the *Daily Review* newspaper at least ten days in advance.

Prepared by: Elli Lo, Senior Management Analyst
Marissa Matta, Management Analyst

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Jennifer Ott, City Manager

⁷ <https://hayward.legistar.com/LegislationDetail.aspx?ID=7970005&GUID=5A581C40-0C62-431C-A29C-3DD9E951C526>

⁸ <https://hayward.legistar.com/MeetingDetail.aspx?ID=1407406&GUID=535974E8-BA65-4A17-83D8-9BA99DA91224&Search=>

⁹ <https://www.hayward-ca.gov/public-library>

**FY27 CIP Projects Fully Funded by General Fund
Capital Projects (Governmental) Fund 405**

Note that many of the projects listed below are operating expenses that occur annually. Staff is evaluating moving all items that are not traditional Capital Improvement Projects items to the respective department's Operating Budgets in future years.

PROJ. NO	PROJECT	FY27 PROPOSED BUDGET (\$)	PROJECT DESCRIPTION
LIVABLE NEIGHBORHOODS - PARKS & LANDSCAPING			
05102	Landscape Material/Median Tree/Shrub Replacements	50,000	This project is the baseline amount of supplies needed to support the City's tree planting and replacement program, as well as to replace other landscape material throughout the City as needs arise.
EQUIPMENT & SOFTWARE - POLICE			
07418	Integrated Cameras and Equipment	1,015,000	This project supports the continuation of the Hayward Police Department's integrated cameras and equipment program, including Axon Fleet 3 cameras for patrol and jail vehicles. This project includes existing contracts for fleet cameras, body-worn cameras, interview room recording system, tasers, and digital evidence storage. In FY26 and beyond, this project's proposed budget will only reflect increases in annual maintenance costs, should those occur.
07419	Rapid Turnaround DNA Testing (RADS)	50,000	This project provides annual funding for rapid testing of DNA rape kits as mandated by SB-22 and is partially reimbursed by the State.
07402	Supporting Services Equipment	45,000	This project supports the purchase and replacement of essential Animal Shelter, Dispatch, Jail, Property, and PD building equipment.
07409	Police Officer Equipment	170,000	This project supports the purchase and replacement of essential Police Officer equipment, including bulletproof vests, firearms, ballistic helmets, shields, and breaching equipment.
07411	Field Operations Equipment	170,000	This project supports the purchase and replacement of essential Field Operations equipment for the Patrol, K9, UAS, and Traffic units as well as the lease to purchase agreement for the department's Leica machine.
06967	ALPR Expansion Project	165,000	This project supports the continuation of HPD's existing automated license plate reader contracts and is not an expansion project. FY27's costs were reduced due to

PROJ. NO	PROJECT	FY27 PROPOSED BUDGET (\$)	PROJECT DESCRIPTION
			an installation delay credit received on FY26's invoice. The project name will be updated in the final CIP to be ALPR Subscription Costs.
06969	PD Technologies and Subscriptions	335,000	This project supports the existing software and subscription contracts for Support Services, Investigations, Patrol, and Community Services.
EQUIPMENT & SOFTWARE - FIRE			
06930	HFD Recruit Academy	100,000	The HFD Recruit Academy is not occurring in FY27. These funds, along with the Paramedic School project funds, will instead cover the City's match requirement for the FEMA AFG paramedic school grant, which represents 10% of the \$1,784,580 award, as described in the September 23, 2025, and October 21, 2025, Council reports.
06948	Thermal Imaging Cameras	8,000	Thermal imaging cameras are used in firefighting efforts to determine heat sources and to assist in the search for occupants or trapped firefighters within an active fire. This project provides a total of 49 thermal imaging cameras, with 37 being the SEEK Fire Pro 300 for all personnel, and 12 of the SEEK Attack Pro for Captains, Battalion Chiefs, and Rapid Intervention Crews. Initial order would be for the 12 SEEK attack pro, and incremental annual orders of the Pro 300 to fulfill needs for all staffing groups.
06956	Emergency Operations Supplies	15,000	This project is the baseline budget for supplies for the City's Emergency Operations Services Division. Current projects include exploring StarLink, a mobile communication and internet service, as well as meals, water, disaster preparation, supply storage, and emergency operations center equipment.
06959	Paramedic School Program	75,000	These funds, combined with the Recruit Academy project funds, will cover the City's match requirement for the FEMA AFG paramedic school grant, as described in the September 23, 2025, and October 21, 2025, Council reports. Firefighters are currently completing paramedic school through UC Davis as part of the Hayward Fire Department's effort to hire and develop EMTs into firefighter-paramedics. This program expands the department's applicant pool, supports workforce diversity, and requires successful completion of paramedic school as a condition of completing probation. .

PROJ. NO	PROJECT	FY27 PROPOSED BUDGET (\$)	PROJECT DESCRIPTION
06964	Hazmat CERS Software	43,000	The HazMat CUPA team is required by the state to submit details of all hazardous materials inspections into a database and upload to the California Environmental Reporting System (CERS) database. This project is for the required programming needed to communicate between Tyler and the CERS system.
07486	Emergency Vehicle Preemption	188,000	This project is recurring annually over the ten-year service contract from FY18-27. It pays for the global positioning system (GPS) technology that provides traffic control preemption, thereby decreasing emergency response times and allowing for a safer clearing of pedestrian traffic at affected intersections.
EQUIPMENT & SOFTWARE – MAINTENANCE SERVICES			
07475	Replacement Equipment for Maintenance Services	10,000	This baseline amount allows for the replacement or repair of maintenance-related items such as tools (augers, grinders, etc), temporary traffic control (barriers, A-frames, etc), and items use for emergencies(generators, etc).
MISCELLANEOUS – OTHER			
05160	Surplus Property Maintenance	52,000	This is the annual maintenance costs for surplus property sales, including fencing installation and repairs, unhoused abatement, soundwall repairs on surplus properties.
06121	Property Taxes on Excess Right-of-Way	5,000	This is the cost of annual property taxes paid on excess right-of-way located outside of the City limits.
06907	Project Predesign Services	20,000	This is for baseline City engineering costs associated with predesign of building, landscape, and other that can not be funded through other sources.
TOTAL PROJECT COSTS (FUNDED BY GENERAL FUND ONLY)		\$2,516,000	



CITY OF HAYWARD

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

File #: PH 26-021

DATE: May 5, 2026

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT

Community Development Block Grant: Approval of Fiscal Year 2026-2027 Community Development Block Grant Allocation Recommendations and Annual Action Plan

RECOMMENDATION

That the City Council affirms the FY 2026-2027 Community Development Block Grant (CDBG) recommendations as outlined in Attachment II and adopts the resolution in Attachment III, approving and appropriating funds for the FY 2026-2027 operating budget.

SUMMARY

This report asks City Council to take the following actions:

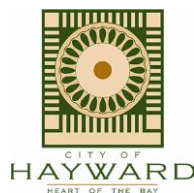
1. Approve the CDBG funding recommendations for FY 2026-2027. These recommendations were prepared by staff and approved by the Community Services Commission (CSC) in April.
2. Approve the FY 2026-2027 CDBG Annual Action Plan.

This report proposes CDBG funding recommendations to City Council for submission to HUD as part of the City's Annual Action Plan. The funding recommendations are summarized by category in Table 1 of this report and in detail in Attachment II. This report also provides an overview of changes to the FY 2026-2027 Community Agency Funding (CAF) process and discusses the possible work plan for the CSC for the coming fiscal year.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	CDBG Recommendations
Attachment III	Resolution
Attachment IV	Public Comments

File #: PH 26-021



DATE: May 5, 2026

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT: Community Development Block Grant: Approval of Fiscal Year 2026-2027
Community Development Block Grant Allocation Recommendations and
Annual Action Plan

RECOMMENDATION

That the City Council affirms the FY 2026-2027 Community Development Block Grant (CDBG) recommendations as outlined in Attachment II and adopts the resolution in Attachment III, approving and appropriating funds for the FY 2026-2027 operating budget.

SUMMARY

This report asks City Council to take the following actions:

1. Approve the CDBG funding recommendations for FY 2026-2027. These recommendations were prepared by staff and approved by the Community Services Commission (CSC) in April.
2. Approve the FY 2026-2027 CDBG Annual Action Plan.

This report proposes CDBG funding recommendations to City Council for submission to HUD as part of the City's Annual Action Plan. The funding recommendations are summarized by category in Table 1 of this report and in detail in Attachment II. This report also provides an overview of changes to the FY 2026–2027 Community Agency Funding (CAF) process and discusses the possible work plan for the CSC for the coming fiscal year.

FISCAL IMPACT

The recommended CDBG allocation in this report enables the City to fund \$1.55 million in eligible services and equipment at no cost to the City's General Fund.

BACKGROUND

The CSC serves as an advisory body to the Hayward City Council. Through the annual CAF process, the CSC makes recommendations to City Council for the distribution of CDBG and

General Fund allocations to projects that serve the Hayward community, with a focus on programs providing free or low-cost services to low- to moderate-income residents.

At the end of 2025, due to the City’s severe General Fund deficit, the City Manager implemented cost-saving measures affecting agencies funded through the CAF process. These included terminating most competitive FY 2025–2026 General Fund contracts after their initial payments (50% of their contract) and canceling the CAF cycle in the fall of 2025, which would have allocated General Fund, CDBG, and Opioid Settlement funds for FY 2026–2028. To present a balanced budget to City Council, CAF funding originally intended for FY 2026–2028 was redirected to internal City uses.

Because of this cancellation, the CSC did not conduct its typical review of applications and had to reassess their scope of work in response to these changes. While the City reallocated all General Fund and Opioid Settlement funds to eligible internal uses, staff continued working with the CSC to review staff proposed CDBG allocations, ensuring community input and alignment with CSC and City Council priorities.

At its January meeting, the CSC directed staff to prioritize one-time expenses over ongoing costs to preserve funding for future CAF cycles. In March, staff presented CDBG allocation recommendations that focus on eligible, one-time internal projects aligned with CSC guidance. The CSC reviewed the proposed recommendations, reached general consensus, and expressed interest in hearing feedback from agencies on both the CDBG FY 2026-2027 recommendations and cancellation of the FY 2026-2028 CAF process. In April, the CSC formally approved the recommendations for submission to City Council.

DISCUSSION

Fiscal Year 2027-2027 CDBG Funding Allocations

Table 1 provides an overview of the CDBG funding recommendations by project, updated to reflect the final award amount and project-level allocations. The total Fiscal Year 2026–27 CDBG allocation shown in Table 1 is \$1,549,908, which includes \$1,502,729 from this year’s award and \$47,179 in estimated program income for FY 2026–27.

Table 1. Recommended CDBG Funding Allocation by Project

Category	Project	Amount
Admin	Administration and Planning	\$283,680
Admin	HUD-Required Fair Housing Services	\$26,302
Housing	Home Rehabilitation & Infrastructure Project Management	\$375,000
Public Services	Eden Information and Referral (EIR)	\$50,000
Public Services	Hayward Navigation Center	\$184,502
Public Facilities & Infrastructure	Fire Equipment Purchases for stations located in Low to Moderate Income Areas	\$630,424
TOTAL FY 2026-2027 CDBG ALLOCATION		\$1,549,908

Administration and Planning

Out of the \$1.55 million in CDBG funding for next fiscal year, \$309,982 is allocated to administration and planning, which covers staff time for grant management, required reporting, and federally mandated fair housing services. Of that amount, \$26,302 is set aside for fair housing services required by HUD, provided by Eden Council for Hope and Opportunity (ECHO).

Housing

Through the Alameda County Analysis of Impediments to Fair Housing completed in 2020, the City committed \$300,000 to home rehabilitation programs to prevent displacement of low-income households as written in the City's Housing Element Plan. Last fiscal year, staff recommended a \$50,000 increase to address rising construction costs and maintain current service levels. To sustain that level of service, staff recommend continuing the same total allocation of \$350,000. Additionally, the City allocates \$25,000 to Habitat for Humanity to support project management of all of the City's CDBG infrastructure grants and ensure compliance with federal regulations.

Public Services

For fiscal year 2026-2027, staff recommend allocating \$50,000 to Eden I&R for information and referral services and the remaining public services amount to the Hayward Navigation Center for their housing and homelessness services. Both services are eligible CDBG projects as they serve predominantly low to moderate income clientele.

Eden I&R

EIR is the sole provider of 211 services in Alameda County. The agency has provided critical information and referral services for 45 years and serves as the countywide call center for Alameda County's Coordinated Entry System. Their contract is funded through a consortium of 14 cities and several County agencies and departments, and Hayward's annual share is \$50,000. The City has historically contributed through the General Fund. Staff recommend shifting this project's funding source from the General Fund to CDBG for this funding cycle, as the services meet CDBG eligibility requirements.

Hayward Navigation Center

For the remaining Public Services allocation, staff recommends allocating \$184,502 to the Hayward Navigation Center (HNC), which is operated by Bay Area Community Services (BACS). Homelessness and housing was defined as one of the CSC's top priorities for funding among services projects during the FY 2025-2026 process. The HNC is the cornerstone of the City's homelessness reduction strategy.

For FY 2026-2027, the HNC is projected to cost approximately \$1,540,000 to operate. Due to the City's fiscal situation, staff have successfully worked with BACS to reduce operating costs without negatively impacting service delivery. One funding source, Proposition 47 grant funding, requires a matching commitment. The recommended CDBG allocation will be leveraged to maintain this outside grant funding.

Public Facilities and Infrastructure

For fiscal year 2026-2027, staff recommends allocating \$630,424 to fire equipment purchases for stations located in low to moderate income areas. After evaluating potential projects, staff developed this recommendation based on the project's eligibility and administrative factors. The proposed project is an anticipated City project that directs funds to a low- to moderate-income area and supports compliance with HUD timeliness requirements for expending CDBG funds. Fire protection equipment is considered for this purpose to be an integral part of a public facility and thus, purchase of such equipment would be eligible under Federal Regulation 24 § 570.201(c).

Staff evaluated several potential capital projects, including improvements to La Vista Park and ADA upgrades to City Hall; however, significant constraints limit the City's ability to deploy CDBG funds for these projects in a timely manner. Because La Vista Park is a multi-million-dollar project, the use of federal funds would trigger Build America, Buy America (BABA) requirements, applying domestic sourcing standards to all materials and significantly increasing project costs. Staff worked with the Development Services, Public Works, and Maintenance departments to explore upcoming eligible projects, such as street safety improvements or future ADA enhancements. While none were identified at this time, staff will continue coordinating across departments as future opportunities arise.

Fiscal Year 2026-2027 CDBG Annual Action Plan

HUD requires the City to update its Annual Action Plan (AAP) each year to implement the five-year Consolidated Plan, most recently approved by Council on April 22, 2025 for FY 2026–2029.¹ The FY 2026–2027 AAP outlines the actions, activities, and funding to address priorities identified in the Consolidated Plan and reflects the same CDBG allocations summarized in Table 1. A draft AAP was released for public comment on April 17, 2026, with a public hearing scheduled for May 5, 2026.² The comment period closes May 17, 2026, and the final plan will be submitted to HUD by June 2, 2026.

Community Services Commission Work Plan

On [March 4, 2025](#), the City Council updated the ordinance outlining the CSC's responsibilities to "clarify its focused role as an advisory body to the City Council for recommending resource allocations to community services." The CSC then met during the spring and summer of 2025 to make substantive improvements to the Community Agency Funding (CAF) Process, which were summarized in a [September report](#) to the Committee.

Subsequently, as mentioned above, the City canceled the fall 2025 CAF cycle. At the May 12, 2026, Budget Work Session, staff will also be recommending canceling the fall 2026 CAF cycle while the City continues to work on stabilizing its budget. In light of this significant change to the CSC's responsibilities, CSC members have requested clarification from the City Council on its scope and purpose for the coming year. CSC members and staff have reviewed several

¹ April 22, 2025 Staff Report and Attachments: <https://hayward.legistar.com/LegislationDetail.aspx?ID=7349061&GUID=286ACED0-DF24-498A-AF9D-D87E68F36D05&Options=&Search=>

² FY 2026-2027 Draft Annual Action Plan: <https://www.hayward-ca.gov/sites/default/files/2026-04/CMO-CSD-FY26-27-CDBG-Annual-Action-Plan-260415.pdf>

options, including working groups to provide technical assistance, connect agencies to resources, and match volunteers.

While reviewing CSC scope, staff has identified the need for the City to update some or all of its existing Community Needs Assessment (CNA), with the opportunity to have CSC serve in an advisory capacity to that process. The last CNA, conducted in 2018, is outdated. Conducting an up-to-date CNA would support data-informed decisions around program implementation and decision making for future CAF process. In addition, there are other programs in the City that are due for a needs assessment, so this process could combine efforts and resources. Staff is seeking City Council feedback on expanding the CSC's scope over the next two years to include serving as an advisory body for a combined needs assessment process.

PUBLIC CONTACT

The Public Comment period for FY 2026-2027 recommended funding allocations and FY 2026-2027 Annual Action Plan is in place from April 17, 2026, through May 17, 2026. Public comment on these items will be heard at the City Council Public Hearing on May 5, 2026 or submitted directly to staff. All public comments received so far are included in Attachment IV.

As of April 27, 2026 the following individuals provided written public comments:

- Robert Bulatao representing Generation Music & Arts Academy
- Kristin Wagner representing East Bay Agency for Children
- Janice Roberts representing Mercy Brown Bag
- Nancy Rivera representing A1 Community Housing Services

NEXT STEPS

Next steps include the following:

- On May 17, 2026, the City's public comment period will conclude.
- Staff will address public comments and will submit Consolidated Plan to HUD no later than June 2, 2026, unless directed by HUD otherwise.

Staff will begin the contracting process with funded agencies after City Council approves the funding recommendations.

Prepared by: Emily Hwang, Management Analyst and CSC Staff Liaison

Recommended by: Mary Thomas, Assistant City Manager

Approved by:



Jennifer Ott, City Manager

COMMUNITY SERVICES COMMISSION
Fiscal Year 2026-2027 Community Development Block Grant (CDBG)
Recommendations to City Council

CATEGORY	AGENCY	PROJECT	RECOMMENDATIONS
CDBG - PUBLIC SERVICES			
Housing	Eden Council for Hope and Opportunity (ECHO)	Fair Housing Services*	\$26,302
Information and Referral	Eden Information and Referral	211 Contract	\$50,000
Housing and Homelessness	Bay Area Community Services	Hayward Navigation Center	\$184,502
TOTAL CDBG PUBLIC SERVICES			\$260,804
CDBG Housing Programs			
Infrastructure-Neighborhood Facilities	Rebuilding Together East Bay Network	Rehabilitation and Repair	\$150,000
Infrastructure-Neighborhood Facilities	Habitat for Humanity East Bay/Silicon Valley, Inc.	Home Repair Program	\$225,000
TOTAL CDBG HOUSING PROGRAMS			\$375,000
CDBG Public Facilities & Infrastructure			
Public Facilities	Hayward Fire Department	Emergency Response Equipment in Low-Moderate Income Areas	\$630,424
TOTAL CDBG PUBLIC FACILITIES & INFRASTRUCTURE			\$630,424

*HUD-mandated Fair Housing Services are eligible for inclusion under the City of Hayward's Administration and Planning funding allocation. The \$26,302 cost for this activity would not be counted toward the City's Public Services funding cap, although it is still classified as a service.

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-___

Introduced by Council Member _____

RESOLUTION APPROVING AND APPROPRIATING THE COMMUNITY AGENCY FUNDING RECOMMENDATIONS FOR FISCAL YEAR 2026-2027 IN THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICES CATEGORY AND AUTHORIZING THE CITY MANAGER TO APPLY FOR FEDERAL ASSISTANCE UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the Housing and Community Development Act of 1974 makes funds available to qualified cities for certain community development activities, and the City of Hayward is qualified to receive certain funds pursuant to said act; and

WHEREAS, the City Council has considered public testimony and the CDBG Program recommendations prepared by staff and the Community Services Commission, a copy of which is attached and hereby referred to for further particulars; and

WHEREAS, the City Council has considered the environmental impact of the program and hereby finds and determines that the program is composed of projects that are categorically excluded from the National Environmental Protection Act or will be subject to later environmental review and finds and determines that the activities funded by the program are either not subject to the California Environmental Quality Act or will be subject to later environmental review.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hayward hereby approves the CDBG Program Annual Action Plan and authorizes the City Manager on behalf of the City of Hayward to execute and submit the required applications and all implementing documents in connection therewith.

BE IT FURTHER RESOLVED that the City Council of Hayward hereby approves and appropriates the Community Agency Funding Community Development Block Grant Recommendations for Fiscal Year 2026-2027 as shown in Exhibit A, in a total amount not to exceed \$1,266,228 which is incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Council of Hayward hereby approves and appropriates the Community Development Block Grant funding allocations recommendations and Annual Action Plan for Program Year 2026 as shown in Exhibit B, in a total amount of \$1,549,908.

BE IT FURTHER RESOLVED that the City Council of Hayward hereby approves the Community Development Block Grant priority needs, goals, and not limited to but including the recommended planned sample activities for HUD Program Year 2026 as shown in Exhibit C.

BE IT FURTHER RESOLVED that except as may be otherwise provided, any and all expenditures relating to the objectives described in the Community Agency budget are hereby approved and authorized and payments therefore may be made by the Director of Finance of the City of Hayward without further action of 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

Exhibit A

COMMUNITY SERVICES COMMISSION
Fiscal Year 2026-2027 Community Development Block Grant (CDBG)
Recommendations to City Council

CATEGORY	AGENCY	PROJECT	RECOMMENDATIONS
CDBG - PUBLIC SERVICES			
Housing	Eden Council for Hope and Opportunity (ECHO)	Fair Housing Services*	\$26,302
Information and Referral	Eden Information and Referral	211 Contract	\$50,000
Housing and Homelessness	Bay Area Community Services	Hayward Navigation Center	\$184,502
TOTAL CDBG PUBLIC SERVICES			\$260,804
CDBG Housing Programs			
Infrastructure-Neighborhood Facilities	Rebuilding Together East Bay Network	Rehabilitation and Repair	\$150,000
Infrastructure-Neighborhood Facilities	Habitat for Humanity East Bay/Silicon Valley, Inc.	Home Repair Program	\$225,000
TOTAL CDBG HOUSING PROGRAMS			\$375,000
CDBG Public Facilities & Infrastructure			
Public Facilities	Hayward Fire Department	Emergency Response Equipment in Low-Moderate Income Areas	\$630,424
TOTAL CDBG PUBLIC FACILITIES & INFRASTRUCTURE			\$630,424

*HUD-mandated Fair Housing Services are eligible for inclusion under the City of Hayward's Administration and Planning funding allocation. The \$26,302 cost for this activity would not be counted toward the City's Public Services funding cap, although it is still classified as a service.

Exhibit B

COMMUNITY DEVELOPMENT BLOCK GRANT HUD PROGRAM YEAR 2026 ANNUAL ACTION PLAN FUNDING ALLOCATION		
No.	Project Category	Program Year 2026 (FY 2026-2027) Funding Allocation
1.	Administration & Planning	\$309,982
2.	Housing Programs	\$375,000
3.	Public Services	\$234,502
4.	Public Facilities & Infrastructure	\$630,424
TOTAL		\$1,549,908

Exhibit C

COMMUNITY DEVELOPMENT BLOCK GRANT

HUD PROGRAM YEAR 2026 PRIORITY NEEDS, GOALS, PLANNED SAMPLE ACTIVITIES		
Priority Needs	Goals	Sample Activities
1. Expand & Improve Public Infrastructure & Facilities	1a. Facility and Infrastructure access and capacity	Accessibility improvements to facilities open to the public; emergency response capital purchases
2. Preserve, Protect, and Produce Housing Stock	2a. Preserve existing homeownership housing	Home repairs for older adults; accessibility and safety upgrades
3. Public Services & Quality of Life Improvements	3a. Provide supportive services for special needs	Emergency shelter, interim housing, and supportive services for individuals experiencing homelessness
	3b. Provide vital services for low-to-mod income households	Homelessness, elderly, youth, and family education services and legal services

Public Comments as of April 27, 2026

From: Robert Bulatao <robert.bulatao@genmusicarts.org>
Sent: Wednesday, April 22, 2026 12:29 PM
To: Emily Hwang <Emily.Hwang@hayward-ca.gov>
Subject: Re: Community Services Commission Meeting

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hi Emily,

I'm not sure if you're looking for feedback from the arts portion of the funding but I can still give some feedback in case it's relevant. Even though our funding was reduced we're still able to get our project for Hayward residents living below AMI. Currently we only have the funding and space to allot for 10 students and the interest in this program was very high. We had to turn away a few families because we hit our limit for the maximum size of our class, focusing on students ages 10-26. If we had more funding then we could have been able to offer a second time slot for youth in the elementary school age range.

So far we've completed one of our six sessions and the feedback from parents was great. They love watching their children connect with their culture in a way that won't hurt them financially. Thanks again for the support because it's already making a huge impact on the community.
--

Best Regards,

**Robert Bulatao
Generation Music & Arts Academy
Executive Director
676 Bockman Rd STE F
San Lorenzo, CA 94580
(510)788-1078**

From: Kristin Wagner <kristin@ebac.org>
Sent: Wednesday, April 22, 2026 3:50 PM
To: Emily Hwang <Emily.Hwang@hayward-ca.gov>
Subject: Comments for ACT 26-020

Hi Emily

Unfortunately I cannot attend tonight so I appreciate you including this.

I want to mention a couple of things regarding the staff recommendations for ACT 26-020. I understand that you are in a very difficult budget situation, making decisions very tough.. But I want to highlight that CBO's bring tremendous financial and essential services to Hayward families. We provide services efficiently at a lower cost and also use the base funding that we receive from the city to draw other federal, state and foundation dollars. This means that our loss of city dollars means loss of services at a higher rate than you might think.

Specifically at East Bay Agency for Children, we support low income families with food, health care, and other basic needs along with newcomer, parenting and other supports. Families are extremely stressed right now and this recommendation comes at a time when Hayward Unified is also reducing services to families and eliminating Family Liaison positions. So when families need the most support due to rising costs, scapegoating by the federal government and other stressors, the systems that support them are being eliminated. Please consider finding a way to support the lifelines that CBO's provide to the community.

--

Kristin Wagner, LCSW
Pronouns: she, her, hers
Senior Director, Family and Community Wellness
East Bay Agency for Children

EBAC
2828 Ford Street
Oakland, CA 94601

x1107
Direct: 844.6707
Cell: 707.337.0428

From: [Janice Roberts](#)
To: [Emily Hwang](#)
Subject: MBBP Statement for Community Services Commission Meeting
Date: Thursday, April 23, 2026 3:07:16 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Emily,

Thank you, as always, for your feedback and assistance. Can you give the Commission the following statement from Mercy Brown Bag?

We at Mercy Brown Bag understand that everyone right now has squeezed budgets, and from time-to-time part of being a good partner is stepping up to take on more of the load. We have continued to provide fresh, healthy groceries twice a month to almost 600 low-income seniors, in spite of your reductions. We do this because we know that for the vast majority of these neighbors, we are ALL or MOST of their food for the month, and we cannot in good conscience abandon them.

To that end, we provided over 20,000 pounds of food every month last year, valued at over \$400,000, across 8 distribution points in Hayward. That food went to Hayward residents that average \$1,068/month in income, are 78 years of age on average, and are over 90% people of color—in other words, some of your most vulnerable residents.

We do not believe you can continue to balance your budget on the backs of neighbors most in need of a safety net. In light of these facts, we ask you to reconsider your position going forward into FY27-28, and reinstate this partnership. We look forward to again working hand-in-hand to serve the community.

In partnership,

Janice Roberts
Executive Director, Mercy Brown Bag

From: Emily Hwang <Emily.Hwang@hayward-ca.gov>
Sent: Wednesday, April 22, 2026 2:39 PM
To: Janice Roberts <jroberts@eldercarealliance.org>
Subject: [EXTERNAL] FW: Community Services Commission Meeting

Hi Janice,

I'm responding to your voicemail. Please see the below information for tonight's CSC Meeting and

From: [Nancy Rivera](#)
To: [Carol Lee](#)
Cc: [Emily Hwang](#)
Subject: Re: Notification Letter for Monitoring of City of Hayward Funded Activities for FY 2024-2025
Date: Thursday, April 23, 2026 4:19:39 PM
Attachments: [image001.png](#)
[image002.png](#)
[20260423162124737.pdf](#)

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hi Carol,

The day got the best of me yesterday at this time I think it may be too late for me to share comments regarding the funding for 26/27 but I thought I would still include in this email. I hope there is reconsideration in the near future and hope to work with the team again.

COMMENTS REGARDING THE 2026-2027 FUNDING CUTS

On behalf of A-1 Community Housing Services, a HUD-approved Housing Counseling Agency, please find this email with our concerns and comments regarding the proposed funding cuts for Fiscal Year 2026-2027

Our agency's primary mission is to serve and support our community, particularly its most vulnerable residents, by providing critical housing counseling, foreclosures prevention, and financial stability services. These services are increasingly essential as economic pressures continue to impact low - and moderate-income households throughout Hayward.

Recent housing data underscores the urgency of maintaining these services. In Hayward alone, there are currently hundreds of properties in various stages of foreclosure, including pre-foreclosures and auction listings, reflecting ongoing housing instability in our community. Additionally, foreclosure activity has been rising both statewide and nationally, with California experiencing a year-over-year increase in filings and approximately 1 in every 435 homes facing foreclosure-related action. These trends highlight the growing need for early intervention and counseling services to prevent displacement and homelessness.

The proposed reductions/ cuts in funding will and have significantly impacted not only our organization, but also many of our partner agencies who are collectively working to meet this rising demand. As more households seek assistance due to inflation, increased housing costs, and economic uncertainty, our capacity remains limited by available resources.

We are already experiencing increased demand for services while operating with constrained staffing and funding. Further reductions will inevitably result in longer wait times, reduced service availability, and fewer households receiving the support they need to avoid foreclosure or housing instability.

We respectfully urge the City of Hayward to reconsider these proposed funding cuts and to recognize the essential role that housing counseling agencies play in stabilizing families and preserving the health of our community. Continued investment in these services is not only critical for the residents we serve, but also for the long-term economic resilience of Hayward.

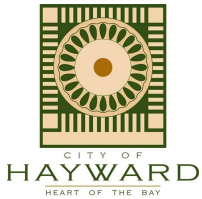
We welcome the opportunity to discuss this matter further and to collaborate on solutions that ensure continued support for our community's most vulnerable populations.

Thank you for your time and consideration.

Thank You,

Nancy Rivera

[April Newsletter](#)



CITY OF HAYWARD

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

File #: LB 26-009

DATE: May 5, 2026

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT

California Public Employees Retirement System Contract: Adoption of a Resolution of Intention to Introduce an Ordinance Approving an Amendment to the Contract Between the City of Hayward and the California Public Employees Retirement System or Classic Members in the International Association of Fire Fighters Local 1909; Hayward Fire Officers Association; Hayward Fire Chiefs Association; Hayward Police Officers Association; Hayward Police Management Unit and the Unrepresented Safety Executive Group

RECOMMENDATION

That the City Council adopts the Resolution of Intention to approve an amendment to the City of Hayward's contract with the California Public Employees Retirement System (CalPERS) and introduction of an Ordinance to approve the contract amendment and authorize staff to execute the contract.

SUMMARY

As a result of recent review of the Cost Share provisions in the City's CalPERS contract it was discovered that Classic Safety members in the International Association of Fire Fighters Local 1909; Hayward Fire Officers Association; Hayward Fire Chiefs Association; Hayward Police Officers Association; Hayward Police Management Unit and the Unrepresented Safety Executive Group did not officially adopt Government Code section 20516 (Employees Sharing Cost) and have been Cost Sharing under a variable provision which required a reduction in the amounts for the City's Safety groups on the 20th anniversary of the effective dates, reducing the Cost Share below what the employee groups have previously agreed to in their contracts.

Government Code section 20516 allows contracting agencies and their employees to agree in writing to share the costs of the employer contribution for retirement benefits. Per Code section 20516, the collective bargaining agreement ratified by the employee bargaining unit and governing body of the contracting agency must specify the exact percentage of member compensation that shall be paid toward the current service cost of benefits by members or methodology for calculating the cost sharing rate. The City must now amend its CalPERS contract to formally end the variable Cost Share and add Section 20516 Cost Share to implement this previously agreed upon change.

Adopting the Resolution of Intention initiates the contract amendment process. California Government Code 20471 outlines the process for approving amendments to the city's contract with CalPERS. Under this process, approval of a contract must be by ordinance adopted by an affirmative vote of a majority of the members of the governing body, not less than 20 days after the adoption of the resolution of intention.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution of Intention
Attachment III	Exhibit Contract Amendment
Attachment IV	CalPERS Form CON-12, Certification of Governing Body's Action
Attachment V	CalPERS Form CON-12A, Certification of Compliance with Government Code Section 7507
Attachment VI	Contract Amendment Ordinance



DATE: May 5, 2026

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT California Public Employees Retirement System Contract: Adoption of a Resolution of Intention to Introduce an Ordinance Approving an Amendment to the Contract Between the City of Hayward and the California Public Employees Retirement System or Classic Members in the International Association of Fire Fighters Local 1909; Hayward Fire Officers Association; Hayward Fire Chiefs Association; Hayward Police Officers Association; Hayward Police Management Unit and the Unrepresented Safety Executive Group

RECOMMENDATION

That the City Council adopts the Resolution of Intention to approve an amendment to the City of Hayward's contract with the California Public Employees Retirement System (CalPERS) and introduction of an Ordinance to approve the contract amendment and authorize staff to execute the contract.

BACKGROUND AND SUMMARY

As a result of recent review of the Cost Share provisions in the City's CalPERS contract it was discovered that Classic Safety members in the International Association of Fire Fighters Local 1909; Hayward Fire Officers Association; Hayward Fire Chiefs Association; Hayward Police Officers Association; Hayward Police Management Unit and the Unrepresented Safety Executive Group did not officially adopt Government Code section 20516 (Employees Sharing Cost) and have been Cost Sharing under a variable provision which required a reduction in the amounts for the City's Safety groups on the 20th anniversary of the effective dates, reducing the Cost Share below what the employee groups have previously agreed to in their contracts.

Government Code section 20516 allows contracting agencies and their employees to agree in writing to share the costs of the employer contribution for retirement benefits. Per Code section 20516, the collective bargaining agreement ratified by the employee bargaining unit and governing body of the contracting agency must specify the exact percentage of member compensation that shall be paid toward the current service cost of benefits by members or methodology for calculating the cost sharing rate. The City must now amend its CalPERS contract to formally end the variable Cost Share and add Section 20516 Cost Share to implement this previously agreed upon change.

Adopting the Resolution of Intention initiates the contract amendment process. California Government Code 20471 outlines the process for approving amendments to the city's contract with CalPERS. Under this process, approval of a contract must be by ordinance adopted by an affirmative vote of a majority of the members of the governing body, not less than 20 days after the adoption of the resolution of intention.

FISCAL IMPACT

Employee cost share provides the City the opportunity to save money and help offset pension costs. Adoption of this ordinance for compliance with CalPERS aligns the original intention of the respective contract language and institutes uniformity and consistency for these bargaining groups including payroll administration. As related bargaining units are brought into alignment with the Cost Share percentages previously agreed to, this will reduce costs to the General Fund.

DISCUSSION

The City contracts with CalPERS for retirement benefits. The existing CalPERS contract for Safety members includes a variable Cost-Share provision which allowed for the 6% Cost Share for Classic members (hired prior to January 1, 2013) previously agreed to by each Safety group. The variable Cost Share provision has a requirement that Cost Sharing be reduced on the 20th anniversary of the effective dates - in 2020 (Fire) and 2021 (Police) - Cost Share for Classic employees in these categories was reduced by CalPERS to 5.986% for Fire and 5.505% for Police. The cost sharing provisions have been added or amended in all bargaining group contracts and the Unrepresented Safety Executive Cost Share Resolution to add the specific language required by California Government Code and the City will now need to amend the CalPERS contract to reflect and formally reinstate the 6% Cost Share previously agreed to for each group.

NEXT STEPS

Human Resources staff will work with CalPERS to complete the contract amendment process. California Government Code Section 20474 requires a secret ballot election by the employees affected whenever a contract is amended to change their contribution; this will commence on May 6, 2026. The final reading of the Ordinance will be presented during a Public Hearing on June 2, 2026. If approved, the Ordinance will take effect on July 2, 2026. The contract amendment will be effective July 13, 2026.

Prepared by: July Cole, Human Resources Manager

Recommended by: Ian Tecson, Director of Human Resources

Approved by:

A handwritten signature in blue ink, appearing to read "Jennifer Ott". The signature is fluid and cursive, with the first name "Jennifer" and the last name "Ott" clearly distinguishable.

Jennifer Ott, City Manager

RESOLUTION OF INTENTION
TO APPROVE AN AMENDMENT TO CONTRACT
BETWEEN THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE
CITY COUNCIL
CITY OF HAYWARD

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To end Section 20516 (Employees Sharing Additional Cost) of 5.986% for classic local fire members and 5.505% for classic local police members; and

To provide Section 20516 (Employees Sharing Additional Cost) of 6% for classic local safety members in the Hayward Police Officers' Association, Hayward Police Management Unit, International Association of Fire Fighters Local 1909, Hayward Fire Officers Association, Hayward Fire Chiefs Association, and Unrepresented Safety Executive group.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

By: _____
Presiding Officer

Title

Date adopted and approved
(Amendment)
CON-302



EXHIBIT

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Hayward

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective October 1, 1950, and witnessed August 7, 1960, and as amended effective January 16, 1952, January 1, 1956, April 1, 1959, January 1, 1960, November 1, 1962, April 1, 1965, December 1, 1969, July 1, 1973, July 16, 1973, June 1, 1978, April 23, 1979, January 12, 1981, March 9, 1981, July 11, 1986, October 10, 1988, June 21, 1991, June 19, 1992, March 8, 1996, January 1, 2001, April 1, 2001, July 1, 2001, August 26, 2002, May 23, 2008, July 4, 2011, February 24, 2014, July 27, 2015, June 27, 2016, February 20, 2017, June 26, 2017, December 11, 2017, April 1, 2019, and May 25, 2020, which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 16 are hereby stricken from said contract as executed, effective May 25, 2020, and hereby replaced by the following paragraphs numbered 1 through 16 inclusive:
 - 1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for classic local miscellaneous members, age 62 for new local miscellaneous members, age 50 for classic local safety members, and age 57 for new local safety members.

2. Public Agency shall participate in the Public Employees' Retirement System from and after October 1, 1950, making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.

4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Fire Fighters (herein referred to as local safety members);
 - b. Local Police Officers (herein referred to as local safety members);
 - c. Employees other than local safety members (herein referred to as local miscellaneous members).

5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
 - a. **PERSONS EMPLOYED AFTER JANUARY 16, 1952, AS CROSSING GUARDS; AND**
 - b. **PERSONS EMPLOYED AFTER JANUARY 30, 1959, AS PART-TIME LIFEGUARDS AND PART-TIME LIBRARY AIDES.**

6. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members in employment before and not on or after August 26, 2002, shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after January 5, 1956, the effective date of Social Security coverage, and prior to December 30, 1980, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
7. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members in employment on or after August 26, 2002, shall be determined in accordance with Section 21354.4 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1956, the effective date of Social Security coverage, and prior to December 30, 1980, termination of Social Security, for members whose service has been included in Federal Social Security (2.5% at age 55 Full and Modified).
8. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Full).
9. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local safety member shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
10. The percentage of final compensation to be provided for each year of credited prior and current service as a new local safety member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2.7% at age 57 Full).
11. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 21573 (Third Level of 1959 Survivor Benefits) for local safety members only.
 - b. Sections 21624 and 21626 (Post-Retirement Survivor Allowance) for local safety members only.
 - c. Section 20042 (One-Year Final Compensation) for classic members only.
 - d. Section 21635 (Post-Retirement Survivor Allowance to Continue After Remarriage) for local safety members only.
 - e. Section 21024 (Military Service Credit as Public Service).
 - f. Section 21027 (Military Service Credit for Retired Persons).
 - g. Section 21551 (Continuation of Pre-Retirement Death Benefits After Remarriage of Survivor).

- h. Section 21022 (Public Service Credit for Periods of Lay-Off) for local miscellaneous members only.
- i. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local miscellaneous members only.
- j. Section 20903 (Two Years Additional Service Credit).
- k. Section 20965 (Credit for Unused Sick Leave) for local fire members only.
- l. Section 21547.7 (Alternate Death Benefit for Local Fire Members Credited with 20 or More Years of Service).
- m. Section 20516 (Employees Sharing Cost of Additional Benefits):

From and after July 4, 2011, and until the effective date of this amendment to contract, Section 21362.2 (3% @ 50) effective January 1, 2001, and Section 20042 (One-Year Final Compensation) effective January 12, 1981, for classic local fire members. The employee cost sharing contribution is not to exceed 15.607%. The maximum employee cost sharing contribution is the normal cost plus the increase in the accrued liability due to the benefit improvement amortized over 20 years. In no event shall the employee cost sharing contribution attributable to the unfunded liability remain in effect beyond June 30 preceding the 20th anniversary of the effective date of the additional benefits. Therefore, after June 30, 2020, in any given contribution year, the maximum employee cost sharing contribution cannot exceed 5.986%.

From and after July 4, 2011, and until the effective date of this amendment to contract, Section 21362.2 (3% @ 50) effective July 1, 2001, and Section 20042 (One-Year Final Compensation) effective April 23, 1979, for classic local police members. The employee cost sharing contribution is not to exceed 13.882%. The maximum employee cost sharing contribution is the normal cost plus the increase in the accrued liability due to the benefit improvement amortized over 20 years. In no event shall the employee cost sharing contribution attributable to the unfunded liability remain in effect beyond June 30 preceding the 20th anniversary of the effective date of the additional benefits. Therefore, after June 30, 2021, in any given contribution year, the maximum employee cost sharing contribution cannot exceed 5.505%.

- n. Section 20516 (Employees Sharing Additional Cost):

From and after February 24, 2014, 3.75% for new local fire members.

From and after July 27, 2015, 2.25% for new local police members.

From and after February 20, 2017, 5.25% for new local fire members in the International Association of Firefighters Local 1909.

From and after February 20, 2017, 3% for new local police members in the Hayward Police Officers' Association.

From and after June 26, 2017, 3% for local miscellaneous members in the Hayward Association of Management Employees Group, International Federation of Professional and Technical Engineers Local 21, Unrepresented Group, Management, Human Resources, and City Attorneys and City Managers Group.

From June 26, 2017, and until December 12, 2017, 3% for local miscellaneous members in the Unrepresented Executive Group and Council Appointed Employees Group.

From and after December 12, 2017, 5% for local miscellaneous members in the Unrepresented Executive Group and Council Appointed Employees Group.

From and after April 1, 2019, 4.5% for local miscellaneous members in the Service Employees International Union Local 1021, Clerical and Related Unit and the Service Employees International Union Local 1021, Maintenance and Operations Unit.

From and after the effective date of this amendment to contract, 6% for the classic local police members in the Hayward Police Officers' Association.

From and after the effective date of this amendment to contract, 6% for the classic local police members in the Hayward Police Management Unit.

From and after the effective date of this amendment to contract, 6% for the classic local fire members in the International Association of Fire Fighters Local 1909.

From and after the effective date of this amendment to contract, 6% for the classic local fire members in the Hayward Fire Officers Association.

From and after the effective date of this amendment to contract, 6% for the classic local fire members in the Hayward Fire Chief's Association.

From and after the effective date of this amendment to contract, 6% for the classic local fire members in the Unrepresented Safety Executive group.

From and after the effective date of this amendment to contract, 6% for the classic local police members in the Unrepresented Safety Executive group.

The portion of the employer's contribution that the member agrees to contribute from his or her compensation, over and above the member's normal contribution ("Cost Sharing Percentage"), shall not exceed the Employer Normal Cost Rate, as that rate is defined in the CalPERS Actuarial Valuation for the relevant fiscal year. If the Cost Sharing Percentage will exceed the relevant Employer Normal Cost Rate, the Cost Sharing Percentage shall automatically be reduced to an amount equal to, and not to exceed, the Employer Normal Cost Rate for the relevant fiscal year.

- o. Section 21548 (Pre-Retirement Option 2W Death Benefit) for local police members only.
12. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on June 1, 1978. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
 13. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
 14. Public Agency shall also contribute to said Retirement System as follows:
 - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21573 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local safety members.
 - b. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members.
 - c. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
 - d. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
 15. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

16. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF HAYWARD

BY _____
MELODY BENAVIDES, CHIEF
PENSION CONTRACTS AND PREFUNDING
PROGRAMS DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk

California Public Employees' Retirement System
Financial Office | Pension Contracts & Prefunding Programs Division
P.O. Box 942715, Sacramento, CA 94229-2715

www.calpers.ca.gov
888 CalPERS (or 888-225-7377)
TTY: (877) 249-7442



Certification of Governing Body's Action

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the

_____ of the
(governing body)

_____ of the
(public agency)

on _____
(date)

Clerk/Secretary

Title

California Public Employees' Retirement System
 Financial Office | Pension Contracts & Prefunding Programs Division
 P.O. Box 942715, Sacramento, CA 94229-2715

www.calpers.ca.gov
888 CalPERS (or 888-225-7377)
 TTY: (877) 249-7442



Certification of Compliance with Government Code Section 7507

I hereby certify that in accordance with Government Code section 7507, the future annual costs as determined by the California Public Employees' Retirement System for the increase or change in retirement benefit(s) have been made public at a public meeting of the

_____ of the _____

(governing body)

(public agency)

on _____ which is at least two weeks prior to the adoption of the Resolution /

(date)

Ordinance. Adoption of the retirement benefit increase or change will not be placed on the consent calendar.

Clerk/Secretary

Title

Date _____

ORDINANCE NO. 26-__

AN ORDINANCE AUTHORIZING THE AMENDMENT OF THE CONTRACT
BETWEEN THE CITY OF HAYWARD AND THE BOARD OF ADMINISTRATION
OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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

Section 1. Provisions.

1. That an amendment between the City Council of the City of Hayward and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit, and by such reference made a part hereof as though herein set out in full.
2. The City Manager of the City of Hayward is hereby authorized, empowered, and directed to execute said amendment for and on behalf of the City of Hayward.

Section 2. Severance. Should any part of this ordinance be declared by a final decision of a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 3. Effective Date. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward,
held the ____ day of ____, 2026, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward,
held the ____ day of ____, 2026, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward