

ORDINANCE NO. 19-\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF HAYWARD ADOPTING THE DOWNTOWN DEVELOPMENT CODE AND AMENDING THE CITY'S ZONING MAP TO INCORPORATE ALL PROPOSED DOWNTOWN HAYWARD REGULATING PLAN MAP AMENDMENTS CONTAINED IN FIGURE 2.1.020.1 OF THE DOWNTOWN SPECIFIC PLAN AND CODE

WHEREAS, on April 30, 2019, the City Council held a public hearing and adopted findings of support for the adoption of the Downtown Development Code and all proposed Zoning Map amendments as set forth in the companion Resolution (No. 19-\_\_); and

WHEREAS, the Council hereby finds, based on evidence and records presented, that:

A. All proposed Zoning Map amendments are necessary to implement the Downtown Specific Plan and Code;

B. The Downtown Specific Plan and Code, along with all proposed Zoning Map amendments, will ensure that the definitive and precise vision of the Plan and Code is achieved;

C. There are six (6) separate land use documents that regulate development and establish land use policies/goals for areas within Downtown Hayward. This number of documents makes it difficult to implement a consistent vision for various projects in the City. One of the many reasons for the City to craft a new Downtown Specific Plan is to make it easier for everyone interested in doing business in Downtown to comply with the goal of creating a more dynamic shopping, entertainment and arts district. All proposed Zoning Map and Code Amendments will help accomplish this important project goal;

D. The Downtown Specific Plan and Code provides a strategy to achieve the community's vision of a resilient, safe, attractive, and vibrant historic Downtown by clearly outlining an implementation plan, delineating an inclusive, multi-modal circulation system, integrating public open spaces, and establishing new regulations that clearly establish Downtown Hayward as the heart of the City and a destination for visitors and residents. The proposed Zoning Map and Code changes will help implement this key Specific Plan and Code strategy;

E. The Plan will guide initiatives and investments that capitalize on the City's unique assets, such as its central location in the Bay Area, its proximity to educational institutions, the Downtown Hayward Bay Area Rapid Transit (BART) station, the beautiful parks, creek and public gardens, the compact street grid, the historic buildings, and the extensive public

art. All proposed Zoning Map and Code amendments will enhance all future initiatives and investments within the Downtown Plan area boundaries;

F. Pursuant to Section 10-1.3400 (Amendments) of the Hayward Municipal Code (Zoning Ordinance), all proposed parcels and properties within the City of Hayward Downtown City Center Priority Development Area (PDA), which is also the Study Area for the Downtown Specific Plan project, shall be rezoned to new zoning designations as shown on Figure 2.1.020.1 (Regulating Plan) Downtown Specific Plan Development Code (Page 2-4). The rezoning complies with the "Purpose" of the Amendments Section (Section 10-1.3405) of the Hayward Municipal Code (Purpose) as initiated by the Hayward City Council since the benefit of the proposed rezoning benefit the public necessity, convenience, and general welfare. All proposed rezoning reflects the independent judgment of the Planning Commission and its staff and as adequate and in compliance with purpose and intent of the Downtown Specific Plan and Code.

G. All proposed properties subject to reclassification are within the Downtown Specific Plan Study Area/PDA as directed by the City Council pursuant to Sections 10-1.3415 (Initiation) of the Hayward Municipal Code.

H. The Planning Commission held a public hearing on March 28, 2019 and reviewed all reclassifications in the Downtown Specific Plan and Code pursuant to Section 10-1.2820 of the Hayward Municipal Code. Notice was given pursuant to Section 10-1.2820.

I. Pursuant to Section 10-1.3425 of the Hayward Municipal Code, the Planning Commission recommends approval of all proposed reclassifications to the City Council. The Commission's recommendation for approval are based upon all the following findings:

- Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward. All proposed rezonings are consistent with the purpose and intent and all other applicable provisions of the Downtown Specific Plan and Code;
- The proposed changes are in conformance with the purposes of the Ordinance for the Downtown Specific Plan and all applicable, officially adopted policies and plans;
- Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified. Utility and traffic modeling was done for the Downtown Specific Plan project affirming that there are adequate streets and public facilities to serve all uses permitted when property is reclassified or rezoned; and
- All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be

achieved which is not obtainable under existing regulations. Each rezoned property within the Downtown Specific Plan Study Area will be within the purpose and intent of the Downtown Specific Plan, specifically that all uses permitted will have of a beneficial effect currently not achieved or obtainable under all existing regulations governing uses within the Plan Study Area.

J. On April 23, 2019, the City Council held a public hearing on each Planning Commission recommendation for approval related to the proposed rezoning within the Plan Area (Section 10-1.3430) and Notice was given pursuant to Section 10-1.2820.

K. The City Council considered all reclassifications at their April 30, 2019 meeting.

L. The City Council or Planning Commission did not impose any conditions of approval for the reclassification of property within the Downtown Specific Plan Study Area contrary to Section 10-1.3450 of the Hayward Municipal Code.

M. The Ordinance rezoning and reclassifying property within the Downtown Specific Plan Study Area shall become effective upon adoption of the Ordinance. In the case of an Ordinance relating to a text amendment, the decision of the City Council shall become effective 30 days after adoption of the ordinance.

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 No. 19-\_\_ as well as the Findings set forth above, in support of all proposed Zoning Map and Code amendments as identified in Figure 2.1.020.1 (Regulation Plan) of the Hayward Downtown Specific Plan and Code.

Section 2. Downtown Development Code as shown on Exhibit "A" is hereby adopted. Section 3. The City's Zoning Map is hereby amended to change all Zoning Map designations to the proposed Zoning Map changes as identified in Figure 2.1.020.1 (Regulation Plan) of the Hayward Downtown Specific Plan and Code as shown in the attached "Exhibit B," 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 immediately upon adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_\_ day of \_\_\_\_, 2019, by Council Member \_\_\_\_\_.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_\_ day of \_\_\_\_, 2019, 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

# CHAPTER 6

# DEVELOPMENT CODE



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# Article 1: Introduction

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# Division 1.1: Purpose and Intent

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## 1.1.010 Purpose and Intent

- A. This Chapter of the Downtown Hayward Specific Plan is adopted as the zoning standards and procedures (“Code”) to implement the Downtown Specific Plan. In compliance with California Government Code §65450, the Code is consistent with the Hayward 2040 General Plan.
- B. This Code protects and promotes the public health, safety, comfort, convenience, and general welfare of the community. The Code implements the Hayward 2040 General Plan for the Downtown Specific Plan Area (“Plan Area”) identified in Figure 2.1.020.1 (Regulating Plan).

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## 1.1.020 Applicability

- A. This Code applies to any of the following within the boundaries identified in Figure 2.1.020.1 (Regulating Plan):
  - 1. Land use activity;
  - 2. New development; and
  - 3. Improvements/modifications of existing development.
- B. **Exemptions.** Properties in Figure 2.1.020.1 (Regulating Plan) zoned Central City-Residential (CC-R), Central City-Commercial (CC-C), Planned Development (PD), and Open Space (OS) are exempt from this Chapter and will continue to be subject to the standards and requirements of Chapter 10 (Planning, Zoning, and Subdivisions) of the Hayward Municipal Code (Hayward Code).
- C. This Code supplements, or when in conflict replaces, the standards and procedures in Chapter 10 (Planning, Zoning, and Subdivisions) of the Hayward Code. All applicable provisions of the Hayward Code that are not specifically replaced or identified as not applicable continue to apply to all properties within the Plan Area. If there is a conflict between the standards of this Chapter and the standards in the Hayward Code, the standards in this Chapter controls.
  - 1. **Requirements for New Structures or Land Uses, or Changes to Structures or Land Uses.** No permit may be issued by the City unless a proposed project complies with all applicable provisions of this Code, including required findings, conditions of approval, and all other applicable provisions of law.
  - 2. **Legal Parcel.** The site of a proposed land use, development, modification, or other improvement subject to this Code must be on a parcel(s) legally created in compliance with the Subdivision Map Act and Article 10-3 (Subdivision Ordinance) of the Hayward Code.

3. **Issuance of Building or Grading Permits.** The City may issue building, grading, or other construction permits when:
  - a. The proposed land use and/or structure satisfy the requirements of Subsection B.1, and all other applicable statutes, ordinances, and regulations; and
  - b. The site was subdivided in compliance with Article 10-3 (Subdivision Ordinance) of the Hayward Code.
4. **Minimum Requirements.** The provisions of this Code are minimum requirements for the protection and promotion of the public health, safety, and general welfare. When this Code provides for discretion on the part of a City review authority, that discretion may be exercised to impose conditions on the approval of any project proposed in the Plan Area.
5. **Effect on Existing Development and Land Uses.** Nonconforming structures and/or nonconforming use(s) legally existing when this Code was adopted must comply with Section 10-1.2900 (Nonconforming Uses) of the Hayward Code.
6. **Effect of Zoning Code Changes on Projects in Progress.** An application for zoning approval that has been accepted by the Director as complete before the effective date of the ordinance codified in this Code or any amendment will be processed according to the requirements in effect when the review authority first considers the application in a public hearing.
7. **Historic/Cultural Resources.** Properties identified by the City as historically or culturally significant, or potentially significant, must comply with the applicable provisions of Article 10-11 (Historic Preservation Ordinance) of the Hayward Code.

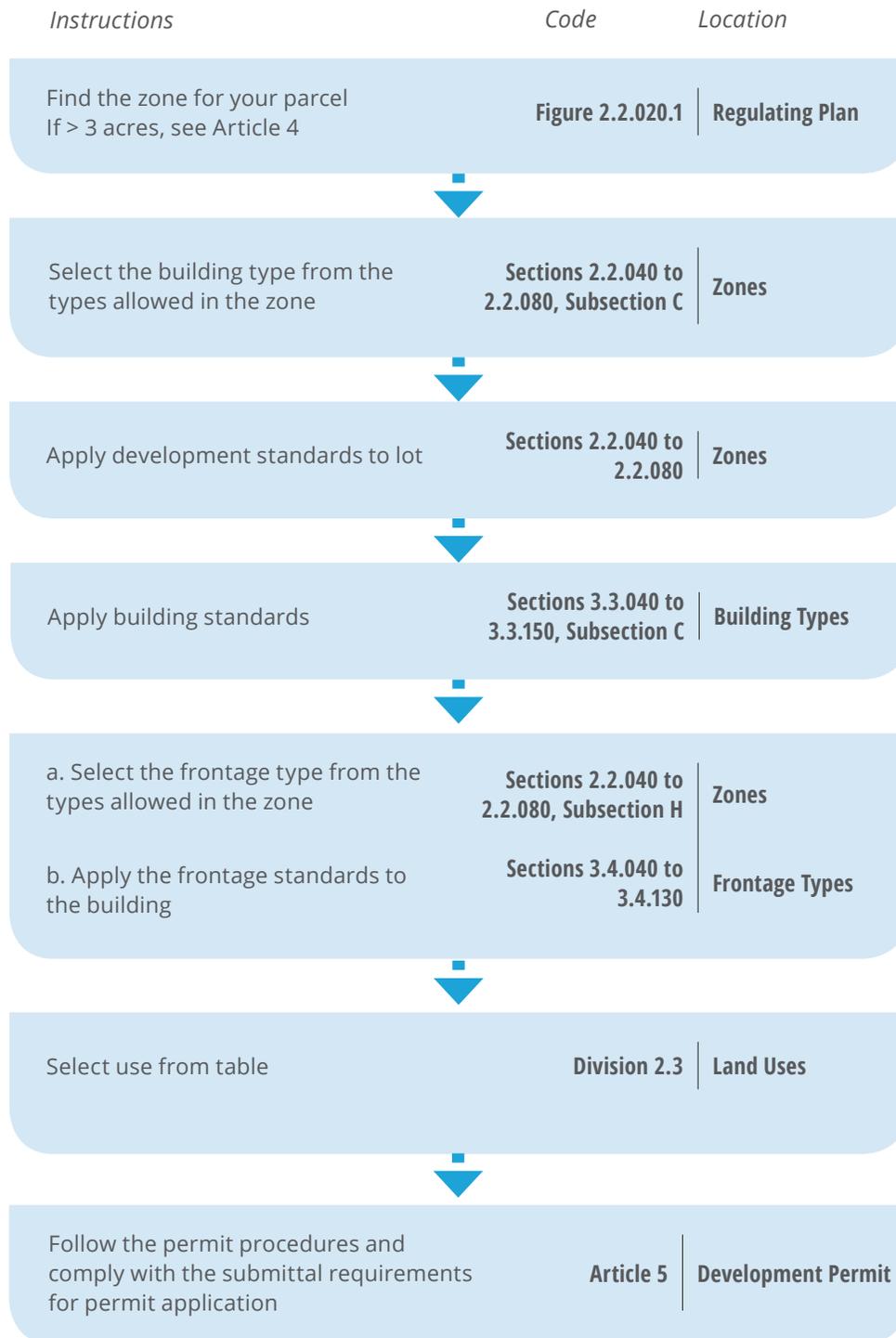
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## 1.1.030 Organization and Use

The Code consists of the following Articles:

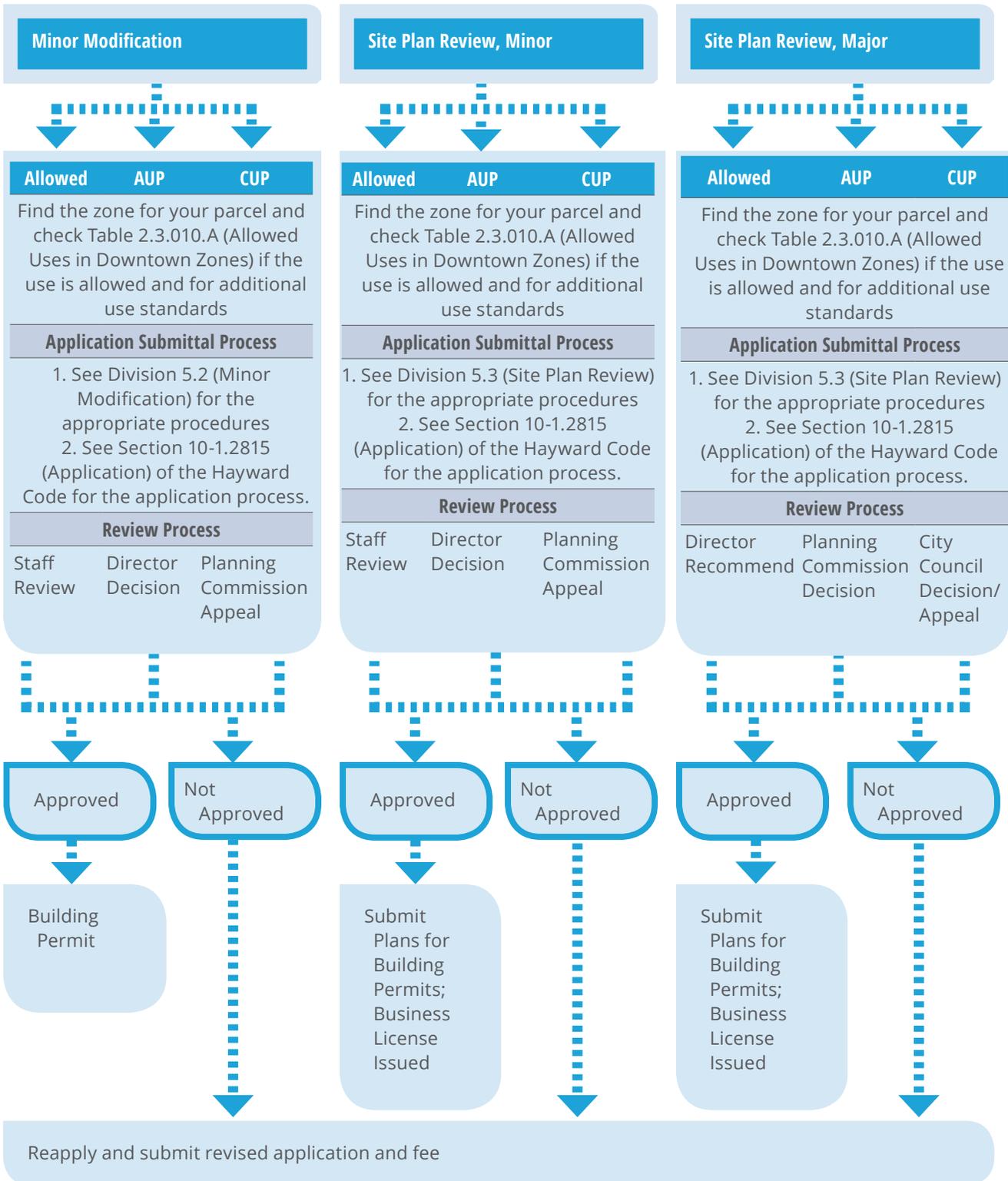
- A. **Article 1 Introduction.** This Article establishes the purpose of the Code and explains how existing and new standards will be applied to property and thoroughfares within the boundaries of the Plan Area identified in Figure 2.1.020.1 (Regulating Plan).
- B. **Article 2 Specific to Zones.** This Article establishes and defines the zones for the Plan Area and specifies the allowed uses, permit requirements, and development standards for each zone.
- C. **Article 3 Supplemental to Zone.** This Article establishes general, building, and frontage standards for the zones. This Article also defines the character of each building and frontage type, and provides a table of all applicable building and frontage requirements. This Article also provides additional standards and requirements that apply to a specific use.
- D. **Article 4 Standards for Large Sites.** This Article establishes standards for large sites and civic spaces in the Plan Area.
- E. **Article 5 Permits and Procedures.** This Article describes the permitting and processing procedures that apply to property within the boundaries of the Plan Area identified in Figure 2.1.020.1 (Regulating Plan).
- F. **Article 6 Definitions.** This Article provides definitions of terms used in the Code. This Article supplements, and when in conflict, replaces the definitions in Section 10-1.3500 (Definitions) of the Hayward Code.

# Quick Code Guide: New or Modified Building



*The above is intended as a summary guide. Please refer to the city's permit procedures and application requirements for all necessary information.*

## Quick Code Guide: New or Expanded Use



The above is intended as a summary guide. Please refer to the city's permit procedures and application requirements for all necessary information.

# Article 2: Specific to Zones

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# Division 2.1: Establishment of Downtown Zones

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## 2.1.010 Zones Established

- A. As of xx/xx/xxxx, the following zones are established to provide a mix of intensity of development and a mix of uses that implement the vision and intent of the Downtown Specific Plan.
- B. The zones included in this Chapter emphasize the intended form and character of the Plan Subareas. In keeping with the intent of the Specific Plan to allow flexibility, a more flexible approach to permitted uses is enabled. The zones are organized based on the physical character of the different environments that comprise the 320-acre Downtown and adjacent neighborhoods.
- C. Unless otherwise specified, the Zones and standards for each zone in the Plan Area and listed in Table A replace the zone designations previously applied to the subject property mapped in Figure 2.1.020.1 (Regulating Plan).

Table 2.1.010.A Downtown Zones	
Downtown Zone	Location
Neighborhood Edge (NE)	Section 2.2.040
Neighborhood General (NG)	Section 2.2.050
Urban Neighborhood (UN)	Section 2.2.060
Downtown Main Street (DT-MS)	Section 2.2.070
Urban Center (UC)	Section 2.2.080

- D. Properties zoned Central City-Residential (CC-R), Central City-Commercial (CC-C), Planned Development (PD), and Open Space (OS) will be subject to the standards of the Hayward Code.

## 2.1.020 Zoning Map

The zones established in this Division are mapped on Figure 1 (Regulating Plan).

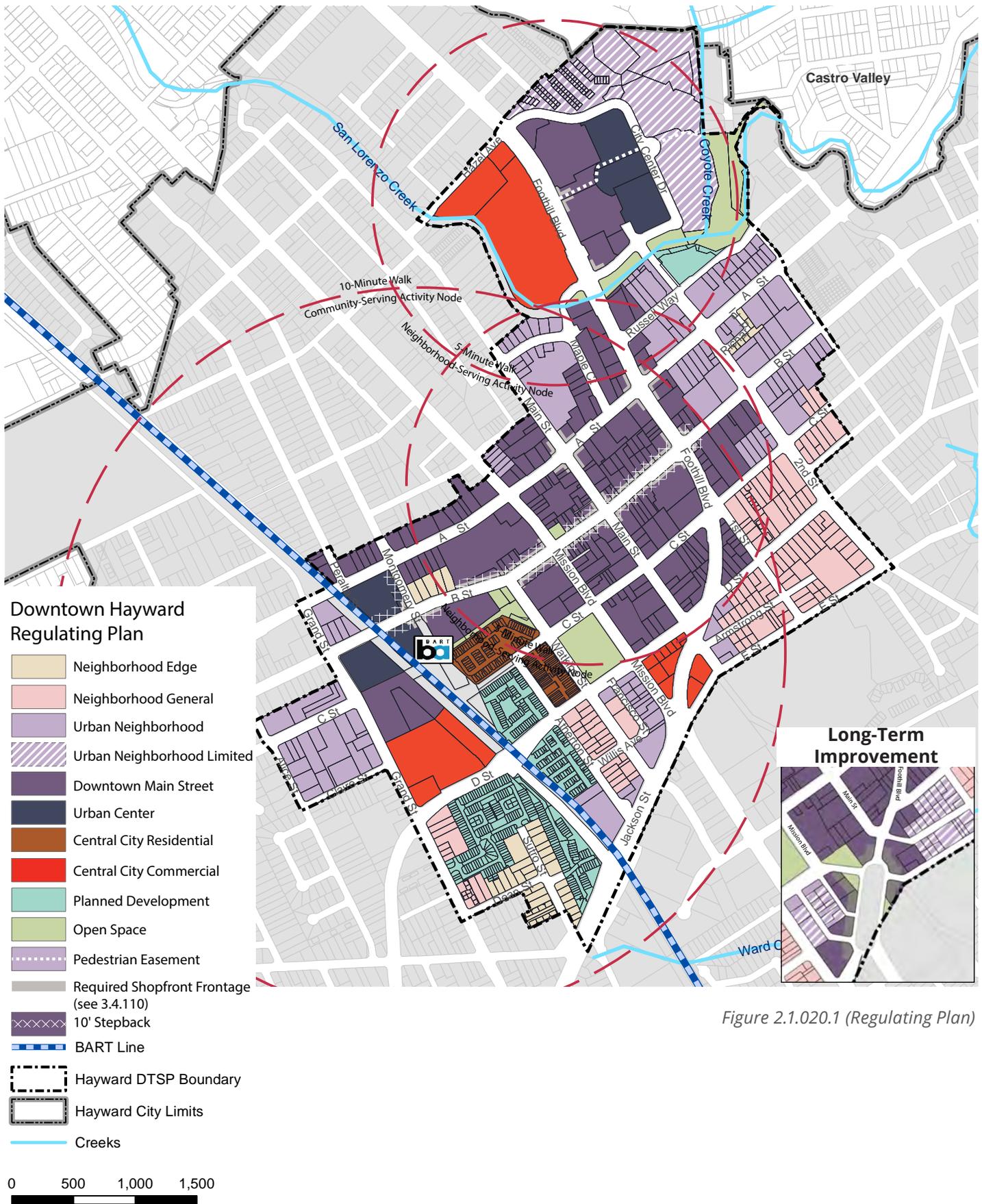


Figure 2.1.020.1 (Regulating Plan)

## Division 2.2: Downtown Zones

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### 2.2.010 Purpose

This Division establishes the building standards for the Downtown Zones. These standards reflect the community's vision for implementing the General Plan and the Plan to create places of walkable urbanism. These standards are intended to promote development that establishes and reinforces the highly valued character and scale of Downtown Hayward and the adjacent walkable urban neighborhoods.

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### 2.2.020 Applicability

- A. The standards in this Division apply to all proposed development within Downtown Zones, which must comply with other requirements in the Hayward Code.
- B. From the allowed types for the applicable zone, and in compliance with the listed standards, the following must be selected for each lot:
  - 1. Primary building type (maximum one except for Cottage Building);
  - 2. Frontage types; and
  - 3. Land Uses.
- C. Building types, frontage types, and land uses not listed in a zone's standards are not allowed in that zone.
- D. Sites three acres or larger must comply with Article 4 (Standards for Large Sites).
- E. If there is a conflict between the standards of this Division and the standards in another Division or Article of this Chapter or the Hayward Code, the standards in this Division supersede the Hayward Code and Article 3 (Supplemental to Zones) supersedes this Division.

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### **2.2.030 Overview of Downtown Zones**

The Downtown Zones are described in this Division, and each zone is established based on the intent of the desired physical form and character of particular environments envisioned in the Downtown Specific Plan. These zones primarily focus on mixed-use, walkable areas of Downtown, and range in function and intensity from the lowest intensity (Neighborhood Edge), to moderate intensity neighborhoods (Urban Neighborhood) to higher intensity commercial, retail, and residential areas along corridors (Downtown Main Street and Urban Center). The naming of the zones is based on an overall spectrum of context types from less urban to more urban in Hayward. Table A (Overview of Downtown Zones) provides an overview of Downtown Zones within this spectrum.

**Table: 2.2.030.A Overview of Downtown Zones**

**Less Urban**

**Neighborhood Edge**



**Zone(s)**

Neighborhood Edge (NE)

**Desired Form**

Small-to-Medium House-scale Buildings

Detached Buildings

Narrow-to-Medium Lot Width

Small-to-Medium Footprint

Medium-to-Large Front Setbacks

Small-to-Medium Side Setbacks

Up to 2½ Stories

Elevated Ground Floor

Front Yards, Porches, Stoops, Dooryards

**General Use**

Primarily residential.

**Intent**

A walkable neighborhood environment with small-to-medium footprint, lower-intensity housing choices, from Houses to Small Multiplex Buildings and Cottage Courts, supporting and within short walking distance of neighborhood-serving retail and services.

**Neighborhood General**



**Zone(s)**

Neighborhood General (NG)

**Desired Form**

Medium House-scale Buildings

Detached Buildings

Narrow-to-Medium Lot Width

Small-to-Medium Footprint

Medium-to-Large Front Setbacks

Small-to-Medium Side Setbacks

Up to 3½ Stories

Elevated Ground Floor

Front Yards, Porches, Stoops, Forecourts, Dooryards

**General Use**

Primarily residential, with neighborhood serving commercial uses.

**Intent**

A walkable neighborhood environment with small-to-medium footprint, moderate-intensity, medium house-scale housing choices, from Houses and Rowhouses to Small Multiplex and Courtyard Buildings, supporting and within short walking distance of neighborhood serving retail and services.

**Table: 2.2.030.A Overview of Downtown Zones (continued)**

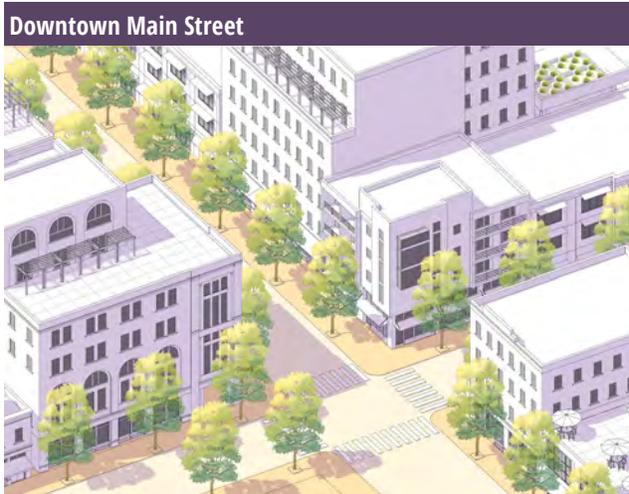


**Zone(s)**  
 Urban Neighborhood (UN), Urban Neighborhood-Limited (UN-L)

- Desired Form**
- Large house-scale and Block-scale Buildings
  - Detached or Attached Buildings
  - Small-to-Large Lot Width
  - Small-to-Large Footprint
  - Small Front Setbacks
  - Small Side Setbacks
  - Up to 5 Stories
  - Elevated Ground Floor or Flush with Sidewalk for Lobby Entrances
  - Front Yards, Porches, Stoops, Dooryards, Shopfronts, Terraces

**General Use**  
 Mix of residential and commercial uses with only residential allowed in the limited sub-zone.

**Intent**  
 A walkable, urban neighborhood environment with small-to-large footprint, moderate-intensity, large house-scale and block-scale housing choices, from Rowhouse and Large Multiplex Buildings to Stacked Flats, supporting and within short walking distance of neighborhood-serving retail and services.



**Zone(s)**  
 Downtown Main Street (DT-MS)

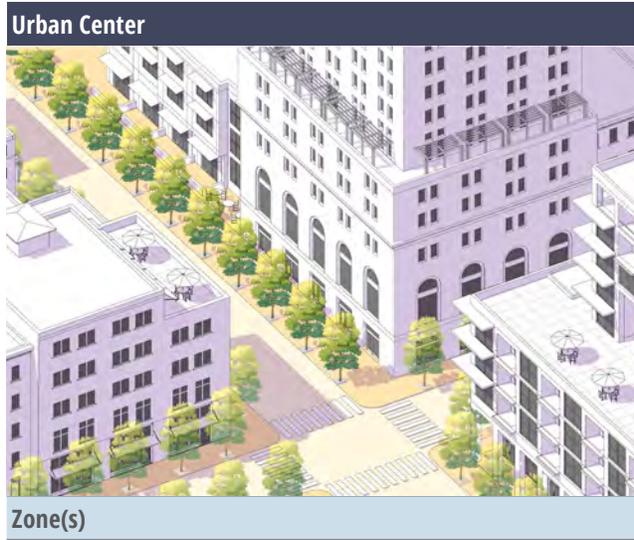
- Desired Form**
- Block-scale Buildings
  - Attached Buildings
  - Small-to-Large Lot Width
  - Small-to-Large Footprint
  - Small-to-No Front Setbacks
  - Small-to-No Side Setbacks
  - Up to 7 Stories (with setback above 5 stories)
  - Ground Floor Flush with Sidewalk
  - Stoops, Forecourts, Dooryards, Shopfronts, Terraces, Galleries

**General Use**  
 Ground floor commercial; office and/or residential on upper stories.

**Intent**  
 A walkable, vibrant urban main street serving as the citywide focal point for Hayward with commercial, retail, entertainment, and civic uses, public transportation, and small-to-large footprint, moderate-to-high-intensity housing choices, from Main Street Buildings to Lined Buildings.

**Table: 2.2.030.A Overview of Downtown Zones (continued)**

**More Urban**



**Urban Center**

**Zone(s)**

Urban Center (UC)

**Desired Form**

- Block-scale Buildings
- Attached Buildings
- Narrow-to-Large Lot Width
- Medium-to-Large Footprint
- Small-to-No Front Setbacks
- Small-to-No Side Setbacks
- Up to 11 Stories (with stepback above 5 stories)
- Elevated Ground Floor or Flush with Sidewalk
- Stoops, Forecourts, Dooryards, Shopfronts, Terraces

**General Use**

Ground floor commercial where required; primarily office and/or residential.

**Intent**

A walkable, urban neighborhood environment with medium-to-large footprint, moderate-intensity housing choices, from Rowhouses and Multiplex Large Buildings to Stacked Flats and Lined Buildings, supporting and within short walking distance of neighborhood-serving retail and services.

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# Neighborhood Edge

## 2.2.040 Neighborhood Edge (NE)



### A. Intent

A walkable, urban neighborhood environment with small-to-medium footprint, lower-intensity housing choices, from Houses to Small Multiplex Buildings and Cottage Courts, supporting and within short walking distance of neighborhood-serving retail and services.

The following are generally appropriate form elements in this zone:

- Small-to-Medium House-scale Buildings

---

- Detached Buildings

---

- Narrow-to-Medium Lot Width

---

- Small-to-Medium Footprint

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- Medium-to-Large Front Setbacks

---

- Small-to-Medium Side Setbacks

---

- Up to 2½ Stories

---

- Elevated Ground Floor

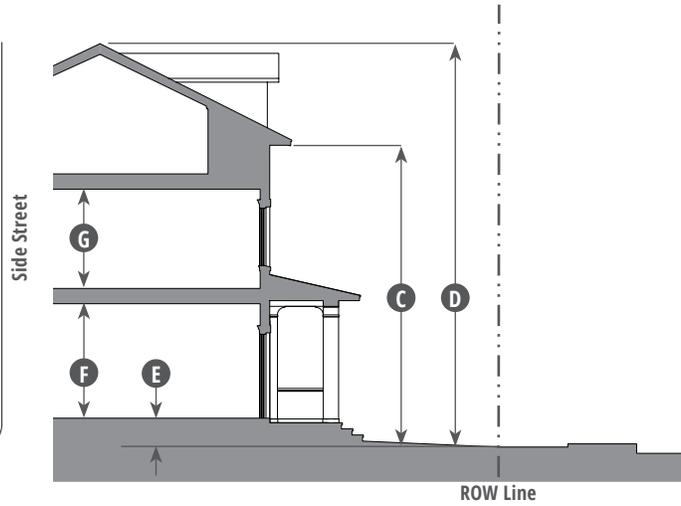
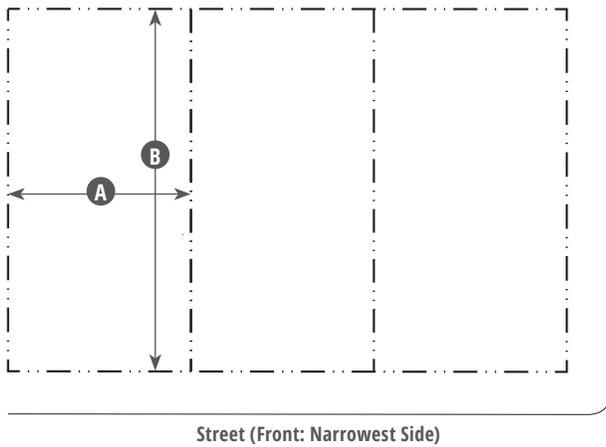
---

- Front Yards, Porches, Stoops, Dooryards

### B. Sub-Zone(s)

None

*General note: The image above is intended to provide a brief overview of this zone and is illustrative only.*



**Key**

--- ROW / Lot Line

**C. Building Types**

Primary Building Type	Lot <sup>1</sup>		Standards
	Width <b>A</b>	Depth <b>B</b>	
Detached House	35' min. 75' max.	80' min.	3.3.050
Duplex	40' min.; 75' max.	100' min.	3.3.060
Cottage Court	75' min.; 150' max.	100' min.	3.3.070
Multiplex: Small	50' min. 100' max.	100' min.	3.3.080

<sup>1</sup> Sites over 3 acres must comply with Article 4 (Standards for Large Sites).

**Accessory Building Type**

Carriage Building	3.3.040
-------------------	---------

**Key**

--- ROW Line

**D. Building Form**

**Height**

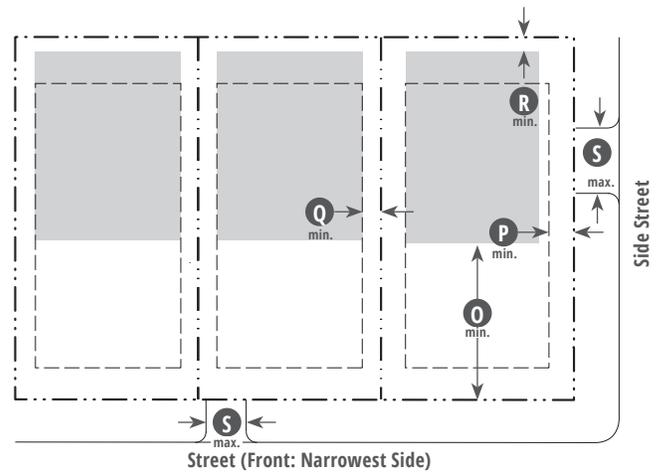
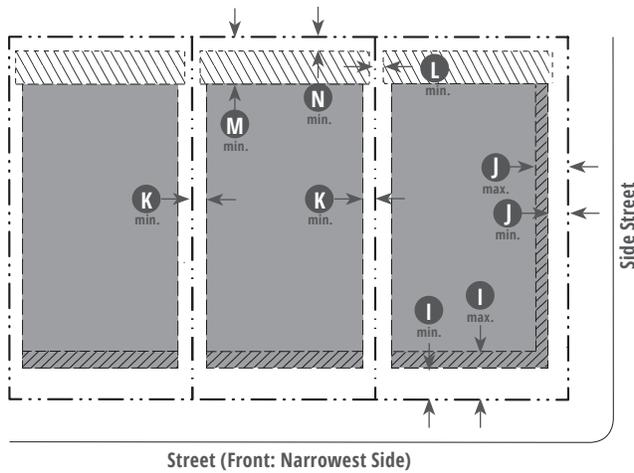
Main Building		
Stories	2½ stories max. <sup>1</sup>	
To Eave/Parapet	24' max.	<b>C</b>
Overall	35' max.	<b>D</b>
Accessory Structure(s)		
Carriage Building	2 stories max. <sup>1</sup>	
Other	1 story max.	
Ground Floor Finish Level	12" min. <sup>2</sup>	
Above Sidewalk		<b>E</b>
Ground Floor Ceiling	9' min.	<b>F</b>
Upper Floor(s) Ceiling	8' min.	<b>G</b>

<sup>1</sup> See Subsection C for applicable building types and Division 3.3 (Specific to Building Types) for additional height and massing standards.

<sup>2</sup> Common entries for buildings may be set at grade to comply with ADA. Required for residential use facing a street and/or public right-of-way. Applies only to room(s) on street-facing or civic space-facing facades.

**Footprint**

Lot Coverage	60% max.
Accessory Structure(s)	
Width	24' max.
Depth	32' max.



<b>Key</b>	Buildable Area
- - - - ROW / Lot Line	Acc. Structures Only
- - - Building Setback Line	Facade Zone

<b>Key</b>	Parking Area
- - - - ROW / Lot Line	
- - - Building Setback Line	

**E. Building Placement**

**Setback (Distance from ROW / Lot Line)**

Front (Facade Zone) <sup>1</sup>	10' min.; 15' max.	<b>I</b>
Street Side (Facade Zone)	7' min.; 10' max.	<b>J</b>
<b>Side</b>		
Main Building	5' min.	<b>K</b>
Accessory Structure(s)	3' min.	<b>L</b>
<b>Rear</b>		
Accessory Structure(s)	5' min.	<b>N</b>

**Building within Facade Zone (Percent of Net Lot Width)**

Front	65% min.
Street Side	50% min.

<sup>1</sup> Buildings may be set in front of the minimum front setback to align with the building facade of the most immediately adjacent property.

**F. Parking and Driveways**

**Minimum Required Spaces**

Residential Uses	1 per unit, or 1/500 sf, whichever is less
<b>Non-Residential Uses</b>	
≤ 1,500 sf	None
>1,500 sf	2/1,000 sf above first 1,000 sf

Required parking may be reduced in compliance with Section 3.2.020 (Parking and Loading).

No off-street parking required for accessory structure(s).

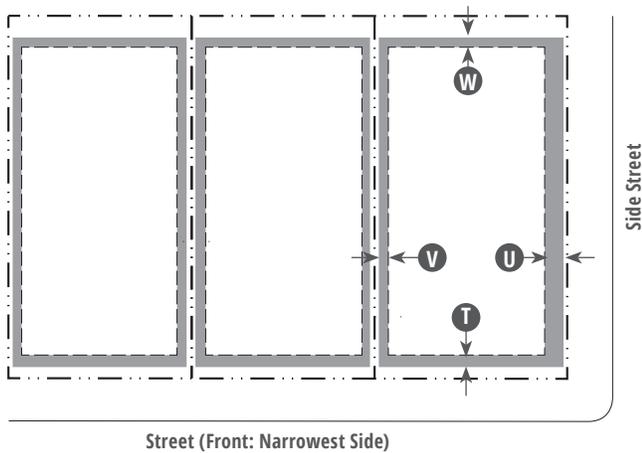
**Location (Distance from ROW / Lot Line)**

Front Setback	40' min.	<b>O</b>
Street Side Setback	10' min.	<b>P</b>
Side Setback	5' min.	<b>Q</b>
Rear Setback	5' min.	<b>R</b>

**Miscellaneous**

Curb Cut or Parking	14' max.	<b>S</b>
Driveway Width		

Driveways may be shared between adjacent lots.



**Key**

- - - - ROW / Lot Line
- - - - Building Setback Line
- Encroachment Area

G. Encroachments				
Encroachment Type	T	U	V	W
	Front	St. Side	Side	Rear
Frontage <sup>1</sup>	5' max.	10' max.	—	—
Steps to Building				
Entrance	5' max.	5' max.	—	—
Architectural Features	3' max.	3' max.	3' max.	3' max.
Signage, Awning	A	A	—	—
Landscaping	A	A	A	A
Driveways, Walkways	A	A	A	A
Utility Lines, Wires, and Related Structures	A	A	A	A
Satellite Dish Antennas	—	—	A	A

Encroachments at grade are not allowed within a street ROW, alley ROW, or across a lot line.

<sup>1</sup> See Division 3.4 (Specific to Frontage Types) for further refinement of the allowed encroachments for frontage elements.

H. Frontages			
Private Frontage Type	Front	St. Side	Standards
Front Yard	A	A	3.4.040
Porch: Projecting	A	A	3.4.050
Porch: Engaged	A	A	3.4.060
Stoop	A	A	3.4.070
Dooryard	A	A	3.4.090

**I. Signage**

See Article 10-7 (Sign Regulations) of the Hayward Code. Properties within NE Zone must comply with sign regulations applicable to the CC-R Zone.

**Key**      A = Allowed      — = Not Allowed

# Neighborhood General

## 2.2.050 Neighborhood General (NG)



### A. Intent

A walkable, mixed-use neighborhood environment with small-to-medium footprint, moderate-intensity, medium house-scale housing choices, from Houses and Rowhouses to Small Multiplex and Courtyard Buildings, supporting and within short walking distance of neighborhood serving retail and services.

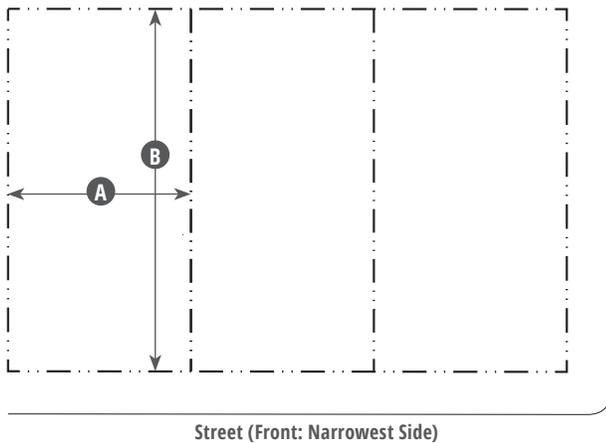
The following are generally appropriate form elements in this zone:

- Medium House-scale Buildings
- Detached Buildings
- Narrow-to-Medium Lot Width
- Small-to-Medium Footprint
- Medium-to-Large Front Setbacks
- Small-to-Medium Side Setbacks
- Up to 3½ Stories
- Elevated Ground Floor
- Front Yards, Porches, Stoops, Forecourts, Dooryards

### B. Sub-Zone(s)

None

*General note: The image above is intended to provide a brief overview of this zone and is illustrative only.*



**Key**

--- ROW / Lot Line

**C. Building Types**

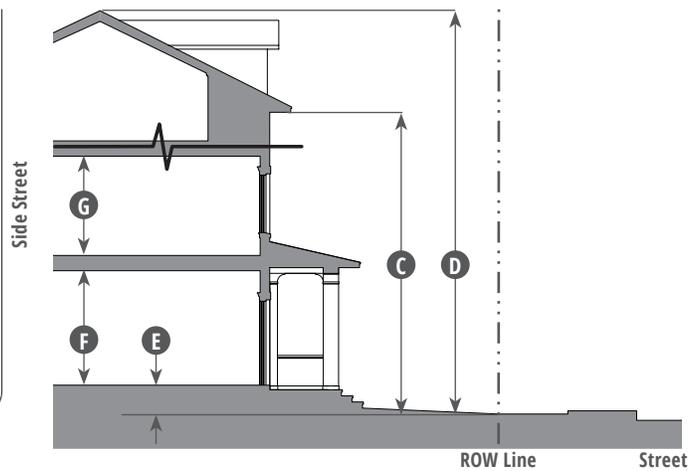
Primary Building Type	Lot <sup>1</sup>		Standards
	Width <b>A</b>	Depth <b>B</b>	
Detached House	35' min.; 75' max.	80' min.	3.3.050
Duplex	35' min.; 75' max.	80' min.	3.3.060
Cottage Court	75' min.; 150' max.	100' min.	3.3.070
Multiplex: Small	50' min.; 100' max.	100' min.	3.3.080
Rowhouse: House-scale	18' min. 40' max	80' min.	3.3.100
Courtyard	100' min.	150' max.	3.3.110

<sup>1</sup> Sites over 3 acres must comply with Article 4 (Standards for Large Sites).

**Accessory Building Type**

Carriage Building<sup>2</sup> 3.3.040

<sup>2</sup> Carriage Building is not allowed on a lot with a Courtyard or Cottage Court building type.



**Key**

--- ROW Line

**D. Building Form**

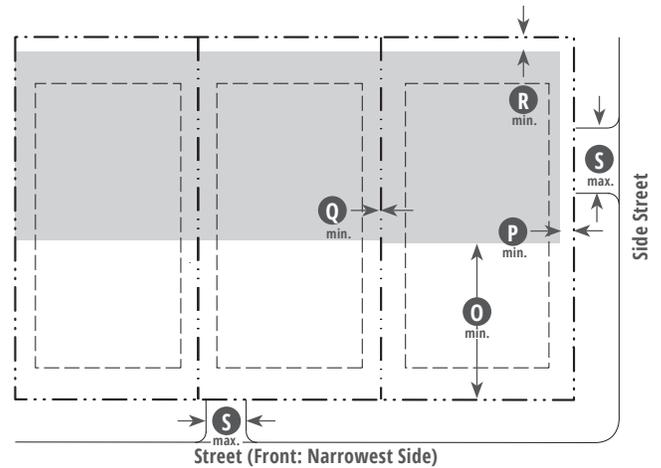
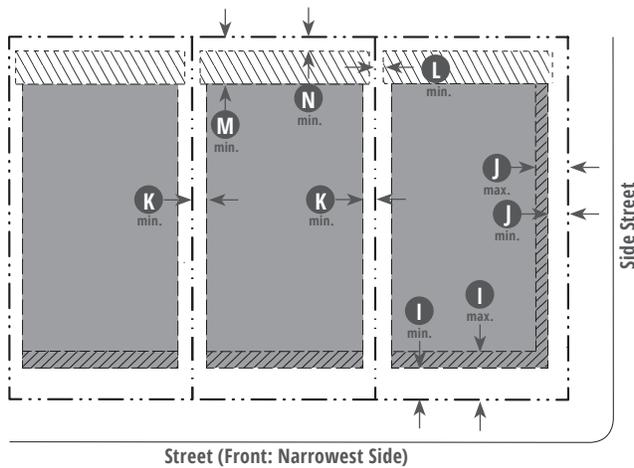
Height	
<b>Main Building</b>	
Stories	3½ stories max. <sup>1</sup>
To Eave/Parapet	36' max. <b>C</b>
Overall	45' max. <b>D</b>
<b>Accessory Structure(s)</b>	
Carriage Building	2 stories max. <sup>1</sup>
Other	1 story max.
<b>Ground Floor Finish Level</b>	
Above Sidewalk	12" min. <sup>2</sup> <b>E</b>
Ground Floor Ceiling	9' min. <b>F</b>
Upper Floor(s) Ceiling	8' min. <b>G</b>

<sup>1</sup> See Subsection C for applicable building types and Division 3.3 (Specific to Building Types) for additional height and massing standards.

<sup>2</sup> Common entries for buildings may be set at grade to comply with ADA. Required for residential use facing a street and/or public right-of-way. Applies only to room(s) on street-facing or civic space-facing facades.

**Footprint**

Lot Coverage	70% max.
<b>Accessory Structure(s)</b>	
Width	24' max.
Depth	32' max.



<b>Key</b>	■ Buildable Area
--- ROW / Lot Line	▨ Acc. Structures Only
--- Building Setback Line	▩ Facade Zone

<b>Key</b>	■ Parking Area
--- ROW / Lot Line	
--- Building Setback Line	

**E. Building Placement**

**F. Parking and Driveways**

**Setback (Distance from ROW / Lot Line)**

**Minimum Required Spaces**

Front (Facade Zone)		<b>I</b>
Interior Lot	5 min.; 10' max.	
Street Side (Facade Zone)	5' min.; 10' max.	<b>J</b>
Side		
Main Building	5' min.	<b>K</b>
Accessory Structure(s)	3' min.	<b>L</b>
Rear	0' min.	<b>M</b>
	15' when abutting/adjacent to NE, NG, RS, or RNP Zones	
Accessory Structure(s)	5' min.	<b>N</b>

Residential Uses	1 per unit, or 1/500 sf, whichever is less
Non-Residential Uses	
≤ 1,500 sf	None
>1,500 sf	2/1,000 sf above first 1,000 sf

Required parking may be reduced in compliance with Section 3.2.020 (Parking and Loading).

No off-street parking required for accessory structure(s).

**Building within Facade Zone (Percent of Net Lot Width)**

**Location (Distance from ROW / Lot Line)**

Front	75% min.
Street Side	50% min.

Front Setback	40' min.	<b>O</b>
Street Side Setback	5' min.	<b>P</b>
Side Setback	0' min.	<b>Q</b>
Rear Setback	5' min.	<b>R</b>

**Miscellaneous**

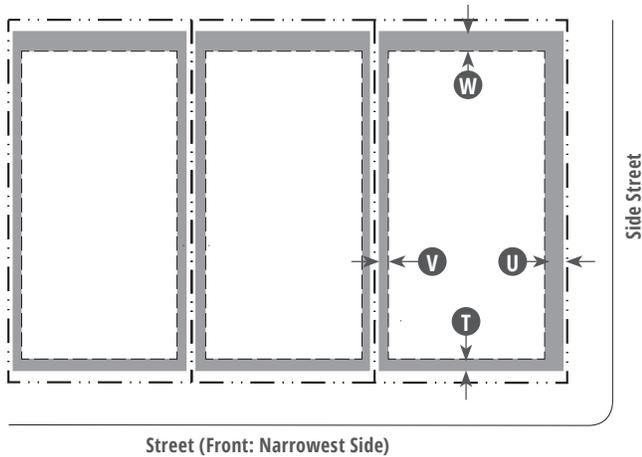
**Miscellaneous**

On corner lots wider than 75', max. 75' of building is allowed to be built at 0' min. setback beginning from street corner.

Curb Cut or Parking Driveway Width		<b>S</b>
≤ 40 spaces	14' max.	
> 40 spaces	18' max.	

A building with a chamfered corner is allowed only on corner lots and if a corner entry is provided.

Driveways may be shared between adjacent lots.



**Key**

- - - - ROW / Lot Line
- - - - Building Setback Line
- Encroachment Area

G. Encroachments				
Encroachment Type	T	U	V	W
	Front	St. Side	Side	Rear
Frontage <sup>1</sup>	4' max.	3' max.	—	—
Steps to Building				
Entrance	4' max.	3' max.	—	—
Architectural Features	3' max.	3' max.	3' max.	3' max.
Signage, Awning	A	A	—	—
Landscaping	A	A	A	A
Driveways, Walkways	A	A	A	A
Utility Lines, Wires, and Related Structures	A	A	A	A
Satellite Dish Antennas	—	—	A	A

Encroachments at grade are not allowed within a street ROW, alley ROW, or across a lot line.

<sup>1</sup> See Division 3.4 (Specific to Frontage Types) for further refinement of the allowed encroachments for frontage elements.

H. Frontages			
Private Frontage Type	Front	St. Side	Standards
Front Yard	A	A	3.4.040
Porch: Projecting	A	A	3.4.050
Porch: Engaged	A	A	3.4.060
Stoop	A	A	3.4.070
Forecourt	A	A	3.4.080
Dooryard	A	A	3.4.090

**I. Signage**

See Article 10-7 (Sign Regulations) of the Hayward Code. Properties within NG Zone must comply with sign regulations applicable to the CC-R Zone.

**Key**                      A = Allowed                      — = Not Allowed

# Urban Neighborhood

## 2.2.060 Urban Neighborhood (UN)



### A. Intent

A walkable, urban neighborhood environment with small-to-large footprint, moderate-intensity, large house-scale and block-scale housing choices, from Rowhouse and Large Multiplex Buildings to Stacked Flats, supporting and within short walking distance of neighborhood-serving retail and services.

The following are generally appropriate form elements in this zone:

Large House-scale and Block-scale Buildings

Detached or Attached Buildings

Small-to-Large Lot Width

Small-to-Large Footprint

Small Front Setbacks

Small Side Setbacks

Up to 5 Stories

Elevated Ground Floor or Flush with Sidewalk for Lobby Entrances

Font Yards, Porches, Stoops,

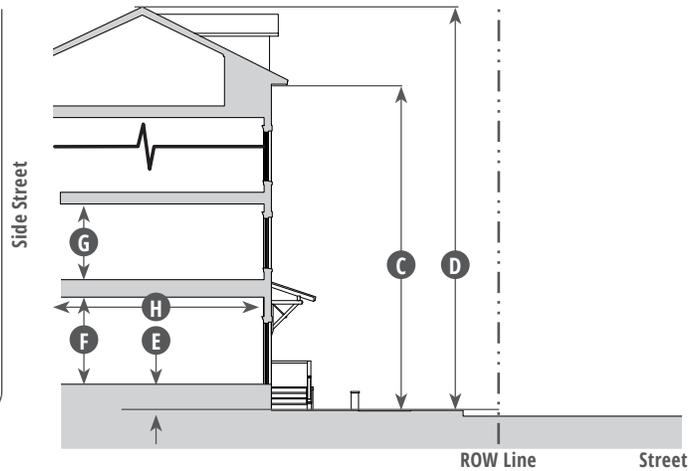
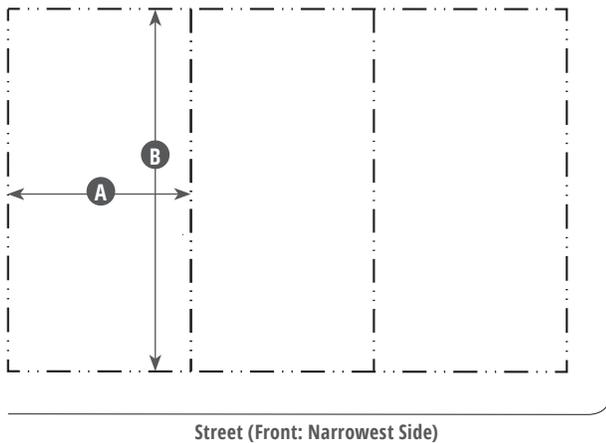
Dooryards, Shopfronts, Terraces

### B. Sub-Zone(s)

Urban Neighborhood-Limited (UN-L)

The limited zone provides same building form but it is restricted in allowed uses.

*General note: The image above is intended to provide a brief overview of this zone and is illustrative only.*



**Key** - - - - ROW / Lot Line

**C. Building Types**

Primary Building Type	Lot <sup>1</sup>		Standards
	Width <b>A</b>	Depth <b>B</b>	
Multiplex: Large	50' min.; 150' max.	100' min.	3.3.090
Rowhouse: Block Scale	18' min.; 50' max.	80' min.	3.3.100
Courtyard	100' min.	150' max.	3.3.110
Stacked Flats	100' min.; 250' max.	200' min.	3.3.120
Lined Building	320' max.	420' max.	3.3.140

<sup>1</sup> Sites over 3 acres must comply with Article 4 (Standards for Large Sites).

**Accessory Building Type**

Carriage Building <sup>2</sup>	3.3.040
--------------------------------	---------

<sup>2</sup> Only allowed on a lot with Rowhouse: Block-scale.

**D. Building Form**

Height		
Main Building		
Stories	5 stories max. <sup>1</sup>	
To Eave/Parapet	60' max.	<b>C</b>
Overall	70' max.	<b>D</b>
Accessory Structure(s)		
Carriage Building	2 stories max. <sup>1</sup>	
Other	1 story max.	

**Key** - - - - ROW Line

**D. Building form (continued)**

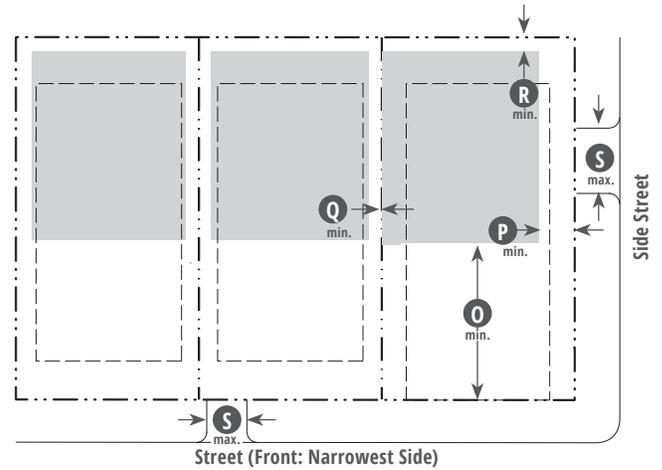
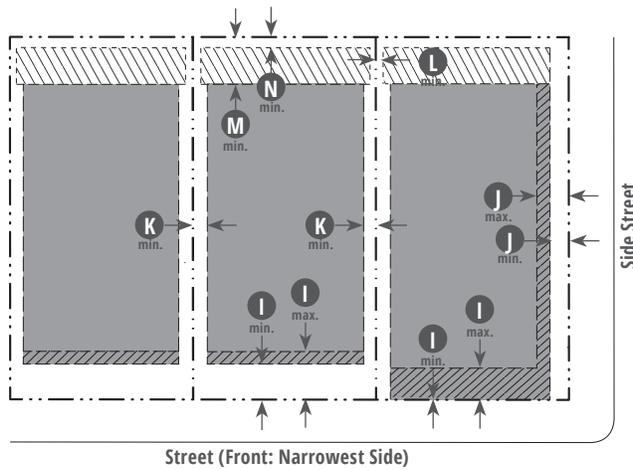
Ground Floor Finish Level	<b>E</b>
Residential	12" min. <sup>2</sup>
Non-Residential	6" max.
Ground Floor Ceiling	<b>F</b>
Residential	9' min.
Non-Residential	14' min.
Upper Floor(s) Ceiling	8' min. <b>G</b>
Building Depth, Ground Floor	30' min. <b>H</b>

<sup>1</sup> See Subsection C for applicable building types and Division 3.3 (Specific to Building Types) for additional height and massing standards.

<sup>2</sup> Common entries for buildings may be set at grade to comply with ADA. Required for residential use facing a street and/or public right-of-way. Applies only to room(s) on street-facing or civic space-facing facades.

**Footprint**

Lot Coverage	75% max.
Accessory Structure(s)	
Width	24' max.
Depth	32' max.



<b>Key</b>	■ Buildable Area
---- ROW / Lot Line	▨ Acc. Structures Only
--- Building Setback Line	▩ Facade Zone

<b>Key</b>	■ Parking Area
---- ROW / Lot Line	
--- Building Setback Line	

**E. Building Placement**

**F. Parking and Driveways**

**Setback (Distance from ROW / Lot Line)**

**Minimum Required Spaces**

Front (Facade Zone)		<b>I</b>
Interior Lot	5 min.; 10' max.	
Corner Lot <sup>1</sup>	0' or 5' min.; 10' max	
Street Side (Facade Zone)	5' min.; 10' max.	<b>J</b>
Side		
Main Building	5' min.	<b>K</b>
Accessory Structure(s)	5' min.	<b>L</b>
Rear	0' min.	<b>M</b>
	15' when abutting/ adjacent to NE, NG, RS, or RNP Zones	
Accessory Structure(s)	5' min.	<b>N</b>

Residential Uses	1 per unit, or 1/500 sf, whichever is less
Non-Residential Uses	
≤ 1,500 sf	None
>1,500 sf	2/1,000 sf above first 1,000 sf
Required parking may be reduced in compliance with Section 3.2.020 (Parking and Loading).	
No off-street parking required for uses in accessory structure(s).	

**Building within Facade Zone (Percent of Net Lot Width)**

**Location (Distance from ROW / Lot Line)**

Front	75% min.
Street Side	50% min.

Front Setback	40' min.	<b>O</b>
Street Side Setback	5' min.	<b>P</b>
Side Setback	0' min.	<b>Q</b>
Rear Setback	5' min.	<b>R</b>

**Miscellaneous**

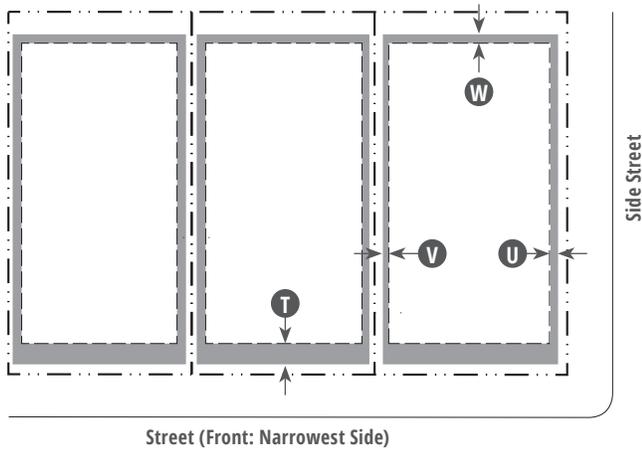
**Miscellaneous**

<sup>1</sup> On corner lots wider than 75', max. 75' of building is allowed to be built at 0' min. setback beginning from street corner.

Curb Cut or Parking Driveway Width		<b>S</b>
≤ 40 spaces	14' max.	
> 40 spaces	18' max.	

A building with a chamfered corner is allowed only on corner lots and if a corner entry is provided.

Driveways may be shared between adjacent lots.



**Key**

- ROW / Lot Line
- Building Setback Line
- Encroachment Area

G. Encroachments				
Encroachment Type	T	U	V	W
	Front	St. Side	Side	Rear
Frontage <sup>1</sup>	4' max.	3' max.	—	—
Steps to Building				
Entrance	4' max.	3' max.	—	—
Architectural Features	3' max.	3' max.	3' max.	3' max.
Signage, Awning <sup>2</sup>	A	A	—	—
Landscaping	A	A	A	A
Driveways, Walkways	A	A	A	A
Utility Lines, Wires, and Related Structures	A	A	A	A
Satellite Dish Antennas	—	—	A	A

Encroachments at grade are not allowed within a street ROW, alley ROW, or across a lot line.

<sup>1</sup> See Division 3.4 (Specific to Frontage Types) for further refinement of the allowed encroachments for frontage elements.

<sup>2</sup> May encroach into street ROW within 2½' of curb.

H. Frontages			
Private Frontage Type	Front	St. Side	Standards
Front Yard	A	A	3.4.040
Porch: Projecting	A	A	3.4.050
Porch: Engaged	A	A	3.4.060
Stoop	A	A	3.4.070
Forecourt	A	A	3.4.080
Dooryard	A	A	3.4.090
Shopfront	A	—	3.4.110
Terrace <sup>1</sup>	A	A	3.4.120

<sup>1</sup> Allowed only when necessary to accommodate grade change.

**I. Signage**

See Article 10-7 (Sign Regulations) of the Hayward Code. Properties within UN Zone must comply with sign regulations applicable to the CC-C Zone.

**Key**      A = Allowed      — = Not Allowed

# Downtown Main Street

## 2.2.070 Downtown Main Street (DT-MS)



### A. Intent

A walkable, vibrant urban main street serving as the citywide focal point for Hayward with commercial, retail, entertainment, and civic uses, public transportation, and small-to-large footprint, moderate-to-high-intensity housing choices, from Main Street Buildings to Lined Buildings.

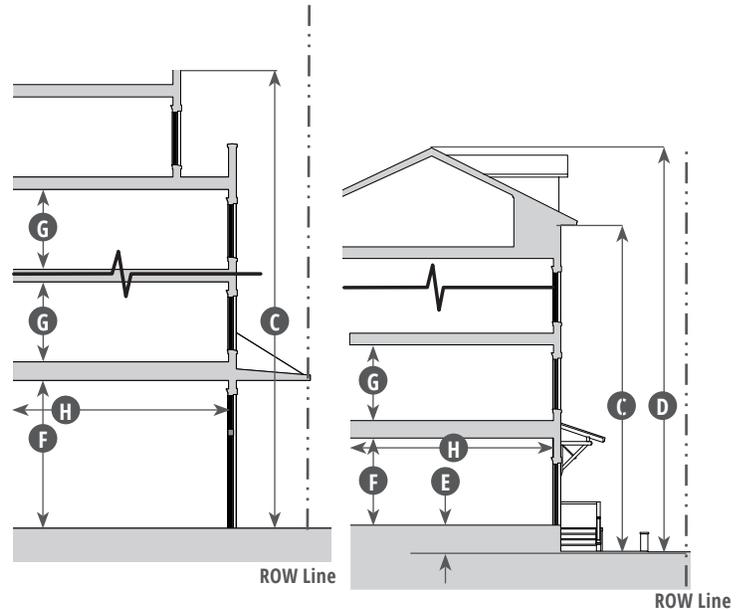
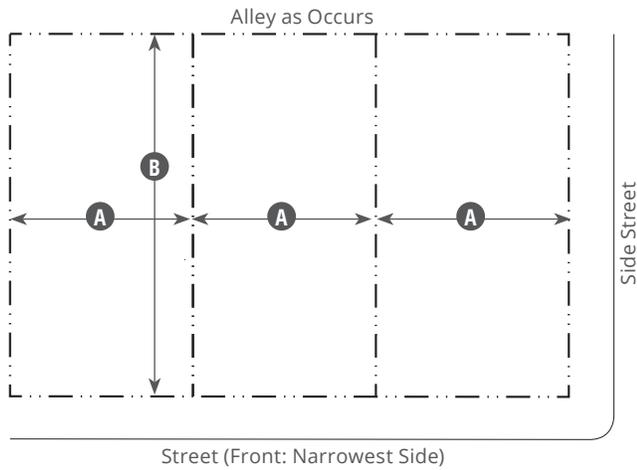
The following are generally appropriate form elements in this Zone:

- Block-scale Buildings
- Attached Buildings
- Small-to-Large Lot Width
- Small-to-Large Footprint
- Small-to-No Front Setbacks
- Small-to-No Side Setbacks
- Up to 7 Stories (with stepback above 5 stories)
- Ground Floor Flush with Sidewalk
- Stoops, Forecourts, Dooryards, Shopfronts, Terraces, Galleries

### B. Sub-Zone(s)

None

*General note: The image above is intended to provide a brief overview of this zone and is illustrative only.*



**Key** - - - - ROW / Lot Line

**Key** - - - - ROW Line

**C. Building Types**

Primary Building Type	Lot <sup>1</sup>		Standards
	Width <b>A</b>	Depth <b>B</b>	
Main Street	200' max.	100' min.	3.3.130
Lined Building	400' max.	400' max.	3.3.140

<sup>1</sup> Sites over 3 acres must comply with Article 4 (Standards for Large Sites).

**D. Building Form**

Height		
Main Building	7 stories max.	<b>C</b>
To Eave/Parapet	75' max.	<b>C</b>
Overall	85' max.	<b>D</b>
Accessory Structure(s)	1 story max.	
Ground Floor Finish Level Above Sidewalk	6" max.	<b>E</b>
Ground Floor Ceiling	14' min.	<b>F</b>
Upper Floor Ceiling	9' min.	<b>G</b>
Building Depth, Ground-Floor	40' min.	<b>H</b>

<sup>1</sup> See Subsection C for applicable building types and Division 3.3 (Specific to Building Types) for additional height and massing standards.

**D. Building Form (continued)**

**Main Building Height Setback**

Abutting NE, NG, RS, or RNP Zones	
Floors 4-5	25' min. from shared lot line
Floors 6+	35' min. from shared lot line

Where noted on the Regulating Plan (See Figure 2.1.020.1), along lot line:

Floors 6+	10' min. from lot line
-----------	------------------------

**Footprint**

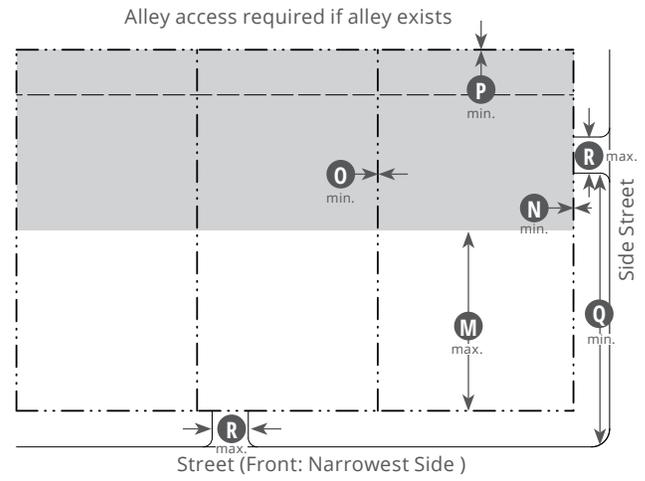
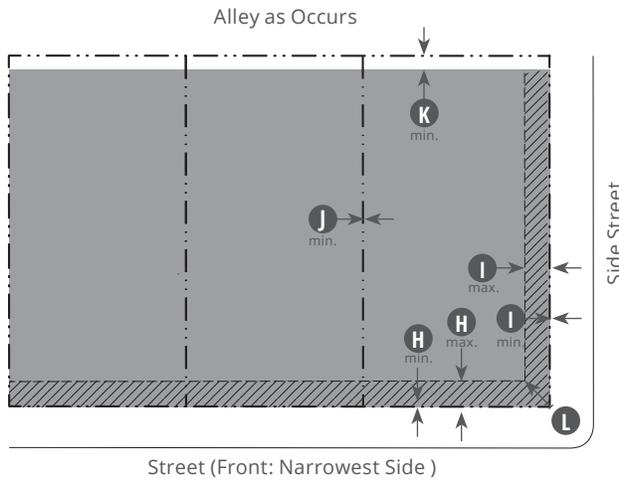
Lot Coverage	95% max.
--------------	----------

**Accessory Structure(s)**

Width	24' max.
Depth	32' max.

**Miscellaneous**

Maximum 35' between ground floor building entrances.



Street

- Key**
- ROW / Lot Line
  - Building Setback Line
  - Buildable Area
  - ▨ Facade Zone

**E. Building Placement**

**Setbacks (Distance from ROW / Lot Line)**

Front (Facade Zone)	0' min, 10' max	<b>H</b>
Street Side (Facade Zone)	0' min, 10' max	<b>I</b>
Side	0' min.	<b>J</b>
Rear	0' min.	<b>K</b>

**Building within Facade Zone (Percent of Net Lot Width)<sup>1</sup>**

Front	90% min.
Street Side	60% min.

<sup>1</sup> Max. 10% of required frontage can be satisfied by a 2' to 3' fence or landscaped wall.

**Miscellaneous**

On a corner lot, building facade must be built to the lot line within 30' of the corner. **L**

A building with a chamfered corner is allowed only on corner lots and if a corner entry is provided.

Planting strips are not allowed between sidewalk and building; sidewalk must be extended into setback to meet building.

**Key**

- ROW / Lot Line
- Parking Area

**F. Parking and Driveways**

**Minimum Required Spaces**

Residential Uses	1 per unit, or 1/500 sf, whichever is less
Non-Residential Uses	
≤ 5,000 sf	None
>5,000 sf	2/1,000 sf min. above first 5,000 sf; max. 125% of min.

Parking and loading areas must comply with Section 3.2.020 (Parking and Loading). Required parking may be reduced in compliance with Section 3.2.020 (Parking and Loading).

**Location (Distance from ROW / Lot Line)**

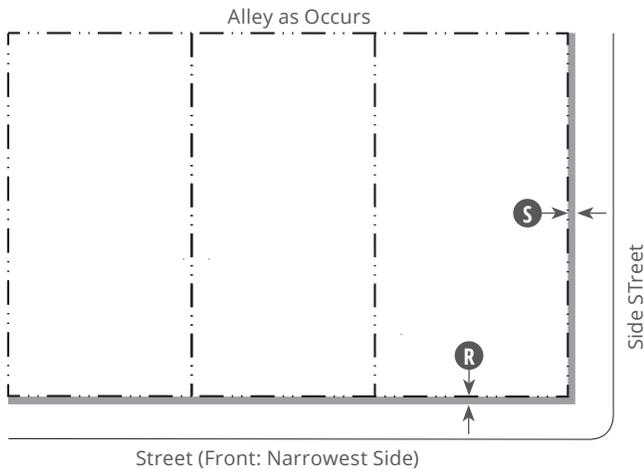
Front Setback	40' min.	<b>M</b>
Street Side Setback	5' min.	<b>N</b>
Side Setback	0' min.	<b>O</b>
Rear Setback	0' min.	<b>P</b>

**Miscellaneous**

Curb Cut Distance from Corner	50' min.	<b>Q</b>
Curb Cut or Parking Driveway Width		<b>R</b>
≤ 40 Spaces	14' max.	
> 40 Spaces	18' max.	

All parking structures must be screened from the front street and the side street by building with ground floor space at least 40' deep from street.

Driveways may be shared between adjacent lots.



**Key**

- - - - ROW / Lot Line
- Encroachment Area

G. Encroachments	
Encroachment Type	R
	S
	Front
Frontage <sup>1</sup>	St. Side
Architectural Features 3' max.	3' max.
Signage, Awning <sup>2</sup>	A

Encroachments at grade are not allowed within a street ROW, alley ROW, or across a lot line.

<sup>1</sup> See Division 3.4 (Specific to Frontage Types) for further refinement of allowed encroachments for frontage elements.

<sup>2</sup> May encroach into street ROW to within 2½' of curb.

H. Frontages			
Private Frontage Type	Front	St. Side	Standards
Stoop	—	A	3.4.070
Forecourt	A	A	3.4.080
Dooryard	—	A	3.4.090
Maker Shopfront	—	A <sup>1</sup>	3.4.100
Shopfront <sup>2</sup>	A	A	3.4.110
Terrace	A	A	3.4.120
Gallery	A	A	3.4.130

<sup>1</sup> Not allowed along parcel line where shopfront frontage is required by Regulating Plan (See Figure 2.1.020.1).

<sup>2</sup> For corner lots where the Regulating Plan requires a Shopfront, the Shopfront must turn the corner onto the side street and extend for a length equal to the depth required in Subsection D of the zone, 'Building Depth, Ground Floor'

**I. Signage**

See Article 10-7 (Sign Regulations) of the Hayward Code. Properties within DT\_MS Zone must comply with sign regulations applicable to the CC-C Zone.

**Key**                      A = Allowed                      — = Not Allowed

# Urban Center

## 2.2.080 Urban Center (UC)



### A. Intent

A walkable, urban neighborhood environment with medium-to-large footprint, moderate-intensity housing choices, from Multiplex Large Buildings to Stacked Flats and Lined Buildings, supporting and within short walking distance of neighborhood-serving retail and services.

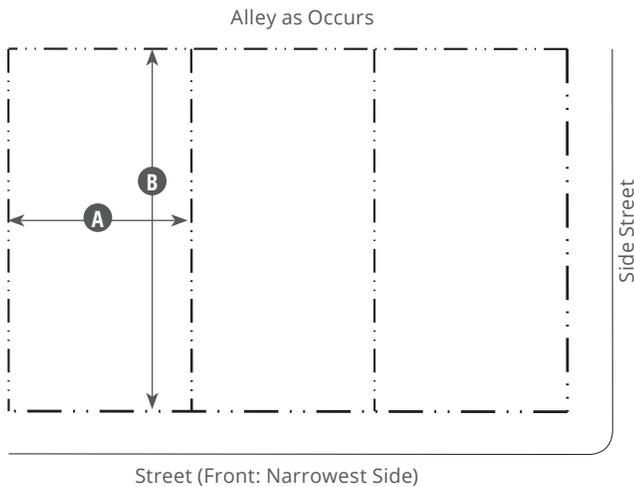
The following are generally appropriate form elements in this Zone:

- Block-scale Buildings
- Attached Buildings
- Narrow-to-Large Lot Width
- Medium-to-Large Footprint
- Small-to-No Front Setback
- Small-to-No Side Setbacks
- Up to 11 Stories, (with stepback above 5 stories)
- Elevated Ground Floor or Flush with Sidewalk
- Stoops, Forecourts, Dooryards, Shopfronts, Terraces

### B. Sub-Zone(s)

None

*General note: The image above is intended to provide a brief overview of this zone and is illustrative only.*



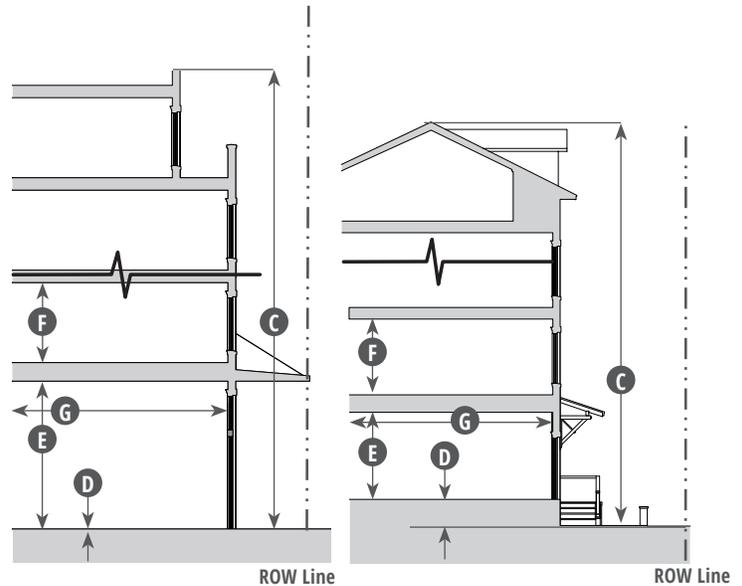
**Key** - - - - ROW / Lot Line

Primary Building Type	Lot <sup>1</sup>		Standards
	Width	Depth	
Courtyard	250' max.	150' min.	3.3.110
Stacked Flats	200' max.	100' min.	3.3.120
Lined Building	400' max.	400' max.	3.3.140
Mid-Rise	400' max.	400' max.	3.3.150

<sup>1</sup> Sites over 3 acres must comply with Article 4 (Standards for Large Sites).

D. Building Form	
Height	
Main Building	11 stories max. <sup>1,2</sup>
Overall	124' max. <sup>3</sup> <b>C</b>
Accessory Structure(s)	
Accessory Dwellings	2 stories max.
Other	1 story max.
Ground Floor Finish Level above Sidewalk <b>D</b>	
Residential	12" min. <sup>4</sup>
Non-Residential	6" max.
Ground Floor Ceiling <b>E</b>	
Residential	12' min
Non-Residential	14' min
Upper Floor Ceiling <b>F</b>	8' min.
Building Depth, Ground Floor <b>G</b>	30' min.

<sup>1</sup> Within 20' of the rear lot line, buildings may not be more than 7' taller than the allowed height of adjacent buildings.



**Key** - - - - ROW / Lot Line

**D. Building Form (continued)**

<sup>2</sup> See Subsection C for applicable building types and Division 3.3 (Specific to Building Types) for additional height and massing standards.

<sup>3</sup> Maximum 173' allowed at office tower location, APN: 415-0250-112-00

<sup>4</sup> Common entries for buildings may be set at grade to comply with ADA. Required for residential use facing a street and/or public right-of-way. Applies only to room(s) on street-facing or civic space-facing facades.

**Main Building Height Setback**

Abutting NE, NG, RS, or RNP Zones	
Floors 4-5	25' min. from shared lot line
Floors 6+	35' min. from shared lot line

Where noted on the Regulating Plan (See Figure 2.1.020.1), along lot line:

Floors 6+	10' min. from lot line
-----------	------------------------

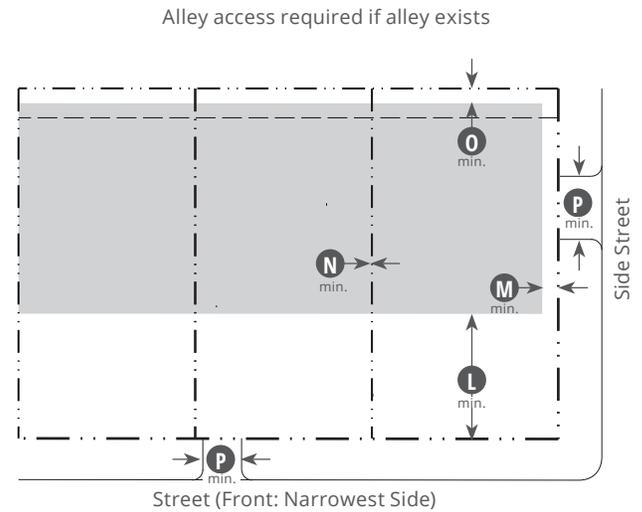
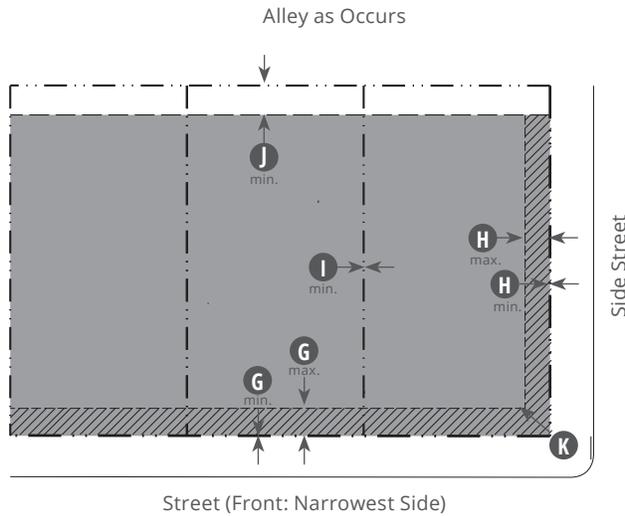
**Footprint**

Lot Coverage	95% max.
Accessory Structure(s)	
Width	24' max.
Depth	32' max.

**Miscellaneous**

Maximum 50' between ground floor building entrances.

Loading docks, overhead doors, and other service entries must be screened and not located on front street facades.



**Key**

--- ROW / Lot Line	■ Buildable Area
- - - Building Setback Line	▨ Facade Zone

**E. Building Placement**

**Setback (Distance from ROW / Lot Line)**

Front (Facade Zone)	0' min.; 10' max.	<b>G</b>
Street Side (Facade Zone)	0' min.; 10' max.	<b>H</b>
Side	0' min.	<b>I</b>
Rear		<b>J</b>
Adjacent to DT-MS Zone	0' min.	
Adjacent to any other zone	10' min.	

**Building within Facade Zone (Percent of Net Lot Width)**

Front	75% min.
Street Side	65% min.

**Miscellaneous**

On a corner lot, building facade must be built to the **K** lot line within 30' of the corner.

A building with a chamfered corner is allowed only on corner lots and if a corner entry is provided.

Entire ROW must be defined by a building or a 2' to 3' high fence or landscape wall.

**Key**

--- ROW / Lot Line	■ Parking Area
- - - Building Setback Line	

**F. Parking and Driveways**

**Minimum Required Spaces**

Residential Uses	1 per unit, or 1/500 sf, whichever is less
Service or Retail Uses	
≤ 3,500 sf	No spaces required
> 3,500 sf	2 spaces/1,000 sf min. above first 3,500 sf; max. 125% of min.

Parking areas must comply with Section 3.2.020 (Parking and Loading). Required parking may be reduced as set forth in Section 3.2.020 (Parking and Loading).

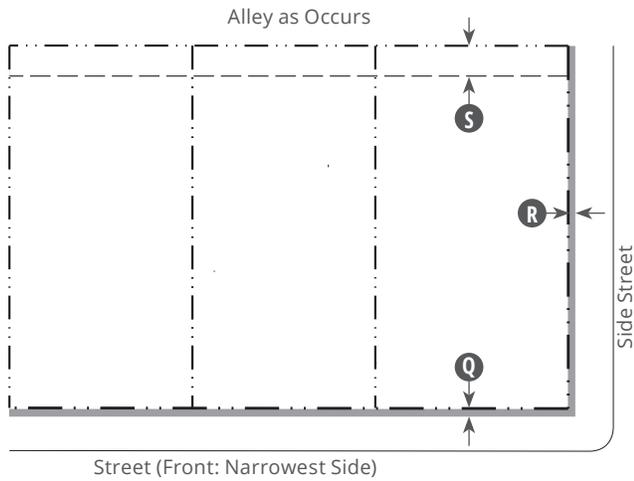
**Location (Distance from ROW / Lot Line)**

Front Setback	40' min.	<b>L</b>
Street Side Setback	5' min.	<b>M</b>
Side Setback	0' min.	<b>N</b>
Rear Setback	5' min.	<b>O</b>

**Miscellaneous**

Curb Cut or Parking Driveway Width		<b>P</b>
≤ 40 spaces	14' max.	
> 40 spaces	18' max.	

All parking structures must be screened from the front street and street side by ground floor space at least 30' deep from street.



**Key**

--- ROW / Lot Line      ■ Encroachment Area

G. Encroachments			
Encroachment Type	Q	R	S
	Front	St. Side	Rear
Frontage <sup>1</sup>	May encroach up to property line		
Architectural Features	3' max.	3' max.	—
Signage, Awning <sup>2</sup>	A	A	—
Landscaping	A	A	A
Driveways, Walkways	A	A	A <sup>3</sup>
Utility Lines, Wires, and Related Structures	A	A	A
Satellite Dish Antennas	—	—	A

Encroachments at grade are not allowed within a street ROW, alley ROW, or across a lot line.

<sup>1</sup> See Division 3.4 (Specific to Frontage Types) for further refinement of the allowed encroachments for frontage elements.

<sup>2</sup> May encroach into street ROW to within 2½' of curb.

<sup>3</sup> Driveway only allowed when access is from an alley.

H. Frontages			
Private Frontage Type	Front	St. Side	Standards
Stoop	A	A	3.4.070
Forecourt	A	A	3.4.080
Dooryard	A	A	3.4.090
Shopfront <sup>1</sup>	A	A	3.4.110
Terrace	A	A	3.4.120

<sup>1</sup> For corner lots where the regulating plan requires a Shopfront, the Shopfront must turn the corner onto the side street and extend for a length equal to the depth required in Subsection D of the zone, 'Building Depth, Ground-Floor'

**I. Signage**

See Article 10-7 (Sign Regulations) of the Hayward Code. Properties within UC Zone must comply with sign regulations applicable to the CC-C Zone.

**Key**      A = Allowed      — = Not Allowed

## Division 2.3: Use Table

### Sections

2.3.010	Allowed Land Uses and Permit Requirements. . . . .	2-31
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### 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
<b>Residential Uses</b>							
Accessory Dwelling Unit (ADU)	3.5.020	P	P	P	P	P	P
Day Care							
Day Care Center		-	CUP	P	P	P	P
Day Care Home		P	P	P	P	P	P
Group Home							
Small (6 or fewer residents)		P	P	P	P	P	P
Large (7 or more residents)		-	CUP	AUP	AUP	-	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
Senior Housing		P	P	P	-	AUP	AUP

#### Key

**P** Permitted    **AUP** Administrative Use Permit    **CUP** Conditional Use Permit  
**TUP** Temporary Use Permit    - Not Permitted

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
<b>Civic, Education, Entertainment, and Assembly Uses</b>							
Cultural or Meeting Facility		AUP	AUP	AUP	AUP	P	P
Educational Facility							
< 2,000 sf		AUP	AUP	P	AUP	P	P
≥ 2,000 sf		-	-	CUP	-	CUP	CUP
Entertainment Facility		-	-	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	-	AUP	AUP	P	P
Outdoor		-	CUP	AUP	-	-	CUP
Studio; fitness, art, dance, music, etc.		-	AUP	P	-	P	P
<b>Office and Service Uses</b>							
Animal Hospital		-	-	CUP	-	AUP	AUP
Bed and Breakfast		AUP	AUP	P	P	P	P
Business/Commercial/Financial Services		-	AUP	P	-	P	P
Drive-in, Retail or Service	10-1.1045j	-	CUP	CUP	-	-	-
Hotel/Motel		-	-	AUP	-	P	P
Office		CUP	AUP	P	-	P	P
Personal Services		-	AUP	P	-	P	P
Restricted		-	-	CUP	-	CUP	CUP
<b>Retail and Food Uses</b>							
Artisan/Craft Production		-	CUP	CUP	-	P	P
Bar/Cocktail Lounge/Nightclub	10-1.2750	-	-	-	-	CUP	CUP
Commercial Cannabis Retail Dispensary	10-1.3600	CUP	CUP	CUP	CUP	CUP	CUP
Liquor Store	10-1.2750	-	-	-	-	CUP	CUP
Restaurant							
General		-	P	P	-	P	P
Full Service	10-1.2750	-	-	CUP	-	P	P
Drive Through	10-1.1045j	-	-	CUP	-	-	-
Retail, General							
≤ 10,000 sf		-	CUP	AUP	-	P	P
> 10,000 sf		-	-	CUP	-	AUP	AUP

**Key**

**P** Permitted    **AUP** Administrative Use Permit    **CUP** Conditional Use Permit  
**TUP** Temporary Use Permit    - Not Permitted

**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
<b>Auto Uses</b>							
Automobile Sales and Rental		-	-	CUP	-	CUP	-
Automobile Repair and Service Station		-	-	CUP	-	CUP	-
Parking Structure		-	-	CUP	-	AUP	AUP
Passenger Transportation		-	-	AUP	-	AUP	AUP
<b>Other Uses</b>							
Accessory Uses	3.5.030	P	P	P	P	P	P
Temporary Uses	3.5.060	TUP	TUP	TUP	TUP	TUP	TUP

**Key**

**P** Permitted    **AUP** Administrative Use Permit    **CUP** Conditional Use Permit  
**TUP** Temporary Use Permit    - Not Permitted

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# Article 3: Supplemental to Zones

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## Division 3.1 Purpose and Intent

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### Sections

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3.1.020	Applicability . . . . .	3-3

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### **3.1.010 Purpose**

This Article sets forth supplemental standards for the development of each building type, frontage type, certain uses, and related general standards within zones. These standards supplement the standards for each zone in which the building, frontage, or use is allowed. These standards are intended to ensure development that establishes or reinforces the highly-valued character and scale of Downtown and its walkable urban neighborhoods.

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### **3.1.020 Applicability**

- A. The standards in this Article apply to all proposed development within Downtown Zones and must be considered in combination with the standards for the applicable zone in Division 2.2 (Downtown Zones).
- B. Development with Education Facility, Cultural or Meeting Facility, or Passenger Transportation uses must comply with the standards for the applicable zone in Division 2.2 (Downtown Zones), but will not be required to meet the standards of Division 3.3 (Specific to Building Types).
- C. In the event of any conflict between the standards of this Article and the standards in another Article of this Chapter or any standard in the Hayward Code, the standards in this Article supersede, unless stated otherwise.

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# Division 3.2 General Standards

Sections

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## 3.2.010 Screening, Fences, and Walls

- A. **Purpose.** This Section establishes standards for screening, which includes fences and walls, for the conservation and protection of property, the assurance of safety and security, the enhancement of privacy, the abatement or attenuation of noise, and the improvement of the visual environment in keeping with neighborhood and community character.
- B. **Applicability.** The provisions of this Section apply to all new development in Downtown Zones, and to improvements to existing development in Downtown Zones in compliance with Section 10-1.2900 (Nonconforming Uses) of the Hayward Code.
- C. **Design Standards for Screening.** Screening must comply with the following:
  - 1. **All Building Sites.** Fences, walls, and other screening on building sites are subject to the height limits in Table A (Setback Requirements).

Table 3.2.010.A Setback Requirements	
Location	Height (max.)
Within Required Front Setback	3'
Within Required Street Side Setback <sup>1</sup>	3'
Within Required Side and Rear Setback <sup>2</sup>	6'

<sup>1</sup> Within 10' of a side property line adjoining a public street

<sup>2</sup> When installed along a rear property line, such as at the intersection of an alley and a street, that will obstruct a view, maximum 4'.

- 2. **Screening Height Measurement Standards**
  - a. All screening height must be measured as the vertical distance between the finished grade at the base of the fence and the top edge of the fence material.
  - b. Where there is a difference in elevation on opposite sides of screening, the height must be measured from the highest elevation.

- c. If the finished elevation of the property is lower at the boundary line, or within five feet inside the boundary line, than an abutting property elevation, the change in elevation may be used in lieu of, or in combination with, additional screening to satisfy a screening requirement.
  - d. Where screening is required along a public or private street and the roadway elevation is higher than the property in question, the Director may require screens to be higher than allowed by the applicable height limit.
- D. Reduction of Required Screening or Screening Design Standards.** The Director may completely or partially waive required screening and associated standards in cases where the Director considers the relief necessary to maintain or enhance the architectural character of the surrounding neighborhood.
- E. Additional Screening Requiring Administrative Use Permit.** The following screening types must comply with the specified requirements and requires Director approval before issuing a Building Permit, as applicable.
- 1. **Courtyard.** Screening installed to create a courtyard without a roof must be a maximum of five feet in height and be set back at least as far as the adjoining building face. In reviewing the plan for the proposed courtyard, the Director may consider, but not be limited to, the following:
    - a. Building characteristics including the dimensions, color and architectural design;
    - b. Compatibility of the architectural and design features of the proposed courtyard with the features of the adjoining, as well as neighboring buildings; and
    - c. Landscaping, including the effort to minimize removal of existing vegetation and to match replacements with vegetation of the site.
  - 2. **Fencing on Retaining Walls.** The total height of fences and the retaining walls that they are mounted on or attached to are limited to six feet in height. However, the Director may approve higher fencing if it is determined that there will be little or no impact on the adjoining properties or the walkable nature of the neighborhood and the height is necessary to achieve the objectives of this Section or is required for health and safety.
- F. Mechanical Equipment Screening**
- 1. **Screening Required**
    - a. New installation or relocation of existing mechanical equipment, whether installed on the roof, ground, or walls, must be screened from public view in compliance with this Subsection.
    - b. The following are exempt from this Subsection:
      - (i) Free-standing or roof-mounted solar equipment; and
      - (ii) Vents less than four feet in height may be exempt from the requirements in Subsection F.1.a subject to Director review.

2. **Roof-mounted Equipment.** Building parapets or other architectural elements in the building's architecture style must screen roof-mounted equipment.
  - a. New buildings must be designed to provide a parapet or other architectural element that is as tall or taller than the highest point on any new mechanical equipment to be located on the roof of the building.
  - b. For existing buildings with no or low parapet heights, mechanical equipment must be surrounded on all sides by an opaque screen wall as tall or taller than the highest point of the equipment. The wall must be architecturally consistent with the building and match the existing building with paint, finish, and trim cap detail. All new roof screens are subject to Site Plan Review and may be referred to the Planning Commission, as determined by the Director.
3. **Wall- and Ground-mounted Equipment.** All wall- and ground-mounted equipment must comply with the following:
  - a. May not be located between the face of the building and the street;
  - b. All screen devices must be as high or higher than the highest point of the equipment being screened. Equipment and screening must meet rear and side setbacks of the applicable zone;
    - (i) Screening must be architecturally compatible and include matching paint, finish, and trim cap of the building; and
    - (ii) All new mechanical screens for ground or wall-mounted equipment are subject to Director review.
- G. **Temporary Fencing.** Temporary fencing may be used to provide security for approved special events, construction sites, or vacant structures and land, which cannot otherwise be secured. All temporary fencing must:
  1. Consist of chain link fencing or other materials as approved by the Director;
  2. Not exceed six feet in height;
  3. Be removed at the conclusion of the special event or completion of construction activities (i.e., final inspection) for which it was approved; and
  4. All approved fencing for construction sites may not be installed until a Building Permit or Grading Permit has been issued and must be removed prior to final inspection. The use of temporary fencing around occupied structures that can be secured by other means is not allowed. If the Building Permits expire before the construction is completed, the Director may issue a Temporary Use Permit to allow the fencing to remain for a longer period of time. The use of temporary fencing around vacant land or vacant structures is subject to the terms and conditions specified in an administrative permit authorizing this fencing.
- H. **Prohibited.** Barb type, electric, or razor wire screening is prohibited.
- I. **Safety Standards.** Where a lot is situated at the intersection of two or more streets, screening may not be erected, placed, planted, or allowed to grow in such a manner as to obstruct intersection visibility, in compliance with Ordinance No. 100 C.S., as amended, Article 9 (Obstructions to Visibility at Intersections Prohibited) of the Hayward Traffic Code, as the same are now in effect or which may be amended or replaced.

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### 3.2.020 Parking and Loading

- A. **Purpose.** This Section ensures the provision of parking spaces and access drives designed appropriately for motor vehicles and bicycles. This Section also provides options for adjusting parking requirements and providing parking alternatives. These standards ensure that the parking needs of new and intensified existing uses and development are met, while being designed and located in a manner consistent with the intended physical character of the zone.
- B. **Applicability**
1. The requirements of Article 10-2 (Off- Street Parking Regulations) of the Hayward Code apply, except as superseded by this Division.
  2. Parking in compliance with this Division is required in all zones, as identified below:
    - a. New development;
    - b. Change in land use; and
    - c. Changes in intensity of buildings or structures made after the effective date of this ordinance that cause an increase or decrease of 25 percent or greater in:
      - (1) Gross floor area;
      - (2) Seating capacity;
      - (3) Dwelling units; and/or
      - (4) Parking spaces.
- C. **General Parking Standards**
1. **Off-Site Parking.** Required off-street parking may be provided off-site in compliance with the following:
    - a. Required parking may be provided in off-street parking facilities on another property within 1,000 feet of the site proposed for development, as measured along thoroughfare right-of-ways;
    - b. Pedestrian access between the use or the site and the off-premise parking area must be through concrete or paved sidewalk or walkway; and
    - c. The owner shall provide a recorded parking agreement reflecting the arrangement with the off-site location.
  2. **Larger Vehicle Parking**
    - a. Trucks, tractors, or tractor-trailers with capacity for more than a one-and-one-half-ton load, front- and rear-end loaders, or any kind of commercial, industrial, agricultural, or transportation vehicles/equipment used primarily for business purposes, may not be parked or stored in the Downtown Zones for purposes other than unloading, loading, or delivery services.
    - b. Automobiles, small trucks, vans, or vehicle trailers allowed in conjunction with an approved home occupation (one per home occupation), and recreational vehicles, utilized for personal or business use, are excluded from the provisions of this Subsection.

**D. Number of Motor Vehicle Parking Spaces Required**

1. **Required Spaces.** The minimum number of parking spaces required is listed in Subsection F of the zone standards.
2. When calculating the maximum number of parking spaces, numbers may be rounded down to the closest whole number.

**E. Parking Adjustments**

1. **Shared Parking Calculation.** For buildings with two use types that want to share parking, shared parking can be calculated as the sum of the required parking for the two use types divided by the factor listed in Table A (Shared Parking Factor for Two Uses). The required number of parking spaces can be rounded up to the closest whole number. If the use is not listed in Table A, the shared parking is subject to the requirements in Subsection E.2.

Table 3.2.020.A Shared Parking Factor for Two Uses				
First Use	Second Use			
	Residential	Lodging	Office, Administrative/ Professional	Retail, General
Residential	1.0	1.1	1.4	1.2
Lodging	1.1	1.0	1.7	1.3
Office, Administrative/ Professional	1.4	1.7	1.0	1.2
Retail, General	1.2	1.3	1.2	1.0

2. **Shared Parking Study.** When three or more use types share parking or a use type is not listed in Table A, the amount of required parking may be reduced if:
  - a. The Director determines one of the following circumstances has been established, the Director may grant a reduction in the parking standards set forth in this Subsection in the following cases:
    - (1) Where uses seek to share parking with different peak hour demands and are in the same or adjoining development, the applicant shall submit to the Director an analysis and substantiated projections of peak parking demand for the entire development to justify the shared use of parking spaces for separate uses;
    - (2) Where the special nature of a certain development (e.g., special types of housing projects inhabited by persons with low or no automobile ownership) does not require the amount of parking listed in Subsection D of the zone standards; or
    - (3) Where fewer parking spaces are needed due to access to transit, special designs and traffic mitigation measures incorporated in the parking lot design and circulation plan.

- b. The Director or the review authority, as appropriate, shall consider the following in determining whether a reduction is warranted:
  - (1) The likelihood that the reduced number of parking spaces can satisfy demand;
  - (2) The amount of time during the year when the number of spaces provided may be insufficient and the amount of resulting parking overflow;
  - (3) The impact of periodic overflows upon the public thoroughfares and other parking facilities;
  - (4) The nature of surrounding land uses, character of the surrounding road system, and nearby circulation pattern;
  - (5) The amount of on-street parking available within one-quarter of a mile of the development;
  - (6) Any reduction in on-site parking demand by implementing Transportation Demand Management strategies proposed by the applicant; and/or
  - (7) In all cases, the burden to demonstrate that a reduction in parking standards is warranted rests with the applicant.

**F. Parking Spaces, Lot Design, and Layout**

1. **Loading.** On-site loading space(s) are not required where the site is adjacent to an alley or side street that provides temporary parking for loading/unloading activities.
2. **Driveways**
  - a. Access to Driveways. The forward motion of the vehicle must be practical when accessing to and from driveways onto public thoroughfares.
  - b. Driveways must extend and include the area between the lot line and the edge of the street pavement.
  - c. The design and construction of all off-street parking access drives must meet the requirements of the City Engineering Standards.
3. **Identified as to Purpose and Location.** Off-street parking areas of four or more spaces and off-street loading areas must include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading areas, while distinguishing such spaces from aisle and other circulation features.
4. **Landscaping and Screening**
  - a. Landscaped areas required in this section shall be composed of trees, shrubs, turf grass, planted ground cover, or a combination thereof. Landscaping shall be permanently maintained, including replacement where necessary. Landscaping shall be provided as required in Table C. Landscaping required in Table B (Required Interior Parking Lot Landscaping) must also comply with the standards of Section 3.2.010 (Screening, Fences, and Walls).

<b>Table 3.2.020.B Required Interior Parking Lot Landscaping</b>	
<b>Number of Parking Spaces</b>	<b>Percent of Gross Parking Area in Landscaping</b>
6 or fewer	0%
7 to 15	4%
16 to 30	8%
31 to 70	12%
71 and over	16%
<b>Required Shade Trees</b>	<b>Standard</b>
Amount	16 trees/gross site area acre, minus building coverage (footprint)
Can size	15 gallon
Height at installation	6-8' min.
Mature canopy	40' min.
Characteristics	High branching, broad headed, shading form
Location	Evenly spaced throughout the parking lot to provide uniform shade

- b. Screening of parking and loading areas must meet the standards in Table C (Parking and Loading Area Screening).

<b>Table 3.2.020.C Parking and Loading Area Screening</b>		
<b>Zone</b>	<b>Adjacent Zone</b>	<b>Required Screening <sup>1</sup></b>
UN, DT-MS, UC Zones	NE, NG or residential zone	6-foot wall, fence, or evergreen hedge. <sup>2</sup>

<sup>1</sup> Screening is not required when parking and loading area(s) are adjacent to an alley or between two properties within the same zone.

<sup>2</sup> Max 4 feet if within a required street side setback.

- c. Landscaping areas must accommodate stormwater management features to the extent feasible as determined by the City.
  - d. For the portion of a parking area over which photo-voltaic solar collectors are installed where they also function as shade structures, the minimum requirement for trees may be waived, and a minimum of three shrubs and three groundcovers must be planted in compliance with Section 10-12.05 (Water Efficient Landscape Worksheet) of the Hayward Code for every eight parking spaces.
- 5. Location**
- a. Location of required on-site parking in all zones is regulated by setbacks established in Division 2.2 (Downtown Zones) and the following:
    - (i) Parking lots with 20 or fewer spaces must have all off-street parking areas separated at least five feet from buildings in order to provide a sidewalk between the building and parking area;

- (ii) Parking lots with more than 20 spaces must have all off-street parking areas separated at least 10 feet from buildings in order to make room for a sidewalk, landscaping, and other planting between the building and the parking area; and

- (1) This separation may be eliminated to the rear of buildings in areas designed for unloading and loading of materials.

6. **Size of Parking Lot.** Parking lots larger than one-quarter of an acre in size must be divided into smaller parking areas with planted landscape areas with a minimum width of 15 feet between them to minimize the perceived scale of the total field of stalls.
7. **Tandem Parking.** Tandem parking is allowed in all Downtown Zones for all residential uses if:
  - a. Both tandem parking spaces satisfy the parking requirement of one residential unit; and
  - b. Neither of the tandem parking spaces are required accessible parking spaces.

**G. Bicycle Parking Requirements**

1. **Applicability.** Bicycle parking requirements apply in all zones for the use types specified in Table D (Bicycle Parking Requirements).
2. **Exempt.** Bicycle parking is not required for single-family residential developments.
3. **Number of Bicycle Parking Spaces and Location Standards**

Table 3.2.020.D Bicycle Parking Requirements			
Use Type	Required Short-Term Spaces	Required Long-Term Spaces	Location
Multi-Family Residential	1 per 10 units	1 per 4 units <sup>1</sup>	Either within the building or within 25 feet of the building entrance
Recreation, Civic, Education, Entertainment, and Assembly; Office and Service Uses; Retail and Food Uses <sup>2</sup>	4 spaces or 20% of required off-street automobile parking spaces, whichever is greater (up to a maximum of 10 bicycle spaces)	1 for every 10 automobile spaces, minimum 2 spaces.	Within 50 feet of public entrance of the building and adjacent to a bicycle path and/or pedestrian walks

<sup>1</sup> No long-term bike parking required if units have private garages.

<sup>2</sup> At the discretion of the Director, required bicycle parking may be provided within the public right-of-way.

4. **Bicycle Parking Standards.** Bicycle spaces must be provided in compliance with the following standards:
  - a. Uses must provide both long-term and short-term bicycle parking as required in Table D (Bicycle Parking Requirements);

- b. Long term bicycle parking must consist of lockable enclosures (lockers) in which the bicycle is stored and short-term bicycle parking must include racks to which the bicycle can be locked;
  - c. Lockers and racks must be securely anchored to the pavement or a structure;
  - d. Racks must be designed and installed to allow two points of contact with the frame and allow the frame and one or both wheels to be secured;
  - e. Areas containing bicycle spaces must be surfaced with impervious surfaces such as concrete or pavers. Pervious pavements or gravel may be used where appropriate as determined by the Director or City Engineer;
  - f. When located within a parking area, curbs, fences, planter areas, bumpers, or similar barriers must be installed and maintained for the mutual protection of bikes, motor vehicles and pedestrians, unless determined by the Director to be unnecessary; and
  - g. Bicycle parking must be placed in a convenient, highly-visible, active, and well-lit location.
5. **Bicycle Parking Space Dimensions.** All bicycle parking must meet the following minimum dimensions:
- a. Each bicycle parking space must include a minimum area of 72 inches in length and 24 inches in width that is clear of obstructions;
  - b. No part of the rack may be located closer than 30 inches to a wall or other obstruction;
  - c. The front or back of the rack must be located no less than 48 inches from a sidewalk or pedestrian way; and
  - d. A minimum of 30 inches must be provided between adjoining racks.

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## Division 3.3 Specific to Building Types

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### Sections

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### **3.3.010 Purpose**

This Division sets forth the standards for the development of each building type within the Downtown Zones. These standards supplement the standards for each Downtown Zone in which the building type is allowed and are intended to promote development that establishes or reinforces the highly-valued character and scale of Downtown Hayward’s centers and neighborhoods. These types are important for providing a broad choice of housing types and promoting walkability.

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### **3.3.020 Applicability**

The standards in this Division apply to all proposed development within the Downtown Zones, and must be considered in combination with the standards for the applicable zone and the rest of this Article.

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### 3.3.030 Overview

- A. This Division sets forth standards applicable to the development of each building type. Table A (Building Types Overview) provides an overview of the allowed building types. The names of the building types are not intended to limit uses within a building type. For example, a Detached House (Section 3.3.050) may have non-residential uses within it, such as a restaurant or office, as allowed by the zone.
- B. The building types are categorized into two groups: house-scale buildings and block-scale buildings. House-scale buildings are those that are the size of a house, typically ranging from as small as 25 feet wide up to 80 feet wide. Block-scale buildings are those that are 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 typically ranging in length and width from as small as 25 feet up to 80 feet.
- C. The lot size standards for each building type are set in the Downtown Zones in Division 2.2 (Downtown Zones). The lot size designates the range of lot sizes on which the given building type is allowed to be built. If the subject lot is smaller or larger than the allowed lot size, a different building type must be selected.
- D. Each lot must have only one primary building type, except as follows:
  - 1. Where allowed by the applicable zone in Division 2.2 (Downtown Zones) and as allowed in Section 3.3.040 (Carriage Building), one Carriage Building is allowed in addition to the primary building type;
  - 2. Where the zone allows the Cottage Court, up to nine individual Cottages are allowed; and/or
    - a. More than one building type is allowed on a lot if the application includes a Site Plan with lot lines that meet all the requirements of this Division and Division 2.2 (Downtown Zones).
  - 3. The Carriage Building Building Type is the only accessory structure in which detached accessory dwelling units are allowed.
- E. Secondary wings and accessory structures must have a smaller footprint, a narrower width, and a lesser depth than the main building.

**Table 3.3.030.A Building Types Overview**

Building Type		Downtown Zones						
	<p><b>3.3.040 Carriage Building.</b> An accessory structure typically located at the rear of a lot. It typically provides either a small residential unit, home office space, or other small commercial or service use, as allowed by the zone, that may be above a garage or at ground level. This type is important for providing affordable housing opportunities and incubating small businesses within walkable neighborhoods.</p> <p><b>House-Scale Building</b></p>	<table border="1"> <tr> <td>NE</td> <td>NG</td> </tr> <tr> <td>UN</td> <td>DT-MS</td> </tr> <tr> <td>UC</td> <td></td> </tr> </table>	NE	NG	UN	DT-MS	UC	
	NE	NG						
UN	DT-MS							
UC								
	<p><b>3.3.050 Detached House.</b> A small detached structure on a small lot. It is typically located within a lower-intensity residential neighborhood in a walkable urban setting, potentially near a neighborhood main street. This type is important for promoting walkability and providing a broad choice of housing types, as well as house scale non-residential uses.</p> <p><b>House-Scale Building</b></p>	<table border="1"> <tr> <td>NE</td> <td>NG</td> </tr> <tr> <td>UN</td> <td>DT-MS</td> </tr> <tr> <td>UC</td> <td></td> </tr> </table>	NE	NG	UN	DT-MS	UC	
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	<p><b>3.3.060 Duplex.</b> A small- to medium-sized detached structure that consists of two side-by-side or stacked dwelling units, both facing the street and within a single building massing. This type has the appearance of a medium to large single-family home and is appropriately scaled to fit within lower-intensity residential neighborhoods. It enables appropriately-scaled, well-designed moderate intensities and is important for providing a broad choice of housing types and promoting walkability.</p> <p><b>House-Scale Building</b></p>	<table border="1"> <tr> <td>NE</td> <td>NG</td> </tr> <tr> <td>UN</td> <td>DT-MS</td> </tr> <tr> <td>UC</td> <td></td> </tr> </table>	NE	NG	UN	DT-MS	UC	
	NE	NG						
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	<p><b>3.3.070 Cottage Court.</b> A group of small, detached, single-unit structures, arranged to define a shared court that is typically perpendicular to the street. The shared court takes the place of a private rear yard and becomes an important community-enhancing element. This type is appropriately-scaled to fit within low- to moderate-intensity neighborhoods and can be applied in non-residential contexts. It enables appropriately-scaled, well-designed moderate intensities and is important for providing a broad choice of housing types and promoting walkability.</p> <p><b>House-Scale Buildings</b></p>	<table border="1"> <tr> <td>NE</td> <td>NG</td> </tr> <tr> <td>UN</td> <td>DT-MS</td> </tr> <tr> <td>UC</td> <td></td> </tr> </table>	NE	NG	UN	DT-MS	UC	
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	<p><b>3.3.080 Multiplex: Small.</b> A medium-sized structure that consists of 3 to 6 side-by-side and/or stacked dwellings, typically with one shared entry or individual entries along the front. This type has the appearance of a medium-sized single-family home and is appropriately scaled to fit sparingly within low- to moderate-intensity neighborhoods. This type enables appropriately-scaled, well-designed higher intensities and is important for providing a broad choice of housing types and promoting walkability.</p> <p><b>House-Scale Building</b></p>	<table border="1"> <tr> <td>NE</td> <td>NG</td> </tr> <tr> <td>UN</td> <td>DT-MS</td> </tr> <tr> <td>UC</td> <td></td> </tr> </table>	NE	NG	UN	DT-MS	UC	
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Key    Z=Zone    **Z** Allowed    Z Not Allowed

**Table 3.3.030.A Building Types Overview (continued)**

Building Type		Downtown Zones													
	<p><b>3.3.090 Multiplex: Large.</b> A medium- to large-sized structure that consists of 7 to 18 side-by-side and/or stacked dwellings, typically with one shared entry. This type is appropriately scaled to fit within moderate-intensity neighborhoods or sparingly within lower-intensity neighborhoods. This type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.</p>	<table border="1"> <tr><td>NE</td><td>NG</td></tr> <tr><td>UN</td><td>DT-MS</td></tr> <tr><td>UC</td><td></td></tr> </table>	NE	NG	UN	DT-MS	UC		<table border="1"> <tr><td>NE</td><td>NG</td></tr> <tr><td>UN</td><td>DT-MS</td></tr> <tr><td>UC</td><td></td></tr> </table>	NE	NG	UN	DT-MS	UC	
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<p>Also known as: Mansion Apartment House <b>House-Scale Building</b></p>															
	<p><b>3.3.100 Rowhouse Building.</b> A small- to medium-sized typically attached structure that consists of 2 to 8 Rowhouses placed side-by-side. As allowed by the Downtown Zone, this type may also occasionally be detached with minimal separations between buildings. This type is typically located within moderate-intensity neighborhoods or near or on a neighborhood main street. This type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.</p>	<p><b>House-Scale Building</b> 2-3 units;</p> <table border="1"> <tr><td>NE</td><td>NG</td></tr> <tr><td>UN</td><td>DT-MS</td></tr> <tr><td>UC</td><td></td></tr> </table>		NE	NG	UN	DT-MS	UC							
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<p>Also known as: Townhouse <b>House-Scale Building</b> 2-3 rowhouse buildings per run; <b>Block-Scale Building</b> 4-8 rowhouse buildings per run</p>		<p><b>Block-Scale Building</b> ≥4 units</p> <table border="1"> <tr><td>NE</td><td>NG</td></tr> <tr><td>UN</td><td>DT-MS</td></tr> <tr><td>UC</td><td></td></tr> </table>		NE	NG	UN	DT-MS	UC							
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	<p><b>3.3.110 Courtyard Building.</b> One or more structures that contain multiple attached and stacked units, accessed from a courtyard or series of courtyards. Each unit may have its own individual entry, or up to three units may share a common entry. This type is typically integrated sparingly into lower-intensity neighborhoods or more consistently into moderate-intensity neighborhoods and can be applied in non-residential contexts. This type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.</p>	<table border="1"> <tr><td>NE</td><td>NG</td></tr> <tr><td>UN</td><td>DT-MS</td></tr> <tr><td>UC</td><td></td></tr> </table>	NE	NG	UN	DT-MS	UC		<table border="1"> <tr><td>NE</td><td>NG</td></tr> <tr><td>UN</td><td>DT-MS</td></tr> <tr><td>UC</td><td></td></tr> </table>	NE	NG	UN	DT-MS	UC	
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<p><b>House-Scale Building</b></p>															
	<p><b>3.3.120 Stacked Flats Building.</b> A medium- to large-sized structure that consists of multiple dwelling units on each floor accessed from a lobby directly from the street. Each ground floor unit may have its own individual entry or may share a common entry. The dwelling units may be flats, townhouses, lofts, or combinations. This type is appropriately scaled to fit in moderate- to higher-intensity neighborhoods. It enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.</p>	<table border="1"> <tr><td>NE</td><td>NG</td></tr> <tr><td>UN</td><td>DT-MS</td></tr> <tr><td>UC</td><td></td></tr> </table>	NE	NG	UN	DT-MS	UC		<table border="1"> <tr><td>NE</td><td>NG</td></tr> <tr><td>UN</td><td>DT-MS</td></tr> <tr><td>UC</td><td></td></tr> </table>	NE	NG	UN	DT-MS	UC	
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<p><b>Block-Scale Building</b></p>															

Key      Z=Zone      **Z** Allowed      Z Not Allowed

**Table 3.3.030.A Building Types Overview (continued)**

Building Type		Downtown Zones						
	<p><b>3.3.130 Main Street Building.</b> A small- to large-sized structure, typically attached, but may be detached, intended to provide a vertical mix of uses with ground-floor retail or service uses and upper-floor service or residential uses. This type makes up the primary component of a main street.</p> <p><b>Block-Scale Building</b></p>	<table border="1"> <tr> <td>NE</td> <td>NG</td> </tr> <tr> <td>UN</td> <td><b>DT-MS</b></td> </tr> <tr> <td>UC</td> <td></td> </tr> </table>	NE	NG	UN	<b>DT-MS</b>	UC	
	NE	NG						
UN	<b>DT-MS</b>							
UC								
	<p><b>3.3.140 Lined Building.</b> A combined building that consists of two main components: an interior building such as a parking garage, movie theater, etc., and an exterior building that conceals the interior building from the street.</p> <p><b>Block-Scale Building</b></p>	<table border="1"> <tr> <td>NE</td> <td>NG</td> </tr> <tr> <td>UN</td> <td><b>DT-MS</b></td> </tr> <tr> <td>UC</td> <td></td> </tr> </table>	NE	NG	UN	<b>DT-MS</b>	UC	
	NE	NG						
UN	<b>DT-MS</b>							
UC								
	<p><b>3.3.150 Mid-rise Building.</b> A medium to large-sized structure, 4 to 11 stories tall built on a large lot. This building type can be used to provide a vertical mix of uses with ground-floor commercial, service, or retail uses and upper-floor commercial, service, or residential uses; or may be a single use building, typically service or residential, where ground floor retail is not appropriate.</p> <p><b>Block-Scale Building</b></p>	<table border="1"> <tr> <td>NE</td> <td>NG</td> </tr> <tr> <td>UN</td> <td><b>DT-MS</b></td> </tr> <tr> <td><b>UC</b></td> <td></td> </tr> </table>	NE	NG	UN	<b>DT-MS</b>	<b>UC</b>	
	NE	NG						
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<b>UC</b>								

Key Z=Zone **Z** Allowed

**Z** Not Allowed

### 3.3.040 Carriage Building



Two-story Carriage Building with living unit above



Two-story Carriage Building with living unit above



Two-story Carriage Building with small living unit above

#### A. Description

An accessory structure typically located at the rear of a lot. It typically provides either a small residential unit, home office space, or other small commercial or service use, as allowed by the zone, that may be above a garage or at ground level. This type is important for providing affordable housing opportunities and incubating small businesses within walkable neighborhoods.

House-Scale Building

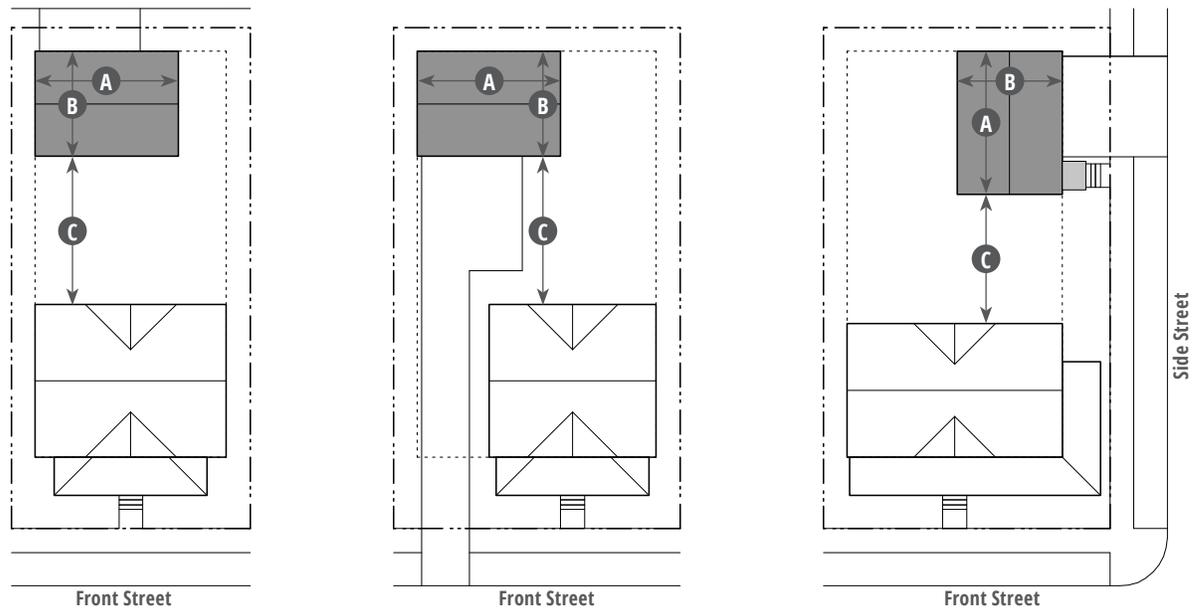
NE	NG	UN	DT-MS	UC
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Only allowed on lots where the primary building has a residential use and is one of the following building types: Detached House, Duplex, Multiplex Small, Multiplex Large.

*General Note: Photos on this page are illustrative, not regulatory.*

Key	Z=Zone	<b>Z</b> Allowed	Z Not Allowed
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Alley access required if alley exists



**Key**

- ROW / Lot Line
- Setback Line
- Building

**B. Number of Units**

Units per Building	1 max.
Carriage Buildings per Lot	1 max.

**C. Building Size and Massing**

	NE	NG	UN	DT-MS	UC
Max. Number of Stories	2	2	2	—	—

**Main Body**

Width	24' max.	<b>A</b>
Depth	32' max.	<b>B</b>
Separation from Primary Building	10' min.	<b>C</b>

Building may be connected to primary building by an uninhabitable space such as a breezeway.

**Miscellaneous**

If used as a detached accessory dwelling unit, the Carriage Building may not be taller, or exceed 50% of the primary dwelling unit area or 1,200 sq. ft. See Section 3.5.020 (Accessory Dwelling Unit) and Section 10-2.2740 (Accessory Dwelling Unit) of the Hayward Code for additional requirements.

**Key**

- ROW / Lot Line
- Setback Line
- Frontage

**D. Allowed Frontage Types**

Stoop	3.4.070
Dooryard	3.4.090

Structure not required to have a frontage type.

**E. Pedestrian Access**

Main Entrance Location	Street side, alley, or internal to the lot
------------------------	--

The main entrance may not be located through a garage.

**F. Vehicle Access and Parking**

Parking is not required. When provided it may be accessed from the alley or side street and may be accessed from the front only when there is not adjacent alley or street side.

**G. Private Open Space**

Requirements determined by the primary structure on the lot. No additional private open space is required for the structure.

**3.3.050 Detached House**



*1½-story Compact House with a projecting porch.*



*1½-story Compact House with front yard.*



*2½-story Compact House with a projecting porch.*

**A. Description**

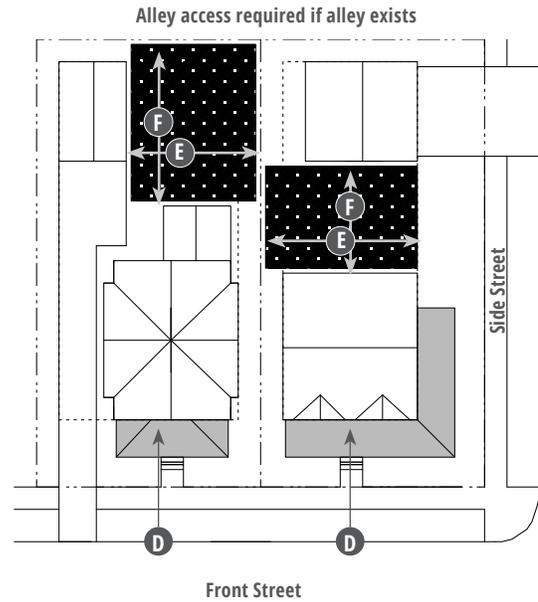
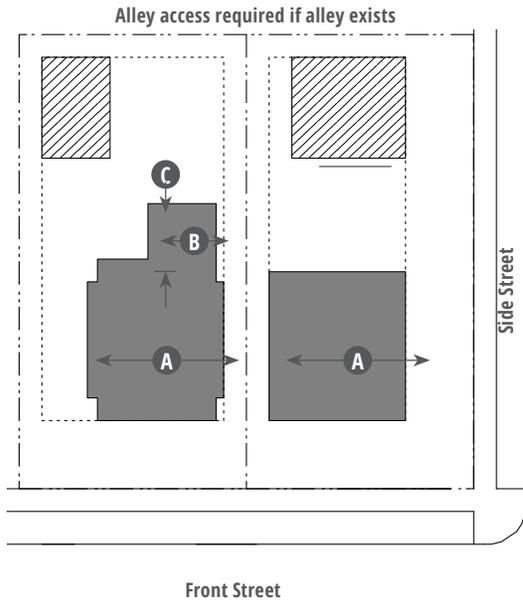
A small detached structure on a small lot. It is typically located within a lower-intensity residential neighborhood in a walkable urban setting, potentially near a neighborhood main street. This type is important for promoting walkability and providing a broad choice of housing types, as well as house-scale non-residential uses.

House-Scale Building

NE	NG	UN	DT-MS	UC
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*General Note: Photos on this page are illustrative, not regulatory.*

Key	Z=Zone	<b>Z</b> Allowed	Z Not Allowed
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**Key**

- ROW / Lot Line
- Setback Line
- Primary Structure
- ▨ Accessory Structure

**B. Number of Units**

Units per Building

Primary Unit	1 max.
Accessory Dwelling Unit	1 max.

Houses per Lot 1 max.

**C. Building Size and Massing**

	NE	NG	UN	DT-MS	UC
--	----	----	----	-------	----

Max. Number of Stories	2½	3½	—	—	—
------------------------	----	----	---	---	---

**Main Body**

Width	36' max.	<b>A</b>
-------	----------	----------

**Secondary Wing(s)**

Width	15' max.	<b>B</b>
-------	----------	----------

Depth	20' max.	<b>C</b>
-------	----------	----------

**Articulation**

Building Facade shall be designed in compliance with Subsection 3.3.160.B (Facade Articulation).

**Key**

- ROW / Lot Line
- Setback Line
- Frontage
- Private Open Space

**D. Allowed Frontage Types**

Front Yard	3.4.040
Porch: Projecting	3.4.050
Porch: Engaged	3.4.060
Stoop	3.4.070
Dooryard	3.4.090

**E. Pedestrian Access**

Main Entrance Location	Front Street	<b>D</b>
------------------------	--------------	----------

**F. Private Open Space**

Area	300 sf min.	
Width	15' min.	<b>E</b>
Depth	15' min.	<b>F</b>

Required street setbacks and driveways must not be included in the private open space area calculation.

Required private open space must be located behind the main body of the primary structure.

**3.3.060 Duplex**



*Duplex side-by-side units, each with projecting porch.*



*Two-story Duplex.*



*Two-story Duplex with stoop frontage.*

**A. Description**

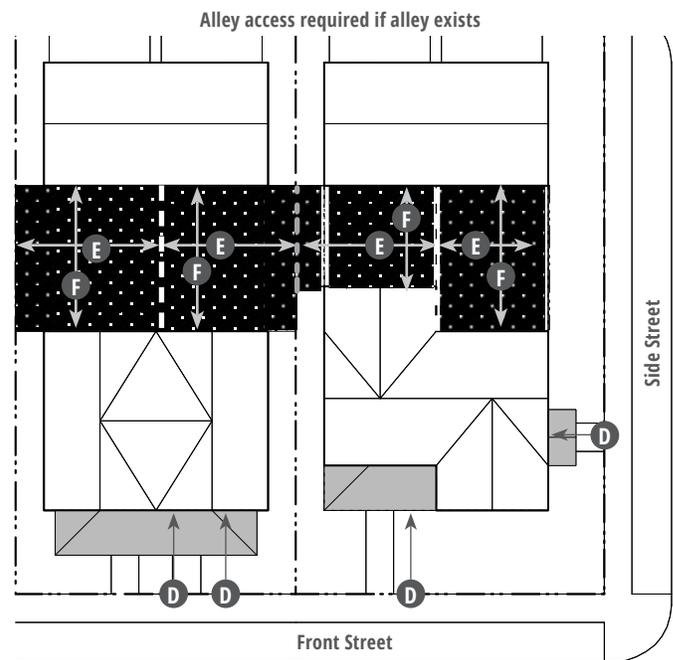
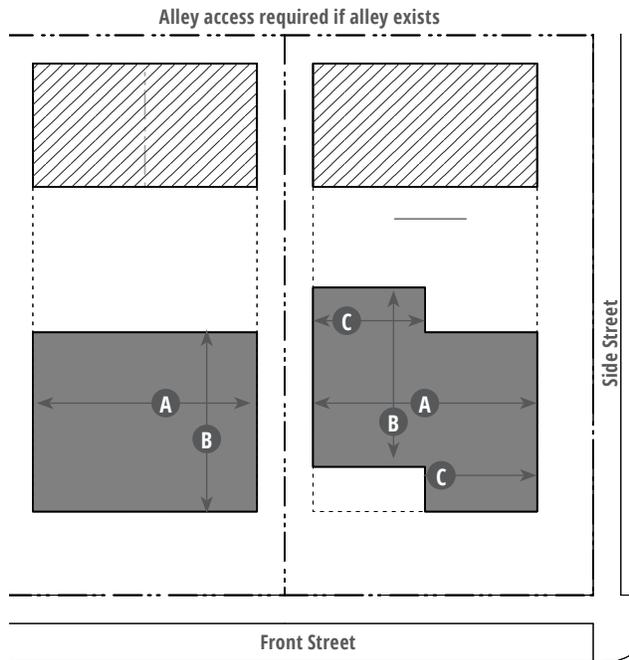
A small- to medium-sized detached structure that consists of two side-by-side or stacked dwelling units, both facing the street and within a single building massing. This type has the appearance of a medium to large single-family home and is appropriately scaled to fit within lower-intensity residential neighborhoods. It enables appropriately-scaled, well-designed moderate intensities and is important for providing a broad choice of housing types and promoting walkability.

House-Scale Building

NE	NG	UN	DT-MS	UC
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*General Note: Photos on this page are illustrative, not regulatory.*

Key	Z=Zone	<b>Z</b> Allowed	Z Not Allowed
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**Key**

- ROW / Lot Line
- Setback Line
- Primary Structure
- ▨ Accessory Structure

**Key**

- ROW / Lot Line
- Setback Line
- Frontage
- ▨ Private Open Space

**B. Number of Units**

Units per Building	2 max.
Duplexes per Lot	1 max.

**C. Building Size and Massing**

	NE	NG	UN	DT-MS	UC
Max. Number of Stories	2½	3½	—	—	—

**Main Body**

Width	48' max.	<b>A</b>
Depth	36' max.	<b>B</b>

**Secondary Wing(s)**

Width	24' max.	<b>C</b>
-------	----------	----------

**Articulation**

Building facade shall be designed in compliance with Subsection 3.3.160.B (Facade Articulation).

**D. Allowed Frontage Types**

Front Yard	3.4.040
Porch: Projecting	3.4.050
Porch: Engaged	3.4.060
Stoop	3.4.070
Dooryard	3.4.090

**E. Pedestrian Access**

Main Entrance Location	Front Street <sup>1</sup>	<b>D</b>
------------------------	---------------------------	----------

Each unit must have an individual entry facing the street on or no more than 10' behind the front facade.

<sup>1</sup> On corner lots, each unit must front a different street.

**F. Private Open Space**

Area	300 sf per unit, min.	
Width	15' min.	<b>E</b>
Depth	15' min.	<b>F</b>

Required street setbacks and driveways may not be included in the private open space area calculation.

Required private open space must be located behind the main body of the primary structure.

**3.3.070 Cottage Court**



*Five-building 1-story Cottage Court with stoops along court leading to entries.*



*1½-story Cottage Court with heavily landscaped court.*



*1½-story Cottage Court with small porches along court.*

**A. Description**

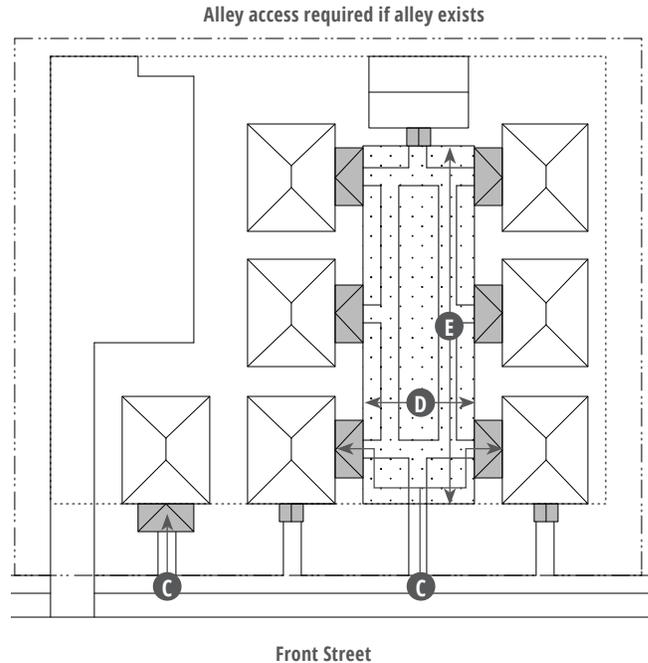
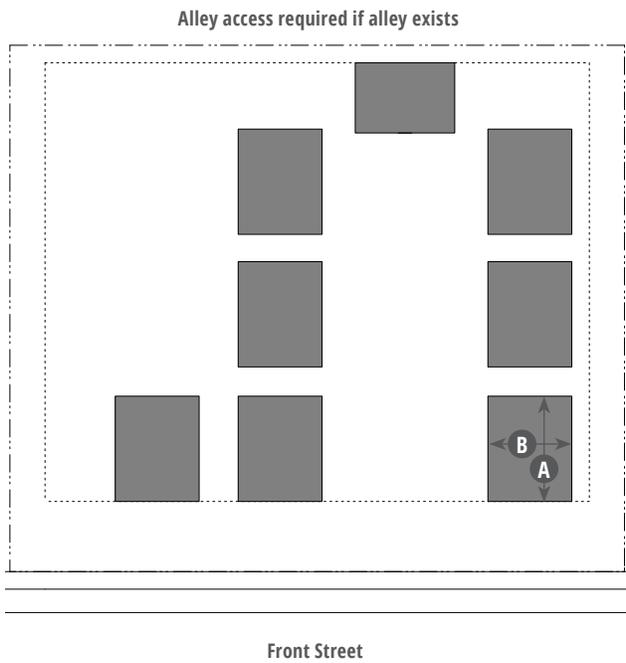
A group of small, detached, single unit structures, arranged to define a shared court that is typically perpendicular to the street. The shared court takes the place of a private rear yard and becomes an important community-enhancing element. This type is appropriately-scaled to fit within low- to moderate-intensity neighborhoods and can be applied in non-residential contexts. It enables appropriately-scaled, well-designed moderate intensities and is important for providing a broad choice of housing types and promoting walkability.

House-Scale Buildings

NE	NG	UN	DT-MS	UC
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*General Note: Photos on this page are illustrative, not regulatory.*

**Key Z=Zone**  **Allowed**  **Not Allowed**



**Key**

- ROW / Lot Line
- Setback Line
- Primary Structure

**B. Number of Units**

Units per Building	1 max.
Cottages per Lot	3 min.; 9 max.

**C. Building Size and Massing**

	NE	NG	UN	DT-MS	UC
Max. Number of Stories	1½	1½	—	—	—

**Main Body**

Width	32' max.	<b>A</b>
Depth	24' max.	<b>B</b>

**Secondary Wing(s)**

Width	12' max.
Depth	8' max.

**Articulation**

Building Facade shall be designed in compliance with Subsection 3.3.160.B (Facade Articulation).

**Key**

- ROW / Lot Line
- Setback Line
- Frontage
- Common Open Space

**D. Allowed Frontage Types**

Front Yard	3.4.040
Porch: Projecting	3.4.050
Porch: Engaged	3.4.060
Stoop	3.4.070
Dooryard	3.4.090

**E. Pedestrian Access**

- Main Entrance location from public courtyard **C**
- Courtyard must be accessible from the front street.
- Units on a corner may enter from the street side.
- Pedestrian connections must link all buildings to the public ROW, courtyards, and parking areas.

**F. Common Open Space**

Width	20' min.	<b>D</b>
Depth	20' min.	<b>E</b>
Area	400 sf per unit min.	

Required street setbacks and driveways may not be included in the common open space area calculation.

**3.3.080 Multiplex: Small**



*3-story Multiplex Small with central entry and services on the ground floor.*



*2½-story Multiplex Small with small front yard.*



*2-story Multiplex Small with small balconies.*

**A. Description**

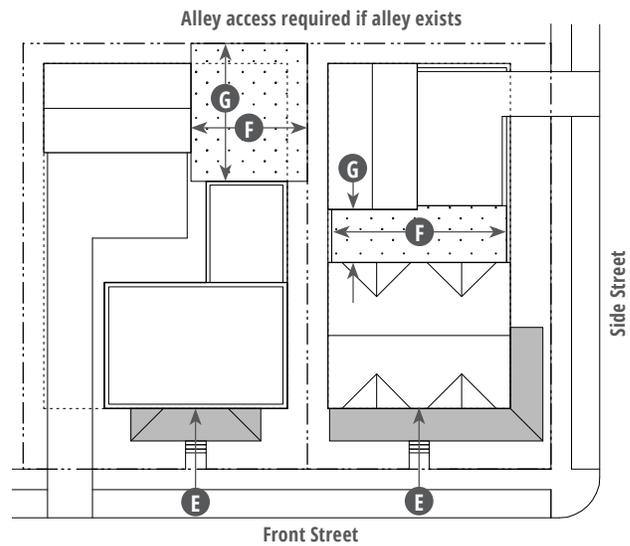
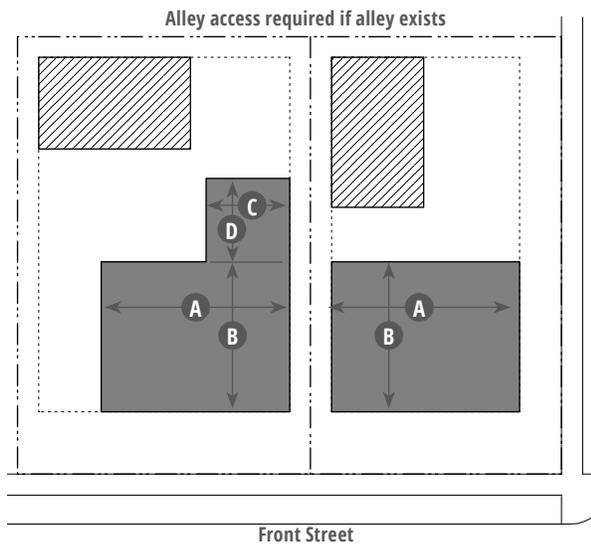
A medium-sized structure that consists of 3 to 6 side-by-side and/or stacked dwellings, typically with one shared entry or individual entries along the front. This type has the appearance of a medium-sized single-family home and is appropriately scaled to fit sparingly within low- to moderate-intensity neighborhoods. This type enables appropriately-scaled, well-designed higher intensities and is important for providing a broad choice of housing types and promoting walkability.

House-Scale Building

NE	NG	UN	DT-MS	UC
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*General Note: Photos on this page are illustrative, not regulatory.*

**Key** Z=Zone **Z** Allowed  Not Allowed



**Key**

- ROW / Lot Line
- Setback Line
- Primary Structure
- ▨ Accessory Structure

**B. Number of Units**

Units per Building	3 min.; 6 max.
Multiplexes per Lot	1 max.

**C. Building Size and Massing**

	NE	NG	UN	DT-MS	UC
Max. Number of Stories	2½	3½	—	—	—

**Main Body**

Width	48' max.	<b>A</b>
Depth	48' max.	<b>B</b>

**Secondary Wing(s)**

Width	30' max.	<b>C</b>
Depth	30' max.	<b>D</b>

**Articulation**

Building Facade shall be designed in compliance with Subsection 3.3.160.B (Facade Articulation).

**Key**

- ROW / Lot Line
- Setback Line
- Frontage
- Common Open Space

**D. Allowed Frontage Types**

Front Yard	3.4.040
Porch: Projecting	3.4.050
Porch: Engaged	3.4.060
Stoop	3.4.070
Dooryard	3.4.090

**E. Pedestrian Access**

Main Entrance Location	Front Street	<b>E</b>
Each unit must have an individual entry.		

**F. Common Open Space**

Area	100 sf per unit min.	
Width	8' min.	<b>F</b>
Depth	8' min.	<b>G</b>

Required street setbacks and driveways may not be included in the common open space area calculation.

Required commonopen space must be located behind the primary structure.

**3.3.090 Multiplex: Large**



2-story Multiplex Large offers denser living options while maintaining the scale of a lower intensity neighborhood.



2-story Multiplex Large with front yard.



3½-story Multiplex Large with central entry and significant 3rd floor outdoor space.

**A. Description**

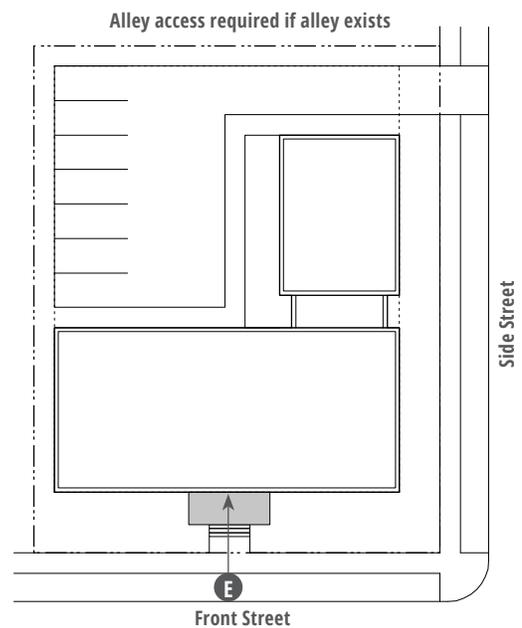
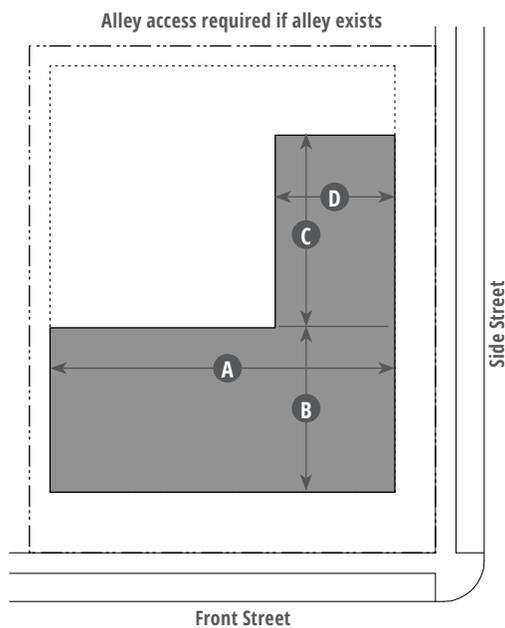
A medium- to large-sized structure that consists of 6 to 18 side-by-side and/or stacked dwellings, typically with one shared entry. This type is appropriately scaled to fit in within moderate-intensity neighborhoods or sparingly within lower-intensity neighborhoods. This type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

House-Scale Building

NE	NG	<b>UN</b>	DT-MS	UC
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*General Note: Photos on this page are illustrative, not regulatory.*

<b>Key</b>	<b>Z=Zone</b>	<b>Z</b> Allowed	Z Not Allowed
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**Key**

- ROW / Lot Line
- Setback Line
- Primary Structure

**B. Number of Units**

Units per Building	6 min.; 18 max.
Multiplexes per Lot	1 max.

**C. Building Size and Massing**

	NE	NG	UN	DT-MS	UC
Max. Number of Stories	—	—	3½	—	—

**Main Body**

Width	80' max.	<b>A</b>
Depth	75' max.	<b>B</b>

**Secondary Wing(s)**

Width	48' max.	<b>C</b>
Depth	36' max.	<b>D</b>

**Articulation**

Buildings at least 75' wide are required to:

1. Apply at least one Oriel on front and/or side street facade in compliance with Subsection 3.3.160.A (Oriel).
2. Organize street facing facades in compliance with Subsection 3.3.160.B (Facade Articulation).

**Key**

- ROW / Lot Line
- Setback Line
- Frontage

**D. Allowed Frontage Types**

Porch: Projecting	3.4.050
Porch: Engaged	3.4.060
Stoop	3.4.070
Terrace	3.4.120

**E. Pedestrian Access**

Main Entrance Location	Front street	<b>E</b>
------------------------	--------------	----------

Units located in the main body must be accessed by a common entry along the front street.

On corner lots, units in a secondary wing may enter from the street side.

**F. Open Space**

No open space requirement.

### 3.3.100 Rowhouse Building



Two-story Rowhouses with stoops that nicely shape this sidewalk.



Rowhouses with 2-story porches massed as one building.



A row of 3½-story Rowhouses with porches and dooryards.

#### A. Description

A small- to medium-sized attached structure that consists of 2 to 8 Rowhouses placed side-by-side. This type is typically located within moderate-intensity neighborhoods or near a neighborhood main street. This type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability. Also known as: Townhouse

House-Scale: 2-3 rowhouses per run

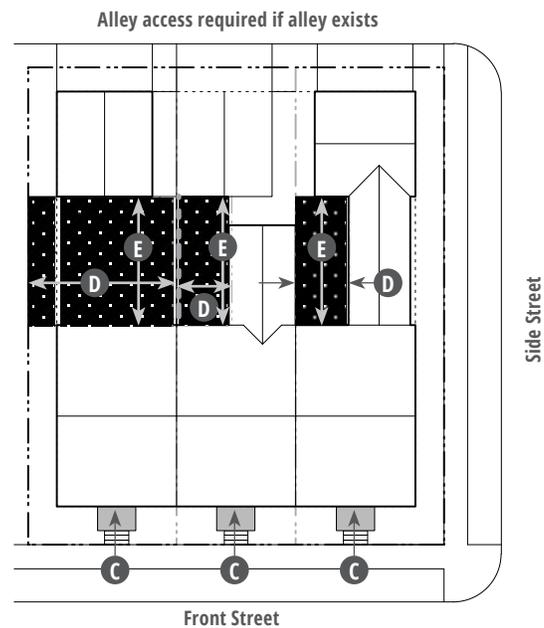
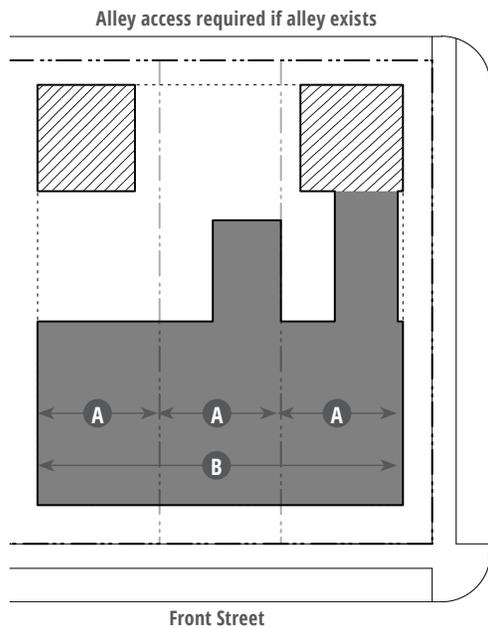
NE	<b>NG</b>	UN	DT-MS	UC
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Block-Scale: 4-8 rowhouse s per run

NE	NG	<b>UN</b>	DT-MS	UC
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General Note: Photos on this page are illustrative, not regulatory.

<b>Key</b>	<b>Z=Zone</b>	<b>Z</b> Allowed	<b>z</b> Not Allowed
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**Key**

- ROW / Lot Line
- Setback Line
- Primary Structure
- ▨ Accessory Structure

**Key**

- ROW / Lot Line
- Setback Line
- Frontage
- Private Open Space

**B. Number of Units**

Units per Rowhouse	1 per floor, 3 per building max.
Rowhouses per Lot	1 max.
Rowhouses per Run	2 min.; 8 max.

**C. Building Size and Massing**

	NE	NG	UN	DT-MS	UC
--	----	----	----	-------	----

Max. Number of Stories	—	3½	3½	—	—
------------------------	---	----	----	---	---

**Main Body**

Width per Rowhouse	18' min.; 36' max.	<b>A</b>
Width per Run	House-Scale: 75' max.; Block-Scale: 180' max.	<b>B</b>

**Secondary Wing(s)**

The footprint area of the secondary wing(s) may not exceed the footprint area of the main body.

**Articulation**

- Buildings at least 75' wide are required to:
1. Apply at least one Oriel on front and/or side street facade in compliance with Subsection 3.3.160.A (Oriel).
  2. Organize street facing facades in compliance with Subsection 3.3.160.B (Facade Articulation).

**D. Allowed Frontage Types**

Porch: Projecting	3.4.050
Porch: Engaged	3.4.060
Stoop	3.4.070
Dooryard	3.4.090
Terrace	3.4.120

**E. Pedestrian Access**

- Rowhouse Buildings with multiple units must provide a primary entrance facing the front street. **C**
- Each rowhouse must have an individual entry facing the front street.

**F. Private Open Space**

Area	100 sf min. per rowhouse
Width	8' min. <b>D</b>
Depth	12' min. <b>E</b>

Required street setbacks and driveways may not be included in the private open space area calculation.

Required private open space must be located behind the main body of the primary structure.

### 3.3.110 Courtyard Building



3-story Courtyard building with fenced forecourt.



Stoop entries to units engaging the courtyard.



2-story Courtyard building.

#### A. Description

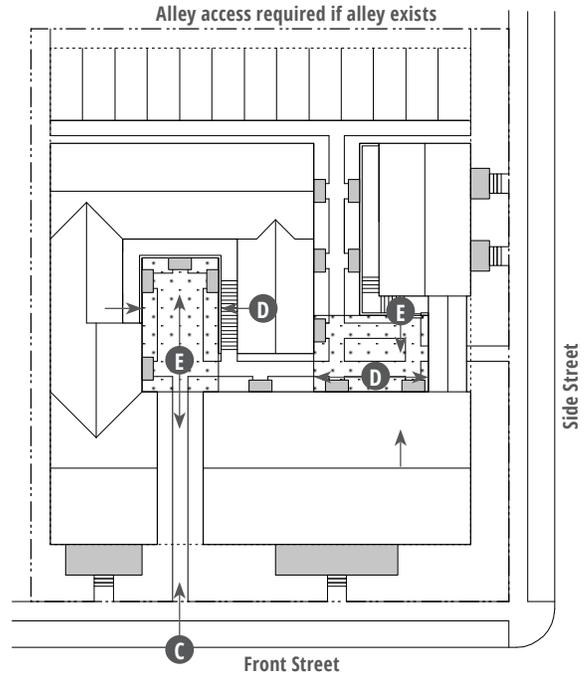
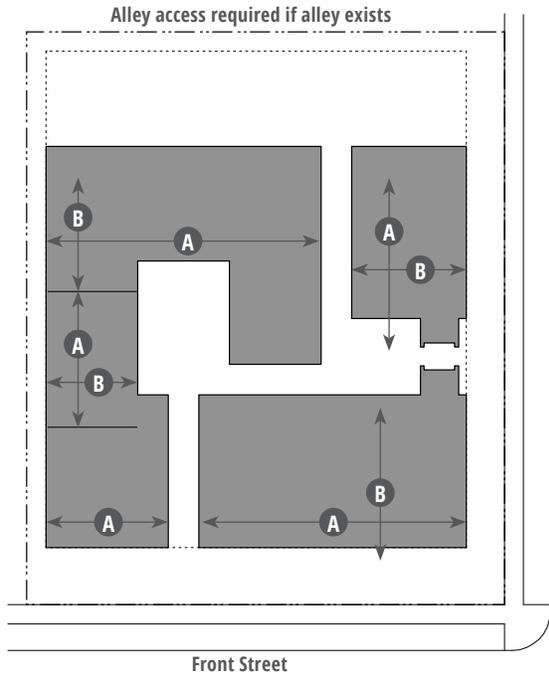
One or more structures that contain multiple attached and stacked units, accessed from a courtyard or series of courtyards. Each unit may have its own individual entry, or up to three units may share a common entry. This type is typically integrated sparingly into lower-intensity neighborhoods or more consistently into moderate-intensity neighborhoods and can be applied in non-residential contexts. This type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

House-Scale Building

NE	NG	UN	DT-MS	UC
----	----	----	-------	----

General Note: Photos on this page are illustrative, not regulatory.

Key Z=Zone **Z** Allowed  Not Allowed



**Key**

- ROW / Lot Line
- Setback Line
- Primary Structure

**Key**

- ROW / Lot Line
- Setback Line
- Frontage
- Common Open Space

**B. Number of Units**

Units per Building	24 max.
Buildings per Lot	3 max.

**C. Building Size and Massing**

	NE	NG	UN	DT-MS	UC
Max. Number of Stories	—	3½	5	—	7

**Main Body/Secondary Wing (s)**

Width	150' max.	<b>A</b>
Depth	65' max.	<b>B</b>

**Articulation**

Buildings at least 75' wide are required to:

- Apply at least one Oriel on front and/or side street facade in compliance with Subsection 3.3.160.A (Oriel).
- Organize street facing facades in compliance with Subsection 3.3.160.B (Facade Articulation).

**Accessory Structure(s)**

No accessory structures are allowed.

**D. Allowed Frontage Types**

Porch: Projecting	3.4.050
Porch: Engaged	3.4.060
Stoop	3.4.070
Terrace	3.4.120

**E. Pedestrian Access**

The main entry of ground floor units must be directly off of a courtyard or a street.

Courtyards must be accessible from the front property line. **C**

No more than 3 units may enter from one stoop or corridor.

Pedestrian connections must link all buildings to the public ROW, courtyards, and parking areas.

Passages width 12' max. between buildings and through buildings must connect multiple courtyards.

**F. Courtyard(s) - Common Open Space**

Main Body Height <sup>1</sup>	Width <b>D</b>	Depth <b>E</b>
1 to 2½ Stories	20' min.;40' max.	20' min.;75' max.
3 to 3½ Stories	25' min.;50' max.	30' min.;105' max.
4 to 5 Stories	25' min.;60' max.	40' min.;135' max.
6 to 7 Stories	45' min.;70' max.	50' min.;145' max.

<sup>1</sup>Height is measured at the highest number of stories along the courtyard.

Buildings must define at least two walls of a courtyard.

Side(s) of courtyard not defined by building must be defined by 2'-6" to 6' tall wall with entry gate/door designed to complement the primary structure.

### 3.3.120 Stacked Flats Building



Stacked Flats in a building turning the corner of a neighborhood street.



4-story Stacked Flats with 4th story setback from main facade.



4-story Stacked Flats with neighborhood services at corner.

#### A. Description

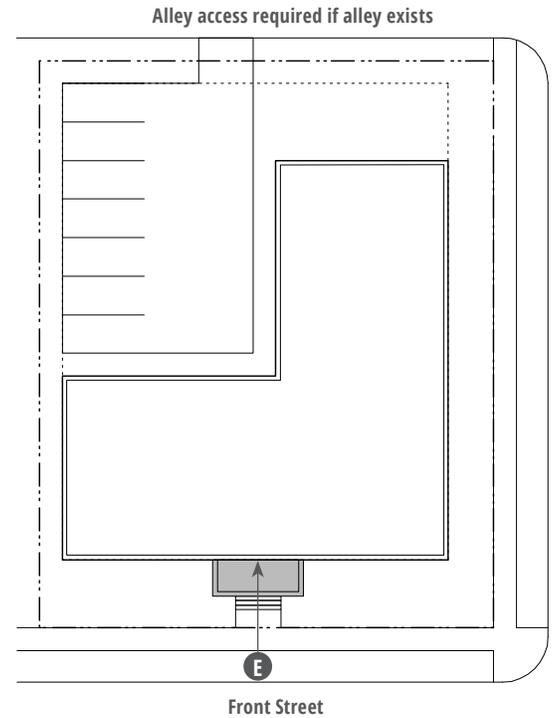
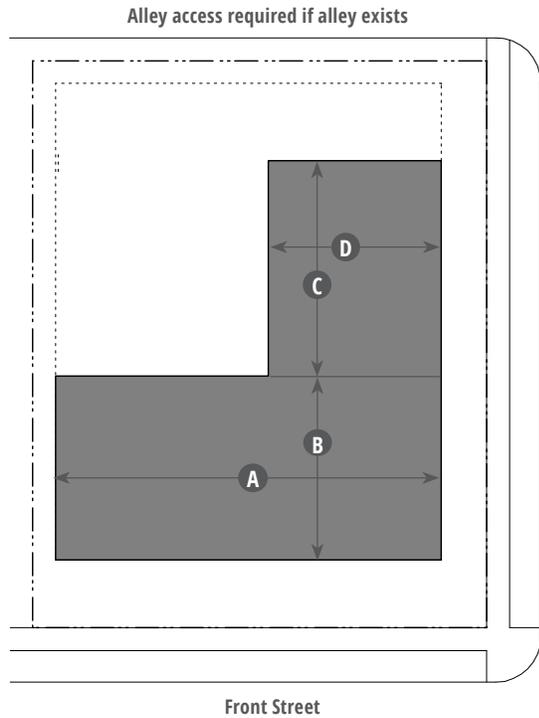
A medium-to large-sized structure that consists of multiple dwelling units on each floor accessed from a lobby directly from the street. Each ground floor unit may have its own individual entry or may share a common entry. The dwelling units may be flats, townhouses, lofts, or combinations. This type is appropriately scaled to fit in moderate- to higher-intensity neighborhoods and adjacent to neighborhood-serving main streets. It enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

#### Block-Scale Building

NE	NG	UN	DT-MS	UC
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*General Note: Photos on this page are illustrative, not regulatory.*

Key	Z=Zone	Z Allowed	Z Not Allowed
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**Key**  
 - - - - ROW / Lot Line      ■ Primary Structure  
 ····· Setback Line

**Key**  
 - - - - ROW / Lot Line      ■ Frontage  
 ····· Setback Line

**B. Number of Units**

Units per Building	Unrestricted <sup>1</sup>
Buildings per Lot	1 max.

<sup>1</sup> Number of units limited by parking requirements in Subsection F of the Zone standards.

**C. Building Size and Massing**

	NE	NG	UN	DT-MS	UC
Max. Number of Stories	—	—	5	—	11

Height must also comply with Subsection D of the Zone standards.

**Main Body**

Width	200' max.	<b>A</b>
Depth	75' max.	<b>B</b>

**Secondary Wing(s)**

Width	125' max.	<b>C</b>
Depth	75' max.	<b>D</b>

**Articulation**

- Buildings at least 75' wide are required to:
1. Apply at least one Oriel on front and/or side street facade in compliance with Subsection 3.3.160.A (Oriel).
  2. Organize street facing facades in compliance with Subsection 3.3.160.B (Facade Articulation).

**Accessory Structure(s)**

No accessory structures are allowed.

**D. Allowed Frontage Types**

Porch: Projecting	3.4.050
Porch: Engaged	3.4.060
Stoop	3.4.070
Forecourt	3.4.080
Terrace	3.4.120

**E. Pedestrian Access**

- Main Entrance Location      Front street      **E**
- Units located in the main body must be accessed by a common entry from the front street.
- On corner lots, units in a secondary wing may enter from the side street.

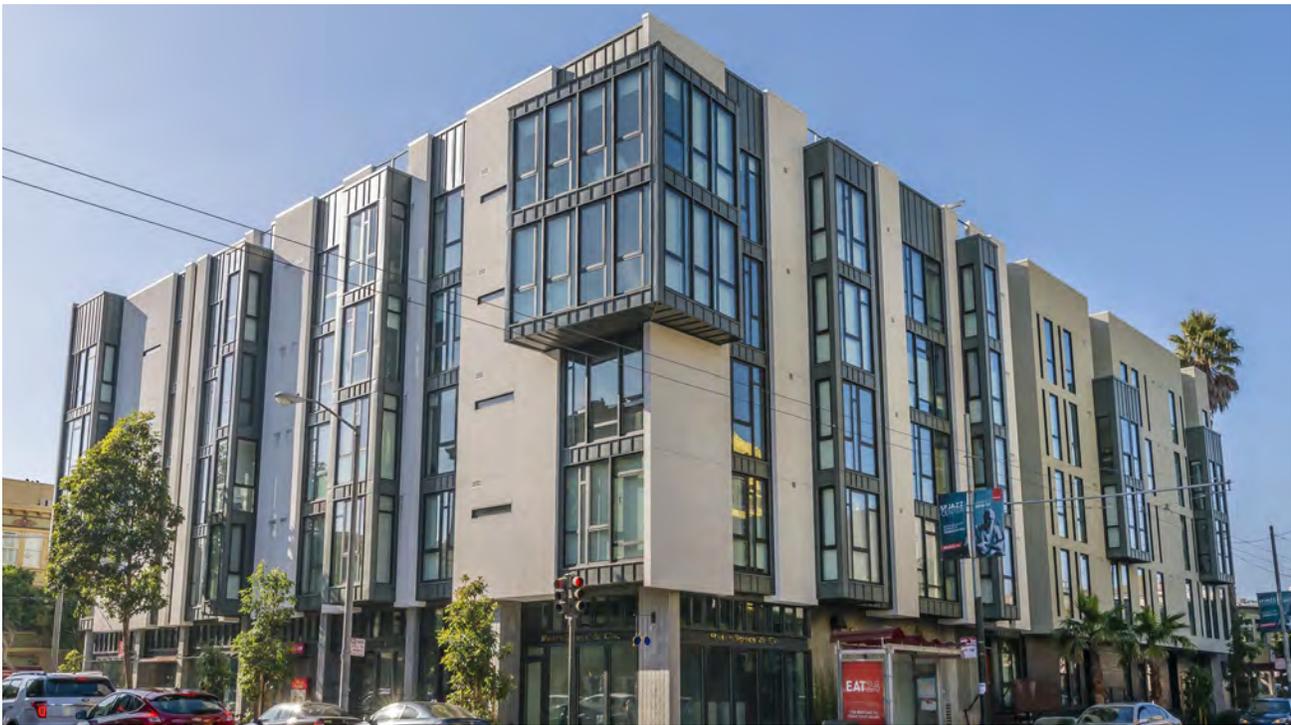
**F. Open Space**

No open space requirement.

**G. Vehicle Access and Parking**

- On-site parking spaces may be enclosed, open, or structured.
- Residential garages (if provided) may be detached or tuck-under.

### 3.3.130 Main Street Building



5-story Main Street building forms an interesting streetscape along a vibrant commercial street.



Single-story Main Street building with substantial canopy and simple, open shopfront make for an interesting streetscape.



2-story Main Street building with housing on upper stories.

#### A. Description

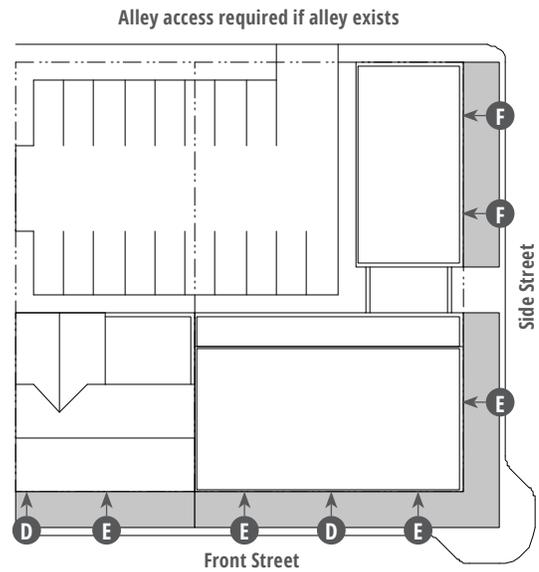
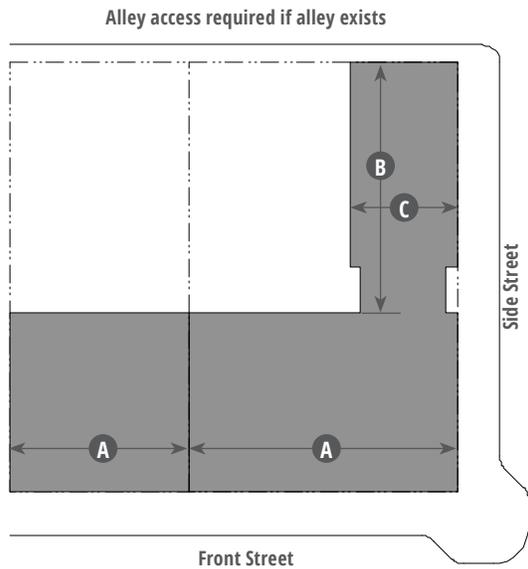
A small- to large-sized structure, typically attached, but may be detached, intended to provide a vertical mix of uses with ground-floor retail or service uses and upper-floor service, office, or residential uses. This type makes up the primary component of a village main street and portions of a downtown main street, therefore being a key component to providing walkability.

#### Block-Scale Building

NE	NG	UN	<b>DT-MS</b>	UC
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*General Note: Photos on this page are illustrative, not regulatory.*

Key	Z=Zone	<b>Z</b> Allowed	Z Not Allowed
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**Key**

- ROW / Lot Line
- Setback Line
- Primary Structure

**B. Number of Units**

Units per Building	Unrestricted <sup>1</sup>
Buildings per Lot	1 max.

<sup>1</sup> Number of units limited by parking requirements in Subsection F of the Zone standards

**C. Building Size and Massing**

	NE	NG	UN	DT-MS	UC
Max. Number of Stories	—	—	—	7	—

**Main Body**

Width	150' max.	<b>A</b>
-------	-----------	----------

**Secondary Wing(s)**

Width	100' max.	<b>B</b>
Depth	65' max.	<b>C</b>

Buildings wider than 100' required to look like as a series of buildings no wider than 100' each.

**Articulation**

Buildings at least 75' wide are required to:

1. Apply at least one Oriel on front and/or side street facade in compliance with Subsection 3.3.160.A (Oriel).
2. Organize street facing facades in compliance with Subsection 3.3.160.B (Facade Articulation).

**Key**

- ROW / Lot Line
- Setback Line
- Frontage

**D. Allowed Frontage Types**

Forecourt	3.4.080
Dooryard <sup>1</sup>	3.4.090
Shopfront	3.4.110
Maker Shopfront <sup>1</sup>	3.4.100
Terrace	3.4.120
Gallery	3.4.130

<sup>1</sup>Only allowed on side streets.

**E. Pedestrian Access**

Upper floor units located in the main building must be accessed by a common entry along the front street. **D**

Ground floor units may have individual entries along the front street or side street. **E**

On corner lots, units in a secondary wing or accessory structure may enter from the side street. **F**

**F. Open Space**

No open space requirement.

**G. Vehicle Access and Parking**

On-site parking spaces may be enclosed, open, tuck under, or structured.

### 3.3.140 Lined Building



Lined building forms an interesting streetscape along two streets while sharing alley access on the other two sides.



2-story office over retail building concealing the interior garage building from the sidewalk.



5-story housing over office building concealing the garage.

#### A. Description

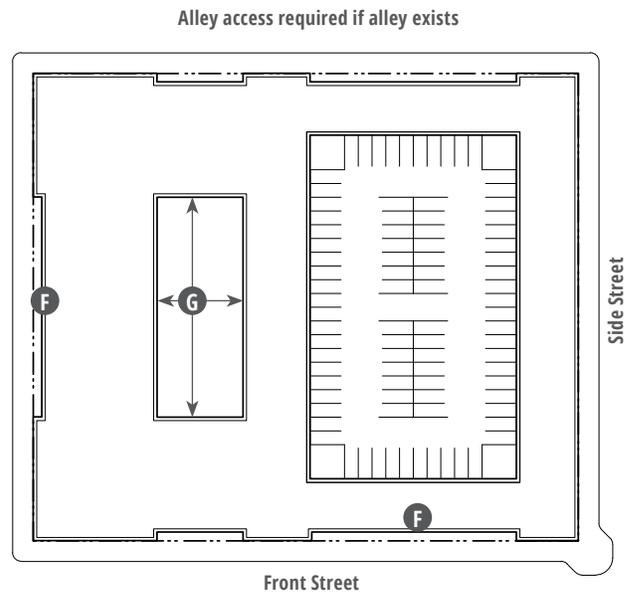
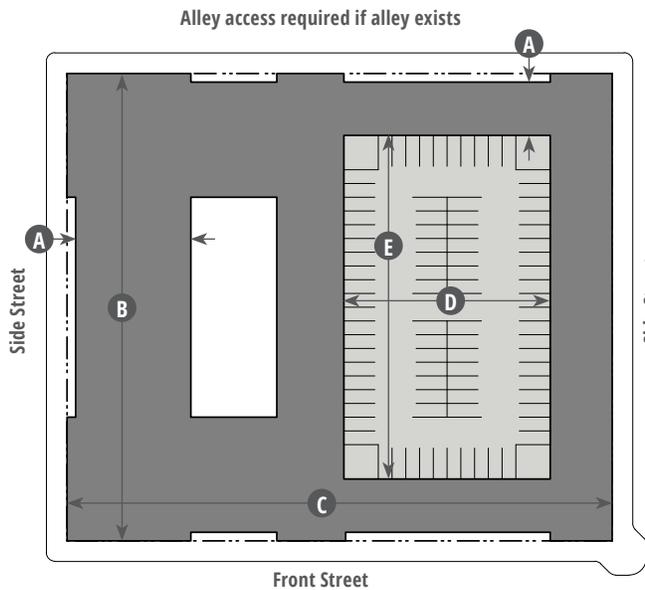
A combined building that consists of two main components: an interior building such as a parking garage, movie theater, etc., and an exterior building that conceals the interior building from the street.

Block-Scale Building

NE	NG	UN	DT-MS	UC
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General Note: Photos on this page are illustrative, not regulatory.

Key	Z=Zone	<b>Z</b> Allowed	Z Not Allowed
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**Key**

- ROW / Lot Line
- Setback Line
- Exterior Building
- Interior Building

**B. Number of Units**

Units per Building	Unrestricted <sup>1</sup>
Buildings per Lot	1 max. <sup>2</sup>

<sup>1</sup> Number of units limited by parking requirements in Subsection F of the zone standards.

<sup>2</sup> Exterior Building and Interior Building components of Lined Building count as a single Lined Building

**C. Building Size and Massing**

	NE	NG	UN	DT-MS	UC
Max. Number of Stories	—	—	5	7	7

**Exterior Building Main Body**

Depth	36' min.	<b>A</b>
Width	320' max.	<b>B</b>
Length	420' max.	<b>C</b>

Side of interior building exposed to a street, civic space, or neighboring building must be lined by the exterior building

**Interior Building Dimensions for Parking Use**

Width	120' min.; 180' max.	<b>D</b>
Depth	200' min.; 230' max.	<b>E</b>

**Articulation**

Buildings at least 75' wide are required to:

1. Apply at least one Oriel on front and/or side street facade in compliance with Subsection 3.3.160.A (Oriel).
2. Organize street facing facades in compliance with Subsection 3.3.160.B (Facade Articulation).

**Key**

- ROW / Lot Line
- Setback Line

**D. Allowed Frontage Types**

Forecourt	3.4.080
Dooryard	3.4.090
Stoop	3.4.070
Shopfront	3.4.110
Terrace	3.4.120
Gallery	3.4.130

**E. Pedestrian Access**

Entry to interior building from street required at break in facade in form of a Forecourt Frontage (see Section 3.4.080) or a Plaza (see Section 4.2.070). **F**

Ground floor units facing a street or alley must be accessed from that street or alley by an allowed frontage type(s).

Stairwells and upper story corridors must be enclosed within the conditioned portion of the primary structure.

Primary entry doors may not be sliding doors.

Courtyard required when building's main body length is greater than 260'. Courtyard must be at least 50' by 100'. **G**

**F. Open Space**

No open space requirement for ground floor or 2nd floor units. At least 25% of 3rd and 4th floor units required to have a usable balcony of 5' min. depth.

**G. Vehicle Access and Parking**

Vehicular access is not allowed from alley when alley present or at least 100' from street intersection when no alley present.

### 3.3.150 Mid-Rise Building



Mid-rise Building with balconies and a variety of materials.



Mid-rise Building with large-footprint retail on ground floor.



Taller Mid-rise Buildings.



#### A. Description

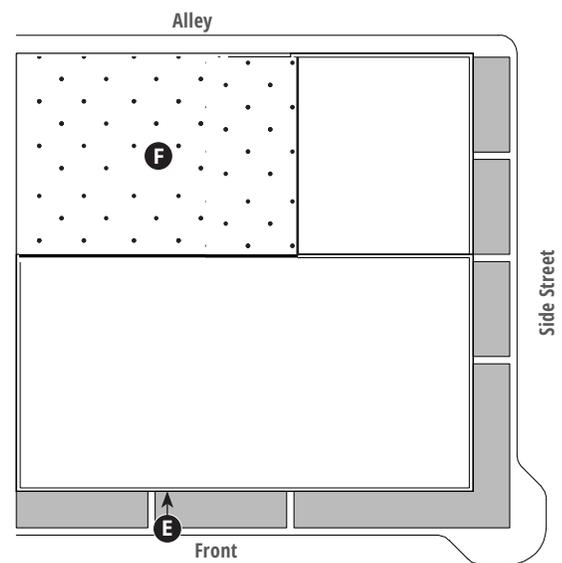
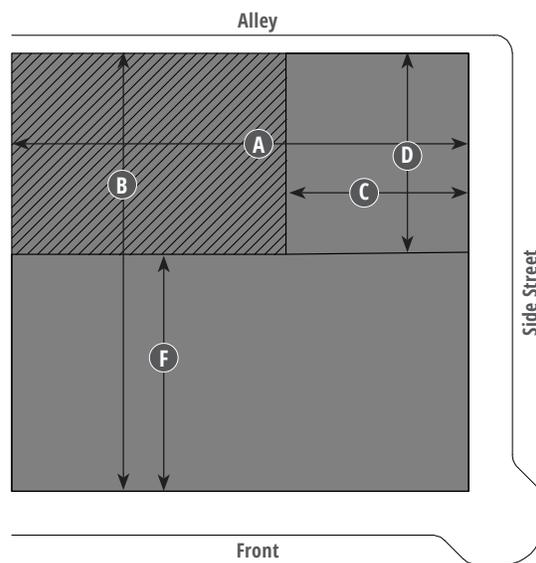
A medium to large-sized structure, 4 to 11 stories tall built on a large lot. This building type can be used to provide a vertical mix of uses with ground-floor commercial, service, or retail uses and upper-floor commercial, office, service, or residential uses; or may be a single use building, typically office or residential, where ground floor retail is not appropriate.

#### Block-Scale Building

NE	NG	UN	DT-MS	<b>UC</b>
----	----	----	-------	-----------

General Note: Photos on this page are illustrative, not regulatory.

Key Z=Zone **Z** Allowed  Z Not Allowed



**Key**

- ROW / Lot Line
- Setback Line
- Primary Structure
- ▨ Parking Podium

**B. Number of Units**

Units per Building	Unrestricted <sup>1</sup>
Buildings per Lot	1 max.

<sup>1</sup> Number of units limited by parking requirements in Subsection F of the Zone standards.

**C. Building Size and Massing**

	NE	NG	UN	DT-MS	UC
Max. Number of Stories	—	—	—	—	11

**Main Body**

Width	320' max.	<b>A</b>
Length	420' max.	<b>B</b>

**Secondary Wing(s)**

Width	60' max.	<b>C</b>
Depth	60' max.	<b>D</b>

**Articulation**

Buildings at least 75' wide are required to:

1. Apply at least one Oriel on front and/or side street facade in compliance with Subsection 3.3.160.A (Oriel).
2. Organize street facing facades in compliance with Subsection 3.3.160.B (Facade Articulation).

**Key**

- ROW / Lot Line
- Setback Line
- Frontage
- Common Open Space

**D. Allowed Frontage Types**

Stoop	3.4.070
Forecourt	3.4.080
Shopfront	3.4.110
Terrace	3.4.120

**E. Pedestrian Access**

Main Entrance Location	Front street	<b>E</b>
------------------------	--------------	----------

Ground-floor units may have individual entries along the front street or side street.

**F. Common Open Space**

Top of podium can be used to provide common open space.	<b>F</b>
---	----------

**G. Courtyard**

Width	20' min.; 50' max.
Width-to-Height Ratio	1:2 to 2:1
Depth	20' min.; 150' max.
Depth-to-Height Ratio	1:1 to 3:1

### 3.3.160 Architectural Elements

#### A. Oriel

1. As required by Subsection C of the zone standards in Division 3.3 (Specific to Building Types), each building must comply with the standards of this Section.
2. Each building may apply more architectural elements than the minimum requirement in compliance with the standards of this Section.

#### a. General

Types: Square, Chamfered, and Round (See Subsections F-H)

Depth: Depends on oriel type

Height: Can be one story to multiple stories

Must not occur below cornice of ground level

Generally do not have supporting brackets

#### b. Multi-story

Oriel form must be visually continuous.

Horizontal articulation on building, if any, must wrap oriel form.

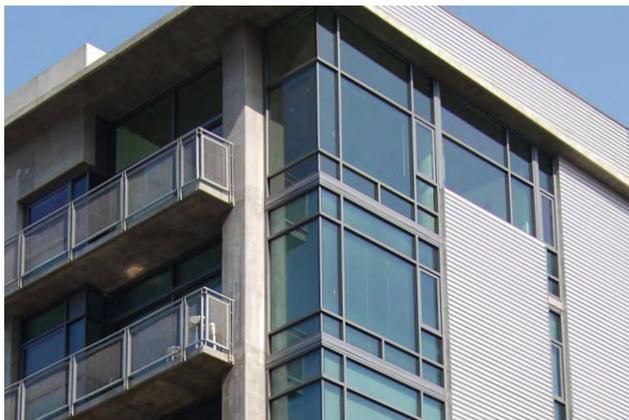
#### c. Interaction with Cornice

Oriel must interact with building's upper cornice in one of the following ways:

- Cornice wraps oriel;
- Oriel stops below cornice (oriel has own cornice);
- Oriel returns into cornice overhang; or
- Oriel projects above cornice.

#### d. Standards for Facades > 75' Long

Width of Oriel	Varies by type	<b>A</b>
Distance between Oriels	30' max.	<b>B</b>



Contemporary multi-story square oriel

General Note: Photos on this page are illustrative, not regulatory.



(Above) Square oriels



(Above) Chamfered oriels



(Above) Round oriels

**F. Type I: Square**

Size:

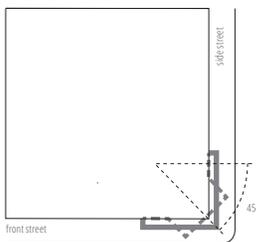
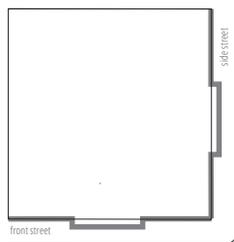
Depth	1' min.; 3' max.
Width	6' min.; 9' max.

Must be vertical on its proportions.

Widest face must accommodate paired windows.

Must have vertical wall elements or columns.

Corner oriel may be turned on side to be rotated 45° from building corner. See diagram below.



Key: — Building Line  
 ■ Square Oriel

**G. Type II: Chamfered**

Size:

Depth	1' min.; 3' max.
Width	6' min.; 10' max.

Interior angle 135° or 150°

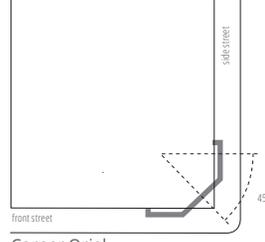
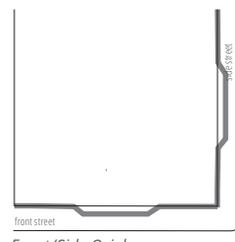
Number of faces 3-5

Corner oriel may be turned on side to be rotated 45° from building corner. See diagram below.

Window openings may only occupy on faces that are chamfered or parallel to facade.

Multiple windows allowed on faces parallel to facade.

One window allowed on chamfered sides or corner oriels.



Key: — Building Line  
 ■ Chamfered Oriel

**H. Type III: Round**

Size:

Depth	1' min.; 3' max.
Width	6' min.; 10' max.

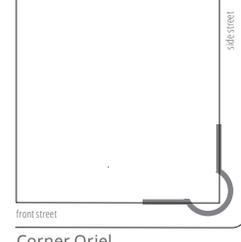
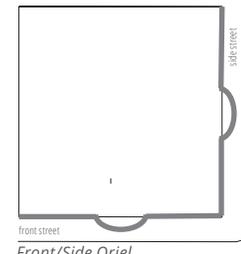
Must be vertically proportioned.

Ganged windows are not allowed.

Corner oriel circumference may be up to 270°. See diagram below.

Corner oriels must connect to upper cornice.

*General Note: Photos on this page are illustrative, not regulatory.*



Key: — Building Line  
 ■ Round Oriel

**B. Facade Articulation**

1. **Applicability.** The requirements of this Section apply to new buildings, additions, or facade renovations that are within 50 feet of a street or public open space.
2. **Requirements.** Facade articulation techniques provided in Table A (Facade Articulation) are required for buildings as follows, subject to City approval:
  - a. Subsection B.2.a, all buildings; and
  - b. Subsections B.2.b and B.2.c, at least one item each, as applicable.

**Table 3.3.160.A Facade Articulation**

**a. All Buildings**



**Tripartite Facade Design.** Facades shall be designed with tripartite architecture, with a distinct base, middle and top. An expression line, setback or other architectural element shall be used to delineate the base and top.

**b. Above the Third Story on All Buildings**



**Change in Color or Material.** This technique modulates the apparent size and scale of a building by changing colors and/or materials and may be applied throughout the building but is required above the third story.



**Architectural Recession(s).** This technique modulates the apparent size and scale of a building by recessing a portion(s) of the facade as an architectural element(s) or space(s) from the plane(s): a recessed entry from the sidewalk, a loggia or recessed balcony cut into the plane of the facade. Buildings that exceed 200 linear feet as measured along the back of sidewalk are required to integrate a Forecourt in compliance with Section 3.4.080 (Forecourt). The recession at the ground floor is required to extend through the top of the building.

**c. Buildings Over 100 Feet Long**



**Horizontal Articulation.** This technique modulates the apparent size and scale of the building by stepping a portion of the facade forward or backward from the predominant facade plane by at least three feet forward or backward. This technique may be applied throughout the building but is required above the third story.



**Vertical Articulation.** This technique modulates the apparent size and scale of the building by stepping a portion of the facade upward or downward from the predominant building height by at least one story. This technique offers the opportunity to organize a long building into multiple apparent buildings to avoid the appearance of a block-long building.

## Division 3.4 Specific to Frontage Types

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### Sections

3.4.010	Purpose .....	3-47
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3.4.090	Dooryard .....	3-56
3.4.100	Maker Shopfront .....	3-57
3.4.110	Shopfront .....	3-58
3.4.120	Terrace .....	3-59
3.4.130	Gallery .....	3-60

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### **3.4.010 Purpose**

This Division sets forth the standards for completing the development of each building type with private frontages within the Downtown Zones. Private frontages are the components of a building that provide an important transition and interface between the public realm (street and sidewalk) and the private realm (yard or building). These standards supplement the standards for each Downtown Zone in which the frontage types are allowed and are intended to ensure development that establishes or reinforces the highly-valued character and scale of Downtown's centers and neighborhoods.

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### **3.4.020 Applicability**

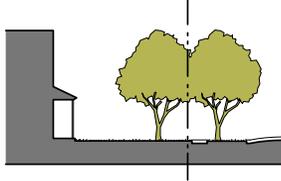
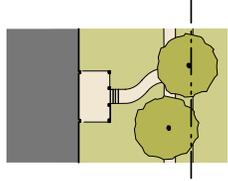
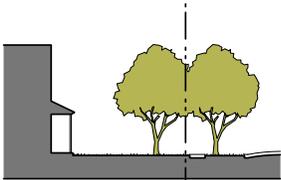
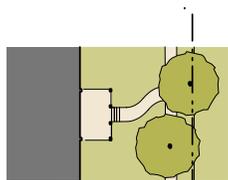
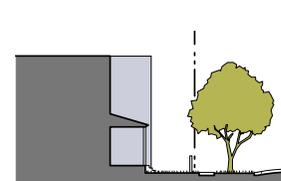
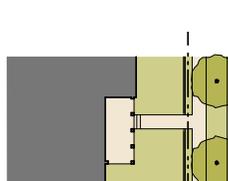
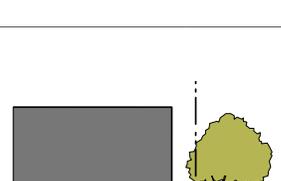
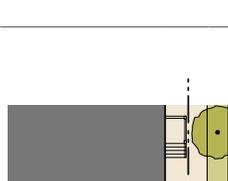
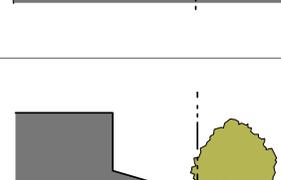
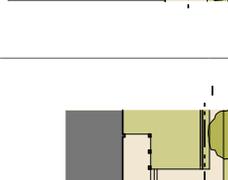
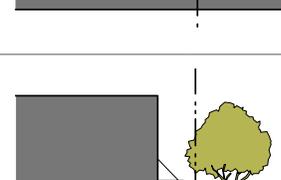
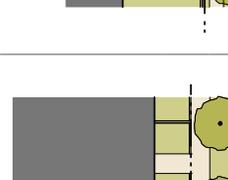
The standards in this Division apply to all proposed development and renovations along front and street side facades within the Downtown Zones, and must be considered in combination with the standards for the applicable zone and in the rest of this Division.

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### **3.4.030 Overview**

- A. Table A (Frontage Types Overview) provides an overview of the allowed frontage types. The names of the frontage types indicate their particular configuration or function and are not intended to limit uses within the associated building. For example, a porch may be used by non-residential uses such as a restaurant or office as allowed by the Downtown Zone.
- B. Each building may have multiple frontage types in compliance with the allowed types in the Downtown Zone and the types allowed in Subsection D of each building type's standards.
- C. Each building must have at least one frontage type for each street frontage.
- D. Frontage types not listed in the applicable zone standards are not allowed in that zone.
- E. Frontage types not listed in the applicable building type standards are not allowed on that building type.

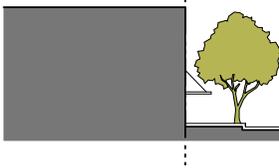
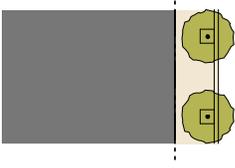
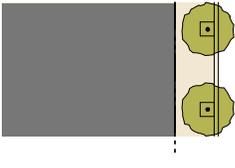
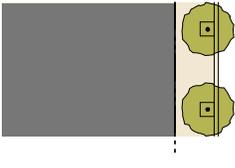
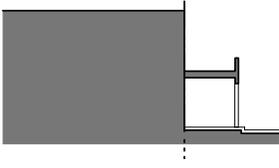
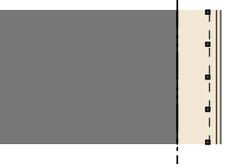
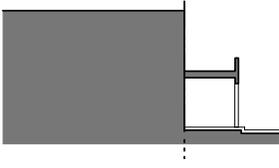
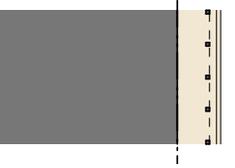
**Table 3.4.030.A Frontage Types Overview**

Frontage Type	SECTION		PLAN		Downtown Zones
	LOT/ FRONTAGE	R.O.W.	LOT/ FRONTAGE	R.O.W.	
<p><b>3.4.040 Front Yard.</b> The main facade of the building has a planted setback from the frontage line providing a buffer from the street. The yard may be fenced or unfenced to be visually continuous with adjacent yards, supporting a landscape that generates an open and green streetscape.</p>					<div style="background-color: #333; color: white; padding: 2px; text-align: center;">NE</div> <div style="background-color: #333; color: white; padding: 2px; text-align: center;">NG</div> <div style="background-color: #333; color: white; padding: 2px; text-align: center;">UN</div> <div style="border: 1px solid black; padding: 2px; text-align: center;">DT-MS</div> <div style="border: 1px solid black; padding: 2px; text-align: center;">UC</div>
<p><b>3.4.050 Porch: Projecting.</b> The main facade of the building has a small-to-medium setback from the frontage line. The resulting front yard is typically small and can be defined by a fence or hedge to spatially maintain the edge of the street. The projecting porch is open on three sides and all habitable space is located behind the setback line.</p>					<div style="background-color: #333; color: white; padding: 2px; text-align: center;">NE</div> <div style="background-color: #333; color: white; padding: 2px; text-align: center;">NG</div> <div style="background-color: #333; color: white; padding: 2px; text-align: center;">UN</div> <div style="border: 1px solid black; padding: 2px; text-align: center;">DT-MS</div> <div style="border: 1px solid black; padding: 2px; text-align: center;">UC</div>
<p><b>3.4.060 Porch: Engaged.</b> The main facade of the building has a small-to-medium setback from the frontage line. The resulting front yard is typically very small and can be defined by a fence or hedge to spatially maintain the edge of the street. The engaged porch has two adjacent sides of the porch that are engaged to the building while the other two sides are open.</p>					<div style="background-color: #333; color: white; padding: 2px; text-align: center;">NE</div> <div style="background-color: #333; color: white; padding: 2px; text-align: center;">NG</div> <div style="background-color: #333; color: white; padding: 2px; text-align: center;">UN</div> <div style="border: 1px solid black; padding: 2px; text-align: center;">DT-MS</div> <div style="border: 1px solid black; padding: 2px; text-align: center;">UC</div>
<p><b>3.4.070 Stoop.</b> The main facade of the building is near the frontage line and the elevated stoop engages the sidewalk. The stoop is elevated above the sidewalk to provide privacy along the sidewalk-facing rooms. Stairs or ramps from the stoop may lead directly to the sidewalk or may be side-accessed. The stoop is appropriate for residential uses with small setbacks.</p>					<div style="background-color: #333; color: white; padding: 2px; text-align: center;">NE</div> <div style="background-color: #333; color: white; padding: 2px; text-align: center;">NG</div> <div style="background-color: #333; color: white; padding: 2px; text-align: center;">UN</div> <div style="border: 1px solid black; padding: 2px; text-align: center;">DT-MS</div> <div style="border: 1px solid black; padding: 2px; text-align: center;">UC</div>
<p><b>3.4.080 Forecourt.</b> The main facade of the building is at or near the frontage line and a small percentage is set back, creating a small court space. The space could be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area within retail and service areas.</p>					<div style="background-color: #333; color: white; padding: 2px; text-align: center;">NE</div> <div style="background-color: #333; color: white; padding: 2px; text-align: center;">NG</div> <div style="background-color: #333; color: white; padding: 2px; text-align: center;">UN</div> <div style="border: 1px solid black; padding: 2px; text-align: center;">DT-MS</div> <div style="border: 1px solid black; padding: 2px; text-align: center;">UC</div>
<p><b>3.4.090 Dooryard.</b> The main facade of the building is set back a small distance and the frontage line is defined by a low wall or hedge, creating a small dooryard. The dooryard may not provide public circulation along a ROW. The dooryard may be raised, sunken, or at grade and may be used for ground-floor residential or non-residential.</p>					<div style="background-color: #333; color: white; padding: 2px; text-align: center;">NE</div> <div style="background-color: #333; color: white; padding: 2px; text-align: center;">NG</div> <div style="background-color: #333; color: white; padding: 2px; text-align: center;">UN</div> <div style="border: 1px solid black; padding: 2px; text-align: center;">DT-MS</div> <div style="background-color: #333; color: white; padding: 2px; text-align: center;">UC</div>

Key Z=Zone Z Allowed

Z Not Allowed

**Table 3.4.030.A Frontage Types Overview (continued)**

Frontage Type	SECTION		PLAN		Downtown Zones
	LOT/ FRONTAGE	R.O.W.	LOT/ FRONTAGE	R.O.W.	
<p><b>3.4.100 Maker Shopfront.</b> The main facade of the building is at or near the frontage line with an at-grade or elevated entrance from the sidewalk. This type is intended for industrial artisan businesses to show their activity to people passing by on the sidewalk as well as for retail sales of products made on-site, includes a decorative roll-down or sliding door, may include glazing and an awning that overlaps the sidewalk. It may be used in conjunction with other frontage types allowed in the zone.</p>					<div style="display: flex; flex-direction: column; gap: 5px;"> <div style="border: 1px solid black; padding: 2px;">NE</div> <div style="border: 1px solid black; padding: 2px;">NG</div> <div style="border: 1px solid black; padding: 2px;">UN</div> <div style="background-color: #333; color: white; border: 1px solid black; padding: 2px;">DT-MS</div> <div style="border: 1px solid black; padding: 2px;">UC</div> </div>
<p><b>3.4.110 Shopfront.</b> The main facade of the building is at or near the frontage line with at-grade entrance along the sidewalk or along a terrace frontage. This type is intended for retail use, has substantial glazing between the shopfront base and the ground floor ceiling, and may include an awning that overlaps the sidewalk. This type may be used in conjunction with other frontage types allowed in the zone.</p> <p>Also Known As: Retail Frontage, Awning</p>					<div style="display: flex; flex-direction: column; gap: 5px;"> <div style="border: 1px solid black; padding: 2px;">NE</div> <div style="border: 1px solid black; padding: 2px;">NG</div> <div style="background-color: #333; color: white; border: 1px solid black; padding: 2px;">UN</div> <div style="background-color: #333; color: white; border: 1px solid black; padding: 2px;">DT-MS</div> <div style="background-color: #333; color: white; border: 1px solid black; padding: 2px;">UC</div> </div>
<p><b>3.4.120 Terrace.</b> The main facade of the building is at or near the frontage line with an elevated terrace providing public circulation along the facade. This type can be used to provide at-grade access while accommodating a grade change. Frequent steps up to the terrace are necessary to avoid dead walls and maximize access. This type may also be used in historic industrial areas to mimic historic loading docks.</p>					<div style="display: flex; flex-direction: column; gap: 5px;"> <div style="border: 1px solid black; padding: 2px;">NE</div> <div style="border: 1px solid black; padding: 2px;">NG</div> <div style="background-color: #333; color: white; border: 1px solid black; padding: 2px;">UN</div> <div style="background-color: #333; color: white; border: 1px solid black; padding: 2px;">DT-MS</div> <div style="border: 1px solid black; padding: 2px;">UC</div> </div>
<p><b>3.4.130 Gallery.</b> The main facade of the building is at or near the frontage line and the gallery element overlaps the sidewalk in the right-of-way. This type is intended for buildings with ground-floor commercial or retail uses and may be one or two stories. Due to the overlap of the right-of-way, an easement is usually required. Alternatively the lot line may be aligned with the edge of the gallery and curb, and a sidewalk is established within an easement under the gallery.</p>					<div style="display: flex; flex-direction: column; gap: 5px;"> <div style="border: 1px solid black; padding: 2px;">NE</div> <div style="border: 1px solid black; padding: 2px;">NG</div> <div style="border: 1px solid black; padding: 2px;">UN</div> <div style="background-color: #333; color: white; border: 1px solid black; padding: 2px;">DT-MS</div> <div style="border: 1px solid black; padding: 2px;">UC</div> </div>

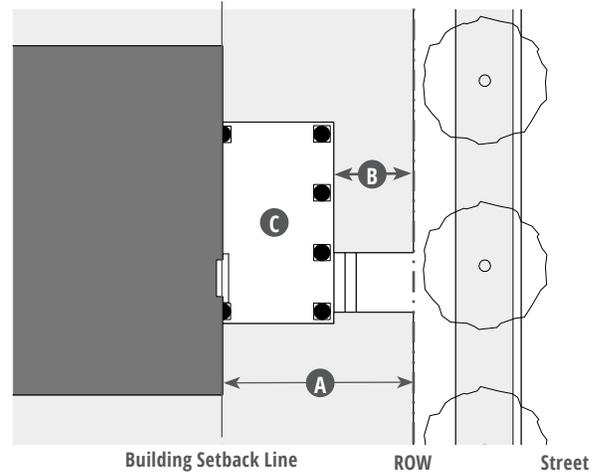
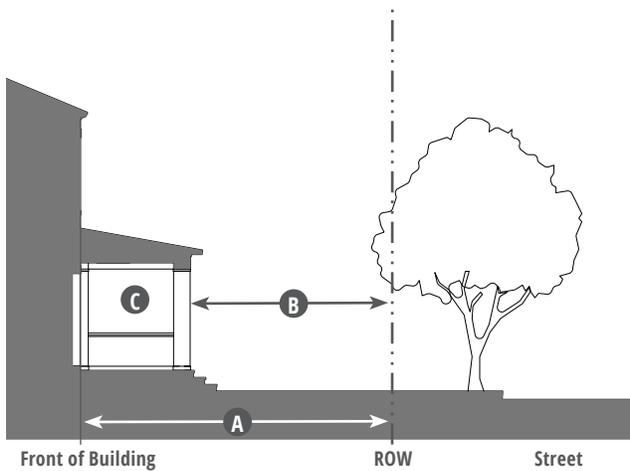
Key

Z=Zone

Z Allowed

Z Not Allowed

### 3.4.040 Front Yard



**Key**

---- ROW / Lot Line      ——— Building Setback Line

**A. Description**

The main facade of the building has a planted setback from the frontage line providing a buffer from the street. The yard may be fenced or unfenced to be visually continuous with adjacent yards, supporting a landscape that generates an open and green streetscape.

NE	NG	UN	DT-MS	UC
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**B. Size**

Depth must comply with Subsection E of the Zone standards. **A**

**C. Miscellaneous**

Fences between front yards or between the sidewalk and front yard are allowed up to 3' tall.

5' min. between porch and sidewalk. **B**

Front Yard Frontage may be combined with Porch (see Sections 3.4.050 and 3.4.060) or Stoop (see Section 3.4.070). The Front Yard frontage type standards control in case of conflict. **C**



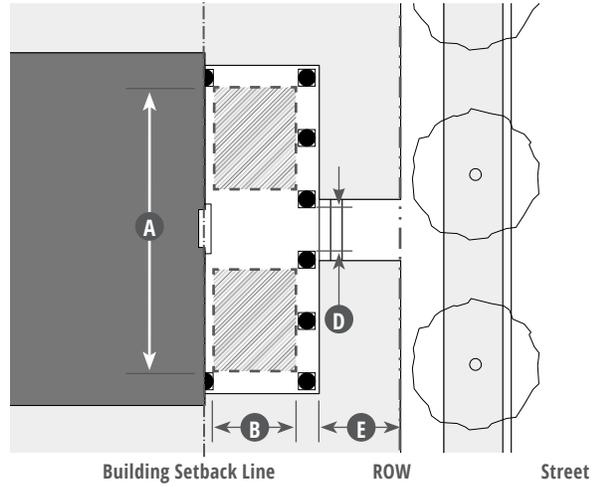
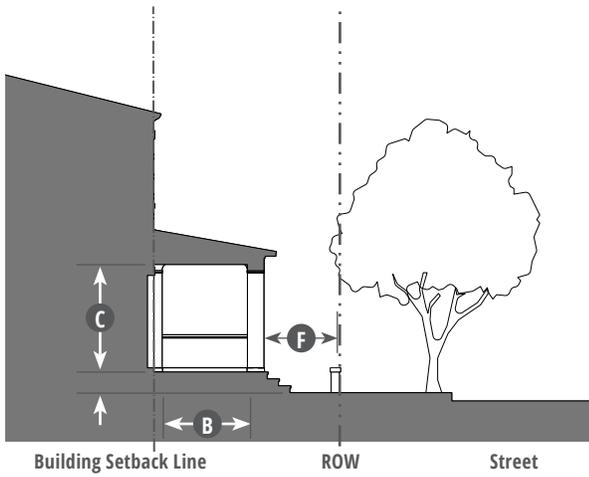
*Fenced front yard with landscaping.*



*Small Front Yard with landscaping to help accent and define the space.*

*General Note: Photos on this page are illustrative, not regulatory.*

### 3.4.050 Porch: Projecting



**Key**

----- ROW / Lot Line      ----- Building Setback Line

**A. Description**

The main facade of the building has a small-to-medium setback from the frontage line. The resulting front yard is typically small and can be defined by a fence or hedge to spatially maintain the edge of the street. The porch is open on three sides and all habitable space is located behind the building setback line.

NE	NG	UN	DT-MS	UC
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**B. Size**

Width, Clear	8' min.	<b>A</b>
Depth, Clear	6' min.	<b>B</b>
Height, Clear	8' min.	<b>C</b>
Path of Travel	3' wide min.	<b>D</b>
Distance between Porch and Sidewalk	5' min.	<b>E</b>

**C. Miscellaneous**

Projecting porches must be open on three sides and have a roof.

Where porches are allowed, a porch can encroach into the required setback.

Ramps to comply with ADA are allowed subject to approval by the Director.



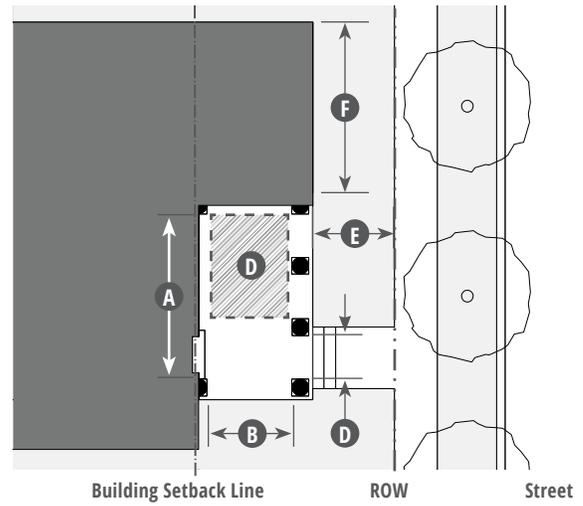
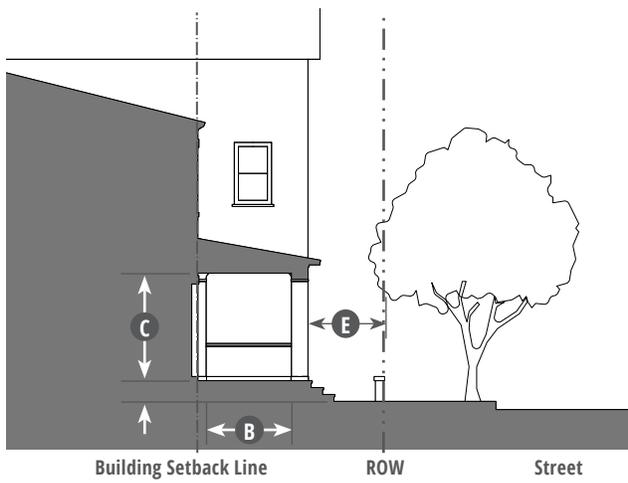
*A projecting porch that matches the symmetry of the house.*



*Wrap-around projecting porch on the front and side facades to create a nice seating space .*

*General Note: Photos on this page are illustrative, not regulatory.*

### 3.4.060 Porch: Engaged



**Key**

---- ROW / Lot Line      - - - - Building Setback Line

**A. Description**

The main facade of the building has a small-to-medium setback from the frontage line. The resulting yard is typically very small and can be defined by a fence or hedge to spatially maintain the edge of the street. The porch has two adjacent sides that are engaged to the building while the other two sides are open.

NE	NG	UN	DT-MS	UC
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**B. Size**

Width, Clear	8' min.	(A)
Depth, Clear	6' min.	(B)
Height, Clear	8' min.	(C)
Height	2 stories max.	
Path of Travel	3' wide min.	(D)
Distance between Porch and Sidewalk	5' min.	(E)

**C. Miscellaneous**

Up to 40% of the building facade and porch(es) may project beyond the building setback line into the encroachment area for the zone. (F)

Engaged porches must be open on two sides and have a roof.

Ramps to comply with ADA are allowed subject to approval by the Director.



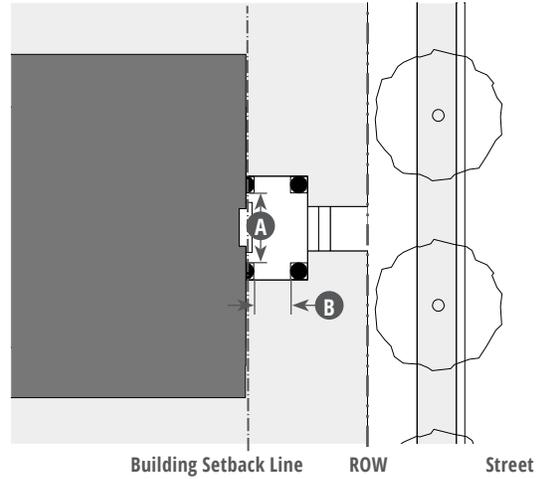
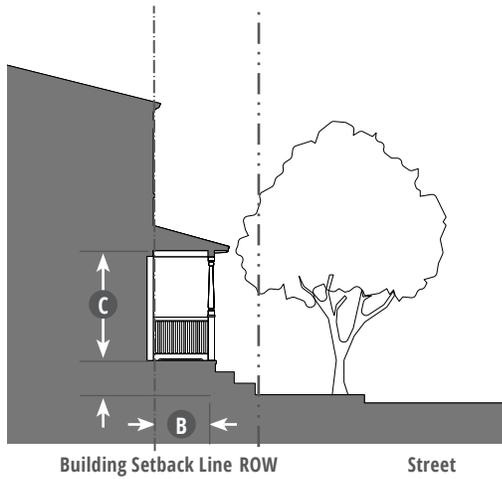
Engaged porch with its long side fronting the street.



Engaged porch with centered entry.

General Note: Photos on this page are illustrative, not regulatory.

### 3.4.070 Stoop



**Key**

---- ROW / Lot Line      - - - - - Building Setback Line

**A. Description**

The main facade of the building is near the frontage line and the elevated stoop engages the sidewalk. The stoop is elevated above the sidewalk to provide privacy along the sidewalk-facing rooms. Stairs or ramps from the stoop may lead directly to the sidewalk or may be side-accessed. The stoop is appropriate for residential uses with small setbacks.

NE	NG	UN	DT-MS	UC
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Only on street side facades in NG and DT-MS Zones.

**B. Size**

Width, Clear	5' min.; 8' max.	<b>A</b>
Depth, Clear	5' min.; 8' max.	<b>B</b>
Height, Clear	8' min.	<b>C</b>
Height	1 story max.	
Depth of Recessed Entries	6' max.	

**C. Miscellaneous**

Stairs may be perpendicular or parallel to the building facade.

Ramps must be parallel to facade or along the side of the building.

Entry doors are covered or recessed to provide shelter from the elements.

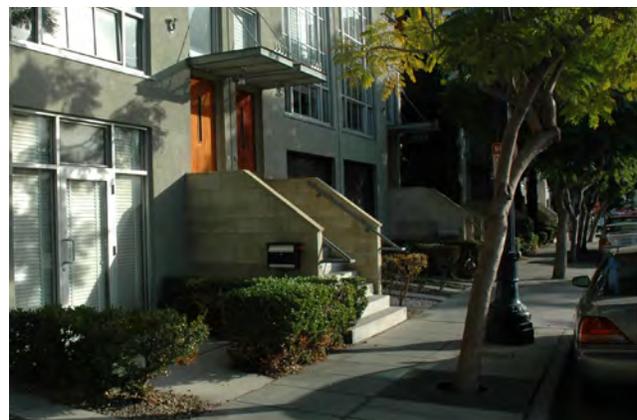
Gates are not allowed.

All entry doors must face the street.

Ramps to comply with ADA are allowed subject to approval by the Director.



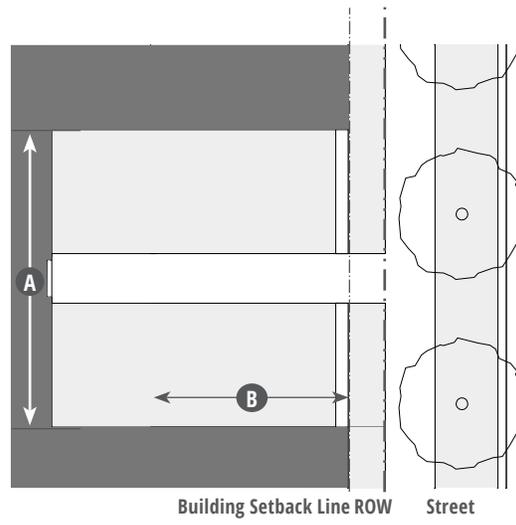
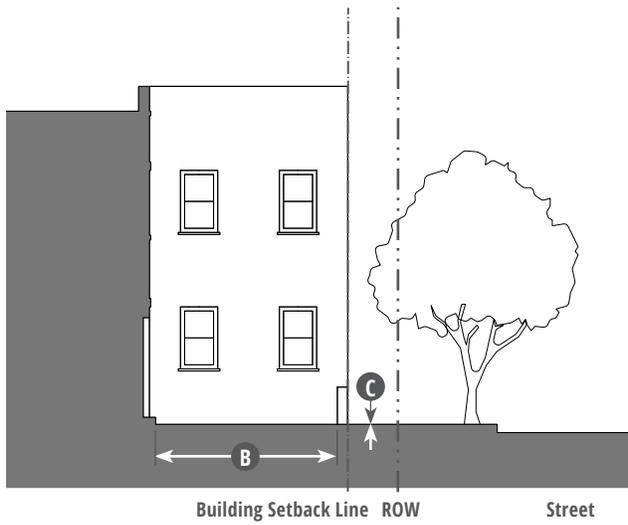
*Stoops define the entries to this Rowhouse building while elevating the ground floor from the street level.*



*Stoop with paired entries to dwelling portion of Live/Work units.*

*General Note: Photos on this page are illustrative, not regulatory.*

### 3.4.080 Forecourt



#### Key

---- ROW / Lot Line      - - - - Building Setback Line

#### A. Description

The main facade of the building is at or near the frontage line and a small percentage is set back, creating a small court, extending the public realm into the lot. The space may be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area within retail and service areas.

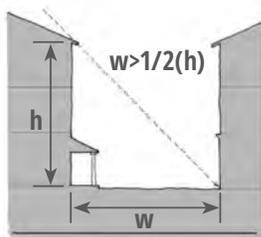
NE	NG	UN	DT-MS	UC
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#### B. Size

Width, Clear	12' min. <sup>1</sup>	A
Depth, Clear	12' min.	B
Height from Sidewalk	4' max.	C
Ratio, Height to Width	2:1	

#### C. Miscellaneous

The proportions and orientation of these spaces must comply with the diagram below for solar orientation and user comfort.



Equation

May group multiple residential entries in a forecourt at a common elevation in compliance with required Ground Floor Finish Level standards of the applicable zone.



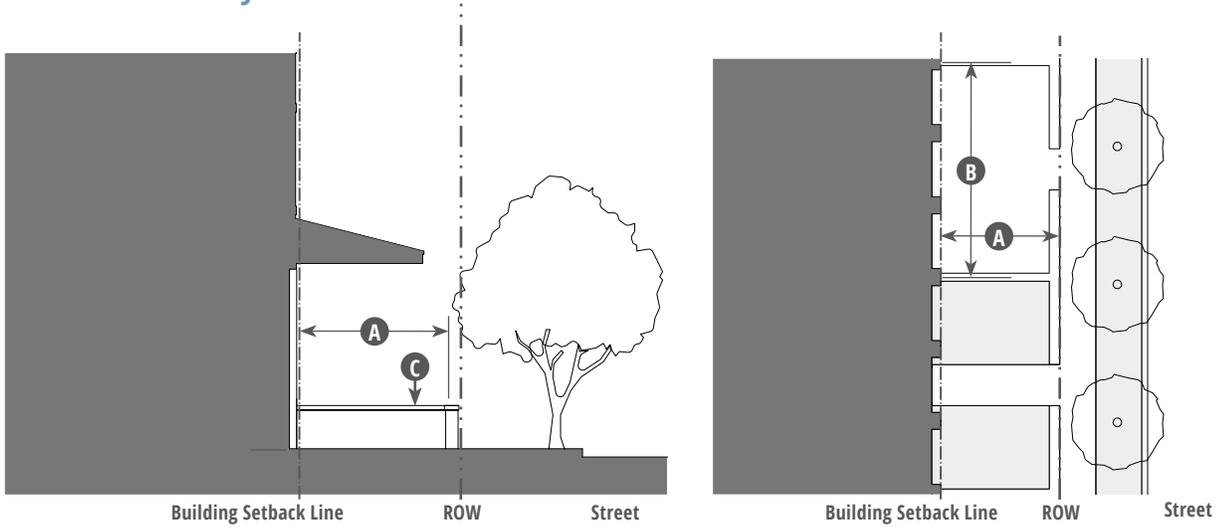
Forecourt visually extends the public realm into this retail and office lot.



Forecourt provides unique entries to dwellings and breaks down the overall massing of the buildings shaping the space.

General Note: Photos on this page are illustrative, not regulatory.

### 3.4.090 Dooryard



**Key**

----- ROW / Lot Line      ----- Building Setback Line

**A. Description**

The main facade of the building is set back a small distance and the frontage line is defined by a low wall or hedge, creating a small dooryard. The dooryard may not provide public circulation along a ROW. The dooryard may be raised, sunken, or at grade and may be used for ground-floor residential or non-residential uses.

NE	NG	UN	DT-MS	UC
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Only on street side facades in DT-MS and UC Zones.

**B. Size**

Depth, Clear	8' min.	<b>A</b>
Width	50' max.	<b>B</b>
Ground Floor Transparency	50% min. <sup>1</sup>	
Height of Dooryard Fence/Wall	36" max.	<b>C</b>

<sup>1</sup> For live/work, retail and service uses only.

**C. Miscellaneous**

For live/work, retail and service uses, these standards are to be used in conjunction with those for the Shopfront frontage type. If there is a conflict between them, the Dooryard Frontage Type standards will control.

Each Dooryard must provide access to only one ground floor entry.

Ramps to comply with ADA are allowed subject to approval by the Director.



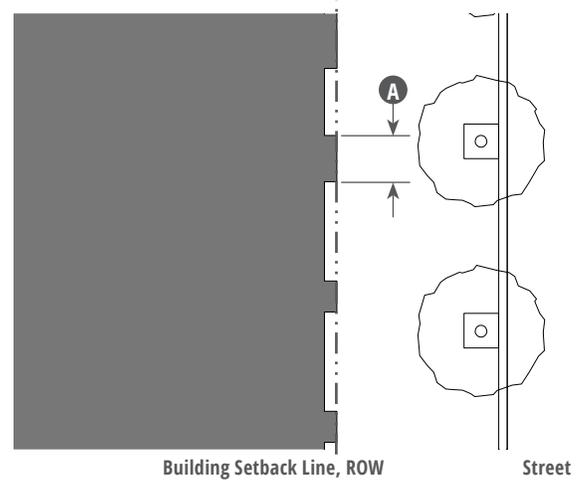
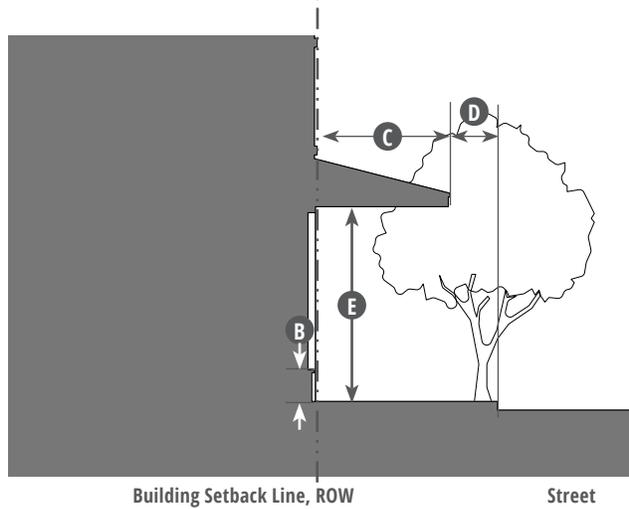
*Small dooryards include low fences to provide a visual transition from the public sidewalk.*



*A series of small dooryards give small outdoor gardens along the front of each ground floor unit.*

*General Note: Photos on this page are illustrative, not regulatory.*

### 3.4.100 Maker Shopfront



**Key**

---- ROW / Lot Line      - - - - Building Setback Line

**A. Description**

The main facade of the building is at or near the frontage line with an at-grade or elevated entrance from the sidewalk. The type is intended for industrial artisan businesses to show their activity to people passing by on the sidewalk as well as for retail sales of products made on-site. The type includes a decorative roll-down or sliding door, may include glazing and an awning that overlaps the sidewalk and may be used in conjunction with other frontage types allowed in the zone.

NE	NG	UN	<b>DT-MS</b>	UC
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Only on street side facades.

**B. Size**

Distance between Glazing	6' max.	<b>A</b>
Ground Floor Transparency	50% min.	
Depth of Recessed Entries	5' max.	
Shopfront base (if used)	8" min.; 30" max.	<b>B</b>

**C. Awning**

Depth	4' min.	<b>C</b>
Setback from Curb	2' min.	<b>D</b>
Height, Clear	8' min.	<b>E</b>

**D. Miscellaneous**

Residential windows, rounded and hooped awnings, and decorative accordion-style doors/windows are not allowed.

Doors may be recessed when main facade is at the building setback line.



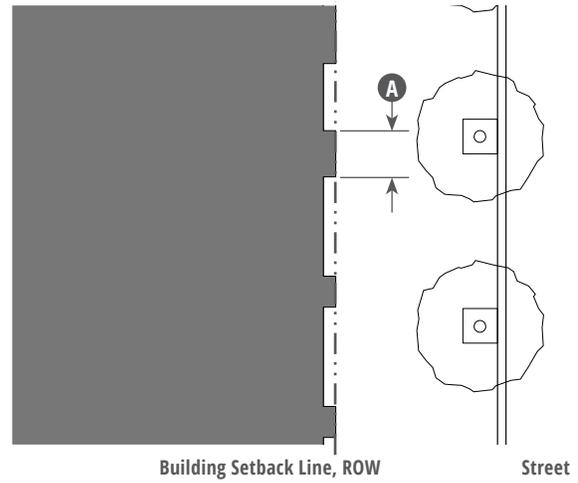
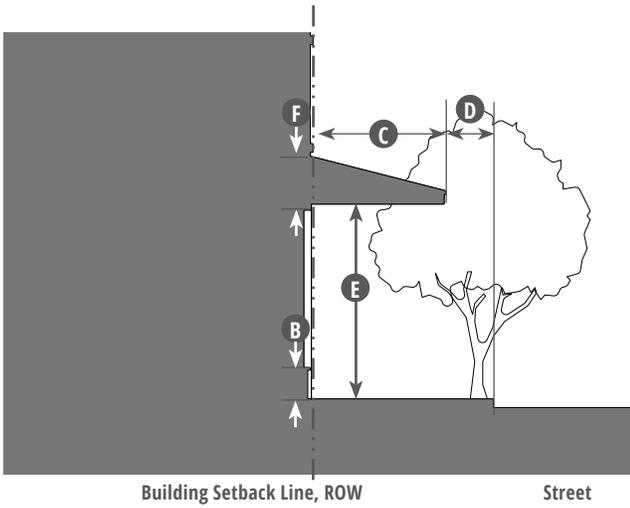
Maker Shopfront with large windows and pedestrian scale entrances.



Maker Shopfront with double doors for each entry.

General Note: Photos on this page are illustrative, not regulatory.

### 3.4.110 Shopfront



**Key**

--- ROW / Lot Line      - - - - Building Setback Line

#### A. Description

The main facade of the building is at or near the frontage line with at-grade entrance along the sidewalk. This type is intended for retail use, has substantial glazing between the shopfront base and the ground floor ceiling, and may include an awning that overlaps the sidewalk. This type may be used in conjunction with other frontage types allowed in the zone.

NE	NG	UN	DT-MS	UC
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In NE and UC, only allowed at corners.

#### B. Size

Distance between Glazing	2' max.	A
Ground Floor Transparency	75% min.	
Depth of Recessed Entries	5' max.	
Shopfront Base	6" min.; 30" max.	B

#### C. Awning

Depth	4' min.	C
Setback from Curb	2' min.	D
Height, Clear	8' min.	E
Signage area height (w/ or w/o Awning)	3' min	F

#### D. Miscellaneous

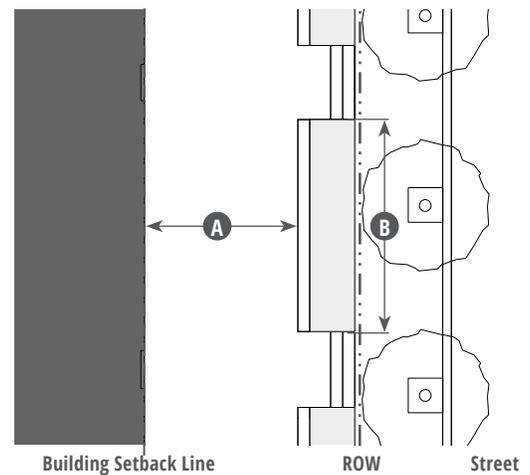
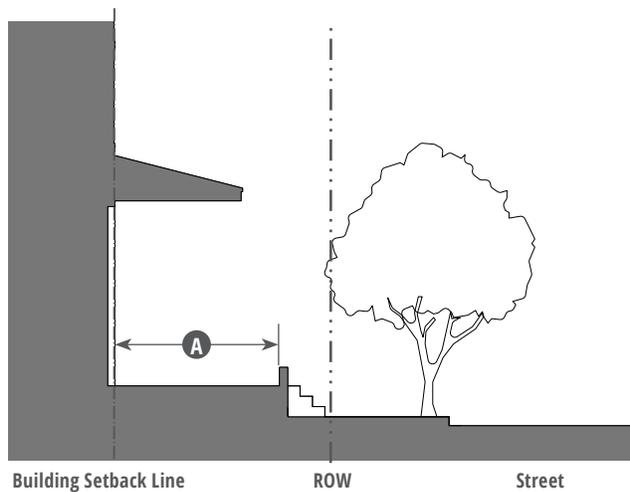
- Residential windows are not allowed.
- Doors may be recessed when main facade is at the building setback line.
- Operable and open-ended awnings are allowed.
- Rounded and hooped awnings are not allowed unless part of a historically designated building.
- Decorative accordion-style doors/windows or other operable windows that allow the space to open to the street are subject to Director approval.



Shopfront with recessed entry and simple large windows.

General Note: Photos on this page are illustrative, not regulatory.

### 3.4.120 Terrace



#### Key

---- ROW / Lot Line      - - - - Building Setback Line

#### A. Description

The main facade is at or near the frontage line with an elevated terrace providing public circulation along the facade. This type can be used to provide at-grade access while accommodating a grade change. Frequent steps up to the terrace are necessary to avoid blank sections of walls and to maximize access. This type may also be used in historic industrial areas to mimic historic loading docks.

NE	NG	UN	DT-MS	UC
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#### B. Size

Depth of Terrace	8' min.	A
Length of Terrace	150' max.	
Distance between Stairs	50' max.	B

#### C. Miscellaneous

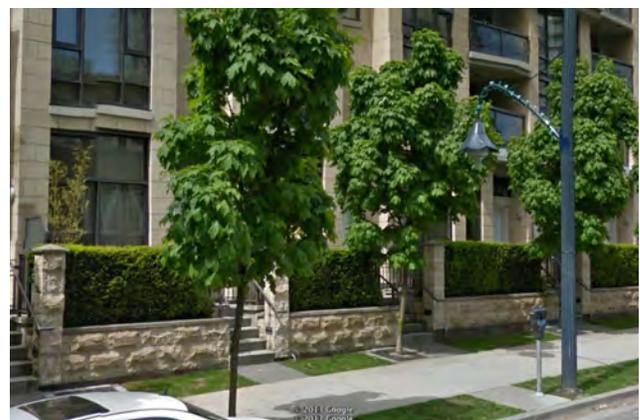
These standards are to be used in conjunction with those for the Shopfront frontage type where the zone requires the Shopfront frontage type.

Low walls used as seating are allowed.

Where the zone requires the ground floor to be flush with the sidewalk, the terrace is considered to be the sidewalk.



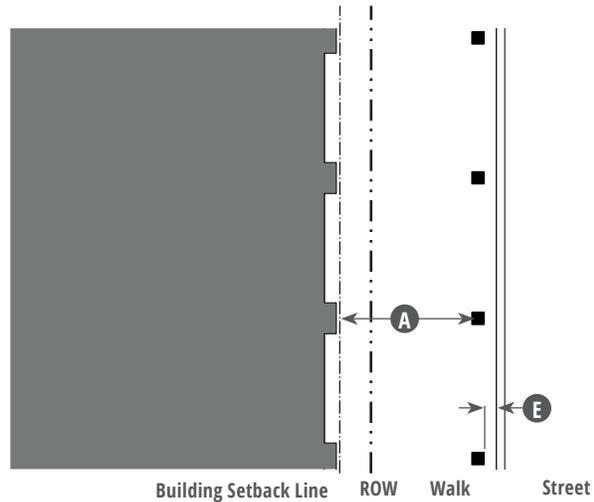
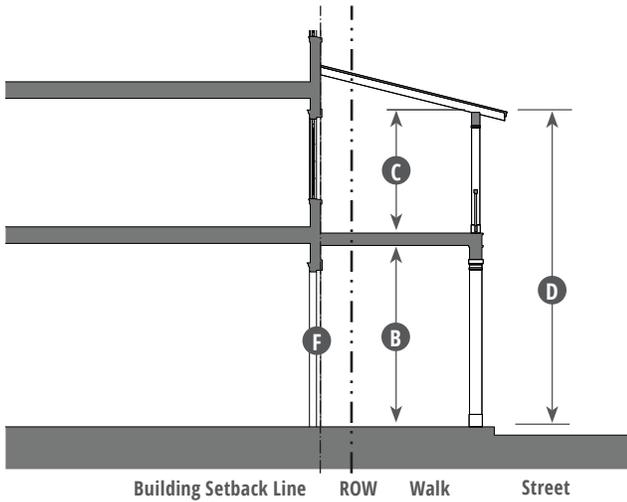
*Terrace accommodates a change in grade with low walls for seating while keeping visual connection with sidewalk.*



*One terrace spans across several ground floor townhouses with individual entries separated by landscaping.*

*General Note: Photos on this page are illustrative, not regulatory.*

### 3.4.130 Gallery



**Key**

--- ROW / Lot Line      - - - - Building Setback Line

**A. Description**

The main facade of the building is at or near the frontage line and the gallery element overlaps the sidewalk in the right-of-way. This type is intended for buildings with ground-floor commercial or retail uses and may be one or two stories. Due to the overlap of the right-of-way, an easement is required. Alternatively the lot line may be aligned with the edge of the gallery and curb, and a sidewalk is established within an easement under the gallery.

NE	NG	UN	<b>DT-MS</b>	UC
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**B. Size**

Depth, Clear	8' min.	<b>A</b>
Ground Floor Height, Clear	11' min.	<b>B</b>
Upper Floor Height, Clear	9' min.	<b>C</b>
Height	2 stories max.	<b>D</b>
Setback from Curb	2' min.; 3' max.	<b>E</b>

**C. Miscellaneous**

Galleries must also follow the regulations for the Shopfront Frontage Type (See Section 3.4.110). **F**

Upper-story galleries facing the street may not be used to meet primary circulation requirements.

Galleries must have a consistent depth.

Galleries must project over the sidewalk.



A two-story gallery fronting a passage.



A two-story gallery fronting a plaza.

General Note: Photos on this page are illustrative, not regulatory.

## Division 3.5: Specific to Use

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### Sections

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3.5.030	Accessory Uses .....	3-62
3.5.040	Home Occupation.....	3-63
3.5.050	Live/Work.....	3-66
3.5.060	Temporary Uses .....	3-67

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### 3.5.010 Purpose

- A. The purpose of this Division is to provide additional standards and requirements for certain land uses specified in Division 2.3 (Use Table) and for activities that require special standards to ensure compatibility with site features and existing uses.
- B. The specific to use standards included in this Division are in addition to those included in the Hayward Code.
- C. If there is a conflict between the standards of this Division and the standards in another Division of this Article, Article of this Chapter, or the Hayward Code, the standards in this Division controls unless stated otherwise.

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### 3.5.020 Accessory Dwelling Units

- A. **Purpose.** This Section establishes the requirements for accessory dwelling units (ADUs).
- B. **Applicability.** The provisions of this Section apply to ADUs located in a Downtown Zone.
- C. **General Requirements for ADUs.** The requirements Section 10-1.2741 (Purpose) through Section 10-1.2747 (Permit Required) of Hayward Code apply to Downtown Zones, and supersede the requirements of this Article, except as provided in Subsection D.
- D. **Exceptions**
  - 1. Detached ADUs are only allowed in Downtown Zones that allow the Carriage Building and must also comply with the requirements of Section 3.3.040 (Carriage Building).
  - 2. Detached, attached, or interior ADUs are allowed in combination with any residential primary use located within an allowed building type per Subsection C of the applicable zone.

### 3.5.030 Accessory Uses

- A. **Community Gardens.** Community gardens are allowed as accessory uses on vacant lands, rooftops, or any other acceptable location for the cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users. Community gardens are subject to the following standards and any other applicable City standards:
1. The site must be designed and maintained so that water and fertilizer will not drain onto an adjacent property.
  2. Retail on-site is not allowed, except for produce grown on-site.
  3. Buildings or structures are not allowed on-site, except for the following:
    - a. Sheds for storage of tools are limited in size to 120 square feet;
      - (1) Greenhouses, consisting of buildings made of glass, plastic, or fiberglass in which plants are cultivated, limited in size to 120 square feet and designed in compliance with setbacks for accessory structures; and
      - (2) Other small hardscape areas and amenities including, but not limited to, benches, bike racks, raised/accessible planting beds, compost or waste bins, picnic tables, seasonal farm stands, fences, garden art, rain barrels, and children's play areas.
      - (3) The combined area of all structures must not exceed 15 percent of the community garden site area.
    - b. Fences must comply with Section 3.2.010 (Screening, Fences, and Walls).
    - c. On-site stormwater, rainwater, or graywater systems and irrigation must be consistent with applicable Public Works standards.
  4. **Composting.** Composting may be performed onsite within a composting container subject to the following:
    - a. Composted materials must be materials generated onsite or contributed by active members of the community garden;
    - b. Composting containers must be located a minimum of three feet from property lines; and
    - c. Odors and/or fly-breeding must not be greater than customarily found at a well-maintained residence in compliance with Section 10-1.150 (Nuisance) of the Hayward Code.
  5. **Maintenance Required.** Community gardens must be maintained to ensure that no nuisance conditions are created in compliance with Section 10-1.150 (Nuisance) of the Hayward Code.
  6. **Abandoned or Unproductive Community Gardens.** If a community garden is left in an unproductive state for longer than a period of 12 months, the garden coordinator or other individual(s) responsible for the community garden shall ensure that it is replaced with landscaping in compliance with the City's landscaping standards and subject to the City's Landscape Architect review.
- B. Livestock, Apiaries, and Household Pets must comply with Subsection 10-1.2735.e (Livestock, Apiaries, and Household Pets) of the Hayward Code.

### 3.5.040 Home Occupation

- A. **Purpose.** This Section establishes standards for home occupations and provides criteria and procedures for the consideration and approval of home occupations.
- B. **Applicability.** The requirements of this Section apply to all home occupations, except for the following:
1. Small family day cares licensed by the California State Department of Social Services;
  2. Home occupations that do not see clients or students on-site, such as home offices; and
  3. At the discretion of the Director, home occupations that include, but are not limited to, the instruction of students in a one-on-one setting such as music lessons or tutoring.
- C. **Business License Required.** A home occupation requires the approval of a business license consistent with Chapter 8-1 (Business Licenses) of the Hayward Code.
- D. **Uses Allowed.** Any use, except those listed in Subsection E, below, may be a home occupation if the Director determines that it complies with the standards of this Section.
- E. **Uses Not Allowed as a Home Occupation.** The following uses are not allowed as a home occupation:
1. Adult entertainment activities;
  2. Banks and financial institutions, including but not limited to, non-traditional financial institutions;
  3. Teaching of organized classes totaling more than six persons at one time;
  4. Businesses involving hazardous materials including, but not limited to, waste facilities, transfer, storage and treatment, unless approved by the Fire Chief;
  5. Communication facilities, including but not limited to, transmission towers;
  6. Eating and drinking places, including but not limited to, bars, nightclubs, and restaurants;
  7. Funeral and interment services, including but not limited to, crematories, mortuaries, mausoleums, and undertaking;
  8. Laundry and dry-cleaning services;
  9. On-site vehicle-related uses, including but not limited to, cleaning, dismantling, embellishing, installing, manufacturing, repairing or servicing, selling, leasing or renting, towing, driving schools, dispatching vehicles, scrap yards, parts sales, or any storage of vehicles;
  10. Pet day care for more than four household pets;
  11. Repair work of any kind;
  12. Treatment or boarding of animals for profit;
  13. Transient habitation, except for bed and breakfasts where allowed by Division 2.3 (Use Table); and
  14. Any use not allowed in the applicable zone.

F. **General Standards.** Home occupations must comply with the following:

1. **Employees**

- a. In NE and NG Zones, employees of the home occupation are limited to residents of the dwelling.
- b. In UN, DT-MS, and UC Zones, up to two employees of the home occupation other than the residents of the dwelling are allowed to work within the dwelling.

2. **Hazard or Nuisance.** A home occupation must not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy, where no home occupation exists in the zone in question.

3. **Customer/Client Hours.** Customers/clients are only allowed to patron the home occupation between 8:00 a.m. and 6:00 p.m. daily. Outdoor customer or client activity must cease at sunset.

4. **Location.** The home occupation must be located entirely within the primary residence, the garage, or an accessory structure.

5. The owner or occupant must maintain the residential character of the lot and dwelling. Unless a modification is required to comply with accessibility requirements, a home occupation that requires a structural alteration of the dwelling to comply with a nonresidential construction code is not allowed.

6. **Parking and Traffic**

- a. Required parking must be maintained. Vehicles connected to the home occupation may not be parked in required front or side setbacks.
- b. Pedestrian and/or vehicular traffic may not be more than the normal amount in the zone in which the home occupation is located.
- c. The home occupation may not generate traffic or business which would necessitate the increase in the amount of required off-street parking for the principal residential use.

7. **Sales and Display.** The home occupation may not display or sell any commodities except those produced on the premise.

8. **Storage.** Storage of materials and/or supplies related to the business, outside the residence, is not allowed.

9. **Signage.** No signs may be displayed on the site in connection with the home occupation.

10. **Vehicle Storage**

- a. Parking a commercial vehicle on the street adjacent to the property is prohibited.
- b. A commercial vehicle associated with the home occupation may only be stored on the premises if it is screened from the street or housed in an accessory structure that conforms with applicable zone standards.

- G. Cottage Food Operation.** Consistent with the operational requirements of California Health and Safety Code Section 114365 et seq., a cottage food operation (CFO) must comply with the following standards, in addition to those listed in Subsection F. If there is a conflict with the standards listed in Subsection F, the following standards control.
1. All applicable provisions of the Hayward Code are made a part of the conditions of approval in their entirety;
  2. The CFO must be registered with the Alameda County Office of Environmental Health and conform with all regulations of AB 1616;
  3. Food preparation must take place entirely within the permitted area of the residence which is the private kitchen area with storage located in the same structure in residentially zone property.
  4. Only foods defined as “non-potentially hazardous” are approved for preparation by CFOs. The California Department of Public Health will establish and maintain a list of approved cottage food categories on their website, which will be subject to change;
  5. There may be one employee onsite, excluding residents of the dwelling;
  6. Class A CFOs are allowed to engage in direct sale, including up to two customers on-site at one time;
  7. Class B CFOs may engage in both direct sale and indirect sale of cottage food products;
  8. No cottage food product preparation, packaging, or handling may occur concurrent with any other domestic activities, including, but not limited to, family meal preparation, guest entertaining, or dishwashing;
  9. Infants, small children, or pets may not be in the registered or allowed production area during the preparation, packaging, or handling of any cottage food products;
  10. Equipment and utensils used to produce cottage food products must be clean and maintained in a good state of repair;
  11. All food contact surfaces, equipment, and utensils, used for the preparation, packaging, or handling of any cottage food products must be washed, and sanitized before each use;
  12. All food preparation and food and equipment storage areas must be maintained free of rodents and insects;
  13. No preparation, packaging, storage, or handling of cottage food products and related ingredients and/or equipment may occur outside of the registered or allowed production area;
  14. Smoking is not allowed in the registered or allowed production area during the preparation, packaging, storing, or handling of cottage food products and related ingredients and equipment;
  15. A person with a contagious illness shall refrain from work in the registered or allowed production area of the CFO;
  16. A person involved in the preparation of packaging of cottage food products must keep their hands clean and exposed portions of their arms clean and must wash their hands before any food preparation or packaging activity;

17. Water used during the preparation of cottage food products must meet potable drinking water standards;
18. A person who prepares or packages cottage food products must complete a food processor course instructed by the California Department of Public Health within three months of becoming registered or permitted; and
19. CFO products must be properly packaged and labeled in compliance with the Federal Food, Drug and Cosmetic Act (21 U.S.C. Section 343 et seq.), and the Department's additional labeling requirements.

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### 3.5.050 Live/Work

- A. **Purpose.** This Section provides standards for live/work units and for the reuse of existing commercial and industrial buildings to accommodate live/work opportunities where allowed in the applicable zone.
- B. **Applicability.** Live/work units are allowed in compliance with Division 2.3 (Use Table).
- C. **Use and Occupancy Requirements**
  1. The "live" component of a live/work unit must be a residential use allowed in the applicable zone and the principal residence of at least one individual employed in the business conducted within the live/work unit.
  2. The "work" component of a live/work must be a use allowed in the applicable zone.
  3. **Changes in Use.** After approval, a live/work unit may not be converted to either an entirely residential or entirely commercial use unless approved by the Planning Commission with a Conditional Use Permit. No live/work unit may be changed to an entirely residential use in any structure where residential uses are not allowed.
- D. **Uses Not Allowed as Live/Work.** The following uses are not allowed as a live/work use:
  1. Adult entertainment activities;
  2. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.);
  3. Storage of flammable liquids or hazardous materials beyond what are normally associated with a residential use;
  4. Welding, machining, or any open flame work; and
  5. Any other activity or use, as determined by the Director to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration or other impacts, or would be hazardous because of materials, processes, products, or wastes.

#### E. **Operating Requirements**

1. **Sale or Rental of Portions of the Unit.** No portion of a live/work unit may be rented or sold separately as a commercial or industrial space for any person not living in the premises or as a residential space for any person not working in the same unit.
  2. **On-premises Sales.** On-premises sales of goods are limited to those produced within the live/work unit. The retail sales activity must be incidental to the primary production work within the unit. Open studio programs and gallery shows are allowed.
  3. **Nonresident Employees.** Up to two persons who do not reside in the live/work unit may work in the unit, unless this employment is otherwise prohibited or limited by the applicable permit. The employment of three or more persons who do not reside in the live/work unit may be allowed subject to a Conditional Use Permit.
  4. **Client and Customer Visits.** Client and customer visits to live/work units are allowed between 8:00 a.m. and 6:00 p.m. daily. Outdoor customer or client activity must cease at sunset.
- F. **Floor Area Requirements.** The floor area of the work space must be at least 30 percent of the total floor area of each live/work unit. All floor area other than that reserved for living space must be reserved and regularly used for working space.
- G. **Integration of Living and Working Space.** Areas within a live/work unit that are designated as living space must be an integral part of the live/work unit. The living space of a live/work unit must be accessed only by means of an interior connection from the work space, and must have no exterior access, except as required by the Building Code.

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### 3.5.060 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 5.5 (Temporary Use Permit).
- C. **Exempt Temporary Uses.** The following minor or limited duration temporary uses are exempt from the requirement for a Temporary Use Permit in Division 5.5 (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 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. **Garage and Yard Sales.** Garage and yard sales (e.g., personal property sales) are allowed as Temporary Uses when conducted within a NE or NG zoned property and are subject to the standards in Subsection 10-1.2735 (Garage Sales) of the Hayward Code.
  5. **Sidewalk Dining.** Sidewalk dining, in compliance with Sec 3-5.13 of the Hayward Code.
- D. **Allowed Temporary Uses.** The following temporary uses and events require a Temporary Use Permit in compliance with Division 5.5 (Temporary Use Permits), and must comply with the following standards:
1. **Events.** In addition to the following standards, temporary events must comply with Section 10-1.2735 (Outdoor Gatherings) of the Hayward Code. If there is a conflict between this Section and the Hayward Code, this Section controls.
    - a. Circuses, carnivals, and similar transient amusement enterprises in a UN, DT-MS, or UC 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 in any zone except the NE and NG Zones, subject to a limitation on the number of days of operation as determined by the Director.
    - c. Farmers Markets are allowed as follows:
      - (i) Markets are allowed on sites in the UN, DT-MS, and UC Zones;
      - (ii) The market may be open up to 70 days per calendar year.
      - (iii) The market cannot obstruct a path that is part of a required pedestrian circulation system.
  2. **Seasonal Sale Events.** Seasonal sale events (e.g., Halloween, Thanksgiving, Christmas, etc.) must comply with Subsection 10-1.2735.c (Seasonal sales activities for holidays) of the Hayward 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 Hayward 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 Subsection, 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. **Mobile Outdoor Business.** A mobile outdoor business compatible with the applicable zone and surrounding land uses must operate in compliance with the following standards:
  - a. Mobile outdoor businesses must obtain and display a valid health certificate from the County Health Department on equipment at all times.
  - b. Mobile outdoor businesses shall not operate between the hours of 12:00 a.m. and 6:00 a.m. in the UN, DT-MS, and UC Zones or between the hours of 10:00 p.m. and 8:00 a.m. in the NE and NG Zones.
  - c. Exterior lighting must be hooded or shielded so that the light source is not directly visible to neighboring uses.
  - d. The mobile outdoor businesses may not erect any permanent structure on the site where the temporary mobile outdoor business fair is located.
  - e. During business hours, the permit holder shall provide a trash receptacle and seating area for use by customers.
  - f. A permanent water or wastewater connection is prohibited.
  - g. Disposal of cooking waste may only occur at County Health Department approved facilities.
  - h. The mobile outdoor business may not be located in a public right-of-way.

7. **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 5.5 (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 Chapter, 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 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 5.5 (Temporary Use Permit) and be subject to the standards in this Section, as determined by the 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.

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# Article 4: Standards for Large Sites

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# Division 4.1: Standards for Large Sites

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## Sections

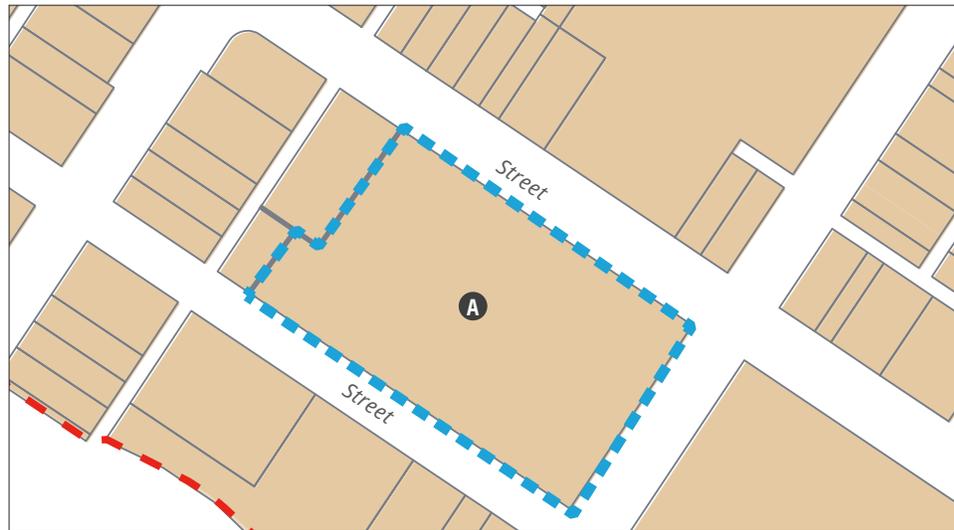
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### **4.1.010 Purpose**

- A. This Division sets forth standards for sites larger than three acres in size to create new, walkable neighborhoods and reinforce walkable urban environments with a mix of residential, civic, retail, and service uses within a compact, walkable, and transit-supportive environment.
- B. The intent of this Division is to:
  - 1. Promote development patterns that support safe, effective, and multi-modal transportation options, including pedestrian, bicycle, auto, and public transit;
  - 2. Reduce vehicle traffic volumes by providing for a mixture of land uses, walkability, and compact community form;
  - 3. Generate neighborhoods with a variety of housing types to serve the needs of a diverse population;
  - 4. Promote the greater health benefits of walkable urban environments;
  - 5. Improve the physical character and quality of the general neighborhood and adjacent neighborhoods;
  - 6. Protect and enhance real property values;
  - 7. Reinforce the unique identity of Hayward building upon the local context, climate, and history; and
  - 8. Provide opportunities for auto-oriented suburban contexts to transform into walkable urban development.

- C. The standards of this Division apply to development sites three acres or larger in size when any of the following occur:
1. New or modified vehicular access to site;
  2. New building; or
  3. Renovation or addition to existing building greater than 15 percent of existing square footage.



**A** Site with area greater than 3 acres

#### 4.1.020 Major Site Plan Required

- A. Sites subject to this Division must obtain Major Site Plan Review in compliance with Section 10-1.3000 (Site Plan Review) of the Hayward Code and the requirements of this Division.
- B. **Submittal Requirements.** In addition to the requirements of Section 10-1.3000 (Site Plan Review) of the Hayward Code, applicants must:
1. Layout a block and thoroughfare network in compliance with the standards in Subsections C and D;
  2. Provide a mix of building types by using at least two types allowed by the zone, in compliance with Division 3.3 (Specific to Building Type).
  3. Allocate and design civic spaces and civic buildings in compliance with the standards in Division 4.2 (Specific to Civic Spaces);
  4. Provide appropriate physical transitions to the intended physical scale and character of the surrounding area;
  5. Design the site to suit specific environmental, site layout, and design constraints unique to the site or its location;
  6. Identify the proposed blocks and thoroughfares, Downtown Zones, civic space types, and building types on a project regulating plan in compliance with Subsection E; and
  7. Identify the proposed physical character of the site on a project illustrative plan by showing the proposed buildings and roofs on each block in plan view.

### 1 Blocks

Step 1: For lots larger than 3 acres, subdivide lot to create smaller blocks and a network of interconnected streets.



### 2 Streets/Civic Space

Step 2: Introduce new streets in compliance with Subsection C (Thoroughfares). Introduce new civic space(s) from the allowable civic space types listed in Subsection 4.3.030.A (Civic Spaces).



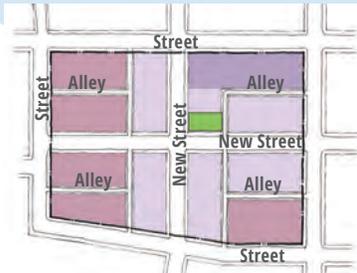
### 3 Alleys

Step 3: Introduce alleys in order to provide access to lots and maintain a continuous streetscape without the interruption of driveways.



### 4 Zones

Step 4: Apply Downtown zones to implement the intended physical character, in compliance with Subsection E (Project Regulating Plan).



- NG Neighborhood General
- UN Urban Neighborhood
- DT-MS Downtown Main Street

### 5 Lot Lines

Step 5: Introduce lots based on the allowable building types in Subsection C of each zone.



### 6 Buildings

Step 6: Introduce at least 2 different building types based on the allowable building types in Subsection C of each zone. Apply frontages from the allowable frontage types in Subsection H of each zone.



- A Detached House
- B Duplex
- C Multiplex: Small
- D Multiplex: Large
- E Rowhouse Building
- F Main Street Building

Figure 4.1.020.1 Walkable Urban Site Transformation Process

C. **Thoroughfares.** Thoroughfares, public or private, define the public streets that refine large sites into walkable urban environments that also provide multiple routes for vehicular circulation.

1. **Design**

- a. Thoroughfares must comply with City standards.
- b. Thoroughfares that pass through multiple zones must transition to align with the character of the zone. For example, while a thoroughfare within a Downtown Main Street (DT-MS) Zone with retail shops may have wide sidewalks with trees in tree grates, it may transition to a narrower sidewalk with a planting strip within a less urban zone with lower intensity residential building types (e.g., Neighborhood Edge (NE) Zone).
- c. The thoroughfare network must be mapped on the project regulating plan and must indicate the layout of thoroughfares and the block network in compliance with standards in this Subsection, Subsection D, and Table A (Block Size).
- d. The location of new streets may be adjusted from the location identified in Figure 2.1.020.1 (Regulating Plan) subject to City review and approval. 2.1.020.1 (Regulating Plan) shall be revised to reflect the final street locations and alignments as approved by the City.

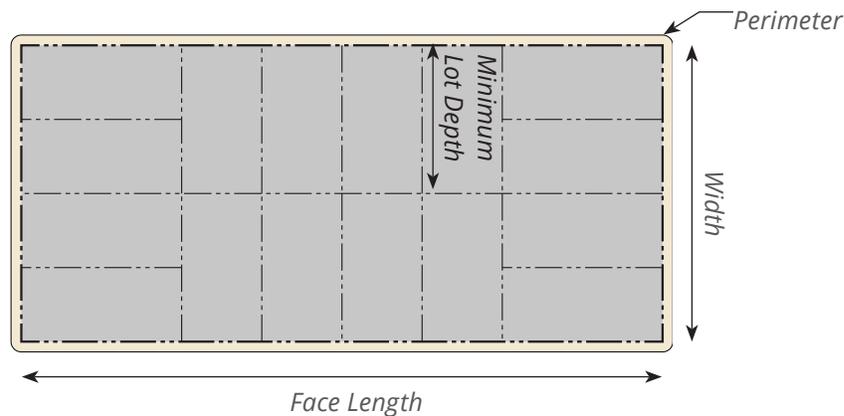
2. **External Connectivity**

- a. Thoroughfares must be arranged to connect to existing or proposed thoroughfares into adjoining lands whether the adjoining lands are undeveloped and intended for future development, or if the adjoining lands are developed and include opportunities for such connections.
- b. Thoroughfare rights-of-way must be extended to or along adjoining property boundaries to provide a roadway connection or thoroughfare stub for development in compliance with the standards in Subsection D (Block Size).
- c. The project regulating plan must identify all stubs for thoroughfares and include a notation that all stubs must connect with future thoroughfares on adjoining undeveloped property.
- d. Dead-end streets and cul-de-sacs are not allowed.

D. **Block Size**

1. Individual block faces and the total block perimeter must comply with the standards established in Table A (Block Size).
2. If a block contains multiple zones, the most intense zone must be used to establish the requirements for block size.
3. Minimum block width is two times the minimum lot depth for the zone.

Table 4.1.020.A Block Size		
Zone	New Block	
	Face Length	Perimeter Length
NE	400 ft. max.	1,400 ft. max.
UN	450 ft. max.	1,400 ft. max.
NG	450 ft. max.	1,600 ft. max.
DT-MS	500 ft. max.	2,400 ft. max.
UC	500 ft. max.	2,400 ft. max.



#### E. Project Regulating Plan

1. The project regulating plan must include the following information:
  - a. Site boundaries;
  - b. Existing and proposed blocks;
  - c. Existing and proposed thoroughfares, including alleys;
  - d. Existing and proposed civic space type(s) and open space(s);
  - e. Existing and proposed zone(s).
2. If rezoning is proposed, only zones established in Division 2.2 (Downtown Zones) may be used.
3. The project regulating plan is subject to the review and approval of the Planning Commission. If a project regulating plan is approved with Major Site Plan Review, the information on the diagram must be transferred to the Hayward Zoning Map.

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# Division 4.2 Specific to Civic Spaces

Sections

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## 4.2.010 Purpose

This Article sets forth the standards for new civic spaces and buildings and modifications to existing civic spaces to provide integral and pleasant gathering spaces throughout Downtown. These standards supplement the standards for each Downtown Zone in which the civic spaces are allowed and are intended to complement development and reinforce the highly-valued character and scale of Downtown’s centers and neighborhoods.

## 4.2.020 Applicability

A. This Division applies to any project that requires Major Site Plan Review in compliance with Division 4.1 (Standards for Large Sites).

**B. Civic Space Allocation**

1. As required in Division 4.1 (Standards for Large Sites), projects that require Major Site Plan Review must set aside a minimum of 10 percent of the net project area as civic space. Net project area is the area after subtracting streets right-of-way from the project area.
2. Required civic space may be met by providing one or more of the civic space types that are allowed in the zone. The following are exceptions:
  - a. All sites must include one playground. See Subsection 4.3.030.C.

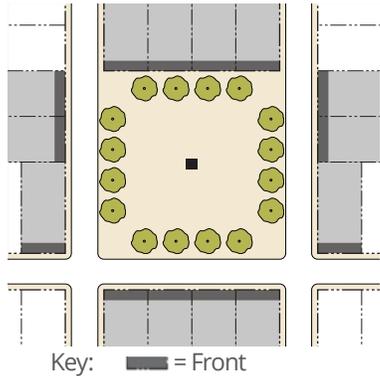


Figure 4.2.020.1

### C. **Civic Buildings**

1. Civic buildings must have direct pedestrian access to the majority of buildings within a 1,500 foot radius.
2. Civic buildings are exempt from the building form standards, but must comply with the frontage standards in Subsection H of the zone standards.
3. **Allocation.** If an existing public meeting space is not located within 1,000 feet from the edge of the site, the site must provide an indoor community space, available for public use. This may be a freestanding building or integrated within another building.

D. **Building Frontage.** The facades on lots adjacent to or across a thoroughfare from a civic space must be oriented to have the building front on to the civic space for a minimum of three quarters of the civic space perimeter, in compliance with the allowed frontages.

E. **Public Access.** Public access and visibility along public parks, civic uses, and natural open spaces, including creeks and drainages, must be maintained through the use of:

1. Single-loaded frontage streets (those with development on one side and open space on the other);
2. Bike and pedestrian paths; or
3. Other methods of frontage that provide similar access and visibility to the open space appropriate in the Downtown Zone.

F. **Accessory Structure Standards.** Accessory structures within civic spaces, including, but not limited to, restrooms, open-air pavilions, gazebos, picnic shelters, and outdoor theaters, are subject to the standards of the applicable zone in Division 2.2 (Downtown Zones).

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## 4.2.030 Overview

- A. This Section identifies the allowed civic space types in the Downtown Zones. The following standards support the intention for large sites with a diverse palette of parks and other publicly accessible civic spaces that are publicly or privately owned.
- B. Multiple civic space types are defined in Table A (Civic Space Type Overview). Two of the civic space types, playgrounds and community gardens, may be incorporated into any of the other types or may stand alone.
- C. Civic and open spaces must be designed and furnished to be consistent with the character of the zone in which they are located. Such consistency may require accessory structures to maintain building setbacks, frontage, massing, disposition and character similar to adjacent development as determined by the Director.
- D. In Table A (Civic Space Type Overview), the illustration and description of each civic space type are illustrative and not regulatory.
- E. The service area, size, frontage and disposition of elements standards of each civic space type are regulatory.
  1. **Service Area.** Describes how the civic space relates to the city as a whole and the intended area to be served by the civic space.
  2. **Size.** The overall range of allowed sizes of the civic space.

- F. **General Characteristics.** The placement of objects within the civic space.
1. **Natural.** Civic spaces with natural character must be designed in a natural manner with no formal arrangement of elements.
  2. **Formal.** Civic spaces with a formal character must be designed in a more rigid layout that follows geometric forms and has trees and other elements arranged in formal patterns.
  3. **Informal.** Civic spaces with an informal character must be designed to have a mix of formal and natural characteristics.
- G. **Typical Facilities.** A list of the typical facilities provided within the civic space. This list is neither intended to be a complete list of facilities allowed nor is it intended that every civic space contain each of the facilities listed. Proposed facilities larger than the indicated gross square footage (GSF) require review and approval by the Director.
- H. The civic spaces specified in Table A (Civic Space Type Overview) are allowed as follows:
1. **By Review Approval.** Allowed if in compliance with the standards and if approved by the Director as part of Site Plan Review or with an Administrative Use Permit.
  2. **Not Allowed.** Civic Space Types not allowed in the zone.

**Table 4.2.030.A Civic Space Type Overview**

Zone	NE	UN		NE	UN		NE	UN	
	NG	DT-MS	UC	NG	DT-MS	UC	NG	DT-MS	UC
Civic Space Type	Greenway			Green			Square		
Illustration									
Description	<p>Linear space for community gathering and strolling for residents and employees, serving multiple neighborhoods. Greenways can serve an important role as a green connector between destinations. Appropriate civic elements, community facility &lt; 5,000 gsf., fountains, benches.</p>			<p>Open space available for unstructured and limited amounts of structured recreation, serving the immediate neighborhood. Appropriate civic elements: community facility &lt; 5,000 gsf., fountains, benches.</p>			<p>Neighborhood focal point available for civic purposes, commercial activity, and passive uses. Appropriate civic elements, kiosk, pergola, community facility &lt; 5,000 gsf, fountains, benches.</p>		
Service Area	Multiple Neighborhoods			Neighborhood			Neighborhood		
Reference to Specific Standards	Section 4.2.040			Section 4.2.050			Section 4.2.060		

Key Z By Review Z Not Allowed

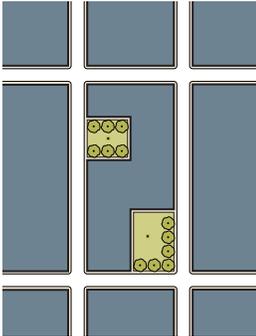
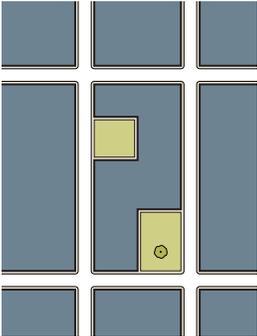
**Table 4.2.040.A Civic Space Type Overview (continued)**

Zone	NE			UN			NE			UN			NE			UN		
	NG	DT-MS	UC	NG	DT-MS	UC	NG	DT-MS	UC	NG	DT-MS	UC	NG	DT-MS	UC	NG	DT-MS	UC
Civic Space Type	Plaza						Pocket Plaza						Pocket Park					
Illustration																		
Description	Community-wide focal point primarily for civic purposes and commercial activities, serving multiple neighborhoods. Plazas are typically hardscaped with planting as accents. Commercial activities are subordinate to Civic activity. Appropriate civic elements: community facility < 5,000 gsf. fountains, benches.						Small-scale, open space available for civic purposes and commercial activity serving the immediate neighborhood, intended as intimate spaces for seating or dining into which commercial and neighborhood activity may spill. Pocket plazas can also be used to create a formal space in front of a prominent building entrance. Appropriate civic elements: community facility < 1,000 gsf., fountains, benches.						Small-scale open space, serving the immediate neighborhood, available for informal activities in close proximity to neighborhood residences. Appropriate civic elements: community facility < 200 sq. ft.					
Service Area	Multiple Neighborhoods						Neighborhood						Neighborhood					
Reference to Specific Standards	Section 4.2.070						Section 4.2.080						Section 4.2.090					

Key Z By Review

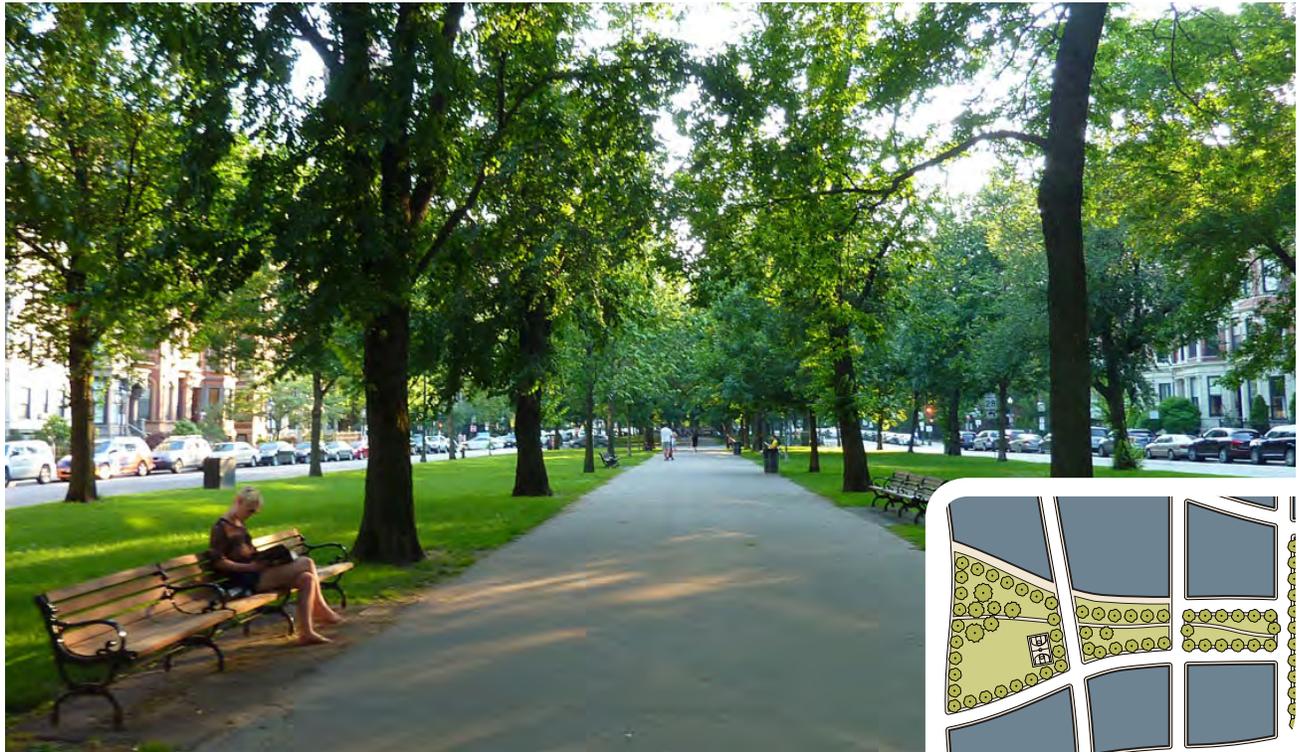
Z Not Allowed

**Table 4.2.040.A Civic Space Type Overview (continued)**

Zone	NE			UN			NE			UN				
	NG			DT-MS			NG			DT-MS			UC	
Civic Space Type	Playground						Community Garden							
Illustration														
Description	<p>Small-scale open space designed and equipped for the recreation of children, serving the immediate neighborhood. These spaces should serve as quiet, safe places protected from the street and typically in locations where children do not have to cross any major streets. An open shelter, play structures or interactive art and fountains may be included with landscaping between. Playgrounds may be included within all other civic space types.</p>						<p>Small-scale open space designed as a grouping of garden plots available to nearby residents for small-scale cultivation. Community gardens should be fenced to protect edible plants from wildlife and may include a small accessory structure for storage. Community gardens may be included within all other civic space types.</p>							
Service Area	Neighborhood						Neighborhood							
Reference to Specific Standards	Section 4.2.100						Section 4.2.110							

Key Z By Review Z Not Allowed

4.2.040 Greenway



NE UN NG DT-MS UC

**A. Description**

Linear space for community gathering and strolling for nearby residents and employees, defined by tree-lined streets forming a one-way couplet on its flanks and by the fronting buildings across the street. Greenways can serve an important role as a green connector between destinations. Appropriate civic elements, community facility < 5,000 gsf., fountains, benches. Service area: Multiple Neighborhoods

**B. General Character**

- Formal or informal

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- Hardscape path

---

- Spatially defined by tree-lined streets and adjacent buildings

**C. Size and Location**

- Width: 30 ft. min.

---

- Must front at least one street

**D. Typical Uses**

- Passive recreation                      Walking/Running

---

- Formal or informal seating

General Note: Images on this page are illustrative, not regulatory.

**4.2.050 Green**



*General Note: Images on this page are illustrative, not regulatory.*

NE	UN	NG	DT-MS	UC
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**A. Description**

Open space available for unstructured and limited amounts of structured recreation. Appropriate civic elements, community facility < 5,000 gsf., fountains, benches. Service area: Neighborhood

**B. General Character**

Informal or formal

Primarily planted areas with paths to and between recreation areas and civic buildings

Spatially defined by tree-lined streets and adjacent buildings

**C. Size and Location**

Depth: 100 ft. min.      Width: 100 ft. min.

**D. Typical Uses**

Unstructured passive and active recreation

Civic uses

Temporary commercial uses

4.2.060 Square



General Note: Images on this page are illustrative, not regulatory.

NE UN NG DT-MS UC

**A. Description**

Neighborhood focal point available for civic purposes, commercial activity, and passive uses. Appropriate civic elements, kiosk, pergola, community facility <5,000 gsf., fountains, benches. Service area: Neighborhood

**B. General Character**

Formal, Urban

Combination of hardscape and planted areas in formal patterns

Spatially defined by tree-lined streets and adjacent buildings

Walkways and plantings at all edges, shaded seating areas

Civic element provided

**C. Size and Location**

Depth: 80 ft. min.                      Width: 125 ft. min.

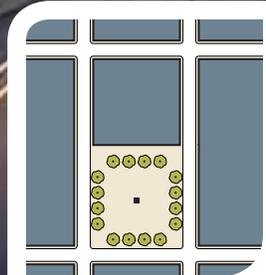
**D. Typical Uses**

Unstructured or structured recreation

Commercial and civic uses

Casual seating and/or outdoor dining

**4.2.070 Plaza**



NE UN NG DT-MS UC

**A. Description**

Community-wide focal point primarily for civic purposes and commercial activities. Plazas are typically hardscaped with planting as accents. Commercial activities are subordinate to civic activity. Appropriate civic elements, community facility < 5,000 gsf., fountains, benches. Service area: Multiple Neighborhoods

**B. General Character**

Formal, Urban  
 Combination of hardscaped and planted areas in formal patterns  
 Spatially defined by buildings and tree-lined streets  
 Civic element provided

**C. Size and Location**

Depth: 80 ft. min.                      Width: 150 ft. min.

**D. Typical Uses**

Civic uses  
 Commercial uses in support of civic uses  
 Passive recreation

*General Note: Images on this page are illustrative, not regulatory.*

4.2.080 Pocket Plaza



- NE
- UN
- NG
- DT-MS
- UC

**A. Description**

Small-scale, open space available for civic purposes and commercial activity, intended as intimate spaces for seating or dining into which commercial and neighborhood activity may spill. Pocket plazas can also be used to create a formal space in front of a prominent building entrance. Appropriate civic elements, community facility < 1,000 gsf., fountains, benches. Service area: Neighborhood

**B. General Character**

- Formal, Urban
- Primarily hardscape with landscape accents
- Spatially defined by building frontages and upper story facades
- Trees and shrubs optional

**C. Size and Location**

Depth: 50 ft. min.                      Width: 50 ft. min.

**D. Typical Uses**

- Civic activity
- Commercial in support of civic activity
- Casual seating and/or outdoor dining

General Note: Images on this page are illustrative, not regulatory.

**4.2.090 Pocket Park**



- NE
- UN
- NG
- DT-MS
- UC

**A. Description**

Small-scale open space, serving the immediate neighborhood, available for informal activities in close proximity to neighborhood residences. Appropriate civic elements, community facility < 200 sq. ft. Service area: Neighborhood

**B. General Character**

- Formal or informal, Urban
- Combination of planted areas and hardscape
- Spatially defined by building frontages and adjacent street trees
- Walkways along edges or across space
- Civic element provided

**C. Size and Location**

Depth: 40 ft. min.                      Width: 40 ft. min.

**D. Typical Uses**

- Civic activity
- Passive recreation, casual seating and/or outdoor seating
- Commercial uses in support of civic activity

*General Note: Images on this page are illustrative, not regulatory.*

## 4.2.100 Playground



*General Note: Images on this page are illustrative, not regulatory.*

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NE UN NG DT-MS UC

### A. Description

Small-scale open space designed and equipped for the recreation of children. These spaces should serve as quiet, safe places protected from the street and typically in locations where children do not have to cross any major streets. An open shelter, play structures or interactive art and fountains may be included with landscaping between. Playgrounds may be included within all other civic space types. Service area: Neighborhood

### B. General Character

Focused toward children

Play structure, interactive art, and/or fountains

Shade and seating provided

Protected from traffic; fenced with minimal exits

Spatially defined by decorative fencing and trees

### C. Size and Location

Depth: No min.

Width: No min.

### D. Typical Uses

Active and passive recreation

Casual seating

## 4.2.110 Community Garden



*General Note: Images on this page are illustrative, not regulatory.*

NE UN NG DT-MS UC

### A. Description

Small-scale open space designed as a grouping of garden plots available to nearby residents for small-scale cultivation. Community gardens may be fenced to protect edible plants from wildlife and may include a small accessory structure for storage. Community gardens may be included within all other civic space types. Service area: Neighborhood

### B. General Character

Plant beds (in-ground or raised)

Accessory structure < 2,500 sf.

Decorative fencing, when fencing present

Spatially defined by adjacent buildings and street trees

### C. Size and Location

Depth: No min.

Width: No min.

### D. Typical Uses

Food production

Passive recreation

# Article 5: Permits and Procedures

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# Division 5.1: Purpose and Applicability

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## Sections

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### 5.1.010 Purpose

This Article establishes procedures for the preparation, filing, and processing of applications for development permits and other entitlements required by this Code that are in addition to those established in Article 10-1 (Zoning Ordinance) of the Hayward Code.

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### 5.1.020 Applicability

- A. This Chapter serves as the zoning regulations for the Plan Area. Unless otherwise specified, the Code will be administered in compliance with Chapter 10 (Planning, Zoning and Subdivisions) of the Hayward Code and enforced by the Planning Department, Planning Commission, and City Council, as applicable.
- B. These procedures reference other chapters and sections of the Code as applicable. All other provisions and applicable standards contained within the Code continues to apply unless specifically replaced or otherwise identified as not applicable in this Chapter.
- C. The provisions of this Chapter are minimum requirements for the protection and promotion of the public health, safety, and general welfare. When this Code provides for discretion on the part of a Review Authority, that discretion may be exercised to impose conditions on the approval of any project proposed within the Downtown Specific Plan area.
- D. **Non-Conforming Uses or Structures.** All applications for new structures or modifications to existing structures under the provisions of this Chapter must comply with the non-conforming standards established in Section 10-1.2915 (Nonconforming Uses) of the Hayward Code.

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### 5.1.030 Review Authority and Planning Approvals

- A. Table A (Review Authority) identifies the City official or body responsible for reviewing and making decisions on each type of application required by this Code.
- B. All applications for property located within the Plan Area are subject to the review and approval of the review authority(s) identified in Table A (Review Authority).

<b>Table 5.1.030.A Review Authority</b>				
<b>Type of Action</b>	<b>Applicable Code Section</b>	<b>Planning Director</b>	<b>Planning Commission</b>	<b>City Council</b>
<b>Administrative and Legislative Actions</b>				
Amendments	Section 10-1.3400 of the Hayward Code	Recommend	Recommend	Decision
<b>Planning Permits and Approvals</b>				
Administrative Use Permit	Section 10-1.3100 of the Hayward Code	Decision	Appeal	Appeal
Conditional Use Permit	Section 10-1.3200 of the Hayward Code	Recommend	Decision	Appeal
Minor Modification	Division 5.2	Decision	Appeal	Appeal
Site Plan Review	Division 5.3	Decision	Appeal	Appeal
Site Plan Review, Major	Division 5.3	Decision	Appeal	Appeal
Temporary Use Permit	Division 5.4	Decision	Appeal	Appeal
Variance	Section 10-1.3300 of the Hayward Code	Recommend	Decision	Appeal
Zoning Conformance Permit	Section 10-1.2950 of the Hayward Code	Decision	Appeal	Appeal
<b>Action Definitions</b>				
"Recommend" means that the review authority makes a recommendation to a higher decision-making body.				
"Decision" means that the review authority makes a final decision on the application.				
"Appeal" means that the review authority may consider and decide upon appeals to the decision of a previous decision-making body.				

- C. When not in conflict with the provisions of this Code, a development application within the Plan Area has available all the legislative, administrative, and permit procedures, including administrative relief, as provided in Article 10-1 (Zoning Ordinance) of the Hayward Code and as listed in Table A (Review Authority).

---

**5.1.040 Enforcement and Concurrent Processing**

- A. This Code will be enforced in compliance with Section 10-1.2800 (Administration and Enforcement) of the Hayward Code and any violations will be addressed in compliance with Section 10-1.2850 (Violations and Penalties) of the Hayward Code.
- B. Multiple applications for the same project will be processed concurrently, and reviewed, and approved or denied by the highest review authority designated by this Code for any of the permits or approvals (i.e., a project for which applications for a General Plan Amendment and a Conditional Use Permit are filed must have both applications decided by the Council, instead of the Planning Commission first deciding on the Conditional Use Permit as otherwise required by Table 5.1.030.A (Review Authority)).

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# Division 5.2: Minor Modifications

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Sections

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5.2.040 Findings for a Decision on a Minor Modification ..... 5-8  
5.2.050 Review and Decision ..... 5-9

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## 5.2.010 Purpose and Applicability

- A. The purpose of a Minor Modification is to streamline and expedite the permitting process by authorizing the Planning Director (Director) to allow minor deviations from certain code standards when such requests constitute a reasonable use of the property but are not otherwise permissible under a strict application of this Chapter.
- B. The provisions of this Division are intended to ensure that development of property within Downtown Zones:
  - 1. Makes a positive contribution to existing development on neighboring properties;
  - 2. Ensures that new or altered structures are compatible and harmonious with the design and use of existing structures on neighboring properties;
  - 3. Respects the existing views, privacy, and access to light and safety of neighboring properties; and
  - 4. Does not adversely affect neighboring properties, with “adversely affect” to mean to impact in a substantial, negative manner the economic value, habitability, or enjoyability of these properties.

---

## 5.2.020 Review Procedure

- A. **Application Filing and Processing.** The application must be filed with the 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 Code. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection 5.2.040 (Findings for a Decision on a Minor Modification).
- B. The Planning Director may approve a Minor Modification as specified in Table 5.2.030.A (Minor Modifications Allowed), only after first determining that the requested modification complies with the findings specified in Subsection 5.2.040 (Findings for a Decision on a Minor Modification).

**5.2.030 Modification Allowed**

- A. **General Modification.** The Director may approve a Minor Modification in any Downtown Zone for a modification of up to 20 percent of any measurable standard prescribed in this Code, only after first determining that the requested modification complies with the findings specified in Section 5.2.040 (Findings for a Decision on a Minor Modification).
- B. **Additional Modification.** In addition to the modification allowed under Subsection A, the Director may approve a modification as provided in Table A (Minor Modifications Allowed).

<b>Table 5.2.030.A Minor Modifications Allowed</b>	
<b>Type of Minor Modification Allowed</b>	<b>Maximum Modification</b>
Reduced front or street-side setbacks, provided at least 25% of the lots on the block contain primary buildings, the subject lot is vacant, and there would be no conflict with the ultimate right-of-way	To the minimum front or street-side yard setback of any primary building along the same block face
Reduced front setbacks for porches, balconies, and stairways	6 feet into the required front setback
Reduced side or rear setbacks for detached private garages and accessory structures, provided the garage or structure is at least 5 feet from a main building or alley right-of-way, at least 50 feet from a front property line, does not exceed 10 feet in height within the required setback, and does not create a condition causing water to drain onto an adjacent site	3 feet into the required side or rear setback
Reduced side setbacks for porches, balconies, and stairways	2 feet into the required setback

**5.2.040 Findings for a Decision on a Minor Modification**

The Director shall review and approve or disapprove an application for a Minor Modification, with or without conditions, only after the following findings are made:

- A. There are special circumstances applicable to the property (e.g., size, shape, topography, location, surroundings, etc.) that the strict application of the Code could deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification;
- B. The special circumstances applicable to the property are not self-imposed by any person presently having and interest in the property;
- C. Granting the Minor Modification will not be materially detrimental to the public health, safety, or welfare and will not impair an adequate supply of light and air to adjacent property;
- D. The requested Minor Modification will not allow the establishment of a use that is not allowed in the zone;
- E. The proposed project is consistent with the Downtown Hayward Specific Plan; and
- F. The proposed project will comply with all applicable standards in this Code.

---

**5.2.050 Review and Decision**

- A. Each Minor Modification application must be reviewed on an individual case-by-case basis. The approval of a previous Minor Modification is not admissible evidence for the approval of a new Minor Modification.
- B. A request for modification that exceeds 10 percent of the required standard is subject to notice in compliance with Section 10-1.2820 (Notice) of the Hayward Code.
- C. A decision on a Minor Modification may be appealed in compliance with Section 10-1.2848 (Appeal and Review Process) of the Hayward Code.

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# Division 5.3: Site Plan Review

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Sections

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5.3.020 Site Plan Review Required . . . . . 5-11

5.3.030 Major Site Plan Review . . . . . 5-12

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## 5.3.010 Purpose

- A. The purpose of this Section is to provide a process for the appropriate review of new development applications and to ensure that all approved projects:
  - 1. Promote the orderly development within the Plan Area consistent with the goals, objectives, and policies of the General Plan and the Downtown Specific Plan;
  - 2. Protect and enhances property values by encouraging high quality design;
  - 3. Respect the physical and environmental features and characteristics of the property and surrounding areas;
  - 4. Ensures safe and convenient access and circulation for pedestrians, bicycles, and motor vehicles;
  - 5. Ensures that new development is appropriate in terms of site design, building scale and form, and the use of the site within the context of surrounding properties; and
  - 6. Allows for and encourages individual identity for specific structures and uses.

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## 5.3.020 Site Plan Review Required

- A. Site Plan Review, in compliance with Section 10-1.300 (Site Plan Review) of the Hayward Code, is required for all new development and site improvements proposed within the Plan Area for which a Building Permit or Grading Permit are required, unless specifically exempted in Subsection B.
- B. **Exemptions.** The following are exempt from the requirements for Site Plan Review but must comply with all other applicable requirements of the Hayward Code and this Code:
  - 1. New/additions/remodeling of existing commercial structures, provided that new construction, additions or remodeling of existing commercial structures does not exceed 1,000 square feet;
  - 2. Additions of floor area within the existing building envelope;
  - 3. Accessory structures not exceeding 120 square feet;
  - 4. Fences or walls;

5. Minor facade and site plan modifications, including for example: replacement of windows and doors where the work does not require a Building Permit; alterations and improvements required to meet federal or State requirements to accommodate persons with disabilities; installation of bicycle lockers, landscaping, and utilities with minimal above-ground structures; and minor architectural enhancements to commercial or institutional structures; and
  6. Satellite dish antennae (mounted on a roof, a building, or the ground) used for personal use.
- C. **Additional Requirements for Projects 30,00 Square Feet or Larger.** Applications for projects 30,000 square feet or larger must comply with contractor prequalification requirements, demonstrating the contractor utilizes apprentices from state-approved, joint labor-management training programs, and offers employees employer-paid health insurance plans.

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### 5.3.030 Major Site Plan Review

Major Site Plan Review, in compliance with Sec. 10-1.3000 (Site Plan Review), is required for the following development projects and uses:

- A. A project involving an addition of more than 30 percent of the gross floor area of a structure or more than 5,000 square feet of impervious surface;
- B. A project impacting or adjacent to a historic, archaeological, or environmentally sensitive feature (e.g., creek);
- C. A project on a site three acres or larger as required by Division 4.1 (Standards for Large Sites); or
- D. Other unusual or unique impacts which, in the opinion of the Director, warrant a public hearing with the Planning Commission.

# Division 5.4: Temporary Use Permits

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## 5.4.010 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, and contribute to the objectives of the Downtown Specific Plan, when reviewed and appropriately conditioned in compliance with this Division. Standards for specific temporary uses are identified in Section 3.5.060 (Temporary Uses).
- B. A Temporary Use Permit is required to allow the temporary uses and/or short-term activities specified in Section 3.5.060 (Temporary Uses), unless exempted by Subsection 3.5.060.D.

## 5.4.020 Review Procedure

- A. **Application Filing and Processing.** The application must be filed with the 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 Code. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection 5.4.030 (Findings).
- B. **Administrative Options.** The Director may approve, conditionally approve, or disapprove a Temporary Use Permit application. The Director’s decision must be based on the findings listed in Section 5.4.030 (Findings). For uses not listed in Section 3.5.060 (Temporary Uses), the 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 Code.
- C. **Conditions of Approval.** In approving a Temporary Use Permit application, the 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 5.4.030 (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.

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### 5.4.030 Findings

The 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.
- D. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at an acceptable off-site location.
- E. The location of the temporary use is within private property as authorized by the property owner and will not occur within public right-of-way.

---

### 5.4.040 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 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 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 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 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.

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**5.4.050 Time Limits**

- A. A Temporary Use Permit is valid for up to 180 days in any given calendar year, unless otherwise stipulated in Section 3.5.060 (Temporary Uses) or the Director determines that another time limit is necessary to comply with the findings in Section 5.4.030 (Findings).
- B. The 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.

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**5.4.060 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 Code.

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# Article 6: Definitions

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# Division 6.1: Purpose and Intent

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## 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.

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## 6.1.020 Land Uses

### A. A-Definitions

**Accessory Dwelling Unit (ADU).** An attached, detached, or internal residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and is located on the same lot as the primary building.

**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 single-family 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**

**Group Home.** The use of any 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 is considered a single Group Home. The term Group Home includes both licensed and unlicensed Group Homes.

1. **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 and will 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:
  - a. 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 a alcoholism or drug abuse recovery or treatment facility (HSC Section 11834.02).
  - b. 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)).
2. **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.

#### 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.

**Live/Work.** An integrated housing unit and working space occupied and used by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes complete kitchen space and sanitary facilities in compliance with the Building Code; and working space reserved for and regularly used by one or more occupants of the unit.

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.

## 6.1.030 General Terms

### A. A-Definitions

**Adjacent.** Sharing a common property line, or with property lines separated only by an alley.

**Adjacent Buildings.** Two or more buildings located upon adjacent lots.

**Allowed Use.** Uses that are allowed by right and are not subject to the conditions of approval, mandatory review periods, or expiration periods as required for Conditional Use Permits or Administrative Use Permits.

**Applicant.** Any person who is filing an application requesting an action who is:

- a. The owner or lessee of property;
- b. A party who has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with this Code, and who presents written authorization from the property owner to file an application with the City; or
- c. The agent of either of the above who presents written authorization from the property owner to file an application with the City.

**Approval.** Includes both approval and approval with conditions by a review authority of the City.

**Architectural Features.** Exterior building elements intended to provide ornamentation to the building massing, including, but not limited to, eaves, cornices, bay windows, oriels, window and door surrounds, light fixtures, canopies, and balconies.

**Awning.** A roof or cover which projects from a wall of a building over a window or door, made of canvas, metal or wood, which may be fixed in place or be retractable.

### B. B-Definitions

**Bay Window.** A window that projects from the building facade or elevation that begins on the ground floor and can extend to upper floors.

**Basement.** That portion of a building between floor and ceiling, which is partly below and partly above grade (see Grade), but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

**Block.** An area of land separated from other areas by adjacent streets, railroads, rights of-way, or public areas.

**Block Face.** The horizontal distance measured from one end of the block to the other end along the same right-of-way.

**Block Perimeter.** The aggregate of all sides of a block measured along the adjacent right-of-way.

**Building.** A habitable structure requiring a certificate of conformance, which consists of one or more of the following foundations that surround an interior space: floors, walls, and roofs. May include, but is not limited to, exterior appurtenant structures such as porches and decks.

1. **Block-Scale.** A building that is individually as large as most or all of a block or when arranged together along a street, appear as long as most or all of a block.
2. **Existing.** See Structure, Existing.
3. **House-Scale.** A building that is within the range of size of a small to large house and set apart from other buildings with setbacks.
4. **Primary.** A building in which the primary use is conducted.

**Buildable Area.** The area in which a building is allowed to be constructed.

**Building Elevation.** The exterior wall of a building not adjacent to a public right-of-way, the front or side along a private street, or civic space.

**Building Entrance.** A point of pedestrian ingress and egress to a building.

**Building Facade.** The exterior wall of a building adjacent to a public right-of-way, the front or side along a private street, or civic space.

**Building Form.** The overall shape and dimensions of a building.

**Building Frontage, Primary.** The length of the property line of any one premises parallel to and along each public right-of-way which it borders and is identified by an address.

**Building Type.** A structure defined by its combination of configuration, disposition and function.

#### C. C-Definitions

**Carriage Building.** See Section 3.3.040 (Carriage Building).

**City.** The City of Hayward.

**City Engineer.** The City Engineer of the City of Hayward.

**Civic Space.** Land that is improved for civic gathering purposes.

**Courtyard Building.** See Section 3.3.110 (Courtyard Building).

**Cottage Court.** See Section 3.3.070 (Cottage Court).

**Council.** The City Council of the City of Hayward.

#### D. D-Definitions

**Director.** The Planning Director of the City of Hayward.

**Detached House.** See Section 3.3.050 (Detached House).

**Distance Between Entries.** The horizontal distance measured parallel to the building facade between entrances to a building or buildings.

**Driveway.** A vehicular lane within a design site or shared between two sites leading to a garage, or other approved parking or loading area.

**Duplex.** See Section 3.3.060 (Duplex).

**Dwelling Unit.** A building, or a portion of a building (e.g., room or group of internally connected rooms), designed for occupancy by one household for residential purposes that has sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, occupied by or intended for the exclusive use of the household. Does not include tents, recreational vehicles, or travel trailers.

**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.

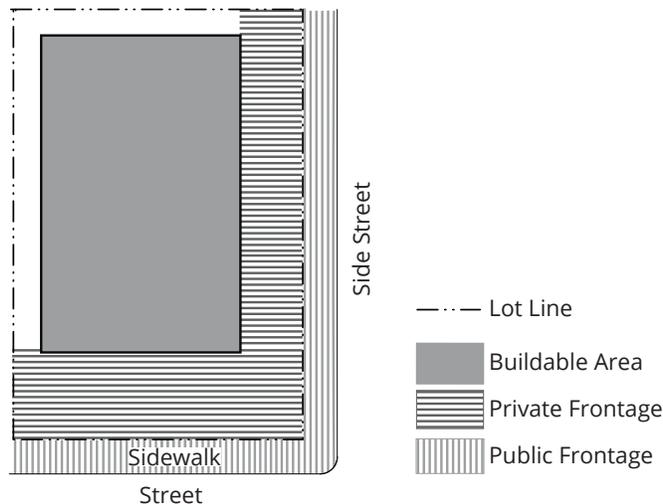


Figure 6.1.030.1 Frontage

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.

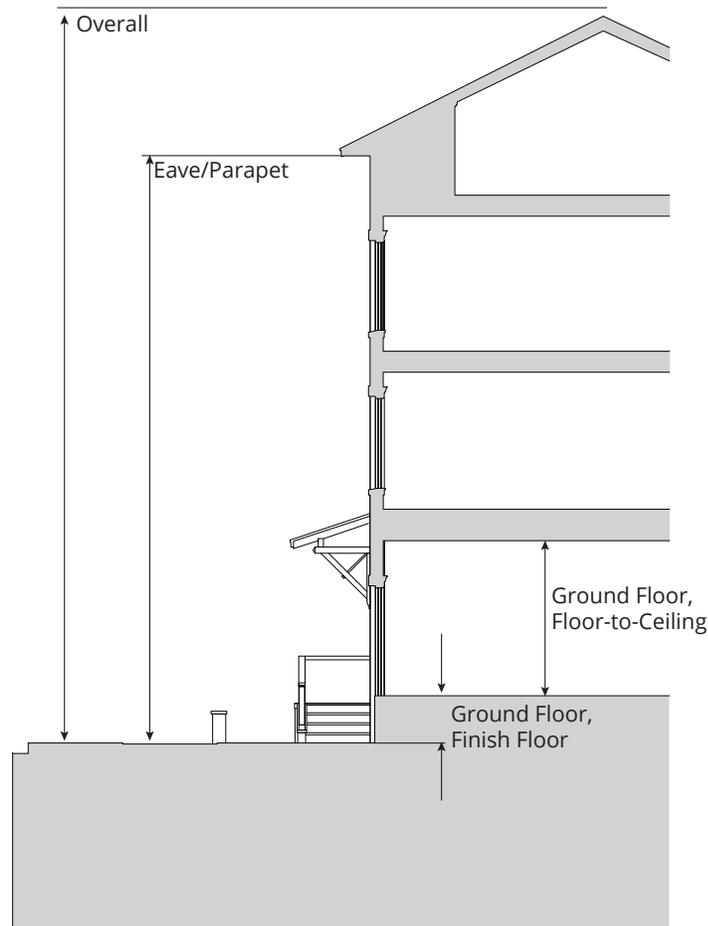


Figure 6.1.030.2 Height

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 Frontage.** The lot line(s) of a lot fronting a thoroughfare, other public way, or a civic space.

**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.

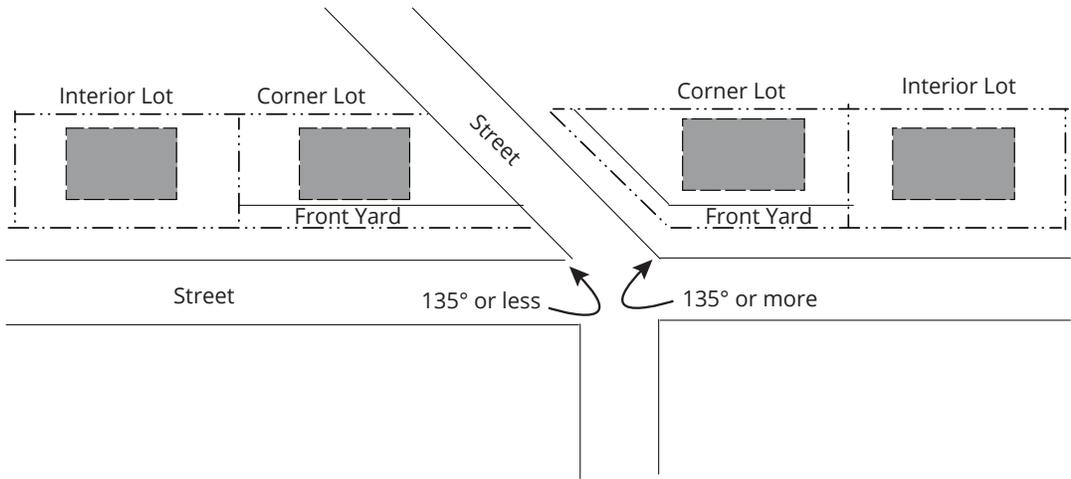


Figure 6.1.030.3 Lot

**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 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.

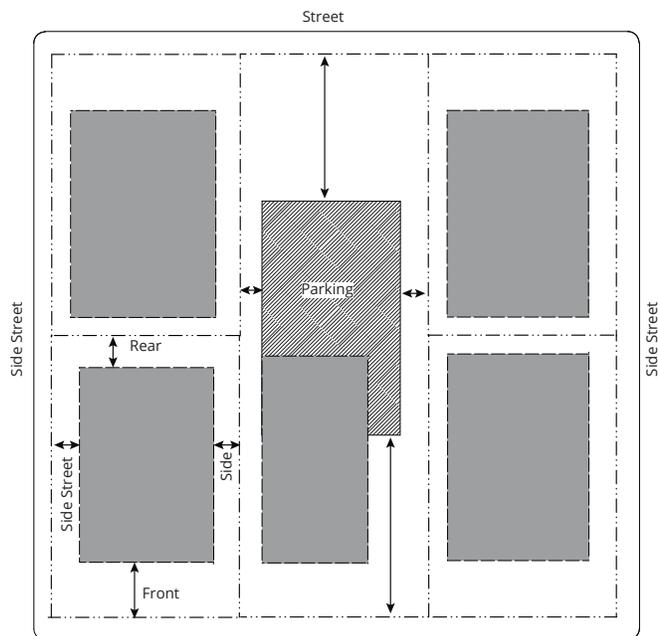


Figure 6.1.030.4 Setback

**Site Plan.** A plan that is to scale and illustrates the proposed physical changes on a lot.

**Stacking area.** The stacking area is the space occupied by vehicles queueing for the service to be provided in a drive-through business.

**Stacked Flats Building.** See Section 3.3.120 (Stacked Flats Building).

**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.

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