

## **ARTICLE 28 DOWNTOWN DEVELOPMENT CODE**

### **10-28.2.3.010 ALLOWED LAND USES AND PERMIT REQUIREMENTS**

- A. **Allowed Land Uses.** The land uses allowed in the Downtown Zones are established in Table A (Allowed Uses in Downtown Zones). Each land use listed in Table A (Allowed Uses in Downtown Zones) is defined in Section 6.1.020 (Land Uses).
- B. **Permit Required.** Land uses identified in Table A (Allowed Uses in Downtown Zones) are subject to the permit requirements listed in the Table.
- C. **Additional Standards.** Table A includes references to additional standards for specific uses in Division 3.5 (Specific to Use) or Chapter 10 (Planning, Zoning, and Subdivisions) of the Hayward Code.
- D. A land use that is not listed in Table A (Allowed Uses in Downtown Zones) is not allowed, unless the Director finds that the proposed use is similar to, compatible with, and is consistent with the purpose of the zone, the General Plan, and the Specific Plan, and the new use will not involve a greater intensity than a listed use.

<b>Table 2.3.010.A Allowed Uses in Downtown Zones</b>							
<b>Land Use Type</b>	<b>Specific to Use Regulations</b>	<b>Permit Required by Zone</b>					
		<b>NE</b>	<b>NG</b>	<b>UN</b>	<b>UN-L</b>	<b>DT-MS</b>	<b>UC</b>
<b>Residential Uses</b>							
Accessory Dwelling Unit(s) (Where primary use is residential)	10-1.2740	P	P	P	P	P	P
<b>Day Care</b>							
Day Care Center		-	<u>P</u> <u>CUP</u>	P	P	P	P
Day Care Home		P	P	P	P	P	P
Dormitory		-	-	AUP	-	AUP	AUP
<b>Group Home</b>							
Small Unlicensed		P	P	P	P	P	P
Large Unlicensed		CUP	CUP	CUP	CUP	CUP	CUP
Small Licensed		P	P	P	P	P	P
Medium Licensed		AUP	AUP	AUP	AUP	AUP	AUP
Large Licensed		CUP	CUP	CUP	CUP	CUP	CUP
Home Occupation	3.5.040	P	P	P	P	P	P
Live/Work	3.5.050	-	P	P	-	P	P
Residential		P	P	P	P	P	P
Single Room Occupancy	10-1.2736(e)	-	-	AUP	-	AUP	AUP
<b>Civic, Education, Entertainment, and Assembly Uses</b>							
<u>Banquet Hall</u>		=	=	=	=	<u>C</u>	<u>C</u>
Cultural or Meeting Facility		AUP	AUP	<u>P_AUP</u>	<u>P_AUP</u>	P	P

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Educational Facility							
< <u>210,000</u> sf		AUP	AUP	P	AUP	P	P
≥ <u>210,000</u> sf		-	-	CUP	-	CUP	CUP
Entertainment Facility		-	-	<u>P</u> <u>AUP</u>	-	P	P
Public Agency Facility		P	P	P	P	P	P
Public Park/Public Gathering		P	P	P	P	P	P
Recreational Facility							
Indoor		AUP	<u>AUP</u> -	<u>P</u> <u>AUP</u>	<u>P</u> <u>AUP</u>	P	P
Outdoor		<u>AUP</u> -	<u>AUP</u> <u>CUP</u>	AUP	<u>AUP</u> -	<u>AUP</u> -	<u>AUP</u> <u>CUP</u>
<u>Studio; fitness, art, dance, music, etc.</u>		-	<u>AUP</u>	<u>P</u>	-	<u>P</u>	<u>P</u>
<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
Check Cashing Store		-	-	CUP	-	CUP	CUP
Drive-in, Retail or Service	10-1.1045j	-	CUP	CUP	-	-	-
Hotel/Motel		-	-	AUP	-	P	P
<u>Massage Establishment</u>		<u>-</u>	<u>-</u>	<u>CUP</u>	<u>-</u>	<u>CUP</u>	<u>CUP</u>
Office		CUP	AUP	P	-	P	P
Pawn Shop		-	-	CUP	-	CUP	CUP
Payday Loan Facility		-	-	CUP	-	CUP	CUP
Personal Services		-	AUP	P	-	P	P
Tattoo		-	-	<u>AUP</u> <u>CUP</u>	-	<u>P</u>	<u>P</u>
<u>—Restricted</u>		-	-	<u>CUP</u>	-	<u>CUP</u>	<u>CUP</u>
<b>Retail and Food Uses</b>							
Artisan/Craft Production		-	CUP	CUP	-	P	P
Bar/Cocktail Lounge/Nightclub	10-1.2750	-	-	-	-	CUP	CUP
<u>Brewery/Winery/Cidery</u>			<u>AUP</u>	<u>AUP</u>		<u>P</u>	<u>P</u>
Commercial Cannabis Retail Dispensary	10-1.3600	-	-	CUP	-	CUP	CUP
<u>Distillery</u>		<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>P</u>	<u>P</u>
Liquor Store	10-1.2750	-	-	-	-	CUP	CUP
<b>Restaurant</b>							
<u>Restaurant—General</u>		-	P	P	-	P	P

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<del>— Full Service</del>	<del>10-1.2750</del>	-	-	CUP	-	P	P
<del>— Drive-In Establishment Through</del>	<del>10-1.1045j 2735e</del>	-	-	CUP	-	-	-
<b>Retail, General</b>							
≤ 10,000 sf		-	CUP	AUP	-	P	P
> 10,000 sf		-	-	CUP	-	AUP	AUP
<b>Auto Uses</b>							
Automobile Sales and Rental		-	-	CUP	-	CUP	-
<del>Minor</del> Automobile Repair <del>and Service Station</del>		-	-	CUP	-	CUP	-
Parking Structure		-	-	CUP	-	AUP	AUP
Passenger Transportation		-	-	AUP	-	AUP	AUP
<b>Other Uses</b>							
<del>Accessory Commercial Unit (ACU)</del>	<del>10-1.2735a</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
<del>P</del> Accessory Uses	3.5.030	P	P	P	P	P	P
Low Barrier Navigation Center	10-1.2736(b)	P	P	P	P	P	P
Temporary Uses	3.5.060	<del>TUP</del> <del>P</del>	<del>TUP</del> <del>P</del>	<del>TUP_P</del>	<del>TUP_P</del>	<del>TUP_P</del>	<del>TUP_P</del>
<b>Key</b> <b>P</b> Permitted <b>AUP</b> Administrative Use Permit <b>CUP</b> Conditional Use Permit <b>TUP</b> Temporary Use Permit      - Not Permitted							

(Amended by Ordinance 21-05, § 4, adopted July 20, 2021; amended by Ordinance 24-01, adopted Jan. 23, 2024; Amended by Ordinance 25-02, § 1(Exh. D), adopted January 21, 2025)

## ARTICLE 10-28.6: DEFINITIONS

### DIVISION 10-28.6.1 PURPOSE AND INTENT

#### 10-28.6.1.010 PURPOSE AND INTENT

This Division describes and classifies ~~land uses and~~ terms that apply to the Downtown Specific Plan and Code. This Division supplements, and supersedes, if in conflict with, the terms defined in Section 10-1.3500 (Definitions) in the Hayward Code.

#### ~~10-28.6.1.020 LAND USES~~

##### ~~A. — A Definitions.~~

**Accessory Use.** A use which is subordinate and incidental in height, bulk, volume and/or use to the lawfully permitted principal use on the same lot, and which does not alter the essential characteristics of said principal use and is in keeping with other uses permitted in the same district. Examples include, but are not limited to:

- a. — A garage, carport, shed, or building for domestic storage;
- b. — A children's playhouse, gazebo, greenhouse, pool, or recreation building;
- c. — Storage of merchandise normally carried in stock on the same lot with any retail service or business use;
- d. — Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities; and
- e. — Off-street parking.

**Animal Hospital.** Any buildings or portion of a building designed or used for the care, observation or treatment of cats, dogs, or other household pets, with incidental boarding. Also referred to as a veterinary hospital. This use does not include animal boarding.

**Artisan/Craft Production.** An establishment manufacturing and/or assembling small products primarily by hand or using low power machinery, including but not limited to clothing, furniture, jewelry, pottery and other ceramics, as well as small glass and metal art and craft products.

**Automobile Sales and Rental.** An establishment engaged in the retail sales, service, rental, and/or leasing of new and used automobiles, trucks, trailers, motorcycles, mopeds, and supplies.

**Automobile Repair and Service Station.** The use of a site for the service, tune-up, and repair of automobiles, noncommercial trucks, or motorcycles, including the sale, installation, and servicing of equipment and parts. This use includes, but is not limited to, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage.

#### B. — B-Definitions.

**Bar/Cocktail Lounge/Nightclub.** Any on-sale alcohol related establishment that engages primarily in the sale, or sale and production of alcoholic beverages and where food service, if any, is subordinate or incidental to the sale of alcoholic beverages. Bars include but are not limited to night clubs, taverns, pubs, cocktail lounges, micro breweries, brew pubs, and similar establishments.

**Bed and Breakfast.** The use of an owner-occupied single family residence for commercial lodging purposes.

**Business/Commercial/Financial Services.** An establishment that provides business, commercial, or financial services including but not limited to banks and other financial institutions, ATMs, computer related services (rental); office equipment sales and service, photo copying and printing, land mailing and mail box services (not operated by the USPS), janitorial services, window cleaning, landscaping, linen supply, appliance repair, exterminators, and personal storage.

#### C. — C-Definitions.

**Commercial Cannabis Retail Dispensary.** See Hayward Municipal Code Section 10-1.3600 (Cannabis)

**Cultural or Meeting Facility.** Facilities maintained to develop, promote, or foster the arts or literature, as well as a clubhouse, lodge hall, and religious meeting places, and ancillary activities as determined by the Director. Includes, but is not limited to, public, quasi-public, or private facilities, for example: aquariums, art galleries and exhibitions, historic sites and exhibits, libraries, and museums. May include but is not limited to accessory retail uses such as a gift/book shop, restaurant, etc.

#### D. — D-Definitions.

**Day Care.**

1. ~~**Day Care Center.** A facility which provides non-medical care to 15 or more children and/or adults in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. May include pre-schools, infant centers, and extended day care facilities.~~

2. ~~**Day Care Home.** The use of a residence to provide day care to 14 or fewer persons, including any children under the age of 10 years who reside at the home.~~

~~**Drive-in, Retail, or Service.** An establishment which accommodates the patrons and their motor vehicles from which the occupants may watch, purchase, or receive goods or services (Includes a drive-in bank or pharmacy, drive-up photo finishing, car wash, gas station, mini-mart with gas, automobile lubrication facility, etc.). Does not include drive-through restaurant.~~

~~**E. — E-Definitions.**~~

~~**Educational Facility.** Facilities maintained to provide instruction to students for the purpose of developing their faculties and powers, and ancillary activities as determined by the Director. May include, but is not limited to, trade schools, a beauty college, or business college.~~

~~**Entertainment Facility.** A facility offering entertainment open to the public for a fee or by membership subscription including, but not limited to, theaters, live performance venues, and music venues.~~

~~**F. — F-Definitions.** No specialized land uses beginning with the letter F are defined at this time.~~

~~**G. — G-Definitions.** No specialized land uses beginning with the letter G are defined at this time.~~

~~**H. — H-Definitions.**~~

~~**Home Occupation.** Any occupation conducted within the living area of a dwelling unit, by persons living there, which the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character of the property. Also referred to as a "Mail and Telephone Business Listing."~~

~~**Hotel/Motel.** A building or group of attached or detached buildings where lodging with or without meals is provided to the general public for compensation typically on a nightly basis in individual sleeping or living units and where a maximum continuous length of stay is no longer than that established for transiency pursuant to Article 8-4 (Transient Occupancy Tax) of the Hayward Code. Does not include institutions where any human being is detained under legal restraint.~~

~~**I. — I-Definitions.** No specialized land uses beginning with the letter I are defined at this time.~~

~~**J. — J-Definitions.** No specialized land uses beginning with the letter J are defined at this time.~~

~~**K. — K-Definitions.** No specialized land uses beginning with the letter K are defined at this time.~~

~~**L. — L-Definitions.**~~

~~**Liquor Store.** An alcoholic beverage sales establishment primarily involving the sale of alcohol where beer, wine or distilled spirits are sold for off-sale consumption.~~

~~**M. — M-Definitions.** No specialized land uses beginning with the letter M are defined at this time.~~

~~**N. — N-Definitions.** No specialized land uses beginning with the letter N are defined at this time.~~

~~**O. — O-Definitions.**~~

~~**Office.** An establishment which provides administrative or professional services (i.e., law firm, stock broker, insurance, or real estate office), or medical or travel agency services, as well as consulting service offices including architects and accountants. This use excludes business/commercial/financial services.~~

~~**P. — P-Definitions.**~~

~~**Parking Structure.** Facilities for the temporary parking of motor vehicles within a privately or publicly owned off-street parking facility. This use includes commercial parking lots and garages.~~

~~**Passenger Transportation.** A service or system which provides transportation between stations or passenger-identified pick-up and drop-off locations (i.e., AC Transit, Amtrak, BART, Greyhound, airport, taxis, pedicabs, and rideshare).~~

~~**Personal Services.** An establishment that provides non-medical services to an individual as a primary use. Examples of these use include but is not limited to barber shops and beauty salons; nail salons, clothing rental; dry cleaning pick-up stores with limited equipment; locksmiths; massage; shoe repair shops; and tailors. These uses may also include, but are not limited to, accessory retail sales of products related to the services provided.~~

~~1. **Restricted.** Personal services that may not be desirable or compatible with certain areas. Dispersal of these uses may reduce any adverse impacts of their placement in these areas, including, but not limited to, payday loan facilities, tattoo parlors, pawn shops, and check-cashing facilities.~~

~~**Public Agency Facility.** Facilities, structures and accessory uses which house public agencies including federal, state, or local government, and other agencies such as utility and telephone companies governed by the Public Utilities Commission.~~

~~**Public Park/Public Gathering.** A park, playground, swimming pool, reservoir, golf course, or athletic field within the City which is under the control, operation, or management of the City of Hayward, Hayward Area Recreation District, Alameda County, the East Bay Regional Park District, or the State of California or Federal Government.~~

~~Q. **Q-Definitions.** No specialized land uses beginning with the letter Q are defined at this time.~~

~~R. **R-Definitions.**~~

~~**Recreational Facility.** A private facility maintained to provide a pastime, sport, or exercise and ancillary activities as determined by the Director. The use may be a commercial or non-commercial facility. Under no circumstance, as a primary, permitted or accessory use, may any Recreational Facility be allowed to operate simulated gambling devices as defined in Article 4-16 (Prohibition of Simulated Gambling Devices) of the Hayward Code.~~

~~1. **Indoor.** Includes, but is not limited to, athletic health clubs, gymnasiums, bowling alleys, ice and roller-skating rinks, pool/billiard parlors, and electronic video arcades.~~

~~2. **Outdoor.** Includes, but is not limited to, sport fields or courts, driving ranges, batting cages, skate parks, and golf courses.~~

~~**Residential.** Buildings used a residence. Includes, but is not limited to, single-family, duplex, triplex, and multi-family housing.~~

~~**Restaurant.**~~

~~1. **General.** Any establishment, other than a boarding house or dormitory, where food and beverages are provided for consumption on-premises or off-premises, and where typically, but not necessarily, there are tables, counters, benches, or other public seating facilities provided, or where food is taken off-premises, disposal containers are provided. Includes, but is not limited to, a sit-down dining facility, fast-food restaurant (no drive-through window), donut shop, pizza shop, cafe, bakery, cafeteria, coffee shop, lunchroom, delicatessen, and ice-cream parlor. Does not include alcohol sales.~~

~~2. **Full Service.** A restaurant with incidental bar, cocktail lounge, or other area designated primarily for the service of alcohol on the premises, which operates as part of the restaurant and is subservient to the primary function of the restaurant. Does not include fast food restaurant.~~

3. ~~**Drive Through.** Any high-volume establishment serving food or beverages which utilizes a building design, site layout, or operating procedure whereby customers can drive onto the premises and remain in their vehicles while food or beverages are sold or dispensed.~~

~~**Retail, General.** Stores and shops selling many lines of merchandise for personal or household consumption. Typical uses may include, but are not limited to, sales of apparel and accessories, antiques, appliances, art and fabric supplies, books, electronics, furniture, jewelry, luggage, office supplies, sporting equipment, as well as department stores, drugstores, flower shops, hardware stores, specialty stores, convenience stores, grocery stores, and variety stores. Does not include the sale of automotive parts or on-site production.~~

S. ~~**S-Definitions.**~~

~~**Studio: Fitness, art, dance, music, etc.** Small-scale facilities focused on the instruction of students of any age group. Does not include activities listed in "Entertainment Facility" or "Recreation Facility." Studio facilities includes, but is not limited to, individual and group instruction and training in the arts; production rehearsal; photography, physical fitness, and martial arts training studios; and gymnastics instruction, aerobics, and gymnastics studios with no other fitness facilities or equipment.~~

T. ~~**T-Definitions.**~~

~~**Temporary Use.** Short-term activities that are not allowed on a permanent basis but because of their temporary non-permanent intermittent or seasonal nature are acceptable. Includes, but is not limited to, mobile businesses, Christmas tree or pumpkin patch lot, farmer's market, fruit stands, garage sales, and auctions.~~

U. ~~**U-Definitions.** No specialized land uses beginning with the letter U are defined at this time.~~

V. ~~**V-Definitions.** No specialized land uses beginning with the letter V are defined at this time.~~

W. ~~**W-Definitions.** No specialized land uses beginning with the letter W are defined at this time.~~

X. ~~**X-Definitions.** No specialized land uses beginning with the letter X are defined at this time.~~

Y. ~~**Y-Definitions.** No specialized land uses beginning with the letter Y are defined at this time.~~

Z. ~~**Z-Definitions.** No specialized land uses beginning with the letter Z are defined at this time.~~

~~(Amended by Ordinance 24-01, adopted Jan. 23, 2024; Amended by Ordinance 25-02, § 1(Exh. D), adopted January 21, 2025)~~

### 10-28.6.1.030 GENERAL TERMS

A. **A-Definitions.**

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

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

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

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

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

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

**Architectural Features.** Exterior building elements intended to provide ornamentation to the building massing, including, but not limited to, eaves, cornices, bay windows, 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.



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

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

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

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

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

D. **D-Definitions.**

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

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

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

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

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

E. **E-Definitions.**

**Encroachment.** Any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, oriel window, bay window, terrace or deck, that breaks the plane of a vertical or horizontal regulatory limit extending into a setback, or beyond the zero lot line into the public frontage, or above a height limit.

**Entry.** An opening, such as a door, passage, or gate, that allows access to a building.

F. **F-Definitions.**

**Facade.** The vertical surface of a building, generally placed facing a street ("front facade").

**Facade Zone.** The area between the minimum and maximum setback lines along the front of a parcel and along the side street of a corner parcel.

**Facility.** An improvement, structure or building that is designed and used for a particular purpose.

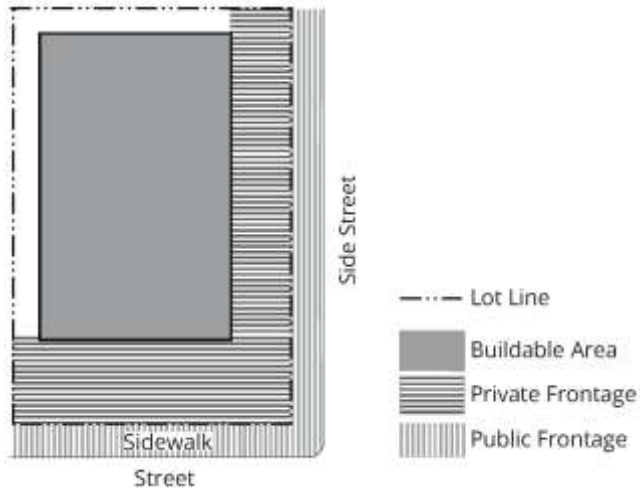
**Fence.** A structure made of wire, wood, metal, masonry, or other material, and typically used as a screen or enclosure for a yard or open space or as a divider along a lot line.

**Footprint.** The outline of the area of ground covered by the foundations of a building or structure.

**Footprint Area.** The total square footage contained within a footprint.

**Frontage.** A strip or extent of land abutting a thoroughfare, civic space, or other public right-of-way. See Figure 1 (Frontage).

1. **Private.** The area between the building facade and the shared lot line between the public right-of-way and the lot.
2. **Public.** The area between the curb of the vehicular lanes and shared lot line between the public right-of-way and the lot.



**Figure 6.1.030.1 Frontage**

**G. G-Definitions.**

**Gable.** A vertical wall in the shape of a triangle formed between the cornice or eave and the ridge of the roof.

**Glazing.** Openings in a building in which glass is installed.

**Grade.**

1. **Existing.** The grade of a site before it is modified by moving earth, adding or removing fill, or installing a berm, retaining wall, or architectural or landscape feature. The development services director may require an applicant to provide a third-party report that shows the existing, or natural grade, of a site.
2. **Finished.** The finished ground level at any point along the exterior walls of a structure. If walls are parallel to and within five feet of a sidewalk, alley or other public way, the level above ground must be measured at the elevation of the sidewalk, alley or public right-of-way.

**Gross Floor Area.** The total floor area inside the building envelope, including the external walls, but not including the roof.

**Ground Floor.** The floor of a building located nearest to the level of the existing grade around the building.

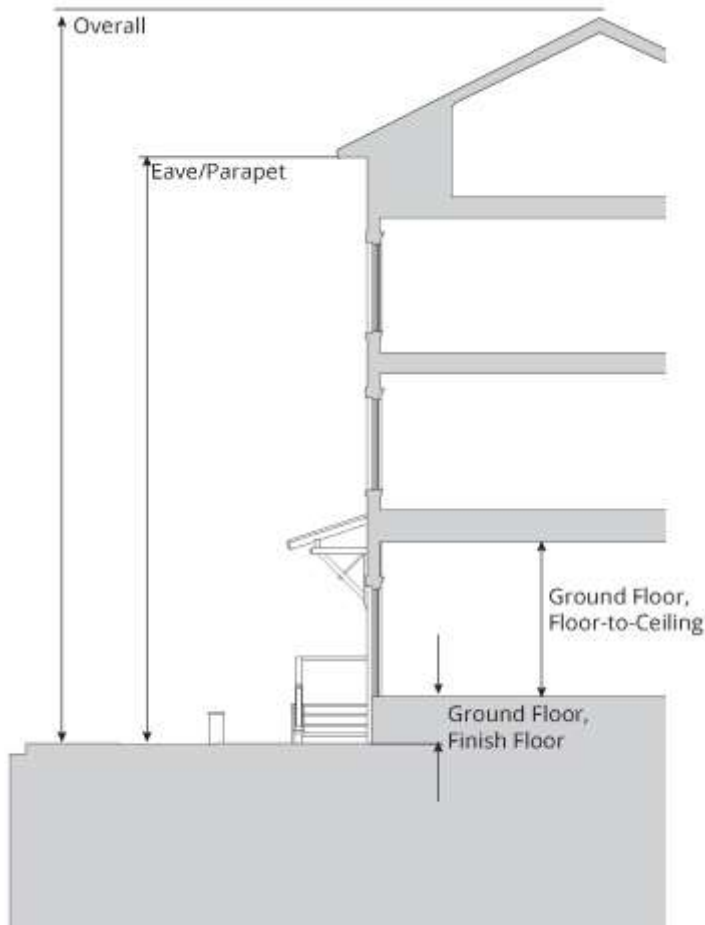
**H. H-Definitions.**

**Hayward Code.** The City of Hayward's Code of Ordinances.

**Height.** See Figure 2 (Height).

1. **Ground Floor, Finished Floor.** Height from finished floor to finished ceiling of primary rooms on the ground floor, not including secondary rooms such as bathrooms, closets, utility rooms, and storage spaces.
2. **Ground Floor, Floor-to-Ceiling.** Height from finished floor to finished ceiling of primary rooms on the floor(s) above the ground floor, not including secondary rooms such as bathrooms, closets, utility rooms, and storage spaces.
3. **Primary Building.** Height can be determined in two ways: to eave/parapet or maximum overall height.

- a. **Overall.** The vertical distance measured from the midpoint of the lowest and highest points of the structure adjacent to the finished grade to the highest point of the structure.
  - b. **Eave/Parapet.** The vertical distance measured from the midpoint of the lowest and highest points of the structure adjacent to the finished grade to the highest eave of the building or top of parapet wall.
4. **Number of Stories.** The number of stories in a structure allowed above grade. A half story is defined as usable living space contained within a sloping roof where the wall plates on at least two opposite exterior walls do not exceed four feet in height.



**Figure 6.1.030.2 Height**

I. **I-Definitions.**

**Impervious Surface.** A surface compacted or covered with a layer of material so it is highly resistant to infiltration of water.

J. **J-Definitions.** No specialized terms beginning with the letter J are defined at this time.

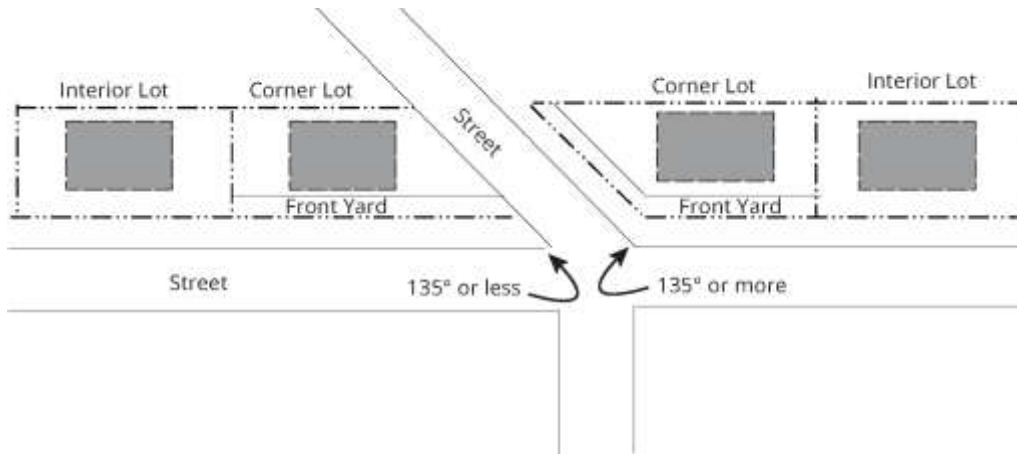
K. **K-Definitions.** No specialized terms beginning with the letter K are defined at this time.

L. **L-Definitions.**

**Lined Building.** See Section 3.3.140 (Lined Building).

**Lot.** A division of land separated from other divisions for purposes of sale, lease or separate use, described on a recorded subdivision plat, recorded map, or by metes and bounds and includes the terms "plat" and "parcel." See Figure 3 (Lot).

1. **Corner.** A lot that abuts the intersection of two or more streets at an angle of not more than 135 degrees. Where the angle of intersection exceeds 135 degrees, the area abutting the two streets shall be a front yard.
2. **Interior.** A lot which is not a corner lot.



**Figure 6.1.030.3 Lot**

**Lot Coverage.** The percentage of total lot area occupied by structures and impervious surfaces.

**Lot Depth.** The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. The Director shall determine lot depth for parcels of irregular configuration.

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

**Lot Line.** Any recorded boundary of a lot.

1. **Front.**
  - a. On an interior lot, the property line separating the lot from the street.
  - b. On a corner lot, the shorter property line abutting a street. If the street-fronting lot lines of a corner lot are equal in length, the Director shall determine the front lot line.
  - c. On a through lot, both lot lines are front lot lines and the lot is considered to have no rear lot line
2. **Rear.** The lot line which is opposite and furthest from the front lot line and does not intersect the front lot line. In the case of an irregular or triangle lot, the rear lot line is parallel to and at a maximum distance from the front lot line, having a minimum length of 10 feet.
3. **Side.** Any lot line that is not a front lot line or a rear lot line.

**Lot Width.** The horizontal distance between the side lot lines, measured at right angles to the depth at a point midway between the front and rear lot lines. The Director shall determine the lot width of an irregularly shaped lot.

**Lot Width (Net).** The lot width exclusive of driveways, right-of-ways, and easements.

M. **M-Definitions.**

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**Main Street (building).** See Section 3.3.130 (Main Street Building).

**Mid-Rise.** See Section 3.3.150 (Mid-Rise Building).

**Multiplex.** See Section 3.3.080 (Multiplex: Small) and Section 3.3.090 (Multiplex: Large).

N. **N-Definitions.** No specialized terms beginning with the letter N are defined at this time.

O. **O-Definitions.**

**Oriel Window.** A window that projects from the building facade, located on upper floors and may extend for multiple stories.

P. **P-Definitions.**

**Primary Street.** A street intended to serve as the principal frontage for a project, to which the front facade and primary building entrance is oriented. Primary streets are intended to provide the greatest degree of pedestrian orientation and access, with less emphasis on vehicular access where it can be avoided.

**Primary Use.** The main purpose for which a lot is developed and occupied. Also, a principal use.

Q. **Q-Definitions.** No specialized terms beginning with the letter Q are defined at this time.

R. **R-Definitions.**

**Regulating Plan.** A map for a development that identifies transect zones to be applied to replace the existing zones and that identifies the civic and open space types, thoroughfare types, building types, and frontage types for the development. Upon approval of the development, the regulating plan's content is incorporated into the Hayward Zoning Map.

**Review Authority.** The individual or official City body (e.g., Planning Director, Planning Commission, City Council) identified by this Code as having the responsibility and authority to review and approve or deny a permit application.

**Right-of-way.** The strip of land dedicated to public use for pedestrian and vehicular movement, which may also accommodate public utilities, that is either publicly owned or subject to an easement for right-of-way purposes benefiting the general public. Right-of-way typically includes streets, alleys, sidewalks, landscape areas, and drainage facilities.

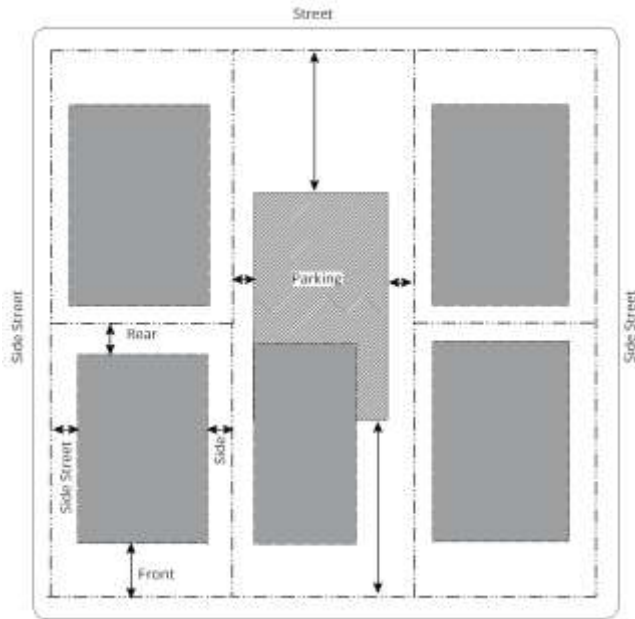
**Rowhouse.** See Section 3.3.100 (Rowhouse Building).

S. **S-Definitions.**

**Screening.** Landscaping, decorative fencing, architectural features, or wall, as allowed by the Downtown Zone, to obstruct the public view of either private area on a design site or of mechanical/utilitarian equipment that does not contribute positively to the streetscape.

**Setback.** The area measured from the lot line to a building facade or elevation that must be maintained open and unobstructed from finished grade to sky with the exception of specifically permitted encroachments. See Figure 4 (Setback).

1. **Front.** An area extending the full width of a lot between the front lot line and the front setback line.
2. **Side.** An area extending the full width of a lot between the side lot line and the side setback line.
3. **Street Side.** An area extending the full width of a lot between the street side lot line and the street side setback line.
4. **Rear.** An area extending the full width of a lot between the rear lot line and the rear setback line.
5. **Parking.** The mandatory clear distance between a lot line and parking.



**Figure 6.1.030.4 Setback**

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

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

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

**State.** The State of California.

**Structure.** Anything constructed or erected, except fences not exceeding six feet in height, which requires permanent location on the ground or is attached to something having location on the ground.

1. **Accessory.** A subordinate structure, the use of which is incidental and secondary to that of the main structure on the same lot. "Accessory structure" does not mean "Accessory Dwelling Unit."
2. **Existing.** A structure legally erected prior to the effective date of this Ordinance, or one for which a valid legal Building Permit has been issued before this effective date of this Ordinance.

T. **T-Definitions.** No specialized terms beginning with the letter T are defined at this time.

U. **U-Definitions.**

**Use.** The specific purposes for which land or a building is designated, arranged, or intended, or for which it is or may be occupied or maintained.

**Unit.** See "Dwelling Unit."

V. **V-Definitions.** No specialized terms beginning with the letter V are defined at this time.

W. **W-Definitions.** No specialized terms beginning with the letter W are defined at this time.

X. **X-Definitions.** No specialized terms beginning with the letter X are defined at this time.

Y. **Y-Definitions.** No specialized terms beginning with the letter Y are defined at this time.

Z. **Z-Definitions.** No specialized terms beginning with the letter Z are defined at this time.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024; Amended by Ordinance 25-02, § 1(Exh. D), adopted January 21, 2025)