

10-24.220 CIVIC SPACES ZONE

- a. The Civic Space Zone (CS) accompanies Transect Zones on the Regulating Plan. The purpose of the CS Zone is for the provision of public Open Space, Civic Buildings and Civic uses. At the South Hayward BART Station, the CS designation is to facilitate use of the South Hayward BART station.
- b. General to CS Zone
 - i. The physical composition of Civic Buildings should result in distinction from common, backstory buildings used for dwelling and commerce through, by way of example, the use of color, material, ornament, massing, Disposition and height.
 - ii. New Civic Buildings and/or exterior alterations to existing Civic Buildings require Site Plan approval by the Commission.
 - iii. Civic Buildings and Lots shall conform to the Functions on Table 9.
 - iv. Civic Buildings should be designed in compliance with the standards applicable to the abutting Transect Zone. However, deviation is permissible and encouraged with Warrant approval where necessary to achieve the intent of Section 10-24.220(a) and 10-24.220(b)(i).
 - v. Open Space shall be generally designed as described in Table 10.
 - vi. Sections 10-24.245, 10-24.255, 10-24.280, and 10-24.285 of this Code are inapplicable to the CS Zone.
 - vii. Buildings and Lots within the CS Zone are encouraged to incorporate the provisions of Section 10-24.270.

10-24.225 BUILDING DISPOSITION

- a. General to T4 and T5 Zones
 - i. One Principal Building at the Frontage, and one Outbuilding of up to 440 square feet located to the rear of the Principal Building, may be built on each Lot as shown in Table 15.
 - ii. The Principal Entrance shall be on a Frontage Line.

b. Specific to T4 Zone

- i. Newly subdivided Lots shall be dimensioned according to Tables 11 and 12A.
- ii. Building Disposition types shall be as shown in Tables 8, 11, and 12A.
- iii. Buildings shall be disposed in relation to the boundaries of their Lots according to Table 11.
- iv. Lot coverage by building shall not exceed that recorded in Table 11 and Table 12A.
- v. Facades shall be built parallel to a rectilinear Principal Frontage Line or to the tangent of a curved Principal Frontage Line, and along a minimum percentage of the Frontage width at the Setback, as specified as Frontage Buildout on Table 11 and Table 12A.
- vi. Setbacks for Principal Buildings shall be as shown in Table 11 and Table 12A. In the case of an Infill Lot, Setbacks shall match one of the existing adjacent Setbacks. Setbacks may otherwise be adjusted by Warrant.
- vii. Rear Setbacks for Outbuildings shall be a minimum of 15 feet measured from the centerline of the Rear Alley easement. In the absence of Rear Alley, the rear Setback shall be as shown in Table 11 and Table 12A.

c. Specific to T5 Zone

- i. Newly subdivided Lots shall be dimensioned according to Tables 11 and 12B.
- ii. Building Disposition types shall be as shown in Tables 8, 11, and 12B.
- iii. Buildings shall be disposed in relation to the boundaries of their Lots according to Tables 11 and 12B.
- iv. Lot coverage by building shall not exceed that recorded in Tables 11 and 12B.
- v. Facades shall be built parallel to a rectilinear Principal Frontage

(3) Include any information requested by the Public Works Director to establish a Precise Plan Line that would enable construction of the New Thoroughfare without preventable financial hardship.

- v. Proposals for the City of Hayward to acquire or purchase New Thoroughfares exclusive of a development project shall still require the establishment of a Precise Plan Line for the New Thoroughfare(s).

10-24.280

SUBDIVISION STANDARDS

a. Intent

- i. The standards of this section intend to work in concert with others provided in the Code and, in doing so, generate buildings which provide primary entrances and windows facing public spaces, enable building Configurations which reflect the intended scale of the Code area, and to prevent large monolithic and repetitive buildings.

b. Applicability.

- i. This section regulates subdivisions, Lot mergers, and Lot line adjustments within the Code area.

c. General to all Zones

- i. All subdivisions shall include Nominal Parcels or Fee Simple Parcels conforming to the Lot Width standards of Table 11.
- ii. Each Lot shall Enfront a vehicular Thoroughfare.
- iii. Condominium subdivisions containing more than one building shall include Nominal Parcels conforming to Lot Width standards of Table 11.
- iv. New development on a pre-existing parcel exceeding the applicable maximum Lot Width of Table 11 shall not occur unless the parcel is first subdivided to provide for Nominal Parcels or Fee Simple Parcels conforming to Table 11.
- v. Lot line adjustments or Lot mergers pertaining to parcels not conforming to the applicable Lot Width requirements of Table

11 may occur so long as they bring the parcels closer into conformance.

- vi. No flag Lot shall be created in the Code area through either a subdivision or Lot line adjustment.
- vii. All New Thoroughfares shall be publicly owned or include an irrevocable easement providing for public access, and Existing Thoroughfares shall not be abandoned to private ownership.

10-24.285 SIGN STANDARDS

- a. Permitted Signs are authorized in all zones subject to the provisions of this Section.
- b. Permitted Signs. Wall, window, awning, projecting, hanging, marquee signs, monument signs, Sidewalk display signs, scrolling signs, and signs of historical or aesthetic significance are permitted.
- c. Prohibited Signs. Roof, pole, animated, revolving, Aerial Sign (except when permitted for promotions), off-premise, flashing, permanent banner and portable (except sidewalk display). In addition, awnings that are translucent or which contain interior lighting for illumination are prohibited.
- d. Colors. Sign colors should relate to the color scheme of the building. No more than three colors should be used on any one sign, unless approved by the Director. In addition, use of "neon" or "dayglow" colors must be approved by the Director.
- e. Lighting. Signs may be illuminated with directional spotlights or indirect lighting if the effect at night is not glaringly bright. External lighting is encouraged.
- f. Graphic Design. Sign construction and sign copy shall be of professional quality. Primary signage shall be designed to identify a business rather than advertise a brand-name product. High contrast between sign, text, and background should be provided but glaring white sign backgrounds and intense colors should be avoided. A letter style that is legible and in scale with the size of the sign frame or background should be used. If more than one sign is used, the signs should be compatible in style.
- g. Sign Installation. All signs, except window signs, require a sign permit

10-24.410 VARIANCES: WARRANTS AND EXCEPTIONS

- a. Type. Variances are classified into two categories – Warrant and Exception - based on their assignment to standards and, consequently, the ability of those standards to further the goals, policies and actions of this Code. Mere economic or financial hardship alone is not sufficient justification for granting either a Warrant or Exception.

- i. Warrant.

- (1) A Warrant is a deviation that would permit a practice that is not consistent with a specific provision of this Code, but is justified by its ability to fulfill this plan's intent while not compromising its goals, policies and actions. All of the following are mandatory requirements unless approval of a Warrant is obtained:

- (A) Table 2 standards applicable to Existing Thoroughfares;
 - (B) Section 10-24.220(b)(iv) (Civic Space Zone);
 - (C) Section 10-24.225(b)(iii) (Building Disposition);
 - (D) Section 10-24.225(b)(v) (Building Disposition);
 - (E) Section 10-24.225(b)(vii) (Building Disposition);
 - (F) Section 10-24.225(b)(viii) (Building Disposition);
 - (G) Section 10-24.225(b)(ix) (Building Disposition);
 - (H) Section 10-24.225(c)(i) (Building Disposition);
 - (I) Section 10-24.225(c)(iii) (Building Disposition);
 - (J) Section 10-24.225(c)(iv) (Building Disposition);
 - (K) Section 10-24.225(c)(vi) (Building Disposition);
 - (L) Section 10-24.225(c)(vii) (Building Disposition);
 - (M) Section 10-24.230(a)(ii) (Building Configuration);
 - (N) Section 10-24.230(b)(iii) (Building Configuration);
 - (O) Section 10-24.230(c)(iii) (Building Configuration);

- (P) Section 10-24.230(c)(xii) (Building Configuration);
- (Q) Section 10-24.245(a)(v) (Parking Standards);
- (R) Section 10-24.245(a)(vi) (Parking Standards);
- (S) Section 10-24.245(a)(vii) (Parking Standards);
- (T) Section 10-24.245(a)(viii) (Parking Standards);
- (U) Section 10-24.245(b) (Parking Standards);
- (V) Section 10-24.245(c) (Parking Standards);
- (W) Section 10-24.250 (Architectural Standards);
- (X) Section 10-24.255 (Fence and Wall Standards);
- (Y) Section 10-24.260 (Landscape Standards);
- (Z) Section 10-24.270(a)(i) (Wind Power) except for prohibitions under Section 10-24.270(a)(i)(10);
- (AA) Section 10-24.275(d)(vii) (Thoroughfare Standards);
- (AB) Section 10-24.275(e)(i) (Thoroughfare Standards);
- (AC) Section 10-24.275(f)(i)(2) (Thoroughfare Standards);
- (AD) Section 10-24.275(f)(i)(3) (Thoroughfare Standards);
- (AE) Section 10-24.275(f)(ii)(1) (Thoroughfare Standards);
- (AF) Section 10-24.275(f)(iii)(1) (Thoroughfare Standards);
- (AG) Section 10-24.275(g)(i) (Thoroughfare Standards);
- (AH) Section 10-24.280(c)(i) (Subdivision Standards);
- (AI) Section 10-24.280(c)(iii) (Subdivision Standards);
- (AJ) Section 10-24.280(c)(iv) (Subdivision Standards);
- (AK) Section 10-24.285 (Sign Standards) except for Prohibited Signs under Section 10-24.285(c); and
- (AL) Section 10-24.290 (Telecommunication Facility Standards).

- (2) Warrants are discouraged but may be permissible when they fulfill the intent of this Code.
 - (3) Warrants are required for all remodels, additions and alterations to designated historic resources not consistent with this Code.
 - (4) Warrants are subject to Director review and action.
- ii. Exception.
- (1) An Exception is a deviation that would permit a practice that is not consistent with a specific provision of this Code that is critical to the furtherance of its goals, policies and actions. All of the following are mandatory requirements unless approval of an Exception is obtained:
 - (A) Maximum Block perimeter distance of Table 11.b;
 - (B) Section 10-24.225(a) (Building Disposition);
 - (C) Section 10-24.225(b)(ii) (Building Disposition);
 - (D) Section 10-24.225(b)(iv) (Building Disposition);
 - (E) Section 10-24.225(c)(ii) (Building Disposition);
 - (F) Section 10-24.230(a)(i) (Building Configuration);
 - (G) Section 10-24.230(a)(iii) (Building Configuration);
 - (H) Section 10-24.230(a)(vi) (Building Configuration);
 - (I) Section 10-24.230(a)(vii) (Building Configuration);
 - (J) Section 10-24.230(b)(i) (Building Configuration);
 - (K) Section 10-24.230(b)(ii) (Building Configuration);
 - (L) Section 10-24.230(b)(iv) (Building Configuration);
 - (M) Section 10-24.230(b)(v) (Building Configuration);
 - (N) Section 10-24.230(b)(vi) (Building Configuration);
 - (O) Section 10-24.230(b)(vii) (Building Configuration);
 - (P) Section 10-24.230(c)(i) (Building Configuration);

- (Q) Section 10-24.230(c)(ii) (Building Configuration);
- (R) Section 10-24.230(c)(v) (Building Configuration);
- (S) Section 10-24.230(c)(vi) (Building Configuration);
- (T) Section 10-24.230(c)(vii) (Building Configuration);
- (U) Section 10-24.230(c)(viii) (Building Configuration);
- (V) Section 10-24.230(c)(x) (Building Configuration);
- (W) Section 10-24.235(a)(v) (Assembly and Religious Facility Functions);
- (X) Section 10-24.245(a)(ii) (Parking Standards);
- (Y) Section 10-24.265 (Visitability Standards);
- (Z) Section 10-24.275(g)(i) (Thoroughfare Standards);
and
- (AA) Section 10-24.280(c)(ii) (Subdivision Standards);

(2) Exceptions are strongly discouraged since they severely compromise the ability to fulfill the intent of this Code.

(3) Exceptions are subject to Commission review and action.

b. Limitations. The following evaluation standards shall not be eligible for Warrants or Exceptions:

- i. Section 10-24.235(a)(i) (Building Functions);
- ii. Section 10-24.240(a)(ii) (Density Standards);
- iii. Section 10-24.280(c)(ii) (Subdivision Standards);
- iv. Section 10-24.280(c)(vi) (Subdivision Standards);
- v. Section 10-24.280(c)(vii) (Subdivision Standards);
- vi. All Code standards relating to Second Dwelling Units; and
- vii. Building Function, land use or activity on a particular site which is not otherwise allowed.

c. Findings. In order to approve a Warrant or Exception, the Director must make all findings as follows:

i. All Warrants:

- (1) Policy Consistency. The Warrant is consistent with the General Plan and overall objectives of this Code.
- (2) Compatibility. The Warrant is justified by environmental features or site conditions; historic development patterns of the property or neighborhood; or the interest in promoting creativity and personal expression in site planning and development.
- (3) NoAdverse Impact. The Warrant would result in development that is not detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and in the same zoning district.
- (4) Special Privilege. The Warrant would not affect substantial compliance with this Code or grant a special privilege inconsistent with the limitations upon other properties in the vicinity and in the same zoning district.

ii. Warrants for remodels, additions and alterations to Historic Resources. In addition to the findings required by Section 10.24-410(c)(i) above, the following finding shall also be required to grant approval for a Warrant involving a Historic Resource:

- (1) Historic Integrity. For remodels, additions and alterations to Historic Resources not consistent with the Code, said proposal results in development that, first and foremost, preserves those portions or features which convey the building's historical, cultural or architectural values, and secondarily, adherence to the Code's intent as reflected by the Purpose and Applicability Statements of Section 10-24.115.

iii. Warrants within Civic Space Zone. The following finding shall also be required to grant approval for a Warrant involving a Civic Building:

- (1) Community Identity. The building and land use provides a public service dedicated to arts, culture, education, recreation, government, transit and/or public parking and is

uniquely designed to feature as a prominent, architecturally significant contribution to the built environment such that deviation from the provisions of this Code is warranted.

- d. Exception Findings. In order to approve an Exception, the following findings are required:
 - i. Uniqueness. That there are unique physical conditions, including irregularity, narrowness or shallowness of Lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular Lot; and that, as a result of such unique physical conditions, practical difficulties or unusual hardship arise in complying strictly with the standards of this Code.
 - ii. Self-Created Hardship. That the practical difficulties or unnecessary hardship claimed as a ground for an Exception have not been created by the owner or by a predecessor in title. However, where all other required findings are made, the purchase of a Lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship.
 - iii. Minimal Deviation. That within the intent and purposes of this Code the Exception, if granted, is the minimum deviation necessary to afford relief; and to this end, the Commission may permit a lesser variance than that applied for.
 - iv. Neighborhood Character. That the Exception, if granted, will not alter the essential character of the neighborhood or Zone in which the Lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.
- f. Submittal Requirements. Each Warrant or Exception application shall include, at a minimum, the following;
 - i. A statement of the evaluation standard or standards that are the subject of the proposed Warrant or Exception;
 - ii. A textual description of the manner in which the applicant proposes to deviate from such evaluation standard or standards;
 - iii. Plans, drawn to scale, showing the nature, location, dimensions, and Elevation of the structure, area, or part thereof that is the

subject of the proposed Warrant or Exception; including the development projects relationship to the surrounding context;

iv. A justification for the proposed variance in light of the requirements set forth above; and

v. Such other information as may be required by the Review Authority.

g. Processing. Both Warrants and Exceptions shall be reviewed and acted upon in accordance with the procedural requirements of this Code and Municipal Code Section 10-1.2800 (Administration and Enforcement).

h. Conditions of approval. In approving a Warrant or Exception, the Review Authority may impose any reasonable conditions to ensure that the approval complies with the findings required above, except as limited by Section 10-24.135(b).

10-24.415 CODE MAINTENANCE

a. Within five (5) years of the Council adopting this Code and every five (5) years thereafter, the Commission shall review the outcomes of this Code and, upon concluding such review, forward its findings to Council.

b. Any provision of this Code that is determined by the Review Authority to need refinement or revision will be corrected by amending this Code as soon as is practical. Until an amendment can occur, the Director will maintain a complete record of all official interpretations to this Code, indexed by the number of the Section that is the subject of the interpretation, and as required by Section 10-24.510(h).

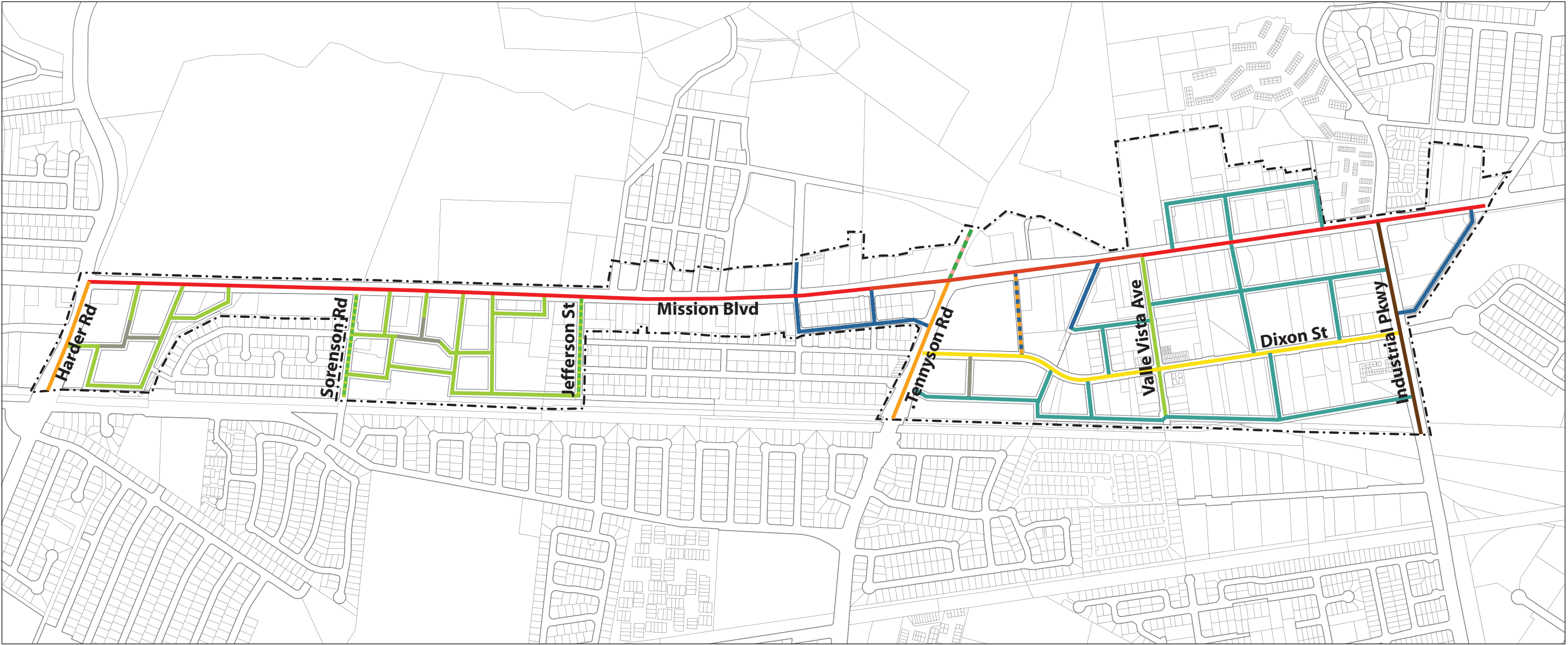
TABLE 14: Approval Requirements Matrix. This table illustrates approval requirements within the Code area.

	Municipal Code Citation	Review Authority Role		
		Director	Commission	Council
a. ADMINISTRATIVE				
Verification of Zoning Compliance	10-23.405(a)(4)	D	A	A
Interpretation	10-23.510	D	A	A
b. PLANNING PERMIT				
Site Plan Review	10-1.3000	D	A	A
Administrative Use Permit	10-1.3100	D	A	A
Conditional Use Permit	10-1.3200	R	D	A
Telecommunications Site Review	Article 13	D	A	A
Density Bonus Application	Article 19	R	D	A
Petition for Precise Plan Line	Article 4	R	R	D
Warrant	10-23.410	D	A	A
Exception	10-23.410	R	D	A
Tentative Parcel Map	10-3.150(b)	D	A	A
Tentative Tract Map	10-3.150(a)	R	D	A
c. LEGISLATIVE				
Development Agreements	Article 9	R	R	D
Zoning Reclassification	10-1.3400	R	R	D
Zoning Text Amendment	10-1.3425	R	R	D

(D) = Review Authority decides whether to approve or disapprove the application.

(R) = Review Authority provides a recommendation to a higher level Review Authority.

(A) = Review Authority considers the appeal of a lower-level Review Authority.

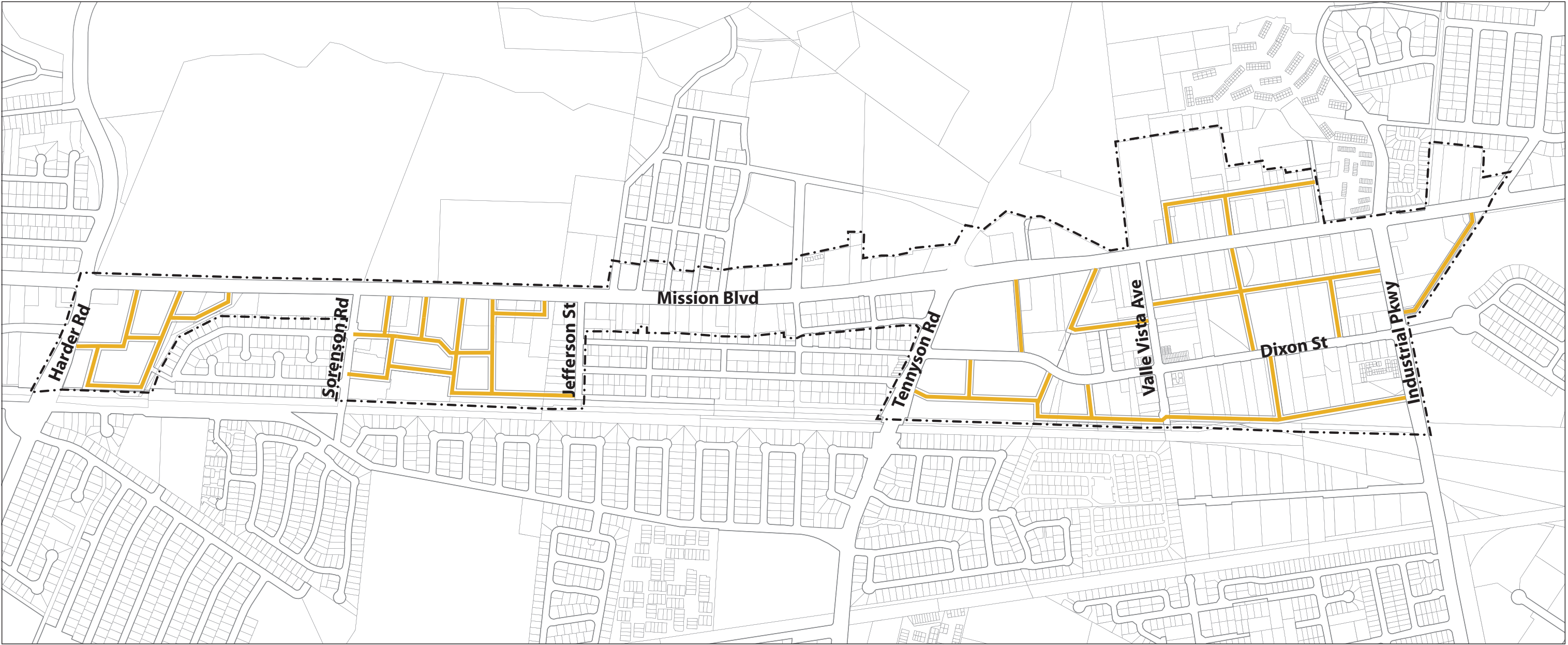


Legend

- - - Project Area
- Parcels
- ST-40-23-BR
- ST-50-28-BR
- ST-60-34-BR
- ST-60-36-BR
- ST-56-34-BR
- ST-66-46-BL
- CS-80-54-BR
- AV-110-72-BL
- AV-100-64/76-TR *
- BV-125-48-BL
- PS-32.5-26

* A Slip Lane (SL-40-20-BR or SL-48-28-BR) may be added on either side of Mission Boulevard, in accordance with Sec. 10-24.275.g.iii





Legend

- Project Area
- Existing Thoroughfares
- New Thoroughfares
- Parcels

