

# **CITY OF HAYWARD**

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)



CITY OF  
**HAYWARD**  
HEART OF THE BAY

## **Agenda**

**Thursday, August 24, 2023**

**7:00 PM**

**Conference Room 2A & Remote Participation (Zoom)**

## **Planning Commission**

**PLANNING COMMISSION MEETING**

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

How to watch the meeting from home:

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

How to submit written Public Comment:

Send an email to [cityclerk@hayward-ca.gov](mailto:cityclerk@hayward-ca.gov) by 3:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the Planning Commission and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda. Written comments received after 3:00 p.m. that address an item on the agenda will still be included as part of the record.

How to provide live Public Comment during the Planning Commission Meeting:

Please click the link below to join the meeting:

<https://hayward.zoom.us/j/85119052367?pwd=VDhYMDNYL1BlRjBqRHd3Rm9LLzdOdz09>

Webinar ID: 851 1905 2367

Passcode: PC8/24@7pm

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

1 669 900 6833 or +1 646 931 3860 (Toll Free)

Webinar ID: 851 1905 2367

Passcode: 5524567068

International numbers available: <https://hayward.zoom.us/j/kwV0INji4>

A Guide to attend virtual meetings is provided at this link: <https://bit.ly/3jmaUxa>

**CALL TO ORDER Pledge of Allegiance****AB 2449 TELECONFERENCE NOTIFICATIONS AND CONSIDERATION****ROLL CALL****PUBLIC COMMENTS**

*The PUBLIC COMMENTS section provides an opportunity to address the Planning Commission on items not listed on the agenda. The Commission welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Commission is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff for further action.*

**WORK SESSION**

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

**1      [WS 23-033](#)      Draft Regulations for the Hayward Residential Design Study**

**Attachments:**      [Attachment I Staff Report](#)  
[Attachment II, Proposed HMC Section 10-1.200, Residential Districts](#)  
[Attachment III Additional Revisions to HMC Chapter 10, Article 1, Zoning Ordinance \(redline\)](#)  
[Attachment IV Revisions to HMC Chapter 10, Article 2, Off-Street Parking Regulations \(redline\)](#)  
[Attachment V List of Parcels Proposed to be Rezoned](#)  
[Attachment VI Map of Parcels Proposed to be Rezoned](#)

**APPROVAL OF MINUTES****2      [MIN 23-087](#)      Minutes of the Planning Commission Meeting on June 22, 2023**

**Attachments:**      [Attachment I Draft Minutes of June 22, 2023](#)

**COMMISSION REPORTS**

Oral Report on Planning and Zoning Matters

Commissioners' Announcements, Referrals

**ADJOURNMENT**

**NEXT MEETING, SEPTEMBER 14, 2023, 7:00PM**

**PLEASE TAKE NOTICE**

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

**PLEASE TAKE FURTHER NOTICE**

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

*\*\*\*Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Permit Center, first floor at the above address. Copies of staff reports for agenda items are available from the Commission Secretary and on the City's website the Friday before the meeting.\*\*\**

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



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**File #:** WS 23-033

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**DATE:** August 24, 2023

**TO:** Planning Commission

**FROM:** Taylor Richard, Associate Planner and Elizabeth Blanton, AICP, Senior Planner

**SUBJECT**

Draft Regulations for the Hayward Residential Design Study

**RECOMMENDATION**

That the Planning Commission provide feedback on the draft regulations for the Hayward Residential Design Study.

**SUMMARY**

The Hayward Residential Design Study is a long range planning project that will result in the development of objective residential design standards as well as zoning amendments that ensure General Plan and Zoning Ordinance consistency. At this work session, staff would like feedback on the following proposed revisions to the Hayward Municipal Code:

- **Consolidated Residential District Section.** Sections 10-1.200 through 10-1.500 of the Municipal Code have been consolidated into a single section governing the four residential zoning districts: Residential Natural Preservation (RNP), Low Density Residential (RL, previously referred to as “RS” or “Single Family Residential”), Medium Density Residential (RM), and High Density Residential (RH). Within this section are new standards and revisions related to building types, setbacks, heights, lot coverage, design standards, and open space. The revised standards are aimed at facilitating new development up to the maximum allowed densities set in the General Plan while promoting visually attractive development that is aligned with community priorities. The new consolidated Residential District is included in its entirety as Attachment II.
- **Additional changes to Chapter 10, Article 1, Zoning Ordinance.** In addition to the consolidated Residential District section, further updates were made to Chapter 10, Article 1 of the Hayward Municipal Code to remove subjective standards related to residential development, align with recent State housing legislation, and complete simple “clean up” updates required by the City’s Housing Element. Revisions to the Zoning Ordinance are provided in redline in Attachment III.
- **Chapter 10, Article 2, Parking Regulations.** The proposed updates also include changes to the

Off-Street Parking Regulations which are aimed at addressing community concerns, introducing new Transportation Demand Management and unbundled parking policies, and ensuring that standards align with State Law. There are also “clean up” revisions to correct terminology for consistency, remove redundancies and consolidate all residential parking standards in this Article. Revisions to the Off-Street Parking Regulations are provided in redline in Attachment IV.

- **Zoning Map Amendments.** The Hayward 2040 General Plan and Zoning Ordinance shape and regulate development throughout the city. Under California State law, the Zoning Ordinance shall be internally consistent and compatible with the General Plan. Furthermore, if inconsistencies exist, residential development is required to fully comply with the General Plan. Of the 20,791 RL zoned parcels in the city, 857 of those parcels have General Plan land use designations which require a greater density than is currently allowed by the RL District. To remedy these inconsistencies, two changes are proposed. First, all residentially zoned parcels will default to their underlying General Plan land use designations to determine the applicable density range. Second, as identified in Attachment V, 49 parcels are proposed to be rezoned where defaulting to the density allowed by the underlying General Plan land use designation is not sufficient to address the inconsistency.

At this work session, staff is requesting specific feedback from the Planning Commission on the following questions related to the draft standards:

- Are any of the proposed development standards and/or Code amendments not right for Hayward?
- Which architectural design standards for multi-unit buildings are appropriate for the Mission Boulevard Code?
- Do you think the proposed open space amenities are weighted appropriately? Are there other amenities that should be included?
- Though a popular development typology, the City of Hayward current requires a Planned Development rezoning for small lot residential subdivisions. Should staff explore an option to allow small lot subdivisions by right as part of this project?
- Do you think the proposed TDM measures and associated reductions are appropriate?
- Do you support the new parking ratios for senior and special needs housing?

## **ATTACHMENTS**

Attachment I Staff Report

Attachment II Proposed HMC Section 10-1.200, Residential Districts

Attachment III Additional Revisions to HMC Chapter 10, Article 1, Zoning Ordinance (redline)

Attachment IV Revisions to HMC Chapter 10, Article 2, Off-Street Parking Regulations (redline)

Attachment V List of Parcels Proposed to be Rezoned

Attachment VI Map of Parcels Proposed to be Rezoned



## SUBJECT

Draft Regulations for the Hayward Residential Design Study

## RECOMMENDATION

That the Planning Commission provide feedback on the draft regulations for the Hayward Residential Design Study.

## SUMMARY

The Hayward Residential Design Study is a long-range planning project that will result in the development of objective residential design standards as well as zoning amendments that ensure General Plan and Zoning Ordinance consistency. At this work session, staff is requesting Commission feedback on the following proposed revisions to the Hayward Municipal Code:

- Consolidated Residential District Section.** Sections 10-1.200 through 10-1.500<sup>1</sup> of the Municipal Code have been consolidated into a single section governing the four residential zoning districts: Residential Natural Preservation (RNP), Low Density Residential (RL, previously referred to as “RS” or “Single Family Residential”), Medium Density Residential (RM), and High Density Residential (RH). Within this section are new standards and revisions related to building types, setbacks, heights, lot coverage, design standards, and open space. The revised standards are aimed at facilitating new development up to the maximum allowed densities set in the *Hayward 2040 General Plan* while promoting visually attractive development that is aligned with community priorities. The new consolidated Residential District is included in its entirety as Attachment II.
- Additional changes to Chapter 10, Article 1, Zoning Ordinance.** In addition to the consolidated Residential District section, further updates were made to Chapter 10,

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<sup>1</sup> HMC Section 10-1.200, Single-Family Residential District (RS):

[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART1ZOOR\\_S10-1.200SIMIREDIRS](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.200SIMIREDIRS)

HMC Section 10-1.300, Residential Natural Preserve District (RNP):

[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART1ZOOR\\_S10-1.300RENAPDIRN](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.300RENAPDIRN)

HMC Section 10-1.400, Medium Density Residential District (RM):

[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART1ZOOR\\_S10-1.400MEDEREDIRM](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.400MEDEREDIRM)

HMC Section 10-1.500, High Density Residential District (RH):

[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART1ZOOR\\_S10-1.500HIDEREDIRH](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.500HIDEREDIRH)

Article 1 of the Hayward Municipal Code to remove subjective standards related to residential development, align with recent State housing legislation, and complete simple “clean up” updates required by the City’s Housing Element. Revisions to the Zoning Ordinance are provided in redline in Attachment III.

- **Chapter 10, Article 2, Parking Regulations.** The proposed updates include changes to the Off-Street Parking Regulations<sup>2</sup> which are aimed at addressing community concerns, introducing new Transportation Demand Management and unbundled parking policies, and ensuring that standards align with State Law. There are also “clean up” revisions to correct terminology for consistency, remove redundancies and consolidate all residential parking standards in this Article. Revisions to the Off-Street Parking Regulations are provided in redline in Attachment IV.
- **Zoning Map Amendments.** The *Hayward 2040 General Plan* and Zoning Ordinance shape and regulate development throughout the city. Under California State law, the Zoning Ordinance shall be internally consistent and compatible with the City’s adopted General Plan. Furthermore, if inconsistencies exist, residential development is required to fully comply with the General Plan. Of the 20,791 RL zoned parcels in the city, 857 of those parcels have General Plan land use designations which require a greater density than is currently allowed by the RL District. To remedy these inconsistencies, two changes are proposed. First, all residentially zoned parcels will default to their underlying General Plan land use designations to determine the applicable density range. Second, as identified in Attachment V, 49 parcels are proposed to be rezoned where defaulting to the density allowed by the underlying General Plan land use designation is not sufficient to address the inconsistency.

At this work session, staff is requesting specific feedback from the Planning Commission on the following questions:

- Does the Commission support the updated development standards being proposed?
- Does the Commission support extending the Design Standards for the Residential Districts to apply to the Mission Boulevard Code Area?
- Does the Commission support the point system for open space amenities? Are there other amenities that should be included?
- Does the Commission support the development of standards to streamline the development review process for small lot single-family residential projects?
- Does the Commission support the updated TDM measures and parking ratios for senior and special needs housing?

## BACKGROUND

*Summary of State Legislation.* In response to California’s housing crisis, the State legislature has passed several laws removing barriers for residential development, protecting existing housing inventory, and expediting permit processing. These laws include Senate Bill 9 (SB 9), Senate Bill 35 (SB 35), and Senate Bill 330 (SB 330).

<sup>2</sup> HMC Chapter 10, Article 2, Off-Street Parking Regulations:

[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART2OREPARE](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART2OREPARE)



Under these State laws, residential development must be approved if the project meets all objective development and design standards and is consistent with the City's Zoning Ordinance and General Plan. Objective standards are defined as standards that "involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available to and knowable by both the development applicant or proponent and the public official before submittal." In other words, an objective standard must be written in such a way that anyone reading it would have the same understanding as to what the standard requires. The draft regulations described later in the report were crafted to ensure their objectivity and align with State law.

*Project Overview.* In 2019, the City of Hayward was awarded an SB 2 Planning Grant by the California Department of Housing and Community Development (HCD) for various housing projects, including the Hayward Residential Design Study. The Hayward Residential Design Study is an update to the City's zoning regulations to support the development of quality housing while ensuring that the City's residential standards are "objective" by including measurable, enforceable, and understandable parameters. In addition, the Study aims to resolve inconsistencies between the General Plan, Zoning Ordinance, and other portions of the Municipal Code to eliminate ambiguity that may pose as a barrier to residential development.

*Kickoff Meeting Joint Session.* On February 1, 2022,<sup>3</sup> the Council and Planning Commission held a joint work session to provide initial guidance and feedback on the Hayward Residential Design Study. The Council and Commission provided significant feedback during this session, including that new standards should address building massing, height and setback standards, frontage treatments including landscaping, aesthetics, relationship to existing development, and the development of "missing middle" housing.<sup>4</sup>

*Initial Public Outreach.* To date, outreach efforts for the Hayward Residential Design Study have included an online community survey, an online interactive mapping tool, in-person "walkshops" (walking workshops) and various in-person community events. These efforts were promoted through the City's e-newsletter, social media platforms, Permit Center, libraries, and community-based organizations. The community survey and promotional materials were provided in Spanish, Mandarin, and English.

Through these efforts, staff has gathered both quantitative and qualitative data that has been used to inform the development of the draft standards and zoning amendments attached to this staff report. Key findings from the outreach include a range of community priorities, including allowing for a variety of architectural styles, avoiding "bulky" buildings, creating a relationship between buildings and the street, ensuring well designed landscaping and open space areas, consideration of an existing neighborhood's design characteristics, and

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<sup>3</sup> Joint Session of City Council and Planning Commission, February 1, 2022:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=5397460&GUID=B175606F-4591-4D2E-B41A-328BD292B038>

<sup>4</sup> The term "Missing Middle Housing" was originally coined by Daniel Parolek of Opticos Design to refer to small scale multi-unit residential development that is naturally more walkable and affordable than traditional detached residential subdivisions. More information about Missing Middle Housing can be found here: <https://missingmiddlehousing.com/about/>.

development of strategies to reduce on-street parking demand. A full summary and analysis of public outreach conducted to date is available on the City's website.<sup>5</sup>

*Informational Reports.* On October 11, 2022<sup>6</sup> and October 27, 2022,<sup>7</sup> the City Council and Planning Commission respectively, received Informational Reports from staff providing a status update on the Hayward Residential Design Study. The Reports and their attachments provided a detailed overview of community outreach conducted to date, a project vision statement and objectives, and background information related to relevant State legislation, including a summary of the City's current regulations for residential development and best practices from surrounding communities. As these items were informational only, no discussions were held, or actions taken.

*Parking Analysis.* On January 24, 2023<sup>8</sup> and February 9, 2023<sup>9</sup>, the City Council and Planning Commission respectively, held work sessions to provide feedback on the proposed Parking Analysis and Recommendations Report associated with the Hayward Residential Design Study. The Council and Commission provided clear guidance during these sessions, including to maintain parking requirements along Mission Boulevard and further consider Transportation Demand Management (TDM) strategies and the unbundling of parking.

*Options and Recommendations Report.* On April 13, 2023<sup>10</sup> and April 18, 2023<sup>11</sup>, the Planning Commission and City Council respectively, held work sessions to provide feedback on the Options and Recommendations Report associated with the Hayward Residential Design Study. Comments and recommendations from the Council and Planning Commissions are summarized below:

- Increased building heights are acceptable if necessary to allow for the maximum densities permitted by the General Plan;
- Employ a menu of options or a points system for design features rather than being overly prescriptive and use specific numbers and percentages for these design features where possible;
- Minimize “boxy” building styles;
- Consider specific standards that distinguish the ground floor, middle, and top of buildings;
- Require stepped back upper floors, including for detached residential units;
- Allow for a diversity of design styles;
- Ensure high quality open spaces that are located outside of required setback areas;

<sup>5</sup> Project Webpage on City of Hayward Website:

<https://www.hayward-ca.gov/your-government/departments/planning-division/residential-design-study>

<sup>6</sup> Informational Report to the City Council, October 11, 2022:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=5866918&GUID=894C7C53-DC5C-4221-B088-0EBF8B2AEA96>

<sup>7</sup> Informational Report to the Planning Commission, October 27, 2022:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=5892998&GUID=7857C30F-1A87-4B4B-9E5E-A8B0339C69FF>

<sup>8</sup> Work Session of the City Council, January 24, 2023: <https://hayward.legistar.com/MeetingDetail.aspx?ID=1067802&GUID=1C292A3B-F528-43B6-BE57-6258FAD071AF&Options=info&Search=>

<sup>9</sup> Work Session of the Planning Commission, February 9, 2023:

<https://hayward.legistar.com/MeetingDetail.aspx?ID=1079506&GUID=73806132-61F2-40A7-ABB7-FE0E8074DF34&Options=info&Search=>

<sup>10</sup> Work Session of the Planning Commission, April 13, 2023:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=6124459&GUID=9247590B-5A20-47F4-9149-33DE135F8263&Options=&Search=>

<sup>11</sup> Work Session of the City Council, April 18, 2023:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=6171585&GUID=D0718FF2-DDC8-4949-9F0C-6FD5FA838B2F&Options=&Search=>

- Incentivize pet relief areas, dog parks, and dog runs in multi-unit development;
- Incentivize or require, where possible, pedestrian and bicycle connections; and
- Consider standards regarding mailbox design, building entrances, and lighting to enhance security.

***Stakeholder Interviews.*** During spring of this year, the project team held interviews with various stakeholders to gather feedback on the recommendations outlined within the Options and Recommendations Report. The stakeholders included market-rate and affordable housing developers, architects, community and housing advocates, neighborhood group representatives and other “walkshop” attendees. The stakeholders expressed support for building height increases, upper story massing requirements, a variety of facade treatments and open space amenity requirements. A comprehensive summary of all stakeholder feedback is available on the project website<sup>12</sup>.

## DISCUSSION

The proposed revisions to the Hayward Municipal Code consist of changes to Chapter 10, Article 1, Zoning Ordinance,<sup>13</sup> including a new, consolidated section for the residential zoning districts, and revisions to Chapter 10, Article 2, Off-Street Parking Regulations. In addition, changes to the Zoning Map are proposed to ensure consistency between the *Hayward 2040 General Plan* and the Zoning Ordinance. The proposed revisions are discussed in detail below.

***Consolidated Residential District Section.*** For the purposes of clarity and easier navigation, Sections 10-1.200 through 10-1.500 of the Municipal Code are proposed to be consolidated into a single section governing the four residential zoning districts: Residential Natural Preservation (RNP), Low Density Residential (RL, previously referred to as “RS” and “Single Family Residential”), Medium Density Residential (RM), and High Density Residential (RH). This consolidation is consistent with other recent updates adopted by the city, including the Industrial District. Within the new Residential District section, some of the proposed development standards, such as building setbacks and heights, are established by zoning district while other proposed standards, such as massing and facade design, are set by building type. This ensures that development within each zoning district maintains a similar scale, while allowing for different design requirements for different building types.

- **Building Types.** In the current Zoning Ordinance, residential uses are classified as single-family dwellings, second single family dwellings, condominiums, townhouses, and multi-family dwellings. The proposed Residential District re-classifies residential uses within three categories, based on number of residential units per building: detached residential units, duplexes/triplexes, and multi-unit residential developments with four or more units. Not only does this provide clearer, more neutral descriptions of

<sup>12</sup> Hayward Residential Design Study Website:

<https://www.hayward-ca.gov/your-government/departments/planning-division/residential-design-study>

<sup>13</sup> HMC Chapter 10, Article 1, Zoning Ordinance:

[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART1ZOOR](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR)

residential building types, but it sets the stage for different development standards for different scales of housing.

- Setbacks.** As shown in Table 1 below, front yard setbacks are proposed to be reduced from 20 feet to 15 feet in the RL District (excluding garages, which must continue to be setback 20 feet to accommodate driveway parking) and 10 feet in the RM and RH Districts. Additionally, side yard setbacks for the RL, RM, and RH Districts have been reduced from 5 to 10 feet, depending on lot width, to 5 feet for all lots. Much of the existing housing stock in Hayward was constructed with 5-foot side setbacks, so this update brings a significant portion of existing development into code compliance. Rear yards in the RM and RH Districts have been reduced from 20 feet to 10 feet. As proposed, these reduced setbacks will allow greater flexibility for site layouts, which the Options and Recommendations Report identifies as critical for development feasibility. However, the proposed setbacks will still allow for ample landscape buffers, which were identified as a priority by the Council, Commission, and community members.

TABLE 1: EXISTING AND PROPOSED YARD SETBACKS					
Standard	Existing	Proposed			
	All Residential Districts	RNP	RL	RM	RH
Front Yard	20	20	15 (primary structure) 20 (attached garage)	10	10
Side Yard	5, or 10% of lot width up to 10' max, whichever is greater	10	5	5	5
Side Street Yard	10	10	10	10	10
Rear Yard	20	30	20	10	10

- Building Heights.** In the existing Zoning Ordinance, building heights are set by zoning district with a 30-foot maximum height allowed in the RL and RNP Districts and a 40-foot maximum height permitted in the RM and RH Districts. The analysis in the Options and Recommendations Report found that these height limits are generally appropriate for detached homes but present a significant constraint for multi-unit development.

To address this, as shown in Table 2, height limits are now proposed to be set based on building type. Detached residential units will continue to be limited to 30 feet or 2-stories in height, regardless of which zoning district they are located in. Duplexes and triplexes in the RL District would also be limited to 30 feet and 2-stories, in order to maintain a consistent massing to existing development. However, duplexes and triplexes located in the higher density RM and RH Districts would be permitted to be built up to 40 feet or 3-stories in height. Further, multi-unit developments would be allowed to build up to 50 feet or 4 stories in the RM District and up to 60 feet or 5 stories in the RH District. While this additional height is necessary to allow buildings in the RM

and RH Districts to be built to the maximum allowed densities, the height limits are still generally lower than what is permitted in the higher density areas of the city, which are concentrated along the Mission Boulevard corridor and in downtown.

TABLE 2: EXISTING AND PROPOSED MAXIMUM BUILDING HEIGHTS					
Standard	Existing	Proposed			
	All Residential Districts	RNP	RL	RM	RH
Detached Residential Unit(s)	30 <sup>1</sup>	30 (2-stories)	30 (2-stories)	30 (2-stories)	30 (2-stories) <sup>4</sup>
Duplex/Triplex	30 - 40 <sup>2</sup>	-	30 (2-stories)	40 (3-stories)	40 (3-stories)
Multi-Unit Residential (4+ Units)	40 <sup>3</sup>	-	-	50 (4-stories)	60 (5-stories)

Notes:

1. Existing height limit in RL and RNP Districts
2. Existing height limit in RL District is 30 feet and in RM and RH Districts is 40 feet.
3. Existing height limit in RM and RH Districts.
4. Only applicable to existing detached residential unit(s)

- **Lot Coverage.** The Options and Recommendations Report identified lot coverage as a constraint to residential development, particularly in the RM and RH Districts. To address this, maximum lot coverage limitations are proposed to be removed from all residential zoning districts and instead, setbacks will define the developable area of each parcel, with height limits tied to the building massing and façade design, which will control the size and massing of structures.
- **Design Standards.** The existing Zoning Ordinance does not include any design requirements for development in the residential zoning districts. Community members, the Council and the Commission expressed support for the adoption of design standards to help ensure that future housing is attractive and consistent with community priorities. As proposed in Sections 10-1.204 to 10-1.206 of Attachment II, the proposed residential design standards are organized into the following three categories:
  - Standards Applicable to All Residential Development. Many of the standards in this section are carried over from the existing Zoning Ordinance. However, some new standards have been introduced requiring building entrances to be visible from streets or walkways, retaining walls to be architecturally treated, and required landscaped areas to be largely covered by plants. In addition, this section specifies that density shall be determined by the General Plan (more on this below) and that hillside developments on slopes exceeding 15 percent shall be “stepped down” the hillside to preserve the natural slope. As proposed, new development would also be required to install landscape buffers with evergreen trees if the new buildings are 15 feet or taller than existing buildings on abutting properties. Finally, there are also significant changes proposed to the open space

requirements for developments with four or more units, which are discussed further below.

- Standards Applicable to Detached Residential Units, Duplexes, and Triplexes (1-3 Units). There are two new standards proposed for Detached Residential Units, Duplexes, and Triplexes, which tend to be smaller in mass and scale than most multi-family residential buildings. First, to control building massing, the floor area of the highest story is restricted to a maximum of 75 percent of the gross floor area of the first floor. This will ensure that two- and three-story buildings have upper floor stepbacks that provide architectural variation and reduce the overall massing of the structure. To ensure further architectural interest, detached residential units, duplexes, and triplexes are also required to use at least two design elements from a menu of options which includes dormer windows, balconies, front porches, building material variety, window detailing, and use of projections or recesses.
- Standards Applicable to Multi-Unit Residential Development (4+ Units). The proposed standards for multi-unit residential development build upon the requirements for smaller structures with some additional standards that are more appropriate to larger buildings. As currently proposed, fourth and fifth stories of buildings are limited to 85 percent of the gross floor area of the first floor to reduce the overall massing of the largest buildings. In addition, facades that exceed 75 feet in length are required to be broken up using recesses or projections. Three design elements are also required from a menu of options, which includes building material variety, roof and façade variation, window detailing, balconies, elevated ground floor units, and additional architectural features. Moreover, in direct response to Council and Commission feedback, four and five story buildings are further required to have a clearly defined base and top that is visually distinct from the middle of the building.
- **Open Space.** Significant revisions are proposed to the open space requirements for residential developments with four or more units in order to provide developers more flexibility and ensure that open space areas are designed to be desirable areas with high quality amenities. Each development will be required to include a combination of common use or private open space equal to at least 150 square feet per dwelling unit. Common use open space can be indoors or outdoors and must be available to all residents. For developments with 21 or more units, at least half of the required open space must be located outdoors. Additionally, as shown in Table 3 below, depending on the number of dwelling units in a development, the project will be required to achieve between 50 and 200 points worth of open space amenities. Proposed open space amenities and their associated points values are listed in Table 4. These points have

been assigned based on perceived level of impact and community interest but can be adjusted if needed.

<b>TABLE 3: RESIDENTIAL OPEN SPACE AMENITIES BY PROJECT SIZE</b>	
<i>Size of Project (number of dwelling units)</i>	<i>Points Value</i>
4 – 10	50
11 – 20	100
21 – 50	150
51 and up	200

<b>TABLE 4: RESIDENTIAL OPEN SPACE AMENITIES AND ASSOCIATED POINTS VALUES</b>	
<i>Amenity Type</i>	<i>Points Value</i>
Courtyard/Garden	
<i>With seating and/or tables for at least 4 people</i>	25
<i>With seating and/or tables for at least 10 people</i>	35
<i>With seating and/or tables for at least 20 people</i>	50
Pergola, shade, trellis or arbor structure	15
Playground with at least 3 pieces of play equipment including slides, swings, monkey bars, climbing walls, etc.	40
Community Garden with at least 5 garden beds	40
Permanent affixed barbecue	15
Outdoor kitchen with a countertop, sink, an appliance and seating and tables for at least 10 people	50
Sports Court	
<i>Bocceball</i>	20
<i>Table Tennis</i>	20
<i>Badminton</i>	30
<i>Tennis</i>	30
<i>Pickleball</i>	30
<i>Basketball</i>	50
Splash Pad or Fountain	25
Swimming Pool or Hot Tub	75
Open Lawn Areas with no dimension less than 10 feet	15

TABLE 4: RESIDENTIAL OPEN SPACE AMENITIES AND ASSOCIATED POINTS VALUES	
Amenity Type	Points Value
Walking/running path at least 1000 linear feet in length with lighting and signage (i.e. mile markers, information boards, etc.)	25
Amphitheater with seating for at least 25 people	75
Community Room	
<i>Library Room with bookshelves and seating for at least 5 people</i>	25
<i>Media Room with television and seating for at least 10 people</i>	35
<i>Game Room with at least two game tables or consoles</i>	30
<i>Gathering Room with countertop, cabinets, and sink</i>	50
<i>Gym/Fitness Room with at least 5 pieces of gym equipment</i>	50
<i>Co-working space with wi-fi, tables and seating for at least 8 people, and a bathroom</i>	75
Fenced Dog Park with trash can	
<i>Measuring at least 50 feet by 20 feet</i>	25
<i>Measuring at least 100 feet by 20 feet with a dog waste bag dispenser and dog water fountain.</i>	50

- **Additional Changes.** Additional changes have been made to the Residential District section of the code to eliminate subjective standards and reduce redundancy. To allow for a detailed comparison, the proposed Residential District is included as Attachment II while the existing residential code sections are found in Sections 10-1.200 to 10-1.500 of the Municipal Code.<sup>14</sup>

*Additional Revisions to Chapter 10, Article 1, Zoning Ordinance.* In addition to the updated Residential District section, updates are also proposed to Chapter 10, Article 1 of the HMC to remove any subjective standards related to residential development, to align with recently adopted State legislation, and to “clean up” some discrepancies following the adoption of the City’s 6<sup>th</sup> Cycle Housing Element. This includes updating the City’s ADU Ordinance to align with State law, adding references to SB 9, AB 2011 and SB 6, and complying with SB 234 to allow home-based daycares, by right, in all districts where residential uses are permitted. Further, a new section has been added about the demolition and replacement of existing housing, consistent with the provisions of SB 330. In addition, the findings within the Reasonable

<sup>14</sup> HMC Section 10-1.200, Single-Family Residential District (RS):

[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART1ZOOR\\_S10-1.200SIMIREDIRS](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.200SIMIREDIRS)

HMC Section 10-1.300, Residential Natural Preserve District (RNP):

[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART1ZOOR\\_S10-1.300RENAPRDIRN](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.300RENAPRDIRN)

HMC Section 10-1.400, Medium Density Residential District (RM):

[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART1ZOOR\\_S10-1.400MEDEREDIRM](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.400MEDEREDIRM)

HMC Section 10-1.500, High Density Residential District (RH):

[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART1ZOOR\\_S10-1.500HIDEREDIRH](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.500HIDEREDIRH)



Accommodations section<sup>15</sup> have been updated and the Special Design District sections have been updated to revise and/or remove subjective standards. All additional revisions to Chapter 10, Article 1, Zoning Ordinance are provided in redline in Attachment III.

Revisions to Article 2, Off-Street Parking Regulations. The proposed updates include changes to the Off-Street Parking Regulations, which are aimed at addressing community concerns and ensuring standards align with State Law and involves some “clean up” revisions to correct terminology for consistency and remove redundancies. The most significant revisions to this Article are discussed below. All additional revisions to Chapter 10, Article 2, Off-Street Parking Regulations are provided in redline in Attachment IV.

- **Unbundled Parking.** The *Hayward 2040 General Plan* states the City should encourage multi-unit developments to separate (i.e., “unbundle”) the cost of parking from lease or rent payments, which is currently explicitly not permitted by the Municipal Code. Aligned with the General Plan, this ban has been removed and replaced with a new regulation which allows developers the option to unbundle parking. When developments opt to offer unbundled parking, the proposed policy requires that a notice be posted in common area(s) that highlights the cost difference in rent for units that forgo a parking spot. The regulation is modeled after the City of Oakland’s Unbundled Parking Policy.<sup>16</sup>
- **Transit Demand Management (TDM).** Currently, the Municipal Code allows for a reduction in the number of required off-street parking spaces for non-residential developments that implement a TDM plan; however, there is no similar option available for residential developments. Aligned with the Parking Analysis and Council and Commission feedback, the proposed updates include a reduction for residential developments of at least 50 units that provide specific TDM measures. Please note only one reduction would be allowed for each project. Table 5 contains a summary of the proposed reductions that would be permitted in exchange for specific TDM measures.

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<sup>15</sup> HMC Section 10-1.145, Reasonable Accommodation:

[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART1ZOOR\\_S10-1.100GEPR\\_S10-1.145REAC](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.100GEPR_S10-1.145REAC)

<sup>16</sup> City of Oakland Unbundled Parking Policy:

[https://library.municode.com/ca/oakland/codes/planning\\_code?nodeId=TIT17PL\\_CH17.116OREPALORE\\_ARTVSTREPALOFA\\_17.116.310UNPA](https://library.municode.com/ca/oakland/codes/planning_code?nodeId=TIT17PL_CH17.116OREPALORE_ARTVSTREPALOFA_17.116.310UNPA)

TABLE 5: RESIDENTIAL TRANSPORTATION SYSTEMS MANAGEMENT PROGRAM	
Reduction Allowed (%)	TDM Measures
10	On-site transit route maps and schedules, a car sharing space AND car sharing membership for all residents
15	A bicycle facility OR a bus shelter
20	A financial contribution for capital improvements OR monthly bus passes made available to all units based on bedroom count

- Senior and Special Needs Housing<sup>17</sup> Parking.** The Municipal Code allows for a 25 percent reduction in parking spaces for senior and special needs housing if certain findings can be made. Based upon TransForm's parking database,<sup>18</sup> an average of 49 percent of parking spaces are unused in the surveyed senior, special needs and affordable housing development projects. Furthermore, the demand for parking in senior and special needs housing developments is typically significantly lower than other residential developments. Instead of allowing a reduction, a new, lower parking ratio (parking spaces per dwelling unit) of 0.5 for senior housing and 0.3 for special needs housing is proposed.
- Driveways and Tandem Parking.** Currently, the Municipal Code requires detached residential units, where there is no street parking, to provide two covered and two uncovered parking spaces per dwelling unit. It is also stated that the driveway area cannot satisfy the uncovered parking space requirement.. The proposed update includes a provision that would allow driveways to satisfy the uncovered parking requirement, as long as they meet the parking space dimensions in the Code. The Code also currently only allows tandem parking for multi-unit dwellings in limited scenarios but the proposed updates would allow tandem parking for multi-unit dwellings, as long as the tandem spaces are assigned to the same unit. Both changes are intended to create additional flexibility for developments needing to meet their parking requirements.

*Consistency with Hayward 2040 General Plan.* The *Hayward 2040 General Plan* and Zoning Ordinance shape and regulate development throughout the city. The General Plan serves as a city's "blueprint" for future decisions concerning a variety of issues. The land use designations within the General Plan determine what densities and general land uses are allowed in various parts of the city. The Zoning Ordinance contains regulations that determine the form and design of development and the specific uses are allowed. Under California State law, the Zoning Ordinance is required to be internally consistent and compatible with the General Plan<sup>19</sup>. Furthermore, if inconsistencies between the General Plan and Zoning Ordinance exist, State law requires that development is comply with the requirements of the General Plan.<sup>20</sup>

<sup>17</sup> This terminology is used to be consistent with terminology in Health and Safety Code Section 15312.

<sup>18</sup> TransForm's Parking Database: <http://database.greentrip.org/>

<sup>19</sup> Government Code Section 65300.5:

[https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=65300.5](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=65300.5).

<sup>20</sup> Government Code Section 65589.5 (j)(4):

[https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=65589.5](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=65589.5).

The City currently has several land use designations and zoning districts that allow for residential development. However, this project focuses on bringing parcels that are zoned Low-Density Residential (RL, previously referred to as “RS” or “Single Family Residential”) into conformance with the densities permitted by the Hayward 2040 General Plan. Of the over 20,000 RL zoned parcels in the city, as shown in Table 6, 857 of these parcels are inconsistent with their underlying residential General Plan land use designations, in that the General Plan requires a higher density than is currently allowed by the Zoning Ordinance.<sup>21</sup> Because of this inconsistency, these parcels would require rezonings and be subject to environmental analysis in order to redevelop, which would not otherwise be required if their General Plan and zoning designations were in alignment.

<b>TABLE 6: GENERAL PLAN RESIDENTIAL LAND USE DESIGNATION INCONSISTENCIES WITH RL ZONING DISTRICT</b>			
General Plan Land Use Designation	Allowed density (dwelling units per acre)	Allowed Residential Uses	Parcels with an Inconsistent RL (RS) Zoning
Limited Medium Density Residential (LMDR)	8.7-12	Detached & attached single-family homes, multi-family homes, second units	85
Medium Density Residential (MDR)	8.7-17.4	Detached & attached single-family homes, multi-family homes, second units	723
High Density Residential (HDR)	17.4-34.8	Attached single-family homes, multi-family homes	7
Commercial High Density Residential	Up to 34.8	Attached single-family homes, mixed use with multi-family homes on upper floor; multifamily homes, live-work units	42
Total			857

The following Zoning Ordinance text and map amendments are proposed to address the inconsistencies shown in Table 6:

- LMDR & MDR Inconsistencies:** A series of Zoning Ordinance text and map amendments is proposed to address the inconsistencies of parcels with Limited Medium Density Residential (LMDR) or Medium Density Residential (MDR) General Plan land use designations, but which are zoned as Low Density Residential (RL). As shown in Table 6, LMDR parcels are required to have a density of 8.7 to 12 dwelling units per acre, while MDR parcels must have a density between 8.7 and 17.4 dwelling units per acre. The RL District does not currently have an explicit density standard, but rather, allowable density is determined through allowed uses (typically one primary detached dwelling unit, or two if a lot exceeds 10,000 square feet) and minimum lot size requirements. In some cases, this creates an inconsistency. For example, for lots that are between 5,001 and 9,999 square feet, only one unit would be allowed per the RL District requirements, while at least two would be required by the LMDR and MDR General Plan

<sup>21</sup> Currently, the RL District does not have an explicit density standard, but rather, allowable density is determined through allowed uses (typically one primary detached dwelling unit, or two if a lot exceeds 10,000 square feet) and minimum lot size requirements.

land use designations. For lots over 15,000 square feet, a maximum of two units would be permitted by the RL District, while at least three would be required by the General Plan designations.

These inconsistencies are proposed to be remedied by amending the Zoning Ordinance to remove references to the number of dwelling units allowed per lot, and instead specify that residential development is allowed at the density set by the applicable General Plan land use designation. However, the form of residential development within the RL District will be limited to two-story detached residential units, duplexes, and triplexes to ensure the new development reflects the size and height of the existing neighborhoods.

- **HDR Inconsistencies:** The majority of RL zoned parcels with a General Plan land use designation of High Density Residential (HDR) are currently developed with religious institutions or multi-unit residential buildings. Based on the existing surrounding development and zoning, five parcels are proposed to be rezoned to High Density Residential (RH) and one rezoned to Medium Density Residential with a minimum lot size of 4,000 square feet (RMB4). The final parcel is a mapping error and should be rezoned to Planned Development in accordance with Ordinance 85-013<sup>22</sup>.
- **CHDR Inconsistencies:** The final group of inconsistencies are parcels zoned as RL with an underlying General Plan land use designation of Commercial High Density Residential (CHDR). Most of the parcels with this inconsistency are located along 12<sup>th</sup> and 13<sup>th</sup> Streets where the existing development is predominately detached residential units. This area is proposed to be rezoned to RM to provide a transition between the higher density residential uses along Mission Boulevard Corridor to the east and the lower density residential areas to the west. There are four parcels which are proposed to be rezoned to High Density Residential (RH), consistent with neighboring parcels and development. The last parcel with this type of inconsistency is County owned, along with the adjacent parcel which is zoned Neighborhood Commercial (CN). The parcel is proposed to be rezoned CN to be consistent with the adjacent parcel under the same ownership.

A comprehensive list and map of all 49 parcels proposed to be rezoned can be found in Attachment V and VI.

*Other Topics for Consideration.* In addition to the revisions described above and detailed in the attachments to this staff report, staff would like the Commission to consider two additional potential updates to the Municipal Code.

- **Mission Boulevard and Downtown Development Codes.** Two other sections of the Municipal Code that regulate residential development are the Mission Boulevard Code (Chapter 10, Article 24)<sup>23</sup> and the Downtown Development Code (Chapter 10, Article

<sup>22</sup> City Council Ordinance 85-013: <https://portal.laserfiche.com/Portal/DocView.aspx?id=53935&repo=r-b6d2994c>

<sup>23</sup> HMC Chapter 10, Article 24, Mission Boulevard Code:

[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART24MIBOCO](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART24MIBOCO)

28).<sup>24</sup> Both of these code sections were updated within the past five years and contain design and development standards that are largely objective already, with one notable exception – the Architectural Standards section of the Mission Boulevard Code (Section 10-24.3.2.010).<sup>25</sup> As currently written, the seven standards within this section covering façade articulation, materials, openings, and roofs would be considered subjective per State law. For ease of understanding and simplicity of implementation, staff recommends that the Mission Boulevard Code adopt the same or similar design standards as are proposed for the Residential Districts (summarized on pages 7 and 8 of this staff report and shown in Attachment II).

- **Small Lot Subdivisions.** Over the past several years, “small lot subdivisions” or detached residential subdivisions with reduced minimum lot sizes of 3,500 to 4,500 square feet and reduced side and rear yard setbacks, have been a popular development typology within Hayward and beyond. Currently, small lot subdivisions are inconsistent with the development standards of the RL District, meaning that properties must be rezoned and environmental review must be conducted in order to allow this type of development, adding significant time and expense to the entitlement process. Staff recommends that the Commission consider amending the RL District to allow reduced lot sizes and setbacks through an administrative review process, possibly with additional design requirements.

Questions. At this work session, staff is requesting specific feedback from the Planning Commission on the following questions related to the draft standards:

- Does the Commission support the updated development standards being proposed?
- Does the Commission support extending the Design Standards for the Residential Districts to apply to the Mission Boulevard Code Area?
- Does the Commission support the point system for open space amenities? Are there other amenities that should be included?
- Does the Commission support the development of standards to streamline the development review process for small lot single-family residential projects?
- Does the Commission support the updated TDM measures and parking ratios for senior and special needs housing?

## NEXT STEPS

Following the Planning Commission work session, staff will present the draft regulations to the City Council for consideration at a work session on September 12, 2023. Using the feedback received from these work sessions, the community input from all project meetings and the outreach events held to date, the final draft of the objective standards and zoning amendments will be brought back to the Planning Commission and City Council for final consideration and adoption later this Fall.

<sup>24</sup> HMC Chapter 10, Article 28, Downtown Development Code:


[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART28DECO](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART28DECO)

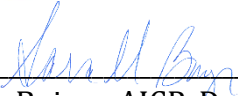
<sup>25</sup> HMC Section 10-24.3.2.010, Architectural Standards:

[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART24MIBOCO\\_SUBARTICLE\\_10-24.3SUZO\\_DIV10-24.3.2GEST\\_10-24.3.2.010ARST](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART24MIBOCO_SUBARTICLE_10-24.3SUZO_DIV10-24.3.2GEST_10-24.3.2.010ARST)

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## Sec. 10-1.200 Residential Districts

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### Sec. 10-1.201 Purpose

- a. **Low Density Residential District (RL).** The RL District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to promote and encourage a suitable environment for households of all types and sizes. The RL District is to suitable for detached residential units, duplexes, triplexes, and the community services appurtenant thereto as permitted by this Zoning Ordinance.
- b. **Residential Natural Preservation District (RNP).** The purpose of the Residential Natural Preservation (RNP) District is to allow for the development of area where topographic configuration is a major consideration in determining the most appropriate physical development of the land, and to allow such development only where it is subservient to and compatible with the preservation of major natural features of the land such as preserving the tree line in this zoning district. It is the intention of the regulations for this district that such district be served by limited circulation facilities, and that it be utilized where large open spaces, individual privacy, and semi-agricultural pursuits are suited to the land.
- c. **Medium Density Residential District (RM).** The RM District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to promote and encourage a suitable environment for households of all types and sizes through a compatible mingling of different housing types and densities and compatible community services.
- d. **High Density Residential District (RH).** The RH District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to promote and encourage a suitable high density residential environment through the development of multiunit buildings and compatible community services.

### Sec. 10-1.202 Use Regulations—Residential Districts

Table 10-1.202, Land Use Regulations—Residential Districts, sets the land use regulations for Residential Districts by letter designation as follows unless a use or activity is prohibited or subject to a higher level of permit pursuant to other parts of this Section, other requirements of the Hayward Municipal Code, or other applicable regulations:

"P" designates permitted uses.

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

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

"-" designates uses that are not allowed.

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

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

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

**TABLE 10-1.202: USE REGULATIONS—RESIDENTIAL DISTRICTS**

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

Use	District				Additional Regulations
	RNP	RL	RM	RH	
Residential Uses					
Detached residential unit(s)	P	P	P	-	Subject to density limitations in the General Plan; See Section 10-1.204 (e) Additions to detached residential units existing before <b>Effective Date</b> are permitted.
Duplex/Triplex	-	P	P	P	Subject to density limitations in the General Plan; See Section 10-1.204 (e)
Multi-unit residential (4+ attached units)	-	-	P	P	Subject to density limitations in the General Plan; See Section 10-1.204 (e)
Accessory dwelling unit(s)	P	P	P	P	Where primary use is residential. See Section 10-1.2740 for criteria and standards.
Two-Unit Development	-	P	-	-	As provided in Government Code Sections 66411.7 and 65852.21, as amended from time to time
Group home (6 or fewer residents, excluding staff)	P	P	P	P	See definitions
Large group home (7 or more residents, excluding staff)	C	C	C	C	
Boarding home	-	-	C	C	
Dormitory	-	-	C	C	
Other Uses					



**TABLE 10-1.202: USE REGULATIONS—RESIDENTIAL DISTRICTS**

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

Use	District				Additional Regulations
	RNP	RL	RM	RH	
Ambulance service	-	A	A	A	
Cultural facility	A	A	A	A	
Day care, home (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff)	P	P	P	P	See definitions
Day care center (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff)	A	A	A	A	See definitions
Educational facility	A	A	A	A	
Hospital, convalescent home	-	A	A	A	
Livestock	A	A	-	-	
Parking lot	-	A	A	A	
Recreational facility	A	A	A	A	
Religious facility	A	A	A	A	
Wind energy conversion system	A	A	A	A	Allowed by right if accessory to a primary use
Golf course	-	C	C	C	
Country club	-	C	C	C	
Public agency facilities	P	P	P	P	See definitions
Accessory buildings and uses	P	P	P	P	See Section 10-1.205a.
Garage sales	P	P	P	P	4 per year per dwelling. See General Regulations Section 10-1.2735.e.
Home Occupation	P	P	P	P	See definitions
Home Occupation, expanded	A	A	A	A	See definitions
Household pets	P	P	P	P	See definitions and Section 10-1.2735
Apiaries	P	P	-	-	See definitions and Section 10-1.2735

**Sec. 10-1.203 Development Standards**

Table 10-1.203, Development Standards-Residential Districts, prescribes the development standards for Residential Districts.

<b>TABLE 10-1.203: DEVELOPMENT STANDARDS—RESIDENTIAL DISTRICTS</b>				
<i>Standard</i>	<i>RNP</i>	<i>RL</i>	<i>RM</i>	<i>RH</i>
<i>Lot Requirements. See also combining B District (Section 10-1.2400)</i>				
Minimum Lot Size (sf)	See also Section 10-1.2720 for Special Lot Requirements			
	20,000	5,000	5,000	7,500
<i>Townhomes</i>	-	Consistent with building footprint and associated private outdoor areas	Consistent with building footprint and associated private outdoor areas	Consistent with building footprint and associated private outdoor areas
Minimum Lot Frontage (ft)	35	35	35	35
	See also Section 10-1.2720 for Special Lot Requirements			
Minimum Flag Lot Frontage (ft)	See City Standard Detail SD-109 for additional flag lot criteria.			
<i>One-Flag Lot</i>	22	22	-	-
<i>Two-Flag Lots</i>	28	28	-	-
Minimum Average Lot Width (ft)	See also Section 10-1.2720 for Special Lot Requirements			
	100	50	60	60
Maximum Rear Yard Coverage	40%	40%	-	-
Minimum Average Lot Depth (ft)	100	80	80	80
<i>Yard Requirements. See also combining B District (Section 10-1.2400)</i>				
Minimum Yards (ft)	See also Section 10-1.2725 for Special Yard Requirements and Exceptions. For townhome-style subdivisions, yard requirements apply to the perimeter of the common ownership property, not individual townhome lots.			
<i>Front Yard</i>	20	15 (street-facing structures) 20 (attached garage)	10	10
<i>Side Yard</i>	10	5	5	5
<i>Side Street Yard</i>	10	10	10	10
<i>Rear Yard</i>	30 from the tree line	20 Exception: Reduction of the	10	10

**TABLE 10-1.203: DEVELOPMENT STANDARDS—RESIDENTIAL DISTRICTS**

<i>Standard</i>	<i>RNP</i>	<i>RL</i>	<i>RM</i>	<i>RH</i>
		required rear yard to 10 feet is permitted for one-story portions of the primary structure(s), provided the required rear yard area is not reduced by more than 20 percent		
<i>Height Limit</i>				
Maximum Height (ft)	See also Section 10-1.2730 for Special Height Requirements and Exceptions			
<i>Building Height</i>				
<i>Detached Residential Unit(s)</i>	30 (2-stories)	30 (2-stories)	30 (2-stories)	30 (2-stories) Only applicable to units existing before <b>Effective Date</b>
<i>Duplex/Triplex</i>	-	30 (2-stories)	40 (3-stories)	40 (3-stories)
<i>Multifamily Residential (4+ Units)</i>	-	-	50' (4-stories)	60' (5-stories)
<i>Accessory Building Height (excluding ADUs)</i>	14 (1-story)	14 (1-story)	14 (1-story)	14 (1-story)
<i>Fences/hedges/walls</i>	See Section 10-1.205(e) for additional standards			
<i>Front and Side Street Yard</i>	4	4	4	4
<i>Side and Rear Yard</i>	7	7	7	7

**Sec. 10-1.204 Minimum Design Standards Applicable to All Districts**

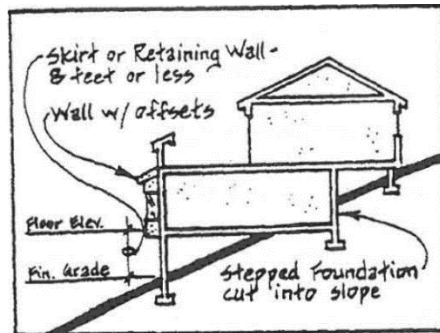
- a. Accessory Buildings, Detached. Detached accessory buildings, including but not limited to carports, garages, greenhouses, freestanding patio covers, and sheds shall meet the following criteria. Does not include Accessory Dwelling Unit(s) - see Section 10-1.2740.
- (1) Shall not be left unfinished with metal or plywood.
  - (2) Shall not be located in a required front yard or side street yard.
  - (3) Shall not be located in front of the primary building, with the exception of detached carports or garages.

- (4) Accessory buildings less than or equal to 120 square feet in area may be setback a minimum of 3 feet from a side and rear property line.
  - (5) Accessory buildings exceeding 120 square feet in area shall be setback a minimum of 5 feet from a side and rear property line.
  - (6) Shall be setback a minimum of 5 feet from any structure.
  - (7) The total area of all accessory buildings shall not exceed 50 percent of the ground floor area of the primary building(s).
  - (8) Accessory buildings may include a bathroom but may not include a kitchen or bedroom.
- b. Additions to Primary Building(s).
- (1) At the time that cumulative additions to a residence increase the original building floor area by more than 50 percent or increase the number of bedrooms, the residence shall be required to provide all required off-street parking (per Section 10-2.200 of the Off-Street Parking Regulations).
- c. Building Entrances.
- (1) At least one residential building shall have a primary entrance facing and visible from a street. The entrances of other residential buildings on site shall face and be visible from either a street, driveway, or a pedestrian walkway.
- d. Decks and Ramps.
- (1) Decks and ramps 12 inches or less in height (excluding railings) may be located in any required yard area.
  - (2) Ramps required for persons with physical disabilities may be located in any required yard area.
  - (3) Decks and ramps between 12 to 30 inches in height (excluding railings) may be located in any rear or side yard but no closer than 3 feet to the rear or side property line.
  - (4) Decks 30 inches or more in height (excluding railings) shall conform to the minimum yard setback requirements of the primary building.
- e. Density.
- (1) Allowable density shall be determined by the parcels General Plan land use designation and net acreage.
  - (2) Net acreage excludes land required for public and private streets, parks, and other public facilities.
- f. Fences, Hedges and Walls. (See also Section 10-1.2725(g).)
- (1) Barbed wire, razor, or electrified fences are prohibited.
  - (2) Retaining Walls.
    - Retaining walls which are not a part of building walls shall not exceed 6 feet in height as measured from finished grade elevation to top of wall.

- A maximum of two successive, approximately parallel retaining walls is permitted when they are separated by a minimum horizontal distance of 6 feet as measured between centerline of the walls.
- Any additional successive walls shall require a minimum of 15 feet separation.
- The sides of exposed exterior retaining walls that are visible from the public right-of-way, private streets and driveways, and private and public common open space shall be architecturally treated with colored concrete, plaster, stone veneer, brick, tile, natural stone, cultured stone, the same material as the primary residential building or acceptable alternative as approved by the Planning Director. Alternatively, the exposed exterior retaining wall shall be screened by landscaping that blocks 50 percent of the visible wall area at maturity.

g. Hillside Standards. Applicable to parcels located in the Hayward Hills, defined as east of Mission Boulevard and south of "D" Street. See Section 10-1.3500 for slope calculation formula. See Section 10-8.23 for additional requirements that exceed 20%.

- (1) Setbacks Abutting Permanent Open Space. All structures, including decks that exceed 12 inches in height, shall be setback a minimum of 30 feet from any rear property line and 10 feet from any side property line that abuts permanent open space, defined as land identified within a Habitat Conservation Plan or Natural Community Conservation Plan, land with a conservation easement, and/or regional park land.
- (2) Slopes Equal to or Exceeding 15 Percent: Where the existing slope is equal to or exceeds 15 percent, dwellings shall exhibit a stepped design that preserves the natural slope by adhering to the following standards:
  - At each point, the lowest floor of the structure shall not exceed eight feet above the adjacent exterior finished grade.



- Grading of areas to the side and rear of the building to create flat open spaces is not permitted on lots with an existing slope exceeding 25 percent.

h. Landscaping.

- (1) Applicable to All Districts
  - Landscape Buffers. New development with building facades that are at least 15 feet taller than the tallest existing buildings on the abutting parcels, shall include a landscape buffer at least 12 feet wide between the new and existing buildings.

- The landscape buffer shall include 15-gallon evergreen trees that create a continuous tree canopy at maturity as defined by the Sunset Western Garden Book.
- Landscaping Near BART or Railroad Track.
  - Parcels abutting and in direct view from the BART or railroad track right-of-way shall include a minimum 10-foot wide landscape strip along the property line(s) abutting or in view from the BART or railroad track right-of-way.
  - A minimum of one 15-gallon buffer tree shall be planted for every 20 lineal feet of property line.

(2) Applicable to RL and RNP Districts

- Required front and street side yards shall be landscaped except for permitted driveways and walkways. At least 75% of the designated landscape areas shall be covered with live plants at maturity as defined by the Sunset Western Garden Book.
- Ground covering mulch shall not include gravel, decorative rock, decomposed granite and non-biodegradable materials.
- A minimum of one 15-gallon-size tree shall be planted within the required front yard and side street yard of each lot.
- Edible fruit bearing or invasive root-system trees as defined by the Invasive Plant Council are prohibited in front or street side yards.
- For a lot with more than 50 feet of street frontage, one tree shall be planted for every 50 feet or fraction thereof of frontage.

(3) Applicable to RM and RH Districts

- All required yards shall be landscaped except for permitted driveways and walkways. At least 75% of the designated landscape areas shall be covered with live plants at maturity as defined by \_\_\_\_.
- Ground covering mulch shall not include gravel, decorative rock, decomposed granite and non-biodegradable materials.
- Edible fruit bearing or invasive root-system trees as defined by the Invasive Plant Council are prohibited in all front and street side yards.
- Street Trees. Street trees shall be planted along all street frontages at a minimum of one 24-inch box tree per 30 lineal feet of frontage or fraction thereof unless otherwise approved by the City Landscape Architect.

- i. Lighting, Exterior. Exterior lighting shall be provided so that light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way.
- j. Mechanical Equipment. All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings so as not to be visible from public rights-of-way. Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners and related equipment, emergency generators, utility meters, cable equipment,

backflow preventers, irrigation control valves, electrical transformers, pull boxes, and ducting. Screening materials shall be consistent with the exterior colors and materials of the building. The Planning Director or other approving authority may waive this requirement where screening is infeasible due to existing development or health and safety or utility requirements.

- k. Open Space. For developments with four or more residential units, a minimum of 150 square feet of open space is required per dwelling unit. Common use and/or private open space can be used to satisfy this requirement.
- (1) For a development with 21 or more units, 50 percent of the required open space shall be outside.
  - (2) Required open space shall not include the required front or side street yard or exceed 5 percent slope.
  - (3) Common use open space shall be available to all residents.
  - (4) Private open space which is directly available to individual units shall adhere to the following requirements.
    - Private open space areas shall be at least 50 square feet in size and shall have no dimension less than 5 feet.
    - Grade-level open space shall be screened from view by fencing or landscaping.
  - (5) All new developments shall achieve the following point values for residential amenities, based on the total number of dwelling units in the project. For amenities not listed, the Planning Director may assign point values based on similarities to listed amenities. The residential amenities may be used to satisfy the open space requirement specified above.

**TABLE 10-1.204.1: RESIDENTIAL OPEN SPACE AMENITIES BY PROJECT SIZE**

<i>Size of Project (number of dwelling units)</i>	<i>Points Value</i>
4 – 10	50
11 – 20	100
21 – 50	150
51 and up	200

**TABLE 10-1.204.2: RESIDENTIAL AMENITIES AND ASSOCIATED POINTS VALUE**

<i>Amenity Type</i>	<i>Points Value</i>
Courtyard/Garden	
<i>With seating and/or tables for at least 4 people</i>	25
<i>With seating and/or tables for at least 10 people</i>	35
<i>With seating and/or tables for at least 20 people</i>	50
Pergola, shade, trellis or arbor structure	15
Playground with at least 3 pieces of play equipment including slides, swings, monkey bars, climbing walls, etc.	40
Community Garden with at least 5 garden beds	40
Permanent affixed barbecue	15
Outdoor kitchen with a countertop, sink, an appliance and seating and tables for at least 10 people	50
Sports Court	
<i>Bocceball</i>	20
<i>Table Tennis</i>	20
<i>Badminton</i>	30
<i>Tennis</i>	30
<i>Pickleball</i>	30
<i>Basketball</i>	50
Splash Pad or Fountain	25
Swimming Pool or Hot Tub	75
Open Lawn Areas with no dimension less than 10 feet	15
Walking/running path at least 1000 linear feet in length with lighting and signage (i.e. mile markers, information boards, etc.)	25
Amphitheater with seating for at least 25 people	75
Community Room	-
<i>Library Room with bookshelves and seating for at least 5 people</i>	25
<i>Media Room with television and seating for at least 10 people</i>	35
<i>Game Room with at least two game tables or consoles</i>	30
<i>Gathering Room with countertop, cabinets, and sink</i>	50
<i>Gym/Fitness Room with at least 5 pieces of gym equipment</i>	50
<i>Co-working space with wi-fi, tables and seating for at least 8 people, and a bathroom</i>	75



**TABLE 10-1.204.2: RESIDENTIAL AMENITIES AND ASSOCIATED POINTS VALUE**

<i>Amenity Type</i>	<i>Points Value</i>
Fenced Dog Park with trash can	
<i>Measuring at least 50 feet by 20 feet</i>	25
<i>Measuring at least 100 feet by 20 feet with a dog waste bag dispenser and dog water fountain.</i>	50

**I. Projections into Yards.**

- (1) Architectural features such as bay windows, chimneys, cornices, eaves, open or covered porches and entries, may extend 2 feet into any required side yard and 5 feet into any required front or rear yard.
- (2) Uncovered first floor landing places and outside open stairways may project 3 feet into any required yard, provided they do not exceed 6 feet in height (excluding railings) above ground level.
- (3) Uncovered second or third floor landing places and outside open stairways may project 3 feet into a required rear yard, but no closer than 5 feet to a side property line.
- (4) Balconies may extend 5 feet into any required front or rear yard.

**m. Separation Between Residential Units.** If there are multiple detached residential units located on the same property, each unit shall be setback at least 10 feet from each other. The separation for ADUs may be reduced to 5 feet.

**n. Swimming Pools or Hot Tubs.** May not be located in the required front or street side yard. All wall lines of a swimming pool or hot tub shall setback 5 feet from any structure and the side and rear property lines.

**o. Trash and Recycling Facilities.**

- (1) Outdoor trash and recycling facilities shall be screened from view, utilizing a wood, metal, masonry or landscape screening unless where not visible to other residential units or from the street.
- (2) Shall be a maximum of 300 feet away from any residential building entrance, as measured by path of travel.
- (3) Trash and recycling facilities shall have covered roofs.

**Sec. 10-1.205 Detached Residential, Duplex, and Triplex Minimum Design Standards**

- a. **Building Massing.** If multistory, floor area of the highest story shall not exceed 75 percent of the gross floor area of the first floor.
- b. **Façade Design.** All buildings shall include at least two of the following design elements:

- (1) At least two dormer windows that project from the roof by at least 18 inches along the front facade.
- (2) At least 4 inches of window recess on all windows located on street facing facades.
- (3) Window moldings at least four inches wide on all windows.
- (4) Use of shutters on at least 50 percent of street facing windows.
- (5) At least one variation in the facade plane in the form of projections or recesses at least 18 inches deep along the front facade.
- (6) Use of at least two distinct building materials that each make up at least 25 percent of the total building facade.
- (7) A street facing balcony with no dimensions less than 5 feet.
- (8) A street facing porch with no dimensions less than 5 feet.

#### **Sec. 10-1.206 Multi-unit Residential (4+ units) Minimum Design Standards**

##### **a. Building Massing.**

- (1) Floor area of the fourth and fifth stories each shall not exceed 85 percent of the gross floor area of the first floor.
- (2) Facades between 75 and 125 feet long shall have vertical breaks using recesses or projections of the facade plane that are at least 8 feet wide and 2 feet deep at least once every 75 feet.
- (3) Facades that equal to or greater than 125 feet long shall have vertical breaks using recesses or projections that are at least 15 feet wide and 10 feet deep at least once every 125 feet.

##### **b. Façade Design.**

- (1) All multi-unit residential buildings shall include at least three of the following design elements:
  - i. Use of at least two distinct building materials that each make up at least 25 percent of the total building facades.
  - ii. Variation in roof height by utilizing sloped roofs of at least 15 percent or varying the parapet height by at least 2 feet on a flat roof.
  - iii. Use of at least three arches, columns, beams/lintels, and/or other features determined to be similar by the Planning Director along all street facing facades.
  - iv. At least 4 inches of window recess on all windows located on street facing facades.
  - v. Window moldings at least four inches wide on all windows.
  - vi. Use of shutters on at least 50 percent of street facing windows.
  - vii. Ground floor units elevated above the sidewalk by at least 3 feet.

- viii. Balconies on at least 50 percent of street facing units with no dimensions less than 5 feet.
- (2) Four and five story buildings shall have clearly a defined base and top.
  - o The building base shall be defined as the ground floor. The base shall be differentiated from the middle of the building using at least one of the following design features:
    - Using a siding or cladding material on the base that is different from the middle of the building facade.
    - Horizontal decorative bands that separate the building base from the middle of the building. Bands shall be of a distinct building material that measures at least 12 inches wide and 2 inches deep along the length of all building facades.
    - Awnings above the ground floor that are at least 2 feet deep and line at least 30 percent of street facing facades.
    - Incorporating windows along the building base that make up at least 40 percent of street facing facades.
  - o The building top shall be defined as the area above the top floor. The top shall be differentiated using at least one of the following features:
    - Cornices or horizontal decorative bands along the top of all building facades. Bands shall be of a distinct building material that measures at least 18 inches wide and 4 inches deep along the length of all building facades visible from the street.
    - Roof overhang of at least 2 feet.
    - Upper story step back of at least 6 feet along at least 75 percent of street facing facades.
    - Roof open space with trees and or landscaping that is visible from the street for at least 25 percent of the street facing facades.

#### **Sec. 10-1.207 Non-residential Development Minimum Design and Performance Standards**

For non-residential development refer to standards contained in the Neighborhood Commercial District, Section 10-1.845, Minimum Design and Performance Standards. All non-residential development shall comply with the Hillside Design Guidelines.

#### **Sec. 10-1.208 Performance Standards Applicable to All Districts**

- a. Entrance Lighting. All building entrances shall be lit from dawn to dusk for high visibility of the building entrance and safety.
- b. Landscaping Maintenance.

- (1) After initial installation, all plantings shall be maintained in a reasonably weed-free and litter-free condition, including replacement where necessary, as determined by the Planning Director.
- (2) Required parking lot, buffer, front and street side trees shall not severely pruned, topped, pollarded, disfigured or removed without issuance of a Tree Permit as defined in the Tree Preservation Ordinance.

**Sec. 10-1.209 Site Plan Review Required**

Site Plan Review approval shall be required before issuance of any building or construction permit only if the Planning Director determines that a project materially alters the appearance and character of the property or area, or may be incompatible with City policies, standards, and guidelines.

## SEC. 10-1.100 GENERAL PROVISIONS

*SEC. 10-1.100 GENERAL PROVISIONS<sup>1</sup>***SEC. 10-1.125 ESTABLISHMENT OF ZONING DISTRICTS.**

Zoning districts are designated as follows:

<b>RESIDENTIAL</b>	
<del>R</del> <u>LS</u>	<del>Single-Family</del> <u>Low Density</u> Residential District
RNP	Residential Natural Preservation District
RM	Medium Density Residential District
RH	High Density Residential District
RO	Residential-Office District
MH	Mobile Home Park District
<b>COMMERCIAL</b>	
<del>CN</del>	Neighborhood Commercial District
CN-R	Neighborhood Commercial—Residential District
CG	General Commercial District
CO	Commercial Office District
CL	Limited Access Commercial District
CB	Central Business District
CR	<u>Regional</u> Commercial <del>Retail</del> District
<u>SMU</u>	<u>Sustainable Mixed Use District</u>
<b><u>DOWNTOWN/CENTRAL CITY</u></b>	
<del>CC-C</del>	Central City—Commercial District
<del>CC-P</del>	Central City—Plaza District
<del>CC-R</del>	Central City—Residential District
<u>NE</u>	<u>Neighborhood Edge District</u>
<u>NG</u>	<u>Neighborhood General District</u>
<u>UN</u>	<u>Urban Neighborhood District</u>
<u>UNL</u>	<u>Urban Neighborhood Limited District</u>
<u>DM</u>	<u>Downtown Main Street District</u>
<u>UC</u>	<u>Urban Center</u>
<b><u>MISSION BOULEVARD</u></b>	
<u>MB-NN</u>	<u>Mission Boulevard Neighborhood Node District</u>
<u>MB-CC</u>	<u>Mission Boulevard Corridor Center District</u>
<u>MB-CN</u>	<u>Mission Boulevard Corridor Center District</u>
<u>MB-CS</u>	<u>Mission Boulevard Civic Space District</u>
<b>INDUSTRIAL</b>	
<del>I</del>	<del>Industrial District</del>
<del>BP</del>	<del>Business Park District</del>
<del>LM</del>	<del>Light Manufacturing, Planning/Research and Development District</del>

<sup>1</sup>Section 10-1.120(c) and Section 10-1.160(c) amended by Ordinance 10-06, adopted March 2, 2010.

Section 10-1.145 amended by Ordinance 14-08 , adopted February 4, 2014.

<u>IL</u>	<u>Light Industrial District</u>
<u>IG</u>	<u>General Industrial District</u>
<u>IP</u>	<u>Industrial Park District</u>
<b>AIR TERMINAL</b>	
-AT-AC	Air Terminal—Aviation Commercial District
AT-C	Air Terminal—Commercial District
AT-IP	Air Terminal—Industrial Park District
AT-O	Air Terminal—Operations District
AT-R	Air Terminal—Recreational District
AT-RM	Air Terminal—Medium Density Residential District
<b>OPEN SPACE</b>	
-A	Agricultural District
FP	Flood Plain District
OS	Open Space District
<b>PUBLIC FACILITIES</b>	
-PF	Public Facilities District
<b>SPECIAL DISTRICTS</b>	
-B	Special Lot Standards Combining Districts
PD	Planned Development District
SD-1	"B" Street Special Design Streetcar District
<u>SD-2</u>	<u>Mission Corridor Special Design District</u>
SD-3	Cottage Special Design District
<u>SD-4</u>	<u>Cannery Area Special Design District</u>
<u>SD-5</u>	<u>Mission Garin Area Special Design District</u>
<u>SD-7</u>	<u>Hayward Foothill Trail Special Design District</u>

## SEC. 10-1.145 REASONABLE ACCOMMODATION.

- A. Purpose. The purpose of this Section is to provide a procedure for individuals with disabilities to request reasonable accommodation in seeking equal access to housing under the federal Fair Housing Act and the California Fair Employment and Housing Act (hereafter "Acts") in the application of zoning laws and other land use regulations, policies, and procedures.
- B. Applicability.
1. A request for reasonable accommodation may be made by any person with a disability or their representative, when the application of a requirement of this zoning code or other City requirement, policy, or practice acts as a barrier to fair housing opportunities. For the purposes of this section, a "person with a disability" is any person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has record of such impairment. This section is intended to apply to those persons who are defined as disabled under the Acts.
  2. A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

3. A reasonable accommodation is granted only to the household that needs the accommodation and does not apply to successors in interest to the site.
  4. A reasonable accommodation may be granted in compliance with this Section without the need for the approval of a variance.
- C. Procedure.
1. A request for reasonable accommodation shall be submitted on an application form provided by the Development Services Department or in the form of a letter to the Director of Development Services, and shall contain the following information:
    - a) The applicant's name, address, and telephone number;
    - b) Address of the property for which the request is being made;
    - c) The current use of the property;
    - ~~d) The basis for the claim that the individual is considered disabled under the Acts, including verification of such claim;~~
    - ~~ed)~~ The zoning code provision, regulations, or policy from which reasonable accommodation is being requested; and
    - ~~fe)~~ Without disclosing a medical diagnosis, explain how ~~Why~~ the reasonable accommodation is necessary to make the specific property accessible to the individual based on their disability-related limitations.
  2. If the project for which the request for reasonable accommodation is being made requires some other discretionary approval (including use permit, design review, etc.), then the applicant shall file the information required by Subsection C1 of this Section for concurrent review with the application for discretionary approval.
  3. A request for reasonable accommodation shall be reviewed by the Director of Development Services or his/her designee, if no approval is sought other than the request for reasonable accommodation. The Director or his/her designee shall make a written determination within ~~30~~45 days of the application being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation.
  4. A request for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the ~~applicable deciding body~~Planning Commission. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the ~~deciding body~~Planning Commission in compliance with the applicable review procedure for the discretionary review.
- D. Approval ~~Findings~~. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the Application materials. ~~following factors:~~
- ~~1. Whether the housing in the request will be used by a person with a disability under the Acts;~~
  - ~~2. Whether the request for reasonable accommodation is necessary to make specific housing available to a person with a disability under the Acts;~~
  - ~~3. Whether the requested reasonable accommodation would impose an undue financial administrative or enforcement burden on the City;~~
  - ~~4. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to, land use and zoning;~~
  - ~~5. Potential impact on surrounding uses;~~

~~6. Physical attributes of the property and structures; and~~

~~7. Other reasonable accommodations that may provide an equivalent level of benefit.~~

- E. Conditions of Approval. In granting a request for reasonable accommodation, the Director of Development Services or his/her designee, or the Planning Commission as the case might be, may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation addresses the purpose of this Ordinance~~would comply with the findings~~. The condition shall also state whether the accommodation granted shall be removed in the event that the person for whom the accommodation was requested no longer resides on the site.
- F. Appeals.
1. Any person dissatisfied with any action of the Director of Development Services pertaining to this Section may appeal to the Planning Commission within 10 days after written notice of the Director's decision is sent to the applicant. The appeal is taken by filing a written notice of appeal with the Director of Development Services and shall specify the reasons for the appeal and the grounds asserted for relief.
  2. Any person dissatisfied with any action of the Planning Commission pertaining to this Section may appeal to the City Council within 10 days after the rendition of the decision of the Planning Commission. The appeal is taken by filing a written notice of appeal with the Director of Development Services and shall specify the reasons for the appeal and the grounds asserted for relief.
  3. The City Council shall, by resolution, adopt and from time to time amend a fee for the filing of appeals. Such fee shall be for the sole purpose of defraying costs incurred for the administration of appeals. The fee for an appeal shall be paid at the time of and with the filing of an appeal. No appeal shall be deemed valid unless the prescribed fee has been paid.
  4. If an appeal is not filed within the time or in the manner prescribed in this subsection, the right to review of the action against which the complaint is made shall be deemed to have been waived.
  5. After filing an appeal, the appropriate hearing body shall conduct a public hearing for the purpose of determining whether the appeal should be granted. Written notice of the time, date, and place of hearing shall be given to the appellant, and to any other persons who have filed a written request for notice. Such notices shall be mailed to the appellant and the applicant at least ten days prior to the hearing.
  6. The Planning Commission or City Council shall review de novo the entire proceeding or proceedings relating to the decision, and may make any order it deems just and equitable, including the approval of the application. Any hearing may be continued from time to time.

## *SEC. 10-1.600 RESIDENTIAL-OFFICE DISTRICT (RO)<sup>2</sup>*

### **SEC. 10-1.615 USES PERMITTED IN THE RO DISTRICT.**

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the RO District.

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<sup>2</sup>Section 10-1.600 amended by Ordinance 13-12 , adopted November 19, 2013.



- (1) Residential Uses.
    - (a) Boarding Home.
    - (b) Group home (6 or fewer residents, excluding staff. See definitions)
    - (c) Multiple-family dwelling.
    - (d) Single-family dwelling.
  - (2) Other Uses.
    - (a) Day care home. (State-Licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
    - (b) Public agency facilities. (See definitions)
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the RO District:
- (1) Residential Uses.
    - (a) Accessory dwelling unit(s). ~~(Where primary use is residential. (Also referred to as "Granny flat, in-law unit, second dwelling unit.")~~ See Section 10-1.2740 for criteria and standards.)
    - (b) Second single-family dwelling. (Where one single-family dwelling already exists on a lot, one additional single-family dwelling may be constructed provided the minimum development standards (lot size, setbacks, height, etc.) can be met for each dwelling)
  - (2) Other Uses.
    - (a) Accessory buildings and uses. (See Section 10-1.245.a & b)
    - (b) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
    - (c) Home Occupation. (See definitions)
    - (d) Household pets.

(Amended by Ordinance 17-16, adopted Nov. 7, 2017)

## SEC. 10-1.645 MINIMUM DESIGN AND PERFORMANCE STANDARDS.

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

### ~~Single-family dwelling~~Residential Uses.

For ~~single-family dwellings, additions, accessory buildings and~~residential uses refer to the development criteria and standards contained in ~~the RS District~~Residential Districts, Section 10-1.200.

### ~~Multiple family dwelling.~~

~~For multiple-family dwellings, additions, accessory buildings and uses refer to the development criteria and standards contained in the RM or RH Districts, Sections 10-1.400 and 10-1.500, whichever is most consistent with the General Policies Plan and Neighborhood Plan.~~

## SEC. 10-1.700 MOBILE HOME PARK DISTRICT (MH)

*SEC. 10-1.700 MOBILE HOME PARK DISTRICT (MH)<sup>3</sup>***SEC. 10-1.715 USES PERMITTED.**

- a. Primary uses.  
Mobile home(s).
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the MH District:
  - (1) Accessory buildings and uses.
  - (2) Garage sale. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
  - (3) Home occupation. (See definitions)
  - (4) Household pets.
  - (5) Sales and display of mobile homes.
  - (6) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)

*SEC. 10-1.750 SUSTAINABLE MIXED USE DISTRICT (SMU)<sup>4</sup>***SEC. 10-1.765 USES PERMITTED.**

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the SMU District as primary uses:
  - (1) Residential Uses.  
Multiple-family dwelling units. (at 25.0 to 55.0 units per net acre.)
  - (2) Retail.
    - (a) Bakery
    - (b) Bookstore
    - (c) Card shop
    - (d) Coffee/espresso shop
    - (e) Delicatessen
    - (f) Floral shop

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<sup>3</sup>Note(s)—Amended by Ordinance 13-06 , adopted May 21, 2013.

Section 10-1.700 amended by Ordinance 13-12 , adopted November 19, 2013.

<sup>4</sup>Section 10-1.750 added by Ordinance 09-08, adopted July 7, 2009.

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- (g) Gift shop
  - (h) Jewelry store
  - (i) Supermarket
  - (3) Administrative and Professional Offices/Services.
    - (a) Accounting and financial offices
    - (b) Law offices
    - (c) Medical and dental offices
  - (4) Personal Services.
    - (a) Barber or beauty shop
    - (b) Dry cleaner/laundry
    - (c) Nail salon
    - (d) Tailor/seamstress shop
  - b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the SMU District:
    - (1) Residential Uses.
      - (a) Accessory Dwelling Unit (s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)
    - (2) Other Uses.
      - (a) Home Occupation. (See definitions)
      - ~~(2)—(b)~~ Household pets.
    - (3) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)

### *SEC. 10-1.800 NEIGHBORHOOD COMMERCIAL DISTRICT (CN)<sup>5</sup>*

#### **SEC. 10-1.815 USES PERMITTED.**

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CN District as primary uses.
  - (1) Administrative and Professional Offices/Services.

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<sup>5</sup>Note(s)—Section 10-1.815a.(5) amended by Ordinance 04-19, adopted December 21, 2004.

Section 10-1.820a. amended by Ordinance 01-01, adopted January 16, 2001.

Section 10-1.820b. amended by Ordinance 99-18, adopted October 12, 1999; Ordinance 04-19, adopted December 21, 2004; Section 10-1.845w. added by Ordinance 01-08, adopted July 17, 2001; Section 10-1.845 amended by Ordinance 07-16, adopted November 6, 2007.

Section 10-1.800 amended by Ordinance 13-12, adopted November 19, 2013.

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- (a) Accounting and financial offices (not including check-cashing business).
  - (b) Architectural and engineering offices.
  - (c) Banks and financial institutions.
  - (d) Chiropractic and acupuncture offices.
  - (e) Insurance and real estate offices.
  - (f) Law offices.
  - (g) Medical and dental offices.
  - (h) Travel and airline agency offices.
- (2) Automobile Related Uses.
- Automobile parts store.
- (3) Personal Services.
- (a) Barber or beauty shop.
  - (b) Dance studio.
  - (c) Dry cleaner/laundry.
  - (d) Martial arts studio.
  - (e) Music studio.
  - (f) Nail salon.
  - (g) Palm reading service.
  - (h) Photography studio.
  - (i) Physical fitness studio.
  - (j) Shoe repair shop.
  - (k) Tailor/seamstress shop.
- (4) Residential Uses.
- (a) Residential dwelling unit(s). (Above first floor commercial uses only)
  - (b) Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.
- (5) Retail Commercial Uses.
- (a) Antique store.
  - (b) Appliance store.
  - (c) Art and art supplies store.
  - (d) Bakery.
  - (e) Bicycle shop.
  - (f) Bookstore.
  - (g) Camera store.

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- (h) Card shop.
  - (i) Carpet/drapery store.
  - (j) Clothing store.
  - (k) Consignment store.
  - (l) Coffee/espresso shop.
  - (m) Delicatessen.
  - (n) Fabric store.
  - (o) Floral shop.
  - (p) Furniture store.
  - (q) Garden supplies store.
  - (r) Gift shop.
  - (s) Hardware store.
  - (t) Jewelry store.
  - (u) Locksmith shop.
  - (v) Music store.
  - (w) Nursery (plant).
  - (x) Paint/wallpaper store.
  - (y) Pet grooming shop.
  - (z) Pet store.
  - (aa) Plumbing and heating store.
  - (bb) Restaurant. (Where not abutting a residential district or property and no bar)
  - (cc) Sporting goods store.
  - (dd) Stationary store.
  - (ee) Supermarket.
  - (ff) Theater. (Small Motion Picture or Live Performance only.)
  - (gg) Thrift store.
  - (hh) Toy store.
  - (ii) Variety store.
  - (jj) Video sales and rental store.
  - (6) Service Commercial Uses.
    - (a) Copying or reproduction facility.
    - (b) Mailing or facsimile service.
    - (c) Reverse vending machine(s). (When located within a convenience zone)
  - (7) Other Uses.

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- (a) Banquet hall. (Where not abutting a residential district or property and where no alcohol is served)
  - (b) Catering facility.
  - (c) Christmas tree or pumpkin patch lot. (See Section 10-1.2735c. for standards)
  - (d) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions.
  - (e) Educational facility. Small, generally less than 2,000 square feet, designed to augment the learning process of elementary and secondary students.
  - (f) Public agency facilities.
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the CN District:
- (1) Accessory buildings and uses. (See Section 10.1.845)
  - (2) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735d.)
  - (3) Home Occupation. (See definitions)
  - (4) Household pets.
  - (5) Accessory Dwelling Unit(s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)

## ***SEC. 10-1.900 NEIGHBORHOOD COMMERCIAL-RESIDENTIAL DISTRICT (CN-R)<sup>6</sup>***

### **SEC. 10-1.915 USES PERMITTED.**

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CN-R District as primary uses:
- (1) Administrative and Professional Offices/Services.
    - (a) Accounting and financial offices. (Excluding check cashing store.)
    - (b) Architectural and engineering offices.
    - (c) Banks and financial institutions.
    - (d) Chiropractic or acupuncture office.
    - (e) Insurance and real estate offices.
    - (f) Law offices.
    - (g) Medical and dental offices.
    - (h) Travel and airline agency offices.
  - (2) Automobile Related Uses.

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<sup>6</sup>Note(s)—Repealed and replaced by Ordinance 06-14, adopted July 11, 2006.  
Section 10-1.900 amended by Ordinance 13-12 , adopted November 19, 2013.

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None.

(3) Personal Services.

- (a) Barber or beauty shop.
- (b) Dance studio.
- (c) Dry cleaner/laundry.
- (d) Martial arts studio.
- (e) Music studio.
- (f) Nail salon.
- (g) Palm reading service.
- (h) Photography studio.
- (i) Physical fitness studio.
- (j) Shoe repair shop.
- (k) Tailor/seamstress shop.

(4) Residential Uses.

(a) Residential dwelling unit(s). (Above first floor non-residential uses only; required at 27.0 to 55.0 units per net acre above ground-floor commercial uses in the SD6 Special Design District)

(b) Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.

(5) Retail Commercial Uses.

- (a) Antique store.
- (b) Appliance store.
- (c) Art and art supplies store.
- (d) Bakery.
- (e) Bicycle shop.
- (f) Bookstore.
- (g) Camera store.
- (h) Card shop.
- (i) Carpet/drapery store.
- (j) Clothing store.
- (k) Coffee/espresso shop.
- (l) Delicatessen.
- (m) Fabric store.
- (n) Floral shop.
- (o) Furniture store.
- (p) Garden supplies store.

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- (q) Gift shop.
  - (r) Hardware store.
  - (s) Jewelry store.
  - (t) Locksmith shop.
  - (u) Music store.
  - (v) Nursery (plant).
  - (w) Paint/wallpaper store.
  - (x) Pet grooming shop.
  - (y) Pet store.
  - (z) Plumbing and heating store.
  - (aa) Restaurant. (Where not abutting a residential district or property and no bar)
  - (bb) Sporting goods store.
  - (cc) Stationary store.
  - (dd) Supermarket.
  - (ee) Theater (Small Motion Picture or Live Performance only.)
  - (ff) Thrift store.
  - (gg) Toy store.
  - (hh) Variety store.
  - (ii) Video sales and rental store.
  - (6) Service Commercial Uses.
    - (a) Copying or reproduction facility.
    - (b) Mailing or facsimile service.
    - (c) Reverse vending machine(s). (When located within a convenience zone)
  - (7) Other Uses.
    - (a) Banquet hall. (Where not abutting a residential district or property and where no alcohol is served)
    - (b) Christmas tree or pumpkin patch lot. (See General Regulations Section 10-1.2735c. for standards)
    - (c) Day Care Center. (Less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definitions.)
    - (d) Educational facility. (Small, generally less than 2,000 sq. ft. design to augment the education)
    - (e) Public agency facilities.
  - b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the CN-R District:
    - (1) Accessory buildings and uses (See Section 10.1.845a.—d.).
    - (2) Garage sales (4 per year per dwelling. See Section 10-1.2735d.).
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- (3) Home Occupation (See definitions).
- (4) Household pets.
- (5) Accessory Dwelling Unit(s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)

## **SEC. 10-1.920 CONDITIONALLY PERMITTED USES.**

- a. Administrative Uses. The following uses, or uses determined to be similar by Planning Director, are permitted in the CN-R District, subject to the approval of an administrative use permit:
  - (1) Administrative and Professional Offices/Services.  
Medical/Dental laboratory.
  - (2) Automobile Related Uses.  
Parking lot.
  - (3) Personal Services.  
Massage parlor. (When located within an established beauty or tanning salon)
  - (4) Residential Uses.  
Multiple-family dwellings with ground level units. (Not allowed in the SD6 Special Design District.)
  - (5) Retail Commercial Uses.  
None.
  - (6) Service Commercial Uses.  
Restaurants. (When abutting residential district or use or containing a bar.)
  - (7) Other Uses.
    - (a) Animal grooming service.
    - (b) Animal hospital.
    - (c) Convalescent hospital.
    - (d) Cultural facility.
    - (e) Educational facility.
    - (f) Home occupation - expanded.
    - (g) Recreational facility.
    - (h) Religious facility.
    - (i) Temporary use.
    - (j) Day Care Center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff).
- b. Conditional Uses. The following uses, or uses determined to be similar by Planning Director, are permitted in the CN-R District subject to approval of a conditional use permit:
  - (1) Administrative and Professional Offices/Services.
    - (a) Check cashing store.

- (b) Payday loan facilities.
- (2) Automobile Related Uses.  
None.
- (3) Personal Services.  
(a) Massage parlor. (When not located within an established beauty or tanning salon)  
(b) Tattoo parlor.
- (4) Residential Uses.  
None.
- (5) Retail Commercial Uses. (See General Regulations Sections 10-1.2750  
(a) Bar, Cocktail lounge. et seq. for regulations of alcohol.)  
(b) Dance or night club.  
(c) Liquor store.  
(d) Theater, Large Motion Picture (See Section 10-1.1045 for special requirements; not allowed in the SD6 Special Design District.)
- (6) Service Commercial Uses.  
None.
- (7) Other Uses.  
None.

## SEC. 10-1.945 MINIMUM DESIGN AND PERFORMANCE STANDARDS.

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

### ~~Multiple family dwelling~~Residential Uses.

For ~~multiple family dwellings~~residential uses, refer to the criteria and standards contained in ~~the RM or RH Residential Districts, Sections 10-1.400-200 and 10-1.500 respectively, whichever is most consistent with the General Plan and associated Neighborhood Plan.~~

### Non-Residential Uses.

For commercial buildings and uses, including but not limited to cultural, educational, religious or recreational facilities, refer to the criteria and standards contained in the CN District, Section 10-1.800.

All non-residential uses are subject to the following requirements; provided, however, that exceptions from these requirements may be authorized by approval of a conditional use permit:

- (1) Offices shall be no larger than 2,000 square feet and no more than 2,000 square feet of office space may be contained in any building or group of buildings on a parcel or building site.
- (2) Operating hours shall not begin before 7:00 a.m. nor end after 10:00 p.m.

### ~~Mixed Use Development.~~

~~Mixed-use development, which entails residential uses over ground floor non-residential uses, shall be subject to the following requirements:~~

- ~~(1) Shall provide separate entrances, isolation of noise and smell-generating activities, and other compatibility features shall be addressed.~~
- ~~(2) Special attention shall be given to architectural and landscape continuity, vehicular access and attractive pedestrian orientation. Where at all possible, parking in front of the building shall be avoided.~~
- ~~(3) A minimum of 150 square feet of usable open space per residential dwelling unit shall be provided.~~

~~In the SD6 Special Design District:~~

- ~~(a) For at least 40% of the units in each development, a minimum of one hundred (100) square feet of usable private open space, consisting of a private yard, patio, porch, deck balcony or a combination of the above, shall be provided for each unit.~~
- ~~(b) All developments shall provide a minimum fifteen percent (15%) of the lot area plus 100 square feet per unit for each unit that is not provided private open space as usable common open space for passive and active recreational uses. Usable open space areas shall not include public or private rights-of-way; vehicular parking area; areas adjacent to or between structures less than fifteen (15) feet apart; required building setback areas; private patios or yards; or areas having a slope greater than 3:1. Usable open space can include roof decks (including roof deck above structured or podium parking) or interior group open space accessible to all residents in the development.~~
- ~~(c) All common opens space associated with developments shall have, at a minimum, a landscaped area of six hundred (600) square feet complete with two (2) benches. Additional amenities may include, but are not limited to, a swimming pool, spa, tot lot with play equipment, picnic shelter with barbecue area, court game facilities and indoor exercise facilities. The types of amenities shall be dependent upon the nature of development and shall be approved by the reviewing authority.~~
- ~~(4) Studio apartments shall be required to have only one covered off-street parking space per dwelling unit.~~

~~In the SD6 Special Design District, residential units are allowed a maximum of 1.5 spaces per studio or one-bedroom unit and 2.0 spaces for units with two or more bedrooms; non-residential uses are required to provide 1.0 space for each 315 square feet of non-residential gross floor area.~~
- ~~(5) For properties located along Mission Boulevard between Harder Road and Industrial Parkway, compliance with provisions in the SD6 Special Design District.~~

## SEC. 10-1.1000 GENERAL COMMERCIAL DISTRICT (CG)

*SEC. 10-1.1000 GENERAL COMMERCIAL DISTRICT (CG)*<sup>7</sup>**SEC. 10-1.1015 USES PERMITTED.**

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CG District as primary uses.
- (1) Administrative and Professional Offices/Services.
    - (a) Accounting and financial offices. (Excluding check cashing stores)
    - (b) Architectural and engineering offices.
    - (c) Banks and financial institutions.
    - (d) Chiropractic and acupuncture offices.
    - (e) Insurance and real estate offices.
    - (f) Law offices.
    - (g) Medical and dental offices.
    - (h) Travel and airline agency offices.
  - (2) Automobile Related Uses.
    - (a) Automobile parts store.
    - (b) Automobile dealership. (Dealership selling primarily new vehicles, when all minimum design standards are met and when located along Mission Blvd. between Highland/Sycamore and 700 feet south of Harder Road.)
  - (3) Personal Services.
    - (a) Barber or beauty shop.
    - (b) Dance studio.
    - (c) Dry cleaner/laundry.

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<sup>7</sup>Section 10-1.1015 a.(5)(ee) added by Ordinance 04-19, adopted December 21, 2004.

Section 10-1.1020 a.(3) amended by Ordinance 03-08, adopted May 27, 2003.

Section 10-1.1020 b.(1)(b) amended by Ordinance 99-18, adopted Oct. 12, 1999.

Section 10-1.1020 b.(5) amended by Ordinance 04-19, adopted December 21, 2004.

Section 10-1.1045 g. amended by Ordinance 03-08, adopted May 27, 2003.

Section 10-1.1045 h. added by Ordinance 03-08, adopted May 27, 2003.

Section 10-1.1045 v. added by Ordinance 01-08, adopted July 17, 2001.

Section 10-1.1045 w. added by Ordinance 04-19, adopted December 21, 2004.

Section 10-1.1015 a., 10-1.1020 a., 10-1.1045, and 10-1.1045 h. amended by Ordinance 06-11, adopted July 11, 2006.

Section 10-1.1005 through 10-1.1020 amended by Ordinance 13-14, adopted November 19, 2013.

Section 10-1.1000 amended by Ordinance 13-12, adopted November 19, 2013.

Section 10-1.1000 amended by Ordinance 14-17, adopted July 1, 2014.

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- (d) Health club.
  - (e) Martial arts studio.
  - (f) Music studio.
  - (g) Nail salon.
  - (h) Palm reading service.
  - (i) Photography studio.
  - (j) Physical fitness studio.
  - (k) Shoe repair shop.
  - (l) Tailor/seamstress shop.
- (4) Residential Uses.
- (a) Residential dwelling unit(s). (Above first floor commercial uses only)
  - (b) Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.
- (5) Retail Commercial Uses.
- (a) Antique store.
  - (b) Appliance store.
  - (c) Art and art supplies store.
  - (d) Bakery.
  - (e) Bicycle store.
  - (f) Bookstore.
  - (g) Camera store.
  - (h) Card shop.
  - (i) Carpet/drapery store.
  - (j) Clothing store.
  - (k) Consignment store.
  - (l) Coffee/Esspresso shop.
  - (m) Delicatessen.
  - (n) Fabric store.
  - (o) Floral shop.
  - (p) Furniture store.
  - (q) Gift shop.
  - (r) Hardware store.
  - (s) Jewelry store.
  - (t) Locksmith shop.

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- (u) Music store.
  - (v) Nursery (plant).
  - (w) Paint/wallpaper store.
  - (x) Pet grooming shop.
  - (y) Pet store.
  - (z) Plumbing and heating store.
  - (aa) Restaurant. (Where not abutting a residential district or property and with no bar)
  - (bb) Sporting goods store.
  - (cc) Stationary store.
  - (dd) Supermarket.
  - (ee) Theater (Small Motion Picture or Live Performance only.)
  - (ff) Thrift shop.
  - (gg) Toy store.
  - (hh) Variety store.
  - (ii) Video sales and rental store.
- (6) Service Commercial Uses.
- (a) Appliance service and repair shop. (Not ancillary to a primary use.)
  - (b) Copying or reproduction facility.
  - (c) Equipment rental.
  - (d) Hotel or motel.
  - (e) Mailing or facsimile service.
  - (f) Not Used
  - (g) Reverse vending machine(s). (When located within a convenience zone.)
  - (h) Upholstery shop (furniture).
- (7) Other Uses.
- (a) Broadcasting studio.
  - (b) Banquet hall. (Where not abutting a residential district or property and where no alcohol is served.)
  - (c) Catering facility. (Where not abutting a residential district or property.)
  - (d) Christmas tree or pumpkin patch lot. (See Section 10-12750 et seq. for standards)
  - (e) Day Care Home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
  - (f) Educational facility. (Small, generally less than 2,000 square feet, designed to augment the learning process of elementary and secondary school students.)
  - (g) Public agency facilities.

- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the CG District:
- (1) Accessory buildings and uses. (See section 10-1.1045)
  - (2) Garage sales. (4 per year per dwelling. See Section 10-1.2735d)
  - (3) Home Occupation. (See definitions)
  - (4) Household pets.
  - (5) Accessory Dwelling Unit(s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)

### *SEC. 10-1.1100 COMMERCIAL OFFICE DISTRICT (CO)<sup>8</sup>*

#### **SEC. 10-1.1115 USES PERMITTED.**

- a. Primary Uses. The following uses, or uses determined to be similar by Planning Director, are permitted in the CO District.
- (1) Administrative and Professional Offices/Services.
    - (a) Accounting and financial offices. (excluding check cashing stores)
    - (b) Architectural and engineering offices.
    - (c) Banks and financial institutions.
    - (d) Chiropractic and acupuncture offices.
    - (e) Insurance and real estate offices.
    - (f) Law offices.
    - (g) Medical and dental offices.
    - (h) Travel and airline agency offices.
  - (2) Automobile Related Uses.
 

None.
  - (3) Personal Services.
    - (a) Barber or beauty shop.
    - (b) Dance Studio.
    - (c) Dry cleaner/laundry.
    - (d) Martial arts studio.

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<sup>8</sup>Section 10-1.1115 a.(4) amended by Ordinance 03-08, adopted May 27, 2003.

Section 10-1.1120 b.(1)(c) amended by Ordinance 99-18, adopted October 12, 1999.

Section 10-1.1125 b. amended by Ordinance 03-08, adopted May 27, 2003.

Section 10-1.1100 amended by Ordinance 13-12 , adopted November 19, 2013.

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- (e) Music studio.
  - (f) Nail salon.
  - (g) Palm reading service.
  - (h) Photography studio.
  - (i) Physical fitness studio.
  - (j) Shoe repair shop.
  - (k) Tailor/seamstress shop.
  - (4) Residential Uses.
    - (a) Multiple-family dwellings.
    - (b) Small group homes associated with single-family dwellings.
    - (c) Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.
  - (5) Retail Commercial Uses.
    - None.
  - (6) Service Commercial Uses.
    - (a) Copying or reproduction facility.
    - (b) Mailing or facsimile service.
    - (c) Reverse vending machine(s). (When located within a convenience zone)
  - (7) Other Uses.
    - (a) Day Care Home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
    - (b) Public agency facilities.
  - b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the CO District:
    - (1) Accessory buildings and uses. (See Section 10-1.845)
    - (2) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
    - (3) Home Occupation. (See definitions)
    - (4) Household pets.
    - (5) Accessory Dwelling Unit(s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)

## **SEC. 10-1.1145 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

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



**~~Single-family dwelling~~Residential Uses.**

For ~~single-family dwellings~~residential uses refer to the applicable criteria and standards contained in the ~~RS Residential~~ Districts, Section 10-1.200.

**~~Multiple-family dwelling.~~**

For ~~multiple-family dwellings~~ refer to the criteria and standards contained in the ~~RM or RH Districts, Sections 10-1.400 and 10-1.500 respectively, whichever is most consistent with the General Policies Plan Map and Neighborhood Plan.~~

***SEC. 10-1.1200 LIMITED ACCESS COMMERCIAL DISTRICT (CL)<sup>9</sup>*****SEC. 10-1.1215 USES PERMITTED.**

- a. Primary Uses. The following uses, or uses determined to be similar by Planning Director, are permitted in the CL District.
  - (1) Administrative and Professional Offices/Services.
    - (a) Accounting and financial offices. (excluding check cashing stores.)
    - (b) Architectural and engineering offices.
    - (c) Banks and financial institutions.
    - (d) Chiropractic and acupuncture offices.
    - (e) Insurance and real estate offices.
    - (f) Law offices.
    - (g) Medical and dental offices.
    - (h) Travel and airline agency offices.
  - (2) Automobile Related Uses.
 

None.
  - (3) Personal Services.
    - (a) Barber or beauty shop.
    - (b) Dry cleaner/laundry.
    - (c) Martial arts studio.
    - (d) Music studio.
    - (e) Nail salon.
    - (f) Palm reading service.
    - (g) Physical fitness studio.
    - (h) Shoe repair shop.

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<sup>9</sup>Section 10-1.1200 amended by Ordinance 13-12 , adopted November 19, 2013.

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- (i) Tailor/seamstress shop.
  - (4) Residential Uses.
    - (a) Residential dwelling unit(s). (Above first floor commercial uses only)
    - (b) Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.
  - (5) Retail Commercial Uses.
    - (a) Coffee/espresso shop.
    - (b) Delicatessen.
    - (c) Restaurant. (Where not abutting a residential district or property and no bar)
  - (6) Service Commercial Uses.
    - (a) Copying or reproduction facility.
    - (b) Hotel or motel.
    - (c) Mailing or facsimile service.
    - (d) Reverse vending machines. (When located within a convenience zone)
  - (7) Other Uses.
    - (a) Christmas tree or pumpkin patch lot. (See General Regulations Section 10-1.2735.c. for standards)
    - (b) Day Care Home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
    - (c) Public agency facilities.
  - b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the CL District:
    - (1) Accessory buildings and uses. (See Section 10.1.1045)
    - (2) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
    - (3) Home Occupation. (See definitions)
    - (4) Household pets.
    - (5) Accessory Dwelling Unit(s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)

#### **SEC. 10-1.1220 CONDITIONALLY PERMITTED USES.**

- a. Administrative Uses. The following uses, or uses determined to be similar by Planning Director, are permitted in the CL District subject to approval of an administrative use permit:
  - (1) Administrative and Professional Offices/Services.
    - None.
  - (2) Automobile Related Uses.
    - Parking lot.

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- (3) Personal Services.
    - (a) Suntan parlor.
    - (b) Massage parlor. (When ancillary to a primary and related use such as a beauty salon)
  - (4) Residential Uses.
    - None.
  - (5) Retail Commercial Uses.
    - Restaurant. (Where abutting a residential district or property)
  - (6) Service Commercial Uses.
    - Recycling collection area. (When located within a convenience zone.)
  - (7) Other Uses.
    - (a) Hospital, convalescent home.
    - (b) Kennel.
    - (c) Temporary use.
    - (d) Day Care Center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff).
- b. Conditional Uses. The following uses, or uses determined to be similar by Planning Director, are permitted in the CL District subject to approval of a conditional use permit:
- (1) Administrative and Professional Offices/Services.
    - None.
  - (2) Automobile Related Uses.
    - Drive-in establishments.
  - (3) Personal Services.
    - Massage parlor.
  - (4) Residential Uses.
    - None.
  - (5) Retail Commercial Uses.
    - Bar, cocktail lounge. (See General Regulations Section 10-1.2750 et seq. for regulations of alcohol)
  - (6) Service Commercial Uses.
    - None.
  - (7) Other Uses.
    - None.

## SEC. 10-1.1300 CENTRAL BUSINESS DISTRICT (CB)

*SEC. 10-1.1300 CENTRAL BUSINESS DISTRICT (CB)<sup>10</sup>***SEC. 10-1.1315 USES PERMITTED.**

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CB District.
- (1) Administrative and Professional Offices/Services.
    - (a) Accounting and financial offices. (excluding check cashing stores)
    - (b) Architectural and engineering offices.
    - (c) Banks and financial institutions.
    - (d) Chiropractic and acupuncture offices.
    - (e) Insurance and real estate offices.
    - (f) Law offices.
    - (g) Medical and dental offices.
    - (h) Travel and airline agency offices.
  - (2) Automobile Related Uses.
    - Automobile parts store.
  - (3) Personal Services.
    - (a) Barber or beauty shop.
    - (b) Dance studio.
    - (c) Dry cleaner/laundry.
    - (d) Health Club.
    - (e) Martial arts studio.
    - (f) Music studio.
    - (g) Nail salon.
    - (h) Palm reading.
    - (i) Photography studio.
    - (j) Physical fitness studio.

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<sup>10</sup>Note(s)—Section 10-1.1315a.(5) amended by Ordinance 04-19, adopted December 21, 2004.  
 Section 10-1.1320b.(1)(b) amended by Ordinance 99-18, adopted October 12, 1999.  
 Section 10-1.1320b.(5) amended by Ordinance 04-19, adopted December 21, 2004.  
 Section 10-1.1300 amended by Ordinance 13-12 , adopted November 19, 2013.  
 Section 10-1.1315(a) amended by Ordinance 13-16 , adopted December 3, 2013.  
 Section 10-1.1320(a) amended by Ordinance 13-16 , adopted December 3, 2013.

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- (k) Shoe repair shop.
  - (l) Tailor/seamstress shop.
  - (4) Residential Uses.
    - (a) Residential dwelling unit(s). (Above first floor commercial uses only)
    - (b) Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.
  - (5) Retail Commercial Uses.
    - (a) Antique store.
    - (b) Appliance store.
    - (c) Art and art supplies store.
    - (d) Bakery.
    - (e) Bicycle shop.
    - (f) Bookstore.
    - (g) Camera store.
    - (h) Card shop.
    - (i) Carpet/drapery store.
    - (j) Clothing store.
    - (k) Coffee/espresso shop.
    - (l) Delicatessen.
    - (m) Fabric store.
    - (n) Floral shop.
    - (o) Furniture store.
    - (p) Garden supplies store.
    - (q) Gift shop.
    - (r) Hardware store.
    - (s) Jewelry store.
    - (t) Locksmith shop.
    - (u) Music store.
    - (v) Nursery (plant).
    - (w) Paint/wallpaper store.
    - (x) Pet grooming shop.
    - (y) Pet store. (Kennel-When ancillary to Pet Store)
    - (z) Plumbing and heating store.
    - (aa) Restaurant. (Where not abutting a residential district or property and no bar)

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- (bb) Sporting goods store.
  - (cc) Stationary store.
  - (dd) Supermarket.
  - (ee) Theater. (Small Motion Picture or Live Performance only.)
  - (ff) Toy store.
  - (gg) Variety store.
  - (hh) Video sales and rental store.
  - (6) Service Commercial Uses.
    - (a) Copying or reproduction facility.
    - (b) Mailing or facsimile service.
    - (c) Reverse vending machine(s). (When located within a convenience zone)
  - (7) Other Uses.
    - (a) Banquet hall. (Where not abutting a residential district or property and where no alcohol is served)
    - (b) Broadcasting studio.
    - (c) Catering facility.
    - (d) Christmas tree or pumpkin patch lot. (See General Regulations Section 10-1.2735.c. for standards)
    - (e) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
    - (f) Day Care Center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definitions.)
    - (g) Public agency facilities.
  - b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the CB District:
    - (1) Accessory buildings and uses. (See Section 10.1.845d.)
    - (2) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
    - (3) Home Occupation. (See definitions.)
    - (4) Household pets.
    - (5) Accessory Dwelling Unit(s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)

## **SEC. 10-1.1320 CONDITIONALLY PERMITTED USES.**

- a. Administrative Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CB District subject to approval of an administrative use permit:
  - (1) Administrative and Professional Offices/Services.

None.

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- (2) Automobile Related Uses. (See Section 10-1.1045.h. for special requirements)
    - (a) Automobile repair (minor and major).
    - (b) Automobile service station.
    - (c) Car wash.
    - (d) Parking lot.
  - (3) Personal Services.
    - Suntan parlor.
  - (4) Residential Uses.
    - None.
  - (5) Retail Commercial Uses.
    - (a) Convenience market. (See General Regulations Section 10-1.2750 et seq. for regulations of alcohol)
    - (b) Kennel. (Pet Boarding and Pet Day Care only)
    - (c) Restaurant. (Where abutting a residential district or property and no bar)
  - (6) Service Commercial Uses.
    - (a) Appliance repair shop. (Not ancillary to primary use)
    - (b) Hotel or motel. (Where not abutting a residential district or property)
    - (c) Recycling Collection Area. (When located within a convenience zone)
  - (7) Other Uses.
    - (a) Ambulance service.
    - (b) Auction.
    - (c) Banquet hall. (Where not abutting a residential district or property)
    - (d) Carnival.
    - (e) Catering facility. (Where not abutting a residential district or property)
    - (f) Commercial Amusement.
    - (g) Cultural facility.
    - (h) Educational facility.
    - (i) Home occupation - expanded.
    - (j) Hospital, convalescent home.
    - (k) Outdoor gathering. (See General Regulations Section 10-1.2735.g.)
    - (l) Passenger transportation terminal.
    - (m) Recreational facility.
    - (n) Religious facility.
    - (o) Temporary use.

(p) Day Care Center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff).

- b. Conditional Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CB District subject to approval of a conditional use permit:
- (1) Administrative and Professional Offices/Services.
    - (a) Check cashing store.
    - (b) Payday loan facilities.
  - (2) Automobile Related Uses.
    - Drive-in establishment.
  - (3) Personal Services.
    - Massage parlor.
  - (4) Residential Uses.
    - Multiple-family dwelling.
  - (5) Retail Commercial Uses. (See General Regulations Section 10-1.2750 et seq. for regulations of alcohol.)
    - (a) Bar, cocktail lounge.
    - (b) Commercial Cannabis Retail Dispensary (See Section 10-1.3600).
    - (c) Dance or night club.
    - (d) Liquor store.
    - (e) Theater, Large Motion Picture. (See Section 10-1.1045 for special requirements.)
  - (6) Service Commercial Uses.
    - Hotel or motel. (Where abutting a residential district or property.)
  - (7) Other Uses.
    - (a) Banquet hall. (Where abutting a residential district or property.)
    - (b) Catering facility. (Where abutting a residential district or property.)

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

## ***SEC. 10-1.1400 REGIONAL COMMERCIAL DISTRICT (CR)<sup>11</sup>***

### **SEC. 10-1.1415 USES PERMITTED.**

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CR District, as primary uses.

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<sup>11</sup>Note(s)—Section 10-1.1445d. added by Ordinance 01-08, adopted July 17, 2001.

Entire Section Repealed and Replaced by Ordinance 07-16, adopted November 6, 2007.



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- (1) Retail Commercial Uses
    - (a) Major retail anchor (Minimum 100,000 square feet required)
    - (2) Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.
  - b. Secondary Uses. The following uses, or uses determined to be similar by the Planning Director, are only permitted as ancillary uses to the primary uses permitted in the CR District:
    - (1) Retail Commercial Uses. (No minimum square footage required)
      - (a) Office supply, furniture and business machine stores.
      - (b) Electronics store.
      - (c) Restaurant. (Full service only)
      - (d) Sporting goods store.
      - (e) Supermarket.
    - (2) Automobile Related Uses.
      - (a) Service station.
    - (3) Other Uses.
      - (a) Public agency facilities.
    - (4) Accessory buildings and uses. (See Section 10.1.845)

### *SEC. 10-1.1520 CENTRAL CITY—COMMERCIAL SUBDISTRICT (CC-C)<sup>12</sup>*

#### **SEC. 10-1.1522 CC-C PERMITTED USES.**

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CC-C District as primary uses.
  - (1) Administrative and Professional Offices/Services.
    - (a) Accounting and financial offices. (Excluding check cashing stores)
    - (b) Architectural and engineering offices.
    - (c) Banks and financial institutions.
    - (d) Chiropractic and acupuncture offices.
    - (e) Insurance and real estate offices.
    - (f) Law offices.

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<sup>12</sup>Note(s)—Section 10-1.1522a.(5) amended by Ordinance 04-19, adopted December 21, 2004.  
 Section 10-1.1523b.(5) amended by Ordinance 04-19, adopted December 21, 2004.  
 Maps in Section 10-1.1524, 10-1.1525 and 10-1.1526 amended August 2006.  
 Sections 10-1.1520 through 10-1.1523 amended by Ordinance 13-14 , adopted November 19, 2013.  
 Sections 10-1.1520 amended by Ordinance 13-12 , adopted November 19, 2013.

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- (g) Medical and dental offices.
  - (h) Travel and airline agency offices.
  - (2) Automobile Related Uses.  
Automobile parts store.
  - (3) Personal Services.
    - (a) Barber or beauty shop. (Excluding college)
    - (b) Dance studio.
    - (c) Dry cleaner/laundry.
    - (d) Health club.
    - (e) Martial arts studio.
    - (f) Music studio.
    - (g) Nail salon.
    - (h) Palm reading.
    - (i) Photography studio.
    - (j) Physical fitness studio.
    - (k) Shoe repair shop.
    - (l) Tailor/seamstress shop.
  - (4) Residential Uses.
    - (a) Residential dwelling unit(s). (Above first floor commercial uses only)
    - (b) Single-family dwelling. (Existing as of May 4, 1993, including accessory structures and uses)
    - (c) Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.
  - (5) Retail Commercial Uses.
    - (a) Antique store.
    - (b) Appliance store.
    - (c) Art and art supplies store.
    - (d) Bicycle store.
    - (e) Bookstore.
    - (f) Camera store.
    - (g) Card shop.
    - (h) Carpet/drapery store.
    - (i) Clothing store.
    - (j) Consignment store.
    - (k) Fabric store.

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- (l) Floral shop.
  - (m) Furniture store.
  - (n) Garden supplies store.
  - (o) Gift shop.
  - (p) Grocer.
  - (q) Hardware store.
  - (r) Jewelry store.
  - (s) Locksmith shop.
  - (t) Music store.
  - (u) Paint/wallpaper store.
  - (v) Pet grooming shop.
  - (w) Pet store.
  - (x) Plumbing and heating store.
  - (y) Restaurant. (No bar)
  - (z) Sporting goods store.
  - (aa) Stationary store.
  - (bb) Supermarket.
  - (cc) Theater. (Small Motion Picture or Live Performance. Large Motion Picture Theater located between A and D Streets and Grand and Second Streets.)
  - (dd) Toy store.
  - (ee) Variety store.
  - (ff) Video sales and rental.
  - (6) Service Commercial Uses.
    - (a) Appliance repair shop.
    - (b) Copying or reproduction facility.
    - (c) Mailing or facsimile service.
    - (d) Reverse vending machines. (When located within a convenience zone.)
  - (7) Other Uses.
    - (a) Broadcasting studio.
    - (b) Christmas tree or pumpkin patch lot. (See General Regulations Section 10-1.2735.c. for standards)
    - (c) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions.)
    - (d) Educational facilities. Small, generally less than 2,000 square feet and designed to augment the learning process of elementary and secondary students.

- (e) Public agency facilities.
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the primary uses permitted in the CC-C District:
- (1) Accessory buildings and uses. (See Section 10-1.1555.)
  - (2) Accessory dwelling unit (s). ~~(Also referred to as "Granny flat, in-law unit, second dwelling unit.")~~ Where primary use is residential. See Section 10-1.2740 for criteria and standards.]
  - (3) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
  - (4) Home occupation. (See definitions)
  - (5) Household pets.
  - (6) Indoor storage. (Clearly subordinate to a primary or conditional use that is open to the public and which conforms to the policies and goals of the Redevelopment Agency and the Central City-Commercial Subdistrict.)

(Amended by Ordinance 17-16 , adopted Nov. 7, 2017)

### *SEC. 10-1.1530 CENTRAL CITY—RESIDENTIAL SUBDISTRICT (CC-R)<sup>13</sup>*

#### **SEC. 10-1.1532 CC-R PERMITTED USES.**

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CC-R District as primary uses.
- (1) Administrative and Professional Offices/Services.  
None.
  - (2) Automobile Related Uses.  
None.
  - (3) Personal Services.  
None.
  - (4) Residential Uses.
    - (a) Artist's loft. (Live above place of business)
    - (b) Boarding home.
    - (c) Group home. Within existing single-family dwellings. (6 or fewer residents, excluding staff).
    - (d) Multiple-family dwellings. (Density per Downtown Hayward Design Plan)
    - (e) [Reserved.]

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<sup>13</sup>Note(s)—Maps in Section 10-1.1534, 10-1.1535 and 10-1.1536 amended August 2006.  
Section 10-1.1530 amended by Ordinance 13-12 , adopted November 19, 2013.

- (f) Single-family dwelling. (Existing as of May 4, 1993, including their accessory structures and uses)
- (5) Retail Commercial Uses.
  - None.
- (6) Service Commercial Uses.
  - Reverse vending machines. (When located within a convenience zone.)
- (7) Other Uses.
  - (a) Ambulance service.
  - (b) Christmas tree or pumpkin patch lot. (See General Regulations Section 10-1.2735.c. for standards)
  - (c) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
  - (d) Public agency facilities.
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the permitted uses in the CC-R Subdistrict:
  - (1) Accessory buildings and uses. (See Section 10.1.1555.)
  - (2) Accessory dwelling unit (s). ~~(Also referred to as "Granny flat, in-law unit, second dwelling unit.") Where primary use is residential.~~ See Section 10-1.2740 for criteria and standards.)
  - (3) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
  - (4) Home occupation. (See definitions)
  - (5) Household pets.
  - (6) Indoor storage. (Clearly subordinate to a primary or conditional use that is open to the public and which conforms to the policies and goals of the Redevelopment Agency and the Central City-Residential Subdistrict.

(Amended by Ordinance 17-16 , adopted Nov. 7, 2017)

## *SEC. 10-1.1540 CENTRAL CITY—PLAZA SUBDISTRICT (CC-P)<sup>14</sup>*

### **SEC. 10-1.1542 CC-P PERMITTED USES.**

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CC-P District as primary uses.
  - (1) Administrative and Professional Offices/Services. (Above first floor only)

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<sup>14</sup>Note(s)—Section 1542a.(5) amended by Ordinance 04-19, adopted December 21, 2004.  
 Maps in Section 10-1.1544, 10-1.1545 and 10-1.1546 amended August 2006.  
 Section 10-1.1540 amended by Ordinance 13-12 , adopted November 19, 2013.

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- (a) Accounting and financial offices. (Excluding check cashing stores)
  - (b) Architectural and engineering offices.
  - (c) Banks. (Excluding check cashing stores)
  - (d) Chiropractic and acupuncture offices.
  - (e) Insurance and real estate offices.
  - (f) Law offices.
  - (g) Medical and dental offices.
  - (h) Travel and airline agency offices.
- (2) Automobile Related Uses.
- Automobile parts store.
- (3) Personal Services.
- (a) Barber/beauty shop. (Excluding beauty college)
  - (b) Dry cleaning/laundry.
  - (c) Nail salon.
  - (d) Photography studio.
  - (e) Shoe repair.
  - (f) Tailor/seamstress shop.
- (4) Residential Uses.
- (a) Artist's loft. (Live above place of business; non-first floor only)
  - (b) Residential dwelling unit(s).
  - (c) Single-family dwelling(s). (Existing as of May 4, 1993, including their accessory structures and uses, any floor)
  - (d) Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.
- (5) Retail Commercial Uses.
- (a) Antique store.
  - (b) Appliance store.
  - (c) Art and art supplies store.
  - (d) Bicycle store.
  - (e) Bookstore.
  - (f) Camera store.
  - (g) Card shop.
  - (h) Carpet/drapery store.
  - (i) Clothing store.
  - (j) Consignment store.

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- (k) Fabric store.
  - (l) Floral shop.
  - (m) Furniture store.
  - (n) Garden supplies store.
  - (o) Gift shop.
  - (p) Hardware store.
  - (q) Jewelry store.
  - (r) Locksmith shop.
  - (s) Music store.
  - (t) Paint/wallpaper store.
  - (u) Pet grooming shop.
  - (v) Pet store.
  - (w) Plumbing and heating store.
  - (x) Restaurant. (No bar)
  - (y) Sporting goods store.
  - (z) Stationary store.
  - (aa) Supermarket.
  - (bb) Theater. (Small Motion Picture, Large Motion Picture or Live Performance.)
  - (cc) Toy store.
  - (dd) Variety store.
  - (ee) Video sales and rental.
  - (6) Service Commercial Uses.
    - (a) Appliance repair shop. (Ancillary to appliance sales)
    - (b) Copying or reproduction facility.
    - (c) Mailing or facsimile service.
    - (d) Reverse vending machines. (When located within a convenience zone)
  - (7) Other Uses.
    - (a) Broadcasting studio.
    - (b) Public agency facilities
    - (c) Parks.
    - (d) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
  - b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the permitted uses in the CC-P Subdistrict:
    - (1) Accessory buildings and uses. (See Section 10.1.845a.—d.)
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- (2) Accessory dwelling unit(s). ~~(Also referred to as "Granny flat, in-law unit, second dwelling unit.")~~ Where primary use is residential. See Section 10-1.2740 for criteria and standards.)
- (3) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
- (4) Home Occupation. (See definitions)
- (5) Household pets.
- (6) Indoor storage. (Clearly subordinate to a primary or conditional use that is open to the public and which conforms to the policies and goals of the Redevelopment Agency and the Central City-Plaza Subdistrict.

(Amended by Ordinance 17-16 , adopted Nov. 7, 2017)

### ***SEC. 10-1.1555 MINIMUM DESIGN AND PERFORMANCE STANDARDS FOR CC-C, CC-R, AND CC-P SUBDISTRICTS<sup>15</sup>***

The City recognizes that high-quality design of commercial structures can contribute to a positive appearance of neighborhoods and improve the overall character of the community. This Section establishes design and performance standards that shall apply to residential and commercial development allowed in the CC districts, including but not limited to cultural, educational, religious or recreational facilities. ~~The following documents shall be referred to and applied were applicable for development in the CC districts:~~

~~City of Hayward Design Guidelines, November 9, 1993.~~

~~Downtown Hayward Design Plan, July 7, 1992.~~

~~Design Requirements and Guidelines of Downtown Hayward, July 7, 1992.~~

~~Hayward Downtown Historic Rehabilitation District Commercial Design Manual, November 9, 1993.~~

~~The Core Area Plan—Recentering, July 28, 1992.~~

~~Downtown Hayward Redevelopment Plan, July 28, 1992.~~

#### **Single Family Dwelling.**

~~For single family dwellings existing as of May 4, 1993, any addition, accessory building and use shall conform to the Single Family Residential District Minimum Design and Performance Standards, Section 10-1.245, and the following applicable criteria and standards.~~

#### **Multiple Family Dwelling Residential Uses.**

For ~~multiple family dwelling(s)~~ residential uses refer to the design criteria contained in ~~the above documents,~~ the Minimum Design and Performance Standards contained ~~RH Residential~~ Districts, Section 10-1.200. ~~and the following applicable criteria and standards relating to multiple family dwellings.~~

<sup>15</sup>Note(s)—Section 10-1.1555z. added by Ordinance 01-08, adopted July 17, 2001.

Section 10-1.1555 amended by Ordinance 13-12 , adopted November 19, 2013.



## SEC. 10-1.1900 AIR TERMINAL DISTRICT (AT)

***SEC. 10-1.1900 AIR TERMINAL DISTRICT (AT)<sup>16</sup>*****SEC. 10-1.1972 AT-RM USES PERMITTED.**

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-RM District, when not specified as an administrative or conditional use.
  - (1) Residential Uses.
    - (a) Multiple-family dwelling.
    - (b) Single-family dwelling.
    - (c) Group home. (See definitions)
  - (2) Other Uses.
    - (a) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
    - (b) Public agency facilities. (See definitions)
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-RM District:
  - (1) Residential Uses.
    - (a) Accessory dwelling unit (s). (Also referred to as "Granny flat, in-law unit, second dwelling unit.") Where primary use is residential. See Section 10-1.2740 for criteria and standards.)
  - (2) Other Uses.
    - (a) Accessory buildings and uses. (See Section 10-1.1985)
    - (b) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
    - (c) Home occupation. (See definitions)
    - (d) Household pets.
    - (e) Day Care Center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff).

(Amended by Ordinance 17-16 , adopted Nov. 7, 2017)

**SEC. 10-1.1985 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

This Section establishes design and performance standards that shall apply to the construction of aviation, industrial and commercial buildings and uses in the AT District.

<sup>16</sup>Note(s)—Section 10-1.1985dd. added by Ordinance 01-08, adopted July 17, 2001.  
Section 10-1-1900 amended by Ordinance 13-12 , adopted November 19, 2013.

## Residential Buildings and Uses.

For ~~single-family and multi-family~~ residential buildings and uses, refer to the Minimum Design and Performance Standards contained in the ~~RS and RM Residential~~ Districts, Section 10-1.200.

## *SEC. 10-1.2000 AGRICULTURAL DISTRICT (A)*<sup>17</sup>

### SEC. 10-1.2015 USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the A District as primary uses.
  - (1) Agricultural Uses.
    - (a) Crop and tree farming. (Including truck gardening, nurseries, greenhouses, apiaries, hatcheries, aviaries, flower or vegetable gardens and similar uses)
    - (b) Farm or ranch. (For the grazing or breeding of livestock, provided livestock is not kept within a distance of 40 feet from any dwelling, or the boundary of any district other than A or FP Districts.)
    - (c) Sale of fruits, vegetables, and flowers grown on premises. (Provided sales or displays are not conducted from a motor vehicle, or a structure or stand exceeding 300 square feet in area.)
  - (2) Residential Uses.
    - (a) Single-family dwelling.
    - (b) Group home for 6 or fewer residents, excluding staff. (See definitions)
  - (3) Other Uses.
    - (a) Christmas tree or pumpkin patch lot. (See General Regulations Section 10-1.2735.c. for standards)
    - (b) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
    - (c) Public agency facilities.
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the primary uses permitted in the A District:
  - (1) Residential Uses.
    - (a) Accessory dwelling unit(s). (~~Also referred to as "Granny flat, in-law unit, second dwelling unit."~~) Where primary use is residential, -See Section 10-1.2740 for criteria and standards.
    - (b) Second single-family dwelling. (Where one single-family dwelling already exists on a lot, one additional single-family dwelling may be constructed provided the minimum development standards (lot size, setbacks, height, etc.) can be met for each dwelling).

<sup>17</sup>Section 10-1.2020(b)(3) amended by Ordinance 04-13, adopted September 28, 2004.  
Section 10-1.2000 amended by Ordinance 13-12, adopted November 19, 2013.

## (2) Other Uses.

- (a) Accessory buildings and uses. (Including green houses, stables, barns, corrals, pens, coops, and structures used for parking or processing of products raised upon the premises, and similar uses and structures customarily incidental to agricultural uses. Also see Section 10-1.2735.e.)
- (b) Garage sales. (4 per year per dwelling. See Section 10-1.2735.d.)
- (c) Home occupation. (See definitions)
- (d) Livestock, large and small. (See Section 10-1.2735.e. and definitions.)

(Amended by Ordinance 17-16 , adopted Nov. 7, 2017)

**SEC. 10-1.2045 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

This Section establishes design and performance standards that shall apply to the construction of agricultural, commercial, and residential buildings and uses in the A District.

**Single-family Dwelling Residential Uses.**

For ~~single-family dwellings, additions, accessory buildings and residential~~ uses refer to the applicable criteria and standards contained in the ~~Residential~~ Districts, Section 10-1.20045.

**SEC. 10-1.2400 SPECIAL LOT STANDARDS COMBINING DISTRICT (B)****SEC. 10-1.2445 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

Shall be the same as the primary district combined with:

TABLE 2 B DISTRICT LOT REQUIREMENTS						
B Districts	Minimum Lot Size (Sq. Ft.)	Minimum Lot Area Per Primary Use (Sq. Ft.)**	Minimum Lot Frontage (Feet)	Minimum Average Lot Width (Feet)	Maximum Lot Coverage (Percent)	Minimum Average Lot Depth (Feet)
B3.5	6,000	<del>3,500</del>	*	60	*	*
<del>(R)S</del> B4	4,000	<del>4,000</del>	*	50**	*	*
(RM)B4	8,000	<del>4,000</del>	*	60	*	*
B6	6,000	<del>6,000</del>	*	60	*	*
B7	7,500	<del>*</del>	*	70	*	*
B8	8,000	<del>8,000</del>	*	70	*	*
B10	10,000	<del>10,000</del>	*	80	*	*
B20	20,000	20,000**	*	100	*	*
(AT)B25	25,000	25,000**	*	*	*	*
B40	40,000	<del>40,000</del>	*	120	*	*
B2.5A	2.5 acres	2.5 acres**	*	200	*	*
B5A	5 acres	5 acres**	*	250	*	*
B10A	10 acres	10 acres**	*	400	*	*

B100A	100 acres	100 acres**	*	400	*	*
B160A	160 acres	160 acres**	*	400	*	*

Notes:

\* Same as primary district combined with.

\*\* ~~Corner lots shall be a minimum of 55 feet in width. Only applies to non-residential primary uses.~~  
The number of residential units shall be determined by the allowable density within the underlying General Plan land use designation.

TABLE 3 B DISTRICT YARD REQUIREMENTS				
B Districts	Minimum Front Yard (Feet)	Minimum Side Yard (Feet)	Minimum Side Street Yard (Feet)	Minimum Rear Yard (Feet)
B3.5	*	*	*	*
(R <del>LS</del> )B4	*	*	*	*
(RM)B4	*	*	*	*
B6	*	*	*	*
B7	*	*	*	***
B8	*	*	*	*
B10	*	*	*	*
B20	*	*	*	20
(AT)B25	*	*	*	*
B40	20	**	20	20
B2.5A	30	**	20	30
B5A	30	**	20	30
B10A	30	**	20	30
B100A	30	**	20	30
B160A	30	**	20	30

Notes:

\* Same as primary district combined with.

\*\* 40 feet combined, with one side yard not less than 10 feet.

\*\*\* Within new subdivisions of ten or more dwellings, one-story dwellings may be as close as ten feet to front and rear property lines as long as there is at least 1,000 square feet of usable open space in the rear yard and garages are at least 20 feet from front property lines.

## SEC. 10-1.2600 SPECIAL DESIGN OVERLAY DISTRICT (SD)

*SEC. 10-1.2600 SPECIAL DESIGN OVERLAY DISTRICT (SD)<sup>18</sup>***SEC. 10-1.2610 "B" STREET SPECIAL DESIGN STREETCAR DISTRICT (SD-1).**

The following specific design requirements shall apply to the "B" Street Special Streetcar Design District (SD-1).

## a. Landscape.

- (1) Sycamore street trees shall be maintained and replaced if missing or deemed unhealthy by the City's Landscape Architect or a certified Arborist.
- (2) Required ~~f~~Front yard setback, except for access driveway, shall be landscaped.
- (3) Solid fencing or other fencing higher than 3 feet shall not be permitted in front yard. Fencing within the required front yard shall be permeable (maximum 75% solid) and a maximum height of 3 feet.

## b. Siting.

- ~~(1) Depth of the front yard shall generally conform with adjacent yards of original houses except for commercial uses abutting the railroad and at the corners of "B" and Meekland and "B" and Watkins.~~
- ~~(21) New buildings shall maintain the rhythm of houses at 50-foot intervals, such as, no continuous front wall planes shall span an original lot line elevations may exceed 40 feet,~~ except for commercial non-residential uses abutting the railroad and at the corners of "B" and Meekland and "B" and Watkins.
- ~~(32) Primary entrances~~ shall be oriented toward "B" Street.
- ~~(43) Parking shall be located to the rear of the~~ front building.

## c. Architecture.

- (1) Except for possible flat roofs on commercial buildings abutting railroad and at the corners of "B" and Meekland and "B" and Watkins, primary roofs shall be hip, gambrel, or gable design.
- (2) ~~Front building entrance shall be featured; r~~Residential entrances shall incorporate an porch, elevated at least 12 inches above the finished grade porch and at least 5 feet deep and 10 feet wide.
- ~~(3) Substantial window areas shall overlook street.~~
- ~~(4) Architecture and materials shall be sympathetic to original Victorian, Colonial Revival, or Craftsman styles; for example, untrimmed openings, garish colors, and plywood siding generally not acceptable.~~

<sup>18</sup>Section 10-1.2630 added by Ordinance 03-11, adopted July 22, 2003.

Section 10-1.2630 amended by Ordinance 05-04, adopted July 26, 2005 and became effective May 31, 2006.

Section 10-1.2635 added by Ordinance 06-13, adopted July 11, 2006.

Section 10-1.2640 added by Ordinance 09-07, adopted July 7, 2009.

Section 10-1.2635 repealed by Ordinance 11-12, adopted October 11, 2011.

Section 10-1.2615 repealed by Ordinance 12-02, adopted January 10, 2012.

**SEC. 10-1.2615 MISSION CORRIDOR SPECIAL DESIGN DISTRICT (SD-2)**

~~Note(s) — (Repealed by Ordinance 12-02, Adopted January 10, 2012)~~

**SEC. 10-1.2620 COTTAGE SPECIAL DESIGN DISTRICT (SD-3).**

~~a. — Design Theme.~~ This overlay district allows an historic pattern of small lot, single-family cottage development near town and transit which would otherwise be precluded by contemporary lot size, front setback, and parking requirements. Cottage development, as defined in Sec. 10-1.2620(b) below, may utilize lesser lot sizes and parking requirements therein; other development within this Special Design District may utilize lesser lot sizes and parking is subject to the requirements of the underlying district ~~and respect the context of small-scale residential development in design and siting.~~ Typical pioneer cottages have a medium pitch hip or gable roofs; double-hung, vertical windows, symmetrically arranged; wide horizontal wood siding; front porches across all or most of the front elevation with decorative wood post and balustrade; exterior steps ascending from raised basement level and white picket fences. Later Victorian cottages with more decorative elements and still later Craftsman cottages have related rooflines, materials, and orientation to the street.

~~b.a.~~ Parameters of Cottage Development.

- (1) A cottage ~~should~~shall not exceed 1,200 square feet of living space or have more than 900 square feet on one floor.
- (2) Maximum Building Height: 28 feet.
- (3) Minimum Lot Size: 2,800 square feet.
- (4) Minimum Lot Width: 35 feet.
- (5) Minimum Front Setback: 10 feet, ~~unless nearest cottage on same street has less.~~
- (6) Minimum Side Setback: 5 feet.
- (7) Minimum Rear Setback: 20 feet.

~~eb.~~ Driveways and Parking. ~~The Cottage District development pattern was established before cars, and suits households with one or no motor vehicles.~~ One off-street parking placed space per cottage is required; ~~a single-car garage in a raised basement or back yard, or nearby leased parking, may be appropriate depending upon site circumstance.~~ Driveways ~~should~~shall generally be limited to ~~a~~ 10 feet and ~~in no cases shall not~~ exceed 30 percent of the lot width. Double-car garages in the front street elevation are prohibited.

~~dc.~~ Fences and Street Lighting. Front fences ~~should~~shall be white picket fences; ~~walls across the front of the lot and chain link fences are prohibited.~~ A ~~lantern-style~~ pedestrian light ~~near~~within five feet of the sidewalk at the front entry walkway shall be provided.

~~ed.~~ Architecture. ~~Typical pioneer cottages have a medium pitch hip or gable roofs; double-hung, vertical windows, symmetrically arranged; wide horizontal wood siding; front porches across all or most of the front elevation with decorative wood post and balustrade; exterior steps ascending from raised basement level and white picket fences. Later Victorian cottages with more decorative elements and still later Craftsman cottages have related rooflines, materials, and orientation to the street.~~ New cottage development ~~should~~shall ~~continue themes of~~have horizontal wood siding on all facades, hip or gable rooflines ~~of medium pitch~~, and a front entry porch equal to at least 60 percent of the width of the front facing façade that is at least 12 inches above the finished grade and at least 5 feet deep and 15 feet wide. ~~that is expansive relative to the size of the cottage.~~

**SEC. 10-1.2625 CANNERY AREA SPECIAL DESIGN DISTRICT (SD-4).**

Consistent with the General Plan, the purpose of the Cannery Area Special Design District (SD-4) is to implement policies embodied in the Cannery Area Design Plan. The Cannery Study Area contains older industrial uses that are surrounded by residential areas. The Design Plan envisions conversion of the industrial uses to commercial uses, residential uses, or mixed uses, as appropriate. The following design requirements shall apply to the Cannery Area Special Design District (SD-4):

- a. Design Theme. The overall layout and design of development proposed within this district shall be consistent with the provisions of the Cannery Area Design Plan.
- ~~b. Administrative Use Permits. Pursuant to requirements of the Industrial (I) District, any industrial use(s), or uses determined to be similar by the Planning Director, located on a parcel(s) which abuts an R, A, MH, OS or residential PD zoning district, shall require the approval of an Administrative Use Permit.~~
- ~~eb.~~ Block Pattern and Street Layout. The overall block pattern and street layout in proposed developments shall conform to the Design Concept as contained in the Cannery Area Design Plan. The design of streets and the width of the public right-of-way shall be consistent with the Park and Street Network and Street Sections and Plans as contained in the Cannery Area Design Plan.
- ~~dc.~~ Development Densities. Densities of new development shall be consistent with the applicable General Plan designations and shall further conform to the densities specified in the Land Use plan as contained in the Cannery Area Design Plan.
- ~~ed.~~ Live-Work Spaces. Live-work developments shall be located within ~~the~~ designated blocks as indicated in the Cannery Area Design Plan. The design of live-work developments shall be consistent with the guidelines for Typical Blocks as contained in the Cannery Area Design Plan and with any ordinances or other guidelines that may be subsequently adopted by the City.
- ~~fe.~~ Building Setbacks. The required setback for new development shall be 10' as indicated by the Build-to-Line shown on the Design Concept and Land Use maps in the Cannery Area Design Plan. Architectural features such as cornices, eaves, open porches, bay windows, and canopies may extend into the required front yard as specified in the Cannery Area Design Plan.
- ~~gf.~~ Parks and Open Space. Parks and other open space proposed within new developments shall be consistent with the Park and Street Network as contained in the Cannery Area Design Plan.

**SEC. 10-1.2630 MISSION-GARIN AREA SPECIAL DESIGN DISTRICT (SD-5).**

- ~~a. Purpose.~~ The purpose of the Mission-Garin Area Special Design District (SD-5) is to ensure the orderly development of the Mission-Garin Area (see map, below), consistent with the policies and strategies contained in the General Plan and the provisions of the Hillside Design Guidelines. In this District, clustering of residential development is encouraged, with development located so as to avoid geologic hazards, minimize grading and preserve significant natural site features, such as rock outcroppings, nature trees, natural drainage courses and scenic views. Preferred hillside development includes clustering of dwelling units, whether single-family or multi-family detached or attached, separated by inter-connected natural open space or greenbelt corridors.

This District establishes the total dwelling unit potential (see table, below) for the area within the District and sets forth development standards and design guidelines that apply to future development within this District.

- ~~ba.~~ Dwelling Unit Allocation. Development for any parcel or combination of parcels ~~shall~~will be consistent with the dwelling unit allocation set forth in the table ~~set forth~~ below. Adjustments to the dwelling unit allocations for specific properties may be considered by the City Council based on presentation of more

detailed data, findings of site-specific environmental analyses, and/or as a result of the application of the development standards outlined below during the review of individual development projects. In no case will the total number of dwelling units exceed the maximum shown for the entire District. For any parcels not specifically identified in the attached table, the number of dwelling units to be allocated willshall be determined by the City Council in a manner consistent with that used for properties included in the table and supported by adequate environmental analysis.

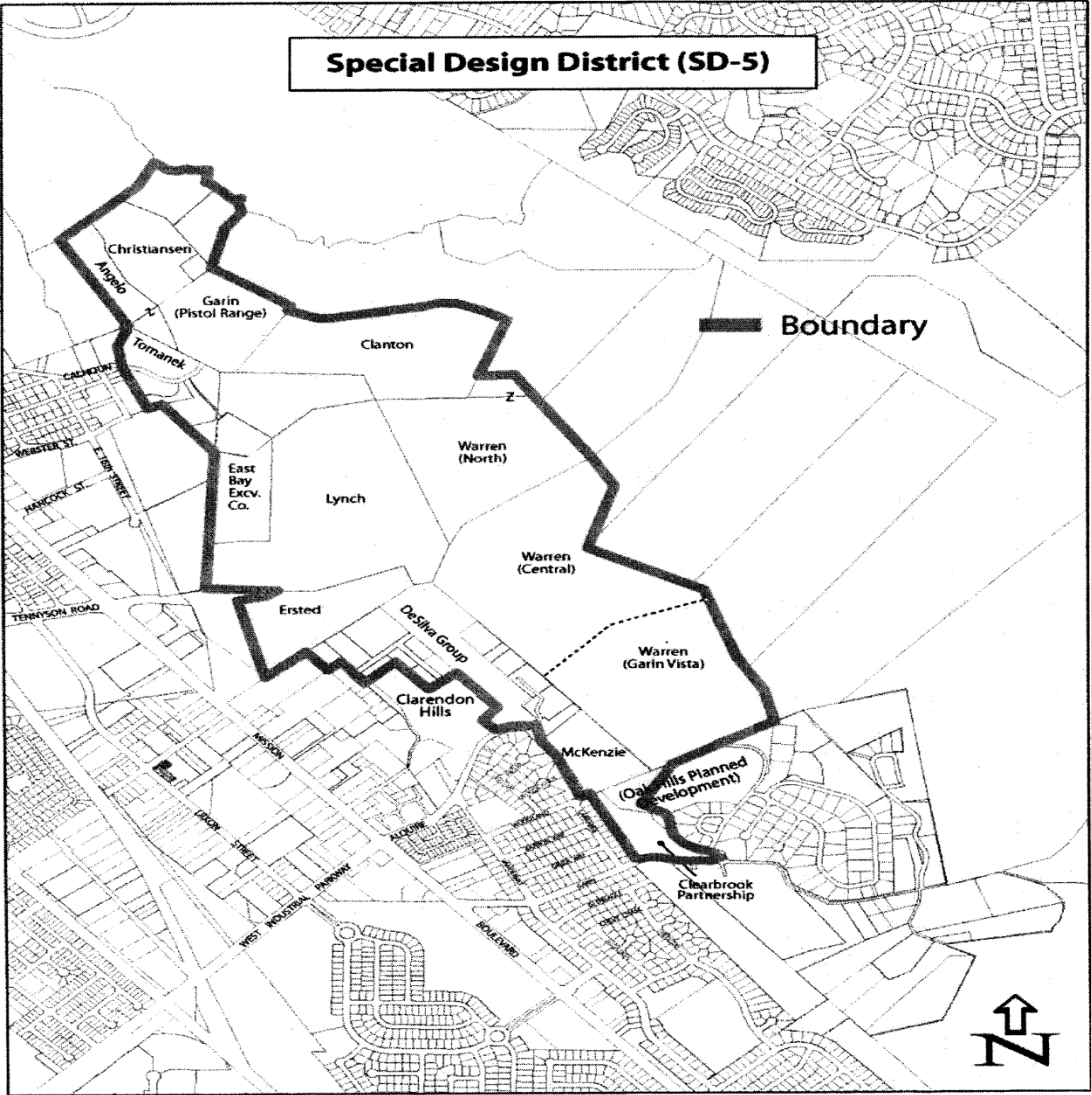
~~cb. Development Standards and Design Guidelines. Clustering of residential development is encouraged, with development located so as to avoid geologic hazards, minimize grading and preserve significant natural site features, such as rock outcroppings, nature trees, natural drainage courses and scenic views. Preferred hillside development includes clustering of dwelling units, whether single-family or multi-family, separated by inter-connected natural open space or greenbelt corridors.~~

New development shall adhere to the following development standards ~~and design guidelines. To the extent that the following provisions conflict with the Hillside Design and Urban/ Wildland Interface Guidelines, the following standards shall prevail. As required by the established review process, proposed development projects will be referred to the Planning Commission and, as appropriate, the City Council, for review and action:~~

- ~~(1) In order to promote the preservation of natural features while achieving the development potential established for this District, Planned Development applications may be required.~~
- ~~(21)~~ Development is not permitted within areas where natural slopes are generally greater than 25 percent.
- (3) Grading willshall be consistent with the Hillside Design Guidelines and Section 10-1.204(HG). ~~For developments on slopes greater than 15 percent, at least 50 percent of the dwelling units willshall feature a stepped design.~~
- (4) The slope of streets shall not exceed 12 percent unless ~~necessary to minimize significant grading permitted by the Fire Marshall and Public Works Director.~~
- (5) Pedestrian ~~movement will be encouraged through the provision of pathways~~ are required on at least one side of the street. ~~On longer streets, p~~ Pedestrian links between streets shall be provided at a minimum of 750-foot intervals.
- (6) New construction, including new roadways, willshall be set back at least 100 feet from the top of any creek bank.
- (7) Exposed drainage systems willshall be constructed of river rock or grassy swales or similar, as approved by the Public Works Director. ~~materials that blend with the natural environment (e.g., grassy swales or river rock).~~
- ~~(8) Development plans will feature the preservation of the greatest possible number of native trees, consistent with provisions of the Tree Preservation Ordinance.~~
- ~~(9) Structures will be of high quality design, compatible with the natural surroundings and will feature darker earth-tone colors.~~
- ~~(10) Lower portions of homes will be screened through the plantings of native trees and shrubs.~~
- ~~(11) Preservation of views toward the bay in the hillsides will be incorporated into the design and layout of developments.~~
- ~~(128)~~ Detached ~~single-family~~ residential development projects willshall include at least 10% percent one-story units. ~~A lesser amount may be considered based on topographic conditions.~~
- ~~(13) Architectural plans should utilize stepped or transitional front elevations, with the entries and windows visible from the street. The plans should feature alternating roof lines and forms, and incorporate decorative siding materials, entry doors and windows.~~



- (149) Densities shall be developed to no less than ~~the midpoint for the assigned density range~~50 percent of the maximum allowable.
- (1510) ~~Computer visual simulations~~Three dimensional renderings are required as part of application submittals for any new development. ~~Vantage points are to be approved by staff.~~



Mission-Garin Area Special Design (SD-5) District  
Maximum Total Dwelling Unit Potential

The SD-5 special design district comprises approximately 363 acres. The maximum dwelling unit potential shown in the table below excludes parcels/areas totaling approximately 57 acres within the district that are considered as developed or rural home sites with little potential for subdivision due to size, slope, earthquake faults, etc.

Owners of Parcels	Maximum Potential Dwelling Units
Christiansen	1

Angelo	1
Garin (Pistol Range)	1
Tomanek	1
Clanton	3
Ersted	115
La Vista Quarry <sup>1</sup>	16
Warren (Garin Vista)	115
McKenzie	54
Clearbrook Partnership <sup>2</sup>	13
TOTALS:	320

<sup>1</sup> Consists of the following parcels/areas: Lynch/East Bay Excavating Co./Warren (North)/Warren (Central)/DeSilva Group

<sup>2</sup> Does not include the potential for an additional 12 dwelling units associated with the approved Oak Hills Planned Development

### **~~SEC. 10-1.2635 SOUTH HAYWARD BART/MISSION BOULEVARD SPECIAL DESIGN DISTRICT (SD-6).~~**

~~Note(s) — (Repealed by Ordinance 11-12, Adopted October 11, 2011)~~

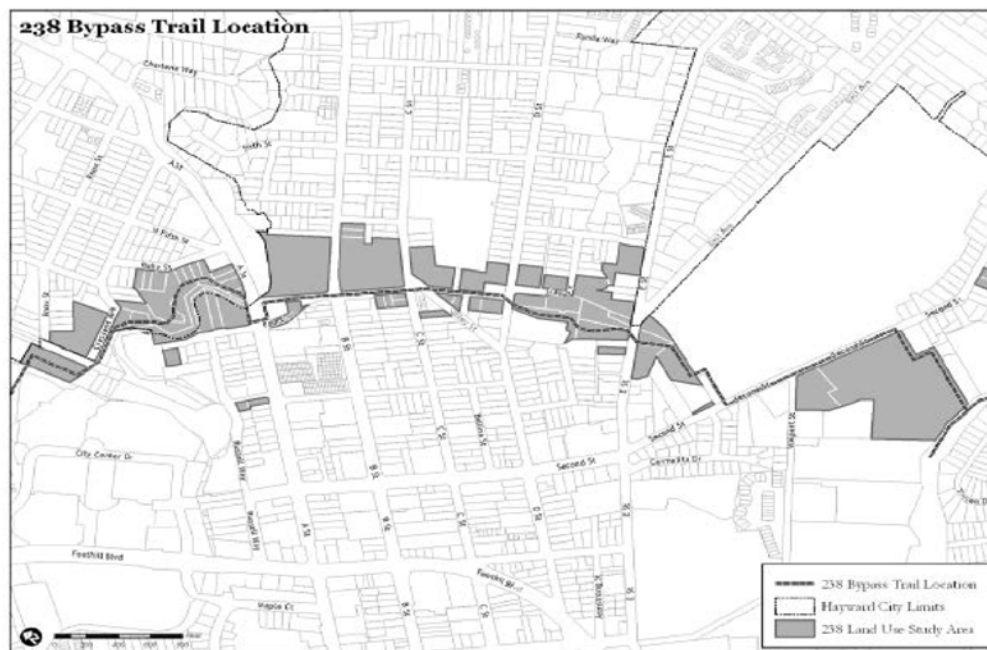
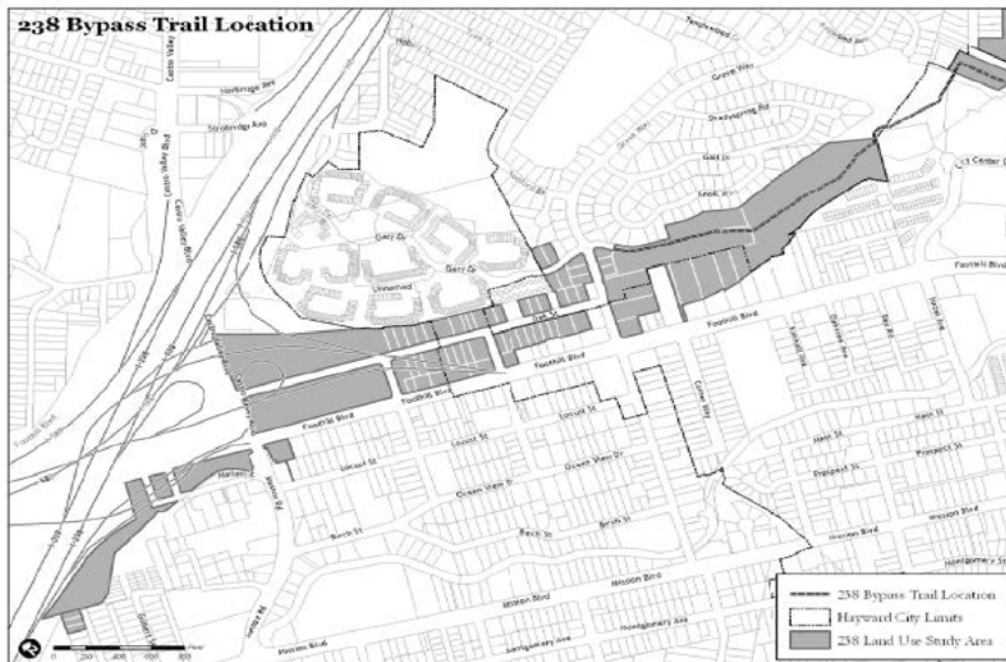
### **SEC. 10-1.2640 HAYWARD FOOTHILLS TRAIL (SD-7).**

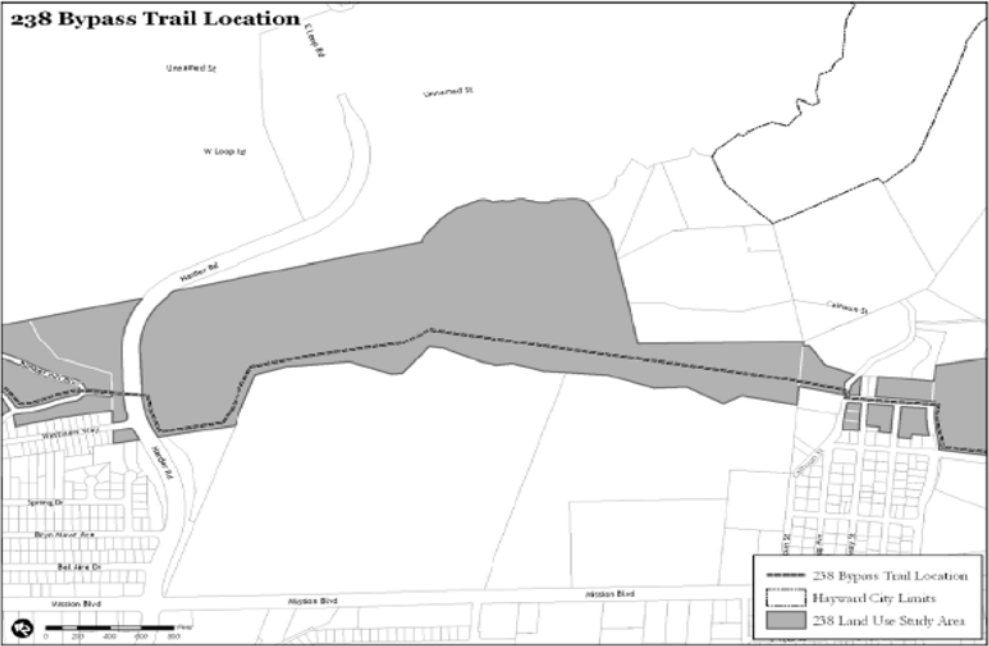
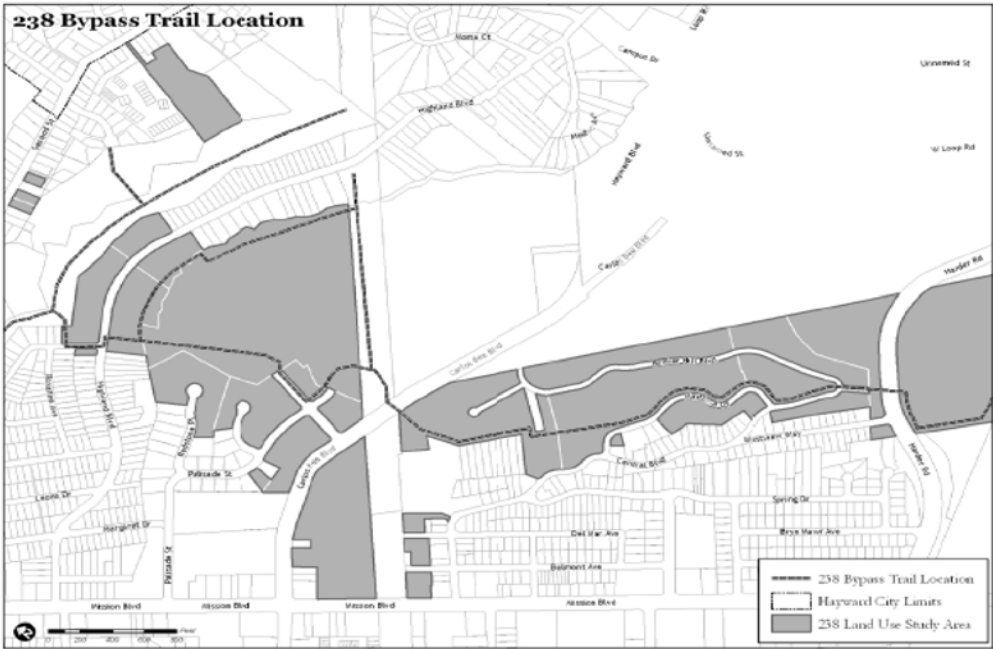
~~a. Purpose.~~ The purpose of the Hayward Foothills Trail Special Design District (SD-7) is to ensure the orderly development of a continuous trail as properties involved in the 238 Bypass Land Use Study are developed. The District establishes the general location for the trail (see map, below) as well as the standards and guidelines for establishing the trail.

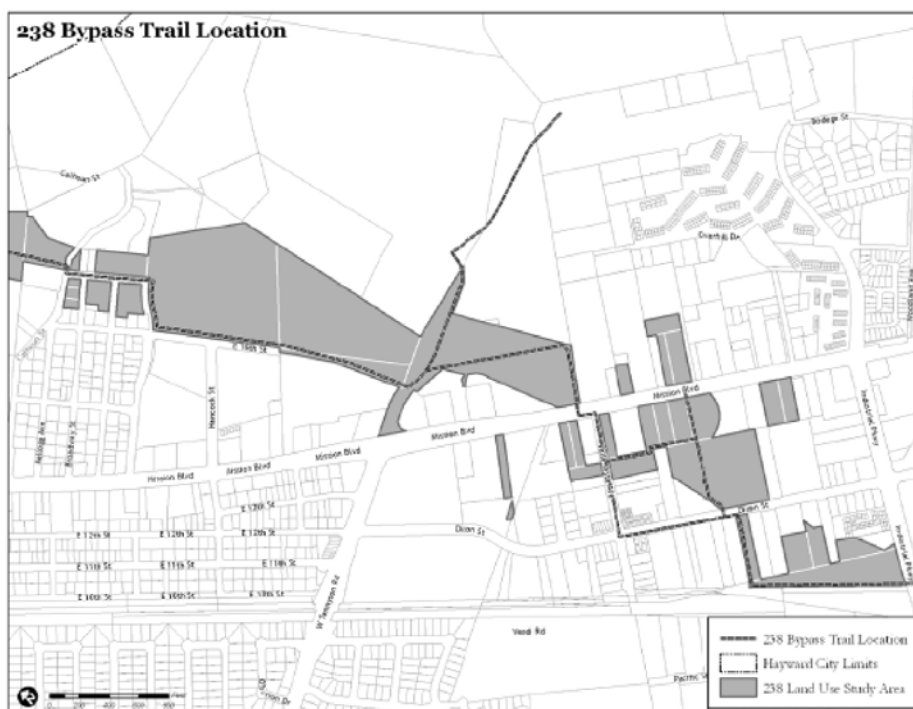
~~ba.~~ Development Standards and Design Guidelines. The development of the trail shall adhere to the following development standards and design guidelines.

- (1) The trail ~~is envisioned to shall~~ be a 16-foot wide trail within a 20-foot wide area ~~where possible~~, to accommodate multiple users. A reduced width may be approved by the Planning Director and the Hayward Area Recreation and Park District (HARD) where the standard width is infeasible.
- (2) The trail ~~is envisioned to shall~~ be established ~~generally~~ in the locations as shown on the maps below unless an alternative route is approved by the Planning Director and HARD.
- ~~(3) Where the trail traverses individual properties, it is envisioned to be developed in a location which will maximize the future development potential of the property.~~
- ~~(43)~~ The trail design shall be ~~developed in coordination and~~ approved by the Hayward Area Recreation and Park District (HARD) ~~and~~ in accordance with the District's trail standards.
- ~~(54)~~ The trail shall be developed in areas where the ~~rational~~ slope is less than 25 percent, ~~if possible~~.
- ~~(65)~~ The trail shall be a multi-use trail for pedestrian and bicycles and shall be available to the entire Hayward community as well as visitors to the Hayward community.
- ~~(76)~~ Residential or non-residential development adjacent to the trail shall maintain at least a ten foot setback from the edge of the trail, ~~where feasible~~.

- (87) Where the trail traverses individual properties, ~~if possible~~, the trail shall be located in front of structures to accommodate greater visibility and easier access, for the safety of all trail users and the occupants of future developments.







## ***SEC. 10-1.2700 GENERAL REGULATIONS<sup>19</sup>***

### **SEC. 10-1.2720 SPECIAL LOT REQUIREMENTS.**

No parcel of land shall hereafter be reduced or divided so as to provide less than the minimum lot size or dimensions required in the district in which such land is situated unless otherwise authorized by provisions of this ordinance and/or the Subdivision Regulations.

- a. Minimum Lot Frontage. Except as provided herein, each lot shall have a minimum frontage of 35 feet.
- b. Lot Frontage Exception for Flag Lot(s). In the case of a flag lot(s) that has been approved in accordance with the provisions of the Chapter 10, Article 3, of the Hayward Municipal Code (Subdivision Ordinance), minimum frontage requirements may be reduced as follows:

<sup>19</sup>Section 10-1.2735 k. amended by Ordinance 03-08, adopted May 27, 2003.

Section 10-1.2735 b. repealed and replaced by Ordinance 06-03, adopted January 24, 2006.

Section 10-1.2735 b. amended by Ordinance 10-01, adopted January 5, 2010.

Section 10-1.2735 b. repealed and replaced by Ordinance 13-12, adopted November 19, 2013.

Section 10-1.2735 c.—k. renumbered by Ordinance 13-12, adopted November 19, 2013.

Sections 10-1.2735 i. amended by Ordinance 15-22, adopted October 13, 2015.

Sections 10-1.2725 g., 10-1.2735 j. amended by Ordinance 15-30, adopted December 1, 2015.

Sections 10-1.2735 e. amended by Ordinance 16-04, adopted January 19, 2016.

- 
- (1) Frontage for one lot shall be 22 feet, with access via a 16-foot-wide strip of land that provides for a 12-foot-wide paved travelway;
  - (2) Frontage for two or more lots shall be 28 feet, with access via a 24-foot-wide strip of land that provides for an 18-foot-wide paved travelway.
  - (3) As determined by the Planning Director or other approval authority, where feasible, adjoining flag lots may share a common access so long as the above standards are met.
  - (4) The use of a flag lot(s) should generally be avoided where other lot designs are possible and they should not be used solely to increase the maximum number of lots. See City Standard Detail #SD-109 and Design Guidelines for additional flag lot criteria.
- c. Lot Size Exception for Certain Substandard Lots. Any lot or parcel less than the minimum lot size or dimensions required may nevertheless be used as a building site if the lot or parcel was shown of record by the County Recorder as a lawfully created separate lot or parcel on the date the lot became substandard. In addition, either of the following circumstances must exist:
    - (1) The lot or parcel is not less than 80 percent of the size and average lot width requirements of the zoning district; or
    - (2) The lot or parcel is less than 80 percent of the size and average lot width requirements of the zoning district and there was no land abutting the lot or parcel under the same ownership on the date the lot became substandard.
  - d. Lot Size Exception for Lots made Substandard by Official Plan Line. Any lot or parcel made sub-standard in size or average lot width by an official plan line shall be deemed to comply with minimum requirements of area or average lot width required herein.
  - e. Lot Size Exception for Lots made Substandard by Rezoning from Agricultural District to Agricultural Combining Districts. Any lot or parcel made substandard in size or average lot width by a rezoning from an A (Agricultural) District to an AB (Agricultural Combining) District shall be deemed to comply with minimum requirements of area or average lot width required herein.

## **SEC. 10-1.2725 SPECIAL YARD REQUIREMENTS.**

Except as herein provided, every required yard shall be open and unobstructed and shall not be reduced or diminished in area so as to be smaller than prescribed by this ordinance. All uses shall be conducted indoors unless a use permit for outside storage has been approved.

- a. Yards Measured from Official Plan Line. Wherever an official plan line has been established for any street or future right-of-way, required yards shall be measured from such line.
- b. Yard Calculations. Open area required for one building, lot, or use shall not be calculated as required open area or yard for any other building, lot or use. Except where part of an approved development plan, or authorized by other regulation herein or the Planning Director, no structure shall be located in a required yard area.
- c. Yards on Dual Frontage Lots. Where the front and rear of a lot both have street frontage on approximately parallel streets, no above-ground structure shall be located closer to either street than the distance constituting the required front yard, except on those parcels where street access is restricted by regulations of a public authority, in which case building additions (not accessory structures) may be located within the yard where street access is restricted subject to requirements for rear yards.
- d. Yard Exceptions - Garages on Slopes.



- (1) Wherever the difference in elevation exceeds 5 feet between the front yard setback line and:

1. the elevation of the existing or planned street grade, or
2. the elevation at the rear line of a front yard,

Or:

- (2) Wherever the difference in elevation exceeds 2½ feet between the side street property line and the rear line of a side street yard,

Then, the horizontal distance from any garage or parking space in no case shall be less than 5 feet from the property line or an official plan line. This exception shall not apply on those streets where no on-street parking is permitted along the lot frontage unless a minimum of 2 additional spaces are provided on site in conformance with all required yard and design requirements.

- e. Yard Exceptions—Overhangs, Stairways, Chimneys, Open Porches and Architectural Features. Architectural features such as cornices, eaves, open porches, bay windows, and canopies may extend 2 feet into any required side yard and may extend 5 feet into any required front or rear yard. ~~Chimneys, media niches combined with chimneys (which shall not exceed 10 feet in width), landing places, or outside open stairways may project 3 feet into any required yard.~~
- f. Yard Exceptions—Vision Clearance. On a lot situated at the intersection of two or more streets, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to be in violation of Ordinance No. 100 C.S., as amended, Hayward Traffic Code, Sections 9.01 through 9.05, relating to Obstructions to Visibility at Intersections Prohibited, as the same are now in effect or which may hereafter be amended or replaced.
- g. Yard Exceptions—Fences, Hedges, Walls.

Fence Height.

- (1) In all OS, A, FP, RLS, RNP, and RS-RM, and RH Districts, ~~fences, hedges, and walls may be constructed to a height of 6 feet in any side or rear yard, and to a height of 4 feet in any portion of a front or side street yard, except that~~ where the rear or side yard is contiguous to commercially or industrially developed or zoned land, freeway, flood control channel, parking lot or arterial street, a maximum 8-foot-high fence or wall may be permitted. ~~For the RS District, an 8-foot-high fence or wall may be permitted adjacent to any non-residential zoning District.~~
- (2) Fences, hedges, and walls on through lots shall be limited to a height of 4 feet in any portion of the front yards unless determined by the Planning Director that up to a height of 6 feet (7 feet in a residential district) across a front property line acting as a rear property line would not compromise the safety of motorists and pedestrians nor the aesthetic value of the streetscape.
- (3) Fences or walls required to surround and enclose public utility installations are not limited as to height in any district.
- (4) In all ~~multi-family~~, commercial, or central city districts, no fence or wall shall be located in any required front or side street yard except as part of an approved development plan or if approved by the Planning Director.
- (5) Notwithstanding subsection (4) above, a 6 foot tall perimeter fence may be erected within the required front, side and rear yards of a vacant parcel or a vacant building in all zoning districts, subject to the standards set forth in Section 10-1.2735.j, Fence Regulations for Vacant Properties.

~~h. Yard Exceptions—Accessory Buildings and Uses.~~

- ~~(1) In conjunction with single-family development located on parcels zoned for same, and in zoning districts where single-family homes are permitted:~~

- ~~1. Accessory buildings not used for parking and not exceeding 14 feet in height and 120 square feet in area and detached from the main buildings, when located in area other than the required front yard (i.e., in side or rear yard area), shall be placed no closer than 3 feet from the side and rear property lines.~~
- ~~2. Accessory buildings or carports exceeding 120 square feet in area or open parking spaces shall be located no closer than 5 feet from the side and rear property lines.~~
- ~~3. Accessory building(s), garage(s), and one-story home additions may not cumulatively occupy more than 40 percent lot coverage of a required rear yard.~~
- ~~(2) For legal, conforming residences in other districts, setbacks for accessory buildings when located between the rear of the main building and the rear lot line may be placed 5 feet from the side and rear property lines or within the building envelope; and when located between primary structures and the right-of-way, all front and side yard setbacks shall be met.~~
- ~~(3) For other zoning districts where residential uses are permitted, carports in conjunction with multi-family development may be placed 5 feet from rear and side property lines when there would be no negative visual or noise impact on the adjacent use, as determined by the Planning Director.~~
- h. Yard Exceptions—Narrow Lots. A required side yard may be reduced to 3 feet adjacent to an access driveway installed in conjunction with a multi-family development where the parcel is less than 51 feet in width.
- j. Special Yards—Structures on Same Lot. In R, A, and CO Districts, no primary structure shall be located less than 10 feet from another primary structure nor located less than 8 feet from an accessory structure, except that an accessory structure may be 6 feet from a single-family dwelling.
- k. Special Yards—Lots with Approved Private or Easement Access. The required minimum yards for a lot which has indirect access via an approved private access or an easement to a public street shall be the same as that required for a lot which has direct access onto a public street.
- ~~l. Special Yards—One-Story Additions, Single-Family Dwellings. Reduction of the rear yard to 10 feet for one-story additions to single-family dwellings is permitted provided the required rear yard is not reduced by more than 20 percent and provided the cumulative coverage of the required rear yard does not exceed 40 percent.~~
- m. Special Yards—Flag Poles, Towers, Antennas, Satellite Earth Stations.
  - (1) Flag poles less than 25 feet in height which display the American flag and permitted commercial flags, may be located in any yard of any district but in no case shall they be located closer than 5 feet to a property line.
  - (2) Radio and television antennas and other wireless telecommunications facilities shall comply with the requirements of this ordinance and Chapter 10, Article 13 of the Hayward Municipal Code.
- n. Special Yards—Swimming Pools, Hot Tubs, Spas. In any R, residential PD, A, or CO District, swimming pools, hot tubs, and spas may be located in any yard other than the required front or side street yard, provided that no wall line of a pool shall be closer than 5 feet from any property line.
- ~~o. Special Yards—Decks. In conjunction with a single-family dwelling in any R District:~~
  - ~~(1) Decks less than 30 inches in height may be located in any rear or side yard but no closer than three feet to the rear or side property line.~~
  - ~~(2) Decks located in the front or side street yards shall not exceed 12 inches in height unless approved by the Planning Director or other approval authority.~~



~~(3) Decks 30 inches or more shall conform to normal yard requirements.~~

**Pn.** Special Yards—Handicap Accessibility. Ramps shall meet setback requirements of each zoning district. Exceptions shall be made for reasonable accommodation where no practical alternative exists and where building/fire code requirements are met.

**Qo.** ~~Front Yards—Driveway Width and Coverage.~~

~~(1) Driveway width, regardless of the number of driveways, shall not exceed 20 feet in front of the garage, except for 3-car garages where the width shall not exceed 26 feet. In addition, for access to a recreational vehicle storage area adjacent to a dwelling, a maximum 10-foot-wide driveway may be located on the opposite side of the lot from the garage, and outside the required side yard.~~

~~(2) For lots 70 or more feet in width, the Planning Director may approve a greater driveway width if the Planning Director determines the design of the driveway is aesthetically pleasing and compatible with the lot terrain and adjacent development, and will not create a pedestrian or vehicular hazard. For single-family homes, the total paved surface for vehicle parking, storage, and access in required front yard shall not exceed 50 percent.~~

~~(3) For single-family homes, a curved driveway ("Hollywood driveway") is permitted on lots that are 100 feet or more in width, and where item #(2) above is met.~~

## SEC. 10-1.2730 SPECIAL HEIGHT REQUIREMENTS.

~~a. Reserved.~~

**Ba.** Height—Exceptions.

~~(1) Chimneys, cupolas, flagpoles, elevator shafts, radio and television towers, wind machines, and similar mechanical or architectural appurtenances, if attached to a building shall not exceed a height of 15 feet unless authorized by the Planning Director or other approval authority for two-story dwellings or dwellings located on hillsides. If not attached to a building, they shall not exceed 25 feet in height unless authorized by the Planning Director or other approval authority.~~

~~(21)~~ Church steeples may be exempted from the height requirements as long as the steeples are in scale with the design of the church/religious facility and surroundings, as determined by the Planning Director or other approval authority.

c. Height—Accessory Building. Unless otherwise specified in the District Regulations, an accessory building shall not exceed one story in height.

(Amended by Ordinance 18-02 , adopted February 6, 2018)

## SEC. 10-1.2735 SPECIAL STANDARDS AND CONDITIONS FOR CERTAIN USES.

Special standards and conditions as set forth below are applicable to uses enumerated in this Section and listed in the individual districts. Departure or variation from these standards is permitted only when it can be established by the applicant that the intent and purpose of the district or the necessary findings for permit approval, as specified in this ordinance, are not compromised. Where warranted by ordinance regulations or to implement official City policy, standards of development may be required that exceed those listed in this Section.

g. Manufactured Housing Regulations. Manufactured housing to be installed on a lot shall have been constructed after July 1, 1976, and shall bear an insignia of approval under the National Mobile Home Construction and Safety Standards Act of 1974 and shall be erected in compliance with the following:

- (1) Shall be attached to a permanent foundation pursuant to Health and Safety Code Section 18551, and shall have all utility connections conform to all requirements of the City's Building, Plumbing, Electrical, and Mechanical Codes.
  - (2) Shall be a minimum of 20 feet wide.
  - (3) Shall have a roof constructed of asphaltic, wooden, glass fiber or tile materials.
  - (4) Shall have wood, masonry or stucco siding which will extend to the ground (except when a solid masonry perimeter foundation is used, the siding need only extend to the top of the foundation).
  - (5) Shall have an overhang or eave extending a minimum of 14 inches from the wall.
  - (6) Shall ~~be of a design which utilizes offsets and recesses in the exterior walls, similar to conventionally constructed housing, and~~ have a floor height no more than 30 inches above the finished grade of the building pad.
  - (7) Shall include a minimum 20-foot-wide garage (interior dimension) and/or landscaping where necessary to make the house compatible with surrounding residential development.
  - (8) Shall conform with ~~City of Hayward Design Guidelines and~~ Hillside Design and Urban/Wildland Interface Guidelines.
- k. Fence Regulations for Vacant Properties.
- (1) Purpose. The purpose of this section is to set forth design and performance standards for perimeter fencing within required yards of vacant buildings and sites.
    - (a) Vacant buildings and sites provide convenient locations and opportunities for dumping, trespassing and other illegal activities, resulting in public nuisances.
    - (b) Installation of perimeter fencing around vacant buildings and sites discourage potential public nuisances. However, the City must balance the benefit of security and prevention of public nuisances with the aesthetic impact of excessive use of chain link fencing typically utilized to secure vacant property.
  - ~~(c)~~© The City has an interest in ensuring that highly visible perimeter fencing installed along property frontages of vacant buildings and sites is well-designed, durable, and maintained in good condition to discourage blight and trespassing on such properties and to promote the aesthetic character of the city.
  - (2) Applicability. These regulations shall apply to all properties that are determined to be vacant as defined in Section 10-1.3500, for a minimum of 30 days.
  - (3) Fencing installed pursuant to this section shall comply with the following standards:
    - (a) A perimeter fence may be installed around a building or site that is vacant pursuant to Section 10-1.3500, Definitions.
    - (b) Fencing installed pursuant to this section shall not exceed six feet in height within the required setbacks.
    - (c) Residential, Commercial and ~~Mission Boulevard Code~~~~South Hayward BART Mission Boulevard and Hayward Mission Boulevard Corridor Form-Based Code~~, Open Space and Public Facilities Districts, except Central City Districts: Fences located along front, corner, or street side yards of properties with any frontage along roadways identified as arterial and collector streets in the City of Hayward General Plan shall be composed of wrought iron, chain link with decorative fence screen, wood picket or rail, wood-plastic composite, vinyl clad chain link (black or green), fence lace style or Omega style fencing. Fencing around

properties fronting roadways identified as local streets in the City of Hayward General Plan and all interior lot line fencing, regardless of location, may be chain link.

- (d) Central City Districts and Downtown Specific Plan Code: Fences located along property lines that front public right-of-way shall be composed of wrought iron, chain link with decorative fence screen, wood picket or rail, fence lace style or Omega style fencing. Interior lot line fencing that does not front public right-of-way may be chain link.
  - (e) Planned Development (PD) Districts: Fence standards for PD District properties shall be as approved in the PD District. If not specified in the PD District regulations, fence standards for vacant PD zoned properties shall be the same as those of the nearest adjacent zoning district as set forth in c and d above, and f below, as determined by the Planning Director or designee.
  - (f) Industrial and Other Districts: Chain link perimeter fencing may be placed around all sides of vacant properties, including those fronting public right-of-way. Such fences shall be consistent with the fence placement and height standards set forth in this subsection, unless otherwise permitted by the Planning Director or designee.
  - (g) Alternative fencing materials for all zoning districts may be approved by the Planning Director or designee upon finding that the proposed fence material is not chain link, is durable, well-designed, and enhances the aesthetic character of the City.
- (4) Maintenance and Performance Standards:
- (a) Fencing installed pursuant to this section shall be maintained in good condition and appearance with no structural damage, tearing, fading or visible rust, and shall be free of graffiti.
  - (b) Fences posts shall be installed in the ground unless the perimeter of the site is paved in which case fence panel stands may be used. Fence panel stands shall be composed of the same material as the fence, structurally sound, and hold fence panels in a fully erect position.
  - (c) No portion of a temporary fence, including fence panel stands or other posts, shall encroach on City-owned right-of-way, unless permitted by an approved encroachment permit.
  - (d) No portion of a fence installed pursuant to this section shall impair driver visibility or create a traffic hazard or otherwise violate standards set forth in Hayward Traffic Code, Article 9, Obstructions to Visibility at Intersections.
  - (e) Fencing standards set forth above shall not apply to safety or emergency fencing installed on a vacant property when conditions on that property cause or constitute an imminent or immediate danger to the health or safety of the public or a significant portion thereof.
- (5) Appeals of reviewing authority decisions made pursuant to this chapter shall be filed and processed in accordance with Section 10-1.2845, Appeal and Review Process, of this code.
- (6) Implementation. All owners of vacant property with perimeter fencing that is located within required front, side and rear yards shall have one year from the effective date of these regulations to remove all non-conforming fencing. However, any non-conforming fencing that is structurally damaged, rusting, fading or tearing shall be removed or replaced within 60 days of adoption of this ordinance.
- I. Vehicle Parking, Repair, Display, and Storage Requirements. The term "vehicle" as used in this section shall include an automobile or truck (excluding truck tractor or any vehicle exceeding a maximum gross

weight limit of 6,000 pounds of gross vehicle weight) recreational vehicle, trailer, boat mounted on trailer, special interest vehicle, or other vehicle referenced in California Vehicle Code section 5051, and other vehicles of similar kind and use. In all zoning districts, use of any kind of vehicle as defined herein for living or sleeping purposes shall be prohibited except within mobile homes within an approved mobile home park.

(1) Single-Family Residential Uses.

- (a) Parking and Storage in Front Yards. Vehicles shall be parked in the required front yard only on the paved driveway which provides direct access to the garage from a public street or an approved private street, perpendicular to the street, or on a curved driveway.
- (b) Parking or Storage in Other Than Front Yards. Parking or storage of vehicles in areas other than the front yard is permitted subject to the following requirements:
  - (i) No vehicle shall be parked or stored in a required side yard or side-street yard with the following exceptions: recreational vehicles that are not self-propelled, and are less than 6 feet in height, such as a boat, compact trailer tent or similar recreational vehicle can be stored in a required side yard if screened from view from the street by a ~~76-foot-high~~ solid fence.
  - (ii) Parking or vehicle storage areas shall be paved with asphaltic or Portland Cement concrete and conform to City standards. A secondary driveway which provides access to a recreational vehicle storage area may be constructed with concrete, asphalt, or rock or concrete wheel tracks.
  - (iii) Open parking or vehicle storage areas located on lots less than 10,000 square feet in area shall not exceed 500 square feet in area (700 square feet for lots 10,000 feet or larger).
  - (iv) Open or covered parking areas, and garages or carports exceeding 120 square feet in area, shall be located no less than 5 feet from the side or rear property line and shall conform to all other requirements of the Zoning Ordinance and Building Code.

- (2) Multi-Family Residential Uses—Prohibited Vehicles. Parking or storage of truck tractors or vehicles that are not self-propelled (trailers, boats mounted on trailers, and other vehicles or equipment of similar kind and use) are prohibited except within designated storage areas approved as part of the site plan review, use permit, planned development or building permit.
- (3) Display and Sale of Motor Vehicles. Display for sale of one motor vehicle, boat, trailer, motorhome, or other vehicle is permitted as an accessory residential use, provided said vehicle is registered to a person who currently resides on the property. Display for sale of any vehicle on any property not approved for such use is unlawful, and legal action may be taken against the vehicle owner, property owner, or both.
- (4) Vehicle and Boat Repair. It shall be unlawful and a public nuisance for any person to engage in, or any property owner to allow to occur, vehicle or boat repair in any residential zone:
  - (a) Upon any vehicle which is not registered to a current occupant of the premises where the work is being performed; or
  - (b) Upon more than two (2) vehicles at one time on the same premises or by the same person; ~~or~~
  - (c) Outside a fully enclosed structure for uses defined as major automobile repair as defined in Section 10-1.000 of this Ordinance. Minor automobile repair may be performed outside a

fully enclosed structure where elapsed time between the beginning and end of the repair does not exceed forty-eight (48) hours. Vehicle painting, other than spot painting, shall not be permitted in residential zones.

#### **SEC. 10-1.2736 DEMOLITION OF EXISTING RESIDENTIAL UNITS.**

a. A housing development project shall not require the demolition of residential dwelling units unless the project creates at least as many residential dwelling units as will be demolished.

b. A housing development project shall not require the demolition of occupied or vacant protected units, unless all of the following apply:

(1) The project will replace all existing or demolished protected units.

(a) Any protected units shall be considered in determining whether the housing development project satisfies the requirements of Hayward Municipal Code Chapter 10, Article 19 Density Bonus Ordinance or Chapter 10, Article 17 Affordable Housing Ordinance.

(b) If a protected unit that is or was subject to a form of rent or price control and that is or was occupied by persons or families above lower income within the five-year period preceding the development application, the replacement units shall be made available at affordable rent or affordable housing cost to, and occupied by, low-income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years.

(2) The housing development project will include at least as many residential dwelling units as the greatest number of residential dwelling units that existed on the project site within the last five years.

(3) Any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice, subject to California Government Code Chapter 16 (commencing with Section 7260) of Division 7 of Title 1.

(4) The developer agrees to provide both of the following to the occupants of any protected units:

(a) Relocation benefits to the occupants of those affordable residential rental units, subject to California Government Code Chapter 16 (commencing with Section 7260) of Division 7 of Title 1.

(b) A right of first refusal for a comparable unit available in the new housing development affordable to the household at an affordable rent, as defined in Section 50053 of the Health and Safety Code, or an affordable housing cost, as defined in 50052.5.

(c) For purposes of this Section:

(1) "Equivalent size" means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

(2) "Protected units" means any of the following:

(I) Residential dwelling units that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income within the past five years.

(II) Residential dwelling units that are or were subject to any form of rent or price control within the past five years.

(III) Residential dwelling units that are or were occupied by lower or very low income households, seniors or persons with disabilities within the past five years.

(IV) Residential dwelling units that were withdrawn from rent or lease in accordance with California Government Code Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 within the past 10 years.

## ***SEC. 10-1.2740 ACCESSORY DWELLING UNITS<sup>20</sup>***

### **SEC. 10-1.2741 PURPOSE.**

~~The ordinance codified in this section establishes regulations for the construction of accessory dwelling units subordinate to single-family dwellings. This section provides reference to the regulations for Accessory Dwelling Units as provided in Government Code Sections 65852.2 and 65852.22, as amended from time to time. Accessory dwellings units provide housing opportunities in a flexible manner to address the unmet demand for affordable housing and achieve the goals, objectives, and policies of the Housing Element and General Plan to provide a diverse mix of housing options for the community.~~

### **~~SEC. 10-1.2742 DEFINITIONS.~~**

~~a. "Accessory dwelling unit(s)" shall be defined as 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 shall be located on the same parcel an existing single-family dwelling is situated or to be situated with the proposed development of single-family dwelling(s).~~

### **~~SEC. 10-1.2743 LOCATION CRITERIA.~~**

- ~~a. Accessory dwelling units as detached, attached, or internal accessory uses shall be permitted in the Single-Family Residential (RS), Residential Nature Preservation (RNP), Medium-Density Residential (RM), Residential Office (RO), Agricultural (A) zoning districts, and in the T-3 Suburban transect zone in the Mission Boulevard Corridor Form-Based Code area, where one legally constructed single-family dwelling exists as the primary structure on the parcel.~~
- ~~b. Accessory dwelling units limited exclusively to the internal conversion or repurpose of an existing structure shall be permitted in the following zoning districts: Central-City Commercial (CC-C), Central-City Residential (CC-R), Central-City Plaza (CC-P), and Airport-Terminal Medium-Density Residential (AT-RM) zoning districts, provided one legally constructed single-family dwelling exists as the primary structure on the parcel.~~
- ~~c. Planned Development Districts. The new construction of attached and detached accessory dwellings units shall not be permitted in Planned Development (PD) zoning districts, unless otherwise specified within the original development proposal as an amenity. Accessory dwelling units involving the internal conversion of an existing structure shall be permitted provided the proposed unit complies with the criteria set forth in Section 10-1.2743(b) and the remainder of this Article, as applicable.~~

### **~~SEC. 10-1.2744 DESIGN AND DEVELOPMENT STANDARDS.~~**

~~All proposed accessory dwelling units shall comply with the following design and development standards:~~

<sup>20</sup>Ordinance 17-16, adopted November 7, 2017, adding Sections 10-1.2740 through 10-1.2747 to Chapter 10, Article 1, relating to Accessory Dwelling Units.

- 
- a. ~~Quantity. On any one parcel of land, no more than one accessory dwelling unit shall be allowed regardless of the number of single-family dwellings located on the lot.~~
  - b. ~~Unit Size. All proposed accessory dwelling units shall not exceed 50 percent of the habitable floor area of the existing single-family residence or 1,200 square feet, whichever is less. Habitable floor area calculation shall not include garages, detached accessory structures, patio covers, porches, covered and uncovered balconies, and decks as determined by the Planning Director.~~
  - c. ~~Maximum Number of Bedrooms. Accessory dwelling units shall not exceed a maximum of two bedrooms as sleeping quarters.~~
  - d. ~~Attached Units. Accessory dwelling units proposed to be attached from the primary residence shall comply with the development standards set forth by the underlying zoning for the primary structure including, but not limited to, setbacks, lot coverage, height, and architectural compatibility.~~
  - e. ~~Detached Units. Accessory dwelling units proposed to be detached from the primary residence shall comply with the minimum design and performance standards set forth by the underlying zoning district for detached, accessory and secondary structures including, but not limited to, setbacks, lot coverage, height, distance between structures, location and architectural compatibility.~~
  - f. ~~Setbacks. Accessory dwelling units proposed to be constructed atop of existing, legal detached garages shall provide a minimum five-foot setback from the interior side and rear property lines, unless a greater setback is required pursuant to Building and Fire standards or the property is a corner lot which shall comply with the minimum street side setback requirements. Accessory dwelling units proposed to be attached or detached shall conform to the development standards and performance standards set forth in the underlying zoning district.~~
  - g. ~~Height Restrictions. Accessory dwelling units shall comply with the following height restrictions based on the proposed location of the unit:~~
    - (1) ~~Accessory dwelling units attached to the primary structure shall comply with the height limitations of the underlying zoning district for the principal structure.~~
    - (2) ~~Accessory dwelling units to be detached from the primary structure shall be limited to the height restrictions set forth in the underlying zoning district for detached, accessory and secondary structures.~~
    - (3) ~~Accessory dwelling units proposed to be constructed atop of legally constructed detached garages shall be subject to the review and approval of a discretionary Site Plan Review application in accordance with Section 10-1.3000 of the Hayward Municipal Code. In order to deny a Site Plan Review application, the Planning Director shall find that the accessory dwelling unit would be detrimental to the public health and safety or would introduce unreasonable privacy impacts to the immediate neighbors. In any instance, the accessory dwelling unit shall be limited to the maximum height restriction of the primary structure within the underlying zoning district.~~
  - h. ~~Independent Exterior Access. Accessory dwelling units shall provide an independent exterior access separate from the primary residence. The separate entry constructed for the accessory dwelling unit shall not face the street or the public right-of-way.~~
  - i. ~~Owner Occupancy. The legal property owner of the lot shall be required to reside in either the primary residence or the accessory dwelling unit located on the parcel. At no time shall the property owner rent the primary dwelling and the accessory dwelling unit separately or allow the main house and the accessory dwelling unit to be sublet individually while the property owner resides elsewhere.~~



- ~~(1) The accessory dwelling unit shall not be sold separately from the principal residence. The rental and lease period for either unit shall be longer than a minimum of 30 days and shall not be utilized as a short-term rental.~~
- ~~j. Fire Sprinklers. Accessory dwelling units shall not be required to be equipped with fire sprinklers unless fire sprinkler installation is required for the primary dwelling.~~
- ~~k. Park Dedication In Lieu Fees. Each accessory dwelling unit whether detached, attached, or internal shall be required to pay the applicable Park Dedication In Lieu fee as set forth in Chapter 10, Article 16 of the Hayward Municipal Code (Property Developers - Obligations for Parks and Recreation) prior to the date of final inspection or the date the Certificate of Occupancy is issued for the development, whichever occurs first.~~
- ~~l. Private Sewage System. If the accessory dwelling unit is proposed to incorporate or utilize a private sewage disposal system (e.g. septic tank or on-site wastewater treatment system), the applicant shall be required to provide documentation and proof by the Alameda County Department of Environmental Health at the time of application. No private sewage disposal shall be permitted where there is an available public sewer within 200 feet, measured along streets, alleys, or public right-of-way upon which a lot abuts pursuant to Chapter 11, Article 3 (Sanitary Sewer System) of the Hayward Municipal Code.~~

#### **~~SEC. 10-1.2745 ADDITIONAL PROVISIONS FOR THE CONVERSION OF EXISTING STRUCTURES TO CREATE ACCESSORY DWELLING UNITS.~~**

- ~~a. Setbacks. No side or rear yard setback shall be required for an existing, legally constructed garage or accessory structure that is converted into an accessory dwelling unit provided it is sufficient for fire safety standards as determined by the Hayward Fire Department and Chief Building Official.~~
- ~~b. Utility Connection Fees. Accessory dwelling units constructed within the building envelope of the existing principal residence, garage, or accessory structure shall not be required to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.~~
- ~~c. Parking. No additional parking shall be required if the accessory dwelling unit is located is within the existing building envelope of the primary residence or accessory structure, unless it involves the conversion of a garage or reduction of the off-street parking requirement for the parcel.~~

#### **~~SEC. 10-1.2746 PARKING.~~**

~~Accessory dwelling units shall be required to provide parking in accordance with the following requirements:~~

- ~~a. Parking Requirement for Primary Residence. In any instance, the property shall be required to meet the minimum parking requirement as set forth in Chapter 10, Article 2, Off-Street Parking Regulations for the principal residence prior or concurrent to the application for an accessory dwelling unit.~~
- ~~b. New Units. Accessory dwelling units shall be required to provide one (1) off-street parking space on the same lot as the unit in a covered, uncovered, or tandem configuration. Parking spaces may be located in the required setbacks provided the proposed location complies with the landscaping requirement in the front yard and minimum standards set forth within the Off-Street Parking Regulations for open parking spaces, unless otherwise approved by the Planning Director.~~
- ~~c. Garage Conversions. Where garages are converted for the purpose of creating an accessory dwelling unit, replacement off-street parking shall be provided on the same lot as the unit in either a covered, uncovered, or tandem configuration provided the proposed location complies with the landscaping~~



~~requirement in the front yard and the minimum standards set forth within the Off-Street Parking Regulations for open parking spaces, unless otherwise approved by the Planning Director.~~

~~d. — Parking Requirement Exemptions. Off-street parking shall not be required for accessory dwelling units if any of the following circumstances apply:~~

~~(1) — The unit is located within one-half mile of public transit and bus stations.~~

~~(2) — The unit is located within an architecturally and historically significant historic district.~~

~~(3) — Where there is designated car-share vehicle parking within one block of the unit.~~

## **~~SEC. 10-1.2747 PERMIT REQUIRED.~~**

~~Unless otherwise noted in this Ordinance, the applicant shall be required to obtain the approval of a Zoning Conformance Permit by the Planning Division prior to the submittal of a building permit application to the Building Division. Zoning Conformance Permits shall either be disapproved or approved within 120 days of the submission of a complete application. Application submittal requirements for an Accessory Dwelling Unit shall include the following items, in addition to the required fees for each accessory dwelling unit proposed in accordance with the adopted Master Fee Schedule:~~

~~a. — Project Plans. The applicant shall be required to provide a site plan, floor plan, elevations, and cross sections of the proposed accessory dwelling unit drawn to scale. Plans shall include minimal project information, dimensions, and calculations including, but not limited to the proposed setbacks, lot coverage, height, distance between structures, square footage, easements, materials, etc. as required by the Planning Director or his/her designee.~~

~~b. — Deed Restriction. Prior to the issuance of a building permit for the accessory dwelling unit, the property owner shall file with Alameda County Recorder a deed restriction approved by the City stating compliance with provisions of this Ordinance and Hayward Municipal Code and such deed is binding upon any successor in ownership of the property, and lack of compliance shall be grounds for Code Enforcement action and removal of the accessory dwelling unit.~~

## ***SEC. 10-1.2800 ADMINISTRATION AND ENFORCEMENT***

### **SEC. 10-1.2830 CONFORMANCE—ADMINISTRATIVE MODIFICATION.**

- a. Permits and licenses issued on the basis of plans and applications approved by the Planning Director are valid only for uses, arrangements, and construction set forth as approved. Any use, arrangement, or construction other than that authorized is a violation of the Zoning Ordinance.
- b. The Planning Director may administratively approve minor modifications to an approved permit or the conditions of approval so long as the changes do not materially alter the design, site layout, or conditions of approval of said permit.
- ~~c. — The Planning Director may administratively reduce any yard requirement by 50 percent or any required lot size standard by 10 percent in any district if in the opinion of the Planning Director no practical alternative exists, the purpose of the district would not be compromised, no detrimental impact would result aesthetically, and the proposed use or construction otherwise complies with the City's land use and Building Code regulations. Any departure which exceeds 10 percent of such required standards is subject to notice as provided for in Section 10-1.2820 and appeal provisions as outlined in Section 10-1.2845.~~

- etc. The Planning Director may administratively waive the requirement for approval of a conditional use permit (where only required because abutting district is residentially zoned) or variance application where the Planning Director determines that the property abutting the proposed use or construction is used for State or Federal highway right-of-way, flood control channel, railroad right-of-way or similar uses, and provided said waiver will not compromise the purpose of the district and no detrimental impact will result.

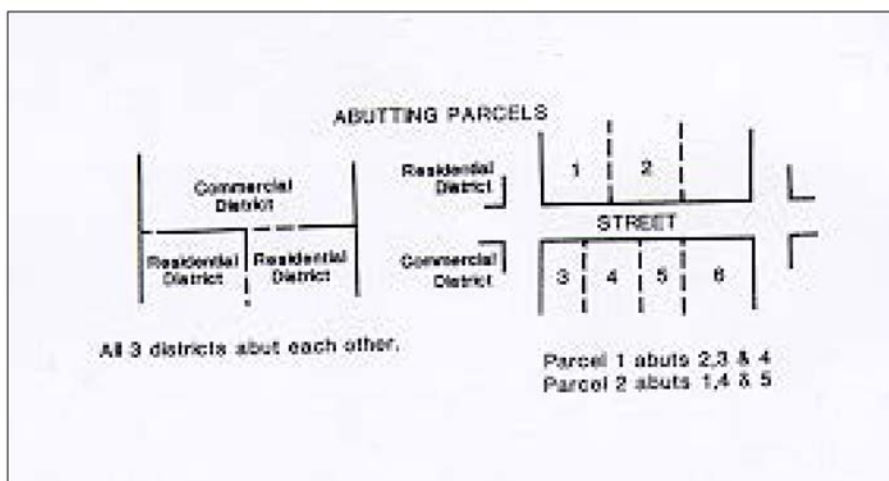
## *SEC. 10-1.3500 DEFINITIONS<sup>21</sup>*

### **SEC. 10-1.3505 GENERAL.**

For the purposes hereof certain words and phrases are defined and certain provisions shall be construed as herein set out unless it shall be apparent from their context that a different meaning is intended.

### **SEC. 10-1.3510 USES AND ACTIVITIES DEFINED.**

ABUTS, ABUTTING, ADJACENT. Having a common property line or district line or separated only by a private or public street, alley or easement.



ACCESS. Safe, adequate, usable, and legal ingress or egress to a property or use.

ACCESSORY BUILDING. A detached, subordinate building or structure, the use of which is subordinate, and incidental to a lawfully permitted principal use or main building on the same lot and not used for sleeping quarters.

ACCESSORY DWELLING UNIT. An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary

<sup>21</sup>Section 10-1.3510 amended by Ordinance 11-12, adopted October 11, 2011.

Section 10-1.3500 amended by Ordinance 13-13, adopted November 19, 2013.

Section 10-1.3500 amended by Ordinance 13-18, adopted December 17, 2013.

Section 10-1.3500 amended by Ordinance 14-06, adopted February 4, 2014.

Section 10-1.3510 amended by Ordinance 15-23, adopted October 13, 2015.

Section 10-1.3510 amended by Ordinance 15-31, adopted December 1, 2015.

Section 10-1.3500 amended by Ordinance 16-05, adopted January 19, 2016.

~~residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single family or multifamily dwelling is or will be situated.~~

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:

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

AGRICULTURAL DISTRICT (A). A land use zoning district which preserves agricultural areas until such time as a change in zoning and land use designation occurs and orderly urban development may take place.

AGRICULTURE. The tilling of soil, horticulture, floriculture, viticulture, raising crops, livestock, farming, dairying, animal husbandry, including all uses customarily accessory and incidental thereto; but excluding slaughter houses, fertilizer works, bone yards, commercial feeding of garbage or offal to swine or other animals, or plants for the reduction of animal matter.

AIR TERMINAL DISTRICT (AT). A land use zoning district within which land uses may develop which provide commercial, industrial, and public land uses that are aviation-oriented. See Section 10-1.1900. This District includes the following Subdistricts:

- a. Air Terminal—Operations (AT-O)
- b. Air Terminal—Industrial Park (AT-IP)
- c. Air Terminal—Aviation Commercial (AT-AC)
- d. Air Terminal—Commercial (AT-C)
- e. Air Terminal—Recreational (AT-R)
- f. Air Terminal—Medium Density Residential (AT-RM)

ALLEY. A public way, less than 16 feet in width, but not less than 10 feet in width, which has been dedicated for public use.

ALTERATION. Any construction or physical change in the internal arrangement of rooms or the supporting members of a building or structure, or change in the appearance of any building or structure.

AMBULANCE SERVICE. Any business which provides a facility for emergency medical team staff members (EMTs), and which dispatches ambulances for emergency response. Usually located on major arterial streets where there is no detrimental impact to residential areas due to noise and parking.

AMUSEMENT FACILITY. See "RECREATIONAL FACILITY" or "COMMERCIAL AMUSEMENT FACILITY."

ANIMAL, EXOTIC. The words "exotic animal" shall mean any animals which are not customarily confined or maintained for domestic or commercial purposes and sometimes are kept as a pet or for display, including pot belly pigs, snakes, reptiles, emus, ostriches, or similar animals, as determined by the Planning Director based on criteria established by the State Department of Fish and Game.

ANIMAL, LIVESTOCK. See "LIVESTOCK."

**ANIMAL, POULTRY.** The word "poultry" shall mean domesticated birds customarily kept for eggs or meat, including chickens, turkeys, ducks, geese, or similar animals, as determined by the Planning Director.

**ANIMAL FANCIER.** A person or persons which use a lot, building, structure, enclosure or other premises to house and maintain more than four livestock animals (i.e., horses, goats), or more than four household pets (i.e., dogs or cats) up to 12 maximum, each of which is over the age of four months, for the following purposes:

- a. For showing in recognized shows (i.e., horse shows, dog shows, County Fair exhibits), or applicable obedience or field trials.
- b. For working or hunting.
- c. For improving the variety or breed with a view to exhibition in shows and trials.
- d. For household pets.
- e. Such activity requires an "Animal Fancier's Permit" from the City Animal Services Bureau. For the purposes hereof, the breeding and sale of a litter of animals kept and maintained as household pets and/or maintained by an animal fancier, shall not be deemed and considered a commercial kennel, provided they are less than one litter per year and litters do not occur every year.

**ANIMAL HOSPITAL.** Any buildings or portion thereof designed or used for the care, observation or treatment of cats, dogs or other household pets, with incidental boarding. (Also referred to as Veterinary Hospital)

**ANIMAL, EXOTIC.** Any animal, pure or hybrid, which is generally considered a non-domestic pet or livestock, that is poisonous; must be permitted by the State of California; has the propensity to be dangerous or aggressive to humans or other animals, is required to have an "Animal Fancier's Permit" from the City Animal Services Bureau.

**ANTENNA.** A device for transmitting or receiving radio, television, telecommunication, or any other transmitted signal. Usually mounted on a tower and/or rooftop. (Refer to Article 13, of Chapter 10 of the Hayward Municipal Code, the Antenna and Telecommunications Facilities Ordinance, for regulations of antennas, satellite dishes and telecommunications devices.)

**ANTIQUE STORE.** A store engaged in the retail sales of goods, primarily works of art, furniture, or decorative objects, having the qualities of age or long existence or indicative of a specific period of craftsmanship and design. An antique store may include the retail sales of "collectible" items, which are goods typically associated with a hobby (for example, stamps, Kewpie dolls, Roy Rogers memorabilia).

**APIARY.** The word "apiary" shall mean any premises where bees, hives, and related appliances are located. See General Regulations Section 10-1.2735.e. "Livestock, Apiaries, and Household Pets" for regulations.

**APPLIANCE REPAIR SHOP.** An establishment engaged in the servicing and repair of home appliances (washers, dryers, etc.), including electronic appliances (televisions, video cam recorders, stereos, computers, etc.), with all materials and goods maintained within a building.

**APPLIANCE STORE.** An establishment engaged in the retail sales of home appliances and electronic appliances. These may include but not be limited to washers, dryers, refrigerators, microwave ovens, stoves, televisions, video cam recorders, stereos, cellular phones, beepers, and computers. May include ancillary repair.

**ARCHITECTURAL FEATURES.** Architectural features include prominent elements on a building such as columns, beams, windows, doors, chimneys, cornices, arches, balconies, etc.

**ARCHITECTURAL SERVICE.** An office that is occupied by an architect and their support staff and services (i.e., blueprint machine, computers, etc.) Also refer to "ENGINEERING SERVICE" and DRAFTING SERVICE."

**ART AND ART SUPPLIES STORE.** An establishment engaged in the display and retail sales of art (i.e., paintings, sculpture) and art supplies (canvases, paints, easels, frames, etc.)

ARTIST'S LOFT. A live and work situation where a resident artisan lives, and displays and sells their work on a non-first floor level.

AUCTION. An establishment engaged in the public sale of commodities and/or property, excluding automobiles, to the highest bidder.

AUTOMOBILE BROKERAGE OFFICE. The business of engaging in, for a commission or fee, bargaining or negotiating between a potential purchaser of a vehicle(s) and another automobile sales establishment(s) for wholesale purchase of a vehicle(s). For purposes of this ordinance, an automobile brokerage office consists of an office with no display or storage of vehicles for sale other than a maximum of two spaces which may serve to temporarily store the vehicle(s) which has been already secured for the purchaser of the vehicle(s). May include motorcycles, mopeds or other similar vehicles.

AUTOMOBILE DISMANTLING FACILITY. An establishment engaged in taking apart vehicles for storage, retail, recycling, or wholesale purposes.

AUTOMOBILE PARTS STORE. An establishment engaged in the retail sales of a variety of parts for vehicles of any kind.

AUTOMOBILE RENTAL. An establishment engaged in the rental and leasing of new and used automobiles, trucks, trailers, motorcycles, mopeds, and recreation vehicles and supplies, including storage of said vehicles.

**AUTOMOBILE REPAIR:**

- a. Automobile Repair - Minor. Minor automotive servicing and replacement of parts for passenger automobiles and/or motorcycles, usually in the same day. Services include, but are not limited to, engine tune-up, lubrication, and tire, muffler, brake, and electrical. Subject to Outdoor Storage limitations and performance standards within applicable Zoning District.
- b. Automobile Repair - Major. Repair garages and specialty establishments for motorcycles, and passenger automobiles and trucks of all sizes, such as machine, tire, body and fender, auto glass, radiator, transmission, motor tune-up, vehicle upholstery, and muffler shops. May also include repair of machinery and equipment. Subject to Outdoor Storage limitations and performance standards within applicable Zoning District.
- c. Home repair - minor adjustments or the replacement of vehicle parts where such adjustments or replacement may reasonably be expected to be accomplished within a forty-eight (48) hour period. No permit is required for such minor adjustments or replacement. Also see Section 10-1.2735.j. "Vehicle Parking, Repair, Display and Storage Requirements."

AUTOMOBILE SALES. An establishment engaged in the retail sales and services of new and used automobiles, trucks, trailers, motorcycles, mopeds, and recreation vehicles and supplies. See INDUSTRIAL EQUIPMENT SALES AND RENTAL for farm or industrial equipment, machinery, and supplies.

AUTOMOBILE SERVICE STATION. A structure or area primarily designed and used for the retail sale of motor vehicle fuel and lubricants to the public by direct delivery into the user's vehicle and may include incidental motor vehicular services such as tire repair, battery charging, brake adjustment, motor tune-up and washing where no conveyor, blower or steam cleaning device is used. Sale of food, beverages and related items as determined by the Planning Director is permitted in conjunction with an automobile service station within commercial zoning districts.

AUTOMOBILE STORAGE FACILITY. An establishment engaged in the storage of passenger automobiles, passenger trucks, motorcycles, or similar vehicles inside a building. This definition does not include storage of used, inoperative, junked or other vehicles stored for salvage purposes and shall not include the wrecking, dismantling, or repairing of vehicles which is defined as AUTOMOBILE DISMANTLING FACILITY. See also AUTOMOBILE STORAGE YARD for automobile storage outside of a building.

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**AUTOMOBILE STORAGE YARD.** Outside storage of passenger cars and/or trucks of all sizes outside of a building. Does not include auto wrecking or towing yards. Such use shall not include the wrecking, dismantling, or repairing of vehicles which is defined as "AUTOMOBILE DISMANTLING FACILITY."

**AUTOMOBILE TOWING YARD.** An establishment engaged in towing motor vehicles, both local and long distance, and storage of such vehicles inside or outside of a building subject to applicable standards. for indeterminate periods of time. Such use shall not include the wrecking, dismantling, or repairing of vehicles which is defined as "AUTOMOBILE DISMANTLING FACILITY."

**AUTOMOBILE WHOLESALE.** A vehicle dealer who is exclusively involved in the sales of vehicles between licensed dealers and does not have any vehicles on-site. If a wholesale dealer does have vehicles on-site, see AUTOMOBILE STORAGE FACILITY if storing vehicles inside of a building or AUTOMOBILE STORAGE YARD if storing vehicles outside of a building.

**BANK.** See "FINANCIAL INSTITUTION."

**BANQUET HALL.** An establishment engaged in periodic events such as weddings, dances, and potlucks. Typically is rented out to private parties and/or special interest groups. Usually includes food preparation and/or serving, and live entertainment or recorded music.

**BAR, COCKTAIL LOUNGE.** Any on-sale alcohol-related establishment that engages primarily in the sale of alcoholic beverages and where food service, if any, is subordinate or incidental to the sale of alcoholic beverages. Bars include night clubs, taverns, pubs, cocktail lounges and similar establishments. Please see Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations.

**BARBER, BEAUTY SHOP.** An establishment where hair is washed, cut, dyed, and/or styled. May include ancillary services such as manicures or pedicures. Does not include massage or tanning services.

**BATCH PLANTS.** Any operation that involves sorting, crushing, reducing, refining, mixing, packaging or other processing of minerals for intermediate or final consumption.

**BEDROOM.** An enclosed space in a structure which is designed such that it could be used for sleeping purposes as determined by the Planning Director. A bedroom typically meets the room dimension requirements of the most recent edition of the Uniform Building Code, is not accessed directly from the garage, and has one or more windows.

**BICYCLE SHOP.** An establishment engaged in the retail sales and/or repair of bicycles. Does not include motorcycles or mopeds.

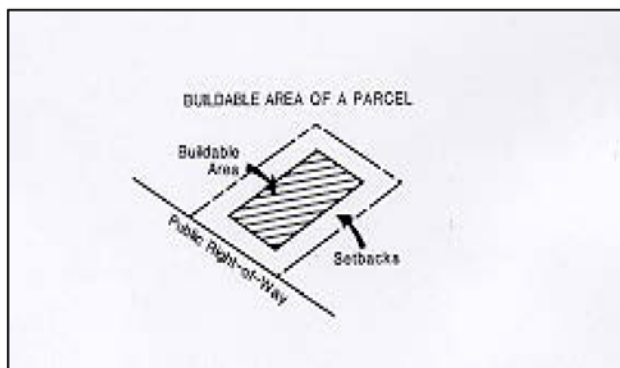
**BOARDING HOME.** A building where lodging or meals are provided for compensation for residents not functioning as a common household, usually for compensation.

**BOOKSTORE.** An establishment engaged in the retail sales of books, either used and/or new. May include a small area for coffee and bakery items (10 percent or less of floor area).

**BREWERY.** An establishment where malt liquors, wines or cider are manufactured and stored. Tasting may be included as an accessory use, but the brewery cannot operate as a bar. Also see "MICRO-BREWERY." Please see Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations regarding alcohol.

**BROADCASTING STUDIO.** An establishment where sound or images are transmitted by radio or television to the public.

**BUILDABLE AREA.** The space remaining on a zoning plot within which a building may be erected after the minimum lot and yard requirements of this Ordinance have been satisfied, notwithstanding all other applicable guidelines and Subdivision Map Act requirements of steeply sloped or unstable areas.



**BUILDING.** Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or opening, and which is designed or intended for the shelter, enclosure or protection of persons, animals or property of any kind. Also defined as follows:

- a. "Completely enclosed building" means a building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.
- b. "Detached or accessory building" means a building separated by at least six feet of space open to the sky from any other building on the same zoning plot.
- c. "Existing building" means a building erected prior to the effective date of this title, or one for which a legal building permit has been issued.
- d. "Primary building" means a building in which is conducted the primary use of the lot on which it is situated.
- e. "Public building" means a building principally occupied by the federal, state, county, or city government, or any political subdivision agency, or instrumentally thereof.
- f. "Temporary building" means a building not permanently attached to the ground by fixed foundation, piers or substructure.

**BUILDING HEIGHT.** The vertical distance at any point from the finished grade or existing grade, whichever is lower, to the highest point of the coping of a flat roof, to the top roof line of a mansard roof, or to the midpoint of the highest gable of a pitched or hip roof. Where unusual deviations occur on the existing grade, such as a small swale, the Planning Director may make minor adjustments in the building height envelope to permit reasonable building design consistent with the intent and purpose of the building height standard. Graded area entirely under a building and not visible from the exterior of the building, such as underground garages and basements, shall not be included for purposes of calculating height.

**BUILDING MATERIALS (SALES).** An establishment engaged in the retail and wholesale sales and storage of building materials such as lumber, masonry products, rock, soil, tile, and other similar materials needed to construct a structure and/or accessory structures and uses (fences, paved areas, retaining walls).

**CABARET.** Any establishment, event or place where live entertainment is provided by or for any patron or guest, including but not limited to singing, playing music, dancing, performing karaoke, acting, conducting a fashion show, performing pantomime, performing comedy or other act or performance, either as the main purpose for such gathering or as an ancillary activity to some other purpose. Please refer to Chapter 6, Article 2 of this Code for regulations regarding cabarets and to Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations regarding alcohol.

**CAMERA STORE.** An establishment engaged in the retail sales of cameras and photographic supplies. May include ancillary repair.

**CANNABIS.** All parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. "Cannabis" also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972, and amended by the California Control, Regulate and Tax Adult Use of Marijuana Initiative, and as defined by other applicable state law. "Cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code. Cannabis is classified as an agricultural product separately from other agricultural crops.

**CANNABIS DELIVERY.** The commercial transfer of cannabis or cannabis products to a customer, including medical cannabis or cannabis products, to a primary caregiver or qualified patient as defined in Section 11362.7 of the Health and Safety Code. "Delivery" also includes the use of any technology platform owned and controlled by a Cannabis Business Operator that enables clients or patients to arrange for or facilitate the commercial transfer by a permitted commercial cannabis retail dispensary.

**CANOPY.** The designated area(s) at a cannabis business, except nurseries and processors, that will contain mature plants at any point in time, as follows. For indoor cultivation, canopy is calculated in square feet and measured using the room boundaries, walls, or ceiling-to-floor partitions of each enclosed area that will contain mature plants at any point in time. If mature plants are being cultivated using a shelving system, the surface area of each level is included in the total canopy calculation.

**CARD CLUB.** Any building or structure, or any portion of a building or structure, wherein any person or persons are permitted to play a card game in return for a fee, charge, or other compensation. Refer to Chapter 4, Article 3 of the Hayward Municipal Code for regulations.

**CARETAKERS QUARTERS.** A dwelling unit located on an industrial or commercial property to be used exclusively as living quarters for the caretaker(s) of the subject property.

**CARNIVAL.** An establishment providing one or more non-coin-operated powered amusement rides, or providing two or more uses such as a tent, a feat of daring, or an exhibition of two or more wild animals except within a public park or zoo, or providing other similar uses.

**CARPET/DRAPERY STORE.** An establishment engaged in the retail or wholesale sales of carpets and drapes. Does not include on-site manufacturing.

**CARPORT.** A permanent roofed structure not completely enclosed on the sides and used for vehicle parking.

**CAR WASH.** An establishment engaged in the washing of passenger vehicles for a fee.

**CATERING FACILITY.** An establishment engaged in the preparation of food to be served at an event held off-site, usually at a banquet hall or private facility, and establishments primarily engaged in the preparation of prepared food items in individual servings for off-premise consumption and/or sale by others. Typical uses include caterers, wholesale bakeries, commissary kitchens, and specialty food packaging and/or processing shops.

**CATERING TRUCK.** A commercially licensed motor vehicle, approved by the Alameda County 111, Department of Environmental Health Services, and the City of Hayward Police Department, from which food and beverages are sold, distributed, or otherwise provided to consumers on private property and which travels from place to place to conduct its operation. Does not include a Food Vendor cart. See Section 10-1.2735.b. for regulations.

**CENTRAL BUSINESS DISTRICT (CB).** A land use zoning district within which commercial and retail land uses may develop which provide a principal downtown area of regional importance, and several outlying areas of more than neighborhood importance, where concentrations of comparison shopping facilities, financial and business services, and amusement or recreation may be found in quantity. See Section 10-1.1300.



CENTRAL CITY DISTRICT (CC). A land use zoning district in the center of the City, within which land uses may develop which promote the development of the downtown. These land uses include business, government, cultural, financial, residential, office, and entertainment uses. See Section 10-1.1500. This District includes the following Subdistricts:

- a. Central City—Commercial (CC-C).
- b. Central City—Residential (CC-R).
- c. Central City—Plaza (CC-P).

CHECK CASHING STORE. An establishment primarily engaged in the cashing of checks for customers who usually do not have a checking account at a bank or other financial institution. Is commonly found in areas with easy access and high visibility.

CHRISTMAS TREE AND PUMPKIN PATCH LOTS. Seasonal establishments engaged in the retail sales of Christmas trees and pumpkins. See Section 10-1.2735.c. for standards.

CITY COUNCIL. The City Council of the City of Hayward, California.

CLOTHING STORE ("APPAREL"). An establishment engaged in the retail sales of new clothing, such as shoes, hats, dresses, shirts, etc. For used clothing, see "THRIFT STORE."

COMMERCIAL AMUSEMENT FACILITY. A facility offering entertainment open to the public for a fee or by membership subscription, for example, ticket, door charge, amusement device fee. Said facility shall include, but not be limited to, internet access usage, theaters, arcades (place of business containing five or more amusement devices), billiard parlors, golf courses (including miniature golf), water slides, indoor soccer, batting cages, and bowling facilities. Four (4) or less manually or coin- or token- or slug-operated viewing or electronic or video game machines or other amusement devices (excluding jukeboxes) located in association with other permitted uses and activities such as, but not limited to, taverns, restaurants, book stores, grocery stores, motels, hobby shops or toy stores, music or stereo stores, laundromats, barber or beauty shops, or computer stores shall be considered accessory to the permitted use. Under no circumstance, as a primary, permitted or accessory use, shall any Commercial Amusement Facility be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)

COMMERCIAL CANNABIS BUSINESS. An entity engaged in the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products for commercial purposes.

COMMERCIAL CANNABIS CULTIVATION. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

COMMERCIAL CANNABIS DISTRIBUTION. The procurement, sale, and transport of medical and non-medical adult recreational use cannabis and medical and non-medical adult recreational use cannabis products between commercial cannabis businesses.

COMMERCIAL CANNABIS MANUFACTURING. The production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by mean of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

COMMERCIAL CANNABIS MANUFACTURING - LEVEL 1. The manufacturing of cannabis products primarily using nonvolatile solvents, or no solvents.

COMMERCIAL CANNABIS MANUFACTURING - LEVEL 2. The manufacturing of cannabis products using volatile solvents For purposes of this section, "volatile solvents" shall include all solvents described in paragraph (3) of subdivision (d) of Section 11362.3 of the Health and Safety Code, as such section may be amended.

**COMMERCIAL CANNABIS MICROBUSINESS.** A commercial cannabis business holding a license issued by the State Bureau of Cannabis Control for the cultivation of cannabis on an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer, and retailer pursuant to Business and Professions Code sections 26050 and 26070. In order to be defined as a microbusiness, an operator must engage in three of the four listed activities.

**COMMERCIAL CANNABIS OPERATOR or OPERATOR.** The person or entity that is engaged in the conduct of any commercial medical or non-medical adult recreational cannabis use.

**COMMERCIAL CANNABIS RETAIL DISPENSARY.** A facility where commercial cannabis or commercial cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers medical and non-medical adult recreational use cannabis or medical and non-medical adult recreational use cannabis products as part of a retail sale.

**COMMERCIAL CANNABIS TESTING LABORATORY.** A laboratory, facility, or entity in the state that offers or performs tests of medical cannabis or medical cannabis products and that is both of the following:

- (1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.
- (2) Licensed by the Bureau of Cannabis Control.

**COMMERCIAL OFFICE (CO).** A land use zoning district within which administrative, professional, businesses and financial office land uses may exist, yet which are not detrimental to the residential use of adjacent properties. See Section 10-1.1100.

**COMMERCIAL RETAIL DISTRICT (BP).** A land use zoning district intended to provide for limited retail, service, and office commercial uses which serve the needs of workers within the Industrial Corridor. See Section 10-1.1400.

**CONCESSION STAND.** A small, ancillary retail use that provides food and beverages to a primary land use. May include light cooking and heating of food commodities.

**CONSIGNMENT STORE.** A retail establishment that sells good quality merchandise (for example, clean, not damaged, stained or frayed) that has been provided to the proprietor on a consignment basis as well as new merchandise. Sale of donated or otherwise second-hand merchandise is prohibited.

**CONVALESCENT HOME.** An establishment in which nursing, dietary and other personal services are furnished twenty-four (24) hours a day to convalescents, invalids, or the aged who are unable to or no longer want to care for themselves in a more traditional setting. Also referred to as nursing homes or intermediate care facilities. Does not include institutions which care for persons suffering from a mental disorder or communicable disease, or which offers surgery, maternity or other primary treatments.

**CONVENIENCE MARKET.** A retail food market which is typically less than 2,500 square feet in gross floor area and which caters to customers who buy a small number of items, is typically part of a larger chain or franchise system, often with long hours of operation, and as determined by the Planning Director.

**CONSTRUCTION TRAILER.** A temporary trailer used as an office, or an office/quarters combination with quarters for one security guard in connection with ongoing construction work associated with new construction of industrial, commercial, or multi-family development. See Section 10-1.2735.b.

**CONTRACTOR SERVICES.** An establishment providing general contracting and/or building construction services for other uses. This use classification includes general building, plumbing, electrical, air conditioning, carpentry, and other trade contractors.

**COPYING OR REPRODUCTION FACILITY .** An establishment which provides printing services to customers. Typically includes blueprint machines, reproduction machines, paper goods, and binding services (spiral binding, glue binding, stapling, etc.), and may include as an ancillary use, access to the internet. Under no circumstance, as

a primary, permitted or accessory use, shall any Copy or Reproduction Service be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)

**COURTYARD.** The word "courtyard" shall mean an open unoccupied space bounded on two or more sides by the walls of a building. An inner courtyard is a court entirely within the exterior walls of a building. All other courts are outer courts.

**CULTURAL FACILITY.** Facilities maintained to develop, promote, or foster the arts or literature, as well as a clubhouse, lodge hall, and fraternal society meeting places, and ancillary activities as determined by the Planning Director, and whose other functions are not indicated elsewhere in this ordinance as administrative or conditional uses.

**DANCE STUDIO.** An establishment where dance classes and dance recitals are performed to recorded music.

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

**DAY CARE HOME.** A ~~single-family~~ residence which is occupied and used as such and provides non-medical day care on less than a 24-hour basis to children and/or adults. Day care home must be State-licensed, and may be either one of the following:

- a. Small Day Care Home. The use of a ~~single-family~~ residence to provide day care to eight (8) or fewer persons, including any children under the age of 10 years who reside at the home.
- b. Large Day Care Home. The use of a ~~single-family~~ residence to provide day care to 8-14 persons, including any children under the age of 10 years who reside at the home.

**DISTILLERY.** An alcoholic beverage sales establishment where distilled spirits are made. Tasting distilled spirits may be included as an accessory use, but the distillery cannot operate as a bar. Please see Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations regarding alcohol.

**DISTRICT.** A zoning district established under the provisions of the Zoning Ordinance.

**DORMITORY.** A residence hall providing sleeping rooms, bathrooms, study and recreation rooms and a common kitchen for students.

**DRAFTING SERVICE.** An establishment which performs drafting services such as drawing of site plans or construction drawings of buildings. Is usually accompanied by drafting tables and blueprinting machines. Also refer to "ARCHITECTURAL SERVICE" and "ENGINEERING SERVICE."

**DRIVE-IN ESTABLISHMENT.** An establishment which accommodates the patrons' and their motor vehicles from which the occupants may watch, purchase or receive goods or services (i.e., a drive-through restaurant, drive-through coffee shop, drive-in theater, drive-up photo finishing, car wash, gas station, mini-mart with gas, automobile lubrication facility, etc.).

**DRY CLEANER/LAUNDRY.** A dry cleaner/laundry is open to the general public for dry cleaning/laundry purposes. For purposes of this ordinance, a dry cleaner/laundry excludes a dry cleaning/laundry plant which serves solely to dry clean clothing processed for other dry cleaners and not open to the general public.

**DWELLING UNIT/RESIDENTIAL UNIT.** One or more rooms with a single kitchen, arranged, designed, used, or intended to be used exclusively for living and sleeping purposes by one family as an independent housekeeping unit. Other definitions include the following:

- a. Accessory dwelling unit: ~~An attached, 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 shall be located on the same parcel an existing~~

- ~~single-family dwelling is situated or to be situated with the proposed development of single-family dwelling(s). See Section 10-1.2740 for criteria and standards. An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.~~
- ~~b. Apartment/multiple-family dwelling(s): Any building, group of buildings, or portion thereof which includes two or more dwelling units, and which are intended as ownership units, or in the case of apartments, rental or for lease units. Apartment/multiple-family dwelling projects may include private recreational facilities. See Sections 10-1.400 and 10-1.500 for requirements.~~
- ~~c. Condominium dwelling(s): Any building, group of buildings, or portion thereof which includes two or more dwelling units, and for which there is a final map or parcel map. Condominium dwelling projects are usually governed by a Homeowners Association (HOA) with Covenants, Codes and Restrictions (CC&R's), and may include private recreational facilities. See Sections 10-1.400 and 10-1.500 for requirements. Within a condominium, ownership consists of the airspace within a unit and the building(s) and all land within the development are under common ownership.~~
- ~~bd. Single-family dwelling/Detached Residential Unit: A detached building containing only one dwelling unit. See Section 10-1.200 for requirements.~~
- ~~ce. Duplex. A residential building with two attached dwelling units. See Section 10-1.200 for requirements.~~
- ~~df. Multi-Unit Residential (4+ attached units): A residential building with four or more attached dwelling units. See Section 10-1.200 for requirements.~~
- ~~ef. Second Single-family dwelling: A second single-family dwelling permitted on a parcel where there is one existing single-family dwelling already, provided minimum lot size and setbacks can be met for both dwellings separately. See Section 10-1.215.b.(1)(b) for requirements.~~
- ~~feg. Townhouse dwelling(s): A Duplex, Triplex, or Multi-Unit Residential (4+ attached units) any building, group of buildings, or portion thereof which includes two or more attached dwelling units, and for which there is a subdivision final map or parcel map. Townhouse ownership includes the building, the land beneath the building and typically a patio or small yard adjacent to the structure. The remaining land within the development is under common ownership. Townhouse dwelling projects are usually governed by a Homeowners Association (HOA) with Covenants, Codes and Restrictions (CC&R's), and may include private recreational facilities. See Sections 10-1.2400 and 10-1.500 for requirements. Townhouse ownership includes the building, the land beneath the building and typically a patio or small yard adjacent to the structure. The remaining land within the development is under common ownership.~~
- ~~fh. Triplex. A residential building with three attached dwelling units. See Section 10-1.200 for requirements.~~

EDIBLE CANNABIS PRODUCT. A cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.

EDUCATIONAL FACILITY. Facilities maintained to provide instruction to students for the purpose of developing their faculties and powers, and ancillary activities as determined by the Planning Director, and whose other functions are not indicated elsewhere in this ordinance as administrative or conditional uses. May include trade schools, a beauty college, or business college.

**ENGINEERING SERVICES.** An establishment which provides engineering services (i.e., structural calculations, construction drawings, consultation, etc.). Usually includes office and drafting equipment, including blueprint machines. Also refer to "ARCHITECTURAL SERVICES" and "DRAFTING SERVICES."

**ENVIRONMENTAL DOCUMENT.** Information within a written document which evaluates the environmental effects of a proposed project as required by the current City of Hayward and the California Environmental Quality Act (CEQA) environmental review guidelines.

**ESTABLISHMENT.** A separate place of business having the following characteristics:

- a. The ownership and management of all operations conducted within such establishment is separate and distinct from the ownership and management of operations conducted within other establishment on the same or adjacent site;
- b. Direct public access is separate and distinct from direct access to any other business establishment;
- c. There is no direct public access from within such establishment to any other such establishment.

**EQUIPMENT RENTAL SERVICE.** An establishment which rents non-industrial machinery and equipment for a fee. May also include minor repair of equipment. See also INDUSTRIAL EQUIPMENT SALES AND RENTAL.

**EXTRACTION.** A process by which cannabinoids are separated from cannabis plant material through chemical, physical, or any other means.

**FABRIC STORE.** An establishment which offers such commodities as fabrics, threads, and other sewing notions for sale at retail. Usually includes retail sales of sewing machines and craft items (silkscreening equipment, fabric paint, needlepoint materials, ribbons, etc.), and may include classes associated with the use of these commodities.

**FACADE.** The exterior wall of a building along with its associated windows, entryways, and projections

**FAMILY.** One or more persons living together as a single housekeeping unit, as distinguished from a group living in a boarding house, hotel, motel, or group or institutional living quarters such as a group home, day care home, or convalescent home.

**FARMER'S MARKET.** A periodic event where fresh produce, flowers, and hand made craft items are sold at retail. Typically held in a downtown area, outside.

**FENCE.** A linear structure constructed or erected to a maximum height of 6 feet unless otherwise provided herein, and which requires permanent location on the ground or is attached to something having location on the ground. Building materials used for a fence may include but are not limited to boards, bricks, wrought iron, chain link, or blocks, and do not include landscaping, such as hedges, bamboo sticks or bushes, and trees.

**FENCE, HEIGHT OF.** A height measured from ground level (or top of retaining wall) to top of fence. On sloping sites with a stepped fence, height may be measured at the midpoint of each fence section.

**FINANCIAL INSTITUTION.** An establishment which provides services to meet the financial needs of its customers (i.e., checking account services, mortgage broker services, etc.) Also refer to "CHECK CASHING STORE."

**FIREARMS SALES.** A person or entity engaged in the business of selling, transferring, or leasing; or advertising for sale, transfer, or lease, or offering or exposing for sale, transfer, or lease, any firearm and/or ammunition, either directly or indirectly; and/or engaged in the retail sale of ammunition, as defined in Hayward Municipal Code Section 6-11.01(d).

**FLEA MARKET.** One or more vendors selling new or used merchandise at retail, within a structure or open air setting where no individual building walls separate uses, or where sales areas are within stalls which are smaller in size than typical retail spaces, and that the character of the business is that typically associated with a flea market, and as determined by the Planning Director.

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**FLOOD PLAN (FP).** A land use zoning district within which land is subject to tidal or flood water inundation. See Section 10-1.2100.

**FLOOR AREA, GROSS.** The area included within the surrounding walls of a building or portion thereof, exclusive of vent shaft, eaves, overhangs, atriums, covered entries and courts and any portion of a structure above ground used for parking, parking aisles or loading areas.

**FLORAL SHOP.** An establishment which provides flowers and floral arrangements at retail. Usually includes refrigeration units to keep flower fresh, and delivery vans.

**FOOD VENDOR.** The vending of food or beverages from a movable cart-type stand or vehicle which is located on the same lot as a permitted use in a zone that allows for such operation, and subject to the standards and process set forth in HMC Section 10-2700, General Regulations.

**FRONTAGE.** See "LOT FRONTAGE."

**FURNITURE STORE.** An establishment engaged in the retail sales furnishings. These usually include chairs, tables, couches, beds, and accessories for the home. All activities occur within an enclosed structure.

**GARAGE.** A fully enclosed and covered attached or detached structure accessory to a residential use intended for storage of one or more motor vehicles used by the occupants of the premises; which does not have any permanent obstructions that would prevent vehicles parking within; which has garage doors that are operable; and which does not have rugs, linoleum or other non-fire-resistant coverings on the floor. For purposes of determining the existence of a one or two car garage, the minimum dimensions of an existing single-car garage wherein no permanent obstructions may occur is 10' wide × 19' deep, and the minimum dimensions of an existing double-car garage wherein no permanent obstructions may occur is 18' wide by 19' deep. For purposes of this ordinance a garage of any dimension shall not be used as a habitable space. Construction of new garages shall have minimum interior dimensions of 11' wide × 19' deep for single-car garages and 20' wide × 19' deep for double-car garages.

**GARDEN SUPPLIES STORE.** An establishment which provides supplies for gardening at retail. This usually includes flower and vegetable seeds, fresh flowers and vegetable plants, grass sod, soil, and tools, and typically includes a screened-in outdoor display and servicing area.

**GENERAL COMMERCIAL DISTRICT (CG).** A land use zoning district within which general commercial and retail land uses may develop which provide services for the support of primary business activities in the Central City District. See Section 10-1.1000.

**GENERAL REGULATIONS.** Specific regulations which apply to all zone districts and to all uses permitted in the districts. The regulations are found in Section 10-1.2700 of this Zoning Ordinance, and are intended to amplify and to supplement district regulations.

**GOLF COURSE.** A publicly or privately owned area of land laid out for the game of golf with a series of 9 or 18 holes each. Usually includes a club house and maintenance building. May include retail sales relating to golf (pro-shop) and a restaurant/bar.

**GRADE.** The degree of rise or descent of a sloping surface (also see "SLOPE").

- a. **Finished Grade.** The final elevation of the ground surface after completion of all site preparation work or after development.
- b. **Existing grade.** The ground elevation prior to grading for construction. Where walls are parallel to and within five feet of a sidewalk, the above-ground level grade shall be measured at the sidewalk.

**GRANNY OR IN-LAW UNIT.** See "SECOND DWELLING, ATTACHED."

**GREENHOUSE.** A permanent enclosed structure for the propagation and growing of plants, constructed with a translucent roof and/or walls.

**GROUP HOME.** The use of any single-family residence or other dwelling unit for a group residence where residents pay a fee or other consideration to the Group Home operator in return for residential accommodations. A Group Home includes a boarding home, a rooming house, as well as a group residence for the elderly, or mentally or physically disabled or handicapped persons, or other persons in need of care and supervision. Each dwelling unit so used shall be considered a single Group Home. The term Group Home includes both licensed and unlicensed Group Homes.

- a. **Licensed Group Home.** A licensed Group Home is any residential facility subject to State licensing requirements pursuant to the California Health and Safety Code (HSC), implementing State regulations, and amendments thereto. Any Group Home which is subject to State licensing requirements shall be treated as an unlicensed Group Home if the facility's license has expired or such license has been suspended, revoked or terminated. Group Homes subject to State licensing requirements include the following:
  - (1) Residential facilities providing non-medical residential care, specifically, any residential Community Care Facility (HSC section 1502), a Residential Care Facility for the Elderly (HSC section 1569.2) and a alcoholism or drug abuse recovery or treatment facility (HSC section 11834.02).
  - (2) The following types of Health Facilities (HSC section 1250, specifically, a Congregate Living Health Facility (HSC section 1250 (i)), an Intermediate Care Facility/Developmentally Disabled Habilitative (HSC section 1250 (e), an Intermediate Care Facility/Developmentally Disabled (HSC section 1250(g)), and an Intermediate Care Facility/Developmentally Disabled-Nursing (HSC section 1250(h)).
- b. **Unlicensed Group Home.** An unlicensed Group Home is the use of a dwelling unit by an owner or operator as a dormitory, boarding house, rooming house or similar use, where such residential facility is not subject to State licensing requirements or whose state license has expired, or has been suspended or revoked.

**GUN SHOP.** See "FIREARMS SALES."

**HARDWARE STORE.** An establishment which provides a variety of supplies and materials used for small construction or repair projects, at retail.

**HAZARDOUS MATERIAL.** A gas, material, or substance capable of posing a risk to health, safety, or property; provided, however, use of hazardous materials contained in consumer-sized containers purchased solely for on-site maintenance activities shall not be considered a hazardous materials use for the purpose of these regulations. The Fire Chief or his or her designee has the exclusive authority to develop and apply regulations which determine which, if any of the Group A, B, or C and included categories utilized in the Industrial District regulations is applicable to a user of any hazardous materials; such regulations may include reference to federal and state law, standards, and regulations applicable to hazardous materials. The Fire Chief or his or her designee also has the exclusive authority in conjunction with the Planning Division to exclude or reduce the category of prescribed Conditional or Administrative Uses in the Zoning Ordinance when it is found that the quantities are minor or additional mitigations are found to be acceptable.

Hazardous materials which belong to more than one group or category shall be subject to the most stringent regulations. In addition to the following classifications please refer to specific Zoning Districts for hazardous materials land use requirements.

- a. **Group A. Hazardous materials which include any of the following:**
  - (1) Explosives and blasting agents;
  - (2) Reactive materials;
  - (3) Unstable materials;

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- (4) Radioactive materials;
  - (5) Class 3 and 4 oxidizing materials;
  - (6) Poisonous or highly toxic materials;
  - (7) Corrosive, poisonous, or unstable gases;
  - (8) State of California restricted hazardous wastes, including substances classified as extremely hazardous wastes.
- b. Group B. Hazardous materials which include any of the following:
- (1) Flammable liquids, namely liquids that have a flashpoint below 100° Fahrenheit<sup>1</sup>
  - (2) Flammable solids;
  - (3) Class 1 and 2 oxidizing materials;
  - (4) Flammable or oxidizing gases;
  - (5) Corrosive materials.
- c. Group C. Hazardous materials which include any of the following:
- (1) Combustible liquids, namely liquids that have a flashpoint at or above 100° Fahrenheit.
  - (2) Inert gases.
  - (3) Other regulated materials referred to in the following sources except Group A or B hazardous materials:
    - i) California Fire Code as adopted by the City of Hayward;
    - ii) 49 Code of Federal Regulations section 173.500, including amendments or successors thereto; and
    - iii) Hayward Municipal Code Section 3-8.06 except those materials exempted by Hayward Municipal Code Section 3-8.07, including amendments or successors to such provisions.

**HEALTH CLUB.** An establishment which provides physical fitness equipment, classes, and facilities such as racquetball and tennis courts and/or swimming pools for patrons to use for a fee. (Also see "PHYSICAL FITNESS STUDIO" for a smaller version of this type of facility.)

**HIGH DENSITY RESIDENTIAL DISTRICT (RH).** A land use zoning district which allows the development of multiple-family dwellings at a high density. See Section 10-1.500.

**HOME OCCUPATION.** Any occupation conducted within the living area of a dwelling unit by persons residing therein, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof. Also referred to as a "Mail and Telephone Business Listing." For purposes of this ordinance, a licensed Group Home shall not be considered a "home occupation." A home occupation shall comply with the following standards:

- a. does not display or sell any commodities except those produced on the premises;
- b. does not use any accessory building, garage, yard space, or activity outside of the dwelling unit;
- c. does not generate a character and volume of vehicular traffic not normally associated with residential use;
- d. does not involve the use of more than 10 percent or more than 200 square feet of floor area of the dwelling unit, whichever is less;



- e. does not display signs or other matter which would indicate a business is operating within the home;
- f. does not allow for more than two customers/clients to visit the home each day and customers/clients are limited to visiting the house between the hours of 8 a.m. and 9 p.m.;
- g. where no repair work is permitted;
- h. where at least one parking stall is available for guest parking either in the driveway or on the street in front of the residence; if customers/clients visit the premises;
- i. where no employees, other than residents of the home, come to or work from the home; and
- j. which requires all applicable building and fire codes to be met.

HOME OCCUPATION - EXPANDED. An expansion of the provisions of or variance to a home occupation as defined above regarding numbers of customers, hours of operation, sale of commodities produced on the premises (excluding sale of guns), and minor repair only.

HOMELESS SHELTER. An institution that provides shelter for individuals and families with no limitation on the length of stay. Such use may also provide meals and supportive social services. May also include Housing Navigation Centers and Emergency Shelters (per Health and Safety Code 50801).

HOSPITAL. An institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of patients for twenty-four hours or more. The term "hospital," as used in this title, does not apply to institutions operating solely for the treatment of mentally ill persons, drug addicts, liquor addicts, or other types of cases necessitating confinement of patients, and the term "hospital" shall not be used for convalescent, nursing, shelter or boarding homes.

HOTEL. A building where lodging with or without meals is provided to the general public for compensation typically on a nightly basis, and where no provision is made for cooking in any individual guest room or suite, and where a maximum continuous length of stay is no longer than that established for transiency pursuant to Chapter 8, Article 4 (Transient Occupancy Tax) of the City of Hayward Municipal Code, but shall not include institutions where human being are detained under legal restraint.

Extended Lodging Facilities, where kitchens, kitchenettes or other cooking facilities may be permitted within individual guest rooms, are allowed in any Zoning District where Hotels are permitted, subject to the following standards:

- a. Each guestroom shall be provided with voicemail, dataports, desk, color television, alarm clock or wake up service. Irons and ironing boards must also be made available to guests upon request.
- b. Self-service laundry facilities shall be accessible to all guests.
- c. Recreational facilities such as pool, whirlpool/spa/ and/or fitness room shall be provided.
- d. A 24-hour per day on-site supervisor shall be provided.
- e. Housekeeping services including cleaning and linen service shall be offered on a regular basis to every guestroom.
- f. Extended Lodging Facilities cannot be used for long term occupancy (i.e. apartments, care facilities, boarding houses, etc.). Leases of any duration are prohibited.
- g. Extended Lodging Facilities may have a maximum continuous length of stay no longer than that established for transiency pursuant to Chapter 8, Article 4 (Transient Occupancy Tax) of the City of Hayward Municipal Code.

HOUSEHOLD PETS. See "PETS, HOUSEHOLD."

**INDUSTRIAL EQUIPMENT SALES RENTAL AND SERVICE.** An establishment which provides industrial equipment and related commodities to the public for sale or rental, and servicing of that equipment. Such equipment may include large scale vehicles, large truck and trailer rigs, fork lifts, conveyor belts, and loading dock facilities.

**INDUSTRIAL HEMP or HEMP.** An agricultural product, whether growing or not, that is limited to types of the plant *Cannabis sativa* L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis.

**INDUSTRIAL/VOCATIONAL TRADE SCHOOL.** A trade school that provides specialized training of skilled labor including plumbing, carpentry, truck driving, mechanics, machine operations, computer repair, tool and dye, and similar technical schools. This definition excludes beauty/barber schools, business schools, or degree programs.

**JEWELRY STORE.** An establishment which provides jewelry, watches, gemstones, and other related commodities to the public for sale at retail. Typically includes jewelry and/or watch repair and cleaning services.

**KENNEL.** A lot, building, structure, enclosure or premises where one or more dogs, cats, or other household pets are kept for commercial purposes, including boarding, breeding of more than one litter per year and/or a litter every year, sale of goods or animals, or the rendering of services for profit. For the purposes hereof, the breeding and sale of the litter of animals kept and maintained as household pets and/or maintained by an animal fancier, shall not be deemed and considered a commercial kennel, provided they are less than one litter per year and litters do not occur every year.

**KITCHEN.** A definable area or room for food preparation, typically consisting of a permanent cooking appliance for use in food preparation, a refrigerator, cabinets, and a sink, usually in close proximity to one another.

**LANDSCAPING.** An area devoted to or developed and maintained predominantly with native or exotic plant materials including lawn, groundcover, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, paved or decorated surfaces (excluding driveways, parking, loading, or storage areas), and sculptural elements.

**LIMITED ACCESS COMMERCIAL (CL).** A land use zoning district within which commercial uses may develop which normally tend to locate apart from standard commercial areas or service industries, or uses on highways of major importance. See Section 10-1.1200.

**LIQUOR STORE.** "Liquor store" shall mean any alcoholic beverage sales establishment primarily involving the sale of alcohol where beer, wine or distilled spirits are sold for off-sale consumption and where more than five (5) percent of the floor area of the establishment is devoted to the sale, display or storage of beer, wine or distilled spirits. Please see Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations regarding alcohol.

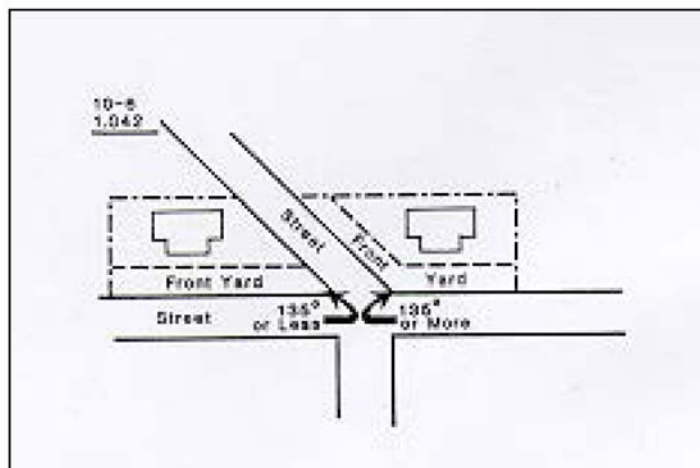
**LIVESTOCK.** Domesticated farm animals kept for use or profit (See Section 10-1.2735.e. for regulations of livestock) and further defined as follows:

- a. Large Livestock. Horses, cattle, llamas, or similar large animals, as determined by the Planning Director.
- b. Medium Livestock. Sheep, goats, and pigs, or similar medium animals, as determined by the Planning Director.
- c. Small Livestock. Hens, ducks, pigeons, rabbits and other similar small animals, as determined by the Planning Director, totaling five (5) or more such animals on a property.

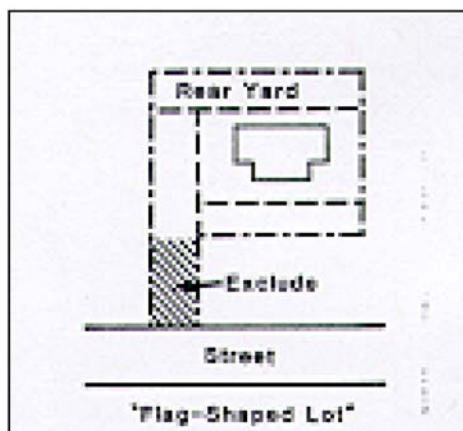
**LOT.** A recorded parcel of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon. The classification of lots are as follows:

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

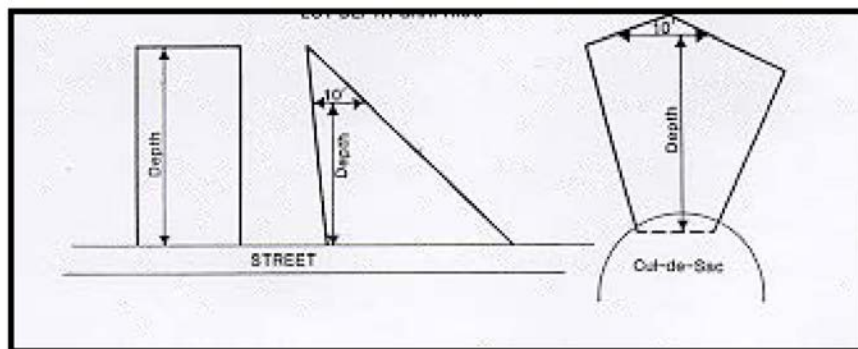
- b. Corner Lot. A lot at the intersection of two or more streets which has an angle of intersection of  $135^\circ$  or less. Where the angle of intersection exceeds  $135^\circ$ , the area abutting the two streets shall be a front yard.



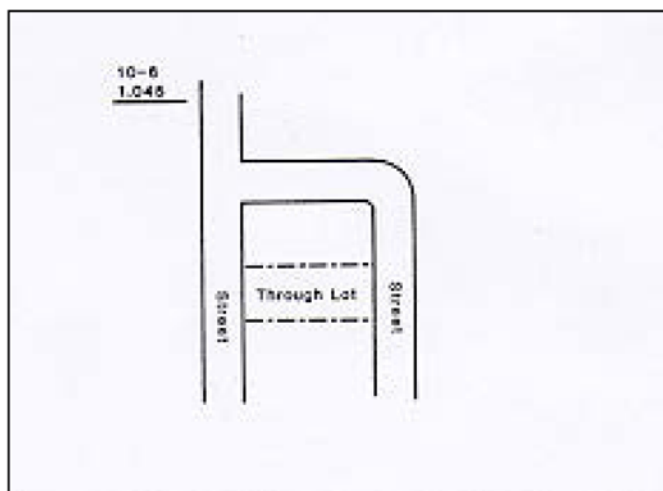
- c. Flag Lot. A parcel of land where the buildable portion of the lot is via a narrow extension of the lot (access strip) to a public or approved private street, utilizing a private or privately shared travelway. The area within an access strip shall not be counted as part of the lot area of either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



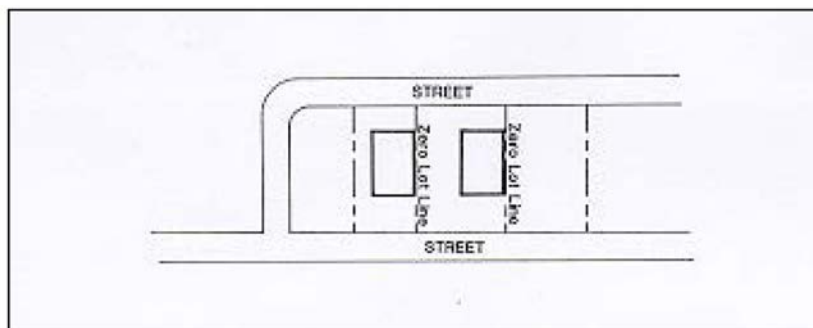
- d. Interior Lot. A lot other than a corner lot.
- e. Lot Coverage. The area of a lot enclosed by exterior walls or similar roof-supporting devices of all structures, including accessory structures and patio covers.
- f. Lot Depth. The average distance between the front and rear lot lines or between the front line and the intersection of the two side lines, if there is no rear line. In instances of a cul-de-sac where the front lot line is curved, the lot depth shall be measured off a drawn line which connects the two side lot lines that intersect the cul-de-sac.



- g. Lot Frontage. The common property line of a lot and the right-of-way line of a street.
- h. Lot Line. Any boundary of a lot. The classifications of lot lines are:
  - (1) Front. A line separating the lot from the street right-of-way. In the case of a corner lot, the owner may designate the front lot line of said lot at the time of initial construction of the primary use.
  - (2) Rear. The lot line which is opposite and most distant from the front lot line; and in the case of an irregularly shaped lot, a line 10 feet in length within the lot, and any line closest to being parallel to and at the maximum distance from the front lot line. In the case of a corner lot, the rear lot line is opposite the front property line unless the Planning Director determines otherwise where there is a reasonable alternative.
  - (3) Side. Any lot line not a front lot line or a rear lot line.
- i. Lot Size (or lot area). The total horizontal area within the lot lines of a lot, with the exception of flag-shaped lots where the lot area shall be calculated excluding the stem of the lot.
- j. Rear Lot Coverage. The area of a required rear yard enclosed by exterior walls or similar roof-supporting devices of all structures, including accessory structures and patio covers.
- j. Through Lot. A lot having frontage on two approximately parallel streets.



- k. Zero Lot Line. The location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line.



**MAILING OR FACSIMILE SERVICE.** An establishment which provides postal services and a facsimile machine available to the public for a fee. Typically includes packaging and weighing facilities, and may include related copy work or wrapping paper and greeting cards for sale at retail as an ancillary use, as well as internet access as an ancillary use. Under no circumstance, as a primary, permitted or accessory use, shall any Mailing or Facsimile Service be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)

**MANUFACTURED HOME.** A factory built or manufactured home including mobile homes, as permitted by State of California and Federal laws. A manufactured home is synonymous with the definition of a "single family dwelling."

**MANUFACTURING.** Establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, human-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Instruction, direct sales, or on-site consumption are incidental to the manufacturing operation. Toxic, hazardous, or explosive materials produced or used in conjunction with the manufacturing process are subject to use permits based on type and quantity of hazardous materials storied, utilized or generated by the manufacturing process (see "HAZARDOUS MATERIALS"). All impacts generated by manufacturing activities related to noise, gas, odor, dust, or vibration shall conform to the performance standards contained within the Industrial District regulations and other applicable local, state and federal regulations.

- a. **Custom Manufacturing.** Establishments engaged in the on-site assembly of hand-fabricated parts, or engaged in the on-site hand manufacture or hand fabrication of custom or craft goods. Goods are predominantly manufactured and fabricated involving the use of hand tools or domestic-scaled mechanical equipment and kilns not exceeding 20 square feet in size. Typical uses include ceramic studios, fabrics, inlays, weaving, leather work, woodwork, metal or glass work, candle making, small batch food manufacturing, or custom jewelry. For beer and alcohol production, see BREWERY/MICRO-BREWERY and DISTILLERY.
- b. **General Manufacturing.** Establishments engaged in manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. Production typically involves some transformation by way of heating, chilling, combining, or through a chemical or biochemical reaction or alteration. This classification includes manufacturing for biomass energy conversion, cosmetics and perfumes, electrical appliances and explosives, film and photographic processing plants, apparel and textile mills, leather and allied products manufacturing, wood/paper products, glass products, chemical products, medical/pharmaceutical products, refining, plastics and rubber products, nonmetallic minerals, primary and fabricated metal products, and automotive and heavy equipment.
- c. **Light Manufacturing.** Establishments engaged in food manufacturing and manufacturing of products and finished parts primarily from prestructured materials or components by means of physical assembly or reshaping and does not produce or utilize in large quantities as an integral part of the

manufacturing process, toxic, hazardous, or explosive materials. Because of the nature of its operation and products, little or no noise, odor, vibration, glare, and/or air or water pollution is produced.

MARIJUANA. See "CANNABIS".

MARKET. See "SUPERMARKET."

MARTIAL ARTS STUDIO. An establishment where martial arts classes, private lessons, and demonstrations are provided to the public for a fee.

MASSAGE PARLOR. An establishment where body massage is provided to members of the public for a fee. Refer to Chapter 6, Article 10 of the Hayward Municipal Code for regulations.

MEDIA PRODUCTION. Facilities for motion picture, television, video, sound, computer and other communications and media production. Use includes incidental rehearsal and broadcasting uses; however, use does not include transmission towers. This classification may also include incidental office use, retail sales, and indoor storage of equipment related to the recording uses.

MEDICAL CANNABIS or MEDICAL CANNABIS PRODUCT. Cannabis or a cannabis product, respectfully, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, by a medical cannabis patient in California who possesses a physician's recommendation.

MEDICAL MARIJUANA. See "MEDICAL CANNABIS".

MEDICAL/DENTAL LABORATORY. A facility which custom manufactures and distributes false teeth, dental crowns, braces, and other related dental equipment to dentists.

MEDIUM DENSITY RESIDENTIAL (RM). A land use zoning district which primarily allows the development of multiple-family dwellings at a set density and in a suitable environment for family life in areas where a compatible mingling of single-family and multiple-family dwellings is possible. See Section 10-1.400.

MICRO-BREWERY. A retail establishment where alcoholic beverages are produced and sold for consumption either on or off premises. Tasting alcoholic beverages may be included as an accessory use, but the micro-brewery cannot operate as a bar. Refer to Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations.

MICROBUSINESS. A commercial cannabis business holding a license issued by the State Bureau of Cannabis Control for the cultivation of cannabis on an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer, and retailer pursuant to Business and Professions Code Sections 26050 and 26070.

MISSION BOULEVARD RESIDENTIAL DISTRICT (MBR).

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

MOBILE HOME Same as "Manufactured Home," but subject to the National Manufactured Housing Construction and Safety Act of 1974.

MOBILE HOME PARK (MH). A land use zoning district designed for, used or intended to be used for the parking and occupancy of two or more mobile homes for dwelling or sleeping purposes. See Section 10-1.700.

MORTUARY. An establishment engaged in the preparation of human bodies and the arrangement and holding of funeral services prior to burial or final disposition. For the purposes of this Ordinance, a mortuary may include a crematory.

MOTEL. A group of attached or detached buildings containing individual sleeping or living units designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit where a maximum continuous length of stay is no longer than that established for transiency pursuant to Chapter 8, Article 4 (Transient Occupancy Tax) of the City of Hayward Municipal Code.

MULTIPLE-FAMILY DWELLING. See "DWELLING, MULTIPLE-FAMILY."

**MUSIC STORE.** An establishment which sells musical instruments, sheet music, and related commodities to the public at retail. Typically includes repair of musical instruments.

**MUSIC STUDIO.** An establishment which provides music classes and private music lessons to the public for a fee. Typically involves piano lessons and/or guitar lessons, both acoustical and amplified, and includes occasional music recitals by the studio students.

**NAIL SALON.** An establishment which provides nail manicures and pedicures to the public at retail for a fee. Does not include massage or tanning services.

**NEIGHBORHOOD COMMERCIAL DISTRICT (CN).** A land use zoning district which is carefully located in areas throughout the City in relationship to other commercial districts and in relationship to nearby residential districts. Land uses created in the CN district are general commercial and retail uses which provide convenience goods and services purchased frequently, serving nearby residences. See Section 10-1.800.

**NEIGHBORHOOD COMMERCIAL - RESIDENTIAL DISTRICT (CN-R).** A land use zoning district with a mix of neighborhood serving businesses and residences along portions of certain arterials in order to provide options for housing with ready access to shops and transit. See Section 10-1.900.

**NIGHT CLUB.** See definition for "Bar". Any night club that permits dancing or live entertainment on a regular basis must obtain a cabaret license as required by Chapter 6, Article 2 of this Code. Please see Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations regarding alcohol.

**NONCONFORMING, ILLEGAL.** A structure, lot, or use which did not conform to applicable laws when constructed or initiated, and does not conform to the provisions of this Ordinance.

**NONCONFORMING LOT.** A lot, the area, frontage or dimensions of which do not conform to the provisions of this Ordinance.

**NONCONFORMING STRUCTURE.** A structure which conformed to applicable laws when constructed but does not conform to the provisions of this Ordinance.

**NONCONFORMING USE.** A use complying with applicable laws when established but does not conform to the provisions of this Ordinance.

**NUISANCE.** An activity or land use which is determined to be detrimental or incompatible with adjacent properties, adjacent property owners or users, or the general public. Refer to Section 10-1.150.

**NURSERY, PLANT.** An establishment which grows flowers, shrubs, and trees and provides them for sale at retail to the public. Typically includes related items such as seeds, bulbs, pots, potting soil, etc.

**OFFICE.** An establishment where services are performed for predominately administrative, professional, medical, dental or clerical operations that function as a place of business for any of the following: accountants, architects, attorneys, bookkeeping services, brokers, corporate offices, drafting services, dentists, doctors, financial institutions, development companies, engineers, surveyors and planners, insurance agencies, interior decorators and designers, landscape architects, psychiatrists, psychologists, notaries, typing and secretarial services, therapists, and internet publishing, broadcasting, and web search portal establishments, and other similar businesses and professions, not otherwise specifically defined in this Code. This use classification also includes software and internet content development and publishing; computer systems design and programming; data processing or call centers; facilities that broadcast exclusively over the Internet and have no live, in-building audiences participating in such broadcasts; and computer, technical, and informational services. Under no circumstance, as a primary, permitted or accessory use, shall any Office be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)

**OPEN SPACE.** Open space areas and recreational amenities providing gathering space or opportunities for active or passive recreation. This is further defined as follows:

- a. Common ~~Use Usable~~ Open Space. An on-site, ~~ground-level indoor or outdoor recreational area of lawn, pool, garden court with paving, rooftop recreational area, or recreation room~~ accessible to all ~~dwelling units and used by~~ residents. The space ~~doesshall~~ not include the required front or side street yard, off-street parking ~~areas~~, driveways, service areas, or areas of more than 5 percent slope. (Refer to appropriate sections of this ordinance for specific requirements.) For residential or mixed-use buildings, open space can be provided at grade, on podium or rooftop or indoors.
- b. Private ~~Usable~~ Open Space. An on-site ~~recreational area of lawn, or garden court with paving, patio, deck, or balcony~~ directly accessible only to one ~~dwelling~~residential unit from a living and non-service area, which is not more than four feet above or below the floor level. The space shall not include the required front or street side yard, areas devoted to off-street parking, driveways, or service, or areas of more than 53 percent slope. (Refer to appropriate sections of this ordinance for specific requirements.)

OPEN SPACE/PARKS AND RECREATION DISTRICT (OS). A land use zoning district intended to promote and encourage a suitable environment devoted to parks, recreation, floodplain or passive or active open space uses for the enjoyment of all members of the community. The OS District may be used to preserve and protect land areas of special or unusual ecological or geographic interest. See Section 10-1.2200.

PAINT/WALLPAPER STORE. An establishment which provides paint, wallpaper, and related commodities to the public for a fee. Typically includes installation services.

PALM READING SERVICE. An establishment which provides psychic services, such as palm reading and fortune telling, to the public for a fee.

PARCEL. A parcel of land under one ownership that has been legally subdivided or combined and is shown as a single parcel on the latest equalized assessment roll.

PARKING. A parking area which provides the required parking for a use in accordance with the City of Hayward Off-Street Parking Regulations (Chapter 10, Article 2, Hayward Municipal Code). The following definitions relating to parking are also provided:

- a. Covered Parking. Parking space(s) which are contained within a carport or garage.
- b. Parking Lot. An off-street area, whether open or enclosed, other than a showroom or sales lot, used to store motor vehicles on a daily basis, but not including the storage of dismantled or wrecked motor vehicles or parts thereof. A parking lot may be commercial, public, or private.
- c. Off-Street Parking. Parking stalls provided beyond the right-of-way of a street or highway.
- d. Off-Street Parking Space. Refer to the definition contained in the City of Hayward Off-Street Parking Regulations (Chapter 10, Article 2, Hayward Municipal Code).
- e. On-Street Parking. Parking stalls provided within the right-of-way of a street or highway.
- f. Open or Uncovered Parking. Parking space(s) which are not contained within a carport or garage.

PASSENGER TRANSPORTATION TERMINAL. A facility which provides a loading, transfer, or drop-off point for public transportation (i.e., Amtrak, BART, Greyhound, and airport.) For single passenger pick-up and drop-off, refer to "Taxi Company."

PAWN SHOP. An establishment which provides monetary exchange for collateral, typically personal items such as watches, jewelry, musical instruments, weapons, etc., after which the collateral item is returned to its owner after the money is repaid. Typically includes a fee and retail sales of unclaimed items.

PAYDAY LOAN FACILITIES. An establishment primarily engaged in the business of advancing funds to customers in situations where the customer uses his or her entitlement to a future paycheck from some other source as collateral for the loan, and for which the customer pays a fee (percentage or otherwise) for the advancement.



**PERMITTED USE.** A specified use allowed in a land use zoning district and subject to the provisions applicable to that district.

**PERSON.** Any individual, business, company, corporation, both public and private, association, political or governmental subdivision or unit, or other group acting as a unit or entity.

**PET GROOMING SHOP.** An establishment which provides a grooming service of household pets to the public for a fee. Typically includes washing, hair trimming, and temporary boarding of animals being groomed (i.e., less than 24 hours).

**PET STORE.** An establishment which provides pets and pet supplies to the public for sale at retail. Pets for sale typically include dogs, cats, fish, reptiles, hamsters, birds, etc., and may include exotic pets, such as parrots, pot bellied pigs, and iguanas. Pet supplies usually include food, cages, leashes, etc. May include ancillary pet grooming.

**PETS, HOUSEHOLD.** Small animals ordinarily and customarily domesticated and permitted in a dwelling and kept for company or pleasure and not for profit, including the following subcategories:

- a. Traditional Household Pets. Dogs, cats, canaries, parakeets, fish, domestic mice, rats, guinea pigs, potbelly pigs, up to four (4) rabbits, or similar animals, as determined by the Planning Director. The keeping of more than four cats or dogs requires an "Animal Fancier's Permit" from the City Animal Control Officer.
- b. Other Household Pets. Hens, ducks, pigeons and other similar small animals, as determined by the Planning Director, where the total number on a property does not exceed four (4) of such animals. Other Household Pets are subject to approval of a Zoning Conformance Permit based on consistency with the standards prescribed in Section 10-1.2735 of the Hayward Municipal Code.

**PHOTOGRAPHIC SUPPLY STORE.** See "CAMERA STORE."

**PHOTOGRAPHY STUDIO.** An establishment where a professional photographer takes posed pictures of people for a fee at retail. Does not include retail sales of photographic supplies, except for picture frames and picture albums.

**PHYSICAL FITNESS STUDIO.** An establishment which provides physical exercise classes and/or personal one-on-one physical fitness training. Typically includes a weight room and/or an aerobics dance class room. Does not include facilities typically of the large health clubs, such as showers, a pool, racquetball or tennis courts.

**PLANNED DEVELOPMENT DISTRICT (PD).** A land use zoning district which permit a combination of land uses planned for a single tract of land to be developed as a unit according to a specific development plan approved by the City which result in efficient and attractive utilization of land in order to preserve open space areas, topographical features, ridge tops, and tree clusters. This district also permits the creation of a site-specific project which provides a mix of housing types as well as nonresidential development. See Section 10-1.2500.

**PLANNING COMMISSION.** The Planning Commission of the City of Hayward, California.

**PLANNING DIRECTOR.** The Director of the Community and Economic Development Department of the City of Hayward, California. This includes his or her staff members as appointed to represent him or her.

**POINT OF BUSINESS SALE.** An establishment which provides retail sales of commodities via internet, telephone, facsimile, and/or mail, with less than 10 percent of gross annual sales attributable to direct and physical customer contact on-site.

**PREMISES.** A continuous area of land and any structures thereon all under a single ownership or operation under a single direction, which premises may include one or more adjacent lots, or fractions of lots.

**PREMISES.** The designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.

**PRIMARY USE.** The principal or predominant use of any lot, building or structure.

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

**PUBLIC PARK/PUBLIC GATHERING.** A park, playground, swimming pool, reservoir, golf course, or athletic field within the City which is under the control, operation or management of the City of Hayward, Hayward Area Recreation District, Alameda County, the East Bay Regional Park District, the State of California or Federal Government. For private golf course, see "GOLF COURSE, COUNTRY CLUB."

**PUBLIC FACILITIES DISTRICT (PF).** A land use zoning district within which typical land uses include public government buildings, public libraries, public community centers, and public parking lots, whether a fee is charged or not. See Section 10-1.2300.

**QUARRY.** Any premises from which any rock, sand, gravel, earth, or mineral is removed or excavated for the purpose of disposition away from the immediate premises, whether the disposition is immediate or in the future, and excepting excavations within public roads and highway rights-of-way.

**RADIO TRANSMISSION TOWER.** See "ANTENNA."

**RAILROAD YARD.** A facility where railroad cars and engines are stored, repaired, and transferred to different trains. Also includes a freight station where items carried by train are transported onto and/or from trucks for transport. Also see "PASSENGER TRANSPORTATION TERMINAL."

**RECREATIONAL FACILITY.** Those facilities maintained to provide a pastime, sport or exercise as a means to refresh one's body or mind, and ancillary activities as determined by the Planning Director, and whose other functions are not indicated elsewhere in this ordinance as administrative or conditional uses. May be a commercial or non-commercial facility. Under no circumstance, as a primary, permitted or accessory use, shall any Recreational Facility be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)

**RECREATIONAL VEHICLE.** A vehicle primarily designed as temporary living quarters for recreational, camping, or travel use.

**RECREATIONAL VEHICLE (RV) STORAGE FACILITY.** A parcel or group of contiguous parcels upon which two or more recreational vehicles, camper trailers and boats may be stored for a fee when not in use.

**RECYCLING FACILITIES.**

- a. **Small Recycling Collection Facilities/Recycling Collection Area.** Small recycling facilities shall be incidental to a primary use on the site (i.e. shopping center). Accepts recyclable non-hazardous materials directly from the public by donation, redemption, or purchase at facilities no greater than five hundred (500) square feet in area and that generally do not use power-driven processing equipment. May include mobile recycling units, bulk reverse vending machines, kiosk type units, and/or unattended containers placed for the donation of recyclable materials (such as aluminum, glass, plastic, and bimetal for recycling). Small Recycling collection facilities may not process material except for limited bailing, batching, and sorting of materials.
- b. **Large Recycling Collection Facilities.** A facility accepting recyclable non-hazardous materials by donation, redemption, or purchase at facilities occupying an area greater than five hundred (500) square feet and that is not incidental to a primary use. Large Recycling Collection Facilities may use power driven equipment to sort and condense material for shipment to an intermediate processor or

other user. Processing of materials is limited to sorting, bailing or similar activities and shall occur within an enclosed building. Storage of materials shall occur within an enclosed building or in sealed and covered containers outside of a building, subject to the Outdoor Storage screening requirements.

**Recycling Processing Facilities.** A facility that operates within an enclosed building used for the collection, processing and storage of recyclable materials. "Processing" means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, composting and remanufacturing. Processing outside of a building is prohibited.

**RECYCLABLE MATERIALS.** "Recyclable materials" or "recyclables" are discarded materials that are collected, separated, composted, and processed and that can be used as raw materials in the manufacture of new products and/or materials used as alternative daily cover as defined and permitted by the State of California. Recyclable materials are collected and treated in a manner different from Refuse.

**REFUSE.** Waste material intended for disposal and including: (1) non-putrescible wastes, whether in solid or liquid form, except liquid-carried industrial wastes or sewage hauled as an incidental part of septic tank or cesspool-cleaning service; and (2) rubbish (such as non-recyclable materials).

**RELIGIOUS FACILITY.** Those facilities maintained by a tax-exempt religious institution, a government agency, or other non-profit organization exempt from taxation under the Internal Revenue laws as an organized system of belief in or the worship of God or gods or an institutionalized system of religious attitudes, beliefs and practices, and ancillary activities as determined by the Planning Director, and whose other functions are not indicated elsewhere in this ordinance as administrative or conditional uses.

**RENEWABLE ELECTRIC POWER GENERATION, TRANSMISSION, AND DISTRIBUTION.** Facilities engaged in generating electric power from renewable resources or operating power transmission systems for renewable energy, including electrical lines, transformer stations, and meters. This definition does not include ancillary renewable energy systems associated with a primary industrial use. See also WIND ENERGY CONVERSION SYSTEM.

**RESEARCH AND DEVELOPMENT.** A facility engaged in conducting research and development to gain or apply scientific knowledge for product/process creation. Includes commercial testing and experimental laboratory environments. Subject to Hazardous Materials Use and Storage limitations.

**RESIDENTIAL NATURAL PRESERVATION DISTRICT (RNP).** A land use zoning district within which topographic configuration is a major consideration in determining the most appropriate physical development of the land. This district primarily allows the development of single-family homes only where they are subservient to and compatible with the preservation of major natural features of the land. See Section 10-1.300.

**RESIDENTIAL-OFFICE (RO).** A land use zoning district which allows the mix of office land uses with residential, the scale and form of which does not detract from adjacent or future residential land use in the same zone. See Section 10-1.600.

**RESTAURANT.** Any establishment, other than a boarding house or dormitory, where food and beverages are provided for consumption on-premises or off-premises, and where typically, but not necessarily, there are tables, counters, benches, or other public seating facilities provided, or where food is taken off-premises, disposal containers are provided. Examples include a sit-down dining facility, fast-food restaurant (no drive-through window), donut shop, pizza shop, cafe, bakery, cafeteria, coffee shop, lunchroom, delicatessen, and ice cream parlor. The serving of alcoholic beverages is subject to the regulations in the "Alcohol Beverage Outlets" regulations, Section 10-1.2750 of this Ordinance.

**RESTAURANT—DRIVE-THROUGH.** Any high-volume establishment serving food or beverages which utilizes a building design, site layout, or operating procedure whereby customers can drive onto the premises and remain in their vehicles while food or beverages are sold or dispensed. For regulations of drive-through restaurants see the "Drive-in Establishments-Special Standards and Conditions" contained in the Design and Performance Standards of various Sections of this Ordinance, including Sections 10-1.800 and 10-1.1000.

**RETAIL.** The sale of commodities or goods to ultimate consumers. This definition does not include **AUTOMOBILE SALES** for new and used vehicles.

**REVERSE VENDING MACHINES.** A mechanical device which accepts one or more types of empty beverage containers, including aluminum cans, glass and plastic bottles, and cartons, and issues a cash refund or a redeemable credit slip. "Bulk reverse vending machines" are those machines which exceed 50 cubic feet in size or exceed 8 feet in height. See Section 10-1.2735.i. "RECYCLING FACILITIES."

**RIDING STABLE OR ACADEMY.** A facility where individuals board their horse(s) and or where horseback riding classes are taught. Typically includes public demonstrations, such as dressage or other equestrian events. Does not include any contest(s) resembling a rodeo (i.e., bronco riding, calf roping, and/or steer wrestling.)

**RIGHT-OF-WAY.** A strip of land used acquired by reservation, dedication, prescription or condemnation and intended to be used or occupied by a road, trail, water line, sanitary sewer and/or other public utility services and uses, or any combination thereof, and includes all and any part of the entire width or other area of designated right-of-way, whether or not such entire width or area is actually used. Right-of-way includes access, pedestrian, equestrian and utility easements. The following sub-definitions are provided:

- a. **Public right-of-way.** A right-of-way owned by the City or any other public entity or public utility.
- b. **Private right-of-way.** A right-of-way owned by and for the benefit of one or more persons, including a right-of-way offered for dedication to the City or to any other public entity which has not been accepted and which no improvements or maintenance has regularly been performed by the city or other public entity.
- c. **Railroad right-of-way.** A strip of land on which railroad tracks, spur tracks, sidings, switching equipment and signals are located, and includes the entire width or other area of the designated right-of-way, whether or not the entire width or area is actually used for such railroad facilities.

#### ROOF STYLE

- a. Flat: A flat roof is one which is almost level, with no significant slope (pitch) in any direction. Most flat roofs have a very gentle slope for rainwater run-off.
- b. Gable: A gable roof is one where only two opposite sides (usually the longer sides) slope, with walls that extend all the way to the top of the roof ridge in a triangular shape.
- c. Gambrel: A gambrel roof is a symmetrical two-sided roof with the longer sides having two segments at different pitches
- d. Hip: A hip roof (or hipped roof) is one where all four sides slope.

**SETBACK.** The required distance that a building, structure, parking or other designated item must be located from a lot line.

**SHOE REPAIR SHOP.** An establishment which repairs, shines, and polishes shoes. Typically includes machinery necessary to repair shoes, and may include retail sales of shoes.

**SHOPPING CENTER.** A continuous area of land under single ownership or operated under a single direction, developed for retail and general commercial purposes, and typically has at least one major tenant and several smaller shops. Typically has driveways and parking facilities which are shared between tenants.

**SIGN SHOP.** An establishment which produces general advertising signs of various shapes and sizes for sale at retail.

**SINGLE-FAMILY DWELLING.** See "DWELLING, SINGLE-FAMILY."

~~**SINGLE-FAMILY RESIDENTIAL (RS).** A land use zoning district primarily used for single family homes where children and members of many families live as a neighborhood. See Section 10-1.200.~~

SLOPE. The formula for calculating slope shall be as follows:

$$S = (I \times L \times 100) / A$$

S = Average existing slope in percent for the portion of the site or lot to be developed

I = Contour interval in feet

L = The combined length in feet of all contour lines within the portion of the site or lot to be developed.

A = Total area in square feet of the portion of the site or lot to be developed.

The total area within a site or lot that is proposed to be graded and/or covered with structures shall be included in the slope calculation. Areas proposed to be left undisturbed shall not be included.

An inclined ground surface, the inclination of which may be expressed as a ratio of horizontal distance to a vertical distance, in degrees or as a percentage.

Slope Percentage = Rise/Run X 100 = %.

Slope Ratio = Run/Rise = (x) feet run to one foot rise = X : 1

%	100%	50%	40%	33.3%	30%	25%	20%	15%	12%	10%	8%	6%
Grade												
Degrees	45	26.6	21.8	18.4	16.7	14	11.3	8.5	6.8	5.7	4.6	3.4
Ratio	1:1	2:1	2.5:1	3:1	3.3:1	4:1	5:1	6.7:1	8.3:1	10:1	12.5:1	16.7:1

SPECIAL DESIGN OVERLAY DISTRICT (SD). A zoning overlay which promotes the conservation and compatibility of development in areas of historic or architectural character and has specific architectural requirements for new development which enhances these resources. This District is comprised of the following Subdistricts:

- "B" Street Special Design Streetcar District (SD-1).
- Mission Corridor Special Design District (SD-2).
- Cottage Special Design District (SD-3).

SPECIAL LOT STANDARDS COMBINING DISTRICT (B). An overlay zone which depicts specific development standards for the zoning district it is combined with. See Section 10-1.2400.

SPORTING GOODS STORE. An establishment which sells sporting goods to the public at retail. Typically includes sports equipment (i.e., balls, bats, tennis rackets, golf clubs, skis and ski poles), and may include related clothing (i.e., tennis shoes for running, walking, basketball, etc., and sweat pants, shorts, shirts, and hats.) May also include the ancillary sale of used sporting goods.

STATION AREA RESIDENTIAL DISTRICT (SAR).

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

STATIONARY STORE. An establishment which sells office-related products to the public at retail. Products typically includes paper products, calendars, pens and pencils, and may include small office equipment, such as filing cabinets, brief cases, and calculators. Usually includes the sale of greeting cards, wrapping paper, photo albums, picture frames, globes, maps, and other related products.

STORAGE. A space or place where goods, materials and/or personal property is put for more than 24 hours. The following subdefinitions are provided:

- a. Minor Open Storage. Outside storage that is accessory or ancillary to the primary or conditional use conducted on the site, which shall not exceed 25 percent of an open yard area, excluding any required yard or parking area.
- b. Public Storage Facility. A space or place within an enclosed building where goods, materials, and/or personal property may be put for more than 24 hours for a fee. Typically includes a manager's dwelling unit and customer parking.
- c. Recreational Vehicle Storage Facility. See definition for "Recreational Vehicle (RV) Storage Facility."

STORAGE YARD. Outdoor storage of goods, materials, equipment as well as storage of operating equipment for warehouses such as forklifts, pallets and racks outside of a building for more than 24 hours as a primary use. This classification excludes auto-related outdoor storage uses otherwise defined in this section such as AUTOMOBILE STORAGE YARD, AUTOMOBILE DISMANTLING FACILITY and TOWING YARD.

STORY. The portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused underfloor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement or unused underfloor space shall be considered as a story. A mezzanine or loft that covers a portion of the floor below still constitutes a story. -Maximum story height shall be 13 feet.

STREET. A publicly maintained right-of-way for use as a public thoroughfare by the public at large, or a private street, provided said private street has been approved by the City Council.

STREET TREE. A tree located within the right-of-way often within a sidewalk well.

STRUCTURAL ALTERATIONS. Any change which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

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

SUBDIVISION. The division of land as regulated by the Subdivision Ordinance, Article 3, Chapter 10, of the Hayward Municipal Code.

SUBDISTRICT. A subcategory of a primary zoning district.

SUNTAN PARLOR. An establishment which provides tanning facilities for use by the public for a fee.

SUPERMARKET. An establishment which does retail sales of food, beverages, drugs, variety items, and similar goods. May include an automated teller machine or related financial facility.

TAILOR/SEAMSTRESS SHOP. An establishment which sews, alters, and/or mends clothing and costumes for the public for a fee. Typically includes sewing machines and sewing notions for use by the proprietor.

TANNING SALON. See "SUNTAN PARLOR."

TATTOO PARLOR. An establishment which provides a tattooing service to customers. May include body piercing as an ancillary use.

TAVERN. See "BAR, COCKTAIL LOUNGE."

TAXI COMPANY. An establishment which provides vehicle rides to the public for a fee. Typically includes automobile and/or van rides, for single passenger pick-ups and drop-offs. Minor automobile repair of vehicles used by the proprietor is permitted on-site (i.e., oil change, tune-ups).

TEMPORARY USE. A use established for a specific period of time, with the intent to discontinue the use at the end of the designated time period. Example includes retail sidewalk or tent sales. For animals, "temporary use"

shall mean the keeping of animals for specified periods of time either following birth, for purposes of recovery by no-profit breed rescue organizations, or other reasons as determined by the Planning Director.

**THEATER.** A building or outdoor structure where films, motion pictures, video cassettes, slide or similar photographic reproductions are regularly shown, or an establishment regularly featuring live performance of dramatic productions, for any form of consideration.

- a. **SMALL MOTION PICTURE THEATER.** An establishment having two (2) or fewer screens or less than two hundred (200) seats.
- b. **LARGE MOTION PICTURE THEATER.** An establishment having three (3) or more screens or two hundred (200) or more seats and showing first run films. Large Motion Picture Theaters are also referred to as multi-plex or multi-screen theaters.
- c. **LIVE PERFORMANCE THEATER.** An establishment having one or more stages and featuring live or dramatic productions.

**THRIFT STORE.** An establishment engaged in the retail sales of used or donated goods (including clothing, furniture, appliances, etc.).

**TRAILER.** A vehicle without motor power used or adaptable for living, sleeping, business or storage purposes, having no function other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet building requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. A permanent foundation shall not change its character unless the entire structure is erected and maintained in accordance with prevailing laws.

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

**TRANSITIONAL AND SUPPORTIVE HOUSING.** Transitional and supportive housing are more permanent housing options providing a more stable living situation for individuals and families that might otherwise be homeless with stay lengths that are typically six months or longer. Transitional and supportive housing uses are permitted as a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone.

**TRAVEL AGENCY.** See "OFFICE."

**TRUCK TERMINAL.** A facility which provides a transfer, loading, and unloading point for trucks and automobiles carrying goods and products. Typically includes fuel and food facilities.

**UNATTENDED COLLECTION BOXES.** Unattended collection box shall mean any unattended container, receptacle or similar device that is located on any lot within the city that is used for soliciting and collecting donations of clothing and other salvageable personal property. See General Regulations "Recycling Facilities" for specific regulations.

**UPHOLSTERY SHOP.** A facility which re-upholsters household furnishings of all types (i.e., couches, chairs, footstools, pillows, etc.), for a fee (does not include automobile upholstery).

**USE.** The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained.

**USE PERMIT.** A land use permit termed a "discretionary entitlement" to operate a specified land use on a given parcel. Usually an activity or business. The following subcategories of use permit are provided:

- a. **Administrative Use Permit.** A Use Permit issued administratively by the Planning Director or his or her appointee. An Administrative Use Permit is typically subject to exactions and conditions of approval.
- b. **Conditional Use Permit.** A Use Permit issued by the Planning Commission or City Council through a public hearing process. A Conditional Use Permit is typically subject to exactions and conditions of approval.

**VACANT BUILDING/SITE.** A building, structure or real property that is undeveloped, unoccupied or occupied by a person without a legal right to occupy for at least 30 days. In determining whether a building or site is vacant, the Planning Director or designee may consider these factors among others:

- a. A building at which lawful residential or business activity has ceased.
- b. The building or site is substantially devoid of contents.
- c. The building or site lacks legally connected utility services, including but not limited to water, sewer, electrical or natural gas.
- d. This definition does not include building, structures or sites that are undergoing construction or renovation and which are in compliance with all applicable ordinances, codes, legislation, and regulations, and for which construction, renovation or rehabilitation is proceeding diligently to completion.

**VARIANCE.** A discretionary entitlement which permits the departure from the strict application of the development standards contained in this Zoning Ordinance.

**VARIETY STORE.** An establishment which provides a variety of goods to the public for sale at retail. Typically includes hair care products, a pharmacy, non-prescription drugs and hygiene products, cleaning supplies, toys, games, small household appliances, dishes, make-up, candy, etc.

**VEHICLE.** The term "vehicle" as used in this section shall include an automobile or truck (excluding truck tractor or any vehicle exceeding a maximum gross weight limit of 6,000 pounds of gross vehicle weight) recreational vehicle, trailer, boat mounted on trailer, or other vehicle referenced in California Vehicle Code section 5051, and other vehicles of similar kind and use. In all zoning districts, use of any kind of vehicle as defined herein for sleeping purposes shall be prohibited except within an approved mobile home park.

**VEHICLE RENTAL.** See "AUTOMOBILE RENTAL."

**VEHICLE REPAIR.** See "AUTOMOBILE REPAIR."

**VEHICLE SALES.** See "AUTOMOBILE SALES."

**VEHICLE SERVICING.** For vehicle servicing such as same-day lube, oil, and filter, see "AUTOMOBILE REPAIR - MINOR." For major vehicle repairs such as engine overhauls, vehicle upholstery, auto glass, mufflers, etc., see "AUTOMOBILE REPAIR - MAJOR."

**VIDEO SALES AND RENTAL STORE.** An establishment which sells at retail and/or rents video tapes to the public.

**WAREHOUSE AND DISTRIBUTION FACILITY.** Establishments primarily engaged in the sale, storage, and distribution of goods and materials in large quantity to retailers or other businesses for resale to individual or business customers. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for distribution in smaller lots. Does not include public storage facilities.

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

**WASTE TRANSFER/HANDLING FACILITY.** A facility that transports or handles hazardous waste, medical wastes or other wastes from offsite sources. Subject to Outdoor Storage limitations.

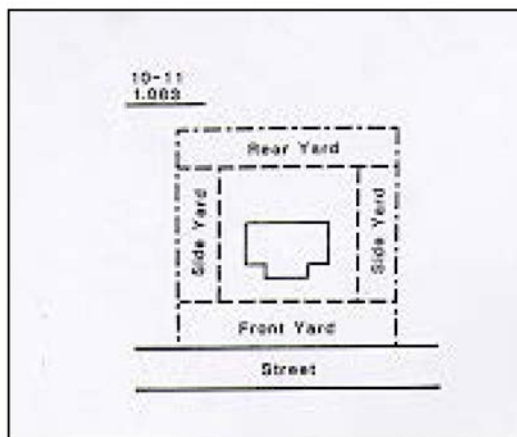
**WHOLESALE ESTABLISHMENT.** The sale of commodities and goods to an establishment for resale to the consumer.

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

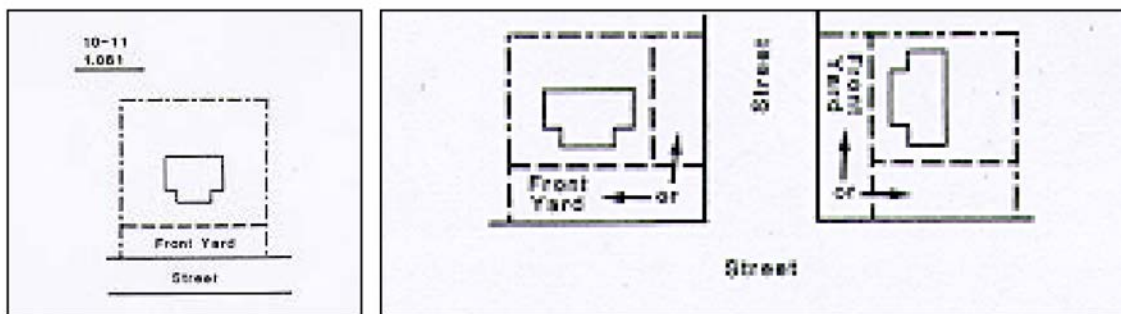


**WINE SHOP.** "Wine Shop" shall mean an alcoholic beverage sales establishment, managed by a certified sommelier or oenologist, primarily for the retail sales of wine from multiple wineries and distributors that involves no sales of liquor or distilled spirits. Wine tasting may be included as an accessory use, but the wine shop cannot operate as a bar.

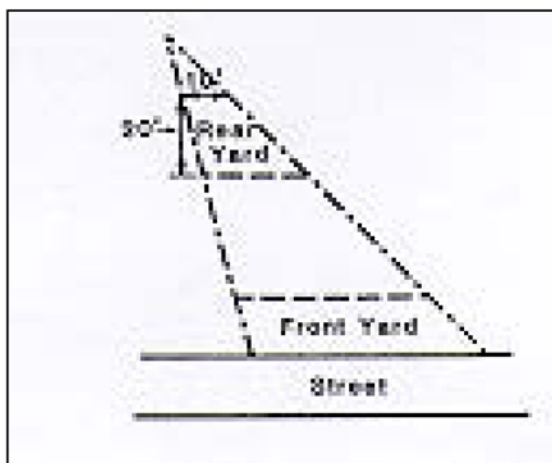
**YARD.** The word "yard" shall mean an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward except as otherwise provided herein. A yard extends along a lot line or official plan line to a depth or width specified in the yard regulations for the District in which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



- a. **Front Yard.** A yard extending along the full length of the front lot line between the side lot lines, except for flag-shaped lots where yard areas shall be calculated excluding the stem of the lot, and the front yard shall be parallel to the right-of-way unless determined otherwise by the Planning Director. The developer of a corner parcel may select as the front yard property facing either of the two rights-of-way at the time of initial development of the property.



- b. **Rear Yard.** A yard extending along the full length of the rear lot line between the side lot lines of an interior lot. The rear yard of a corner parcel shall be determined by the Planning Director and shall be opposite either of the two rights-of-way.



- c. Side Yard. A yard extending along a side lot line from the front yard to the rear yard, or from the front lot line to the rear yard where no front yard is required. In determining side yards based on a percentage of lot width where the lot is irregular in shape, the width shall be determined by calculating the lot width at a point of 20 feet from the front property line.
- d. Side Street Yard. A yard extending along a lot line, other than a front, rear, or interior side line, between the front yard and a side or rear lot line. The developer of a corner parcel may select the side street yard from property facing either of the two rights-of-way.

(Section 10-1.3510 amended by Ordinance 99-18, adopted October 12, 1999; Ordinance 02-08, adopted July 16, 2002; Ordinance 03-08, adopted May 27, 2003; Ordinance 04-13, adopted September 28, 2004; Ordinance 04-19, adopted December 21, 2004, amended by Ordinance 06-11, adopted July 11, 2006, amended by Ordinance 06-14, adopted July 11, 2006; amended by Ordinance 17-09 , adopted June 20, 2017; amended by Ordinance 17-16 , adopted Nov. 7, 2017; amended by Ordinance 17-15 , adopted Nov. 28, 2017; amended by Ordinance 19-10 , adopted June 4, 2019; Amended by Ordinance 21-05 , § 5, adopted July 20, 2021)

## CHAPTER 10, ARTICLE 2 OFF-STREET PARKING REGULATIONS

*II. GENERAL PROVISIONS***SEC. 10-2.200 APPLICATION.**

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

- a. The Off-Street Electric Vehicle Charging requirements in this Article shall apply:
  - 1) At the time of construction of any new building; or
  - 2) At the time when new parking spaces are added due to a change of use or addition to an existing building. (The calculation of EV charging infrastructure required shall be based only on the number of parking spaces added.)
- b. At the time of construction of any new building.
- c. At the time an existing building is altered or enlarged, except in the Central Parking District. The number of parking spaces or loading berths required for a major alteration or enlargement of an existing structure shall be in addition to the number of spaces or berths existing prior to the alteration or enlargement. The required number of parking spaces for that portion of the building existing prior to the alteration or enlargement shall not be increased as a result of the alteration or enlargement. For purposes of these requirements, 'major alteration or enlargement' shall mean an alteration or enlargement that would increase the number of parking spaces or loading berths required by at least 25 percent or by at least 10 parking spaces, whichever is greater.
- d. At the time a new use is established in an existing building, where a major change of use or expansion in the existing use is involved for any lot, structure, or building, except in the Central Parking District, additional parking shall be provided for the new use based on the difference between the parking requirements for the new use as set forth in this article and the parking requirements for the prior use. For purposes of these requirements, 'major change of use' shall mean a change of use that would increase the number of parking spaces or loading berths required by at least 25 percent or by at least 10 parking spaces, whichever is greater.
- e. At the time that cumulative additions to a ~~single-family or multi-family dwelling~~ residential building increase the original building floor area by more than 50 percent per unit or increase the number of sleeping rooms.

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

(Amended by Ordinance 22-11 , adopted November 15, 2022)

*III. REQUIRED RATIO OF PARKING SPACES***SEC. 10-2.300 REQUIRED RATIO OF PARKING SPACES.**

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

map or tract map approvals, or other conditionally approved projects at the discretion of the Director of Community and Economic Development/Planning Director.

## SEC. 10-2.310 RESIDENTIAL USES.

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

USES	PARKING SPACES REQUIRED
<del>SINGLE FAMILY DWELLINGS</del> <u>DETACHED RESIDENTIAL:</u>	2.0 covered per dwelling unit
If a lot abuts a public or private street that has no parking lane on either side of the street or is posted for no parking on both sides of the street.	2.0 covered per dwelling unit plus 2.0 <del>open-uncovered</del> per dwelling unit. <u>Driveway parking spaces can satisfy the uncovered parking requirement, which shall not block access to the covered parking</u>
If a dwelling with a single car garage was built prior to March 24, 1959	1.0 covered per dwelling unit
<del>DUplexes, TRIPlexes, MULTIPLE FAMILY UNIT DWELLING(S)</del> <u>RESIDENTIAL (4+ UNITS):*</u>	
Studio	1.0 covered and 0.50 <del>open-uncovered</del> per dwelling unit
One-bedroom	1.0 covered and 0.70 <del>open-uncovered</del> per dwelling unit
Two or more bedrooms	1.0 covered and 1.10 <del>open-uncovered</del> per dwelling unit
* Ten percent of <del>the multiple family</del> parking spaces required shall clearly be marked for visitor's parking, at least 70 percent of which shall accommodate standard size vehicles. Where less than 10 parking spaces are required, a minimum of one standard parking space shall clearly be marked for visitor's parking.	<del>* Included in the rental cost, a minimum of one covered parking space shall be assigned to each studio and one bedroom unit, and a minimum of one covered and one uncovered parking space shall be assigned to each two or more bedroom or more units. Assigned unused spaces may not be rented to any other party. Any uncovered space may be covered instead.</del>
<u>Senior (62+) rental housing</u>	<u>0.5 covered spaces per unit</u>
<u>Special needs housing as defined in California Health and Safety Code Section 51312</u>	<u>0.3 covered spaces per unit</u>
MOBILE HOMES	2.0 per mobile home space, plus 1.0 guest parking space per three mobile home spaces within a mobile home park
<del>ACCESSORY DWELLING UNIT(S)</del>	<del>See Section 10-1.2740 for parking criteria and standards.</del>

(Amended by Ordinance 17-16 , adopted Nov. 7, 2017)

## IV. EXCLUSIONS, REDUCTIONS, EXCEPTIONS AND APPEALS

### **SEC. 10-2.402 RESIDENTIAL CREDIT FOR TRANSPORTATION SYSTEMS MANAGEMENT PROGRAM.**

In consideration of the financial commitment involved in providing a Transportation Systems Management Program and the fact that the use of alternative commute modes serves to reduce parking demand, a residential development that is required to provide greater than 50 off-street parking spaces may be allowed to reduce the parking requirements of this article between 10 and 20 percent by implementing the items specified below.

- a. For a 10 percent reduction, all the following measures shall be included in the project.
  - i. On-site transit route maps and schedules posted within a publicly visible and accessible area near the primary building entrance. The route maps and schedules shall include all transit routes within a ¼ mile radius and be updated annually.
  - ii. A minimum of one car-share parking space and an annual membership to the car-sharing program available all residents in perpetuity.
- b. For a 15 percent reduction, one of the following measures shall be included in the project.
  - i. A publicly accessible Class 1 or Class 4 bicycle facility through the development connecting to an existing or planned bike route identified in the City's Bike and Pedestrian Master Plan. Along the facility, there shall be at least one bike repair station with an air pump and tools.
  - ii. A bus shelter for any bus route within a ¼ mile radius. The bus shelter design shall be approved by City of Hayward and AC Transit.
- c. For a 20 percent reduction, one of the following measures shall be included.
  - i. A one-time financial contribution set by the Public Works Director for bike, pedestrian or transit related capital improvements projects identified in the Capital Improvement Program
  - ii. Monthly bus passes shall be made available to residents at no cost in perpetuity. A minimum of 1 bus pass per bedroom shall be made available.
- d. The reductions above may not be combined for a single project.
- e. The property owner(s) must enter a written, recorded agreement with the City setting forth the substance of the Transportation Systems Management program and including a guarantee that there will be no substantial alteration in the Transportation Systems Management program that will create a greater demand for parking without the City's knowledge and approval.

### **SEC. 10-2.403 NON-RESIDENTIAL CREDIT FOR TRANSPORTATION SYSTEMS MANAGEMENT PROGRAM.**

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

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

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

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

#### **SEC. 10-2.404 CREDIT FOR PROXIMITY TO PUBLIC TRANSPORTATION FACILITIES.**

- a. Except for uses established in the Central Parking District, parking space requirements for public or private institutional or government uses, e.g., hospitals, office buildings, may be reduced by the Director of Community and Economic Development/Planning Director up to 15 percent, provided public transportation is available within 500 feet of the site or if public rail transportation is available within 1000 feet of the site.
- b. Except for uses established in the Central Parking District, parking space requirements for retail establishments may be reduced by the Director of Community and Economic Development/Planning Director up to 15 percent, provided a public bus stop and shelter are immediately adjacent to the site and maintained by the retail establishment.
- c. ~~Except for uses established in the Central Parking District, parking space requirements for multi-family residential may be reduced by the Director of Community and Economic Development/Planning Director up to 15 percent provided public rail transportation is available within 1,000 feet of the site.~~

#### **~~SEC. 10-2.405 CREDIT FOR SENIOR CITIZEN/HANDICAPPED HOUSING.~~**

~~Parking space requirements for residential developments deed restricted to be exclusively for individuals 62 years of age and older and/or for persons with disabilities may be reduced by the Director of Community and Economic Development/Planning Director up to by 25 percent when:~~

- ~~a. The facility is conveniently located with respect to shopping, services, and public transportation;~~
  - ~~b. Units are permanently made available to low income persons;~~
  - ~~c. Tenant vehicles are limited to the number of parking spaces provided exclusive of guest parking spaces;~~
- ~~and~~
- ~~d. The Director of Community and Economic Development/Planning Director finds that these conditions substantially reduce the need for on-site parking. The percent reduction obtained cannot be in addition to any other reductions.~~

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

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

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

**SEC. 10-2.407 TANDEM PARKING STANDARDS.**

- a. Tandem parking is permitted for ~~single-family detached residential~~ and mobilehomes.
- b. Tandem parking ~~may be~~ permitted ~~by the Director of Community and Economic Development/Planning Director~~ for duplexes, triplexes, and multi-family residences-residential (4+ units) in the Central Parking District when spaces are assigned to the same dwelling unit ~~and are enclosed within a garage.~~
- c. ~~Tandem parking may be permitted by the Planning Commission for multi-family residences outside the Central Parking district when spaces are assigned to the same dwelling unit and are enclosed within a garage and when 1) the development contains at least 20 units and is located within 1,000 feet of a bus route with 7-day service or a rail station; 2) no more than 35 percent of the residences are provided tandem spaces; 3) the tandem garages are spaced or grouped such that vehicular movement conflicts are minimized; and 4) the tandem garages are located such that vehicles back out into an alley or courtyard that provides access to parking facilities only. Based on a recommendation by the Planning Commission, the percentage of units with tandem garages may be increased by the City Council where such increase serves to meet the goals of an officially adopted Design plan, including, but not limited to, density and architectural design.~~
- d. Tandem Parking may be permitted by the Director of Community and Economic Development/Planning Director for commercial parking facilities when a valet/attendant is on duty during the hours when the facility is being used.

**SEC. 10-2.408 CARSHARING PROGRAMS.**

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

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

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

**SEC. 10-2.410 CENTRAL PARKING DISTRICT STANDARDS.**

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

~~Parking and loading spaces in the Central Parking District shall conform to the extent possible with the Downtown Hayward Design Plan, which seeks to create a densely developed, mixed use, pedestrian oriented downtown neighborhood.~~

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

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

1.0 covered and 0.50 ~~open-uncovered~~ spaces per dwelling unit.



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

#### **~~SEC. 10-2.414 DOWNTOWN CORE AREA SPECIFIC PLAN REDUCTION.~~**

~~Within the area subject to the Downtown Core Area Specific Plan, the residential parking requirement may be reduced by the approving authority to a minimum of 1.0 space per dwelling unit, provided that the aggregate parking supply for all residential units at buildout, as described in the Specific Plan, excluding units exclusively for the elderly, is 1.5 spaces per dwelling. Residential parking requirements may be met in locations other than on the development sites, subject to the approval of the reviewing authority.~~

#### **SEC. 10-2.416 COTTAGE DISTRICT—EXCEPTIONS.**

In the SD-3 Cottage Special Design District, ~~1.0~~one off-street parking space per cottage is required; ~~however, a single-car garage in a raised basement or backyard or nearby leased parking may be appropriate depending on the site circumstances.~~ Driveways should generally all be limited to a 10 foot width and ~~in no cases shall not~~ exceed 30 percent of the lot width. ~~Double-Two~~-car garages in the front street elevation are prohibited.

#### **SEC 10-2.421 PARKING EXEMPTION NEAR TRANSIT**

Any minimum off-street automobile parking ratios for a residential, commercial, or other development project shall not be enforced if the project is located within one-half mile of a major transit stop in accordance with California Government Code Section 65863.2, as amended from time to time.

#### **SEC 10-2.422 UNBUNDLED PARKING**

- a. All off-street parking spaces for residential development may be leased or sold separately from the rental or purchase cost of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space.
- b. If there is unbundled parking on site, a notice describing the reduction in cost shall be permanently posted in common areas of the buildings such as a lobby or mailroom that is clearly visible to residents.

### ***V. LOCATION OF PARKING AND LOADING SPACES***

#### **SEC. 10-2.500 PARKING SPACE LOCATIONS.**

Except for non-residential uses in the Central Parking District ~~and residential uses in the area subject to the Downtown Core Area Specific Plan (Sec. 10-2.414)~~ and exceptions as noted in Section 10-2.402 (Off-site Parking), required off-street parking spaces and access to parking spaces shall be located on the same parcel as the uses served.

No ~~required multi-family~~ residential parking spaces shall be located further than 200 feet from dwelling units. Where driveways exceed 40 feet in length, garages, carports, or other parking areas shall be designed to require vehicles to exit property in a forward direction.

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

~~In residential and agricultural zoning districts, a one-story garage may be located within the front yard area, if it does not interfere with visual clearance as required by the Hayward Traffic Code and it conforms to the criteria for the location of garages on slopes as noted in the Zoning Ordinance and in the Hillside Design Guidelines.~~

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

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

Except ~~for detached residential units, duplexes, triplexes, and all development~~ in industrial zones, parking and aisles shall be no closer than 5 feet to a building and shall be no closer than 5 feet to a property line in residential zones or where abutting residential zoning districts, 7 feet to a building or property line if a 2 foot vehicular overhang is allowed, or 7½ feet to a building or property line if a 2 ½ foot vehicular overhang is allowed. An exception may be made for lots less than 51 feet in width, in which case vehicular circulation may be located within 3 feet of a side property line.

~~For detached residential units, duplexes, and triplexes, driveways providing access to required parking shall be setback a minimum of 3 feet from a side property line and 2 feet from the primary building.~~

In all zones, parking spaces adjacent to fences or walls shall be increased in width by at least 1 foot to accommodate door swing.

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

Off-street parking and loading spaces or maneuvering areas for all types of vehicles—automobiles, trucks, recreational vehicles, bicycles, motorcycles, and similar two-wheel vehicles—shall not be located in any required front or street side yard, except as provided elsewhere in this article or as a part of an approved mobile home park plan.

~~Where possible, Non-single-family multi-unit residential~~ parking and loading spaces ~~in residential areas~~ should be located behind the primary structure(s) in order to enhance the streetscape.

In commercial and industrial zones, off-street parking spaces and driveway aisles shall be located no closer than 10 feet from the front and street side yard property lines, if the setbacks are less than 10 feet.

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

In ~~single-family residential~~ zones ~~(RL, RNP, RM, RH)~~, parking and loading spaces shall not be located in a required interior-side yard, ~~except as specified in Sec.10-1.210(b), with the following exceptions: one recreational vehicle such as a boat, compact trailer, tent, or similar recreational vehicle less than 6 feet in height can be stored in a required side yard if screened from view from the street by a 6-foot high solid fence.~~

~~Covered parking located between the rear of the main building and the rear lot line may be placed 5 feet from the side and rear property lines. Driveway aisles may be located in required interior-side yards in conformance with Section 10-2.503 (Off-Street Parking Near Walls and Property Lines).~~

In ~~multi-family zones, and~~ commercial and industrial zones, parking and driveway aisles may be located in required interior side yards in conformance with Section 10-2.503 (Off-Street Parking Near Walls and Property Lines).

#### **~~SEC. 10-2.506 OFF-STREET PARKING AND LOADING IN REAR YARD AREAS.~~**

~~Covered or uncovered parking and loading spaces may be located in a required rear yard as long as such parking spaces are located in accordance with requirements of the Zoning Ordinance, Sections 10-1.445 and 10-1.545, 10-1.845, and 10-1.1645, and the requirements of this article.~~

~~Open parking or vehicle storage areas located on single-family residential lots less than 10,000 square feet in area shall not exceed 500 square feet in area and shall not exceed 700 square feet for lots 10,000 feet or larger.~~

### ***VI. DESIGN STANDARDS FOR PARKING AND LOADING SPACES***

#### **SEC. 10-2.602 PARKING SPACE DIMENSIONS.**

Minimum stall, aisle, and driveway dimensions for off-street parking spaces shall be those shown in the attached appendices. Typically, minimum dimensions for non-angled compact car spaces shall be 8'-0" wide by 15'-0" long, and minimum dimensions for non-angled standard car spaces shall be 9'-0" wide by 19'-0" long.

~~Open or covered parking areas, and garages or carports exceeding 120 square feet in area shall be located no less than 5 feet from the side or rear property line and shall conform to all other requirements of the Zoning Ordinance and Building Code.~~

#### **SEC. 10-2.604 COVERED SPACE DIMENSIONS.**

~~Minimum covered parking dimensions for off-street covered parking spaces shall be 20'-0" wide by 19'-0" long for two cars and shall be 11'-0" wide by 19'-0" for one car.~~

The minimum dimensions for covered parking spaces shall be 20 feet wide by 19 feet deep for two side-by-side spaces, 11 feet wide by 19 feet long for one space, and 11 feet wide by 38 feet long for two tandem spaces. Parking space areas shall be unobstructed by stairs, utilities, posts, etc.

The minimum garage door width shall be 16 feet for a two-car garage and 8 feet for a one-car garage.

A one-car garage which is either less than 9 feet wide or 19 feet deep shall be considered nonconforming, and may be eligible to be converted to habitable living area without having to provide replacement parking.

Covered parking spaces shall provide a minimum unobstructed vertical clearance of 7 feet, with the exception of garage door openings which shall provide a minimum unobstructed vertical clearance of 6 feet 6 inches

Entrances to shared parking garages shall not exceed 24 feet in width.

#### **SEC. 10-2.610 COMPACT CAR PARKING SPACES.**

In ~~all non-single-family shared~~ residential parking facilities containing 6 or more spaces, a maximum of 30 percent of the required spaces may be compact car spaces. ~~in all parking facilities and a~~ maximum of 50 percent may be compact car spaces for uses located in the Industrial District.

## SEC. 10-2.620 ACCESS LOCATION.

For ~~other than single family~~ residential uses other than detached residential units, all parking and loading spaces shall be located so as not to require vehicles to back out into street right-of-way.

In order to protect traffic flow and pedestrian safety and to allow for screening of parking facilities, the number of curb cuts shall be minimized. Access ways, without parking on either side, to any parking lot shall be not less than 20 feet for two-way traffic and 12 feet for one-way traffic.

## SEC. 10-2.623 PRIVATE DRIVEWAY STANDARDS.

~~Private driveway standards shall be constructed in accordance with the Standard Details of the City of Hayward Public Works Department. Driveways 40 feet or less in length shall be paved with Class B Portland Cement concrete.~~

~~On single family residential lots, driveway width, regardless of the number of driveways, shall not exceed 20 feet in front of the garage. In addition, for access to a recreational vehicle storage area adjacent to a dwelling, a maximum 10 foot wide driveway may be located on the opposite side of the lot from the garage, and outside the required side yard.~~

~~In multi-family residential zones, no more than 1/3 of the required front yard shall be devoted to driveway. An exception may be made for lots less than 72 feet in width, in which case driveway may be a maximum of 24 feet in width.~~

Driveway widths in front of two-car garages shall be between 16 and 20 feet. Driveway widths providing access to three-car garages shall be between 20 and 26 feet.

Driveways leading to enclosed private garages shall not be at least less than 20 feet long.

Driveways providing access to required parking located in a side yard or rear yard shall be setback a minimum of 3 feet from a side property line and 2 feet from the primary building.

For detached residential units, duplexes and triplexes, the combined driveway and paving surface area shall not exceed a maximum of 50 percent of the required front yard area.

~~For detached residential units, access to a recreational vehicle storage area adjacent to a dwelling, a maximum 10-foot wide driveway may be located on the opposite side of the lot from the garage, and outside the required side yard to provide access to a recreational vehicle storage area adjacent to a dwelling. Driveway shall be constructed with concrete, "grasscrete", asphalt, or rock or concrete wheel tracks.~~

For multi-unit (4+) residential buildings on properties greater than 72 feet in width, driveways shall not exceed one-third of the of the property frontage width and/or 24 feet individually. Properties less than 72 feet in width shall have one driveway with a maximum width of 24 feet.

For non-residential development on lots 70 or more feet in width, the Director of Community and Economic Development/Planning Director may approve a greater driveway width if the Director of Community and Economic Development/Planning Director determines the design of the driveway is aesthetically pleasing and compatible with the lot terrain and adjacent development and will not create a pedestrian or vehicular hazard.

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

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

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

Within a shared parking facility, circulation must be such that a car entering a parking lot need not enter the street to reach another aisle. ~~and that a car need not enter the street backwards, except for some single-family residences. Unless waived by the Director of Community and Economic Development/Planning Director, single-family residential lots that front on a major or secondary arterial and/or where driveways exceed 40 feet in length and multi-family residential properties shall provide a sufficient paved driveway turnaround to allow vehicles to exit the property in a forward direction.~~

The entrance or exit to any service bay, loading space, or parking area shall not conflict with the entrance or exit to any other service bay, loading space, or parking area.

Driving aisles shall be at least 12 feet wide for 1-way traffic flow and 20 feet wide for 2-way traffic flow. Parking lots and driving aisles parallel and adjacent to public sidewalks shall be separated by a minimum 10 foot landscape strip. One-way aisles shall alternate direction, or otherwise provide logical vehicular circulation as approved by the Director of Community and Economic Development/Planning Director, and shall not dead-end if greater than 60 feet in length. A 2-way dead-end driving aisle shall have minimum 5-foot turning back-up bay beyond the end stall.

## ~~SEC. 10-2.626 CONTROLLED ACCESS.~~

- ~~a. — Where access to a parking, loading, and/or driving aisle is controlled by gates, there shall be sufficient width for either 2 side-by-side entry vehicles or 2 queued entry vehicles, or greater if required by the City Engineer, between the gates and the street right of way or sidewalk, whichever is closer. There also shall be sufficient paved turn-around area between the gates and the street right of way or sidewalk, whichever is closer, to allow a vehicle to turn around and exit the property in a forward direction without opening the gate.~~
- ~~b. — Security gates in multi-family residential uses shall not obstruct access to visitor parking areas. Access shall be provided at all times for police, fire, city inspection, utility, and other health and safety related vehicles.~~
- ~~c. — When a request is made to the City for controlled access, all property owners within the area to be gated, or their homeowner's association, shall agree in writing to the request and agree to be responsible for the ongoing maintenance of the gate equipment, fences or walls, traffic control devices, and landscaping.~~
- ~~d. — The height and location of the gate shall be in conformance to Section 10-1.2725, Yard Requirements, e.g., Yard Exceptions—Fences, Hedges, Walls. The gate, control devices, and approach lanes shall be adequately lighted, striped, marked, and protected to provide for the safe and orderly movement of pedestrians and traffic.~~
- ~~e. — A gate opening system to provide for emergency vehicle access shall be installed to the satisfaction of the Police Chief and Fire Marshal.~~
- ~~f. — Site Plan Review is required before the construction of a gate, if the Director of Community and Economic Development/Planning Director determines that the gate materially alters the appearance and character of the property or area or may be incompatible with the above requirements, City policies, standards, and guidelines.~~

## SEC. 10-2.630 DRAINAGE, SURFACING AND MAINTENANCE.

A storm drainage system shall be provided that conveys storm water runoff into facilities of the City or the Alameda County Flood Control District. All on-site storm drain inlets must be labeled 'No Dumping - Drains to Bay,' using approved methods.

All on-site storm drains must be cleaned at least once a year prior to the rainy season (October 15). Additional cleaning may be required by the City Engineer.

~~Parking surfaces and driveways for all single family dwellings~~ detached residential units shall be paved with Class B, Portland Cement Concrete. A secondary driveway which provides access to a recreational vehicle storage area may be constructed with concrete, "grasscrete", asphalt, or rock or concreted wheel tracks. Subject to the approval of the ~~Director of Community and Economic Development/Planning Director~~ Fire Department, driveways exceeding 40 feet in length may be paved with asphaltic concrete or a comparable all-weather, and dustless material ~~(s), such as bricks or pavers.~~

All other residential and non-residential uses shall be paved with Class B, Portland Cement Concrete, or a minimum 3 inches of asphaltic concrete over a minimum of 4 inches of aggregate base or comparable all-weather, and dustless material ~~(s), such as bricks or pavers.~~

Parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. No cleaning agent may be discharged to the storm drain. If any cleaning agent or degreaser is used, washwater shall not be discharged to the storm drains; washwaters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the wastewater treatment plant receiving the discharge.

## **SEC. 10-2.640 LIGHTING AND MARKING.**

Parking facilities shall be adequately lighted for safety and security as determined by the City Engineer. The minimum requirement is 1 foot candle of light across the entire surface of the parking area. Exterior lighting shall be designed, erected, and maintained so that light or glare is not directly cast upon adjacent properties or public rights-of-way.

Aisles, approach lanes, and maneuvering areas shall be marked and maintained with directional arrows and striping to control traffic flow. Each parking space shall be stripped, marked, and maintained by surface markings or other effective means and shall be maintained so as to be readily visible at all times. All compact parking spaces and designated employee parking spaces per Section 2.400, Parking Space Width Reductions, shall be clearly marked as such.

This section shall not apply to detached ~~single family dwellings~~ residential units.

## **SEC. 10-2.641 SPACE IDENTIFICATION.**

~~In multiple family developments of 5 or more units, no less than 10 percent of the spaces shall be clearly and permanently marked for visitor parking, except in the Central Parking District where parking requirements are less than 1.0 space per dwelling unit. Where less than 10 parking spaces are required, a minimum of 1 standard parking space shall clearly be marked for visitor's parking.~~

## **SEC. 10-2.642 DIRECTIONAL AND REGULATORY SIGNS.**

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

**SEC. 10-2.650 LANDSCAPING.**

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 follows:

- a. Except for access driveways, a landscape planter 10 feet in width shall be provided in all required yard areas adjacent to street right-of-ways to create a separation from parking, loading, and vehicle maneuvering areas.
- b. Where no front and/or street side yards are required, a landscape strip at least 10 feet wide, unless a wider strip is otherwise required by the Zoning Ordinance, shall be installed between parking areas and all existing or future street rights-of-way.
- c. Landscape materials within 10 feet of vehicle ingress and egress points shall be maintained so as not to impair visibility or create a traffic hazard.
- d. Landscaped areas shall be irrigated by means of an automatic sprinkler system with an automatic on-off timer clock mechanism.
- e. Landscape buffers shall be provided between adjoining outdoor use spaces with walls and planting shall be provided.
- f. Parking areas shall include a minimum of one 15-gallon parking lot tree for every 6 parking stalls, except where restricted because of design constraints. Parking lot trees shall be planted in tree wells or landscape medians located within the parking area, unless an alternative location is approved by the Director of Community and Economic Development/Planning Director. Required street and buffer trees shall not qualify as parking lot trees.
- g. Where a side or rear yard is required between a parking area and residential district, a minimum of one 15-gallon buffer tree shall be planted for every 20 lineal feet of property line.
- h. The minimum dimensions of any tree well or landscape median shall be 5 feet, measured from the back of curb. The end of the parking rows shall be capped with landscape medians except where space is restricted due to existing site conditions.
- i. Parking and loading areas shall also be buffered from the street with shrubs, walls, or earth berms, as determined by the Director of Community and Economic Development/Planning Director. Where shrubs are used for buffering, the type and spacing of shrubs shall create a continuous 30-inch-high screen within 2 years.
- j. Agricultural zoning districts and parcels in a residential zoning district with three or less dwelling units shall be exempt from the landscaping requirements of this section.

**SEC. 10-2.660 SCREENING.**

- a. A view-obscuring screen shall be installed along rear and interior lot lines whenever parking, loading, and vehicle maneuvering areas ~~are adjacent to~~ abut residentially zoned parcels. At the discretion of the Director of Community and Economic Development/ Planning Director or the Planning Commission, a view-obscuring screen may be required abutting any nonconforming residential buildings. The view-obscuring screen shall be uniformly painted, decorative wood fence, masonry wall or its equivalent, or chain-link fence with plant materials, and shall be constructed to withstand a 15-pound-per-square-foot wind load. The view obscuring screen shall be 6 feet high except when located within required front and side street yard setbacks, in which case the screen shall not exceed 4 feet high.

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

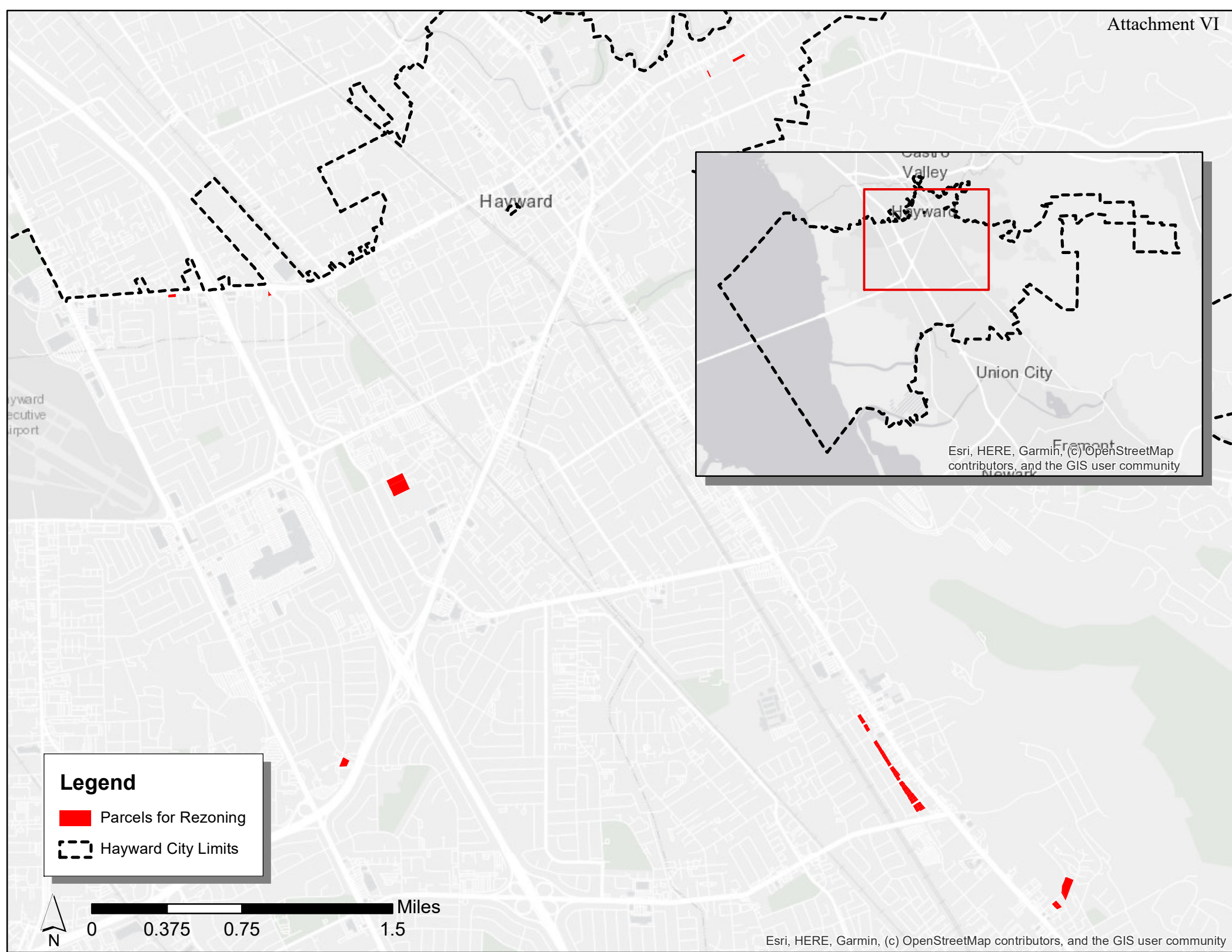
#### **SEC. 10-2.670 CURBING/BARRIERS.**

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



Assessor Parcel Number (APN)	Site Address	General Plan Land Use Designation	Existing Zoning	Proposed Zoning	Existing Use	Notes
083-0461-001-00	OVERHILL DR	HDR	RLB10 (RSB10)	PD	Vacant	Parcel was rezoned PD with Ordinance 85-013
083-0265-005-02	698 OVERHILL DR	HDR	RLB10 (RSB10)	RH	Detached Residential Unit	Parcels to the east have developed consistent with GP under a PD
442-0071-052-02	26050 KAY AVE	HDR	RL (RS)	RH	Religious Facility	Religious facilities also allowed in RH. Would be consistent with other parcels on same block (in HDR GP and zoned RH)
416-0140-063-01	22632 7TH ST	HDR	RL (RS)	RMB4	Multi Unit Residential	RM-B4 Zoning would be consistent with parcel to the southeast
427-0061-022-00	1616 C ST	HDR	RL (RS)	RH	Multi Unit Residential	Parcel in common ownership and developed with neighboring parcel 427-0061-021-00. These two parcels are zoned RL are located between parcels zoned RH (and HDR GP) and parcels zoned RM (and MDR GP)
443-0030-034-00	24578 SURREY WAY	HDR	RL (RS)	RH	Religious Facility	Religious facilities also allowed in RH. Would be consistent with parcels to the east (in HDR GP and zoned RH)
443-0030-033-00	380 ELMHURST ST	HDR	RL (RS)	RH	Religious Facility	Religious facilities also allowed in RH. Would be consistent with parcels to the east (in HDR GP and zoned RH)
431-0092-078-02	SONOMA ST	CHDR	RL (RS)	CN	County Services Building Parking Lot	County owned, also County owns adjacent parcel. Rezone CN consistent with adjacent parcel
078C-0451-002-00	656 OVERHILL DR	CHDR	RLB10 (RSB10)	RH	Detached Residential Unit	RH is consistent with neighboring properties
078C-0451-001-09	662 OVERHILL DR	CHDR	RLB10 (RSB10)	RH	Detached Residential Unit	RH is consistent with neighboring properties
078C-0451-001-05	648 OVERHILL DR	CHDR	RLB10 (RSB10)	RH	Detached Residential Unit	RH is consistent with neighboring properties
432-0032-001-02	21908 VICTORY DR	CHDR	RL (RS)	RH	Multi Unit Residential	Parcel in common ownership and developed with neighboring parcel 432-0032-050-00.
452-0084-063-03	28275 E 13TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-064-00	28319 E 13TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-102-00	28457 E 13TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-067-02	28378 E 12TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-100-02	28405 E 13TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-059-04	28106 E 12TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-068-00	28368 E 12TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-066-02	28379 E 13TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-061-00	28237 E 13TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-101-02	28433 E 13TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-109-02	28442 E 12TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-062-00	28251 E 13TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-103-00	28489 E 13TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-108-00	28460 E 12TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-060-00	28112 E 12TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-058-08	619 HANCOCK ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-065-00	28349 E 13TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0080-048-00	28078 E 12TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0080-051-00	28060 E 12TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0080-050-02	28068 E 12TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0080-054-00	27910 E 12TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0080-052-01	27900 E 12TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0080-053-00	27936 E 12TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0080-047-02	616 HANCOCK ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0080-049-00	28074 E 12TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0080-046-00	632 HANCOCK ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0068-035-02	27524 E 12TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0068-034-06	27532 E 12TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0068-028-00	27778 E 12TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0068-025-02	27898 E 12TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0068-027-00	27788 E 12TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0068-033-00	27566 E 12TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0068-026-00	27892 E 12TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.

452-0068-029-00	27768 E 12TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0068-025-01	27904 E 12TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0068-034-07	27540 E 12TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0068-032-02	27574 E 12TH ST	CHDR	RL (RS)	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.





# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

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**File #:** MIN 23-087

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**DATE:** August 24, 2023

**TO:** Planning Commission

**FROM:** Acting Development Services Director

**SUBJECT**

Minutes of the Planning Commission Meeting on June 22, 2023

**RECOMMENDATION**

That the Planning Commission approve the minutes of the Planning Commission meeting on June 22, 2023

**SUMMARY**

The Planning Commission held a meeting on June 22, 2023

**ATTACHMENTS**

Attachment I      Draft Minutes of June 22, 2023



**PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS AND VIRTUAL (ZOOM)  
PARTICIPATION  
Thursday, June 22, 2023, 7:00 p.m.**

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The Planning Commission meeting was called to order at 7:06 p.m. by Chair Ali-Sullivan. The Planning Commission held a hybrid meeting in the Council Chambers and virtually via Zoom.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Present: COMMISSIONERS: Goodbody, Lowe, Patterson, Stevens  
CHAIRPERSON: Ali-Sullivan  
Absent: COMMISSIONER: Garg

Staff Members Present: Carpenter, Claussen, Lochirco, Madhukansh, Ochinerro, Parras,  
Richard, Tabari, Vigilia

**PUBLIC COMMENTS**

There were none.

**PUBLIC HEARING**

**For agenda item No. 1, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision.**

1. Request to operate a massage establishment within an existing commercial tenant space at 27312 Hesperian Boulevard (APN: 455-0026-045-00), Requiring the Approval of a Conditional Use Permit Application No. UP-23-0013. Enrique De La Cruz, EMD Designs (Applicant); Park & Associates II LLC (Owner). **(PH 23-029)**

Associate Planner Richard provided a synopsis of the staff report and shared that the applicant team includes design professional Enrique De La Cruz and business operators Joseph and Binhua Bresee.

Mr. Bresee, project applicant, provided a brief explanation of their business and background stating his wife has been operating their business in Morgan Hill for five years with a license that has exceeded over 1,300 hours with the requirements being only 500 hours for the license, this allows her to become an instructor if she chooses to. Mr. Bresee continued stating that the massage establishment will be a family business which includes his wife and son operating the business until there will be such time for additional personnel.



**PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS AND VIRTUAL (ZOOM)  
PARTICIPATION  
Thursday, June 22, 2023, 7:00 p.m.**

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Commissioner Lowe asked staff how often the Hayward Police Department will inspect the business, questioning if it is a physical inspection or are they just checking to see if there are any past violations.

Sergeant Mike Carpenter responded that they do a physical inspection once a year, mentioning that every year they will walk through the business to make sure it's in the conditions that are provided in the use permit.

Mr. Bresee added that the City had reached out to the Morgan Hill Police Department and that there were no violations or enforcement of any kind over the five years of being in business.

Commissioner Stevens questioned staff as he noticed the different massage facilities in the City appearing and then disappearing, wondering if the disappearance is due to enforcement issues in the past. Sergeant Carpenter responded that he is not aware of any recent issues as they just did some inspections a month ago, that included minor violations that were correctable on site but nothing that were major to where they needed to be move towards a suspension hearing. He stated that since he has been in the unit for the past two years, some massage facilities have closed but not due to violations brought forward. Mr. Stevens inquired about the economics of the business of massage facilities, as he observed there to be more massage facilities located in the City of Hayward instead of Fremont or other East Bay cities.

Mr. Bresee responded that he was uncertain of how many massage facilities are in other cities, he stated that Morgan Hill has the same amount of massage facilities as the City of Hayward. He continued that his business separates itself from massage parlors to foot massage, they will be reaching out to the chiropractor community and acupuncture community inquiring their business as they have done so in Morgan Hill. Mr. Bresee stated that even though his business is a massage therapy business it is generally looked upon more as a foot massage facility. He said as customers come in for a foot massage, they might add an additional add-on half hour of a body massage or if it's a physical element they might want more work in a specific part of their body. He stated that his business does separate itself in terms of industry.

Commissioner Stevens questioned applicant if he selected Hayward because he felt it was a strong economic prospect for the business. Mr. Bresee confirmed adding that the population is something they look at as well as the rent which is less in Hayward than other areas. Commissioner Stevens stated as he had traveled throughout the city looking at different facilities, he noticed that some of the other establishments' signages or frontages might not look as well kept. He questioned staff if the intent of the Condition of Approval Nos. 7 and 8 are related to specifically ensuring that they maintain a high-quality frontage. Associate Planner Richard confirmed that those are standard conditions of approval which they add to most of their applications. Mr. Stevens corroborated that maybe some of those other



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establishments don't require a Conditional Use Permit and that is why they don't fall under the same purview as this establishment would. Ms. Richard confirmed that is correct.

Commissioner Patterson questioned the purpose of the surveillance cameras as stated in Condition of Approval No. 16. Sergeant Carpenter responded the surveillance cameras are in the lobby for safety reasons as there has been instances of threats or robberies, the cameras are not in the exterior as they do their inspections which is a part of their investigation steps and they cannot be in certain massage rooms. He continued that the surveillance cameras should be in the lobby for safety concerns as it helps if there is a threat to the business. Mr. Bresee added that it is deterrent however he feels that it works well for his business. He continued that they do not provide cash machines, his clients pay with credit cards and debit cards, stating that the cash machines lead to more problems that is why the whole lobby and outside building has surveillance cameras. Commissioner Patterson thanked the applicant as she was not sure if the intent of the surveillance cameras was to protect the actual business versus to monitor who is coming and going, and commented that the back of the building as illustrated in the drawings looked like there would be an exit in the back. Mr. Bresee commented that he has not had any real problems in Morgan Hill, he mentioned there were two or three issues in the past five years, which the therapist pointed out on the cameras, and they let them know they couldn't provide services.

Commissioner Stevens was curious as it was unclear if the Hayward Police Department must do periodic inspections of the business and how was that being paid for. Sergeant Carpenter responded that it's a part of the Municipal Code as it's a general budget that covers the one piece the Police Department must cover on yearly inspections. Mr. Stevens questioned if the applicant pays a Conditional Use Permit fee for processing, then property taxes to the county and sales tax for the services performed. Mr. Bresee said they are not selling anything retail. Mr. Stevens asked to his understanding there is no compensation provided for the additional inspection required by the Hayward Police Department. Associate Planner Richard questioned Mr. Stevens to clarify if he said the applicant does not pay for the inspection. Mr. Stevens confirmed that the applicant does not pay for the inspection assuming the General Fund is paying for the inspection but asked if the only path of compensation would be through property tax. Ms. Richard confirmed that is her assumption as the applicant does not pay for their inspection and based on what Sergeant Carpenter said they are funded through the General Fund. Mr. Bresee added that in Morgan Hill he pays the license annually and permit for the police which is separate billing. Planning Manager Lochirco responded that applicants are required to pay per the Master Fee Schedule a \$761 inspection fee which is intended to cover the cost for staff inspection as well as administration and enforcement and an additional renewal fee that is also applied and it is codified in the Master Fee Schedule. Mr. Lochirco continued that as needs or demands changes those fees are adopted and adjusted on an annual basis every fiscal year as additional resources are necessary. Mr. Stevens



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understood that this establishment would be cost neutral to the City of Hayward. Mr. Lochirco commented that the fee they pay for the permit is to help for the inspection and to administer the program. Mr. Stevens asked but it is not potentially cost neutral. Mr. Lochirco stated that there has not been a full cost analysis of massage establishments, so he did not feel comfortable answering but when permit fees are usually assessed there needs to be a nexus for the cost of it so that way, they are covering the cost for the City services and that was the amount that was determined by the Police Department to cover their costs. Mr. Stevens asked when the Police Department does an annual inspection does that involve one officer or multiple officers and how many hours does that take and does the officer have to do a report as well. Sergeant Carpenter commented that his self or the detective in the unit does the inspections and they are relatively quick averaging about 15-20 minutes with a sheet that lists all the conditions of approval all within the Municipal Code for massage parlors. Mr. Stevens asked if the establishment is cited do they pay a penalty for that. Sergeant Carpenter confirmed yes as there are different things in the Municipal Code, for instance a majority of violations listed onsite were able to be correctable, usually they get a warning. He said however for major violations such as with linens or equipment they will receive a warning and they will have the chance to correct before they come back to check if its corrected. He said within the last year of inspecting they did not find anything major in those establishments that the criteria of a citing. Commissioner Stevens asked if HPD was tasked with inspecting linens. Sergeant Carpenter responded that in those massage establishments they are inspecting clean linens, clean towels, and tables, making sure that there's storage for those items and disposal for the linens and items are not on the ground and its swept clean.

Chair Ali-Sullivan questioned staff as to why the Police Department is doing the inspections instead of a health official with the city as it seemed strange. Ms. Richard responded that is the way the Hayward Massage Permit Ordinance within the Municipal Code is set up; in the language of that ordinance, it states enforcement is through the police department that's why they handle the inspections. She continued that this Hayward Massage Permit Ordinance was adopted in the earlier 2000's. Mr. Ali-Sullivan asked Sergeant Carpenter what other types of facilities they do similar types of inspections on. Sergeant Carpenter responded they do regular alcohol and beverage establishments which is similar, as they will check for signage, cleanliness, making sure their permits are valid which is the most common inspection. Sergeant Carpenter added that the reason PD is involved is because of the risks of prostitution that had been involved in the massage parlors in the past. Mr. Ali-Sullivan commented that he had assumed that was the situation and appreciated the clarification. He asked staff about the Condition of Approval for Nos. 17 and 18 as it seemed to be intrusive to him if there were any other types of facilities where the City required the police department to go in that establishment at any time they choose and look over accounting ledgers, timecards, appointment calendars, and work schedules. Associate Planner Richard responded that some of the Alcoholic Beverage Outlets Ordinance must provide certain business documents to the police department to ensure they are meeting the Alcoholic Beverage Outlet Ordinance as it





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was a condition of approval offered by the police department where they can enforce the Ordinance better. Mr. Ali-Sullivan said he was curious if there were other businesses that required such as he didn't remember seeing that in the Cannabis dispenser's applications they have seen and is surprised there is that much level of concern for a massage parlor as the Conditions of Approval Nos. 17 and 18 seemed to be overreach. Planning Manager Lochirco responded that staff adds condition of approvals to make sure the business is adhering to Local and State law. Mr. Lochirco clarified the question on why the Police Department oversees the Hayward Massage Permit Ordinance. He continued that Planning oversees the land use component of it however there are operational considerations and background checks that are done by the Police Department as that is their role they do fingerprints, background checks, history checks of massage establishments as its no different from how they handle Cabaret permits. He added it is also a similar process to how they handle the Cannabis applicants as they are also subjected to the same background check and screening because it is a highly regulated industry and there are penal codes and criminal codes that would not be appropriate for Code Enforcement division to administer. Mr. Ali-Sullivan asked for clarification if Conditions of Approval Nos. 17 and 18 were not preferences by the Police Department and if it was under the Municipal Code as a requirement. Ms. Richard responded that when she spoke with the Police Department both standards are in the Massage Permit Ordinance as staff just clarified them to be more specific for HPD to enforce better and to be transparent for the applicant regarding the expectations. Mr. Ali-Sullivan questioned Mr. Lochirco if those same requirements were required of a Cannabis facility where all employees register with the Police Department and if they require the Cannabis facilities to open their books to the Police Department. Mr. Lochirco responded yes that is a state requirement.

Commissioner Stevens asked Sergeant Carpenter when they do inspections if they give the establishment a prior notice before going. Sergeant Carpenter responded that they do not give prior notice as mentioned in the past some massage establishments had the risk of prostitution and if given notice HPD would not know if there were any illegal activity going on. He added that during the inspections they like to see how the employees are when they walk in.

Commissioner Goodbody mentioned how she visited the site and spoke with other tenants in the shopping center who were supported of the proposed unit and welcomed the business coming to the vacant spot. Ms. Goodbody had concerns about the condition of the property and appreciated staff's response about programs that can help the property owner with improvements on the property. She said she took pictures of four large potholes that were on the property and was concerned about the safety of the site as there are seniors in that area and also the lighting around the site during the night as it is relatively dark. She said she spoke with one of the tenants and they told her they tried reaching out to the property management about having brighter lighting around the property and their request went unanswered. Ms. Goodbody commented how she would like to have some dialogue perhaps a work session



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among the Planning Commission or City Council about what can be done within the Municipal Code or General Plan to better align improvements to properties during the review of Conditional Use Permits. Mr. Bresee commented that he would like his facility to have good lighting with a sign for customers to come in and added that they will have male and female employees working during the day. Ms. Goodbody commented that the lights seem to be on the perimeter of the property right along the tenant's front area and towards the western end of the property however nothing in the middle and very little where the proposed business will be.

There being no public comments, Chair Ali-Sullivan opened and closed the public comment period at 7:37 p.m.

Commissioner Stevens expressed that as he travels through the City, he was troubled by the appearance of massage facilities as they did not have a good look to them, they seemed to disappear and were not maintained well. Putting these concerns aside, he indicated that the proposed was an approval of a CUP and the appearance of establishments would be managed by the City. He was troubled by the \$781 commenting that he assumed this rate was determined by a nexus study; however, he felt that uses related to massage establishments were more risky than other types of uses, hence justifying the need for rules and wondered if the proposed type of uses would result in costing the City more money with associated costs such as fingerprinting and background checks that are conducted to help regulate this type of business. He posed the question of what benefit did the proposed project bring when there were already other existing massage establishments in the City, underscoring that this bothered him.

Chair Ali-Sullivan appreciated prior comments by Commissioner Goodbody regarding the broader property questions, and asked staff if the City performed an additional check if it received an application for an entity that was looking locate in an area that was a larger owned property. He indicated the benefits of the City performing a review of the broader property as there may be conditions on the property that the City is unaware of, this could include ensuring that it was up to code, had the correct lighting, paving, and landscaping, emphasizing that these could be additional checks over the proposed type of facilities.

Associate Planner Richard responded that when staff reviews the property location for a proposed commercial tenant space that is located in an existing approved use, they evaluate for access into the parking lot and adequacy of parking spaces.

Planning Manager Lochirco stated that in order to add additional conditions to an individual tenant, this would require imposing a nexus on the property owner who is not the applicant in the proposed project, and indicated that from a Land Use perspective, the Planning Commission should consider that the applicant was the tenant with the proposed project. He



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noted that there were nuisance provisions in the Hayward Municipal Code that were intended to negate any nuisances, additionally instances of nuisances occurring on public or private property could be reported via Access Hayward with Code Enforcement staff following up on these complaints. He stated that it was evident throughout the City that there were buildings that were in better shape than others, and commented that making Land Use was not under the purview of the Commission, and added that the improving or remodeling of a shopping center could be evaluated by the Commission as it would be a part of the project.

Chair Ali-Sullivan expressed that the policy window to gain compliance of the property owner for a matter such as the filling of potholes in their parking lot would be when the empty facility was about to be rented by a tenant resulting in the generation of revenue for the property owner. This would be the moment for the City have some level of control and influence over the property owner in making improvements, after the approval of the new use, the interactions of the property owner with the City may not be as often.

Planning Manager Lochirco stated that the concerns of the Planning Commission could be forwarded but it did not seem appropriate to add conditions that could be a financial impact to the property owner, especially if the property owner is not an applicant. If there was a nexus in the improvement that was necessary, such as insufficient lightning for a proposed business use and this was a concern of the Commission for individuals entering and exiting the business, this would be an example of when the Commission could add an additional condition that existing lighting be evaluated. He stated that there were existing conditions related to the parking lot and this had been vetted previously and was grandfathered in, and if there was a nuisance and a public safety issue tied to this, then there were mechanisms in the City's code to remedy this.

Commissioner Goodbody shared her observations of a few unhoused residents in the parking lot, including two motorhomes or vans that were generating garbage, stating that this was a public nuisance and a violation of Health and Safety Code. Planning Manager Lochirco responded that a public nuisance such as this would need to be registered with the City, however this was not specifically tied to the proposed application and was not being considered by the Planning Commission at this time.

Chair Ali-Sullivan stated that the comments by the Commission were not related to the proposed application but were general concerns they had. He asked staff when the City's Massage Permit Ordinance was last reviewed as there were some fiscal implications that the Planning Commissioners had raised concerns about and regulatory questions on inspection of towels and sheets. Associate Planner Richard stated that the Massage Permit Ordinance was originally adopted in 2006 and portions of the ordinance had been repealed and replaced in 2015. Chair Ali-Sullivan asked if there was a mechanism in place for the Planning Commission to request that an ordinance fee be reviewed. Planning Manager Lochirco responded that the



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Massage Permit Ordinance was not housed under the purview of the Planning Commission, however the Land Use portion was, adding that if the City Council could make a referral and direct staff to do this. He shared that the enforcement of the permit portion of the massage business was currently housed with the Hayward Police Department.

A motion to approve the staff recommendation was made by Commissioner Lowe and seconded by Commissioner Patterson.

The motion passed with the following roll call votes:

AYES:	Commissioners Goodbody, Lowe, Patterson, Stevens Chair Ali-Sullivan
NOES:	None
ABSENT:	Commissioner Garg
ABSTAIN:	None

Chair Ali-Sullivan expressed his thanks to staff on their work and receptivity of the Commission's comments.

## **APPROVAL OF MINUTES**

### **2. Minutes of the Planning Commission Meeting on April 13, 2023 (MIN 23-076)**

A motion was made by Commissioner Lowe, seconded by Commissioner Goodbody, to approve the meeting minutes of April 13, 2023

The motion passed with the following roll call votes:

AYES:	Commissioners Goodbody, Lowe, Patterson, Stevens Chair Ali-Sullivan
NOES:	None
ABSENT:	Commissioner Garg
ABSTAIN:	None

## **COMMISSION REPORTS**

### **Oral Report on Planning and Zoning Matters**

Planning Manager Lochirco announced the ribbon cutting ceremony was held for the Hayward Fire Station 6 located at the Hayward Executive Airport on June 21, 2023, noting



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that this was a brand-new campus dedicated to fire, rescue and emergency response training and education, and encouraged all to visit the new facility, it was the home of the Chabot College Fire Academy, the center would also host the Eden Area Recreational Occupational Program Center for students interested in the fire and paramedic programs.

Mr. Lochirco shared the Juneteenth celebration was held in the downtown on Thursday, June 15, 2023 and this event had an amazing turnout. He announced the upcoming City Extravaganza event on Thursday, July 20, 2023, and Hot August Nights which will be held on Thursday, August 17, 2023 noting the Planning Commission will have booths at these events to help individuals understand planning, zoning, and land use. He added that the next Planning Commission meeting was scheduled to be held on Thursday, August 24, 2023. Mr. Lochirco announced that the City was accepting applications for service on its Commissions and Task Force and the application deadline was August 4, 2023.

**Commissioners' Announcements, Referrals**

Chair Ali-Sullivan requested that the Planning staff provide updates on projects approved in the last couple years by the Planning Commission that had not commenced. Planning Manager Lochirco responded that staff could provide an update, but unless he had specific details for reasons why projects may not have moved it was possible that he may not be able to share this information.

Chair Ali-Sullivan wished a very happy birthday to Commissioner Patterson.

**3. 2023 Planning Commission Meeting Schedule (Updated) (RPT 23-067)**

Planning Manager Lochirco shared that the original 2023 Planning Commission Meeting Schedule was approved previously prior to knowing the Council recess dates, noting that the revised schedule included a Planning Commission recess in July with the first meeting being scheduled for August 24, 2023.

**ADJOURNMENT**

Chair Ali-Sullivan adjourned the meeting at 7:56 p.m.

**APPROVED:**

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Anika Patterson, Secretary  
Planning Commission



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**ATTEST:**

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Amber Parras  
Planning Commission Secretary  
Office of the City Clerk