



CITY OF HAYWARD

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

Agenda

Planning Commission

Thursday, October 11, 2018

5:00 PM

Council Chambers

SPECIAL PLANNING COMMISSION WORK SESSION MEETING

MEMBERS OF THE AUDIENCE WISHING TO ADDRESS THE PLANNING COMMISSION

Obtain a speaker's identification card, fill in the requested information, and give the card to the Commission Secretary. The Secretary will give the card to the Commission Chair who will call on you when the item in which you are interested is being considered. When your name is called, walk to the rostrum, state your name and address for the record and proceed with your comments. The Chair may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens for organization. Speakers are expected to honor the allotted time.

CALL TO ORDER Pledge of Allegiance

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 Commission 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.

[WS 18-037](#)

Industrial District Regulations Update Planning Commission
Study Session

Attachments: [Attachment I Staff Report](#)
[Attachment II Draft Zoning Map](#)
[Attachment III Draft HMC Section 10-1.1600, Industrial District](#)
[Attachment IV Draft Industrial District Design Guidelines](#)
[Attachment V Draft HMC Section 10-1.3500, Definitions](#)
[Attachment VI Draft HMC Section 10-1.2735\(j\), Small Recycling
Collection Facilities](#)
[Attachment VII Draft HMC Section 10-1.1900, Air Terminal
Districts](#)
[Attachment VIII Draft HMC Chapter 10, Article 2 Off-Street
Parking Regulations](#)
[Attachment IX Draft HMC Section 10-1.3075, Major Site Plan
Review](#)
[Attachment X Draft HMC Section 10-1.2735\(m\), Food Vendor
Permit](#)

ADJOURNMENT TO REGULAR MEETING (7:00 PM)

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 TDD (510) 247-3340.



CITY OF HAYWARD

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

File #: WS 18-037

DATE: October 11, 2018

TO: Planning Commission

FROM: Planning Manager

SUBJECT

Industrial District Regulations Update Planning Commission Study Session

RECOMMENDATION

That the Commission review and provide feedback on the Draft Industrial District regulations composed of zoning map, text amendments and design guidelines.

SUMMARY

This is a study session on the Industrial District Regulations Update, which will require zoning map and text amendments to the Hayward Municipal Code (HMC) and review of the draft Industrial District Design Guidelines. The Industrial areas encompass approximately 3,200 acres of land primarily located at the western edge of the City and at scattered sites along Jackson Street and along Southern Pacific railroad right-of-way that runs in an east-west direction through the City. Approximately 80% of the industrially zoned land is located within the Industrial District with the remaining 20% split among Planned Development District, Air Terminal Districts, Business Park District and Light Manufacturing District. This “one size fits all” approach to industrial zoning treats nearly all of the industrial areas in the same way, subject to the same use regulations and development standards regardless of location, context and surrounding uses.

The objective of the Industrial District Regulations Update is to bring the City’s zoning regulations into closer conformance with General Plan Goals and Policies related to industrial development to promote well-designed, amenity-rich development for employees and visitors to the area; address and minimize compatibility issues between industrial and adjacent sensitive uses; and encourage establishment and expansion of advanced manufacturing and high employee generating uses and discourage low-employment intensity, high-impact uses.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Draft Zoning Map

Attachment III	Draft HMC Section 10-1.1600, Industrial District
Attachment IV	Draft Industrial District Design Guidelines
Attachment V	Draft HMC Section 10-1.3500, Definitions
Attachment VI	Draft HMC Section 10-1.2735(j), Small Recycling Collection Facilities
Attachment VII	Draft HMC Section 10-1.1900, Air Terminal Districts
Attachment VIII	Draft HMC Chapter 10, Article 2 Off-Street Parking Regulations
Attachment IX	Draft HMC Section 10-1.3075, Major Site Plan Review
Attachment X	Draft HMC Section 10-1.2735(m), Food Vendor Permit



SUBJECT

Industrial District Regulations Update Planning Commission Study Session

RECOMMENDATION

That the Commission review and provide feedback on the Draft Industrial District regulations composed of zoning map, text amendments and design guidelines.

SUMMARY

This is a study session on the Industrial District Regulations Update, which will require zoning map and text amendments to the Hayward Municipal Code (HMC) and review of the draft Industrial District Design Guidelines. The Industrial areas encompass approximately 3,200 acres of land primarily located at the western edge of the City and at scattered sites along Jackson Street and along Southern Pacific railroad right-of-way that runs in an east-west direction through the City. Approximately 80% of the industrially zoned land is located within the Industrial District with the remaining 20% split among Planned Development District, Air Terminal Districts, Business Park District and Light Manufacturing District. This “one size fits all” approach to industrial zoning treats nearly all the industrial areas in the same way, subject to the same use regulations and development standards regardless of location, context and surrounding uses. The objective of the Industrial District Regulations Update is to bring the City’s zoning regulations into closer conformance with General Plan Goals and Policies related to industrial development to promote well-designed, amenity-rich development for employees and visitors to the area; address and minimize compatibility issues between industrial and adjacent sensitive uses; and encourage establishment and expansion of advanced manufacturing and high employee generating uses and discourage low-employment intensity, high-impact uses.

BACKGROUND

The *Hayward 2040 General Plan*¹ recognizes the Industrial Technology and Innovation Corridor (Industrial Corridor) and the Mixed Industrial land use designations as important economic assets that must be protected and enhanced. Adopted in 2014, the General Plan contains goals and policies to support land use changes that will help Hayward expand from a primarily warehousing and manufacturing-based economy to an information, technology and advanced manufacturing-based economy. The General Plan also includes Implementation Program Land Use (LU-11), to adopt updates to the industrial regulations sometime between 2017-2019, to achieve Industrial-related General Plan goals and policies.

¹ General Plan Goal 6, Industrial Technology and Innovation Corridor: <https://www.hayward2040generalplan.com/goal/LU6>

The Economic Development Strategic Plan 2014-2018² (EDSP) also contains goals related to the Industrial Sector. These goals include IS4.A, to ensure that current zoning allows for desired uses and IS4.D, to develop preferential zoning areas that support the desired business types, which include advanced manufacturing and research and technology-based uses.

In 2015, the Economic Development Division prepared an Industrial Technology & Innovation Corridor Baseline Profile³ to provide a snapshot of industrial businesses located in Hayward; to create a database of major employers and trends; to identify locations of industry clusters; and to determine the most effective and efficient way to implement General Plan and EDSP goals and policies outlined above. Key recommendations from the Baseline Profile included exploring land use and zoning policies to attract advanced industries; encourage development and redevelopment of flexible industrial spaces; develop infrastructure and amenities to attract advanced industries; and, to foster partnerships to grow certain industry sectors.

On April 11, 2017, the City Council adopted Resolution No. 17-037, authorizing the City Manager to execute an agreement with RRM Design Group to prepare a comprehensive update to the City's Industrial Zoning District regulations⁴.

In the summer of 2017, RRM held meetings with City staff and conducted stake holder interviews with industrial brokers, property and business owners, and subject matter experts involved with industrial development. Following this outreach, RRM developed the Industrial District Regulations Update - Research and Recommendations Report⁵. Appendix A of the Report contains a Stakeholder Interview Summary, and Appendix B contains a Business Survey Report. The Appendices detail specific comments heard during the outreach effort.

In December 2017, the findings and recommendations contained in the Research and Recommendations Report were presented to the Council Economic Development Committee (CEDC). In January 2018, the same materials were presented to the Chamber of Commerce Board of Directors, and at a community meeting which was attended by approximately 60 members of the industrial community. Comments and notes from those meetings can be found on the project website⁶.

PROJECT DESCRIPTION

The project proposes to amend the Zoning Map and various sections of the Hayward Municipal Code (HMC), as briefly outlined below; and include the adoption of design guidelines for new Industrial development. The proposed **NEW** Sections contain entirely new text while **REVISED** Sections provide updates to existing HMC regulations with the revisions indicated with underlined text for additions and ~~striketrough~~ text for deletions.

² Economic Development Strategic Plan: https://www.hayward-ca.gov/sites/default/files/documents/Economic_Development_Strategic_Plan.pdf

³ Economic Development Baseline Profile: <https://www.hayward-ca.gov/sites/default/files/Industrial%20CorridorBaseline%20Industrial%20Profile.pdf>

⁴ City Council (4/11): <https://hayward.legistar.com/LegislationDetail.aspx?ID=3015793&GUID=264231A4-D534-40D4-9A4F-963F450F81CC>

⁵ Industrial District Regulations Update Research and Recommendations Report: https://www.hayward-ca.gov/sites/default/files/Research%20and%20Recomentations%20Report_final.pdf

⁶ Project Website: <https://www.hayward-ca.gov/content/industrial-district-regulations-update>

- REVISED Zoning Map (Attachment II). The updated Zoning Map would subdivide the existing industrial areas (Industrial District, Light Manufacturing District and Business Park District) into three subdistricts (Limited Industrial, Industrial Park and General Industrial) to accommodate differences in character and context and to allow establishment of sub-district purposes, uses and development standards. All Air Terminal District and PD (Planned Development) District (total of 54 parcels) will retain their current zoning because they are subject to site-specific regulations.
- NEW HMC Section 10-1.1600, Industrial District (Attachment III). This attachment contains the most substantive modifications to the industrial areas within the City and will replace the existing HMC Section 10-1.1600, Industrial District⁷; HMC Section 10-1.1700 Business Park District⁸; and HMC Section 10-1.1800, Light Manufacturing District⁹. The text within this Attachment will comprise a new HMC Section 10-1.1600, split into three sub-districts. Structured like other zoning district regulations within the HMC, this new section contains purpose, uses, development, supplemental, and performance standards for the Industrial sub-districts.
- NEW Industrial District Design Guidelines (Attachment IV). The Industrial Design Guidelines would provide clear visual and written guidance to developers on site planning, architecture, landscaping, utilitarian equipment, among other areas. The Guidelines would be adopted by Resolution and replace the existing City of Hayward Design Guidelines¹⁰ sections related to industrial development.
- REVISED HMC Section 10-1.3500, Definitions (Attachment V). This section contains definitions for uses and other terms utilized throughout the HMC. To the greatest extent possible, industrial uses and definitions were updated for internal consistency with the revised HMC Section 10-1.1600, as well as other districts within the HMC.
- REVISED HMC Section 10-1.2735(j), Small Recycling Collection Facilities (Attachment VI). This sub-section of HMC Section 10-1.2700, General Regulations, contains specific standards and requirements for small recycling facilities that do not exceed 500 square feet. The proposed update would simplify definitions related to recycling facilities and eliminate unnecessary text related to unattended collection boxes.
- REVISED HMC Section 10-1.1900, Air Terminal Districts (Attachment VII). Updates include updated industrial uses and definitions for internal consistency in the HMC.
- REVISED HMC Chapter 10, Article 2, Off-Street Parking Regulations (Attachment VIII). This section contains modifications to warehouse, storage and miscellaneous industrial uses listed in the Off-Street Parking Regulations. This Article is also updated

⁷ Current HMC Section 10-1.1600, Industrial District:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.1600INDI

⁸ Current HMC Section 10-1.1700, Business Park District:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.1700BUPADIBP

⁹ Current HMC Section 10-1.1800, Light Manufacturing, Planning/Research and Development District:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.1800LIMAPLREDEDILM

¹⁰ City of Hayward Design Guidelines: <https://www.hayward-ca.gov/sites/default/files/COH%20Design%20Guidlines.pdf>

to include a new Section 10-2.408 related to credits for Carsharing Programs, and an update to Section 10-2.623, related to private industrial driveway standards.

- NEW HMC Section 10-1.3075, Major Site Plan Review (Attachment IX). Pursuant to updated HMC Section 10-1.1605(B), Major Site Plan Review would be required for projects sites of 10 or more acres. Major Site Plan Review is a new entitlement type and follows the structure of other entitlements including purpose, application and submittal requirements, findings, appeals, among others. The Major Site Plan Review process deviates from standard Site Plan Review in that it would require Planning Commission approval of large-scale developments.
- NEW HMC Section 10-1.2735(m), Food Vendor Permit (Attachment X). The Food Vendor Permit is currently embedded within the existing Industrial District regulations (HMC Section 10-1.1645(k)). Staff recommends that it be removed from the Industrial District regulations, and placed in HMC Section 10-1.2700, General Regulations, which contains standards and requirements for uses throughout the City. This modification would allow the HMC to be easily modified in the future to allow Food Vendors outside of Industrial sub-districts.

ENVIRONMENTAL REVIEW

Following study sessions with the Planning Commission and City Council, the draft documents will be finalized and an Initial Study (IS) will be prepared in accordance with the California Environmental Quality Act (CEQA), to determine if and to what extent the proposed regulations and map amendments would have a significant effect on the environment. The impact analysis in the IS will determine whether an Environmental Impact Report (EIR) or a Negative Declaration/Mitigated Negative Declaration (ND/MND) will be prepared for the project.

NEXT STEPS

The City Council will hold a Study Session on the Draft Regulations and related documents in Winter 2018. Following the City Council Study Session, staff will incorporate comments and finalize the Draft Regulations and undergo environmental review. Following completion of environmental analysis, the Draft Regulations and environmental documentation will come back to the Planning Commission for review and recommendation and to the City Council for ultimate adoption. The draft documents are currently on the project website, and City staff will take public comments on the documents between now and the City Council Study Session.

Prepared by: Leigha Schmidt, Senior Planner

Approved by:

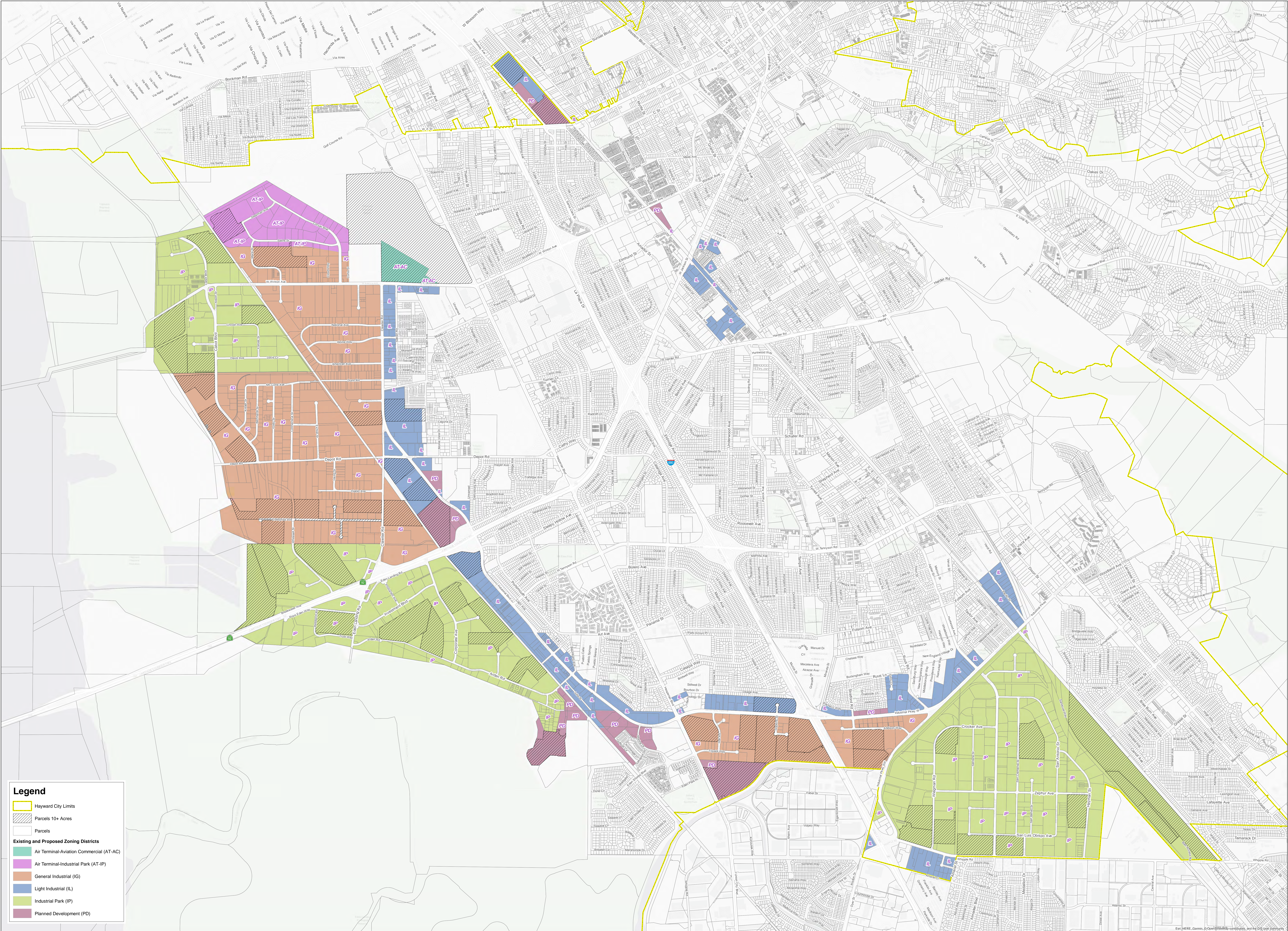


Sara Buizer, AICP, Planning Manager



Laura Simpson, AICP, Development Services Director

Conceptual Industrial Subdistricts



Legend

- Hayward City Limits
- Parcels 10+ Acres
- Parcels
- Existing and Proposed Zoning Districts
 - Air Terminal-Aviation Commercial (AT-AC)
 - Air Terminal-Industrial Park (AT-IP)
 - General Industrial (IG)
 - Light Industrial (IL)
 - Industrial Park (IP)
 - Planned Development (PD)

Sec. 10-1.1600 Industrial Districts

Sec. 10-1.1601 Purpose

The purpose of the Industrial District is to:

- A. Provide a thriving employment center supportive of innovation and advanced manufacturing uses;
- B. Designate adequate land for a range of manufacturing, industrial processing, research and development, professional office, distribution and storage, service, and other workplace uses consistent with the General Plan;
- C. Strengthen the City's economic employment base and provide a range of employment opportunities to meet the needs of current and future residents;
- D. Provide high quality employment opportunities for people at all education levels;
- E. Provide a suitable environment for various types of industrial uses, and protect them from the encroachment of uses that would impair industrial operations or create future land use conflicts;
- F. Ensure that sensitive uses adjacent to industrial areas are protected through appropriate limitations on uses and appropriate design and development standards; and,
- G. Ensure high quality site and building design and the provision of employee amenities to provide a desirable working environment and so that the appearance and effects of development is compatible with the character of the area in which it is located.

Sec. 10-1.1602 Subdistricts

The Industrial District is divided into the following subdistricts:

- A. **Light Industrial (IL).** The Light Industrial (IL) Subdistrict, applies to areas that generally contain small parcels located in relatively close proximity to residential areas, accommodates a wide variety of light industrial uses taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. It is most restrictive of all the Industrial Subdistricts on outdoor use and storage, heavy industry, and warehousing and distribution and the most permissive on non-industrial uses such as office, retail, and service commercial uses. Uses with combined small-scale or custom manufacturing and retail components, such as breweries, furniture making, and food production uses, are allowed. In areas adjacent to residential districts, development standards address potential incompatibilities and are intended to minimize impacts and nuisances.
- B. **Industrial Park (IP).** The Industrial Park (IP) Subdistrict, applies to areas with generally larger parcel sizes and uniform streetscapes, as well as areas with existing or potential industrial park development, is intended to provide areas for high technology, research and development, and industrial activities in an industrial park or campus-like atmosphere. A variety of industrial, manufacturing, and high technology uses are allowed, but this Subdistrict is more restrictive with regard to heavy industrial uses than the General Industrial Subdistrict. Warehousing and distribution uses are allowed, provided buildings and site development are designed with an office appearance from right-of-way, or with flexibility to transition to a manufacturing or research and

development use. Retail and service uses that serve local employees and visitors are also permitted either as part of a larger development or as stand-alone uses on smaller sites. Development standards focus on creating and maintaining frontages that give the look and feel of integrated development, consistent with an industrial park or campus-like atmosphere.

- C. **General Industrial (IG).** The General Industrial (IG) Subdistrict, applies to areas with a variety of parcel sizes and where a wide range of general industrial uses already exist, is intended to accommodate the widest variety of industrial uses including heavy industrial and warehousing/distribution uses. Development standards focus on well-designed frontages along key corridors and screening with more flexibility in other areas.

Sec. 10-1.1603 Use Regulations—Industrial Subdistricts

Table 10-1.1603, Land Use Regulations—Industrial Subdistricts, sets the land use regulations for Industrial Subdistricts by letter designation as follows unless a use or activity is prohibited or subject to a higher level of permit pursuant to other parts of this Section, other requirements of the Hayward Municipal Code, or other applicable regulations:

"P" designates permitted uses.

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

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

"-" designates uses that are not allowed.

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

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

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

TABLE 10-1.1603: USE REGULATIONS—INDUSTRIAL SUBDISTRICTS

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed (unless prohibited or subject to a higher level of permit pursuant to other parts of this Section or other applicable regulations)				
Use	Subdistrict			Additional Regulations
	IL	IP	IG	
Residential Uses				
Caretakers Quarters	A	A	A	Limited to one dwelling per parcel unit no greater than 1,200 square feet in size for a caretaker or

TABLE 10-1.1603: USE REGULATIONS—INDUSTRIAL SUBDISTRICTS

*"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed
(unless prohibited or subject to a higher level of permit pursuant to other parts of this Section or other applicable regulations)*

Use	Subdistrict			Additional Regulations
	IL	IP	IG	
				security employee necessary and incidental to the primary use on-site.
<i>Administrative and Professional Offices/Services</i>				
Architectural Service, Drafting Service, Engineering Service	P	P	P	
Banks	P	P	P	
Financial Institutions	P	P	P	
Medical/Dental Laboratory	P	P	P	
Office	P	P	P	
<i>Automobile Related Uses</i>				
Automobile Dismantling Facility	-	-	C	
Automobile Parts Store	P	P	P	
Automobile Rental	-	-	A	
Automobile Repair, Major	-	-	P	
Automobile Repair, Minor	A	-	P	
Automobile Service Station	-	-	A	See Section 10-1.1045, Minimum Design and Performance Standards, for special requirements
Automobile Storage Facility	-	-	C	
Automobile Towing Yard	-	-	C	
Car Wash	A	A	A	If applicable, see Section 10-1.1045, Minimum Design and Performance Standards, for special requirements
Drive-In Establishments	A	A	A	See Section 10-1.1045, Minimum Design and Performance Standards, for special requirements
Recreational Vehicle Storage Facility	-	-	C	
<i>Industrial Uses</i>				
Brewery or Micro-Brewery	P	P	P	See Section 10-1.2750 et seq. for regulations of alcohol

TABLE 10-1.1603: USE REGULATIONS—INDUSTRIAL SUBDISTRICTS

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed (unless prohibited or subject to a higher level of permit pursuant to other parts of this Section or other applicable regulations)				
Use	Subdistrict			Additional Regulations
	IL	IP	IG	
Cannabis	See below			
Commercial Cannabis Cultivation (5,000 square feet or less)	A	A	A	See Section 10-1.3600, Cannabis
Commercial Cannabis Cultivation (more than 5,000 square feet)	C	C	C	See Section 10-1.3600, Cannabis
Commercial Cannabis Delivery	P	P	P	See Section 10-1.3600, Cannabis
Commercial Cannabis Distribution	A	A	A	See Section 10-1.3600, Cannabis
Commercial Cannabis Medical and Non-Medical Manufacturing, Level 1	C	C	C	See Section 10-1.3600, Cannabis
Commercial Medical and Non-Medical Cannabis Testing Laboratory	P	P	P	See Section 10-1.3600, Cannabis
Contractor Services	P	P	P	
Contractor's Storage Yard	-	-	A	
Distillery	-	A	A	See Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations
Manufacturing	See below			
Custom Manufacturing	P	P	P	
General Manufacturing	-	C	P	
Light Manufacturing	P	P	P	
Passenger Transportation Terminal	A	A	A	
Railroad Yard	-	-	C	
Recycling Facilities	See below			
Small Recycling Collection Facilities	See Section 10-1.2735(j), Small Recycling Collection Facilities and Unattended Collection Boxes			
Large Recycling Collection Facilities	-	-	A	
Recycling Processing Facilities	-	-	C	
Renewable Electric Power Generation, Transmission, and Distribution	-	-	C	
Research and Development	P	P	P	
Truck Terminal	-	-	C	

TABLE 10-1.1603: USE REGULATIONS—INDUSTRIAL SUBDISTRICTS

*"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed
(unless prohibited or subject to a higher level of permit pursuant to other parts of this Section or other applicable regulations)*

Use	Subdistrict			Additional Regulations
	IL	IP	IG	
Warehouse and Distribution Facility, less than 150,000 square feet of floor area	P	P	P	
Warehouse and Distribution Facility, 150,000 square feet or more of floor area	C	C	C	
Waste Treatment Facility	-	-	C	
Waste Transfer/Handling Facility	-	-	A	
Wholesale Establishment, less than 150,000 square feet of floor area	P	P	P	
Wholesale Establishment, 150,000 square feet or more of floor area	C	C	C	
Wind Energy Conversion System	A	A	A	
<i>Personal Services</i>				
Barber, Beauty Shop	P	P	P	
Dry Cleaner/Laundry	P	P	P	
Shoe Repair Shop	P	P	P	
Tailor/Seamstress Shop	P	P	P	
Tattoo Parlor	P	-	-	
<i>Retail Commercial Uses</i>				
Appliance Store	P	-	-	
Bar, Cocktail Lounge	C	C	C	See Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations
Building Materials (Sales)	-	-	P	
Carpet/Draper Store	P	-	-	
Convenience Market	P	P	P	
Furniture Store	P	-	-	
Industrial Equipment Sales and Rental	-	P	P	
Nursery (Plants)	P	-	-	
Restaurant	P	P	P	
Retail	P	P	Sale of goods produced on	

TABLE 10-1.1603: USE REGULATIONS—INDUSTRIAL SUBDISTRICTS

*"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed
(unless prohibited or subject to a higher level of permit pursuant to other parts of this Section or other applicable regulations)*

Use	Subdistrict			Additional Regulations
	IL	IP	IG	
			site: P; otherwise C	
<i>Service Commercial Uses</i>				
Appliance Repair Shop	P	P	P	
Contractor Services	P	P	P	
Copying or Reproduction Facility	P	P	P	
Equipment Rental Service	P	P	P	
Hotel	P	P	A	
Mailing or Facsimile Service	P	P	P	
Motel	P	P	A	
Upholstery Shop	P	P	P	
<i>Other Uses</i>				
Animal Hospital	P	-	-	
Broadcasting Studio	P	P	P	
Catering Facility	P	P	P	
Christmas Tree and Pumpkin Patch Lots	P	P	P	See Section 10-1.2735.c, Christmas Tree and Pumpkin Patch Lot Regulations
Commercial Amusement Facility	A	A	-	
Cultural Facility	A	-	-	
Food Vendor	P	P	P	Subject to Food Vendor Permit. See Section 10-1.2735(m), Food Vendor Permit
Industrial/Vocational Trade School	P	P	P	Limited to programs serving persons 18 years or older
Health Club	See below			
<i>Facilities that are only available for use by employees</i>	P	P	P	
<i>Facilities that may be used by the public</i>	A	A	A	
Kennel	A	A	A	
Public Agency Facilities	P	P	P	

TABLE 10-1.1603: USE REGULATIONS—INDUSTRIAL SUBDISTRICTS

<i>"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed (unless prohibited or subject to a higher level of permit pursuant to other parts of this Section or other applicable regulations)</i>				
Use	Subdistrict			Additional Regulations
	IL	IP	IG	
Recording Studios	A	A	A	
Recreational Facility	See below			
<i>Facilities that are only available for use by employees</i>	P	P	P	
<i>Facilities that may be used by the public</i>	A	A	A	
Religious Facility	A	-	-	
Taxi Company	-	-	C	
Temporary Uses	A	A	A	

- A. **Outdoor Storage.** Refer to Section 10-1.1605(L) for Outdoor Storage regulations.
- B. **Adult Entertainment Activity.** Refer to General Regulations Section 10-1.2735.a. for Adult Entertainment Activity Regulations.
- C. **Alcoholic Beverage Outlets.** Refer to General Regulations Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations.
- D. **Antennas and Satellite Dishes and Telecommunications Devices.** Refer to Chapter 10, Article 13 of the Hayward Municipal Code, the Antenna and Telecommunications Facilities Ordinance, for regulations of antennas, satellite dishes and telecommunications devices.
- E. **Hazardous Materials Use and Storage.** All uses allowed in the Industrial Subdistricts pursuant to Table 10-1.1603 shall comply with all applicable code and regulation requirements pertaining to hazardous materials and the following permit requirements.
 1. **Permitted.** The following hazardous materials use and storage activities are permitted:
 - a. Production, storage, and/or handling, utilizing Group B hazardous materials less than 5,000 pounds of solids, 550 gallons of liquids, or 2,000 cubic feet of gases at standard temperatures and pressures.
 - b. Production, storage, and/or handling, utilizing Group C hazardous materials less than 50,000 pounds of solids, 5,500 gallons of liquids, or 20,000 cubic feet of gases at standard temperatures and pressures.
 2. **Administrative Use Permit.** The following hazardous materials use and storage activities are subject to Administrative Use Permit approval:
 - a. Production, storage, and/or handling, utilizing Group B hazardous materials which exceed the following thresholds: 5,000 pounds of solids, 550 gallons of liquids, or 2,000 cubic feet of gases at standard temperatures and pressures.

- b. Production, storage, and/or handling, utilizing Group C hazardous materials which exceed the following thresholds: 50,000 pounds of solids, 5,500 gallons of liquids, or 20,000 cubic feet of gases at standard temperatures and pressures.
3. **Conditional Use Permit.** Conditional Use Permit approval is required for the production, storage, handling, or similar activities utilizing any amount of hazardous materials classified as Group A hazardous materials by the Fire Chief or his or her designee.

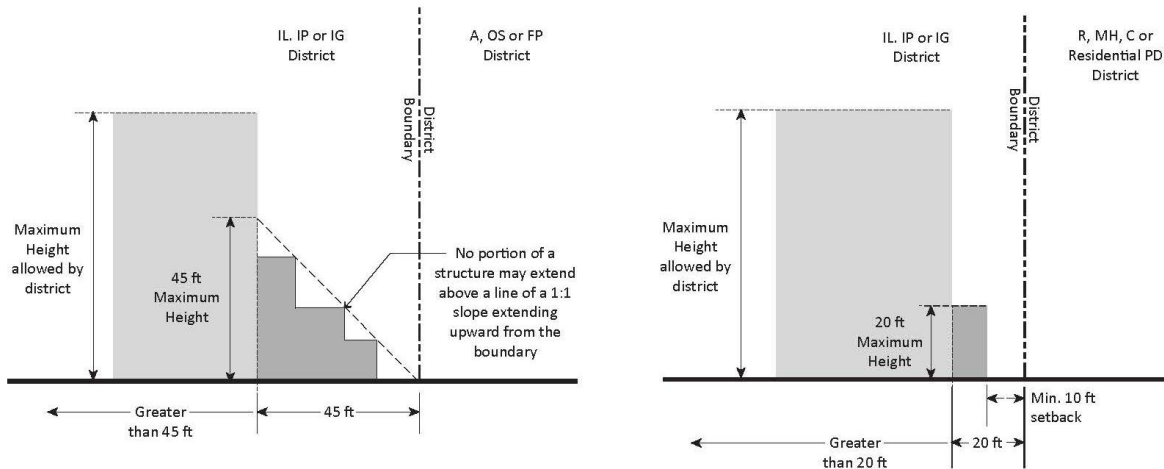
Sec. 10-1.1604 Development Standards

Table 10-1.1604, Development Standards-Industrial Subdistricts, prescribes the development standards for Industrial Subdistricts.

TABLE 10-1.1604: DEVELOPMENT STANDARDS—INDUSTRIAL SUBDISTRICTS			
<i>Standard</i>	<i>IL</i>	<i>IP</i>	<i>IG</i>
Minimum Lot Size (sf unless otherwise indicated)	10,000	1.5 acres	20,000
	See also Section 10-1.2720 for Special Lot Requirements		
Minimum Lot Frontage (ft)	35	250	70
	See also Section 10-1.2720 for Special Lot Requirements		
Minimum Average Lot Width (ft)	70	250	70
Maximum Floor Area Ratio (FAR)	.8	.8	.8
	Building area that is designed and utilized exclusively for on-site employee child daycare shall not count towards maximum FAR calculations.		
Maximum Height (ft)	<ul style="list-style-type: none"> Within 20 feet of an R, MH, C, or residential PD zoning district: 20 (see Figure 10-1.1604) Within 45 feet of an A, OS, or FP zoning district: No portion of a structure may extend above a line of a 1:1 slope extending upward from the boundary of the A, OS, or FP zoning district. (see Figure 10-1.1604) Other areas as follows: 		
	45	75	75
	See also Section 10-1.2730 for Special Height Requirements		
Minimum Yards (ft)	See also Section 10-1.2725 for Special Yard Requirements		
<i>Front Yard</i>	<ul style="list-style-type: none"> Parcels fronting Industrial Boulevard, Industrial Parkway, Industrial Parkway SW, Clawiter Road, and West Winton Avenue: 20 Buildings with facades in excess of 100 feet in length and/or greater than 20 feet in height: 20 Other areas and buildings: 10 		
<i>Side Yard</i>	<ul style="list-style-type: none"> Abutting an A, OS, FP, R, MH, C, or residential PD zoning district: 10 Other areas: 0 		
<i>Street Side Yard</i>	10	10	10

TABLE 10-1.1604: DEVELOPMENT STANDARDS—INDUSTRIAL SUBDISTRICTS

<i>Standard</i>	<i>IL</i>	<i>IP</i>	<i>IG</i>
<i>Rear Yard</i>	<ul style="list-style-type: none"> Abutting an A, OS, FP, R, MH, C, or residential PD zoning district: 10 Other areas: 0 		
Minimum Landscaping (% of site)	5	15	5

**FIGURE 10-1.1604: MAXIMUM HEIGHT, INDUSTRIAL SUBDISTRICTS**

Sec. 10-1.1605 Review Procedures

- A. **Site Plan Review.** Site Plan Review, pursuant to Sec.10-1.3000, Site Plan Review, is required for the following development projects and uses unless the project otherwise requires Planning Commission approval.
1. Development of new structures greater than 5,000 square feet in size.
 2. Additions, or partial demolitions with reconstruction, adding or affecting 10 percent of the existing gross floor area and resulting in a structure greater than 5,000 square feet in size.
 3. Any site modification affecting 5,000 square feet or 10 percent of the site area, whichever is greater.
- B. **Major Site Plan Review.** On sites of 10 or more acres, Major Site Plan Review, pursuant to Sec. 10-3075, shall be obtained prior to any subdivision or other approval for new development.

Sec. 10-1.1606 Supplemental Standards Applicable to All Properties with the Industrial Districts

- A. **Design Guidelines.** All development shall be consistent with the Industrial District Design Guidelines.

- B. **Sidewalks and Street Frontage Improvements.** Sidewalks, curbs, and gutters shall be provided if none already exist, or repaired if the existing sidewalks are in poor condition, to the satisfaction of the City Engineer. Other street frontage improvements shall be installed consistent with City standards and specifications.
- C. **Primary Building Entrance.**
1. All buildings shall be designed with a primary building entrance.
 2. A minimum of one building per site shall orient the primary building entrance to face or be oriented to within 45 degrees of parallel to the street frontage. Where a site is located on two public streets, a primary entrance shall be oriented toward the street with the higher classification. If a site fronts two public streets of equal classification, the applicant may choose which frontage on which to meet the requirement.
 - a. *Exception.* The entrance orientation requirement may be modified or waived where the Planning Director or other approving authority finds that the intended use of the property or the location of or shape of the site warrant a variation, that street-facing building walls will exhibit architectural relief and/or detail in such a way as to create visual interest at the street frontage, and there are specific features of the site and design of the building such that strict application of the orientation requirement is not necessary to create or enhance visual interest.
- D. **Facade Transparency at Primary Entrance.** A minimum of 50 percent of the building wall area located within 20 feet of the midpoint of a primary building entrance shall be comprised of transparent windows or openings. Glass is considered transparent where it has a transparency higher than 80 percent and external reflectance of less than 15 percent.
1. *Exception.* The building transparency at primary entrance requirement may be modified or waived where the Planning Director or other approving authority finds that the intended use has unique operational characteristics with which providing the required windows and openings is incompatible and street-facing building walls will exhibit architectural relief and/or design detail, or will be enhanced with landscaping or art, in such a way as to create visual interest.

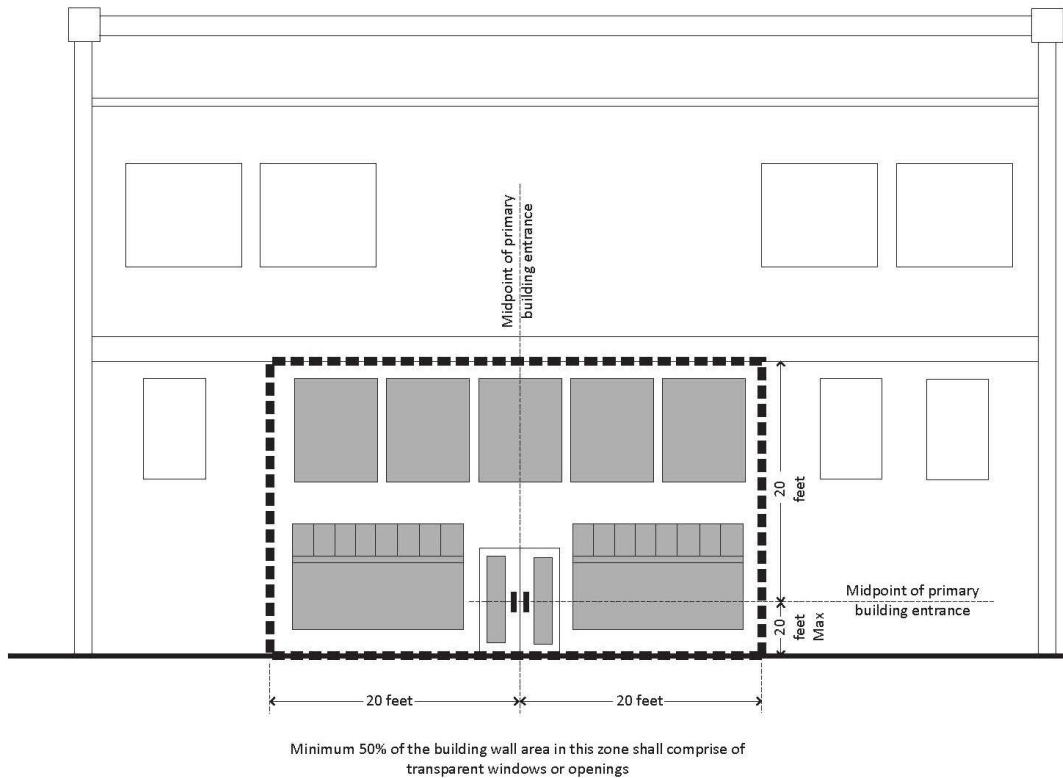


FIGURE 10-1.1606.D: ELEVATION FAÇADE TRANSPARENCY AT PRIMARY ENTRANCE

- E. **Pedestrian Access.** ADA compliant pedestrian walkways shall be provided according to the following standards.
1. **Internal Connections.** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space or employee amenity areas.
 2. **To Street and Sidewalk Network.** Pedestrian walkways shall connect the primary building entry or entries to a public sidewalk on each street frontage.
 3. **To Transit.** Pedestrian walkways shall be provided from transit stops to building entrances.
 4. **To Trails and Trail Access Points.** Pedestrian walkways shall provide a connection from the site to any adjacent publicly accessible trails and shall provide a connection to trail access points or to off-site facilities that provide connection to nearby trail access points.
- F. **Detached Accessory Buildings.** Detached accessory buildings are permitted subject to the following requirements:
1. Shall not exceed one story or 14 feet in height.
 2. Shall be located to the side or rear of the primary building
 3. Shall be a minimum of 20 feet from any property line abutting an A, OS, R, MH, C or residential PD District.

4. Shall be permanent in nature and composed of the same or complementary materials and colors utilized on the primary building. Tents, fabric canopies, and temporary trailers and containers may not be used as permanent accessory structures.
- G. **Yard Exceptions.** Required yards shall be at every point open and shall not be obstructed with non-movable features from the ground upward, except as specifically identified in another section of this Zoning Ordinance or as provided below:
1. **Architectural Projections.** Architectural features such as bay windows, cornices and eaves may extend up to two feet into any required yard.
 2. **Decks and Ramps.** Decks and ramps less than 30 inches in height and screened with landscaping on all sides may be located within required yards as follows:
 - a. Decks and ramps 12 inches or less in height may be located in any required yard.
 - b. Decks and ramps between 12 to 30 inches in height may be located in any required rear or side yard but no closer than three feet to the rear or side property line.
- H. **Fences, Walls, and Hedges.**
1. **Maximum Fence Height.** Fences, hedges and walls shall not exceed a height of four feet, measured at grade on either side of the fence, in a required front or side street yard or in a required landscape area along the perimeter of the site; and shall not exceed eight feet in height along rear and interior side yards.
 2. **Required Walls Between Industrial and Other Districts.** A solid masonry screening wall shall be provided where an Industrial District abuts any A, C, FP, MH, OS, R, or residential PD District.
 - a. *Timing.* The screening wall shall be provided at the time of new construction or expansion of buildings, or changes from one use to another use that requires a use permit.
 - b. *Height.* The screening wall shall not be less than eight feet in height, measured on both sides of the wall.
 - c. *Location.* Screening walls shall be located interior to any required landscape area along the perimeter of the site and shall be arranged so as to substantially hide the building, facility, or activity required to be screened from adjoining lots.
 - d. *Design.* Shall be constructed of split face or other decorative masonry material with a cap that is visible on both sides of the wall.

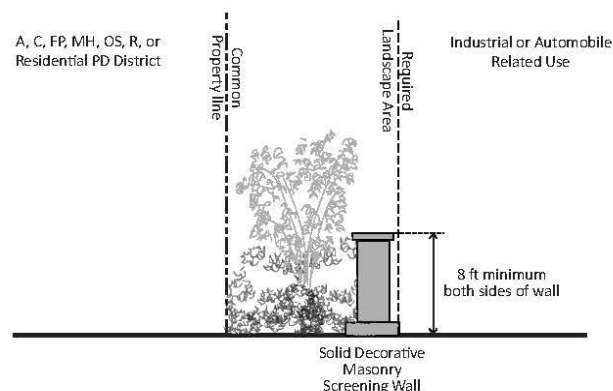


FIGURE 10-1.1606.H: WALLS BETWEEN INDUSTRIAL AND OTHER DISTRICTS

3. ***Security Fencing.***
 - a. Barb, razor wire or electric security fencing shall not be located within any required front or street side yard or within 20 feet of an A, OS, FP, R, MH, C, or residential PD district boundary.
 - b. The portion of the fence consisting of barb or razor wire or similar security fencing shall not exceed three feet in height and shall be angled inward toward the subject property.
 4. ***Intersection Visibility.*** Where a lot is situated at the intersection of two or more streets, fences, hedges and walls shall not be erected, placed, planted, or allowed to grow in such a manner as to obstruct intersection visibility, pursuant to 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.
- I. **Screening.**
1. ***Mechanical and Electrical 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, emergency generators, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials shall be consistent with the exterior colors and materials of the building. Exceptions may be granted by the Planning Director or other approving authority where screening is infeasible due to existing development or health and safety or utility requirements.
- J. **Trash and Recycling Facilities.**
1. Trash and recycling facilities shall be located within an enclosure with a roof and gate. The enclosure shall be constructed of decorative wood or masonry wall or combination thereof (unless waived by the Planning Director or other approving authority) that is compatible with the design of the primary building on the site.
 2. Trash and recycling facilities shall be located no further than 100 feet from the use it is designed to serve, unless the site topography is such that adhering to this standard would interfere with the collection of trash.
- K. **Window Coverage.**
1. Transparent windows and doors of buildings occupied by businesses engaging in retail sales, all or a portion of which are within five vertical feet of the floor and which are visible from public rights-of-way or pedestrian walkways or are otherwise visible by the general public from the exterior, shall remain free of coverings and materials that prevent views into or out of the stores.
 2. Retail goods intended for sale, or goods being stored, or other coverings or materials shall be located no closer than five feet from a transparent window or door, unless they are located beneath or above a window and are not visible from public right-of-way or pedestrian walkways or are otherwise visible by the general public.

3. This section shall not apply to signs or retail goods that are presented within or adjacent to a window and that are a part of a decorative window display, as determined by the Planning Director or other approving authority.
- L. **Outdoor Storage.** Storage of goods, materials, machines, equipment, cargo structures, vehicles, trucks or parts outside of a building for more than 72 hours is allowed in conformance with the following:
1. **Accessory Use.** The materials, products, or equipment stored shall be accessory to and necessary for the operation of a permitted use being conducted within a building on the site.
 2. **No Activity Outside of a Building.** All land uses and activities other than passive storage shall be conducted wholly within enclosed buildings. No processing or activities other than storage is permitted outside of the building(s).
 3. **Materials.** Hazardous or toxic materials shall not be stored outdoors. All goods, materials, machines, equipment, and other shall be contained or covered and shall not result in chemical or polluted stormwater run-off.
 4. **Location Limitations.** Storage shall be located outside of required yards, parking and circulation areas, and required landscaped areas. Outdoor storage shall be located a minimum of 20 feet from residentially zoned land.
 5. **Screening.** Storage shall be screened from view from any public street or freeway; existing or planned residential area; or publicly accessible open space area. The height of stacked materials shall not exceed the height of the screen.
 6. **Surfacing.** Storage shall be located on a paved or other surface approved by the City Engineer.
 7. **Compatibility.** The nature of the items being stored and its location, screening, and extent shall be compatible with adjoining uses, as determined by the Planning Director or other approving authority.
 8. **Permit Requirements.**
 - a. *Outdoor Storage 25 Percent or Less of Site Area.* Outdoor storage in combination with a permitted primary use occupying a cumulative area of 25 percent or less of the total site area is permitted subject to standards contain in this section.
 - b. *Outdoor Storage Over 25 Percent of Site Area.* Administrative Use Permit approval is required for all outdoor storage occupying a cumulative area of 25 percent or more of the total site area.
- M. **Lighting, Exterior.** Exterior lighting and parking lot lighting shall be provided in accordance with the Security Standards Ordinance (No. 90-26 C.S.) and be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way. Such lighting shall also be designed such that it is in keeping with the design of the development.
- N. **Landscaping.** Landscaping and irrigation shall be provided in accordance Chapter 10, Article 12 Bay-Friendly Water Efficient Landscaping Ordinance, and the following.
1. **Landscape Areas.** The following areas shall be landscaped, and may count toward the total area of site landscaping required by the zoning district regulations.

- a. *Street Frontages.* Street trees shall be planted along all street frontages at a minimum of one 24-inch box tree per 20 to 40 lineal feet of frontage or fraction thereof, except where space is restricted due to existing structures or site conditions.
- b. *Required Yards.* Required front, side, side street, and rear yard areas shall be landscaped, except for permitted driveways, and walkways.

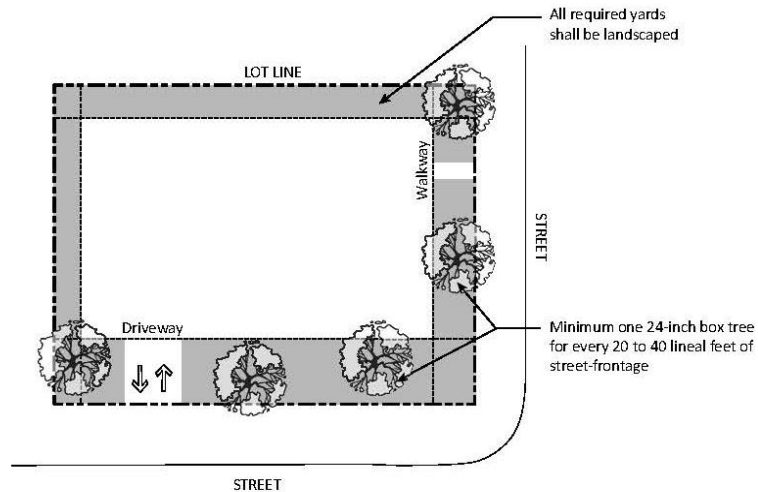


FIGURE 10-1.1606.N.1.B: STREET FRONTAGE AND REQUIRED YARD LANDSCAPING

- c. *Buffer Areas.*
 - i. A minimum 12-foot wide landscape buffer planted with a minimum of one 15-gallon evergreen tree per 20 linear feet shall be provided along all property lines abutting the BART and railroad right-of-way.
 - ii. A minimum 10-foot-wide landscape buffer planted with a minimum of one 15-gallon evergreen tree per 20 linear feet shall be provided in the following locations:
 - (1) Along all property lines abutting an A, C, MH, OS, R, or Residential PD District.
 - (2) Along all property lines abutting a publicly accessible open space area or trail alignment.
 - (3) Along all property lines abutting an existing or future right-of-way.

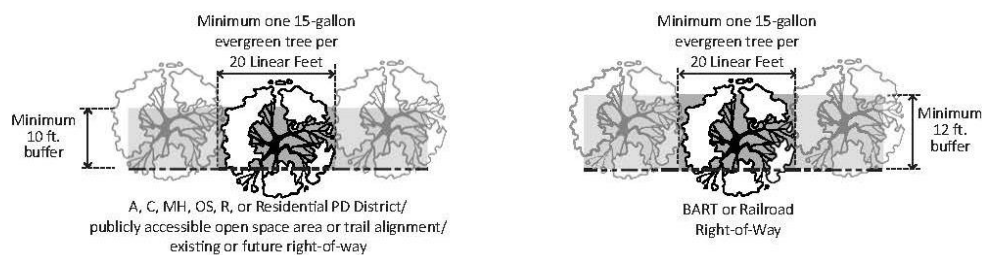
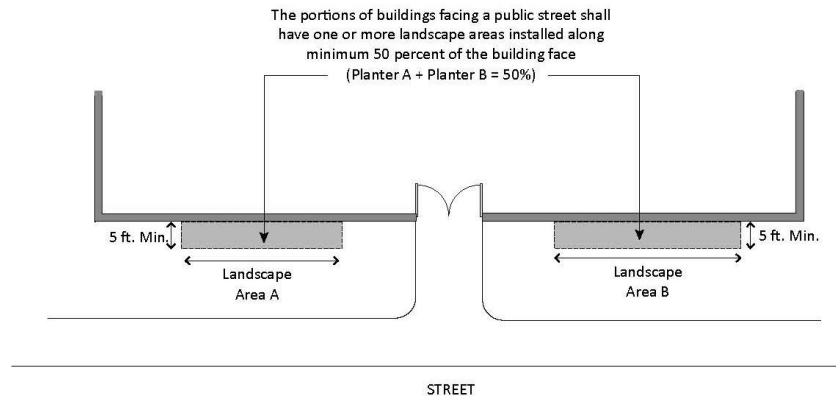


FIGURE 10-1.1606.N.1.C: BUFFER AREA LANDSCAPING

- d. *Building Perimeters.* Portions of buildings facing a public street shall have one or more landscaped areas with a minimum five-foot-wide landscaped area along a minimum 50 percent of the building face.

**FIGURE 10-1.1606.N1.D: BUILDING PERIMETER LANDSCAPING**

- e. *Parking Areas.* See minimum parking lot landscaping and design standards in Chapter 10, Article 2, Off-Street Parking Regulations.
- f. *Other Areas.* All other areas not utilized for structures or paving shall be landscaped unless otherwise authorized by the Planning Director or other approving authority because of site constraints, existing or adjacent site conditions, or phased development.
2. **Materials.** The sole use of bark, decorative paving, or decorative rock shall not be allowed in required landscape areas unless approved through an Alternative Landscaping Plan.
 3. **Tree Preservation.** Trees shall be preserved in accordance with Chapter 10, Article 15, Tree Preservation Ordinance.
 4. **Alternative Landscape Plan.** Modifications or revisions to the requirements of this Section related to buffers, building perimeter, parking lot landscaping and materials may be approved by the Planning Director or other approving authority where it is demonstrated that the intent of the landscape requirements of this Section will still be met. However, in all cases, all required setbacks shall be landscaped and the minimum site landscaping requirement shall be met. An Alternative Landscape Plan shall be prepared and shall clearly detail the modifications being requested from the provisions of this Section.
 5. **Maintenance.**
 - a. Landscaping shall be maintained in a healthy, weed-free condition at all times and the irrigation system shall be designed and operated to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides.
 - b. The owner's representative shall inspect the landscaping on a monthly basis and replace dead or dying plants (plants that exhibit over 30% dieback) within ten days of the inspection.
 - c. Three-inch-deep mulch shall be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color.

- d. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and subjected to protection under Chapter 10, Article 15, Tree Preservation Ordinance.
 - e. Irrigation systems shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.
- O. **Parking and Loading.** The parking and loading provisions of Article 2, Off-Street Parking Regulations, apply in the Industrial Districts except as provided below.
 - 1. ***Change of Use of Existing Buildings.*** When a new use is established in an existing building and there is no alteration that would change the building square footage on-site, no additional parking spaces shall be required.
 - 2. ***Parking Area Adaption Plan.*** Where parking is provided on any site at a ratio of less than one space per 500 square feet of floor area, a plan shall be provided demonstrating that parking area, in conformance with the requirements of this section and Article 2, providing a minimum of one parking space per 500 square feet of floor area can be accommodated on site without alteration to any structure.
 - 3. ***Mixed and Accessory Uses.*** The total requirement for off-street parking spaces shall be the sum of the requirements of the various uses on the site except as provided in Section 10-2.401, Shared Parking, Section 10-2.402, Off-Site Parking, and below.
 - a. Square footage dedicated to accessory uses occupying no more than 30 percent of the gross floor area shall be subject to the same parking requirements of the primary use of the building in which it is located.
 - 4. ***Loading Area Orientation and Location.*** Truck loading areas shall not face the street.
 - a. *Exception.* The loading area orientation and location requirement may be modified or waived through Site Plan Review where the Planning Director or deciding authority finds that the intended use of the property or the location of or shape of the site and/or existing development warrant a variation, that street-facing loading areas will exhibit architectural treatment, or will be enhanced with landscaping, in such a way as to minimize the visual impact at the street frontage, and there are specific features of the site and design of the building such that strict application of the orientation requirement is impractical.
- P. **Employee Amenity Areas.** All new development and additions that expand existing floor area by 25 percent or more, resulting in at least 10,000 square feet of floor area and employing 10 people or more, shall provide an employee use area at least 300 square feet in size. The employee use area shall be identified and improved as passive or active recreational space, or indoor or outdoor amenities for the use and enjoyment of employees.
- Q. **Open Space.** All new development and additions that expand floor area by 25 percent or more on sites two acres or more in size shall provide open space areas equal to 10 percent of the site area. The open space area shall provide gathering space or opportunities for active or passive recreation and include benches or other seating and other features that enhance the comfort, aesthetics, or usability of the space.

- R. **Sustainability Plan.** All applications for new industrial development or redevelopment of a site shall include a Sustainability Plan that incorporates best practices of sustainability for the proposed Business operations and site-specific improvements. The Plan may include, but not limited to, recommendations for energy conservation and efficiency, green infrastructure, water conservation, reductions in air emissions, use of toxic materials, and recycling.

Sec. 10-1.1607 Performance Standards


- A. **General Standard.** Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive or other hazard that would adversely affect the surrounding area.
- B. **Uses/Activities Shall be Conducted Indoors.** All land uses, other than outdoor storage consistent with Section 10-1.1606(L), shall be conducted wholly within enclosed buildings.
- C. **Measurement of Impacts.** Measurements necessary for determining compliance with the standards of this Section shall be taken at the lot line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.
- D. **Dust, Fumes and Odors.** Uses, activities, and processes shall not operate in a manner that emits excessive dust, fumes, odors, smoke, or particulate matter, unless authorized under federal, State, or local law. Sources of air emissions shall comply with all rules established by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the Bay Area Air Quality Management District.
- E. **Electromagnetic Interference.** No use, activity or process shall cause electromagnetic interference with normal radio and television reception, or with the function of other electronic equipment beyond the lot line of the site in which it is situated. All uses, activities and processes shall comply with applicable Federal Communications Commission regulations.
- F. **Fire and Explosive Hazards.** All activities, processes and uses involving the use of, or storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. Firefighting and fire suppression equipment and devices standard in industry shall be approved by the Fire Department. All incineration is prohibited with the exception of those substances such as, but not limited to, chemicals, insecticides, hospital materials and waste products, required by law to be disposed of by burning, and those instances wherein the Fire Department deems it a practical necessity.
- G. **Glare.** No use shall be operated such that significant, direct glare, incidental to the operation of the use is visible beyond the boundaries of the lot where the use is located.
- H. **Hazardous and Extremely Hazardous Materials.** In addition to all other applicable requirements of this Zoning Ordinance, including Section 10.1603(E), Hazardous Materials Use and Storage, the use, handling, storage and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations and the California Fire and Building Codes, as well as the laws and regulations of the California Department of Toxic Substances Control and the County Environmental Health Agency. Activities, processes, and uses shall not generate or emit any fissionable or radioactive materials into the atmosphere, a sewage system or onto the ground.
- I. **Heat and Humidity.** In no case shall heat emitted by a use cause a temperature increase in excess of five degrees Fahrenheit on another property.

- J. **Noise.** All uses and activities shall comply with the Noise Regulations contained in Chapter 4 of the Municipal Code.
- K. **Waste Disposal.**
 - 1. **Discharges to Water or Sewers.** Liquids and solids of any kind shall not be discharged, either directly or indirectly, into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board and the requirements of the City of Hayward Public Works – Environmental Services Division.
 - 2. **Containment.** Wastes shall be handled and stored so as to prevent nuisances, health, safety and fire hazards, and to facilitate recycling subject to the review and oversight of the Hayward Fire Department - Hazardous Materials Division. Closed containers shall be provided and used for the storage of any materials which by their nature are combustible, volatile, dust, or odor producing or edible or attractive to rodents, vermin, or insects.
- L. **Vibration.** No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.
- M. **Maintenance.** The owner of each parcel shall, at all times, keep and properly maintain the entire premises in a safe, clean condition and in a good state of repair, complying in all respects with governmental, health, fire, and police requirements and regulations.

Sec. 10-1.1608 Nonconforming Uses, Structures, and Site Development

Uses, structures, and site development that were legally established but do not comply with the standards and requirements of this Ordinance are subject to the provisions of Section 10-1.2900, Nonconforming Uses, and the following.

- A. **Additions and Alterations to Nonconforming Structures.** Additions and alterations to nonconforming structures may be made provided the addition or alteration conforms with all the development standards of this Title and there is no increase in the nonconformity of the structure.
- B. **Correction of Nonconforming Building Features and Discretionary Approvals.** If any portion of a site or building are modified in conjunction with an application for a discretionary permit, then the site or building area that is the subject of the discretionary application shall be brought into substantial conformance with the Supplemental and Performance standards of this section.
- C. **Correction of Nonconforming Building Features and Building Permit.** For all projects requiring a building permit, structures that are nonconforming because they do not meet the requirements of Section 10-1.1605(C), Primary Building Entrance, or Section 10-1.1605(D), Façade Transparency at Primary Entrance, shall provide façade treatments, design details, or landscaping in such a way as to create or enhance visual interest from the street.



INDUSTRIAL DISTRICT DESIGN GUIDELINES

CITY OF HAYWARD

OCTOBER 2018
PUBLIC REVIEW DRAFT

This page intentionally left blank

TABLE OF CONTENTS

PURPOSE 1

DESIGN INTENT 1

DESIGN GUIDELINES 2

SITE ELEMENTS

A. Site Planning 3

B. Pedestrian Connections 4

C. Landscaping, Walls, and Fencing 5

D. Employee Amenities and Open Space..... 7

E. Lighting..... 8

F. Utilitarian 9

BUILDING DESIGN

G. Massing and Articulation 10

H. Entries 11

I. Windows and Doors 11

J. Colors and Materials 11

K. Signage 12

L. Shoreline Development..... 12

M. Design Interventions for Constrained Development..... 13

This page intentionally left blank

PURPOSE

The purpose of the Industrial District Design Guidelines is to facilitate the enhancement and improve the overall appearance of the Industrial Technology and Innovation Corridor by providing design direction for development. Design guidelines are intended to promote high quality site and building design, convey design expectations, and ensure consistent application of those expectations.

These Design Guidelines provide design direction for property owners, developers, designers, contractors, and architects as they are designing their projects so that they meet the intent of General Plan goals and policies. They also serve as the basis for project review by the City, assisting City staff and decision makers in evaluating projects. They are prescriptive to create a framework for design and to carry out the community's design vision—articulated in the General Plan—but flexible to allow for creativity and innovation in design and planning.

DESIGN INTENT

Development in the Industrial District is intended to be characterized by functional, well designed site and building development to improve the economic viability of properties and to enhance the visual character of the Industrial Technology and Innovation Corridor. Important features of development include coordinated landscaping along frontages and adjacent to open spaces, safe and clearly demarcated pedestrian connections, prominent entries with articulation and detailing, loading docks at the side or in the rear, and amenities such as recreational facilities, open space, benches, shelter and other features that enhance the employee experience.

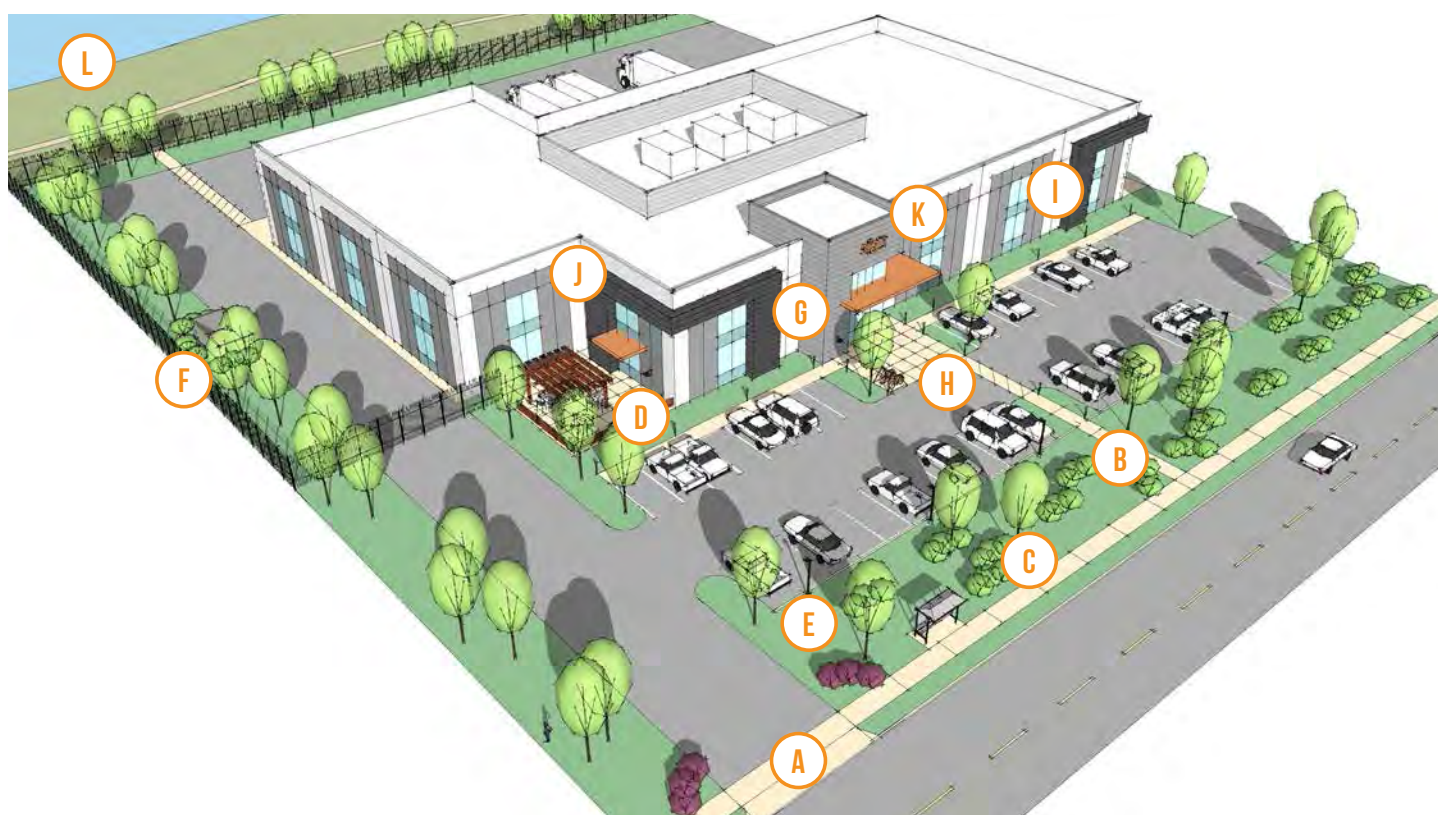


Example of recent industrial development reflecting current design characteristics.

DESIGN GUIDELINES

Design guidelines in this document address key design elements of development in the Industrial District highlighted in the illustration below. The letters in the illustration refer to corresponding sections of the Guidelines.

In certain cases, existing development, site characteristics, operational needs, or other factors may make strict application of design and development requirements impractical. Examples of design interventions to create visual interest and minimize visual impact in instances of such constraints are presented in *Section M, Design Interventions for Constrained Development*.



SITE ELEMENTS

- A** Site Planning
- B** Pedestrian Connections
- C** Landscaping, Walls, and Fencing
- D** Employee Amenities and Open Space
- E** Lighting
- F** Utilitarian

BUILDING DESIGN

- G** Massing and Articulation
- H** Entries
- I** Windows and Doors
- J** Colors and Materials
- K** Signage
- L** Shoreline Development

SITE ELEMENTS

A. SITE PLANNING



Unique paving at driveway highlights site entry while building is oriented to allow for daylighting of interior work areas.



Bicycle rack placed near primary building entry as unique feature that complements adjacent business.

1. Highlight site entrances through driveway entry treatments such as unique paving treatments, accent landscaping, and signage that inform visitors of its location and enhances the overall project design.
2. Locate visitor parking to be clearly identifiable and provide ease of access to the primary entry of a building.
3. Connect site to surrounding amenities such as sidewalks, trails, or other opportunities to enhance area connectivity.
4. Orient buildings in order to allow for maximum daylighting, climactic, and other environmental condition opportunities to occur for interior work areas.
5. Where multiple buildings are located on a site, design buildings to create a cohesive visual relationship.
6. Where feasible, work with adjacent property and business owners to group employee amenities into nodes with pedestrian and other connections.
7. Incorporate unique design elements (such as decorative fencing, wall art and sculptures, creative bicycle racks, or benches and tables) as project features that complement building design or business.
8. Place bicycle racks and/or bicycle lockers adjacent to building entries where they are clearly visible in order to enhance safety and security.
9. Locate outdoor storage, loading docks, semi-truck bays, semi-truck parking, and other nuisance activities on the side of a building not directly abutting a residential use. If infeasible due to site constraints, angle outdoor storage, loading docks, semi-truck bays, semi-truck parking, and other nuisance activities away from residential uses. If infeasible due to site constraints, angle loading docks, semi-truck bays, and semi-truck parking away from residential uses.



Indicates a Crime Prevention Through Environmental Design (CPTED) topic.

B. PEDESTRIAN CONNECTIONS

1. Provide easily identifiable pedestrian pathways that connect all buildings to parking areas, to the public sidewalk, trails, and trail access points, and to any open space areas or amenities, including transit stops.
2. Connect parking and building entries with landscape island walkways.
3. Design pedestrian paths with textured paving or other unique surface and accent lighting.
4. Ensure areas adjacent to pedestrian paths and connections provide for visual surveillance to enhance safety and security, especially at points of entry. Avoid dense hedges, dark corners, and other elements that can obstruct visibility.
5. Locate employee and visitor pathways throughout a site to minimize conflicts with truck driveways, storage, loading, and other operational areas.



Pedestrian pathways are easily identifiable and connect the building to parking areas and off-site sidewalks.



Landscaped islands provide clear pathways to primary building entry while minimizing pedestrian conflicts with vehicles.



Unique, colored paving clearly identifies pedestrian pathway through parking area.



Uniform landscape palette establishes streetscape character and complements adjacent property landscaping along the street.



Residential streetscape character (left) is maintained by industrial properties (right) through consistent tree and shrub type and placement.

C. LANDSCAPING, WALLS, AND FENCING

1. Use landscaping to complement and enhance the overall project design in order to provide an attractive frontage, screen or buffer adjacent sensitive land uses, frame building entrances or special design features, provide relief to continuous wall planes through use of trellises, green walls, and landscape frames, and to connect to adjacent development.
2. Use a uniform landscape palette to establish a coherent and consistent streetscape appearance in order to create a continuous street and landscape frontage. Where a continuous tree and landscape street frontage is not present, develop a landscape palette that can be continued along the street frontage of other properties in the future.
3. Ensure landscaping complements and extends the design of adjacent properties and amenities.
4. Use landscaping as a transitional element to continue the streetscape character of adjacent residential neighborhoods.
5. Maximize landscape areas on site with a mix of deciduous and evergreen trees and shrubs and locate to be balanced throughout the site.
6. Group trees and shrubs together to create strong accent points within the site, unless circumstances dictate otherwise.



Indicates a Crime Prevention Through Environmental Design (CPTED) topic.

7. Utilize accent landscaping to distinguish driveway entries, primary building entrances, employee amenity areas, trail access points, and other activity areas of a site.
8. Design landscaping adjacent to open space, trails, or trail access points to screen industrial development and operations but still maintain a sense of openness and visibility to allow for visual surveillance and enhance safety and security of users.
9. Use landscaping, fencing, walls or a combination of the two or other treatments to buffer sites when located adjacent to residential uses.
10. Design fencing as an integrated part of the site, rather than as a separate fence (i.e. planter wall, continuation of architectural wall), and ensure fencing design and material selection is as part of the overall development.
11. Minimize visual monotony in sound walls, masonry walls, or fences through changes in plane, height, material, or material texture or include significant landscape massing, where appropriate.



Accent landscaping utilized to create visual interest and highlight primary building entry.



Wall and fencing designed as integral part of a site through continuation of building materials, with landscape minimizing visual monotony.

- a Screening of industrial development maintained through appropriate spacing of trees.
- b Trees trimmed and up kept to maintain screening but also to allow for visual surveillance on trail.
- c Low shrubs maintain sense of openness and visibility to enhance safety.



Example landscaping adjacent to open space, trails, or trail access.



Outdoor eating area located adjacent to indoor break areas and enhanced through use of scored concrete.



Outdoor employee area located to take advantage of sun access, while providing facilities such as barbecue, recreation areas, and outdoor patio.



Half court basketball for games between employees on breaks.

D. EMPLOYEE AMENITIES AND OPEN SPACE

1. Incorporate unique paving treatments, such as scored or colored concrete, pavers, or tile to enhance the appearance of outdoor eating areas.
2. Locate employee outdoor areas adjacent to indoor break areas.
3. Design outdoor employee areas to have sunlight during at least part of the day and offer wind protection, comfort, and safety.
4. Provide facilities such as walking paths, patios, barbecue areas, recreational facilities, or other such improvements that allow convenient use for outdoor enjoyment and/or recreation for employees.
5. Locate open space along the east, west, or southern block or building face, where feasible, and design to maximize exposure to the sun, especially from the southwest while protecting from wind (often westerly).
6. Use trees and berms along the windward side of outdoor employee areas as windbreaks.
7. Provide ample seating areas and tables. Provide shaded seating areas, in addition to areas with full sun access.
8. Size recreational spaces to be of sufficient size and area to accommodate the intended activity.



Indicates a Crime Prevention Through Environmental Design (CPTED) topic.

E. LIGHTING



1. Integrate exterior lighting that is architecturally compatible with the building style, materials, and colors.
2. Design exterior lighting to be shielded downward to minimize direct off-site viewing and to ensure light does not overflow onto adjacent sites.
3. Mount light fixtures at a height appropriate to the setting and project design. For example, use lower mounting heights for settings adjacent to sensitive land uses (residential, bay lands, or trails) and low, bollard-type fixtures within pedestrian areas.
4. Use attractive and well-detailed raised light pole bases compatible with a project design. Color concrete, sculptural elements, and other creative elements at the base of lights are encouraged.
5. Maintain site area intended to be lighted by locating light poles within raised curb planter areas to avoid conflicts with any parking lot trees.
6. Use vandal resistant well lighting for pedestrian and signage lights.



Light fixtures mounted at appropriate height for setting adjacent to building entry and shielded downward.



Low, bollard light fixtures placed to provide lighting within pedestrian areas.




Trash enclosure providing pedestrian entries enhances ease of use.



Utility equipment unable to be screened has been enhanced through an art mural.

F. UTILITARIAN

1. Site trash enclosures to minimize visibility from the right-of-way through placement, landscaping, and/or other screening.
2. Provide well lighted trash enclosures. 
3. Include a pedestrian entrance to trash and recycling enclosures in order to minimize the need for opening the larger access gates.
4. Paint all vents, gutters, downspouts, flashing, and electrical conduits, to match the color of the adjacent surface, unless intended to be used expressly as a trim or accent element.
5. Locate roof access to a building on the interior, rather than the exterior of a building.
6. Utilize parapets or other building elements to screen all roof mounted equipment from view.
7. Place mechanical/utility equipment inside of a building or screen with landscaping or other materials consistent with building design. In instances where mechanical/utility equipment cannot be located within buildings or adequately screened, treat it with art.
8. Select noise generating equipment, such as HVAC systems, refrigeration units, exhaust fans, and other mechanical equipment based on minimizing overall noise production and locate them away from adjacent residential uses.

BUILDING DESIGN

G. MASSING AND ARTICULATION

1. Desirable massing on street facing building elevations includes variation in wall plane, variation in wall height, and roofs located at different levels in order to minimize the overall appearance of the elevation.
2. Design massing elements to be properly scaled and in proportion to one another in order to provide a balance between horizontal and vertical emphasis.
3. Organize street facing building massing so as to emphasize interior uses of a building, such as the primary entry, building corners, or office space, through the use of varying roof height, windows, variation in materials, and other design treatments.
4. Provide articulation and detailing on all elevations of a building and include elements such as recesses, columns, score lines, reveals, trellises, windows, lighting, or other features to create shadow patterns and depth on building elevations. Reuse of existing buildings may also include wall art or sculptural art elements.
5. Minimize blank wall planes on all elevations through the use of wall plane variation, trim or reveals, entry and window openings, and/or varying colors and materials.



Street facing building elevation includes variation in wall plane, wall height, and roofs at different levels.



Articulation and detailing continue on side elevation through use of windows, awnings, and other detailing.

- a** Wall plane and roof height variation at corner creates emphasis on building massing.
- b** Interior use emphasized through window, primary entry, and office space location adjacent to the street.
- c** Blank walls minimized through use of reveals, window openings, and varying colors.



Current massing and articulation of industrial development.

G.2



Changes in height and massing provide variation and articulation. Vertical building elements break up what may otherwise be horizontal architectural composition.

J.1



Colors, materials, trim, windows, awning, and doors provide clear identification of building entry and reinforce building design.



Window proportions complement architectural style and clerestory windows are used to allow interior natural daylighting.

H. ENTRIES

1. Design entries so that they are clearly defined and distinguishable from street.
2. Incorporate architectural features such as awnings, canopies, trellises, and/or other treatments such as vertical architectural features or unique building colors or materials to clearly identify primary building entries.
3. Incorporate unique paving treatments, such as scored or colored concrete at primary building entries to enhance its appearance.

I. WINDOWS AND DOORS

1. Use window and door type, proportion, and colors and materials to complement the overall architectural style of the building.
2. Place windows on building elevations, such as clerestory windows, to allow for natural daylighting to occur within interior work areas and to break up massing and add articulation to a building.

J. COLORS AND MATERIALS

1. Select building colors and materials to reinforce building design, detailing, and architectural form in order to achieve harmony and continuity of the overall design.
2. Utilize accent colors for trim, windows, doors, and other key architectural elements, such as primary building entries, to add visual interest to a building.
3. Apply materials in a manner that corresponds to variation in building massing. Wrap outside corners to avoid a tacked-on appearance.
4. Use durable and high quality materials on building exteriors, especially in areas near ground level.

K. SIGNAGE

1. Coordinate project signage with the overall colors and materials palette for a project.
2. Reflect the type of business through sign design, shape, or graphic form.
3. Locate primary business signage prominently in relation to the primary building entry in order to be visible from the public right-of-way.
4. Design directional signage to be coordinated and clearly direct users to appropriate areas of a site, such as loading and receiving areas or visitor parking.

L. SHORELINE DEVELOPMENT

Development abutting Open Space and Flood Plain Districts are visually and environmentally sensitive and warrant additional site, architectural, and environmental considerations.

1. Incorporate landscape to frame and integrate the development into the surrounding area and provide sensitive, natural screening where appropriate.
2. Use building surfaces, materials, and colors to minimize reflectivity and integrate into the natural surroundings.
3. Incorporate pedestrian trail linkages to the Bay Trail using pathways, landscaping, and interpretive signage.
4. Design building elevations fronting the shoreline with articulation, off-sets, varied rooflines, and varied materials to increase complexity.



Project signage coordinated with overall colors and materials palette for the project.



Primary business signage located prominently above building entry to enhance visibility from the street.

M. DESIGN INTERVENTIONS FOR CONSTRAINED DEVELOPMENT

- 1. Use paint, materials, signage, landscaping, and other treatments to create or enhance visual interest, minimize visual impact at the street frontage, and otherwise meet the intent of the design and development requirements.

BEFORE



AFTER



Convenient bicycle parking provided near building entry.

Entry monument sign provides clear business identification, highlighted by accent landscaping.

Pedestrian pathway extended from building entry to sidewalk

Turf area replaced with bioswale to capture stormwater runoff.

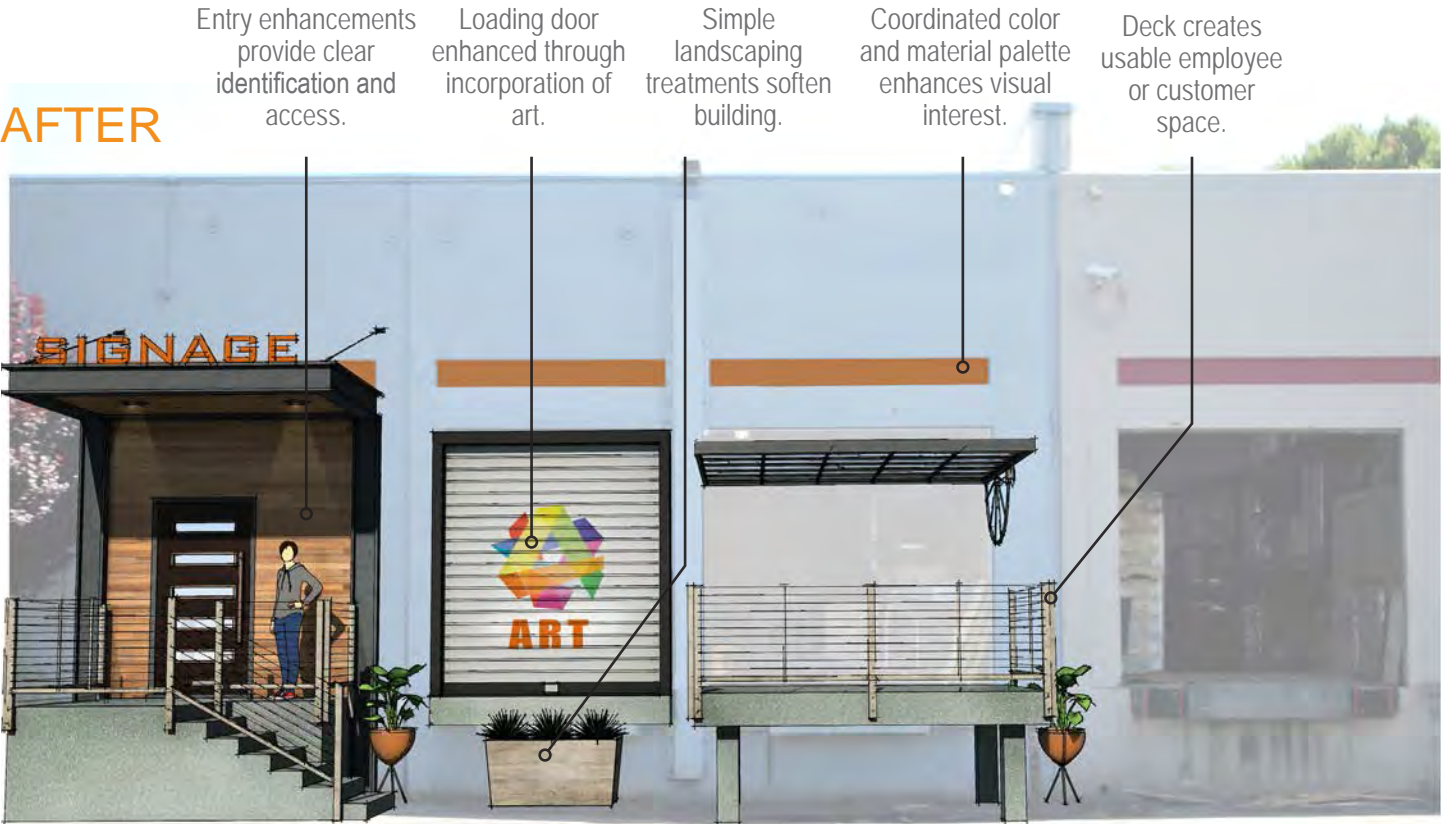
New street tree continues existing streetscape character.

Site element improvements that could occur to create and enhance visual interest.

BEFORE



AFTER



Street facing facade improvements that could occur to create and enhance visual interest.

This page intentionally left blank

ARTICLE 1, SECTION 10-1.3500. DEFINITIONS.

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 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.)

ANTIQUÉ 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 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", "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.
- 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.

- 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. ~~May include~~ 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 new passenger automobiles, passenger trucks, motorcycles, or similar vehicles for the purposes of future retail sales at a separate location. 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."

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, which may involve the assembling or standing of damaged or impounded vehicles for indeterminate periods of time. Such use shall not include the wrecking, dismantling, or repairing of vehicles which is defined as "AUTOMOBILE DISMANTLING FACILITY." -

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, ~~or~~ wines or cider are manufactured and stored. Tasting may be included as an accessory use, but the brewery may 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).

~~BUSINESS PARK DISTRICT (BP).~~ ~~A land use zoning district intended to provide for establishment of high quality business office parks in a campus environment at key locations within the Industrial Corridor. See Section 10-1.1700.~~

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.

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, freak, or side show, 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 using nonvolatile solvents, or no solvents. A Commercial Cannabis Manufacturing Level 1 Operator shall only manufacture cannabis products for sale by a permitted Commercial Cannabis Retail facility.

COMMERCIAL CANNABIS MANUFACTURING - LEVEL 2. The manufacturing of cannabis products using volatile solvents. A Commercial Cannabis Manufacturing Level 2 Operator shall only manufacture cannabis products for sale by a permitted Commercial Cannabis Retail dispensary. For purposes of this section, "volatile solvents" shall include ethanol and 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 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.

~~**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.~~

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.

CONTRACTOR'S STORAGE YARD. A facility or outdoor area for the storage of materials, equipment, and vehicles utilized by building and construction contractors, craftsmen, and tradesmen, and may include offices related to such activities.

COPYING OR REPRODUCTION FACILITY SERVICE. 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. ~~Also see "NEWSPAPER PRINTING FACILITY."~~ 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.

~~**DISTRIBUTION FACILITY.** An establishment which distributes, stores and warehouses commodities and goods for the purposes of marketing or merchandising at wholesale or retail.~~

DISTRICT. Means 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", "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. 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.
- 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.
- d. Single-family dwelling: A detached building containing only one dwelling unit. See Section 10-1.200 for requirements.
- e. 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.
- f. Townhouse dwelling(s): Any building, group of buildings, or portion thereof which includes two or more attached dwelling units, and for which there is a final map or parcel map. 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 10-1.400 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.

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 SERVICE. 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", "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.

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.

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.

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 in 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 "Accessory Dwelling Unit."

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 11834.11).
 - (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 so minor or additional mitigations are found to be acceptable.

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

- a. Group A. Hazardous materials which include any of the following:
 - (1) Explosives and blasting agents;
 - (2) Reactive materials;
 - (3) Unstable materials;
 - (4) Radioactive materials;
 - (5) Class 3 and 4 oxidizing materials;
 - (6) Poisonous or highly toxic materials;
 - (7) Corrosive, poisonous, or unstable gases;

- (8) State of California restricted hazardous wastes, including substances classified as extremely hazardous wastes.
- b. Group B. Hazardous materials which include any of the following:
 - (1) Flammable liquids, namely liquids that have a flashpoint below 100° Fahrenheit'
 - (2) Flammable solids;
 - (3) Class 1 and 2 oxidizing materials;
 - (4) Flammable or oxidizing gases;
 - (5) Corrosive materials.
- c. Group C. Hazardous materials which include any of the following:
 - (1) Combustible liquids, namely liquids that have a flashpoint at or above 100° Fahrenheit.
 - (2) Inert gases.
 - (3) Other regulated materials referred to in the following sources except Group A or B hazardous materials:
 - i) California Fire Code as adopted by the City of Hayward'
 - ~~(4)—~~ii) 49 Code of Federal Regulations section 173.500, including amendments or successors thereto; and
 - ~~(5)—~~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 which provides meals and a place to sleep at night for persons who otherwise have no means to obtain food and shelter. Such an institution is closed during the daylight hours, providing food and shelter only at night.

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 DISTRICT (I).** A land use zoning district within which industrial land uses may develop to promote a desirable and attractive working environment with a minimum of detriment to surrounding properties. See Section 10-1.1600.~~

INDUSTRIAL EQUIPMENT SALES AND RENTAL. An establishment which provides industrial equipment and related commodities to the public for sale at retail. Such equipment includes large scale vehicles (over 6,000 lbs), large truck and trailer rigs, fork lifts, conveyor belts, and loading dock facilities.

~~**INTERIOR DESIGN STUDIO.** An establishment which provides a small showroom and consultation services to assist businesses and/or homeowners in decorating the interior appearance of their business and/or home.~~

INDUSTRIAL/VOCATIONAL TRADE SCHOOL. A trade school that provides specialized training of skilled labor ~~which is supportive of the Industrial District~~ 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.

~~**LABORATORY.** See "RESEARCH LABORATORY."~~

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.

~~**LIGHT MANUFACTURING, PLANNING/RESEARCH AND DEVELOPMENT DISTRICT (LM).** A land use zoning district intended to provide limited manufacturing and other light industrial uses within the Industrial Corridor which are compatible with business parks and adjacent residential areas. See Section 10-1.1800.~~

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° or less. Where the angle of intersection exceeds 135°, the area abutting the two streets shall be a front yard.
- c. **Flag Lot.** A parcel of land where the buildable portion of the lot is via a narrow extension of the lot (access strip) to a public or approved private street, utilizing a private or privately shared travelway. The area within an access strip shall not be counted as part of the lot area 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. **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. Repair, maintenance, preparation, compounding, processing, packing, treating, fabricating or assembling of items of any kind (i.e., electronics assembly.) May involve certain hazardous materials as defined herein (see "HAZARDOUS MATERIALS.") 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 stored, 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, or custom jewelry.
- 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. Toxic, hazardous, or explosive materials may be produced or used in large quantities as part of the manufacturing process (see "HAZARDOUS MATERIALS"). These industrial activities may produce impacts on nearby properties, such as noise, gas, odor, dust, or vibration.
- c. **Light Manufacturing.** Establishments engaged in 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.

~~MANUFACTURER'S REPRESENTATIVE OFFICE.~~ ~~An office from which a representative of a manufactured product sells that product at wholesale or retail via telephone, mail, and/or facsimile.~~

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.

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—** 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.

~~**NEWSPAPER PRINTING FACILITY.** A facility which prepares, assembles, prints, and distributes a newspaper publication, typically on a daily basis. Typically includes offices from which publication articles are written and edited, and includes a printing press operation.~~

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. An establishment which provides administrative services, such as business or professional services (i.e., law firm, stock broker, insurance, or real estate office), or medical or travel agency services, to the public for a fee. Office uses typically include copying and facsimile machines. 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. Open space and recreational amenities required for site-specific for residential development.~~ This is further defined as follows:

- a. **Common Usable Open Space.** An on-site, ground level 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 does not include the required front or side street yard, off-street parking, driveways, service areas, or areas of more than 5 percent slope. (Refer to appropriate sections of this ordinance for specific requirements.)
- b. **Private Usable Open Space.** An on-site area of lawn, or garden court with paving, patio, deck, or balcony directly accessible only to one dwelling 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, service, or areas of more than 3 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.

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.

~~**PUBLISHING FACILITY.** A facility which prepares, assembles and distributes books and magazines. Typically includes offices where articles are written and edited, and includes printing press facilities.~~

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."

RECORDING STUDIO. Commercial activities include sound recording and mixing of voice, sound, music and video performed in studios. Use includes incidental rehearsal and broadcasting uses; however, use does not include transmission towers and shall not operate as a venue for parties, shows or other commercial entertainment. This classification may also include incidental office use, retail sales, and indoor storage of equipment related to the recording uses.

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.
- a. 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

~~**RECYCLING CENTER.** A facility for the collection of large quantities of recyclable materials such as metals, glass, plastic, and paper. Such a facility shall not do processing except limited bailing, batching and sorting of materials. Recycling facilities include: bins, boxes, cans, kiosk type structures, bulk reverse vending machines, trucks, trailers, or vans. See General Regulations Section 10-1.2735.i. "Recycling Facilities" for regulations.~~

~~**RECYCLING COLLECTION AREA.** Any indoor or outdoor space allocated to collecting and loading recyclable materials to be transported to a recycling center. May include bins, boxes, cans, kiosk type structures, and reverse vending machines. See General Regulations Section 10-1.2735.i. "Recycling Facilities" for regulations.~~

~~**RECYCLING PROCESSING FACILITY.** A facility that receives, sorts, stores and/or processes recyclable materials.~~

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. A facility where research and on-site product creation and development is done. May also include computer centers, involving record storage and retrieval systems, data processing, and microfilming.

RESEARCH LABORATORY. A facility where research in a laboratory environment is done. Typically, but not always, involves the use of chemicals and heating products.

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. Means 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.** Means a right-of-way owned by the City or any other public entity or public utility.
- b. **Private right-of-way.** Means 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.

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. 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

% Grade	100%	50%	40%	33.3%	30%	25%	20%	15%	12%	10%	8%	6%
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:

- a. "B" Street Special Design Streetcar District (SD-1).
- b. Mission Corridor Special Design District (SD-2).
- c. Cottage Special Design District (SD-3).

SPECIAL LOT STANDARDS COMBINING DISTRICT (B). An overlay zone which depicts specific development standards for the zoning district it is combined with. See Section 10-1.2400.

SPORTING GOODS STORE. An establishment which sells sporting goods to the public at retail. Typically includes sports equipment (i.e., balls, bats, tennis rackets, golf clubs, skis and ski poles), and may include related clothing (i.e., tennis shoes for running, walking, basketball, etc., and sweat pants, shorts, shirts, and hats.) May also include the ancillary sale of used sporting goods.

STATION AREA RESIDENTIAL DISTRICT (SAR). **Note—** 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. **Automobile Storage Yard.** Outside storage of passenger cars and/or trucks of all sizes in excess of 10 percent of an open yard area, excluding any required yard or parking area. Does not include auto wrecking or towing yards.
- b. ~~**Minor Open Storage.** Outside storage that is accessory or ancillary to the primary or conditional use conducted on the site, which shall not exceed 10 percent of an open yard area, excluding any required yard or parking area.~~
- c. ~~**Major Open Storage.** Uses not conducted completely within an enclosed building, such as major outdoor storage in excess of 10 percent of an open yard area, excluding any required yard or parking area, or as determined by the Planning Director. Typically includes a construction yard where equipment and materials are stored.~~

bd. 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.

ce. Recreational Vehicle Storage Facility. See definition for "Recreational Vehicle (RV) Storage Facility."

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. 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.

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 ~~Section 10-1.2735.i.~~ "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, ~~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 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.

~~**VOCATIONAL SCHOOL.** An educational facility providing training in a skill or trade to be pursued as a career.~~

~~**WAREHOUSE AND DISTRIBUTION FACILITY.** A facility where goods are stored. 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. Typically, items are stored and awaiting distribution to an off-site wholesale and/or retail facility. 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. (also "DISTRIBUTION FACILITY.")~~

WASTE TREATMENT FACILITY. A facility that treats hazardous waste, medical waste or other waste from offsite sources.

WASTE TRANSFER/HANDLING FACILITY. A facility that transports or handles hazardous waste, medical wastes or other wastes from offsite sources.

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.

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.

j. ~~Recycling Facilities and~~ Small Recycling Collection Facilities and Unattended Collection Boxes.

(1) Purpose and Intent.

- (a) The purpose of the sub-section related to facilities accepting recyclable material is to make redemption and recycling of reusable materials convenient to the consumer in order to reduce litter and increase the recycling of reusable materials in accordance with the 1986 California Beverage Container Recycling and Litter Reduction Act of 1986 (Pub. Res. Code § 14500, et seq.).
- (b) The purpose of the sub-section related to unattended collection boxes is to:
 - i. Promote community health safety and welfare by regulating the placement of unattended collection boxes for clothing and other salvageable personal property throughout the city;
 - ii. Recognize that placement of unattended collection boxes in a variety of conveniently accessible locations throughout the city encourages individuals to recycle textile goods rather than placing those items in the waste stream.
 - iii. Ensure that unattended collection boxes and the contents thereof do not pose a hazard or nuisance to pedestrian or vehicular traffic;
 - iv. Ensure that material is not allowed to accumulate outside of the unattended collection boxes where it may be scattered by adverse weather conditions, animal contact, or human activities; and,
 - v. Establish criteria that avoid attracting vermin, unsightliness and public health or safety hazards or nuisances.

(2) Definitions.

- (a) Recyclable Material: "Recyclable materials" or "recyclables" are discarded materials that are collected, separated, and processed and that can be used as raw materials in the manufacture of new products. Recyclable materials are collected and treated in a manner different from refuse. Material including but not limited to metals, glass, plastic, and paper, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material may include used motor oil collected and transported in accordance with sections 25250.11 and 25143.2 et. seq. of the California Health and Safety Code, as amended from time to time.
- (b) Small Recycling Facility: A center for the collection and/or processing of recyclable materials. Small recycling facilities shall not exceed 500 square feet and shall be incidental to a primary use on the site (i.e. shopping center). Such facilities collect non-hazardous recyclable materials directly from the public by donation, redemption, or purchase. Small recycling facilities generally do not use power-driven processing equipment, except for reverse vending machines, and may include mobile recycling units, bulk reverse vending machines, kiosk type units, and/or unattended containers placed for the donation of recyclable materials (such as aluminum, glass, plastic, and bimetal for recycling). This definition does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that

residential property, business or manufacturer. A certified recycling facility or certified processor ~~is means a recycling facility~~ certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A ~~recycling facility~~ Recycling facilities may include the following:

~~A center for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Such a facility does not use power-driven processing equipment except for reverse vending machines. Collection facilities may include the following:~~

- ~~a. Reverse vending machine(s) occupying an area of less than 50 square feet;~~
- ~~b. Small collection facilities which occupy an area of not more than 500 square feet, and may include:~~
 - ~~aa. A mobile unit;~~
 - ~~bb. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet.~~
- ~~c. Large collection facilities which may occupy an area of more than 500 square feet and may include permanent structures.~~

~~(ii) Reverse Vending Machine(s):~~

- ~~a. An automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.~~
- ~~b. A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.~~

~~(iii) Mobile Recycling Unit: An automobile, truck, trailer or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans, or trailers, and used for the collection of recyclable material.~~

- (c) Responsible Party: Responsible Party shall mean the owner of the Unattended Collection Box, the operator of the Unattended Collection Box, and the owner of the property upon which the Unattended Collection Box is placed,
- (d) Unattended Collection Box: Unattended collection box shall mean any unstaffed drop-off container, receptacle or similar device that is located on any lot within the city that is used for soliciting and collecting donations of clothing and other salvageable personal property. This term does not include recycle bins for the collection of recyclable material and facilities described in (2)(b) above, or any unattended collection box located within a building.
- ~~(e) Inventory of Unattended Collections Boxes: The City's list of unattended collection boxes existing in the City of Hayward at the time of adoption of these regulations.~~

(3) Permit Issuance.

- (a) Reverse Vending Machine(s) located within commercial buildings, or which are located upon commercial or industrial zoned property within a ½ mile radius of each supermarket which conducts \$2 million or more in sales a year, and meet the following criteria are primary uses and do not require permits by the City of Hayward.
 - (i) The reverse vending machine(s) is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986;
 - (ii) The reverse vending machine(s) is established in conjunction with a commercial use, community service facility, or industrial use provided the property is in compliance with the zoning, building and fire codes of the City of Hayward;
 - (iii) The reverse vending machine(s) does not obstruct pedestrian or vehicular circulation, including the pathway required for the handicapped access;
 - (iv) The reverse vending machine(s) does not occupy parking spaces required by the primary use;
 - (v) The reverse vending machine(s) does not occupy more than 50 square feet of floor space per installation, including any protective enclosure, and is no more than 8 feet in height;
 - (vi) The reverse vending machine(s) is clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative;
 - (vii) The reverse vending machine(s) is maintained in a clean, litter-free condition on a daily basis;
 - (viii) The operating hours are at least the operating hours of the host use;
 - (ix) The area is illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn;
- (b) An administrative use permit for Small Recycling Facility ~~collection facilities~~ located in commercial or industrial areas and within a ½ mile radius of each supermarket which conducts \$2 million or more in sales a year, shall be issued if the applicant shows that the following conditions have been met:
 - (i) The small collection facility shall be established in conjunction with an existing commercial use, community service facility, or industrial use which is in compliance with the zoning, building, and fire codes of the City of Hayward;
 - (ii) The small collection facility shall be no greater than 500 square feet and occupy no more than 5 parking spaces not including space that will be periodically needed for removal of materials or exchange of containers;
 - (iii) The small collection facility shall be set back at least 200 feet from any property line adjacent to property developed with residential uses and shall not obstruct pedestrian or vehicular circulation. A smaller separation between a proposed facility and residential uses may be permitted with submittal of a noise study and installation of noise reducing equipment, to the satisfaction of the Planning Director or his/her designee;
 - (iv) The small collection facility shall accept only glass, metals, plastic containers, papers and reusable items, not including motor oil;
 - (v) The small collection facility shall use no power-driven processing equipment except for reverse vending machines;
 - (vi) The small collection facility shall be secured from unauthorized entry or removal of material, and a collection schedule shall be posted;

- (vii) All recyclable materials shall be stored in containers or in the mobile unit vehicle, and materials shall not be left outside of containers when attendant is not present;
- (viii) The small collection facility shall be maintained free of litter and any other undesirable materials, and the area about the machines shall be swept and cleared each day. Mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day;
- (ix) The small collection facility shall not exceed noise levels of 60 DBA as measured at the property line of residentially zoned or occupied property, other sites shall not exceed 70 DBA;
- (x) Attended facilities located within 100 feet of a property zoned or occupied for residential use shall operate only during the hours between 9:00 a.m. and 7:00 p.m.;
- (xi) Containers for the 24-hour donation of materials shall be at least 50 feet from any property zoned or occupied for residential use unless waived by the Planning Director;
- (xii) Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers;
- (xiii) Signs for recycling facilities may be provided as prescribed in Chapter 10, Article 7, Sign Regulations, of the Hayward Municipal Code;
- (xiv) The small collection facility shall not impair the landscaping required by the City for any concurrent use;
- (xv) No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One space shall be provided for the attendant, if needed;
- (xvi) Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;
- (xvii) Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use unless all of the following conditions exist:
 - aa. The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation;
 - bb. A parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site;
 - cc. The permit shall be reconsidered at the end of 18 months;
 - dd. A reduction in available parking spaces in an established parking facility may then be allowed as follows:
 - For a commercial or industrial host use:

No. of Available Parking Spaces	Maximum Reduction
0—25	0

26—35	2
36—49	3
59—99	4
100+	5

- For a community facility host use:

A maximum of five spaces reduction will be allowed when not in conflict with parking needs of the host use.

(xviii) The area is illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn;

- (c) Unattended Collection Box. A zoning conformance permit is required prior to placement of an unattended collection box on a property that is zoned General Commercial, Neighborhood Commercial, Mission Boulevard Form-Based Code (MB-T4 and MB-T5) and South Hayward BART Form-Based Code (S-T4 and S-T5) districts. An unattended collection box owned, operated and maintained by a currently operating primary or permitted use engaged in the collection of used textiles and that is located on the site of that use shall not require zoning conformance permit approval. However, such box shall meet all other requirements and standards as set forth in this sub-section.

Approval of a zoning conformance permit for an unattended collection box shall be contingent upon fulfillment of the following requirements and standards:

- (i) Unattended collection boxes shall be placed on a site of an existing primary use that is in compliance with zoning, building and fire code of the City of Hayward.
- (ii) Unattended collection boxes shall be a minimum distance of 1,000 feet from any other permitted unattended collection box, unless of the following exceptions apply:
 - a. The unattended collection box owned, operated and maintained by a currently operating primary or permitted use engaged in the collection of used textiles and that is located on the site of that use; or
 - b. The unattended collection box is included on the Inventory of Unattended Collection Boxes referenced in subsection (e)(i) below; or
 - c. The unattended collection box has been approved as second box on the same parcel, pursuant to subsection (x).
- (iii) Unattended collection boxes are prohibited on the site of solely residential development.
- (iv) Unattended collection boxes shall be maintained in good condition, free of graffiti, with no structural damage, holes or visible rust.

- (v) The Responsible Party shall maintain a minimum of twenty feet of area surrounding the unattended collection box free of donated materials, junk, trash and debris or other salvageable personal property placed on the site.
 - (vi) The Responsible Party shall be responsible for abatement and removal of all junk, garbage, trash, debris and other material from the unattended collection box and the immediate twenty feet surrounding the box within 24-hours of written notice from the City of Hayward. If abatement and removal is not accomplished within 24-hours of said notice, the Responsible Party shall be responsible for all costs related to abatement and removal of junk, garbage, trash, debris and other refuse material as defined above.
 - (vii) Unattended collection boxes shall contain the following information in minimum two-inch font visible from the front of each facility: the name, address, telephone number, Internet Web address and email address of the unattended collection box owner and operator; the type of material to be deposited in the box; and, a statement that the collection box is owned by either a for-profit or nonprofit organization. If a nonprofit organization owns the unattended collection box, then the box's front must also display a statement describing the charitable cause that will benefit from the donations.
 - (viii) Unattended collection boxes shall be locked or otherwise secured.
 - (ix) Unattended collection boxes' footprint shall not exceed 25 square feet in size, and shall not be taller than seven feet in height.
 - (x) No more than one unattended collection box may be placed on a parcel. However, an operator with an approved box on a site that is in good standing may apply to amend their zoning compliance permit to allow the installation of a second box on the same parcel if the operator demonstrates that daily collection from the permitted unattended collection box fails to provide adequate storage capacity.
 - (xi) Unattended collection boxes shall not obstruct pedestrian or vehicular circulation and shall not be placed in required parking spaces, setbacks or the public right-of-way as defined in Chapter 10 of the Hayward Municipal Code.
 - (xii) Unattended collection boxes shall be visible from the public right-of way.
 - (xiii) Unattended collection boxes shall be located no further than 10 feet from a continually operating light source of at least one foot candle.
 - (xiv) Unattended collection boxes shall be free of any advertising which is unrelated to the business of the unattended collection box.
 - (xv) Unattended collection boxes shall remain in the exact location for which a permit was issued and shall not be moved unless the box is replaced with an identical box in the same location or removed from the property.
 - (xvi) The owner or operator of a permitted unattended collection box shall report the total number of tons of material collected within the city limits. Such reporting shall be submitted in writing on an annual basis to the City's Utilities and Environmental Services Department. Written reports shall be submitted by March 30 each year for the preceding calendar year.
- ~~(d) Implementation.~~
- ~~i. Inventory of Existing Unattended Collection Boxes: An owner or operator of an unattended collection box on the City's Inventory of Unattended Collections Boxes ("Inventory") shall apply for a zoning compliance permit within thirty (30) days of the effective date of these regulations. Approval of a zoning conformance permit for an existing unattended collection box shall be contingent upon~~

~~fulfillment of the requirements and standards set forth in these regulations, except for the minimum distance requirements.~~

- ~~ii. Inventory of Existing Nonconforming Unattended Collection Boxes: Any unattended collection box on the City's Inventory that is made non-conforming by adoption of these regulations may lawfully remain on the site listed in the Inventory for a period not to exceed twelve (12) months from the effective date of these regulations. However, a zoning conformance permit shall not be approved for such a box.~~
 - ~~a. Notice: Upon adoption of these regulations, the City shall notify the owner or operator of such a box, in writing, that the non-conforming unattended collection box may remain on the site for a period not to exceed twelve (12) months from the effective date of these regulations.~~
 - ~~b. Maintenance: The existing unattended collection box shall be maintained in good condition, free of graffiti, structural damage, holes, visible rust, and the twenty feet of area surrounding the box shall be kept free of donated materials, junk, trash and debris or other salvageable personal property placed on the site.~~
 - ~~c. Replacement: The existing unattended collection box may be replaced with another box by the same owner or operator within the time frame established by this section, provided that the replacement box footprint does not exceed that of the original box.~~
- ~~iii. New Unattended Collections Boxes: Applications for zoning conformance permits to allow unattended collection boxes that are not included in the City's Inventory shall be accepted commencing sixty (60) days from the effective date of these regulations. Approval of a zoning conformance permit for a new unattended collection box shall be contingent upon fulfillment of all the requirements and standards set forth in these regulations.~~
- (e) Removal of Unattended Collection Boxes and Liability. ~~Notwithstanding the implementation provisions in subsection (e)(ii) below, upon discovering the existence of an~~ If an unattended collection box on private or public property that is lacking the requisite permit, the Planning Director or designee shall have the authority to cause the abatement and removal thereof in accordance with the procedures outlined in Chapter 5, Article 7 (Community Preservation and Improvement) of the Hayward Municipal Code.
- (f) Nothing in these regulations is intended to diminish or otherwise alter the requirements of any other federal, state or municipal law governing regulation of unattended collection boxes.

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

SEC. 10-1.1905 - PURPOSE.

The purpose of the Air Terminal (AT) District is to provide the City with a unique special area occupied primarily by commercial, industrial, and public uses that are aviation-oriented. Additional high performance industrial and commercial facilities are to be encouraged provided they are not of a nature that might be hazardous to the Airport's operation.

SEC. 10-1.1910 - SUBDISTRICTS.

To encourage a functional and compatible association of uses in identifiable areas, this District is divided into 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).

SEC. 10-1.1920 - AIR TERMINAL—OPERATIONS SUBDISTRICT (AT-O)

SEC. 10-1.1921 - AT-O PURPOSE.

The purpose of the AT-O Subdistrict is to provide facilities for aviation operations. These shall include, but not be limited to, runways, taxi-ways, ramps, and required clearances.

SEC. 10-1.1922 - AT-O USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-O Subdistrict, as primary uses.
 - 1) Aviation operations and facilities.
 - 2) Military facilities.
 - 3) Aircraft tie-downs.
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-O District:
 - 1) Accessory buildings and uses. (See Sec. 10-1.1985)
 - 2) ~~Minor open storage. (See Sec. 10-1.1985)~~

SEC. 10-1.1923 - AT-O CONDITIONALLY PERMITTED USES.

None.

SEC. 10-1.1924 - AT-O LOT REQUIREMENTS.

- a. Minimum Lot Size: 10,000 square feet.

- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 70 feet.
- d. Maximum Lot Coverage: No limit.
- e. Minimum Lot Depth: None.
- f. Special Lot Requirements and Exceptions: See Section 10-1.2720.

SEC. 10-1.1925 - AT-O YARD REQUIREMENTS.

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Street Yard: 10 feet.
- c. Minimum Side Yard: None.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision:
 - 1) 20 feet where abutting an A, C, MH, OS, R, or residential PD zoning district.
 - 2) Greater setbacks where required by the Uniform Building Code as adopted by the City.
- f. Special Yard Requirements and Exceptions: See Section 10-1.2725.

SEC. 10-1.1926 - AT-O HEIGHT LIMIT.

- a. Maximum Height Permitted: 40 feet, except as provided in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code, as now in effect or may hereafter amended or replaced.
 - 1) Maximum Height for Fences/Hedges/Walls:
 - a. Front and Side Street Yard: 4 feet.
 - b. Side and Rear Yard: No Limit. (Also see Section 10-1.1985 for additional standards)
 - 2) Special Height Requirements and Exceptions: See Section 10-1.2730.

SEC. 10-1.1930 - AIR TERMINAL—INDUSTRIAL PARK SUBDISTRICT (AT-IP)

SEC. 10-1.1931 - AT-IP PURPOSE.

The purpose of the AT-IP Subdistrict is to provide for and encourage the development of industrial uses in areas suitable for same and to promote a desirable and attractive working environment with a minimum of detriment to surrounding properties and uses.

SEC. 10-1.1932 - AT-IP USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-IP District, as primary uses.
 - 1) Industrial Uses.
 - a. ~~Newspaper printing facility.~~
 - b. ~~Publishing facility. (Publishing and distribution of books and magazines.)~~

c. Research and development ~~facility~~.

~~d. Research laboratory.~~

~~e.d. Warehouse and distribution facility.~~

~~f.e.~~ Wholesale establishment.

~~g.f.~~ Hazardous materials use and storage subject to the following limitations:

- i. Production, storage, and/or handling, utilizing Group B hazardous materials less than 5,000 pounds of solids, 550 gallons of liquids, or 2,000 cubic feet of gases at standard temperatures and pressures.
- ii. Production, storage, and/or handling, utilizing Group C hazardous materials less than 50,000 pounds of solids, 5,500 gallons of liquids, or 20,000 cubic feet of gases at standard temperatures and pressures.

~~h.g. Manufacturing; custom, general, and light.~~

2) Administrative and Professional Offices/Services.

- a. Architectural service.
- b. Banks and financial institutions.
- c. Drafting service.
- d. Engineering service.
- ~~e. Interior design studio.~~
- ~~f.e.~~ Medical/dental laboratory.
- ~~g.f.~~ Offices.

3) Automobile Related Uses.

Parking lot. (Requires Site Plan Review.)

4) Personal Services.

None.

5) Residential Uses.

None.

6) Retail Commercial Uses.

~~Retail sales.~~ (Sale at retail of goods and merchandise distributed on-site, where the cumulative floor area of the retail activity does not exceed 10 percent of the first-floor area of the industrial building. Sale is of new commodities only, not used goods. Includes weekend sales of new commodities year-round.)

7) Service Commercial Uses.

- a. Reverse vending machines(s). (When located within a convenience zone.)
- b. Copying or reproduction facility.

- c. Mailing or facsimile service.
- 8) Other Uses.
 - a. Ambulance service.
 - b. Broadcasting studio. (Radio and television.)
 - c. Christmas tree and pumpkin patch lots. (See Section 10-1.2735.c.)
 - d. Public agency facilities.
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-IP District:
 - 1) Accessory buildings and uses. (See Sec. 10-1.1985.a-c.)
 - 2) ~~Minor open storage. (See Sec. 10-1.1985.r.)~~

SEC. 10-1.1933 - AT-IP CONDITIONALLY PERMITTED USES.

- a. Administrative Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-IP Subdistrict subject to approval of an administrative use permit:
 - 1) Industrial Uses.
 - a. ~~Truck rental.~~ Industrial equipment sales and rental.
 - b. Hazardous materials use and storage subject to the following limitations:
 - i. Production, storage, and/or handling, utilizing Group B hazardous materials which exceed the following thresholds: 5,000 pounds of solids, 550 gallons of liquids, or 2,000 cubic feet of gases at standard temperatures and pressures.
 - ii. Production, storage, and/or handling, utilizing Group C hazardous materials which exceed the following thresholds: 50,000 pounds of solids, 5,500 gallons of liquids, or 20,000 cubic feet of gases at standard temperatures and pressures.
 - 2) Administrative and Professional Offices/Services.

None.
 - 3) Automobile Related Uses.

None.
 - 4) Personal Services.

None.
 - 5) Residential Uses.

None.
 - 6) Retail Commercial Uses.

Restaurant/delicatessen. (No drive-through)
 - 7) Service Commercial Uses.

None.

- 8) Other Uses.
Temporary use.
- b. Conditional Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-IP Subdistrict subject to approval of a conditional use permit:
 - 1) Industrial Uses.
 - a. Any AT-IP Use(s) located on a parcel(s) which abuts an A, MH, OS, R, or residential PD zoning district.
 - b. Hazardous materials use and storage subject to the following limitations: Production, storage, handling, or similar activities utilizing any amount of hazardous materials classified as Group A hazardous materials by the Fire Chief or his or her designee.
 - 2) Administrative and Professional Offices/Services.
None.
 - 3) Automobile Related Uses.
None.
 - 4) Personal Services.
None.
 - 5) Residential Uses.
None.
 - 6) Retail Commercial Uses.
Bar, cocktail lounge. (See Sec. 10-1.2750 et seq. for regulations of alcohol)
 - 7) Service Commercial Uses.
None.
 - 8) Other Uses.
None.

SEC. 10-1.1934 - AT-IP LOT REQUIREMENTS.

- a. Minimum Lot Size: 10,000 square feet.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 70 feet.
- d. Maximum Lot Coverage: 60 percent.
- e. Minimum Lot Depth: None.
- f. Special Lot Requirements and Exceptions: See Section 10-1.2720.

SEC. 10-1.1935 - AT-IP YARD REQUIREMENTS.

- a. Minimum Front Yard: 25 feet.
- b. Minimum Side Yard: 30 feet total both sides, 5 feet minimum one side, none where site abuts railroad spur.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision:
 - 1) 20 feet where abutting an A, C, MH, OS, R, or residential PD zoning district.
 - a. Greater setbacks where required by the Uniform Building Code as adopted by the City.
- f. Special Yard Requirements and Exceptions: See Section 10-1.2725.

SEC. 10-1.1936 - AT-IP HEIGHT LIMIT.

- a. Maximum Building Height: 40 feet, except as provided in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code, as now in effect or may hereafter amended or replaced.
- b. Maximum Height for Fences/Hedges/Walls:
 - 1) Front and Side Street Yard: 4 feet.
 - a. Side and Rear Yard: No Limit. (Also see Section 10-1.1985m. for additional standards)
- c. Special Height Requirements and Exceptions: See Section 10-1.2730.

SEC. 10-1.1940 - AIR TERMINAL—AVIATION COMMERCIAL SUBDISTRICT (AT-AC)

SEC. 10-1.1941 - AT-AC PURPOSE.

The purpose of the AT-AC Subdistrict is to provide for commercial and service activities that are clearly related to or supportive of the operational aspects of the Air Terminal.

SEC. 10-1.1942 - AT-AC USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-AC District, as primary uses.
 - 1) Aviation Commercial Uses.
 - a. Air photography, survey, and map-making services.
 - b. Air charter service.
 - c. Aircraft repair.
 - d. Aircraft storage (inside or outside).
 - e. Aviation clubs.
 - f. Aviation schools.

- g. Passenger transportation terminal.
- h. Retail sales within passenger transportation terminals.
- i. Retail sales of aviation equipment, aircraft, fuel and lubricants.
- 2) Administrative and Professional Offices/Services.
None.
- 3) Automobile Related Uses.
Parking lot.
- 4) Personal Services.
None.
- 5) Residential Uses.
None.
- 6) Retail Commercial Uses.
None.
- 7) Service Commercial Uses.
None.
- 8) Other Uses.
None.

~~b. Secondary Uses. The following uses are permitted as secondary or subordinate to the uses permitted in the AT-AC Subdistrict:~~

~~1) Accessory building and use. (See Sec. 10-1.1985.a-c.)~~

~~a. Minor open storage. (See Sec. 10-1.1985.r.)~~

SEC. 10-1.1943 - AT-AC CONDITIONALLY PERMITTED USES.

- a. Administrative Uses. The following uses or uses determined to be similar by the Planning Director, are permitted in the AT-AC Subdistrict, subject to approval of an administrative use permit:
 - 1) Aviation Commercial Uses.
None.
 - 2) Administrative and Professional Offices/Services.
None.
 - 3) Automobile Related Uses.
Automobile rental.
 - 4) Personal Services.

None.

5) Residential Uses.

None.

6) Retail Commercial Uses.

Restaurant. (No drive-through.)

7) Service Commercial Uses.

None.

8) Other Uses.

None.

b. Conditional Uses. The following uses or uses determined to be similar by the Planning Director, are permitted in the AT-AC Subdistrict, subject to approval of a conditional use permit:

1) Aviation Commercial Uses.

None.

2) Administrative and Professional Offices/Services.

None.

3) Automobile Related Uses.

None.

4) Personal Services.

None.

5) Residential Uses.

None.

6) Retail Commercial Uses.

Sales, rental, and service of non-aviation equipment, when compatible with aviation uses, for a period not to exceed one day less than five years in maximum duration. Non-aviation uses are limited to no more than 25 percent of the land area in leaseholds within the AT-AC Subdistrict.

7) Service Commercial Uses.

None.

8) Other Uses.

~~Major outdoor open storage.~~ None.

SEC. 10-1.1944 - AT-AC LOT REQUIREMENTS.

- a. Minimum Lot Size: 50,000 square feet, except that 200,000 square feet shall be required for lots on which fueling activity occurs.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 70 feet.
- d. Maximum Lot Coverage: 30 percent, except 5 percent minimum, but never less than 5,000 square feet.
- e. Special Lot Requirements and Exceptions: See Section 10-1.2720.

SEC. 10-1.1945 - AT-AC YARD REQUIREMENTS.

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Yard: 30 feet total both sides, 5 feet minimum one side, none where site abuts railroad spur.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision:
 - 1) 20 feet where abutting an A, C, MH, OS, R, or residential PD zoning district.
 - a. Greater setbacks where required by the Uniform Building Code as adopted by the City.
- f. Special Yard Requirements and Exceptions: See Section 10-1.2725.

SEC. 10-1.1946 - AT-AC HEIGHT LIMIT.

- a. Maximum Building Height: 40 feet, except as provided in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code, as now in effect or may hereafter amended or replaced.
- b. Maximum Height for Fences/Hedges/Walls:
 - 1) Front and Side Street Yard: 4 feet.
 - 2) Side and Rear Yard: No Limit. Also see Section 10-1.1985.m. for additional standards)
- c. Special Height Requirements and Exceptions: See General Regulations Section 10-1.2730.

SEC. 10-1.1950 - AIR TERMINAL—COMMERCIAL SUBDISTRICT (AT-C)**SEC. 10-1.1951 - AT-C PURPOSE.**

The purpose of the AT-C Subdistrict is to provide for certain specified commercial and service uses that are compatible with airport activity, in addition to simultaneously serving the general population of the City.

SEC. 10-1.1952 - AT-C USES PERMITTED.

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

- ~~a. Accounting and financial offices. (excluding check-cashing stores)~~
- b. Architectural service
- c. Banks and financial institutions.
- ~~d. Chiropractic and acupuncture offices.~~
- e. Drafting service
- f. Engineering service
- ~~f. Insurance and real estate offices.~~
- ~~g. Law offices.~~
- g. Medical and dental offices.
- h. Offices.
- i. ~~Travel and airline agency offices.~~
- 2) Automobile Related Uses.
 - Parking lot. (Requires Site Plan Review.)
- 3) Personal Services.
 - Health club.
- 4) Residential Uses.
 - None.
- 5) Retail Commercial Uses.
 - ~~a. Bakery.~~
 - ~~b. Coffee/espresso shop.~~
 - c. Restaurant or delicatessen. (No drive-through.)
 - ~~d. k. Retail sales within a hotel or motel.~~
- 6) Service Commercial Uses.
 - a. Copying or reproduction facility.
 - b. Hotel or motel.
 - c. Mailing or facsimile service.
 - d. Reverse vending machines(s). (When located within a convenience zone.)
- 7) Other Uses.
 - a. Broadcasting studio. (Radio and television.)
 - b. Christmas tree or pumpkin patch lot. (See Section 10-1.2735.c. for standards.)
 - ~~c. Computer center. (Involving record storage and retrieval systems, data processing and micro filming)~~
 - ~~d. Electronics assembly.~~

~~e.c.~~ Public agency facilities.

~~f.d.~~ Research and development facility.

~~g.~~ Research laboratory.

~~h.e.~~ Wholesale establishmentsales.

- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-C Subdistrict:

1) Accessory buildings and uses. (See Sec. 10-1.1985.a-c.)

~~a. Minor open storage. (See Sec. 10-1.1985.r.)~~

SEC. 10-1.1953 - AT-C CONDITIONALLY PERMITTED USES.

- a. Administrative Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-C Subdistrict, subject to approval of an administrative use permit:

1) Administrative and Professional Offices/Services.

None.

2) Automobile Related Uses.

Automobile Rental.

3) Personal Services.

None.

4) Residential Uses.

None.

5) Retail Commercial Uses.

Retail sales of retail goods with a regional or sub-regional marketing base, including but not limited to discount retail or warehouse retail, on land not to exceed 8 acres which is visible to Hesperian Boulevard.

a. Apparel.

b. Appliances.

c. Art goods.

d. Bicycles.

e. Cameras.

f. Crafts.

g. Electronics.

h. Hardware.

i. Household furnishings.

j. Office supplies.

- k. Sporting goods
 - l. Similar uses as determined by the Planning Director.
- 6) Service Commercial Uses.
 - None.
- 7) Other Uses.
 - a. Industrial/Vocational Trade School. ~~Vocational educational facility.~~ (For persons 18 years of age and older)
 - b. Health club. (For persons 18 years of age and older)
 - c. Temporary use.
- b. Conditional Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-C Subdistrict, subject to approval of a conditional use permit:
 - None.

SEC. 10-1.1954 - AT-C LOT REQUIREMENTS.

- a. Minimum Lot Size: 10,000 square feet.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 70 feet.
- d. Maximum Lot Coverage: 60 percent.
- e. Minimum Lot Depth: 100 feet.
- f. Special Lot Requirements and Exceptions: See Section 10-1.2720.

SEC. 10-1.1955 - AT-C YARD REQUIREMENTS.

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Yard: None.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision:
 - 1) 20 feet where abutting an A, C, MH, OS, R, or residential PD zoning district.
 - a. Greater setbacks where required by the Uniform Building Code as adopted by the City.
- f. Special Yard Requirements and Exceptions: See Section 10-1.2725.

SEC. 10-1.1956 - AT-C HEIGHT LIMIT.

- a. Maximum Building Height: 40 feet, except as provided in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code, as now in effect or may hereafter amended or replaced.

b. Maximum Height for Fences/Hedges/Walls:

- 1) Front and Side Street Yard: 4 feet.
- 2) Side and Rear Yard: No Limit. (Also see Section 10-1.1985.m. for additional standards)

c. Special Height Requirements and Exceptions: See General Regulations Section 10-1.2730.

SEC. 10-1.1960 - AIR TERMINAL—RECREATIONAL SUBDISTRICT (AT-R)

SEC. 10-1.1961 - AT-R PURPOSE.

The purpose of the AT-R Subdistrict is to provide for outdoor recreational activities that are compatible with airport activity.

SEC. 10-1.1962 - AT-R USES PERMITTED.

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

- 1) Recreational Uses.
 - a. Golf course.
 - b. Health club.
 - c. Recreational facilities. (Maintained by a public agency)
 - d. Tennis and swim clubs.
- 2) Administrative and Professional Offices/Services.
None.
- 3) Automobile Related Uses.
None.
- 4) Personal Services.
None.
- 5) Residential Uses.
None.
- 6) Retail Commercial Uses.
Retail uses. (Which are within and/or ancillary to a public or private recreational facility, golf course, country club, or a health club)
- 7) Service Commercial Uses.
None.
- 8) Other Uses.
Christmas tree or pumpkin patch lot. (See General Regulations Sec. 10-1.2735.c. for standards)

- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-R Subdistrict:

- 1) Accessory building and use. (See Sec. 10-1.1985.a-c.)

- ~~a. Minor open storage. (See Sec. 10-1.1985.r.)~~

SEC. 10-1.1963 - AT-R CONDITIONALLY PERMITTED USES.

- a. Administrative Uses.

- None.

- b. Conditional Uses.

- Any recreational uses located on a parcel which abuts an A, OS, R, MH, or residential PD zoning district.

SEC. 10-1.1964 - AT-R LOT REQUIREMENTS.

- a. Minimum Lot Size: 10,000 square feet.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 80 feet.
- d. Maximum Coverage Permitted: 60 percent.
- e. Minimum Lot Depth: 100 feet.
- f. Special Lot Requirements and Exceptions: See General Regulations Section 10-1.2720.

SEC. 10-1.1965 - AT-R YARD REQUIREMENTS.

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Street Yard: 10 feet.
- c. Minimum Side Yard: None.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision:
 - 1) 20 feet where abutting an A, OS, R, MH, or residential PD zoning district.
 - 9) Greater setbacks where required by the Uniform Building Code as adopted by the City.
- f. Special Yard Requirements and Exceptions: See General Regulations Section 10-1.2725.

SEC. 10-1.1966 - AT-R HEIGHT LIMIT.

- a. Maximum Building Height: 40 feet, except as provided in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code, as now in effect or may hereafter amended or replaced.
- b. Maximum Height for Fences/Hedges/Walls:
 - 1) Front and Side Street Yard: 4 feet.
 - 2) Side and Rear Yard: No Limit.

(Also see Section 10-1.1985 for additional standards)

- c. Special Height Requirements and Exceptions: See General Regulations Section 10-1.2730.

SEC. 10-1.1970 - AIR TERMINAL—MEDIUM DENSITY RESIDENTIAL SUBDISTRICT (AT-RM)

SEC. 10-1.1971 - AT-RM PURPOSE.

The purpose of the AT-RM Subdistrict is to provide residential land uses that are compatible with airport activity.

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.
 - None.
 - 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.

SEC. 10-1.1973 - AT-RM CONDITIONALLY PERMITTED USES.

- a. Administrative Uses.
 - None.
- b. Conditional Uses.
 - None.

SEC. 10-1.1974 - AT-RM LOT REQUIREMENTS.

- a. Minimum Lot Size: 5,000 square feet.
- b. Minimum Lot Area per Dwelling Unit: 2,500 square feet per multiple-family dwelling unit.
- c. Minimum Lot Frontage: 35 feet.
- d. Minimum Average Lot Width: 50 feet.
- e. Maximum Lot Coverage: 50 percent.
- f. Minimum Lot Depth: 80 feet.
- g. Special Lot Requirements and Exceptions: See General Regulations Section 10-1.2720.

SEC. 10-1.1975 - AT-RM YARD REQUIREMENTS.

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Yard: 5 feet, or 10 percent of the lot width at the building line whichever is greater up to a maximum of 10 feet.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: 20 feet.
- e. Special Yard Requirements and Exceptions: See General Regulations Section 10-1.2725.

SEC. 10-1.1976 - AT-RM HEIGHT LIMIT.

- a. Maximum Building Height: Forty feet (40'), except as provided in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code as now in effect or may hereafter be amended or replaced.
- b. Maximum Accessory Building Height: 14 feet and one story.
- c. Maximum Height for Fences/Hedges/Walls:
 - 1) Front and Side Street Yard: 4 feet.
 - 2) Side and Rear Yard: 6 feet. (See Section 10-1.1985.m. for additional standards).
- d. Special Height Requirements and Exceptions: See Sections 10-1.2730.

SEC. 10-1.1980 - SITE PLAN REVIEW REQUIRED.

Site Plan Review approval is required prior to issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards and guidelines. This may include fences (i.e., such as anodized gray chain link fences) in certain circumstances.

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.

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 District.

Commercial Buildings and Uses.

For commercial buildings and uses, refer to the Minimum Design and Performance Standards contained in the CN District.

Air Terminal and Industrial Buildings and Uses.

For air terminal and industrial buildings and uses refer to the following specific criteria and standards.

- a. Accessory Buildings, Detached.
 - 1) Detached accessory buildings shall meet the following criteria:
 - a. Shall not exceed one story.
 - b. Shall not be located in a required front yard or side street yard.
 - c. Shall be setback a minimum of 20 feet from a side or rear property line where abutting an A, C, FP, MH, OS, R, or residential PD zoning district.
 - d. Shall not be located in front of a primary building, unless no other practical alternative exists.
 - e. Shall be setback a minimum of 10 feet from a primary building and any other accessory building. Greater setbacks may be necessary where required by the Uniform Building Code as adopted by the City.
- b. Accessory Structures, Decorative.
 - 1) Detached decorative accessory structures, including but not limited to arbors, shade covers, trellises, etc., shall meet the following criteria:
 - a. Shall not exceed one story.
 - b. Shall use exterior materials and colors which either match or are compatible with the primary building. Special design consideration should be given to structures visible from a public street.
 - c. Shall not be located in a required front yard or side street yard.
- c. Additions and Accessory Structures Attached to Primary Building. Additions and accessory structures attached to the primary building shall meet all the development standards required of the primary building.
- d. Aircraft Parking. Adequate on-site parking for aircraft shall be provided for tenants, customers, guests, and others as required. Hangar doors shall be set back at least 25 feet from property lines abutting taxiways.
- e. Alcoholic Beverage Outlets. Refer to Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations.
- f. Antennas and Satellite Dishes and Telecommunications Devices. Refer to Chapter 10, Article 13, of the Hayward Municipal Code, the Antenna and Telecommunications Facilities Ordinance, for regulations of antennas, satellite dishes and telecommunications devices.
- g. Architectural Design Principles.

- 1) Refer to the City of Hayward Design Guidelines where applicable. Where abutting residential zoning districts, all structures shall be designed to:
 - a. Be appropriate for the proposed use(s);
 - b. Incorporate design elements that are harmonious and in proportion to one another;
 - c. Be compatible with the design of adjacent uses; and
 - d. Incorporate an appropriate use or mixture of color, texture, patterns, shadows, offsets and decorative siding, roofing, window and accent materials such as wood, tinted glass, plaster, tile or masonry.
- h. Architectural Projections into Yards. Architectural features such as bay windows, cornices and eaves may extend 2 feet into any required yard.
- i. Aviation Fuel Storage. Aviation fuel shall be stored in aircraft tanks, in delivery units approved by the Fire Department, or in aviation fuel storage areas reserved for such use as approved by the Fire Department.
- j. Decks and Ramps.
 - 1) Decks and ramps 12 inches or less in height may be located in any yard.
 - 2) Decks and ramps between 12 to 30 inches in height may be located in any rear or side yard but no closer than 3 feet to the rear or side property line.
 - 3) Decks 30 inches or more in height shall conform to the minimum yard setback requirements of the primary building.
 - 4) Landscape screening shall be provided along the sides of the ramp.
- k. Electronic and Radio Interference. No operation shall emit electrical, electronic, or radio emissions which will interfere with, obstruct, or adversely affect the operation of air navigation aids and radio communication.
- l. Fences, Hedges, Walls.
 - 1) Fences shall be installed so as to restrict access to airport operational areas or adjacent residential, industrial or commercial districts or uses as required by the Planning Director. Design and construction of fences and walls shall conform to appropriate commercial, industrial, or residential standards, and the following criteria.
 - 2) Fence, hedges and walls shall not exceed a height of 4 feet in a required front yard, side street yard or rear yard abutting a street.
 - 3) Fences and walls above 6 feet in height shall require approval by the Planning Director and a Building Permit.
 - 4) For fences limited to a maximum of 4 feet in height, the height limit shall not be exceeded at grade measured on either side of the fence. For fences and walls required to be at least 6 feet high or greater, the height shall be no higher than the height required on both sides of the fence or wall.
 - 5) Barb or razor wire or similar security fencing shall not be located less than 6 feet above ground along a common property line of a residential property. Such fencing shall not exceed 3 feet in height and where used shall be angled toward the industrial use.

- 6) Where a lot is situated at the intersection of two or more streets, fences, hedges and walls shall not be erected, placed, planted, or allowed to grow in such a manner as to obstruct intersection visibility, as contained in Ordinance No. 100 C.S., as amended, Hayward Traffic Code, Sections 9.01 through 9.05, relating to Obstructions to Visibility at Intersections Prohibited, as the same are now in effect or which may hereafter be amended or replaced.
- m. Fire Insurance Rating. No operation shall by its nature increase the fire insurance rating for adjoining or adjacent parcel(s).
- n. Grading. All grading activity shall follow the grading and terrain design standards of the City of Hayward Subdivision Ordinance, and Design Guidelines.
- o. Landscaping.
 - 1) Landscape Areas.
 - a. Required front, side, side street, and rear yard areas shall be landscaped except for permitted driveways, and walkways. All other areas not utilized for structures or paving shall be landscaped unless otherwise authorized by the Planning Director or other approving authority because of site constraints, existing or adjacent site conditions, or phased development.
 - b. Parking is prohibited within required front and side street yards. Where no front or side street yards are required:
 - i. A landscape strip at least 10 feet wide, unless a wider strip is otherwise required by the approving authority, shall be installed between parking areas and all existing or future street rights-of-way; and
 - ii. The area between all buildings and existing or future street rights-of-way shall be landscaped unless waived by the approving authority.
 - c. Required landscaped areas shall be planted with water-conserving trees, shrubs, turf grass, ground cover, or a combination thereof. The sole use of bark, decorative paving, or decorative rock shall not be allowed in required landscape areas.
 - d. Where any landscaped area adjoins driveways or parking areas, Class B Portland Cement concrete curbs shall be constructed to a height of 6 inches above the finished pavement.
 - 2) Buffer Trees/Landscaping.
 - a. A minimum of one 15-gallon buffer tree shall be planted for every 20 to 40 lineal feet of property line where a required side or rear yard abuts an A, C, FP, MH, OS, R, or residential PD District.
 - b. Masonry walls, solid building walls, trash enclosures, and/or fences facing a street or driveway shall be buffered with continuous shrubs or vines.
 - 3) Parking Lot Trees/Planters.
 - a. Parking areas shall include a minimum of one 15-gallon parking lot tree for every six parking stalls, except where restricted because of design constraints.
 - b. Parking lot trees shall be planted in tree wells or landscape medians located within the parking area, unless an alternative location is approved by the Planning Director. Required street and buffer trees shall not qualify as parking lot trees.

- c. The minimum dimension of any tree well or landscape median shall be 5 feet, measured from back of curb.
 - d. The end of parking rows shall be capped with landscape medians, except where space is restricted because of existing site conditions.
 - e. Parking and loading areas shall be buffered from the street with shrubs, walls, or earth berms, as determined by the Planning Director. Where shrubs are used for buffering, the type and spacing of shrubs shall create a continuous 30-inch-high screen within 2 years.
- 4) Street Trees. Street trees shall be planted along all street frontages at a minimum of one 24-inch or larger box tree per 20 to 40 lineal feet of frontage or fraction thereof, except where space is restricted due to existing structures or site conditions.
- 5) Irrigation. Within all required landscaped areas, an automatic water efficient irrigation system shall be installed upon initial construction of any building or substantial alteration to any building or site.
- 6) Tree Preservation.
- a. Trees shall be preserved in accordance with the Tree Preservation Ordinance with measures included for tree protection during the construction period.
 - b. A tree removal permit is required prior to removing any tree 30 inches or larger in trunk circumference (or approximately 10 inches or larger in trunk diameter), measured 2 feet above the ground.
- 7) Maintenance.
- a. After initial installation, all plantings shall be maintained in a reasonably weed-free and litter-free condition, including replacement where necessary as determined by the Planning Director.
 - b. Required street, parking lot, and buffer trees shall not be severely pruned, topped, or pollarded (cut back to the trunk).
- p. Lighting, Exterior. Exterior lighting and parking lot lighting shall be provided in accordance with the Security Standards Ordinance (No. 90-26 C.S.) and be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way or interfere with airport operations or flight operations. Such lighting shall also be designed such that it is in keeping with the design of the development.
- g. Outdoor Storage. Storage of goods, materials, machines, equipment, cargo structures, vehicles, trucks or parts outside of a building for more than 72 hours is allowed in conformance with the following:
- 1) Accessory Use. The materials, products, or equipment stored shall be accessory to and necessary for the operation of a permitted use being conducted within a building on the site.
 - 2) No Activity Outside of a Building. All land uses and activities other than passive storage shall be conducted wholly within enclosed buildings. No processing or activities other than storage is permitted outside of the building(s).
 - 3) Materials. Hazardous or toxic materials shall not be stored outdoors. All goods, materials, machines, equipment, and other shall be contained or covered and shall not result in chemical or polluted stormwater run-off.

- 4) Location Limitations. Storage shall be located outside of required yards, parking and circulation areas, and required landscaped areas. Outdoor storage shall be located a minimum of 20 feet from residentially zoned land.
- 5) Screening. Storage shall be screened from view from any public street or freeway; existing or planned residential area; or publicly accessible open space area. The height of stacked materials shall not exceed the height of the screen.
- 6) Surfacing. Storage shall be located on a paved or other surface approved by the City Engineer.
- 7) Compatibility. The nature of the items being stored and its location, screening, and extent shall be compatible with adjoining uses, as determined by the Planning Director or other approving authority.
- 8) Permit Requirements.
 - a. Outdoor Storage Less Than 25 Percent of Site Area. Outdoor storage in compliance with the standards of this Section and any other applicable requirements occupying a cumulative area of 25 percent or less of the total site area is permitted.
 - b. Outdoor Storage 25 Percent or More of Site Area. Administrative Use Permit approval is required for all outdoor storage occupying a cumulative area of more than 25 percent of the total site area.

~~All uses shall be conducted wholly within enclosed buildings. Minor open storage is a secondary use and is permitted, provided the materials, products, or equipment stored are necessary to the operation of a use being conducted on the site. Storage shall not exceed the height of any fence or wall required by this Ordinance, and storage shall not be placed within required yard or parking areas. Outdoor storage shall be screened by a view-obscuring fence or masonry wall and be compatible with adjoining uses, as determined by the Planning Director (for example, adequately screened, set back or not too high, and not visually unpleasant as with outside storage of appliances in conjunction with appliance sales/service).~~

- ~~q. All uses shall be conducted wholly within enclosed buildings. Minor open storage is a secondary use and is permitted, provided the materials, products, or equipment stored are necessary to the operation of a use being conducted on the site. Storage shall not be placed within required yard or parking areas, and the storage shall be compatible with adjoining uses, as determined by the Planning Director (for example, adequately screened, set back or not too high, and not visually unpleasant as with outside storage of appliances in conjunction with appliance sales/service).~~
- r. Parking, Driveways and Paving. Parking, driveways and paving for air terminal, industrial and commercial uses shall be provided in accordance with the City of Hayward Off-Street Parking Regulations and Standard Details and Article 2, Off-Street Parking Regulations, and the following criteria:

1) Parking Spaces Required.

a. The number of parking stalls required shall be:

- i. Space for each 500 square feet of gross floor area, or
- ii. If a building or structure has leasable bays of 2,500 square feet or greater, the minimum off-street parking required is 1.0 space for each 1,000 square feet of gross floor area, or
- iii. If a building or structure has leasable bays of 10,000 square feet or greater, the minimum off-street parking required is 1.0 space for each 1,500 square feet of gross floor area, or

- iv. ~~If a building or structure has leasable bays of 20,000 square feet or greater, the off-street parking required is 1.0 space for each 2,000 square feet of gross floor area.~~
- b. ~~If an industrial use has an office area greater than 10 percent of the gross floor area of the industrial use, then the office area shall provide 1.0 parking space for each 250 square feet of gross office floor area.~~
- c. ~~Parking spaces for other uses, such as offices, retail, etc., shall be required per the Off-Street Parking Regulations.~~
- 2) ~~Parking Space Dimensions.~~
 - a. ~~Standard car parking spaces shall be a minimum of 9 feet wide by 19 feet long.~~
 - a. ~~Compact car parking spaces shall be a minimum of 9 feet wide by 15 feet long.~~
 - b. ~~Covered or uncovered parking spaces located adjacent to walls or support columns shall be increased in width by at least one foot on the effected side(s), to accommodate door swing.~~
 - c. ~~Covered parking spaces shall provide a minimum unobstructed vertical clearance of 7 feet. Parking space areas shall be unobstructed by stairs, cabinets, utilities, etc.~~
- 3) ~~Parking Space Locations. Parking spaces shall not be located within any required front, side, side street, or rear yard setback.~~
- 4) ~~Driveways and Paving.~~
 - a. ~~The minimum driveway width shall be 20 feet for a two-way driveway and 12 feet for a one-way driveway.~~
 - a. ~~In no case should a driveway exceed one-third of the width of the property frontage width or 35 feet.~~
 - b. ~~Parking and driveway surfaces shall be paved with asphaltic surface or comparable all-weather dustless material(s), such as bricks or pavers, as approved by the Planning Director.~~
- 5) ~~Driveway Aisle Dimensions. The minimum parking lot driveway aisle width shall be 26 feet for a two-way standard car aisle and 20 feet for a compact aisle.~~
- 6) ~~Driveway Turn-around Requirement. All airport terminal property shall provide a sufficient paved driveway turn-around to allow vehicles to exit property in a forward direction.~~
- 7) ~~Driveway Security Gates. Refer to Chapter 10, Article 14 of the Hayward Municipal Code.~~
- 8) ~~Emergency Vehicle Turn-Around Requirement. Where the farthest point of a structure(s) is located 150 feet or more from the point of street access, a turn-around area shall be provided which will accommodate the turning around of fire protection vehicles, unless otherwise approved by the Fire Prevention Bureau. (For further details or alternative design considerations contact the Fire Prevention Bureau.)~~

~~Private Street Criteria. Refer to the Standard Details and Section 10-1.2735.h. for design criteria and standards.~~

~~s.r.~~ Retaining Walls. Retaining walls which are not a part of walls of buildings shall require review and approval by the Planning Director.

~~t.s.~~ Not used.

~~u.t.~~ Not used.

~~v.u.~~ Not used.

~~w.v.~~ Not used.

~~x.w.~~ Roof-Mounted Equipment. Roof-mounted equipment, antennas, satellite dishes, support structures and similar devices shall be screened from public view as required by the Planning Director or other approval authority.

~~y.x.~~ Signs. Signs shall be of a design in harmony with the environment, shall not constitute excessive visual impact, shall not be hazardous to vehicular traffic, and shall be of a quality conducive to the development of commerce. (Refer to the City of Hayward Sign Ordinance for specific regulations.)

~~z.y.~~ Surfacing. All open areas not landscaped shall be treated or paved with an all-weather, dustless material, such as an asphaltic surface, as approved by the Planning Director. Surfacing shall be permanently maintained, including replacement where necessary.

~~aa.z.~~ Trash and Recycling Facilities.

- 1) Trash and recycling facilities shall be adequately screened from view, utilizing a decorative wood or masonry wall or combination thereof compatible with the design of the primary building on the site.
- 2) Shall be located no further than 100 feet from the use it is designed to serve, unless the site topography is such that adhering to this standard would interfere with the collection of trash.

~~bb.~~ Truck Loading Facilities.

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

~~cc.~~ Yard Exceptions. Spur tracks, open bays for truck loading, and off-street parking spaces may be placed within rear or side yards, except when abutting any A, FP, MH, O, R, or residential PD District.

~~dd-aa.~~ Window Coverage. Transparent windows and doors of buildings occupied by businesses engaging in retail sales, all or a portion of which are within 5 vertical feet of the floor and which are visible from public rights-of-way or pedestrian walkways or are otherwise visible by the general public from the exterior, shall remain free of coverings and materials that prevent views into or out of the stores. Retail

goods intended or sale, or goods being stored, or other coverings or materials shall be located no closer than 5 feet from a transparent window or door, unless they are located beneath or above a window and are not visible from public right-of-way or pedestrian walkways or are otherwise visible by the general public. This section shall not apply to signs or retail goods that are presented within or adjacent to a window and that are a part of a decorative window display, as determined by the Planning Director.

ARTICLE 2 - OFF-STREET PARKING REGULATIONS

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

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

USES	PARKING SPACES REQUIRED
Bakeries, wholesale Bottling establishments Canneries Communications equipment and service facilities Creameries Freight transportation terminals Laundry and/or dry cleaning plants Lumber yards Manufacturing, processing, or assembling uses Utility yards Wholesale or warehouse establishments <u>All wholesale, manufacturing, storage, transportation, and similar uses except as specifically identified below.</u>	1.0 for each 500 square feet of gross floor area, or If the building or structure has leasable bays of 2,500 square feet or greater, the minimum off-street parking required is 1.0 space for each 1,000 square feet of gross floor area, or If a building or structure has leasable bays of 10,000 square feet or greater, the minimum off-street parking required is 1.0 space for each 1,500 square feet of gross floor area, or If a building or structure has leasable bays of 20,000 square feet or greater, the minimum off-street parking required is 1.0 space for each 2,000 square feet of gross floor area.
Mini-storage facilities	2.0 covered near the residential unit and 5.0 uncovered near the office
Salvage, wrecking and dump yards	5.0 spaces, plus 1.0 for each 20,000 square feet of outdoor areas under use, plus 1.0 space of adequate size for all rolling stock stationed on the premises.
Passenger terminal facilities and stations for airports, BART rail transit, railroads, or bus lines	1.0 for each 500 square feet of gross floor area, plus additional spaces for commuter traffic as determined by the City Engineer.
Research and development facilities	1.0 for each <u>500</u> 350 square feet of gross floor area
T-hangars	1.0 for each based aircraft
Tie-downs (open)	1.0 for each 3 based aircraft

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

~~Additional parking spaces in wholesale, manufacturing, and storage uses for those areas used for offices or other uses shall be required pursuant to Section 10-2.204, Mixed Uses. The amount of additional parking spaces required shall be pursuant to the appropriate "use" table.~~

SEC. 10-2.360 - GOVERNMENTAL OR OTHER PUBLIC USES.

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

IV. - EXCLUSIONS, REDUCTIONS, EXCEPTIONS AND APPEALS

SEC. 10-2.408 – 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.
- a. 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.

VI. - DESIGN STANDARDS FOR PARKING AND LOADING SPACES

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.

For 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, 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.

SEC. 10-1.3075 – MAJOR SITE PLAN REVIEW

SEC. 10-1.3076 - PURPOSE.

Major site plan review ensures that new and redeveloped large-scale development will achieve General Plan and other City goals, policies and regulations; that circulation components will interconnect with the overall street, bicycle, and pedestrian network of the district; that the development will incorporate sustainability elements; and that the overall site, building, landscaping, circulation and architectural design of the buildings will make a positive contribution to the neighborhood and City.

SEC. 10-1.3077 - WHEN REQUIRED.

Development as specified in the zoning district regulations.

SEC. 10-1.3078 – CONCURRENT PROCESSING

- a. When an application for a major site plan review involves a subdivision map requiring approval by an advisory agency, as that term is defined in the City's Subdivision Ordinance, the project shall be processed and reviewed concurrently by the Planning Commission. An application approved by the Planning Commission shall also be reviewed by the City Council on appeal or on a call-up basis. The action of the City Council shall be final.
- b. In the event a condominium or any other type subdivision involves property for which a major site plan review has previously been approved, the Planning Director, the Commission or the City Council shall have the authority to modify said approved site plan review or the conditions of approval of same to insure that the site plan review and the subdivision are compatible.
- c. Use Permit. When applicable zoning district regulations require both major site plan review and conditional use permit approval, an application for a conditional use permit constitutes an application for both. Information as required for site plan review must be furnished by the applicant, and decisions regarding the site plan must be made according to the guidelines set forth for site plan review.

SEC. 10-1.3079 - APPLICATION FORM AND SUBMITTAL.

- a. An application for major site plan review shall be submitted as specified in Section 10-1.2815.
- b. Applications for Major Site Plan Review shall contain plans, sections, diagrams, renderings and narrative necessary to establish the physical scale and character of the development and demonstrate the relationship among its constituent land uses, buildings and structures, public facilities, employee amenities and open space and to demonstrate how the proposed development will comply with the General Plan, Zoning Ordinance, Industrial Design Guidelines and standards, and any other applicable plan or program, including:

- (1) Project Narrative. A generalized narrative describing the location of the site, its total acreage, and the existing character and use of the site and adjoining properties; the concept of the proposed development, including proposed uses and activities; and the relation of the development to General Plan.
- (2) Land Use Plan. A land use plan along with accompanying tables or other diagrams that identify proposed land uses. Any permitted or conditional use authorized by this Zoning Ordinance may be as part of a Master Site Plan Review provided the use is consistent with the General Plan land use designation(s) for the property.
- (3) Development Schedule. An anticipated development schedule, including anticipated timing for commencement and completion of each phase of development, tabulation of the total number of acres in each separate phase, and percentage of such acreage to be devoted to particular uses.
- (4) Context Map. A map showing the perimeter boundaries of the project site, the perimeter of the ownership, the location and dimensions of any existing property lines and easements within the site, and all uses, circulation components, and structures within a 100-foot radius of the project area boundaries;
- (5) Circulation Diagram. A circulation diagram indicating proposed movement of vehicles, goods, and pedestrians within the site and to and from adjacent areas, including streets and driveways, transit stops, bicycle paths, sidewalks and pedestrian ways, and off-street parking and loading areas;
- (6) Site Plan. A site plan indicating existing and proposed uses, location and dimension of buildings and structures, gross floor area of existing and proposed structures, identification of structures to be demolished or removed, and type and location of employee amenities;
- (7) Open Space and Landscaping Plan. An open space and landscaping plan including landscape concept and type of plant materials, proposed open space or recreation areas, and a description of intended improvements to and maintenance of the landscaping and open area of the property;
- (8) Building Design. Dimensioned building elevations showing building design and architectural concepts;
- (9) Sign Program. A comprehensive sign program, including the size and location of all proposed signs;
- (10) Employee Amenities located on the site; and,
- (11) Other Information. Any other information deemed necessary by the Director to ascertain if the project meets the required findings for a Master Site Plan Review.

SEC. 10-1.3080 - ADMINISTRATIVE OPTIONS.

Major Site Plan Review shall be reviewed by the Planning Commission. Director may refer a major site plan review application to the Planning Commission, with or without a recommendation. The Planning Commission may approve or conditionally approve, or disapprove the application based on the findings listed in Section 10-1.3081.

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

SEC. 10-1.3081 - FINDINGS.

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

- a. The proposed development is consistent with the General Plan, Zoning Ordinance, Design Guidelines, and any other applicable plan or program; and
- b. The proposed development is consistent with the purpose, design guidelines and applicable standards of the Industrial District and applicable Industrial subdistricts; and
- c. The subject site is physically suitable for the type and intensity of the land use being proposed; and
- d. The proposed development will be compatible with the planned land use character of the surrounding area and make a positive impact to the site and surrounding area; and
- e. The proposed development will not have a substantial adverse effect on surrounding development and land uses.

SEC. 10-1.3082 - NOTICE OF DECISION AND EFFECTIVE DATE.

The decision of the Planning Director shall take effect in accordance with the provisions of Section 10-1.2825 and notice shall be given pursuant to Section 10-1.2820. Approvals and conditional approvals may be granted when the findings listed for approval in Section 10-1.3025 are met.

SEC. 10-1.3083 - APPEALS.

- a. Decision of Planning Commission Appealed to City Council.
 - (1) The decision of the Planning Commission may be appealed to the City Council in accord with the appeals process detailed in Section 10-1.2845. The Council may approve or conditionally approve, or disapprove the application based on the findings listed in Section 10-1.3080.
 - (2) In the event significant new evidence, which may include substantial changes in the proposal, is presented in conjunction with the appeal, the matter shall be returned to the Planning Commission for further consideration and adoption.

SEC. 10-1.3084 - REFERRALS.

- a. The Planning Director may refer a major site plan review application to the Planning Commission at any time, with or without a recommendation. The Planning Commission shall then conduct a public hearing, for which notice shall be given in accord with Section 10-1.2820.

- b. The Planning Commission may refer a major site plan review application to the City Council at any time, with or without a recommendation. The Council shall then conduct a public hearing, for which notice shall be given in accord with Section 10-1.2820.
- c. On referral, the Planning Commission or the Council, as appropriate, shall approve or conditionally approve the application based on the findings listed in Section 10-1.3080. The Planning Commission or the Council must disapprove the application if it is unable to make any of the required findings.

SEC. 10-1.3085 - LAPSE OF APPROVAL.

- a. General. Major Site Plan Review approval is void 36 months after the effective date of approval unless:
 - (1) Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of the approval has been granted by the Planning Director.
 - (2) If a building permit is issued for construction of improvements authorized by the site plan review approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on the site plan review approval. A request for an extension must be submitted in writing to the Planning Division at least 15 days prior to the above date.
 - (3) Business operations have commenced in accordance with all applicable conditions of approval.
- b. 24-Month Extension.
 - (1) The Planning Director may grant an extension(s) for whatever time period is deemed appropriate, provided that the cumulative total of time extension(s) does not exceed 24 months. Decisions of the Planning Director regarding time extensions(s) may be appealed to the Planning Commission or the City Council, as appropriate.
 - (2) A request for an extension of time must be filed with the Planning Division at least 15 days prior to the anniversary date of approval, and action on the request shall be taken within 30 days.
 - (3) Notice of said action shall be given pursuant to Section 10-1.2820.
 - (4) In making a decision on approval of an extension, the following shall be considered:
 - (a) the cause for delay in submittal of the building permit; and
 - (b) whether the proposal is in conformance with existing development regulations.
 - (5) Conditions of approval may be added or modified by the Planning Director as a result of the processing of an extension of time.

SEC. 10-1.3086 - REVOCATIONS AND MODIFICATIONS.

- a. In accord with the notice and hearing provisions detailed in Sections 10-1.2820 and 10-1.2825, the Planning Director or the Planning Commission may revoke a major site plan review, or modify or add to the conditions of approval, or refer the matter to the City Council, with or without a recommendation, for failure to comply with or complete all conditions of approval or improvements indicated on the approved development plans. Requests for modifications may be approved by the Planning Director without a public notice or hearing or notice of such item, if the Planning Director determines that such a proposed modification is of a minor nature.
- b. Major site plan review approval may be revoked when the Planning Director or Planning Commission or, upon referral, the City Council finds that:
 - (1) The use or the manner in which it is conducted, managed, or operated impairs the character and integrity of the zoning district and surrounding area; or
 - (2) The applicant has not fully complied with or completed all conditions of approval or improvements indicated on the approved development plan and modification of the conditions or plan would not be in the public interest, or would be detrimental to the public health, safety, or welfare.

SEC. 10-1.3087 - REAPPLICATION.

A major site plan review permit that has been disapproved or revoked may not be reapplied for within one year of the final decision to disapprove or revoke said application unless the Planning Director finds that new evidence, a change of conditions, or a change in the project justifies reconsideration.

Chapter 10, Article 1, Section 10-2700, General Regulations

NEW Section 10-1.2735 (m), Food Vendor Permit.

- (1) Permit Required.
 - a. No vending of food or food products shall be permitted unless a food vendor's permit has first been obtained.
 - b. A separate food vendor's permit shall be obtained for each approved location.
- (2) Permitted Locations. Food Vendors may be located in all Industrial sub-districts subject to the permit requirements and standards set forth below. Permits for vendors in commercially zoned districts, who are operating at the date of adoption of this regulation, may be renewed pursuant to the provisions of this section. Otherwise, food vendors are not permitted.
- (3) Definitions. This section shall apply to any mobile unit (as defined below) designed or used for the vending of food or food products from a fixed or stationary location. This Section shall not apply to Catering Truck operations ~~or similar uses~~ as defined in subsection (b) of this section.
 - a. Approved Location - A site approved by the Planning Director from which a vendor operating from a mobile unit may sell his or her products.
 - b. Mobile Unit - Any trailer, cart, wagon, conveyance or structure not permanently fixed to a permanent foundation and which may be moved under its own power, pushed or pulled by hand, towed by a motor vehicle or carried upon or in a motor vehicle or trailer.
 - c. Vending - The business of selling or causing to be sold for cash or consideration of any of the following items: food or food products whether hot, cold, freshly prepared, or packaged, such as hot dogs, sandwiches, and burritos, to be consumed for a meal or snack. This definition includes an offer for sale. All items sold shall be capable of being consumed on site without preparation or cooking other than done by the vendor.
 - d. Vending Equipment - Tools, umbrellas, and chair for vendor only. No accessory equipment for dining at the site is permitted. Food or food products, etc., related to vending and approved by the Planning Director.
 - e. Vendor - A person who is in the business of vending or his or her employee(s).
- (4) Application.
 - a. An application for food vendor's permit to vend food products shall be submitted to the Planning Director on a form provided for such purpose, accompanied by payment of the fee set by Resolution of the City Council.
 - b. The application shall include the signature of the owner of the property upon which the applicant proposes to locate his or her mobile unit indicating the property owner's permission to use the site for the purpose set forth in the application.
 - c. In addition to the completed application, the following information shall be submitted on a form acceptable to the Planning Director:
 - i. Proposed location of a mobile unit plotted on a map drawn to a scale of $\frac{1}{4}$ one-inch equals 20 feet or larger, which indicates the distance to adjacent landscaping, parking stalls, buildings driveways, signs, fences, utility poles, transformers, hydrants, etc., located within 50 feet of the location of the proposed mobile unit.
 - ii. Plans for provisions to collect and store litter and dispose of it.
 - iii. Scaled drawing or manufacturers information indicating the size of the mobile unit and vending equipment the applicant proposes to use. ~~(See paragraph (i) for scale.)~~

- iv. Location where vendor intends to park personal motor vehicle, location of customer parking spaces, and location where vendor intends to store overnight mobile unit.
 - v. Description of the nature of the business and the goods to be sold.
 - vi. Any other information deemed necessary by the Planning Director to adequately review the application, for example, photograph or rendering of mobile unit.
- (5) Standards. All applications for food vendor's permit shall comply with the following standards:
- a. Only one mobile unit shall be located at each approved location.
 - ~~b. A food vendor's permit shall only be issued for sites that are located in industrially zoned districts. Permits for vendors in commercially zoned districts, who are operating at the date of adoption of this regulation, may be renewed pursuant to the provisions of this section.~~
 - ~~e.b.~~ Approved locations for food vending shall not be located within 300 yards of any school, nor within 300 yards from another mobile unit located on the same public or private street or driveway.
 - ~~d.c.~~ A mobile unit shall not exceed the following dimensions: Six feet high, 6 feet wide, 8 feet long (ventilating duct may be 10 feet high). In addition, the Planning Director at his/her discretion may approve use of a separate detached umbrella and a (3 ft. x 3 ft. x 3 ft.) table or box and a chair for vendor's use only which do not create a safety hazard or are not aesthetically detrimental or incompatible with surrounding uses.
 - ~~e.d.~~ All mobile units shall be set back from the public street right-of-way or a private street or driveway. A food vendor shall not locate a mobile unit or vending equipment or merchandise offered for sale in such way as to block or impede or any way hamper pedestrian or vehicular movement or to cause a hazard to any pedestrian or vehicle.
 - ~~f.e.~~ Mobile units and vending equipment shall be self-supporting and shall not be attached temporarily or permanently to trees, hydrants, utility poles or transformers, or other vertical structures or benches.
 - ~~g.f.~~ All mobile units with ventilating equipment shall be located 10 feet away from all buildings unless otherwise approved by the Planning Director.
 - ~~h.g.~~ A food vendor shall not sell any food or food products between the hours of 7:00 p.m. and 7:00 a.m. if the approved location is zoned for commercial purposes unless otherwise authorized by the Planning Director.
 - ~~i.h.~~ No food vendor shall use, play or employ any sound, outcry, amplifier, loudspeaker, radio or any other instrument or device for the production of sound where said sound exceeds the background noise levels for adjacent uses.
 - ~~j.i.~~ A food vendor shall not store overnight any vending equipment or food products other than in a commissary approved by the Alameda County Department of Environmental Health Services.
 - ~~k.j.~~ A food vendor shall not display any signs or similar devices unless approved by the Planning Director. Signs painted on a mobile unit shall be approved by the Planning Director, and any other sign or device(s), for example, flag, pennant, balloon, may be approved at the discretion of the Planning Director if he/she finds that such sign or device does not create a safety hazard or is not aesthetically detrimental or incompatible with surrounding uses.
 - ~~l.k.~~ Any exterior lighting shall be approved by the Planning Director and shall not create a safety hazard and shall be shielded or deflected away from adjacent properties.
 - ~~m.l.~~ A food vendor shall maintain his or her approved location in a clean and hazard-free condition. The vendor shall provide at least one 30-gallon garbage container with a swing top nearby the mobile unit for public use and shall pick up all litter generated from his or her operation within a radius of 100 feet of the approved location. A vendor shall empty the garbage container(s) daily,

or more often if necessary; disposal of garbage or trash into public trash containers is prohibited.

n.m. _____ The food vendor at all times shall be in compliance with all regulations of the Health Officer of Alameda County regarding operation of this use and all other applicable rules and regulations.

e.n. _____ Location of a mobile unit and vending equipment shall not reduce the number of parking spaces below which are required for the permitted primary or conditional use.

(6) Permit Issuance.

- a. A food vendor's permit shall be issued if the applicant satisfies the above standards and the Planning Director finds, ~~based upon the written responses to Community Planning and Economic Development referrals that are made by the Chief of Police, Health Officer of Alameda County, Public Works Director, the Finance Director, or their designees,~~ that said application complies with all pertinent regulations administered by these officials.
- b. A food vendor's permit is not transferable and shall be valid for one year from the date of issuance. The Planning Director shall renew said permit for additional periods of one year upon payment of 50 percent of the fee for a new permit if the Planning Director determines that the applicant is then in compliance with all conditions of his or her permit. Applications for renewal must be submitted 30 days prior to expiration of the current permit to qualify for renewal under the provisions of this Section.

(7) Permit Revocation.

- a. A food vendor's permit shall be subject to revocation if the conditions of the permit or the regulations set forth or incorporated herein are violated.
- b. Before taking any action to revoke a permit, the Planning Director shall give notice to the permittee in writing of the proposed revocation, the reasons therefor, and the time and place the permittee will be given an opportunity to show cause to the Planning Director why the permit should not be revoked. The written notice may be served personally upon the permittee or mailed to the permittee at the address shown on the application at least 10 days prior to the date of the hearing. Upon conclusion of the hearing, the Planning Director may revoke the permit upon finding non-compliance with the conditions of the permit or the regulations herein.
- c. The Planning Director's decision revoking a permit may be appealed in writing to the Planning Commission stating the reasons why the Planning Director's decision was incorrect. The Planning Commission shall schedule a hearing within 30 days of said appeal, and its decision shall be final. Said appeals shall be filed in the Planning Division.