

SEC. 10-1.200 RESIDENTIAL DISTRICTS¹

SEC. 10-1.202 USE REGULATIONS—RESIDENTIAL DISTRICTS.

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

"P" designates permitted uses.

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

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

"-" designates uses that are not allowed.

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

Section numbers in the right-hand column refer to other sections of the Zoning Ordinance, other limitations, and applicable subsections following the Table.

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

TABLE 10-1.202: USE REGULATIONS-RESIDENTIAL DISTRICTS					
"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed					
Use	District				Additional Regulations
	RNP	RL	RM	RH	
<i>Residential Uses</i>					
Detached residential unit(s)	P	P	P	-	Subject to density limitations in the General Plan; See Section 10-1.204(e). Additions to detached residential units in the RH District existing before the effective date of

¹Editor's note(s)—Ord. No. 24-01 , § 3(Exh. A), adopted January 23, 2024, repealed the former Sec. 10-1.200, §§ 10-1.205—10-1.245, and enacted a new Sec. 10-1.200 as set out herein. The former Sec. 10-1.200 pertained to Single-Family Residential District (RS) and derived from Ordinance 13-12, 11-19-2013; Ordinance 16-02, 1-19-2016.

					this Ordinance are permitted.
Duplex/Triplex	-	P	P	P	Subject to density limitations in the General Plan; See Section 10-1.204(e).
Multi-unit residential (4+ attached units)	-	-	P	P	Subject to density limitations in the General Plan; See Section 10-1.204(e).
Accessory dwelling unit(s)	P	P	P	P	Where primary use is residential. See Section 10-1.2740 for criteria and standards.
Two-Unit Development	-	P	-	-	As provided in Government Code Sections 66411.7 and 65852.21, as amended from time to time.
<u>Small Unlicensed Group home (6 or fewer residents, excluding staff)</u>	P	P	P	P	See definitions.
<u>Large Unlicensed Group home (7 or more residents, excluding staff)</u>	C	C	C	C	<u>See definitions.</u>
<u>Small Licensed Group Home</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See definitions.</u>
<u>Medium Licensed Group Home</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>See definitions.</u>
<u>Large Licensed Group Home</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>See definitions.</u>
Boarding home	-	-	€	€	
Dormitory	-	-	€ <u>A</u>	€ <u>A</u>	
<u>Single Room Occupancy</u>	=	=	=	<u>A</u>	<u>See Section 10-1.2736(e) for criteria and standards.</u>
<i>Other Uses</i>					
Ambulance service	-	A	A	A	
Cultural facility	A	A	A	A	
Day care, home (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff)	P	P	P	P	See definitions.
Day care center (State-licensed, less than 24-hour care for children or adults,	A	A	A	A	See definitions.

15 or more persons, excluding staff)					
Educational facility	A	A	A	A	
Hospital	-	A	A	A	
Convalescent Home Convalescent facility	-	A	A	A	
Livestock	A	A	-	-	
Parking lot	-	A	A	A	
Recreational facility	A	A	A	A	
Religious facility	A	A	A	A	
Wind energy conversion system	A	A	A	A	Permitted by right if accessory to a primary use.
Golf course	-	C	C	C	
Country club	-	C	C	C	
Public agency facilities	p	P	P	P	See definitions.
Accessory buildings and uses	p	P	P	P	See Section 10-1.204(a).
Garage sales	p	P	P	P	Four per year per dwelling. See General Regulations Section 10-1.2735(e).
Home Occupation	p	P	P	P	See definitions.
Home Occupation, expanded	A	A	A	A	See definitions.
Household pets	P	P	P	P	See definitions and Section 10-1.2735(f).
Apiaries	P	P	-	-	See definitions and Section 10-1.2735(f).

(Amended by Ordinance 24-01 , adopted 1-23-2024)

SEC. 10-1.600 RESIDENTIAL-OFFICE DISTRICT (RO)²

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

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

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the RO District.
 - (1) Residential Uses.
 - ~~(a) Boarding Home.~~
 - ~~(ab) Small Unlicensed Group home. (6 or fewer residents, excluding staff. See definitions)~~
 - ~~(be) Small Licensed Group home. (See definitions)~~
 - (c) Multiple-family dwelling.
 - (d) Single-family dwelling.
 - (2) Other Uses.
 - (a) Day care home. (State-Licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
 - (b) Public agency facilities. (See definitions)
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the RO District:
 - (1) Residential Uses.
 - (a) Accessory dwelling unit(s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)
 - (b) Second single-family dwelling. (Where one single-family dwelling already exists on a lot, one additional single-family dwelling may be constructed provided the minimum development standards (lot size, setbacks, height, etc.) can be met for each dwelling)
 - (2) Other Uses.
 - (a) Accessory buildings and uses. (See Section 10.1.245.a & b)
 - (b) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
 - (c) Home Occupation. (See definitions)
 - (d) Household pets.

(Amended by Ordinance 17-16 , adopted Nov. 7, 2017; Amended by Ordinance 24-01 , adopted Jan. 23, 2024)

SEC. 10-1.620 CONDITIONALLY PERMITTED USES.

- a. Administrative Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the RO District subject to approval of an administrative use permit:
 - (1) Residential Uses.
 - ~~(a) Medium Licensed Group home. (See definitions)None.~~
 - (2) Administrative and Professional Offices - Less than 1,000 square feet.
 - (a) Accounting and financial offices.
 - (b) Architectural and engineering offices.

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- (c) Chiropractic or acupuncture office.
 - (d) Insurance and real estate offices.
 - (e) Law offices.
 - (f) Medical and dental offices.
 - (g) Travel and airline agency offices.
- (3) Other Uses.
- (a) Home occupation - expanded. (See definitions)
 - (b) ~~Convalescent home~~ Convalescent facility. New, or major additions or alterations comprising more than 25 percent of the existing floor area.
 - (c) Cultural facility. New, or major additions or alterations comprising more than 25 percent of the existing floor area.
 - (d) Day Care Center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff.)
 - (e) Educational facility. New, or major additions or alterations comprising more than 25 percent of the existing floor area.
 - (f) Recreational facility. New, or major additions or alterations comprising more than 25 percent of the existing floor area.
 - (g) Religious facility. New, or major additions or alterations comprising more than 25 percent of the existing floor area.
- b. Conditional Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the RO District subject to approval of a conditional use permit:
- (1) Residential Uses.
 - (a) Large Unlicensed Group home. (See definitions)
 - (b) Large Licensed Group home. (See definitions)
 - (2) Administrative and Professional Offices - More than 1,000 square feet.
 - (a) Accounting and financial offices.
 - (b) Architectural and engineering offices.
 - (c) Chiropractic or acupuncture office.
 - (d) Insurance and real estate offices.
 - (e) Law offices.
 - (f) Medical and dental offices.
 - (g) Travel and airline agency offices.
 - (3) Other Uses.
 - Bed and breakfast inn.

SEC. 10-1.750 SUSTAINABLE MIXED USE DISTRICT (SMU)³

SEC. 10-1.765 USES PERMITTED.

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

(1) Residential Uses.

Multiple-family dwelling units. (At 25.0 to 55.0 units per net acre.)

(2) Retail.

(a) Bakery

(b) Bookstore

(c) Card shop

(d) Coffee/espresso shop

(e) Delicatessen

(f) Floral shop

(g) Gift shop

(h) Jewelry store

(i) Supermarket

(3) Administrative and Professional Offices/Services.

(a) Accounting and financial offices

(b) Law offices

(c) Medical and dental offices

(4) Personal Services.

(a) Barber or beauty shop

(b) Dry cleaner/laundry

(c) Nail salon

(d) Tailor/seamstress shop

(5) Other Uses.

(a) Low Barrier Navigation Center. (See Section 10-1.2736(b) for criteria and standards.)

b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the SMU District:

³Section 10-1.750 added by Ordinance 09-08, adopted July 7, 2009.

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- (1) Residential Uses.
 - (a) Accessory Dwelling Unit(s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)
 - (2) Other Uses.
 - (a) Home Occupation. (See definitions.)
 - (b) Household pets.
 - (c) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions.)

(Amended by Ordinance 24-01 , adopted Jan. 23, 2024)

SEC. 10-1.770 CONDITIONALLY PERMITTED USES.

- a. Administrative Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the SMU District, subject to approval of an administrative use permit:
 - (1) Other Uses.
 - (a) Cultural Facility
 - (b) Educational Facility (Must be LEED Silver certified and include an adjacent community park)
 - (c) Recreational Facility
- b. Conditional Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the SMU District subject to approval of a conditional use permit:

None.

SEC. 10-1.800 NEIGHBORHOOD COMMERCIAL DISTRICT (CN)⁴

SEC. 10-1.815 USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CN District as primary uses.
 - (1) Administrative and Professional Offices/Services.
 - (a) Accounting and financial offices (not including check-cashing business).
 - (b) Architectural and engineering offices.

⁴Note(s)—Section 10-1.815a.(5) amended by Ordinance 04-19, adopted December 21, 2004.

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

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

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

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- (c) Banks and financial institutions.
 - (d) Chiropractic and acupuncture offices.
 - (e) Insurance and real estate offices.
 - (f) Law offices.
 - (g) Medical and dental offices.
 - (h) Travel and airline agency offices.
- (2) Automobile Related Uses.
- Automobile parts store.
- (3) Personal Services.
- (a) Barber or beauty shop.
 - (b) Dance studio.
 - (c) Dry cleaner/laundry.
 - (d) Martial arts studio.
 - (e) Music studio.
 - (f) Nail salon.
 - (g) Palm reading service.
 - (h) Photography studio.
 - (i) Physical fitness studio.
 - (j) Shoe repair shop.
 - (k) Tailor/seamstress shop.
- (4) Residential Uses.
- (a) Residential dwelling unit(s). (Above first floor commercial uses only.)
 - (b) Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.
- (5) Retail Commercial Uses.
- (a) Antique store.
 - (b) Appliance store.
 - (c) Art and art supplies store.
 - (d) Bakery.
 - (e) Bicycle shop.
 - (f) Bookstore.
 - (g) Camera store.
 - (h) Card shop.
 - (i) Carpet/drapery store.

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

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- (b) Catering facility.
 - (c) Christmas tree or pumpkin patch lot. (See Section 10-1.2735c. for standards)
 - (d) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions.
 - (e) Educational facility. Small, generally less than 2,000 square feet, designed to augment the learning process of elementary and secondary students.
 - (f) Public agency facilities.
 - (g) Emergency Shelter (Limited to parcels abutting Mission Boulevard and Foothill Boulevard., See Section 10-1.2736(a) for criteria and standards.)
 - (h) Low Barrier Navigation Center. (See Section 10-1.2736(b) for criteria and standards.)

b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the CN District:

- (1) Accessory buildings and uses. (See Section 10.1.845)
- (2) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735d.)
- (3) Home Occupation. (See definitions)
- (4) Household pets.
- (5) Accessory Dwelling Unit(s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)

(Amended by Ordinance 24-01 , adopted Jan. 23, 2024)

SEC. 10-1.820 CONDITIONALLY PERMITTED USES.

a. Administrative Uses. The following uses are permitted in the OS District subject to approval of an administrative use permit:

- (1) Administrative and Professional Offices/Services.
 - Medical/dental laboratory.
- (2) Automobile Related Uses.
 - (a) Parking lot.
 - (b) Car Rental Agency
- (3) Personal Services.
 - (a) Health Club.
 - (b) Massage (When ancillary to an established primary use such as a beauty salon.)
 - (c) Suntan parlor.
- (4) Residential Uses.
 - None.
- (5) Retail Commercial Uses.
 - (a) Restaurant. (Where abutting a residential district or property)

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- (b) Convenience market.
 - (6) Service Commercial Uses.
 - (a) Appliance service and repair shop. (Not ancillary to a primary use)
 - (b) Recycling collection area. (When located within a convenience zone)
 - (7) Other Uses.
 - (a) Animal hospital.
 - (b) Animal grooming service.
 - (c) Ambulance service.
 - (d) Carnival.
 - (e) Cultural facility.
 - (f) Day Care Center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff).
 - (g) Educational facility. Where not exempted, under Section 10-1.815a.(7)(f).
 - (h) Outdoor gathering. (Refer to General Regulations Section 10-1.2735g.)
 - (i) Recreational facility.
 - (j) Religious facility.
 - (k) Temporary use. (i.e., Parking lot or tent sale)
 - b. Conditional Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CN District, subject to approval of a conditional use permit:
 - (1) Administrative and Professional Offices/Services.
 - (a) Check cashing store.
 - (b) Payday loan facilities.
 - (2) Automobile Related Uses. (See Section 10-1.845 for special requirements)
 - (a) Automobile repair - minor.
 - (b) Automobile service station.
 - (c) Car wash.
 - (d) Drive-in establishments.
 - (3) Personal Services.
 - (a) Massage parlor. When not located within an established beauty salon.
 - (b) Tattoo parlor.
 - (4) Residential Uses.
 - None.
 - (5) Retail Commercial Uses.
 - (a) Bar, Cocktail lounge, alcohol). (See General Regulations Section 10-1.2750 et seq. for regulations of alcohol.)

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- (b) Dance or night club. (See General Regulations Section 10-1.2750 et seq. for regulations of alcohol.)
 - (c) Liquor store. (See General Regulations Section 10-1.2750 et seq. for regulations of alcohol.)
 - (d) Theater, Large Motion Picture. (See Section 10-1.1045 for special requirements.)
- (6) Service Commercial Uses.
- None.
- (7) Other Uses.
- Banquet hall. (When abutting a residential district or property. See Section 10-1.2750 et seq. for regulations of alcohol)

SEC. 10-1.900 NEIGHBORHOOD COMMERCIAL-RESIDENTIAL DISTRICT (CN-R)⁵

SEC. 10-1.915 USES PERMITTED.

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

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

⁵Note(s)—Repealed and replaced by Ordinance 06-14, adopted July 11, 2006.
Section 10-1.900 amended by Ordinance 13-12 , adopted November 19, 2013.

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- (e) Music studio.
 - (f) Nail salon.
 - (g) Palm reading service.
 - (h) Photography studio.
 - (i) Physical fitness studio.
 - (j) Shoe repair shop.
 - (k) Tailor/seamstress shop.
- (4) Residential Uses.
- (a) Residential dwelling unit(s). (Above first floor non-residential uses only; required at 27.0 to 55.0 units per net acre above ground-floor commercial uses in the SD6 Special Design District)
 - (b) Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.
- (5) Retail Commercial Uses.
- (a) Antique store.
 - (b) Appliance store.
 - (c) Art and art supplies store.
 - (d) Bakery.
 - (e) Bicycle shop.
 - (f) Bookstore.
 - (g) Camera store.
 - (h) Card shop.
 - (i) Carpet/drapery store.
 - (j) Clothing store.
 - (k) Coffee/espresso shop.
 - (l) Delicatessen.
 - (m) Fabric store.
 - (n) Floral shop.
 - (o) Furniture store.
 - (p) Garden supplies store.
 - (q) Gift shop.
 - (r) Hardware store.
 - (s) Jewelry store.
 - (t) Locksmith shop.
 - (u) Music store.
 - (v) Nursery (plant).

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- (w) Paint/wallpaper store.
 - (x) Pet grooming shop.
 - (y) Pet store.
 - (z) Plumbing and heating store.
 - (aa) Restaurant. (Where not abutting a residential district or property and no bar)
 - (bb) Sporting goods store.
 - (cc) Stationary store.
 - (dd) Supermarket.
 - (ee) Theater (Small Motion Picture or Live Performance only.)
 - (ff) Thrift store.
 - (gg) Toy store.
 - (hh) Variety store.
 - (ii) Video sales and rental store.
- (6) Service Commercial Uses.
- (a) Copying or reproduction facility.
 - (b) Mailing or facsimile service.
 - (c) Reverse vending machine(s). (When located within a convenience zone)
- (7) Other Uses.
- (a) Banquet hall. (Where not abutting a residential district or property and where no alcohol is served)
 - (b) Christmas tree or pumpkin patch lot. (See General Regulations Section 10-1.2735c. for standards)
 - (c) Day Care Center. (Less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definitions.)
 - (d) Educational facility. (Small, generally less than 2,000 sq. ft. design to augment the education)
 - (e) Public agency facilities.
 - (f) Low Barrier Navigation Center. (See Section 10-1.2736(b) for criteria and standards.)
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the CN-R District:
- (1) Accessory buildings and uses. (See Section 10.1.845a.—d.)
 - (2) Garage sales. (4 per year per dwelling. See Section 10-1.2735d.)
 - (3) Home Occupation. (See definitions)
 - (4) Household pets.
 - (5) Accessory Dwelling Unit(s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)

(Amended by Ordinance 24-01 , adopted Jan. 23, 2024)

SEC. 10-1.920 CONDITIONALLY PERMITTED USES.

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

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- (b) Tattoo parlor.
 - (4) Residential Uses.
None.
 - (5) Retail Commercial Uses. (See General Regulations Section 10-1.2750)
 - (a) Bar, Cocktail lounge, et seq. for regulations of alcohol.)
 - (b) Dance or night club.
 - (c) Liquor store.
 - (d) Theater, Large Motion Picture. (See Section 10-1.1045 for special requirements; not allowed in the SD6 Special Design District.)
 - (6) Service Commercial Uses.
None.
 - (7) Other Uses.
None.

SEC. 10-1.1000 GENERAL COMMERCIAL DISTRICT (CG)⁶

SEC. 10-1.1015 USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CG District as primary uses.
 - (1) Administrative and Professional Offices/Services.
 - (a) Accounting and financial offices. (Excluding check cashing stores)
 - (b) Architectural and engineering offices.

⁶Section 10-1.1015 a.(5)(ee) added by Ordinance 04-19, adopted December 21, 2004.
Section 10-1.1020 a.(3) amended by Ordinance 03-08, adopted May 27, 2003.
Section 10-1.1020 b.(1)(b) amended by Ordinance 99-18, adopted Oct. 12, 1999.
Section 10-1.1020 b.(5) amended by Ordinance 04-19, adopted December 21, 2004.
Section 10-1.1045 g. amended by Ordinance 03-08, adopted May 27, 2003.
Section 10-1.1045 h. added by Ordinance 03-08, adopted May 27, 2003.
Section 10-1.1045 v. added by Ordinance 01-08, adopted July 17, 2001.
Section 10-1.1045 w. added by Ordinance 04-19, adopted December 21, 2004.
Section 10-1.1015 a., 10-1.1020 a., 10-1.1045, and 10-1.1045 h. amended by Ordinance 06-11, adopted July 11, 2006.
Section 10-1.1005 through 10-1.1020 amended by Ordinance 13-14 , adopted November 19, 2013.
Section 10-1.1000 amended by Ordinance 13-12 , adopted November 19, 2013.
Section 10-1.1000 amended by Ordinance 14-17 , adopted July 1, 2014.

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- (c) Banks and financial institutions.
 - (d) Chiropractic and acupuncture offices.
 - (e) Insurance and real estate offices.
 - (f) Law offices.
 - (g) Medical and dental offices.
 - (h) Travel and airline agency offices.
- (2) Automobile Related Uses.
- (a) Automobile parts store.
 - (b) Automobile dealership. (Dealership selling primarily new vehicles, when all minimum design standards are met and when located along Mission Blvd. between Highland/Sycamore and 700 feet south of Harder Road.)
- (3) Personal Services.
- (a) Barber or beauty shop.
 - (b) Dance studio.
 - (c) Dry cleaner/laundry.
 - (d) Health club.
 - (e) Martial arts studio.
 - (f) Music studio.
 - (g) Nail salon.
 - (h) Palm reading service.
 - (i) Photography studio.
 - (j) Physical fitness studio.
 - (k) Shoe repair shop.
 - (l) Tailor/seamstress shop.
- (4) Residential Uses.
- (a) Residential dwelling unit(s). (Above first floor commercial uses only.)
 - (b) Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.
- (5) Retail Commercial Uses.
- (a) Antique store.
 - (b) Appliance store.
 - (c) Art and art supplies store.
 - (d) Bakery.
 - (e) Bicycle store.
 - (f) Bookstore.

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- (g) Camera store.
 - (h) Card shop.
 - (i) Carpet/drapery store.
 - (j) Clothing store.
 - (k) Consignment store.
 - (l) Coffee/Esspresso shop.
 - (m) Delicatessen.
 - (n) Fabric store.
 - (o) Floral shop.
 - (p) Furniture store.
 - (q) Gift shop.
 - (r) Hardware store.
 - (s) Jewelry store.
 - (t) Locksmith shop.
 - (u) Music store.
 - (v) Nursery (plant).
 - (w) Paint/wallpaper store.
 - (x) Pet grooming shop.
 - (y) Pet store.
 - (z) Plumbing and heating store.
 - (aa) Restaurant. (Where not abutting a residential district or property and with no bar)
 - (bb) Sporting goods store.
 - (cc) Stationary store.
 - (dd) Supermarket.
 - (ee) Theater. (Small Motion Picture or Live Performance only.)
 - (ff) Thrift shop.
 - (gg) Toy store.
 - (hh) Variety store.
 - (ii) Video sales and rental store.
- (6) Service Commercial Uses.
- (a) Appliance service and repair shop. (Not ancillary to a primary use.)
 - (b) Copying or reproduction facility.
 - (c) Equipment rental.
 - (d) Hotel or motel.

- (e) Mailing or facsimile service.
 - (f) Not Used
 - (g) Reverse vending machine(s). (When located within a convenience zone.)
 - (h) Upholstery shop (furniture).
- (7) Other Uses.
- (a) Broadcasting studio.
 - (b) Banquet hall. (Where not abutting a residential district or property and where no alcohol is served.)
 - (c) Catering facility. (Where not abutting a residential district or property.)
 - (d) Christmas tree or pumpkin patch lot. (See Section 10-12750 et seq. for standards)
 - (e) Day Care Home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
 - (f) Educational facility. (Small, generally less than 2,000 square feet, designed to augment the learning process of elementary and secondary school students.)
 - (g) Public agency facilities.
 - (h) Emergency Shelter (Limited to parcels abutting Mission Boulevard and Foothill Boulevard, See Section 10-1.2736(a) for criteria and standards.)
 - (i) Low Barrier Navigation Center. (See Section 10-1.2736(b) for criteria and standards.)

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

(Amended by Ordinance 24-01 , adopted Jan. 23, 2024)

SEC. 10-1.1020 CONDITIONALLY PERMITTED USES.

- a. Administrative Uses. The following uses, or uses determined to be similar by Planning Director, are permitted in the CG District subject to approval of an administrative use permit:
- (1) Administrative and Professional Office/Services.
 - (a) Commercial Cannabis Delivery.
 - (b) Medical/dental laboratory, including Cannabis Testing Laboratory.
 - (2) Automobile Related Uses.
 - (a) Automobile brokerage office. (See definitions.)

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- (b) Automobile repair (minor and major). (See Section 10-1.1045h. for special requirements.)
 - (c) Automobile service station. (See Section 10-1.1045h. for special requirements.)
 - (d) Automobile storage facility. (See Section 10-1.1045h. for special requirements.)
 - (e) Car wash. (See Section 10-1.1045h. for special requirements.)
 - (f) Drive-in establishments. (See Section 10-1.1045h. for special requirements.)
 - (g) Parking lot.
- (3) Personal Services.
- (a) Suntan parlor.
- (4) Residential Uses. ~~None.~~
- (a) Single Room Occupancy. -(See Section 10-1.2736(e) for criteria and standards.)
- (5) Retail Commercial Uses.
- (a) Wine Shop.
 - (b) Convenience market. (See Section 10-1.2750 et seq. for regulations of alcohol.)
 - (c) Restaurant. (Where abutting a residential district or property with no bar.)
- (6) Service Commercial Uses.
- (a) Appliance service and repair shop. (Not ancillary to a primary use)
 - (b) Equipment rental.
 - (c) Hotel or motel. (Where abutting a residential district or property)
 - (d) Recycling collection area. (When located within a convenience zone)
 - (e) Sign shop.
- (7) Other Uses.
- (a) Ambulance service.
 - (b) Animal grooming service.
 - (c) Animal hospital.
 - (d) Auction.
 - (e) Banquet hall. (Where abutting a residential district or property but not where alcohol is served)
 - (f) Carnival.
 - (g) Catering facility. (Where abutting a residential district or property)
 - (h) Commercial amusement facility.
 - (i) Cultural facility.
 - (j) Day care center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definitions)
 - (k) Educational facility.
 - (l) Flea market.

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- (m) Kennel.
 - (n) Mortuary.
 - (o) Outdoor gathering. (Refer to General Regulations Section 10-1.2735g.)
 - (p) Passenger terminal.
 - (q) Recreational facility.
 - (r) Religious facility.
 - (s) Sign shop.
 - (t) Temporary use. (i.e., parking lot or tent sale)
 - (u) Wind energy conversion system.
- b. Conditional Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CG District subject to approval of a conditional use permit:
- (1) Administrative and Professional Offices/Services.
 - (a) Check cashing store.
 - (b) Payday loan facilities.
 - (2) Automobile Related Uses.
 - (a) Automobile sales and rental. Except as provided for under Section 10-1.1015a(2)(b).
 - (3) Personal Services.
 - (a) Massage parlor.
 - (b) Tattoo parlor.
 - (4) Residential Uses. None.
 - (5) Retail Commercial Uses. (See Section 10-1.2750 et seq. for regulations of alcohol.)
 - (a) Bar, Cocktail lounge.
 - (b) Brewery or Distillery.
 - (c) Cabaret. (See Chapter 6, Article 2 for regulations.)
 - (d) Commercial Cannabis Retail Dispensary (See Section 10-1.3600).
 - (e) Dance or night club.
 - (f) Liquor store.
 - (g) Theater, Large Motion Picture.
 - (h) Tobacco Retail Sales Establishment. (See General Regulations Section 10-1.2780 for tobacco regulations).
 - (6) Service Commercial Uses.
 - None
 - (7) Other Uses.
 - ~~(a) Homeless shelter.~~
 - (b) Warehouse (When located behind and ancillary to primary uses).

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- (c) Wholesale establishment.

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

SEC. 10-1.1100 COMMERCIAL OFFICE DISTRICT (CO)⁷

SEC. 10-1.1115 USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by Planning Director, are permitted in the CO District:
 - (1) Administrative and Professional Offices/Services.
 - (a) Accounting and financial offices (excluding check cashing stores).
 - (b) Architectural and engineering offices.
 - (c) Banks and financial institutions.
 - (d) Chiropractic and acupuncture offices.
 - (e) Insurance and real estate offices.
 - (f) Law offices.
 - (g) Medical and dental offices.
 - (h) Travel and airline agency offices.
 - (2) Automobile Related Uses.
 - None.
 - (3) Personal Services.
 - (a) Barber or beauty shop.
 - (b) Dance Studio.
 - (c) Dry cleaner/laundry.
 - (d) Martial arts studio.
 - (e) Music studio.
 - (f) Nail salon.
 - (g) Palm reading service.
 - (h) Photography studio.
 - (i) Physical fitness studio.

⁷Section 10-1.1115 a.(4) amended by Ordinance 03-08, adopted May 27, 2003.

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

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

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

- (j) Shoe repair shop.
- (k) Tailor/seamstress shop.
- (4) Residential Uses.
 - (a) Multiple-family dwellings.
 - (b) Small Unlicensed Group home. (s-associated with single-family dwellingSee definitions)s-
 - (c) Small Licensed Group home. (See definitions)
 - (c) Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.
- (5) Retail Commercial Uses.
 - None.
- (6) Service Commercial Uses.
 - (a) Copying or reproduction facility.
 - (b) Mailing or facsimile service.
 - (c) Reverse vending machine(s). (When located within a convenience zone)
- (7) Other Uses.
 - (a) Day Care Home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
 - (b) Public agency facilities.
 - (c) Emergency Shelter (Limited to parcels abutting Mission Boulevard and Foothill Boulevard, See Section 10-1.2736(a) for criteria and standards.)
 - (d) Low Barrier Navigation Center. (See Section 10-1.2736(b) for criteria and standards.)
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the CO District:
 - (1) Accessory buildings and uses. (See Section 10.1.845)
 - (2) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
 - (3) Home Occupation. (See definitions)
 - (4) Household pets.
 - (5) Accessory Dwelling Unit(s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)

(Amended by Ordinance 24-01 , adopted Jan. 23, 2024)

SEC. 10-1.1120 CONDITIONALLY PERMITTED USES.

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

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- (b) Medical/dental laboratory, including Cannabis Testing Laboratory.
 - (c) Pharmaceutical sales. (Where accessory to a medical office or clinic, and where it does not exceed 3,000 square feet)
 - (2) Automobile Related Uses.
 - Parking lot.
 - (3) Personal Services.
 - None.
 - (4) Residential Uses.
 - ~~(a) Boarding Home. (For seven or more persons. See definitions)~~
 - ~~(ab) Single-family dwelling.~~
 - ~~(be) Medium Licensed Group home. (See definitions) {Reserved.}~~
 - ~~(cd) Second single-family dwelling. (Where one single-family dwelling already exists on a lot, one additional single-family dwelling may be constructed provided the minimum development standards (lot size, setbacks, height, etc.) can be met for each dwelling)~~
 - ~~(de) Convalescent-Convalescent FacilityHospitals~~
 - ~~(e) Dormitory~~
 - (5) Retail Commercial Uses.
 - Restaurant.
 - (6) Service Commercial Uses.
 - Recycling collection area. (When located within a convenience zone)
 - (7) Other.
 - (a) Ambulance service.
 - (b) Animal hospital.
 - (c) Day Care Center.
 - (d) Christmas tree or pumpkin patch lot. (See General Regulations Section 10-1.2735.c. for standards)
 - (e) Educational facility. (Small, generally less than 2,000 sq. ft. designed to augment the learning process of elementary and secondary students.)
 - (f) Home occupation - expanded.
 - (g) Religious facility.
 - (h) Temporary use. (i.e., parking lot or tent sale)
 - (i) Wind energy conversion system.
 - b. Conditional Uses. The following uses, or uses determined to be similar by Planning Director, are permitted in the CO District subject to approval of a conditional use permit:
 - (1) Administrative and Professional Offices/Services.

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- (a) Pharmaceutical sales. (Where accessory to a medical office or clinic, and where it exceeds 3,000 square feet)
 - (b) Check cashing stores.
 - (c) Payday loan facilities.
 - (2) Automobile Related Uses.
 - None.
 - (3) Personal Services.
 - (a) Massage parlor.
 - (b) Suntan parlor.
 - (4) Residential Uses.
 - ~~(a) Dormitory.~~
 - ~~(b) Fraternity or sorority.~~
 - (a) Large Unlicensed Group hHome. (See definitions)
 - (b) Large Licensed Group home. (See definitions)
 - (5) Retail Commercial Uses.
 - Bar, cocktail lounge. (See General Regulations Section 10-1.2750 et seq. for regulations of alcohol)
 - (6) Service Commercial Uses.
 - None.
 - (7) Other.
 - (a) Educational facility more than 2,000 square feet.
 - (b) Religious facility.
 - (c) Hospital.

(Amended by Ordinance 17-16 , adopted Nov. 7, 2017; amended by Ordinance 17-15 , adopted Nov. 28, 2017)

SEC. 10-1.1200 LIMITED ACCESS COMMERCIAL DISTRICT (CL)⁸

SEC. 10-1.1215 USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by Planning Director, are permitted in the CL District.
 - (1) Administrative and Professional Offices/Services.
 - (a) Accounting and financial offices. (Excluding check cashing stores.)

⁸Section 10-1.1200 amended by Ordinance 13-12 , adopted November 19, 2013.

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- (b) Architectural and engineering offices.
 - (c) Banks and financial institutions.
 - (d) Chiropractic and acupuncture offices.
 - (e) Insurance and real estate offices.
 - (f) Law offices.
 - (g) Medical and dental offices.
 - (h) Travel and airline agency offices.
- (2) Automobile Related Uses.
- None.
- (3) Personal Services.
- (a) Barber or beauty shop.
 - (b) Dry cleaner/laundry.
 - (c) Martial arts studio.
 - (d) Music studio.
 - (e) Nail salon.
 - (f) Palm reading service.
 - (g) Physical fitness studio.
 - (h) Shoe repair shop.
 - (i) Tailor/seamstress shop.
- (4) Residential Uses.
- (a) Residential dwelling unit(s). (Above first floor commercial uses only.)
 - (b) Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.
- (5) Retail Commercial Uses.
- (a) Coffee/espresso shop.
 - (b) Delicatessen.
 - (c) Restaurant. (Where not abutting a residential district or property and no bar)
- (6) Service Commercial Uses.
- (a) Copying or reproduction facility.
 - (b) Hotel or motel.
 - (c) Mailing or facsimile service.
 - (d) Reverse vending machines. (When located within a convenience zone)
- (7) Other Uses.
- (a) Christmas tree or pumpkin patch lot. (See General Regulations Section 10-1.2735.c. for standards)

(b) Day Care Home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)

(c) Public agency facilities.

(d) Low Barrier Navigation Center. (See Section 10-1.2736(b) for criteria and standards.)

b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the CL District:

(1) Accessory buildings and uses. (See Section 10.1.1045)

(2) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)

(3) Home Occupation. (See definitions)

(4) Household pets.

(5) Accessory Dwelling Unit(s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)

(Amended by Ordinance 24-01 , adopted Jan. 23, 2024)

SEC. 10-1.1220 CONDITIONALLY PERMITTED USES.

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

(1) Administrative and Professional Offices/Services.

None.

(2) Automobile Related Uses.

Parking lot.

(3) Personal Services.

(a) Suntan parlor.

(b) Massage parlor. (When ancillary to a primary and related use such as a beauty salon)

(4) Residential Uses.

~~None.~~ (a) Single Room Occupancy. (See Section 10-1.2736(e) for criteria and standards.)

(5) Retail Commercial Uses.

Restaurant. (Where abutting a residential district or property)

(6) Service Commercial Uses.

Recycling collection area. (When located within a convenience zone.)

(7) Other Uses.

(a) Hospital, ~~convalescent home.~~

(b) Kennel.

(c) Temporary use.

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

(e) Convalescent facility.

- b. Conditional Uses. The following uses, or uses determined to be similar by Planning Director, are permitted in the CL District subject to approval of a conditional use permit:
- (1) Administrative and Professional Offices/Services.
None.
 - (2) Automobile Related Uses.
Drive-in establishments.
 - (3) Personal Services.
Massage parlor.
 - (4) Residential Uses.
None.
 - (5) Retail Commercial Uses.
Bar, cocktail lounge. (See General Regulations Section 10-1.2750 et seq. for regulations of alcohol)
 - (6) Service Commercial Uses.
None.
 - (7) Other Uses.
None.

(Amended by Ordinance 24-01 , adopted Jan. 23, 2024)

SEC. 10-1.1300 CENTRAL BUSINESS DISTRICT (CB)⁹

SEC. 10-1.1315 USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CB District:
- (1) Administrative and Professional Offices/Services.
 - (a) Accounting and financial offices (excluding check cashing stores).
 - (b) Architectural and engineering offices.
 - (c) Banks and financial institutions.

⁹Note(s)—Section 10-1.1315a.(5) amended by Ordinance 04-19, adopted December 21, 2004.
Section 10-1.1320b.(1)(b) amended by Ordinance 99-18, adopted October 12, 1999.
Section 10-1.1320b.(5) amended by Ordinance 04-19, adopted December 21, 2004.
Section 10-1.1300 amended by Ordinance 13-12 , adopted November 19, 2013.
Section 10-1.1315(a) amended by Ordinance 13-16 , adopted December 3, 2013.
Section 10-1.1320(a) amended by Ordinance 13-16 , adopted December 3, 2013.

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

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

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- (d) Christmas tree or pumpkin patch lot. (See General Regulations Section 10-1.2735.c. for standards)
 - (e) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
 - (f) Day Care Center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definitions.)
 - (g) Public agency facilities.
 - (h) Low Barrier Navigation Center. (See Section 10-1.2736(b) for criteria and standards.)

b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the CB District:

- (1) Accessory buildings and uses. (See Section 10.1.845d.)
- (2) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
- (3) Home Occupation. (See definitions.)
- (4) Household pets.
- (5) Accessory Dwelling Unit(s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)

(Amended by Ordinance 24-01 , adopted Jan. 23, 2024)

SEC. 10-1.1320 CONDITIONALLY PERMITTED USES.

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

- (1) Administrative and Professional Offices/Services.
None.
- (2) Automobile Related Uses. (See Section 10-1.1045.h. for special requirements)
 - (a) Automobile repair (minor and major).
 - (b) Automobile service station.
 - (c) Car wash.
 - (d) Parking lot.
- (3) Personal Services.
Suntan parlor.
- (4) Residential Uses.

~~None.~~

- (a) Single Room Occupancy. (See Section 10-1.2736(e) for criteria and standards.)
- (5) Retail Commercial Uses.
 - (a) Convenience market. (See General Regulations Section 10-1.2750 et seq. for regulations of alcohol)

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- (b) Kennel. (Pet Boarding and Pet Day Care only)
 - (c) Restaurant. (Where abutting a residential district or property and no bar)
 - (6) Service Commercial Uses.
 - (a) Appliance repair shop. (Not ancillary to primary use)
 - (b) Hotel or motel. (Where not abutting a residential district or property)
 - (c) Recycling Collection Area. (When located within a convenience zone)
 - (7) Other Uses.
 - (a) Ambulance service.
 - (b) Auction.
 - (c) Banquet hall. (Where not abutting a residential district or property)
 - (d) Carnival.
 - (e) Catering facility. (Where not abutting a residential district or property)
 - (f) Commercial Amusement.
 - (g) Cultural facility.
 - (h) Educational facility.
 - (i) Home occupation - expanded.
 - (j) Hospital, ~~convalescent home.~~
 - (k) Outdoor gathering. (See General Regulations Section 10-1.2735.g.)
 - (l) Passenger transportation terminal.
 - (m) Recreational facility.
 - (n) Religious facility.
 - (o) Temporary use.
 - (p) Day Care Center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff.)

(q) Convalescent facility.

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

- (1) Administrative and Professional Offices/Services.
 - (a) Check cashing store.
 - (b) Payday loan facilities.
- (2) Automobile Related Uses.
 - Drive-in establishment.
- (3) Personal Services.
 - Massage parlor.
- (4) Residential Uses.

Multiple-family dwelling.

- (5) Retail Commercial Uses. (See General Regulations Section 10-1.2750 et seq. for regulations of alcohol.)
 - (a) Bar, cocktail lounge.
 - (b) Commercial Cannabis Retail Dispensary. (See Section 10-1.3600)
 - (c) Dance or night club.
 - (d) Liquor store.
 - (e) Theater, Large Motion Picture. (See Section 10-1.1045 for special requirements.)
- (6) Service Commercial Uses.
Hotel or motel. (Where abutting a residential district or property.)
- (7) Other Uses.
 - (a) Banquet hall. (Where abutting a residential district or property.)
 - (b) Catering facility. (Where abutting a residential district or property.)

(Amended by Ordinance 17-15 , adopted Nov. 28, 2017; Amended by Ordinance 24-01 , adopted Jan. 23, 2024)

SEC. 10-1.1400 REGIONAL COMMERCIAL DISTRICT (CR)¹⁰

SEC. 10-1.1415 USES PERMITTED.

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

¹⁰Note(s)—Section 10-1.1445d. added by Ordinance 01-08, adopted July 17, 2001.
Entire Section Repealed and Replaced by Ordinance 07-16, adopted November 6, 2007.

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- (2) Automobile Related Uses.
 - (a) Service station.
 - (3) Other Uses.
 - (a) Public agency facilities.
 - (4) Accessory buildings and uses. (See Section 10.1.845)

(Amended by Ordinance 24-01 , adopted Jan. 23, 2024)

SEC. 10-1.1420 CONDITIONALLY PERMITTED USES.

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

None.

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

- (1) Administrative and Professional Offices/Services.

None.

- (2) Automobile Related Uses.

None.

- (3) Personal Services.

None.

- (4) Residential Uses.

None.

- (5) Retail Commercial Uses.

- (a) Restaurant. (Not full service)

- (6) Service Commercial Uses.

None.

- (7) Other Uses.

None.

SEC. 10-1.1520 CENTRAL CITY—COMMERCIAL SUBDISTRICT (CC-C)¹¹

¹¹Note(s)—Section 10-1.1522a.(5) amended by Ordinance 04-19, adopted December 21, 2004.

Section 10-1.1523b.(5) amended by Ordinance 04-19, adopted December 21, 2004.

Maps in Section 10-1.1524, 10-1.1525 and 10-1.1526 amended August 2006.

Sections 10-1.1520 through 10-1.1523 amended by Ordinance 13-14 , adopted November 19, 2013.

Sections 10-1.1520 amended by Ordinance 13-12 , adopted November 19, 2013.

SEC. 10-1.1522 CC-C PERMITTED USES.

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

Automobile parts store.
 - (3) Personal Services.
 - (a) Barber or beauty shop. (Excluding college)
 - (b) Dance studio.
 - (c) Dry cleaner/laundry.
 - (d) Health club.
 - (e) Martial arts studio.
 - (f) Music studio.
 - (g) Nail salon.
 - (h) Palm reading.
 - (i) Photography studio.
 - (j) Physical fitness studio.
 - (k) Shoe repair shop.
 - (l) Tailor/seamstress shop.
 - (4) Residential Uses.
 - (a) Residential dwelling unit(s). (Above first floor commercial uses only)
 - (b) Single-family dwelling. (Existing as of May 4, 1993, including accessory structures and uses)
 - (c) Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.
 - (d) Small Unlicensed Group home. (See definitions)
 - (e) Small Licensed Group home. (See definitions)

-
- (5) Retail Commercial Uses.
- (a) Antique store.
 - (b) Appliance store.
 - (c) Art and art supplies store.
 - (d) Bicycle store.
 - (e) Bookstore.
 - (f) Camera store.
 - (g) Card shop.
 - (h) Carpet/drapery store.
 - (i) Clothing store.
 - (j) Consignment store.
 - (k) Fabric store.
 - (l) Floral shop.
 - (m) Furniture store.
 - (n) Garden supplies store.
 - (o) Gift shop.
 - (p) Grocer.
 - (q) Hardware store.
 - (r) Jewelry store.
 - (s) Locksmith shop.
 - (t) Music store.
 - (u) Paint/wallpaper store.
 - (v) Pet grooming shop.
 - (w) Pet store.
 - (x) Plumbing and heating store.
 - (y) Restaurant. (No bar)
 - (z) Sporting goods store.
 - (aa) Stationary store.
 - (bb) Supermarket.
 - (cc) Theater. (Small Motion Picture or Live Performance. Large Motion Picture Theater located between A and D Streets and Grand and Second Streets.)
 - (dd) Toy store.
 - (ee) Variety store.
 - (ff) Video sales and rental.

-
- (6) Service Commercial Uses.
 - (a) Appliance repair shop.
 - (b) Copying or reproduction facility.
 - (c) Mailing or facsimile service.
 - (d) Reverse vending machines. (When located within a convenience zone.)
 - (7) Other Uses.
 - (a) Broadcasting studio.
 - (b) Christmas tree or pumpkin patch lot. (See General Regulations Section 10-1.2735.c. for standards)
 - (c) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions.)
 - (d) Educational facilities. Small, generally less than 2,000 square feet and designed to augment the learning process of elementary and secondary students.
 - (e) Public agency facilities.
 - (f) Low Barrier Navigation Center. (See Section 10-1.2736(b) for criteria and standards.)

- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the primary uses permitted in the CC-C District:
 - (1) Accessory buildings and uses. (See Section 10.1.1555.)
 - (2) Accessory Dwelling Unit(s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)
 - (3) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
 - (4) Home occupation. (See definitions)
 - (5) Household pets.
 - (6) Indoor storage. (Clearly subordinate to a primary or conditional use that is open to the public and which conforms to the policies and goals of the Redevelopment Agency and the Central City-Commercial Subdistrict.)

(Amended by Ordinance 17-16 , adopted Nov. 7, 2017; Amended by Ordinance 24-01 , adopted Jan. 23, 2024)

SEC. 10-1.1523 CC-C CONDITIONALLY PERMITTED USES.

- a. Administrative Uses. The following uses are permitted in the CC-C Subdistrict, subject to approval of an administrative use permit:
 - (1) Administrative and Professional Offices/Services.
 - None.
 - (2) Automobile Related Uses.
 - Parking lot or parking structure.
 - (3) Personal Services.
 - (a) Massage parlor. (When ancillary to a primary use such as a beauty shop.)

- (b) Suntan parlor.
- (4) Residential Uses.
 - ~~None.~~
 - (a) Single Room Occupancy. (See Section 10-1.2736(e) for criteria and standards.)
 - ~~(a)~~(b) Medium Licensed Group home. (See definitions)
- (5) Retail Commercial Uses.
 - Wine Shop. (See General Regulations Section 10-1.2750 et seq. for regulations of alcohol.)
- (6) Service Commercial Uses.
 - (a) Recycling collection area. (When located within a convenience zone)
 - (b) Upholstery shop. (Furniture only)
- (7) Other Uses.
 - (a) Ambulance service.
 - (b) Banquet hall. (Where no alcohol is served)
 - (c) Catering facility. (Where no alcohol is served)
 - (d) Day care center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definitions.)
 - (e) Educational facility.
 - (f) Farmer's market.
 - (g) Home occupation - expanded.
 - (h) Temporary use.
 - (i) Cultural facility.
 - (j) Commercial amusement facility.
 - (k) Educational facility.
 - (l) Hospital ~~or convalescent home.~~
 - (m) Mortuary.
 - (n) Passenger transportation terminal.
 - (o) Recreational facility.
 - (p) Religious facility.
 - (q) Taxi company.
 - (r) Convalescent facility

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

- (1) Administrative and Professional Offices/Services.
 - Check cashing store.
- (2) Automobile Related Uses. (Refer to Section 10-1.1045h. for special requirements.)

-
- (a) Automobile sales and rental.
 - (b) Automobile repair (minor and major).
 - (c) Automobile service station.
 - (d) Automobile storage facility. (See definitions)
 - (e) Car wash. Drive-in establishments.
- (3) Personal Services.
Massage parlor. (When not ancillary to a primary use, such as a beauty shop)
- (4) Residential Uses.
- (a) Multiple-family dwelling. (With dwelling units on first floor)
 - (b) Large Unlicensed Group home. (See definitions)
 - (c) Large Licensed Group home. (See definitions)
- (5) Retail Commercial Uses. (See Section 10-1.2750 et seq. for regulations of alcohol.)
- (a) Bar, cocktail lounge.
 - (b) Brewery or Distillery.
 - (c) Cabaret, Dance or Night Club. (See Chapter 6, Article 2 for regulations.)
 - (d) Commercial Cannabis Retail Dispensary. (See Section 10-1.3600)
 - (e) Convenience market.
 - (f) Liquor store.
 - (g) Pawn shop.
 - (h) Theater, Large Motion Picture. (Located outside area between A and D Streets and Grand and Second Streets. See Section 10-1.1045 for special requirements.)
- (6) Service Commercial Uses.
Hotel or motel.
- (7) Other Uses.
- (a) Auctions.
 - (b) Banquet hall. (Where alcohol is served. See Section 10-1.2750 et seq. for regulations of alcohol)
 - (c) Card club. (Subject to Regulations in Chapter 4, Article 3 of the Hayward Municipal Code, "Card Club Regulations")
 - (d) Catering facility. (Where alcohol is served. See Section 10-1.2750 et seq. for regulations of alcohol)

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

SEC. 10-1.1530 CENTRAL CITY—RESIDENTIAL SUBDISTRICT (CC-R)¹²

SEC. 10-1.1532 CC-R PERMITTED USES.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CC-R District as primary uses.
- (1) Administrative and Professional Offices/Services.
None.
 - (2) Automobile Related Uses.
None.
 - (3) Personal Services.
None.
 - (4) Residential Uses.
 - (a) ~~Artist's loft. Live/Work. (Live above place of business)~~
 - (b) ~~Boarding home.~~
 - (be) Small Unlicensed Group home. (See definitions) ~~Within existing single family dwellings. (6 or fewer residents, excluding staff).~~
 - (c) Small Licensed Group home. (See definitions)
 - (d) Multiple-family dwellings. (Density per Downtown Hayward Design Plan)
 - (e) ~~[Reserved.]~~
 - (ef) Single-family dwelling. (Existing as of May 4, 1993, including their accessory structures and uses)
 - (5) Retail Commercial Uses.
None.
 - (6) Service Commercial Uses.
Reverse vending machines. (When located within a convenience zone.)
 - (7) Other Uses.
 - (a) Ambulance service.
 - (b) Christmas tree or pumpkin patch lot. (See General Regulations Section 10-1.2735.c. for standards)
 - (c) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)

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

(d) Public agency facilities.

(e) Low Barrier Navigation Center. (See Section 10-1.2736(b) for criteria and standards.)

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

- (1) Accessory buildings and uses. (See Section 10.1.1555.)
- (2) Accessory Dwelling Unit(s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)
- (3) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
- (4) Home occupation. (See definitions)
- (5) Household pets.
- (6) Indoor storage. (Clearly subordinate to a primary or conditional use that is open to the public and which conforms to the policies and goals of the Redevelopment Agency and the Central City-Residential Subdistrict.)

(Amended by Ordinance 17-16 , adopted Nov. 7, 2017; Amended by Ordinance 24-01 , adopted Jan. 23, 2024)

SEC. 10-1.1533 CC-R CONDITIONALLY PERMITTED USES.

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

- (1) Administrative and Professional Offices/Services.
 - (a) Accounting and financial offices. (Excluding check-cashing stores)
 - (b) Architectural and engineering offices.
 - (c) Banks and financial institutions.
 - (d) Check cashing store.
 - (e) Chiropractic and acupuncture offices.
 - (f) Insurance and real estate offices.
 - (g) Law offices.
 - (h) Medical and dental offices.
 - (i) Travel and airline agency offices.
- (2) Automobile Related Uses.
 - (a) Automobile parts store.
 - (b) Parking lot.
- (3) Personal Services.
 - (a) Barber or beauty shop. (Excluding college)
 - (b) Dance studio.
 - (c) Dry cleaning/laundry.
 - (d) Health club.

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- (e) Martial arts studio.
 - (f) Massage parlor. (When ancillary to a primary and related use such as a beauty salon)
 - (g) Nail salon.
 - (h) Palm reading service.
 - (i) Music studio.
 - (j) Photography studio.
 - (k) Physical fitness studio.
 - (l) Shoe repair.
 - (m) Suntan parlor.
 - (n) Tailor/seamstress shop.
- (4) Residential Uses.
- ~~Boarding home.~~ (a) Medium Licensed Group home. (See definitions)
 - (b) Dormitory.
- (5) Retail Commercial Uses.
- (a) Antique store.
 - (b) Appliance store.
 - (c) Art and art supplies store.
 - (d) Bicycle store.
 - (e) Bookstore.
 - (f) Camera store.
 - (g) Card shop.
 - (h) Carpet/drapery store.
 - (i) Clothing store.
 - (j) Consignment store.
 - (k) Convenience market. (See General Regulations Section 10-1.2750 et seq. for regulations of alcohol)
 - (l) Fabric store.
 - (m) Floral shop.
 - (n) Furniture store.
 - (o) Garden supplies store.
 - (p) Gift shop.
 - (q) Hardware store.
 - (r) Jewelry store.
 - (s) Locksmith shop.

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- (t) Music store.
 - (u) Paint/wallpaper store.
 - (v) Pet grooming shop.
 - (w) Pet store.
 - (x) Plumbing and heating store.
 - (y) Restaurant, with bar. (See General Regulations Section 10-1.2750 et seq. for regulations of alcohol)
 - (z) Sporting goods store.
 - (aa) Stationary store.
 - (bb) Supermarket.
 - (cc) Toy store.
 - (dd) Variety store.
 - (ee) Video sales and rental.
 - (6) Service Commercial Uses.
 - (a) Copying or reproduction facility.
 - (b) Mailing or facsimile service.
 - (c) Recycling collection area.
 - (d) Taxi company.
 - (7) Other Uses.
 - (a) Ambulance service.
 - (b) Day care center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definitions.)
 - (c) Educational facility.
 - (d) Farmer's market.
 - (e) Home occupation - expanded.
 - (f) Temporary use.
 - (g) Cultural facility.
 - (h) Educational facility.
 - (i) Hospital, ~~convalescent home~~.
 - (j) Recreational facility.
 - (k) Religious facility.
 - (l) Convalescent facility.

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

- (1) Administrative and Professional Offices/Services.

-
- None.
- (2) Automobile Related Uses.

None.

- (3) Personal Services.

None.

- (4) Residential Uses.

(a) Large Unlicensed Group home, ~~large~~. (See definitions)

(b) Large Licensed Group home. (See definitions)

- (5) Retail Commercial Uses.

- (6) Service Commercial Uses.

None.

- (7) Other Uses.

None.

(Amended by Ordinance 17-15 , adopted Nov. 28, 2017; Amended by Ordinance 21-05 , § 2, adopted July 20, 2021)

SEC. 10-1.1540 CENTRAL CITY—PLAZA SUBDISTRICT (CC-P)¹³

SEC. 10-1.1542 CC-P PERMITTED USES.

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

- (1) Administrative and Professional Offices/Services. (Above first floor only)

(a) Accounting and financial offices. (Excluding check cashing stores)

(b) Architectural and engineering offices.

(c) Banks. (Excluding check cashing stores)

(d) Chiropractic and acupuncture offices.

(e) Insurance and real estate offices.

(f) Law offices.

(g) Medical and dental offices.

(h) Travel and airline agency offices.

¹³Note(s)—Section 1542a.(5) amended by Ordinance 04-19, adopted December 21, 2004.

Maps in Section 10-1.1544, 10-1.1545 and 10-1.1546 amended August 2006.

Section 10-1.1540 amended by Ordinance 13-12 , adopted November 19, 2013.

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- (2) Automobile Related Uses.
 - Automobile parts store.
 - (3) Personal Services.
 - (a) Barber/beauty shop. (Excluding beauty college)
 - (b) Dry cleaning/laundry.
 - (c) Nail salon.
 - (d) Photography studio.
 - (e) Shoe repair.
 - (f) Tailor/seamstress shop.
 - (4) Residential Uses.
 - (a) ~~Artist's loft/Live/Work. (Live above place of business; non first floor only)~~
 - (b) Residential dwelling unit(s).
 - (c) Single-family dwelling(s). (Existing as of May 4, 1993, including their accessory structures and uses, any floor)
 - (d) Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.
 - (e) Small Unlicensed Group home. (See definitions)
 - (f) Small Licensed Group home. (See definitions)
 - (5) Retail Commercial Uses.
 - (a) Antique store.
 - (b) Appliance store.
 - (c) Art and art supplies store.
 - (d) Bicycle store.
 - (e) Bookstore.
 - (f) Camera store.
 - (g) Card shop.
 - (h) Carpet/drapery store.
 - (i) Clothing store.
 - (j) Consignment store.
 - (k) Fabric store.
 - (l) Floral shop.
 - (m) Furniture store.
 - (n) Garden supplies store.
 - (o) Gift shop.
 - (p) Hardware store.

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- (q) Jewelry store.
 - (r) Locksmith shop.
 - (s) Music store.
 - (t) Paint/wallpaper store.
 - (u) Pet grooming shop.
 - (v) Pet store.
 - (w) Plumbing and heating store.
 - (x) Restaurant. (No bar)
 - (y) Sporting goods store.
 - (z) Stationary store.
 - (aa) Supermarket.
 - (bb) Theater. (Small Motion Picture, Large Motion Picture or Live Performance.)
 - (cc) Toy store.
 - (dd) Variety store.
 - (ee) Video sales and rental.
 - (6) Service Commercial Uses.
 - (a) Appliance repair shop. (Ancillary to appliance sales)
 - (b) Copying or reproduction facility.
 - (c) Mailing or facsimile service.
 - (d) Reverse vending machines. (When located within a convenience zone)
 - (7) Other Uses.
 - (a) Broadcasting studio.
 - (b) Public agency facilities
 - (c) Parks.
 - (d) Day Care Center. (State-licensed, less than 24-hour care for children or adults, 14 or more persons, excluding staff.)

(e) Low Barrier Navigation Center. (See Section 10-1.2736(b) for criteria and standards.)

- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the permitted uses in the CC-P Subdistrict:
 - (1) Accessory buildings and uses. (See Section 10.1.845a.—d.)
 - (2) Accessory Dwelling Unit(s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)
 - (3) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
 - (4) Home Occupation. (See definitions)
 - (5) Household pets.

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- (6) Indoor storage. (Clearly subordinate to a primary or conditional use that is open to the public and which conforms to the policies and goals of the Redevelopment Agency and the Central City-Plaza Subdistrict.

(Amended by Ordinance 17-16 , adopted Nov. 7, 2017; Amended by Ordinance 24-01 , adopted Jan. 23, 2024)

SEC. 10-1.1543 CC-P CONDITIONALLY PERMITTED USES.

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

(1) Administrative and Professional Offices/Services. (On first floor)

- (a) Accounting and financial offices.
- (b) Architectural and engineering offices.
- (c) Chiropractic and acupuncture offices.
- (d) Insurance and real estate offices.
- (e) Law offices.
- (f) Medical and dental offices.
- (g) Travel and airline agency offices.

(2) Automobile Related Uses.

None.

(3) Personal Services.

- (a) Dance studio. (Non-first floor only.)
- (b) Health club. (Non-first floor only.)
- (c) Marshall arts studio. (Non-first floor only.)
- (d) Music studio. (Non-first floor only.)
- (e) Physical fitness studio. (Non-first floor only.)
- (f) Suntan parlor. (Non-first floor only.)

(4) Residential Uses.

~~None.~~

(a) Medium Licensed Group home. (See definitions)

~~(b) Dormitory.~~

(5) Retail Commercial Uses.

None.

(6) Service Commercial Uses.

- (a) Recycling collection area. (When located within a convenience zone.)
- (b) Upholstery shop. (Furniture only)

(7) Other Uses.

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- (a) Ambulance service. (Above first floor only)
 - (b) Banquet hall. (Where no alcohol is served)
 - (c) Catering facility. (Where no alcohol is served)
 - (d) Day care center. (Above first floor only. State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definitions.)
 - (e) Farmer's market. (First floor only.)
 - (f) Home occupation - expanded. (See definitions.)
 - (g) Temporary use.
 - (h) Convalescent facility.

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

- (1) Administrative and Professional Offices/Services.

Check cashing store. (First floor only)

- (2) Automobile Related Uses.

Parking lot or parking structure. (Above first floor only)

- (3) Personal Services.

Massage parlor. (Above first floor only)

- (4) Residential Uses.

~~None.~~

(a) Large Unlicensed Group home. (See definitions)

~~(a)(b) Large Licensed Group home. (See definitions)~~

- (5) Retail Commercial Uses. (See General Regulations Section 10-1.2750 et seq. for regulations of alcohol.)

- (a) Bar, cocktail lounge.

- (b) Commercial Cannabis Retail Dispensary. (See Section 10-1.3600)

- (c) Dance or night club.

- (d) Convenience market.

- (e) Liquor store.

- (6) Service Commercial Uses.

Hotel or motel. (Above first floor only)

- (7) Other Uses.

- (a) Auctions. (Above first floor only)

- (b) Banquet hall.

- (c) Catering facility.

- (d) Commercial amusement facility.

- (e) Cultural facility.

- (f) Educational facility.
- (g) Hospital, ~~convalescent home. (Above first floor only)~~
- (h) Recreational facility.
- (i) Religious facility. (Above first floor only)

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

SEC. 10-1.1600 INDUSTRIAL DISTRICTS ¹⁴

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	
<i>Residential Uses</i>				
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 security employee necessary and

¹⁴Section 10-1.1600 replaced by Ordinance 19-10 , adopted June 4, 2019.

				incidental to the primary use on-site.
<u>Single Room Occupancy</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>Only permitted if conversion of existing hotel. See Section 10-1.2736(e) for criteria and standards.</u>
Administrative and Professional Offices/Services				
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	
Automobile Related Uses				
Automobile Brokerage Office	P	P	P	See definition. Maximum of two vehicles on site.
Automobile Dismantling Facility	-	-	C	
Automobile Parts Store	P	P	P	
Automobile Rental	-	-	A	
Automobile Repair, Major	-	-	P	
Automobile Repair, Minor	A	P	P	
Automobile Sales	-	-	-	
Automobile Service Station	-	-	A	See Section 10-1.1045, Minimum Design and Performance Standards, for special requirements
Automobile Storage Facility	-	-	A	
Automobile Storage Yard	-	-	C	
Automobile Towing Yard	-	-	C	
Automobile Wholesale	P	P	P	See definition. No vehicles permitted on-site.
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	
Industrial Uses				
Brewery	A	P	P	See Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations
Cannabis	See below			
Commercial Cannabis Cultivation (up to 5,000 square feet)	A	A	A	See Section 10-1.3600, Cannabis
Commercial Cannabis Cultivation (5,001 square feet or Greater)	C	C	C	See Section 10-1.3600, Cannabis

Commercial Cannabis Delivery	A	A	A	See Section 10-1.3600, Cannabis
Commercial Cannabis Retail Dispensary	C	-	-	See Section 10-1.3600, Cannabis
Commercial Cannabis Distribution	A	A	A	See Section 10-1.3600, Cannabis
Commercial Cannabis Manufacturing Level 1, (Up to 5,000 square feet)	A	A	A	See Section 10-1.3600, Cannabis
Commercial Cannabis Manufacturing, Level 1, (5,001 square feet or greater)	C	C	C	See Section 10-1.3600, Cannabis
Commercial Cannabis Manufacturing, Level 2	C	-	-	See Section 10-1.3600, Cannabis
Commercial Cannabis Microbusiness	C	C	C	See Section 10-1.3600, Cannabis
Commercial Testing Laboratory	P	P	P	See Section 10-1.3600, Cannabis
Contractor Services	P	P	P	
Storage Yard	-	-	C	
Distillery	A	A	A	See Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations
Industrial Equipment Sales, Rental & Service	-	-	P	
Manufacturing	See below			
Custom Manufacturing	P	P	P	
General Manufacturing	-	P	P	
Light Manufacturing	P	P	P	
Micro-Brewery	C	C	C	See Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations
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	A	A	
Research and Development	P	P	P	
Truck Terminal	-	-	C	
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	
Personal Services				
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	A	-	-	
Retail Commercial Uses				
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/Draperies Store	P	-	-	
Convenience Market	P	P	P	
Furniture Store	P	-	-	
Nursery (Plants)	P	-	-	
Restaurant	P	P	P	
Retail	P	P	Sale of goods produced on site: P; otherwise: C	
Service Commercial Uses				
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	
Other Uses				
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	-	-	
Day Care Center	A	A	C*	*Only permitted in IG District if day care center is intended to serve employees of a large-scale business or business park.
Educational Facilities	A	A	A*	*Only permitted in IG District if included within business park development.
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			
Facilities that are only available for use by employees	P	P	P	
Facilities that may be used by the public	A	A	A	
<u>Emergency Homeless Shelter</u>	P*	P*	P*	*Permitted on city-owned property. <u>See Section 10-1.2736(a) for criteria and standards.</u>
<u>Psychiatric and Rehabilitation Facility</u>	<u>A</u>	<u>A</u>	<u>A</u>	
Kennel	C	A	A	
Public Agency Facilities	P	P	P	
Media Production	A	A	A	
Recreational Facility	See below			
Facilities that are only available for use by employees	P	P	P	
Facilities that may be used by the public	A	A	A	
Religious Facility	A	-	-	
Taxi Company	-	-	A	
Temporary Uses	A	A	A	

SEC. 10-1.1900 AIR TERMINAL DISTRICT (AT)¹⁵

¹⁵Note(s)—Section 10-1.1985dd. added by Ordinance 01-08, adopted July 17, 2001.
Section 10-1-1900 amended by Ordinance 13-12 , adopted November 19, 2013.

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

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) [Reserved.]
 - (b) Architectural service.
 - (c) Banks and financial institutions.
 - (d) [Reserved.]
 - (e) Drafting service.
 - (f) Engineering service.
 - (g) Offices.
 - (h) Travel agency.
 - (2) Automobile Related Uses.
 - Parking lot. (Requires Site Plan Review.)
 - (3) Personal Services.
 - Health club.
 - (4) Residential Uses.
 - None.
 - (5) Retail Commercial Uses.
 - (a) Restaurant. (No drive-through.)
 - (b) 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) Public agency facilities.
 - (d) Research and development.

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- (e) Wholesale sales.
 - 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 Section 10-1.1985.a.—c.)
- (Amended by Ordinance 19-10 , adopted June 4, 2019)

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.~~
(a) Single Room Occupancy (Only permitted if conversion of existing hotel, see Section 10-1.2736(e) for criteria and standards.)
 - (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. (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.

(Amended by Ordinance 19-10 , adopted June 4, 2019)

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

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) Small Unlicensed Group home. (See definitions)

(d) Small Licensed Group home. (See definitions)

(2) Other Uses.

(a) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)

(b) Public agency facilities. (See definitions)

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

(1) Residential Uses.

(a) Accessory Dwelling Unit(s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)

(2) Other Uses.

(a) Accessory buildings and uses. (See Section 10.1.1985)

(b) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)

(c) Home occupation. (See definitions)

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- (d) Household pets.
 - (e) Day Care Center. (State-licensed, unless than 24-hour care for children or adults, 15 or more persons, excluding staff.)

(Amended by Ordinance 17-16 , adopted Nov. 7, 2017; Amended by Ordinance 24-01 , adopted Jan. 23, 2024)

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

a. Administrative Uses.

~~(1) Residential Uses. None.~~

~~(a) Medium Licensed Group Home. (See definitions)~~

b. Conditional Uses.

~~(1) Residential Uses. None.~~

~~(a) Large Unlicensed Group home. (See definitions)~~

~~(b) Large Licensed Group home. (See definitions)~~

SEC. 10-1.2000 AGRICULTURAL DISTRICT (A)¹⁶

SEC. 10-1.2015 USES PERMITTED.

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

(1) Agricultural Uses.

- (a) Crop and tree farming. (Including truck gardening, nurseries, greenhouses, apiaries, hatcheries, aviaries, flower or vegetable gardens and similar uses)
- (b) Farm or ranch. (For the grazing or breeding of livestock, provided livestock is not kept within a distance of 40 feet from any dwelling, or the boundary of any district other than A or FP Districts.)
- (c) Sale of fruits, vegetables, and flowers grown on premises. (Provided sales or displays are not conducted from a motor vehicle, or a structure or stand exceeding 300 square feet in area.)

(2) Residential Uses.

- (a) Single-family dwelling.
- (b) ~~Small Unlicensed Group home, for 6 or fewer residents, excluding staff.~~ (See definitions)
- (c) Small Licensed Group home. (See definitions)

(3) Other Uses.

¹⁶Section 10-1.2020(b)(3) amended by Ordinance 04-13, adopted September 28, 2004.
Section 10-1.2000 amended by Ordinance 13-12, adopted November 19, 2013.

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- (a) Christmas tree or pumpkin patch lot. (See General Regulations Section 10-1.2735.c. for standards)
 - (b) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
 - (c) Public agency facilities.
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the primary uses permitted in the A District:
- (1) Residential Uses.
 - (a) Accessory Dwelling Unit(s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)
 - (b) Second single-family dwelling. (Where one single-family dwelling already exists on a lot, one additional single-family dwelling may be constructed provided the minimum development standards (lot size, setbacks, height, etc.) can be met for each dwelling).
 - (2) Other Uses.
 - (a) Accessory buildings and uses. (Including green houses, stables, barns, corrals, pens, coops, and structures used for parking or processing of products raised upon the premises, and similar uses and structures customarily incidental to agricultural uses. Also see Section 10-1.2735.e.)
 - (b) Garage sales. (4 per year per dwelling. See Section 10-1.2735.d.)
 - (c) Home occupation. (See definitions)
 - (d) Livestock, large and small. (See Section 10-1.2735.e. and definitions.)

(Amended by Ordinance 17-16, adopted Nov. 7, 2017; Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-1.2020 CONDITIONALLY PERMITTED USES.

- a. Administrative Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the A District, subject to approval of an administrative use permit:
 - (1) Agricultural Uses.
 - (a) Riding stable or academy.
 - (b) Kennel.
 - (2) Residential Uses.
 - (a) ~~Medium Licensed Group home. (See definitions) None.~~
 - (3) Other Uses.
 - (a) Ambulance service.
 - (b) Day care center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definitions)
 - (c) Home occupation, expanded. (See definitions)
 - (d) Hospital, ~~convalescent home.~~

- (e) Kennel.
 - (f) Parking lot.
 - (g) Temporary use.
 - (h) Wind energy conversion system.
 - (i) Convalescent facility.
- b. Conditional Uses. The following uses, or uses determined to be similar by the Planning Director, are conditional uses permitted in the A District, subject to the approval of a conditional use permit:
- (1) Agricultural Uses.
None.
 - (2) Residential Uses.
 - (a) Large Unlicensed Group home. (See definitions)
 - (b) Large Licensed Group home. (See definitions)
 - ~~Large group homes shall not be closer than 500 feet of the boundaries of a parcel containing another Group Home, unless a conditional use permit is issued on the basis that waiver of such separation requirement would not be materially detrimental or injurious to the property, improvements or uses in the immediate vicinity.~~
 - (3) Other Uses.
 - (a) Asphalt or concrete batch plant, when ancillary to a quarry.
 - (b) Cultural facility.
 - (c) Educational facility.
 - (d) Golf course, country club.
 - (e) Quarry.
 - (f) Recreational facility.
 - (g) Religious facility.

SEC. 10-1.2700 GENERAL REGULATIONS¹⁷

¹⁷Section 10-1.2735 k. amended by Ordinance 03-08, adopted May 27, 2003.

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

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

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

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

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

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

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

SEC. 10-1.2735 SPECIAL STANDARDS AND CONDITIONS FOR COMMERCIAL, INDUSTRIAL AND TEMPORARY/ACCESSORY 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.

a. Adult Entertainment Activity Regulations.

- (1) Purpose. In adopting these regulations it is recognized that certain types of adult entertainment activities possess objectionable operational characteristics which, when concentrated, have a deleterious effect upon adjacent areas. It is also recognized that locating adult entertainment activities in the vicinity of facilities frequented by minors will cause the exposure of adult material to minors who, because of their immaturity, may be adversely affected by them. Special regulations of sex-oriented, adult entertainment businesses is necessary to insure that adverse effects will neither contribute to the blighting or downgrading of surrounding neighborhoods nor have an adverse effect on minors.
- (2) Definitions. For the purpose of these regulations, certain terms and words shall have the following meanings:
 - (a) Adult Entertainment Activity. An activity which is characterized by an emphasis on depicting, describing or relating to "specified sexual activities" or "specified anatomical areas." Said term includes, by way of illustration only, the following:
 - (i) Adult Arcade. An establishment where one or more motion picture projectors, slide projectors or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas.
 - (ii) Adult Bookstore. An establishment having as a substantial or significant portion of its stock-in-trade, and offers for sale one or more of the following: books, magazines, and other periodicals which are substantially devoted to the depiction of "specified sexual activities" or "specified anatomical areas."
 - (iii) Adult Gift Store. An establishment having as a substantial or significant portion of its stock in trade, and offers for sale one or more of the following: instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities" (i.e., "adult gifts.")
 - (iv) Adult Motion Picture Theater. An enclosed building used for presenting material in the form of motion picture film, video tape or other similar means, and in which a substantial portion of the total presentation time is devoted to the depiction of "specified sexual activities" or "specified anatomical areas" for observation by persons therein.
 - (v) Adult Theater. A theater, concert hall, auditorium or similar establishment in which a substantial portion of the total presentation time is devoted to live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

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- (vi) Sexual Encounter Establishment. An establishment which provides a place where two or more persons may congregate, associate or consort in connection with "specified sexual activities" or the exposure of "specified anatomical areas." This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State of California engages in sexual therapy.
- (b) Specified Sexual Activities. This term shall be used herein to mean:
 - (i) Human genitals in a state of sexual stimulation or arousal;
 - (ii) Acts of human masturbation, sexual intercourse or sodomy;
 - (iii) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
 - (c) Specified Anatomical Areas. This term shall be used herein to mean:
 - (i) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
 - (ii) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (3) Location. No person shall place, maintain, own or operate any adult entertainment activity, as herein defined, in the following locations:
 - (a) Within 500 feet of any parcel of real property zoned primarily for residential use; or
 - (b) Within 500 feet of any parcel of real property on which is located any of the following facilities:
 - (i) A school primarily attended by minors;
 - (ii) A church which conducts religious education classes for minors;
 - (iii) A public park, playground or other recreational facility;
 - (iv) A museum;
 - (v) A library.
 - (c) Within 500 feet of any other adult entertainment activity as herein defined.
 - (4) Public Display of Certain Matter Prohibited. No person shall place, maintain, display or exhibit any material in a manner which exposes to public view photographs or illustrations of "specified sexual activities" or of poses which emphasize or direct the viewer's attention to "specified anatomical areas." As used herein, "exposes to public view" means exposes to the view of persons outside the building in which said material is placed, maintained or displayed.
 - (5) Discontinuance of Nonconforming Activities. No later than September 19, 1980, all adult entertainment activities made nonconforming by reason of the provisions hereof, except those activities rendered nonconforming because of being within 500 feet of any other adult entertainment activity, shall be discontinued or shall be brought into full conformance with the provisions hereof, except that such activities may be allowed to continue for an additional period upon the approval of a variance with the finding that the activity is obligated by written lease entered into before the effective date of this section for a period exceeding two years from such effective date, or that the activity involves investment of money in leasehold or improvements of such that a longer period is necessary to prevent undue financial hardship.

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- b. Catering Truck Standards. All catering truck operations shall comply with the following standards:
- (1) Catering trucks shall only park on private property with the permission of said property owner(s).
 - (2) Catering trucks shall not park on any City streets, rights-of-way or property.
 - (3) Catering trucks shall not be located on a single parcel more than 20 minutes at a time.
 - (4) Catering trucks shall not be located within 300 yards of a food vendor as defined in this Ordinance.
 - (5) Catering trucks shall not return to the same location within less than two hours.
 - (6) Catering trucks shall obtain all necessary approvals for the County Health Department and City of Hayward Police Department.
- c. Christmas Tree and Pumpkin Patch Lot Regulations. All Christmas tree and pumpkin patch lots shall comply with the following standards:
- (1) Pumpkin Patch lots shall not be established before October 1 of each year and Christmas tree lots shall not be established before November 22 of each year. Annual permits must be obtained from the Fire Department and the Building Division.
 - (2) Prior to opening for business, all Fire Department and the Building Division permits shall be obtained. The lot shall be maintained and operated in compliance with all Fire Department and the Building Division requirements.
 - (3) No merchandise, equipment, vehicles, refuse, or other material associated with the proposed lot shall block circulation or parking aisles outside fenced areas.
 - (4) No aspect of the proposed operation shall impede access to any public driveway, nor any parking areas required for the operation of surrounding uses.
 - (5) All parking and loading must be done on the lot and not on any public street. Parking areas shall be surfaced to prevent mud or dust from being tracked onto the public right-of-way.
 - (6) An electrical permit must be obtained prior to installation of any lighting.
 - (7) Fencing around the premises shall be properly stabilized.
 - (8) Signs shall be confined to the designated lot area only and must not obstruct vision of motorists.
 - (9) If sawdust or other similar material is used to cover the lot, it shall be kept moist.
 - (10) A minimum of one employee shall be on the premises at all times to insure compliance with the conditions of approval.
 - (11) All trees or pumpkins, merchandise, debris, fences, poles, hay or sawdust and other evidence of the use must be removed within 7 days after the Halloween or Christmas Holiday. To the maximum extent possible, all wood products must be recycled. While other recycling facilities may be used, it is preferred that all wood products such as trees, tree stands, and sawdust (but not including flock and tinsel) be recycled by drop-off at the City of Hayward Water Pollution Control Facility.
 - (12) Notices must be conspicuously posted on the lot and distributed to customers at the point of sale providing information about the City of Hayward Christmas tree Recycling Program provided by the Office of Solid Waste Management.
- d. Cannabis, Personal Cultivation and Commercial Cannabis. Refer to Section 10-1.3600, Cannabis.

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- e. Garage Sales. Garage sales, also referred to as yard sales, shall not create a public nuisance as defined herein, and shall be limited to a maximum of four times per year per dwelling for single-family homes, and four times per year per development for multi-family areas.
 - f. Livestock, Apiaries, and Household Pets.
 - (1) Minimum Lot Area. The minimum lot area for any lot used to maintain livestock and other animals, except for household pets, whether a temporary use or principal use of the property, shall be the lesser of either the minimum lot area specified in the zoning district in which the property is located or the area hereinafter specified:
 - (a) For large and medium livestock, the minimum lot area shall be 20,000 square feet;
 - (b) For exotic animals, poultry or other birds, the minimum lot area shall be 4,000 square feet, or greater, depending on the species of the animal, as determined by the Planning Director;
 - (c) For apiaries, the minimum lot area shall be 4,000 square feet.
 - (2) Maximum Number of Animals. The maximum number of livestock or any other animals allowed pursuant to this section is subject to a determination by the Planning Director that the site is suitable, including consideration of size, configuration and location, and can support the number of livestock or other animals without creating nuisance problems for surrounding residential properties. The following limits shall apply:
 - (a) Livestock: In no case shall the number of livestock, as defined herein, kept or maintained on any lot exceed one large livestock for each 20,000 square feet of land contained in such parcel, or one medium livestock for each 10,000 square feet of land contained in a minimum 20,000 square foot parcel.
 - (b) Fowl: In no case shall hens, ducks, pigeons, or other small fowl be kept on a parcel that is less than 4,000 square feet in size.
 - (c) Apiaries: For apiaries, in no case shall the number of hives exceed two for a parcel which is less than 40,000 square feet in size or zero for a parcel which is less than 4,000 square feet in size.
 - (d) Duration of Limit: Once a permit is granted establishing the maximum number of animals allowed on a property, the permittee is entitled to maintain that maximum number of animals indefinitely as long as an animal(s) has existed continuously, in that six months have not passed where there were no animals on the property.
 - (3) Minimum Available Open Area. All livestock or other animals shall be provided with the minimum available open area specified below (such area may include barns, stables, sheds or similar structures used to house animals):
 - (a) For large livestock, the minimum available open area per animal shall be 5,000 square feet;
 - (b) For medium livestock, the minimum available open area per animal shall be 2,500 square feet;
 - (c) For poultry, the minimum available open area per animal shall be 36 square feet;
 - (d) For exotic animals, the minimum available open area per animal shall be as determined by the Planning Director, based on the species of the animal.
 - (4) Buildings and Structures. All animals shall be provided with adequate shelter or other protection from the elements. Shelter may be provided through the construction of a coop, stable, or other structure, as appropriate for the species of animal and as determined by the Planning Director. Buildings and structures used for the housing of animals shall be located behind the principal

structure on the lot. Such buildings and structures may be located elsewhere on the lot due to topography or other special characteristics of the lot, subject to approval of the Planning Director. Such structures shall be large enough and designed such that all animals may lie down, stand up, fully extend their limbs and turn around freely, as required by the section 1350 of Title 3 of the California Code of Regulations, as may be amended from time to time. Hives and accessory structures for the keeping of livestock or household pets shall not be located in front of a primary structure.

- (5) **Maximum Height of Structures.** No building or structure used for the housing of animals shall be erected or maintained on any lot to a height greater than that permitted for accessory structures in the respective zoning district. For small livestock and household pets, the maximum height of an enclosure shall be six feet, except for beehives. For beehives, the maximum height shall be limited to four feet. A greater height may be permitted based on consideration of special characteristics of the lot, including, but not limited to, topography, lot size, and building placement, and subject to approval of the Planning Director.
- (6) **Minimum Setback Requirements.** All barns, stables, and other structures used for the housing of animals, except for household pets, on any lot shall be located not less than 20 feet from any property line and not less than 40 feet from any dwelling on the same or adjoining lot. Beehives and all structures for the housing of household pets, including chicken coops, shall be located not less than 5 feet from any property line and not less than 6 feet from any dwelling on the same or adjoining lot. The distances as specified in this subsection may be reduced or waived upon the finding that such distances are not necessary for the protection of nearby residences.
- (7) **Fence Requirements.** All areas containing livestock or other animals shall be enclosed by fences which are good, strong, substantial, and sufficient to prevent the ingress and egress of livestock or other animals. Such fences shall be designed and constructed of appropriate materials and be of an adequate height so as to control and contain such animals at all times, while avoiding injury to such animals, preventing such animals from reaching across any property lines, and of a design that does not detract from the appearance of the site or surrounding area. Where bees are proposed to be kept, a solid fence of at least six feet in height shall be erected along all property lines within ten feet of the hive. Hives shall not be located in areas where this requirement cannot be met due to height limitations for fences.
- (8) **Maintenance of Livestock and Other Animals.** All livestock and other animals shall be kept or maintained so as to minimize and prevent production of flies, excessive odor, dust, noise, or other conditions detrimental to the community health and welfare, by applying the following minimum requirements:
 - (a) Manure must be removed daily from the corral, stable, paddock, or other holding areas and stored in fly-tight containers, cans or holding boxes, until disposal; roosts, lofts, and rabbit hutches must be cleaned daily unless worm beds are maintained under the rabbit hutches. Composting or similar treatments may be permissible if performed to appropriate standards so as not to constitute a nuisance, as determined by Planning Director.
 - (b) Watering troughs must be so constructed and located that they do not overflow excessively in the stall, corral or paddock area, as to promote mosquito larvae growth.
 - (c) Hay must be stored in such a manner so as not to become a nesting place for rodents, i.e., stored in rodent-proof buildings or off the floor and away from walls, other material or equipment.
 - (d) Grain feeds shall be stored in rodent-proof containers or buildings, i.e., metal cans or rodent-proof feed cribs; all other feed must be stored in vermin-proof containers.

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- (e) The entire area set aside for the animals shall be cleared of all rubbish and debris.
 - (f) Livestock shall not be abandoned on any property or right-of-way in the City of Hayward. Any application for a permit to keep livestock shall include a preliminary plan for the eventual discontinuation of the keeping of livestock on the site, including a method for the relocation of livestock.
 - (g) Where apiaries are proposed to be sited within one hundred feet of any residence, a person responsible for management of the hives must reside on the property.
- (9) Livestock as a Legal, Nonconforming Use. Livestock existing as a legal, nonconforming use may continue indefinitely as long as (1) the livestock have existed continuously in that six months have not passed when there were no livestock on the site, (2) the maximum number of livestock established as a nonconforming use is not increased, and (3) as long as there is no intensification of livestock, e.g., legal, nonconforming medium livestock may not be intensified by replacing them with large livestock. The burden of proof for establishing the legal, nonconforming status of livestock rests with the property owner subject to the endorsement of the Planning Director.
- (10) Permit Required. As provided in the Zoning Ordinance, a Zoning Conformance Permit is required prior to the establishment of household pets or apiaries as a secondary use. This requirement shall be waived for household pets where the enclosure is located at least forty feet from any residence, and for apiaries where the hives are located at least one hundred feet from any residence. An application for a Zoning Conformance Permit shall be reviewed by the Planning Director or their designee and shall be approved if all of the standards of this section are met.
- (a) Household Pets: A Zoning Conformance Permit is required for the establishment of the following household pets: Hens, ducks, pigeons, rabbits and other similar small animals, as determined by the Planning Director, where the proposed total number on a property does not exceed four (4) of such animals. An application for a Zoning Conformance Permit shall be submitted on a self-certification form, wherein an applicant shall acknowledge with their signature or initials that they understand the requirements of the Hayward Municipal Code with respect to the maintenance and management of the animals that are proposed. Where the City determines that compliance with such standards is impossible given the characteristics of the site where the animals are kept, then the permit shall be deemed null and void.
 - (b) Apiaries: An application for a Zoning Conformance Permit for beekeeping shall require noticing of all property owners within one hundred feet of the property where the bees are proposed to be kept. Such notice shall be mailed within five business days of receipt of such application. If the City receives notification and documentation acceptable to the Planning Director (such as a doctor's note) that an individual who is allergic to bees resides within one hundred feet of the property where bees are proposed, the application shall be denied. Such notification and documentation may be received from any person who received an official notice from the City or from any person who can establish that they reside within one hundred feet of the property where bees are proposed to be kept. If no notification is received within thirty calendar days of the mailing of the official notice, and if the application meets all other city design criteria, the permit shall be issued.

g. [Reserved.]

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

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- ~~(1) Shall be attached to a permanent foundation pursuant to Health and Safety Code Section 18551, and shall have all utility connections conform to all requirements of the City's Building, Plumbing, Electrical, and Mechanical Codes.~~
 - ~~(2) Shall be a minimum of 20 feet wide.~~
 - ~~(3) Shall have a roof constructed of asphaltic, wooden, glass fiber or tile materials.~~
 - ~~(4) Shall have wood, masonry or stucco siding which will extend to the ground (except when a solid masonry perimeter foundation is used, the siding need only extend to the top of the foundation).~~
 - ~~(5) Shall have an overhang or eave extending a minimum of 14 inches from the wall.~~
 - ~~(6) Shall have a floor height no more than 30 inches above the finished grade of the building pad.~~
 - ~~(7) Shall include a minimum 20-foot-wide garage (interior dimension) and/or landscaping where necessary to make the house compatible with surrounding residential development.~~
 - ~~(8) Shall conform with Hillside Design and Urban/Wildland Interface Guidelines.~~

h. Outdoor Gatherings.

- (1) Permit Required. No outdoor gathering of 275 or more people shall be held unless an administrative use permit has first been obtained.
- (2) Outdoor Gathering. Any assembly, music festival, carnival, show, circus, dance, exhibition, lecture, concert, rally, party, celebration, or similar event or activity which is:
 - (a) Open to the public or to which members of the public are invited or admitted either for a charge or free of cost; and
 - (b) Held out of doors or other than in a permanent structure that was constructed for the purpose of or constructed so that it can be used for conducting such event or activity; provided, however, that the incidental use of any patio, courtyard, deck, or other area adjacent to and outside a permanent structure (that is authorized as a permitted primary or conditional use) by participants at the event or activity shall be considered use of the permanent structure for the purposes of this provision.
- (3) Application. An application for an administrative use permit to hold an outdoor gathering shall be submitted to the Planning Director on a form provided for such purpose, setting forth the following:
 - (a) The location and legal owner of the premises on which the outdoor gathering is to be held;
 - (b) The number of people the applicant will admit to the outdoor gathering, his plans to limit admittance to the outdoor gathering to such number, and the date(s) and times during which the gathering is to be held;
 - (c) The applicant's plans, including facilities for the handicapped where physically feasible, for provisions of potable water, toilet facilities, solid waste disposal, and if required by the Health Officer of Alameda County, emergency medical treatment;
 - (d) The applicant's plans for provision of parking spaces, including spaces for the handicapped;
 - (e) The applicant's plans for illuminating the premises if any part of the gathering is to be held within one hour before sunset or after dark;
 - (f) A description of all sound amplification equipment the applicant plans to use and the intensity in decibels at the property line of the premises upon which the gathering is to be held; and

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- (g) The applicant's plans for provision of fire control devices and method of vehicular and pedestrian access to and from the gathering.
- (4) Permit Issuance. An administrative use permit for an outdoor gathering may be issued if the applicant shows that the following conditions have been met:
- (a) The applicant is the owner of the premises on which the gathering is to be held or the owner of the premises has consented to the use of the premises for the outdoor gathering;
 - (b) The Chief of Police has approved the applicant's plans to limit attendance at the outdoor gathering to the number of people set forth in the application, maintain order, and assure compliance with all applicable laws and regulations, including but not limited to, the provisions of this ordinance and the conditions of the permit under which the outdoor gathering is held. The Chief of Police shall approve the applicant's security plans if one security guard, who may be a peace officer or other person acceptable to the Chief of Police, is provided for every 275 persons expected to attend the outdoor gathering and the sole responsibility of such guard(s) is to limit attendance at the outdoor gathering to the number of people set forth in the permit, maintain order, and enforce all laws, regulations, and permit conditions;
 - (c) The Health Officer of Alameda County has approved the applicant's plans, including facilities for the handicapped where physically feasible, for provisions of potable water, toilet facilities, solid waste disposal, and if required by the Health Officer, emergency medical treatment;
 - (d) The Traffic Engineer has approved the applicant's plans for provisions of parking spaces, including provision for spaces for the handicapped where physically feasible. The Traffic Engineer shall approve the applicant's plans for the provision of parking if finds that parking spaces are provided for one of each four persons the applicant will admit to the outdoor gathering, safe access to and from such parking spaces is provided, and such parking spaces will be graded, marked, and separated by a physical device from all pedestrians;
 - (e) The Public Works Director has approved the applicant's plans for illuminating the premises upon which the outdoor gathering is planned if any part of the gathering is expected to occur within one hour before sunset or after dark. The Public Works Director shall approve illumination plans that provide for safe lighting equipment which illuminates at the following levels:
 - (i) Open areas to be used by attendees at 10-foot candle intensity;
 - (ii) Parking and pedestrian access areas at 5-foot candle intensity; and
 - (iii) Toilet facility areas at 50-foot candle intensity;
 - (f) The Planning Director has approved the applicant's plans for any use of sound amplifying equipment. The Planning Director shall approve sound amplification plans that limit noise levels to no more than 60 L_{dn} or CNEL (db) at the property line of the premises or is lawfully used for residential use or abuts property zoned or lawfully used for residential use and no more than 70 L_{dn} or CNEL (db) at the property line of the premises upon which the gathering is to be held, if such premises is neither zoned nor used for residential use nor abuts property that is zoned or used for residential use; provided, however, that the Planning Director shall not approve any sound amplification plans that call for the use of sound amplification equipment between the hours of 10:00 p.m. and 6:00 a.m.; and

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- (g) The Fire Chief has approved the applicant's plans for provisions for fire control devices and plan(s) for vehicular and pedestrian ingress and egress to the site, including emergency vehicles.
 - i. Private Street Criteria. Approval of a private way as a private street (not part of a subdivision or other development project) for the purpose of establishing a street frontage for a lot shall be governed by the following:
 - (1) Overall, minimum right-of-way shall be 25 feet per the City Standard Design Details, and paved access shall be not less than 10 feet in width for a one-way driveway and 12 feet in width for a two-way driveway. The access may be increased up to 24 feet in width and incorporate a turn-around area, as such is determined to be necessary, giving consideration to traffic volumes, location, land use, and other relevant factors.
 - (2) The access strip shall be improved to public street standards. Such improvements shall be installed, or the installation shall be guaranteed to the satisfaction of the City, prior to issuance of a building permit for any use fronting on the private street.
 - (3) In the instance that multiple lots are to be served by one private street, the following criteria may apply:
 - (a) Six or fewer lots require a minimum of a 20-foot wide paved private driveway.
 - (b) Seven or more lots require a minimum of a 24-foot wide paved private street.
 - (c) Six or fewer lots may be served by a hammerhead.
 - (d) Seven or more lots shall be served by a cul-de-sac.
 - (4) The above requirements may be amended after evaluating the following:
 - (a) Existing and estimated future volume of traffic.
 - (b) Existing, proposed, and potential development to be served by access.
 - (c) Adequacy of drainage facilities.
 - (d) Condition of roadway and provisions for maintenance.
 - (e) Suitability for emergency vehicle access and utility right-of-way.
 - (f) Alignment and grade.
 - (g) Need for off-street parking or pathway to serve adjacent uses.
 - (5) Before approving a private street, the Planning Commission shall find that:
 - (a) The private street is physically adequate to provide access for pedestrians and vehicles.
 - (b) There is a right, exclusive or non-exclusive, to use the private street on a permanent basis which is appurtenant to the subject lot(s).
 - (c) The private access will not conflict with the General Plan.
 - (6) Requests for approval shall be considered by the Planning Commission which shall recommend approval, conditional approval, or denial. Upon review by the Commission, said request shall be then considered by the City Council which shall approve, conditionally approve, or deny said request. The action of City Council is final.
 - j. Small Recycling Collection Facilities and Unattended Collection Boxes.
 - (1) Purpose and Intent.

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- (a) The purpose of the subsection 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 subsection 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.
- (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 certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.
- (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.

(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 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 Code (MB-CN, MB-NN, MB-CC). 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 subsection.

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).

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- (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) [Reserved.]
 - (e) Removal of Unattended Collection Boxes and Liability. If an unattended collection box on private or public property 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.
- k. Fence Regulations for Vacant Properties.
- (1) Purpose. The purpose of this section is to set forth design and performance standards for perimeter fencing within required yards of vacant buildings and sites.
 - (a) Vacant buildings and sites provide convenient locations and opportunities for dumping, trespassing and other illegal activities, resulting in public nuisances.
 - (b) Installation of perimeter fencing around vacant buildings and sites discourage potential public nuisances. However, the City must balance the benefit of security and prevention of public nuisances with the aesthetic impact of excessive use of chain link fencing typically utilized to secure vacant property.
 - (c) The City has an interest in ensuring that highly visible perimeter fencing installed along property frontages of vacant buildings and sites is well-designed, durable, and maintained in good condition to discourage blight and trespassing on such properties and to promote the aesthetic character of the city.
 - (2) Applicability. These regulations shall apply to all properties that are determined to be vacant as defined in Section 10-1.3500, for a minimum of 30 days.
 - (3) Fencing installed pursuant to this section shall comply with the following standards:
 - (a) A perimeter fence may be installed around a building or site that is vacant pursuant to Section 10-1.3500, Definitions.
 - (b) Fencing installed pursuant to this section shall not exceed six feet in height within the required setbacks.
 - (c) Residential, Commercial, Mission Boulevard Code, Open Space and Public Facilities Districts, except Central City Districts: Fences located along front, corner, or street side yards of properties with any frontage along roadways identified as arterial and collector streets in the City of Hayward General Plan shall be composed of wrought iron, chain link with decorative fence screen, wood picket or rail, wood-plastic composite, vinyl clad chain link (black or green), fence lace style or Omega style fencing. Fencing around properties fronting roadways identified as local streets in the City of Hayward General Plan and all interior lot line fencing, regardless of location, may be chain link.
 - (d) Central City Districts and Downtown Development Code: Fences located along property lines that front public right-of-way shall be composed of wrought iron, chain link with decorative fence screen, wood picket or rail, fence lace style or Omega style fencing. Interior lot line fencing that does not front public right-of-way may be chain link.

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- (e) Planned Development (PD) Districts: Fence standards for PD District properties shall be as approved in the PD District. If not specified in the PD District regulations, fence standards for vacant PD zoned properties shall be the same as those of the nearest adjacent zoning district as set forth in c and d above, and f below, as determined by the Planning Director or designee.
 - (f) Industrial and Other Districts: Chain link perimeter fencing may be placed around all sides of vacant properties, including those fronting public right-of-way. Such fences shall be consistent with the fence placement and height standards set forth in this subsection, unless otherwise permitted by the Planning Director or designee.
 - (g) Alternative fencing materials for all zoning districts may be approved by the Planning Director or designee upon finding that the proposed fence material is not chain link, is durable, well-designed, and enhances the aesthetic character of the City.
- (4) Maintenance and Performance Standards:
- (a) Fencing installed pursuant to this section shall be maintained in good condition and appearance with no structural damage, tearing, fading or visible rust, and shall be free of graffiti.
 - (b) Fences posts shall be installed in the ground unless the perimeter of the site is paved in which case fence panel stands may be used. Fence panel stands shall be composed of the same material as the fence, structurally sound, and hold fence panels in a fully erect position.
 - (c) No portion of a temporary fence, including fence panel stands or other posts, shall encroach on City-owned right-of-way, unless permitted by an approved encroachment permit.
 - (d) No portion of a fence installed pursuant to this section shall impair driver visibility or create a traffic hazard or otherwise violate standards set forth in Hayward Traffic Code, Article 9, Obstructions to Visibility at Intersections.
 - (e) Fencing standards set forth above shall not apply to safety or emergency fencing installed on a vacant property when conditions on that property cause or constitute an imminent or immediate danger to the health or safety of the public or a significant portion thereof.
- (5) Appeals of reviewing authority decisions made pursuant to this chapter shall be filed and processed in accordance with Section 10-1.2845, Appeal and Review Process, of this code.
- (6) Implementation. All owners of vacant property with perimeter fencing that is located within required front, side and rear yards shall have one year from the effective date of these regulations to remove all non-conforming fencing. However, any non-conforming fencing that is structurally damaged, rusting, fading or tearing shall be removed or replaced within 60 days of adoption of this ordinance.
- I. Vehicle Parking, Repair, Display, and Storage Requirements. The term "vehicle" as used in this section shall include an automobile or truck (excluding truck tractor or any vehicle exceeding a maximum gross weight limit of 6,000 pounds of gross vehicle weight) recreational vehicle, trailer, boat mounted on trailer, special interest vehicle, or other vehicle referenced in California Vehicle Code section 5051, and other vehicles of similar kind and use. In all zoning districts, use of any kind of vehicle as defined herein for living or sleeping purposes shall be prohibited except within mobile homes within an approved mobile home park and for safe parking operation as described in Section 10-1.2736 (c).
- (1) Single-Family Residential Uses.

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- (a) Parking and Storage in Front Yards. Vehicles shall be parked in the required front yard only on the paved driveway which provides direct access to the garage from a public street or an approved private street, perpendicular to the street, or on a curved driveway.
 - (b) Parking or Storage in Other Than Front Yards. Parking or storage of vehicles in areas other than the front yard is permitted subject to the following requirements:
 - (i) No vehicle shall be parked or stored in a required side yard or side-street yard with the following exceptions: recreational vehicles that are not self-propelled, and are less than 6 feet in height, such as a boat, compact trailer tent or similar recreational vehicle can be stored in a required side yard if screened from view from the street by a solid fence.
 - (ii) Parking or vehicle storage areas shall be paved with asphaltic or Portland Cement concrete and conform to City standards. A secondary driveway which provides access to a recreational vehicle storage area may be constructed with concrete, asphalt, or rock or concrete wheel tracks.
 - (iii) Open parking or vehicle storage areas located on lots less than 10,000 square feet in area shall not exceed 500 square feet in area (700 square feet for lots 10,000 feet or larger).
 - (iv) Open or covered parking areas, and garages or carports exceeding 120 square feet in area, shall be located no less than 5 feet from the side or rear property line and shall conform to all other requirements of the Zoning Ordinance and Building Code.
 - (2) Multi-Family Residential Uses—Prohibited Vehicles. Parking or storage of truck tractors or vehicles that are not self-propelled (trailers, boats mounted on trailers, and other vehicles or equipment of similar kind and use) are prohibited except within designated storage areas approved as part of the site plan review, use permit, planned development or building permit.
 - (3) Display and Sale of Motor Vehicles. Display for sale of one motor vehicle, boat, trailer, motorhome, or other vehicle is permitted as an accessory residential use, provided said vehicle is registered to a person who currently resides on the property. Display for sale of any vehicle on any property not approved for such use is unlawful, and legal action may be taken against the vehicle owner, property owner, or both.
 - (4) Vehicle and Boat Repair. It shall be unlawful and a public nuisance for any person to engage in, or any property owner to allow to occur, vehicle or boat repair in any residential zone:
 - (a) Upon any vehicle which is not registered to a current occupant of the premises where the work is being performed; or
 - (b) Upon more than two (2) vehicles at one time on the same premises or by the same person; or
 - (c) Outside a fully enclosed structure for uses defined as major automobile repair as defined in Section 10-1.000 of this Ordinance. Minor automobile repair may be performed outside a fully enclosed structure where elapsed time between the beginning and end of the repair does not exceed forty-eight (48) hours. Vehicle painting, other than spot painting, shall not be permitted in residential zones.
 - m. Food Vendor Permit.
 - (1) Permit Required.

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- 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 are permitted as specified in Zoning Districts, subject to the permit requirements and standards set forth below. Permits for vendors who are operating at the date of adoption of this regulation, may be renewed pursuant to the provisions of this Section.
- (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 on private property. This Section shall not apply to Catering Truck operations as defined in subsection (b) of this Section or Sidewalk Vendors, as defined in Section 6-16.30(B) of the Hayward Municipal Code.
- 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 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.

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- 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. Approved locations for food vending shall not be located within 300 yards of any school.
 - b. 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.
 - c. 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.
 - d. All mobile units with ventilating equipment shall be located 10 feet away from all buildings unless otherwise approved by the Planning Director.
 - e. A food vendor shall not sell any food or food products between the hours of 7:00 p.m. and 7:00 a.m. unless otherwise authorized by the Planning Director.
 - f. 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.
 - g. 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.
 - h. 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.
 - i. 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.
 - j. 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.
 - k. 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.

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- (6) Shall have a floor height no more than 30 inches above the finished grade of the building pad.
- (7) Shall include a minimum 20-foot-wide garage (interior dimension) and/or landscaping where necessary to make the house compatible with surrounding residential development.
- (8) Shall conform with Hillside Design and Urban/Wildland Interface Guidelines.

d. Safe Parking.

- (1) Permit Required. No safe parking operations shall occur unless an Administrative Use Permit has first been obtained.
- (2) Definitions.
 - a. Operable. Operable shall mean that the vehicle is capable of moving or operating on its own power, is not missing any significant component part, and can be driven on and off site without assistance.
- (3) Eligibility Criteria. Safe parking operations shall occur on a parcel that meets all of the following requirements.
 - a. The parcel shall be owned by a tax-exempt organization in compliance with 501(c) of the Federal Revenue and Taxation Code or a public agency.
 - b. The parcel shall have a minimum of 50 parking spaces or a habitable structure with minimum 10,000 square feet gross floor area.
 - c. The parcel shall be a minimum of 20,000 square feet.
- (4) Standards.
 - a. Safe parking operations shall be used only by operable cars, recreational vehicles (RVs), and vans.
 - b. Safe parking vehicles shall be located on a paved surface.
 - c. Parked vehicles shall not obstruct drive aisles or otherwise interfere with established circulation patterns on the site. The site shall maintain adequate emergency vehicle access and access to fire protection systems, as determined by the Fire Chief or their designee.
 - d. Any safe parking participant shall not throw, deposit, discharge, leave, or permit to be thrown, deposited, discharged, or left, any oil, grease, refuse, garbage, or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, gutter, storm drain, inlet, catch basin, conduit or other drainage structure, or upon any public or private parcel of land in the City.
 - e. A permanent bathroom facility shall be provided, maintained, and accessible to participants on the site during safe parking hours.
 - f. Shower and laundry facilities shall be provided, maintained and accessible to participants on the site at least 1 day a week. These facilities may be temporary or permanent.
 - g. Safe parking operations shall not occur between the hours of 10:00 a.m. and 5:00 p.m. unless otherwise authorized by the Planning Director.
 - h. A management plan shall be submitted with the development application. The management plan must address the operation, management, rules, and safety measures for the safe parking operation.

e. Single Room Occupancy (SRO).

(1) Definitions.

- a. Partial Bathroom Facility. A partial bathroom facility shall have a toilet and sink.
- b. Full Bathroom Facility. A full bathroom facility shall have a toilet, sink, and bathtub, shower, or bathtub/shower combination.
- c. Efficiency Kitchen. An efficiency kitchen shall have a sink, food preparation counter, storage cabinets and outlets for countertop appliances. No permanent ovens or cooktops are permitted within an efficiency kitchen.

(2) Eligibility Criteria. SROs are permitted as specified in Zoning Districts, subject to the standards set forth below.

(3) Standards.

- a. Each sleeping unit shall be a maximum of 400 square feet.
- b. Each sleeping unit shall contain a storage closet that is a minimum of 90 cubic feet. The storage closet may be located within or outside of the sleeping unit.
- c. A sleeping unit may contain either a partial or full bathroom facility. If a full bathroom facility is not provided within all the sleeping units, shared full bathroom facilities shall be provided in conformance with California Plumbing Code.
- d. A sleeping unit may contain an efficiency kitchen. If an efficiency kitchen is not provided within all the sleeping units, at least one shared kitchen facility shall be provided per floor.
- e. Laundry facilities shall be provided in a separate room at the ratio of one washer and dryer for every 20 sleeping units, with at least one washer and dryer per floor.
- f. An SRO shall have a minimum of 10 square feet of common use open space per sleeping unit or 200 square feet, whichever is greater. Storage rooms, utility closets, laundry rooms, hallways, bathrooms, kitchens, and any other similar space shall not count towards common use open space.
- g. See Section 10-2.310 for parking requirements.
- h. A management plan shall be submitted with the development application. The management plan must address management and operation of the facility, staffing, rental procedures, safety and security of the residents and building maintenance.

SEC. 10-1.2737 DEMOLITION OF EXISTING RESIDENTIAL UNITS.

- a. A housing development project shall not require the demolition of residential dwelling units unless the project creates at least as many residential dwelling units as will be demolished.
- b. A housing development project shall not require the demolition of occupied or vacant protected units, unless all of the following apply:
 - (1) The project will replace all existing or demolished protected units.
 - (a) Any protected units shall be considered in determining whether the housing development project satisfies the requirements of Hayward Municipal Code Chapter 10, Article 19 Density Bonus Ordinance or Chapter 10, Article 17 Affordable Housing Ordinance.

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- (b) If a protected unit that is or was subject to a form of rent or price control and that is or was occupied by persons or families above lower income within the five-year period preceding the development application, the replacement units shall be made available at affordable rent or affordable housing cost to, and occupied by, low-income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years.
- (2) The housing development project will include at least as many residential dwelling units as the greatest number of residential dwelling units that existed on the project site within the last five years.
- (3) Any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice, subject to California Government Code Chapter 16 (commencing with Section 7260) of Division 7 of Title 1.
- (4) The developer agrees to provide both of the following to the occupants of any protected units:
 - (a) Relocation benefits to the occupants of those affordable residential rental units, subject to California Government Code Chapter 16 (commencing with Section 7260) of Division 7 of Title 1.
 - (b) A right of first refusal for a comparable unit available in the new housing development affordable to the household at an affordable rent, as defined in Section 50053 of the Health and Safety Code, or an affordable housing cost, as defined in Section 50052.5.
- c. For purposes of this Section:
 - (1) "Equivalent size" means that the replacement units contain at least the same total number of bedrooms as the units being replaced.
 - (2) "Protected units" means any of the following:
 - (I) Residential dwelling units that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income within the past five years.
 - (II) Residential dwelling units that are or were subject to any form of rent or price control within the past five years.
 - (III) Residential dwelling units that are or were occupied by lower or very low income households, seniors or persons with disabilities within the past five years.
 - (IV) Residential dwelling units that were withdrawn from rent or lease in accordance with California Government Code Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 within the past 10 years.

(Amended by Ordinance 24-01 , adopted Jan. 23, 2024)

SEC. 10-1.3500 DEFINITIONS¹⁸

¹⁸Section 10-1.3510 amended by Ordinance 11-12, adopted October 11, 2011.
Section 10-1.3500 amended by Ordinance 13-13 , adopted November 19, 2013.
Section 10-1.3500 amended by Ordinance 13-18 , adopted December 17, 2013.
Section 10-1.3500 amended by Ordinance 14-06 , adopted February 4, 2014.

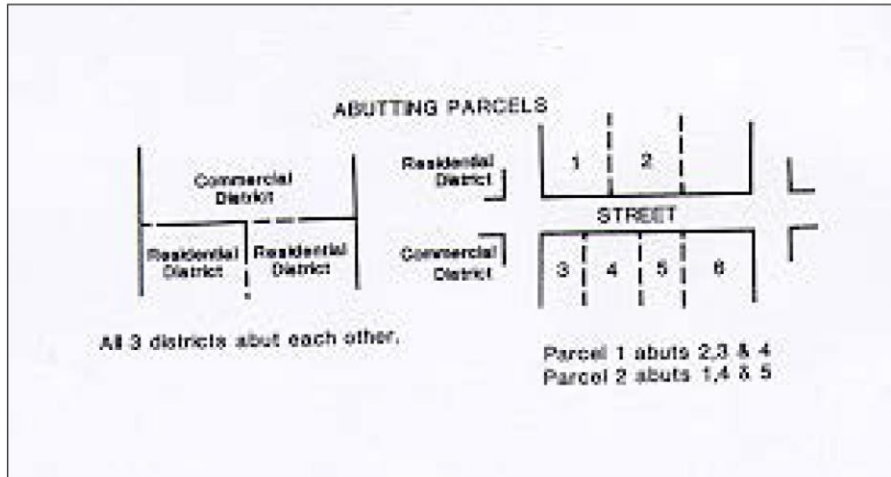
Section 10-1.3510 amended by Ordinance 15-23 , adopted October 13, 2015.
Section 10-1.3510 amended by Ordinance 15-31 , adopted December 1, 2015.
Section 10-1.3500 amended by Ordinance 16-05 , adopted January 19, 2016.

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

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

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

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

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

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

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

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

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

AUTOMOBILE REPAIR:

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

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

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

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

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

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

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

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

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

BAR, COCKTAIL LOUNGE. Any on-sale alcohol-related establishment that engages primarily in the sale of alcoholic beverages and where food service, if any, is subordinate or incidental to the sale of alcoholic beverages.

Bars include night clubs, taverns, pubs, cocktail lounges and similar establishments. Please see Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations.

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

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

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

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

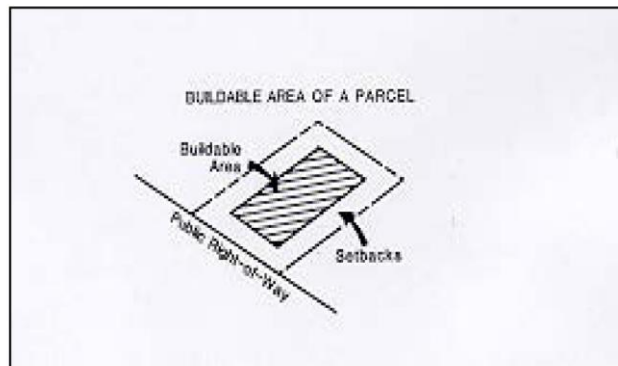
~~**BOARDING HOME.** A building where lodging or meals are provided for compensation for residents not functioning as a common household, usually for compensation.~~

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

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

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

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



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

- a. "Completely enclosed building" means a building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMERCIAL AMUSEMENT FACILITY. A facility offering entertainment open to the public for a fee or by membership subscription, for example, ticket, door charge, amusement device fee. Said facility shall include, but

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~CONVALESCENT HOME~~**CONVALESCENT FACILITY.** A State-licensed facility~~n establishment~~ in which nursing, dietary and other personal services are furnished ~~twenty-four (24) hours a day to children, adolescents, adults or elderly persons convalescents, invalids, or the aged who are unable to or no longer want to care for themselves in a more traditional setting. The use may include day programs up to 24-hour care including residential services.~~ Uses~~This may include~~ Also referred to as nursing homes and ~~or~~ intermediate care facilities. Does not include Hospitals, Group Homes, Transitional or Supportive Housing which are defined separately. ~~institutions which care for persons suffering from a mental disorder or communicable disease, or which offers surgery, maternity or other primary treatments.~~

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

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

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

COPYING OR REPRODUCTION FACILITY. An establishment which provides printing services to customers. Typically includes blueprint machines, reproduction machines, paper goods, and binding services (spiral binding, glue binding, stapling, etc.), and may include as an ancillary use, access to the internet. Under no circumstance, as a primary, permitted or accessory use, shall any Copy or Reproduction Service be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)

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

CULTURAL FACILITY. Facilities maintained to develop, promote, or foster the arts, literature or community cohesion. This includes clubhouses, lodge halls, society meeting places, community centers and similar facilities as determined by the Planning Director.

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 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 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 residence to provide day care to 8—14 persons, including any children under the age of 10 years who reside at the home.

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

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

DORMITORY. A residence hall providing sleeping units rooms, bathrooms, study and recreation rooms and a common kitchen only for students of a primary school, secondary school or college.

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

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

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

DWELLING UNIT/RESIDENTIAL UNIT. One or more rooms with a single kitchen, arranged, designed, used, or intended to be used exclusively for living and sleeping purposes by one family as an independent housekeeping unit. Includes Supportive and Transitional Housing as defined in Section 50675.2 (h-i) of California Health and Safety Code, as amended. Other definitions include the following:

- a. Accessory Dwelling Unit: An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.
- b. Detached Residential Unit: A detached building containing only one dwelling unit. See Section 10-1.200 for requirements.
- c. Duplex: A residential building with two attached dwelling units. See Section 10-1.200 for requirements.
- d. Multi-Unit Residential (4+ attached units): A residential building with four or more attached dwelling units. See Section 10-1.200 for requirements.
- e. Townhouse: A Duplex, Triplex, or Multi-Unit Residential (4+ attached units) building for which there is a subdivision map. Townhouse ownership includes the building, the land beneath the building and typically a patio or small yard adjacent to the structure. The remaining land within the development is under common ownership. See Section 10-1.2400 for requirements.
- f. Triplex: A residential building with three attached dwelling units. See Section 10-1.200 for requirements.

g. Supportive Housing: Housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community.

h. Transitional Housing: Buildings configured as rental housing developments but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

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.

EMERGENCY SHELTER. An institution that provides shelter for individuals and families with no limitation on the length of stay. Such use may also provide meals and supportive social services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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. For residential development, interior parking garages, parking aisles, and loading areas are included in the gross floor area calculation.

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 "SECOND DWELLING, ATTACHED."

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

GROUP HOME. The use of any single-family residence or other dwelling unit on a single lot 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 ~~group home~~ 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 ing ~~ae~~ the following:

~~(1) Residential facilities providing non-medical residential care, specifically, any r~~ Residential Community Care Facility (HSC section 1502), a Residential Care Facility for the Elderly (HSC section 1569.2) and ~~aan~~ alcoholism or drug abuse recovery or treatment facility (HSC section 11834.02) as amended.

~~(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)) as amended.

(1) Small Licensed Group Home. A licensed group home for up to 8 residents, excluding staff.

(2) Medium Licensed Group Home. A licensed group home for at least 9 but no more than 14 residents, excluding staff.

(3) Large Licensed Group Home. A licensed home for 15 or more residents, excluding staff.

- b. Unlicensed Group Home. An unlicensed Group Home is any group home not subject to State Licensing requirements and regulations. 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. 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.

(1) Small Unlicensed Group Home. An unlicensed group home for up to 6 residents, excluding staff.

(2) Large Unlicensed Group Home. An unlicensed group home for 7 or more residents, excluding staff.

GUN SHOP. See "FIREARMS SALES."

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

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

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

- a. Group A. Hazardous materials which include any of the following:
- (1) Explosives and blasting agents;
 - (2) Reactive materials;
 - (3) Unstable materials;
 - (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;
 - ii) 49 Code of Federal Regulations section 173.500, including amendments or successors thereto; and
 - iii) Hayward Municipal Code Section 3-8.06 except those materials exempted by Hayward Municipal Code Section 3-8.07, including amendments or successors to such provisions.

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

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

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

- a. does not display or sell any commodities except those produced on the premises;
- b. does not use any accessory building, garage, yard space, or activity outside of the dwelling unit;
- c. does not generate a character and volume of vehicular traffic not normally associated with residential use;
- d. does not involve the use of more than 10 percent or more than 200 square feet of floor area of the dwelling unit, whichever is less;
- e. does not display signs or other matter which would indicate a business is operating within the home;
- f. does not allow for more than two customers/clients to visit the home each day and customers/clients are limited to visiting the house between the hours of 8 a.m. and 9 p.m.;
- g. where no repair work is permitted;
- h. where at least one parking stall is available for guest parking either in the driveway or on the street in front of the residence; if customers/clients visit the premises;
- i. where no employees, other than residents of the home, come to or work from the home; and
- j. which requires all applicable building and fire codes to be met.

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

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

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

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

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

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

HOUSEHOLD PETS. See "PETS, HOUSEHOLD."

HOUSING FOR INDIVIDUALS WITH DIASBILITIES. Any housing intended to benefit, in whole or in part, persons identified as having functional needs relating to any of the following:

- a. Mental health
- b. Physical disabilities.
- c. Developmental disabilities, including, but not limited to, intellectual disability, cerebral palsy, epilepsy, and autism.

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

INDUSTRIAL HEMP OR HEMP. An agricultural product, whether growing or not, that is limited to types of the plant Cannabis sativa L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, the

resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis.

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

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

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

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

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

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

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

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

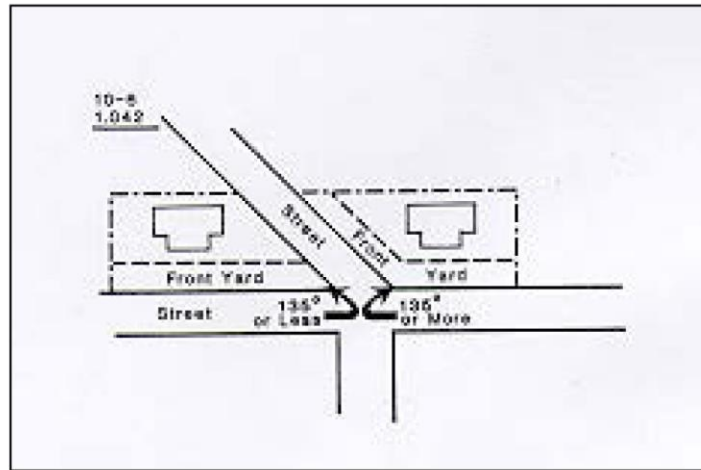
- a. Large Livestock. Horses, cattle, llamas, or similar large animals, as determined by the Planning Director.
- b. Medium Livestock. Sheep, goats, and pigs, or similar medium animals, as determined by the Planning Director.
- c. Small Livestock. Hens, ducks, pigeons, rabbits and other similar small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

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

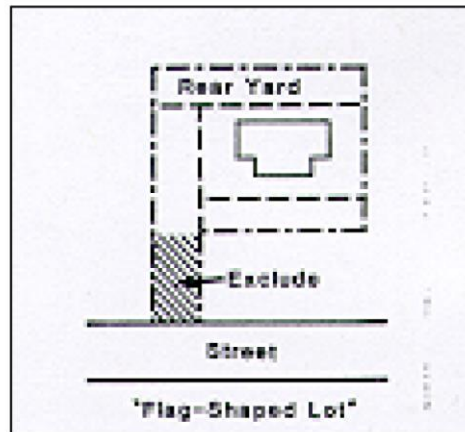
LOT. A recorded parcel of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon. The classification of lots are as follows:

- 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.

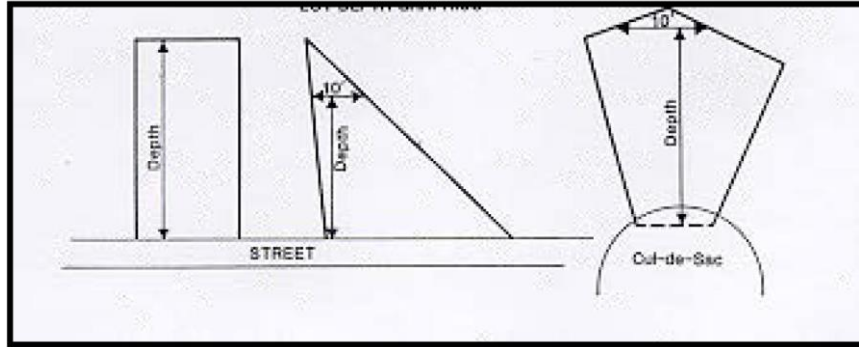
- b. **Corner Lot.** A lot at the intersection of two or more streets which has an angle of intersection of 135° or less. Where the angle of intersection exceeds 135°, the area abutting the two streets shall be a front yard.



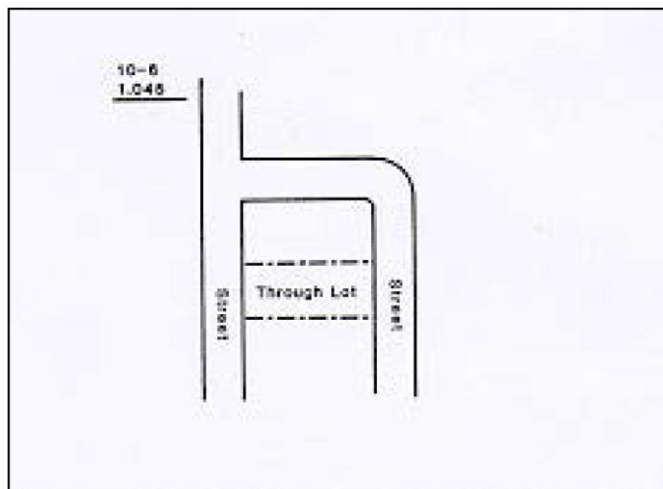
- c. **Flag Lot.** A parcel of land where the buildable portion of the lot is via a narrow extension of the lot (access strip) to a public or approved private street, utilizing a private or privately shared travelway. The area within an access strip shall not be counted as part of the lot area of either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



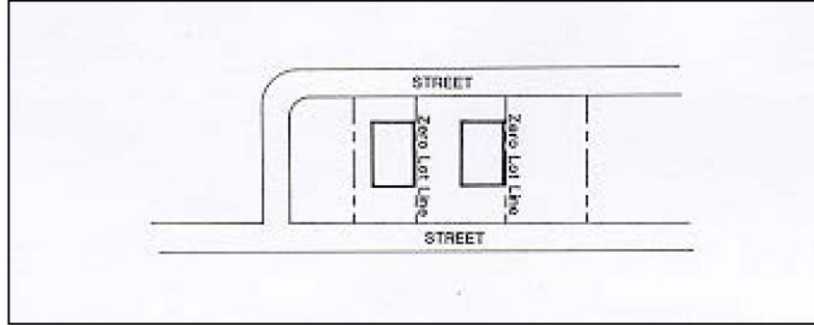
- d. **Interior Lot.** A lot other than a corner lot.
- e. **Lot Coverage.** The area of a lot enclosed by exterior walls or similar roof-supporting devices of all structures, including accessory structures and patio covers.
- f. **Lot Depth.** The average distance between the front and rear lot lines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



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



- l. 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.



LOW BARRIER NAVIGATION CENTER. A Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low Barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

- a. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
- b. Pets.
- c. The storage of possessions.
- d. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

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

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

MANUFACTURING. Establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, human-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Instruction, direct sales, or on-site consumption are incidental to the manufacturing operation. Toxic, hazardous, or explosive materials produced or used in conjunction with the manufacturing process are subject to use permits based on type and quantity of hazardous materials 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, small batch food manufacturing, or custom jewelry. For beer and alcohol production, see **BREWERY/MICRO-BREWERY** and **DISTILLERY**.

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- b. General Manufacturing. Establishments engaged in manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. Production typically involves some transformation by way of heating, chilling, combining, or through a chemical or biochemical reaction or alteration. This classification includes manufacturing for biomass energy conversion, cosmetics and perfumes, electrical appliances and explosives, film and photographic processing plants, apparel and textile mills, leather and allied products manufacturing, wood/paper products, glass products, chemical products, medical/pharmaceutical products, refining, plastics and rubber products, nonmetallic minerals, primary and fabricated metal products, and automotive and heavy equipment.
 - c. Light Manufacturing. Establishments engaged in food manufacturing and manufacturing of products and finished parts primarily from prestructured materials or components by means of physical assembly or reshaping and does not produce or utilize in large quantities as an integral part of the manufacturing process, toxic, hazardous, or explosive materials. Because of the nature of its operation and products, little or no noise, odor, vibration, glare, and/or air or water pollution is produced.

MARIJUANA. See "CANNABIS".

MARKET. See "SUPERMARKET."

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

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

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

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

MEDICAL MARIJUANA. See "MEDICAL CANNABIS".

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

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

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

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

MISSION BOULEVARD RESIDENTIAL DISTRICT (MBR).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- e. On-Street Parking. Parking stalls provided within the right-of-way of a street or highway.
 - f. Open or Uncovered Parking. Parking space(s) which are not contained within a carport or garage.

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

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

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

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

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

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

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

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

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

PHOTOGRAPHIC SUPPLY STORE. See "CAMERA STORE."

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

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

PLANNED DEVELOPMENT DISTRICT (PD). A land use zoning district which permit a combination of land uses planned for a single tract of land to be developed as a unit according to a specific development plan approved by the City which result in efficient and attractive utilization of land in order to preserve open space areas,

topographical features, ridge tops, and tree clusters. This district also permits the creation of a site-specific project which provides a mix of housing types as well as nonresidential development. See Section 10-1.2500.

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

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

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

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

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

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

PSYCHIATRIC AND REHABILITATION CARE FACILITY. Mental health programs providing 24-hour psychiatric and rehabilitation care including Mental Health Rehabilitation Centers (MHRCs), Psychiatric Health Facilities (PHFs) and Psychiatric Residential Treatment Facilities (PRTFs) and that are licensed by the Mental Health Licensing Branch of the California Department of Health Care Services.

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

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

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

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

RADIO TRANSMISSION TOWER. See "ANTENNA."

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

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

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

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

RECYCLING FACILITIES.

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

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

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

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

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

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

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

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

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

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

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

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

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

RIDING STABLE OR ACADEMY. A facility where individuals board their horse(s) and or where horseback riding classes are taught. Typically includes public demonstrations, such as dressage or other equestrian events. Does not include any contest(s) resembling a rodeo (i.e., bronco riding, calf roping, and/or steer wrestling.)

RIGHT-OF-WAY. A strip of land used acquired by reservation, dedication, prescription or condemnation and intended to be used or occupied by a road, trail, water line, sanitary sewer and/or other public utility services and uses, or any combination thereof, and includes all and any part of the entire width or other area of designated right-of-way, whether or not such entire width or area is actually used. Right-of-way includes access, pedestrian, equestrian and utility easements. The following sub-definitions are provided:

- a. Public right-of-way. A right-of-way owned by the City or any other public entity or public utility.
- b. Private right-of-way. A right-of-way owned by and for the benefit of one or more persons, including a right-of-way offered for dedication to the City or to any other public entity which has not been accepted and which no improvements or maintenance has regularly been performed by the city or other public entity.
- c. Railroad right-of-way. A strip of land on which railroad tracks, spur tracks, sidings, switching equipment and signals are located, and includes the entire width or other area of the designated right-of-way, whether or not the entire width or area is actually used for such railroad facilities.

ROOF STYLE.

- a. Flat: A roof that is almost level, with no significant slope (pitch) in any direction. Most flat roofs have a very gentle slope for rainwater run-off.
- b. Gable: A gable roof is one where only two opposite sides (usually the longer sides) slope, with walls that extend all the way to the top of the roof ridge in a triangular shape.
- c. Gambrel: A gambrel roof is a symmetrical two-sided roof with the longer sides having two segments at different pitches.

d. Hip: A hip roof (or hipped roof) is one where all four sides slope.

SAFE PARKING. A parking program managed and operated on an existing parking lot which provides individuals and families with vehicles a safe place to park overnight.

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 ROOM OCCUPANCY (SRO). A building consisting of sleeping units that are the primary residence of its occupants.

SLEEPING UNIT. A single unit that provides rooms or spaces for one or more persons, includes permanent provision for sleeping and can include provisions for living, eating and sanitation. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

SLOPE. The formula for calculating slope shall be as follows:

$$S = (I \times L \times 100) / A$$

S = Average existing slope in percent for the portion of the site or lot to be developed

I = Contour interval in feet

L = The combined length in feet of all contour lines within the portion of the site or lot to be developed

A = Total area in square feet of the portion of the site or lot to be developed

The total area within a site or lot that is proposed to be graded and/or covered with structures shall be included in the slope calculation. Areas proposed to be left undisturbed shall not be included.

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

STATIONARY STORE. An establishment which sells office-related products to the public at retail. Products typically includes paper products, calendars, pens and pencils, and may include small office equipment, such as filing cabinets, brief cases, and calculators. Usually includes the sale of greeting cards, wrapping paper, photo albums, picture frames, globes, maps, and other related products.

STORAGE. A space or place where goods, materials and/or personal property is put for more than 24 hours. The following subdefinitions are provided:

- a. **Minor Open Storage.** Outside storage that is accessory or ancillary to the primary or conditional use conducted on the site, which shall not exceed 25 percent of an open yard area, excluding any required yard or parking area.
- b. **Public Storage Facility.** A space or place within an enclosed building where goods, materials, and/or personal property may be put for more than 24 hours for a fee. Typically includes a manager's dwelling unit and customer parking.
- c. **Recreational Vehicle Storage Facility.** See definition for "Recreational Vehicle (RV) Storage Facility."

STORAGE YARD. Outdoor storage of goods, materials, equipment as well as storage of operating equipment for warehouses such as forklifts, pallets and racks outside of a building for more than 24 hours as a primary use. This classification excludes auto-related outdoor storage uses otherwise defined in this section such as **AUTOMOBILE STORAGE YARD**, **AUTOMOBILE DISMANTLING FACILITY** and **TOWING YARD**.

STORY. The portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused underfloor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement or unused underfloor space shall be considered as a story. A mezzanine or loft that covers a portion of the floor below still constitutes a story.

STREET. A publicly maintained right-of-way for use as a public thoroughfare by the public at large, or a private street, provided said private street has been approved by the City Council.

STREET TREE. A tree located within the right-of-way, often within a sidewalk well.

STRUCTURAL ALTERATIONS. Any change which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

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

SUBDIVISION. The division of land as regulated by the Subdivision Ordinance, Article 3, Chapter 10, of the Hayward Municipal Code.

SUBDISTRICT. A subcategory of a primary zoning district.

SUNTAN PARLOR. An establishment which provides tanning facilities for use by the public for a fee.

SUPERMARKET. An establishment which does retail sales of food, beverages, drugs, variety items, and similar goods. May include an automated teller machine or related financial facility.

TAILOR/SEAMSTRESS SHOP. An establishment which sews, alters, and/or mends clothing and costumes for the public for a fee. Typically includes sewing machines and sewing notions for use by the proprietor.

TANNING SALON. See "SUNTAN PARLOR."

TATTOO PARLOR. An establishment which provides a tattooing service to customers. May include body piercing as an ancillary use.

TAVERN. See "BAR, COCKTAIL LOUNGE."

TAXI COMPANY. An establishment which provides vehicle rides to the public for a fee. Typically includes automobile and/or van rides, for single passenger pick-ups and drop-offs. Minor automobile repair of vehicles used by the proprietor is permitted on-site (i.e., oil change, tune-ups).

TEMPORARY USE. A use established for a specific period of time, with the intent to discontinue the use at the end of the designated time period. Example includes retail sidewalk or tent sales. For animals, "temporary use" shall mean the keeping of animals for specified periods of time either following birth, for purposes of recovery by no-profit breed rescue organizations, or other reasons as determined by the Planning Director.

THEATER. A building or outdoor structure where films, motion pictures, video cassettes, slide or similar photographic reproductions are regularly shown, or an establishment regularly featuring live performance of dramatic productions, for any form of consideration.

- a. SMALL MOTION PICTURE THEATER. An establishment having two (2) or fewer screens or less than two hundred (200) seats.
- b. LARGE MOTION PICTURE THEATER. An establishment having three (3) or more screens or two hundred (200) or more seats and showing first run films. Large Motion Picture Theaters are also referred to as multi-plex or multi-screen theaters.
- c. LIVE PERFORMANCE THEATER. An establishment having one or more stages and featuring live or dramatic productions.

THRIFT STORE. An establishment engaged in the retail sales of used or donated goods (including clothing, furniture, appliances, etc.).

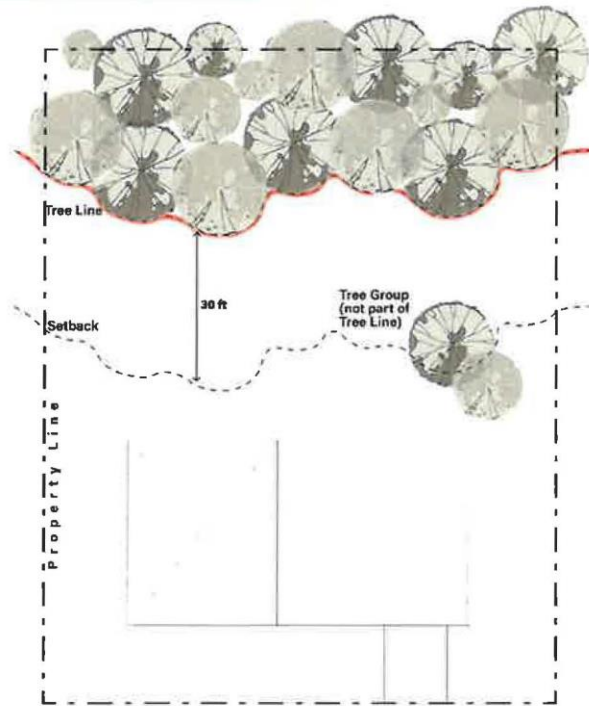
TOY STORE. An establishment which sells toys and games to the public at retail.

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.

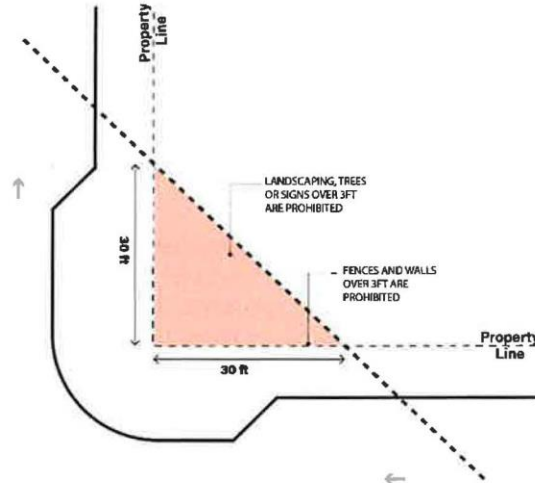
~~TRANSITIONAL AND SUPPORTIVE HOUSING. Transitional and supportive housing are more permanent housing options providing a more stable living situation for individuals and families that might otherwise be homeless with stay lengths that are typically six months or longer. Transitional and supportive housing 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."

TREE LINE. An intact assemblage of trees connected to a larger forested area as defined on a property survey prepared by a Licensed Land Surveyor. This does not include small groupings or individual trees that are not connected to the larger forested area.



TRIANGLE OF VISIBILITY. The area formed at a corner intersection of two property lines whose two sides are 30 feet measured along the property lines and whose third side is a line connecting the two sides, as illustrated below. See also Hayward Traffic Code, Sections 9.01 through 9.05, as amended from time to time.



TRUCK TERMINAL. A facility which provides a transfer, loading, and unloading point for trucks and automobiles carrying goods and products. Typically includes fuel and food facilities.

UNATTENDED COLLECTION BOXES. Unattended collection box shall mean any unattended container, receptacle or similar device that is located on any lot within the city that is used for soliciting and collecting donations of clothing and other salvageable personal property. See General Regulations "Recycling Facilities" for specific regulations.

UPHOLSTERY SHOP. A facility which re-upholsters household furnishings of all types (i.e., couches, chairs, footstools, pillows, etc.), for a fee (does not include automobile upholstery).

USE. The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained.

USE PERMIT. A land use permit termed a "discretionary entitlement" to operate a specified land use on a given parcel. Usually an activity or business. The following subcategories of use permit are provided:

- a. Administrative Use Permit. A Use Permit issued administratively by the Planning Director or his or her appointee. An Administrative Use Permit is typically subject to exactions and conditions of approval.
- b. Conditional Use Permit. A Use Permit issued by the Planning Commission or City Council through a public hearing process. A Conditional Use Permit is typically subject to exactions and conditions of approval.

VACANT BUILDING/SITE. A building, structure or real property that is undeveloped, unoccupied or occupied by a person without a legal right to occupy for at least 30 days. In determining whether a building or site is vacant, the Planning Director or designee may consider these factors among others:

- a. A building at which lawful residential or business activity has ceased.
- b. The building or site is substantially devoid of contents.
- c. The building or site lacks legally connected utility services, including but not limited to water, sewer, electrical or natural gas.
- d. This definition does not include building, structures or sites that are undergoing construction or renovation and which are in compliance with all applicable ordinances, codes, legislation, and regulations, and for which construction, renovation or rehabilitation is proceeding diligently to completion.

VARIANCE. A discretionary entitlement which permits the departure from the strict application of the development standards contained in this Zoning Ordinance.

VARIETY STORE. An establishment which provides a variety of goods to the public for sale at retail. Typically includes hair care products, a pharmacy, non-prescription drugs and hygiene products, cleaning supplies, toys, games, small household appliances, dishes, make-up, candy, etc.

VEHICLE. The term "vehicle" as used in this section shall include an automobile or truck (excluding truck tractor or any vehicle exceeding a maximum gross weight limit of 6,000 pounds of gross vehicle weight) recreational vehicle, trailer, boat mounted on trailer, or other vehicle referenced in California Vehicle Code section 5051, and other vehicles of similar kind and use. In all zoning districts, use of any kind of vehicle as defined herein for sleeping purposes shall be prohibited except within an approved mobile home park [and for safe parking operation as described in Section 10-1.2736 \(c\)](#).

VEHICLE RENTAL. See "AUTOMOBILE RENTAL."

VEHICLE REPAIR. See "AUTOMOBILE REPAIR."

VEHICLE SALES. See "AUTOMOBILE SALES."

VEHICLE SERVICING. For vehicle servicing such as same-day lube, oil, and filter, see "AUTOMOBILE REPAIR - MINOR." For major vehicle repairs such as engine overhauls, vehicle upholstery, auto glass, mufflers, etc., see "AUTOMOBILE REPAIR - MAJOR."

VIDEO SALES AND RENTAL STORE. An establishment which sells at retail and/or rents video tapes to the public.

WAREHOUSE AND DISTRIBUTION FACILITY. Establishments primarily engaged in the sale, storage, and distribution of goods and materials in large quantity to retailers or other businesses for resale to individual or business customers. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for distribution in smaller lots. Does not include public storage facilities.

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

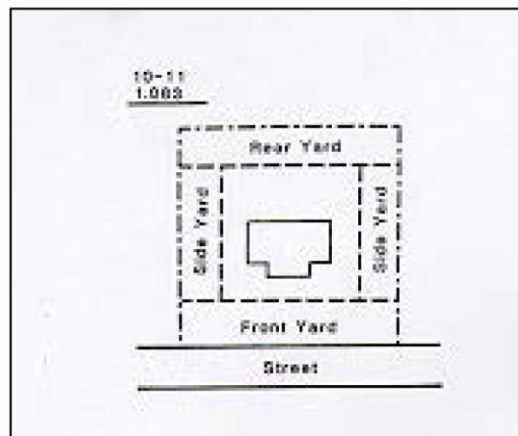
WASTE TREATMENT FACILITY. A facility that treats hazardous waste, medical waste or other waste from offsite sources. Subject to Outdoor Storage limitations.

WHOLESALE ESTABLISHMENT. The sale of commodities and goods to an establishment for resale to the consumer.

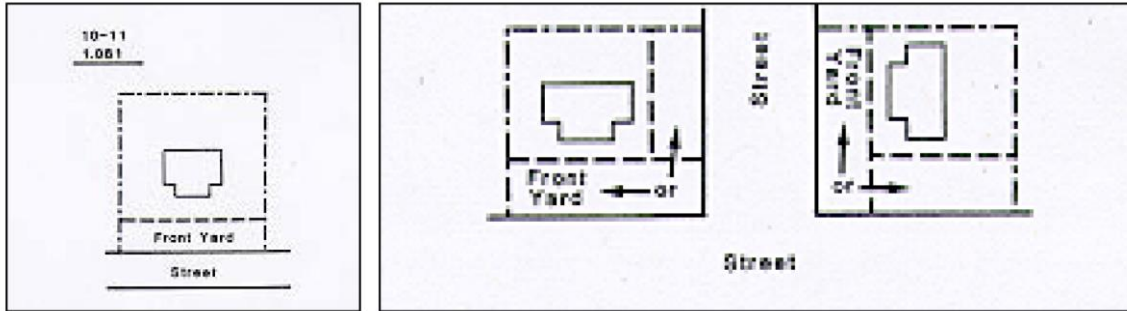
WIND ENERGY CONVERSION SYSTEM. A machine that converts the kinetic energy in the wind into a usable form. A wind energy conversion system is commonly known as a windmill or wind turbine, and includes all parts of the system including the tower and the transmission equipment.

WINE SHOP. "Wine Shop" shall mean an alcoholic beverage sales establishment, managed by a certified sommelier or oenologist, primarily for the retail sales of wine from multiple wineries and distributors that involves no sales of liquor or distilled spirits. Wine tasting may be included as an accessory use, but the wine shop cannot operate as a bar.

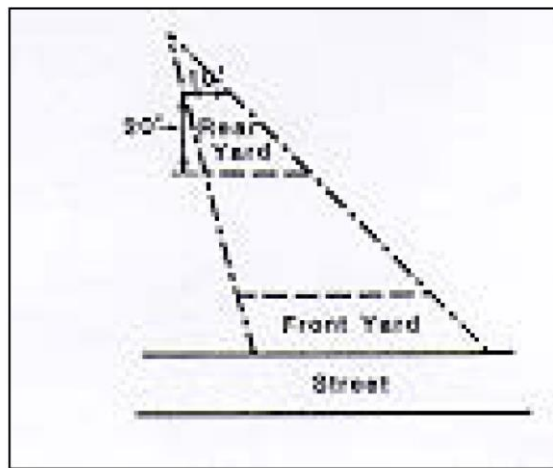
YARD. The word "yard" shall mean an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward except as otherwise provided herein. A yard extends along a lot line or official plan line to a depth or width specified in the yard regulations for the District in which such lot is located.



- a. **Front Yard.** A yard extending along the full length of the front lot line between the side lot lines, except for flag-shaped lots where yard areas shall be calculated excluding the stem of the lot, and the front yard shall be parallel to the right-of-way unless determined otherwise by the Planning Director. The developer of a corner parcel may select as the front yard property facing either of the two rights-of-way at the time of initial development of the property.



- b. Rear Yard. A yard extending along the full length of the rear lot line between the side lot lines of an interior lot. The rear yard of a corner parcel shall be determined by the Planning Director and shall be opposite either of the two rights-of-way.



- c. Side Yard. A yard extending along a side lot line from the front yard to the rear yard, or from the front lot line to the rear yard where no front yard is required. In determining side yards based on a percentage of lot width where the lot is irregular in shape, the width shall be determined by calculating the lot width at a point of 20 feet from the front property line.
- d. Side Street Yard. A yard extending along a lot line, other than a front, rear, or interior side line, between the front yard and a side or rear lot line. The developer of a corner parcel may select the side street yard from property facing either of the two rights-of-way.

(Section 10-1.3510 amended by Ordinance 99-18, adopted October 12, 1999; Ordinance 02-08, adopted July 16, 2002; Ordinance 03-08, adopted May 27, 2003; Ordinance 04-13, adopted September 28, 2004; Ordinance 04-19, adopted December 21, 2004, amended by Ordinance 06-11, adopted July 11, 2006, amended by Ordinance 06-14, adopted July 11, 2006; amended by Ordinance 17-09, adopted June 20, 2017; amended by Ordinance 17-16, adopted Nov. 7, 2017; amended by Ordinance 17-15, adopted Nov. 28, 2017; amended by Ordinance 19-10, adopted June 4, 2019; Amended by Ordinance 21-05, § 5, adopted July 20, 2021; Amended by Ordinance 24-01, adopted Jan. 23, 2024)