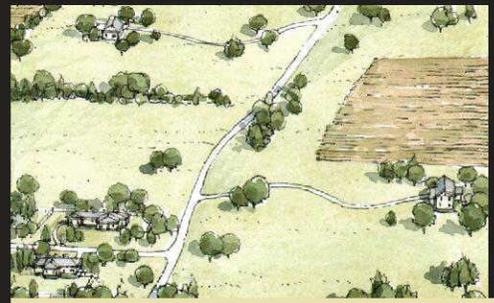


SOUTH HAYWARD BART/
MISSION BOULEVARD
HAYWARD, CALIFORNIA
FORM-BASED CODE

MARCH 3, 2010, DRAFT



T1



T2



T3



T4



T5

ARTICLE 24. SOUTH HAYWARD BART/MISSION BOULEVARD FORM-BASED CODE

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DEFINITIONS ILLUSTRATED

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SEC.10-24.100 PURPOSE AND APPLICABILITY

10-24.105 TITLE

This Chapter 10, Article 24 of the City of Hayward Municipal Code shall be known, and may be cited, as the "South Hayward BART/Mission Boulevard Form-Based Code." References to "Code" within the text of this South Hayward BART/Mission Boulevard Form-Based Code are references to this South Hayward BART/Mission Boulevard Form-Based Code unless the context clearly indicates otherwise, e.g., references to the "Municipal Code" refer to the Hayward Municipal Code; references to the "Government Code" refer to the California State Government Code, and so on.

10-24.110 EFFECTIVE DATE

The South Hayward BART/Mission Boulevard Form-Based Code has an effective date of [to be inserted by City Clerk after adoption].

10-24.115 PURPOSE

Chapter 2 of the Hayward General Plan ("Land Use Element") describes how the City's Planning Area is comprised of certain neighborhoods (see General Plan Figure 2-2), including the Mission/Garin, and further designates, among other things, certain significant Focus Areas (see General Plan Figure 2-3) for the implementation of smart growth principles. This Code implements such principles for portions of the South Hayward BART Area and Mission Boulevard Corridor.

This Code carries out the policies of the Hayward General Plan by classifying and regulating the types and intensities of development and land uses within the Code area consistent with, and in furtherance of, the policies and objectives of the General Plan. This Code is adopted to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of the community. More specifically, the purposes of this Code are to ensure:

FOR THE COMMUNITY

- a. That neighborhoods and Transit-Oriented Development is compact, pedestrian-oriented and Mixed Use.
- b. That neighborhoods should be the preferred pattern of development and that districts specializing in a single use should be the exception.

- c. That ordinary activities of daily living occur within walking distance of most dwellings, allowing independence to those who do not drive.
- d. That interconnected networks of Thoroughfares be designed to disperse traffic and reduce the length of automobile trips.
- e. That within neighborhoods, a range of housing types and price levels be provided to accommodate diverse ages and incomes.
- f. That affordable housing should be distributed throughout the region to match job opportunities and to avoid concentrations of poverty.
- f. That appropriate building Densities and land uses be provided within walking distance of transit stops.
- g. That Civic, institutional, and Commercial activity should be embedded in neighborhoods, not isolated in remote single-use complexes.
- h. That schools be sized and located to enable children to safely walk or bicycle to them.
- i. That a range of Open Space including Parks, Squares, Plazas and playgrounds be distributed within neighborhoods.
- j. That the region should include a framework of transit, pedestrian, and bicycle systems that provide alternatives to the automobile.

FOR THE TRANSECT

- a. That communities should provide meaningful choices in living arrangements as manifested by distinct physical environments.
- b. That the Transect Zone descriptions on Table 1 including, in particular the T-4 General Urban Zone, T-5 Urban Center Zone, and CS Civic Spaces, shall constitute the Intent of this Code with regard to the general character of each of these environments within the Code area.

FOR THE BLOCK AND THE BUILDING

- a. That buildings and landscaping contribute to the physical definition of Thoroughfares as Civic places.
- b. That development adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.

- c. That the design of streets and buildings reinforce safe environments, but not at the expense of accessibility.
- d. That architecture and landscape design grow from local climate, topography, history, and building practice.
- e. That buildings provide their inhabitants with a clear sense of geography and climate through energy efficient methods.
- f. That Civic Buildings and public gathering places be provided as locations that reinforce community identity and support self-government.
- g. That Civic Buildings be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the city.
- h. That the preservation and renewal of historic buildings be facilitated to affirm the continuity and evolution of society.
- i. That the harmonious and orderly evolution of urban areas be secured through form-based codes.

10-24.120 AUTHORITY

This Code is a tool for implementing the goals, objectives, and policies of the Hayward General Plan, pursuant to the mandated provisions of the State Planning and Zoning Law, the California Environmental Quality Act, and other applicable State and local requirements.

10-24.125 ADMINISTRATION RESPONSIBILITY

This Code shall be administered by: the Hayward City Council, hereafter referred to as the "Council;" the Planning Commission, hereafter referred to as the "Commission;" the Development Services Director or his/her designee, hereafter referred to as the "Director;" the Development Services Department, hereafter referred to as the "Department," and other City bodies and officials as identified in this Code.

10-24.130 APPLICABILITY

This Code applies to all land uses, subdivisions, and development within the South Hayward BART/Mission Boulevard Form-Based Code area (Figure 1-1), as provided herein.

- a. It shall be unlawful and a violation of this Code for any person to establish, construct, reconstruct, enlarge, alter, or replace any use of

land or structure, except in compliance with the requirements listed below, including those relating to nonconforming uses, structures, and parcels. No building permit or grading permit shall be issued by the City unless the proposed construction complies with all applicable provisions of this Code.

- b. Any subdivision, Lot line adjustment and Lot line merger proposed within the Code area after the effective date of this Code shall enable development consistent with the Code.

10-24.135 MINIMUM REQUIREMENTS

- a. The provisions of this Code are minimum requirements for the protection and promotion of the public health, safety, comfort, convenience, prosperity, and general welfare. When this Code provides for discretion on the part of a City official or body, that discretion may be exercised to impose conditions on the approval of any project proposed in the Code area, as may be determined by the Review Authority to be necessary to establish or promote development and land use, environmental resource protection, and the other purposes of this Code.
- b. No condition(s) shall be imposed which has the effect of reducing the Residential Density, floor area, or height of any structure nor increase the number of off-street parking spaces when the corresponding requirements of this Code are met.

10-24.140 INTERFACE WITH OTHER REGULATORY REQUIREMENTS

- a. **Municipal Code Provisions.** This Code is a subpart (i.e., Article 24) of Municipal Code Chapter 10 (Planning, Zoning and Subdivisions). As is the case with other provisions of Municipal Code Chapter 10 (Planning, Zoning and Subdivisions), all other provisions of the Hayward Municipal Code continue to apply within the Code area except as expressly provided to the contrary in the South Hayward BART/Mission Boulevard Form-Based Code.

In any instance where there is no conflict between a requirement of this Code and a requirement or other provision of the Municipal Code because a regulatory subject is addressed elsewhere in the Municipal Code but not in the South Hayward BART/Mission Boulevard Form-Based Code, such as, by way of example but without limitation, the massage establishment permit requirements set forth in Chapter 6, Article 10 of the Municipal Code, the Municipal Code provision is intended to, and shall, apply.

- b. Conflicting Requirements.
 - i. South Hayward/Mission Boulevard Form-Based Code. If a conflict occurs between requirements within this Code, the most restrictive shall apply.
 - ii. Planning, Zoning and Subdivision Regulations. The provisions of this Code, when in conflict with Municipal Code Chapter 10 (Planning, Zoning and Subdivision), shall take precedence.
 - iii. Development Agreement. If conflicts occur between the requirements of this Code and standards adopted as part of any Development Agreement, the requirements of the Development Agreement shall apply.
 - iv. Private Agreements. This Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, Conditions, Covenants & Restrictions), without affecting the applicability of any agreement or restriction.
- c. Inapplicable Planning, Zoning and Subdivision Regulations. The following Municipal Code Chapter 10 (Planning, Zoning and Subdivision) provisions shall not apply within the Code area:
 - i. Article 1 (Zoning Ordinance)
 - (1) Sections 10-1.200 through 10-1.2600 (Zoning Districts)
 - (2) Section 10-1.2735(i) (Private Street Criteria)
 - (3) Section 10-1.3300 (Variances)
 - ii. Article 2 (Off-Street Parking Regulations) except for Sections 10-2.200 through 205, Sections 10-2.400 through 10-2.402, and Sections 10-2.600 through 10-2.770.
 - iii. Article 3 (Subdivision Ordinance)
 - (1) Section 10-3.505 (Street Standards)
 - (2) Section 10-3.845 (Block Lengths)

iv. Article 7 (Sign Regulations)

All remaining provisions of Municipal Code Chapter 10 not listed above in this section are applicable to the Code area.

d. Public Notice. In Addition to the notice requirements of Municipal Code Section 10-1.2820, a Notice of Application Receipt the following shall be provided apply within the Code area as follows:

i. Notice Recipients. Within 15 days of receiving a complete application for those permit requests identified in Table 14b and 14c but prior to public hearing on the application, the Director shall provide a Notice of Application Receipt by first class mail to the applicant and owner, or the owner's authorized representative, and to the owners and occupants of all parcels within 300 feet of the perimeter of the subject property as shown on the latest equalized assessment roll.

ii. Notice Contents. The Notice of Application Receipt shall provide a description of the property subject to the application that includes, at a minimum:

(1) The street address or, if the street address is unavailable, a description utilizing a readily recognizable geographic feature, as determined by the Director;

(2) The current zoning classification;

(3) The category of development approval requested and a brief description of the proposed development, revised zoning classification (if any), and uses requested; and

(4) The real property tax assessment roll parcel number.

iii. Notice Broadcast. The Director may expand the list of owners and occupants receiving the Notice of Application Receipt beyond the 300 foot radius, including the provision of notice by means other than mail including, without limitation, via on-site posting or electronically.

SEC.10-24.200 REGULATING PLAN AND TRANSECT ZONES

10-24.205 PURPOSE

This Section establishes the zones applied to property within the Code area, adopts the Regulating Plan for the Code area as its Zoning Map, and establishes standards applicable to zones.

10-24.210 REGULATING PLAN

The City Council hereby adopts the South Hayward BART/Mission Boulevard Form-Based Code Regulating Plan (hereafter referred to as the "Regulating Plan"), as shown in Figure 1-1, as an amendment to the zoning district map authorized by Municipal Code Section 10-1.3400 (Amendments).

- a. Special Requirements. The Regulating Plan designates the following Special Requirements whose standards shall be applied as follows:
 - i. Designations for mandatory Shopfront Frontage require that a building shall provide a Shopfront at Sidewalk level along the entire length of its Private Frontage. The Shopfront shall be no less than 70% glazed in clear glass and shaded by an awning overlapping the Sidewalk as generally illustrated in Table 5. The first floor shall be confined to Retail Sales use through the depth of the second Layer.
 - ii. Designations for recommended Shopfront Frontage advise that a building should provide a Shopfront at Sidewalk level along the entire length of its Private Frontage. Where provided, the Shopfront shall be no less than 70% glazed in clear glass and shaded by an awning overlapping the Sidewalk as generally illustrated in Table 5. Where the recommended Shopfront is provided, the first floor shall be confined to Retail Sales use through the depth of the second Layer.
 - iii. Designations for Terminated Vista locations advise that the building should be provided with architectural articulation of a type and character that responds visually to the location, as approved by the Review Authority. A building located at a Terminated Vista designated on the Regulating Plan should be designed in response to the axis through the use of color, material, massing and height such that visual orientation along the axis is improved and a prominently visible destination (i.e., building at the Terminated Vista) is established.

10-24.215 TRANSECT ZONES

- a. The area within the Regulating Plan boundaries is subject to this Code, and shall be divided into Transect Zones that implement the Hayward General Plan. The Transect Zones, whose general intent is described in Table 1 (Transect Zone Descriptions), are hereby established, and shall be shown on the Regulating Plan for the South Hayward BART/Mission Boulevard Form-Based Code area.
- b. Planned Development Zone (PD). Lots designated Planned Development Zone on the Regulating Plan shall retain their designations unless amended through a subsequent reclassification in accordance with Municipal Code Section 10-1.3400 (Amendments).

10-24.220 CIVIC SPACES ZONE

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

- vi. Sections 10-24.245, 10-24.255, 10-24.280, and 10-24.285 of this Code are inapplicable to the CS Zone.
- vii. Buildings and Lots within the CS Zone are encouraged to incorporate the provisions of Section 10-24.270.

10-24.225 BUILDING DISPOSITION

- a. General to T4 and T5 Zones
 - i. One Principal Building at the Frontage, and one Outbuilding of up to 440 square feet located to the rear of the Principal Building, may be built on each Lot as shown in Table 15.
 - ii. The Principal Entrance shall be on a Frontage Line.
- b. Specific to T4 Zone
 - iii. Newly subdivided Lots shall be dimensioned according to Tables 11.e and 12A.
 - iv. Building Disposition types shall be as shown in Tables 8, 11.h, and 12A.
 - v. Buildings shall be disposed in relation to the boundaries of their Lots according to Table 11.f, Table 11.g, and Table 11a.
 - vi. Lot coverage by building shall not exceed that recorded in Table 11.e and Table 12A.
 - vii. Facades shall be built parallel to a rectilinear Principal Frontage Line or to the tangent of a curved Principal Frontage Line, and along a minimum percentage of the Frontage width at the Setback, as specified as Frontage Buildout on Table 11.f and Table 12A.
 - viii. Setbacks for Principal Buildings shall be as shown in Table 11.f and Table 12A. In the case of an Infill Lot, Setbacks shall match one of the existing adjacent Setbacks. Setbacks may otherwise be adjusted by Warrant.
 - ix. Rear Setbacks for Outbuildings shall be a minimum of 15 feet measured from the centerline of the Rear Alley easement. In the absence of Rear Alley, the rear Setback shall be as shown in Table 11.g and Table 12A.

- c. Specific to T5 Zone
 - i. Newly subdivided Lots shall be dimensioned according to Tables 11.e and 12B.
 - ii. Building Disposition types shall be as shown in Tables 8, 11.h, and 12B.
 - iii. Buildings shall be disposed in relation to the boundaries of their Lots according to Tables 11.f, Table 11.g, and 12B.
 - iv. Lot coverage by building shall not exceed that recorded in Table 11.e and 12B.
 - v. Facades shall be built parallel to a rectilinear Principal Frontage Line or to the tangent of a curved Principal Frontage Line, and along a minimum percentage of the Frontage width at the Setback, as specified as Frontage Buildout on Table 11.f and Table 12B.
 - vi. Setbacks for Principal Buildings shall be as shown in Table 11.f and Table 12B. In the case of an Infill Lot, Setbacks shall match one of the existing adjacent Setbacks. Setbacks may otherwise be adjusted by Warrant.
 - vii. Rear Setbacks for Outbuildings shall be a minimum of 15 feet measured from the centerline of the Rear Alley easement. In the absence of Rear Alley, the rear Setback shall be as shown in Table 11.g and Table 12B.

10-24.230 BUILDING CONFIGURATION

- a. General to T4 and T5 Zones
 - i. Buildings on corner Lots shall have two Private Frontages as shown in Table 15. Prescriptions for the second and third Layers pertain only to the Principal Frontage. Prescriptions for the first Layer pertain to both Frontages.
 - ii. All Facades shall be glazed with clear glass no less than 30% of the first Story.
 - iii. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial Function,

which shall be a minimum of 11 feet with a maximum of 25 feet. A single floor level exceeding 14 feet, or 25 feet at ground level, shall be counted as two (2) stories. Mezzanines extending beyond 33% of the floor area shall be counted as an additional Story.

- iv. In a Parking Structure or garage, each above-ground level counts as a single Story regardless of its relationship to habitable Stories.
 - v. Height limits do not apply to Attics or raised basements, masts, belfries, clock towers, chimney flues, elevator bulkheads, church spires, cupolas, domes, ventilators, skylights, parapet walls, cornices, solar energy systems, or necessary mechanical appurtenances usually located on the roof level, provided that such features are limited to the height necessary for their proper functioning. Attics shall not exceed 14 feet in height.
 - vi. The habitable area of a Second Dwelling Unit within a Principal Building or an Outbuilding shall not exceed 440 square feet, excluding the parking area.
- b. Specific to T4 Zone
- i. The Private Frontage of buildings shall conform to and be allocated in accordance with Tables 5, 11.i and 12A.
 - ii. Building heights, Stepbacks, and Extension Lines shall conform to Tables 7, 11.j, and 12A.
 - iii. Balconies, open porches and bay windows may Encroach the first Layer 50% of its depth.
 - iv. All developments shall provide at least 15% of their Lot area as Common Open Space.
 - v. Common Open Space shall be located within the Second Layer or Third Layer whether at-grade or upon roof decks (including roof decks above structured or podium parking).
 - vi. Common Open Space provided with a Sideyard or Courtyard building type shall be contiguous to the corresponding Principal Building and, to the maximum extent practicable, Enfronted by one or more of the permitted Private Frontages of Table 5.

- vii. Common Open Space provided with an Edgeyard or Rearyard building type shall be contiguous to the corresponding Principal Building.

c. Specific to T5 Zone

- i. The Private Frontage of buildings shall conform to and be allocated in accordance with Tables 5, 11.i, and 12B.
- ii. Building heights, Stepbacks, and Extension Lines shall conform to Tables 7, 11.j, and 12B.
- iii. Awnings, Arcades, and Galleries may Encroach the Sidewalk to within 2 feet of the Curb but must clear the Sidewalk vertically by at least 8 feet.
- iv. Stoops, balconies, bay windows, and terraces may Encroach the first Layer 100% of its depth.
- v. All developments shall provide at least 10% of their Lot area as Common Open Space.
- vi. Common Open Space shall be located within the Second Layer or Third Layer whether at-grade or upon roof decks (including roof decks above structured or podium parking).
- vii. Common Open Space provided with a Sideyard or Courtyard building type shall be contiguous to the corresponding Principal Building and, to the maximum extent practicable, Enfronted by one or more of the permitted Private Frontages of Table 5.
- viii. Common Open Space provided with an Edgeyard or Rearyard building type shall be contiguous to the corresponding Principal Building.
- ix. Loading docks and service areas shall be permitted on Frontages only by Warrant (See Section 10-24.410).
- x. In the absence of a building Facade along any part of a Frontage Line, a Streetscreen shall be built co-planar with the Facade.
- xi. Streetscreens should be between 3.5 and 6 feet in height. The Streetscreen may be replaced by a hedge or fence by Warrant. Streetscreens shall have openings no larger than necessary to allow automobile and pedestrian access.
- xii. A first level Residential or Lodging Function shall be raised a minimum of 2 feet from average Sidewalk grade.

10-24.235 BUILDING FUNCTIONS

- a. General to all Zones
 - i. Buildings and Lots in each Transect Zone shall conform to the Functions on Table 9.
 - ii. Any one or more allowed Functions may be established on any Lot, subject to the permit required for the use by Table 9, and compliance with all other applicable requirements of this Code.
 - iii. Where a single parcel is proposed for development with two or more Functions listed in Table 9, the overall project shall be subject to the highest permit level required by Table 14 for any individual use.
 - iv. The Director may authorize a Temporary Use in any zone with approval of an Administrative Use Permit.

10-24.240 DENSITY STANDARDS

- a. General to Zones T4 and T5
 - i. Second Dwelling Units do not count toward Density calculations.
 - ii. The permissible Residential Density on a Lot is set by Table 11.a except that Lots designated TOD Density Overlay 1 on the Regulating Plan (Figure 1-1) shall have a minimum density of 75 du/ac and maximum density of 100 du/acre and Lots designated TOD Density Overlay 2 on the Regulating Plan (Figure 1-1) shall have a minimum density of 40 du/ac and maximum density of 65 du/acre.

10-24.245 PARKING STANDARDS

- a. General to T4 and T5 Zones
 - i. Non-Residential Functions shall have no requirement for a minimum or maximum number of off-street parking spaces.
 - ii. Where provided, open parking areas shall be masked from the Frontage by a Building or Streetscreen conforming to Section 10-24.230(c)(xi).
 - iii. Tandem parking may be provided for multi-family residences

when spaces are assigned to the same dwelling unit.

- iv. Tandem Parking may be provided for Commercial Functions when a valet/attendant is on duty during the hours when the business is open.
- v. Truck loading spaces and the access and maneuvering areas serving loading spaces shall be located on the same parcel as the activity served and must be exclusive of the area used for required parking spaces and maneuvering areas. Truck loading spaces shall not interfere with on-street traffic, parking, or Sidewalks; as determined by the Director.
- vi. Where provided, off-street parking and loading dimensions shall be as set forth in Municipal Code Sections 10-2.600 through 10-2.770.

b. Specific to T4 zone

- i. For each rental dwelling unit, a maximum of 1.75 off-street parking spaces shall be provided.
- ii. For each Residential condominium, a maximum of 2.0 off-street parking spaces shall be provided.
- iii. Driveways at Frontages shall be no wider than 10 feet in the first Layer.
- iv. Notwithstanding the provisions of Section 10-24.245(a), all parking areas and garages shall be located according to Table 12A.

c. Specific to T5 zone

- i. For each rental dwelling unit, a maximum of 1.5 off-street parking spaces shall be provided.
- ii. For each Residential condominium, a maximum of 1.8 off-street parking spaces shall be provided.
- iii. Notwithstanding the provisions of Section 10-24.245(a), all parking areas, garages, and Parking Structures shall be located according to Table 12B.
- iv. Vehicular entrances to parking lots, garages, and Parking Structures shall be no wider than 24 feet at the Frontage.

- v. Pedestrian exits from all parking lots, garages, and Parking Structures shall be directly to a Frontage Line (i.e., not directly into a building) except underground levels which may be exited by pedestrians directly into a building.
- vi. A minimum of one bicycle rack shall be provided within the Public or Private Frontage for every ten vehicular parking spaces.

10-24.250 ARCHITECTURAL STANDARDS

- a. General to T4 and T5 Zones
 - i. Building wall materials may be combined on each Facade only horizontally, with the heavier below the lighter.
 - ii. Streetscreens should be constructed of a material matching the adjacent building Facade.
 - iii. All openings, including porches, Galleries, Arcades and windows, with the exception of Shopfronts, shall be square or vertical in proportion.
 - iv. Openings above the first Story shall not exceed 50% of the total building wall area, with each Facade being calculated independently.
 - v. Doors and windows that operate as sliders are prohibited along Frontages.
 - vi. Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12.
 - vii. The exterior finish material on all Facades shall be limited to brick, wood siding, cementitious siding and/or stucco.
 - viii. Flat roofs shall be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment to the satisfaction of the Review Authority.
 - ix. Balconies and porches shall be made of painted wood.

10-24.255 FENCE AND WALL STANDARDS

- a. General to T4 and T5 zones
 - i. Fences, hedges, and walls may be constructed to a height of six (6) feet in any side or rear yard, and to a height of four (4) feet in any portion of a front or side street yard, except that where the rear or side yard is contiguous to the BART tracks, a flood control channel, or parking lot, a maximum 8-foot-high fence, hedge or wall is permitted.
 - ii. Fences at the first Lot Layer shall be painted or of a decorative material compatible with the architectural materials of the Principal Building. Fences at other Layers may be of wood board or decorative metal.
 - iii. Fences and wall shall also conform to the requirements of Table 6.

10-24.260 LANDSCAPE STANDARDS

- a. General to T4 and T5 Zones
 - i. Impermeable surface shall be confined to the ratio of Lot coverage specified in Table 11.e.
 - ii. Building service elements, such as trash dumpsters, utility meters, loading docks, backflow preventers, and electrical, plumbing, mechanical and communications shall be located either within the third Layer or within the second Layer if screened from view to the street and adjacent properties.
 - iii. Exterior lighting and parking lot lighting shall be provided in accordance with the Security Standards Ordinance (No. 90-26 C.S.) and be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way. Such lighting shall also be designed such that it is decorative and in keeping with the design of the development.
- b. Specific to T4 zone
 - i. The first Layer may not be paved, with the exception of Driveways as specified in Section 10-24.245(b) and 10-24.245(c).

- ii. A minimum of one tree should be planted within the first Layer for each 30 feet of Frontage Line or portion thereof.
 - iii. Trees should be a single species to match the species of Street Trees on the Public Frontage, or as shown on Table 4.
- c. Specific to T5 zone
- i. Trees shall not be required in the first Layer.
 - ii. The first Layer may be paved to match the pavement of the Public Frontage.

10-24.265 VISITABILITY STANDARDS

- a. General to T4 and T5 zones
- i. There shall be provided one zero-step entrance to each building from an accessible path at the front, side, or rear of each building.
 - ii. All first floor interior doors (including bathrooms) shall provide at minimum 32 inches of clear passage.
 - iii. There shall be a half or full bath provided on the first Story of each building.

10-24.270 SUSTAINABILITY STANDARDS

- a. General to all zones.
- i. Sustainability: Wind Power (Table 13A).
 - (1) Locations. Vertical Axis Wind Turbines shall be located:
 - A. Within the Second or Third Layer when building-mounted; and
 - B. Within the Third Layer when pole-mounted.
 - (2) Number per Lot. A maximum of two pole-mounted Vertical Axis Wind Turbines per parcel is permitted on Lots less than one-half acre in size; a maximum of four building-mounted Vertical Axis Wind Turbines per acre are permitted on Lots greater than one-half acre in size.

- (3) Height. Vertical Axis Wind Turbines shall not exceed:
 - A. Fifteen (15) feet above the maximum building height when building-mounted; and
 - B. Seventy (70) feet above natural grade when pole-mounted.
- (4) Lighting. Vertical Axis Wind Turbines shall not be artificially lighted unless required, in writing, by the Federal Aviation Administration (FAA) or other applicable authority that regulates air safety. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations; the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground; and no strobe lighting shall be permitted, unless expressly required by the FAA.
- (5) Access. All wind turbine towers must comply with the following provisions:
 - A. The Vertical Axis Wind Turbine shall be designed and installed so that there shall be no exterior step bolts or a ladder on the tower readily accessible to the public for a minimum height of 12 feet above the ground.
 - B. All building-mounted Vertical Axis Wind Turbines shall be secured to prevent unauthorized access.
 - C. All ground-mounted electrical and control equipment related to Vertical Axis Wind Turbines shall be labeled and secured to prevent unauthorized access.
- (6) Noise. All Vertical Axis Wind Turbines, either individually or in combination, shall create noise that exceeds a no more than 35 decibels (dBA) at any property line where the property on which the wind machine is located.
 - A. Noise levels may not be exceeded at any time, including short-term events such as utility outages and severe wind storms.
 - B. Measurement of sound levels shall not be adjusted for, or averaged with, non-operating periods.

- C. Any Vertical Axis Wind Turbine(s) exceeding these levels shall immediately cease operation upon notification by the Director and may not resume operation until the noise levels have been reduced and verified by an independent third party inspector, approved by the Director, at the property owner's expense.
- (7) Aesthetics and Maintenance.
- A. Appearance. Vertical Axis Wind Turbines, unless subject to any applicable standards of the FAA, shall be a non-obtrusive color such as tan, sand, gray, black or similar colors. Galvanized steel or metal is acceptable for the support structures.
 - B. Electrical Wires. All electrical wires leading from the tower to electrical control facilities shall be located underground.
 - C. Maintenance. Wind turbines shall be maintained in good repair, as recommended by the manufacturer's scheduled maintenance or industry standards.
 - D. Signs/Labels. The only advertising sign allowed on the wind turbine shall be a manufacturer's label, not exceeding one square foot in size.
- (8) Compliance with FAA Regulations. All wind turbines shall comply with applicable FAA regulations, including any necessary approvals for installations.
- (9) Repair and Removal of Vertical Axis Wind Turbines. Any wind turbine found to be unsafe by an official of the Building Department shall immediately cease operation upon notification by the Building Official and shall be repaired by the owner to meet federal, state, and local safety standards or be removed within six months. Vertical Axis Wind Turbines that are not operated for a continuous period of 12 months shall be removed by the owner.
- A. When a Vertical Axis Wind Turbine is removed from a site, all associated and ancillary equipment, batteries, devices, structures or support(s) for that system shall

also be removed. For the purposes of this section, non-operation shall be deemed to include, but shall not be limited to, the blades of the Vertical Axis Wind Turbine remaining stationary so that wind resources are not being converted into electric or mechanical energy, or the Vertical Axis Wind Turbine is no longer connected to the public utility electricity distribution system.

(10) Prohibitions. Horizontal Axis Wind Turbines are prohibited in the Code area.

ii. Sustainability: Solar Energy (Table 13B).

(1) Mechanical equipment and appurtenances illustrated in Table 13B and necessary for the collection of solar energy shall be exempt from height requirements of this Code.

(2) No planning permit shall be required to install mechanical equipment and appurtenances for solar energy collection.

iii. Sustainability: Food Production (Table 13C).

(1) Development projects are encouraged to incorporate the food production locations and arrangements illustrated in Table 13C, as assigned per T-zone and CS Zone.

(2) Prohibited Food Production-related Functions or activities within the Code area include: Animal husbandry (excluding the keeping of up to four (4) chickens), beekeeping, processing of food produced on site, spreading of manure, application of agricultural chemicals (including fertilizers and pesticides), and use of heavy equipment such as tractors.

(3) Food Production shall conform to the Functions on Table 9.

iv. Sustainability: Light Imprint Storm Drainage Matrix (Table 13D).

(1) Development projects are encouraged to incorporate the stormwater management techniques identified in Table 13D, as assigned per T-zone.

10-24.275 THOROUGHFARE STANDARDS & PLAN

- a. The Council hereby adopts the South Hayward BART/Mission Boulevard Form-Based Code Thoroughfare Plan (hereafter referred to as the "Thoroughfare Plan"), as shown in Figure 1-2, and the corresponding Existing & New Thoroughfares Plan, as shown in Figure 1-3, both as an amendment to the zoning district map authorized by Municipal Code Section 10-1.3400 (Amendments).
- b. Intent
 - i. To enable the General Plan's recognized opportunities (see Pages 3-17 and 3-18) for infill development and redevelopment to accommodate alternate street patterns, including: (a) shorter Block lengths; (b) interconnected streets; (c) alleys; and (d) cul-de-sac avoidance.
 - ii. To enable New Thoroughfares which are dedicated and constructed in locations generally consistent with those depicted in Figure 1-2 and Figure 1-3.
 - iii. To utilize the provisions of this Section and Municipal Code Chapter 10, Article 4 (Precise Plan Lines for Streets) for the administrative aspects of implementing New Thoroughfares.
 - iv. To enable both incremental modifications to Existing Thoroughfares through individual development projects or coordinated and holistic modifications to Existing Thoroughfares through City-sponsored capital improvement projects.
- c. Applicability
 - i. The Thoroughfare Plan (Figure 1-2) geographically assigns the standards of Table 2 to the Code area.
 - ii. The Existing & New Thoroughfares Plan (Figure 1-3) distinguishes between Existing Thoroughfares present at the time of Code adoption and New Thoroughfares intended for dedication and improvement after Code adoption.
- d. General to all Thoroughfares
 - i. Thoroughfares are intended for use by vehicular and pedestrian traffic and to provide access to Lots and Open Spaces.

- ii. Thoroughfares shall consist of vehicular lanes and Public Frontages.
 - iii. Within the Code area, pedestrian comfort shall be a primary consideration of the Thoroughfare.
 - iv. Where presented, design conflicts between vehicular and pedestrian movement generally shall be decided in favor of the pedestrian.
 - v. The City of Hayward shall accept by dedication or acquire those New Thoroughfares depicted on the Thoroughfare Plan (Figure 1-2) when related to a development project consistent with the provisions of this Code.
 - vi. The City of Hayward may accept by dedication or acquire those New Thoroughfares depicted on the Thoroughfare Plan (Figure 1-2) and Existing & New Thoroughfares (Figure 1-3) exclusive of a development project.
 - vii. Underground utilities shall be located under the Sidewalks, at a minimum of 5 feet away from the edge of planting, whenever possible, to allow tree planting.
- e. Vehicular Lanes
- i. Thoroughfares may include vehicular lanes in a variety of widths for parked and for moving vehicles, including bicycles. The standards for vehicular lanes shall be as shown in Table 2.
 - ii. The Thoroughfare Plan (Figure 1-2) and Existing & New Thoroughfares Plan (Figure 1-3) accommodate Bicycle Lanes, Bicycle Routes and Bicycle Trails which are consistent with the City of Hayward Bicycle Master Plan (October 2007). The City of Hayward shall utilize the Thoroughfare Plan and Existing & New Thoroughfares Plan as it designs, funds and constructs Thoroughfare modifications to facilitate implementation of the City of Hayward Bicycle Master Plan (October 2007).
 - iii. Where off-street parking spaces are provided outside of a building, the use of permeable/porous paving is required, as determined by the Director.
- f. Public Frontages

- i. General to all Zones
 - (1) The Public Frontage contributes to the character of Transect Zones and the Civic Space Zone, and includes the types of Sidewalk, Curb, Planter, bicycle facility, and street trees.
 - (2) Public Frontages shall be designed as shown in Table 2 and allocated within Transect Zones and the Civic Space Zone as specified in Table 11.c.
 - (3) Within the Public Frontages, the prescribed types of Public Lighting and Public Planting shall be as shown in Table 3 and Table 4. The spacing may be adjusted by the Director to accommodate specific site conditions.
 - (4) The introduced landscape shall consist primarily of durable species tolerant of soil compaction.
- ii. Specific to T4 zone
 - (1) The Public Frontage shall include trees planted in a regularly-spaced Allee pattern of single or alternated species with shade canopies of a height that, at maturity, clears at least one Story.
- iii. Specific to T5 zone
 - (1) The Public Frontage shall include trees planted in a regularly spaced Allee pattern of single species with shade canopies of a height that, at maturity, clears at least one Story. At Retail Frontages, the spacing of the trees may be irregular, to avoid visually obscuring the Shopfronts.
- g. Specific to Existing Thoroughfares
 - i. The standards of Table 2 shall apply as the City of Hayward designs and constructs modifications to Existing Thoroughfares.
 - ii. Development projects along Existing Thoroughfares shall comply with the provisions of Table 2 when they:
 - (1) Occur on a vacant Lot;
 - (2) Include the construction of a new Principal Building; or

- (3) Include the construction of 50% or more of the gross floor area of any existing Principal Building.

h. Specific to New Thoroughfares

- i. The Thoroughfare Plan allocates New Thoroughfares to Lots in a manner which results in Block perimeter distances equal to or lesser than the maximum distance of Table 11.b. The perimeter is measured as the sum of Lot Frontage Lines.
- ii. Development projects which propose and accomplish the construction and dedication of a New Thoroughfare and Public Frontage shall be eligible for the following incentives:
 - (1) Upon receipt of a planning permit application, the Director shall expedite its processing through means including, without limitation, the prioritization of the application over others already filed;
 - (2) A Street Dedication Bonus which increases: (a) the maximum Residential Density allocated to the corresponding T-Zone by up to four (4) units per increment of one hundred (100) feet of constructed and dedicated Street, and one (1) unit per increment of fifty (50) feet of constructed and dedicated Alley length; and (b) the maximum Principal Building height by one (1) Story;
- iii. The Review Authority may authorize New Thoroughfares in locations different from those depicted in Figure 1-2 and Figure 1-3 when it finds, in addition to other findings required by Section 10-24.400, that:
 - (1) Immovable physical obstructions including, without limitation, large boulders, public infrastructure facilities, or environmentally sensitive habitat, are present; or
 - (2) The resulting maximum Block perimeter distance of Table 11.b would not be exceeded by either the current development or foreseeable future development proposals.
- iv. Planning permit applications including New Thoroughfares shall include a petition to establish a Precise Plan Line for the New Thoroughfare(s). The petition shall be processed in accordance with Municipal Code Chapter 10, Article 4 and:

- (1) Require no application fee payment.
 - (2) Be processed concurrently with the planning permit application; and
 - (3) Include any information requested by the Public Works Director to establish a Precise Plan Line that would enable construction of the New Thoroughfare without preventable financial hardship.
- v. Proposals for the City of Hayward to acquire or purchase New Thoroughfares exclusive of a development project shall still require the establishment of a Precise Plan Line for the New Thoroughfare(s).

10-24.280 SUBDIVISION STANDARDS

a. Intent

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

b. Applicability.

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

c. General to all Zones

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

- v. Lot line adjustments or Lot mergers pertaining to parcels not conforming to the applicable Lot Width requirements of Table 11.e may occur so long as they bring the parcels closer into conformance.
- vi. No flag Lot shall be created in the Code area through either a subdivision or Lot line adjustment.
- vii. All New Thoroughfares shall be publicly owned, and Existing Thoroughfares shall not be abandoned to private ownership.

10-24.285 SIGN STANDARDS

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

- g. Sign Installation. All signs, except window signs, require a sign permit and building and electrical permits where required. All signs should be installed in a professional manner, avoiding, unsightly guy wires or other stabling devices. Attachments should be hidden from general view and in the least destructive manner possible. For masonry, attachments should be embedded into the mortar, not the brick or stone. All signs and murals painted on walls shall be covered with anti-graffiti coating.
- h. Sign Area and Number
- i. Maximum Number. For all establishments, the maximum number of signs permitted per Frontage is two (2). The maximum number of signs permitted per establishment is four (4). Temporary window signs and Sidewalk display signs do not count toward the total.
- ii. Sign Area. The maximum sign area is one square foot per linear foot of primary Frontage, and one-half square foot per linear foot of Secondary Frontage. Only one Frontage, which contains a public entrance, may be counted as Principal Frontage. All other building Frontages, which have exposure to pedestrian or vehicular traffic, are considered Secondary Frontages. Only one Secondary Frontage may be counted for determining maximum sign area for all Secondary Frontages. Signs displayed on a single Frontage shall be limited to the area and number that are permitted on that Frontage alone. No establishment shall be permitted more than a total of 100 square feet of sign area per Frontage unless Warrant approval is obtained. Each establishment shall be entitled to a minimum of 30 square feet for the Principal Frontage. The total area encompassed by a contrasting color scheme shall be counted when calculating allowable sign area.
- i. Sign Types
- i. Wall signs may be painted on the wall, or be made of metal, wood (except plywood), plastic, neon or vinyl. Fluorescent material is prohibited. Signs shall be located no higher than the cornice or parapet line, whichever is lower.

Wall signs legally erected before [insert Code effective date] shall be considered in conformance if they do not exceed the maximum allowable area by more than 25 percent, and do not extend above the cornice or parapet line, whichever is lower, by more than 25 percent of the height of the sign.

- ii. Permanent window signs may include graphics painted on glass, vinyl letters applied to glass, a clear acrylic panel behind the window, or small neon window signs and should be white or light in color. Permanent window signs shall not occupy more than 25 percent of the total area of the window.
- iii. Projecting signs shall be located no higher than the cornice or parapet line, whichever is lower, and must be located so as to not obscure any architectural detail of the Facade. A double face projecting sign shall be considered one sign. The maximum size of a projecting sign shall be 40 square feet (20 square feet per side). Projecting signs shall not project more than 3 feet horizontally. In no case may the sign come within 2 1/2 feet of the Curb. Projecting signs shall be clear of street trees, traffic signals, street lighting and regulatory signs.
- iv. Horizontal hanging signs, suspended from a canopy, awning, or marquee, may be placed above an entry. A hanging sign shall not exceed 8 square feet in size (4 square feet per side).

Hanging signs erected before [insert Code effective date], shall be considered in conformance if they do not exceed the maximum allowable area by more than 25 percent.

- v. Overhang signs are mounted atop the overhang, parallel to the storefront and shall not be used in conjunction with wall signs. Overhang signs shall not exceed 3 feet in height.
- vi. The awning sign is limited to the front skirt of the awning. Colors and lettering of awning signs should be compatible with the building colors, businesses they serve, as well as harmonize with neighboring buildings and storefronts.

Awning signs legally erected before [insert Code effective date] shall be considered in conformance if they do not exceed the maximum allowable area by more than 25 percent.

- vii. Promotional Temporary Signs.
 - (1) Paper or Paint Window Signs. Special sale window signs of either paper or paint, are permitted. Such signs when combined with permanent window signs, shall not occupy more than 25 percent of the total area of the window. These signs should be of a professional quality.

- (2) Sidewalk Display Signs (such as A-frame signs and sandwich boards) may be placed on private property, or within the first 18 inches of public property that is directly in front of the individual business. Such sign shall not exceed 6 square feet per side and is limited to one per business. Sidewalk display sign area shall not count toward allowable sign area. A minimum passage way width of 48 inches shall be maintained along the Sidewalk in front of such Sidewalk display sign. The sign shall not project within 2 feet of the Curb interface with vehicles. Such signs shall not be displayed during non-business hours.

10-24.290 TELECOMMUNICATION FACILITY STANDARDS

In addition to the requirements of Municipal Code Chapter 10, Article 13 (Antennae and Telecommunications Facilities Ordinance), the following requirements shall also apply to all Telecommunication Facilities in the Code area.

- a. The following Telecommunication Facilities are classified as Class 1 facilities within the Code area:
 - i. Any Telecommunication Facility directly affixed to a building or structure, provided that all components of the facility are designed in a manner to be architecturally consistent with the building or structure. Examples include, without limitation, Telecommunications Facilities concealed within existing structures such as Attics, cupolas, steeples, stanchions, bell towers, or similar structures, mounted to the penthouse of a building to appear as part of the architecture.
 - ii. A ground-mounted or building-mounted receive-only radio or television satellite dish antenna which exceeds 36 inches in diameter but is not larger than 8 feet in diameter, provided the height of said dish does not exceed the height of the roof ridge line of a structure on which it is to be installed or is screened from view from the public right-of-way.
 - iii. Any freestanding Telecommunications Facility designed to blend into the surrounding natural or man-made environment in order to minimize the overall visual impact. Examples include, without limitation, flag, telephone or light poles, palm trees, windmills, or rock formations and other similar items.

- iv. Any Telecommunications Facility proposed to co-locate on another freestanding existing Telecommunications Facility.
 - v. Government-owned and government-operated antenna(s).
- b. Class 1 Telecommunication Facilities may be located in any zone within the Code area.
- c. Prior to installation and operation of any Class 1 Telecommunication Facility, a Telecommunication Site Review shall be approved by the Director in accordance with Municipal Code Chapter 10, Article 13 (Antenna and Telecommunications Facilities Ordinance).
- d. In addition to the findings required by Municipal Code Section 10-13.070 and in order to approve a Telecommunications Site Review application, the Director must find the proposed Telecommunication Facility is:
- i. Sited and designed so as to be architecturally integrated such that it is virtually invisible to the naked eye from public streets and Civic spaces;
 - ii. The design, finish, colors and texture are non-reflective and blend with the surrounding natural and/or man-made environment;
 - iii. If freestanding or pole-mounted, the height is the minimum necessary without compromising reasonable reception or transmission; and
- e. The descriptions of Class 1 Telecommunication Facilities found in Municipal Code Section 10-13.070(1) through (8) are inapplicable to the Code area.
- f. Class 2 and Class 3 Telecommunication Facilities are prohibited in the Code area.

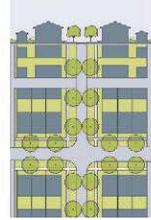
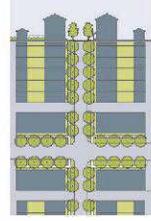
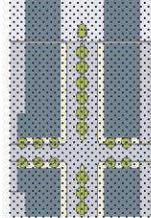
TABLE 1	TRANSECT ZONE DESCRIPTIONS
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TABLE 1. TRANSECT ZONE DESCRIPTIONS

FORM-BASED CODE

South Hayward BART / Mission Boulevard

TABLE 1: Transect Zone Descriptions. This table provides descriptions of the character of each T-zone. T1, T2, T3, and T6 do not occur in the Code area and are provided for reference only.

 <p>T1</p>	<p>T-1 NATURAL T-1 Natural Zone consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation.</p>	<p>General Character: Natural landscape with some agricultural use Building Placement: Not applicable Frontage Types: Not applicable Typical Building Height: Not applicable Type of Civic Space: Parks, Greenways</p>	
 <p>T2</p>	<p>T-2 RURAL T-2 Rural Zone consists of sparsely settled lands in open or cultivated states. These include woodland, agricultural land, grassland, and irrigable desert. Typical buildings are farmhouses, agricultural buildings, cabins, and villas.</p>	<p>General Character: Primarily agricultural with woodland & wetland and scattered buildings Building Placement: Variable Setbacks Frontage Types: Not applicable Typical Building Height: 1- to 2-Story Type of Civic Space: Parks, Greenways</p>	
 <p>T3</p>	<p>T-3 SUB-URBAN T-3 Sub-Urban Zone consists of low density residential areas, adjacent to higher zones that some mixed use. Home occupations and outbuildings are allowed. Planting is naturalistic and setbacks are relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.</p>	<p>General Character: Lawns, and landscaped yards surrounding detached single-family houses, pedestrians occasionally Building Placement: Large and variable front and side yard Setbacks Frontage Types: Porches, fences, naturalistic tree planting Typical Building Height: 1- to 2-Story with some 3-Story Type of Civic Space: Parks, Greenways</p>	
 <p>T4</p>	<p>T-4 GENERAL URBAN T4 General Urban Zone consists of mixed use but primarily residential urban fabric. It includes a mix of building types: townhouses, apartment buildings, mixed-use buildings and commercial buildings. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks.</p>	<p>General Character: Mix of townhouses, and apartment buildings with scattered commercial activity; balance between landscape and buildings; presence of pedestrians. Building Placement: Shallow to medium front and side setbacks Frontage Types: Mostly Porches, fences, Dooryards, Shopfronts Typical Building Height: 1- to 3-Story with a few taller apartment or mixed-use buildings Type of Civic Space: Parks, Greens, Squares, Playgrounds</p>	
 <p>T5</p>	<p>T-5 URBAN CENTER T5 Urban Center Zone consists of higher density mixed-use buildings that accommodate retail, office, and residential uses, along with townhouses and apartment buildings. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.</p>	<p>General Character: Shops mixed with townhouses, apartment buildings, offices, workplaces, and Civic buildings; attached and detached buildings close together; trees within the public right-of-way; substantial pedestrian activity. Building Placement: Shallow Setbacks or none; many buildings oriented to the street defining a street wall Frontage Types: Mostly Stoops, Shopfronts, Galleries, Dooryards Typical Building Height: 2- to 4-Story with some variation and a few taller mixed-use buildings Type of Civic Space: Parks, Plazas and Squares, Playgrounds</p>	
 <p>T6</p>	<p>T-6 URBAN CORE T-6 Urban Core Zone consists of the highest density and height, with the greatest variety of uses, and civic buildings of regional importance. It may have larger blocks, streets have steady street tree planting and buildings are set close to wide sidewalks. Typically only large towns and cities have an Urban Core Zone.</p>	<p>General Character: Medium to high-Density Mixed Use buildings, entertainment, Civic and cultural uses. Attached buildings forming a continuous street wall; trees within the public right-of-way; highest pedestrian and transit activity Building Placement: Shadow Setbacks or none; buildings oriented to street, defining a street wall Frontage Types: Stoops, Dooryards, Forecourts, Shopfronts, Galleries, and Arcades Typical Building Height: 4-plus Story with a few shorter buildings Type of Civic Space: Parks, Plazas and Squares; median landscaping</p>	

KEY **ST-57-20-BL**

Thoroughfare Type

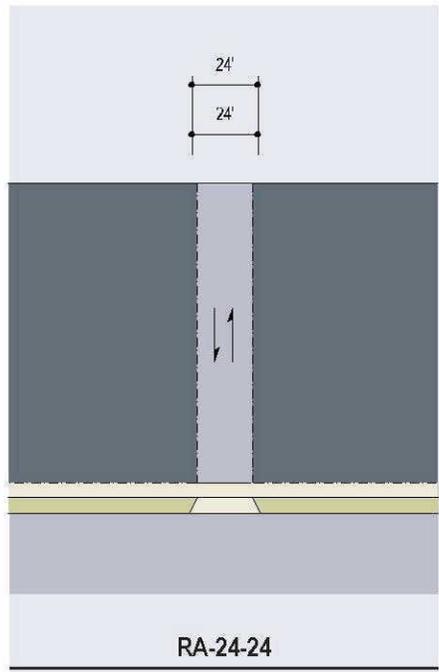
Right of Way Width

Pavement Width

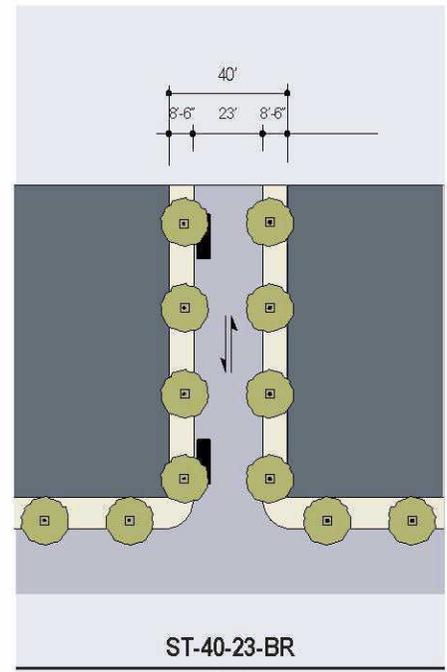
Transportation

THOROUGHFARE TYPES

Boulevard: BV
 Avenue: AV
 Commercial Street: CS
 Drive: DR
 Street: ST
 Road: RD
 Rear Alley: RA
 Bicycle Trail: BT
 Bicycle Lane: BL
 Bicycle Route: BR
 Path: PT
 Passage: PS
 Transit Route: TR



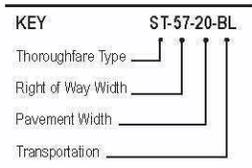
	RA-24-24
Thoroughfare Type	Rear Alley
Transect Zone Assignment	T4, T5
Right-of-Way Width	24 feet
Pavement Width	24 feet
Movement	Slow Movement
Intended Speed	10 MPH
Pedestrian Crossing Time	6 seconds
Traffic Lanes	n/a
Parking Lanes	None
Curb Radius	Taper
Walkway Type	None
Planter Type	None
Curb Type	Inverted Crown
Landscape Type	None
Transportation Provision	N/A



	ST-40-23-BR
Thoroughfare Type	Street
Transect Zone Assignment	T4, T5
Right-of-Way Width	40 feet
Pavement Width	23 feet
Movement	Slow Movement
Intended Speed	20 MPH
Pedestrian Crossing Time	6 seconds
Traffic Lanes	2 lanes
Parking Lanes	One side, unmarked
Curb Radius	15 feet
Walkway Type	4 foot Sidewalk
Planter Type	4 foot wide permeable continuous paving strip with 4'x4' tree wells
Curb Type	6" Curb
Landscape Type	Small to Medium-size trees at 30' o.c. Avg.
Transportation Provision	BR

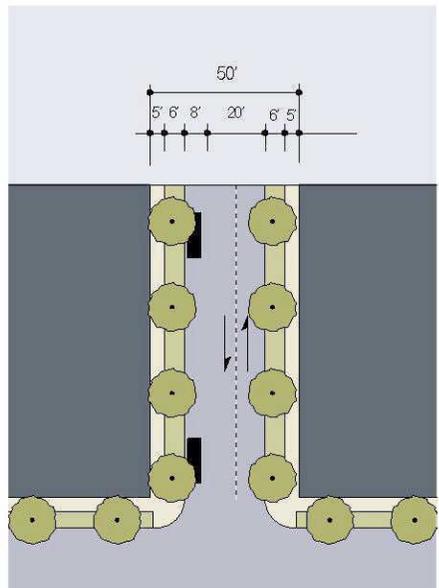
TABLE 2. THOROUGHFARE ASSEMBLIES

FORM-BASED CODE South Hayward BART / Mission Boulevard



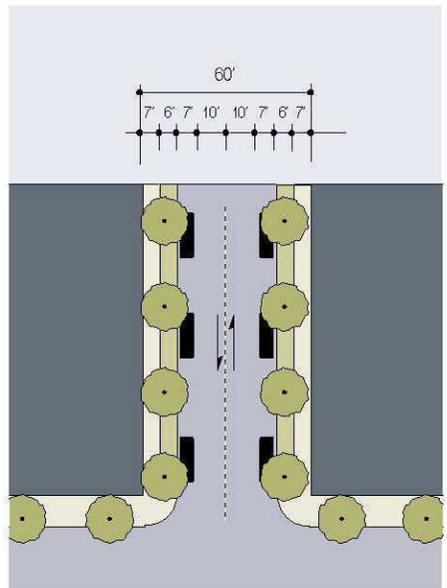
THOROUGHFARE TYPES

Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Rear Alley:	RA
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Passage:	PS
Transit Route:	TR



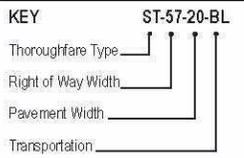
ST-50-28-BR

Thoroughfare Type	Street
Transsect Zone Assignment	T4, T5
Right-of-Way Width	50 feet
Pavement Width	28 feet
Movement	Free Movement
Intended Speed	20 MPH
Pedestrian Crossing Time	7 seconds
Traffic Lanes	2 lanes
Parking Lanes	One side @ 8 feet marked
Curb Radius	10 feet
Walkway Type	5 foot Sidewalk
Planter Type	5.5 foot wide continuous Planter
Curb Type	6" Curb
Landscape Type	Small to Medium-size trees at 30' o.c. Avg.
Transportation Provision	BR

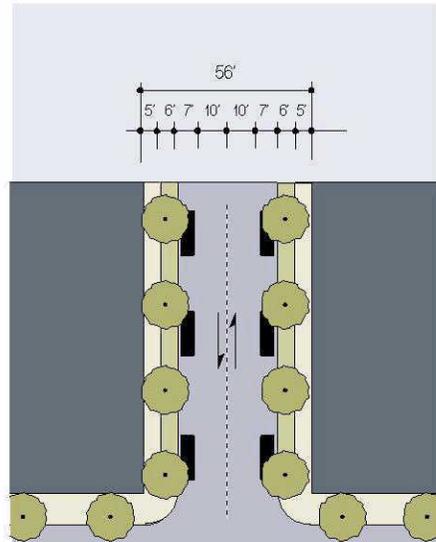


ST-60-34-BR

Thoroughfare Type	Street
Transsect Zone Assignment	T4, T5
Right-of-Way Width	60 feet
Pavement Width	34 feet
Movement	Slow Movement
Intended Speed	20 MPH
Pedestrian Crossing Time	8.5 seconds
Traffic Lanes	2 lanes
Parking Lanes	Both Sides @ 7 feet marked
Curb Radius	15 feet
Walkway Type	7 foot Sidewalk
Planter Type	5.5 foot wide continuous planting strip
Curb Type	6" Curb
Landscape Type	Medium-size trees at 30' o.c. Avg.
Transportation Provision	BR

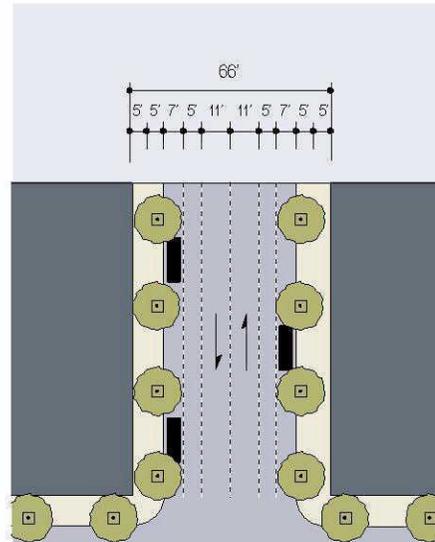


- THOROUGHFARE TYPES**
- Boulevard: BV
 - Avenue: AV
 - Commercial Street: CS
 - Drive: DR
 - Street: ST
 - Road: RD
 - Rear Alley: RA
 - Bicycle Trail: BT
 - Bicycle Lane: BL
 - Bicycle Route: BR
 - Path: PT
 - Passage: PS
 - Transit Route: TR



ST-56-34-BR

Thoroughfare Type	Street
Traverse Zone Assignment	T4, T5
Right-of-Way Width	56 feet
Pavement Width	34 feet
Movement	Slow Movement
Intended Speed	20 MPH
Pedestrian Crossing Time	8.5 seconds
Traffic Lanes	2 lanes
Parking Lanes	Both Sides @ 7 feet marked
Curb Radius	15 feet
Walkway Type	5 foot Sidewalk
Planter Type	5.5' wide continuous planting strip
Curb Type	6" Curb
Landscape Type	Small to Medium-size trees at 30' o.c. Avg.
Transportation Provision	BR



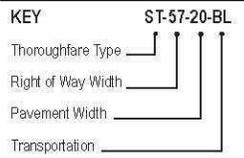
ST-66-46-BL

Thoroughfare Type	Street
Traverse Zone Assignment	T5
Right-of-Way Width	66 feet
Pavement Width	46 feet
Movement	Slow Movement
Intended Speed	20 MPH
Pedestrian Crossing Time	11.5 seconds
Traffic Lanes	2 lanes
Parking Lanes	Both sides @ 7 feet marked
Curb Radius	10 feet
Walkway Type	5 foot Sidewalk
Planter Type	4.5 foot wide continuous permeable paving strip with 4'-6" x 4'-6" tree wells
Curb Type	6" Curb
Landscape Type	Medium to Large-size trees at 30' o.c. Avg.
Transportation Provision	Two 5' Bicycle Lanes

TABLE 2. THOROUGHFARE ASSEMBLIES

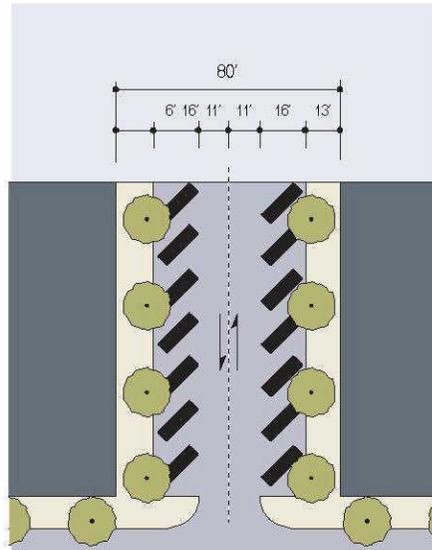
FORM-BASED CODE

South Hayward BART / Mission Boulevard

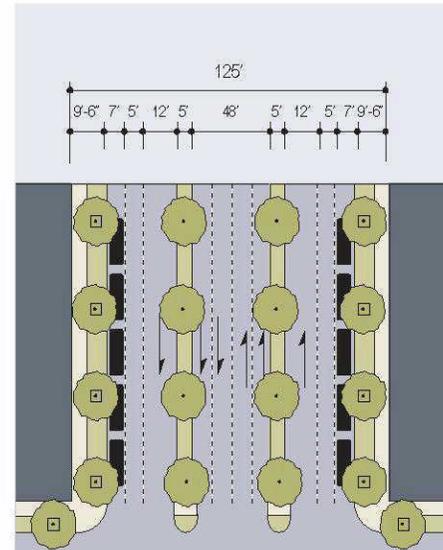


THOROUGHFARE TYPES

Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Rear Alley:	RA
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Passage:	PS
Transit Route:	TR



CS-80-54-BR



BV-125-48-BL

Thoroughfare Type
Transsect Zone Assignment
Right-of-Way Width
Pavement Width
Movement
Intended Speed
Pedestrian Crossing Time
Traffic Lanes
Parking Lanes
Curb Radius
Walkway Type
Planter Type
Curb Type
Landscape Type
Transportation Provision

Commercial Street
T5
80 feet
54 feet
Slow Movement
25 MPH
5 seconds at corners
2 lanes
Both sides angled @ 30° max. @ 16 feet marked
10 feet
7 foot Sidewalk
5.5 foot wide continuous permeable paving strip with 4'x4' min. tree wells
6" Curb
Medium to Large-size trees at 30' o.c. Avg.
BR

Boulevard
T4, T5
125 feet
24 feet - 48 feet - 24 feet
Free Movement (inner lanes)
35 MPH
6 seconds - 12 seconds - 6 seconds
4 lanes & two one-way slip roads
7 feet
10 feet
4 foot Sidewalk
5 foot continuous Planter
6" Curb
Large-size trees at 30' o.c. Avg.; planted 5' medians (Small-size trees)
Two 5' Bicycle lanes

Note: The city will need to study the conditions in which this assembly will work for Industrial Parkway, transitioning from the existing design, on either side to the Code area.

FORM-BASED CODE

TABLE 2. THOROUGHFARE ASSEMBLIES

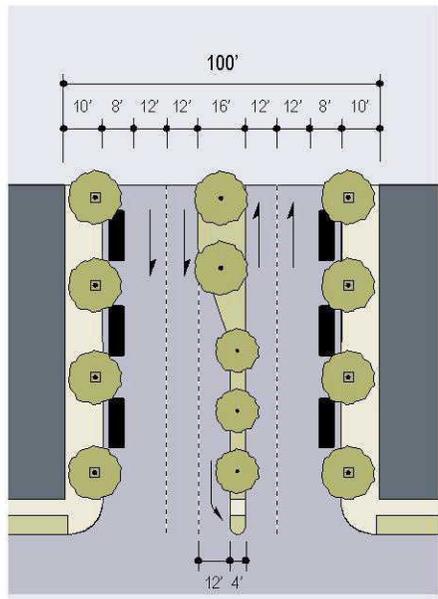
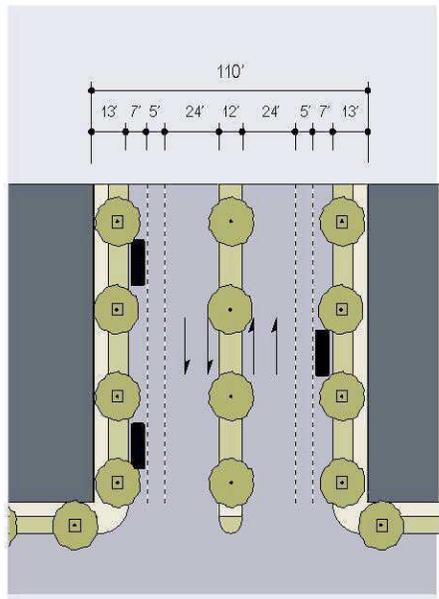
South Hayward BART / Mission Boulevard

KEY **ST-57-20-BL**

Thoroughfare Type
Right of Way Width
Pavement Width
Transportation

THOROUGHFARE TYPES

- Boulevard: BV
- Avenue: AV
- Commercial Street: CS
- Drive: DR
- Street: ST
- Road: RD
- Rear Alley: RA
- Bicycle Trail: BT
- Bicycle Lane: BL
- Bicycle Route: BR
- Path: PT
- Passage: PS
- Transit Route: TR



Thoroughfare Type
Transect Zone Assignment
Right-of-Way Width
Pavement Width
Movement
Intended Speed
Pedestrian Crossing Time
Traffic Lanes
Parking Lanes
Curb Radius
Walkway Type
Planter Type
Curb Type
Landscape Type
Transportation Provision

AV-110-72-BL
Avenue
T4, T5
110 feet
36 feet - 36 feet
Slow Movement
25 MPH
8 seconds - 8 seconds at corners
4 lanes
Both sides @ 7 feet marked
10 feet
6 foot Sidewalk where possible; 4 foot minimum
6.5 foot continuous Planter where possible
6" Curb or Swale
Large-size trees at 30' o.c. Avg.; Planted 12 foot median (Large-size trees)
Two 5' Bicycle Lanes

AV-100-64/76-BL
Avenue
T4, T5
100 feet
32 feet - 32/44 feet
Free Movement
35 MPH
8 seconds - 8/11 seconds
4-5 lanes
Both sides @ 8 feet unmarked
30 feet (typical)
10 foot Sidewalk
4.5 foot wide continuous permeable paving strip with 4'-6"x4'-6" tree wells
6" Curb
Large-size trees at 30' o.c. Avg.; Planted 16 foot median (Large-size trees)
TR

Mission Boulevard Typical Section

Varies at majors intersections -
Harder, Tennyson and Industrial to provide
3 through lanes and needed turn lanes.

TABLE 3: Public Lighting. Lighting varies in brightness and also in the character of the fixture according to the Transect. The table shows five common types.

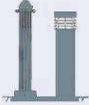
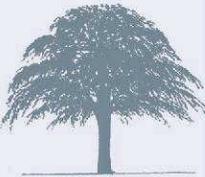
	T1	T2	T3	T4	T5	T6	Specifications
<p>Cobra Head</p> 				■	■		<p>Cobra head fixtures are allowed in T4 and T5 only when combined with pedestrian-scaled lighting, such as ELECTROLIER Type A</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>Pipe</p> 							<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>Post</p> 				■			<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>Column</p> 				■	■		<p>Pole height: 12 ft Wattage: 90-100 w LED, equivalent 150-175 w metal halide Type: LED, decorative Uniformity Ratio: 4:1 Average foot candle: 0.7 - 0.9 Location: average 100 ft apart, staggered</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>Double Column</p> 					■		<p>Pole height: 12 ft Wattage: 90-100 w LED, equivalent 150-175 w metal halide Type: LED, decorative Uniformity Ratio: 3:1 Average foot candle: 0.9 - 1.1 Location: average 100-120 ft apart, staggered</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>Ornamental Bollard</p> 				■	■		<p>Specification: ornamental bollards should be located between other light fixtures in areas where there is retail</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

TABLE 4: Public Planting. This table shows six common types of street tree shapes and their appropriateness within the Transect Zones. Development Services and Public Works Departments select species appropriate for the bioregion.

	T1	T2	T3	T4	T5	T6	Specifications: the tree species listed are examples provided for reference only.
Palm 				■	■		The following species shall NOT be specified: Syagrus romanzoffianum, Queen Palm Washingtonia robusta, Mexican Fan Palm
Coniferous 				■	■		Calocedrus decurrens, Incense Cedar Cedrus deodora, Deodar Cedar Cupressus sempervirens, Italian Cypress Sequoia sempervirens, Coastal Redwood
Narrow Canopy 				■	■		Carpinus betulus 'Fastigiata', European Hornbeam Lophostemon confertus, Brisbane Box Tree Ginkgo biloba 'Sentry', Sentry Maiden Hair Tree Pyrus calleryana 'Chanticleer', Ornamental Pear Quercus robur 'Fastigiata', Columnar English Oak Zelkova Musashino, Zelkova
Small Size 				■			Cercis Canadensis 'Forest Pansy', Eastern Redbud Cercis occidentalis, Western Redbud Eryobotrya deflexa, Bronze Loquat Lagerstroemia indica 'Muskogee' and 'Tuscarora', Crape Myrtle Malus spp, Flowering Crabapple
Medium size* 				■			Acer buergerianum, Trident Maple Aesculus californica, California Buckeye Aesculus x. carnea, Red Horsechestnut Arbutus 'Manna', Arbutus Celtis spp, Hackberry Species Fraxinus oxycarpa 'Raywood', Raywood Ash Ginkgo biloba 'Autumn Gold', Maiden Hair Tree Koelreuteria bipinnata, Chinese Flame Tree Melaleuca quinquenervia, Cajeput Tree
Large size* 				■			Cinnamomum camphora, Camphor Tree Linodendron tulipifera, Tulip Tree Platanus agrifolia 'columbia', London Plane Tree Quercus agrifolia, California Coastal Live Oak Quercus ilex, Holly Oak Quercus virginiana, Southern Live Oak Zelkova serrata, Japanese Zelkova

* see "Definitions of Terms" section

TABLE 5: Private Frontages. This table shows seven common types of Private Frontages and their appropriateness with the Transect Zones.

	SECTION	PLAN
	LOT PRIVATE FRONTAGE R.O.W. PUBLIC FRONTAGE	LOT PRIVATE FRONTAGE R.O.W. PUBLIC FRONTAGE
<p>b. Porch & Fence: a planted Frontage wherein the Facade is set back from the Frontage Line with an attached porch permitted to Encroach. A fence at the Frontage Line maintains street spatial definition. Porches shall be no less than 8 feet deep.</p>		 T4
<p>c. Terrace or Lightwell: a Frontage wherein the Facade is set back from the Frontage line by an elevated terrace or a sunken Lightwell. This type buffers Residential use from urban Sidewalks and removes the private yard from public Encroachment. Terraces are suitable for conversion to outdoor cafes. Syn: Dooryard.</p>		 T4 T5
<p>d. Forecourt: a Frontage wherein a portion of the Facade is close to the Frontage Line and the central portion is set back. The Forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other Frontage types. Large trees within the Forecourts may overhang the Sidewalks.</p>		 T4 T5
<p>e. Stoop: a Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor Residential use. The stoop elevation shall be 24"-36" from the sidewalk.</p>		 T4 T5
<p>f. Shopfront: a Frontage wherein the Facade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. This type is conventional for Retail use. It has a substantial glazing on the Sidewalk level and an awning that may overlap the Sidewalk to within 2 feet of the Curb. Syn: Retail Frontage.</p>		 T4 T5
<p>g. Gallery: a Frontage wherein the Facade is aligned close to the Frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the Sidewalk. This type is conventional for Retail use. The Gallery shall be no less than 10 feet wide and should overlap the Sidewalk to within 2 feet of the Curb.</p>		 T4 T5
<p>h. Arcade: a colonnade supporting habitable space that overlaps the Sidewalk, while the Facade at Sidewalk level remains at or behind the Frontage Line. This type is conventional for Retail use. The Arcade shall be no less than 12 feet wide and should overlap the Sidewalk to within 2 feet of the Curb.</p>		 T5

TABLE 6: Fences and Walls. This table shows five common types of fences and walls and their appropriateness within the Transect Zones. Only these fences and wall types shall be used in any portion of a front or side yard.

	T1	T2	T3	T4	T5	T6
<p>Wood Picket Fence</p> 				■		
<p>Iron Picket Fence</p> 				■		
<p>Metal Fence on Concrete Base (1)</p> 				■	■	
<p>Brick and Iron Fence (2)</p> 				■	■	
<p>Brick Wall (2)</p> 				■	■	

(1) The concrete base should be 18"-36" in height.

(2) Although brick only is illustrated, other materials such as stone, slate, etc. are also acceptable, with a tie-in to the building material.

TABLE 7. BUILDING CONFIGURATION (BUILDING HEIGHT)

FORM-BASED CODE

South Hayward BART / Mission Boulevard

TABLE 7: Building Configuration. This table shows the Configurations for different building heights for each Transect Zone. Expression Lines shall occur on buildings higher than 4 stories as shown. The maximum height is as specified in Table 11j.

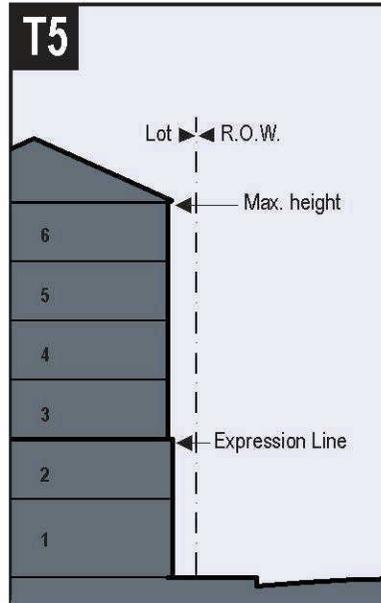
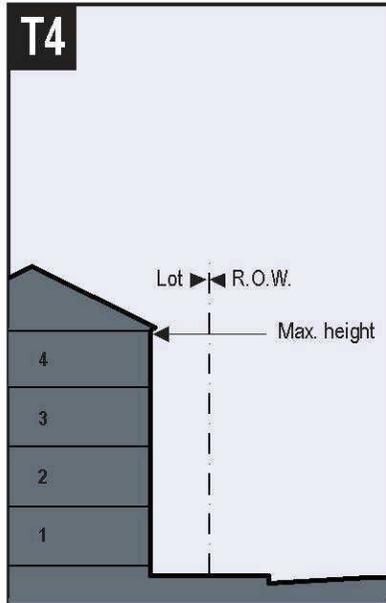


TABLE 8: Building Disposition. This table approximates the location of the structure relative to the boundaries of each individual Lot, establishing suitable basic building types for each Transect Zone.

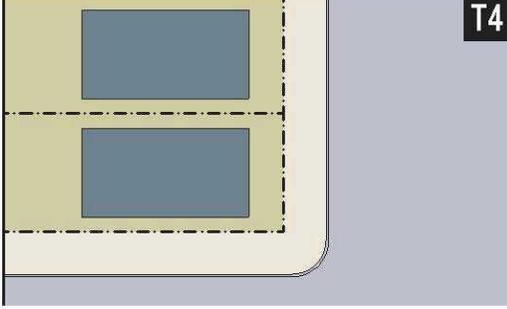
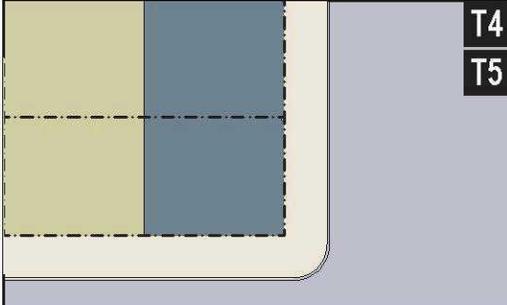
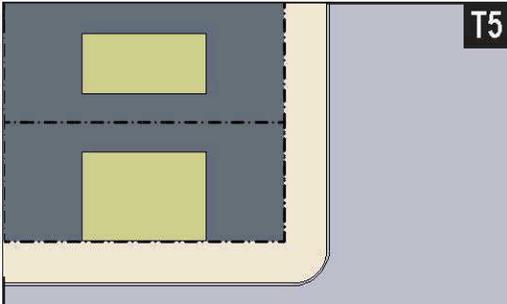
<p>a. Edgeyard: A building that occupies the center of its Lot with Setbacks on all sides. This is the least urban of types as the front yard sets it back from the Frontage, while the side yards weaken the spatial definition of the public Thoroughfare space. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed Backbuilding and/or Outbuilding. The main entrance to the building shall be located within the façade and accessed directly from the street through an allowed frontage type.</p>	 <p>T4</p>
<p>b. Sideyard: A building that occupies one side of the Lot with the Setback to the other side. A shallow Frontage Setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze. If a Sideyard House abuts a neighboring Sideyard House, the type is known as a twin or double House. Energy costs, and sometimes noise, are reduced by sharing a party wall in this Disposition. The main entrance to the building shall be accessed directly from the street through an allowed frontage type or side yard area equal in width to the street built-to line.</p>	 <p>T4 T5</p>
<p>c. Rearyard: A building that occupies the full Frontage, leaving the rear of the Lot as the sole yard. This is a very urban type as the continuous Facade steadily defines the public Thoroughfare. The rear Elevations may be articulated for functional purposes. In its Residential form, this type is the Rowhouse. For its Commercial form, the rear yard can accommodate substantial parking. The main entrance to the building shall be located within the façade and accessed directly from the street through an allowed frontage type.</p>	 <p>T4 T5</p>
<p>d. Courtyard: A building that occupies the boundaries of its Lot while internally defining one or more private patios. This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public Thoroughfare. Because of its ability to accommodate incompatible activities, masking them from all sides, it is recommended for workshops, Lodging and schools. The high security provided by the continuous enclosure is useful for crime-prone areas. The main entrance to the building shall be directly off a common courtyard or directly from the street.</p>	 <p>T5</p>

TABLE 9. SPECIFIC FUNCTION & USE

FORM-BASED CODE

South Hayward BART / Mission Boulevard

TABLE 9: Allowed Functions. This table allocates Functions and permit requirements to Zones within the Code area.

a. RESIDENTIAL **T4** **T5** **CS**

Group Home	CU	CU	-
Multiple Family	P	P	-
Second Dwelling Unit	P	P	-
Townhouse	P	P	-

b. LODGING

Bed & Breakfast	AU	AU	-
Hotel	CU	CU	-

c. OFFICE

Live-Work	AU	AU	-
Office	P	P	-

d. RETAIL

Alcohol Sales	CU	CU	-
Artisan/Craft Production	P	P	-
Appliance Repair Shop	P	P	-
Check Cashing & Loans	CU	CU	-
Dance/Nightclub	CU	CU	-
Equipment Rentals	AU	AU	-
Home Occupation	P	P	-
Indoor Recreation	AU	AU	P
Kennel	AU	AU	-
Massage Parlor	CU	CU	-
Media Production	AU	P	-
Pawn Shop	CU	CU	-
Personal Services	P	P	-
Printing and Publishing	AU	P	-
Recycling Collection Area	AU	AU	-
Restaurant	P	P	-
Retail Sales	P	P	P
Tattoo Parlor	CU	CU	-
Theater	CU	CU	P

e. CIVIC

Assembly	AU	AU	AU
Conference Center	-	CU	-
Cultural Facilities	P	P	P
Park & Recreation	P	P	P
Parking Facility	AU	AU	-
Public Agency Facilities	P	P	P
Religious Facility	CU	CU	-
Wind Energy	P	P	P

f. OTHER: AGRICULTURE **T4** **T5** **CS**

Vegetable Garden	P	-	-
Urban Farm	P	P	P
Community Garden	P	P	P
Green Roof			
Extensive	P	P	P
Semi Intensive	P	P	P
Intensive	P	P	P
Vertical Farm	-	P	-

g. OTHER: AUTOMOTIVE

Automobile Repair (Minor)	AU	AU	-
Automobile Repair (Major)	CU	CU	-
Drive -Through Facility	CU	CU	-
Gas Station	CU	CU	-
Taxi Company	AU	AU	-

h. OTHER: CIVIL SUPPORT

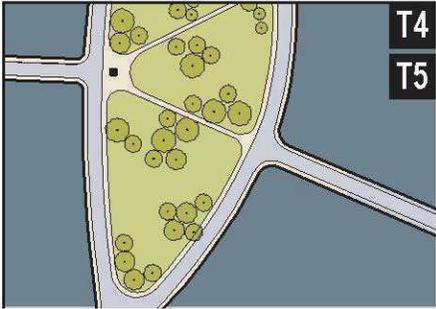
Fire Station	P	P	-
Hospital	CU	CU	-
Medical/Dental Clinic	AU	AU	-
Mortuary	AU	AU	-
Police Station	P	P	-

i. OTHER: EDUCATION

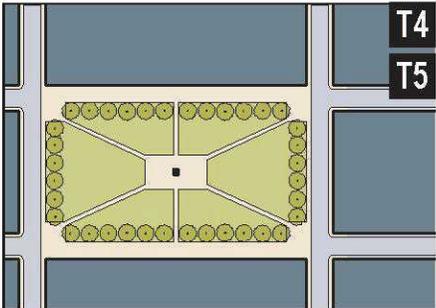
Day Care Center	P	P	-
Day Care Home	AU	AU	-
Educational Facilities	-	-	P
Vocational School	AU	AU	P

(-) = NOT PERMITTED
(P) = BY RIGHT
(AU) = ADMINISTRATIVE USE PERMIT
(CU) = CONDITIONAL USE PERMIT

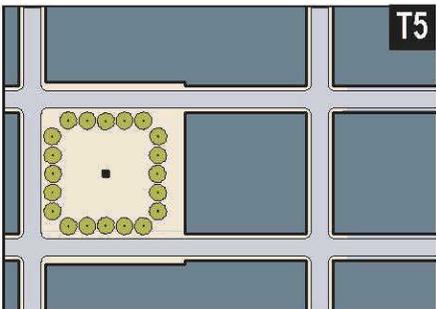
a. **Park:** An Open Space, available for unstructured recreation. A Park may be spatially defined by landscaping rather than building Frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be 1/2 acre.



b. **Square:** An Open Space available for unstructured recreation and Civic purposes. A Square is spatially defined by building Frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares. They may contain shelters, gazebos, or benches. The minimum size shall be 1/2 acre and the maximum shall be 5 acres.



c. **Plaza:** An Open Space available for Civic purposes and Commercial activities. A Plaza shall be spatially defined by building Frontages. Its landscape shall consist primarily of pavement. Plazas should be located at the intersection of important streets. The minimum size shall be 5,000 s.f. and the maximum shall be 1/2 acre. A plaza may be governed by an HOA.



d. **Playground:** An Open Space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a Block. Playgrounds may be included within parks and squares. There shall be no minimum or maximum size.

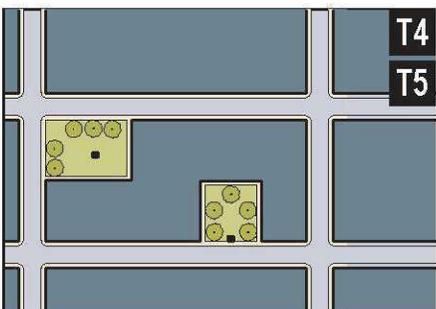
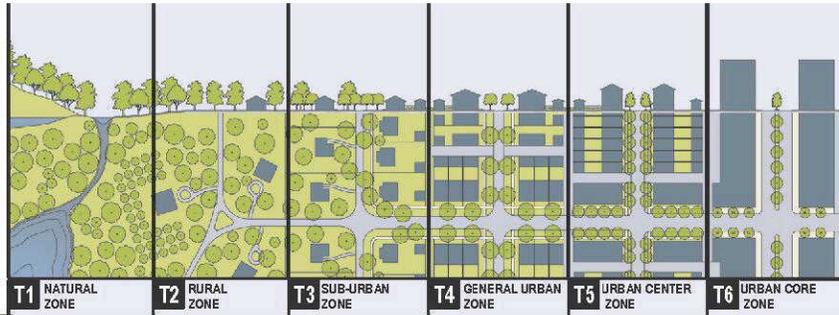


TABLE 11. FORM-BASED CODE SUMMARY

FORM-BASED CODE

South Hayward BART / Mission Boulevard

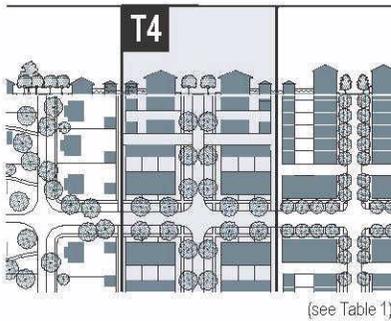


	T1 NATURAL ZONE	T2 RURAL ZONE	T3 SUB-URBAN ZONE	T4 GENERAL URBAN ZONE	T5 URBAN CENTER ZONE	T6 URBAN CORE ZONE
a. BASE RESIDENTIAL DENSITY						
By Right maximum				35 units / acre net	55 units / acre net	
Minimum Density				17.5 units/ acre net	35 units/ acre net	
b. BLOCK SIZE						
Block Perimeter				2400 ft. max.	2000 ft. max.	
c. THOROUGHFARES (see Table 2)						
BV				permitted	permitted	
AV				permitted	permitted	
CS				not permitted	permitted	
DR				permitted	permitted	
ST				permitted	permitted	
RD				not permitted	not permitted	
Rear Alley				permitted	permitted	
Path				permitted	not permitted	
Passage				permitted	permitted	
Bicycle Trail				not permitted *	not permitted	
Bicycle Lane				permitted	not permitted	
Bicycle Route				permitted	permitted	
d. CIVIC SPACES (see Table 10)						
Park				permitted	permitted	
Square				permitted	permitted	
Plaza				not permitted	permitted	
Playground				permitted	permitted	
e. LOT OCCUPATION						
Lot Width				18 ft. min 120 ft. max	18 ft. min 250 ft. max	
Lot Coverage				80% max	90% max	
f. SETBACKS - PRINCIPAL BUILDING (see Table 15)						
(f.1) Front Setback (Principal)				5 ft. min 24 ft. max	2 ft. min 12 ft. max	
(f.2) Front Setback (Secondary)				5 ft. min 24 ft. max	2 ft. min 12 ft. max	
(f.3) Side Setback				3 ft. min	0 ft. min 24 ft. max	
(f.4) Rear Setback				3 ft. min *	3 ft. min *	
Frontage Buildout				30% min at setback	80% min at setback	
g. SETBACKS - OUTBUILDING (see Table 16)						
(g.1) Front Setback				20 ft. min -bldg setback	40 ft. max from rear prop	
(g.2) Side Setback				3 ft. min or 3 ft.	0 ft. min	
(g.3) Rear Setback				3 ft.	3 ft. max	
h. BUILDING disposition (see Table 8)						
Edgeward				permitted	not permitted	
Sideward				permitted	permitted	
Rearward				permitted	permitted	
Courtyard				not permitted	permitted	
i. private FRONTAGES (see Table 5)						
Porch & Fence				permitted	not permitted	
Terrace or Lightwell				permitted	permitted	
Forecourt				permitted	permitted	
Stoop				permitted	permitted	
Shopfront				permitted	permitted	
Gallery				permitted	permitted	
Arcade				not permitted	permitted	
j. BUILDING CONFIGURATION (see Table 7)						
Principal Building				4 Stories max, 2 min	6 Stories max, 3 min	
Outbuilding				2 Stories max	2 Stories max	

DISPOSITION

CONFIGURATION

* or 15 ft. from center line of rear alley



j. BUILDING CONFIGURATION (see Table 7)

Principal Building	4 stories max, 2 min.
Outbuilding	2 stories max.

e. LOT OCCUPATION (see Table 11e)

Lot Width	18 ft. min. 120 ft. max.
Lot Coverage	80% max.

f. SETBACKS - PRINCIPAL BUILDING (see Table 11f)

(f.1) Front Setback Principal	6 ft. min. 24 ft. max.
(f.2) Front Setback Secondary	6 ft. min. 24 ft. max.
(f.3) Side Setback	0 ft. min.
(f.4) Rear Setback	3 ft. min.*
Frontage Buildout	60% min at setback

g. SETBACKS - OUTBUILDING (see Table 11g)

(g.1) Front Setback	20 ft. min. + bldg. setback
(g.2) Side Setback	0 ft. min. or 3 ft. at corner
(g.3) Rear Setback	3 ft. min.

h. BUILDING DISPOSITION (see Table 8)

Edgeward	permitted
Sideyard	permitted
Rearyard	permitted
Courtyard	not permitted

i. PRIVATE FRONTAGES (see Table 5)

Porch & Fence	permitted
Terrace or Lightwell	permitted
Forecourt	permitted
Stoop	permitted
Shopfront	permitted
Gallery	permitted
Arcade	not permitted

Refer to Summary Table 11

PARKING PROVISIONS (see Section 10-24.245)

Rental DU:	1.75 max per unit
For Sale DU/Residential Condominium:	2.0 max per unit
Non-residential Function:	no min - no max

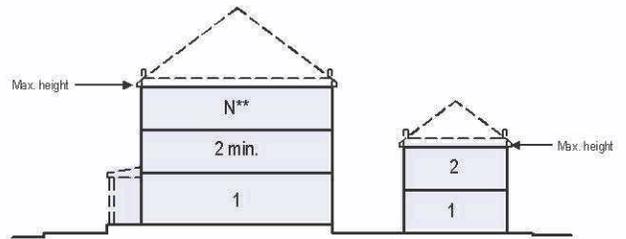
*or 15 ft. from center line of alley

***N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums

Note: Letters on the Table (j. Building Configuration, e. Lot Occupation, etc) refer to the corresponding section in Summary Table 11.

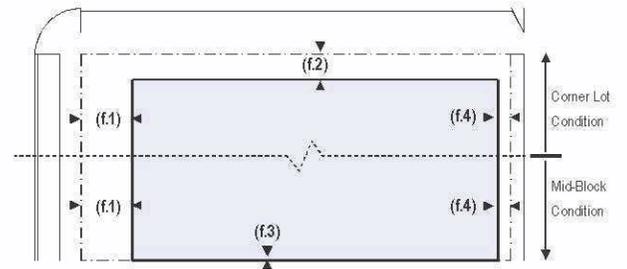
BUILDING CONFIGURATION

1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11 ft with a maximum of 25 ft.
3. Height shall be measured to the eave or roof deck as specified on Table 7.



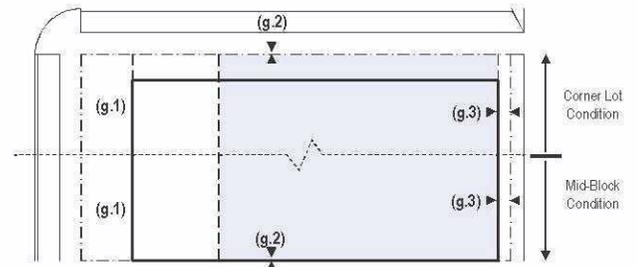
SETBACKS - PRINCIPAL BLDG

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



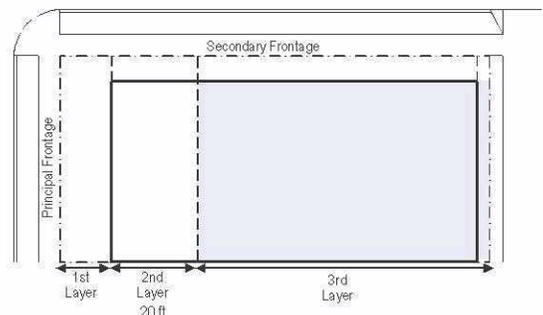
SETBACKS - OUTBUILDING

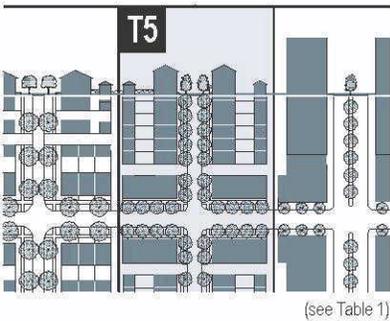
1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.



PARKING PLACEMENT

1. Covered and uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 15d).
2. Trash containers shall be stored within the third Layer.





j. BUILDING CONFIGURATION (see Table 7)

Principal Building	6 stories max. 3 min.
Outbuilding	2 stories max.

e. LOT OCCUPATION (see Table 11e)

Lot Width	18 ft. min. 250 ft. max.
Lot Coverage	90% max.

f. SETBACKS - PRINCIPAL BUILDING (see Table 11f)

(f.1) Front Setback-Principal	12 ft. min. 12 ft. max.
(f.2) Front Setback-Secondary	12 ft. min. 12 ft. max.
(f.3) Side Setback	0 ft. min. 24 ft. max.
(f.4) Rear Setback	3 ft. min.*
Frontage Buildout	80% min at setback

g. SETBACKS - OUTBUILDING (see Table 11g)

(g.1) Front Setback	40 ft. max. from rear prop.
(g.2) Side Setback	0 ft. min. or 2 ft at corner
(g.3) Rear Setback	3 ft. max.

h. BUILDING DISPOSITION (see Table 8)

Edgeyard	not permitted
Sideryard	permitted
Rearyard	permitted
Courtyard	permitted

i. PRIVATE FRONTAGES (see Table 5)

Porch & Fence	not permitted
Terrace or Lightwell	permitted
Forecourt	permitted
Stoop	permitted
Shopfront	permitted
Gallery	permitted
Arcade	permitted

Refer to Summary Table 11

PARKING PROVISIONS (see Section 10-24.245)

Rental DU:	1.5 max per unit
For Sale DU/Residential Condominium:	1.8 max. per unit
Non-residential Function:	no min. - no max.

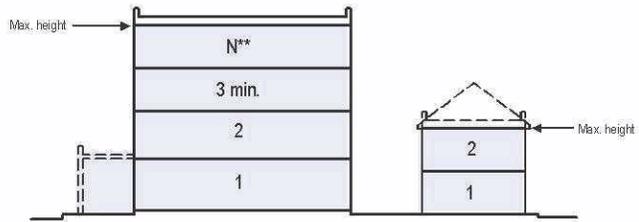
*or 15 ft. from center line of alley

***N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums

Note: Letters on the Table (j. Building Configuration, e. Lot Occupation, etc) refer to the corresponding section in Summary Table 11.

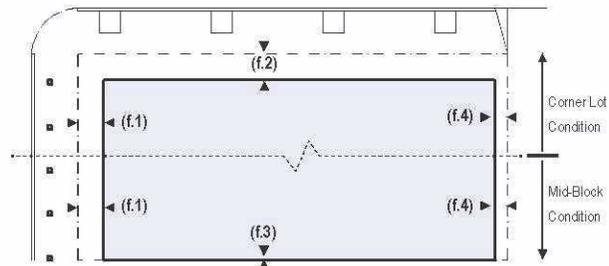
BUILDING CONFIGURATION

1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11 ft with a maximum of 25 ft.
3. Height shall be measured to the eave or roof deck as specified on Table 7.
4. Expression Lines shall be as shown on Table 7.



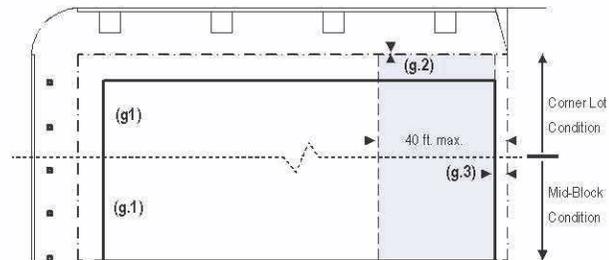
SETBACKS - PRINCIPAL BLDG

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



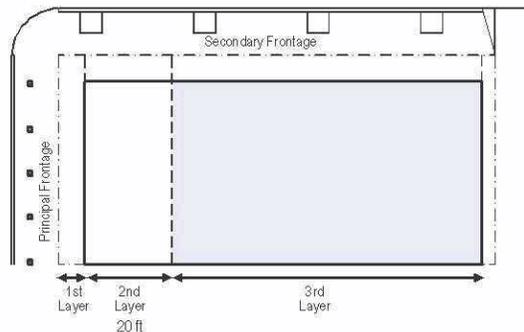
SETBACKS - OUTBUILDING

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.

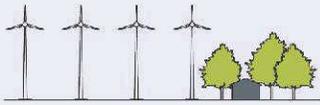
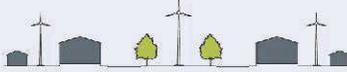
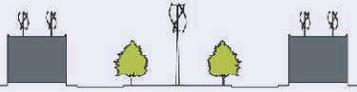


PARKING PLACEMENT

1. Covered and uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 15d).
2. Trash containers shall be stored within the third Layer.



Sustainability - Wind Power. This table prescribes opportunities for the placement of types of wind energy conversion systems within the Transect.

	T1	T2	T3	T4	T5	T6	CS
Wind Farm 	Shaded	Shaded	Shaded	White	White	Shaded	White
Horizontal Axis 	Shaded	Shaded	Shaded	White	White	Shaded	White
Vertical Axis 	Shaded	Shaded	Shaded	White with square	White with square	Shaded	White with square
Public Furniture/Public Art in Civic Space 	Shaded	Shaded	Shaded	White with square	White with square	Shaded	White with square

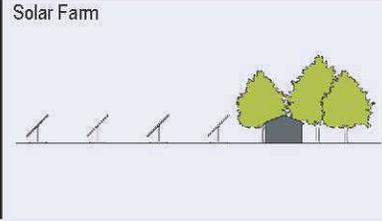
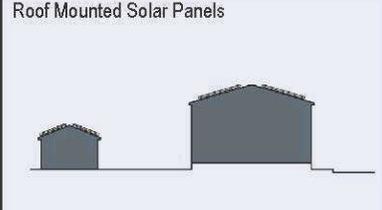
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TABLE 13B. SUSTAINABILITY - SOLAR ENERGY

FORM-BASED CODE

South Hayward BART / Mission Boulevard

Sustainability - Solar Energy. This table shows opportunities for the placement of types of solar energy collection devices within the Transect.

	T1	T2	T3	T4	T5	T6	CS
Solar Farm 							
Roof Mounted Solar Panels 				■	■		■
Public Furniture 				■	■		■

Sustainability - Food Production. This table identifies the general locations and arrangements for allowable food production in the code area.

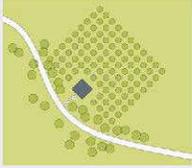
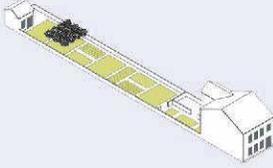
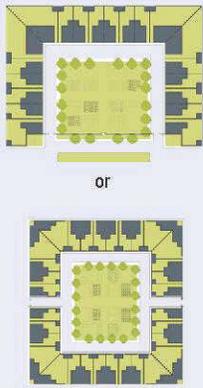
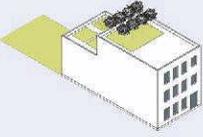
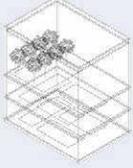
	T1	T2	T3	T4	T5	T6	CS
<p>Farm</p> 							
<p>Agricultural Plots</p> 							
<p>Vegetable Garden</p> 				■			■
<p>Community Garden/Urban Farm</p>  <p style="text-align: center;">or</p>				■	■		■
<p>Green Roof</p> <ul style="list-style-type: none"> - Extensive - Semi Intensive - Intensive 				■	■		■
<p>Vertical Farm</p> 					■		■

TABLE 13D. LIGHT IMPRINT STORM DRAINAGE MATRIX (RECOMMENDATIONS) FORM-BASED CODE

South Hayward BART / Mission Boulevard



	T1 NATURAL ZONE	T2 RURAL ZONE	T3 SUB-URBAN ZONE	T4 GENERAL URBAN ZONE	T5 URBAN CENTER ZONE	T6 URBAN CORE ZONE	Maint.	Cost
a. PAVING								
Compacted Earth				not permitted	not permitted		L	\$
Wood Planks				not permitted	not permitted		F	\$\$\$
Plastic Mesh/Geomat				not permitted	not permitted		L	\$
Crushed Stone/Shell				not permitted	not permitted		M	\$
Cast/Pressed Concrete Paver Block				permitted	permitted		L	\$\$
Grassed Cellular Plastic				permitted	permitted		M	\$\$\$
Grassed Cellular Concrete				permitted	permitted		M	\$\$\$
Pervious Asphalt				permitted	permitted		L	\$\$
Asphalt				permitted	permitted		L	\$
Concrete				permitted	permitted		L	\$\$
Pervious Concrete				permitted	permitted		L	\$\$
Stamped Asphalt				permitted	permitted		L	\$\$\$
Stamped Concrete				permitted	permitted		L	\$\$\$
Pea Gravel				permitted	permitted		M	\$
Stone/Masonry Paving Blocks				permitted	permitted		L	\$\$\$
Wood Paving Blocks on Concrete				not permitted	not permitted		L	\$\$\$
Asphalt Paving Blocks				not permitted	not permitted		M	\$\$
b. CHANNELING								
Natural Creek				permitted	permitted		L	\$
Terracing				permitted	permitted		M	\$\$
Vegetative Swale				permitted	permitted		L	\$
Drainage Ditch				not permitted	not permitted		L	\$
Stone/Rip Rap Channels				not permitted	not permitted		L	\$\$
Vegetative/Stone Swale				permitted	permitted		L	\$
Grassed Cellular Plastic				permitted	permitted		M	\$\$\$
Grassed Cellular Concrete				permitted	permitted		M	\$\$\$
Soakaway Trench				permitted	permitted		M	\$\$\$
Slope Avenue				permitted	permitted		M	\$\$\$
French Drain				permitted	permitted		M	\$
Shallow Channel Footpath/Rainwater Conveyer				permitted	permitted		L	\$
Concrete Pipe				permitted	permitted		L	\$\$
Gutter				permitted	permitted		L	\$\$
Planting Strip Trench				permitted	permitted		L	\$
Masonry Trough				permitted	permitted		L	\$\$
Canal				permitted	permitted		F	\$\$\$
Sculpted Watercourse, i.e. cascades				not permitted	not permitted		M	\$\$\$
Concrete Trough				not permitted	not permitted		L	\$\$
Archimedean Screw				not permitted	not permitted		L	\$\$\$
c. STORAGE								
Irrigation Pond				not permitted	not permitted		L	\$
Retention Basin with Sloping Bank				not permitted	not permitted		L	\$\$
Retention Basin with Fence				not permitted	not permitted		L	\$\$
Retention Hollow				not permitted	not permitted		M	\$
Detention Pond				permitted	not permitted		L	\$
Vegetative Purification Bed				permitted	permitted		M	\$\$
Flowing Park				permitted	permitted		M	\$\$
Retention Pond				permitted	permitted		M	\$\$
Landscape Tree Well				permitted	permitted		L	\$\$
Pool/Fountain				permitted	permitted		F	\$\$\$
Underground Vault/Pipe/Cistern-Corrugated Metal				permitted	permitted		L	\$\$
Underground Vault/Pipe/Cistern-Precast Concrete				permitted	permitted		L	\$\$
Underground Vault/Pipe/Cistern-Cast in place Concrete				permitted	permitted		L	\$\$
Grated Tree Well				permitted	permitted		L	\$\$
Underground Vault/Pipe/Cistern-Concrete or approved equal				permitted	permitted		L	\$\$\$
Paved Basin				not permitted	not permitted		M	\$\$\$
d. FILTRATION								
Wetland/Swamp				not permitted	not permitted		L	\$
Filtration Ponds				not permitted	not permitted		L	\$\$
Shallow Marsh				not permitted	not permitted		M	\$
Surface Landscape				not permitted	not permitted		L	\$
Natural Vegetation				permitted	permitted		L	\$
Constructed Wetland				not permitted	not permitted		M	\$
Bio-Retention Swale				permitted	permitted		M	\$\$
Purification Biotope				permitted	permitted		F	\$\$
Green Finger				permitted	permitted		L	\$\$\$
Roof Garden				permitted	permitted		M	\$\$\$
Rain Garden				permitted	permitted		M	\$\$
Detention Pond				permitted	permitted		L	\$
Grassed Cellular Concrete				permitted	permitted		M	\$\$\$
Waterscapes				permitted	permitted		F	\$\$\$

*NOTE - Maintenance is denoted as L=Low, M=Medium and H=High

SEC. 10-24.400 PROCEDURES

10-24.405 APPROVAL REQUIREMENTS

Each building and land use shall be established, constructed, reconstructed, enlarged, altered, moved or replaced in compliance with the following requirements, as summarized in Table 14.

a. General.

- i. Allowable use or Function. The land use or Function must be allowed by the Table 9 in the zone where the Lot is located. The following uses and Functions are prohibited within the Code area:
 - (1) Adult-oriented uses;
 - (2) Automobile sales;
 - (3) Single-family dwellings;
 - (4) Homeless shelters;
 - (5) Dormitories; and
 - (6) Warehouses including public storage facilities.
- ii. Permit and approval requirements. Any and all planning permits or other approvals required by this Code shall be obtained before the issuance of any required grading, building, or other construction permit, and before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed as exempted below.
- iii. Legal parcel. The site of a proposed development or new land use must be a parcel that was legally created or certified in compliance with the Subdivision Map Act and the City's Subdivision Ordinance.
- iv. New nonresidential land use(s) in an existing building or on developed site. A land use permitted by right, that is proposed on a site where no construction requiring a Building Permit will occur, shall require a verification of zoning compliance to ensure that the site complies with all applicable standards of this Code, including parking, landscaping, signs, trash enclosures, etc. A verification of zoning compliance shall not be granted and the proposed land use shall not be established unless the site and

existing improvements comply with all applicable requirements of this Code, except as provided by the Nonconformity Regulations of Municipal Code Section 10-1.2900 et al (Nonconforming Uses). No verification of zoning compliance may be issued if the request in question is located on the same site where there are existing violations of this Code, including, without limitation, violations of the terms of a discretionary permit or approval relating to the site. A verification of zoning compliance shall expire 180 days after issuance, unless otherwise indicated on the clearance or unless the use of land or structures or building construction has commenced and is being diligently pursued.

- v. Access and Open Space review. Prior to issuance of building permits, site plans and floor plans may be reviewed by the Director to determine that building access and Open Space requirements will be met. This review shall preclude or lessen the possibility that dwellings without compliant access and sufficient Open Space, might be installed during or after construction. During the building access and Open Space review process, the Director may require additional changes in the placement of exterior doors, windows, stairways, hallways, utility connections, or other fixtures or architectural features when determined by the Director to be necessary or desirable to preclude or lessen the likelihood of unlawful dwelling unit creations in the future.

b. Required Permits.

i. Site Plan Review.

- (1) All new development shall require Site Plan Review approval by the Director, unless waived in accordance with Municipal Code Section 10-1.3010(d).
- (2) Site Plan Review application shall be processed in accordance with Municipal Code Section 10-1.3000.

ii. Administrative Use Permit.

- (1) All uses or Functions identified by "AU" in Table 9.
- (2) Administrative Use Permit applications shall be processed in accordance with Municipal Code Section 10-1.3100.

iii. Conditional Use Permit.

- (1) All uses or Functions identified by "CU" in Table 9.
- (2) Conditional Use Permit applications shall be processed in

accordance with Municipal Code Section 10-1.3200.

iv. Telecommunications Site Review.

- (1) Telecommunications Site Review applications shall be processed in accordance with Section 10.24-290 and Municipal Code Chapter 10, Article 13.

v. Density Bonus Application.

- (1) Density Bonus Applications shall be processed in accordance with Municipal Code Chapter 10, Article 19.

vi. Warrants and Exceptions. See Section 10-24.410.

c. Exemptions from Required Permits. The planning permit requirements of this Code do not apply to the structures, land uses, and activities identified by this Section. These are allowed in all Zones subject to compliance with this Section.

i. General requirements for exemption. The Functions, land uses, structures, and activities identified by Subsection (ii) through (vi) below are exempt from the planning permit requirements of this Code only when:

- (1) The new use, activity or structure are established and operated in compliance with the requirements of this Code and all other applicable standards of the Municipal Code, and, where applicable, those relating to Nonconformity Regulations; and
- (2) Any permit or approval required by City regulations other than this Code is obtained (for example, a Building Permit).

ii. Exempt activities and structures. The following are exempt from the land use permit requirements of this Code when in compliance with Subsection (i) above.

- (1) Decks, paths and Driveways. Decks, platforms, on-site paths, and Driveways that are not required to have a Building Permit or Grading Permit.
- (2) Fences and walls in compliance with height and location requirements of Section 10-24.255.
- (3) Interior remodeling. Interior alterations that do not increase the gross floor area of the structure, or change the permitted use of the structure.

- iii. Repairs and maintenance.
 - (1) Single-family dwellings. Ordinary nonstructural repairs to, and maintenance of, single-family dwellings.
 - (2) Multi-family, and non-residential structures. Ordinary non-structural repairs to, and maintenance of multifamily Residential and non-residential structures, if:
 - (A) The work does not change the approved land use of the site or structure, or add to, enlarge or expand the land use and/or structure; and
 - (B) Any exterior repairs employing the same materials and design as the original construction.
- iv. Small, portable residential accessory structures. A single portable structure of 120 square feet or less per Lot, including pre-manufactured storage sheds and other small structures in all Zones that are exempt from Building Permit requirements in compliance with the Municipal Code and the Uniform Building Code. Additional structures may be approved by the Director upon issuance of an Administrative Use Permit.
- v. Spas, hot tubs, and fish ponds. Portable spas, hot tubs, and constructed fish ponds, and similar equipment and structures that do not: exceed 120 square feet in total area including related equipment; contain more than 2,000 gallons of water; or exceed two feet in depth.
- vi. Utilities. The erection, construction, alteration, or maintenance by a public utility or public agency of utilities intended to service existing or nearby approved developments shall be permitted in any zone. These include: water; gas; electric; supply or disposal systems; including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, traffic signals, hydrants, etc., but not including new transmission lines and structures. Satellite and wireless communications antennas are not exempt, and are instead subject to Section 10-24.290.

10-24.410 VARIANCES: WARRANTS AND EXCEPTIONS

- a. Type. Variances are classified into two categories – Warrant and Exception - based on their assignment to standards and, consequently, the ability of those standards to further the goals, policies and actions of this Code. Mere economic or financial

hardship alone is not sufficient justification for granting either a Warrant or Exception.

i. Warrant.

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

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

- (T) Section 10-24.230(c)(iii) (Building Configuration);
 - (U) Section 10-24.230(c)(xi) (Building Configuration);
 - (V) Section 10-24.230(c)(xii) (Building Configuration);
 - (W) Section 10-24.245(a)(vi) (Parking Standards);
 - (X) Section 10-24.245(b) (Parking Standards);
 - (Y) Section 10-24.245(c)(i) (Parking Standards);
 - (Z) Section 10-24.245(c)(ii) (Parking Standards);
 - (AA) Section 10-24.245(c)(iv) (Parking Standards);
 - (AB) Section 10-24.250 (Architectural Standards);
 - (AC) Section 10-24.255 (Fence and Wall Standards);
 - (AD) Section 10-24.260 (Landscape Standards);
 - (AE) Section 10-24.270 (Wind Power) except for prohibitions under Section 10-24.270(a)(i)(10);
 - (AF) Section 10-24.275(d)(vii) (Thoroughfare Standards);
 - (AG) Section 10-24.275(e)(i) (Thoroughfare Standards);
 - (AH) Section 10-24.285 (Sign Standards) except for Prohibited Signs under Section 10-24.285(c); and
 - (AI) Section 10-24.290 (Telecommunication Facility Standards).
- (2) Warrants are discouraged but may be permissible when they fulfill the intent of this Code.
- (3) Warrants are required for all remodels, additions and alterations to designated historic resources not consistent with this Code.
- (5) Warrants are subject to Director review and action.
- ii. Exception.
- (1) An Exception is a deviation that would permit a practice that is not consistent with a specific provision of this Code that is critical to the furtherance of its goals, policies and actions. All of the following are mandatory requirements

unless approval of an Exception is obtained:

- (A) Maximum Block perimeter distance of Table 11.b;
- (B) Section 10-24.225(a) (Building Disposition);
- (C) Section 10-24.225(b)(iv) (Building Disposition);
- (D) Section 10-24.225(a)(vi) (Building Disposition);
- (E) Section 10-24.225(c)(ii) (Building Disposition);
- (F) Section 10-24.225(c)(v) (Building Disposition);
- (G) Section 10-24.230 (a)(i) (Building Configuration);
- (H) Section 10-24.230(a)(iii) (Building Configuration);
- (I) Section 10-24.230(b)(iv) (Building Configuration);
- (J) Section 10-24.230(b)(v) (Building Configuration);
- (K) Section 10-24.230(b)(vii) (Building Configuration);
- (L) Section 10-24.230(c)(vi) (Building Configuration);
- (M) Section 10-24.230(c)(viii) (Building Configuration);
- (N) Section 10-24.230(c)(x) (Building Configuration);
- (O) Section 10-24.245(a)(ii) (Parking Standards);
- (P) Section 10-24.245(b)(i) (Parking Standards);
- (Q) Section 10-24.245(b)(ii) (Parking Standards);
- (R) Section 10-24.245(c)(i) (Parking Standards);
- (S) Section 10-24.245(c)(ii) (Parking Standards);
- (T) Section 10-24.245(c)(v) (Parking Standards);
- (U) Section 10-24.265 (Visitability Standards);
- (V) Section 10-24.280(c)(i) (Subdivision Standards);
- (W) Section 10-24.280(c)(iii) (Subdivision Standards);
and
- (X) Section 10-24.280(c)(iv) (Subdivision Standards).

- (2) Exceptions are strongly discouraged since they severely compromise the ability to fulfill the intent of this Code.
 - (3) Exceptions are subject to Commission review and action.
- b. Limitations. The following evaluation standards shall not be eligible for Warrants or Exceptions:
 - i. Section 10-24.235(a)(i) (Building Functions);
 - ii. Section 10-24.240(a)(ii) (Density Standards);
 - iii. Section 10-24.245(a)(v) (Parking Standards);
 - iv. Section 10-24.280(c)(ii) (Subdivision Standards);
 - v. Section 10-24.280(c)(vi) (Subdivision Standards);
 - vi. Section 10-24.280(c)(vii) (Subdivision Standards);
 - vii. All Code standards relating to Second Dwelling Units; and
 - viii. Building Function, land use or activity on a particular site which is not otherwise allowed.
- c. Findings. In order to approve a Warrant or Exception, the Director must make all findings as follows:
 - i. All Warrants:
 - (1) Hardship. The Warrant, while not consistent with a specific provision of this Code, is justified by its intent or by hardship.
 - (2) Compatibility. The Warrant would result in development compatible with the scale and character of existing or planned development in the vicinity.
 - (3) No Adverse Impact. The Warrant would result in development that is not detrimental to or that would adversely impact adjacent properties.
 - ii. Warrants for remodels, additions and alterations to Historic Resources. In addition to the findings required by Section 10.24-410(c)(i) above, the following finding shall also be required to grant approval for a Warrant involving a Historic Resource:
 - (1) Historic Integrity. For remodels, additions and alterations to historic resources not consistent with the Code, said

proposal results in development that, first and foremost, preserves those portions or features which convey the building's historical, cultural or architectural values, and secondarily, adherence to the Code's intent as reflected by the Purpose and Applicability Statements of Section 10-24.115.

- iii. Warrants within Civic Space Zone. The following finding shall also be required to grant approval for a Warrant involving a Civic Building:
 - (1) Community Identity. The building and land use provides a public service dedicated to arts, culture, education, recreation, government, transit and/or public parking and is uniquely designed to feature as a prominent, architecturally significant contribution to the built environment such that deviation from the provisions of this Code is warranted.
- d. Exception Findings. In order to approve an Exception, the following findings are required:
 - i. Uniqueness. That there are unique physical conditions, including irregularity, narrowness or shallowness of Lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular Lot; and that, as a result of such unique physical conditions, practical difficulties or unusual hardship arise in complying strictly with the standards of this Code.
 - ii. Self-Created Hardship. That the practical difficulties or unnecessary hardship claimed as a ground for an Exception have not been created by the owner or by a predecessor in title. However, where all other required findings are made, the purchase of a Lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship.
 - iii. Minimal Deviation. That within the intent and purposes of this Code the Exception, if granted, is the minimum deviation necessary to afford relief; and to this end, the Commission may permit a lesser variance than that applied for.
 - iv. Neighborhood Character. That the Exception, if granted, will not alter the essential character of the neighborhood or Zone in which the Lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.
- f. Submittal Requirements. Each Warrant or Exception application

shall include, at a minimum, the following;

- i. A statement of the evaluation standard or standards that are the subject of the proposed Warrant or Exception;
 - ii. A textual description of the manner in which the applicant proposes to deviate from such evaluation standard or standards;
 - iii. Plans, drawn to scale, showing the nature, location, dimensions, and Elevation of the structure, area, or part thereof that is the subject of the proposed Warrant or Exception; including the development projects relationship to the surrounding context;
 - iv. A justification for the proposed variance in light of the requirements set forth above; and
 - v. Such other information as may be required by the Review Authority.
- g. Processing. Both Warrants and Exceptions shall be reviewed and acted upon in accordance with the procedural requirements of this Code and Municipal Code Section 10-1.2800 (Administration and Enforcement).
- h. Conditions of approval. In approving a Warrant or Exception, the Review Authority may impose any reasonable conditions to ensure that the approval complies with the findings required above, except as limited by Section 10-24.135(b).

10-24.415

CODE MAINTENANCE

- a. Within five (5) years of the Council adopting this Code and every five (5) years thereafter, the Commission shall review the outcomes of this Code and, upon concluding such review, forward its findings to Council.
- b. Any provision of this Code that is determined by the Review Authority to need refinement or revision will be corrected by amending this Code as soon as is practical. Until an amendment can occur, the Director will maintain a complete record of all official interpretations to this Code, indexed by the number of the Section that is the subject of the interpretation, and as required by Section 10-24.510(h).

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

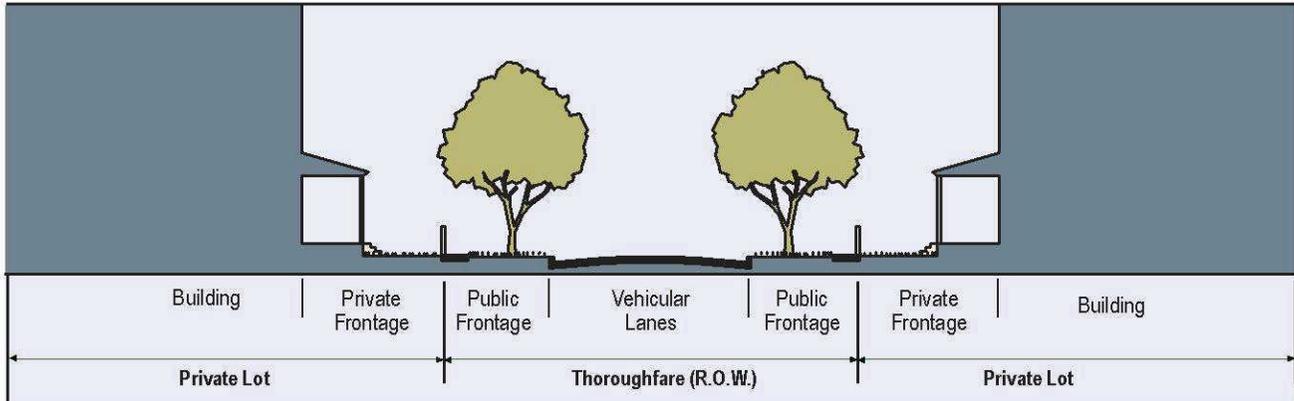
a. ADMINISTRATIVE	Municipal Code Citation	Review Authority Role		
		Director	Commission	Council
Verification of Zoning Compliance	10-23.405(a)(4)	D	A	A
Interpretation	10-23.510	D	A	A
b. PLANNING PERMIT				
Site Plan Review	10-1.3000	D	A	A
Administrative Use Permit	10-1.3100	D	A	A
Conditional Use Permit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

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

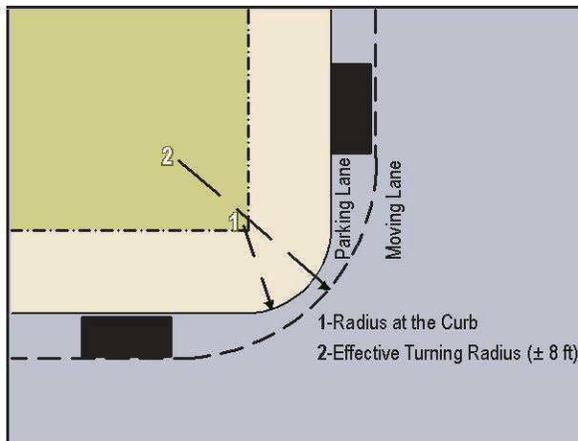
(R) = Review Authority provides a recommendation to a higher level Review Authority.

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

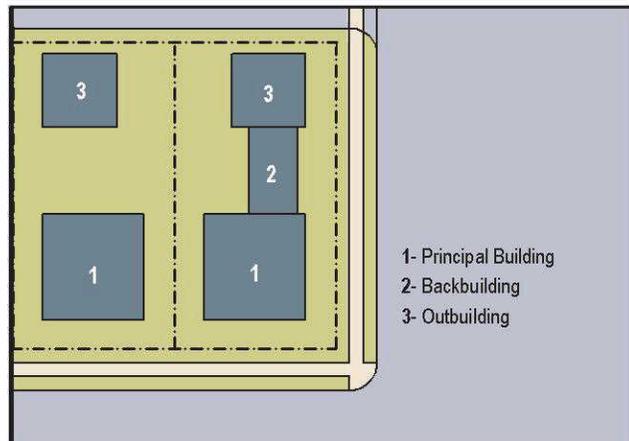
a. THOROUGHFARE & FRONTAGES



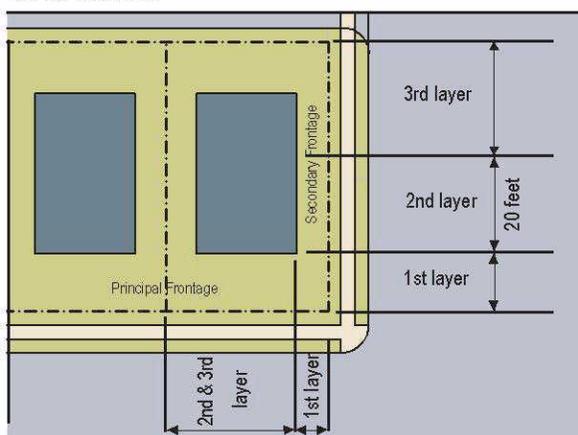
b. TURNING RADIUS



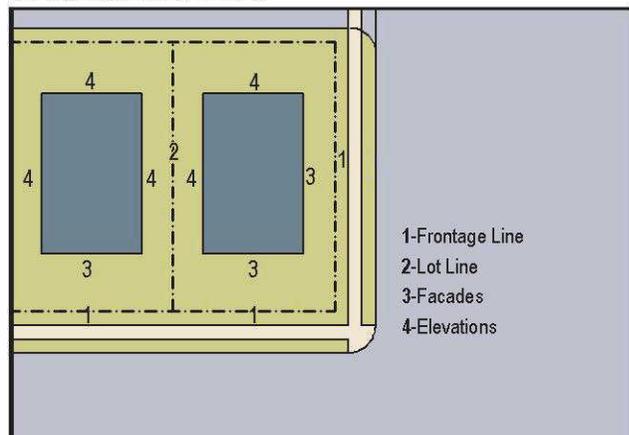
c. BUILDING DISPOSITION



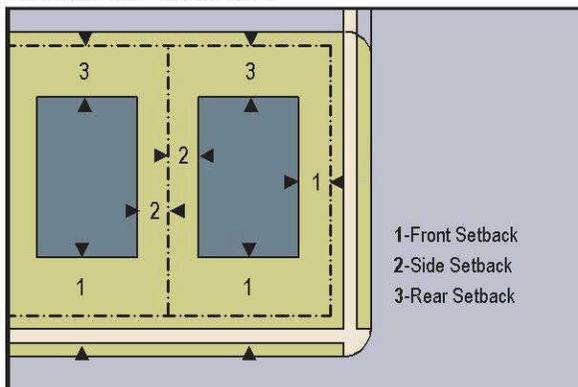
d. LOT LAYERS



e. FRONTAGE & LOT LINES



f. SETBACK DESIGNATIONS



SEC.10-24.500 DEFINITIONS AND RULES OF INTERPRETATION

10-24.505 DEFINITION OF TERMS

This Section provides definitions for terms in this Code that are technical in nature or that otherwise may not reflect a common usage of the term. If a term is not defined in this Section, then the Director shall determine the correct definition through the interpretation provisions of Section 10-24-510. Items in italics refer to Sections or Tables in this Code.

Aerial Sign: a balloon, or other airborne flotation device, which is tethered to the ground or to a building or other structure that directs attention to a business, commodity, service or entertainment conducted, sold or offered.

Alcohol Sales: all Functions subject to Municipal Code Section 10-1.2735 (Alcohol Beverage Outlet Regulations), including Bar, Cocktail Lounge.

Allee: a regularly spaced and aligned row of trees usually planted along a Thoroughfare.

Appliance Repair Shop: see Municipal Code Section 10-1.3500 (Definitions).

Arcade: a Private Frontage conventional for Retail Sales use wherein the Facade is a colonnade supporting habitable space that overlaps the Sidewalk, while the Facade at Sidewalk level remains at the Frontage Line.

Artisan/Craft Production: an establishment manufacturing and/or assembling small products primarily by hand, including but not limited to clothing, furniture, jewelry, pottery and other ceramics, as well as small glass and metal art and craft products. Includes taxidermists.

Assembly: a Function synonymous with Outdoor Gatherings (Municipal Code Section 10-1.2735(h)) but also including gathering within a building or structure.

Attic: the interior part of a building contained within a pitched roof structure.

Automobile Repair (Minor): see Municipal Code Section 10-1.3500 (Definitions).

Automobile Repair (Major): see Municipal Code Section 10-1.3500 (Definitions).

Avenue (AV): a Thoroughfare of high vehicular capacity and low to moderate speed, acting as a short distance connector between urban centers, and usually equipped with a landscaped median.

Backbuilding: a single-Story structure connecting a Principal Building to an Outbuilding. *See Table 15.*

Bed and Breakfast: an owner-occupied Lodging type offering **1 to 5 bedrooms**, permitted to serve breakfast in the mornings to guests.

Bicycle Lane (BL): a dedicated lane for cycling within a moderate-speed vehicular Thoroughfare, demarcated by striping.

Bicycle Route (BR): a Thoroughfare suitable for the shared use of bicycles and automobiles moving at low speeds.

Bicycle Trail (BT): a bicycle way running independently of a vehicular Thoroughfare.

Block: the aggregate of private Lots, Passages, Rear Alleys, circumscribed by Thoroughfares.

Boulevard (BV): a Thoroughfare designed for high vehicular capacity and moderate speed, traversing an Urbanized area. Boulevards are usually equipped with Slip Roads buffering Sidewalks and buildings.

Check Cashing & Loans: a Function synonymous with Check Cashing Store, as defined within Municipal Code Section 10-1.3500 (Definitions).

Civic: the term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking.

Civic Building: a building operated by not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking.

Civic Space: an outdoor area dedicated for public use. Civic Space types are defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping and their Enfronting buildings. *See Table 10.*

Civic Space Zone: designation for public sites dedicated for Civic Buildings and Civic Space.

Commercial: the term collectively defining workplace, Office, Retail Sales, and Lodging Functions.

Common Destination: an area of focused community activity, usually defining the approximate center of a Pedestrian Shed. It may include without limitation one or more of the following: a Civic Space, a Civic Building, a Commercial center, or a transit station, and may act as the social center of a neighborhood.

Common Open Space: a portion of the Lot landscaped and utilized for group passive or active recreation but excluding permanent buildings, off-street parking areas, drive aisles, above-ground utility cabinet, boxes or structures and required side and rear setback areas for Principal Buildings.

Community Garden: a publicly accessible area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. (Syn: Urban Farm)

Conference Center: a specialized Function designed and built almost exclusively to host conferences, exhibitions, large meetings,

seminars, training sessions, etc. May accompany the Hotel Function and provide office facilities and a range of leisure activities.

Configuration: the form of a building, based on its massing, Private Frontage, and height.

Courtyard Building: a building that occupies the boundaries of its Lot while internally defining one or more private patios. *See Table 8.*

Cultural Facilities: see Municipal Code Section 10-1.3500 (Definitions).

Curb: the edge of the vehicular pavement that may be raised or flush to a Swale. It usually incorporates the drainage system. *See Table 2.*

Dance/Nightclub: a Function consisting of establishments engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises. Typical uses include taverns, bars, brew-pubs, cocktail lounges, and similar uses other than those classified under the Restaurant.

Day Care Center: see Municipal Code Section 10-1.3500 (Definitions).

Day Care Home: see Municipal Code Section 10-1.3500 (Definitions).

Density: the number of dwelling units within a standard measure of land area.

Disposition: the placement of a building on its Lot. *See Table 8 and Table 15.*

Drive: a Thoroughfare along the boundary between an Urbanized and a natural condition, usually along a waterfront, Park, or promontory. One side has the urban character of a Thoroughfare, with Sidewalk and building, while the other has the qualities of a Road or parkway, with naturalistic planting and rural details.

Driveway: a vehicular lane within a Lot, often leading to a garage.

Drive-Through: a Function synonymous with Drive-In Establishment found within Municipal Code Section 10-1.3500 (Definitions).

Edgeyard Building: a building that occupies the center of its Lot with Setbacks on all sides. *See Table 8.*

Educational Facilities: See Municipal Code Section 10-1.3500 (Definitions).

Elevation: an exterior wall of a building not along a Frontage Line. See Table 15. See: **Facade.**

Encroach: to break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a Setback, into the Public Frontage, or above a height limit.

Encroachment: any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public Frontage, or above a height limit.

Enfront: to place an element along a Frontage, as in "porches Enfront the street."

Equipment Rentals: a Function synonymous with Equipment Rental Service, as defined within Municipal Code Section 10-1.3500

(Definitions).

Existing Thoroughfare: a publicly-owned Thoroughfare present at the time of Code adoption. See Figure 1-2 and 1-3.

Expression Line: a line prescribed at a certain level of a building for the major part of the width of a Facade, expressed by a variation in material or by a limited projection such as a molding or balcony. *See Table 7.* (Syn: transition line.)

Extension Line: a line prescribed at a certain level of a building for the major part of the width of a Facade, regulating the maximum height for an Encroachment by an Arcade Frontage. *See Table 7.*

Extensive Green Roof: a building roof with a planting medium six inches in depth or less, designed to be virtually self-sustaining and requiring a minimum of maintenance. Such roofs are intended to function as an ecological protection layer. They are planted with low-lying species designed to provide maximum cover achieving water retention, erosion resistance, and transpiration of moisture.

Facade: the exterior wall of a building that is set along a Frontage Line. *See Elevation.*

Fee Simple Parcel: a term synonymous with Subdivision Map Act's treatment of parcels exclusive of those for condominium purposes.

Fire Station: a Function synonymous with Public Agency Facilities, as defined within Municipal Code Section 10-1.3500 (Definitions).

Focus Area: areas within the City of Hayward which the General Plan provides that implementation of smart growth principles is particularly appropriate. See General Plan Page 2-9.

Forecourt: a Private Frontage wherein a portion of the Facade is close to the Frontage Line and the central portion is set back. *See Table 5.*

Frontage: the area between a building Facade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into **Private Frontage** and **Public Frontage**. *See Table 5.*

Frontage Buildout: the minimum length of the Principal Frontage that must contain a Private Frontage. See Table 11.

Frontage Line: a Lot line bordering a Public Frontage. Facades facing Frontage Lines define the public realm and are therefore more regulated than the Elevations facing other Lot Lines. *See Table 15.*

Function: the use or uses accommodated by a building and its Lot, categorized as Restricted, Limited, or Open, according to the intensity of the use. *See Table 9.*

Gallery: a Private Frontage conventional for Retail Sales use wherein the Facade is aligned close to the Frontage Line with an attached cantilevered shed or lightweight colonnade overlapping the Sidewalk. *See Table 5.*

Gas Station: a Function synonymous with Automobile Service Station found within Municipal Code Section 10-1.3500 (Definitions).

Green Roof: a building roof partially or completely covered with vegetation and soil, or a growing medium, over a waterproofing membrane. Green roofs may be categorized as Extensive, Semi-Intensive, or Intensive, depending on the depth of the planting medium and the amount of maintenance required. (Syn: eco-roof, living roof, greenroof)

Group Home: see Municipal Code Section 10-1.3500 (Definitions).

Home Occupation: see Municipal Code Section 10-1.3500 (Definitions).

Horizontal Axis Wind Turbine: a Wind Turbine with its rotor on the horizontal axis. Blades are visually similar to those utilized by aircraft, typically much more expansive than the Vertical Axis Wind Turbine, and typically have to rotate to face the prevailing wind.

Hospital: see Municipal Code Section 10-1.3500 (Definitions).

Hotel: see Municipal Code Section 10-1.3500 (Definitions).

Indoor Recreation: a Function offering predominantly participant sports conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, pool halls, indoor ice or roller skating rinks, indoor racquetball courts, indoor batting cages, and health or fitness clubs.

Intended Speed: is the velocity at which a Thoroughfare tends to be driven without the constraints of signage or enforcement. There are four ranges of speed: Very Low: (below 20 MPH); Low: (20-25 MPH); Moderate: (25-35 MPH); High: (above 35 MPH). Lane width is determined by desired Intended Speed. *See Table 2.*

Intensive Green Roof: a building roof with a planting medium between 8 inches and 4 feet. It can sustain elaborate plantings that include shrubs and trees. Intensive Green Roofs are heavy and usually installed over concrete roof decks. They require considerable maintenance. In addition to their role in carbon mitigation, they are used for recreation or aesthetics, being park or garden-like.

Kennel: see Municipal Code Section 10-1.3500 (Definitions).

Large-size tree: single or multi trunk plant with a minimum 12 feet of natural vertical clearance at maturity to accommodate industrial trailer truck under with a minimum of 35 feet diameter canopy.

Layer: a range of depth of a Lot within which certain elements are permitted. *See Table 15.*

Live-Work: a Mixed Use unit consisting of an Office Function (Table 9c) or Retail Sales (Table 9d) Function and Residential (Table 9a) Function. The Retail Sales Function may be anywhere in the unit and is intended to be occupied by a business operator who lives in the same structure that contains the Retail Sales activity.

Lot: a parcel of land accommodating a building or buildings of unified design. The size of a Lot is controlled by its width in order to determine the grain (i.e., fine grain or coarse grain) of the urban fabric.

Lot Width: the length of the Principal Frontage Line of a Lot.

Massage Parlor: see Municipal Code Section 10-1.3500 (Definitions).

Media Production: Facilities for motion picture, television, video, sound, computer, and other communications media production. These facilities include the following types: (1) Back lots/outdoor facilities. Outdoor sets, back lots, and other outdoor facilities, including supporting indoor workshops and craft shops; (2) Indoor support facilities. Administrative and technical production support facilities, including administrative and production offices, post-production facilities (editing and sound recording studios, foley stages, etc.), optical and special effects units, film processing laboratories, etc.; and (3) Soundstages. Warehouse-type facilities providing space for the construction and use of indoor sets, including supporting workshops and craft shops.

Medical/Dental Clinic: a Function in which 10 or more physicians and/or dentists or their allied professional assistants carry on their profession; a building that contains one or more physicians, dentists, and their assistants, and a laboratory and/or an apothecary limited to the sale of pharmaceutical and medical supplies. Shall not include inpatient care or operating rooms for major surgery.

Medium-size tree: single or multi trunk plant with a minimum 9 feet of natural vertical clearance at maturity to accommodate people to walk under with a minimum of 25 feet diameter canopy.

Mixed Use: multiple Functions within the same building through superimposition or adjacency, or in multiple buildings by adjacency.

Mortuary: see Municipal Code Section 10-1.3500 (Definitions).

Multiple Family: a residential Function synonymous with the following Dwelling Unit categories found within Municipal Code Section 10-1.3500 (Definitions): Apartment/multiple family dwelling(s), Condominium dwelling(s), and Townhouse dwelling(s).

New Thoroughfare: a Thoroughfare intended for dedication and improvement after Code adoption. See Figure 1-2 and 1-3.

Nominal Parcel: building sites in a condominium subdivision which are regulated by the Lot Width requirements of Table 10 and Table 11.

Notice of Application Receipt: a type of public notice intended to facilitate public participation early in the decision-making process for permit applications.

Office: see Municipal Code Section 10-1.3500 (Definitions).

Open Space: land intended to remain undeveloped; it may be for Civic Space.

Outbuilding: an Accessory Building, usually located toward the rear of the same Lot as a Principal Building, and sometimes connected to the Principal Building by a Backbuilding which may or may not contain a Second Dwelling Unit. *See Table 15.*

Park: a Civic Space type that is a natural preserve available for unstructured recreation. *See Table 10.*

Park & Recreation: a Function consisting of land and facilities, such as playgrounds, fountains, or swimming pools, regardless of location, including the acquisition of such land, the construction of improvements, provision of pedestrian and vehicular access, and purchase of equipment for the facility.

Parking Facility: a Function characterized by the temporary provision of off-street parking spaces for motor vehicles within or outside of a structure by either a private or public entity. When situated within a Parking Structure, the inclusion of additional non-parking related Functions of this Code do and shall apply.

Parking Structure: a building containing one or more Stories of parking above grade.

Passage (PS): a pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long Blocks and connect rear parking areas to Frontages.

Path (PT): a pedestrian way traversing a Park or rural area, with landscape matching the contiguous Open Space, ideally connecting directly with the urban Sidewalk network.

Pawn Shop: see Municipal Code Section 10-1.3500 (Definitions).

Pedestrian Shed: an area that is centered on a Common Destination.

Personal Services: establishments primarily engaged in the provision of services for the enhancement of personal appearance, cleaning, alteration or reconditioning of garments and accessories, and similar non-business related or nonprofessional services. Typical uses include reducing salons, tanning salons, barber shops, tailors, shoe repair shops, self-service laundries, and dry cleaning shops, but exclude uses classified under the Office and Trade School.

Planter: the element of the Public Frontage which accommodates street trees, whether continuous or individual.

Plaza: a Civic Space type designed for Civic purposes and Commercial activities in the more urban Transect Zones, generally paved and spatially defined by building Frontages.

Police Station: a Function synonymous with Public Agency Facilities, as defined within Municipal Code Section 10-1.3500 (Definitions).

Precise Plan Line: see Municipal Code Section 10-4.12.

Principal Building: the main building on a Lot, usually located toward the Frontage. *See Table 12.*

Principal Entrance: the main point of access for pedestrians into a building.

Principal Frontage: on corner Lots, the Private Frontage designated to bear the address and Principal Entrance to the building, and the measure of minimum Lot Width. Prescriptions for the parking Layers pertain only to the Principal Frontage. Prescriptions for the first Layer pertain to both Frontages of a corner Lot. **See Frontage.**

Printing and Publishing: a small-scale establishment engaged in

printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving, and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices.

Public Agency Facilities: see Municipal Code Section 10-1.3500 (Definitions).

Private Frontage: the privately held Layer between the Frontage Line and the Principal Building Facade. *See Table 5 and Table 12.*

Public Frontage: the area between the Curb of the vehicular lanes and the Frontage Line. *See Table 15.*

Rear Alley (RA): a vehicular way located to the rear of Lots providing access to service areas, parking, and Outbuildings and containing utility easements. Rear Alleys should be paved from building face to building face, with drainage by inverted crown at the center or with roll Curbs at the edges.

Rearyard Building: a building that occupies the full Frontage Line, leaving the rear of the Lot as the sole yard. *See Table 8.* (Var: Rowhouse, Townhouse, Apartment House)

Recycling Collection Area: see Municipal Code Section 10-1.3500 (Definitions).

Regulating Plan: a Zoning Map or set of maps that shows the Transect Zones, Civic Zones, Special Districts if any, and Special Requirements if any, of areas subject to, or potentially subject to, regulation by South Hayward/Mission Boulevard Form-Based Code and pertinent Municipal Code provisions.

Religious Facility: see Municipal Code Section 10-1.3500 (Definitions).

Residential: characterizing premises available for long-term human dwelling.

Restaurant: see Municipal Code Section 10-1.3500 (Definitions). Includes Micro-Breweries as accessory to the Restaurant and stand-alone Catering Facilities.

Retail Frontage: Frontage designated on a Regulating Plan that requires or recommends the provision of a Shopfront, encouraging the ground level to be available for Retail Sales use. **See Special Requirements.**

Retail Sales: a Function characterizing establishments engaged in the sale of goods and merchandise. *See Table 9.*

Review Authority: the City Council, Planning Commission or Development Services Director. A Review Authority is charged with reviewing a particular permit application. *See Table 14.*

Road (RD): a local, rural and suburban Thoroughfare of low-to-moderate vehicular speed and capacity. This type is allocated to the

more rural Transect Zones (T1-T3). *See Table 2.*

Rowhouse: a single-family dwelling that shares a party wall with another of the same type and occupies the full Frontage Line. *See*

Rearyard Building. (Syn: **Townhouse**)

Second Dwelling Unit: a dwelling unit that is accessory, supplementary, and secondary to the principal dwelling, which may be constructed as an addition to the principal structure or as an accessory to the principal structure.

Secondary Frontage: on corner Lots, the Private Frontage that is not the Principal Frontage. As it affects the public realm, its First Layer is regulated. *See Table 15.*

Semi-Intensive Green Roof: a building roof with specifications between the Extensive and Intensive Green Roof systems. This type requires more maintenance, has higher costs, and weighs more than the Extensive Green Roof.

Setback: the area of a Lot measured from the Lot line to a building Facade or Elevation that is maintained clear of permanent structures, with the exception of Encroachments authorized by this Code. (Var: build-to-line.)

Shopfront: a Private Frontage conventional for Retail Sales use, with substantial glazing and an awning, wherein the Facade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. *See Table 5.*

Sidewalk: the paved section of the Public Frontage dedicated exclusively to pedestrian activity.

Sideyard Building: a building that occupies one side of the Lot with a Setback on the other side. This type can be a Single or Twin depending on whether it abuts the neighboring house. *See Table 8.*

Small-size tree: single or multi trunk plant with a minimum 7 feet of natural vertical clearance at maturity to accommodate people to walk under with a minimum of 15 feet diameter canopy.

Special Requirements: provisions of Section 10-24.210(a) of this Code and/or the associated designations on a Regulating Plan or other map for those provisions.

Square: a Civic Space type designed for unstructured recreation and Civic purposes, spatially defined by building Frontages and consisting of Paths, lawns and trees, formally disposed. *See Table 10.*

Stepback: a building Setback of a specified distance that occurs at a prescribed number of Stories above the ground. *See Table 7.*

Stoop: a Private Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk for privacy, with an exterior stair and landing at the entrance. *See Table 5.*

Story: a habitable level within a building, excluding an Attic or raised basement. *See Table 7.*

Street (ST): a local urban Thoroughfare of low speed and capacity.

See Table 2.

Streetscreen: a freestanding wall built along the Frontage Line, or coplanar with the Facade. It may mask a parking lot from the Thoroughfare, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm. (Syn: streetwall.)

Swale: a low or slightly depressed natural area for drainage.

Tattoo Parlor: see Municipal Code Section 10-1.3500 (Definitions).

Taxi Company: see Municipal Code Section 10-1.3500 (Definitions).

T-zone: Transect Zone.

Temporary Use: see Municipal Code Section 10-1.3500 (Definitions).

Terminated Vista: a location on the Regulating Plan at the axial conclusion of a Thoroughfare.

Theater: see Municipal Code Section 10-1.3500 (Definitions).

Thoroughfare: a way for use by vehicular and pedestrian traffic and to provide access to Lots and Open Spaces, consisting of Vehicular Lanes and the Public Frontage. *See Table 2, Figure 1-2 and Figure 1-3.*

Thoroughfare Plan: a component of the South Hayward BART/ Mission Boulevard Form-Based Code Zoning Map that shows planned changes to existing Thoroughfares and the general location of planned new Thoroughfares. *See Figure 1-2.*

Townhouse: see **Rearyard Building**. (Syn: **Rowhouse**)

Transect: a cross-section of the environment showing a range of different habitats. The rural-urban Transect of the human environment used in the SmartCode template is divided into six Transect Zones. These zones describe the physical form and character of a place, according to the Density and intensity of its land use and Urbanism.

Transect Zone (T-zone): one of several areas on a Zoning Map regulated by the South Hayward BART/Mission Boulevard Form-Based Code. Transect Zones are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, Density, height, and Setback requirements, other elements of the intended habitat are integrated, including those of the private Lot and building and Public Frontage. *See Table 1.*

Transit-Oriented Development: a mixed-use Residential or Commercial area designed to maximize access to public transport; often incorporating features to encourage transit ridership.

Urban Farm: agricultural land dedicated to food production to be locally consumed. (Syn: Community Garden)

Urbanism: collective term for the condition of a compact, Mixed Use settlement, including the physical form of its development and its environmental, functional, economic, and sociocultural aspects.

Vegetable Garden: a privatized area of land managed and maintained to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. A Vegetable Garden may be incorporated into and count

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South Hayward BART / Mission Boulevard

towards the minimum Common Open Space area.

Vertical Axis Wind Turbine: a Wind Turbine with its rotor on the vertical axis. Blades are usually helical, more compact than the Horizontal Axis Wind Turbine and do not have to rotate to face the prevailing wind.

Vocational School: see Municipal Code Section 10-1.3500 (Definitions).

Wind Energy: a Function synonymous with Wind Energy Conversion System (Municipal Code Section 10-1.3500).

Wind Turbine: a rotary device for converting wind energy into mechanical or electrical energy.

Zoning Map: the official map or maps that are part of the zoning ordinance and delineate the boundaries of individual zones and districts. See **Regulating Plan**.

10-24.510 RULES OF INTERPRETATION

- a. Provisions of this Code are activated by “shall” when required; “should” when recommended; and “may” when optional.
- b. Capitalized terms used throughout this Code are defined in Section 10-24.505 (Definitions of Terms). Section 10-24.505 contains regulatory language that is integral to this Code. Terms not defined in Section 10-24.505 shall be accorded their commonly accepted meanings. In the event of conflicts between these definitions and those found within the remainder of the Municipal Code Chapter 10 (Planning, Zoning and Subdivisions), those of this Code shall take precedence.
- c. The metrics of Section 10-24.300 (Standards and Tables) are an integral part of this Code. However, the diagrams and illustrations that accompany them should be considered guidelines, with the exception of those on Table 12A and 12B (Form-Based Code Graphics), which are legally binding.
- d. Where in conflict, numerical metrics shall take precedence over graphic metrics.
- e. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words “includes” and “including” shall mean “including but not limited to . . .”
- f. Within the Code, sections are occasionally prefaced with “purpose”

or "intent" statements. Each such statement is intended as an official statement of legislative finding or purpose. The "purpose" or "intent" statements are legislatively adopted, together with their accompanying Code text. They are intended as a guide to the administrator and interpretation of the Code and shall be treated in the same manner as other aspects of legislative history. However, they are not binding standards.

- g. Whenever a number of days is specified in this Code, or in any permit, condition of approval, or notice provided in compliance with this Code, the number of days shall be construed as calendar days. A time limit shall extend to 5:00 p.m. on the following working day when the last of the specified number of days falls on a weekend or holiday.
- h. Whenever the Director determines that the meaning or applicability of any requirement of this Code is subject to interpretation generally, or as applied to a specific case, the Director may issue an official interpretation. The Director may also forward any interpretation of the meaning or applicability of any provision of this Code directly to the Commission for a determination at a public meeting.
- i. The issuance of an interpretation shall include findings stating the basis for the interpretation. The basis for an interpretation may include technological changes or new industry standards. The issuance of an interpretation shall also include a finding documenting the consistency of the interpretation with the General Plan.
- ii. Official interpretations shall be:
 - (1) Written, and shall quote the provisions of this Code being interpreted, and the applicability in the particular or general circumstances that caused the need for interpretations, and the determination; and
 - (2) Distributed to the Council, Commission, Director, City Manager, City Attorney, City Clerk, and Development Services Department staff.
- iii. Any interpretation of this Code by the Director may be appealed to the Commission in compliance with Municipal Code Section 10-1.2845 (Appeal and Review Process).
- iv. If there is uncertainty about the location of any zone boundary

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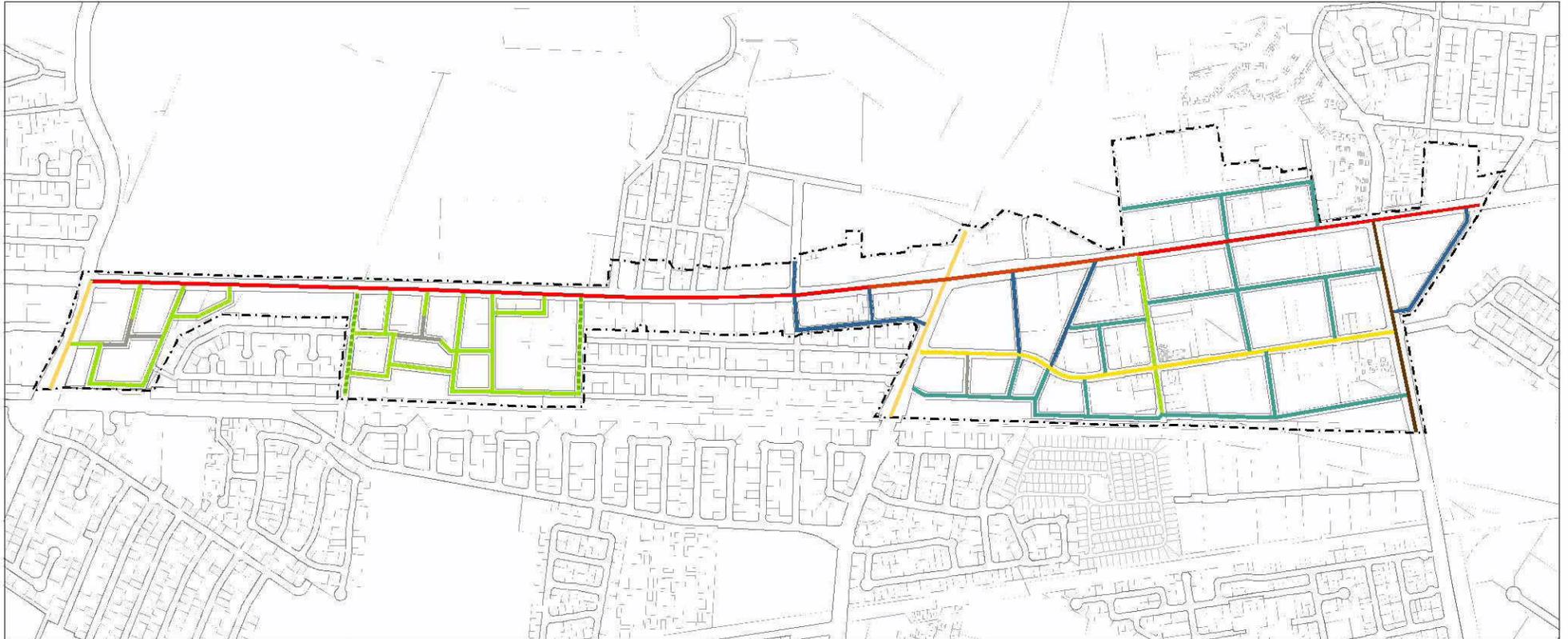
shown on the Regulating Plan, the location of the boundary shall be determined by the Director as follows.

- (1) Where a zone boundary approximately follows a Lot line, alley, or street line, the Lot line, street or alley centerline shall be construed as the zone boundary, as applicable;
- (2) If a zone boundary divides a parcel and the boundary line location is not specified by distances printed on the Regulating Plan, the location of the boundary will be determined by using the scale appearing on the Regulating Plan; and
- (3) Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zone of the adjoining property on either side of the vacated or abandoned street or alley.



Legend

- Project Area
- Parcels
- Terminated Vistas
- Mandatory Shopfront Overlay
- Recommended Shopfront Overlay
- T4 Urban General Zone: 17.5 DU/Acre min; 35 DU/acre max
- T5 Urban Center Zone: 35 DU/Acre min; 55 DU/acre
- TOD Density Overlay 1: 75 DU/acre min; 100 DU/acre max
- TOD Density Overlay 2: 40 DU/acre min; 65 DU/acre max
- Planned Development Zone
- Civic Space Zone
- Civic Buildings
- For illustrative purpose only:**
- Civic Spaces outside of the project area
- 238 Bypass Trail Location
- 5 Min/10 Min Walk (Pedestrian Shed)



Legend

- | | | |
|--------------|-------------|-----------------|
| Project Area | ST-40-24-BR | CS-80-54-BR |
| Parcels | ST-50-28-BR | AV-110-72-BL |
| | ST-60-34-BR | AV-100-64/76-TR |
| | ST-56-34-BR | BV-125-42-BL |
| | ST-58-46-BL | |



Legend

-  Project Area
-  Existing Thoroughfares
-  New Thoroughfares
-  Parcels