



**CITY OF HAYWARD**  
**AGENDA REPORT**

AGENDA DATE 04/20/99  
AGENDA ITEM \_\_\_\_\_  
WORK SESSION ITEM WS# 2

**TO:** Mayor and City Council  
**FROM:** Director of Community and Economic Development  
**SUBJECT:** Update Regarding Proposed Amendments to the Zoning Ordinance

**RECOMMENDATION:**

It is recommended that the City Council review and comment on this report.

**Background:**

On September 15, 1998, a work session was held with the City Council to review a summary of the substantive changes proposed for the Zoning Ordinance. On September 10, 1998 and April 1, 1999, work sessions for the Planning Commission were held. Meeting with the Hayward Chamber of Commerce were held on September 17 and November 16, 1998, and March 30, 1999, and one meeting was held with former Neighborhood Task Force members, homeowner associations and the livestock focus group on November 16, 1998. Copies of the reports of previous work sessions and a summary of substantive changes are attached for background information.

Staff is seeking City Council comments on several issues listed below, such as site plan review of industrial buildings, religious facilities in the Central City District and group homes. Council members are referred to the previously distributed Administrative Draft Zoning Ordinance and the attachments to this report for discussion purposes.

Issues Previously Discussed:

1. Industrial Building Design Standards

Industrial building design standards (Exhibit A) are proposed to provide a basic standard of development for all industrial properties in order to contribute to an attractive, healthy industrial district in Hayward. Currently, only those industrial buildings requiring an administrative or conditional use permit are subject to design review. These permits are generally required only for properties that are adjacent to residentially zoned property or that involve the use of certain types and quantities of hazardous materials. A slide presentation will be made at the work session to demonstrate good and poor quality industrial building design features and elements.

Generally, the Planning Commission and the industrial subcommittee of the Hayward Chamber of Commerce support applying design standards to industrial buildings. The design standards were compiled with input from both the Planning Commission and the Chamber. Implementation of the industrial design standards could be achieved through the "site plan review" process only on proposed buildings that do not meet the standards.

While supportive of design standards, some Planning Commissioners expressed concerns about increased costs of development, increased time for review, and that the proposed standards could be subject to varying interpretation. One Planning Commissioner remarked that the proposed guidelines are very minimal and should be applied.

Because staff is also concerned about these issues, only administrative review of projects which do not meet design standards is proposed. As with other applications, administrative site plan review can be as brief as one day or require a week or so for redesign. Only in those instances where the applicant is unwilling to meet these basic standards would it be necessary to significantly impact the time frame by requiring a public hearing. However, in staff's opinion attractive buildings in the Industrial District would contribute to and sustain the economic value of the affected property as well as neighboring properties. Staff believes that these benefits outweigh the costs and time associated with meeting a base standard.

Hayward has enjoyed a competitive edge over surrounding cities in that no layer of discretionary review is required of most industrial buildings prior to a building permit. In staff's opinion, this competitive edge would not be compromised as site plan review would be applied in only the few instances where the proposed buildings do not meet the minimum design standards. Surrounding cities require some type of discretionary review of all industrial buildings.

Staff acknowledges that design review involves a degree of subjectivity, since the design guidelines are crafted to allow flexibility of design as well as design parameters. There would be no greater subjectively exercised with respect to buildings in the Industrial District than is applied to structures in the City's commercial and residential areas.

Noting that some of Hayward's industrial parks have attractive buildings, the Chamber's industrial subcommittee suggested reviewing CC&R's from some of the parks. However, most of the CC&R's lack specific building design criteria. Because they were not particularly useful, they were not made a part of the proposed design guidelines. Nonetheless, because the newer, more active industrial parks seem to pay close attention to design, it is unlikely that buildings within these parks would be subject to site plan review

## 2. Industrial District – Truck Parking for Restaurants

One of the recommended code amendments is to delete the requirement for truck parking in conjunction with restaurants in the Industrial District. At the September 15 City Council work session, several members raised concerns for a complete elimination of the current 15 percent truck parking requirement for restaurants in the Industrial District. At the Planning Commission

work session of April 1, some Planning Commissioners suggested requiring truck parking at restaurants along the freeways, and the chair asked staff to consult with a trucking association. A former Hayward restaurateur pointed out that truckers do not typically “dine” since they must eat quickly, so many restaurants will not have truckers as customers even if they provide truck parking.

Staff contacted the California Trucking Association, which responded that “CTA sees no reason that Hayward restaurants should continue to be compelled by ordinance to set aside truck parking space for driver customers.” (See letter labeled Exhibit B). In addition to the points raised in their letter, a representative of the Northern California section of the Association told staff that when trucks park near standard vehicles, there can be visibility problems. He also said there have been issues associated with truck noise near restaurants.

Staff recommends eliminating the requirement for truck parking at restaurants in the Industrial District because staff has observed that this requirement discourages restaurants from being located there. According to those who have inquired about developing restaurants in the Industrial District, the costs and time associated with acquiring additional land for truck parking prevent them from developing restaurants there. For example, for a 4,000-square-foot restaurant, about 10,000 square feet of additional land of a configuration conducive to truck parking would be necessary.

Staff recognizes that truck drivers benefit by being able to park at restaurants in the Industrial District and that some restaurants could benefit by marketing to truck drivers. However, the majority of workers in the Industrial District are not truck drivers, and only a limited number of eating establishments are found in the vicinity of their places of employment. Other eating alternatives in the Industrial District are employee cafeterias, catering trucks, and hot dog carts.

### 3. Central City Uses

- a. **Religious Facilities** – A proposed amendment to the Zoning Ordinance eliminates religious facilities from the Central City – Plaza (CC-Project) sub-district. Currently the Ordinance prohibits religious facilities from the first floor and allows them only above the first floor subject to approval of a conditional use permit. Religious facilities are “tax-exempt religious institutions” including their ancillary activities. Since religious facilities are currently prohibited on the ground floor of the CC-P, this would not change. The CC-P subdistrict is limited to B Street between Foothill and Watkins and on Main Street from A to C Streets.

The reasons for prohibiting religious facilities in the CC-P are to protect and enhance the retail environment of the downtown core area on B and Main Streets and to encourage uses that contribute to the pedestrian nature and quality image of these streets. Religious facilities would not contribute to the tax base, do not provide direct retail economic activity, and do not provide the weekday pedestrian traffic that is necessary for contributing to the overall vitality of the CC-P. In that there are no legally established religious facilities in the CC-P, observed or on record at this time, this proposed change would not directly impact any religious facilities. Religious facilities would continue to require conditional use permit

approval in the Central City – Commercial and Central City – Residential (CC-C & CC-R) subdistricts.

At its April 1 work session, Planning Commissioners were not united in their opinions about eliminating churches from above the first floor in the CC-P. Their comments included the suggestion that prohibiting churches could be construed as the “wrong message,” a suggestion to allow churches subject to conditional use permit approval, that the CC-P district is not an appropriate area for churches, that the restriction on churches should be extended to Foothill Boulevard, and that newly constructed churches would be acceptable but that store-front churches would not be.

- b. Thrift Stores – Staff recommends that thrift stores be prohibited in the CC-C and CC-R sub-districts. Thrift stores are currently prohibited in the CC-P sub-district only. The reason for prohibiting thrift stores in all CC Districts is to protect and enhance the quality retail environment of the entire downtown area. Staff believes thrift stores in general do not promote a high-end retail environment and in fact the opposite may be true. Some members of the Chamber of Commerce commented that thrift stores can be perceived as a indication of downtown decline and therefore discourage other retailers from locating near them. Existing thrift stores in the Central City subdistricts would become “legal, nonconforming uses.” These existing thrift stores would have the advantage of no further competition from new thrift stores in the downtown. Planning Commissioners did not comment on this proposal.
- c. Consignment Stores - The Planning Commission supports, and staff recommends, permitting consignment stores in the CC-C, CC-P & CC-R subdistricts, and that this use be listed as a Primary Use in the CC-C & CC-P, and subject to an Administrative Use Permit in the CC-R. This arrangement would be consistent with other retail uses in the Central City Districts. At the Planning Commission work session it was suggested that “consignment stores” be carefully defined so as to distinguish them from thrift stores. This will be provided in the final documentation.

#### 4. Airport Terminal – Commercial Uses

Additional retail uses are proposed to be added to the "Airport Terminal - Commercial" (AT-C) sub-district. Currently retailing is limited to within motels and restaurants, pumpkin patches and Christmas trees. This zone is generally located along the west side of Hesperian Boulevard.

Staff had originally suggested allowing retail activity in the AT-C district only on parcels larger than 5 acres. Subsequently, a long-term airport tenant, Watt Commercial Properties, requested that retail sales be permitted on smaller parcels since their leased parcel is 2.8 acres. (See their letter attached at Exhibit “D.”) In reviewing this request in more detail staff believes Watt’s request is reasonable because it would allow for retail opportunities on a variety of AT-C properties along Hesperian Boulevard. Staff now recommends that retail uses be allowed on AT-C properties ranging in size between 2.5 to 8 acres maximum. Comments received at the Planning Commission work session include a suggested to limit

retail uses to those that are airport-serving or related and that the intensity of retail uses and the aspect of safety around the airport should be a consideration. Staff suggests allowing

commercial activity on sites larger than 8 acres to be processed under the Planned Development (PD) district requirements so that greater control can be exercised over the type, intensity and mixture of uses.

#### 5. Livestock and Animal Regulations

The proposed minimum lot size for the keeping of medium livestock has been increased from 10,000 square feet to 20,000 square feet (the same lot size requirement as large livestock) in keeping with the request of several City Councilmembers at its last work session. The Planning Commission did not offer specific comments on the proposed amendments to the livestock regulations, only asking that the language clearly spell out requirements for large and small livestock and required land area.

### **Major New Issues Not Previously Discussed:**

#### A. Streamlining

In order to streamline the review process, staff reviewed with the Planning Commission a proposal to change certain uses from conditional use permits to administrative use permits. The Commission is generally in support of this proposal. A list of uses proposed to be changed from conditional use permit review to administrative use permit review is attached as Exhibit "C".

Planning Commissioners stressed the importance of streamlining the development review process while assuring that projects are given adequate review, both technically and by the public. Some also mentioned that, while they have confidence that the current staff would inform the public and pay close attention to design, there is the understandable concern that this sensitivity may not be exhibited in the future. Because City Council members and Planning Commissioners receive notice of all projects and notices of the Planning Director's action, this represents a good opportunity to assure that proper decisions are rendered by staff.

The streamlining proposal is put forth because the public hearing process adds time and costs to applicants. In order to streamline the process for applicants without compromising quality and citizen participation, administrative action on applications would be made under current practice. The current practice is that projects are approved only when (1) they meet all City policies and design guidelines; (2) all interested individuals, including surrounding property owners and residents, members of local homeowners associations, neighborhood task forces, and other agencies are notified when the project is received; (3) notice of approval action and the appeal procedure is provided to interested parties; (4) the comments and concerns of interested individuals are addressed and there is no objection to the project; and (5) City Council

members and Planning Commissioners receive notification of the administrative action and may "call up" applications individually.

Streamlining was introduced in 1994 when City Council authorized review and approval of certain uses at the administrative level. To date, none of the applications approved by the staff have been called up by City Councilmembers or Planning Commissioners.

The amount of time spent preparing reports and presentations for public hearings is approximately three and one-half working days, plus time for noticing the hearings (10 days), time for referring reports to supervisors and other departments (one week), revising reports (one to two days), copying and mailing the reports (one-half day) and time spent at the public hearings (two hours). Decisions on applications are limited to approximately twice monthly when the Planning Commission meets. The public hearing process adds significant time and costs to applicants. The suggested changes to the process would streamline the process for applicants while still affording Planning Commissioners, City Council members, and interested parties the opportunity for input.

A proposed list of uses to be changed in the Single-Family (RS) and General Commercial (CG) District was drafted by staff. Planning Commissioners suggest adding categories to those uses that can be administratively approved, but they were not specific as to which ones would be most appropriate. One Commissioner said that convenience markets should not be approved administratively. The Planning Commission and staff believe that the uses selected for streamlining are those that could be expeditiously handled via an administrative process.

#### B. Live-Work Provision.

Staff is suggesting that live/work quarters be permitted in all commercial areas and the redevelopment areas, subject to approval of a conditional use permit. Planning Commissioners are generally supportive of live/work and mixed development opportunities.

With the advent of the personal computer, modems and fax machines, home-based businesses have become a fast growing section of the American economy. Live-work quarters can provide another lifestyle for those who are attracted to loft living, particularly artisans, engineers, architects, etc. Live-work quarters in Hayward may be a real estate product that meets this new market.

The Planned Development District already allows for mixed uses in Hayward. Other than that means, there are limited opportunities in Hayward for integrating living and commercial uses in the City's commercial districts. Even though since 1995 living quarters have been permitted primary uses in non-first floor areas within Hayward's commercial areas; there has been limited demand for this arrangement in Hayward. One such project has been approved, which is on the corner of Mission and Highland Boulevards. That project incorporates offices on the ground floor and residences above. Construction is underway. A second development application (a veterinary on Foothill with living above) is currently being processed. Tampa Square, developed in the 1980s under Planned Development zoning,

provides for opportunities for both commercial and residential activity, but the activities are not directly connected for true live-work situations.

There are areas in Hayward where joint live-work settings could be compatible with the area and contribute to the vitality of the community. Live-work quarters can contribute to the vitality of outdated industrial buildings, such as the old cannery buildings. Live-work quarters can also serve as a transitional use within the older, centrally located industrial areas. Most of these areas are in the redevelopment areas or are zoned for commercial use. Given that they would not be appropriate in all locations, staff recommends that any live-work proposal be subject to a conditional use permit. Consideration should also be given to the types of work permitted in the joint live-work quarters. For example, architects, engineers, artists, and computer-based businesses do not create work atmospheres where there is an excessive amount of traffic, noise, smoke, etc. These types of business would be appropriate in a live-work situation.

When converting *existing* buildings to joint live-work sites, the investment in loft living is often relatively minimal given that the living area is relatively small and even drapes can be used in place of some walls. Standards would have to be developed for converting existing buildings to lofts and for determining when it would be more appropriate to construct new buildings. Decision in this regard would depend on the long-term goals for each area and the design and condition of existing structures. Therefore, consideration for joint live-work accommodations would have to be made on a case-by-case basis through the administrative use permit process.

Staff does not recommend live/work quarters in the major Industrial District. Within Hayward's Industrial District, living quarters are limited to security or switchboard personnel. Joint residential/industrial activity has been discouraged (1) in order to maintain the industrial integrity of industrial districts, (2) because of the inherent conflicts of industrial activities and families (which often involve hazardous materials, noise, smoke, and other dangers), and (3) due to lack of services normally associated with residential uses (shopping, schools, churches). In addition, children cannot be excluded from a residential setting.

If the City Council is supportive of live/work quarters, staff recommends bringing back this matter once technical issues relating to building and fire codes have been addressed. For example, access to lofts or mezzanine sleeping areas via ladders or the lack of escape routes from sleeping areas (windows), or reduced headroom may be necessary to promote live-work situations.

#### C. Group Homes

The proposed group home ordinance is attached as Exhibit D. Staff has revised the group home regulations to comply with state and federal law as follows. The definition of a group home has been revised to include both licensed and unlicensed residential facilities. A small group home, serving six or fewer residents, is designated as a primary use in any district where a single-family residence is a primary use. State law does not allow the City to

impose separation requirements on small group homes. However, a large group home, consisting of seven or more residents, will require approval of an administrative use permit (instead of a conditional use permit) and will be subject to 500 foot separation requirements,

unless a conditional use permit waives such separation requirement. Several Planning Commissioners suggested further limits on a neighborhood by neighborhood basis because the incidence of licensed group home facilities in Hayward is higher than in surrounding cities. The City cannot impose further limits because State and federal law prohibit discrimination against protected groups, who comprise a substantial portion of the group home population. Additionally, a "reasonable accommodation" provision has been added to reflect the federal and state law requirement that zoning requirements for a use serving disabled or handicapped residents be waived or modified in appropriate instances.

### **Minor New Issues Not Previously Discussed:**

#### **A. Tattoo Parlors**

Staff recommends that tattoo parlors be classified as an Administrative Use Permit only in the Neighborhood Commercial (CN) and General Commercial (CG) districts. Currently, tattoo parlors are interpreted to be a primarily retail use in all commercial districts. Staff believes tattoo parlors are a use that requires assurance of land use compatibility. Planning Commissioners had no comment.

#### **B. Industrial District – Educational Facilities**

Staff recommends that "educational facilities" in the Industrial District be replaced with "vocational/trade schools," to more specifically only allow for specialized training of skilled labor above high school level which is supportive of the Industrial District. For example the vocational/trade schools definition would include schools for plumbers, carpenters, truck drivers, mechanics, machine operators, technical schools, etc. This definition would not include or allow for, beauty colleges, business schools, or degree programs, etc. Planning Commission comments included suggestions that educational facilities not be limited as to type when existing buildings are reused and that non-industrial uses should not dominate the Industrial District.

#### **C. Small Education Facilities**

Staff recommends allowing small educational facilities (usually less than 2,000 square feet) for students between grades K-12 as a primary use in the CN, CN-R, CG, CO, CB, and CC-C districts. Currently a conditional use permit is required. Staff has recently received a number of inquiries and requests for small private educational/tutoring. These uses are usually seeking to locate in a retail or office type space. Because "educational facilities" require a conditional use permit, the applicants are often discouraged (for time and financial reasons) and do not pursue the process. Planning Commissioners said that all educational facilities should be subject to close scrutiny, including a conditional use permit.

#### D. Subdivision Ordinance - Final Maps

Staff proposes an amendment of the Subdivision Ordinance that would allow the City Engineer to approve final maps. A 1998 amendment to the Subdivision Map Act authorizes cities to adopt ordinances that allow the City Engineer to approve final maps. Currently that approval action lies with the City Council and is placed on their agendas as a consent item. Final maps are “ministerial” actions, that is, they cannot be denied if they are consistent with the approved tentative map. Otherwise, the final map is denied or the developer must seek a modification of the tentative map. If Hayward adopts an ordinance that would allow the City Engineer to approve final maps, the following elements must be present:

- The City Council will be provided notice when a developer asks the City to approve a final map.
- The designated official must approve or disapprove the final map within 10 days after the first City Council meeting after the mailing of notice of the final map application to the City Council and interested parties.
- Notice is required to be mailed of any pending application for final map approval to interested parties.
- The ordinance must provide for periodic City Council review of the final map delegation authority.

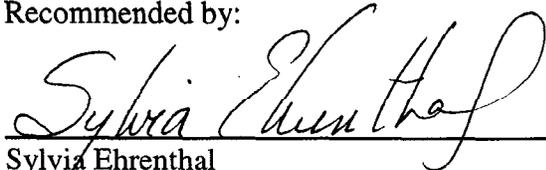
The City Council is encouraged to offer any other additional comments on the Administrative Draft Zoning Ordinance and staff reports, which were previously distributed.

Prepared by:



Dyana Anderly, AICP  
Development Review Services Administrator

Recommended by:



Sylvia Ehrenthal  
Director of Community and Economic Development

Approved by:



Jesús Armas, City Manager

Attachments: Exhibit A - Industrial District Site Plan Review/ Design Standards  
Exhibit B - Letters of April 7 and 12, 1998 from California Trucking Association  
Exhibit C - List of Uses Proposed to be Reclassified from CUP to AUP  
Exhibit D - Proposed Group Home Regulations  
Exhibit E - Copies of Public Correspondence and Comments  
    Watt Commercial Properties, dated 3/24/99  
    John Kyle, dated 11/10/98 and 4/01/99  
    Christ Community Church, dated 10/8/98  
    Kenneth P. Harmeyer, received 9/24/98  
Exhibit F - Sept. 15, 1998, City Council Work Session Staff Report

4.15.99

April 7, 1999

The Honorable Roberta Cooper  
Mayor, City of Hayward  
City Hall  
777 B Street  
Hayward, CA 94541

Re: Hayward Truck Parking Ordinance

Dear Mayor Cooper:

The California Trucking Association (CTA) and our Bay Area Unit are very pleased that the City of Hayward has requested our position on the Hayward truck parking ordinance. That ordinance currently requires an industrial zone set aside of 15% of restaurant parking for commercial truck accommodation.

The City of Hayward is to be commended for recognizing in law the role played by trucking and truck drivers in your industrial sector economy. We feel comfortable that in a competitive restaurant market some facilities will wish to attract truck drivers as customers and will do whatever is necessary to retain that clientele. CTA sees no reason that Hayward restaurants should continue to be compelled by ordinance to set aside truck parking space for driver customers.

CTA does support, however, the consideration of truck parking needs in the building and zoning codes of all cities for another purpose: the pickup and delivery of freight and parcels to businesses. Whether it's an overnight parcel delivery to an office building, or a caseload of supplies to a restaurant, or the pickup of shipments from a local printing firm, every commercial building requires access by some type of truck. Too often trucks making urban pickups and deliveries are required to double-park and clog traffic because appropriate loading zones, off-street truck parking or freight docks were not required of commercial developers. Neither trucking nor the city gains by this omission.

So while CTA supports the City of Hayward in revising the 15% set aside ordinance, we urge you to continue in your recognition of trucking by requiring commercial development to include specific plans for necessary truck pickup and delivery.

Thank you for contacting the California Trucking Association.

Yours truly,

  
Warren E. Hoemann  
Vice President

City of Hayward

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West Sacramento, CA 95691  
(916) 373-8500  
Fax (916) 371-7558

City of Hayward

1900 West Govey Avenue South  
Suite 360  
West Covina, CA 91790  
(626) 856-2076  
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April 12, 1999

VIA FAX (510) 583-3649

Ms. Dyana Anderly, AICP  
Development Review Services Administrator  
City of Hayward  
777 B Street  
Hayward, CA 94541-5007

Re: Truck Parking at Restaurants in Hayward's Industrial District

Dear Ms. Anderly:

I am in receipt of your April 9, 1999 correspondence, together with map of Hayward outlining the primary industrial area and copy of Municipal code section referring to parking requirements. Thank you for forwarding these to my attention.

Immediately after we spoke last week, I advised the Vice President of our Association, Mr. Warren Hoemann of the City's most gracious concern and he subsequently corresponded with Mayor Cooper. I enclose copy of his response for your files.

We again thank you for taking into consideration the trucking industry's role in your industrial sector economy, however I believe Mr. Hoemann's response addresses these concerns and would support your revising of the 15% set-aside ordinance. We also would again urge you to continue your recognition of trucking by requiring commercial development to include specific plans for necessary truck pickup and deliveries.

Hope this helps.

Sincerely,

W. Ronald Coale

encl.

Cc: Warren Hoemann

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**LIST OF USES PROPOSED TO BE RECLASSIFIED FROM CUP TO AUP**

**Single-Family Residential District**

**Minor Alterations comprising less than 25 percent of the existing floor area.**

- (a) Cultural facility. (minor additions or alterations comprising less than 25 percent of the existing floor area)
- (b) Educational facility. “ “
- (c) Hospital, convalescent home. “ “
- (d) Recreational facility. “ “
- (e) Religious facility. “ “

**General Commercial District**

**Automobile Related Uses.**

- (a) Automobile sales and rental.
- (b) Automobile service station.
- (c) Automobile storage facility.
- (d) Car wash.

**Personal Services.**

- Massage parlor. (When ancillary to a primary use such as a beauty shop or tanning salon.)

**Retail Commercial Uses.**

- Convenience market. (Where no alcohol sales occur.)

**Service Commercial Uses.**

- (a) Equipment rental service.
- (b) Hotel or motel. (Where abutting a residential district or property.)
- (c) Sign shop.

**Other Uses.**

- (a) Commercial amusement facility.
- (b) Cultural facility.
- (c) Educational facility
- (d) Flea market.
- (e) Minor open storage. (When located behind and ancillary to primary uses.)
- (f) Passenger transportation terminal.
- (g) Recreational facility.
- (h) Religious facility.
- (i) Warehouse. (When located behind and ancillary to primary uses.)
- (j) Wholesale establishment.

2-22-99 DRAFT - PROPOSED GROUP HOME REGULATIONS
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***DELETE THE EXISTING DEFINITION OF A GROUP HOME AND SUBSTITUTE THE FOLLOWING:***

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

(a) **Licensed Group Home, Licensed.** A licensed Group Home is any residential facility subject to state licensing requirements pursuant to the California Health and Safety Code (HSC), implementing state regulations, and amendments thereto. Any Group Home which is subject to state licensing requirements shall be treated as an unlicensed Group Home if the facility's license has expired or such license has been suspended, revoked or terminated. Group Homes subject to state licensing requirements include the following:

- (1) Residential facilities providing non-medical residential care, specifically, any residential Community Care Facility (HSC section 1502), a Residential Care Facility for the Elderly (HSC section 1569.2) and a alcoholism or drug abuse recovery or treatment facility (HSC section 11834.11).
- (2) The following types of Health Facilities (HSC section 1250, specifically, a Congregate Living Health Facility (HSC section 1250 (i)), an Intermediate Care Facility/Developmentally Disabled Habilitative (HSC section 1250 (e)), an Intermediate Care Facility/Developmentally Disabled (HSC section 1250(g)), and an Intermediate Care Facility/Developmentally Disabled-Nursing (HSC section 1250(h)).

(b) **Unlicensed Group Home.** An unlicensed Group Home is the use of a dwelling unit by an owner or operator as a dormitory, boarding house, rooming house or similar use, where such residential facility is not subject to state licensing requirements or whose state license has expired, or has been suspended or revoked.

***ADD THE FOLLOWING TO THE SECTION 111 DEFINITION OF A HOME OCCUPATION:***

For purposes of this ordinance, a licensed Group Home shall not be considered a "home occupation."

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***ADD TO THE GENERAL PROVISIONS:***

10-1. REASONABLE ACCOMMODATION. The City shall any consider any request for modification or waiver of any requirement which the applicant requests as a reasonable accommodation for any use which serves one or more disabled or handicapped residents or users of the proposed facility. Approval of a variance shall not be necessary to approve any modification or waiver which the decision maker finds to be necessary to reasonably accommodate the needs of the handicapped or disabled residents because there are no practicable or reasonable alternatives which would accomplish a similar result.

10-1. GROUP HOME REGULATIONS.

- a. Findings. The City Council finds that these Group Home regulations are necessary to protect the public health, safety and welfare, including but not limited to the following considerations:
- (1) Group Homes are an important source of housing for many persons, including persons who may be in need of care and supervision, such as some elderly persons, persons with mental or physical disabilities, persons with serious illnesses and persons recovering from drug and/or alcohol addiction. Data obtained in 1998 from the state agencies responsible for the licensing of residential facilities indicates over 100 licensed Group Homes in Hayward. Moreover, the same data shows that the concentration of licensed Group Homes in Hayward is the highest in Alameda County as compared to other cities. In addition, there are numerous unlicensed residential facilities in Hayward, which provide housing to persons who may be in need of additional care and services.
  - (2) The public health, safety and welfare are best served when a Group Home for residents in need of care and supervision is operated in accordance with state licensing requirements, which require licensed facilities to provide care and supervision or other support services to

**2-22-99 DRAFT - PROPOSED GROUP HOME REGULATIONS  
(City of Hayward Zoning Ordinance: HMC Article 1, Chapter 10)**

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Group Home residents. However, many Group Home facilities do not provide the care and services supplied by licensed Group Homes and are not subject to state licensing requirements, although they may house persons in need of care or supervision.

- (3) A disproportionate concentration of Group Homes can be detrimental to the integrity of the area in which such facilities are located, particularly if the area is a single family neighborhood. HSC section 1520.5 declares that it is state policy to prevent the overconcentration of licensed Residential Care Facilities which impair the integrity of residential neighborhoods and therefore requires a license application for such facility to be denied if the proposed facility will be less than 300 feet away from an existing residential care facility. A similar policy is contained in HSC section 1267.9 as to certain types of Health Facilities. The City also believes there is a strong and compelling need to balance the need for Group Home facilities against the need to prevent overconcentration of Group Home facilities in those areas zoned for single family uses.
  - (4) State law, specifically HSC sections 1267.8, 1568.0831, 1569.85, and 1569.87, requires the City to treat certain smaller licensed Group Homes, specifically those serving six or fewer residents as a single-family residential use of property for purposes of the City's land use policies and regulations. These facilities are a Residential Care Facility, a Residential Care Facility for the Elderly, an Intermediate Care Facility/Developmentally Disabled Habilitative, an Intermediate Care Facility/Developmentally Disabled-Nursing, and a Congregate Living Health Facility.
  - (5) Federal and state law also require governmental agencies to provide reasonable accommodation to meet the special needs of persons with physical and mental disabilities or handicaps ("Reasonable Accommodation"). Accordingly, the Group Home regulations hereafter described are intended to be applied in a manner which will enable the provision of reasonable accommodation in considering any Group Home facility which serves disabled or handicapped persons, including but not limited to a Group Home which requires a use permit.
- b. Group Homes - Zoning Districts Allowing Residential Use. A Group Home in any zoning district which allows residential use is allowed as either a primary use or as a conditionally permitted use, and shall be subject to the separation requirements contained in subdivision c. In addition, the need for

reasonable accommodation shall be considered if a Group Home will serve disabled or handicapped persons. In applying the following provisions, the Group Home provider or resident staff employed by the provider shall not be included in determining the number of residents.

- (1) Licensed Group Homes.
    - (a) **Six or Fewer Residents.** Any licensed Group Home for six or fewer residents shall be a primary use in any zoning district where a single-family dwelling is a primary use. All such Group Homes shall be subject to the same City of Hayward land use, housing, and building regulations and codes applicable to other single-family dwellings in that district, unless there is a need to provide reasonable accommodation for disabled or handicapped residents.
    - (b) **Seven or More Residents.** Any licensed Group Home for seven or more residents is allowed subject to the issuance of an administrative use permit, which shall include conditions comparable to other multi-family uses, and compliance with the parking requirements of HMC section 10-2.320.
  - (2) Unlicensed Group Homes. An unlicensed Group Home serving no more than fifteen residents is allowed in any district allowing residential uses if a conditional use permit is issued.
- c. Separation and Overconcentration Requirements. A Group Home for seven or more residents shall not be located within five hundred feet of the boundaries of a parcel containing another Group Home, unless a conditional use permit is issued on the basis that waiver of such separation requirement would not be materially detrimental or injurious to the property, improvements or uses in the immediate vicinity.
  - d. Group Homes in Zoning Districts Which Do Not Allow Residential Uses. A Group Home may not be located in any zoning district which does not permit a residential use.

Via Federal Express & FAX

February 24, 1999



Mr. Charles P. Mullen, AICP  
Associate Planner  
City of Hayward  
777 B Street  
Hayward, CA 94541-5007

Re: Zoning - Air Terminal - Commercial (AT-C) Sub District

Dear Charles:

Thank you for meeting with our local representative, Ms. Mary Hoopes, and myself to explain the proposed changes in the AT-C zoning ordinances. Your efforts and patience were sincerely appreciated. Based on your explanation of the facts and our review of the proposed zoning ordinance, we wish to go on record as follows:

Our company has two long-term ground leases (60 years) with the City of Hayward for approximately four acres of land located at 21615-22429 Hesperian Blvd. Although we are currently in compliance with the terms of these leases, over the past few years it has been very difficult for our owner entity partnerships to achieve a breakeven cash flow. In fact, we have advanced one of these partnerships several hundred thousand dollars in order to meet its obligations to the City and the construction lender. To make matters worse, the FAA recently gave notice of their intent to vacate our property by July 1, 1999 which, in turn, could result in the need for another \$200,000 cash advance. If so, this would burden our partnerships even further and could possibly hinder our ability to meet our ground lease obligations.

Based on past experience, we are anticipating difficulties in locating a replacement tenant for the FAA. Due to the existing zoning ordinance, we are quite limited as to the types of tenants interested in this location. When we had our last vacancy, we lost potential tenants simply because of the existing "retail" zoning prohibitions. While the proposed zoning ordinance would be of some assistance in this matter, it still does not adequately address the needs of the property owner and the surrounding community.

To make matters worse, it has been brought to my attention that "Home Depot" is currently negotiating with the City for the site located immediately to the north of our property. Apparently the proposed zoning ordinance will accommodate a retail use on this site since it is in excess of five acres, but not on our adjacent site which is less than five acres - a fact that we find to be quite unfair and biased.

FEB 24 1999

Charles P. Mullen, AICP  
February 24, 1999  
Page 2

If a "Home Depot" type of operation is allowed to occupy this site, it is our opinion that the entire nature of our sleepy little office park will be adversely impacted. In fact, we anticipate severe problems concerning Home Depot's patrons, trash, traffic structure, hours of operation, and security issues. Moreover, without "retail" modifications to the proposed zoning ordinance pertaining to our office park, wherein we, too, are permitted to place retail tenants that complement a Home Depot type of operation, our available tenant base will be reduced even further. This would severely jeopardize the ongoing viability of our partnerships and our ground lease with the City of Hayward.

Consequently, we feel quite strongly that it is absolutely necessary that the City reconsider the proposed AT-C zoning modifications to include retail usage on sites less than five acres. Moreover, in accordance with Section 5.7 of our ground lease, it appears that the City is required, if necessary, to cooperate with us in obtaining conditional use permits and/or re-zoning. The City's approval of "retail" zoning would not only help to insure the ongoing viability of the ground leases, but it would also increase ground lease rental participation income and provide additional sales tax revenues to the City.

Therefore, please be advised that we are in disagreement with the pending AT-C zoning revisions, as they currently stand, and without modifications to same, we are opposed to the establishment of a Home Depot on the adjacent land parcel. We stand ready to meet with you, the Planning Commission and/or the City Council to discuss this matter further, and would appreciate notice as to when the next forum will be available to address our concerns.

Sincerely,

WATT COMMERCIAL PROPERTIES



David R. Eshelman  
Vice President

cc: James Maginn  
Richard Heller  
Mary Hoopes

pm

**John W. Kyle**  
22638 Teakwood St.  
Hayward, Ca. 94541  
Home Phone (510) 782-7612

April 1, 1999

Planning Commission:

Subject: Work session comments.

Today, Thursday before good Friday is the Catholic equivalent, (or thereabouts) of the Passover seder meal. Consequently this note must suffice for public comment. Let's hope someone will read it into the record.

*First:* Tighten up some language so that we don't have the same purported confusion which developed over metal roof material. Try driving by the Nevada Rd property where Mr. Womack has purposely placed plastic sheet goods on front elevation of his home. I am told that this tactic will continue until he and Jason Moreno succeed in quest for more favorable vote after next election. There is a huge difference between sheet metal used in industrial applications and that which is machine stamped to appear like wood shingles or Spanish tile.

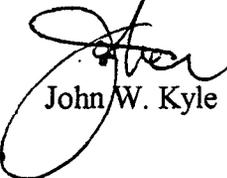
Another example of this is in the description of "Fast food" restaurants. Limiting that description to "no drive through restaurants" leaves a gap big enough to drive a truck through. Witness Caspers & Kaspers Hot Dog operations which never did have drive through arrangements. Neither does the Taco Bell on Hesperian near Bockman near Kennedy Park.

*Second:* This country is founded on change; the west was settled by those who sought additional change and the opportunity to make those changes. Change in a fashion which none of us fully envisions is coming down the pike in the form of population increases and unless you want to encourage sprawl you should look and try to understand FLOOR AREA RATIOS which have major affect and place greater control on the use of small lots. I submitted a writing over a year ago but it ~~received~~ was received only as an excuse to reduce lot sizes from that which was shown in the famous Specific Plan for Walpert Ridge. FAR imposes a need to be creative and has a better control on the cookie cutter approach used by many developers.

I am in process of re-writing that which was written by me on this subject over a year ago. I will introduce it at the next opportunity and harp some more at council session on the subject in the belief that future office holders are listening and may employ inquiring minds to at least ask questions about how it reduces cookie cutter appearance of some development.

Don't scoff when I tell you that AP Gianinni, founder of B of A was born to immigrants in Alviso. His Mother remarried a green grocer after A.P.'s father was knifed in an argument over a minor debt. Retiring at age 30 he took up banking and instilled some great ideas and compassion in the lending biz. It was due to those ideas that B of A turned down the construction and take out loan opportunity on Palma Ceia and similar developments in San Jose and further south. It was an avant garde attitude employed in the belief that Palma Ceia was too large for introduction of the

same cookie cutter plan in such large numbers. Add to that the belief, born out by the reality that the construction materials were so inferior as to be a cause of excessive future maintenance which 'little people' could ill afford. Much the same idea applies to quality of life and mental health issues when small lots are improperly utilized.



John W. Kyle

John W. Kyle  
22638 Teakwood St.  
Hayward, Ca. 94541  
Home Phone (510) 782-7612

November 10, 1998

Dyana Anderly, Dev. Review Services Admin.  
Charles P. Mullen, Associate Planner  
City of Hayward,  
777 'B' Street  
Hayward, Ca. 94541

Ms. Anderly, Mr. Mullen,

Today I had opportunity to review the proposed changes to the AT-C zoning changes as proposed.

I notice that where previously restaurants identified as 'fast food' types were prohibited the new regulations limit the restriction to those identified as 'drive-through'. I would object to this new description as being insufficient to preclude those whose services are heavily involved in 'take out' orders. Too many take out orders are eaten in the parking lots with the result that wind blown debris scatters to the detriment of neighbors' peaceful (aesthetic) use of their dwelling place.

Recognizing that many food service operations of the type which Haywardites describe as being 'sit down restaurants' provide doggie bags or engage in direct sale of take out orders some further means of dealing with my objection seems in order.

Try these 'on for size'.

*that (?)*

"Prohibit sale of take out orders of a type which might be eaten in autos without cutlery."

Or,

"prohibit sale of take out orders of a type described and commonly accepted as finger food"

Further,

"prohibit sale of take out orders of menu items which are individually pre-cooked and paper wrapped"

Perhaps,

"excluding take out food orders which involve hamburgers, hot dogs and soft drinks"

Thanks for understanding the concern.

Cordially,

*John W. Kyle*

**RECEIVED**

NOV 13 1998

DEVELOPMENT REVIEW SERVICES



October 8, 1998

Mr. Charles Mullen, Associate Planner  
City of Hayward  
777 B Street  
Hayward, CA 94541-5007

Dear Mr. Mullen:

If Ken Harmeyer's letter in the *Daily Review* is correct you are in the process of drawing up plans to restrict the building of churches within a large segment of the City of Hayward. If that is the case I would encourage you to seriously question the wisdom of such a decision.

The churches of Hayward have offered much to the moral and civil climate of this city. In our churches we are encouraged to be followers of a God who teaches us that we are to be law-abiding citizens, moral, supporters of government by prayers and paying taxes. We are also places of hope and comfort at times of needs and distress. Many of our churches assist the homeless with shelter and food, provide treatment for those with special needs such as substance abuse, divorce, and loss of a loved one.

Zoning restrictions, in part, are meant to keep out undesirable businesses from an area in order to protect that area. Why would one wish to restrict the construction of churches from an area in our city? With all the good that we perform, what would make us so undesirable?

If such a zoning law is in the works, I would encourage you, your department and the City Council to turn your focus to better goals.

Thank you for your time.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Larry M. Fryling".

Larry M. Fryling,  
Pastor

RECEIVED

OCT 09 1998

DEVELOPMENT REVIEW SERVICES

25927 Kay Avenue • Hayward, California 94545  
Phone: 510-782-6010 • Fax: 510-782-2845



A CHRISTIAN REFORMED CHURCH

Kenneth P. Harmeyer  
23845 Ida Lane  
Hayward, CA. 94541  
(510) 805-6834

Mr. Mullen:

Thank you very much for taking the time to talk with me today. Seeing the map with the colors helped a lot. You seemed perplexed that I would be worried about an area that my church is not in. As a Christian I feel it is part of my responsibility to be involved, and I will fight for the rights of all Christians.

I am very concerned that the city would consider not letting churches open, but not tell other businesses not to open. An example would be this. A church would not be allowed to open, but a occult bookstore would. This is not fair nor is it equitable. I understand that the idea behind it was to get more retail business in the downtown area. However, I have seen many stores and buildings empty for years. At least if a church were to move in the building would be rented. If a church were to rent some space downtown, at least there would be people in the area. I see this as a way to start restricting churches all over Hayward. You start with the downtown area, then move out from there. I lived in a Totalitarian regime for four years, they would start some new restrictive law just as the City of Hayward is starting. That way by the time people noticed they had no rights it was too late.

I would very much like to be involved in the plans for the area. I also would very much like to be included on the mailing list for this problem.

Sincerely

  
Kenneth P. Harmeyer

**RECEIVED**

SEP 24 1998

DEVELOPMENT REVIEW DIVISION



# CITY OF HAYWARD AGENDA REPORT

AGENDA DATE September 15, 1998

AGENDA ITEM \_\_\_\_\_

WORK SESSION ITEM WS#2

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: ZONING ORDINANCE UPDATE - TEXT AMENDMENT NO. 98-140-04 -  
CITY OF HAYWARD, APPLICANT

## RECOMMENDATION:

That the City Council make suggestions and comments on the issues being raised by the Planning Commission and staff as potential amendments to the Zoning Ordinance.

## DISCUSSION:

At a work session held by the Planning Commission on September 10, 1998, Commissioners discussed the following policy issues.

- The possibility of requiring site plan review for proposed industrial developments that do not meet minimum development standards.

One of the suggested changes to the Zoning Ordinance is to require site plan review for new industrial developments that do not meet minimum development standards and to provide input on what these standards should be. During the public comment portion of the meeting, industrial developer Sherman Balch urged the Planning Commission not to apply another layer of review to industrial development. He said that although he supports good industrial design, other methods might be employed such as deed restrictions or covenants. The consensus of Planning Commissioners was that there should be a provision for good design in the Industrial District but that the process to improve design should not slow the review process. One Commissioner suggested looking at specific areas within Hayward where industrial development standards would be applied, and one Commissioner suggested looking at methods to expedite the process for approving industrial development.

- Eliminating thrift stores, consignment stores and churches in the Central City area.

The Planning Commission brought up several issues both in support and in opposition to the suggestion to eliminate thrift stores, consignment stores, and churches from the Central City area. Some commissioners recognized that elimination of these uses would be in keeping with the established goal for the downtown to create a vibrant retail center.

Mayor and City Council  
Meeting of September 15, 1998

One Commissioner said that the suggested amendment to eliminate thrift stores might be discriminatory in that these uses serve a need for a segment of the population who may be less fortunate than others. Another mentioned that it would be difficult to regulate consignment stores since some tend to carry high-end merchandise and others deal in goods more in keeping with thrift stores.

▪ **Providing for childcare opportunities in the Commercial Office District.**

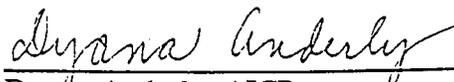
The proposed amendment to the Zoning Ordinance provides for child care as a use permitted upon approval of an administrative use permit. No objections were raised by Planning Commissioners to allow childcare in the Commercial Office District, and one Commissioner said she heartily supports childcare opportunities in Hayward. The consensus of the Planning Commission was that an administrative use permit should be required to ensure compatibility with adjacent uses and that the property under consideration can provide safe drop-off areas and adequate play areas. During the public comment portion of the work session, Michael Kaplan, a childcare provider, appeared in support of the amendment to allow child care in the Commercial Office District but objected to a discretionary review process by the City.

▪ **Allowing regionally serving commercial centers on parcels of at least four acres that are freeway-accessible in the Industrial District.**

Currently the Zoning Ordinance allows regionally serving commercial centers in the Industrial District on parcels that are at least eight acres. Staff has reviewed the potential for this type of development and has determined that reducing the minimum acreage to four would provide more opportunities for this type of development along Hayward's freeway frontages in the Industrial District.

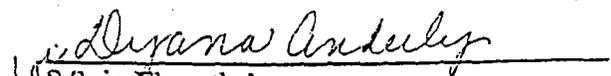
Planning Commissioners expressed a desire to devote more time to reviewing the Zoning Ordinance amendments and requested devoting an evening to the effort. Staff indicated that, following the City Council work session and meetings with the Chamber of Commerce and neighborhood groups, another work session would be held with the Planning Commission.

Prepared by:

  
\_\_\_\_\_  
Dyania Anderly, AICP  
Development Review Services Administrator

Mayor and City Council  
Meeting of September 15, 1998

Recommended by:

  
Sylvia Ehrental  
Director of Community and Economic Development

Approved by:

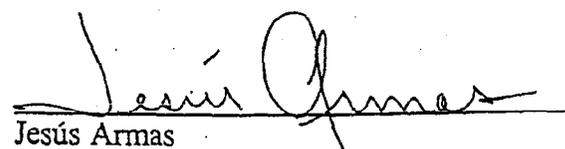
  
Jesús Armas  
City Manager

Exhibit:

Planning Commission Staff Report, dated September 10, 1998



ATTACHMENT G

CITY OF  
**HAYWARD**  
HEART OF THE BAY

**INVITATION TO COMMENT ON PROPOSED  
ZONING ORDINANCE UPDATE**

**Date:** November 6, 1998

**To:** Neighborhood Plan Task Force Members  
Homeowner Associations  
Livestock Focus Group

**From:** Dyana Anderly, Development Review Services Administrator *DA*  
Charles P. Mullen, Associate Planner *CPM*

**Subject:** Zoning Ordinance Update

The City of Hayward staff is in the process of preparing a comprehensive update of the Zoning Ordinance. We are inviting you to attend this meeting to review the proposed Zoning Ordinance amendments. The attachment summarizes the major proposed changes. The meeting will be held on:

**Monday, November 16, 1998**  
7:30 - 9:00 PM  
Hayward City Hall  
Work Session Conference Room 2-A  
777 B Street  
Hayward, CA 94541

Please call Kimberly Bridges at (510) 583-4200 to let us know if you are coming. If you would like more information about this topic, please contact Charles Mullen, Associate Planner, at (510) 583-4209 or Email comments to [charliem@ci.hayward.ca.us](mailto:charliem@ci.hayward.ca.us).

We anticipated that the Zoning Ordinance update will be reviewed at work sessions with the Planning Commission and City Council in early 1999.

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT  
DEVELOPMENT REVIEW SERVICES

777 B STREET, HAYWARD, CA 94541-5007

TEL: 510/583-4200 • FAX: 510/583-3649 • TDD: 510/247-3340

## SUMMARY OF PROPOSED ZONING ORDINANCE CHANGES

The Zoning Ordinance update reflects many comments and suggestions from the Planning Commission and City Council made over the past two years. While it would be too difficult to itemize every change to the Zoning Ordinance, a general summary of the substantive changes and revisions proposed by staff are provided below. Copies of the draft Zoning Ordinance Update are available for review at the Main City Library and Development Review Services Division office at City Hall.

### New Sections and Zoning Districts:

- A "Public Facilities" zoning district has been created to be consistent with the General Policies Plan and Map. Eventually, all public facilities, such as post offices, schools, CSUH, and City Hall can be identifiably zoned "PF" on the Zoning Map.

### Design and Performance Standards:

- Design and Performance Standards have been updated and expanded to include frequently used general regulation requirements and other frequently applied standards.
- Several specific recommended additions to the commercial and industrial districts design and performance standards include the following:
  - ✓ Criteria and standards for detached accessory buildings, including but not limited to carports, garages, greenhouses, patio covers, sheds, etc.
  - ✓ Criteria and standards for accessory structures including but not limited to arbors, rain and shade covers and tents, trellises, etc.
  - ✓ Criteria and standards for decks and ramps.
  - ✓ Criteria and standards for drive-through Coffee/Esspresso Shops.

### Residential Districts:

- A proposed recommendation to the single-family residential district would require that at least one side of a second story single-family home be stepped in 5 feet.
- Staff is currently reviewing state law regarding regulation of group homes and residential family care facilities. State law has preempted local regulation of some residential care facilities, however, there does appear to be room to regulate certain types of licensed residential care facilities. Recommendations in this area may be presented with the final Zoning Ordinance version or sometime soon thereafter.

### Commercial Districts:

- It is recommended that "Thrift Stores" and "Religious Facilities" be deleted from the Central City-Commercial and Plaza (CC-C & CC-P) Districts. Staff also recommends specifically disallowing "Consignment Stores" in the CC-C & CC-P Districts.

- A limit to the height of buildings in the CC-C district around the new City Hall building is recommended. Currently there is a provision to allow an additional story beyond the maximum height limit if the building lot coverage is reduced. It is recommended that this extra height allowance not be available to buildings immediately surrounding City Hall. This change would require a revision to the "Building Heights" section of the Downtown Hayward Design Plan. Necessary amendments to the downtown plan would be processed concurrently with the Zoning Ordinance.
- A change requiring an Administrative Use for a "Check Cashing Store" rather than allowing it to remain as a Primary Use is proposed. This would allow staff to review for land use compatibility issues.
- The addition of day care centers to the Commercial Office (CO) District has been requested by a private party to be added to the list of primary uses. While staff supports the addition of day care centers in the CO District we believe it should be subject to an Administrative Use Permit, to allow review for land use compatibility issues.

#### Industrial District:

- It is recommended that the truck-parking requirement for restaurants be eliminated in the Industrial District. Staff has observed that this requirement discourages many restaurants from locating in the Industrial District.
- It is recommended that Site Plan Review of Industrial buildings be required to promote quality-building designs, particularly at prominent and highly visible locations in the City. Currently only industrial buildings for those uses requiring an Administrative or Conditional Use Permit allow the City to review the building design.
- Retail sales of commodities produced or distributed on-site would be allowed with no permit, up to 10% of floor area (currently requires Administrative Use Permit).
- Weekend retail sales of goods manufactured or warehoused on the premises are proposed to be allowed year-round (currently only 4 times/year).
- RV Storage and Public Storage facilities are proposed to require a Conditional Use Permit (currently, RV Storage requires an Administrative Use Permit as "outdoor storage", and Public Storage is principally permitted as "warehousing").
- Regional marketing retail uses are proposed to be permitted on a 4-acre parcel visible from 880 or 92 with a Conditional use Permit (currently is 8 acres).
- Plant nurseries, (plants) are proposed to be permitted on a +2-acre parcel located on an arterial street with a Conditional Use Permit (currently not allowed).
- It is recommended that the use of shipping storage containers for outside storage be prohibited (currently the Ordinance is silent on this issue).

Airport Terminal District:

- For the "Airport Terminal - Commercial" (AT-C) zone, a broader use list (including retailing, manufacturing and warehousing) has been requested by a private party. Expansion of retail uses is supported but not manufacturing and warehousing. Staff believes that the sites in this zone are too visible along Hesperian Boulevard and are best devoted to office, research/development, and retail uses. However, the "electronics assembly" use that is currently listed could remain. Additional retail uses are proposed to be added to the AT-C.

Livestock and Animal Regulations:

The proposed amendments to livestock regulations as contained in the Zoning Ordinance serve to clarify the definitions of livestock and other animals covered by existing ordinances, revise the types of permits required for the keeping of certain animals, allow consideration of additional residential zoning districts for the keeping of certain animals, and add specific guidelines for the maintenance of livestock and other animals. One of the more significant changes would allow for the keeping of medium livestock (e.g., sheep and goats) and large livestock (e.g., horses and cows) in the RS zoning district, on at least half-acre parcels, under certain conditions and with approval of an Administrative Use Permit. Other changes primarily involve the addition or clarification of minimum requirements for the maintenance of livestock.

- 0 -