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**File #:** ACT 22-093

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**DATE:** October 6, 2022

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works

**SUBJECT**

2023 Electrification Reach Codes - Discussion and Recommendation to Council  
**RECOMMENDATION**

That the Council Sustainability Committee (CSC) reviews and comments on this report and provides a recommendation to Council to adopt two Reach Code Ordinances:

1. A New Building Electrification Ordinance; and
2. Amendments to the Off-Street Parking Regulations to Add Electric Vehicle Charging Requirements.

**SUMMARY**

Hayward's current Reach Code will expire on December 31, 2022. To continue the current requirements that prohibit or limit the use of natural gas in new buildings and to continue to require electric vehicle charging infrastructure beyond what is required in the State building code, new ordinances will need to be adopted. On June 14, 2022, Council considered potential elements that may be included in a new Reach Code. This report presents additional considerations and draft ordinances addressing electrification of new buildings and electric vehicle charging requirements.

**ATTACHMENTS**

- Attachment I Staff Report
- Attachment II Electric Muni Code
- Attachment III Article 2 - Off-Street Parking Regulations



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Director of Development Services

**SUBJECT** 2023 Electrification Reach Codes – Discussion and Recommendation to Council

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Hayward's current Reach Code will expire on December 31, 2022. To continue the current requirements that prohibit or limit the use of natural gas in new buildings and to continue to require electric vehicle charging infrastructure beyond what is required in the State building code, new ordinances will need to be adopted. On June 14, 2022<sup>1</sup>, Council considered potential elements that may be included in a new Reach Code. This report presents additional considerations and draft ordinances addressing electrification of new buildings and electric vehicle charging requirements.

## **BACKGROUND**

On March 3, 2020<sup>2</sup>, Council adopted a local amendment to the 2019 California Building Code known as a Reach Code. The Reach Code ordinance as well as checklists for builders and developers are available on the City's website<sup>3</sup>. The Code requires all new single-family homes and new low-rise multi-family buildings (up to 3 stories) to be all-electric. Non-residential and high-rise residential buildings can be either all-electric or mixed fuel (both electric and natural gas equipment). The Code also includes requirements for Electric Vehicle (EV) charging infrastructure. When Hayward's Reach Code was adopted in March 2020, there were twenty-eight such codes adopted by local jurisdictions throughout

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<sup>1</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=5690621&GUID=8DFFECAD-5955-417E-98E6-9FA859F8C2EF&Options=&Search=>

<sup>2</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=4345454&GUID=25134FC7-B7A3-4060-955A-F7A30A27567A&Options=&Search=>

<sup>3</sup> <https://www.hayward-ca.gov/reach-code>

California. In December 2021, Contra Costa County became the 54<sup>th</sup> local jurisdiction to adopt an electrification reach code.

The California Building Code is updated every three years. The 2019 California Building Code and Hayward's Reach Code will both expire on December 31, 2022. The 2022 CalGreen Code will take effect on January 1, 2023. In order to continue Hayward's current Reach Code requirements, a new Reach Code must be adopted this year to be effective along with the 2022 California Building Code in January 2023.

Staff is working closely with a Bay Area working group<sup>4</sup> led by East Bay Community Energy (EBCE), Peninsula Clean Energy (PCE), Silicon Valley Clean Energy (SVCE), and their consultants to prepare Hayward's new Reach Code. The working group is developing model codes for local jurisdictions to consider. The draft model codes were used to develop preliminary considerations for Hayward's new reach code, which were presented to the CSC on March 14, 2022<sup>5</sup>. Following is a summary of the comments made by the CSC:

1. New Low Rise Residential Buildings – The CSC supported continuing the existing all-electric requirement for new Low Rise Residential Buildings.
2. New Non-residential & High-Rise Residential Buildings - The CSC supported staff's recommendation to remove the existing mixed-fuel pathway so that all new buildings would have to be all-electric. For new non-residential buildings, the CSC wants to allow some flexibility – especially for industrial uses.
3. New Accessory Dwelling Units – The CSC supported ending the current exemption for ADUs smaller than 400 square feet but asked about how it may impact the cost of building an ADU. (A cost-effectiveness study including an analysis for an all-electric ADUs should be available later this month.)
4. Existing Buildings – The CSC supported prohibiting gas extensions in older homes, however, doing so may make it difficult to build smaller attached ADUs. Regarding extensions of gas lines in older existing industrial buildings, the CSC asked staff to consult with the business community.
5. End of Flow – The CSC supported the concept of ending the flow of gas by 2045 but asked about the difficulty of enforcing such a policy and questioned community acceptance.
6. Existing Residential – The CSC agreed Hayward should wait for the California Air Resources Board (CARB) or the Bay Area Air Quality Management District (BAAQMD) to enact a ban on the sale of gas appliances.
7. EV Charging Requirements – The CSC would like to see robust requirements, but asked for more information about the costs of developing charging infrastructure.

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<sup>4</sup> <https://bayareareachcodes.org/>

<sup>5</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=5523060&GUID=4A5988AD-D820-4426-9F53-9CC938F9C94F&Options=&Search=>

On May 9, 2022<sup>6</sup>, the CSC considered a report with additional information regarding options for new non-residential buildings as well as alternatives and costs associated with EV charging requirements. Staff recommended that items 4, 5 and 6 in the list above be deferred to the next code cycle as more research is needed to evaluate costs and equity implications. CSC members provided the following comments:

- The Code should include limited exceptions that would allow gas for restaurants and life science-related industrial uses.
- EV charging is going to be in high demand in the future and the Code should require higher levels of charging capacity at multi-family properties.

On May 26, 2022, the Planning Commission considered a report<sup>7</sup> about the Reach Code update and had the following comments:

- A community member in attendance asked for clarification regarding the EV charging requirement for single family homes. The speaker noted that families can program their cars to charge at certain times and that only one charger is needed for two EVs.
  - The community member was correct. Compliance with the requirement for two Level 2 EV Ready spaces can be achieved with one circuit that provides sufficient amperage. The two spaces could be served by one receptacle and one charger that can charge two vehicles simultaneously. Some chargers have integrated automatic load management so that when only one car is charging, it will receive more amperage.
- Cooking - One Commissioner noted that single family residents can use an outdoor barbeque to cook outdoors when the grid is out and asked about a solution for people living in a high-rise apartment building.
  - People living in large apartment buildings typically have limited options for cooking outdoors, however, the 2022 Energy Code requires some solar photovoltaic (PV) panels and battery storage for high-rise apartments, which should ameliorate power outages. It should also be noted that for people who are unable to cook outdoors, a gas range should not be lit manually and should never be used when there's no electricity to provide for mechanical ventilation.
- Can renewable natural gas be used for certain industrial uses?
  - Renewable natural gas (RNG) is typically captured methane from farms, landfills, or wastewater treatment plants. The estimated RNG production potential in the United States is a small fraction of the current natural gas used by industry. Use of RNG should be prioritized for power generation or fueling stations at the site of the gas generators, as the distribution system to get renewable gas to buildings is extremely expensive.

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<sup>6</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=5644449&GUID=373D251F-6874-4DC3-AF7B-299444A3DA9A&Options=&Search=>

<sup>7</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=5658536&GUID=EF329D60-09D7-4B60-B855-E277BB29823F&Options=&Search=>

- The EV charging requirements can add a significant electrical load to a building. When considering the necessary capacity of the electrical panel, does the Electrical Code consider the presence of an automatic load management system (ALMS)?
  - Yes, accounting for ALMS is a best electrical engineering practice, and is assumed in cost models.
- Regulations can be very complex. Reach Code should be simple.
- Are different chargers needed for low versus high power Level 2 charging? What is the cost of each type of charger?
  - The cost of a low power (20-amp) Level 2 charger with one plug is approximately \$500.
  - The cost of a high power (40-amp) Level 2 charger with one plug is approximately \$700
  - The cost of a high power (40-amp) Level 2 charger with two plugs is approximately \$1,600
- During a power outage, many people try to cook with gas indoors or in other poorly ventilated areas, which is very dangerous and can be deadly. Training should be provided so that people know what to do and not do during an outage.
- Perhaps the cost savings associated with not installing gas in a new building can offset the cost of the EV charging required.
- More charging should be required for new commercial buildings.
- Some housing developments have EV Ready infrastructure and years after the people move in, there are still no chargers. Perhaps there should be a condition of approval to require installation of chargers.

On June 14, 2022, Council held a work session<sup>8</sup> to review the components of the new Reach Code and staff made the following recommendations:

- Residential Buildings – All new residential buildings, including mixed-use buildings, must be all electric.
- Non-Residential Buildings – New non-residential buildings may be all electric or may have gas. If the building has gas installed, it must be “electric ready”, meaning they have the wiring, electrical capacity and space needed to be converted to an all-electric building in the future.
- EV Charging – Increased requirements for new multifamily development and continuing the current charging requirements for other land use types with minor changes.

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<sup>8</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=5690621&GUID=8DFFECAD-5955-417E-98E6-9FA859F8C2EF&Options=&Search=>

Staff also requested Council comments regarding the possibility of lesser EV charging requirements or exemptions for affordable housing and noted the following pros and cons:

Arguments in Favor of Exemption	Arguments Against Exemption
If charging is not required, it can be incentivized for projects receiving City funding.	Equity. All residents should have same amenities.
All projects would still need to meet state code (charging for 40% of parking spaces).	Many more people will be driving EVs in coming years.
Affordable Housing is exempted from TIF, Park Fees, and sometimes CEQA.	Charging is an amenity that benefits residents.
HCD will be reviewing Housing Element for policies that facilitate housing.	Much cheaper to install at time of initial construction compared to retrofit.

There was one public comment from a person representing the Sierra Club who expressed support for the reach code and requested the most proactive approach possible.

Council made the following comments:

- The recommendations are a thoughtful and balanced approach.
- EV charging is needed for affordable housing, especially to promote equity among residents of different housing types.
- Requirements for more EV charging would be preferred.
- We can target non-residential construction during the next code cycle.
- Staff should continue engagement with the Sierra Club and affordable housing developers.

## DISCUSSION

Hayward’s current Reach Code requirements are included in Chapter 9, Article 1, of the Hayward Municipal Code. Staff recommends that the current requirements be repealed and that the new requirements be addressed in two ordinances. The building electrification requirements would be Article 8 of Chapter 9 (Attachment II) and the electric vehicle requirements would be amendments to the City’s Off-Street Parking Regulations (Chapter 10, Article 2) (Attachment III).

Following the June 14 Council meeting, staff’s recommendations were adjusted as shown below with underlined text:

- Residential Buildings – All new residential buildings, including mixed-use buildings, must be all electric, including all ADUs. (Please see discussion below.)

- Non-Residential Buildings – New non-residential buildings may have gas, but must be “electric ready”, meaning they have the wiring, electrical capacity and space needed to be converted to an all-electric building in the future.
- EV Charging –
  - Increased requirements for new multifamily properties.
  - In response to Council comments at the June 14 meeting, the same charging requirements would apply to both market rate and affordable developments.
  - Continue current charging requirements for other land use types with minor changes.
  - Apply EV charging requirements when new parking spaces are added due to a change of use or addition to an existing building. (Staff added this provision partially in response to Council comments at the June 14 meeting and also because the development of new parking areas associated with a significant addition or change of use is an opportunity similar to new construction that should not be missed.)

*New Accessory Dwelling Units* – The current reach code exempts ADUs less than 400 square feet, which means they can include natural gas appliances for water heating, space heating, etc. Smaller ADUs were exempt primarily due to the extra space required for an electric heat pump water heater, which has a tank compared to gas-fired tankless water heater. However, the new California Energy Code, effective in January 2023, specifically allows electric tankless water heaters (using electric resistance technology) in homes of 500 square feet or less. All requirements of the California Energy Code must be found to be cost effective before they become part of the Code. Given that an electric tankless water heater is a cost effective and space-saving option, staff recommend requiring all ADUs to be all electric.

*New Non-Residential and High-Rise Residential Buildings* – The current Reach Code allows non-residential and high-rise residential buildings to be either all-electric or mixed-fuel. The mixed fuel option includes a complex set of solar and energy efficiency requirements and no building permit applicants have opted to pursue this path. While staff previously recommended eliminating the mixed-fuel option and considering a gas ban, non-residential builders, Economic Development staff, and the CSC had all requested that there be exceptions to a gas ban – particularly for certain industrial uses and restaurants.

As noted in the June 14 Council report, exceptions that apply in limited cases would be difficult to articulate in an ordinance and would be time-consuming for Building Division staff to administer. Additionally, most new commercial and industrial buildings are speculative and are built without knowing the tenant(s) in advance. After many conversations with stakeholders, including City Building Division staff, staff recommended a simpler approach for new non-residential buildings.

The proposed requirements would allow gas in new non-residential buildings. For new buildings that do include gas, the draft code requires “electric-readiness”. This means that wiring, panel capacity, electrical receptacles and physical space must be provided for future conversion to electric equipment. The Code adopted this year will be in place for calendar years 2023 through 2025. In 2025, the Reach Code can be re-evaluated and could include new requirements to take effect in January 2026.

*Air District CEQA Thresholds of Significance* – While Hayward’s code can allow the use of gas in new non-residential buildings, the Bay Area Air Quality Management District (BAAQMD) has a new standard that makes it more difficult to include natural gas infrastructure. On April 20, 2022, the BAAQMD’s Board of Directors adopted new thresholds of significance for use in environmental analyses prepared pursuant to the California Environmental Quality Act (CEQA).

The thresholds are used to determine when an environmental impact is considered “significant”. If an impact is considered significant and it cannot be mitigated, then the project is required to have an environmental impact report prepared. While the previous thresholds were quantitative, such as a certain number of metric tons of carbon dioxide equivalent per year, the new thresholds are qualitative due to the state’s goal to be carbon neutral by 2045. The new thresholds are that any new building must either:

1. not include natural gas; or
2. be consistent with a local approved, *qualified* climate action plan (CAP).

Hayward’s CAP is not *qualified* because it only identifies the actions necessary to meet the 2020 greenhouse gas (GHG) reduction target. The CAP currently being updated to include the actions needed to meet the 2030 target. In order for a project to avoid having a significant impact, Hayward’s CAP would need to identify a means for reducing or eliminating the GHG emissions from the gas use by 2045. Staff is currently working with a consultant team on an update of the CAP and anticipates including a provision that would allow the use of gas through 2025 while still maintaining a path toward carbon neutrality by 2045. The recommended CAP will likely call for a complete ban on new gas infrastructure effective in January 2026. Staff is seeking Council comments on this potential gas ban, which is also mentioned in another report for today’s CSC meeting – *Climate Action Plan– Considerations for New General Plan Policies and Programs*.

*EV Charging* – The recommended requirements for EV charging infrastructure are summarized below and have been incorporated into the City’s Off-Street Parking Regulations (Attachment III). In addition to requirements for new construction, the regulations have been amended so that the EV charging requirements would apply to new parking spaces that are required by the parking regulations as a result of a change in use or an addition to an existing building. The development of EV charging infrastructure does add cost to the new development and those costs have been detailed in the previous reports referenced above. It has also been recognized that installing charging at the time of new development is significantly cheaper than that doing so as a retrofit. Given the regulations recently adopted by the California Air Resources Board requiring that all new passenger vehicles be zero emission by 2035, there will be significant demand for EV charging in the near future.



Land Use Type	Current Requirements	Recommended Requirements
Single Family & Townhome	Two Level 2 EV Ready spaces per dwelling unit	Two Level 2 EV Ready spaces per dwelling unit
Multi-Family Residential	25% Level 2 EV Capable; and 75% Level 2 EV Ready	20% of units with parking spaces, Level 2 EVSE; and 80% of units with parking spaces, Low Power Level 2 EV Ready.
Non-Res Office	20% Level 2 EVSE; and 30% Level 2 EV Capable	20% Level 2 EVSE; and 30% Level 2 EV Capable
Non-Res Non-Office	15% Level 2 EVSE	10% Level 2 EVSE; and 10% Level 2 EV Capable
Hotel/Motel	NA	5% Level 2 EVSE; and 25% Low Power Level 2 EV Ready

- EV Capable means the electric panel has necessary capacity and conduit is installed to parking spaces.
- EV Ready means EV Capable and wiring and outlet are installed.
- EVSE means Electric Vehicle Supply Equipment (charger) is installed.
- Low Power means a 20-Amp circuit. (A typical Level 2 charger uses a 40-Amp circuit.)

## FISCAL IMPACT

Development of this years' Reach Code will not impact the City's General Fund. Time spent on research and writing of the Code will be completed by existing, budgeted staff. Enforcement of Hayward's current Reach Code has resulted in some impacts to staff as developers often have questions about compliance. Staff's recommendations for the new Reach Code, including allowing gas in non-residential buildings and eliminating the mixed-fuel pathway with additional solar and energy efficiency requirements, are expected to result in a Code that is simpler and easier to enforce. The current requirements are included over several pages in the municipal code and the proposed ordinance is less than two pages.

## ECONOMIC IMPACT

The requirements for EV charging infrastructure will increase the cost of construction; however, future residents or employees can benefit from the cost savings of operating an EV compared to a gasoline vehicle. In addition, significant savings can be realized when

installing EV Capable and EV Ready circuits at the time of new construction as compared with the retrofit of an existing building or existing parking lot. Previous reports to the CSC and Council included much more detail about the costs of EV charging infrastructure.

Local amendments to the California Energy Code require documentation to ensure the proposed requirements are cost-effective, however, the recommended Reach Code is not an amendment to the Energy Code because it does not address energy efficiency. This approach does not require a cost-effectiveness study; however, the Statewide Codes & Standards Reach Codes team has prepared studies that may be used by local jurisdictions. Generally, the studies completed to date show that all-electric buildings are less costly to construct due to the avoided cost of installing gas infrastructure, but operational costs are higher compared to mixed-fuel buildings. However, if additional solar photovoltaic (PV) panels and/or energy efficiency measures are included, then an all-electric building is typically cost-effective over a 30-year period. The most significant exception is that a new stand-alone restaurant is often found to be not cost-effective.

## **STRATEGIC ROADMAP**

This agenda item supports the Strategic Priority to *Confront Climate Crisis & Champion Environmental Justice* as included in the Strategic Roadmap adopted by Council on May 3, 2022. Specifically, this item is related to implementation of the following projects:

- Project C1 Ban natural gas in new residential buildings (Completed with the March 2020 adoption of the Reach Code.)
- Project C2 Require EV charging infrastructure in new construction (Completed with the March 2020 adoption of the Reach Code.)
- Project C10 Explore feasibility of banning natural gas in non-residential (commercial) buildings.

## **SUSTAINABILITY FEATURES**

The use of electric appliances in homes and businesses avoids indoor air pollution associated with the burning of natural gas. Ending the use of natural gas and providing the infrastructure needed for a transition to electric vehicles are both necessary to meet the City's long term GHG reduction goals, which include:

- 30% below 2005 levels by 2025
- 55% below 2005 levels by 2030
- work with the community to develop a plan that may result in the reduction of community based GHG emissions to achieve carbon neutrality by 2045

## **ENVIRONMENTAL REVIEW**

Staff anticipates recommending that Council find the Reach Code to not be a project under the requirements of the CEQA, together with related State CEQA Guidelines because it has no potential for resulting in a physical change to the environment. The Ordinance may also be exempt from environmental review under CEQA Guidelines Section 15308, because it is a regulatory action for the protection of the environment.

## **PUBLIC CONTACT**

The Bay Area working group hosted two workshops for building industry stakeholders and community members on February 15 and 16, 2022. Staff sent an email to 658 builders and developers to let them know about these workshops and the March 14 CSC meeting. At the February workshops, attendees were generally supportive of reach codes. Specific comments included:

- Automatic Load Management (for EV charging) is critical and still new, and more education is needed.
- Multi-family property owners said they do not want to be in the EV charging business. They requested that EV charging be required such that it is on the utility's side of the electric meter.

In addition, in early 2022, staff reached out to six representatives of affordable housing developers and had phone conversations with three to review existing and potential EV charging requirements.

On May 6, 2022, staff presented to the Hayward Chamber of Commerce's Government Relations Council. The Chamber members' comments included:

- Questions about the capacity of the electrical grid and its ability to accommodate the increased load that will result from electrification.
- People still love to cook with gas.
- More direct outreach is needed to get the word out to business owners and multi-family property owners.

In May and June, staff had conversations with four large commercial/industrial developers who indicated that most new buildings are developed on speculation and that they prefer to maximize flexibility to help with marketing the buildings to potential tenants.

In September, staff reached out to a variety of developers, including affordable housing developers, and the Sierra Club. Staff will provide a summary of the latest feedback during the CSC meeting.

## **NEXT STEPS**

Upon direction from the CSC, staff will prepare the draft reach code ordinances for Council's consideration. Following is a tentative timeline:

November 1, 2022	Council to consider adoption
January 1, 2023	Reach Code takes effect along with the 2022 CA Building Code

*Prepared by:* Erik Pearson, Environmental Services Manager

*Recommended by:* Alex Ameri, Director of Public Works  
Jennifer Ott, Assistant City Manager/Development Services Director

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', with a long horizontal flourish extending to the right.

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Kelly McAdoo, City Manager

**Article 8 - 2022 All-Electric & Electric-Ready Ordinance – New Construction****9-8.100.000 –FUEL GAS PLUMBING INFRASTRUCTURE IN NEWLY CONSTRUCTED BUILDINGS****9-8.100.010 Applicability**

- A. The requirements of this Chapter shall apply to the building permits for all *newly constructed buildings* proposed to be located in whole or in part within the City.
- B. The prohibition of *Fuel Gas Infrastructure* shall apply to permit applications on or after the effective date of this Chapter, and in perpetuity.
- C. The requirements of this Chapter shall not apply to the use of portable propane appliances for outdoor cooking or heating.
- D. This chapter shall in no way be construed as amending California Energy Code requirements under California Code of Regulations, Title 24, Part 6, nor as requiring the use or installation of any specific appliance or system as a condition of approval.

**9-8.100.020 Definitions**

- A. “Fuel Gas” shall be defined as natural, manufactured, liquefied petroleum, or a mixture of these, as defined in the California Mechanical Code.
- B. “Fuel Gas Infrastructure” shall be defined as fuel gas piping, other than service pipe, in or in connection with a building, structure or within the property lines of premises, extending from the point of delivery at the gas meter, service meter assembly, outlet of the service regulator, service shutoff valve, or final pressure regulator, whichever is applicable, as defined in the California Mechanical Code.
- C. “Newly Constructed” building shall be defined as a building that has never before been used or occupied for any purpose. New construction in existing buildings, such as alterations, additions, and tenant improvements, shall not be considered Newly Constructed.
- D. “Residential Building” shall be defined as a building, other than a hotel/motel, that is Occupancy Group R-2, multifamily, R-3, single- family; or U-building, located on a residential site. For the purposes of this Article, a Residential Building shall include all portions of a mixed-use building, including those portions to be occupied by a non-residential use.
- E. “Non-Residential Building” shall be defined as any building which is classified as occupancy Group A, B, E, F, H, I, M, S, and/or U, as defined by Part 2 of Title 24 of the California Code or Regulation.

**9-8.100.030 Prohibited Fuel Gas Infrastructure in Newly Constructed Residential Buildings**

- A. *Fuel Gas Infrastructure* shall be prohibited in *Newly Constructed Residential Buildings*.
- B. The requirements of this Article shall be deemed objective planning standards under Government Code Section 65913.4 and objective development standards under Government Code Section 65589.5.

9-8.100.035 Electric Readiness in Newly Constructed Non-Residential Buildings

- A. Where *Fuel Gas Infrastructure* is installed as part of a *Newly Constructed Non-Residential Building*, the building shall be required to have sufficient electrical capacity, including reserved circuit breakers, electrical conduit, subpanels, panels, switchboards, and transformers, to facilitate future full building electrification in accordance with the California Electrical Code and manufacturer specifications, in addition to all other code requirements, and shall be depicted on the construction drawings.
- B. Physical space for future *electric heating appliances*, including equipment footprint and any associated ducting, shall be depicted on the construction drawings. The footprint necessary for future *electric heating appliances* may overlap with non-structural partitions and with the location of currently designed combustion equipment.

9-8.100.040 Periodic Review of Ordinance

The City shall review the requirements of this ordinance every 18 months for consistency with the California Energy Code and the Energy Commission's mid-cycle amendments and triennial code adoption cycle as applicable.

9-8.100.050 Severability

If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

The City Council hereby declares that it would have passed this title, and each section, subsection, sentence, clause, and phrase of this Chapter, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases is declared invalid or unconstitutional.

9-8.100.060 Effective Date

The provisions of this chapter shall become effective on January 1, 2023.

## ARTICLE 2 - OFF-STREET PARKING REGULATIONS

*Footnotes: --- (02\_1) ---*

**Note**— Adopted April 12, 1977, Ordinance No. 77-016 C.S., Amended in its entirety by Ordinance 96-13, adopted July 16, 1996; Amended by Ord 99-14, adopted September 7, 1999; Amended by Ordinance 01-09, adopted July 24, 2001; Amended by Ordinance 04-19, adopted December 21, 2004; Amended by Ordinance 05-11, adopted October 4, 2005; Repealed and replaced by Ordinance 06-12, adopted July 11, 2006; Amended by Ordinance 11-12, adopted October 11, 2011.

### I. - PURPOSE AND DEFINITIONS

#### SEC. 10-2.000 - PURPOSE.

These regulations are intended to achieve the following:

- a. To relieve congestion on streets by providing convenient off-street parking and loading facilities in proportion to the demand created by the use;
- b. To provide for the safe and orderly movement of traffic through proper design and location of adequate parking, loading, and maneuvering areas;
- c. To protect neighborhoods and surrounding land uses from vehicular parking, loading and traffic congestion, noise, and dust through proper aesthetic design and location of entries, parking areas, and landscaping;
- d. To promote businesses and industries by providing safe, convenient, attractive shopping and working environments;
- e. To encourage the use of alternate forms of transportation;
- f. To Implement the City's climate change, transportation, affordable housing, and economic development objectives established by the Hayward 2040 General Plan;
- g. To Provide for the safe, efficient, and equitable use of electric automobiles; and
- h. To Reduce the air pollution and greenhouse gas emissions generated by automobile use.

#### SEC. 10-2.100 - DEFINITIONS.

Certain words and phrases are defined within these regulations. Where it appears from the context of such words, phrases, or provisions that a different meaning is intended, the definition shall be as determined by the Director of Community and Economic Development/Planning Director.

- a. 'Automatic Load Management Systems (ALMS).' The words 'Automatic Load Management Systems (ALMS)' shall mean a control system designed to manage load across one or more electric vehicle supply equipment (EVSE), circuits, or panels, and share electrical capacity and/or automatically manage power at each connection point. ALMS systems must be designed to deliver no less than 3.3 kVa (208/240 volt, 16-ampere) to each EV Capable, EV Ready or EVCS space served by the ALMS, and meet the requirements of California Electrical Code Article 625. The connected amperage to the building site for the EV charging infrastructure shall not be lower than the required connected amperage per California Green Building Standards Code, Title 24 Part 11.
- b. 'Central Parking District.' The words 'Central Parking District' shall apply only to, and shall be coincidental with, the Central City (CC) Zoning Districts, including Central City Commercial (CC-C), Central City Plaza (CC-P) and Central City Residential (CC-R).

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- c. 'Direct Current Fast Charging (DCFC). The words 'Direct Current Fast Charging (DCFC)' shall mean a parking space provided with electrical infrastructure that meets the following conditions:
- i. A minimum of 48 kVa (480 volt, 100-ampere) capacity wiring.
  - ii. Electric vehicle supply equipment (EVSE) located within three (3) feet of the parking space providing a minimum capacity of 80-ampere.
- d. 'Electric Vehicle Charging Station (EVCS).' The words 'Electric Vehicle Charging Station (EVCS)' shall mean a parking space that includes installation of electric vehicle supply equipment (EVSE) at an EV Ready space. An EVCS space may be used to satisfy EV Ready space requirements. EVSE shall be installed in accordance with the California Electrical Code, Article 625.
- e. 'Electric Vehicle Supply Equipment (EVSE).' The words 'Electric Vehicle Supply Equipment (EVSE)' shall mean the electric vehicle charging connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.
- f. 'Gross Floor Area.' The words 'gross floor area' shall mean the area included within the exterior walls of a building or portion thereof, exclusive of vent shafts, eaves, overhangs, atriums, covered entries and courts and any portion of a structure above or below ground used for parking, parking aisles or loading areas.
- g. 'Level 2 EV Capable.' The words 'Level 2 EV Capable' shall mean a parking space provided with electrical infrastructure that meets the following requirements:
- i. Conduit that links a listed electrical panel with sufficient capacity to a junction box or receptacle located within three (3) feet of the parking space.
  - ii. The conduit shall be designed to provide at least 8.3 kVa (208/240 volt, 40-ampere) per parking space. Conduit shall have a minimum nominal trade size of 1 inch inside diameter and may be sized for multiple circuits as allowed by the California Electrical Code. Conduit shall be installed at a minimum in spaces that will be inaccessible after construction, either trenched underground or where penetrations to walls, floors, or other partitions would otherwise be required for future installation of branch circuits, and such additional elements deemed necessary by the Building Official. Construction documents shall indicate future completion of conduit from the panel to the parking space, via the installed inaccessible conduit.
  - iii. The electrical panel shall reserve a space for a 40-ampere overcurrent protective device space(s) for EV charging, labeled in the panel directory as "EV CAPABLE."
  - iv. Electrical load calculations shall demonstrate that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of 40 amperes.
  - v. The parking space shall contain signage with at least a 12" font adjacent to the parking space indicating the space is EV Capable.
- h. 'Level 2 EV Ready.' The words 'Level 2 EV Ready' shall mean a parking space that is served by a complete electric circuit with the following requirements:



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- i. A minimum of 8.3 kVa (208/240 volt, 40-ampere) capacity wiring.
  - ii. A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 30-ampere.
- i. ‘Low Power Level 2 EV Ready.’ The words ‘Low Power Level 2 EV Ready’ shall mean a parking space that is served by a complete electric circuit with the following requirements:
    - a. A minimum of 4.1 kVA (208/240 Volt, 20-ampere) capacity wiring.
    - b. A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.
    - c. Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.
  - j. ‘Nonconforming Use.’ The words ‘nonconforming use’ shall mean a use which, when commenced, complied with the regulations of the district in which the use was commenced but which does not conform to the present regulations of the district where the use is being conducted or located because of a zoning district change, ordinance amendment, or annexation. The term ‘nonconforming use’ shall be applicable to both land and buildings.
  - k. ‘Off-Street Loading Space.’ The words ‘off-street loading space’ shall mean a designated area or berth for the temporary parking and maneuvering of delivery vehicles for the purpose of loading or unloading.
  - l. ‘Off-Street Parking Space.’ The words ‘off-street parking space’ shall mean a designated area used solely for parking of motor vehicles, exclusive of public or approved private streets, areas reserved by precise plan line, and areas necessary for driveways, maneuvering, ramps, columns, walks, or similar purposes.
  - m. ‘South Hayward BART/Mission Boulevard Parking Area.’ (Repealed by Ordinance 11-12, adopted October 11, 2011)
  - n. ‘Use.’ The word ‘use’ shall mean the purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained.

## **II. - GENERAL PROVISIONS**

### **SEC. 10-2.200 - APPLICATION.**

This article shall not apply to existing uses established prior to its adoption except as hereinafter modified. Off-street parking and loading spaces shall be provided subject to the provisions of this chapter:

- a. At the time of construction of any new building.

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- b. At the time an existing building is altered or enlarged, except in the Central Parking District. The number of parking spaces or loading berths required for a major alteration or enlargement of an existing structure shall be in addition to the number of spaces or berths existing prior to the alteration or enlargement. The required number of parking spaces for that portion of the building existing prior to the alteration or enlargement shall not be increased as a result of the alteration or enlargement. For purposes of these requirements, 'major alteration or enlargement' shall mean an alteration or enlargement that would increase the number of parking spaces or loading berths required by at least 25 percent or by at least 10 parking spaces, whichever is greater.
  - c. At the time a new use is established in an existing building, where a major change of use or expansion in the existing use is involved for any lot, structure, or building, except in the Central Parking District, additional parking shall be provided for the new use based on the difference between the parking requirements for the new use as set forth in this article and the parking requirements for the prior use. For purposes of these requirements, 'major change of use' shall mean a change of use that would increase the number of parking spaces or loading berths required by at least 25 percent or by at least 10 parking spaces, whichever is greater.
  - d. At the time that cumulative additions to a single-family or multi-family dwelling increase the original building floor area by more than 50 percent per unit or increase the number of sleeping rooms.
  - e. ~~The Off-Street Electric Vehicle Charging requirements in this Article shall apply at the time when a new building is constructed.~~
  - f. The Off-Street Electric Vehicle Charging requirements in this Article shall apply:
    - a. At the time of construction of any new building; or
    - b. At the time when new parking spaces are added due to a change of use or addition to an existing building. (The calculation of EV charging infrastructure required shall be based only on the number of parking spaces added.)

NOTE: Excess parking spaces existing at the time a building is increased in area or a new use is established may be credited toward meeting the required parking.

#### **SEC. 10-2.201 - EXISTING PARKING AREAS.**

No existing use of land or structure shall be deemed a nonconforming use solely because of the lack of off-street parking or loading facilities required by this article. A change of occupancy is not a change of use unless the new occupant is considered in a different use classification, as described in [Chapter 10](#), Article 1, the Zoning Ordinance, than the former occupant.

#### **SEC. 10-2.202 - PRIOR USE REQUIREMENTS.**

No required parking spaces in existence prior to the date of this article, or established pursuant to the provisions of this article or subsequent amendments thereto, shall be eliminated unless an equivalent number of alternate spaces are provided in conformance with the requirements of this article.

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**SEC. 10-2.203 - FRACTIONAL SPACES.**

Any required fractional parking space shall be considered a required whole space.

**SEC. 10-2.204 MIXED USES.**

The total requirement for off-street parking spaces shall be the sum of the requirements of the various uses on the site except as provided in Section 10-2.401, Shared Parking, and Section 10-2.402, Off-site Parking, and Part VII of this Article.

Requirements for EV charging infrastructure are included in Part VIII of this Article, beginning with Section 10-2.800.

**SEC. 10-2.206 ADMINISTRATION.**

Except where indicated otherwise, the Director of Community and Economic Development/Planning Director shall administer and interpret these regulations. Prior to authorization for occupancy of any structure, including authorization for gas and/or electric meter service, City officials shall ensure that the use, arrangement, construction, and improvements are in accordance with plans approved through the verification of zoning compliance procedure.

**III. REQUIRED RATIO OF PARKING SPACES**

**SEC. 10-2.300 REQUIRED RATIO OF PARKING SPACES.**

Uses not specifically listed in this article shall provide the minimum off-street parking required of the use most similar in nature, as determined by the Director of Community and Economic Development/ Planning Director. Additional parking spaces may be required for developments requiring conditional use permits, parcel map or tract map approvals, or other conditionally approved projects at the discretion of the Director of Community and Economic Development/Planning Director.

**SEC. 10-2.310 RESIDENTIAL USES.**

The number of off-street parking spaces required for residential shall be:

USES	PARKING SPACES REQUIRED
<b>SINGLE-FAMILY DWELLINGS:</b>	2.0 covered per dwelling unit
If a lot abuts a public or private street that has no parking lane on either side of the street or is posted for no parking on both sides of the street.	2.0 covered per dwelling unit plus 2.0 open per dwelling unit, which shall not block access to the covered parking
If a dwelling with a single car garage was built prior to March 24, 1959	1.0 covered per dwelling unit
<b>MULTIPLE-FAMILY DWELLING(S):</b>	
Studio	1.0 covered and 0.50 open per dwelling unit
One-bedroom	1.0 covered and 0.70 open per dwelling unit
Two or more bedrooms	1.0 covered and 1.10 open per dwelling unit
* Ten percent of the multiple family parking spaces required shall clearly be marked for visitor's parking, at least 70 percent of which shall accommodate	* Included in the rental cost, a minimum of one covered parking space shall be assigned to each studio and one-bedroom unit, and a minimum of one

standard size vehicles. Where less than 10 parking spaces are required, a minimum of one standard parking space shall clearly be marked for visitor's parking.	covered and one uncovered parking space shall be assigned to each two or more bedroom or more units. Assigned unused spaces may not be rented to any other party. Any uncovered space may be covered instead.
MOBILE HOMES	2.0 per mobile home space, plus 1.0 guest parking space per three mobile home spaces within a mobile home park
ACCESSORY DWELLING UNIT(S)	See Section 10-1.2740 for parking criteria and standards.

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

**SEC. 10-2.320 LODGING, REST HOMES AND HOSPITAL USES.**

The number of off-street parking spaces required for boarding, hotels, convalescent homes, and hospital uses shall be:

USES	PARKING SPACES REQUIRED
BOARDING, rooming and transient homes, sleeping accommodations of clubs and lodges, and dormitories, including those of clubs, lodges, fraternities, and sororities	1.2 for each occupant based on capacity as designed.
HOTELS and motels	1.0 for each room, plus 1.0 for each two employees on the largest shift, plus 15% additional truck/trailer combination parking spaces, if located in an Industrial zoned area
CONVALESCENT, rest and nursing homes, homes for the aged, and sanitariums	1.0 for each 3.0 beds (See Section 10-2.770 for physically disabled persons parking requirements.)
HOSPITALS	1.0 for each hospital bed

**SEC. 10-2.321 PLACES OF LODGING, REST HOMES AND HOSPITAL USES ADDITIONAL PARKING.**

Additional parking spaces for those areas used for offices, laboratories, pharmacies, cafeterias, restaurants, or other uses shall be required pursuant to Section 10-2.204, Mixed Uses. The amount of additional parking spaces required shall per the appropriate 'use' table.

**SEC. 10-2.330 PLACES OF PUBLIC ASSEMBLY USES.**

The minimum number of off-street parking spaces required for places of public assembly uses shall be:

USES	PARKING SPACES REQUIRED
PLACES OF PUBLIC ASSEMBLY, having fixed seating, including: Auditoriums Race tracks Sports arenas	1.0 for each 4.0 seats or 1.0 for each 50 square feet of gross floor area used for public assembly, whichever is greater

Stadiums Theaters	
PLACES OF PUBLIC ASSEMBLY, having no fixed seating, including: Associations Business, trade, and professional societies Card rooms Clubs Community centers Convention or meeting halls Lodges Union Halls	1.0 for each 5.0 seats plus 1.0 for each 100 gross square feet of non-seating area
ATHLETIC clubs, gymnasiums, health clubs	1.0 per 200 square feet of gross floor area
BOWLING alleys	4.0 for each lane
BILLIARD halls	2.0 for each table
CHURCHES, mortuaries and funeral homes	For area used for the main assembly 1.0 for each five seats (22 inches of bench is equivalent to one seat or 1.0 for each 100 square feet of gross floor area, whichever is greater)
GOLF courses, driving range	5.0 per hole plus 1.0 per range tee
LIBRARIES, museums, art galleries	1.0 per 300 square feet of gross floor area
SCHOOLS:	
Colleges, not including dormitories, stadiums, and gymnasiums	1.0 for each two full-time equivalent students enrolled
High schools, not including stadiums and gymnasiums	1.0 for each four daytime students
Intermediate and elementary schools	1.2 for each classroom
Business, trade and other schools	1.0 for each four students
Nursery schools and day care facilities	1.0 for each four students, plus a drop off area
SKATING rinks	1.0 for each 200 gross square feet of skating area
SWIMMING pools, commercial	1.0 for each 200 gross square feet of water surface and dressing room area
TENNIS courts/racquet, commercial	3.0 per court

**SEC. 10-2.331 PLACES OF PUBLIC ASSEMBLY USES ADDITIONAL PARKING.**

Additional parking spaces in places of public assembly for those areas used for offices, restaurants, taverns, or other uses shall be required pursuant to Section 10-2.204, Mixed Uses. Additional parking spaces for bowling alleys, golf courses, swimming pools, tennis courts, gymnasiums, or similar uses shall be required for fixed spectator seating per 'Places of Public Assembly having fixed seating.' The amount of additional parking spaces required shall per the appropriate 'use' table.

**SEC. 10-2.340 OFFICE, RETAIL, AND SERVICE USES.**

The minimum number of off-street parking spaces required for office, retail, and service uses shall be:

USES	PARKING SPACES REQUIRED
AUTOMOBILE washing operations:	
Conveyor type	Five times the length of the washing operation in queuing space plus 2.0 parking spaces for drying and cleaning purposes per washing area or stall In all cases a minimum of 200 feet of queuing space and 5 parking spaces for drying and cleaning shall be provided
Non-conveyor type or self-service	3.0 queuing spaces per washing area in front of washing area or stall plus 2.0 parking spaces for drying and cleaning purposes per washing area
BARBER shops, beauty salons, nail care, massage parlors, tanning salons	2.0 for each chair or 1.0 for each 100 square feet of gross floor area, whichever is greater
GAS service stations	1.0 for each employee on the largest shift plus 2.0 for each hoist, rack, or area primarily designed for the servicing or minor repair of one motor vehicle, excluding fuel pump service areas plus 1.0 for air/water dispenser In all cases, a minimum of three off-street parking spaces must be provided.
GAS service stations with mini-markets	1.0 for each employee on the largest shift plus 2.0 for each hoist, rack, or area primarily designed for the servicing or minor repair of one motor vehicle, excluding fuel pump service areas plus 1.0 for air/water dispenser plus 1.0 for each 400 square feet of gross floor area. In all cases, a minimum of five off-street parking spaces must be provided.
LAUNDRY or dry-cleaning, self-service	1.0 for each two washing machines plus 1.0 for each dry-cleaning machine
OFFICES, general, including banks and similar financial institutions, and professional offices except medical or dental offices	1.0 per 250 square feet of gross floor area
OFFICES, medical and dental offices, clinics and laboratories, including Cannabis Testing Laboratories	1.0 for each 200 square feet of gross floor area
RESTAURANTS, taverns, bars, night clubs, lunch counters, soda fountains, diners, and other eating or drinking establishments (floor area includes outdoor seating area)	1.0 per three seats of seating area, including outdoor seating plus 1.0 per 200 square feet of gross floor area for other areas.

	In the Industrial area, if lot abuts a street that has no parking lane on either side of the street or is posted for no truck parking on both sides of the street, additional on-site truck parking may be required.
RETAIL establishments characterized by hand-carried merchandise in which a customer makes quick purchases or rentals in small quantities, including: Cleaners without a cleaning plant Convenience stores Commercial Cannabis Retail Dispensaries Delicatessen Doughnut shops Ice cream shops Laundry without a cleaning plant Off-sale liquor establishments Take out restaurants Video stores	1.0 per 175 square feet of gross floor area where the total gross floor area of the development, whether an individual establishment or a shopping center, is 10,000 square feet or less or 1.0 per 215 square feet of gross floor area where the total gross floor area of the development, whether an individual establishment or a shopping center, is over 10,000 square feet
RETAIL establishments characterized by hand-carried merchandise, including: Apparel shops Department stores Food markets Pharmacies Photography shop Sporting goods Variety stores	1.0 per 200 square feet of gross floor area where the total gross floor area of the development, whether an individual establishment or a shopping center, is 10,000 square feet or less or 1.0 per 225 square feet of gross floor area where the total gross floor area of the development, whether an individual establishment or a shopping center, is over 10,000 square feet, but less than 40,000 square feet or 1.0 per 250 square feet of gross floor area where the total gross floor area of the development, whether an individual establishment or a shopping center, is over 40,000 square feet.
RETAIL establishments and service and/or repair establishments generally characterized by large or heavy merchandise and including: Appliances Building materials Building trade uses, such as heating, plumbing, roofing, sheet metal working, woodworking Business machines Furniture Hardware Household equipment Nursery products Printing Upholstering Vehicles equipment Vehicle sales and rental, including motorcycles, jet skis, recreational vehicles, trailers, etc.	1.0 for each 250 square feet of gross floor area used for offices, sales and display plus 1.0 for each 600 square feet of gross floor area used for repair or services plus 1.0 for each 1,000 square feet of gross floor area used for indoor storage plus 1.0 for each 2,000 square feet of gross area used for outdoor sales, sales display or storage.
VEHICLE repair and service	1.0 for each 500 square feet of gross floor area

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

**SEC. 10-2.341 UNKNOWN OFFICE, RETAIL AND SERVICE USES.**

When the type of occupancy or use is unknown or uncertain for a commercially zoned site, the minimum off-street parking required is 1.0 space for each 200 square feet of gross floor area.

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

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

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

(Amended by Ordinance 17-15 , adopted Nov. 28, 2017; amended by Ordinance 19-10 , adopted June 4, 2019)

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

Note(s)—(Repealed by Ordinance 19-10 , adopted June 4, 2019)



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

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

## **IV. EXCLUSIONS, REDUCTIONS, EXCEPTIONS AND APPEALS**

### **SEC. 10-2.400 PARKING SPACE WIDTH REDUCTIONS.**

Parking space widths for standard cars may be reduced by 6 inches at the discretion of the Director of Community and Economic Development/Planning Director, if it can be demonstrated that the proposed spaces are for the use of employees only and that adequate standard width spaces are available for the use of non-employees near the buildings.

### **SEC. 10-2.401 SHARED PARKING.**

An administrative use permit may be issued for shared parking serving more than one use subject to the following specific findings and conditions of approval:

- a. Up to 25 percent of parking facilities required for night-time or Sunday uses may be supplied by the off-street parking facilities provided by day-time and/or week-day use facilities.
- b. The following uses are considered as day-time and/or week-day uses: banks, business offices, medical offices, personal service shops, household equipment or furniture shops, clothing or service shops, manufacturing or wholesale buildings, and other similar primarily day-time and/or uses as determined by the Director of Community and Economic Development/Planning Director.
- c. The following uses are considered as night-time and/or Sunday uses: auditoriums incidental to a public or private school, churches, bars, bowling alleys, nightclubs, theaters, and other similar primarily night-time and/or Sunday uses as determined by the Director of Community and Economic Development/Planning Director.

### **SEC. 10-2.402 OFF-SITE PARKING.**

An administrative use permit may be issued for off-site parking subject to the following specific findings and conditions of approval:

- a. The building or use for which application is being made shall have the main entrance located within 500 feet along a traversable pedestrian route from the farthest proposed parking space;
- b. There is a useable pedestrian route along public streets or permanently established easements between the parking and the uses or structures served;
- c. The adjacent or nearby properties will not be adversely affected relative to parking;
- d. The proposed traffic circulation will not be detrimental to the health, safety, and welfare of residents residing or working in or adjacent to the parking; and
- e. The property owner(s) must enter into a written, recorded agreement with the City, in a form satisfactory to the City Attorney, describing the off-site parking plan and including a guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking, a

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recording of a covenant among the properties for access to and use of the off-site parking facilities, a provision stating that the City may, upon a finding by the Director of Community and Economic Development/Planning Director that there has been a change in use, modify, amend, or unilaterally terminate the agreement.

### **SEC. 10-2.403 CREDIT FOR TRANSPORTATION SYSTEMS MANAGEMENT PROGRAM.**

In consideration of the financial commitment involved in providing a Transportation Systems Management Program and the fact that the use of alternative commute modes serves to reduce parking demand, a development that is required to provide greater than 50 off-street parking spaces may be allowed to reduce the employee parking requirements of this article up to 6 percent by providing an Employee Transportation Coordinator and up to another 14 percent by implementing the first 13 items below for a total of up to 20 percent.

- a. All developments may submit a plan for a Transportation Systems Management Program. The program may include, but is not limited to the following factors:
  - (1) Carpool/vanpool matching
  - (2) Preferential parking for carpools and vanpools
  - (3) Financial subsidies and rewards to walkers/carpool/vanpool/bus/BART passengers and drivers
  - (4) Employer provided vehicles for carpools and/or vanpools
  - (5) Carpool/vanpool operating subsidies, e.g. insurance, fuel, maintenance
  - (6) Provision of subscription bus services
  - (7) Sale of bus/BART passes/ticket books at the work site
  - (8) On-site route maps and schedules
  - (9) Shuttle service to bus/BART
  - (10) Bus shelter provision and maintenance
  - (11) Alternative work hours
  - (12) Capital improvements for transit services
  - (13) Bicycle linkages to established bicycle routes
- b. As a guideline, the position of an Employee Transportation Coordinator should involve at a minimum the following:
  - (1) The Employee Transportation Coordinator should have completed a Bay Area Air Quality Management District certified training curriculum, or as approved by the City Engineer;
  - (2) The Employee Transportation Coordinator should be equipped with sufficient office space, marketing materials, clerical assistance, and telephone service to implement a complete transportation center;
  - (3) The Employee Transportation Coordinator should disseminate promotional materials and information to building occupants to encourage ride sharing and alternate work hours;
  - (4) The Employee Transportation Coordinator should conduct a minimum of 2 information days annually;
  - (5) The Employee Transportation Coordinator should devote a minimum 1 hour per week for every 50 employees to encourage alternative commute modes;

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- (6) The Employee Transportation Coordinator shall prepare an annual report evaluating the extent and results of the Transportation Systems Management program, including measures undertaken by the employer, average number of employees using various modes of transportation, total number of employees participating in alternative work hours, and any employer subsidies.
  - c. In addition to the 6 percent reduction obtainable for providing an Employee Transportation Coordinator, a 14 percent reduction may be obtained if the Transportation Management Systems program shows how alternative modes will be implemented, the permanency of such modes, the extent of the program, the number of trips reduced, and the number of parking spaces eliminated by the alternative modes. The potential for maintaining the program will be considered in determining the reduction in required parking.
  - d. In addition, the property owner(s) must enter into a written, recorded agreement with the City, in a form satisfactory to the City Attorney, setting forth the substance of the Transportation Systems Management program and including a guarantee that there will be no substantial alteration in the Transportation Systems Management program that will create a greater demand for parking without the City's knowledge and approval, and a provision stating that the City may, upon a finding by the Director of Community and Economic Development/Planning Director that there has been a change in the plan, modify, amend, or unilaterally terminate the agreement.

#### **SEC. 10-2.404 CREDIT FOR PROXIMITY TO PUBLIC TRANSPORTATION FACILITIES.**

- a. Except for uses established in the Central Parking District, parking space requirements for public or private institutional or government uses, e.g., hospitals, office buildings, may be reduced by the Director of Community and Economic Development/Planning Director up to 15 percent, provided public transportation is available within 500 feet of the site or if public rail transportation is available within 1000 feet of the site.
- b. Except for uses established in the Central Parking District, parking space requirements for retail establishments may be reduced by the Director of Community and Economic Development/Planning Director up to 15 percent, provided a public bus stop and shelter are immediately adjacent to the site and maintained by the retail establishment.
- c. Except for uses established in the Central Parking District, parking space requirements for multi-family residential may be reduced by the Director of Community and Economic Development/Planning Director up to 15 percent provided public rail transportation is available within 1,000 feet of the site.

#### **SEC. 10-2.405 CREDIT FOR SENIOR /DISABLED HOUSING.**

Parking space requirements for residential developments exclusively for individuals 62 years of age and older and/or for persons with disabilities may be reduced by the Director of Community and Economic Development/Planning Director up to 25 percent when:

- a. The facility is conveniently located with respect to shopping, services, and public transportation;
- b. Units are permanently made available to low income persons;
- c. Tenant vehicles are limited to the number of parking spaces provided exclusive of guest parking spaces; and
- d. The Director of Community and Economic Development/Planning Director finds that these conditions substantially reduce the need for on-site parking. The percent reduction obtained cannot be in addition to any other reductions.

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### **SEC. 10-2.406 CREDIT FOR TWO-WHEEL VEHICLE PARKING SPACE(S).**

In addition to the off-street parking requirements heretofore enumerated, additional parking spaces or facilities for bicycles, motorcycles, and similar two-wheel vehicles shall be provided when more than 50 parking spaces are required. Location, area, design, and improvement of such space or facilities shall be as approved by the Director of Community and Economic Development/Planning Director.

- a. Credit for one parking space shall be given for each 4 bicycle spaces provided, whether the spaces are required or not. Bicycle spaces shall measure at least 2- feet by 7-feet and shall be located in groups of 4 and be equipped with locking devices for each bicycle.
- b. Credit for one parking space shall be given for each 2 motorcycle spaces provided, whether the spaces are required or not. Motorcycle spaces shall measure 4-feet wide by 8-feet long and shall provide an adequate maneuvering area to permit easy access to the space.
- c. Credits for bicycle and motorcycle parking, or a combination thereof, shall not exceed 5 percent of the total required parking spaces.

### **SEC. 10-2.407 TANDEM PARKING STANDARDS.**

- a. Tandem parking is permitted for single-family and mobilehomes.
- b. Tandem parking may be permitted by the Director of Community and Economic Development/Planning Director for multi-family residences in the Central Parking District when spaces are assigned to the same dwelling unit and are enclosed within a garage.
- c. Tandem parking may be permitted by the Planning Commission for multi-family residences outside the Central Parking district when spaces are assigned to the same dwelling unit and are enclosed within a garage and when 1) the development contains at least 20 units and is located within 1,000 feet of a bus route with 7-day service or a rail station; 2) no more than 35 percent of the residences are provided tandem spaces; 3) the tandem garages are spaced or grouped such that vehicular movement conflicts are minimized; and 4) the tandem garages are located such that vehicles back out into an alley or courtyard that provides access to parking facilities only. Based on a recommendation by the Planning Commission, the percentage of units with tandem garages may be increased by the City Council where such increase serves to meet the goals of an officially-adopted Design plan, including, but not limited to, density and architectural design.
- d. Tandem Parking may be permitted by the Director of Community and Economic Development/Planning Director for commercial parking facilities when a valet/attendant is on duty during the hours when the facility is being used.

### **SEC. 10-2.408 CARSHARING PROGRAMS.**

In the Industrial Districts, required parking spaces may be substituted with designated carshare vehicle parking spaces, pursuant to the following:

- a. Carshare vehicles shall be maintained for active use by a carshare service and not for other purposes.
- b. Carshare vehicles shall be made available to members of the carsharing service through an unattended, self-service operation 24 hours a day, seven days a week.

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

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## **SEC. 10-2.410 CENTRAL PARKING DISTRICT STANDARDS.**

All requirements of this article shall apply to development located within the Central Parking District, as defined by Section 10-2.100, except as hereinafter modified.

Parking and loading spaces in the Central Parking District shall conform to the extent possible with the Downtown Hayward Design Plan, which seeks to create a densely developed, mixed use, pedestrian oriented downtown neighborhood.

## **SEC. 10-2.411 CENTRAL PARKING DISTRICT NON-RESIDENTIAL PARKING REQUIREMENTS.**

1.0 space for each 315 square feet of gross floor area except for theaters; 1.0 space for each 4.0 seats.

An increase in the number of dwelling units within an existing building or the conversion of a non-residential use to residential within the Central Parking District shall not require providing parking spaces. If more than two floors are converted to residential use, the developer must meet the residential parking requirements for units on the additional floors. The developer shall demonstrate how the parking requirements for dwelling units on the additional floors will be fulfilled.

## **SEC. 10-2.412 CENTRAL PARKING DISTRICT RESIDENTIAL PARKING REQUIREMENTS.**

Residential parking shall be provided on the site being developed. Use of combined facilities for residential parking requirements shall be permitted if parking facility is located on site of residential development.

1.0 covered and 0.50 open spaces per dwelling unit.

0.5 space per dwelling unit for multiple-family dwellings providing housing exclusively for the elderly. (Occupancy requirements must be guaranteed, e.g., condition of government financing or grant, or other guarantee acceptable to the City.)

## **SEC. 10-2.413 CENTRAL PARKING DISTRICT PARKING SPACE IN-LIEU PAYMENTS.**

The Central Parking District requirements may be satisfied by providing payments in lieu of providing all or part of the required non-residential parking. Such payments shall be accepted on behalf of the City only when adequate municipal parking is available or will be provided within a reasonable walking distance of the proposed development, as determined by the Director of Community and Economic Development/Planning Director. Such payments shall be placed in a fund to be used for the provision of municipal parking facilities serving the Central Parking District. The amount of such payments shall be determined by the Director of Public Works and be computed on the basis of the estimated cost of providing an equivalent number of spaces at the time the development is approved. The estimate shall include land costs computed at the fair market value for the land as established by the County Assessor. Construction costs shall be computed on the basis of construction of surface parking to City standards.

## **SEC. 10-2.414 DOWNTOWN CORE AREA SPECIFIC PLAN REDUCTION.**

Within the area subject to the Downtown Core Area Specific Plan, the residential parking requirement may be reduced by the approving authority to a minimum of 1.0 space-per-dwelling unit, provided that the aggregate parking supply for all residential units at buildout, as described in the Specific Plan, excluding units exclusively for the elderly, is 1.5 spaces per dwelling. Residential parking requirements may be met in locations other than on the development sites, subject to the approval of the reviewing authority.

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**SEC. 10-2.415 CENTRAL CITY—PLAZA DISTRICT EXCEPTIONS.**

Additional off-street parking spaces shall not be required for construction of new buildings for commercial uses located on the ground floor in the Central City-Plaza District. Off-street parking spaces shall not be required for construction of new buildings of similar area which replace demolished or damaged buildings within 6 months that were located all or partially in the Central City-Plaza District.

**SEC. 10-2.416 COTTAGE DISTRICT—EXCEPTIONS.**

In the Cottage District, 1.0 off-street parking space per cottage is required; however, a single-car garage in a raised basement or backyard or nearby leased parking may be appropriate depending on the site circumstances. Driveways should generally be limited to a 10 foot width and in no case exceed 30 percent of the lot width. Double car garages in the front street elevation are prohibited.

**SEC. 10-2.417 SOUTH HAYWARD BART/MISSION BOULEVARD PARKING STANDARDS.**

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

**SEC. 10-2.418 SOUTH HAYWARD BART/MISSION BOULEVARD PARKING AREA NON-RESIDENTIAL PARKING REQUIREMENTS.**

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

**SEC. 10-2.419 SOUTH HAYWARD BART/MISSION BOULEVARD PARKING AREA RESIDENTIAL PARKING REQUIREMENTS.**

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

**SEC. 10-2.420 EXCEPTIONS.**

- a. An exception may be granted from the provisions hereof where unnecessary or unusual hardship is shown and where such exception will not defeat the purposes of this article or the Zoning Ordinance. Possible reasons for issuing an exception include an unusually low number of employees for a given wholesale or manufacturing use; unusually small size of units; unusual topography, size, or shape of a parcel or existing structures; compatibility with the surrounding development; or other unusual conditions.
- b. Applications for exceptions shall be processed in accordance with Sections 10-1.2815 through 10-1.2825 and Sections 10-1.3305 through 10-1.3365 of the Zoning Ordinance. Notice of a decision by the Director of Community & Economic Development/ Planning Director on a parking exception which exceeds 25 percent of the parking requirements shall be given within 5 business days of the decision.
- c. The Director of Community and Economic Development/Planning Director, or the Planning Commission upon referral by the Director of Community and Economic Development/Planning Director, may grant an exception when it can be determined that:
  - (1) There are special conditions or circumstances peculiar to the property involved that do not apply generally to property in the same district;
  - (2) Literal interpretation of this article would cause a hardship or deprive the applicant of rights enjoyed by others in the same district, who have applied for parking since adoption of this ordinance;

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- (3) The granting of the exception does not grant a special privilege inconsistent with the limitations on other properties in the same district;
  - (4) The granting of an exception will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the requirements set forth in this article as nearly as is reasonably possible; and
  - (5) The granting of an exception will not create a safety hazard or any other condition inconsistent with the purposes of this article.
- d. For purposes of this section, the fact that the proposed parking and circulation requirements on sites with existing buildings is in compliance with the requirements set forth in this article as nearly as is reasonably possible, may constitute a special circumstance warranting an exception under this section.

### **SEC. 10-2.430 APPEALS.**

Any person aggrieved by the action of the Director of Community and Economic Development/Planning Director may appeal such action to the Planning Commission by filing a written appeal with the Development Review Services Division within 10 days from the date of such action. Upon completion of its consideration, the Planning Commission may sustain, or modify, or reverse the preceding decision.

Any member of the City Council may request review of an application on which the Director of Community and Economic Development/Planning Director or the Planning Commission has made a final decision. The Council Member requesting review shall file a written request for review with the City Clerk before the 10th day following the day the decision is rendered. The matter shall be scheduled for review and approval by the City Council. The City Council may approve, conditionally approve, or disapprove the applications based upon the relevant findings. In the event significant new evidence, which may include change in the proposal, is presented at the time of hearing, the Council may return the matter to the approving authority for further consideration and a decision. If the application has previously been subject to notice under Section 10-1.2820, it shall be scheduled for a hearing by the City Council and noticed in accord with Section 10-1.2820. No fees by the applicant shall be required when a member of the City Council requests review of an applicant.

## **V. LOCATION OF PARKING AND LOADING SPACES**

### **SEC. 10-2.500 PARKING SPACE LOCATIONS.**

Except for non-residential uses in the Central Parking District and residential uses in the area subject to the Downtown Core Area Specific Plan (Sec. 10-2.414) and exceptions noted in Section 10-2.402 (Off-site Parking), required off-street parking spaces and access to parking spaces shall be located on the same parcel as the uses served.

No multi-family residential parking spaces shall be located further than 200 feet from dwelling units. Where driveways exceed 40 feet in length, garages, carports, or other parking areas shall be designed to require vehicles to exit property in a forward direction.

### **SEC. 10-2.501 TRUCK LOADING SPACE LOCATIONS.**

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. Truck turning templates should be used for design.

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Loading areas should not dominate the street frontage. Where loading docks or doors are located directly off abutting street(s), the following policy shall be used:

- a. If abutting street is a major street where the curb-to-curb width is 72 feet or more, the loading facility/dock/door, etc., shall be located so that a truck cannot use the street as a means to maneuver in a backwards motion towards the unloading point. This will require an unobstructed on-site minimum depth of 95-115 feet in front of the loading area. Driveways shall not be placed to line up with the loading docks.
- b. On industrial service roads (streets 40-48 feet curb-to-curb), truck maneuvering can take place within the street area. The driveway may be lined up with the loading dock. When a truck is parked at the loading point, it shall not project into the public right of way. A minimum of 65 feet shall be unobstructed and provided in front of the loading area.

### **SEC. 10-2.502 OFF-STREET PARKING ON/IN SLOPES.**

In residential and agricultural zoning districts, a one-story garage may be located within the front yard area, if it does not interfere with visual clearance as required by the Hayward Traffic Code and it conforms to the criteria for the location of garages on slopes as noted in the Zoning Ordinance and in the Hillside Design Guidelines.

Parking lots in all zones shall have a maximum of a 5 percent slope.

### **SEC. 10-2.503 OFF-STREET PARKING NEAR WALLS AND PROPERTY LINES.**

Except in industrial zones, parking and aisles shall be no closer than 5 feet to a building and shall be no closer than 5 feet to a property line in residential zones or where abutting residential zoning districts, 7 feet to a building or property line if a 2 foot vehicular overhang is allowed, or 7½ feet to a building or property line if a 2 ½ foot vehicular overhang is allowed. An exception may be made for lots less than 51 feet in width, in which case vehicular circulation may be located within 3 feet of a side property line.

In all zones, parking spaces adjacent to fences or walls shall be increased in width by at least 1 foot to accommodate door swing.

### **SEC. 10-2.504 OFF-STREET PARKING AND LOADING IN FRONT AND STREET SIDE YARD AREAS.**

Off-street parking and loading spaces or maneuvering areas for all types of vehicles—automobiles, trucks, recreational vehicles, bicycles, motorcycles, and similar two-wheel vehicles—shall not be located in any required front or street side yard, except as provided elsewhere in this article or as a part of an approved mobile home park plan.

Non single-family parking and loading spaces in residential areas should be located behind the primary structure(s) in order to enhance the streetscape.

In commercial and industrial zones, off-street parking spaces and driveway aisles shall be located no closer than 10 feet from the front and street side yard property lines, if the setbacks are less than 10 feet.

### **SEC. 10-2.505 OFF-STREET PARKING AND LOADING IN INTERIOR SIDE YARD AREAS.**

In single-family zones, parking and loading spaces shall not be located in a required interior side yard, with the following exceptions: one recreational vehicle such as a boat, compact trailer, tent, or similar recreational vehicle less than 6 feet in height can be stored in a required side yard if screened from view from the street by a 6-foot high solid fence. Covered parking located between the rear of the main building and the rear lot line may be



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placed 5 feet from the side and rear property lines. Driveway aisles may be located in required interior side yards in conformance with Section 10-2.503 (Off-Street Parking Near Walls and Property Lines).

In multi-family zones, and commercial and industrial zones, parking and driveway aisles may be located in required interior side yards in conformance with Section 10-2.503 (Off-Street Parking Near Walls and Property Lines).

#### **SEC. 10-2.506 OFF-STREET PARKING AND LOADING IN REAR YARD AREAS.**

Covered or uncovered parking and loading spaces may be located in a required rear yard as long as such parking spaces are located in accordance with requirements of the Zoning Ordinance, Sections 10-1.445 and 10-1.545, 10-1.845, and 10-1.1645, and the requirements of this article.

Open parking or vehicle storage areas located on single-family residential lots less than 10,000 square feet in area shall not exceed 500 square feet in area and shall not exceed 700 square feet for lots 10,000 feet or larger.

## **VI. DESIGN STANDARDS FOR PARKING AND LOADING SPACES**

#### **SEC. 10-2.600 CONFORMANCE BY TWO-WHEEL VEHICLES AND RECREATIONAL VEHICLES.**

All parking and loading facilities shall meet the minimum dimensions and standards set forth in this article, including the appendices. Parking facilities for bicycles, motorcycles, and similar two-wheel vehicles shall incorporate security locking devices in their design, and such parking facilities, as well as recreational vehicle parking facilities, shall conform to all other standards contained in this article.

#### **SEC. 10-2.601 CONFORMANCE WITH HAYWARD DESIGN GUIDELINES.**

Parking and loading spaces shall conform to the extent possible with the Hayward Design Guidelines, which seek to create an environment that is pleasant for human use while preserving the positive physical aspects of a site such as views, mature trees, and historic buildings, and minimizing its physical problems such as flooding or noise.

#### **SEC. 10-2.602 PARKING SPACE DIMENSIONS.**

Minimum stall, aisle, and driveway dimensions for off-street parking spaces shall be those shown in the attached appendices. Typically, minimum dimensions for non-angled compact car spaces shall be 8'-0" wide by 15'-0" long, and minimum dimensions for non-angled standard car spaces shall be 9'-0" wide by 19'-0" long.

Open or covered parking areas, and garages or carports exceeding 120 square feet in area shall be located no less than 5 feet from the side or rear property line and shall conform to all other requirements of the Zoning Ordinance and Building Code.

#### **SEC. 10-2.603 LOADING SPACE NUMBER AND DIMENSIONS.**

The number of spaces and dimensions for loading areas shall be determined and approved by the Director of Community and Economic Development/Planning Director for new non-residential buildings as needed and physical conditions warrant.

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### **SEC. 10-2.604 COVERED SPACE DIMENSIONS.**

Minimum covered parking dimensions for off-street covered parking spaces shall be 20'-0" wide by 19'-0" long for two cars and shall be 11'-0" wide by 19'-0" for one car.

### **SEC. 10-2.610 COMPACT CAR PARKING SPACES.**

In all non-single-family residential parking facilities containing 6 or more spaces, a maximum of 30 percent of the required spaces may be compact car spaces in all parking facilities and a maximum of 50 percent may be compact car spaces for uses located in the Industrial District.

### **SEC. 10-2.620 ACCESS LOCATION.**

For other than single-family residential uses, all parking and loading spaces shall be located so as not to require vehicles to back out into street right-of-way.

In order to protect traffic flow and pedestrian safety and to allow for screening of parking facilities, the number of curb cuts shall be minimized. Access ways, without parking on either side, to any parking lot shall be not less than 20 feet for two-way traffic and 12 feet for one-way traffic.

### **SEC. 10-2.621 HOURS OF AVAILABLE USE.**

All parking spaces and loading spaces shall be accessible for use during all hours of operation of the uses served.

### **SEC. 10-2.622 JOINT ACCESS TO PARKING SPACES.**

Uses on adjoining parcels, subject to approval of the Director of Community and Economic Development/Planning Director, may share joint access to required parking spaces, providing the entire access is a minimum of 12 feet wide on each parcel (24 feet total). Owners of affected properties shall grant a recorded, reciprocal, permanent, nonexclusive easement establishing the joint access.

### **SEC. 10-2.623 PRIVATE DRIVEWAY STANDARDS.**

Private driveway standards shall be constructed in accordance with the Standard Details of the City of Hayward Public Works Department. Driveways 40 feet or less in length shall be paved with Class B Portland Cement concrete.

On single-family residential lots, driveway width, regardless of the number of driveways, shall not exceed 20 feet in front of the garage. In addition, for access to a recreational vehicle storage area adjacent to a dwelling, a maximum 10-foot-wide driveway may be located on the opposite side of the lot from the garage, and outside the required side yard.

In multi-family residential zones, no more than 1/3 of the required front yard shall be devoted to driveway. An exception may be made for lots less than 72 feet in width, in which case driveway may be a maximum of 24 feet in width.

For lots 70 or more feet in width, the Director of Community and Economic Development/Planning Director may approve a greater driveway width if the Director of Community and Economic Development/Planning Director determines the design of the driveway is aesthetically pleasing and compatible with the lot terrain and adjacent development and will not create a pedestrian or vehicular hazard.

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In industrial districts, in no case shall a driveway exceed one-third the width of the property frontage width or 35 feet, unless otherwise approved by the Planning Director.

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

### **SEC. 10-2.624 CIRCULATION TO PARKING AND LOADING SPACES.**

Within a parking facility, circulation must be such that a car entering a parking lot need not enter the street to reach another aisle and that a car need not enter the street backwards, except for some single-family residences. Unless waived by the Director of Community and Economic Development/Planning Director, single-family residential lots that front on a major or secondary arterial and/or where driveways exceed 40-feet in length and multi-family residential properties shall provide a sufficient paved driveway turnaround to allow vehicles to exit the property in a forward direction.

The entrance or exit to any service bay, loading space, or parking area shall not conflict with the entrance or exit to any other service bay, loading space, or parking area.

Driving aisles shall be at least 12 feet wide for 1-way traffic flow and 20 feet wide for 2-way traffic flow. Parking lots and driving aisles parallel and adjacent to public sidewalks shall be separated by a minimum 10 foot landscape strip. One-way aisles shall alternate direction, or otherwise provide logical vehicular circulation as approved by the Director of Community and Economic Development/Planning Director, and shall not dead-end if greater than 60 feet in length. A 2-way dead-end driving aisle shall have minimum 5-foot turning back-up bay beyond the end stall.

### **SEC. 10-2.625 VEHICLE OVERHANG.**

Where a parking lot is designed so that cars may overhang low landscaping, the stall depth for a standard-sized car may be reduced by 2-½ feet. The stall depth for a compact space may be reduced by 2 feet. The area overhung shall not be included in required landscape setback. In areas where vehicles overhang a sidewalk or walkway, the width of the sidewalk or walkway shall be increased by the overhang width to provide a minimum unobstructed width of the sidewalk or walkway of 4 feet. Parking stalls adjacent to walls shall be increased in width from the standard by at least one foot to accommodate door swing.

### **SEC. 10-2.626 CONTROLLED ACCESS.**

- a. Where access to a parking, loading, and/or driving aisle is controlled by gates, there shall be sufficient width for either 2 side-by-side entry vehicles or 2 queued-entry vehicles, or greater if required by the City Engineer, between the gates and the street right of way or sidewalk, whichever is closer. There also shall be sufficient paved turn-around area between the gates and the street right of way or sidewalk, whichever is closer, to allow a vehicle to turn around and exit the property in a forward direction without opening the gate.
- b. Security gates in multi-family residential uses shall not obstruct access to visitor parking areas. Access shall be provided at all times for police, fire, city inspection, utility, and other health and safety related vehicles.
- c. When a request is made to the City for controlled access, all property owners within the area to be gated, or their homeowner's association, shall agree in writing to the request and agree to be responsible for the ongoing maintenance of the gate equipment, fences or walls, traffic control devices, and landscaping.
- d. The height and location of the gate shall be in conformance to Section 10-1.2725, Yard Requirements, e.g., Yard Exceptions - Fences, Hedges, Walls. The gate, control devices, and approach lanes shall be adequately lighted, striped, marked, and protected to provide for the safe and orderly movement of pedestrians and traffic.

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- e. A gate opening system to provide for emergency vehicle access shall be installed to the satisfaction of the Police Chief and Fire Marshal.
  - f. Site Plan Review is required before the construction of a gate, if the Director of Community and Economic Development/Planning Director determines that the gate materially alters the appearance and character of the property or area or may be incompatible with the above requirements, City policies, standards, and guidelines.

### **SEC. 10-2.630 DRAINAGE, SURFACING AND MAINTENANCE.**

A storm drainage system shall be provided that conveys storm water runoff into facilities of the City or the Alameda County Flood Control District. All on-site storm drain inlets must be labeled 'No Dumping - Drains to Bay,' using approved methods.

All on-site storm drains must be cleaned at least once a year prior to the rainy season (October 15). Additional cleaning may be required by the City Engineer.

Parking surfaces and driveways for all single-family dwellings shall be paved with Class B, Portland Cement Concrete. Subject to the approval of the Director of Community and Economic Development/Planning Director, driveways exceeding 40 feet in length may be paved with asphaltic concrete or a comparable all-weather, dustless material(s), such as bricks or pavers.

All other residential and non-residential uses shall be paved with Class B, Portland Cement Concrete, or a minimum 3 inches of asphaltic concrete over a minimum of 4 inches of aggregate base or comparable all-weather, dustless material(s), such as bricks or pavers.

Parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. No cleaning agent may be discharged to the storm drain. If any cleaning agent or degreaser is used, washwater shall not be discharged to the storm drains; washwaters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the wastewater treatment plant receiving the discharge.

### **SEC. 10-2.640 LIGHTING AND MARKING.**

Parking facilities shall be adequately lighted for safety and security as determined by the City Engineer. The minimum requirement is 1 foot candle of light across the entire surface of the parking area. Exterior lighting shall be designed, erected, and maintained so that light or glare is not directly cast upon adjacent properties or public rights-of-way.

Aisles, approach lanes, and maneuvering areas shall be marked and maintained with directional arrows and striping to control traffic flow. Each parking space shall be stripped, marked, and maintained by surface markings or other effective means and shall be maintained so as to be readily visible at all times. All compact parking spaces and designated employee parking spaces per Section 2.400, Parking Space Width Reductions, shall be clearly marked as such.

This section shall not apply to detached single-family dwellings.

### **SEC. 10-2.641 SPACE IDENTIFICATION.**

In multiple-family developments of 5 or more units, no less than 10 percent of the spaces shall be clearly and permanently marked for visitor parking, except in the Central Parking District where parking requirements are less than 1.0 space per dwelling unit. Where less than 10 parking spaces are required, a minimum of 1 standard parking space shall clearly be marked for visitor's parking.

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## **SEC. 10-2.642 DIRECTIONAL AND REGULATORY SIGNS.**

Traffic directional signs as required and approved by the Director of Public Works shall be installed at no expense to the City. Each exit from any parking area, except for single-family residential, shall be clearly marked with a 'STOP' sign.

## **SEC. 10-2.650 LANDSCAPING.**

Landscaped areas required in this section shall be composed of trees, shrubs, turf grass, planted ground cover, or a combination thereof. Landscaping shall be permanently maintained, including replacement where necessary. Landscaping shall be provided as follows:

- a. Except for access driveways, a landscape planter 10 feet in width shall be provided in all required yard areas adjacent to street right-of-ways to create a separation from parking, loading, and vehicle maneuvering areas.
- b. Where no front and/or street side yards are required, a landscape strip at least 10 feet wide, unless a wider strip is otherwise required by the Zoning Ordinance, shall be installed between parking areas and all existing or future street rights-of-way.
- c. Landscape materials within 10 feet of vehicle ingress and egress points shall be maintained so as not to impair visibility or create a traffic hazard.
- d. Landscaped areas shall be irrigated by means of an automatic sprinkler system with an automatic on-off timer clock mechanism.
- e. Landscape buffers shall be provided between adjoining outdoor use spaces with walls and planting shall be provided.
- f. Parking areas shall include a minimum of one 15-gallon parking lot tree for every 6 parking stalls, except where restricted because of design constraints. Parking lot trees shall be planted in tree wells or landscape medians located within the parking area, unless an alternative location is approved by the Director of Community and Economic Development/Planning Director. Required street and buffer trees shall not qualify as parking lot trees.
- g. Where a side or rear yard is required between a parking area and residential district, a minimum of one 15-gallon buffer tree shall be planted for every 20 lineal feet of property line.
- h. The minimum dimensions of any tree well or landscape median shall be 5 feet, measured from the back of curb. The end of the parking rows shall be capped with landscape medians except where space is restricted due to existing site conditions.
- i. Parking and loading areas shall also be buffered from the street with shrubs, walls, or earth berms, as determined by the Director of Community and Economic Development/Planning Director. Where shrubs are used for buffering, the type and spacing of shrubs shall create a continuous 30-inch-high screen within 2 years.
- j. Agricultural zoning districts and parcels in a residential zoning district with three or less dwelling units shall be exempt from the landscaping requirements of this section.

## **SEC. 10-2.660 SCREENING.**

- a. A view-obscuring screen shall be installed along rear and interior lot lines whenever parking, loading, and vehicle maneuvering areas are adjacent to residentially zoned parcels. At the discretion of the Director of Community and Economic Development/ Planning Director or the Planning Commission, a view-obscuring

screen may be required abutting any nonconforming residential buildings. The view-obscuring screen shall be uniformly painted, decorative wood fence, masonry wall or its equivalent, or chain-link fence with plant materials, and shall be constructed to withstand a 15-pound-per-square-foot wind load. The view obscuring screen shall be 6 feet high except when located within required street yard setbacks, in which case the screen shall not exceed 4 feet high.

- b. Unless there already exists a building wall or a fence, wall, or similar screen located within 2 feet of either side of a common property line, a view-obscuring screen as described above shall be installed. On Commercial or Industrial zoned properties abutting a residentially zoned parcel, the view obscuring screen shall be a concrete, brick, or masonry wall, or an equivalent.
- c. Agricultural zoning districts and parcels in a residential zoning district with 3 or less dwelling units shall be exempt from the requirements of this section.

**SEC. 10-2.670 CURBING/BARRIERS.**

Except for single-family dwellings, where abutting trees and other landscaping, walls, columns, fences and pedestrian paths, each parking and loading space shall be provided with a Class B, Portland Cement Concrete bumper block or continuous concrete curb at least 6 inches in height above the finished pavement and 6 inches thick. Barriers shall be located a minimum of 24 inches from landscaped strips and 30 inches from fences, walls, etc. Additional barriers may be required by the Director of Community and Economic Development/Planning Director where he/she determines they are necessary for proper traffic circulation or safety reasons.

**VII. PARKING FOR PERSONS WITH PHYSICAL DISABILITIES**

**SEC. 10-2.700 PARKING FOR PERSONS WITH PHYSICAL DISABILITIES.**

Each lot or parking structure where parking is provided for public as clients, guests, or employees, shall provide accessible parking as required by this section. In addition to the following requirements, the parking space(s) for persons with physical disabilities shall be designed and provided pursuant to state and federal requirements. Parking spaces for persons with physical disabilities required by this section shall count toward fulfilling off-street parking space requirements.

**SEC. 10-2.710 REQUIRED PARKING SPACES FOR PERSONS WITH PHYSICAL DISABILITIES.**

The minimum number of persons with physical disabilities' accessible parking spaces shall be:

Total Number of Parking Spaces Required	Accessible Parking Spaces Required
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2 percent of total number
1,001 & over	20 plus 1 for each 100, or fraction thereof, over 1,001

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Parking for persons with physical disabilities in residential uses shall be provided at the minimum rate 1 space per dwelling unit that is designed for occupancy for persons with physical disabilities.

**SEC. 10-2.720 REQUIRED PARKING SPACE SIZE FOR PERSONS WITH PHYSICAL DISABILITIES.**

Where single spaces are provided, they shall be 14 feet wide and outlined to provide a 9-foot parking area and a 5-foot loading and unloading access aisle on the passenger side of the vehicle. When more than one space is provided in lieu of providing a 14-foot wide space for each parking space, two spaces can be provided within a 23-foot wide area lined to provide a 9-foot parking area on each side of a 5-foot loading and unloading access aisle in the center. The minimum length of each parking space shall be 18 feet.

One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide minimum on the passenger side and shall be designated van accessible. All such spaces may be grouped on one level of a parking structure.

**SEC. 10-2.730 LOCATION OF PARKING SPACES FOR PERSONS WITH PHYSICAL DISABILITIES.**

Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

**SEC. 10-2.740 ARRANGEMENT OF PARKING SPACES FOR PERSONS WITH PHYSICAL DISABILITIES.**

In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. Also, the space shall be so located that persons with physical disabilities are not compelled to wheel or walk behind parked cars other than their own. Pedestrian ways which are accessible to people with physical disabilities shall be provided from each such parking space to related facilities, including curbs or ramps as needed. Ramps shall not encroach into any parking space.

Surface slopes of parking spaces for persons with physically disabilities shall be the minimum possible and shall not exceed  $\frac{1}{4}$  inch per foot (2.083 percent gradient) in any direction.

**SEC. 10-2.750 IDENTIFICATION OF PARKING SPACES FOR PERSONS WITH PHYSICAL DISABILITIES.**

Each parking space reserved for persons with physical disabilities shall be identified by a reflectorized sign permanently posted immediately adjacent to and visible from each stall or space, consisting of a profile view of a wheelchair with occupant in white on dark blue background. The sign shall not be smaller than 70 square inches in area and, when in path of travel, shall be posted at a minimum height of 80 inches from the bottom of the sign to the parking space finished grade. Signs may also be centered on the wall at the interior end of the parking space at a minimum height of 36 inches from the parking space finished grade, ground or sidewalk. Van accessible spaces shall have an additional sign stating 'Van-Accessible' mounted below the symbol of accessibility.

An additional sign shall also be posted in a conspicuous place at each entrance to off-street parking facilities, or immediately adjacent to and visible from each stall or space. The sign shall not be less than 17 inches by 22 inches in size with lettering not less than 1 inch in height, which clearly and conspicuously states the following:

'Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or license plates issued for persons with disabilities may be towed away at owner's expense. Towed vehicles may be reclaimed at \_\_\_\_\_ or by telephoning \_\_\_\_\_.'

[Blank spaces are to be filled in with appropriate information as a permanent part of the sign.]

In addition to the above requirements, the surface of each accessible parking space or stall shall have a surface identification duplicating either of the following schemes:

- a. By outlining or painting the stall or space in blue and outlining on the ground in the stall or space in white or suitable contrasting color a profile view depicting a wheelchair with occupant, or
- b. By outlining a profile view of a wheelchair with occupant in white on blue background. The profile view shall be located so that it is visible to a traffic enforcement officer when a vehicle is properly parked in the space and shall be 36 inches high by 36 inches wide.

**SEC. 10-2.760 DROP-OFF AND LOADING ZONES FOR PERSONS WITH PHYSICAL DISABILITIES.**

When provided, passenger drop-off and loading zones for persons with physical disabilities shall be located on accessible routes of travel. One passenger drop-off and loading zone shall provide an access aisle at least 5 feet wide and 20 feet long adjacent and parallel to the vehicle pull-up space. Such zones shall be located on a surface with a slope not exceeding 1 vertical in 50 horizontal. If there are curbs between the access aisle and the vehicle pull-up space, a curb ramp shall be provided.

Valet parking facilities shall provide a passenger loading zone complying with drop-off and loading zone requirements and shall be located on an accessible route to the entrance of the facility.

**SEC. 10-2.770 REQUIRED PARKING SPACES FOR PERSONS WITH PHYSICAL DISABILITIES IN MEDICAL CARE FACILITIES.**

At facilities providing medical care and other services for persons with mobility impairments, the minimum required number of accessible parking spaces for persons with physical disabilities shall be:

- a. Outpatient units and facilities: 10 percent of the total number of parking spaces provided serving each such outpatient unit or facility.
- b. Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided serving each such unit or facility.

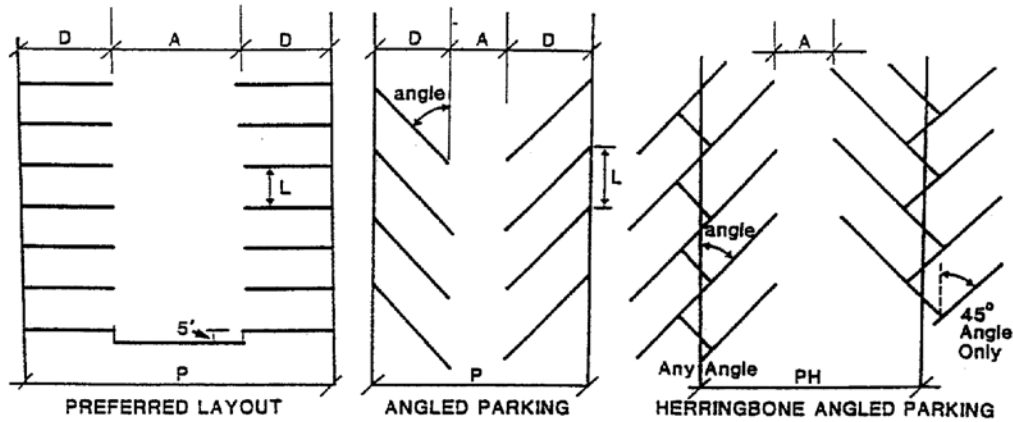
**APPENDIX A-1. OFF STREET PARKING REGULATIONS  
MINIMUM STALL AND AISLE DIMENSIONS<sup>(1)</sup>**

	ANGLE DEGREES	STALL WIDTH L	STALL DEPTH D	AISLE WIDTH <sup>(2)</sup> A	OVER ALL P	PH
STANDARD CAR	0	23.0	8.0	12.0	28	—
	30	18.0	16.0	12.0	44	37
	45	12.7	18.5	12.0	49	43
	60	10.4	20.0	17.0	57	53
	75	9.3	19.0	23.0	61	59
	90	9.0	19.0	26.0	64	—
		9.5	19.0	25.0	63	—
		10.0	19.0	24.0	62	—
10.5		19.0	22.0	60	—	



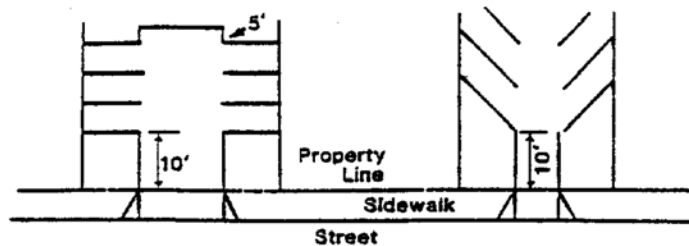
COMPACT CAR	45	11.3	15.6	12.0	43.2	40
	60	9.2	17.0	14.5	48.5	45
	75	8.3	16.86	17.5	50.6	50
	90	8.0	15.0	20.0	50.0	—

- (1) Alternate designs for angled parking may be used if approved by the Planning Director.
- (2) If the parking angle is less than 90°, parking aisle shall be designed for one-way circulation.



#### APPENDIX A-2. DRIVEWAY AND DESIGN REQUIREMENTS

1. All covered parking spaces shall have a minimum clearance (height) of 6 feet, 6 inches for residential uses and 7 feet, 0 inches for commercial and industrial uses.
2. In order to prevent backing over sidewalks, backing into streets and congestion at lot entrances, no stall may be located within 10 feet of the property line adjacent to the street.
3. In single-entrance, 90° parking lots, provisions for adequate egress from rear stalls shall be made.



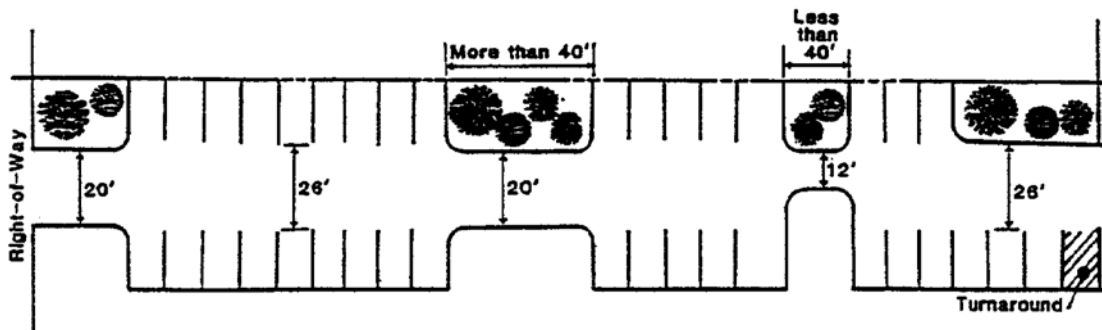
4. Two-way aisles shall have a minimum width of 20 feet.
5. Driveway openings shall be aligned with parking lot aisles.
6. Parking lot designs shall be drawn to scale with dimensions and parking angle indicated.
7. For 90° parking, 2 feet of the stall depth may be used for compact vehicle overhang; 2½ feet of stall depth may be used for standard-sized vehicle overhang.
8. Off-street loading spaces or docks in industrial districts shall be located behind the public right-of-way, a distance no less than the maximum length vehicle permitted on streets and highways by the State of California.

9. Accessible parking spaces shall be 17 feet wide with an 8 foot wide loading area adjacent to the passenger side of the vehicle for one space and 26 feet wide for 2 spaces sharing an 8 foot wide loading area.
10. The minimum driveway widths shown below shall apply to all access driveways irrespective of the total length of the driveway or the number of parking bays or parking areas served by the driveway.

Number of Stalls Served	One-Way Driveway	Two-Way Driveway
1 through 7	10 feet*	12 feet**
8 or more	12 feet	20 feet

\*A driveway serving one single-family residence shall be a minimum of 10 feet, except where the house is located more than 150' from public right-of-way, the Fire Department may require 12' driveway width.

\*\*Where the distance between parking bays or areas exceeds 40 feet or visibility between parking bays or areas is impaired, the driveway width shall be 20 feet. (See illustration below.)



## VIII. REQUIREMENTS FOR EV CHARGING INFRASTRUCTURE

### SEC. 10-2.800 ELECTRIC VEHICLE (EV) CHARGING SPACES

Electric vehicle (EV) charging infrastructure shall be provided and maintained for projects whenever off-street parking is provided. The infrastructure shall be provided in accordance with the requirements of the California Green Building Standards Code, Title 24 Part 11, and the requirements in this Section, whichever provides greater number of off-street parking spaces with access to EV charging infrastructure. All accessibility provisions shall meet California Building Code Chapters 11A and 11B and Part VII of this Article. All signage provisions shall meet Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s).

All such spaces shall count toward the minimum required parking spaces. Where two or more primary uses occupy a single site, the EV infrastructure required for each use shall be calculated separately. Calculations for the required minimum number spaces with EV infrastructure shall be rounded up to the nearest whole number.

Requirements represent the minimum charging infrastructure required, and increases in installed infrastructure, such as EV Supply Equipment and delivered power, shall be permissible.

**SEC. 10-2.810 Electric Vehicle Charging Requirements by Use.**

Uses	EV Charging Infrastructure Required
Single-Family Dwellings and Townhomes	<ul style="list-style-type: none"> <li>• Each of the first two parking spaces per dwelling unit shall be provided with a Level 2 EV Ready space.</li> </ul>
Multiple-Family Dwellings	<ul style="list-style-type: none"> <li>• A minimum of 20% of dwelling units with parking spaces shall be provided with at least one Level 2 Electric Vehicle Charging Station (EVCS).); and</li> <li>• All remaining dwelling units with parking spaces shall be provided with at least one Low Power Level 2 EV Ready space.</li> <li>• Automatic Load Management Systems (ALMS) shall be permitted to reduce load when multiple vehicles are charging.</li> </ul>
Offices	<ul style="list-style-type: none"> <li>• A minimum of 20% of parking spaces provided shall be provided with a Level 2 EVCS; and</li> <li>• A minimum of 50% of parking spaces provided shall be provided with a Level 2 EVCS or are Level 2 EV Capable.</li> <li>• ALMS shall be permitted to reduce load when multiple vehicles are charging.</li> </ul>
Hotels and Motels	<ul style="list-style-type: none"> <li>• A minimum of 5% of parking spaces provided shall be provided with a Level 2 EVCS; and</li> <li>• A minimum of 30% of parking spaces provided shall be provided with a Low Power Level 2 EVCS or are Low Power Level 2 EV Ready.</li> <li>• ALMS shall be permitted to reduce load when multiple vehicles are charging.</li> </ul>
All Other Uses	<ul style="list-style-type: none"> <li>• A minimum of 10% of parking spaces provided shall be provided with a Level 2 EVCS; and</li> <li>• A minimum of 20% of parking spaces provided shall be provided with a Level 2 EVCS or are Level 2 EV Capable.</li> <li>• ALMS shall be permitted to reduce load when multiple vehicles are charging</li> </ul>

**SEC. 10-2.820 Direct Current Fast Charging stations.**

- a. One DCFC may be substituted for up to five (5) EVCS to meet the requirements of Section 10-2.810.

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- b. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 2 spaces.

**SEC. 10-2.830 Non-Proprietary Infrastructure.**

- a. Electric vehicle supply equipment installed pursuant to this subsection shall be compatible with a broad range of electric vehicle makes and models.

**SEC. 10-2.840 Exceptions.**

- a. Where there is no local utility power supply, or the local utility is unable to supply adequate power.
- b. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements directly related to the implementation of Section 10-2.81081030-0.3 may increase construction cost by an average of \$4,500 per parking space. EV infrastructure shall be provided up to the level that would not exceed this cost for utility service.
- c. Spaces accessible only by automated mechanical car parking systems are excepted from providing EV charging infrastructure.
- d. Decisions on the above exceptions may be appealed pursuant to Section 10-2.430.