

## Sec. 10-1.800 Commercial Districts

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### Sec. 10-1.801 Purpose

- a. **Commercial Office-Residential District (CO-R).** The CO-R District maintains a residential identity while containing a mix of residential and office uses. The scale, form, and activity of uses should not detract from adjacent residential uses.
- b. **Neighborhood Commercial-Residential District (CN-R).** The CN-R District includes a mixture of neighborhood serving businesses and residences along portions of certain arterials in order to provide housing with ready access to shops and transit.
- c. **Commercial Neighborhood District (CN).** The CN District includes a variety of neighborhood serving businesses in close proximity to residential in order to provide convenience goods and services purchased frequently.
- d. **General Commercial District (CG).** The CG District includes a wide variety of commercial uses, including uses that would attract neighborhood, local, and regional audiences.
- e. **Central Business District (CB).** The CB District provides an alternate commercial hub outside of the Downtown area characterized by a mix of retail, restaurants, amusement and recreation uses.

### Sec. 10-1.802 Use Regulations—Commercial Districts

Table 10-1.802, Land Use Regulations—Commercial Districts, sets the land use regulations for Commercial Districts by letter designation as follows unless a use or activity is prohibited or subject to a higher level of permit pursuant to other parts of this Section, other requirements of the Hayward Municipal Code, or other applicable regulations:

"P" designates permitted uses.

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

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

"-" designates uses that are not allowed.

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

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

Land uses are defined in Article 1, Section 10-1.3500, Definitions. In cases where a specific land use or activity is not defined, the Planning Director or other approving authority shall assign the land use or

activity to a classification that is substantially similar in character. Land uses defined in the Hayward Municipal Code and not listed in the table or not found to be substantially similar to the uses below are prohibited. Unless otherwise explicitly stated, all uses shall be conducted indoors.

<b>TABLE 10-1.802: Use Regulations Commercial Districts</b>						
<i>"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed</i>						
Use	Districts					Additional Regulations
	CO-R	CN-R	CN	CG	CB	
<i>Administrative and Professional Offices</i>						
Office	P	P	P	P	P	Excluding check cashing
Cannabis testing laboratory	-	-	-	A	-	
Check cashing store	-	-	C	C	C	
Commercial cannabis delivery	-	-	-	A	-	
Payday loan facilities	-	-	C	C	C	
<i>Automobile Related Uses</i>						
Automobile brokerage office	-	-	-	A	-	See definitions
Automobile Sales and Rental	-	-	A	P	-	Along Mission Blvd only
Automobile repair – minor	-	-	C	A	A	
Automobile repair – major	-	-	-	A	A	
Automobile service station	-	-	C	A	A	
Automobile storage facility	-	-	-	A	-	
Car wash	-	-	C	A	A	
Drive-in establishments	-	-	C	A	C	See Section 10-1.2735.e for special requirements.
EV Charging Station	-	-	A	A	A	
Parking lot	A	A	A	A	A	
<i>Personal Services</i>						
Personal Services	P	P	P	P	P	
Massage establishment	-	-	C	C	C	
Tattoo	-	A	A	P	P	

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Use	Districts					Additional Regulations
	CO-R	CN-R	CN	CG	CB	
<i>Residential Uses</i>						
Detached residential unit(s)	A	-	-	-	-	Subject to density limitations in the General Plan
Duplex/Triplex	P	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	Subject to density limitations in the General Plan
Multi-Unit Residential (4+ attached units)	P	P	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	Subject to density limitations in the General Plan
Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.	P	P	P	P	P	As provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.
Small Unlicensed Group Home	P	-	-	-	-	See definitions.
Large Unlicensed Group Home	C	-	-	-	-	See definitions.
Small Licensed Group Home	P	-	-	-	-	See definitions.
Medium Licensed Group Home	A	-	-	-	-	See definitions.
Large Licensed Group Home	C	-	-	-	-	See definitions.
Single Room Occupancy	-	-	-	A	A	
Accessory dwelling unit(s)	P	P	P	P	P	Where primary use is residential. See Section 10-1.2740 for criteria and standards
<i>Retail Commercial Uses</i>						
Retail	-	P	P	P	P	
Bar, cocktail lounge	-	C	C	C	C	See General Regulations Section 10-1.2750 et seq. for regulations of alcohol
Brewery/winery/cidery	-	A	A	A	P	
Commercial cannabis retail dispensary	-	-	-	C	C	See Section 10-1.3600.

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Use	Districts					Additional Regulations
	CO-R	CN-R	CN	CG	CB	
Dance or night club	-	C	C	C	C	See General Regulations Section 10-2.2750 et seq. for regulations of alcohol.
Distillery	-	-	-	A	A	
Liquor store	-	C	C	C	C	See General Regulations Section 10-2.2750 et seq. for regulations of alcohol.
Nursery (plant)	P	P	P	P	P	
Restaurant	-	P	P	P	P	
Theater (Small Motion Picture or Live Performance Only)	-	P	P	P	P	
Theater, Large Motion Picture	-	C	C	C	C	See Section 10-1.1045 for special requirements.
<i>Service Commercial Uses</i>						
Appliance service and repair shop	-	-	A	P	P	Not ancillary to a primary use
Copying, mailing, or reproduction facility	-	P	P	P	P	
Equipment rental	-	-	-	P	P	
Hotel or motel	-	-	-	P	P <sup>2</sup>	
Recycling collection area	-	-	A	A	A	When located within a convenience zone.
Reverse vending machine(s)	P	P	P	P	P	When located within a convenience zone.
<i>Other Uses</i>						
Animal hospital	-	A	A	A	A	
Ambulance Service	-	-	A	A	A	
Artisan/Craft Production	C	C	P	P	P	
Auction	-	-	-	A	A	
Banquet hall	-	-	C	C	C	
Broadcasting studio	-	-	-	P	P	

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Use	Districts					Additional Regulations
	CO-R	CN-R	CN	CG	CB	
Catering facility	-	-	P	P	P	
Cultural facility	A	P	P	P	P	
Day care home	P	P	P	P	P	State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions
Day care center	A	P	P	P	P	State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definitions.
Educational facility	P/A	P/A	P/A	P/A	P/A	Permitted by right if less than 10,000 square feet. Otherwise an AUP is required.
Home occupation	P	P	P	P	P	See definitions
Home occupation – expanded	A	A	A	A	A	See definitions
Hospital	-	-	-	-	A	
Kennel	-	-	A	A	A	
Low Barrier Navigation Center	P	P	P	P	P	
Passenger transportation terminal	-	-	-	-	A	
Public agencies facilities	P	P	P	P	P	See definitions
Recreational facility						
Indoor	-	A	P	P	P	
Outdoor	A	A	A	P	P	
Temporary use	P	P	P	P	P	

## Notes:

1. 1. Above first floor commercial only
2. 2. Hotel uses not permitted in Airport Overlay Zone 2. See Sec. 10-6.30.

**Sec. 10-1.803 Development Standards**

Table 10-1.803, Development Standards-Commercial Districts, prescribes the development standards for Residential Districts.

<b>TABLE 10-1.803: DEVELOPMENT STANDARDS – COMMERCIAL DISTRICTS</b>					
<i>Standard</i>	<i>CO-R</i>	<i>CN-R</i>	<i>CN</i>	<i>CG</i>	<i>CB</i>
<i>Lot Requirements (See also Section 10-1.2720 for Special Lot Requirements and Exceptions)</i>					
Minimum Lot Size (sf)	5,000	10,000 (20,000 in SD6)	6,000	6,000	6,000
Minimum Lot Frontage (ft)	35	100	60	35	35
Minimum Average Lot Width (ft)	50	100	60	60	60
Maximum Lot Coverage (%)	50	90	90	90	90
Minimum Average Lot Depth (ft)	80	80	100	100	100
<i>Minimum Yards (ft) (See also Section 10-1.2725 for Special Yard Requirements and Exceptions)</i>					
Front Yard	10	10	10	10, unless the building is located at the property line	10
Side Yard	5	0, unless abutting a R, A, MH, OS, or residential PD District where the side yard shall be 5 ft	0, unless abutting a R, A, MH, OS, or residential PD District where the side yard shall be 5 ft	0, unless abutting a R, A, MH, OS, or residential PD District where the side yard shall be 5 ft	5
Side Street Yard	10	10	10	10, unless building is located at the property line	10
Rear Yard	10	10	0, unless abutting a R, A, MH, OS, or residential PD District where the side yard shall be 10 ft	0, unless abutting a R, A, MH, OS, or residential PD District where the side yard shall be 10 ft	10
<i>Maximum Height (ft) (See also Section 10-1.2730 for Special Height Requirements and Exceptions)</i>					
Building	40	40	40	50	40
Accessory Building	14, one story	14, one story	14, one story	14, one story	14, one story

**TABLE 10-1.803: DEVELOPMENT STANDARDS – COMMERCIAL DISTRICTS**

<i>Standard</i>	<i>CO-R</i>	<i>CN-R</i>	<i>CN</i>	<i>CG</i>	<i>CB</i>
Fences/hedges/walls					
<i>Front and Side Street Yard</i>	4	4	4	4	4
<i>Side and Rear Yard (See also Section 10-1.804.d.)</i>	7	7	7	7	7

### Sec. 10-1.804 Site Plan Review Required.

Site Plan Review, pursuant to Section 10-1.3000, Site Plan Review, is required for the following development projects and uses unless the project otherwise requires Planning Commission approval:

1. Development of new primary structures.
2. Development of new accessory structures greater than 2,500 square feet in size.
3. Additions to a primary structure that increase the net floor area of that structure by at least 50 percent.
4. Any site modification affecting 5,000 square feet or 10 percent of the site area, whichever is greater.

### Sec. 10-1.805 Minimum Design and Performance Standards for Commercial Buildings and Uses

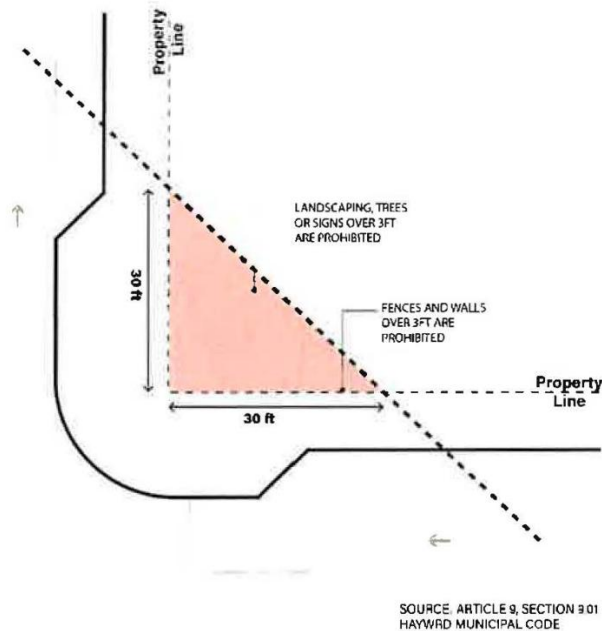
For commercial buildings (including second story residential uses) refer to the design criteria contained in the Hillside Design and Urban/Wildland Interface Guidelines and the following specific criteria and standards.

- a. Accessory Buildings, Detached. Detached accessory buildings, including but not limited to carports, garages, greenhouses, patio covers, sheds, etc., shall meet the following criteria:
  - (1) Shall not exceed one story or 14 feet in height.
  - (2) Shall use exterior building materials and colors which either match or are compatible with the primary building. Special design consideration should be given to structures visible from a public street.
  - (3) Shall not be located in a required front yard or side street yard.
  - (4) Shall be setback a minimum of 5 feet from a side or rear property line. Use setback for primary building if less than 5 feet.
  - (5) Shall not be located in front of a primary building..
  - (6) Shall be setback a minimum of 10 feet from a primary building and any other accessory building.

- (7) The area of all accessory buildings, either individually or cumulatively shall not exceed 50 percent of the ground floor area of the primary building.
- b. Architectural Projections into Yards. Architectural features such as bay windows, cornices, canopies and awnings that are attached to the primary structure, and eaves may extend 2 feet into any required yard; open porches may extend 4 feet into a required rear yard.
- c. Decks and Ramps.
- (1) Decks and ramps 12 inches or less in height may be located in any yard.
  - (2) Decks and ramps between 12 to 30 inches in height may be located in any rear or side yard but no closer than three feet to the rear or side property line.
  - (3) Decks 30 inches or more in height shall conform to the minimum yard setback requirements of the primary building and shall also count toward the lot coverage calculation for the site.
  - (4) Decks located in hillside areas shall conform to the Hillside Design and Urban/Wildland Interface Guidelines.
- d. Fences, Hedges, Walls.
- (1) Fence, hedges and walls shall not exceed a height of 4 feet in a required front yard, side street yard or rear yard abutting a street.
  - (2) A masonry wall not less than 6 feet in height, shall be required where any commercial district abuts any R, A, MH, OS, residential PD District, or other district where there is conforming residential development on the first floor (except adjacent to a required front or side street yard or abutting a street right-of-way). The masonry wall shall be constructed and maintained along the interior lot lines of such district abutted.
  - (3) For fences limited to a maximum of 4 feet in height, the height limit shall not be exceeded at grade measured on either side of the fence.
  - (4) Allowed Fencing Types. Allowable fence types include wrought iron, tubular steel, omega type steel, decorative metal panels with punched out designs, wood picket, brick, stone, etc. Chain link is only permitted within side and rear yard areas that do not front private driveways or public roadways. Barb, electric or razor wire or similar security fencing is prohibited, unless otherwise permitted by State law.



- (5) Where a lot is situated at the intersection of two or more streets, fences, hedges and walls exceeding 3 feet shall not be permitted within the triangle of visibility.



- (6) Retaining Walls.
- (a) Retaining walls which are not a part of walls of buildings shall not exceed 6 feet in height as measured from finished grade elevation to top of wall.
  - (b) A maximum of two successive, approximately parallel retaining walls is permitted when they are separated by a minimum horizontal distance of 6 feet as measured between centerline of the walls.
  - (c) Any additional successive walls shall require a minimum of 15 feet separation provided the required grading is in conformance with City standards and guidelines.
  - (d) The sides of exposed exterior retaining walls that are visible from the public right-of-way, private streets and driveways, and private and public common open space shall be architecturally treated with colored concrete, plaster, stone veneer, brick, tile, natural stone, cultured stone, the same material as the primary building or an acceptable alternative as approved by the Planning Director. Alternatively, the exposed exterior retaining wall may be screened by landscaping that blocks 50 percent of the visible wall area at maturity.
  - (e) The Planning Director may administratively alter or waive any wall requirement, if there is evidence that no practical alternative exists, the purpose of these regulations will not be compromised, and no detrimental impact will result. Applicant shall submit request to alter or waive requirement in writing along with any documentation showing that no practical alternative exists to the Planning Director.

- e. Grading. All grading activity shall follow the grading and terrain design standards of the City of Hayward Subdivision Ordinance, Design Guidelines and Hillside Design and Urban/Wildland Interface Guidelines.
- f. Landscaping.
  - (1) Landscape Areas.
    - (a) Required front, side, side street, and rear yard areas shall be landscaped except for permitted driveways, and walkways. All other areas not utilized for structures or paving shall be landscaped.
    - (b) Required landscaped areas shall be planted with water-conserving trees, shrubs, turf grass, ground cover, or a combination thereof. The sole use of bark, decorative paving, or decorative rock shall not be allowed in required landscape areas.
    - (c) Where any landscaped area adjoins driveways or parking areas, Class B Portland Cement concrete curbs shall be constructed to a height of 6 inches above the finished pavement.
  - (2) Buffer Trees/Landscaping.
    - (a) A minimum of one 15-gallon buffer tree shall be planted for every 20 lineal feet of property line, where a required side or rear yard abuts an A, R, MH, OS, or residential PD District.
    - (b) Masonry walls, solid building walls, trash enclosures, and/or fences facing a street or driveway shall be buffered with continuous shrubs or vines.
  - (3) Street Trees. Street trees shall be planted along all street frontages at a minimum of one 24-inch box or larger tree per 20 to 40 lineal feet of frontage or fraction thereof.
  - (4) Landscaping Near BART.
    - (a) Parcels abutting, or within 500 feet and in direct view from the BART right-of-way shall include a minimum 10-foot-wide landscape strip along the property line(s) abutting or in view from the BART right-of-way.
    - (b) A minimum of one 15-gallon buffer tree shall be planted for every 20 lineal feet of property line.
  - (5) Irrigation. Within all required landscaped areas, an automatic water efficient irrigation system shall be installed upon initial construction of any building or substantial alteration to any building or site.
  - (6) Maintenance.
    - (a) After initial installation, all plantings shall be maintained in a reasonably weed-free and litter-free condition, including replacement where necessary as determined by the Planning Director.
    - (b) Required street, parking lot, and buffer trees shall not be severely pruned, topped, or pollarded (cut back to the trunk).
- g. Roof-Mounted Equipment. Roof-mounted equipment, antennas, satellite dishes, support structures and similar devices shall be screened from public view.

- h. Surfacing. All open areas not landscaped shall be treated or paved with an all-weather, dustless material, such as an asphaltic surface, as approved by the Planning Director. Surfacing shall be permanently maintained, including replacement where necessary.
- i. Trash and Recycling Facilities.
  - (1) Shall be adequately screened from view, utilizing a decorative wood or masonry wall or combination thereof compatible with the design of the primary building on the site.
  - (2) Shall be located no further than 100 feet from the use it is designed to serve, unless the site topography is such that adhering to this standard would interfere with the collection of trash.

#### **Sec. 10-1.806 Minimum Design and Performance Standards for Residential Buildings and Uses.**

For residential uses, refer to the Development Standards in Sections 10-1.803 and the Minimum Design and Performance Standards contained in the Residential Districts, [Sections 10-1.204 to 10-1.208](#).