

10-24.2.3.010 ALLOWED LAND USES AND PERMIT REQUIREMENTS

- A. Table 2.3.010.A (Allowed Uses and Permit Requirements), sets the land use regulations for the Mission Boulevard Corridor Zones 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 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.

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

"P/C" designates uses that are permitted or permitted after review and approval of a Conditional Use Permit under certain circumstances.

"-" designates uses that are not allowed.

- B. 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.
- C. Land uses are defined in Section 10-1.3500 (Definitions), of the Hayward Zoning Code. In cases where a specific land use or activity is not defined, the Planning Director may make a determination in compliance with Section 10-1.2835 (District Uses Not Specified) of the Hayward Zoning Code.

Table 2.3.010.A: Allowed Uses and Permit Requirements					
Land Use	MB-CN	MB-NN	MB-CC	MB-CS¹	Additional Regulations
Residential					
Live-Work	P/C ^{2,3}	P/C ^{2,3}	-	-	
Multi-Unit Residential	P/C ^{2,3}	P/C ^{2,3}	P/C ^{2,3}	-	
Duplex/Triplex	P/C ^{2,3}	P/C ^{2,3}	P/C ^{2,3}	-	
Detached Residential Unit ⁴	P	P	P	-	
Single Room Occupancy	A	A	A	-	See Section 10-1.2736(e) for criteria and standards.
Dormitory	A	A	A	-	
Accessory Dwelling Unit(s)	P	P	P		Where primary use is residential. See Hayward Zoning Code Section 10-1.2740 for criteria and standards.
Lodging					
Hotel	A	A	A	-	
Office					
Architectural Service, Drafting Service, Engineering Service	P	P	P	-	
Banks ⁵	P	P	P	-	
Financial Institutions ⁵	P	P	P	-	
Medical/Dental Laboratory	A	A	A	C	
Office	P	P	P	-	

Retail/Commercial					
Alcohol Sales	Refer to Section 10-1.2750 et seq. of the Hayward Zoning Code for Alcoholic Beverage Outlets Regulations				
Appliance Repair Shop	P	P	A	-	
Appliance Store	P	P	A	-	
Bar, Cocktail Lounge	C	C	C	-	Refer to Section 10-2750 et seq. for additional standards.
Brewery/Winery/Cidery	A	A	A		
Carpet/Drapery Store	P	P	A	-	
Check Cashing Store	-	-	-	-	
Convenience Market	P	P	P	-	If use includes alcohol sales, see also Section 10-1.2750 et seq. of the Hayward Zoning Code for Alcoholic Beverage Outlets Regulations
Copying or Reproduction Facility	P	P	P	-	
Equipment Rental Service	A	A	A	-	
Furniture Store	P	P	A	-	
Health Club	A	A	A	C	
Kennel	A	A	A	-	
Large Motion Picture Theater	C	C	C	C	
Liquor Store	-	-	-	-	
Live Performance Theater	A	A	A	A	
Massage Parlor	-	-	-	-	
Media Production	A	A	P	-	
Newspaper Printing Facility	A	A	P	-	
Nursery (Plants)	P	P	P	-	
Pawn Shop	-	-	-	-	
Payday Loan Facilities	-	-	-	-	
Personal Services	P	P	P	-	
Physical Fitness Studio	P	P	P	C	
Publishing Facility	A	A	P	-	
Recreational Facility	A	A	A	C	
Small Recycling Collection Facilities/Recycling Collection Area	A	A	A	-	See Hayward Zoning Code Subsection 10-1.2735-j(m), Small Recycling Collection Facilities and Unattended Collection Boxes
Restaurant, Including Micro-Breweries as accessory to the Restaurant	P	P	P	-	See Hayward Zoning Code Section 10-1.2750 et seq. for alcohol regulations See Section 3.4.040.F.4 and

and standalone Catering Facilities					5 for outdoor seating requirements
Retail	P	P	P	C	
Small Motion Picture Theater	A	A	A	C	
Tattoo Parlor	-	-	-	-	
Tobacco Retail Sales Establishment	-	-	-	-	
Civic					
<u>Banquet Hall</u>	<u>C</u>	<u>-</u>	<u>C</u>	<u>-</u>	
Cultural or Meeting Facilities	A	A	A	C	
Public Park/Public Gathering	P	P	P	P	
Parking Lots and Structures	A	A	A	C	
Public Agency Facilities	P	P	P	P	
Religious Facility	A	A	A	C	
Other: Agriculture					
Community Garden	P	P	P	P	
Other: Automotive					
Automobile Repair (Minor)	A	A	A	-	
Automobile Repair (Major)	C	C	C	-	
Automobile Sales ⁶	P/A	P/A	P/A	-	
Drive-In Establishment	C	C	C	-	
Automobile Service Station	<u>EM</u>	<u>EM</u>	<u>EM</u>	-	
<u>EV Charging Station</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>C</u>	<u>Does not include ancillary EV charging that is secondary to another primary use.</u>
Taxi Company	A	A	A	-	
Other: Civil Support					
Hospital	A	A	A	C	
Mortuary	A	A	A	C	
Other: Education					
Day Care Center	P	P	P	C	
Day Care Home	P	P	P	-	
Educational Facilities ≤ <u>210,000</u> GFA	P	P	P	C	
Educational Facilities > <u>210,000</u> GFA	A	A	A	C	
Industrial/Vocational Trade School	A	A	A	C	
Other: Light Industrial					

Micro-Brewery	C	C	C	-	See Hayward Zoning Code Section 10-1.2750 et seq. for alcohol regulations
Custom Manufacturing	P	P	P	-	
Distillery	C	C	C	-	See Hayward Zoning Code Section 10-1.2750 et seq. for alcohol regulations
Light Manufacturing	AUP	AUP	-	-	
Research and Development	P	P	-	-	
Other Uses					
Animal Hospital	A	A	A	-	
Commercial Amusement Facility	A	A	A	-	
Emergency Shelter	P	P	P	-	Limited to parcels abutting Mission Boulevard. See Section 10-1.2736(a) for criteria and standards.
Food Vendor	P	P	P	-	See Hayward Zoning Code Subsection 10-1.2735.gm, Food Vendor Permit
Group Home					
Small Unlicensed	P	P	P		
Large Unlicensed	C	C	C		
Small Licensed	P	P	P		
Medium Licensed	A	A	A		
Large Licensed	C	C	C		
Low Barrier Navigation Center	P	P	P	-	See Section 10-1.2736(b) for criteria and standards.
Psychiatric and Rehabilitation Facility	A	A	A	-	
<u>Temporary Use, Minor</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>See Section 10-1.2735(n) for criteria and standards.</u>
Temporary Uses	<u>A</u>	<u>A</u>	<u>A</u>	<u>-</u>	<u>See Section 3.5.020, Temporary Uses</u>
Specific Limitations:					
1. When the MB-CS Zone is applied to privately owned property, the use and building existing at the time this Code comes into effect may continue until the site is redeveloped or becomes under public ownership.					
2. For properties located within Commercial Overlay Zone 1, as shown in the Regulating Plan, commercial uses are required on the ground floor along roadway frontages. Uses associated with the residential use, such as leasing office, community space, amenities, etc., are allowed on the ground floor.					
3. For properties located within Commercial Overlay Zone 2, as shown in the Regulating Plan, residential units are only allowed along the primary street frontage with a conditional use permit.					

4. Detached residential unit permitted if the lot/parcel has an existing, permitted detached residential unit that was constructed prior to the effective date of this Code. No new detached residential units are allowed.
5. Does not include check cashing, pay loans, or auto title loans.
6. An Administrative Use Permit is required for automobile sales uses south of Harder Road.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024; Amended by Ordinance 25-02, § 1(Exh. C), adopted January 21, 2025)

10-24.3.5.020 TEMPORARY USES

- A. **Purpose.** The purpose of this Section is to establish standards for short term activities that would be compatible with adjacent and surrounding uses when conducted in compliance with this Section.
- B. **Applicability.** A Temporary Use allows short term activities that might not meet the normal development or use of standards of the applicable zone, but may otherwise be acceptable because of their temporary nature, ~~when reviewed and appropriately conditioned in compliance with this Section and Division 10-24.4.4 (Temporary Use Permit).~~
- C. **Exempt Temporary Uses.** The following ~~minor or limited duration~~ temporary uses are exempt from the requirements for a Minor Temporary Use Permit in Section 10-1.2735(n) or for a Temporary Use Permit in Division 10-24.4.4 (Temporary Use Permit). ~~Uses that do not fall within the categories defined below must comply with Subsection E.~~
1. **Contractors' Construction Yards On-site.**
 - a. On-site contractors' construction/storage yard(s), in conjunction with an approved construction project on the same parcel, including, but not limited to, storage or cargo containers.
 - b. The construction yard must be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.
 2. **Emergency Facilities.** Emergency public health and safety needs/land use activities, as determined by the Planning Director.
 - ~~3. **Fundraising Events.**~~
 - ~~a. Fundraising events (e.g., bake sales, yard sales, car washes, etc.) are limited to a maximum of two days per month for each sponsoring organization.~~
 - ~~b. Sponsorship is limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code.~~
 - ~~4. **Garage and Yard Sales.** Garage and yard sales (e.g., personal property sales) are allowed as Temporary Uses when conducted within a MB-CN or MB-NN zoned property and are subject to the standards in Subsection 10-1.2735-e(h) (Garage Sales) of the Hayward Zoning Code.~~
 - ~~5. **Sidewalk Dining.** Sidewalk dining, in compliance with Section 3-5.13 of the Municipal Code.~~
- D. **Allowed Temporary Uses Permit Required.** The following temporary uses and events
1. Temporary uses specified in Section 10-1.2735(n), Minor Temporary Use Permit, require approval of a Minor Temporary Use Permit in compliance with the procedures and requirements of that section.

~~1-2. Any other temporary uses deemed appropriate by the Planning Director require approval of an Administrative Temporary-Use Permit in compliance with the procedures and requirements of Section 10-1.3100, and must comply with the following standards:~~

- ~~1. **Events.** In addition to the following standards, temporary events must comply with Subsection 10-1.2735.h (Outdoor Gatherings) of the Hayward Zoning Code. If there is a conflict between this Section and the Municipal Code, this Section controls.~~
 - ~~a. Circuses, carnivals, and similar transient amusement enterprises in a MB-CC Zone subject to no more than 30 days of site occupation and operation in any calendar year.~~
 - ~~b. Music festivals, movie nights, outdoor art and craft shows and exhibits, and similar outdoor entertainment activities subject to a limitation on the number of days of operation as determined by the Planning Director.~~
- ~~2. **Seasonal Sale Events.** Seasonal sale events (e.g., Halloween, Thanksgiving, Christmas, etc.) must comply with Subsection 10-1.2735.c (Christmas Tree and Pumpkin Patch Lot Regulations) of the Hayward Zoning Code. Accessory uses, including temporary residence/security trailers, are only allowed on non-residential properties. Businesses holding valid a Business Permit, in compliance with Chapter 8-1 (Business Licenses) of the Municipal Code must not exceed 45 days for pumpkin and tree sales. Seasonal sales events may not occur more than four times per calendar year with a maximum of five days for each event.~~
- ~~3. **Storage Containers.** Storage containers, including cargo containers or semitrailers, used for storage purposes.~~
 - ~~a. No storage container may exceed a storage period of 15 days in any calendar year, except as specified below.~~
 - ~~b. A storage container located on an active construction site may be retained longer than 15 days, but must be removed immediately following the issuance of a certificate of conformance or final inspection.~~
 - ~~c. Storage containers are not allowed within the public ROW and must be placed to prevent public health or safety issues.~~
- ~~4. **Tract Homes or Lot Sales Offices.**~~
- ~~5. **Mobile Homes.** A mobile home to be utilized as a temporary dwelling in a residential zone while a single family dwelling is under construction and subject to the following provisions:~~
 - ~~a. The mobile home may only be located on the same parcel under construction and occupied while actual construction activities are taking place upon the parcel. The period of placement and use may not exceed 12 months.~~
 - ~~b. The mobile home may only be occupied by the property owner, the builder designated on the Building Permit, and the owner's/builder's family.~~
 - ~~c. The timely removal and compliance with all conditions of approval may be required.~~
 - ~~d. The minimum setbacks for the zone must be maintained.~~
 - ~~e. Additional conditions necessary and appropriate to ensure compatibility with surrounding development, existing and contemplated, may be imposed on the approved permit.~~
- ~~6. **Temporary Vegetable and Fruit Stands.** A temporary vegetable and/or fruit stand is allowed in compliance with the following standards:~~
 - ~~a. Vegetable and fruit stands must be operated by the producer;~~
 - ~~b. The stand may not operate more than 90 days a year;~~

- c. The producer shall obtain written consent from the land owner to operate a temporary vegetable and/or fruit stand on the property;
 - d. More than one stand per lot is prohibited;
 - e. Stands may encroach into required setbacks, but may not encroach into the public right-of-way.
- E. General Requirements for All Temporary Uses.** The Review Authority (See Division 10-24.4.4 (Temporary Use Permit)) may impose requirements for any of the following conditions:
- 1. Compliance with all applicable Federal, State, or County, and local regulations and ordinances;
 - 2. Compliance with any other permit requirements (i.e., Building and/or Electric);
 - 3. Applicant availability during temporary use activity;
 - 4. Agreement that the temporary use will cease on the date printed on the permit, and all related equipment, supplies, product and personnel must be removed from the site; or
 - 5. Any other condition which will ensure the operation of the proposed temporary use or event in an orderly and efficient manner and in full compliance with the purpose of this Article, including those related to the following:
 - a. Cumulative time limits;
 - b. Parking;
 - c. Operating hours;
 - d. Screening;
 - e. Storm water;
 - f. Waste collection and disposal;
 - g. Pedestrian and vehicular access/circulation; and
 - h. Signs, in compliance with Section 10-7.600 (Temporary Sign Regulations) of the Hayward Zoning Code.
- F. Temporary Structures.** Temporary structures are allowed on vacant lots for a period not to exceed six months, provided the area is left unchanged and in its original condition after the removal of the temporary structure.
- G. Temporary Use of Existing Structures.** Temporary, short-term, use of an existing structure is allowed in all zones, provided:
- 1. The short-term use, if a permanent use, would otherwise be a permitted use in the zone;
 - 2. The short-term tenant has signed a lease with the property owner for a time period of no more than six months.
- H. Similar Temporary Uses.** Similar temporary uses, which are compatible with the zone and surrounding land uses, may require a Temporary Use Permit in compliance with Division 10-24.4.4 (Temporary Use Permit) and be subject to the standards in this Section, as determined by the Planning Director.
- I. Condition of the Site Following Temporary Use.** Each site occupied by a temporary use must be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use.
- (Amended by Ordinance 24-01, adopted Jan. 23, 2024)

~~DIVISION 10-24.4.4: TEMPORARY USE PERMIT~~

~~10-24.4.4.010 PURPOSE AND APPLICABILITY~~

- ~~A. This Division establishes the procedures for the review of Temporary Use Permits required by this Code for temporary uses and/or activities that have a short duration, are compatible with adjacent and surrounding uses when conducted in compliance with this Code when reviewed and appropriately conditioned in compliance with this Division. Standards for specific temporary uses are identified in Section 10-24.3.5.020 (Temporary Uses).~~
- ~~B. A Temporary Use Permit is required to allow the temporary uses and/or short-term activities specified in Section 3.5.020 (Temporary Uses), unless exempted by Subsection 10-24.3.5.020.D (Allowed Temporary Uses).~~

~~10-24.4.4.020 REVIEW PROCEDURES~~

- ~~A. **Application Filing and Processing.** The application must be filed with the Planning Director and include the information and materials in the most current Department publication for applications together with the required fee as specified in Section 10-1.2815 (Application) of the Hayward Zoning Code. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 10-24.4.4.030 (Findings).~~
- ~~B. **Administrative Options.** The Planning Director may approve, conditionally approve, or disapprove a Temporary Use Permit application. The Planning Director's decision must be based on the findings listed in Section 10-24.4.4.030 (Findings). For uses not listed in Section 10-24.3.5.020 (Temporary Uses), the Planning Director may determine if the use is allowed with a Temporary Use Permit or requires an Administrative Use Permit in compliance with Section 10-1.2715 (Certain Uses Permitted) the Hayward Zoning Code.~~
- ~~C. **Conditions of Approval.** In approving a Temporary Use Permit application, the Planning Director may impose conditions of approval that are considered reasonable and necessary to ensure that the permit would be in full compliance with the findings required by Section 10-24.4.4.030 (Findings). This may include conditions from other City departments (e.g., Public Works) that may have a direct effect on the operation of the temporary use. Conditions may address any pertinent factors affecting the operation of the temporary event or use to ensure the operation of the proposed event or use is temporary in nature.~~

~~10-24.4.4.030 FINDINGS~~

The Planning Director may approve a Temporary Use Permit subject to making all the following findings:

- ~~A. The location, operation, and time period of the temporary use will not constitute a hazard to the public interest, health, safety, or general welfare.~~
- ~~B. The operation of the temporary use will not be detrimental to adjoining properties through the creation of excessive dust, light, noise, odor, or other undesirable characteristics.~~
- ~~C. The site on which the temporary use is proposed is adequate in size and shape to accommodate the temporary use without detriment to the enjoyment of other properties located adjacent to and near the subject property.~~

~~10-24.4.4.040 LAPSE OF APPROVAL~~

- ~~A. A Temporary Use Permit becomes void if not used within six months following its effective date, or within a shorter time specifically prescribed as a condition of the Temporary Use Permit, or at the expiration of an associated development permit if that occurs at a later time. The Planning Director may extend the time for a~~

~~maximum period of one additional six month period only, if an application is filed before the expiration of the six month or shorter time period.~~

- ~~B. — Where the conditions of a Temporary Use Permit have not been or are not being complied with, the Planning Director shall give written notice to the permittee of intention to revoke or modify the Temporary Use Permit and shall set a date for a public hearing with the Planning Commission in compliance with Section 10-1.2820 (Notice) of the Hayward Zoning Code upon the proposed revocation or modification. The notice must be served on the owner of the subject property by mailing the notice to the owner at the address shown on the last equalized assessment roll at least 10 days before the date of the hearing, and specify the date, time, and place when and where it will be held. Following the hearing, and if the Planning Director finds that there is good cause the Temporary Use Permit may be modified or revoked.~~
- ~~C. — If a structure or use granted under a Temporary Use Permit is abandoned for a period of 30 days, the Temporary Use Permit expires.~~

~~10-24.4.4.050 TIME LIMITS~~

- ~~A. — A Temporary Use Permit is valid for up to 180 days in any given calendar year, unless otherwise stipulated in Section 10-24.3.5.020 (Temporary Uses) or the Planning Director determines that another time limit is necessary to comply with the findings in Section 10-24.4.4.030 (Findings).~~
- ~~B. — The Planning Director may limit the number of Temporary Use Permits approved for each lot in a calendar year to avoid temporary uses becoming effectively permanent uses consistent with the intent of this Division.~~

~~10-24.4.4.060 APPEALS~~

~~A decision for a Temporary Use Permit can be appealed in compliance with Section 10-1.2845 (Appeal and Review Process) of the Hayward Zoning Code.~~