



CITY OF
HAYWARD
HEART OF THE BAY

PLANNING COMMISSION

MAY 28, 2015

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CITY OF HAYWARD
777 B STREET, HAYWARD, CA 94541-5007
(510) 583-4205 / www.hayward-ca.gov
LIVE BROADCAST – LOCAL CABLE CHANNEL 15

AGENDA
HAYWARD PLANNING COMMISSION
THURSDAY, MAY 28, 2015 , AT 7:00 PM
COUNCIL CHAMBERS

MEMBERS OF THE AUDIENCE WISHING TO ADDRESS THE PLANNING COMMISSION:

Obtain a speaker's identification card, fill in the requested information, and give the card to the Commission Secretary. The Secretary will give the card to the Commission Chair who will call on you when the item in which you are interested is being considered. When your name is called, walk to the rostrum, state your name and address for the record and proceed with your comments. The Chair may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens for organization. Speakers are expected to honor the allotted time.

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT: (The PUBLIC COMMENTS section provides an opportunity to address the Planning Commission on items not listed on the agenda. The Commission welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Commission is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff for further action).

ACTION ITEMS: (The Commission will permit comment as each item is called for Public Hearing. Please submit a speaker card to the Secretary if you wish to speak on a public hearing item).

PUBLIC HEARINGS: For agenda item No. 1 and agenda item No. 2, the Planning Commission may make a recommendation to the City Council.

1. Establish a New Zoning Conformance Permit and Related Fee Associated with Amendments to Chapter 10, Article 1, Zoning Ordinance, of the Hayward Municipal Code; the Proposed Project is Exempt from the California Environmental Quality Act (CEQA) Under CEQA Section 15061(b)(3); City of Hayward (Applicant)

[Staff Report](#)

[Attachment I - Proposed HMC Section 10-1.2950, Zoning Conformance Permit](#)

[Attachment II - Proposed Revision to the Master Fee Schedule](#)



Assistance will be provided to persons requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons needing accommodation should contact Sonja Dal Bianco 48 hours in advance of the meeting at (510) 583-4204, or by using the TDD line for those with speech and hearing disabilities at (510) 247-3340.

2. Amendments to Hayward's Sign Regulations (Chapter 10, Article 7 of the Hayward Municipal Code); Repeal of Sign Provisions in Hayward's Two Form-Based Codes; and Establishment of Proposed New Fees; the City has Prepared a Negative Declaration, which Concludes that the Project will not have a Significant Negative Impact on the Environment; Applicant: City of Hayward

[Staff Report](#)

[Attachment I Draft Sign Regulations](#)

[Attachment II - Modifications to Section 10-24.100 and 10-25.100](#)

[Attachment III Revised Master Fee Schedule](#)

[Attachment IV - Sign Corridor Overlay District Map](#)

[Attachment V - PC WS Minutes](#)

[Attachment VI - CC WS Minutes](#)

[Attachment VII - Public Comments](#)

COMMISSION REPORTS:

3. Oral Report on Planning and Zoning Matters
4. Commissioners' Announcements, Referrals

APPROVAL OF MINUTES

5. None

ADJOURNMENT

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing. **PLEASE TAKE FURTHER NOTICE** that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

NOTE: Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Permit Center, first floor at the above address. Copies of staff reports for agenda items are available from the Commission Secretary and on the City's website the Friday before the meeting.

DATE: May 28, 2015

TO: Planning Commission

FROM: Leigha Schmidt, AICP, Senior Planner

SUBJECT: Establish a New Zoning Conformance Permit and Related Fee Associated with Amendments to Chapter 10, Article 1, Zoning Ordinance, of the Hayward Municipal Code; The proposed project is exempt from the California Environmental Quality Act (CEQA) under CEQA Section 15061(b)(3); City of Hayward (applicant)

RECOMMENDATION

The Planning Commission recommends that the City Council adopts an amendment to the Hayward Municipal Code (HMC) (Text Amendment Application No. 201502107) to add a new Section 10-1.2950, *Zoning Conformance Permit*, a simplified planning permit associated with review and processing of applications for activities that are allowed as a matter of right, subject to fixed standards or objective measurements set forth in the HMC, including adoption of a related new permit fee in the City's Master Fee Schedule.

SUMMARY

In the coming months, City staff anticipates bringing forward city-initiated amendments to the HMC, including but not limited to, establishment of regulations for Unattended Collection/Donation Boxes, fencing on vacant property, and other minor uses and developments that will require planning review to ensure consistency with specified regulations and standards and to establish a record for the project. The Zoning Conformance Permit (ZCP), which is a type of permit commonly used in other jurisdictions, would provide a simplified over-the-counter planning application process to allow streamlined planning review, approval and documentation of such activities, while ensuring cost recovery through establishment of a new permit fee.

BACKGROUND

The HMC contains general planning permits (i.e. Administrative and Conditional Use Permits, Variances, and Zoning Text Amendments,) and specific planning permits related to uses or types of development (i.e., Food Vendors, Chickens, and Tobacco Establishments). Generally, the City's planning permit application deposit amounts are set to cover thorough multi-department review, public noticing, and time to draft and review findings of fact and conditions of approval. Specific permits that do not require intensive review or public noticing are generally priced lower. However, the practice of establishing numerous special permits for minor uses every time that a set of

regulations comes before the Commission and Council is bureaucratic and overly complex, and could be remedied by the establishment of a general, over-the-counter planning permit as proposed.

Other jurisdictions with similar permits include Berkeley's Zoning Conformance Permit (\$180 permit fee); Fremont's Determination of Zoning Compliance (no fee); Santa Rosa's Zoning Clearance Certification (no fee); Pasadena's Code Compliance Permit (\$69); and the County of San Diego's Zoning Verification Permit (approximately \$1,000), among others.

DISCUSSION

As noted in the Summary above, City staff anticipates bringing forward city-initiated zoning text amendments in the next few months to introduce new minor uses and developments that will be permitted in certain districts subject to specific, fixed standards and objective measurements. These uses and minor developments would not warrant significant scrutiny and public noticing over and above an over-the-counter review to ensure that the proposed project is consistent with the adopted standards and measures, such as is already done for a sign permit. Rather than creating separate individual permits for each of these uses or trying to modify already established processes to cover these minor developments and uses, staff recommends the establishment of a simplified, over-the-counter ministerial ZCP at a set fee. Like sign permits, issuance of the ZCP would create a legal record of the proposed project and ensure ongoing compliance with the adopted standards or provide an enforcement mechanism if the use/development is not conducted in accordance with standards.

Overview of Proposed Zoning Conformance Permit Regulations - The ZCP would be a new stand-alone Section 10-1.2950, Zoning Conformance Permit, in the HMC. Like other planning permit sections in the HMC, the proposed ZCP section would contain various sub-sections including Purpose, When Required, Application Submittal Requirements, Notice of Decision and Effective Date, Conformance, Uses Not Specified and Violations and Penalties. Please see Attachment I to this report for the complete text of the ordinance.

Unlike other planning permits, the ZCP would not contain required findings, conditions of approval, the option for appeal, and public noticing. The proposed permit would be ministerial and would apply only when uses and or minor developments are permitted by right subject to fixed standards or objective measurements. Ministerial permits are defined as actions in which the local government does not have discretion and result in issuance of a permit if certain conditions are met. Examples of ministerial permits include sign permits and building permits. If the proposed project does not objectively meet the adopted standards or measurements, the applicant would be directed to modify the proposed project to bring it into conformance with the adopted regulations or the permit would be denied. If it is denied, the applicant would be provided the option to submit a higher level planning permit such as a variance, or other applicable standard discretionary permit.

Staff recommends that the proposed ZCP fee be set at \$210, equal to one hour of the standard hourly Planning rate. Staff recommends that a flat, consistent fee be adopted for all applicants regardless of for profit or non-profit status due to the simple nature of the permit. This approach is consistent with other ministerial Planning permits, such as a sign permit. The proposed fee is intended to cover initial discussion about the adopted regulations, the applicability of the regulations

to the proposed site, review of plans for conformance with adopted regulations and issuance of a written ZCP.

Environmental Impact Analysis - The proposed project is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3), as an activity that is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed zoning text amendments would establish a new simplified permit and process for minor uses and developments such as installation of small structures ancillary to the main use on the site. Thus, it can be seen with certainty that there is no possibility that the proposed project would have a significant effect on the environment.

Text Amendment Findings for Approval - In order for the Text Amendments to be approved, the following findings must be made:

A. *Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward.*

The proposed text amendments will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the ministerial Zoning Conformance Permit will provide a simplified Planning review process and timeline and reduced cost for minor uses and small developments that are consistent with adopted development and performance standards. Further, the Zoning Conformance Permit will provide a record for the establishment of the use or development. If the use or development is found to be operating outside of the approval and not in accordance with adopted standards, the proposed Violations and Penalties regulations would provide a mechanism whereby any nuisance uses or developments may be subject to code enforcement action.

B. *The proposed change is in conformance with all applicable, officially adopted policies and plans.*

The proposed change will add a new minor, ministerial planning permit to allow and track minor uses and developments permitted “by right” in accordance with specific development and performance standards as determined appropriate by the Planning Commission and City Council. The permit will be consistent with all applicable, officially adopted policies and plans in that the permit will only be applicable to allowable uses subject to Zoning Conformance Permit approval as specified in the municipal code. Further, the proposed permit will provide a clear record of establishment of certain uses, subject to those standards, and a remedy to revoke such a permit or abate any uses or developments that do not operate in accordance with the approved permit.

C. *Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified.*

No properties are proposed to be reclassified. Rather, the Zoning Conformance Permit involves establishment of a ministerial planning permit to establish and track minor uses and developments that are consistent with the Municipal Code.

D. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.

No properties are proposed to be reclassified. The Zoning Conformance Permit will be applicable only to minor uses and developments permitted by the Zoning Ordinance subject to specific development and performance standards. The Zoning Conformance Permit will offer a simplified, over-the-counter planning application process with a nominal permit fee to ensure cost recovery, thus benefitting property and business owners via a reduced fee. Staff efficiencies will also improve with a streamlined process, helping free up limited staffing resources to focus on more substantial and impacting projects. The Zoning Conformance Permit also will benefit the City in that it will minimize the number of individual permits staff administers and will provide a method of tracking uses and minor developments throughout the City while providing legal remedy in the event that a property or business owner does not comply with the municipal code and the plans attached to the approved permit.

ECONOMIC IMPACT

Establishment of a ZCP would provide a simplified, lower-priced permit for property and business owners without going through a typical administrative use permit or site plan review process, both of which have set deposit amounts priced to cover public noticing, multiple department staff review, and development of findings and conditions of approval. It is anticipated that the ZCP will be utilized to review and document future uses, such as the placement of Unattended Collection/Donation Boxes and establishment of well-designed fencing for vacant properties. Further, the ZCP would provide a record to the establishment of the use or development to ensure ongoing consistency with the Municipal Code.

FISCAL IMPACT

The Zoning Ordinance does not contain an over the counter, ministerial planning permit to cover minor uses and developments (other than signage) that are allowed by right, subject to specific development and performance standards. The proposed ZCP fee would be set at one hour of a planner's time to ensure cost recovery of staff time during the initial in-take, consistency review, issuance of permit and records management post-permit issuance. It is not anticipated that the ZCP process would normally require more than one hour of staff time; however, future annual adjustments will be required to set the fee at a higher or lower rate depending on the time that is spent processing applications for the new permit.

PUBLIC CONTACT

On or before May 15, 2015, notice of the public hearing related to the proposed zoning text amendment was published in *The Daily Review*, and was posted at City Hall and the Hayward Public Library. On April 27, 2015 and May 15, 2015, Planning staff met with representatives from USAgain and Recycle for Change, respectively, and described the proposed ZCP process and fee.

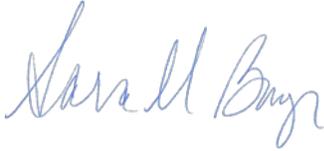
Recycle for Change did submit a letter on May 21, which is primarily related to the Unattended Collection Box Ordinance, a revised version of which is scheduled for City Council review this summer. Staff will attach such letter to that staff report when presented to City Council. However, Recycle for Change did raise concerns about requiring permission of the property owner on permit applications, indicating that “property owners are often absentee and can be impossible to locate and/or contact.” Recycle for Change indicated support for a permitting process that allows the applicant to have such permit authorized by the property owner or person in legal possession of the property. As is the case with other regulations and permit applications, staff will accept written application support from the owner’s representative, who is authorized in writing by the property owner, in addition to the property owner. Staff recommends the ordinance not be modified in this respect, since staff feels it is important that the property owner acknowledge an application or his/her authorized representative do so.

NEXT STEPS

Staff will incorporate input from the Planning Commission and forward the Commission’s recommendation to the City Council for a public hearing, tentatively scheduled for June 16, 2015.

Prepared by: Leigha Schmidt, AICP, Senior Planner

Recommended by:



Sara Buizer, AICP
Planning Manager

Approved by:



David Rizk, AICP
Development Services Director

Attachments:

- | | |
|---------------|---|
| Attachment I | Proposed HMC Section 10-1.2950, Zoning Conformance Permit |
| Attachment II | Proposed Revision to the Master Fee Schedule |

SEC. 10-1.2950 ZONING CONFORMANCE PERMIT

Sections:

Section 10-1.2955	Purpose.
Section 10-1.2960	When Required.
Section 10-1.2965	Application.
Section 10-1.2970	Notice of Decision and Effective Date.
Section 10-1.2975	Conformance.
Section 10-1.2980	Uses Not Specified.
Section 10-1.2985	Violations and Penalties.

SEC. 10-1.2955 PURPOSE.

A Zoning Conformance Permit is associated with a simplified process for reviewing applications for activities that are allowed as a matter of right, subject to fixed standards or objective measurements set forth herein. Any action of the Planning Director pursuant to this section may be taken without neighborhood notice or public hearing. The decision by the Planning Director pursuant to this section shall be final.

SEC. 10-1.2955 WHEN REQUIRED.

A Zoning Conformance Permit shall be required for all uses or development that are allowed as a matter of right and that are identified as requiring a Zoning Conformance Permit. Site Plan Review may be required if the Planning Director determines that the project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards and guidelines, in accordance with the Site Plan Review provisions of this Ordinance.

SEC. 10-1.2965 APPLICATION.

- a. Application for a Zoning Conformance Permit shall be on a form provided by the Planning Division and shall be signed by the applicant and by an owner of the property or the owner's authorized representative. The application shall be submitted to the Planning Division and shall be accompanied by payment of a fee, as established by resolution of the City Council.
- b. Each application shall be accompanied by:
 - (1) A scaled map or diagram of the property;
 - (2) A statement describing the existing improvements or use of the subject property and any proposed changes;
 - (3) Other documents or information in such form and number as may be required by the Planning Director, including, but not limited to, materials specifically required for the proposed use or development, title reports, dimensioned architectural drawings showing elevations of existing and proposed buildings, existing and proposed landscaping and other ground treatment, required parking facilities and circulation, provisions for refuse,

fencing, lighting, storage, signs, proposed open space, building materials and drainage facilities, and existing and proposed grades.

- c. No application shall be acted upon until it is deemed complete by the Planning Director.

SEC. 10-1.2970 NOTICE OF DECISION AND EFFECTIVE DATE.

- a. Notice. Any notice provided for in this section shall be served on the applicant and the property owner in accordance with State law, and shall include the name of the applicant, the purpose of the application and the location of the property. A copy of the notice will be mailed to the person(s) and address(es) identified in the application. The failure of any person to receive notice properly given shall not affect the validity of any proceedings hereunder.
- b. Effective Date. The decision of the Planning Director shall take effect upon approval.

SEC. 10-1.2975 CONFORMANCE.

A Zoning Conformance Permit issued on the basis of plans and applications approved by the Planning Director are valid only for uses, arrangements, and construction set forth in the permit. Any use, arrangement, or construction other than those set forth in the permit is a violation of the Zoning Ordinance.

SEC. 10-1.2980 USES NOT SPECIFIED.

When a proposed use is not listed where other uses of the same general character are specified, the Planning Director may interpret the Ordinance to include said use as comparable to a primary or conditional use in the same district.

SEC. 10-1.2985 VIOLATIONS AND PENALTIES.

- a. Any person violating any provision of this Ordinance or failing to comply with any approved plans or conditions, shall be guilty of an infraction or misdemeanor as set forth in Chapter 1, Article 3 of the Hayward Municipal Code.
- b. Whenever there exists cause to suspect a violation of any provision of this Ordinance, the official responsible for enforcement may enter on any site or into any structure for the purpose of investigation. No secured building shall be entered without the consent of the owner or occupant or agent thereof. Where the owner refuses to permit entry for investigation, the official responsible for enforcement may seek to obtain a warrant issued by the Superior Court of Alameda County for the purposes of inspection.
- c. The procedures for abatement of an infraction set forth herein shall not be exclusive and shall not in any manner limit or restrict the City from enforcing other City ordinances and regulations or abating public nuisances in any other manner provided by law.

- d. Any violation of this ordinance shall be a public nuisance and may be abated as such. Nothing in this Ordinance shall be deemed to prevent the commencement of a civil proceeding to abate a public nuisance pursuant to applicable law or from pursuing any other remedy available under applicable law.
- e. Upon conviction of an infraction, a person shall be subject to payment of a fine, not to exceed the limits set forth in California Government Code section 36900. After a third conviction for a violation of the same provision, subsequent violations within a 12-month period may be charged as a misdemeanor. Upon conviction of a misdemeanor, a person shall be subject to payment of a fine, or imprisonment, or both, not to exceed the limits set forth in California Government Code section 36901.
- f. Each day that a violation or failure to comply continues shall be deemed a separate offense and may be punished as such.
- g. The remedies provided for herein shall be cumulative and not exclusive.

B PLANNING		
1. Pre-Application Meeting₁ (includes Fire Dept. fee) No Charge	No Charge	
2. Code Assistance Meeting ₁ (payable with Fire Dept. fee)	No Charge	
3. Annexation Proceedings Costs shall also include, but not be limited to, current annexation filing fees established by the Board of Equalization in manner provided by the State Government Code Section 54902.5.	\$15,000	Time & Material; Initial Deposit*
4. LAFCO Utility Service Agreement (Preparation and processing of documents in connection with utility service to property outside of the City limits)	\$5,000	Time & Material; Initial Deposit*
5. Environmental/Technical Analysis (Contract) Consultant	\$5,000	Time & Material; Initial Deposit*
6. General Plan Amendment₁	\$12,000	Time & Material; Initial Deposit*
7. Text Change to Zoning Ordinance₁	\$12,000	Time & Material; Initial Deposit*
8. Rezoning and Prezoning (Including New or Major Modification to a Planned Development)₁	\$12,000	Time & Material; Initial Deposit*
9. Rezoning (Planned Development Precise Plan or Preliminary Plan Minor Modification)	\$6,000	Time & Material; Initial Deposit*
10. Conditional Use Permit₁	\$6,000	Time & Material; Initial Deposit*
11. Administrative Use Permits		
a Chickens	\$500	Per Application
b Food Vendors	\$700	Per Application
c Processed Administratively	\$2,000	Time & Material; Initial Deposit*
d Involve Public Hearing	\$6,000	Time & Material; Initial Deposit*

12. Site Plan Review¹		
a Processed Administratively	\$2,000	Time & Material; Initial Deposit*
b Involving Public Hearing	\$6,000	Time & Material; Initial Deposit*
13. Variance/Warrants - Processed Administratively	\$2,000	Time & Material; Initial Deposit*
14. Variance/Warrants & Exceptions – Involving Public Hearing	\$6,000	Time & Material; Initial Deposit*
15. Modification of Approved Development Plan – Processed Administratively	\$2,000	Time & Material; Initial Deposit*
16. Modification of Approved Development Plan – Involving Public Hearing	\$6,000	Time & Material; Initial Deposit*
17. Extension of Approved Development Plan/Applications	\$1,000	Time & Material; Initial Deposit*
18. Designation of Historical or Architectural Significance¹	\$6,000	Time & Material; Initial Deposit*
19. Development Agreement		
a Review of application, negotiation of agreements, processing through Planning Commission and City Council	\$12,000	Time & Material; Initial Deposit*
b Amendment Processing	\$6,000	Time & Material; Initial Deposit*
c Annual Review	\$1,000	Time & Material; Initial Deposit*
20. Written Verification of Zoning Designation or Similar Request	\$500	Per Application
21. Research	\$216 plus \$41	per hour after first 15 minutes
22. Zoning Conformance Permit	\$210	Per Application
23. Sign Permits		
a Sign Permit (one business)	\$300	
b Sign Permit (each additional business – same application)	\$250	
234. Sign Program	\$1,500	
245. Appeal Fee for Applicant	\$6,000	Time & Material;

		Initial Deposit*
256. Appeal Fee Other Than Applicant	\$250	
267. Tentative Tract or Tentative Parcel Map		
a Processed Administratively	\$4,000	Time & Material; Initial Deposit*
b Involving Public Hearing	\$6,000	Time & Material; Initial Deposit*
278. Final Parcel Map	\$2,000	Time & Material; Initial Deposit*
289. Final Tract Map	\$6,000	Time & Material; Initial Deposit*
2930. Lot Line Adjustment	\$4,000	Time & Material; Initial Deposit*
301. Certificate of Merger or Certificate of Compliance	\$4,000	Time & Material; Initial Deposit*
312. Grading Permit Application	\$4,000	Time & Material; Initial Deposit*
323. Security Gate Application	\$2,000	
334. Encroachment Permit – Street Events The City Manager may reduce or waive this fee for certain events. (<i>See Fee Reduction, Waiver, and Sponsorship for Special Events Policy</i>)	\$1,500	
345. Encroachment Permit Application – Major Work	\$4,000	Time & Material; Initial Deposit*
356. Encroachment Permit Application – Minor Work	\$2,000	Time & Material; Initial Deposit*
367. Food Sharing Event	No charge	
378. Tree Preservation:		
a Annual Pruning Certification	\$126	
b Tree removal/pruning	\$211	
389. Mobilehome Park Closure/Change of		

Use	\$12,000	Time & Material; Initial Deposit*
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3940. Review of Building Permit Applications

- | | | |
|--|----------|--|
| a Commercial/Industrial Tenant Improvements or Additions | \$416.00 | |
| b Addition - Single-Family Dwelling | \$274.00 | |
| c Addition - Multi-Family Dwelling | \$568.00 | |
| d New Accessory Structure | \$186.00 | |
| e New Single Family Dwelling | \$499.00 | |
| f New Single-Family Dwelling – Hillside | \$721.00 | |
| g New Industrial Building | \$686.00 | |
| h New Commercial Building | \$742.00 | |
| i Over-the-Counter Approvals | \$149.00 | |

401. Inspections - Planning and Landscape

- | | | |
|---|-------|--|
| a Single-Family Residential - Subdivision | \$212 | |
| b Multi-Family Residential Development | \$319 | |
| c Single-Family Residential - Hillside | \$255 | |
| d Re-Inspection | \$212 | |
| e Miscellaneous | \$79 | |

442. General Plan Update Fee	12% of Building Permit Fee	
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† It is recommended that major projects be reviewed at a Pre-Application Meeting prior to submittal of a Development Review Application.

*If during the review of the project the Planning Director estimates that the charges will exceed the deposit, additional deposit(s) will be required. Also, the Planning Director may authorize a lesser initial deposit than shown if he/she determines that processing of an application will not entail need for the full initial deposit. Prompt payments of deposits or outstanding fees owed in association with the application will assure continued staff review of the project. Failure to provide requested deposit or fees associated with the application within an appropriate time frame as determined by the Planning Director will be treated as a withdrawal without prejudice of the application. Any surplus deposit remaining shall be refunded promptly upon project completion.

DATE: May 28, 2015

TO: Planning Commission

FROM: Linda Ajello, AICP, Senior Planner

SUBJECT: Amendments to Hayward’s Sign Regulations (Chapter 10, Article 7 of the Hayward Municipal Code); Repeal of Sign Provisions in Hayward’s Two Form-Based Codes; and Establishment of Proposed New Fees; the City has Prepared a Negative Declaration, which Concludes That the Project Will Not Have a Significant Negative Impact on the Environment;
Applicant: City of Hayward

RECOMMENDATION

Making the required findings as stated in this report, that the Planning Commission recommends that the City Council approves the proposed amendments to Hayward Municipal Code (HMC) Sections 10-7.100 et seq, *Sign Regulations* (Attachment I) and related amendments associated with repeal of HMC Sections 10-24.285 and 10-25.285 (Attachment II); approves related new fees (Attachment III); and adopts the related [Negative Declaration/Initial Study](#).

SUMMARY

In response to City Council direction, the City is updating its sign regulations in order to present the regulations in a more meaningful, understandable format, and to better reflect the community’s desires and General Plan goals and policies related to signage, with an emphasis on addressing abandoned or illegal signs while providing more flexibility for temporary signs. Additionally, the purpose and objectives of the sign regulations have been revised and expanded to reflect the significance of signage, particularly related to economic benefits. Suggested revisions reflect the fact that signs have an important business function, can significantly add or detract from a community’s aesthetics, have way-finding purpose for both drivers and pedestrians, act as guides to special places and events, and help define an area’s character.

Specifically, the proposed revisions:

- include an easier to read format that incorporates charts, photos and drawings;
- create a sign corridor overlay district to enhance auto- and pedestrian-oriented experiences and business signage effectiveness on parcels fronting major street corridors and collectors;

- increase the permitted sign type and time allowed for temporary signs;
- add an amortization section that requires the removal of abandoned signs and nonconforming signs to conform within five years after adoption of the new sign regulations;
- incorporate the sign standards from the South Hayward Bart/Mission Boulevard and Mission Boulevard Corridor Form Based Codes so that all sign regulations are located in one place in the zoning regulations;
- eliminate repetition and internal conflicts within the regulations, where possible; and
- allow for expansion of the use of A-Frame signs in the Downtown.

BACKGROUND

The sign regulations last received a comprehensive update in 1998. To begin the current update process, a survey was distributed to Hayward Chamber of Commerce members in August of 2011, with the survey analysis indicating that 43% of the respondents found the City’s sign regulations confusing and took too much time to locate the appropriate information. While more than half of the respondents were able to find the sign regulations online, over 25% preferred to speak with a Planner instead (by phone or in person) and others relied on their sign contractor to handle the process. All the respondents were unsatisfied with the sign regulations.

Community Meeting. On December 13, 2014, a public notice advertising a January 7, 2015 public meeting was published in *The Daily Review* newspaper and was subsequently mailed to interested parties, including participants from the previous update in 1998, all downtown businesses, outside agencies, the Planning Commission and the City Council. In all, 738 notices were mailed and the Hayward Chamber of Commerce sent the notice to all of its members via their electronic newsletter. Attendees included two sign company representatives and four local business owners. Issues raised during this public work session included:

- Better promotion of businesses through signage;
- An expansion of the use of A-Frame signs; and
- The ability to change regulations as technology changes.

Work Sessions. On January 22 and March 24, 2015, work sessions were held with the [Planning Commission](#) and [City Council](#), respectively. At the Planning Commission Work Session, one member of the public spoke on the proposed sign regulations, stating that the City should allow business to use inflatable character signs for advertising purposes, noting that small businesses do not have the means to compete with the advertising budgets of the larger competitors. No public comments were made at the City Council Work Session. Overall, both the Commission and Council were supportive of the proposed revisions to the sign regulations, except in regards to “moving signs,” where one Council Member was in support of such signs and felt they did not create any pedestrian or vehicular safety issues. Attachments V and VI include the minutes from those two work sessions.

Local Boards and Commissions and Committees. On December 1, 2014, staff met with the [Council Economic Development Committee](#) (“CEDC”) at their regularly scheduled meeting to discuss ideas for revising the sign regulations. CEDC member comments included desire to see visual examples in the sign regulations; issues with temporary signage not being removed as

required; and creation of new standards for the City's major corridors.

On January 9, 2015, staff met with the Government Relations Committee of the Hayward Chamber of Commerce. A short presentation was made and staff answered a range of questions. Issues raised during this meeting included the need for better enforcement of sign violations, including A-Frame signs within the City right-of-way; providing education to new business owners on the sign regulations; and reducing clutter and having more efficient signage on Mission Boulevard.

On February 17, 2015, staff met with the Chamber of Commerce and a local business owner at the Chamber offices to discuss the proposed sign regulations. The local business owner, who also spoke at the Planning Commission Work Session, reiterated his concerns in regards to small business owners not having the means to compete with the advertising budgets of larger businesses and that inflatable character signs should be permitted as seasonal signage. A written statement was provided outlining his concerns (see Attachment VII).

DISCUSSION

Overview of Proposed Sign Regulations - General Plan Consistency: The proposed amendments are consistent with the General Plan in that the sign regulations promote economic development while preserving an aesthetic quality citywide. There are three directly relevant General Plan policies, which are identified below, along with explanations from staff regarding how the proposed new regulations implement such policies:

LU-4.4 Design Strategies for Corridor Developments - Enhance commercial and mixed-use building facades with awnings, shade structures, pedestrian-oriented signage, decorative lighting, and other attractive design details and features.

The time limit for temporary signs is proposed to increase from fourteen days and two times per year to sixty days per calendar year with no limit to the number of times of display, but requiring the periods and durations to be listed on the permit. Such changes will help new businesses become established and allow better promotion of special events at businesses.

Also, a new sign corridor overlay district is proposed that would include both auto- and pedestrian-oriented signage to enhance the corridors with attractive design. The boundaries of the proposed sign corridor include the Downtown core, all arterial roads, as well as commercial collector roads (see map, Attachment IV). The proposed regulations include a provision to allow businesses within the overlay district, such as those in the Downtown where there is heavy pedestrian traffic, to have blade signs of a certain size that would not be counted in the overall sign allowance. Blade signs are currently permitted, but the sign area for those signs is counted in the maximum sign area allowed for each business, making it a less attractive option since it will result in less sign area for a wall sign or other more prominent signage. The maximum sign area would also be increased to allow businesses to have larger signs that would be more visible in the auto-oriented corridors, such as Mission Boulevard and Hesperian Boulevard.

The updated regulations also expand the current area permitted to use A-Frame signs to include the Downtown Entertainment Area (area between A and D Streets and between Second Street

and Grand Street). Such expansion would allow all businesses within the downtown core, which experiences a higher level of pedestrian traffic, to have more visibility through this pedestrian-oriented signage. The sign areas for A-Frame signs will continue to not be counted towards the maximum sign area allowed for each establishment, providing continued benefit to businesses. Because A-Frame signs are still a less expensive, effective alternative for businesses that may not have a large budget for signage, it is not anticipated that the demand for A-Frame signs will diminish, even with the aforementioned provision for blade signs. While the cities that staff surveyed concerning A-Frame sign regulations varied somewhat in sign size and days/hours allowed, the City's current A-Frame sign regulations are very similar to theirs. However, in 2014, twenty-eight percent of sign violations were for portable or A-frame signs. Due to this, staff has incorporated more specific guidelines to the sign regulations pertaining to A-frame or portable signs, including diagrams as to allowed location, number of signs, hours of display, design and dimensional standards, and a requirement for a reduced fee (\$50) encroachment permit to allow said signs to be located within the City right-of-way.

LU-4.6 Commercial Signs - The City shall maintain, implement, and enforce sign regulations and design standards to reduce sign clutter and illegal signage along corridors.

The proposed update to the Sign Regulations includes the creation of a sign corridor overlay district created to reduce sign clutter and illegal signage along selected corridors and collector streets and enhance them with attractive design. Temporary promotional signage such as banners, wind feathers, air dancers and inflatable signs will be permitted in limited numbers/frequency along corridors outside the Downtown core for specific uses, such as auto dealerships. Events, such as grand opening events, promotional business events and community events are considered temporary promotional events. Inflatable signs will be permitted to be used for temporary promotional or seasonal events only with the approval of a temporary sign permit. A \$200 deposit will be required, along with a \$100 application fee, as an incentive to help ensure timely removal of temporary signs. Once the applicant has proven that the temporary signage has been removed to the City's satisfaction and by the date specified on the permit, the \$200 deposit will be returned. The addition of an amortization section is also recommended to further aid in the removal of nonconforming and abandoned signage.

Also proposed are provisions for mural art projects, which would distinguish between a mural sign and mural art as well as provide a mechanism for the City to review and keep record of all mural art in the City and to ensure artists rights in accordance with the [Visual Artist Rights Act of 1990](#) (VARA). A mural art registration process with a \$50 registration fee to cover the cost of staff time is proposed. The process and regulations for mural art installation will need to be in accordance with the [City's Mural Art Program](#) and federal law regarding first amendment rights.

LU-6.7 Design Strategies - The City shall encourage developments within the Industrial Technology and Innovation Corridor to incorporate the following design strategy: Develop coordinated and well-designed signage for tenant identification and way-finding.

The updated regulations include charts, photos, and drawings to clarify the regulations and to better assist business owners in selecting appropriate signage for their industrial uses. Visual examples

have been added throughout the draft sign regulations that would apply Citywide to effectively illustrate exempt, prohibited and permitted sign types.

Text Amendment Findings for Approval - In order for the Text Amendments to be approved, the following findings must be made:

A. *Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward.*

The proposed Text Amendments will promote the public health, safety, convenience, and general welfare of the residents of Hayward by creating updated sign regulations that are in an easier to read format, including clarified language, photos, charts and diagrams and consolidation of all sign regulations into one Article of the Zoning Ordinance, which will result in more attractive signage throughout the City that will better promote business interests.

B. *The proposed change is in conformance with all applicable, officially adopted policies and plans.*

The proposed Text Amendments conform to the following City General Plan Land Use policies, as described previously in this report:

- *LU-4.4 Design Strategies for Corridor Developments - Enhance commercial and mixed-use building facades with awnings, shade structures, pedestrian-oriented signage, decorative lighting, and other attractive design details and features.*
- *LU-4.6 Commercial Signs - The City shall maintain, implement, and enforce sign regulations and design standards to reduce sign clutter and illegal signage along corridors.*
- *LU-6.7 Design Strategies - The City shall encourage developments within the Industrial Technology and Innovation Crescent to incorporate the following design strategy: Develop coordinated and well-designed signage for tenant identification and way-finding.*

C. *Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified.*

No properties are proposed to be reclassified. The proposed Text Amendments will provide clearer standards for signage in the City of Hayward and assist business owners in developing signage and obtaining proper permits.

D. *All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.*

No properties are proposed to be reclassified. The Text Amendments will provide clearer standards to help inform and guide the public in establishing signage for their businesses in the City of Hayward.

Environmental Impact Analysis – Staff prepared a [Negative Declaration and Initial Study](#), in accordance with the California Environmental Quality Act (CEQA), which concludes the proposed text amendment and new fees would not generate significant environmental impacts.

The environmental document was made available for public review from May 4, 2015 through May 26, 2015. No comments were received on the Negative Declaration and Initial Study as of the publishing date of this report.

ECONOMIC IMPACT

By creating regulations that are presented in a streamlined and easy to understand format, it is anticipated the new regulations will encourage businesses and more effective advertising by being more user and business-friendly with specific design criteria.

FISCAL IMPACT

The application fees and/or fines for non-compliance (see Attachment III) were calculated to recover costs pertaining to City staff time, including Planning and Code Enforcement. Nominal fees are proposed for mural art sign registration and encroachment permits for portable or A-frame signs. A \$50 fee is proposed for a portable/A-frame sign revocable encroachment permit. The fee would cover the cost of staff time to issue the permit. The fee for temporary signs is proposed to be reduced from a \$300 flat fee to a \$100 fee and \$200 refundable deposit to be refunded when the temporary signage has been removed. While the overall fee for temporary signs will be reduced, it is anticipated that the deposit refund will encourage more businesses to not only obtain permits for temporary signage, but to remove them when the approved display period has ended, which would reduce staff time spent on enforcement. Since the additional fees are for cost recovery only, it is anticipated that there will be a neutral fiscal impact.

PUBLIC CONTACT

Notices (2,345 total) of this public hearing and availability of a Draft Negative Declaration were sent to all Downtown Business and property owners, all interested parties, including participants from the previous update in 1998, all automobile sales establishment with a current City of Hayward Business License, all local Home Owners Associations (HOAs), the Planning Commission and the City Council, and was published in *The Daily Review* on May 16, 2015, and was posted at City Hall and the Hayward Public Libraries.

Please see discussion in the BACKGROUND section of this report for past meetings and public comments received on the proposed draft regulations.

NEXT STEPS

Staff will incorporate input from the Planning Commission and forward the Commission's recommendation to the City Council for a public hearing scheduled for June 23, 2015.

Prepared by: Linda Ajello, AICP, Senior Planner

Recommended by:



Sara Buizer, AICP, Planning Manager

Approved by:



David Rizk, AICP
Development Services Director

Attachments:

- Attachment I Draft Sign Regulations
- Attachment II Proposed Revisions to Sections 10-24.100 and 10-25.100
Form-Based Code Districts
- Attachment III Proposed Revisions to the Master Fee Schedule
- Attachment IV Sign Corridor Overlay District Map
- Attachment V January 22, 2015 Planning Commission Work Session
minutes
- Attachment VI March 24, 2015 City Council Work Session minutes
- Attachment VII Public Comments

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10-7.100 PURPOSE.

The purpose of this article is to implement the General Plan Policies by establishing regulations for the design, construction, location, and maintenance of signs. Objectives are to balance the need of residents, businesses, visitors, and institutions for adequate identification, communication, and advertising while protecting public health, safety, and general welfare and promoting a well-maintained and visually attractive community, consistent with State and federal law. These regulations recognize that the indiscriminate erection, location, illumination, size, and lack of proper maintenance of signs and sign structures will degrade the quality of the visual environment and the aesthetic character of the community that residents, businesses, and visitors enjoy, which will be detrimental to community well-being and to the local economy. Specifically, these regulations are intended to:

- A. Preserve and improve the appearance of Hayward, and protect the City from visual clutter and blight;
- B. Protect property values, encourage economic development and enhance community appearance by ensuring that signs are compatible with the character of surrounding architecture, districts, and neighborhoods;
- C. Ensure that signs are designed, constructed, installed, and maintained to have adequate visibility while minimizing diversion of vehicle operators' attention;
- D. Encourage sound signing practices as an aid to business and to inform the public, recognizing that signs have an important way-finding purpose for both drivers and pedestrians;
- E. Prohibit or restrict distracting signs, which may impede vehicular and pedestrian safety, including those that block doors or windows, conflict with the City Security Ordinance (Ord. No. 90-26), those that could hamper firefighting or police surveillance activities, and those that obscure traffic signs, impair drivers' sight lines or distract drivers; and
- F. Safeguard life, health, property and public welfare by regulating the design, quality of materials, construction, illumination, location, and maintenance of signs.

The regulations in this article are in addition to those set forth in Chapter 9 of the Hayward Municipal Code (Building Regulations), and the California Building Code.

Should any regulations in this article be at variance with one another or the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing higher standards shall apply.

10-7.200 GENERAL REGULATIONS.

- (A) The following regulations shall apply to all signs in all districts within the City. No sign may be placed in any of the following areas:
- (1) Within the public right-of-way (including planter strips, tree wells, sound walls, fences, and street medians), except for A-Frame and related signs allowed in the Downtown Entertainment District by Section 10-7.211(a), community identification signs and Open House Directional Signs on sidewalks allowed by Section 10-7.300 (b)(21), A-Frame and similar signs allowed by Section 10-7.503(e), and Temporary Promotional Signs for Community Events allowed by Section 10-7.600.
 - (2) On any public property.
 - (3) In any location which interferes with vehicular, bicycle, or pedestrian circulation safety.
 - (4) Any sign painted or erected on or above the roof or parapet of any building structure (i.e. roof sign).
- (B) A Sign which contains foreign alphabet characters must also include some English alphabet characters. Signs are not required to be translated in English as long as the sign contains English alphabet characters that comprise words relating to the business or organization it is representing.

10-7.201 PERMITS REQUIRED.

- (10) It is unlawful to erect any sign except those exempted under Section 10-7.300 without first obtaining a sign permit from the Development Services Department and a building permit and/or an electrical permit as required by the City Codes. Fees for sign permits, building permits, and electrical permits are based on the current Master Fee Schedule and are non-refundable, unless specifically indicated.
- (b) A sign permit application in compliance with Section 10-7.202 “Permit Applications” shall be submitted to the Development Services Department – Planning Division.

A sign permit will be approved, denied or referred to the Planning Commission within thirty (30) days after the application is deemed complete. If the application is referred to the Planning Commission, the sign permit application shall be acted upon at the next available Planning Commission meeting.

- € The Development Services Director (“Director”) or designee has the authority to refer a sign permit application to the Planning Commission for review. Any decision of the Planning Commission is subject to appeal to the City Council or call-up by a City Council member, in accordance with Section 10-1.2845 of the Zoning Ordinance.

- (d) Signs requiring a variance may be considered and acted on administratively by the Development Services Director or designee, unless such a sign is associated with an application that is referred to the Planning Commission for review.
- € A sign permit is not required for the repair, maintenance or replacement of a lawful and conforming sign, the repair or maintenance of a lawful non-conforming sign, or the replacement of a destroyed sign, except when the sign is required to be removed by Section 10-7.708 “Legal Non-Conforming Signs” and/or Section 10-7.710 “Removal of Certain Signs.” A building permit may be required, depending on the nature of the work to be completed.
- (f) Approval of a sign permit application does not constitute approval of any other requirement of the City or under other applicable law.

10-7.202 PERMIT APPLICATIONS.

Application for a sign permit shall be made to the Development Services Department - Planning Division and shall include two (2) copies of the plot plan and elevations, drawn to scale and fully dimensioned, showing:

- (a) Property address and applicant's name, address and telephone number;
- (b) North arrow, overall site dimensions, and the location, setbacks, and dimensions of all existing structures, existing signs, and proposed signs on the parcel;
- (c) Sign elevations - depicting the letter size, overall sign area, colors, materials, type of illumination, support structures, and relationship of the sign to surrounding structures. Photo simulations may also be helpful to support the sign permit request.
- (d) Photographs of the proposed sign location and any existing signs.
- (e) Structural and electrical plans (including Title 24 calculations, where applicable) as required by the City Building Official or designee.

10-7.203 FEES.

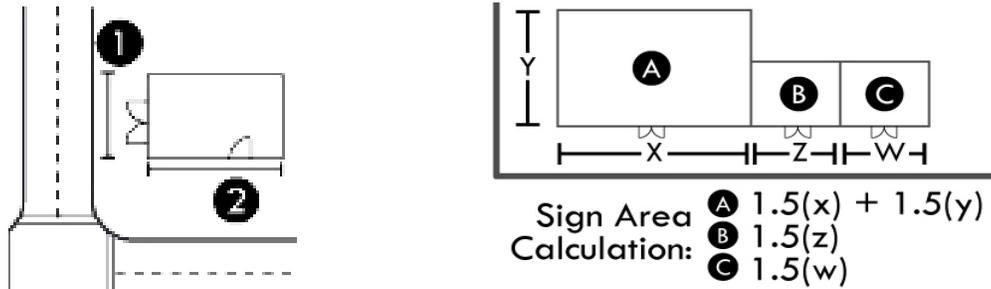
Each application for a sign permit, variance or Master Sign Program shall be accompanied by the applicable fees, which shall be established by the Master Fee Schedule.

10-7.204 DURATION OF PERMIT.

A sign permit shall become null and void if the sign for which the permit was issued has not been installed within **one (1) year** of issuance of said permit.

10-7.205 NUMBER OF SIGNS PERMITTED.

No more than two (2) establishment (building) frontages may be used for purposes of calculating sign area and the number of signs permitted. Building mounted signs displayed on a single establishment frontage, including secondary-frontage walls, may not exceed the area and number that are permitted on that frontage alone, with no additional signage allowed for corner lots. Square footage allotted to an establishment may be transferred to a freestanding sign, but may not exceed the acceptable size for freestanding signs.



10-7.206 SIGN AREA CALCULATION

Sign area calculations noted throughout this Article is the maximum size allowed. A smaller sign area may be required where design, placement, and/or other aesthetic factors dictate. These allowable calculated sign areas may be determined by the Development Services Director, Planning Commission, or City Council.

Unless otherwise noted in this Article, the area of a sign shall be computed as follows:

i. Signs containing integral background areas.

- The area of a sign containing a clearly defined background shall be calculated based on the area of the smallest standard geometric shape encompassing a perimeter of the background area of the sign.

Sign Area = Height x Width

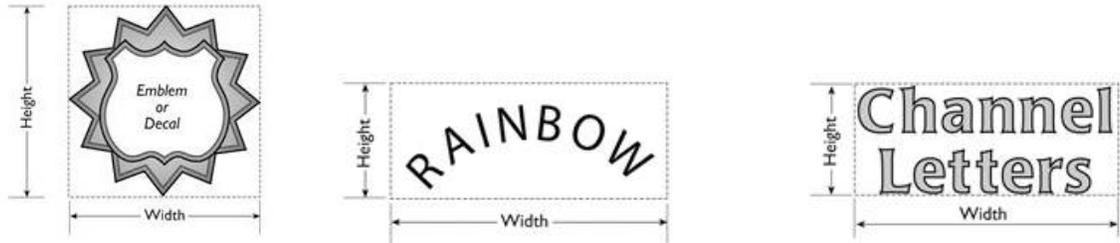


- In the case of signs in which multiple background areas are separated by open space, sign area shall be calculated based on the sum of the areas of all separate background areas, but without regard for any open space between the separate background areas.

(b) Signs without integral background areas.

- In instances in which a sign consists of individual elements such as letters, symbols or other graphic objects or representations that are painted, attached to, or otherwise affixed to a surface such as a wall, window, canopy, awning, architectural projection, or to any surface not specifically designed to serve as a

sign background, the sign area shall be based on the sum of the individual areas of the smallest geometric shape.

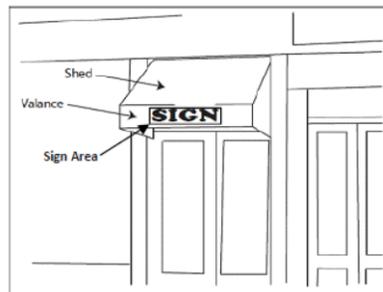


(c) *Double Faced Signs.*

- Only one (1) side of a double faced sign is counted in determining the area of sign faces. Where the two (2) sides are not of equal size, the larger of the two (2) sides will be used to determine sign area.

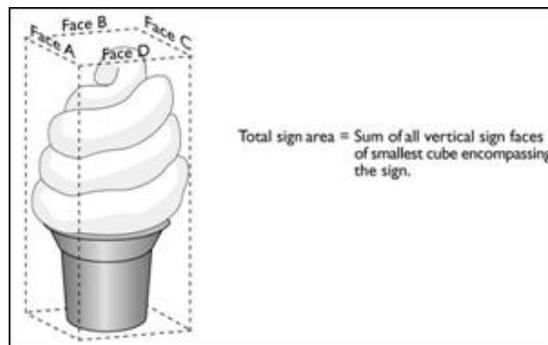
(d) *Awning Signs.*

- The area of a graphic or sign copy on an awning shall be based on the smallest geometric shape encompassing the graphic or sign copy. When there are signs on two panels of the awning, only one side is counted in overall sign calculation.



(e) *Three-dimensional Signs.*

- The area of a three dimensional sign shall be the sum of all vertical sign faces of the smallest cube encompassing the design..



(f) *Logos and Accent elements.*

- The area of a logo and accent element will be incorporated into the overall sign area calculation unless otherwise noted in this article. The area of a logo and

accent element shall be calculated based on the area of the smallest standard geometric shape enclosing the logo or accent element.



(g) *Window signs.*

- The area of a window sign shall be calculated based on the area of the smallest standard geometric shape or the sum of areas of the smallest geometric shapes enclosing the sign and logos.
- *Window Coverage.*
Transparent windows and doors of buildings occupied by businesses engaging in retail sales, all or a portion of which are within 5 vertical feet of the floor and which are visible from public rights-of-way or pedestrian walkways or are otherwise visible by the general public from the exterior, shall remain free of coverings and materials that prevent views into or out of the stores. This shall not apply to approved window signs or retail goods that are presented within or adjacent to a window and that are a part of a decorative window display, as determined by the Planning Director.

(h) *Portable signs.*

- 6 sq. ft. per side (area will not be included in total permitted sign area).

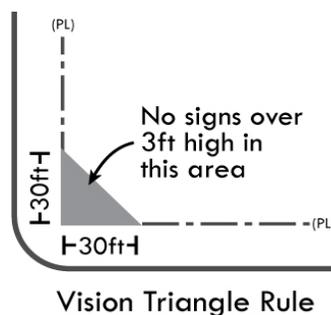
10-7.207 REDUCTION IN PERMITTED SIGNAGE.

An approved Master Sign Program or the conditions of approval for a site plan review, administrative use permit, conditional use permit, variance, or planned development may further regulate or adjust the permitted sign area, number of signs, height, location, color, or design of signs in addition to the regulations contained in this article.

10-7.208 DESIGN.

- All Signs shall be constructed of high quality materials and shall be an integral and complementary element of the overall architectural and streetscape composition and shall be integrated with the building's architecture and landscape design, including color, materials, and scale. In some instances, it may be necessary and appropriate to integrate the building and landscape design such that the sign gains maximum visibility.
- Sign construction and sign copy shall be of professional quality. A letter style that is legible and in scale with the size of the sign frame or background shall be used. If more than one sign is used, the signs shall be compatible.

- (c) All signs shall be installed in a professional manner, avoiding unsightly guy wires, exposed raceways or other stabilizing devices. Wall sign raceways shall be concealed from public view (e.g., within the building wall or painted to match the exterior color of the building where the sign is located) or otherwise integrated with the design of the sign and building so as to not detract from the architectural character of the building. Attachments shall be hidden from view in the least destructive manner possible. For masonry, attachments should be embedded into the mortar, not the brick or stone.
- (d) Three-dimensional signs representing human or animal figures, inanimate objects, or signs of a highly unusual shape or color shall be reviewed by the Development Services Director for compatibility with the design of the building, the features of the site, and the character of the neighborhood.
- (e) In some instances, a sign that is of historic nature, is of a unique artistic design, or which represents a period of time or site that is of community importance, should be retained and preserved, as determined by the Development Services Director.
- (f) Where applicable, “lexan” shall be required as a durable plastic material that withstands vandalism.
- (g) Plastic signs shall be prohibited in residential districts.
- (h) The surface where a previous sign existed must be cleaned, repaired, patched, and/or painted to match the exterior finish and color of the building before a new sign is installed.
- (i) Corner Lots and Driveways: Freestanding or monument signs higher than three (3) feet shall be subject to the “Vision Triangle Rule”, Article 9, Hayward Traffic Code, for visibility requirements



10-7.209 ILLUMINATION.

- (a) Internal and external sign lighting shall be designed to prevent light spillage and glare onto any adjacent residentially zoned property or public right-of-way. Additionally, sign lighting shall not create hazardous glare for pedestrians or vehicles in a public street or on any public or private premises.

- (b) External illumination is permitted in residential districts in accordance with the City Security Ordinance (Ord. No. 90-26).
- (c) Neon and Halo back-lit lighting may be used in all zoning districts, except the residential districts, on the exterior of buildings, whether for signage or decorative artwork. Use of neon or halo-lit lighting for these purposes shall be subject to review. Neon intended for advertising and which is within twenty-four (24) inches inside a glass window or door of a building shall count toward total signage allowable. Neon intended for “Open” signs, decorative artwork or to represent an ancillary product sold on the premises shall not count toward total signage allowable, as long as there is no flashing or intermittent illumination.
- (d) The use of unshielded lighting, including incandescent light bulbs hung or strung on poles, wires, or any other type of support, to illuminate buildings, structures, in windows, or at outdoor sales or storage areas, is prohibited except on a temporary basis for areas in which carnivals, fairs, Christmas tree lots, or other similar activities have been approved under an Administrative Use Permit for a special event or other permitted short-term promotional or seasonal event.
- (e) Internally illuminated cabinet signs are prohibited except for those which use a non-opaque material with punch-thru letters so only the letters are illuminated. Legal non-conforming internally illuminated cabinet signs and service station price signs are exempt.



Not Allowed



Allowed

- (f) The type of illumination for all signs is subject to approval by the Development Services Director or his/her designee, or approving authority.
- (g) Light sources shall utilize energy-efficient fixtures to the greatest extent possible and shall comply with Title 24 of the California Code of Regulations (California Building Code Standards).
- (h) Electronic Reader Boards?

10-7.210 MASTER SIGN PROGRAM.

The purpose of a Master Sign Program is to provide a method for an applicant to integrate the design and placement of signs within a project with the overall development design to achieve a more unified appearance. A Master Sign Program is required for any project that has five (5) or more business or office uses, and which requires site plan review, an administrative or conditional use permit, a variance, or is a planned development. No permit shall be issued for an individual sign requiring a permit on a site with five (5) or more existing or proposed business spaces unless and until the discretionary permit and a Master Sign Program for the property on which the sign will be erected has been approved by the approving authority. After the application is determined to be complete, a Master Sign Program shall be acted upon within sixty (60) days, unless submitted as a required component of an application request which requires public review. If a Master Sign Program does require public review, time limitation requirements for the associated permit process shall apply.

Owners of two (2) or more contiguous lots or the owner of a single lot with more than one (1) building may voluntarily file a Master Sign Program with the City conforming to the provisions of this article.

A Master Sign Program may provide for additional sign area and other deviations from the standards of this chapter, provided that the Master Sign Program is consistent with Section 10-7.208, "Design".

The Master Sign Program shall conform to and complement the architectural design and character of the structures on the property.

- (a) Application Content. A Master Sign Program application shall include the following:
 - (1) An accurate plot plan of the lot, at such a scale as the Development Services Department may require, showing:
 - (a) Location of buildings, parking lots, driveways, and landscaped areas on the lot.
 - (b) Computation of the maximum total sign area, the maximum area for individual signs, the height of signs, and the number of freestanding signs allowed on the lot.
 - (c) An accurate indication of the location of each existing and future sign of any type, whether requiring a permit or not (i.e., include directional signs too).
 - (2) Color scheme.
 - (3) Lettering or graphic style.
 - (4) Lighting details.
 - (5) Materials.

- (6) Sign dimensions.
 - (7) Provisions for leasing information.
 - (8) Amount of window signage, if any, and type (i.e., painted, etched on glass), with the provision that such signage shall not exceed maximum allowed by these regulations.
- (b) Existing Signs Not Conforming to a Master Sign Program.
 - If any new or amended Master Sign Program is filed for property on which existing signs are located, it shall include a schedule for bringing them into conformance with the proposed Master Sign Program (see Section 10-7.716 – Amortization).
 - (c) Binding Effect.
 - After approval of a Master Sign Program, no signs shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision in this article. The Master Sign Program shall be attached to the lease agreements for all leasable space within the project. In the case of any conflict between the provisions of such a plan and any other provision herein, this article shall control.
 - (d) Modification to an Approved Master Sign Program.
 - The Development Services Director or designee may approve minor modifications to an approved Master Sign Program with respect to colors, material, elevations, site plans, landscape plans, lighting and other physical changes.
 - (e) Alternative Master Sign Programs
 - In the event that design guidelines are created for specific neighborhoods and areas, flexibility with Master Sign Programs within these areas can be granted per the discretion of the approving authority.

10-7.211 SIGN CORRIDOR OVERLAY DISTRICT.

The purpose of the Sign Corridor Overlay District is to enhance auto- and pedestrian-oriented experiences and business signage effectiveness on parcels fronting on major street corridors and collectors within the City and to reduce clutter and illegal signage and enhance them with attractive, well designed signs. This will be accomplished by allowing businesses within the Sign Overlay District to have an increased sign area allowance to improve visibility. The Sign Corridor Overlay District includes the properties within the Downtown Entertainment District and arterial and commercial collector roadways as identified in the General Plan, shown in Figure 1 below.

(a) Downtown Entertainment District

Businesses located within the Downtown Entertainment District shall be allowed one blade or shingle sign of 6 sq. ft. maximum per side and one portable “A-Frame” sign in addition to the maximum sign area allowed for the zoning district.

(b) Major Street Corridors and Collectors

Businesses located within the Sign Corridor Overlay District along the major street corridors and collectors shall be permitted to have 2 square feet of sign area per linear foot of frontage with a maximum sign area of 200 square feet, which is above the maximum 1.5 square feet of area per linear foot and a maximum of 100 square feet normally permitted by zoning district, and one blade or shingle sign of 6 sq. ft. maximum per side, in addition to the maximum sign area allowed for the zoning district.

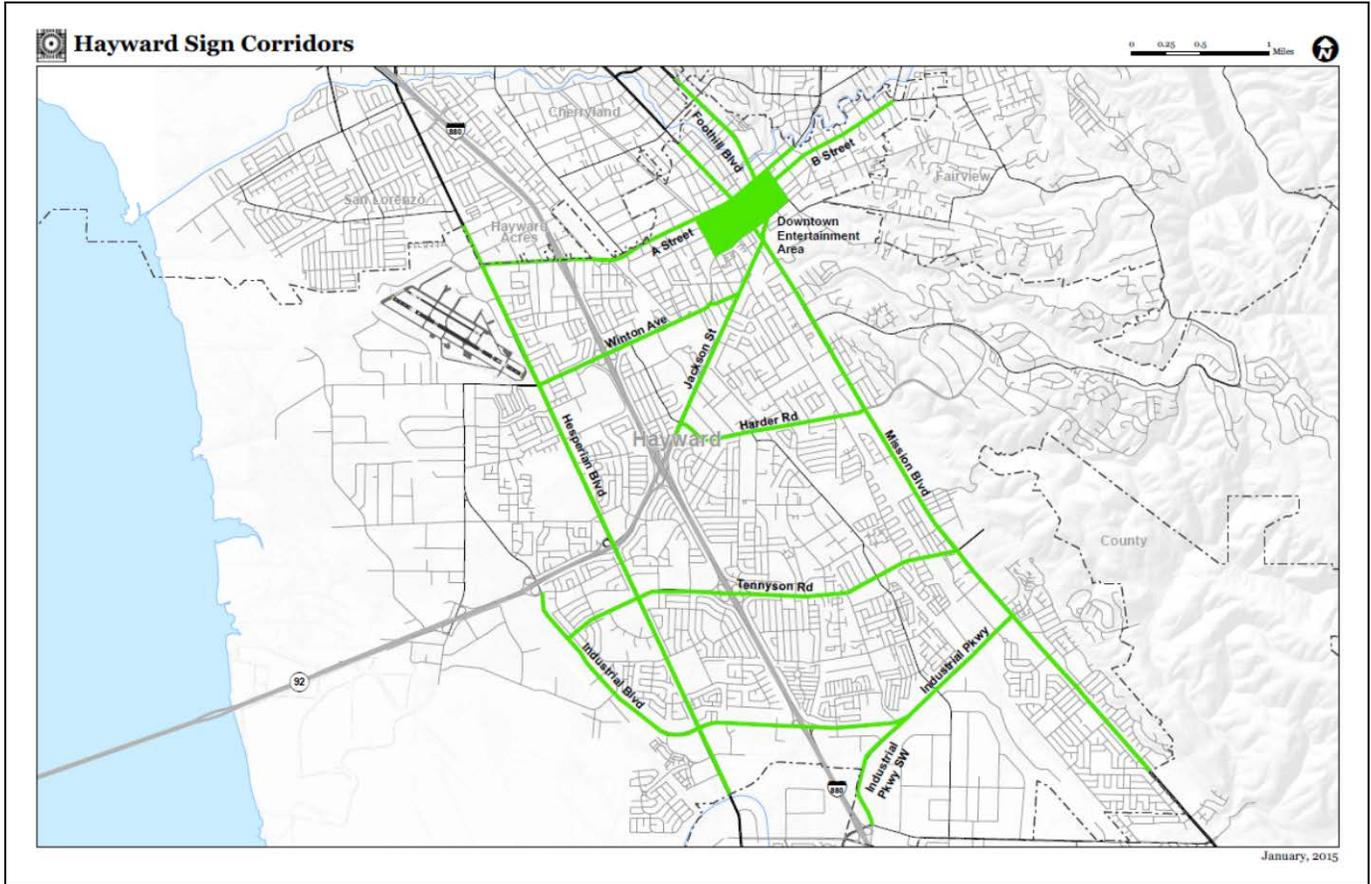


Blade Sign



A-Frame Sign

Figure 1 – Sign Corridor Overlay District



10-7.300 EXEMPT SIGNS.

- (a) This article shall not relate to flags of any nation or government, gravestones, barber poles, religious symbols, sign for state or federally regulated uses (i.e. public schools, state universities, United States Post Office, etc.), official traffic or government signs; the content of signs; product dispensers and point-of-purchase displays not directly visible from a vehicular or pedestrian right-of-way; scoreboards on athletic fields; seasonal displays unless regulated herein; or signs not intended to be viewed from a vehicular or pedestrian right-of-way as defined in this article.
- (b) The following signs may be installed without a sign permit, subject to all other provisions of this article. Such signs are not exempt from the requirements of the City Building Official or the Transportation Engineer. Exempt signs shall not be included in the determination of the total allowable number of signs or total allowable sign area but their locations shall be included on the plot plan for a Master Sign Program application.

(1) Accessory Sign.

Exempt if not exceeding six (6) square feet in area for each sign.



(2) Address Sign (non-business).

- Exempt if not exceeding two (2) square feet in area for a single family or duplex unit, and four (4) square feet for all other uses.
- Address numerals shall be at least four (4) inches in height for residential uses and ten (10) inches in height for nonresidential uses. All such numerals shall have a minimum one-half (1/2) inch stroke width and shall be of contrasting color to the background to which they are attached. Address signs shall also adhere to the following:
 - ✓ Single-family homes shall have address numerals illuminated permanently in accordance with the Security Ordinance (Ord.No.90-26);
 - ✓ Multi-family developments with more than three individual buildings (containing one or more units), and for which one or more buildings do not face the same street, shall have an illuminated diagrammatic representation of the complex which shows the location of the viewer and the unit designations within the complex (Security Ordinance Ord. No. 90-26);
 - ✓ For all uses, a larger address sign may be permitted if necessary to adequately identify a building which is set back unusually far from the street, subject to the discretion of the Development Services Director or designee.

(3) Automatic Teller Machine Sign.

Not to exceed four (4) square feet in area per machine.

(4) Balloons.

Not to exceed fourteen (14) inches in diameter and must be of non-Mylar material. No limit as to number.

(6) Bulletin Board (On-Site).

One (1), not exceeding thirty (30) square feet in area per face and six (6) feet in height, for any non-state or federally regulated facility, including, but not limited to, the City of Hayward, , Hayward Area Recreation and Park District (HARD), private schools, religious facilities , community theater, or

other type of educational/cultural facility. It may include manual

changeable copy, but does not include “Electronic Reader Boards”.



(7) Change of Copy.

- Replacement or change of copy on a legally installed sign that conforms to the requirements of this article does not require a sign permit for changes of copy if a sign structure is not altered or modified.
- If applicable, the replacement copy shall conform to the requirements of any Master Sign Program and/or the conditions of approval of the project where the sign is located.
- For nonconforming Multiple Occupancy Signs, a change of copy to any one (1) given tenant is permitted if the sign identifies other businesses on the same premises.
- No permits are required for changes of copy on electronic reader boards or theater marquees.
- Individual letter signs, such as those used by religious facilities and schools to promote weekly changing but similar messages, and complying with the original approved conditions do not need a permit.

(8) Commemorative Plaques.

One (1) memorial tablet, commemorative plaque, or sign, including historical identification sign, per building, designating the building name and date of erection, when cut into or raised on any masonry surface or when constructed of cast or wrought metal, with a total maximum sign area of ten (10) square feet. Plaques identifying projects included in the City’s Mural Art Program are permitted with the City’s approval.

(9) Community Identification Signs.

A sign incorporating information referring exclusively to service clubs, community slogans, directional information to public facilities, and/or municipal statistics in compliance with the City’s adopted marketing and branding guidelines.



(10) Construction Signs.

One (1) single-faced sign per street frontage with maximum area of thirty-two (32) square feet per face, ten (10) feet in height, non-illuminated, installed parallel to the street, and located on property where work is or will be under construction. Larger signs may be approved by the Development Services Director when the project and location warrants a larger sign. Within fifteen (15) days after completion of construction or final occupancy, signs shall be removed.

(11) Directional/Informational Sign.

Permitted as defined in this article; limited to six (6) square feet in area per each sign; a logo may comprise up to twenty (20) percent of the total of each sign area.

**(12) Flag (Other than National or Government.)**

One (1) flag per establishment and must be mounted on a pole. The pole height may not exceed twenty-five (25) feet if freestanding, or fifteen (15) feet if located on top of a building, not to exceed the structural height limit of any given District. The longest dimension of the flag may not exceed six (6) feet.

(13) Garage/Yard Sale Signs.

- Signs used to advertise such a sale on residential property, provided that said signs are non-illuminated, do not exceed four (4) square feet in area, and adhere to the following:
 - One (1) garage/yard sale sign is allowed on the garage/yard sale site.
 - Up to four (4) additional signs, which may also exhibit directional arrows and instructions, shall be allowed on weekends and holidays on other private properties with the property owners' permission.
 - Shall not be placed on public property, including sidewalks, parking areas, landscaped areas, trees, utility poles and sign poles.
 - Shall be removed by the owner within one (1) day following the date of the sale.

(14) Interior Signs.

Signs, which are within the interior of any building or complex, or signs which cannot be seen from a right-of-way as defined in this article.

- (15) **Murals** (with no commercial message, such as Original Art Murals and murals that are part of the City’s Mural Art Program).



- (16) **Official Signs.**

Legal notices, identification, information, or directional signs erected or required by governmental bodies or public utilities.



- (17) **Original Art Murals.**

A one-of-a-kind, hand-painted, hand-tiled, spray painted or digitally printed image on the exterior wall of a building that does not contain any commercial message and is not part of the City’s Mural Program. For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold. All Original Art Murals are exempt from obtaining a Sign Permit, but must be approved and registered with the City’s Mural Program.

- (18) **Political/Election Signs.**

Allowed up to thirty-two (32) square feet on each face, which are temporary in nature, and are removed within fourteen (14) days after the election for which they are designed.

- (19) **Product Identification Sign.**

Product Identification Signs are allowed when they are not directly visible from a vehicular or pedestrian right-of-way as defined in this article.

- (20) **Projecting Signs.**

Projecting signs such as “blade” or “shingle” signs, up to six (6)-square feet maximum size per face, are permitted in Downtown, Sign Corridor Overlay District, or as part of an approved Master Sign Program. Minimum eight (8) foot high clearance from the bottom of the sign to finished grade is required. Only natural or external illumination is permitted. One (1) is allowed per establishment, which will be included in the calculation

of overall number of signs permitted, except for those as permitted in the Sign Corridor Overlay District. It may require an encroachment permit if it is above public property.

(21) Real Estate Signs:

(i) *On-site Signs.*

One (1) single or double faced non-illuminated sign per street frontage. Sign can be hanging post, window sign, or a wall sign type. The sign shall be removed within fifteen (15) days after the close of escrow or leasing of the property.

Maximum size per face:

Residential Uses:	
Single-family Homes, Townhouses, Condominiums	Four (4) sf
Apartment Complexes	Twenty (20) sf
Non-Residential Uses:	
Site under five (5) acres	Thirty-two (32) sf
Site five (5) acres or more	Sixty-four (64) sf

(ii) *Open House Directional Signs: Single Family Homes and Subdivisions.*

For each open house for an individual home for sale, a maximum of four (4) directional signs and one (1) on-site sign are permitted.

Signs shall be portable A-frame or sandwich board types, maximum four (4) square feet per face, and three (3) feet in height. Signs may be placed on private property with the written permission of the property owner. Signs may also be placed on public property, such as sidewalks, subject to the following regulations:

1. Signs shall be placed so that a minimum of four (4) feet remains clear on the sidewalk for pedestrians.
2. Signs shall not be located:
 - (a) In the street or a center median.

- (b) In a publicly maintained landscaped area.
 - (c) In parks.
 - (d) In any bus stop zone.
 - (e) Where they may interfere with maneuvering vehicles, bicycles, pedestrians or where visibility of traffic or traffic signs would be hampered.
3. Signs shall not be illuminated, inflatable, have moving parts or be held by a human.
 4. Signs shall not be attached in any manner to trees, utility poles, utility cabinets, street or traffic signs, benches, hydrants, mailboxes, traffic signal light post, or any pole or post displaying a traffic sign, motorist call box or historical marker, or public buildings.
 5. Signs shall not include non-Mylar balloons greater than 14" in diameter, streamers, ribbons, pennants, or other similar devices designed to move in the wind.
 6. Signs shall not resemble traffic control signs or devices.
 7. A total of four (4) signs are permitted per intersection, limited to one (1) sign per corner.
 8. The name and phone number of the broker, agent or owner/seller shall be placed on the sign for identification purposes.
 9. Signs shall be constructed of a durable, weatherproof material and shall be permanently attached to an A-frame type sign structure.
 10. The use of wooden, plastic and metal stake signs is prohibited.
 11. Signs may be displayed only on weekends, federally recognized holidays, and one (1) designated tour-day each week. Signs shall be displayed no earlier than 8:00 a.m. and shall be removed beginning by sunset each day.
 12. The City of Hayward may remove any sign if necessary for maintenance activities or safety considerations. The City of Hayward shall not be liable for any damage to or loss of sign.

(22) Service Stations.

Permitted to have the following additional signs provided they conform to the height and setback requirements of the district in which they are located:

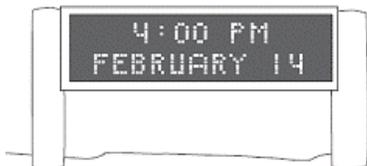
- (a) *State authorized testing center services.*
Four (4) square feet per sign, wall mounted only.



- (b) *Price signs.*
One (1) single or double faced sign per street frontage permitted and twenty (20) square feet maximum per face. This exemption is intended to allow for full compliance with state law for posting of gasoline prices. Portable price signs are not permitted.
- (c) *Pump signs.*
One (1) sign for each gas pump unit not to exceed two (2) square feet per pump face, or one (1) sign per bank of pumps, not to exceed eight (8) square feet per face, identifying the gasoline brand and rating **only**.

(23) Time and Temperature devices.

Devices with no advertising, located in nonresidential Districts only, maximum area twenty (20) square feet per face.



(24) Towing Authorization-Private Property Sign.

Signage should follow the City of Hayward Police Department’s guidelines for Private Property signs.

(25) Transit, Bus Shelter Signs or Bench Signs.

Signage may be displayed on shelters and benches located at stops which serve AC Transit and other public transit lines in the following circumstances:

- The sign conveys transit information and has been authorized by the public transit agency; or
- The signage is displayed on a bus or transit shelter in accordance with the terms and conditions of a written agreement between the City of Hayward and the public transit agency.

(26) Under-Canopy Sign.

A maximum area of six (6) square feet is permitted.



(27) Vehicle Sign.

Vehicle signs, as defined in Appendix A are exempt; up to two (2) signs maximum per vehicle or as allowed by the State Vehicle Code.

10-7.400 PROHIBITED SIGNS.

Except as otherwise qualified, the commercial and advertising signs in this section shall not be permitted in any District:

(1) Signs on public property or right of way, unless otherwise expressly allowed in these regulations.

(2) Advertising Banners.

Exception: Banners used for decorative artwork (Section 10-7.300) and promotional event and grand opening banners (Section 10-7.602).

(3) Bunting.

Exception: Temporary bunting permitted for promotional and grand opening events at Automobile Dealerships (Section 10-7-601).

(a) Cabinet or “Can” Signs.

Exception: Legal non-conforming cabinet or “canned” signs that have not been determined to be abandoned, dilapidated, unsafe or phased out by amortization.



(5) Changeable Copy Signs/Electronic Reader Boards.

Exception: Permitted signs for facilities used for theatrical, cultural, church, school, sports or other seasonal events, or for industrial use with establishment frontage on a freeway.

(6) Dilapidated Sign.

A sign including its supporting structure, which is no longer in a good state of repair, is not visually attractive or functional, or has become a health or safety hazard.

(7) Flashing Signs.

Any sign which appears to change color or intensity of lighting, or is perceived as an intermittent or flashing light. This includes electronic reader boards.

Exception: time and temperature signs per 10-7.300(25) and marquee signs per Section 10-7.502(c) approved by the Development Services Director.

(8) General Advertising Signs (Off-Premises).

Any sign relating to a business, commodity, service, entertainment, or event not conducted, sold, or offered on the premises on which such sign is located, except for Subdivision Directional Signs and Open House Directional Signs. This shall include such signs as those illegally posted on telephone poles which usually advertise such events as gun shows, plant sales, car shows, etc. An existing lawfully erected general advertising sign may be relocated under the terms of a relocation agreement pursuant to California Business and Professions Code Section 5412 or successor provision.

(9) Hazardous Signs.

Signs which visually obstruct ingress or egress from a building or which adversely affect traffic (vehicular, bicycle, or pedestrian) safety.

(10) Home Occupation Signs.**(11) Inflatables, Aerial signs and Mylar Balloons.**

Excluding balloons as permitted by Section 10-7.600 and balloons defined in Section 10-7.200.

(12) Moving Signs.

A sign, which has any actual or apparent moving parts activated by a mechanical device, by wind currents or by human beings, where the sign moves or the shape or content of the sign face changes. This includes wind banners/flags, air and wind dancers and human signs and excludes static electronic reader board signs. Prohibited as permanent signage, may be permitted as temporary signage as per Section 10-7.600.

(13) Natural Objects.

Signs attached to or painted on a tree, rock, or other natural object.

(14) Obsolete Signs.

Any sign, including its supporting structure, which no longer advertises a business, leaser, owner, product, service or activity on the premises where the sign is displayed.

(15) Pennants.

Flags or emblems of any type material, which may or may not taper to a point and are usually strung together, except when permitted for promotional and grand opening events.

(16) Pole Signs.

Signs supported by a single pole are prohibited, except as allowed per Section 10-7.500(16).

(17) Portable Signs.

Any sign that is not permanently affixed to a building, other unmovable structure, or the ground such as A-frame signs, T-frame signs and sandwich boards and which is located in a building or in the ground. Exceptions: Real estate open house directional signs (see “Exempt” Section 10-7.300); Sidewalk display signs in the Sign Corridor Overlay District (Section 10-7.211); and Vehicle signs (see “Exempt” and “Definitions” Sections).

(18) Roof Signs, Wall Signs, or Projecting Signs.

Any sign which extends above the roof line or the roof parapet ~~wall~~ of a building or affixed to the wall of a building so that it projects above the eave line of a roof/ridge.

Exception: Rooftop address numerals which are readable from an aircraft, required in accordance with the City Security Ordinance (Ord. No. 90-26).

(19) Searchlights.

Exception: Searchlights used for promotional and grand opening events as permitted per Section 10-7.602.

(20) Signs Creating Traffic Hazards.

Signs that simulate in color, size or design any traffic control sign, signal or device, or that make use of words, symbols or characters in a manner that interferes with, misleads or confuses pedestrian or vehicular traffic. No sign, light or advertising structure shall be located in such a manner as to constitute a hazard to pedestrian or vehicular traffic, or in such a manner as to obstruct free and clear vision, at any location where, by reason of the position, shape, color or movement may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.

(21) Streamers.

Long narrow strips of any type material that resembles a banner and that float with the wind.

Exception: Streamers for promotional and grand opening events as permitted per Section 10-7.602.

(22) Vehicle-Mounted Commercial Signs which do not meet the definition set forth in Appendix A of this article.

(23) Sign erected without a permit.

(24) Temporary sign displayed without a permit.

10-7.500 SIGN REGULATIONS BY SIGN TYPE, USE, OR ZONING DISTRICT.

Hayward Municipal Code Sections 10-7.501 through 10-7.503 contains specific regulations for signs on private property, based on the zoning district and sign usage.

10-7.501 GENERAL REGULATION BY SIGN TYPE.

a) Awning Signs

Maximum Number: See each Zoning District (awning is equivalent to a wall sign).

Maximum Area: No more than 30 percent of surface area first floor, 20 percent second floor. Counts toward maximum allowed per Zoning District.

Maximum Height: Prohibited above top of roof or top level of wall, including parapet.

Clearance:	A vertical clearance of at least 8 feet between the bottom of the awning and finished grade.
Setback:	Not applicable.
Illumination:	See each Zoning District.
Additional:	Signs on two-sided panels of an awning shall be considered as one sign. Signage shall be allowed only on the valance of the awning. New awning signs shall not visually block any existing permitted signs.

b) Electronic Reader Board Signs.

Electronic reader boards are permitted for religious facilities, private schools, and cultural facilities as allowed by zoning district and in conformance to the provisions of this article or as determined by the Development Services Director.

1. Electronic reader boards shall meet the requirements of the provisions of this article. Electronic reader boards that meet the requirements of this section may be permitted as follows:
 - (a) The copy on an electronic reader board sign shall not change more than once in a six-second period unless otherwise allowed by law or except as necessary on a sign for the public health and safety, including traffic control, that is owned and/or operated by the city, Alameda County, State of California, or federal government. Electronic reader board signs, with an area greater than 20 square feet with no commercial message, that include time, date, and temperature information are included in this subsection.
 - (b) Installation of a new electronic reader board or replacement of an existing sign with an electronic reader board shall require permits pursuant to this chapter.
 - (c) Electronic reader boards must meet the following requirements:
 - i. Static display time for each message is a minimum of six seconds;
 - ii. The time to completely change from one message to the next is a maximum of two seconds;
 - iii. The change of message shall occur simultaneously for the entire sign face;
 - iv. The sign shall contain a default design that will hold the face of the sign one position if a malfunction occurs;

- v. No flashing lights, traveling messages, animation or other movements are permitted on an electronic reader board; and
- vi. Illumination of electronic reader board signs shall not exceed the following brightness limits measured as candelas per square feet at any focal point on any roadway or berm or any vehicular approach to any roadway or driveway:

Color	Day	Night
Red	300	100
Green	600	200
Amber	450	150
Blue	800	350
All Colors	650	250

- vii. An electronic reader board sign with copy that moves continuously or appears to be moving, flashing, changing color, pulsing, or alternating shall be considered an animated sign and prohibited as provided in this section.

c) Freestanding and Monument Signs.

Maximum Number: See each Zoning District.

Maximum Area: See each Zoning District.

Maximum Height: See each Zoning District, and subsection (d) herein.

Setback: See each Zoning District.

Illumination: See each Zoning District.

Additional: Freeway-oriented sign may be 50 feet in height.
 Second sign permitted where a parcel or establishment has two or more street frontages or one street frontage exceeding 500 feet.

Must be in accordance with a Master Sign Program, if applicable.
 Corner lots: freestanding or monument signs higher than 3 feet shall be subject to the Vision Triangle Rule as set forth in Article 9, the Hayward Traffic Code, for visibility requirements.

d) Human Signs.

Human signs displaying a commercial message are permitted as a Temporary Promotional sign subject to the issuance of a Sign Permit and Revocable Encroachment Permit (if within the public right-of-way) (including proof of liability insurance), and conformance with the following development standards:

- Location:** A human sign may be allowed on the premises of the property that is being advertised or within the public right-of-way immediately adjacent to the property that is being advertised provided that no human signs shall interfere with pedestrians, cyclists or vehicular traffic. Human signs shall not be located in areas required for clear visibility triangle at intersections or otherwise block motorist, cyclist or pedestrian view of traffic and/or control devices.
- Area:** Signs when carried or held shall be no larger than 6 square feet.
- Number of Signs:** One per business location.
- Time of Day:** Human signs shall be allowed during the daytime business hours of operation, which are hours of operation between sunrise and sunset.
- General:** Human signs shall not utilize any type of illumination, animation, flashing, blinking, rotating light, fluorescent colors, or mirrors. Human signs shall not shout or generate any noise that would disrupt traffic or endanger pedestrian or traffic safety. Bull horns or amplified sound are prohibited.

e) Multi-Occupancy or Multi-Story Buildings.

Permitted as per approved Master Sign Program, otherwise as per Zoning District

- Additional:** First floor - based on individual establishment frontage.
 Second floor - 1 wall sign up to 10 square feet.

A sign on the top story of buildings greater than two stories is allowed on a site-specific basis, subject to Director of Community and Economic Development/ Planning Director approval, and shall be limited to the name of the building or a major tenant. The sign size and type of illumination shall be reviewed on a site-specific basis.

f) Pole Signs.

Prohibited except for:

- (1) Commercial businesses with Freeway frontage on Highway 880 or State Route 92, west of Industrial Boulevard, and which provide food, fuel, or lodging; or
- (2) Major freeway oriented Commercial Centers of at least four (4) acres with an approved Master Sign Program on Highway 880 or State Route 92, West of Industrial Boulevard; or
- (3) Commercial and/or Industrial sites of ten (10) acres or more and which have an approved Master Sign Program;

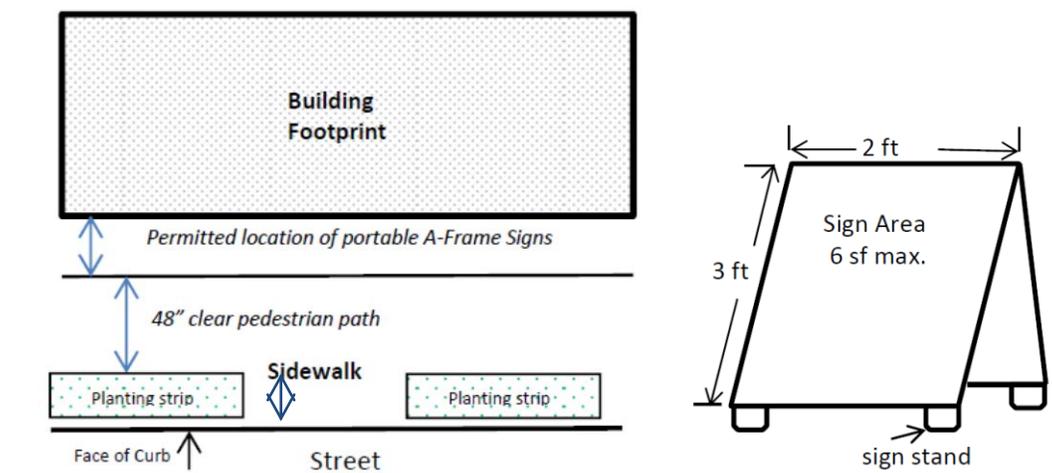
- (4) Commercial buildings which have a historic designation and for which a small, architecturally appropriate pole sign may be permitted, subject to approval by the Development Services Director.
- (5) Exception: Legal non-conforming pole signs that have not been determined to be abandoned, dilapidated or unsafe or phased out by amortization or have been determined to be a sign that is of historic nature, is of a unique artistic design, or which represents a period of time or site that is of community importance, should be retained and preserved, as determined by the Development Services Director or designee.

g) Portable or “A” Frame Signs.

Permitted within the Downtown Entertainment District - on B Street between Foothill and Watkins and on Main Street between A and C Streets only.

(1) Limited to one per establishment:

- a. Can only be located directly in front of the establishment with a 48” clear pedestrian pathway; and
- b. Can only be displayed during business hours (see diagram below).



- (2) Shall not exceed 6 sq. ft. of sign area per side.
- (3) Shall not exceed 3 feet in height and 2 feet in width, up to a maximum height of 4 feet to accommodate sign stand.
- (4) Shall be constructed of durable, weather proof materials (i.e. plastic, painted plywood, etc.).
- (5) Copy area (chalk board, painted, cork board, etc.)

h) Projecting Signs (blade, shingle, hanging).

- Maximum Number: One per establishment; counts toward maximum number allowable per Zoning District. Blade signs are not permitted when they would block a permitted sign of an adjacent business.
- Maximum Area: See each Zoning District.
- Maximum Height: Not applicable.
- Setback: 2-1/2 feet from curb line, or per Zoning District, whichever is greater.
- Illumination: See each Zoning District.
- Additional:
 - (1) Allowed on establishment frontage.
 - (2) Allowed only on first floor.
 - (3) May not extend above top level of the wall upon which it is mounted.
 - (4) Signs projecting two-thirds or more of the distance from property line shall be 12 feet above street grade; 8 feet if less.
 - (5) Allowed in a parking lot or above a driveway if 15 feet above finished grade.

i) Wall Signs

- (1) Prohibited above top of roof or top level of wall, including parapet, nor beyond any vertical corner edge of a wall, marquee, canopy, or awning.
- (2) Walls signs proposed above the second floor of a building require Director of Development Services approval (see “Multi-Occupant Buildings”).
- (3) Painted wall signs require a sign permit and shall be removed after the business has vacated the premises for more than one month. All painted wall signs shall be applied by a licensed sign contractor or a sign artist.

10-7.502 SIGN REGULATIONS BY USE.

(a) Auto Dealerships

Sign Type Allowed	Max. No. / Height	Max. Area	Setback	Illumination	Additional Provisions
Freestanding/Monument 	No.: 1 Height: 12 ft.	50 sq. ft. per face, 100 sq. ft. total	None.	See section 10-7.209 for lighting restrictions.	<ul style="list-style-type: none"> • 1 additional freestanding sign is permitted if more than one street frontage.
Wall	No.: 2 Height: Wall signage shall be no higher than building wall it is mounted on.	100 sq. ft. total	None.	See section 10-7.209 for lighting restrictions.	
Temporary Event/Grand Opening	60 calendar days per year.	50 sq. ft. per sign.	None.	Natural only	<ul style="list-style-type: none"> • See Section 10-7.600 for permit requirements and additional regulations. • Bunting, pennants and searchlights are permitted. Shall not be placed in City right-of-way.

(b) Freeway Oriented Signs

General					
<p>A Freeway oriented sign is required to advertise the business that occupies the property in which the sign is erected. Off-premise signs are prohibited.</p> <p><i>See Appendix for Definitions of Freeway Frontage and Freeway-Oriented Signs</i></p>					
Sign Type Allowed	Max. No. / Height	Max. Area	Setback	Illumination	Additional Provisions
Freestanding or	No.: 1	100 sq. ft.	As per zoning	As per	<ul style="list-style-type: none"> • Electronic reader board

<p>monument</p> 	<p>Height: 50 ft. for businesses which provide food, fuel or lodging and freeway-oriented commercial centers of at least 4 acres with an approved Master Sign Program</p>	<p>per face, 200 sq. ft. total for the additional freestanding sign that is freeway oriented.</p>	<p>district</p>	<p>zoning district</p>	<p>signs are allowed if used for a commercial center greater than or equal to five (≥5) acres with an approved Master Sign Program.</p> <ul style="list-style-type: none"> • 1 sign allowed in Commercial, Commercial and Industrial Planned Developments and Industrial Zoning Districts, plus one additional freestanding or monument that is not oriented toward the freeway
<p>Pole Signs</p> 			<p>As per zoning district</p>	<p>As per zoning district</p>	<ul style="list-style-type: none"> • Pole signs allowed in accordance with Section 10-7.501(d)
<p>Wall Signs</p>			<p>As per zoning district</p>	<p>As per zoning district</p>	<ul style="list-style-type: none"> • Wall sign shall be no higher than building wall upon which they are mounted.

(c) Theater Signs

General	Max. No./ Height	Max. Area	Additional Provisions
	<p>No.: As per Zoning District</p> <p>Height: 25 ft. for free-standing signs</p>	<ul style="list-style-type: none"> • 350 square feet for one screening room or auditorium; • Plus 50 square feet for each additional screening room or auditorium in the same development. • The total sign area shall not exceed 1,100 square feet. • The total sign area is not permitted on one façade or on one sign and shall complement the architecture of the theater. • Signs are permitted on all frontages 	

		upon approval by the Development Services Director			
Sign Type Allowed	Max. No./ Height	Max. Area	Setback	Illumination	Additional Provisions
Freestanding/ Monument 	No.: As per Zoning District Height: 25 ft.		10 ft. from property lines.	All types in accordance with section 10-7.209.	
Marquee 	As per Zoning District.	See General information above	Marquee permitted over right-of-way, subject to approval by Development Services Director.	Lighting shall be approved by the Development Services Director for traffic safety before final approval.	<ul style="list-style-type: none"> • Total sign area is not permitted on 1 façade or 1 sign. • Electronic Reader Boards are allowed on marquee if used to display movie times. • Sign shall be compliant with architecture of theater. • Theater marquee signs are permitted over the public right-of-way clear of street trees and street lighting. • A marquee shall allow for clear visibility of traffic signals and regulatory signs
Display Cases 	No.: Minimum of 2 Height: N/A	36 sq. ft. each 240 sq. ft. max. total	None.	See Sec. 10-7.209 for lighting restrictions.	<ul style="list-style-type: none"> • Display case areas not included in calculation for total permitted sign area.

(d) Drive-in Restaurants

Sign Type	Max. No. /	Max. Area	Setback	Illuminatio	Additional Provisions
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Allowed	Height			n	
General	No.: 1 freestanding or 1 monument plus 2 wall signs.	100 sq. ft. total	As per Zoning District	See section 10-7.209 for lighting restrictions	<ul style="list-style-type: none"> Location subject to Section 10-1.1045(j) of the Zoning Ordinance – Drive-in Establishments – Special Standards and Conditions.
Freestanding/ Monument 	No.: 1 Height: 10 ft.	40 sq. ft. per face; 80 sq. ft. total.	Varies by zoning district.	See section 10-7.209 for lighting restrictions.	<ul style="list-style-type: none"> Drive-Through signs on corner lots higher than 3 ft. are subject to the “Vision Triangle Rule” of 30 ft. Applies to restaurants, coffee shops, pharmacies, cafes and banks.
Menu Board 	No.: 2 max. Height: 6 ft.	30 sq. ft. each max.	N/A	Internal or external	<ul style="list-style-type: none"> Restaurant Menu Boards do not count towards max. 3 signs per site and 100 sq. ft. total. Logos on exempt directional signs are only allowed up to 20% of the directional sign area for Drive-Throughs.
Wall 	No.: 3 Height: 18-inch max. letter size and 24-inch max. logo height.	40 sq. ft. total	None.	See section 10-7.209 for lighting restrictions.	<ul style="list-style-type: none"> Applies to restaurants, coffee shops, pharmacies, cafes and banks.

(e) Service stations

Sign Type Allowed	Max. No. / Height	Max. Area	Setback	Illumination	Additional Provisions
General	No.: 3 signs max. (1 freestanding	1.5 sq. ft. per lineal foot of	Varies by zoning district.	See Section 10-7.209 for	<ul style="list-style-type: none"> Exempt signs include: Four (4) sq. ft. wall mounted <i>State Authorized Testing</i>

	<p>or monument and up to 2 wall signs).</p> <p>1 freestanding or monument signs per establishment frontage and/or 1 wall sign.</p>	<p>establishment frontage: 25 sq. ft. min., 100 sq. ft. max.</p>		<p>lighting restrictions.</p>	<p><i>Center Services</i>; one (1) single or double faced price sign per street frontage with twenty (20) sq. ft. max. per face; and one (1) sign for each gas pump unit not to exceed two (2) sq. ft. per pump face or one (1) sign per bank of pumps, not to exceed eight (8) sq. ft. per face, identifying the gasoline brand and rating only.</p> <ul style="list-style-type: none"> • Signs on corner lots higher than 3 ft. are subject to the “Vision Triangle Rule” of 30 ft. set forth in Article 9 of the Hayward Traffic Code.
<p>Freestanding/ Monument</p> 	<p>No.: 1</p> <p>Height: 15 ft. unless it qualifies and a Freeway-oriented sign, then 50 ft.</p>	<p>30 sq. ft. per face</p> <p>60 sq. ft. total.</p>	<p>12 ft. from all property lines.</p> <p>Setback may be reduced 1 ft. for every ft. the sign is lowered, 2 ft. min.</p> <p>Minimum setback from driveway flare is 2 ft.</p>	<p>See section 10-7.209 for lighting restrictions.</p>	<ul style="list-style-type: none"> • Canopy logo areas are not included in total sign area calculation if less than 6 sq. ft. • Sign base shall be decorative in stucco, brick, wood or similar material that matches the primary building and shall have landscaping around it.
<p>Wall</p> 	<p>No.: 2 max.</p> <p>Height: 24-inch max. letter size and 26-inch logo height.</p>	<p>40 sq. ft. total</p>	<p>None.</p>	<p>See section 10-7.209 for lighting restrictions.</p>	<ul style="list-style-type: none"> • See Section 10-17.501(h) – Wall Signs
<p>Wall/Canopy</p>	<p>No.: 4 max.</p>	<p>40 sq. ft.</p>	<p>None.</p>	<p>See section</p>	<ul style="list-style-type: none"> • Canopy logo areas are

	<p>Height: 24-inch max letter size and 26-inch max logo height.</p>	<p>total</p>		<p>10-7.209 for lighting restrictions.</p>	<p>not included in total sign area calculation if less than 6 sq. ft.</p>
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(f) Catering Truck

Sign Type Allowed	Max. No. / Height	Max. Area	Setback	Illumination	Additional Provisions
<p>Catering Truck</p> 	<p>No.: 1 on each side of truck.</p> <p>1 portable (A-frame) sign (placed on private property)</p>	<p>Vehicle:</p> <ul style="list-style-type: none"> • 8 sq. ft. each • 16 sq. ft. total <p>A-Frame:</p> <ul style="list-style-type: none"> • 20 sq. ft. per face • 40 sq. ft. total 	<p>None.</p>	<p>Natural only.</p>	<ul style="list-style-type: none"> • Vehicle signs shall be in accordance with California Department of Motor Vehicles regulations. • Issuance of a sign permit may include provisions to ensure that the portable (A-frame) sign does not create a safety hazard or is not aesthetically detrimental or incompatible with surrounding uses.

(g) Shopping Centers

<p>GENERAL: Small Shopping Centers (<5 acres) and Large Shopping Centers (≥5 acres)</p>
<ul style="list-style-type: none"> • Individual tenant signs may not be included as part of the shopping center identification sign unless a Master Sign Program for the entire Center has been approved by the Development Services/Planning Director. • Individual tenant signs are then included as part of the allotted sign area and number of signs permitted for an individual establishment. • If a Master Sign Program exists, the Development Services/Planning Director may approve additional signs or sign area as needed to adequately direct the public to the Center. • Freestanding or monument sign setback shall allow for clear vehicular and pedestrian visibility. If obstructed visibility will result, the Development Services/Planning Director shall increase the setback.

Sign Type Allowed	Max. Mp/ / Height	Max. Area	Setback	Illumination	Additional Provisions
<p>Small Shopping Center Freestanding/ Monument</p> 	<p>No.: 1 to identify shopping center per shopping center frontage.</p> <p>Height: 14 ft.</p>	<p>150 sq. ft. per face.</p> <p>225 sq. ft. if >1 establishment frontage.</p>	<p>4 ft. from property line</p>	<p>See section 10-7.209 for lighting restrictions.</p>	<ul style="list-style-type: none"> • Unless otherwise stated in the Master Sign Program of a Small Shopping Center, 24-inch max. letter size and 30-inch max logo height. • Small Shopping Center signs on corner lots higher than 3 ft. are subject to the “Vision Triangle Rule”.
<p>Small Shopping Center Wall</p> 	<p>No.: 1 per establishment</p> <p>Height: No higher than the building wall on which it is mounted.</p>	<p>1.5 sq. ft. per linear foot of establishment frontage.</p>	<p>None.</p>	<p>See section 10-7.209 for lighting restrictions.</p>	<ul style="list-style-type: none"> • Unless otherwise stated in a Master Sign Program, 24-inch max. letter size and 30-inch max. logo size. • If a Master Sign Program exists, the Development Services Director may approve additional signs or sign area as needed to adequately direct the public to the Center.
<p>Large Shopping Center Freestanding/ Monument</p> 	<p>No.: 1 to identify shopping center per shopping center frontage.</p> <p>Height: 14 ft.</p>	<p>200 sq. ft. per face.</p> <p>300 sq. ft. if >1 establishment frontage</p>	<p>10 ft. from property lines</p>	<p>See section 10-7.209 for lighting restrictions.</p>	<ul style="list-style-type: none"> • Signs on corner lots higher than 3 ft. are subject to the “Vision Triangle Rule” of 30 ft. • If a Master Sign Program exists, the Development Services Director may approve additional signs or sign area as needed to adequately direct the public to the Center.
<p>Large Shopping</p>	<p>No.: 1 per</p>	<p>1.5 sq. ft.</p>	<p>None.</p>	<p>See section</p>	<ul style="list-style-type: none"> • Unless otherwise stated

<p>Center Wall</p> 	<p>establishment</p> <p>Height: No higher than the building wall on which it is mounted.</p>	<p>per linear foot of establishment frontage.</p>		<p>10-7.209 for lighting restrictions.</p>	<p>in a Master Sign Program, 24-inch max. letter size and 30-inch max. logo size.</p> <ul style="list-style-type: none"> • If a Master Sign Program exists, the Development Services Director may approve additional signs or sign area as needed to adequately direct the public to the Center.
<p>Regional Shopping Center</p> 	<p>Shall be reviewed on a site-specific basis for allowable signage. An approved Master Sign Program is required and all allowable signage shall meet the standards specified in Section 10-7.210. Master Sign Program.</p>				

10-7.503 SIGN REGULATIONS BY ZONING DISTRICT.

Hayward Municipal Code Section 10-7.501 contains specific regulations for signs on private property, based on the zoning district and sign usage.

(a) RS, RNP, RO (Single-Family Residential and Residential Office) Districts

Sign Type Allowed	Max. No. / Height	Max. Area	Setback	Illumination	Additional Provisions
<p>Permanent Subdivision Signs</p>	<p>No.: 1</p> <p>Height: 10 ft.</p>	<p>50 sq. ft. per face.</p> <p>100 sq. ft. total.</p>	<p>10 ft. from all property lines.</p>	<p>Natural or External.</p>	<ul style="list-style-type: none"> • If subdivision is >25 lots or condos, 1 additional sign is permitted, not to exceed 30 sq. ft./face, 60 sq. ft. total. • Home Occupation signs are prohibited.

					
Residential Office, religious, educational, health care, childcare for fifteen (15) or more, cultural, recreational, or similar facility.	No.: 1 per establishment up to 5 acres. 2 if > 5 acres. Height: 6 ft.	15 sq. ft. per sign.	10 ft. from all property lines.	Natural or External.	<ul style="list-style-type: none"> • If freestanding/ monument sign, base shall be landscaped. 

(b) RM, RH (Multi-Family Residential), MH (Mobile Home), and AT-RM (Air Terminal Medium Density Residential) Districts

Sign Type Allowed	Max. No. / Height	Max. Area	Setback	Illumination	Additional Provisions
Multi-Family Complex Identification Signs.	No.: 1 per 500 ft. of street frontage. 2 if >500 ft. Height: 6 ft.	1-8 units: 12 sq. ft. 9-25 units: 25 sq. ft. >26 units: 50 sq. ft.	10 ft. from all property lines.	Natural or External.	<ul style="list-style-type: none"> • 26+ units with >1 street frontage, a second sign is permitted with total sign area ≤ 70 sq. ft. (35 sq. ft. per entrance) • 2 signs on 1 frontage are permitted if entrances are ≥ 200 ft. apart.
Permanent Subdivision Signs.	No.: 1 per subdivision street entrance, max. 2 Height: 10 ft.	1-8 units: 12 sq. ft. 9-25 units: 25 sq. ft. >26 units: 50 sq. ft.	10 ft. from all property lines.	Natural or External.	

<p>Religious, educational, health care, childcare facility for fifteen (15) or more children, cultural, recreational, or similar facility.</p>	<p>No.: 1 per establishment up to 5 acres. 2 if > 5 acres. Height: 6 ft.</p>	<p>20 sq. ft/ sign.</p>	<p>10 ft. from all property lines.</p>	<p>Natural or External.</p>	<ul style="list-style-type: none"> • If freestanding/ monument sign, base shall be landscaped. 
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(c) All Commercial Districts - (Except CC-R, CC-C and CC-P), Including AT-AC, AT-C (Airport Commercial Zones)

The following regulations apply to properties in all Commercial Districts excluding the CC-R, CC-C and CC-P districts.

Sign Type Allowed	Max. No. / Height	Max. Area	Setback	Illumination	Additional Provisions
<p>For Residential Uses: Same regulations as Multi-family Districts.</p>					
<p>For Non-Residential Uses:</p>					
<p>General (applies to all uses and sign types)</p>	<p>No.: 3 signs max. (1 freestanding or monument and up to 2 wall signs)</p>	<p>1.5 sq. ft. per lineal foot of establishment frontage: 25 sq. ft. min., 100 sq. ft. max.</p>	<p>Varies by use.</p>	<p>See section 10-7.209 for lighting restrictions.</p>	<ul style="list-style-type: none"> • Businesses with more than 1 frontage shall be allowed 50% more permitted sign area upon approval of the Development Services Director. • AT-AC, AT-C zones: Office or industrial complexes with ≥ 2 frontages can have an additional sign per approval of the Development Services Director. • If freestanding/ monument sign, base shall be landscaped. • Corner Lots: Freestanding or monument signs higher

					than 3 ft. are subject to the “Vision Triangle Rule” of 30 ft. (see Section 10-7.208(i)).
<p>Freestanding/ Monument (applies to all uses)</p> 	<p>No: 1 per establishment</p> <p>Height: 12 ft. and 1 ft. lower every foot closer to property line.</p>	36 sq. ft. per face	<p>12 ft. from all property lines.</p> <p>Setback may be reduced 1 ft. for every ft. the sign is lowered, 2 ft. min.</p>	See Section 10-7.209 for lighting restrictions.	<ul style="list-style-type: none"> • See General Provisions above.

Sign Type Allowed	Max. No. / Height	Max. Area	Setback	Illumination	Additional Provisions
<p>General Wall/Canopy (applies to all uses)</p>	<p>No.: up to 2</p> <p>Height: Not to exceed roofline of first story element (Section</p>	<p>36 sq. ft. for frontages < 25 linear ft.</p> <p>50 sq. ft. for frontages 25-40 linear ft.</p> <p>Exceptions:</p>	Same as the structure to which it is attached.	See section 10-7.209 for lighting restrictions.	<ul style="list-style-type: none"> • See General Provisions above. 

	Definition – Wall Sign).	freeway-oriented, drive-throughs, auto dealerships - See Section 10-7.502.			
General Temporary (applies to all uses)	See Section 10-7.600 “Temporary Signs.” Events sponsored by a federal, state, or local governmental agency are exempt.				
Auto Dealerships, Drive-through Restaurants, Catering Trucks, Service Stations, Shopping Centers – See Section 10-7.502					
Sign Type Allowed	Max. No. / Height	Max. Area	Setback	Illumination	Additional Provisions
Recycling 	No.: 4 total 1 per side	Max. 20% per side or 16 sq. ft., whichever is larger.	None. Containers shall be clearly marked to identify materials.	Natural or external.	<ul style="list-style-type: none"> • For a wheeled facility, side shall be measured from pavement to top of container. • Directional signs with no message (for traffic or if facility not visible from ROW) shall be approved by the Director.

(d) CC-R (Central City - Residential) District

The following regulations apply to all properties in the CC-R district.

Sign Type Allowed	Max. No./ Height	Max. Area	Setback	Illumination	Additional Provisions
For Residential Uses: Multi-Family Complex Identification Signs only.					
General Freestanding/ Monument		1-8 units: 12 sq. ft.	4 ft. from all property	Natural or External.	<ul style="list-style-type: none"> • 26+ units with >1 street frontage, a second sign is

and/or	No.: 1 Height: 5 ft.	9-25 units: 25 sq. ft. >26 units: 50 sq. ft.	lines.		permitted with total sign area ≤ 70 sq. ft. (35 ft. per entrance). • 2 signs on 1 frontage are permitted if entrances are ≥ 200 ft. apart.
Wall Sign	No.: 1				
For Non-Residential Uses:					
General Wall signs	No.: 1 per establishment frontage. Height: 6 ft.	36 sq. ft. per face.	4 ft. from all property lines.	All types. See section 10-7.209 for lighting restrictions.	<ul style="list-style-type: none"> • Office complex or directory sign: 1 per complex with 20 sq. ft. max per face, 40 sq. ft. max total. • If freestanding monument sign, base shall be landscaped.
					
Theater Signs - See Section 10-502(c) "Theater Signs"					
Temporary Signs - See Section 10-7.600 "Temporary Signs."					

(e) **CC-C (Central City Commercial District) and CC-P (Central City Plaza) District.**

The following regulations apply to all parcels in the CC-C and CC-P Zoning Districts.

Sign Types Allowed	Total Max. No.	Max. Area	Illumination	Additional Provisions
General <ul style="list-style-type: none"> • Awning • Hanging • Menu Board 	2 signs per frontage. 4 signs max per establishment	<u>CC-C & CC-P (Foothill and A):</u> 2 sq. ft. per linear footage of primary frontage.	<ul style="list-style-type: none"> • See section 10-7.209 for lighting restrictions. • External 	<ul style="list-style-type: none"> • No more than three colors, unless approved by Development

<ul style="list-style-type: none"> • Overhang/Edge • Projecting • Theater Marquee • Theater Displays • Service Station Signs • Sidewalk displays (A-Frame/ T-Frame) • Temporary • Wall • Window 	<p>unless otherwise approved by Development Services Director.</p>	<p>30 percent of primary frontage for secondary frontage signs.</p> <p><u>CC-C & CC-P (other than Foothill and A):</u> 1 sq. ft. per linear footage of primary frontage. ½ sq. ft. per linear footage of primary frontage. 30 sq. ft min and 100 sq. ft max.</p> <p>Also see Section 10-7.211 Sign Corridor Overlay District</p>	<p>lighting is encouraged.</p> <ul style="list-style-type: none"> • Neon or day glow must be approved. • Signs may be illuminated with directional spotlights or indirect lighting if the effect at night is not glaringly bright. 	<p>t Service Director.</p> <ul style="list-style-type: none"> • Monument signs prohibited except service stations, hotels and motels.
Prohibited Signs				

<ul style="list-style-type: none"> • Monument (except service stations, hotels and motels) • Animated, in the Marks Historic District • Revolving • Flashing • Portable (except A- and T-Frame) • Painted Wall Signs or signs that obscure the detail of building facades • Awnings made of metal or which are translucent or which contain interior lighting for illumination
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Sign Type	Height	Max. Area	Additional Provisions
<p>General Awning (ground floor only)</p> 	<p>8 ft. min. vertical clearance from bottom of sign to top of finish grade.</p>	<p>20% of the total surface area of front awning skirt.</p>	<ul style="list-style-type: none"> • Internal illumination of awning is prohibited. • Awning signs legally erected before July 22, 1986 shall be considered in conformance if they do not exceed the maximum allowable area by 25%. • Awnings shall be regularly

			cleaned and kept free of dust and visible defects.
<p>General Horizontal Hanging</p> 	8 ft. min. clearance from bottom of sign to top of finish grade.	8 sq. ft. total, 4 sq. ft. per face. Signs ≤ 6 sq. ft. are exempt from permitting.	<ul style="list-style-type: none"> • Hanging signs legally erected before July 22, 1986 shall be considered in conformance if they do not exceed the maximum allowable area by 25%.
<p>General Overhang/Edge</p> 	Height: Shall not exceed 3 ft.	See 10-7.501.e general regulations above.	<ul style="list-style-type: none"> • Shall not be used in conjunction with wall signs.
<p>General Projecting</p> 	Height: No higher than cornice or parapet, whichever is lower. 8 ft. min. clearance from bottom of sign to top of finish grade.	40 sq. ft., 20 sq. ft. per face. Double face is counted as one sign.	<ul style="list-style-type: none"> • May project up to 3 ft. horizontally, 5 ft. at Foothill & A • In no case may sign come within 2.5 ft. of curb. • Signs shall be clear of street trees, traffic signals, street lighting, regulatory signs and architectural details.

<p>General Sidewalk Display (A-Frames/ T-Frames)</p> 	<p>4 ft. passageway past sign. Only permitted in the Downtown Entertainment District.</p>	<p>6 sq. ft. per side (area will not be included in total permitted sign area).</p> 	<ul style="list-style-type: none"> • Max 1 per establishment. • Must be placed in front of establishment. • 4 ft. min passage way on sidewalk must be maintained. • Signs only permitted during business hours. • Sign shall not project within 2 feet of the curb interface with vehicles.
<p>General Wall</p> 	<p>No higher than cornice or parapet, whichever is lower.</p>	<p>See General Regulations above.</p>	<ul style="list-style-type: none"> • Wall signs may be painted on the wall or be made of metal, wood (except plywood), plastic, neon or vinyl. • Fluorescent material is prohibited. • Wall signs legally erected before July 22, 1986 shall be considered in conformance if they do not exceed the maximum allowable area by 25%.
<p>General Window</p> 	<p>N/A</p>	<p>25% of total area of window.</p>	<ul style="list-style-type: none"> • Signs may include graphics painted on glass, vinyl letters applied to glass, a clear acrylic panel behind the window, or small neon window signs. Signs should be white or light in color.
<p>Auto Dealership Signs – See Section 10-7.502(a)</p>			
<p>Theater Signs - See Section 10-7.502(c)</p>			
<p>Drive-in Restaurant Signs - See Section 10-7.502(d)</p>			
<p>Service Station Signs - See Section 10-7.502(e)</p>			
<p>Temporary Signs - See Section 10-7.600 “Temporary Signs.”</p>			

(d) **Form-Based Code Districts – All (T1, T2, T3, T4, T4-1, T4-2, T5, T6 and CS).**

Sign Types Allowed	Total Max. No.	Max. Area	Illumination	Additional Provisions
<p>General</p> <ul style="list-style-type: none"> • Awning • Hanging • Monument • Overhang • Projecting • • Marquee • Temporary • Wall • Window • Signs of historical or aesthetic significance 	<p>2 signs per frontage.</p> <p>4 signs max per establishment unless otherwise approved by Development Services Director.</p> <p>Temporary window signs do not count toward the total.</p>	<p><u>Sign Corridor Overlay District (see Section 10-7.211):</u></p> <p>2 sq. ft. per linear footage of primary frontage.</p> <p>30 percent of primary frontage for secondary frontage signs.</p> <p><u>All other (outside of Sign Corridor Overlay District):</u></p> <p>1 sq. ft. per linear footage of primary frontage.</p> <p>½ sq. ft. per linear footage of secondary frontage.</p> <p>30 sq. ft min for Principle Frontage</p> <p>100 sq. ft max. per frontage</p>	<ul style="list-style-type: none"> • See section 10-7.209 for lighting restrictions. • External lighting is encouraged. • Neon or day glow must be approved. • Signs may be illuminated with directional spotlights or indirect lighting if the effect at night is not glaringly bright. 	<ul style="list-style-type: none"> • Only 1 frontage, which contains a public entrance, can be counted as Principle Frontage. All other building Frontages, which have exposure to pedestrian or vehicular traffic, are considered Secondary Frontages.
Prohibited Signs (also see Section 10-5.400- Prohibited Signs)				
<ul style="list-style-type: none"> • Signs made of plywood • Signs with fluorescent material • Monument (except service stations, hotels and motels) • Animated, scrolling in the Marks Historic District • Aerial Signs (see inflatable signs) except as permitted for Temporary Promotional Events • Awnings made of metal or which are translucent or which contain interior lighting for illumination. 				

Sign Type	Height	Max. Area	Additional Provisions
<p>General Awning (ground floor only)</p> 	8 ft. min. vertical clearance from bottom of sign to top of finish grade.	See General Regulations above	<ul style="list-style-type: none"> • Internal illumination of awning is prohibited. • Awning signs legally erected before July 22, 1986 shall be considered in conformance if they do not exceed the maximum allowable area by 25%. • Awnings shall be regularly cleaned and kept free of dust and visible defects.
<p>General Horizontal Hanging</p> 	8 ft. min. clearance from bottom of sign to top of finish grade.	<p>8 sq. ft. total, 4 sq. ft. per face.</p> <p>Signs \leq 6 sq. ft. are exempt from permitting if located within Sign Corridor Overlay District.</p>	<ul style="list-style-type: none"> • Suspended from a canopy, awning or marquee
<p>General Overhang/Edge</p> 	Height: Shall not exceed 3 ft.	See General Regulations above	<ul style="list-style-type: none"> • Shall not be used in conjunction with wall signs.
<p>General Projecting</p> 	<p>Height: No higher than cornice or parapet, whichever is lower.</p> <p>8 ft. min. clearance from bottom of sign to top of finish grade.</p>	<p>40 sq. ft., 20 sq. ft. per face.</p> <p>Double face is counted as one sign.</p>	<ul style="list-style-type: none"> • Shall not project more than 3 ft. horizontally. • In no case may sign come within 2.5 ft. of curb. • Signs shall be clear of street trees, traffic signals, street lighting, regulatory signs and architectural details.

<p>General Wall</p> 	<p>No higher than cornice or parapet, whichever is lower.</p>	<p>See General Regulations above.</p>	<ul style="list-style-type: none"> • Wall signs may be painted on the wall or be made of metal, wood (except plywood), plastic, neon or vinyl. • Fluorescent material is prohibited. • Wall signs legally erected before July 22, 1986 shall be considered in conformance if they do not exceed the maximum allowable area by 25%.
<p>General Window (permanent)</p> 	<p>N/A</p>	<p>25% of total area of window.</p>	<ul style="list-style-type: none"> • Signs may include graphics painted on glass, vinyl letters applied to glass, a clear acrylic panel behind the window, or small neon window signs. Signs should be white or light in color.
<p>General Window (temporary)</p> 	<p>N/A</p>	<p>25% of total area of window, including permanent window signs.</p>	<ul style="list-style-type: none"> • Special sale window signs of either paper or paint.
<p>Auto Dealership Signs – See Section 10-7.502(a)</p>			
<p>Theater Signs - See Section 10-7.502(c)</p>			
<p>Drive-in Restaurant Signs – See Section 10-7.502(d)</p>			
<p>Service Station Signs – See Section 10-7.502(e)</p>			
<p>Temporary Signs – See Section 10-7600 “Temporary Signs”</p>			

(g) I, (Industrial), AT-IP (Airport Terminal Industrial), and AT-R (Airport Terminal Recreational) Districts

Sign Type Allowed	Max. No./	Max. Area	Setback	Illuminat	Additional Provisions
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	Height			ion	
<p>General (applies to all)</p>	<p>No: 3 signs max.</p>	<p>1 sq. ft. per lineal foot of establishment frontage or 25 sq. ft., whichever is greater.</p>	<p>Varies.</p>	<p>See section 10-7.209 for lighting restrictions.</p>	<ul style="list-style-type: none"> Office or industrial complexes with ≥ 2 frontages or ≥ 2 street entrances can have additional signs per approval of the Development Services Director.
<p>General Freestanding/Monument</p> 	<p>No: 1 per 50 linear feet of establishment frontage.</p> <p>Height: 14 ft.</p>	<p>1 sq. ft. per lineal foot of establishment frontage or 25 sq. ft., whichever is greater.</p>	<p>10 ft. from all property lines.</p> <p>If sign is < 6 ft., it may be 2 ft. from front property line so long as it does not interfere with visibility.</p>	<p>See section 10-7.209 for lighting restrictions.</p>	<ul style="list-style-type: none"> If freestanding/monument sign, base shall be landscaped.
<p>General Wall</p> 	<p>No: 2-3</p> <p>Height: No higher than building it is mounted on.</p>	<p>1 sq. ft. per lineal foot of establishment frontage or 25 sq. ft., whichever is greater.</p>	<p>N/A</p>	<p>See section 10-7.209 for lighting restrictions.</p>	<ul style="list-style-type: none"> Office or industrial complexes with ≥ 2 frontages or ≥ 2 street entrances can have additional signs per approval of the Development Services Director.
<p>Changeable Copy/Electronic Reader Board/Freeway Sign.</p>	<p>No: 1</p> <p>Height: No higher than building it is mounted on.</p>	<p>None.</p>	<p>May not comprise more than 50% of area of primary sign.</p>	<p>See section 10-7.209 for lighting restrictions.</p>	<ul style="list-style-type: none"> Only permitted when designed as part of freeway-oriented business identification sign. Freeway Oriented Signs – See Section 10-7.502(b) Signs are subject to provisions of State

					Outdoor Advertising Act.
Drive-in Restaurant Signs - See Section 10-7.502(d)					
Service Station Signs - See Section 10-7.502(e)					
Temporary Signs - See Section 10-7.600 "Temporary Signs."					

(g) PD (Planned Development) District

The Development Services Director or approving authority shall approve all signs within a Planned Development District. Where signs are not included in or regulated by the preliminary or precise plan approval, the standards of the zoning district most similar in use to the uses in the Planned Development District shall be used as a guideline for approval of signs.

(h) A (Agricultural) and FP (Flood Plain) Districts

Sign Type Allowed	Max. No. / Height	Max. Area	Setback	Illumination	Additional Provisions
All types 	No.: 1 per establishment or parcel. Height: 10 ft.	<ul style="list-style-type: none"> • 50 sq. ft. per establishment or parcel. 	10 ft. from all property lines.	See section 10-7.209 for lighting restrictions.	<ul style="list-style-type: none"> • If freestanding/monument sign, base shall be landscaped.

(i) New Districts

Any new zoning Districts adopted by the City Council subsequent to the adoption of this Article shall be subject to regulations of the District most similar in nature and function as determined by the Development Services Director.

10-7.600 TEMPORARY SIGN REGULATIONS.

10-7.601 Auto Dealership Banners

i. Purpose.

The purpose of allowing banners for automobile retail establishments located in the General Commercial (CG) and Mission Boulevard Form Based Code zoning districts is to recognize the distinctive requirements of this form of retail and to foster a unified image of a Hayward “auto row.” Uniform banners strengthen the collective impact of display and advertising for auto retail along Mission Boulevard, in a manner that is attractive, compatible, and safe, and enhances the streetscape and the economic well-being of the city.

ii. Automobile Retail Establishment Defined.

“Automobile retail establishment” means an establishment whose primary use of a building or property is for outdoor display and sale of new or used automobiles, trucks, vans, motorcycles, trailers or recreational vehicles. The term does not include establishments for which the sale of vehicles is an incidental use, such as rental car agencies.

iii. Banner Defined.

“Banner” means a non-permanent sign, made of durable fabric, fastened from the top and bottom to a ground-mounted pole or similar structure on private property. Banners shall not be fastened to any landscaping/tree, fence or retaining wall.

iv. Banner Permits and Requirements.

The Development Services Director or designee may approve a banner permit in accordance with the regulations and criteria set forth in this section and may impose such other reasonable conditions as may be deemed necessary in the public interest. The following regulatory standards are required conditions for any banner:

1. *Size.*

Each “**large banner**” shall be a minimum of sixteen point one (16.1) square feet and a maximum of twenty-eight (28) square feet.

Each “**small banner**” shall be a minimum of eight (8) square feet and a maximum of sixteen (16) square feet. All banners of the same type on a property shall be the same size.

2. *Quantity.*

Each property may display a maximum of one (1) “large banner” for every thirty (30) lineal feet of street frontage. Each property may display a

maximum of one (1) “small banner” for every four hundred (400) square feet of parking and auto display area.

3. *Location and Setbacks*

The entire banner shall be located on private property, outside of vision triangles of motorists and shall not extend into or be allowed to move into the public right-of-way.

“Large banners” may be located within ten (10) feet of the property line adjacent to Mission Boulevard. “Small banners” may be located elsewhere within parking and auto display areas.

4. *Distance between Banners.*

No banner shall be located closer than ten (10) feet to another banner.

5. *Height.*

The bottom of each banner shall be at least eight (8) feet and not more than twelve (12) feet above the surface below it. All decorative banners located on a property shall be the same height.

6. *Materials.*

Banners shall be of durable fabric intended for outdoor use such as altrafab, pryatone, sunbrella or similar quality fabric. No fade inks shall be used on the banners.

7. *Hardware.*

Brackets for mounting the decorative banners to poles shall be of high quality such as stainless steel banding with fiberglass arms which can flex with the wind.

8. *Maintenance.*

Banners shall be promptly replaced when ink fades or fabric tears, frays or fades. Hardware shall be replaced or repaired when damaged or twisted. All banners shall be fastened to keep taut and shall not be loose or floppy.

9. *Promotional Signs.*

The possession of a sign permit for Auto Dealership Banners would prohibit the installation of temporary promotional displays on the same property.

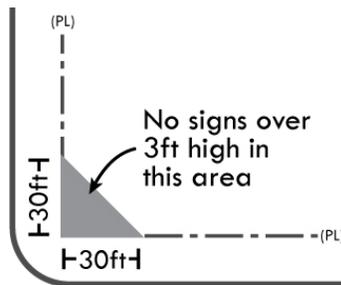
10. *Duration.*

Banners shall be permitted for a maximum of 120 days per calendar year and duration shall be specified on the permit.

v. **Permit Application.**

An application for a sign permit shall be made on a form supplied by the Development Services Director and initiated by owners or agents of automobile retail establishments. The application shall be accompanied by the required fee, as adopted by resolution of the City Council. Along with demonstrating that all of the above required conditions of approval have been met, the following information shall be submitted to the Director in conjunction with an application for a permit:

1. Site plan for the automobile retail establishment, indicating quantity, location and height of banners for the property;
2. Color drawings showing banner design, including colors, materials, hardware and size;
3. Explanation of duration of display of the banners that are requested.
4. Additional information, as determined by the Director may be required.



Vision Triangle Rule

10-7.602 PROMOTIONAL EVENT AND GRAND OPENING SIGNS.

Promotional event or grand opening signs are regulated only by this section. These signs are permitted in addition to the sign area and number allowed for other classes of signs.

(A) *Permitting*

In order to display any promotional or grand opening signs, a person must file a Sign Permit Application with the Development Review Services Division. The application shall state the applicable number of signs allowed and the number proposed, the date(s)

when the signs are to be erected and when they are to be taken down, in accordance with time limits set forth in this article. If applicable, the application shall state the number of times such signs have already been erected in a given calendar year.

(B) *Location*

Promotional and grand opening signs may not be placed within the public right-of-way (including planter strips, tree wells, sound walls, fences, sidewalks, and street medians), on public property or in any location which interferes with vehicular, bicycle, or pedestrian circulation or safety, except for recognized community sponsored events, such as events sponsored or held by the City of Hayward, Hayward Unified School District, Hayward Area Recreation and Park District (HARD), Hayward Historical Society, Hayward Chamber of Commerce, and other government agencies and community organizations as determined by the Development Services Director).

(C) *Number and Type Permitted and Time Frame*

Event/Use	Type	Max. #	Max. Area	Illumination	Time-Frame
<ul style="list-style-type: none"> • Business promotional event • Community Events • Carnival • Festival • Special exhibit • Parade 	<ul style="list-style-type: none"> • Banners • Flags • Streamers • Pennants • Searchlights • Human Sign* 	<p>No: Banners: 1</p> <p>Other: Director determination</p>	<ul style="list-style-type: none"> • Banners: 50 sq. ft. 	Natural only.	<ul style="list-style-type: none"> • Sixty (60) days maximum per calendar year. • Number of events and periods of duration per year shall be specified on the permit. • Events sponsored by federal, state, or local government agency are exempt.
<ul style="list-style-type: none"> • Grand opening** 	<ul style="list-style-type: none"> • Banners • Flags • Streamers • Pennants • Searchlights 	<p>No: Banners: 1</p> <p>Other: Director determination</p>	<ul style="list-style-type: none"> • Banners: 50 sq. ft. 	Natural only.	<ul style="list-style-type: none"> • Once for 45 days max. • Shall be removed within 14 calendar days after the grand opening ceases. • Searchlights: 7 days max.

<ul style="list-style-type: none"> • Auto Dealerships Promotional event signs 	<ul style="list-style-type: none"> • Banners • Bunting • Searchlights 	<p>No: Banners, Bunting: 2</p> <p>Other: If a banner permit is issued, then none other.</p>	<ul style="list-style-type: none"> • Banner s: 50 sq. ft. per sign. 	<p>Natural only.</p>	<ul style="list-style-type: none"> • Sixty (60) days maximum per calendar year. • Number of events and periods of duration per year shall be specified on the permit. • See Section 10-7.601.
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*See Human Signs – Section 10-17.208(1)

**The application fee shall be waived for grand opening promotional signs for all new businesses with a valid City business license.

10-7.603 SUBDIVISION DIRECTIONAL SIGN (OFF-SITE).

- One (1) temporary sign per lot on which it is placed related to the sale or lease of any real property, up to thirty-two (32) square feet in sign area per sign; ten (10) feet in height and ten (10) feet back from property line.
- For each two hundred (200) feet of street frontage, one (1) additional temporary sign related to the lease or sale of any real property is permitted, subject to the size, height, and setback requirements provided in this section.
- Must be placed on private property with the owners' permission, and may remain for twelve (12) months after first installed, or until last unit is sold, whichever is first.
- A time extension, if needed, must be applied for and approved by Development Services Director and must be submitted fifteen (15) days prior to the expiration date of the permit.

10-7.700 ADMINISTRATION, COMPLIANCE AND ENFORCEMENT.

The Development Services Director or his or her designee shall be vested with the authority to determine compliance with provisions of this ordinance except for building or fire code requirements. The Development Services Director or his or her designee is empowered to interpret and enforce the provisions and requirements of this article and to remove or cause to be removed any sign or other advertising structure which has been constructed, erected, altered, relocated, or maintained in violation of this article.

10-7.701 ADMINISTRATIVE REFERRAL.

When there is a question regarding the interpretation of this ordinance, or its application to any specific case or situation, the Development Services Director may, in his or her discretion, refer the question to the Planning Commission.

10-7.702 ADMINISTRATIVE MODIFICATIONS.

The Development Services Director may administratively reduce the setback requirement or increase the permitted sign area if such modifications are minor, not more than twenty-five (25) percent, and he or she determines that no practical alternative exists, that the purposes of the ordinance would not be compromised, and that no detrimental impact would result.

10-7.703 VARIANCES.

The purpose of the Variance provision is to authorize, in specific cases, departure from the terms of the Ordinance if not contrary to the public interest where, owing to special conditions, literal enforcement would result in unnecessary hardship.

- (a) Applications for Variances shall be processed in accordance with Sections 10-1.2815 through 10-1.2825 and Sections 10-1.3305 through 10-1.3375 of the Zoning Ordinance.
- (b) The Development Services Director, or the Planning Commission upon referral by the Director, may grant a Variance 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; and
 - (2) Literal interpretation of this article would cause a hardship or deprive the applicant of rights enjoyed by others in the same district; and
 - (3) The granting of the Variance does not grant a special privilege inconsistent with the limitations on other properties in the same district.

10-7.704 REVOCATION OF SIGN APPROVAL.

The Development Services Director has the authority to revoke any permit or approval issued by the Director or the Director's designee. Revocation shall occur pursuant to Section 10-7.705, "Grounds for Revocation."

10-7.705 GROUNDS FOR REVOCATION.

Any sign permit approval or action may be revoked on the basis of one (1) or more of the following grounds:

- (a) Fraud or misrepresentation by the applicant with respect to any information contained in his or her approved application or with respect to any other information provided to the City.
- (b) Failure of the applicant to meet or abide by any condition imposed upon approval.

- (c) Failure of the applicant to erect the approved sign(s) within one (1) year of permit issuance.
- (d) Abandonment of the sign for a period of thirty (30) days.

10-7.706 HEARINGS - NOTICE.

Prior to revocation, the Development Services Director or Planning Commission, on appeal, shall hold a hearing after written notice is provided to the applicant.

10-7.707 APPEALS.

Any person aggrieved by a decision by the Development Services Director may appeal such action to the Planning Commission by filing a written appeal with the Development Review Services Division within ten (10) days from the date of such action. Upon completion of its consideration, the Planning Commission may sustain, or modify, or reverse the Director's decision. Any action or decision of the Planning Commission is final and not appealable.

10-7.708 LEGAL NON-CONFORMING SIGNS.

A legal non-conforming sign is a sign lawfully constructed and maintained prior to the effective date of this Ordinance, but which does not conform to the provisions of this chapter, or because of a district change after the effective date of this chapter affecting the property upon which the sign is located, ceases to comply with the applicable zone district regulations. This chapter is intended to limit the number and extent of nonconforming signs by prohibiting alteration or enlargement thereof so as to increase the discrepancy between existing conditions and the standards and requirements of this Ordinance and to provide for the elimination of nonconforming signs, in compliance with State law.

- (a) A legal non-conforming sign (see Appendix A: Definitions), unless made to conform to the provisions of this article, may not be structurally altered, expanded, moved, modified in any way, or be reestablished after:
 - (1) Discontinuance for six (6) months or more; or
 - (2) Damage or destruction of more than fifty (50) percent of replacement value.
- (b) Any legal non-conforming sign shall be permitted to remain until such time as:
 - (1) There is a change in the use of the property on which the sign is located and discretionary approval for the change of use is required;
 - (2) Expansion, movement or modification of the sign. A change of copy or normal maintenance and repair does not constitute modification of a non-conforming sign.

- (c) At such time as any of the events mentioned in subsections (a) and/or (b) occur, the sign must be brought into conformance with this article. .
- (d) At such time that the amortization period concludes, in accordance with Section 10-7.716.

10-7.709 SIGN MAINTENANCE.

- (a) Each sign, including a legal non-conforming sign, shall be maintained in the same condition as when the sign was installed. Normal wear and tear of aged signs shall be repaired when they detract from the visible quality of signs, as determined by the Development Services Director. Repaired signs will be consistent with the approved sign permit for the sign (i.e. paint colors and illumination will match, etc.).
- (b) When signs are removed, the wall or fence behind the sign shall be repaired and painted to match the rest of the structure.
- (c) Abandoned, dilapidated or unsafe signs shall be subject to abatement in accordance with Sections 10-7.713 and 10-7.714.

10-7.710 REMOVAL OF CERTAIN SIGNS.

- (a) A sign which is unsafe, abandoned, significantly dilapidated, deteriorated or was constructed illegally, may be removed without payment of compensation by the City to the establishment. This includes:
 - (1) A sign which meets any of the criteria specified in Business and Professions Code Section 5497, or all of the requirements of Business and Professions Code Section 5495, or their successor provisions, shall be removed without compensation in accordance with those provisions.
 - (2) A sign, which meets the requirements of Business and Professions Code Sections 5412.1 or 5412.2 shall be removed in accordance with those provisions, or their successor provisions.
 - (3) A sign which was constructed unlawfully.
 - (a) Within six (6) months from the date of the adoption or amendment of this article, whichever is later, the City shall commence inventorying and identifying all illegal or abandoned advertising displays, as required in Section 5491.1 of the California Business and Professions Code. Within sixty (60) days after the six (6) month period, the City shall commence abatement of the identified preexisting illegal and abandoned on-premises displays. Fees for the cost of inventorying and identifying illegal or abandoned advertising displays shall be collected in accordance with

Section 5491.2 of the Business and Professions Code and the Master Fee Schedule.

- (b) Any sign which is abandoned or deemed to be abandoned due to the sign's obsolescence or disuse shall be removed by the owner of the property on which the sign is located within thirty (30) days after the sign is abandoned or deemed to be abandoned.

10-7.711 ENFORCEMENT OF SIGNS ON PRIVATE PROPERTY.

- (a) *Removal.*

Development Services Director or his or her designee may remove or cause the removal of a sign which is constructed, installed or maintained on private property in violation of this article or other provisions of law ("illegal sign"), in accordance with the procedures set forth in this section.

- (b) *Notice to Abate.*

Prior to removal of an illegal sign, a written notice to abate shall be mailed or delivered to the owner and occupant of the premises on which the illegal sign has been installed. The notice to abate shall set forth a time limit for abatement of the illegal condition, which shall be no less than two (2) calendar days. The notice to abate shall indicate that the sign may be impounded by the City if the illegal sign condition is not abated in a timely manner. Abatement of illegal signs shall be in accordance with the procedures set forth in Chapter 5, Article 7.

- (c) *Sign Impoundment and Recovery of Impounded Sign.*

If the illegal sign condition has not been abated within the time specified by the notice to abate, the City may cause the sign to be removed and impounded. Any sign, which has been impounded, may be recovered by the owner of the sign by paying the City's cost of removal and storage.

- (d) *Sign Destruction.*

An impounded sign may be discarded or destroyed by the City without any further notice five (5) days thereafter in any of the following circumstances:

- (1) If the owner of the sign cannot be identified; or
- (2) If the apparent owner of the sign has failed to respond to the City's notice of notice of opportunity to redeem the impounded sign; or
- (3) If the sign is of de minimis value.

10-7.712 ENFORCEMENT OF SIGNS ON PUBLIC PROPERTY.(a) *Removal.*

The City may remove any temporary or portable sign in the public right-of-way or on public property in violation of this Ordinance.

(b) *Notification.*

No notice shall be required prior to removal of unlawful temporary signs in the public right-of-way or public property. If contact information is provided on the said signage, City staff will attempt to make contact with the sign owner prior to disposal.

(c) *Reclamation.*

Any sign removed by the City, except any sign of de minimis value, shall be held in storage and the owner or other person in control of such sign, if known, shall be given written notice and ten (10) days to reclaim such sign.

(d) *Disposal.*

The City may destroy any unclaimed sign held in storage by the City if not reclaimed within the time period set forth in (c) above or within ten (10) days after removal if the owner or other person in control of such sign is not known.

(e) *Payment.*

In order to reclaim a sign removed by the City, the owner or other person in control of such sign shall first pay to the City a fee equivalent to the City's removal costs (time and materials.)

(f) *Liability.*

The owner or entity responsible for placing a temporary unlawful sign on public property may be billed all time and materials costs incurred by the City to remove the sign, whether or not the person or entity desires to reclaim the sign.

(g) *De minimis value signs.*

For purposes of this Section, any sign made of nondurable material shall be deemed to be of de minimis value.

Any temporary sign of de minimis value located in the public right-of-way in violation of this Ordinance shall be deemed to be abandoned and may be destroyed by the City after removal. No opportunity to reclaim such sign shall be given by the City.

10-7.713 ENFORCEMENT OF ON-PREMISES SIGNS.

The City may declare as a public nuisance and abate at the owner's expense any sign maintained in violation of this article. A sign maintained in violation of this article includes, but is not limited to:

- (a) An on-premises advertising display erected without first complying with all ordinances and regulations in effect at the time of its construction and erection or use.
- (b) An on-premises advertising display that was legally erected, but has been abandoned or not maintained.
- (c) An on-premises advertising display that was legally erected, which later became nonconforming as a result of the adoption of an ordinance, the amortization period for the display provided by the ordinance rendering the display non-conforming has expired, and conformance has not been accomplished.
- (d) An on-premises advertising display which is a danger to the public or is unsafe.
- (e) An on-premises advertising display or painted wall sign that was not erected or applied with a sign permit or which remains after the business has vacated the premises for six months for on-premises advertising display and one month for painted wall sign.

Abatement of illegal signs shall be in accordance with the procedures set forth in Chapter 5, Article 7.

10-7.714 PROCEDURE NOT EXCLUSIVE: VIOLATION AN INFRACTION.

The procedures for abatement set forth herein shall not be exclusive and shall not in any manner limit or restrict the City from enforcing other City ordinances and regulations or abating public nuisances in any other manner provided by law. Nothing in this article shall be deemed to prevent the commencement of a civil proceeding to abate a public nuisance pursuant to applicable law or from pursuing any other remedy available under applicable law. Violation of the provisions of this article constitutes an infraction or a misdemeanor, as set forth in Chapter 1, Article 3 of the Hayward Municipal Code.

10-7.715 SEVERABILITY.

If any provision of this Article is determined invalid, void or unenforceable by a final judgment rendered by a court of competent jurisdiction, the validity of the remaining provisions of this Article shall not be affected, provided that the enforcement of the remaining provisions of this Article are not rendered impractical by the severance of the provision deemed to be invalid, void or unenforceable.

10-7.716 AMORTIZATION.

Notwithstanding other provisions of this chapter, the following signs shall be required to be removed or modified to comply with the provisions of this chapter. The City of Hayward will work closely with the business community to seek compliance with long-term established businesses.

1. "Abandoned signs" as defined herein, must be removed:

- a. Any sign, including its supporting structure, remaining in place or not maintained for a period of six (6) months, which no longer advertises or identifies an active business, product, or service, whether such business, product, or service is provided on-site or off-site.
 - b. Any painted wall sign remaining in place or not maintained for a period of one (1) month, which no longer advertises or identifies an active business, product, or service, whether such business, product or service is provided on-site or off-site.
2. Signs nonconforming to the established signing standards must be made to conform within three (3) years after adoption of the sign standards and completion of a City Sign Inventory.

APPENDIX: DEFINITIONS

The following definitions shall apply to the interpretation of this article. The definition of the singular form of any defined term also applies to the plural form of the same term.



A-Frame Sign.

Portable Sign and Sandwich Board Sign. The terms “A-Frame Sign,” “Portable Sign,” “T-Frame Sign,” and “Sandwich Board Sign” shall mean portable signs capable of standing without support or attachment.



Abandoned Signs.

Any sign, including its supporting structure, remaining in place or not maintained for a period of six (6) months which no longer advertises or identifies an active business, product, or service whether such business, product or service is provided on-site or off-site.

Any painted wall sign remaining in place or not maintained for a period of one (1) month which no longer advertises or identifies an active business, product, or service whether such business, product or service is provided on-site or off-site.



Accessory Sign.

A sign, generally informational or directional, that has a purpose secondary to the use of the parcel on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” or other similar language.

Accessory sign also includes logos—a graphic mark, symbol, icon, or emblem.

Address Sign.

The official street address of a parcel, building or part thereof.

Aerial Sign (also see inflatable).

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

Alter.

Any change in the weight, depth, height, area, thickness, location, or type of display of an existing sign but shall not be construed to prevent normal or periodic maintenance, upkeep, or repair of a sign or change of copy.



Awning.

Any frame covered with cloth, aluminum, or other materials which is attached to and projects from the exterior wall of a building, typically over a window or door.



Awning Sign.

Any sign which is painted, printed, sewed, or otherwise attached to an awning. For purposes of this article, signage on two (2) panels of an awning counts as one (1) sign for purposes of calculating total number of allowable signs. Internal illumination of the signage is prohibited.

Balloon.

Any spherical shaped inflatable device (excluding Mylar balloons) fourteen (14) inches or less in diameter, tethered in a fixed location. Often used for promotional events and grand openings. See “Inflatable.”



Banner. A temporary sign composed of lightweight, flexible, non-rigid material that is mounted to a pole or a structure at one (1) or more edges either vertically or horizontally. Requires a sign permit for advertising a product, service, business or promotional event. National, state, or municipal flags shall not be considered banners. An eight (8) foot clearance is required between a banner and finished grade. See Section 10-7.600.

Billboard.

See “Off-Premise Signs.”



Blade sign.

A small sign which is suspended from an overhang, canopy, marquee, or awning, or is suspended from a mounting attached directly to the building wall, and hangs perpendicular to the building wall. An eight (8) foot clearance is required between a blade sign and finished grade. It may require an encroachment permit.

Building Identification Sign.

A wall sign identifying the name of a building, largest leaseholder, or owner of a building of two (2) stories or more in height, within which they are doing business.



Bulletin Board (On-Site).

A permanent wall or monument sign with manual changeable copy (i.e. not by electronic means). Found on educational or cultural sites (i.e., church, school, community theaters, etc.).



Bunting.

A temporary sign made of gathered cloth, canvas, light fabric or plastic exhibiting the color or colors of a flag of a government or governmental agency or any patriotic, religious, charitable, civic, educational or fraternal organization.

Business Identification Sign.

A sign indicating the name, trademark, address, use, primary commodity, or service available on the premises where the sign is located.



Can/Cabinet Sign.

A sign which contains all the text and/or logo symbols within a single enclosed cabinet that is mounted to a wall or other surface.



Canopy.

Any structural, ornamental roof-like appendage, freestanding or attached to a building, including roof overhangs, but excluding awnings, marquees or metallic hoods.

Changeable Copy Sign.

A permanent sign whose informational content can be changed or altered by manual or electronic means. Also includes a sign known as an “Electronic Reader Board,” “Marquee Sign,” or time and temperature sign.

Change of Copy.

Alteration of wording and/or advertising information, including logos, on an existing sign structure, where no change to the size, height, and structural content or support of sign is made. A change of copy does not require a sign permit.

Community Identification Sign.

A sign incorporating information referring exclusively to service clubs, community slogans, directional information to public facilities, and/or municipal statistics.

Construction Sign.

A sign listing the future occupant or use on a given property (e.g. “Coming Soon”), and the landscape architect, engineer, planner, contractor, or other person or firm participating in the development, construction, or financing of the project on the property where the sign is located.

Copy.

The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

Corridor Overlay District (“Corridor”).

A Corridor Overlay District is a zoning district that provides for specific signage regulations to be applied to designated areas in combination with the requirements of the underlying or base zoning districts. Parcels fronting A Street, B Street, Jackson Avenue, Foothill Boulevard, Mission Boulevard, Hesperian Boulevard, Tennyson Road and Industrial Drive and Parkway comprise the Corridor Overlay Districts.

Decorative Artwork.

Exterior works of art, such as statues and murals that do not advertise a product, service, or business; may include vertical banners attached at two (2) ends to a light pole.

Dilapidated Sign.

A sign, including its supporting structure that is not in a good state of repair, or is not visually attractive and/or functional due to lack of maintenance, or is a safety hazard.

Directional/Informational Sign.

Any on-premises sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic. This includes street name signs, danger signs, and traffic control signs (i.e., “Stop,” “Yield”), and similar signs, the face of which must meet the State of California Department of Transportation standards.

Said sign may contain the name or logo of an establishment but no advertising copy, provided that the logo does not comprise more than twenty (20) percent of the total sign area per sign face.

**Directory Sign.**

Any identification sign listing the occupants of a building or complex, identifying the location of, and providing directions to any establishment.

District.

Zoning district designated in the Zoning Ordinance of the City of Hayward, Chapter 10, Article 1.

Double-Faced Sign.

A sign with two (2) distinct, generally parallel faces, each designed to be viewed from separate directions, and which at no point is thicker than twenty-four (24) inches measured from the external surface of each face.

Electronic Reader Board.

An electronically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location.

Establishment.

An individual, separate place of business.

Exposed Raceways.

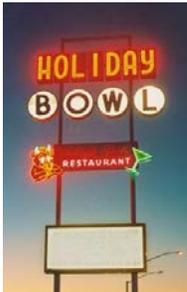
Individual letters mounted on an exposed electrical raceway instead of being mounted directly on a building wall building wall or with the raceway designed to be hidden by the design of the sign.

Flag.

Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol. Regulations herein do not apply to flags denoting nations, government, or noncommercial organizations.

Flashing Sign.

Any illuminated sign whose motion or visual impression primarily changes through electronic means more than once every four seconds. Said signs shall include any sign with lights or illuminations which flash, move, rotate, scintillate, blink, flicker, reflect, vary in intensity, vary in color, or use intermittent electrical pulsations.



Freestanding Sign.

Any sign supported by one (1) or more uprights, braces, columns, poles, or other similar structural components placed on or into the ground, and not attached to a building, and having no exposed or connecting wires.

Freeway Frontage.

For purposes of this article, “Freeway Frontage” means any establishment(s), business(es) and/or property(ies) in the vicinity of Interstate 880 or State Route 92 (west of Industrial Boulevard) located within six hundred (600) feet of a freeway, freeway frontage road, or freeway overpass. The business(es) must provide food, lodging, or fuel to freeway users or must comprise a commercial center of at least four (4) acres with an approved Master Sign Program.

Freeway-Oriented Sign.

For purposes of this article, any sign that is designed to be visible from at least one direction of Interstate 880 or State Route 92, west of Industrial Boulevard.

Allowable Freeway-Oriented sign types are: freestanding or monument signs, pole signs subject to section 10-7.400.15, and wall signs. Electronic reader board signs are allowed if used for a commercial center greater than or equal to five (≥ 5) acres with an approved Master Sign Program.

Freestanding, monument and pole signs can be fifty (50) feet maximum in height.

Frontage, Establishment.

The ground floor horizontal distance of a building or portion thereof occupied by the business. It is measured along a ground floor wall which has a customer entrance that faces and has access onto a public open space, such as a courtyard or plaza; or is adjacent to a public street, or adjacent to a driveway or parking lot which serves that use.

If any building frontage does not consist of one (1) straight line, the frontage of any offset portion shall be projected, for computation purposes, to the extension of the line of the most forward face of the building.

Frontage, Primary.

The establishment frontage containing a customer entrance that faces and has access onto a public open space, such as a courtyard or plaza; or is adjacent to a public street, or adjacent to a driveway or parking lot which serves that use. Only one (1) frontage, which must contain a customer entrance, may be counted as primary frontage.

Frontage, Secondary.

The establishment frontage, other than the primary frontage which has exposure to pedestrian or vehicular traffic. Only one (1) secondary frontage may be counted for determining maximum sign area.

Grand-Opening Signs.

Banners, pennants, flags, balloons that are not larger than fourteen (14) inches in diameter, searchlights and similar advertising devices are allowed with a permit when used for bona-fide grand-openings events. See Section 10-7.600.

Hanging Sign.

A sign no larger than eight (8) square feet, four (4) square feet per side, which is suspended from below a marquee, canopy or awning. A hanging sign is larger than a “Blade” or “Shingle” sign.

Hanging Post Sign.

A sign that hangs from a bracket attached to a structure comprised of one (1) or two (2) posts.



Halo-Lit: Halo Lighting Illumination.

The illumination of individual letters, numbers or graphics having an opaque surface by the use of internal, reverse illumination where the light source is not directly visible.

Height.

The vertical distance from the lowest point of the ground directly below the sign to the highest point of the sign (including the support structure and any projecting design elements).

When a sign is located on a berm, retaining wall, or similar feature, at the Director of Community and Economic Development/ Planning Director's discretion, the height of such berm may be subtracted from the overall height of the sign where consistent with the overall design of the project.



Human Sign.

A sign held by or attached to a human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service or product. This can also include a person dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service or product.

Illuminated Sign.

A sign with an internally or externally illuminated light source which makes the message on the sign readable.

Industrial Complex.

A continuous area of land and any structures thereon, under single ownership or operated under a single direction, of at least three (3) separate establishments engaged in industrial or manufacturing activities.

Industrial Complex Directory Sign.

A sign identifying an industrial complex and/or the industrial establishments therein.



Inflatable (also see aerial signs).

Any inflated device, exceeding fourteen (14) inches in diameter, intended to advertise or draw attention to a grand opening, promotion, or similar event. Examples are: a large balloon, animal figure, bouncy house or product replication. See Section 10-7.600.

Legal Non-conforming Sign.

A sign which was legally constructed and maintained under laws or regulations in effect at the time of construction which does not conform with the provisions of this article.



Logo.

A graphic mark, symbol, icon, or emblem representing an establishment or business.

Marquee.

A permanent roof-like shelter extending from part or all of a building face and may or may not project over the public right-of-way. Is also referred to as an overhang and is three (3) feet maximum in height.

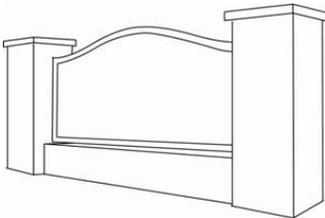


Marquee Sign.

Any sign utilizing changeable copy painted on or attached to or supported by a marquee.

Master Sign Program.

A coordinated sign plan which includes details of all existing and future signs whether requiring a permit or not (including directional signs,) i.e. Shopping Center, Business Park, Industrial Complex, Major Tenant identification, individual business, and directory signs.



Monument Sign.

A freestanding sign not erected on one (1) or more poles or similar supports but erected to rest on the ground or to rest on a base designed as an architectural unit with the sign.

Monument signs shall be an integral and complementary element of the overall architectural and streetscape composition and shall be integrated with the building and landscape design.



Moving Sign. A sign which has any actual or apparent moving parts, activated by a mechanical device by wind currents or by human beings where the sign moves or the shape or content of the sign face changes. It is different from a changeable copy sign, such as an electronic reader board.

Examples include wind banners/flags, air and wind dancers and human signs.

Multiple-Faced Sign. A sign on a curved surface or on three (3) or more planar surfaces designed to be viewed from more than two (2) directions.

Multiple-Family Development.

A continuous area of land occupied by multi-family dwellings under single ownership or operated under single direction.

Multiple Occupancy Signs.

A sign identifying several businesses on the same premises.



Mural.

A picture painted on an exterior surface of a structure. A mural shall be considered a wall sign if it contains words, logos, trademarks or graphic representations of any person, product or service that identify or advertise a business, whether on the same premises or on another premises



Neon or Other Gas Tube Illumination.

A sign that is illuminated by a light source consisting of a neon or other gas tube which is bent to form letters, symbols, or other business identifying shapes.

Off-Premises Sign.

Any sign that is not appurtenant to the use of the property, a product sold, or the sale or lease of the property on which it is displayed or contains a message chosen by a person other than the person in control the property or structure where the sign is located, erected, or maintained. This definition shall include, but is not limited to, billboards, posters, panels, painted bulletins, and similar advertising displays.

Office Complex.

A continuous area of land and any structures thereon, all under single ownership or operated under a single direction, consisting of at least five (5) separate establishments.

Original Art Mural.

A one-of-a-kind, hand-painted, hand-tiled, or digitally printed image on the exterior wall of a building that does not contain any commercial message. For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold.



Overhang Sign.

Any sign that is mounted atop the overhang, parallel to the storefront and does not project above the roofline of the building.

Painted Wall Sign.

Any sign which is applied with paint or similar substance on the surface of a wall. This does not include "Murals.

Pennants.

A temporary sign composed of light-weight plastic, fabric, or other material, whether or not containing a message of any kind which may taper to a point suspended from a rope, wire, ribbon, or string or other material usually in a series. Often used for promotional events and grand openings. This does not include automobile antenna sleeves. See Section 10-7.600.



Pole Sign.

A freestanding sign supported wholly by one pole placed in the ground.



Political/Election Sign.

A Temporary Sign referring to a candidate, proposition, or issue subject to a local, state, or national public election or referendum.



Portable Sign.

Any sign not permanently affixed to a building, other unmovable structures, or the ground, such as sidewalk display signs like A-frame signs, T-Frames and sandwich boards. Includes magnetic signs placed on the roof or side of vehicles as long as no other structural support is added to the vehicle.

Product Identification Sign.

A standardized sign supplied by a distributor or manufacturer at nominal cost or free to a business which identifies the business as well as a product of a local, regional, or national distributor or manufacturer which is available only incidentally on the premises, such as product dispensers and point of purchase displays which are not directly visible from a vehicular or pedestrian right-of way.

Promotional Event Sign.

See “Grand Opening Sign” and Section 10-7.600.



Projecting Sign. A sign, other than a wall sign, which is attached to a building or other structure, and extends beyond the line of building or structure to which it is attached. Projecting Signs shall be at least 8 feet above the finished grade of the public sidewalk and fifteen feet above a driveway. Also see “Blade,” “Hanging,” “Shingle,” signs.

Real Estate Sign.

A temporary sign for the sale, lease, or rental of the parcel, structure, or establishment on which the sign is located.

Right-of-Way.

For purposes of this article, “Right-of-Way” is defined as that area of land owned or maintained by a governmental entity in which is located a street, curb, gutter, landscape planter strip, tree

wells, sidewalks, or any other structure, device or equipment in or upon public property within the City of Hayward.

Roof Sign.

A sign painted or erected on or extending above the roof or parapet of any building or structure.



Setback.

The minimum distance from the property line a sign must be located.



Shingle Sign (Also see Blade and Shingle Signs).

A small sign, which is either suspended from an overhang, canopy, marquee or awning, or is suspended from a mounting attached directly to the building wall. It may be placed parallel or perpendicular to the face of a building. An eight (8) foot clearance is required between a blade sign and finished grade. It may require an encroachment permit.

Shopping Center.

A continuous area of land under single ownership or operated under a single direction, developed for retail commercial purposes, and typically has at least one major tenant (“Anchor”). For the purpose of this article a small shopping center is less than five acres and a large shopping center more than five (5) acres.

Shopping Center Identification Sign.

A sign identifying a shopping center and major or anchor tenants only.

Sidewalk Display. See “Portable Sign”.

Sign.

A device, fixture, placard, structure, or painting that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

For purposes of this article, a Sign includes any object, which is intended to attract the attention of passersby to a business, service, or product, whether or not such object contains any text. This may include but is not limited to bright colors, wall signs, freestanding or monument signs, flags,

whirl-a-gigs, pennants, streamers, banners, all of which are subject to the regulations set forth herein.

Murals, paintings, and similar pictorial displays that are an integral part of the architectural theme and are not intended to draw attention to any product, service, event, or entertainment are not considered signs.

Sign Area.

The area included within the outer dimensions of a sign face display area including all portions not part of the necessary supporting structure.

Sign Face. See “Copy”.

Sign Corridor Overlay District.

The businesses located within the Downtown Entertainment District and segments of Foothill Boulevard, A Street, B Street, Winton Avenue Jackson Street, Hesperian Boulevard, Industrial Parkway, Industrial Parkway SW, Harder Road, Tennyson Road and Winton Avenue as shown in figure ##

Special Events Sign.

Any sign advertising special temporary events, such as carnivals, festivals, exhibits, and parades, but not including promotional sales or Grand Opening signs.

Streamers.

Long relatively narrow strips of any type material, resembling a banner that floats with the wind.

Subdivision Directional Sign (Off-Site).

A sign containing only the name, location, and description of a subdivision and/or a multiple-family residential project and directions for reaching the project. Does not include pricing or financing advertisement. Allowed to remain for twelve (12) months after first installed or until last lot/unit is sold. See Section 10-7.600.

Substandard Sign.

Any sign which does not meet the requirements of this article, or is not legally non-conforming as regulated by Section 10-7.700.

Temporary Sign.

A sign which is displayed for less than sixty (60) calendar days per year. See also “Balloon,” “Banner,” “Pennants”, “Promotional Events and Grand Opening Signs,” “Special Event Sign,” and “Streamers.” See Section 10-7.600.

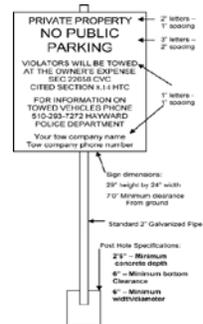
Theater Display Case.

A display case located on the facade of a theater which displays handbills or posters advertising a scheduled event, performance or film, and merchandise associated with the theater or an event, performance or film. The total area of all theater display cases shall not be included in the

calculation of allowable sign area. A theater display case shall not exceed thirty-six (36) square feet in area.

Towing Authorization-Private Property Sign.

A sign that is posted on private property that authorizes the Hayward Police Department to issue a citation for violation of Hayward Traffic Code Section 8.14 or any amendment or replacement thereof to allow the towing of vehicles illegally parked on private property. This sign shall comply with Section 10-7.300(b)(25) and shall be inspected and approved by the City of Hayward Police Department.



Vehicle Sign.

Flat, one (1) dimensional signs painted or placed magnetically or otherwise attached (i.e., glue) on the side of vehicles as long as no other structural support is added to the vehicle, in accordance with California Department of Motor Vehicles regulations. Advertising on vehicles for sale at bona fide automobile dealerships are excluded from this definition. Maximum of two (2) signs is permitted per vehicle. A “vehicle wrap” covering both sides and the rear of the vehicle is considered one (1) sign.

Wall Sign.

A sign attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located in a place substantially parallel to such exterior building wall to which the sign is attached or by which it is supported. Does not extend above the building face or parapet, nor project more than twelve (12) inches from the wall.

Window Sign.

A sign attached to, suspended behind, and/or placed less than twenty-four (24) inches inside a glass window or door of a building, or painted upon the window or glass door of a building, and which is intended for viewing from the exterior of such building. This excludes seasonal displays.

Window signs are allowed to cover a maximum of twenty-five (25) percent of the total window area in any zoning district.

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

SEC.10-24.200 REGULATING PLAN AND TRANSECT ZONES

- 10-24.205 PURPOSE
- 10-24.210 REGULATING PLAN
- 10-24.215 TRANSECT ZONES
- 10-24.220 CIVIC SPACE ZONE
- 10-24.225 BUILDING DISPOSITION
- 10-24.230 BUILDING CONFIGURATION
- 10-24.235 BUILDING FUNCTIONS
- 10-24.240 DENSITY STANDARDS
- 10-24.245 PARKING STANDARDS
- TABLE A1 BICYCLE PARKING REQUIREMENT
- TABLE A2 BICYCLE PARKING TYPES
- 10-24.250 ARCHITECTURAL STANDARDS
- 10-24.255 FENCE AND WALL STANDARDS
- 10-24.260 LANDSCAPE STANDARDS
- 10-24.265 VISITABILITY STANDARDS
- 10-24.270 SUSTAINABILITY STANDARDS
- 10-24.275 THOROUGHFARE STANDARDS & PLAN
- 10-24.280 SUBDIVISION STANDARDS
- ~~10-24.285 SIGN STANDARDS~~
- 10-24.290 TELECOMMUNICATION FACILITY STANDARDS
- 10-24.295 GROUP HOME STANDARDS
- 10-24.296 AIR QUALITY MITIGATION MEASURES

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10-24.140 INTERFACE WITH OTHER REGULATORY REQUIREMENTS

c. Inapplicable Planning, Zoning and Subdivision Regulations. The following Municipal Code Chapter 10 (Planning, Zoning and Subdivisions) provisions shall not apply within the Code area:

- i. Article 1 (Zoning Ordinance)
 - (1) Sections 10-1.200 through 10-1.2600 (Zoning Districts)
 - (2) Section 10-1.2735(i) (Private Street Criteria)
 - (3) Section 10-1.3300 (Variances)
- ii. Article 2 (Off-Street Parking Regulations) except for Sections 10-2.200 through 10-2.205, Sections 10-2.400 through 10-2.402, and Sections 10-2.600 through 10-2.770.
- iii. Article 3 (Subdivision Ordinance)
 - (1) Section 10-3.505 (Street Standards)
 - (2) Section 10-3.845 (Block Lengths)
- ~~iv. Article 7 (Sign Regulations)~~

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

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

10-24.220 CIVIC SPACES ZONE

a. The Civic Space Zone (CS) accompanies Transect Zones on the Regulating Plan. The purpose of the CS Zone is for the provision of public Open Space, Civic Buildings and Civic uses. At the South Hayward BART Station, the CS designation is to facilitate use of the South Hayward BART station.

b. General to CS Zone

- i. The physical composition of Civic Buildings should result in distinction from common, backstory buildings used for dwelling and commerce through, by way of example, the use of color, material, ornament, massing, Disposition and height.
- ii. New Civic Buildings and/or exterior alterations to existing Civic Buildings require Site Plan approval by the Commission.
- iii. Civic Buildings and Lots shall conform to the Functions on Table 9.
- iv. Civic Buildings should be designed in compliance with the standards applicable to the abutting Transect Zone. However, deviation is permissible and encouraged with Warrant approval where necessary to achieve the intent of Section 10-24.220(a) and 10-24.220(b)(i).
- v. Open Space shall be generally designed as described in Table 10.
- vi. Sections 10-24.245, 10-24.255, and 10-24.280, ~~and 10-24.285~~ of this Code are inapplicable to the CS Zone.
- vii. Buildings and Lots within the CS Zone are encouraged to incorporate the provisions of Section 10-24.270.

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~~10-24.285 SIGN STANDARDS~~

- ~~a. Permitted Signs are authorized in all zones subject to the provisions of this Section.~~
- ~~b. Permitted Signs. Wall, window, awning, projecting, hanging, marquee signs, monument signs, Sidewalk display signs, scrolling signs, and signs of historical or aesthetic significance are permitted.~~
- ~~c. Prohibited Signs. Roof, pole, animated, revolving, Aerial Sign (except when permitted for promotions), off-premise, flashing, permanent banner and portable (except sidewalk display). In addition, awnings that are translucent or which contain interior lighting for illumination are prohibited.~~
- ~~d. Colors. Sign colors should relate to the color scheme of the building. No more than three colors should be used on any one sign, unless approved by the Director. In addition, use of "neon" or "dayglow" colors must be approved by the Director.~~
- ~~e. Lighting. Signs may be illuminated with directional spotlights or indirect lighting if the effect at night is not glaringly bright. External lighting is encouraged.~~

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

- f. ~~Graphic Design. Sign construction and sign copy shall be of professional quality. Primary signage shall be designed to identify a business rather than advertise a brand name product. High contrast between sign, text, and background should be provided but glaring white sign backgrounds and intense colors should be avoided. A letter style that is legible and in scale with the size of the sign frame or background should be used. If more than one sign is used, the signs should be compatible in style.~~
- g. ~~Sign Installation. All signs, except window signs, require a sign permit and building and electrical permits where required. All signs should be installed in a professional manner, avoiding, unsightly guy wires or other stabling devices. Attachments should be hidden from general view and in the least destructive manner possible. For masonry, attachments should be embedded into the mortar, not the brick or stone. All signs and murals painted on walls shall be covered with anti-graffiti coating.~~
- h. Sign Area and Number
- i. ~~Maximum Number. For all establishments, the maximum number of signs permitted per Frontage is two (2). The maximum number of signs permitted per establishment is four (4). Temporary window signs and Sidewalk display signs do not count toward the total.~~
- ii. ~~Sign Area. The maximum sign area is one square foot per linear foot of primary Frontage, and one-half square foot per linear foot of Secondary Frontage. Only one Frontage, which contains a public entrance, may be counted as Principal Frontage. All other building Frontages, which have exposure to pedestrian or vehicular traffic, are considered Secondary Frontages. Only one Secondary Frontage may be counted for determining maximum sign area for all Secondary Frontages. Signs displayed on a single Frontage shall be limited to the area and number that are permitted on that Frontage alone. No establishment shall be permitted more than a total of 100 square feet of sign area per Frontage unless Warrant approval is obtained. Each establishment shall be entitled to a minimum of 30 square feet for the Principal Frontage. The total area encompassed by a contrasting color scheme shall be counted when calculating allowable sign area.~~
- i. ~~Sign Types~~
- i. ~~Wall signs may be painted on the wall, or be made of metal, wood (except plywood), plastic, neon or vinyl. Fluorescent material is prohibited. Signs shall be located no higher than the cornice or parapet line, whichever is lower.
Wall signs legally erected before [insert Code effective date] shall be considered in conformance if they do not exceed the maximum allowable area by more than 25 percent, and do not extend above the cornice or parapet line, whichever is lower, by more than 25 percent of the height of the sign.~~
- ii. ~~Permanent window signs may include graphics painted on glass, vinyl letters applied to glass, a clear acrylic panel behind the window, or small neon window signs and should be white or light in color. Permanent window signs shall not occupy more than 25 percent of the total area of the window.~~
- iii. ~~Projecting signs shall be located no higher than the cornice or parapet line, whichever is lower, and must be located so as to not obscure any architectural detail of the Facade. A double face projecting sign shall be considered one sign. The maximum size of a projecting sign shall be 40 square feet (20 square feet per side). Projecting signs shall not project more than 3 feet horizontally. In no case may the sign come within 2 1/2 feet of the Curb. Projecting signs shall be clear of street trees, traffic signals, street lighting and regulatory signs.~~

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

iv. Horizontal hanging signs, suspended from a canopy, awning, or marquee, may be placed above an entry. A hanging sign shall not exceed 8 square feet in size (4 square feet per side). Hanging signs erected before [insert Code effective date], shall be considered in conformance if they do not exceed the maximum allowable area by more than 25 percent.

v. Overhang signs are mounted atop the overhang, parallel to the storefront and shall not be used in conjunction with wall signs. Overhang signs shall not exceed 3 feet in height.

vi. The awning sign is limited to the front skirt of the awning. Colors and lettering of awning signs should be compatible with the building colors, businesses they serve, as well as harmonize with neighboring buildings and storefronts. Awning signs legally erected before [insert Code effective date] shall be considered in conformance if they do not exceed the maximum allowable area by more than 25 percent.

vii. Promotional Temporary Signs.

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

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

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SEC.10-24.500 DEFINITIONS AND RULES OF INTERPRETATION

10-24.505 DEFINITION OF TERMS

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

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

ARTICLE 25. HAYWARD MISSION BOULEVARD CORRIDOR FORM-BASED CODE

SEC.10-25.200 REGULATING PLAN AND TRANSECT ZONES

- 10-25.205 PURPOSE
- 10-25.210 REGULATING PLAN
- 10-25.215 TRANSECT ZONES
- 10-25.220 CIVIC SPACE ZONE
- 10-25.225 BUILDING DISPOSITION
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- 10-25.240 DENSITY STANDARDS
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- TABLE A2 BICYCLE PARKING TYPES
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- 10-25.270 SUSTAINABILITY STANDARDS
- 10-25.275 THOROUGHFARE STANDARDS & PLAN
- 10-25.280 SUBDIVISION STANDARDS
- ~~10-25.285 SIGN STANDARDS~~
- 10-25.290 TELECOMMUNICATION FACILITY STANDARDS
- 10-25.295 EMERGENCY SHELTER AND GROUP HOME STANDARDS
-
- 10-25.140 INTERFACE WITH OTHER REGULATORY REQUIREMENTS

c. Inapplicable Planning, Zoning and Subdivision Regulations. The following provisions of Municipal Code Chapter 10 (Planning, Zoning and Subdivisions) shall not apply within the Code area:

i. Article 1 (Zoning Ordinance)

- (1) Sections 10-1.200 through 10-1.2600 (Zoning Districts)
- (2) Section 10-1.2735(i) (Private Street Criteria)
- (3) Section 10-1.3300 (Variances)

ii. Article 2 (Off-Street Parking Regulations) except for Sections 10-2.200 through 10-2.205, Sections 10-2.400 through 10- 2.402, and Sections 10-2.600 through 10-2.770.

iii. Article 3 (Subdivision Ordinance)

- (1) Section 10-3.505 (Street Standards)
- (2) Section 10-3.845 (Block Lengths)

~~iv. Article 7 (Sign Regulations)~~

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

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ARTICLE 25. HAYWARD MISSION BOULEVARD CORRIDOR FORM-BASED CODE

10-25.220 CIVIC SPACES ZONE

- a. The Civic Space (CS) Zone accompanies Transect Zones on the Regulating Plan. The purpose of the CS Zone is for the provision of public Open Space, Civic Buildings and Civic uses.
- b. General to CS Zone
 - i. The physical composition of Civic Buildings should result in distinction from common, backstory buildings used for dwelling and commerce through, by way of example, the use of color, material, ornament, massing, Disposition and height.
 - ii. New Civic Buildings and/or exterior alterations to existing Civic Buildings require Site Plan approval by the Commission.
 - iii. Civic Buildings and Lots shall conform to the Functions on Table 9.
 - iv. Civic Buildings should be designed in compliance with the standards applicable to the abutting Transect Zone. However, deviation is permissible and encouraged with Warrant approval where necessary to achieve the intent of Section 10-25.220(a) and 10-25.220(b)(i).
 - v. Open Space shall be generally designed as described in Table 10.
 - vi. Sections 10-25.245, 10-25.255, and 10-25.280, ~~and 10-25.285~~ of this Code are inapplicable to the CS Zone.

.....

~~10-25.285 SIGN STANDARDS~~

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

ARTICLE 25. HAYWARD MISSION BOULEVARD CORRIDOR FORM-BASED CODE

style that is legible and in scale with the size of the sign frame or background should be used. If more than one sign is used, the signs should be compatible in style.

g. ~~Sign Installation.~~ All signs, except window signs, require a sign permit and building and electrical permits where required. All signs should be installed in a professional manner, avoiding, unsightly guy wires or other stabling devices. Attachments should be hidden from general view and in the least destructive manner possible. For masonry, attachments should be embedded into the mortar, not the brick or stone. All signs and murals painted on walls shall be covered with anti-graffiti coating.

h. ~~Sign Area and Number [W]~~

i. ~~Maximum Number.~~ For all establishments, the maximum number of signs permitted per Frontage is two (2). The maximum number of signs permitted per establishment is four (4). Temporary window signs and Sidewalk display signs shall not count toward the total.

ii. ~~Sign Area.~~ The maximum sign area is one square foot per linear foot of primary Frontage, and one half square foot per linear foot of Secondary Frontage. Only one Frontage, which contains a public entrance, may be counted as Principal Frontage. All other building Frontages, which have exposure to pedestrian or vehicular traffic, are considered Secondary Frontages. Only one Secondary Frontage may be counted for determining maximum sign area for all Secondary Frontages. Signs displayed on a single Frontage shall be limited to the area and number that are permitted on that Frontage alone. No establishment shall be permitted more than a total of 100 square feet of sign area per Frontage unless Warrant approval is obtained. Each establishment shall be entitled to a minimum of 30 square feet for the Principal Frontage. The total area encompassed by a contrasting color scheme shall be counted when calculating allowable sign area.

i. ~~Sign Types [W]~~

i. ~~Wall signs may be painted on the wall, or be made of metal, wood (except plywood), plastic, neon or vinyl. Fluorescent material is prohibited. Signs shall be located no higher than the cornice or parapet line, whichever is lower.~~

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

ii. ~~Permanent window signs may include graphics painted on glass, vinyl letters applied to glass, a clear acrylic panel behind the window, or small neon window signs and should be white or light in color. Permanent window signs shall not occupy more than 25 percent of the total area of the window.~~

iii. ~~Projecting signs shall be located no higher than the cornice or parapet line, whichever is lower, and must be located so as to not obscure any architectural detail of the Facade. A double face projecting sign shall be considered one sign. The maximum size of a projecting sign shall be 40 square feet (20 square feet per side). Projecting signs shall not project more than 3 feet horizontally. In no case may the sign come within 2 1/2 feet of the Curb. Projecting signs shall be clear of street trees, traffic signals, street lighting and regulatory signs.~~

iv. ~~Horizontal hanging signs, suspended from a canopy, awning, or marquee, may be placed above an entry. A hanging sign shall not exceed 8 square feet in size (4 square feet per side).~~

ARTICLE 25. HAYWARD MISSION BOULEVARD CORRIDOR FORM-BASED CODE

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

~~v. Overhang signs are mounted atop the overhang, parallel to the storefront and shall not be used in conjunction with wall signs. Overhang signs shall not exceed 3 feet in height.~~

~~vi. The awning sign is limited to the front skirt of the awning. Colors and lettering of awning signs should be compatible with the building colors, businesses they serve, as well as harmonize with neighboring buildings and storefronts.~~

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

~~vii. Promotional Temporary Signs.~~

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

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

.....

SEC.10-25.600 DEFINITIONS AND RULES OF INTERPRETATION

10-25.605 DEFINITION OF TERMS

This Section provides definitions for terms in this Code that are technical in nature or that otherwise may not reflect a common usage of the term. If a term is not defined in this Section, then the Director shall determine the correct definition through the interpretation provisions of Section 10-25-610. Items in italics refer to Sections or Tables in this Code.

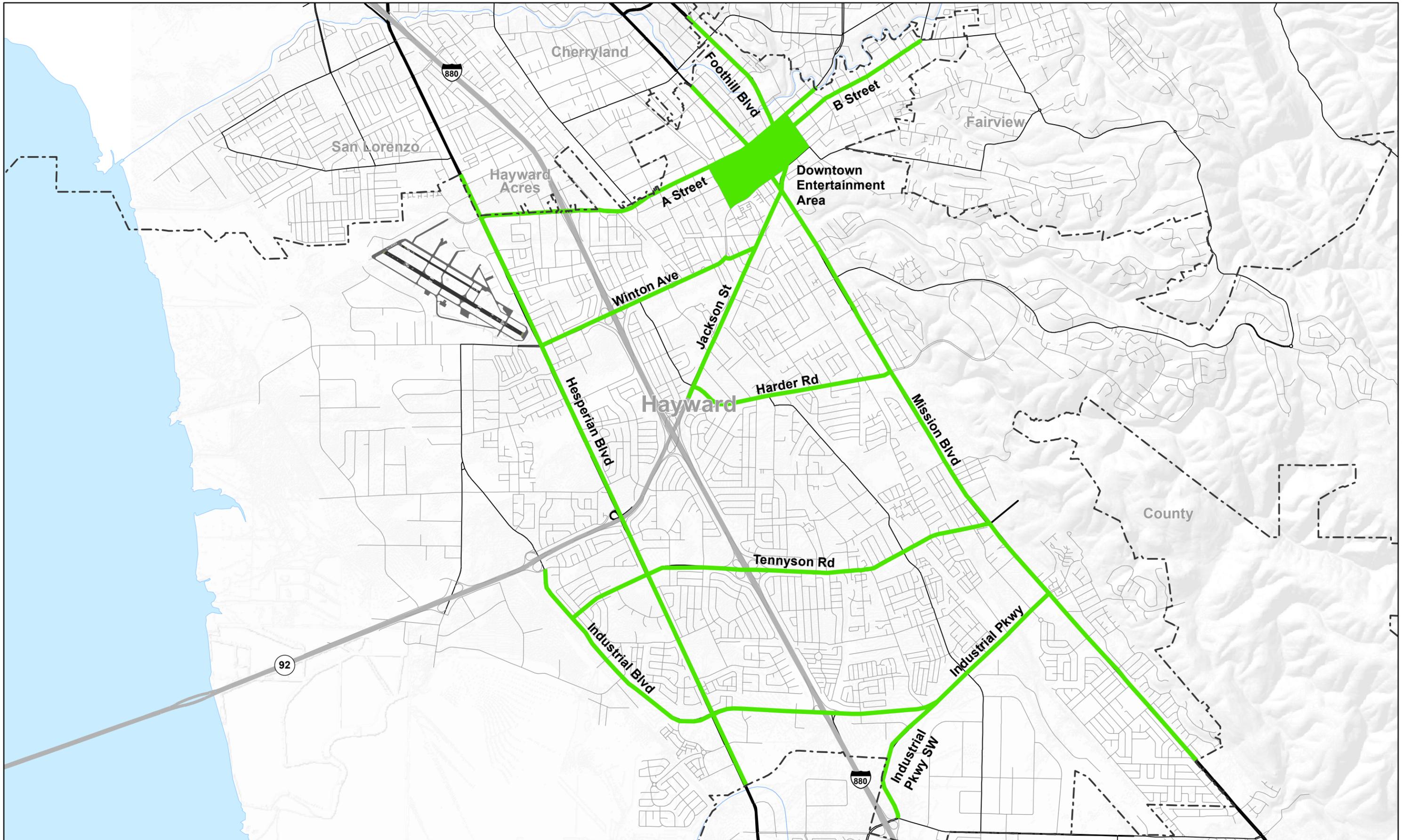
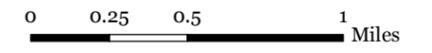
~~**Aerial Sign:** a balloon, or other airborne flotation device, which is tethered to the ground or to a building or other structure that directs attention to a business, commodity, service or entertainment conducted, sold or offered.~~

B. Planning**22. Sign Permits**

- | | |
|--|----------------------------------|
| a. Sign Permit (one business) | \$300 |
| b. Sign Permit (each additional business – same application) | \$250 |
| c. <u>Temporary Sign Permit (Banners, Flags, Streamers, Pennants, Bunting, Searchlights, Inflatable Signs)</u> | <u>\$100 fee + \$200 deposit</u> |
| d. <u>Portable/A-Frame Signs</u> | <u>\$50 Encroachment Permit</u> |
| e. <u>Mural Art Signs</u> | <u>\$50 Registration Fee</u> |



Hayward Sign Corridors





**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, January 22, 2015, 7:00 p.m.
777 B Street, Hayward, CA94541**

MEETING

A regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair McDermott.

ROLL CALL

Present: COMMISSIONERS: Loché, Enders, Faria, Lavelle, Parso, One Vacancy
CHAIRPERSON: McDermott
Absent: COMMISSIONER: None

Commissioner Parso led in the Pledge of Allegiance.

Staff Members Present: Ajello, Bristow, Buizer, Kenney, Lawson, Madhukansh-Singh, Rizk

General Public Present: 1

PUBLIC COMMENTS

Mr. Tad Miller, business owner of Liberty Tax in Hayward, shared that he had previously submitted recommendations for the Draft Sign Ordinance and this had been received by staff. The concerns he expressed were regarding helping small businesses become established in the City. He stated that inflatable character balloons should be a permitted use as this was a cost effective way of advertising, especially for a seasonal business such as his. Mr. Miller said that his small business cannot compete with larger companies such as H&R Block that can afford to advertise through television.

In response to Chair McDermott's question whether Mr. Miller had participated with the Hayward Chamber of Commerce in reviewing the Draft Sign Ordinance, Mr. Miller responded that he submitted his suggested changes to the Hayward Chamber of Commerce and also to the United Merchant's Downtown Hayward committee, and he did not receive any comments back. Chair McDermott expressed her gratitude to Mr. Miller for his comments.

Planning Manager Buizer confirmed that staff did receive the comments submitted by Mr. Miller in November 2014 and noted that his comments would be taken into consideration for the Draft Sign Ordinance.

WORK SESSION

1. Amendments to Hayward's Sign Regulations

Associate Planner Kenney provided a synopsis of the staff report. She stated that the goal of the sign corridor overlay district was to improve the vehicle and pedestrian experience by requiring signage



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that would call attention to businesses but without overwhelming vehicles and also pedestrians walking the streets. She shared that staff received a suggestion to expand the use of A-frame signs into the Downtown Entertainment Area.

Commissioner Loché commented that the inclusion of photos and additional graphics in the Sign Ordinance would be very beneficial.

Commissioner Parso stated that the Draft Sign Ordinance was reasonably easy to read and he noted that the Appendix containing definitions was helpful. He asked staff if exceptions could be added for historic signs and staff confirmed that this would be taken into consideration. He posed the question to staff that if inflatable signs were within a reasonable size and if it was not a traffic distraction, then why should these signs be prohibited. Staff responded that inflatable signs could be added as permissible temporary signs.

Commissioner Lavelle suggested that the language in Section 10-7.400 Prohibited Signs (1) be modified to include "telephone poles" as a prohibited use for posting signs on. She shared that individuals currently post yard sale signs and campaign posters on telephone poles, and noted that these signs were not being removed in a timely manner after the event had occurred. She was pleased to read that flashing signs were included as a prohibited use in the Draft Sign Ordinance. She requested that staff visit an establishment on Campus Drive which was in violation of the ordinance as it had a flashing sign posted. She recommended that Section 10-7.709 (b) pertaining to Sign Maintenance be modified to include signs posted on fences and that Section 10-7.710 (a) pertaining to Removal of Certain Signs explicitly state that the City of Hayward may remove signs without payment of compensation to the establishment. Commissioner Lavelle commented that she was not in favor of permitting A-frame signs in the Downtown Entertainment Area for the following reasons: the signs can blow over on windy days; it was a target for graffiti; and that B Street already had a lot of foot traffic and the A-frame signs may interfere with this. She opposed the A-frame signs for safety reasons, was satisfied with the current look and feel of the downtown area, and was amenable to the current allowance for the usage of A-frame signs, but did want this use to be expanded to include the Downtown Entertainment Area.

Chair McDermott spoke favorably of the improvements included in the Draft Sign Ordinance, pointing out the importance of having a visual aid. She asked to staff to elaborate on the process for the survey conducted in 2011 distributed to Hayward Chamber of Commerce members. Associate Planner Kenney responded that this survey was administered by a former City staff person, noting that most respondents of the survey found the Sign Ordinance in place to be difficult to navigate through and 25% of the respondents preferred to directly ask Planners rather than consult the document.

Chair McDermott stated that the inflatable signs that she had seen utilized in Hayward were by car dealerships along Mission Boulevard.



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Commissioner Faria was glad to see reference in the Draft Sign Ordinance indicating that regulations would be subject to change depending upon technology improvements to signs. She asked staff if the proposed ordinance would impact establishments that have blacked out windows but have a small neon sign posted, noting that there were some businesses exemplifying this in the downtown area, such as massage parlors. Associate Planner Kenney stated that the only extent to which the Draft Sign Ordinance addressed signage posted on windows was that only 25% of the window could be covered with signage. Commissioner Faria requested that establishments that have neon signs and have blacked out windows be addressed in the Sign Ordinance as these businesses detract customers from visiting other family-oriented businesses in the downtown area.

Chair McDermott requested clarification on this topic commenting that public safety officers should have the ability to look into businesses through windows from the outside, noting that blacked out windows would prevent visibility.

Planning Manager Buizer responded that establishments with blacked out windows may present a safety concern and indicated that there were other provisions in the Hayward Municipal Code (HMC) addressing this issue, adding that the Sign Ordinance may not be the appropriate document to do so. She stated that staff would look into where blacked out windows were covered in the HMC and would provide this information to Planning Commissioners.

Commissioner Loché asked staff if it was discussed at previous meetings with the business community whether small businesses were being put at a disadvantage by the proposed Sign Ordinance, in comparison to larger businesses that have a greater means of advertising. Associate Planner Kenney indicated that at the public work session held on January 7, 2015, these concerns were raised by sign contractors who shared that it might be expensive for new smaller businesses to pay for the costs of signs in addition to the signage permitting fees. She added that at the same meeting, it was mentioned that the website "Yelp" had benefited small businesses through advertising. Commissioner Loché pointed out the benefit in hearing from all interested parties on this topic and asked staff if input was obtained from the general public who live and/or shop in Hayward as to what types of signs the community would like to see or did not like to see.

Planning Manager Buizer indicated for Commissioner Loché that it was mentioned on the City's homepage that the City was undergoing revisions to the Sign Ordinance and links were provided to obtain feedback from the public. She added that during the last couple of weeks, staff had primarily targeted businesses, sign contractors and the Hayward Chamber of Commerce for outreach efforts.

Commissioner Loché mentioned that some Hayward residents had expressed to him that they did not favor A-frame signs either, similar to Commissioner Lavelle's sentiments. He underscored that he felt that Hayward residents were one group whose opinions were missing from the present discussion on the Draft Sign Ordinance.

Commissioner Enders suggested to staff that the proposed ordinance be reviewed by a staff person responsible for marketing efforts in the City as this was an opportunity to impact the branding and



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the image of Hayward. Regarding the General Plan's references to the different corridors and districts in the City, Commissioner Enders offered that there should be a well-coordinated design strategy that would encourage conformity of signs for each district or corridor. She elaborated that other cities featured this well by having all businesses within a complex maintain a theme with their signage, highlighting that this can have a visually striking effect. She stressed that there were problems with some businesses leaving illuminated signs indicating that they were open when the business was actually closed. Commissioner Enders acknowledged that Mr. Miller was working with the Keep Hayward Clean and Green Task Force in adopting-a-block, in which he would be responsible for helping to keep that section of the City clean, and in exchange, he would receive a sign demonstrating that his business was a part of the clean-up efforts. She encouraged Mr. Miller to engage with the community and commented that this would provide more exposure for the small business he operated.

Commissioner Parso shared with staff that public safety agencies were using a website called "nextdoor.com" to do outreach to local neighborhoods and he suggested this as a tool to disseminate information about the proposed ordinance. He emphasized that it was critical to get input from the public and also stressed the importance of supporting small businesses in the community.

In regards to Section 10-7.716 on Amortization, Commissioner Lavelle commented that the language in this section needed to be strengthened to indicate the consequences for nonconformance with the Sign Ordinance such as the inclusion of language outlining a monetary fee. She also suggested the following language that "the City of Hayward will work closely with the business community to seek compliance with long-term established businesses" as some businesses might oppose the proposed provisions of the Sign Ordinance if they have signs of historic value or if they were undergoing financial hardship.

In response to Chair McDermott's question about the reinstatement of a loan program benefiting local small businesses, Development Services Director Rizk stated that this was eliminated due to the dissolution of the Redevelopment Agency and unavailability of redevelopment funds; however, he noted that the City could explore operating a program similar to this that would help small businesses. Chair McDermott underscored her concern for small businesses that may be financially impacted when they learn about the changes to the Sign Ordinance.

City Attorney Lawson commented that the City Council recently adopted updated regulations for massage therapy establishments which conforms local regulations with AB 1147 adopted by the state legislature. He stated that this returns local control of such establishments and grants the Hayward Police Department the ability to conduct unannounced inspections, to enter the business, and to ensure that there are no internally locked doors within the establishment. Mr. Lawson indicated that the land use regulations for massage establishments have not changed. He noted that the Development Services Department will retain the authority to review and assure that new massage therapy establishments conform to land use regulations. He stated that the elimination of the Redevelopment Agency had significantly impeded the City in its ability to assist small businesses, he shared that most of the Community Development Block Grant funds were often



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prioritized for lower-income and senior homeowners for one-time minor repair programs to meet Code requirements. Mr. Lawson confirmed for Chair McDermott that the Small Business Revolving Loan Fund was a separate program from the program for minor home repairs; however, the former program was eliminated.

Chair McDermott supported staff looking into a program that could identify resources available to offer assistance to small businesses.

In regards to the enforcement of amortization, Planning Manager Buizer mentioned that upon adopting new sign regulations, the City is required to conduct a survey of all signs in the City in order to identify signs that are not in conformance. Businesses deemed to have nonconforming signage will be notified by staff of the timeframe they have to bring the signage into compliance. She added that staff will explore additional language about an abatement process for noncompliance with the timeframe.

Chair McDermott granted Mr. Miller an opportunity to further comment.

Mr. Miller stated that his business which is a tax enterprise consists of three separate seasons throughout the year; however, the proposed regulations only allow seasonal businesses two temporary periods for signage which may not be adequate to market his business. He added that he also works with two community based organizations, Relay for Life and the Fourth of July Festival held at Chavez Middle School. Due to constraints on temporary signage, he is unable to assist in promoting these activities to the community. He proposed that the regulations be modified so that the temporary signage periods allowed coincide with the offerings of the business. Mr. Miller noted for Chair McDermott that he currently uses American flags to promote his business as this is not prohibited under the sign regulations. He added that in the past he utilized wind feathers, A-frames, an inflatable statue of liberty that was great for advertising on the rooftop; however, these were not permitted. Mr. Miller shared that the signage that is currently permitted for his business is not visible to motorists travelling southbound on Mission Boulevard due to its present positioning on the building, which is obstructed by a neighboring business.

Chair McDermott requested that staff take Mr. Miller's comments into consideration. She expressed that the Draft Sign Ordinance was a good step in bringing consistency for signage in the City and also for expanding the ordinance and making it easier to understand. She shared that the public still had an opportunity to provide their input, mentioning that there will be a City Council Work Session on this topic at a future date.

COMMISSION REPORTS

2. Oral Report on Planning and Zoning Matters

Planning Manager Buizer announced that the City was seeking applicants to fill the vacancy on the Planning Commission, noting that applications were due in the City Clerk's Office by noon on February,



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, March 24, 2015, 7:00 p.m.**

3. Adoption of a Resolution Authorizing the City Manager to Execute a Memorandum of Understanding between the City and the Association of Bay Area Governments (ABAG) and Corridor Jurisdictions for the East Bay Corridors Initiative

Staff report submitted by Development Services Director Rizk, dated March 24, 2015, was filed.

It was moved by Council Member Peixoto, seconded by Council Member Zermeño, and carried unanimously, to adopt the following:

Resolution 15-045, "Resolution Authorizing the City Manager to Execute a Memorandum of Understanding with the Association of Bay Area Governments (ABAG) and Corridor Jurisdictions Related to the East Bay Corridors Initiative"

4. Adoption of Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2015

Staff report submitted by Director of Human Resources Collins, dated March 24, 2015, was filed.

Council Member Márquez asked staff to speak about the proposed Education Services Manager position under the Library and Community Services Department because she had received an inquiry as to why the City was funding at a higher supervisory level when there were other service demands such as the ESL Coordinator temporary position. Assistant City Manager McAdoo noted the matter could be a topic of conversation during the budget process.

It was moved by Council Member Márquez, seconded by Council Member Mendall, and carried unanimously, to adopt the following:

Resolution 15-046, "Resolution Approving Amended Fiscal Year 2015 Salary Plan Designating Positions of Employment in the City Government of the City of Hayward and Salary Range; and Superseding Resolution No. 15-017 and All Amendments Thereto"

WORK SESSION

5. Discussion of Proposed Amendments to Hayward's Sign Regulations (Chapter 10, Article 7 of the Hayward Municipal Code)

Staff report submitted by Associate Planner Ajello, dated March 24, 2015, was filed.

Development Services Director Rizk announced the report and introduced Associate Planner Ajello who provided a synopsis of the report.

Discussion ensued among Council members and City staff regarding inflatable and human directional signs and safety issues; the mural art registration process; A-Frame signs in downtown; political/election signs and enforcement; time limit for temporary signs; window signs and enforcement; fee exemption for non-profit institutions; and signs drawing people to the business as opposed to the product.

There was overall Council consensus regarding the proposed sign regulations, except for moving signs. One Council member thought moving signs were not distractors, another member noted that they should be allowed on a temporary basis and another member thought they were acceptable but not on pedestrian-concentrated areas. Council members offered the following recommendations: consider a section on Access Hayward to report non-compliant political signs; consider A-Frame signs in other areas in Hayward and shopping centers; consider inviting auto dealers to be a part of the discussion regarding signage in their corridor; explore group permits for blade signs which could allow for uniformity and cost reduction; consider a training for sign companies on the proposed regulations; investigate when political signs should be erected; and consider allowing a “grand opening” permit as part of the initial business/license process.

There was Council consensus to discuss and vote on Legislative Business Item No. 7 before Public Hearing Item No. 6.

LEGISLATIVE BUSINESS

Council Member Márquez noted she had to recuse herself from discussing and voting on Item No. 7 because her family owned a business in downtown. Council Member Jones noted he had to recuse himself from discussing and voting on Item No. 7 due to a conflict of interest with his business and property in downtown. Council Members Márquez and Jones left the Council Chambers at approximately 8:40 p.m.

7. Adoption of Ordinance Adding Article 20 to Chapter 8 of the Hayward Municipal Code Relating to Establishment of Community Benefit Districts

Staff report submitted by City Clerk Lens, dated March 24, 2015, was filed.

It was noted that the Ordinance was re-introduced on March 17, 2015, and because the vote was not unanimous, the item was placed under Legislative Business.

Council Member Peixoto noted that he had voted against the motion when the ordinance was re-introduced on March 17, 2015 because he had originally favored a 30% petition threshold to start the process and that the 50% threshold was not going to dissuade him from wanting to start the conversation and indicated he would be voting for the enactment of the proposed ordinance.

IN ORDER TO HELP PROMOTE A HEALTHY LOCAL ECONOMY, THE CITY OF HAYWARD NEEDS TO DO WHAT IT CAN TO HELP THE SMALLER, INDEPENDENT OWNED BUSINESS BECOME ESTABLISHED.

One of the easiest ways to accomplish this is to help them become established by allowing them to utilize more cost effective methods of advertising. One of these is through modifications to the city's signage ordinance.

Independently owned businesses cannot compete dollar for dollar against their larger competitors. The larger businesses have what seems like unlimited resources when it comes to advertising.

TV, Radio, Print and Direct mail all have a high Cost per thousand persons reached with a lot of wasted distribution outside the effective area their business location.

Store front signage normally has a one-time cost and the life cycle of store front advertising is far greater than that of other forms of advertising. TV, Radio, Print and Direct mail have an extremely short life cycle per flight (presentation) that can be less than a day for non-print media.

With an independently owned business's lack of available capital to invest in media advertising, they need to be allowed to utilize the most cost effective means of advertising available.

Without any guarantee of success (responses), there are great risks in paying for distribution media for advertising. A recent business startup spent almost \$20,000 for TV commercials on Chanel 20. They acquired less than 100 customers in their first tax season.

The main reason any businesses fails in the first year is due to under capitalization. (not enough working capital or cash). If they have deep pockets, they can hold out until they become established with enough sales revenue to fund their business each year.

Small independent businesses do not have these deep pockets and most have no reserves yet.

By helping these small independent businesses become established, the local economy would benefit from the Multiplier effect of money. On average 92 cents of every dollar spent is re-spent. (marginal propensity to spend) If these dollars are spent at small independent businesses, most of the multiplier effect will be realized in the local economy.

The independent businesses are owned by local residents and spend locally. As in comparison the corporate owned businesses, who send their profits to the corporate headquarters, where ever they are. Most of these are not headquartered in Hayward.

This is why the City of Hayward should adopt the following changes;

FOR ALL BUSINESSES

- **All signs for all businesses**
 - Signs are to be readable, attractive, attention grabbers, effective, fresh, good taste, appropriate, and functional.
 - Increase the size allowance for permanent signs to 133% of the current standard. (ie 3' height instead of the current 2' height limit)
 - Landscaping is to be maintained so as to not obstruct signs. This includes landscaping of neighboring businesses and city property.
 - Signs on Autos should fall under the California Vehicular code and not the Hayward Signage ordinance.
- **Permanent Store signage must be allowed to be effective.**
 - Store signs should be allowed to be placed in order to be visible. Allowances include "to be placed as not be obstructed by buildings, street signs/lights etc.." need to specifically identify what is allowed under the variance exception section of the sign regulations.
 - Sculptures or other types of statuary should be allowed.
 - Advertising murals. These must be painted by a professional artist or under the direction of a professional artist or art teacher. This would allow the talented youth in our Hayward Schools to gain experience.

- Pole signs should be allowed.
- Blade signs should be allowed in all areas of the city.

FOR SMALL BUSINESSES THAT NEED TO BECOME ESTABLISHED.

- **Temporary signage allowances to help small businesses become established.**
 - All temporary signage must be kept in good presentable order. Torn, unreadable or broken signs must be repaired or removed as soon as feasibly possible.
 - A 30 day period should be allowed instead of the current 14 day period. A two week limit on these signs that include banners, wind feathers, etc. increases the cost per thousand persons reached. Two weeks of display time is not enough for these to be truly cost effective. Especially in seasonal businesses where displaying for just 14 days may be too short to be effective for a particular market segment. A 30 day period would allow customers to think about what they see.
 - The number of periods should also be expanded from two to match the seasonality of the business's offerings. Some businesses have multiple seasons greater than the currently allowed 2 periods.
 - The types of allowed signage should be expanded to include;
 - Inflatables greater than 14" and include other shapes other than round. Large inflatable character balloons add a memorable aspect to advertising. They create an awareness to the business that other types of signage cannot even come close to. They must be safe, secure and relate to business.
 - Hand held / worn signage should be allowed for the low cost per thousand. An added benefit is that it creates employment opportunities for local residents. (this is part of the multiplier effect that helps the local economy) Safety must be paramount. The sign or person can not be allowed to cross the curb line into

the street. The only exception would be crossing the street with in a crosswalk with a green light where available.

- Wind feathers are one of the most effective types of temporary signage and should be allowed. Encourage business owners to take them down each night.
 - Wind dancers - the air blown tubes that dance up and down are very entertaining and also have a similar effectiveness to the inflatable character balloons.
 - Non Profits and special events should be exempt from the signage permit requirement.
 - Non profits should be allowed 30 day periods of displaying signs for their events.
 - Allowance for offsite signage that directs traffic to business location should be allowed.
 - A frame signs allowed at curb for auto traffic should be allowed.
 - Display of signs for a 3 day time period would not require a permit.
- The signage ordinance needs to be dynamic to meet the technological changes in the advertng industry.
 - The fee for a signage permit should be lowered to \$100.00 per permit.

Other suggested signage improvements.

- Electronic Marquee signs should be placed on major streets
Jackson, B St., Foothill, Mission, Tennyson, A St.
with businesses rotated
- Use plain English in the signage ordinance.
- Home inspectors could be sign inspectors.