



CITY OF  
**HAYWARD**  
HEART OF THE BAY

**SPECIAL CITY COUNCIL AGENDA**  
**JULY 14, 2015**

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**MAYOR BARBARA HALLIDAY**  
**MAYOR PRO TEMPORE GREG JONES**  
**COUNCIL MEMBER FRANCISCO ZERMEÑO**  
**COUNCIL MEMBER MARVIN PEIXOTO**  
**COUNCIL MEMBER AL MENDALL**  
**COUNCIL MEMBER SARA LAMNIN**  
**COUNCIL MEMBER ELISA MÁRQUEZ**

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**SPECIAL CITY COUNCIL MEETING FOR JULY 14, 2015**  
**777 B STREET, HAYWARD, CA 94541**  
[WWW.HAYWARD-CA.GOV](http://WWW.HAYWARD-CA.GOV)

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**Conference Room 2B – 4:30 PM**

1. CITY COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS;  
PUBLIC COMMENTS
  2. CLOSED SESSION
  3. Conference with Labor Negotiators  
Pursuant to Government Code 54957.6
    - Lead Negotiators: City Manager David; City Attorney Lawson; Assistant City Manager McAdoo; Finance Director Vesely; Public Works-Engineering & Transportation Director Fakhrai; Human Resources Director Collins; Senior Human Resources Analyst Lopez; Assistant City Attorney Vashi; Community and Media Relations Officer Holland; Jack Hughes, Liebert Cassidy and Whitmore  
Under Negotiation: All Groups
  4. Conference with Property Negotiators  
Pursuant to Government Code 54956
    - Lead Negotiators: City Manager David, Assistant City Manager McAdoo, City Attorney Lawson, Public Works – Engineering & Transportation Director Fakhrai, Development Services Director Rizk.  
Under Negotiation: Property located at 123 B Street, APNs 431-00-16-098-01
  5. Public Employment  
Pursuant to Government Code 54957
    - Performance Evaluation  
City Manager  
City Attorney  
City Clerk
  6. Adjourn to Special City Council Meeting
- 

**SPECIAL CITY COUNCIL MEETING**  
**Council Chambers – 7:00 PM**

**CALL TO ORDER Pledge of Allegiance** Council Member Mendall

**ROLL CALL**

**CLOSED SESSION ANNOUNCEMENT**

## PUBLIC COMMENTS

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*The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Work Session or Information Items. The Council 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 Council 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.*

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**ACTION ITEMS:** *(The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council Member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk any time before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.)*

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## CONSENT

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency/Housing Authority Meeting on June 23, 2015  
[Draft Minutes](#)
2. Adoption of Ordinance Amending Chapter 10, Article 7 of the Hayward Municipal Code Relating to the City's Sign Regulations  
[Staff Report](#)  
[Attachment I Summary of Notice](#)  
[Attachment II Revised Ordinance](#)
3. Adoption of Ordinance Amending Sign-Related Provisions in the South Hayward BART/Mission Boulevard Form-Based Code  
[Staff Report](#)  
[Attachment I Summary of Notice](#)
4. Adoption of Ordinance Amending Sign-Related Provisions of the Mission Boulevard Corridor Form-Based Code  
[Staff Report](#)  
[Attachment I Summary of Notice](#)
5. Transportation Development Act Article 3 Funds FY 2016: Wheelchair Ramps – Authorization to File Application, and when Received, to Execute the Necessary Agreements  
[Staff Report](#)  
[Attachment I](#)  
[Attachment I-a](#)  
[Attachment I-b](#)  
[Attachment II](#)

July 14, 2015



6. Hayward Transaction & Use Tax State Board of Equalization Information Access Authorization  
[Staff Report](#)  
[Attachment I](#)
  7. Adoption of Resolutions Authorizing the City Manager to Negotiate and Execute Contracts with Jones Hall for Bond Counsel, Disclosure Counsel, and Legal Services in an Amount not to Exceed \$100,000; and for Community Facilities District (CFD) Services in an Amount not to Exceed \$15,000  
[Staff Report](#)  
[Attachment I](#)  
[Attachment II](#)
  8. Resolution in Support of AB 266 (Bonta): Medical Marijuana Regulation  
[Staff Report](#)  
[Attachment I](#)
- 

**NON-ACTION ITEMS:** *(Work Session and Informational Staff Presentation items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.)*

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## WORK SESSION

9. Financing Plan for Measure C-Funded Capital Projects *(Report from Finance Director Vesely)*  
*(Report will be available no later than Monday, July 13, 2015)*
- 

*The following order of business applies to items considered as part of Public Hearings and Legislative Business:*

- *Disclosures*
  - *Staff Presentation*
  - *City Council Questions*
  - *Public Input*
  - *Council Discussion and Action*
- 

## PUBLIC HEARING

10. Introduction and Adoption of an Emergency Ordinance to Approve an Amendment to the City of Hayward Contract with the California Public Employees Retirement System (CalPERS) and Authorizing the City Manager to Execute the Contract (Report from Director of Human Resources Collins)  
[Staff Report](#)  
[Attachment I](#)  
[Exhibit 1](#)



## LEGISLATIVE BUSINESS

11. Designation of Voting Delegates and Alternates for the League of California Cities 2015 Annual Conference (Report from City Clerk Lens)

[Staff Report](#)

[Attachment I Resolution](#)

[Attachment II 2015 Voting Delegates and Alternates](#)

12. Election of Mayor Pro Tempore (Report from City Clerk Lens)

[Staff Report](#)

[Attachment I Resolution](#)

[Attachment II List of Mayor Pro Temp](#)

## CITY MANAGER'S COMMENTS

An oral report from the City Manager on upcoming activities, events, or other items of general interest to Council and the Public.

## COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Oral reports from Council Members on their activities, referrals to staff, and suggestions for future agenda items.

## ADJOURNMENT

**NEXT REGULAR MEETING – 7:00 PM, Tuesday, July 21, 2015**

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**PUBLIC COMMENT RULES:** *The Mayor 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 or organization. Speakers will be asked for their name before speaking and are expected to honor the allotted time. Speaker Cards are available from the City Clerk at the meeting.*

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**PLEASE TAKE NOTICE** *that if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that 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.*

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July 14, 2015



*\*\*\*Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4<sup>th</sup> Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. \*\*\**

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*Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.*

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***Please visit us on:***





**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT  
SUCCESSOR AGENCY/HOUSING AUTHORITY MEETING  
OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, June 23, 2015, 7:00 p.m.**

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The Special Joint City Council/Redevelopment Successor Agency/Housing Authority meeting was called to order by Mayor/Chair Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Council/RSA/HA Member Lamnin.

**ROLL CALL**

Present: COUNCIL/RSA/HA MEMBERS Zermeño, Mendall, Jones, Peixoto,  
Lamnin, Márquez  
MAYOR/CHAIR Halliday  
Absent: None

**COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS**

There were none.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson announced that the Council met in closed session regarding four items: 1) conference with labor negotiators pursuant to Government Code 54957.6 regarding all groups; 2) conference with legal counsel pursuant to Government Code 54956.9 regarding anticipated litigation; 3) conference with legal counsel pursuant to Government Code 54956.9 regarding City of Hayward v. Rabani, et, al., Alameda County Superior Court No. HG13692337; and 4) performance evaluation for City Manager, City Attorney and City Clerk pursuant to Government Code 54957. City Attorney Lawson and Mayor Halliday noted there were no reportable items.

**PUBLIC COMMENTS**

Mr. Kim Huggett, President of the Chamber of Commerce, announced the State of the City and the 2015 Leadership Hayward graduation were scheduled for June 30, 2015 at Chabot College.

Mr. Charlie Peters, Clean Air Professionals, referred to documents he submitted for the record regarding ozone action alerts and the price of fuel.

Mr. Francisco Abrantes, Hayward resident, shared an incident where his wife and he were driving across City Hall and they were stopped by a police officer who wished them “Happy Father’s Day.”

Ms. Wynn Grich, Hayward resident, referred to documents she submitted for the record regarding cell towers near schools and its health effects and geoen지니어ing and its health risks.

Mr. Jim Drake, Hayward resident, requested more police officers to patrol the city’s crime hotspots.

Council Member Márquez asked her colleagues on the Council Economic Development Committee if they were agreeable to discuss how businesses are notified of projects. City Manager David noted that her office had implemented a mechanism for notifying property owners as well as businesses owners/operators.

## **HAYWARD YOUTH COMMISSION**

### **1. Appointments and Reappointments to the Hayward Youth Commission**

Staff report submitted by City Clerk Lens, dated June 23, 2015, was filed.

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

Resolution 15-103, “Resolution Appointing and Reappointing Members to the Hayward Youth Commission”

City Clerk Lens administered the oath of office to the newly appointed and reappointed members of the Hayward Youth Commission.

## **CONSENT**

Consent Item Nos. 4, 5, and 7 were pulled for separate vote.

### **2. Approval of Minutes of the City Council Meeting on June 2, 2015**

It was moved by Council Member Peixoto, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the City Council Meeting on June 2, 2015.

### **3. Adoption of Ordinance Adding New Section 10-1.2950 to Hayward Municipal Code Chapter 10, Article 1, Zoning Ordinance, Related to Establishment of Regulations Pertaining to Zoning Conformance Permits**

Staff report submitted by City Clerk Lens, dated June 23, 2015, was filed.

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

Ordinance 15-15, “Ordinance Adding New Section 10-1.2950 to Hayward Municipal Code Chapter 10, Article 1, Zoning Ordinance, Related to Establishment of Regulations Pertaining to Zoning Conformance Permits”

### **4. Adoption of a Resolution to Approve the Final Map (Tract 7620) and Authorize the City Manager to Execute a Subdivision Agreement, Associated with the La Vista Development,**



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Located at 28816 Mission Boulevard in Eastern Hayward, Requiring Adoption of a Resolution;  
The DeSilva Group (Subdivider/Applicant); La Vista LP (Property Owner)

Staff report submitted by Senior Planner Golubics, dated June 23,  
2015, was filed.

Discussion ensued among Council Members and Development Services Director Rizk regarding the proposed agreement associated with the La Vista Development. Mayor Halliday reluctantly supported the motion noting she had reservations about developments on the hills.

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

Resolution 15-107, “Resolution Approving Final Map for Tract 7620  
for the La Vista Development and Authorizing the City Manager to  
Execute a Subdivision Agreement”

5. Approval of Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Granicus, Inc. for Automated Legislative and Meeting Management Services

Staff report submitted by Administrative Analyst Stefanski, dated June  
23, 2015, was filed.

Mr. Jim Drake, Hayward resident inquired about the proposed contract with Granicus, Inc.

Assistant City Manager McAdoo responded that the proposed contract was to purchase software that would allow staff to produce Council agenda packets and broadcast the meetings. Ms. McAdoo, in response to Council Member Márquez, noted that the proposal included the iPad module.

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

Resolution 15-108, “Resolution Authorizing the City Manager to  
Negotiate and Execute an Agreement with Granicus, Inc. in an  
Amount not to Exceed \$129,540, for Automated Legislative and  
Meeting Management Services”

6. Adoption of a Resolution Approving Extensions to Employment Agreements with the City Manager, City Attorney and City Clerk and Authorizing the Mayor to Execute Those Agreements on Behalf of the Council

Staff report submitted by Director of Human Resources Collins, dated June 23, 2015, was filed.

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

Resolution 15-104, “Resolution Approving the Extension of the City Manager’s Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council”

Resolution 15-105, “Resolution Approving the Extension of the City Attorney’s Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council”

Resolution 15-106, “Resolution Approving the Extension of the City Clerk’s Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council”

7. Adoption of a Resolution Authorizing the City Manager to Negotiate and Execute a Contract with Kiet Thai for MUNIS Consultation Services in an Amount of \$96,000

Staff report submitted by Revenue Manager Walter, dated June 23, 2015, was filed.

Mr. Jim Drake, Hayward resident, spoke about the importance of conducting a competitive bidding process.

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

Resolution 15-109, “Adoption of a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Kiet Thai for Munis Implementation Consultant Services in an Amount Not to Exceed \$96,000 for a Term Through June 30, 2016”

## **PUBLIC HEARING**

8. Update to Sign Regulations: Introduction of Ordinances and Adoption of Resolutions Related to Amendments to 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 in Accordance with the California Environmental Quality Act, which Concludes that the Project Will Not Have a Significant Impact on the Environment; Applicant: City of Hayward

Staff report submitted by Senior Planner Ajello, dated June 23, 2015, was filed.



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

Discussion ensued among Council Members and City staff regarding: illegal signs and enforcement on private and public properties; historical identification signs; temporary signs and timeframe allowed; human signs, inflatable signs, portable signs and restrictions and applicable permits; assessing expanding the use of portable signs to other areas of the city; political/election signs and their removal within fourteen days; prohibited signs such as cabinet and roof signs; window signs and season displays; signs attached to utility poles and enforcement; and amortization and the three years to make nonconforming signs conform to established standards.

There was general Council consensus with the proposed Sign Regulations with concerns about current enforcement mechanisms.

Council Member Jones expressed concern about the language in Section 10-7.200 General Regulations (B) "A Sign which contains foreign alphabet characters must also include English alphabet characters..." and requested that the language in the paragraph be clarified. While he understood the intent of the Ordinance was the desire to know what was being advertised, he wanted to make sure the proposed language did not discriminate against languages that have non-English alphabet characters.

There being no public comments Mayor Halliday opened and closed the public hearing at 8:34 p.m.

Council Member Zermeño offered a motion per the staff recommendation including clarification of the language in Section 10-7.200 General Regulations (B). Council Member Mendall seconded the motion.

Council Member Lamnin supported the motion and suggested that information about the approved Sign Regulations be shared with local businesses and that staff consider a style guide for the areas that the city wants to make uniform.

Council Member Mendall supported the motion noting the proposed ordinance was an improvement, but requested that staff consider a more effective enforcement mechanism moving forward.

In response to Council Member Jones, City Attorney Lawson noted that the language in Section 10-7.200 would be evaluated and staff would bring back a revised language for the adoption of the Ordinance. Council Member Jones supported the motion.

Mayor Halliday supported the motion and commended staff for their efforts with the Sign

Regulations and for reaching out to stakeholders.

It was moved by Council Member Zermeño, seconded by Council Member Mendall, and carried unanimously, to adopt the following including a modification to Section 10-7.200 (B):

Introduction of Ordinance 15-\_, “Ordinance Amending Chapter 10, Article 7 of the Hayward Municipal Code Relating to the City’s Sign Regulations”

Introduction of Ordinance 15-\_, “Ordinance Amending Sign-Related Provisions in the South Hayward BART/Mission Boulevard Form-Based Code”

Introduction of Ordinance 15-\_, “Ordinance Amending Sign-Related Provisions of the Mission Boulevard Corridor Form-Based Code”

Resolution 15-110, “Resolution Approving Negative Declaration and Adopting Findings Supporting Amendments to the City of Hayward Municipal Code to Amend the Hayward Sign Regulations and Related Provisions of the South Hayward BART/Mission Boulevard and Mission Boulevard Corridor Form-Based Codes”

Resolution 15-111, “Resolution Amending the City of Hayward Fiscal Year 2016 Master Fee Schedule Associated with Amendments to the City of Hayward Municipal Code to Update the City’s Sign Regulations”

## **LEGISLATIVE BUSINESS**

9. Green Hayward PAYS® (Pay-As-You-Save) On-Bill Conservation and Efficiency Financing Program – Request for Direction for City Participation in and Self-Funding of Program and Authorization for City Manager to Amend Current Agreements with Certification Agent, Contractors and Suppliers to Implement the Program

Staff report submitted by Environmental Services Manager Pearson, dated June 23, 2015, was filed.

Utility and Environmental Services Director Ameri provided a synopsis of the report.

Discussion ensued among Council Members and City staff regarding the Green Hayward PAYS® program, the funding from the Bay Area Regional Energy Network (BayREN), and the usage of the Water Improvement Capital Fund and the anticipated rate of return.

Mayor Halliday opened the public hearing at 9:01 p.m.

Ms. Jenny Berg, Senior Program Manager with the Association of Bay Area Governments



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(ABAG), thanked the City for its interest in the PAYS® program. Ms. Berg noted that ABAG was looking for a more regional source of funding.

Ms. Lauren Casey, Regional Program Manager for PAYS® pilots deployed through the Bay Area Regional Network (BayREN), noted there were eleven models operating under the system in other states that set the precedence for the partners, one being Hayward, and noted the innovative model was proven to conserve water. Ms. Casey noted her agency was working on a regional model to pool finance authorities for bond capacity or conduit financing with the goal of being debt neutral for participating municipalities.

Mayor Halliday closed the public hearing at 9:08 p.m.

Council Member Mendall noted Hayward's older housing stock was in need of energy and water upgrades and Green Hayward PAYS® had the potential to be the program to achieve the City's goals, but the challenge was the upfront costs associated with installing conservation and efficiency measures during the first year. Mr. Mendall added there was a small risk associated with using the Water Improvement Capital Fund to help fund the upfront costs, but he was optimistic it would be paid back over ten years with a rate of return of seven percent.

Council Member Jones noted the City was committed to meeting aggressive goals in its Climate Action Plan and the Green Hayward PAYS® program would help make the infrastructure changes to save water usage. Mr. Jones noted that while there was some risk associated with the program, the city could benefit from the rate of return.

Council Member Zermeño noted that the participation in the Green Hayward PAYS® program would show that the City is serious about Climate Action Plan goals. Mr. Zermeño noted there was risk involved, but he trusted that the Water Improvement Capital Fund could support the expenditure.

Council Member Márquez noted she was reluctant to approve the proposed program, but the City needed to show leadership in achieving Climate Action Plan goals and was going to support the proposed program.

Council Member Mendall, also the Chair of the Council Sustainability Committee, offered a motion per staff recommendation. Council Member Zermeño seconded the motion.

Council Member Lamnin shared the same concerns with the risk that the use of the Water Improvement Capital Fund would lower the reserves and that the City might not be able to see the anticipated repayment. Ms. Lamnin supported the proposal for the needs that were articulated and urged staff to continue to protect the City's interests so that if a regional financial source was found then the reserves would be repaid.

Mayor Halliday noted the benefits and concerns of the Green Hayward PAYS<sup>®</sup> program were expressed and noted that other improvement efforts through different mechanisms were not effective. Mayor Halliday supported the motion.

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

Resolution 15-112, “Resolution Authorizing the City Manager to Negotiate and Execute an Extension to the Professional Services Agreement with Bevilacqua Knight, Inc. (BK<sub>i</sub>) to Provide Certification Agent Services for the Green Hayward Pays<sup>®</sup> Program and Authorizing the City Manager to Negotiate and Execute Contract Amendments with Bottom Line Utility Solutions and Niagara Conservation”

#### 10. Gann Appropriations Limit for FY 2016

Staff report submitted by Deputy Director of Finance Claussen, dated June 23, 2015, was filed.

Finance Director Vesely provided a synopsis of the report.

There being no public comments Mayor Halliday opened and closed the public hearing at 9:27 p.m.

Council Member Peixoto offered a motion per the staff recommendation. Council Member Jones seconded the motion.

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

Resolution 15-113, “Adoption of Appropriations Limit for Fiscal Year 2016 Pursuant to Article XIII B of the Constitution of the State of California”

#### 11. Approval of the FY 2016 Operating Budget and Appropriations for FY 2016; Approval of the FY 2016 Capital Improvement Program Budget and Appropriations for FY 2016; Approval of the Hayward Redevelopment Successor Agency Budget; Approval of the Hayward Housing Authority Budget

Staff report submitted by Director of Finance Vesely, dated June 23, 2015, was filed.

Finance Director Vesely provided a synopsis of the report. Ms. Vesely underscored that the proposed budget did not include a position for disaster preparedness; however, staff would evaluate options for partnering with regional agencies and would come back with recommendations as part of the F 2016 Mid-Year Budget review.



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Tuesday, June 23, 2015, 7:00 p.m.**

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There being no public comments Mayor Halliday opened and closed the public hearing at 9:35 p.m.

It was noted that Council Member Lamnin needed to recuse from voting on Resolution 15-115 due to a conflict of interest.

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

Resolution 15-114, “Resolution Approving the Operating Budget of the City of Hayward for Fiscal Year 2016; Adopting Appropriations for Fiscal Year 2016, Except for General Fund Community Agency Funding”

It was moved by Council Member Jones, seconded by Council Member Mendall, and carried unanimously with Council Member Lamnin absent, to adopt the following:

Resolution 15-115, “Resolution Approving and Appropriating the Community Agency Funding Recommendations for Fiscal Year 2016”

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

Resolution 15-116, “Resolution Approving Capital Improvement Projects for Fiscal Year 2016”

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

Redevelopment Successor Agency Resolution 15-04, “Resolution of the City Council of the City of Hayward, Acting as the Governing Board of the Successor Agency for the Redevelopment Agency of the City of Hayward, Approving the Budget of the Redevelopment Successor Agency of the City of Hayward and Adopting Appropriations for Fiscal Year 2016”

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

Housing Authority Resolution 15-01, “Resolution Confirming the

Proposed Hayward Housing Authority Budget for Fiscal Year 2016”

**CITY MANAGER’S COMMENTS**

There were no comments.

**COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS**

Council Member Zermeño announced two upcoming events: a Corinthian College Workshop on June 27, 2015 at the Hayward Adult School for students affected by the Corinthian College closures; and the Keep Hayward Clean and Green Task Force clean-up event on June 27, 2015 at the East Palma Ceia area. Mr. Zermeño noted the passing of Jose Duenas who was the President of the Hispanic Chamber of Commerce of Alameda County.

Council Member Márquez announced she was hosting a fundraiser to support Hayward Boy Scouts at El Taquito No. 2 on June 29, 2015.

Council Member Mendall announced the Hayward Area Historical Society was celebrating its 1<sup>st</sup> anniversary on June 27, 2015.

**ADJOURNMENT**

Mayor/Chair Halliday adjourned the meeting at 9:45 p.m.

**APPROVED:**

Barbara Halliday  
Mayor, City of Hayward  
Chair, Redevelopment Successor Agency  
Chair, Housing Authority

**ATTEST:**

Miriam Lens  
City Clerk, City of Hayward  
Secretary, Redevelopment Successor Agency  
Secretary, Housing Authority

**DATE:** July 14, 2015  
**TO:** Mayor and City Council  
**FROM:** City Clerk and City Attorney  
**SUBJECT:** Adoption of Ordinance Amending Chapter 10, Article 7 of the Hayward Municipal Code Relating to the City's Sign Regulations

**RECOMMENDATION**

That the City Council adopts the Ordinance introduced on June 23, 2015.

**BACKGROUND**

The Ordinance was introduced by Council Member Zermeño at the June 23, 2015, meeting of the City Council with the following vote:

<b>AYES:</b>	Council Members:	Zermeño, Jones, Mendall, Peixoto, Lamnin, Márquez
	Mayor	Halliday
<b>NOES:</b>	Council Members:	None
<b>ABSENT:</b>	Council Members:	None
<b>ABSTAIN:</b>	Council Members:	None

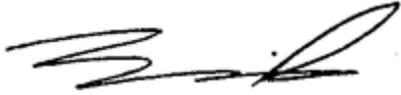
The motion was carried with Council Member Jones requesting that staff review the language in Section 10-7.200 General Regulations (B) “A Sign which contains foreign alphabet characters must also include some English alphabet characters. Signs are not required to be translated in English as long as the sign contains English alphabet characters that comprise words relating to the business or organization it is representing.”

City staff has reviewed the language and is offering the following change for Section 10-7.200 General Regulation (B) “A Sign containing non-English language characters and/or non-English words must also include sufficient English translation to enable the public generally and first responders particularly, such as fire and law enforcement, to determine the nature of the business or organization at the location.”

The summary of the Ordinance was published in the Hayward Daily Review on Saturday, July 11, 2015. Adoption at this time is therefore appropriate.

*Prepared and Recommended by:* Miriam Lens, City Clerk

Approved by:



---

Fran David, City Manager

Attachment:

Attachment I Summary of Ordinance Published on 7/11/15

Attachment II Revised Ordinance Amending Chapter 10, Article 7

PUBLIC NOTICE OF AN INTRODUCTION OF ORDINANCE  
BY THE CITY COUNCIL OF THE CITY OF HAYWARD

ORDINANCE AMENDING CHAPTER 10, ARTICLE 7 OF THE HAYWARD  
MUNICIPAL CODE RELATING TO THE CITY'S SIGN REGULATIONS

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Upon adoption of this Ordinance, Sections 10-7.100 through 10-7.815 of the Hayward Municipal Code are repealed and new Sections 10-7.100 through 10-7.800 of the Hayward Municipal Code, entitled "Sign Regulations," are hereby enacted to read as follows:

"SECTION 10-7.100 SIGN REGULATIONS"

- 10-7.100 PURPOSE.**
- 10-7.200 GENERAL REGULATIONS.**
- 10-7.202 Permit Applications.
- 10-7.203 Fees.
- 10-7.204 Duration of Permit.
- 10-7.205 Number of Signs Permitted.
- 10-7.206 Sign Area Calculation.
- 10-7.207 Reduction in Permitted Signage.
- 10-7.208 Design.
- 10-7.209 Illumination
- 10-7.210 Master Sign Program.
- 10-7.211 Sign Corridor Overlay District.
- 10-7.300 EXEMPT SIGNS.**
- 10-7.400 PROHIBITED SIGNS.**
- 10-7.500 SIGN REGULATIONS BY SIGN TYPE, USE, OR ZONING DISTRICT.**
- 10-7.501 General Regulations By Sign Type.
- 10-7.502 Sign Regulations By Use.
- 10-7.503 Sign Regulations By Zoning District.
- 10-7.600 TEMPORARY SIGN REGULATIONS.**
- 10-7.601 Auto Dealership Banners.
- 10-7.602 Promotional Event and Grand Opening Signs.
- 10-7.603 Subdivision Directional Sign (Off-Site).
- 10-7.700 ADMINISTRATION, COMPLIANCE AND ENFORCEMENT.**
- 10-7.701 Administrative Referral.
- 10-7.702 Administrative Modifications.
- 10-7.703 Variances.
- 10-7.704 Revocation of Sign Approval.
- 10-7.705 Grounds for Revocation.
- 10-7.706 Hearings- Notice.
- 10-7.707 Appeals.
- 10-7.708 Legal Non-Conforming Signs.
- 10-7.709 Sign Maintenance.

- 10-7.710 Removal of Certain Signs.
- 10-7.711 Enforcement of Signs on Private Property.
- 10-7.712 Enforcement of Signs on Public Property.
- 10-7.713 Enforcement of On-Premise Signs.
- 10-7.714 Procedure Not Exclusive: Violation An Infraction.
- 10-7.715 Severability.
- 10-7.716 Amortization.
- 10-7.800 DEFINITIONS**

Section 2. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 3. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective thirty (30) days after adoption.

Introduced at the special joint meeting of the Hayward City Council/Redevelopment Successor Agency/Housing Authority held June 23, 2015, the above-entitled Ordinance was introduced by Council Member Zermeño.

This Ordinance will be considered for adoption at a special meeting of the Hayward City Council, to be held on July 14, 2015, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: July 11, 2015  
Miriam Lens, City Clerk  
City of Hayward

## ORDINANCE NO. 15-

ORDINANCE AMENDING CHAPTER 10, ARTICLE 7 OF THE  
HAYWARD MUNICIPAL CODE RELATING TO THE CITY'S SIGN  
REGULATIONS

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS  
FOLLOWS:

Section 1. Upon adoption of this Ordinance, Sections 10-7.100 through 10-7.815 of the Hayward Municipal Code are repealed and new Sections 10-7.100 through 10-7.800 of the Hayward Municipal Code, entitled "Sign Regulations," are hereby enacted to read as follows:

"SECTION 10-7.100 SIGN REGULATIONS"

<b>10-7.100</b>	<b>PURPOSE.</b>	<b>1</b>
<b>10-7.200</b>	<b>GENERAL REGULATIONS.</b>	<b>1</b>
10-7.202	Permit Applications.	3
10-7.203	Fees.	3
10-7.204	Duration of Permit.	3
10-7.205	Number of Signs Permitted.	3
10-7.206	Sign Area Calculation.	4
10-7.207	Reduction in Permitted Signage.	6
10-7.208	Design.	6
10-7.209	Illumination.	7
10-7.210	Master Sign Program.	8
10-7.211	Sign Corridor Overlay District.	10
<b>10-7.300</b>	<b>EXEMPT SIGNS.</b>	<b>11</b>
<b>10-7.400</b>	<b>PROHIBITED SIGNS.</b>	<b>18</b>
<b>10-7.500</b>	<b>SIGN REGULATIONS BY SIGN TYPE, USE, OR ZONING DISTRICT.</b>	<b>21</b>
10-7.501	General Regulations By Sign Type.	21
10-7.502	Sign Regulations By Use.	26
10-7.503	Sign Regulations By Zoning District.	32
<b>10-7.600</b>	<b>TEMPORARY SIGN REGULATIONS.</b>	<b>41</b>
10-7.601	Auto Dealership Banners.	41
10-7.602	Promotional Event and Grand Opening Signs.	44
10-7.603	Subdivision Directional Sign (Off-Site).	45
<b>10-7.700</b>	<b>ADMINISTRATION, COMPLIANCE AND ENFORCEMENT.</b>	<b>45</b>
10-7.701	Administrative Referral.	45
10-7.702	Administrative Modifications.	45
10-7.703	Variances.	46
10-7.704	Revocation of Sign Approval.	46
10-7.705	Grounds for Revocation.	46
10-7.706	Hearings- Notice.	47

10-7.707	Appeals.	47
10-7.708	Legal Non-Conforming Signs.	47
10-7.709	Sign Maintenance.	48
10-7.710	Removal of Certain Signs.	48
10-7.711	Enforcement of Signs on Private Property.	49
10-7.712	Enforcement of Signs on Public Property.	49
10-7.713	Enforcement of On-Premise Signs.	49
10-7.714	Procedure Not Exclusive: Violation An Infraction.	49
10-7.715	Severability.	50
10-7.716	Amortization.	50
<b>10-7.800</b>	<b>DEFINITIONS</b>	<b>51</b>

**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)(20), 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 containing non-English language characters and/or non-English words must also include sufficient English translation to enable the public generally and first responders particularly, such as fire and law enforcement, to determine the nature of the business or organization at the location.

### **10-7.201 Permits Required.**

- (a) 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.

- (c) 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.
- (e) 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.**

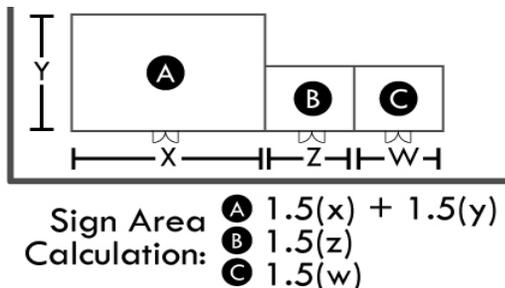
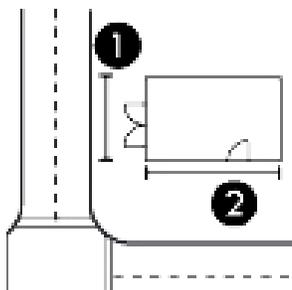
Each application for a sign permit, variance or Master Sign Program shall be accompanied by the applicable fees, which shall be established by the Master Fee Schedule.

**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:

*(a) 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.

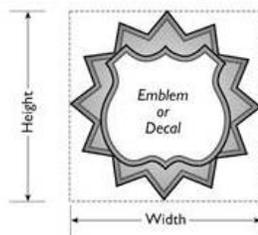
$$\text{Sign Area} = \text{Height} \times \text{Width}$$



- 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.*

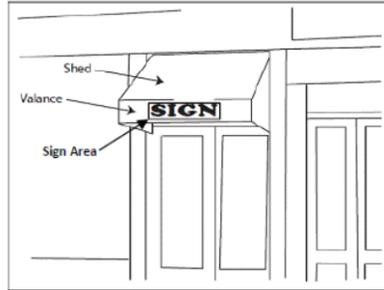
- In instances in which a sign consists of individual elements such as letters, symbols or other graphic objects or representations that are painted, attached to, or otherwise affixed to a surface such as a wall, window, canopy, awning, architectural projection, or to any surface not specifically designed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

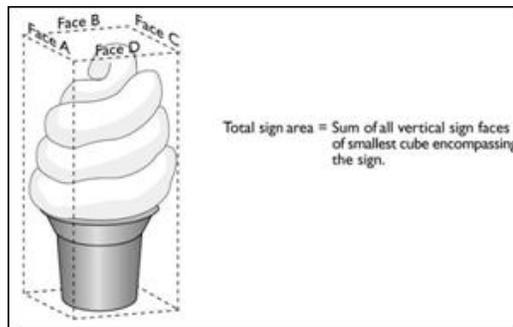
*(d) Awning Signs.*

- 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.



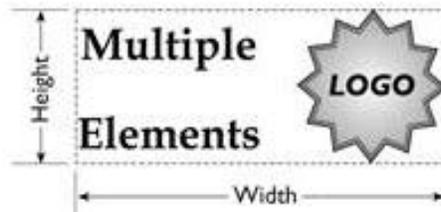
(e) *Three-dimensional Signs.*

- 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).

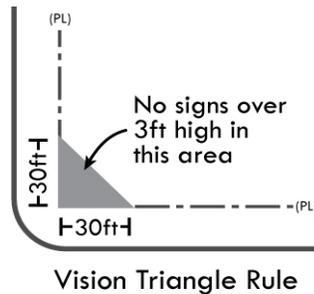
#### **10-7.207 Reduction in Permitted Signage.**

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.**

- (a) 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.
- (b) 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 – See Section 10-7.501(b)(1)(c)(vi)

#### **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 on the following page.

#### (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.

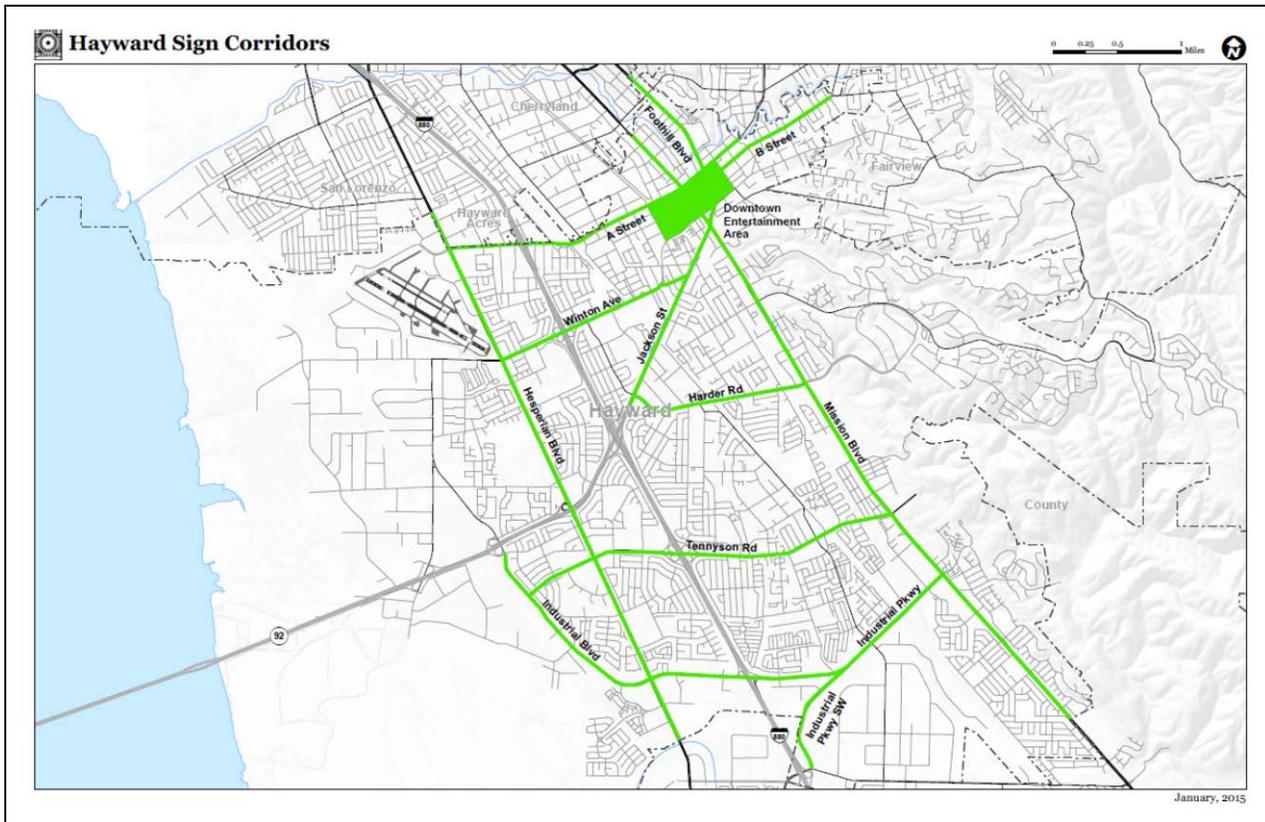


Blade Sign



A-Frame Sign

**FIGURE 1 – SIGN CORRIDOR OVERLAY DISTRICT**

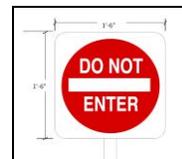


**10-7.300 EXEMPT SIGNS.**

- (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.

**(5) Bulletin Board (On-Site).**

One (1), not exceeding thirty (30) square feet in area per face (including changeable and fixed copy area) 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” or “Monument Signs.”



**(6) 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 (i.e. manual changeable copy, bulletin board signs, etc.), 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.

**(7) 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.

**(8) 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.



**(9) 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.

**(10) 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.



**(11) 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.

**(12) 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.

**(13) 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.

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



**(15) Official Signs.**

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



**(16) 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.

**(17) 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.

**(18) 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.

**(19) 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.

**(20) 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:

<b>Residential Uses:</b>	
Single-family Homes, Townhouses, Condominiums	Four (4) sf
Apartment Complexes	Twenty (20) sf
<b>Non-Residential Uses:</b>	
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 (unless allowed as a "Temporary Sign" per Section 10-7.600).
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.

**(21) Service Stations.**

Service stations are 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.

**(22) Time and Temperature devices.**

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



**(23) Towing Authorization-Private Property Sign.**

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

**(24) 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.

**(25) Under-Canopy Sign.**

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



**(26) Vehicle Sign.**

Vehicle signs, as defined in Section 10-7.800 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 promotional event and grand opening banners (Sections 10-7.601 and 10-7.602).

- (3) Bunting.**

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

- (4) 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, as allowed by zoning district.

**(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(22) 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. 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.

Exception: 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); Temporary Promotional Signs (Section 10-7.600); and Vehicle signs (see “Exempt” and “Definitions” Sections).

**(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 10-7.300 and permitted as Temporary Promotional Signage per Section 10-7.600.

**(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 per Section 10-7.600.

**(16) Pole Signs.**

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

**(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 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 10-7.600.

**(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 10-7.600.

**(22) Vehicle-Mounted Commercial Signs** which do not meet the definition set forth in Section 10-7.800 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 Regulations 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 of 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:

<b>Color</b>	<b>Day</b>	<b>Night</b>
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) Inflatables.**

Inflatable signs are permitted to be used for temporary promotional or seasonal events along corridors outside of the Downtown Entertainment area only with the approval of a temporary sign permit and conformance with the following standards:

- Location:** An inflatable sign shall be allowed provided that it is located on private property and tethered to the ground with the bottom of the balloon on the ground.  
**Number:** One

**f) 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 Development Services Director or designee 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.

**g) Pole Signs.**

Prohibited except for:

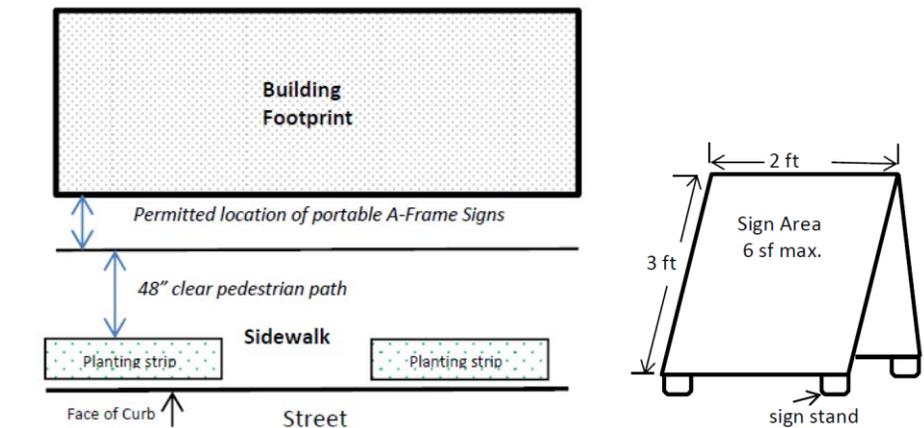
- (1) Commercial businesses with Freeway frontage on Highway 880 or State Route 92, west of Industrial Boulevard, and which provide food, fuel, or lodging; or
- (2) Major freeway oriented Commercial Centers of at least four (4) acres with an approved Master Sign Program on Highway 880 or State Route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

**h) 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, metal, durable painted or stained hardwood).
- (5) Copy area (chalk board, painted, cork board, etc.): sign message and/or graphics, whether permanent or changeable, shall be well-designed and relevant to the business in which it is serving.
- (6) Shall be kept clean and maintained in good working condition.

**i) 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.

**j) 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-Occupancy 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
<b>Freestanding/Monument</b> 	<b>No.: 1</b>  <b>Height:</b> 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"> <li>• 1 additional freestanding sign is permitted if more than one street frontage.</li> </ul>
<b>Wall</b>	<b>No.: 2</b>  <b>Height:</b> 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.	
<b>Temporary Event/Grand Opening</b>	60 calendar days per year.	50 sq. ft. per sign.	None.	Natural only	<ul style="list-style-type: none"> <li>• See <b>Section 10-7.600</b> for permit requirements and additional regulations.</li> <li>• Bunting, pennants and searchlights are permitted. Shall not be placed in City right-of-way.</li> </ul>

**(b) Freeway Oriented Signs**

General					
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.  <i>See Section 10-7.800 for Definitions of Freeway Frontage and Freeway-Oriented Signs</i>					
Sign Type Allowed	Max. No. / Height	Max. Area	Setback	Illumination	Additional Provisions
<b>Freestanding or monument</b>	<b>No.: 1</b> <b>Height:</b> 50 ft. for businesses which provide food, fuel or lodging and freeway-oriented commercial centers of at	100 sq. ft. per face, 200 sq. ft. total for the additional freestanding sign that is freeway oriented.	As per zoning district.	As per zoning district.	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 1 sign allowed in Commercial, Commercial and Industrial Planned Developments and Industrial Zoning Districts, plus one</li> </ul>

	least 4 acres with an approved Master Sign Program				additional freestanding or monument that is not oriented toward the freeway.
<b>Pole Signs</b> 			As per zoning district.	As per zoning district.	<ul style="list-style-type: none"> <li>Pole signs allowed in accordance with Section 10-7.501(g).</li> </ul>
<b>Wall Signs</b>			As per zoning district.	As per zoning district.	<ul style="list-style-type: none"> <li>Wall sign shall be no higher than building wall upon which they are mounted.</li> </ul>

**(c) Theater Signs**

General	Max. No./ Height	Max. Area			
	<p><b>No.:</b> As per Zoning District.</p> <p><b>Height:</b> 25 ft. for free-standing signs.</p>	<ul style="list-style-type: none"> <li>350 square feet for one screening room or auditorium;</li> <li>Plus 50 square feet for each additional screening room or auditorium in the same development.</li> <li>The total sign area shall not exceed 1,100 square feet.</li> <li>The total sign area is not permitted on one façade or on one sign and shall complement the architecture of the theater.</li> </ul> <p>Signs are permitted on all frontages upon approval by the Development Services Director.</p>			
Sign Type Allowed	Max. No./ Height	Max. Area	Setback	Illumination	Additional Provisions
<b>Freestanding/ Monument</b> 	<p><b>No.:</b> As per Zoning District.</p> <p><b>Height:</b> 25 ft.</p>		10 ft. from property lines.	All types in accordance with section 10-7.209.	
<b>Marquee</b>	As per Zoning District.	See General information above.	Marquee permitted over right-of-way, subject to approval by Development	Lighting shall be approved by the Development Services Director for traffic safety	<ul style="list-style-type: none"> <li>Total sign area is not permitted on 1 façade or 1 sign.</li> <li>Electronic Reader Boards are allowed on marquee if used to display movie times.</li> </ul>

			t Services Director.	before final approval.	<ul style="list-style-type: none"> <li>• Sign shall be compliant with architecture of theater.</li> <li>• 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.</li> </ul>
<p><b>Display Cases</b></p> 	<p><b>No.:</b> Minimum of 2</p> <p><b>Height:</b> N/A</p>	<p>36 sq. ft. each</p> <p>240 sq. ft. max. total.</p>	None.	See Sec. 10-7.209 for lighting restrictions.	<ul style="list-style-type: none"> <li>• Display case areas not included in calculation for total permitted sign area.</li> </ul>

**(d) Drive-in Restaurants**

Sign Type Allowed	Max. No. / Height	Max. Area	Setback	Illumination	Additional Provisions
<b>General</b>	<b>No.:</b> 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"> <li>• Location subject to Section 10-1.1045(j) of the Zoning Ordinance – Drive-in Establishments – Special Standards and Conditions.</li> </ul>
<b>Freestanding/ Monument</b>	<b>No.:</b> 1 <b>Height:</b> 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"> <li>• Drive-Through signs on corner lots higher than 3 ft. are subject to the “Vision Triangle Rule” of 30 ft.</li> <li>• Applies to restaurants, coffee shops, pharmacies, cafes and banks.</li> </ul>
<p><b>Menu Board</b></p> 	<b>No.:</b> 2 max. <b>Height:</b> 6 ft.	30 sq. ft. each max.	N/A	Internal or external.	<ul style="list-style-type: none"> <li>• Restaurant Menu Boards do not count towards max. 3 signs per site and 100 sq. ft. total.</li> <li>• Logos on exempt directional signs are only allowed up to 20% of the directional sign area for Drive-Throughs.</li> </ul>

<p><b>Wall</b></p> 	<p><b>No.:</b> 3</p> <p><b>Height:</b> 18-inch max. letter size and 24-inch max. 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"> <li>• Applies to restaurants, coffee shops, pharmacies, cafes and banks.</li> </ul>
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**(e) Service stations**

Sign Type Allowed	Max. No. / Height	Max. Area	Setback	Illumination	Additional Provisions
<p><b>General</b></p> 	<p><b>No.:</b> 3 signs max. (1 freestanding 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>1.5 sq. ft. per lineal foot of establishment frontage: 25 sq. ft. min., 100 sq. ft. max.</p>	<p>Varies by zoning district.</p>	<p>See Section 10-7.209 for lighting restrictions.</p>	<ul style="list-style-type: none"> <li>• Exempt signs include: Four (4) sq. ft. wall mounted <i>State Authorized Testing 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.</li> <li>• 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.</li> </ul>
<p><b>Freestanding/ Monument</b></p> 	<p><b>No.:</b> 1</p> <p><b>Height:</b> 15 ft. unless it qualifies as a Freeway-oriented sign, then 50 ft.</p>	<p>30 sq. ft. per face. 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>Min. setback from driveway flare is 2 ft.</p>	<p>See section 10-7.209 for lighting restrictions.</p>	<ul style="list-style-type: none"> <li>• Canopy logo areas are not included in total sign area calculation if less than 6 sq. ft.</li> <li>• Sign base shall be decorative stucco, brick, wood or similar material that matches the primary building and shall have landscaping around it.</li> <li>• See Section 10-7.501(c) – Freestanding and Monument Signs.</li> </ul>
<p><b>Wall</b></p>	<p><b>No.:</b> 2 max.</p> <p><b>Height:</b> 24-inch max.</p>	<p>40 sq. ft. total.</p>	<p>None.</p>	<p>See section 10-7.209 for lighting</p>	<ul style="list-style-type: none"> <li>• See Section 10-7.501(j) – Wall Signs.</li> </ul>

	letter size and 26-inch logo height.			restrictions.	
<b>Wall/Canopy</b> 	<b>No.:</b> 4 max. <b>Height:</b> 24-inch max letter size and 26-inch max logo height.	40 sq. ft. total	None.	See section 10-7.209 for lighting restrictions.	<ul style="list-style-type: none"> <li>• Canopy logo areas are not included in total sign area calculation if less than 6 sq. ft.</li> </ul>

**(f) Catering Truck**

Sign Type Allowed	Max. No. / Height	Max. Area	Setback	Illumination	Additional Provisions
<b>Catering Truck</b> 	<b>No.:</b> 1 on each side of truck.  1 portable (A-frame) sign (placed on private property).	Vehicle: <ul style="list-style-type: none"> <li>• 8 sq. ft. each.</li> <li>• 16 sq. ft. total.</li> </ul> A-Frame: <ul style="list-style-type: none"> <li>• 20 sq. ft. per face</li> <li>• 40 sq. ft. total.</li> </ul>	None.	Natural only.	<ul style="list-style-type: none"> <li>• Vehicle signs shall be in accordance with California Department of Motor Vehicles regulations.</li> <li>• 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.</li> </ul>

**(g) Shopping Centers**

GENERAL: Small Shopping Centers (<5 acres) and Large Shopping Centers (≥5 acres)					
<ul style="list-style-type: none"> <li>• 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.</li> <li>• Individual tenant signs are then included as part of the allotted sign area and number of signs permitted for an individual establishment.</li> <li>• 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.</li> <li>• 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.</li> </ul>					
Sign Type Allowed	Max. No. / Height	Max. Area	Setback	Illumination	Additional Provisions
<b>Small Shopping Center Freestanding/ Monument</b>	<b>No.:</b> 1 to identify shopping	150 sq. ft. per face.  225 sq. ft. if	4 ft. from property line.	See section 10-7.209 for lighting	<ul style="list-style-type: none"> <li>• Unless otherwise stated in the Master Sign Program of a Small Shopping Center,</li> </ul>

	<p>center per shopping center frontage. <b>Height:</b> 14 ft.</p>	<p>&gt;1 establishment frontage.</p>		<p>restrictions.</p>	<p>24-inch max. letter size and 30-inch max logo height.</p> <ul style="list-style-type: none"> <li>• Small Shopping Center signs on corner lots higher than 3 ft. are subject to the “Vision Triangle Rule”.</li> </ul>
<p><b>Small Shopping Center Wall</b></p> 	<p><b>No.:</b> 1 per establishment. <b>Height:</b> 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"> <li>• Unless otherwise stated in a Master Sign Program, 24-inch max. letter size and 30-inch max. logo size.</li> <li>• 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.</li> </ul>
<p><b>Large Shopping Center Freestanding/Monument</b></p> 	<p><b>No.:</b> 1 to identify shopping center per shopping center frontage. <b>Height:</b> 14 ft.</p>	<p>200 sq. ft. per face. 300 sq. ft. if &gt;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"> <li>• Signs on corner lots higher than 3 ft. are subject to the “Vision Triangle Rule” of 30 ft.</li> <li>• 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.</li> </ul>
<p><b>Large Shopping Center Wall</b></p> 	<p><b>No.:</b> 1 per establishment <b>Height:</b> 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"> <li>• Unless otherwise stated in a Master Sign Program, 24-inch max. letter size and 30-inch max. logo size.</li> <li>• 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.</li> </ul>
<p><b>Regional Shopping Center</b></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
<b>Permanent Subdivision Signs</b> 	<b>No.:</b> 1 <b>Height:</b> 10 ft.	50 sq. ft. per face. 100 sq. ft. total.	10 ft. from all property lines.	Natural or External.	<ul style="list-style-type: none"> <li>• If subdivision is &gt;25 lots or condos, 1 additional sign is permitted, not to exceed 30 sq. ft./face, 60 sq. ft. total.</li> <li>• Home Occupation signs are prohibited.</li> </ul>
<b>Residential Office, religious, educational, health care, day care center for fifteen (15) or more, cultural, recreational, or similar facility.</b>	<b>No.:</b> 1 per establishment up to 5 acres. 2 if > 5 acres. <b>Height:</b> 6 ft. for monument signs.	20 sq. ft. per sign.	10 ft. from all property lines.	Natural or External.	<ul style="list-style-type: none"> <li>• If freestanding/ monument sign, base shall be landscaped.</li> </ul> 

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

<p><b>Religious, educational, health care, day care center for fifteen (15) or more children, cultural, recreational, or similar facility.</b></p>	<p><b>No.:</b> 1 per street frontage up to 5 acres. 2 if &gt; 5 acres. <b>Height:</b> 6 ft. for monument signs.</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"> <li>• If freestanding/ monument sign, base shall be landscaped.</li> </ul> 
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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><b>For Residential Uses:</b> Same regulations as Multi-family Districts.</p>					
<p><b>For Non-Residential Uses:</b></p>					
<p><b>General</b> (applies to all uses and sign types)</p>	<p><b>No.:</b> 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"> <li>• Businesses with more than 1 frontage shall be allowed 50% more permitted sign area upon approval of the Development Services Director.</li> <li>• AT-AC, AT-C zones: Office or industrial complexes with ≥ 2 frontages can have an additional sign per approval of the Development Services Director.</li> <li>• If freestanding/ monument sign, base shall be landscaped.</li> <li>• 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)).</li> </ul>
<p><b>Freestanding/ Monument</b> (applies to all uses)</p> 	<p><b>No.:</b> 1 per establishment <b>Height:</b> 12 ft. and 1 ft. lower every foot closer to property line.</p>	<p>36 sq. ft. per face</p>	<p>12 ft. from all property lines.  Setback may be reduced 1 ft. for every ft. the sign is lowered, 2 ft. min.</p>	<p>See Section 10-7.209 for lighting restrictions.</p>	<ul style="list-style-type: none"> <li>• See General Provisions above.</li> </ul>

<p><b>General Wall/Canopy</b> (applies to all uses)</p>	<p><b>No.:</b> up to 2 <b>Height:</b> Not to exceed roofline of first story element (Section Definition – Wall Sign).</p>	<p>36 sq. ft. for frontages &lt; 25 linear ft.  50 sq. ft. for frontages 25-40 linear ft. Exceptions: freeway-oriented, drive-throughs, auto dealerships - See Section 10-7.502.</p>	<p>Same as the structure to which it is attached.</p>	<p>See section 10-7.209 for lighting restrictions.</p>	<ul style="list-style-type: none"> <li>• See General Provisions above.</li> </ul> 
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<p><b>General Temporary</b> (applies to all uses)</p>	<p>See Section 10-7.600 “Temporary Signs.” Events sponsored by a federal, state, or local governmental agency are exempt.</p>				
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**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
<p><b>Recycling</b></p> 	<p><b>No.:</b> 4 total  1 per side</p>	<p>Max. 20% per side or 16 sq. ft., whichever is larger.</p>	<p>None.  Containers shall be clearly marked to identify materials.</p>	<p>Natural or external.</p>	<ul style="list-style-type: none"> <li>• For a wheeled facility, side shall be measured from pavement to top of container.</li> <li>• Directional signs with no message (for traffic or if facility not visible from ROW) shall be approved by the Director.</li> </ul>

**(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
<p><b>For Residential Uses:</b> Multi-Family Complex Identification Signs only.</p>					
<p><b>General</b>  Freestanding/ Monument and/or  Wall Sign</p>	<p><b>No.:</b> 1  <b>Height:</b> 5 ft.  <b>No.:</b> 1</p>	<p><b>1-8 units:</b> 12 sq. ft.  <b>9-25 units:</b> 25 sq. ft.  <b>&gt;26 units:</b> 50 sq. ft.</p>	<p>4 ft. from all property lines.</p>	<p>Natural or External.</p>	<ul style="list-style-type: none"> <li>• 26+ units with &gt;1 street frontage, a second sign is permitted with total sign area ≤ 70 sq. ft. (35 ft. per entrance).</li> <li>• 2 signs on 1 frontage are permitted if entrances are ≥ 200 ft. apart.</li> </ul>

<b>For Non-Residential Uses:</b>					
<b>General</b> Wall signs 	<b>No.:</b> 1 per establishment frontage.  <b>Height:</b> 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"> <li>Office complex or directory sign: 1 per complex with 20 sq. ft. max per face, 40 sq. ft. max total.</li> <li>Base of freestanding monument signs shall be landscaped.</li> </ul>
<b>Theater Signs</b> - See Section 10-502(c) "Theater Signs"					
<b>Temporary Signs</b> - 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
<b>General</b> <ul style="list-style-type: none"> <li>Awning</li> <li>Hanging</li> <li>Menu Board</li> <li>Overhang/Edge</li> <li>Projecting</li> <li>Theater Marquee</li> <li>Theater Displays</li> <li>Service Station Signs</li> <li>Sidewalk displays (A-Frame/T-Frame)</li> <li>Temporary</li> <li>Wall</li> <li>Window</li> </ul>	2 signs per frontage.  4 signs max per establishment unless otherwise approved by Development Services Director.	<p><b><u>CC-C &amp; CC-P (Foothill and A):</u></b></p> 2 sq. ft. per linear footage of primary frontage. 30 percent of primary frontage for secondary frontage signs.  <p><b><u>CC-C &amp; CC-P (other than Foothill and A):</u></b></p> 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.  Also see Section 10-7.211 Sign Corridor Overlay District.	<ul style="list-style-type: none"> <li>See section 10-7.209 for lighting restrictions.</li> <li>External lighting is encouraged.</li> <li>Neon or day glow must be approved.</li> <li>Signs may be illuminated with directional spotlights or indirect lighting if the effect at night is not glaringly bright.</li> </ul>	<ul style="list-style-type: none"> <li>No more than three colors, unless approved by Development Service Director.</li> <li>Monument signs prohibited except service stations, hotels and motels.</li> </ul>
<b>Prohibited Signs</b>				
<ul style="list-style-type: none"> <li>Monument (except service stations, hotels and motels)</li> <li>Animated, in the Marks Historic District</li> <li>Revolving</li> <li>Flashing</li> <li>Portable (except A- and T-Frame)</li> <li>Painted Wall Signs or signs that obscure the detail of building facades</li> <li>Awnings made of metal or which are translucent or which contain interior lighting for illumination</li> </ul>				

Sign Type	Height	Max. Area	Additional Provisions
<p><b>General Awning</b> (ground floor only)</p> 	8 ft. min. vertical clearance from bottom of sign to top of finish grade.	20% of the total surface area of front awning skirt.	<ul style="list-style-type: none"> <li>• Internal illumination of awning is prohibited.</li> <li>• Awning signs legally erected before July 22, 1986 shall be considered in conformance if they do not exceed the maximum allowable area by 25%.</li> <li>• Awnings shall be regularly cleaned and kept free of dust and visible defects.</li> </ul>
<p><b>General Horizontal Hanging</b></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"> <li>• Hanging signs legally erected before July 22, 1986 shall be considered in conformance if they do not exceed the maximum allowable area by 25%.</li> </ul>
<p><b>General Overhang/ Edge</b></p> 	<b>Height:</b> Shall not exceed 3 ft.	See 10-7.501.e general regulations above.	<ul style="list-style-type: none"> <li>• Shall not be used in conjunction with wall signs.</li> </ul>
<p><b>General Projecting</b></p> 	<b>Height:</b> 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"> <li>• May project up to 3 ft. horizontally, 5 ft. at Foothill &amp; A</li> <li>• In no case may sign come within 2.5 ft. of curb.</li> <li>• Signs shall be clear of street trees, traffic signals, street lighting, regulatory signs and architectural details.</li> </ul>
<p><b>General Sidewalk Display</b> (A-Frames/ T-Frames)</p> 	4 ft. passageway past sign.  Only permitted in the Downtown Entertainment District.	6 sq. ft. per side (area will not be included in total permitted sign area).  	<ul style="list-style-type: none"> <li>• Max 1 per establishment.</li> <li>• Must be placed in front of establishment.</li> <li>• 4 ft. min passage way on sidewalk must be maintained.</li> <li>• Signs only permitted during business hours.</li> <li>• Sign shall not project within 2 feet of the curb interface with vehicles.</li> <li>• Also see Section 10-7.501(h)</li> </ul>

Sign Type	Height	Max. Area	Additional Provisions
<b>General Wall</b> 	No higher than cornice or parapet, whichever is lower.	See General Regulations above.	<ul style="list-style-type: none"> <li>• Wall signs may be painted on the wall or be made of metal, wood (except plywood), plastic, neon or vinyl.</li> <li>• Fluorescent material is prohibited.</li> <li>• Wall signs legally erected before July 22, 1986 shall be considered in conformance if they do not exceed the maximum allowable area by 25%.</li> </ul>
<b>General Window</b> 	N/A	25% of total area of window.	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
<b>Auto Dealership Signs</b> – See Section 10-7.502(a)			
<b>Theater Signs</b> - See Section 10-7.502(c)			
<b>Drive-in Restaurant Signs</b> - See Section 10-7.502(d)			
<b>Service Station Signs</b> - See Section 10-7.502(e)			
<b>Temporary Signs</b> - See Section 10-7.600 “Temporary Signs.”			

**(f) 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
<b>General</b> <ul style="list-style-type: none"> <li>• Awning</li> <li>• Hanging</li> <li>• Marquee</li> <li>• Monument</li> <li>• Overhang</li> <li>• Projecting</li> <li>• Temporary</li> <li>• Wall</li> <li>• Window</li> <li>• Signs of historical</li> </ul>	2 signs per frontage.  4 signs max per establishment unless otherwise approved by Development Services Director.  Temporary window signs do not count toward the total.	<u><b>Sign Corridor Overlay District (see Section 10-7.211):</b></u>  2 sq. ft. per linear footage of primary frontage.  30 percent of primary frontage for secondary frontage signs.  <u><b>All other (outside of Sign Corridor Overlay District):</b></u> 1 sq. ft. per linear footage of primary frontage.	<ul style="list-style-type: none"> <li>• See section 10-7.209 for lighting restrictions.</li> <li>• External lighting is encouraged.</li> <li>• Neon or day glow must be approved.</li> <li>• Signs may be illuminated with directional spotlights or indirect</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>

or aesthetic significance		<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>	lighting if the effect at night is not glaringly bright.	
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**Prohibited Signs (also see Section 10-5.400- Prohibited Signs)**

- 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><b>General Awning</b> (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"> <li>• Internal illumination of awning is prohibited.</li> <li>• Awning signs legally erected before July 22, 1986 shall be considered in conformance if they do not exceed the maximum allowable area by 25%.</li> <li>• Awnings shall be regularly cleaned and kept free of dust and visible defects.</li> </ul>
<p><b>General Hanging Horizontal</b></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 ≤ 6 sq. ft. are exempt from permitting if located within Sign Corridor Overlay District.</p>	<ul style="list-style-type: none"> <li>• Suspended from a canopy, awning or marquee</li> </ul>
<p><b>General Overhang/ Edge</b></p> 	<p><b>Height:</b></p> <p>Shall not exceed 3 ft.</p>	See General Regulations above	<ul style="list-style-type: none"> <li>• Shall not be used in conjunction with wall signs.</li> </ul>

<p><b>General Projecting</b></p> 	<p><b>Height:</b> 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"> <li>• Shall not project more than 3 ft. horizontally.</li> <li>• In no case may sign come within 2.5 ft. of curb.</li> <li>• Signs shall be clear of street trees, traffic signals, street lighting, regulatory signs and architectural details.</li> </ul>
<p><b>General Wall</b></p> 	<p>No higher than cornice or parapet, whichever is lower.</p>	<p>See General Regulations above.</p>	<ul style="list-style-type: none"> <li>• Wall signs may be painted on the wall or be made of metal, wood (except plywood), plastic, neon or vinyl.</li> <li>• Fluorescent material is prohibited.</li> </ul>
<p><b>General Window (permanent)</b></p> 	<p>N/A</p>	<p>25% of total area of window.</p>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
<p><b>General Window (temporary)</b></p> 	<p>N/A</p>	<p>25% of total area of window, including permanent window signs.</p>	<ul style="list-style-type: none"> <li>• Special sale window signs of either paper or paint.</li> </ul>
<p><b>Auto Dealership Signs</b> – See Section 10-7.502(a)</p>			
<p><b>Theater Signs</b> - See Section 10-7.502(c)</p>			
<p><b>Drive-in Restaurant Signs</b> – See Section 10-7.502(d)</p>			
<p><b>Service Station Signs</b> – See Section 10-7.502(e)</p>			
<p><b>Temporary Signs</b> – 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./ Height	Max. Area	Setback	Illumination	Additional Provisions
<b>General (applies to all)</b>	<b>No:</b> 3 signs max.	1 sq. ft. per lineal foot of establishment frontage or 25 sq. ft., whichever is greater.	Varies.	See section 10-7.209 for lighting restrictions.	<ul style="list-style-type: none"> <li>Office or industrial complexes with <math>\geq 2</math> frontages or <math>\geq 2</math> street entrances can have additional signs per approval of the Development Services Director.</li> </ul>
<b>General Freestanding/ Monument</b> 	<b>No:</b> 1 per 50 linear feet of establishment frontage.  <b>Height:</b> 14 ft.	1 sq. ft. per lineal foot of establishment frontage or 25 sq. ft., whichever is greater.	10 ft. from all property lines.  If sign is < 6 ft., it may be 2 ft. from front property line so long as it does not interfere with visibility.	See section 10-7.209 for lighting restrictions.	<ul style="list-style-type: none"> <li>Base of freestanding/ monument signs shall be landscaped.</li> </ul>
<b>General Wall</b> 	<b>No:</b> 2-3  <b>Height:</b> No higher than building it is mounted on.	1 sq. ft. per lineal foot of establishment frontage or 25 sq. ft., whichever is greater.	N/A	See section 10-7.209 for lighting restrictions.	<ul style="list-style-type: none"> <li>Office or industrial complexes with <math>\geq 2</math> frontages or <math>\geq 2</math> street entrances can have additional signs per approval of the Development Services Director.</li> </ul>
<b>Changeable Copy/ Electronic Reader Board/Freeway Sign.</b> 	<b>No:</b> 1  <b>Height:</b> No higher than building it is mounted if wall mounted.  50' for freeway oriented signs	None.	May not comprise more than 50% of area of primary sign.	See section 10-7.209 for lighting restrictions.	<ul style="list-style-type: none"> <li>Only permitted when designed as part of freeway-oriented business identification sign. Freeway Oriented Signs – See Section 10-7.502(b)</li> <li>Signs are subject to provisions of State Outdoor Advertising Act.</li> </ul>
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."					

**(h) 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.

**(i) A (Agricultural) and FP (Flood Plain) Districts**

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

**(j) 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.

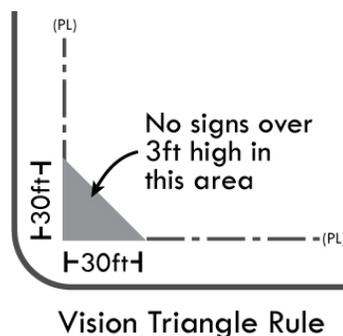
10. *Duration.*

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.



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

<ul style="list-style-type: none"> <li>• Auto Dealerships Promotional event signs</li> </ul>	<ul style="list-style-type: none"> <li>• Banners</li> <li>• Bunting</li> <li>• Inflatables*</li> <li>• Searchlights</li> </ul>	<p><b>No:</b> Banners, Bunting: 2</p> <p><b>Other:</b> If a banner permit is issued, then none other.</p>	<ul style="list-style-type: none"> <li>• Banners: 50 sq. ft. per sign.</li> </ul>	<p>Natural only.</p>	<ul style="list-style-type: none"> <li>• Sixty (60) days maximum per calendar year.</li> <li>• Number of events and periods of duration per year shall be specified on the permit.</li> <li>• See Section 10-7.601.</li> </ul>
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\*See *Human Signs* – Section 10-7.501(d) and *Inflatables* – Section 10-7.501(e)

\*\*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 and Directional Signs (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 Section 10-7.800: 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 Chapter 5, Article 7 of the Municipal Code – Community Preservation and Improvement.

(b) *Notice to Abate.*

Abatement of illegal signs shall be in accordance with the procedures set forth in Chapter 5, Article 7 of the Municipal Code – Community Preservation and Improvement.

**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.

**10-7.713 Enforcement of On-Premise 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.

**10-7.800 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 free-standing sign with manual changeable copy (i.e. not by electronic means). Found on educational or cultural sites (i.e., church, school, community theaters, etc.), but does not include “Monument Signs”.



**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. See Section 10-7.300(9).

**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.**

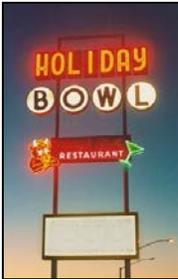
Individual letters mounted on an exposed electrical raceway instead of being mounted directly on a building wall building wall or with the raceway designed to be hidden by the design of the sign.

**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 10-7.500(g), and wall signs. Electronic reader board signs are allowed if used for a commercial center greater than or equal to five ( $\geq 5$ ) 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.

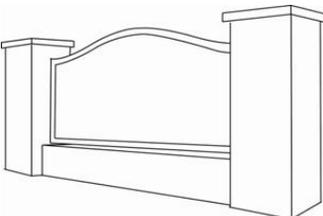


**Marquee Sign.**

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 low-profile, freestanding sign erected upon or supported solely by a planter, pedestal base, or similar ground structure erected to rest on the ground and which is designed to incorporate the architectural theme and building material of the building on the premises.

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 “Promotional Event and Grand Opening Signs”, Section 10-7.602.



**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 1.

**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, whichever is first. See Section 10-7.603.

**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.**

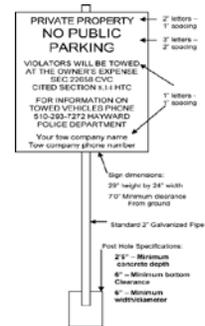
A sign which is displayed for less than sixty (60) calendar days per year. See also “Balloon,” “Banner,” “Pennants”, “Promotional Events and Grand Opening Signs,” “Special Event Sign,” and “Streamers.” See Section 10-7.600.

**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.



**Under-Canopy Sign.**

A horizontal hanging sign that is pedestrian-oriented and is suspended beneath a canopy over a pedestrian walkway and not visible outside the canopy area. Usually installed perpendicular to a storefront, on per storefront, and usually not exceeding six square feet in area.

**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.

Section 2. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 3. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective thirty (30) days after adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by Council Member \_\_\_\_\_.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: \_\_\_\_\_  
Mayor of the City of Hayward

DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

**DATE:** July 14, 2015  
**TO:** Mayor and City Council  
**FROM:** City Clerk  
**SUBJECT:** Adoption of Ordinance Amending Sign-Related Provisions in the South Hayward BART/Mission Boulevard Form-Based Code

**RECOMMENDATION**

That the City Council adopts the Ordinance introduced on June 23, 2015.

**BACKGROUND**

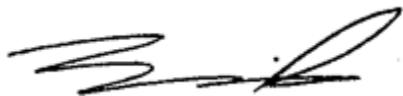
The Ordinance was introduced by Council Member Zermeño at the June 23, 2015, meeting of the City Council with the following vote:

<b>AYES:</b>	Council Members:	Zermeño, Jones, Mendall, Peixoto, Lamnin, Márquez Mayor Halliday
<b>NOES:</b>	Council Members:	None
<b>ABSENT:</b>	Council Members:	None
<b>ABSTAIN:</b>	Council Members:	None

The summary of the Ordinance was published in the Hayward Daily Review on Saturday, July 11, 2015. Adoption at this time is therefore appropriate.

*Prepared and Recommended by:* Miriam Lens, City Clerk

Approved by:



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Fran David, City Manager

Attachment:

Attachment I Summary of Ordinance Published on 7/11/15

PUBLIC NOTICE OF AN INTRODUCTION OF ORDINANCE  
BY THE CITY COUNCIL OF THE CITY OF HAYWARD

ORDINANCE AMENDING SIGN-RELATED PROVISIONS IN THE  
SOUTH HAYWARD BART/MISSION BOULEVARD FORM-BASED CODE

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF HAYWARD DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council incorporates by reference the findings contained in Resolution No. 15-110, approving the text changes requested in Text Amendment Application 201502144.

Section 2. Zoning Ordinance Sections 10-24.140, 10-24.220, 10-24.285 and 10-24.505, relating to the South Hayward Bart/Mission Boulevard Form-Based Code, are hereby amended to add certain text (as indicated by underline) and delete certain text (as indicated by strikeout), to implement the City's Sign Regulation ordinance introduced herewith, with such amendments more specifically shown in Attachment "A" hereto.

Section 3. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 4. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective thirty (30) days after adoption.

Introduced at the special joint meeting of the Hayward City Council/Redevelopment Successor Agency/Housing Authority held June 23, 2015, the above-entitled Ordinance was introduced by Council Member Zermeño.

This Ordinance will be considered for adoption at a special meeting of the Hayward City Council, to be held on July 14, 2015, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: July 11, 2015  
Miriam Lens, City Clerk  
City of Hayward

**DATE:** July 14, 2015  
**TO:** Mayor and City Council  
**FROM:** City Clerk  
**SUBJECT:** Adoption of Ordinance Amending Sign-Related Provisions of the Mission Boulevard Corridor Form-Based Code

**RECOMMENDATION**

That the City Council adopts the Ordinance introduced on June 23, 2015.

**BACKGROUND**

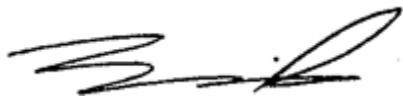
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<b>AYES:</b>	Council Members:	Zermeño, Jones, Mendall, Peixoto, Lamnin, Márquez Mayor Halliday
<b>NOES:</b>	Council Members:	None
<b>ABSENT:</b>	Council Members:	None
<b>ABSTAIN:</b>	Council Members:	None

The summary of the Ordinance was published in the Hayward Daily Review on Saturday, July 11, 2015. Adoption at this time is therefore appropriate.

*Prepared and Recommended by:* Miriam Lens, City Clerk

Approved by:



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Fran David, City Manager

Attachment:

Attachment I Summary of Ordinance Published on 7/11/15

PUBLIC NOTICE OF AN INTRODUCTION OF ORDINANCE  
BY THE CITY COUNCIL OF THE CITY OF HAYWARD

ORDINANCE AMENDING SIGN-RELATED PROVISIONS OF  
THE MISSION BOULEVARD CORRIDOR FORM-BASED CODE

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF HAYWARD DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council incorporates by reference the findings contained in Resolution No. 15-110, approving the text changes requested in Text Amendment Application 201502144.

Section 2. Zoning Ordinance Sections 10-25.140, 10-25.220, 10-25.285 and 10-25.505, relating to the Mission Boulevard Corridor Form-Based Code, are hereby amended to add certain text (as indicated by underline) and delete certain text (as indicated by strikeout), to implement the City's Sign Regulations ordinance introduced herewith, with such amendments more specifically shown in Attachment "A" hereto.

Section 3. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

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Dated: July 11, 2015  
Miriam Lens, City Clerk  
City of Hayward



CITY OF  
**HAYWARD**  
HEART OF THE BAY

— 5 —

**DATE:** July 14, 2015

**TO:** Mayor and City Council

**FROM:** Director of Public Works - Engineering & Transportation

**SUBJECT:** Transportation Development Act Article 3 Funds FY 2016: Wheelchair Ramps – Authorization to File Application, and when Received, to Execute the Necessary Agreements

**RECOMMENDATION**

That Council adopts the attached resolution (Attachment I) Authorizing:

- 1) Filing of an application with the Metropolitan Transportation Commission (MTC) for Transportation Development Act (TDA) Article 3 funding in FY 2016 to construct wheelchair ramps at various locations in the City; and
- 2) The City Manager to execute the agreement with MTC once received.

**BACKGROUND**

Each year, TDA funds are made available to the cities in Alameda County for construction of bicycle paths, sidewalks, wheelchair ramps, and other pedestrian facilities. One of the conditions for MTC's approval of TDA funding is the submittal of a resolution by the governing body of the City authorizing the filing of an application for funds.

**DISCUSSION**

Consistent with past City practice and Council direction, staff plans to submit an application to MTC for construction of wheelchair ramps at various locations for FY 2016 (see Attachment I-a). The various ramp locations were selected in accordance with the Curb Ramp Guidelines established in the City's Americans with Disabilities Act (ADA) Transition Plan. The City is now able to begin upgrading existing accessible ramps to current standards or installing new ramps at all the intersections in specific neighborhoods due to the success of the program in prior years. The proposed wheelchair ramp installations are in the Orchard-Hayward Hills and Huntwood-Tyrrell neighborhoods as shown in Attachment II. Fifty ramps will be installed to the latest ADA standards.

Alameda County has provided a preliminary estimate of \$131,859 available in TDA Article 3 funds for the City of Hayward to construct the project. The TDA funds will be approved by the MTC

upon receipt of the City's final project application. The application materials were submitted on May 19, 2015 to the Alameda County Public Works Agency. The County Board of Supervisors approved all applications on June 23, 2015 and will submit the approved applications to MTC. Action by MTC is expected in August 2015, and the funds are anticipated to be available this fall.

**FISCAL IMPACT**

In the past, the City has supplemented TDA funds with Gas Tax funds, when needed; however, no match is required for this application. Thus, there is no impact to the City's General Fund.

**PUBLIC CONTACT**

Past installation of the ramps has been very well received by the public. The accessible ramp process stems from ongoing requests from the public to improve access to sidewalks for pedestrians with special needs.

Construction of accessible ramps will coincide with the City's sidewalk repair and rehabilitation projects to be scheduled for 2016. When a construction schedule is determined, property owners in the affected neighborhoods will be appropriately notified of the project schedule.

*Prepared by:* Fred Kelley, Transportation Manager

*Recommended by:* Morad Fakhrai, Director of Public Works – Engineering & Transportation

Approved by:



---

Fran David, City Manager

Attachments:

- Attachment I: Resolution
- Attachment I-a: TDA Article 3 Project Application Form
- Attachment I-b: City of Hayward Findings
- Attachment II: Project Location Map

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD  
SUPPORTING SUBMISSION OF CLAIM TO THE METROPOLITAN  
TRANSPORTATION COMMISSION FOR THE ALLOCATION OF FISCAL YEAR  
2016 TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3  
PEDESTRIAN/BICYCLE PROJECT FUNDING FOR INSTALLATION OF  
WHEELCHAIR RAMPS

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 875, Revised, entitled “Transportation Development Act, Article 3, Pedestrian/Bicycle Projects,” which delineates procedures and criteria for submission of requests for the allocation of TDA Article 3 funding; and

WHEREAS, MTC Resolution No. 875, Revised requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, per a recent revision to MTC’s TDA Article 3 policies, the projects described in Attachment I-a have been reviewed by the Alameda County Transportation Commission’s Bicycle and Pedestrian Advisory Committee prior to submitting the request to MTC; and

WHEREAS, the CITY OF HAYWARD desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Attachment I-a to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists.

NOW, THEREFORE, BE IT RESOLVED that the CITY OF HAYWARD declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code.

BE IT FURTHER RESOLVED, that there is no pending or threatening litigation that might adversely affect the project or projects described in Attachment I-a to this resolution, or

that might impair the ability of the CITY OF HAYWARD to carry out the project.

BE IT FURTHER RESOLVED that the CITY OF HAYWARD attests to the accuracy of and approves the statements in Attachment I-b to this resolution.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute all related documents, including the acceptance and appropriation of such funds for the intended purpose.

BE IT FURTHER RESOLVED that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of Alameda County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2015

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

**TDA Article 3 Project Application Form**

Fiscal Year of this Claim: FY 2016 Applicant: City of Hayward

Contact person: Abhishek Parikh

Mailing Address: 777 B Street

E-Mail Address: Abhishek.Parikh@hayward-ca.gov Telephone: 510-583-4791

Secondary Contact (in event primary contact not available): Mir Ali

E-Mail Address: Mir.Ali@hayward-ca.gov Telephone: 510-583-4764

**Short Title Description of Project: Installation of wheelchair ramps in the Orchard-Hayward Hills and Huntwood-Tyrrell Neighborhoods**

Amount of claim: \$131,859

**Functional Description of Project:**

Installation of Wheelchair Ramps in the Orchard-Hayward Hills and Huntwood-Tyrrell Neighborhoods in accordance with ADA requirements in order to provide greater mobility to disabled pedestrians.

**Financial Plan:**

List the project elements for which TDA funding is being requested (e.g., planning I, engineering, construction, contingency). Use the table below to show the project budget for the phase being funded or total project. Include prior and proposed future funding of the project.

**Project Elements:**

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3	1,364,499	131,859	120,000	120,000	1,736,358
list all other sources:					
1.					
2.					
3.					
4.					
<b>Totals</b>	1,364,499	131,859	120,000	120,000	1,736,358

Project Eligibility:	YES?/NO?
A. Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated).	Yes
B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	Yes*
C. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: <a href="http://www.dot.ca.gov">http://www.dot.ca.gov</a> ).	n/a
D. Has the project been reviewed by a Bicycle Advisory Committee (BAC)? (If "NO," provide an explanation). Enter date the project was reviewed by the BAC: April 10, 2014_____	Yes
E. Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction).	Yes
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) _____	Yes
G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: _____)	Yes

- B. Yes, funding for installation of wheelchair ramps is an ongoing project.
- D. No, since the project does not pertain to bicycles.

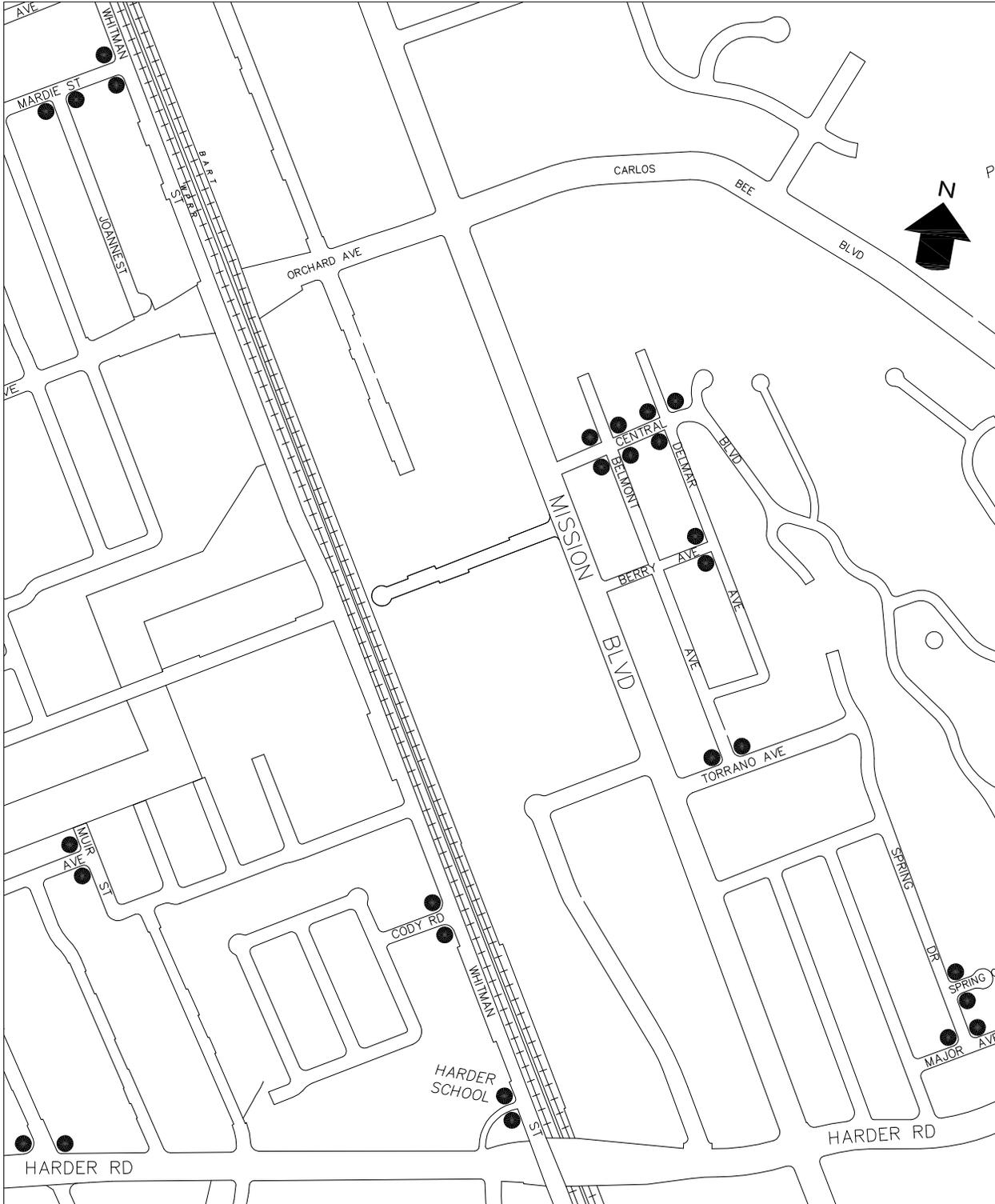
## Resolution No. 15-\_\_\_\_\_

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2016 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

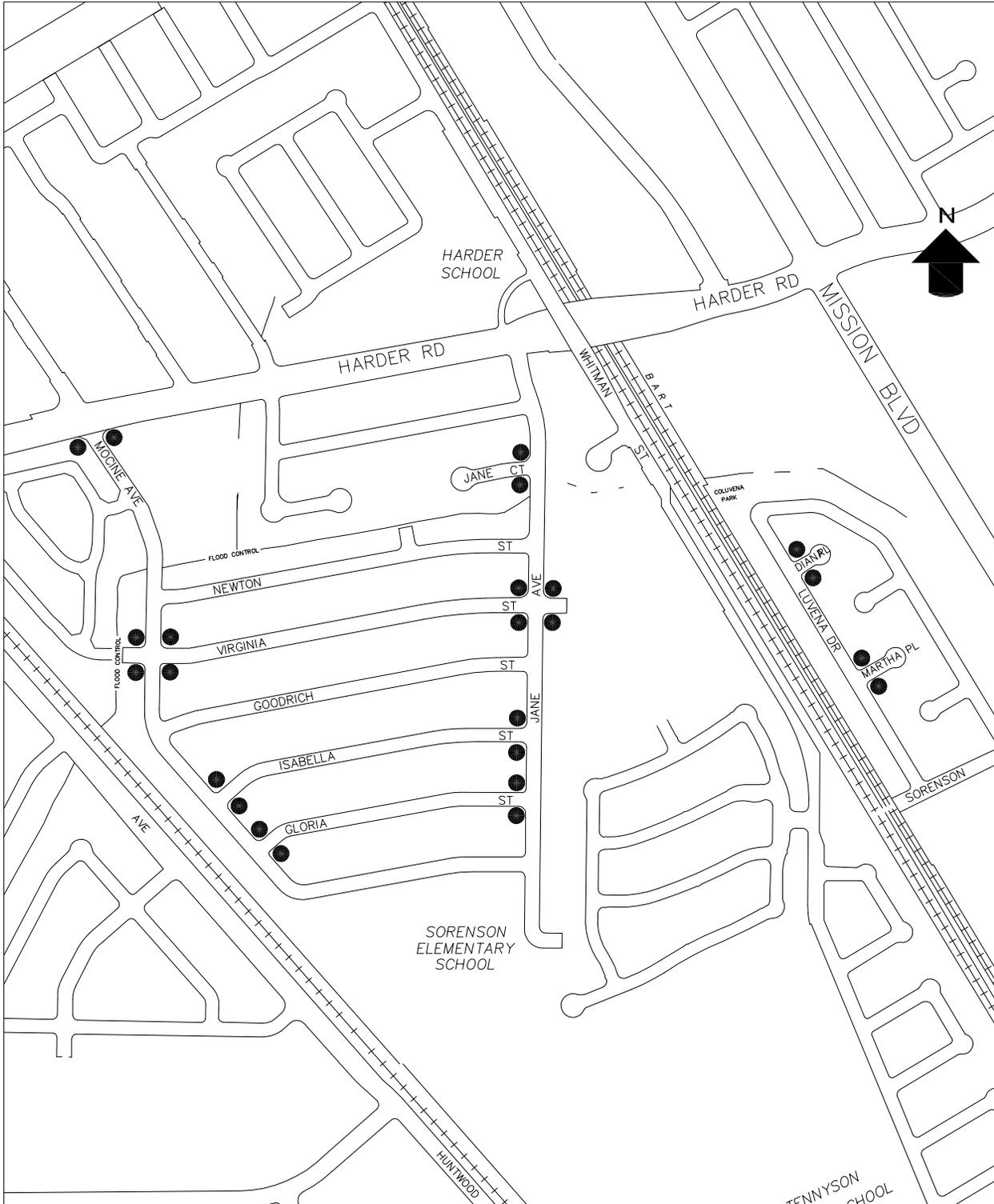
**Findings**

Page 1 of 1

1. That the City of Hayward is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the City of Hayward legally impeded from undertaking the project(s) described in “Attachment I-a” of this resolution.
2. That the City of Hayward has committed adequate staffing resources to complete the project(s) described in Attachment I-a.
3. A review of the project(s) described in Attachment I-a has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment I-a have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in Attachment I-a comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment I-a, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Attachment I-a are for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the City of Hayward within the prior five fiscal years.
8. That the project(s) described in Attachment I-a is included in a locally approved bicycle, pedestrian, transit, multimodal, complete streets, or other relevant plan.
9. That any project described in Attachment I-a that is a bikeway meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project(s) described in Attachment I-a will be completed before the funds expire.
11. That the City of Hayward agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment I-a, for the benefit of and use by the public.



**LOCATION MAP  
WHEELCHAIR RAMPS FY16  
DISTRICT 2 - PROJECT NO. TBD**



**LOCATION MAP  
WHEELCHAIR RAMPS FY16  
DISTRICT 3 - PROJECT NO. TBD**

**DATE:** July 14, 2015

**TO:** Mayor and City Council

**FROM:** Director of Finance

**SUBJECT:** Hayward Transaction & Use Tax State Board of Equalization  
Information Access Authorization

### **RECOMMENDATION**

That Council adopts a resolution designating and authorizing “officers” to examine “confidential” transactions and use tax information maintained by the State Board of Equalization (Board); and explicitly authorizing access to the City’s transactions and use tax information, specific to Measure C, by MuniServices.

### **BACKGROUND**

During the June 3, 2014 municipal election, the voters of the City of Hayward passed a ballot measure (Measure C) to increase the City’s Transaction and Use (sales) Tax by half a percent for twenty years. The half cent increase became effective on October 1, 2014. Since this date, the Board has collected, administered and maintained information for the City’s Measure C and all other sales taxes on its behalf.

### **DISCUSSION**

Along with administering, collecting and remitting payment of Measure C tax revenues to the City, the Board also maintains confidential registration information and monthly allocation data. To view or receive Measure C-related transactions and use tax revenue information the Board requires that City Council explicitly designate and authorize by resolution the specific officers to be granted access. The following positions are recommended for designation as officers for the City for this purpose:

- City Manager
- Assistant City Manager
- City Attorney
- Director of Finance
- Deputy Director of Finance
- Revenue Manager
- Budget Officer
- Economic Development Manager

Access to this data will assist City staff in managing and projecting revenues throughout the year to assist with its long-term projections and the budget process.

In addition, staff recommends that the City Council also authorizes that MuniServices LLC be provided with the same level of access. The City is engaged with MuniServices to provide audit, compliance and analytic services for the City's Sales/Use Tax (including the Transactions and Use Tax), as well as the City's Utility Users Tax, Transient Occupancy Tax, and Business License Tax programs. While MuniServices has been provided with access to the City's sales and use tax information maintained by the Board, it has not explicitly been authorized access to data specific to Hayward's Transactions and Use Tax (Measure C tax revenues). Providing authorization to receive this data will allow MuniServices to provide the same audit, compliance and analytic services the City currently receives for the overall Sales and Use Tax.

### **ECONOMIC & FISCAL IMPACT**

There is no direct fiscal impact related to the requested action. The information made available by this authorization will provide a higher level of accuracy in analyzing and estimating critical City General Fund revenues.

*Prepared by:* Dustin Claussen, Deputy Director of Finance

*Recommended by:* Tracy Vesely, Director of Finance

*Approved by:*



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Fran David, City Manager

*Attachment:*

Attachment I: Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 15- \_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION DESIGNATING OFFICERS AUTHORIZED  
TO EXAMINE AND RECEIVE TRANSACTIONS (SALES) AND USE TAX  
RECORDS OF THE STATE BOARD OF EQUALIZATION

WHEREAS, on July 8, 2014 the City Council adopted Ordinance Number ME 14-01 amending the City Municipal Code and providing for a local transactions and use tax; and

WHEREAS, the State Board of Equalization (Board) administers and collects the transactions and use taxes for all applicable municipalities within the state; and

WHEREAS, on September 16, 2014 the City Council adopted Resolution No. 14-148 which authorized the City Manager or the Assistant City Manager to execute agreements with the State Board of Equalization for the administration and operation of the City of Hayward's (City) local Transactions and Use Tax; and

WHEREAS the City deems it desirable and necessary for authorized representatives of the City and its identified sales tax consultant to examine confidential transactions and use tax records of the State Board of Equalization pertaining to transactions and use taxes collected by the Board for the District pursuant to that contract; and

WHEREAS, Section 7056 of the Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of Board of Equalization records and establishes criminal penalties for the unlawful disclosure of information contained in or derived from, the transactions and use tax records of the Board;

WHEREAS, the Board requires that the City designate and authorize officers to examine and receive sales and use tax records of the Board pertaining to sales and use taxes collected for the City by the Board pursuant to the contract between the City and the Board.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward

**Section 1.** that the

City Manager  
Assistant City Manager  
City Attorney  
Director of Finance  
Deputy Director of Finance  
Revenue Manager  
Budget Officer  
Economic Development Manager

or other officer or employee of the City as designated in writing by the City Manager to the State Board of Equalization (Board) is hereby appointed to represent the City with authority to examine transactions and use tax records of the Board pertaining to transactions and use taxes collected for the City by the Board pursuant to the contract between the City and the Board. The information obtained by examination of Board records shall be used only for purposes related to the collection of the City's transactions and use taxes by the Board pursuant to the contract.

**Section 2.** That the

City Manager  
Assistant City Manager  
City Attorney  
Director of Finance  
Deputy Director of Finance  
Revenue Manager  
Budget Officer  
Economic Development Manager

or other officer or employee of the City designated in writing by the City Manager to the Board of Equalization is hereby appointed to represent the City with authority to examine those transactions and use tax records of the Board for purposes related to the following governmental functions of the District:

- a) review of data for revenue and budget projection purposes
- b) review of data for economic development purposes

The information obtained by examination of Board records shall be used only for those governmental functions of the City listed above.

**Section 3.** That MuniServices LLC is hereby designated to examine the transactions and use tax records of the Board of Equalization pertaining to transactions and use taxes collected for the City by the Board. The person or entity designated by this section meets all of the following conditions:

- a) has an existing contract with the City to examine those transactions and use tax records;
- b) is required by that contract to disclose information contained in, or derived from those transactions and use tax records only to the officer or employee authorized under Section 1 (or Section 2) of this resolution to examine the information;
- c) is prohibited by that contract from performing consulting services for a retailer during the term of that contract;
- d) is prohibited by that contract from retaining the information contained in, or derived from those transactions and use tax records after that contract has expired.

**BE IT FURTHER RESOLVED** that the information obtained by examination of Board records shall be used only for purposes related to the collection of City’s transactions and use taxes by the Board pursuant to the contracts between the City and Board.

IN COUNCIL, HAYWARD, CALIFORNIA July 14, 2015

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_

City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_

City Attorney of the City of Hayward

**Date:** July 14, 2015

**To:** Mayor and City Council

**From:** Director of Finance

**Subject:** Adoption of Resolutions Authorizing the City Manager to Negotiate and Execute Contracts with Jones Hall for Bond Counsel, Disclosure Counsel, and Legal Services in an Amount not to Exceed \$100,000; and for Community Facilities District (CFD) Services in an Amount Not to exceed \$15,000

## **RECOMMENDATION**

That Council adopts the attached Resolutions authorizing the City Manager to negotiate and execute contracts with Jones Hall for:

1. Bond Counsel, Disclosure Counsel, and Legal Services in an amount not to exceed \$100,000; and
2. Community Facilities District (CFD) Services in an amount not to exceed \$15,000 for a total contract authority of \$115,000.

## **DISCUSSION**

Jones Hall has served as the City's bond counsel for many years. The last project engagement with Jones Hall was in 2009, when the City originally formed CFD No. 2 (Cannery Place). Jones Hall is a reputable legal firm with extensive expertise in public sector law.

The City of Hayward has engaged the services of Jones Hall for various legal services associated with the newly formed CFD No. 3 (South Hayward BART TOD area) and the annexation of properties into CFD No. 2 (Cannery Place area). These services involve extensive legal review related to Mello Roos law and the drafting of all related legal documents.

The City is now in the process of issuing debt related to the infrastructure projects funded by the Measure C district transactions and use tax. Jones Hall will serve as bond and disclosure counsel for this significant Certificates of Participation (COP) bond issuance – as well as provide legal service consultation on the project. The COP debt issuance will fund the construction of the new 21<sup>st</sup> Century Library and Learning Center, improvements to City fire stations and fund new streets improvements.

**FISCAL IMPACT**

The related contracts are funded as follows: the \$15,000 in costs associated with CFD formation will be borne by the project costs as funded by the related developer deposits. The approximately \$100,000 in costs for bond/disclosure counsel will be funded through the related debt issuance.

**PUBLIC CONTACT**

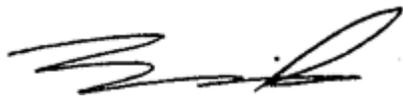
No public contact has occurred associated with this action.

**NEXT STEPS**

Upon Council approval of this resolution, the City Manager will negotiate and execute the appropriate contracts with Jones Hall.

*Prepared and Recommended by:* Tracy Vesely, Director of Finance

Approved by:



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Fran David, City Manager

Attachments I and II: Resolutions

HAYWARD CITY COUNCIL  
RESOLUTION NO. 15-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE CONTRACTS WITH JONES HALL FOR BOND COUNSEL, DISCLOSURE COUNSEL AND LEGAL SERVICES IN AN AMOUNT NOT TO EXCEED \$100,000

WHEREAS, the voters of the City of Hayward in overwhelmingly supported the passage of Measure C – a half cent Transactions and Use Tax to fund critical City infrastructure and services; and

WHEREAS, the City is developing a financing plan to fund the construction of a new 21<sup>st</sup> Century Library and Learning Center, improvements to City fire stations and fund new streets improvements; and

WHEREAS, Jones Hall provides critically needed bond and disclosure counsel related to the issuance of Certificates of Participation debt, as well as legal consultant services; and

WHEREAS, the cost for these services will be considered as part of the total cost of issuing the related debt.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute contracts with Jones Hall for Bond Counsel, Disclosure Counsel and Legal Services in an amount not to exceed \$100,000, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2015.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

HAYWARD CITY COUNCIL  
RESOLUTION NO. 15-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH JONES HALL FOR COMMUNITY FACILITIES DISTRICT (CFD) SERVICES IN AN AMOUNT NOT TO EXCEED \$15,000

WHEREAS, the City of Hayward has established the need to form Community Facilities Districts in areas of new development pursuant to Mello Roos State law; and

WHEREAS, the City has formed a new Community Facilities District (CFD No. 3 – South Hayward BART area) and annexed properties into the existing CFD No. 2 (Cannery Place area); and

WHEREAS, Jones Hall provides critically needed legal services associated with CFD formation and annexation process; and

WHEREAS, the cost for these services will be considered as part of the total cost of projects as funded through related developer deposits.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute contracts with Jones Hall for and for Community Facilities District (CFD) Services in an amount not to exceed \$15,000, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2015.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

**DATE:** July 14, 2015  
**TO:** Mayor and City Council  
**FROM:** Assistant City Manager  
**SUBJECT:** Resolution in Support of AB 266 (Bonta): Medical Marijuana Regulation

### **RECOMMENDATION**

That the City Council adopts the attached resolution signaling support of AB 266 (Bonta): Medical Marijuana Regulation

### **BACKGROUND**

In 1996, California voters approved Proposition 215 (“Compassionate Care Act”), decriminalizing the use of medical marijuana (also known as ‘cannabis’) within the State. For nineteen years, regulation of the cultivation, distribution, and procurement of medical marijuana has been largely absent, creating a “wild west” medical marijuana market resulting in the proliferation of inappropriate use of medical marijuana and a variety of other related criminal activities. Additionally, and not inconsequentially, marijuana remains a controlled substance at the federal level with inconsistent enforcement by various federal law enforcement agencies.

The California Legislature has been attempting to rein in this market through statewide regulatory channels, but has not had much success. Over the past few years, there have been five separate medical marijuana legislative proposals that would, in one way or another, regulate the market but largely undermine local control and/or strip local law enforcement of some powers. The most recent legislation to address the regulation of medical marijuana was SB 1262 (2014), which had support from the League of California Cities as well as the California Police Chiefs’ Association, largely because the law would have protected local control and enforcement ability. SB 1262 was not enacted.

### **DISCUSSION**

AB 266 (Bonta), having moved through the Assembly and now pending in the Senate, would establish a regulatory scheme for the sale and distribution of medical marijuana more comprehensive than SB 1262. (The City’s support of SB 1262 was anchored by the inclusion of local control components.)

Among other provisions, Bonta's bill (AB 266) would allow the State to issue conditional licenses for the sale of medical marijuana. However, the actual license to operate as a business will be issued by the City. In order for a business to operate in the State, that business will need to obtain both State and local licenses. Local governments would retain control over the suspension and/or revocation of these licenses. Additionally, AB 266 would provide a framework for the inventorying of medical marijuana. It would establish uniform health and safety standards regarding testing and quality control of medical marijuana products, including uniform health and safety standards for product transportation and vendors.

If signed into law, these new regulations would take effect on January 1, 2016. State revenue from the issuance of the conditional license fees for cultivation of marijuana will go toward the Special Fund for Environmental Enforcement. Local agencies like Hayward that opt to permit and license such facilities will be able to impose administrative fees, per Proposition 26, as part of the annual Master Fee Schedule. Local agencies would also be able to impose taxes on gross receipts, or similar methodology, but voter approval would be required per Proposition 218.

AB 266 passed the Assembly in June with a 62-8-10 vote. The Senate is expected to vote on a version of the bill that is expected to pass with bipartisan support. Both the League of California Cities and the California Police Chiefs' Association support this bill. Although the City Council has not been supportive of medical marijuana sales locally, given the nature of other competing proposals that severely preempted local control, the Council may choose to support AB 266 because it is the most acceptable option for consideration at this time

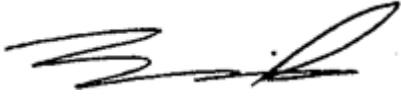
## **NEXT STEPS**

If approved by the Council, staff would draft a letter of support for the Mayor to send to the appropriate Senate legislators along with the attached resolution. Staff would draft the letter to incorporate both the City's current local position on medical marijuana as well as Council's support of this bill because it does have the necessary local control elements to allow local jurisdictions to determine and regulate their own policies.

*Prepared by:* John Stefanski, Administrative Analyst

*Recommended by:* Kelly McAdoo, Assistant City Manager  
Michael Lawson, City Attorney  
Diane Urban, Chief of Police

Approved by:



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Fran David, City Manager

Attachments:

Attachment I      Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-

Introduced by Council Member \_\_\_\_\_

RESOLUTION IN SUPPORT OF AB 266 (BONTA): MEDICAL MARIJUANA  
REGULATION

WHEREAS, in 1996 California voters approved Proposition 215, which decriminalized the use of medical marijuana; and

WHEREAS, legitimate regulation of medical marijuana has been largely absent, creating a host of public health and safety concerns in the state; and

WHEREAS, The City previously supported SB 1262, which would have regulated medical marijuana, including provisions which would have preserved local controls including prohibition; and

WHEREAS SB1262 was not enacted;

WHEREAS, AB 266 will establish a state and local dual licensing requirement for any business wanting to sell medical marijuana products; and,

WHEREAS, cities will have the control over the suspension and/or revocation of such licenses; and,

WHEREAS, AB 266 would provide uniform health and safety standards for quality control, dispensaries, and product transportation; and,

WHEREAS, the Mayor and City Council and Hayward Police Department strongly oppose any production, distribution, or sales of marijuana within the City limits; and,

WHEREAS, of the competing medical marijuana regulatory proposals, AB 266 is the best option because it protects local control; and,

WHEREAS, the League of California Cities and the California Police Chiefs Association support AB 266; and,

WHEREAS, marijuana remains a prohibited controlled substance at the federal level and a comprehensive statewide regulatory program might persuade the federal government to adopt a uniform policy,

NOW, THEREFORE, BE IT RESOLVED, the City of Hayward reluctantly supports AB 266.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2015

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

**DATE:** July 14, 2015

**TO:** Mayor and City Council

**FROM:** Director of Human Resources

**SUBJECT:** Introduction and Adoption of an Emergency Ordinance to Approve an Amendment to the City of Hayward Contract with the California Public Employees Retirement System (CalPERS) and Authorizing the City Manager to Execute the Contract

## **RECOMMENDATION**

That the City Council introduces and adopts an emergency Ordinance to approve an amendment to the City of Hayward's contract with CalPERS to add Section 20516 "Employee Sharing Cost of Additional Benefits" for new police members, and authorizing the City Manager to execute the contract amendment.

## **BACKGROUND**

On June 24, 2014, the City Council approved an amendment to the Memorandum of Understanding ("MOU") between the City of Hayward and the Hayward Police Officers' Association ("HPOA") that saves the City approximately \$10 million dollars over the contract period. Despite no contractual obligation to do so, HPOA agreed to concessions and the restructuring of salary increases and benefit changes that it was otherwise eligible for to help the City address its projected structural deficit of approximately \$19.4 million in FY 2014 and an additional \$5 million in FY 2015.

Effective July 1, 2014, the amended MOU provides for new members covered under the Public Employees Pension Reform Act (collectively, "PEPRA") to pay 15% of reportable wages or 50% of the normal cost rate as required by Government Code Section 7522.30, whichever is greater to fund their pensions. Currently, the mandated contribution is 12.75% and the cost share amount is 2.25% for a total of 15%.

To implement any changes to the retirement program, it is necessary to amend the City's existing contract with CalPERS. On October 14, 2014, the City Council approved a notice of intent to amend the contract. On January 13, 2015, the Council adopted Ordinance 15-03 to amend the PERS contract. Since that time, staff has worked with CalPERS to amend the contract so that it allows PEPRA members to participate in the cost sharing as agreed. The City was recently notified

that there was an administrative error when on January 13, 2015 the final reading of the Ordinance to amend the contract was placed on the Consent Calendar and was not approved during a Public Hearing as required. In order to rectify the administrative error, CalPERS is requiring that the City adopt the Ordinance during a Public Hearing. Given that we have lost time in this process and the need to immediately resolve this matter, the next step is the City Council's adoption of the amendment and authorization for the City Manager to execute the amendment by Emergency Ordinance. Furthermore, this action repeals Ordinance, Number 15-03 in its entirety.

## **DISCUSSION**

In accordance with Government Code Section 20516, employees may share the cost with the employer of optional retirement benefits, which in this case are in addition to the mandatory PEPPRA employee contribution of 12.75%. This Ordinance amends the contract with CalPERS such that PEPPRA members of the sworn Police are allowed to participate in the cost sharing as agreed in the MOU.

This action is proposed as an emergency ordinance because it is essential that its provisions be placed into effect without further delay to ensure proper reporting to employees' CalPERS accounts and to further realize the full savings of the concessions offered by HPOA. Pursuant to City Charter Sections 617 and 620 (d), the Emergency Ordinance takes immediate effect upon adoption by the City Council if passed by five affirmative votes. Regular ordinances typically become effective thirty days following adoption by the Council. The City Charter also requires the ordinance contain a statement of the reasons for its urgency, and in this case, such statement is set forth in Section 1 of the Emergency Ordinance (Attachment I). The urgency statement provides that the Ordinance, as an emergency measure, is necessary to preserve the public peace, health, and safety by reducing employee benefit costs and achieving cost savings starting with FY2014, assisting the City to address its structural deficit and achieve long-term fiscal stability.

## **FISCAL IMPACT**

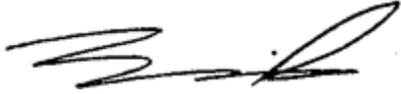
There is no additional fiscal impact other than that associated with the original action. Per the original January 13, 2015 Council action, the cost sharing agreement with HPOA is part of the Addendum to and Extension of the HPOA Memorandum of Understanding regarding Cost Savings Measures for FY 2015 through FY 2019 that went into effect July 1, 2014 and achieves a General Fund savings of approximately \$10 million over the four year contract term. In addition, the changes are structural in nature and represent significant ongoing and permanent savings.

## **SCHEDULE**

The Emergency Ordinance takes effect upon its adoption by at least five (5) affirmative votes. Within one week after its adoption, the City must comply with the publication requirements for the Emergency Ordinance as set forth in City Charter Section 617.

*Prepared and Recommended by:* Nina S. Collins, Director of Human Resources

Approved by:



---

Fran David, City Manager

Attachments:

Attachment I:           Emergency Ordinance Authorizing an Amendment to the Contract between  
                                  the City and CalPERS  
Exhibit 1: Contract between the City of Hayward and CalPERS

## ORDINANCE NO. 15-

AN EMERGENCY ORDINANCE AUTHORIZING AN  
 AMENDMENT TO THE CONTRACT BETWEEN THE CITY  
 OF HAYWARD AND THE BOARD OF ADMINISTRATION  
 OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT  
 SYSTEM

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES HEREBY  
 ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Hayward hereby determines that it is necessary as an emergency measure for preserving the public peace, health and safety that an amendment to the contract between the City of Hayward and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked "Exhibit 1," and by such reference made a part hereof as though herein set out in full. In support of said emergency measure, the City Council finds and determines that: the City of Hayward faced a structural budget gap of \$19.4 million in FY 2014, and projected an additional \$5 million in FY 2015. Further, employee salaries and benefits comprise approximately 80 percent (80%) of the General Fund operating budget. The Hayward Police Officers Association (collectively, "HPOA") bargaining unit participated in discussions with the City related to the budget deficits, and those discussions resulted in cost sharing agreements which provide for sworn police employees to pay a portion of the employer's retirement contributions. Those agreements will help to reduce employee benefit costs. By authorizing the contract amendment to be effective immediately, the City Council will expedite reporting of employee contributions and ensure the cost savings are realized.

Section 2. The City Manager of the City of Hayward is hereby authorized, empowered and directed to execute said amendment for and on behalf of said Agency.

Section 3. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional invalid or beyond the authority of the City such decision shall not affect the validity of the remainder of this ordinance which shall continue in full force and effect provided that the remainder of the ordinance absent the unexcised portion can be reasonably interpreted to give effect to the intentions of the City Council

Section 4. Repeal of Ordinance Number 15-03. Effective upon adoption of this Ordinance, the City Council repeals Ordinance Number 15-03 in its entirety.

Section 5: Effective Date. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective immediately upon adoption. Pursuant to Section 617 of the City Charter, a notice indicating the emergency ordinance's title, a subject matter index, the date of its introduction, the date, time and place it was considered for final

adoption, the vote thereon, and that copies of the full text thereof are available for examination by the public in the office of the City Clerk, shall be published in the Daily Review, a newspaper of general circulation within the City, once within one week of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by Council Member \_\_\_\_\_.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: \_\_\_\_\_  
Mayor of the City of Hayward

DATE: \_\_\_\_\_

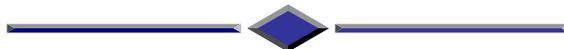
ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

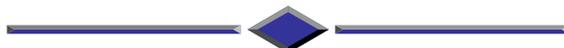


California  
Public Employees' Retirement System



## **AMENDMENT TO CONTRACT**

Between the  
Board of Administration  
California Public Employees' Retirement System  
and the  
City Council  
City of Hayward



The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective October 1, 1950, and witnessed August 7, 1950, and as amended effective effective January 16, 1952, January 1, 1956, April 1, 1959, January 1, 1960, November 1, 1962, April 1, 1965, December 1, 1969, July 1, 1973, July 16, 1973, June 1, 1978, April 23, 1979, January 12, 1981, March 9, 1981, July 11, 1986, October 10, 1988, June 21, 1991, June 19, 1992, March 8, 1996, January 1, 2001, April 1, 2001, July 1, 2001, August 26, 2002, May 23, 2008, July 4, 2011 and February 24, 2014 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 14 are hereby stricken from said contract as executed effective February 24, 2014, and hereby replaced by the following paragraphs numbered 1 through 14 inclusive:
  1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members and age 50 for local safety members.

2. Public Agency shall participate in the Public Employees' Retirement System from and after October 1, 1950 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:
  - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
  - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas
  - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
  - a. Local Fire Fighters (herein referred to as local safety members);
  - b. Local Police Officers (herein referred to as local safety members);
  - c. Employees other than local safety members (herein referred to as local miscellaneous members).

5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
  - a. **PERSONS EMPLOYED AFTER JANUARY 16, 1952 AS CROSSING GUARDS; AND**
  - b. **PERSONS EMPLOYED AFTER JANUARY 30, 1959 AS PART-TIME LIFEGUARDS AND PART-TIME LIBRARY AIDES.**
6. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment before and not on or after August 26, 2002 shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1956, the effective date of Social Security coverage, and prior to December 30, 1980, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
7. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment on or after August 26, 2002 shall be determined in accordance with Section 21354.4 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1956, the effective date of Social Security coverage, and prior to December 30, 1980, termination of Social Security, for members whose service has been included in Federal Social Security (2.5% at age 55 Full and Modified).
8. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
9. Public Agency elected and elects to be subject to the following optional provisions:
  - a. Section 21573 (Third Level of 1959 Survivor Benefits) for local safety members only.
  - b. Sections 21624 and 21626 (Post-Retirement Survivor Allowance) for local safety members only.
  - c. Section 20042 (One-Year Final Compensation).
  - d. Section 21635 (Post-Retirement Survivor Allowance to Continue After Remarriage) for local safety members only.

- e. Section 21024 (Military Service Credit as Public Service).
- f. Section 21027 (Military Service Credit for Retired Persons).
- g. Section 21551 (Continuation of Pre-Retirement Death Benefits After Remarriage of Survivor).
- h. Section 21022 (Public Service Credit for Periods of Lay-Off) for local miscellaneous members only.
- i. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local miscellaneous members only.
- j. Section 20903 (Two Years Additional Service Credit).
- k. Section 20965 (Credit for Unused Sick Leave) for local fire members only.
- l. Section 21547.7 (Alternate Death Benefit for Local Fire Members Credited with 20 or More Years of Service).
- m. Section 20516 (Employees Sharing Cost of Additional Benefits):

Section 21362.2 (3% @ 50) effective January 1, 2001 and Section 20042 (One-Year Final Compensation) effective January 12, 1981 for classic local fire members. The employee cost sharing contribution is not to exceed 15.607%. The maximum employee cost sharing contribution is the normal cost plus the increase in the accrued liability due to the benefit improvement amortized over 20 years. In no event shall the employee cost sharing contribution attributable to the unfunded liability remain in effect beyond June 30 preceding the 20th anniversary of the effective date of the additional benefits. Therefore, after June 30, 2020, in any given contribution year, the maximum employee cost sharing contribution cannot exceed 5.986%.

Section 21362.2 (3% @ 50) effective July 1, 2001 and Section 20042 (One-Year Final Compensation) effective April 23, 1979 for classic local police members. The employee cost sharing contribution is not to exceed 13.882%. The maximum employee cost sharing contribution is the normal cost plus the increase in the accrued liability due to the benefit improvement amortized over 20 years. In no event shall the employee cost sharing contribution attributable to the unfunded liability remain in effect beyond June 30 preceding the 20th anniversary of the effective date of the additional benefits. Therefore, after June 30, 2021, in any given contribution year, the maximum employee cost sharing contribution cannot exceed 5.505%.

n. Section 20516 (Employees Sharing Cost of Additional Benefits):

From and after February 24, 2014, 3.75% for new local fire members.

From and after the effective date of this amendment to contract, 2.25% for new local police members.

10. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on June 1, 1978. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
11. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
12. Public Agency shall also contribute to said Retirement System as follows:
  - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21573 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local safety members.
  - b. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members.
  - c. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
  - d. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

13. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
14. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL  
CITY OF HAYWARD

BY \_\_\_\_\_  
RENEE OSTRANDER, ACTING CHIEF  
CUSTOMER ACCOUNT SERVICES DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY \_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Witness Date

Attest:

\_\_\_\_\_  
Clerk

**DATE:** July 14, 2015

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT:** Designation of Voting Delegates and Alternates for the League of California Cities 2015 Annual Conference

### **RECOMMENDATION**

That the City Council designates a voting delegate and two alternate voting delegates as Hayward's representatives to the League of California Cities 2015 Annual Conference and adopts the attached Resolution with the designees identified; and authorizes the City Clerk to complete and submit the 2015 Annual Conference Voting Delegate/Alternate Form along with the adopted Resolution.

### **BACKGROUND**

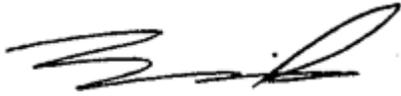
Consistent with the League of California Cities bylaws, a city's voting delegate and up to two alternates must be designated by formal Resolution of the Council.

The voting delegate and alternates must be registered to attend the conference, which is scheduled for September 30-October 2, 2015, in San Jose, CA. The voting card may be transferred freely between the delegate and the alternates. Mayor Barbara Halliday and Council Members Marvin Peixoto, and Sara Lammin, expressed interest in attending the League's Annual Conference and have registered to do so.

The League's correspondence on this matter, the Annual Conference Voting Procedures, and the Voting Delegate/Alternate Form are attached for Council's reference. The completed form is due back to the League offices no later than September 18, 2015.

*Prepared and Recommended by:* Miriam Lens, City Clerk

Approved by:



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Fran David, City Manager

Attachments:

- |               |  |
|---------------|--|
| Attachment I  | Resolution Designating a Voting Delegate and<br>Two Alternate Voting Delegates |
| Attachment II | Annual Conference Voting Procedures and Voting<br>Delegate/Alternate Form      |

HAYWARD CITY COUNCIL

RESOLUTION NO 15-\_\_\_\_\_

Introduced by\_\_\_\_\_

A RESOLUTION DESIGNATING A VOTING DELEGATE AND TWO ALTERNATE VOTING DELEGATES AS HAYWARD'S REPRESENTATIVES TO THE LEAGUE OF CALIFORNIA CITIES 2015 ANNUAL CONFERENCE

WHEREAS, the City of Hayward is a member of the League of California Cities and the League's Annual Conference is scheduled for September 30-October 2, 2015, in San Jose, CA; and

WHEREAS, during the annual conference, the League membership considers and takes action on resolutions that establish League policy; and

WHEREAS, in order to vote on behalf of the City of Hayward at the League's Annual Business Meeting, it is necessary to designate voting delegates and alternates prior to the Annual Conference in accordance with the League's By-Laws; and

WHEREAS, Mayor Barbara Halliday and Council Members Marvin Peixoto, Sara Lamnin, Al Mendall, and Elisa Márquez, expressed interest in attending the League's Annual Conference and have registered to do so.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that \_\_\_\_\_ is hereby designated as the City's voting delegate and Council Members \_\_\_\_\_ and \_\_\_\_\_ are hereby designated as the City's alternate voting delegates to the League of California Cities 2015 Annual Conference.

IN COUNCIL, HAYWARD, CALIFORNIA, \_\_\_\_\_, 2015

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:



06/12/15 11:13 CLK



1400 K Street, Suite 400 • Sacramento, California 95814  
 Phone: 916.658.8200 Fax: 916.658.8240  
[www.cacities.org](http://www.cacities.org)

<b>Council Action Advised by July 31, 2015</b>
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May 29, 2015

**TO: Mayors, City Managers and City Clerks**

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES**  
**League of California Cities Annual Conference – September 30 – October 2, San Jose**

The League's 2015 Annual Conference is scheduled for September 30 – October 2 in San Jose. An important part of the Annual Conference is the Annual Business Meeting (*at the General Assembly*), scheduled for noon on Friday, October 2, at the San Jose Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

**Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, September 18, 2015. This will allow us time to establish voting delegate/alternate records prior to the conference.**

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: [www.cacities.org](http://www.cacities.org). In order to cast a vote, at least one voter must be present at the

-over-

Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the San Jose Convention Center, will be open at the following times: Wednesday, September 30, 8:00 a.m. – 6:00 p.m.; Thursday, October 1, 7:00 a.m. – 4:00 p.m.; and Friday, October 2, 7:30–10:00 a.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city’s voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League office by Friday, September 18. If you have questions, please call Kayla Gibson at (916) 658-8247.

**Attachments:**

- 2015 Annual Conference Voting Procedures
- Voting Delegate/Alternate Form

## Annual Conference Voting Procedures 2015 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: \_\_\_\_\_

2015 ANNUAL CONFERENCE  
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, September 18, 2015. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

**Please note:** Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: \_\_\_\_\_

Title: \_\_\_\_\_

2. VOTING DELEGATE - ALTERNATE

Name: \_\_\_\_\_

Title: \_\_\_\_\_

3. VOTING DELEGATE - ALTERNATE

Name: \_\_\_\_\_

Title: \_\_\_\_\_

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

**ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).**

Name: \_\_\_\_\_ E-mail \_\_\_\_\_

Mayor or City Clerk \_\_\_\_\_ Phone: \_\_\_\_\_  
(circle one) (signature)

Date: \_\_\_\_\_

Please complete and return by Friday, September 18, 2015

League of California Cities  
ATTN: Kayla Gibson  
1400 K Street, 4<sup>th</sup> Floor  
Sacramento, CA 95814

FAX: (916) 658-8240  
E-mail: kgibson@cacities.org  
(916) 658-8247

**DATE:** July 14, 2015  
**TO:** Mayor and Council Members  
**FROM:** City Clerk  
**SUBJECT:** Election of Mayor Pro Tempore

**RECOMMENDATION**

That the City Council elects the Mayor Pro Tempore for FY 2016.

**BACKGROUND**

It is the Council's policy to elect the Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or disability. The current term is based on the fiscal year of July 1, 2015 through June 30, 2016. Below is the pertinent excerpt from the City Council Handbook. Attachment II is a list of members who have previously served as Mayor Pro Tempore. Based on the guidelines listed below, Council Member Mendall would be the next eligible Council Member to serve as Mayor Pro Tempore should Council chose to continue the traditional selection process.

Mayor Pro Tempore

*In even number years, the Council shall elect the Mayor Pro Tempore following the installation of those newly elected Council Members. The Mayor Pro Tempore shall serve at the pleasure of the Council for the term of one year, and shall be elected and removed by the affirmative votes of at least five (5) members of Council.*

*In odd years, the Council Member with the most seniority as a Council Member, who has not previously served as Mayor Pro Tempore shall be elected. In the event two Council Members begin service in the same year, the Council Member with the highest number of votes will serve as Mayor Pro Tempore. (See City Council Minutes, 4/28/92)*

*Prior to being elected as Mayor Pro Tempore, a Council Member shall have served at least two years on the Council. The term of the Mayor Pro Tempore shall be based on the fiscal year of July 1 to June 30. (Resolution 98-120 and Council Minutes, 6/26/2001)*

*The Mayor Pro Tempore shall perform the duties of the Mayor during her/his absence or disability. (Sec. 605, City Charter)*

*Prepared and Recommended by:* Miriam Lens, City Clerk

Approved by:



---

Fran David, City Manager

Attachment:

- Attachment I Resolution for Mayor Pro Tempore
- Attachment II List of Previous Mayors Pro Tempore

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE ELECTION OF MAYOR PRO  
TEMPORE OF THE CITY OF HAYWARD FOR 2015-2016

WHEREAS, the City Council conducted an election to select the Mayor Pro Tempore on July 14, 2015.

BE IT RESOLVED by the City Council of the City of Hayward that it hereby elects Council Member \_\_\_\_\_ as Mayor Pro Tempore of the City of Hayward, from July 1, 2015 through June 30, 2016.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2015

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

## MAYOR PRO TEMPORE

COUNCILMEMBER	RESOLUTION	DATE
William Ward	92-100	04/28/92
Nicholas Randall	93-084	04/20/93
Doris Rodriquez	94-069	04/19/94
Joseph Hilson	95-71	04/18/95
Ron Hulteen	96-067	04/02/96
Olden Henson	97-063	05/13/97
Matt Jimenez	98-122	06/30/98
William Ward	99-112	06/22/99
Joseph Hilson	00-043	Term 4/04/00 thru 6/30/01
Kevin Dowling	01-101, adopted 6/26/01	Term 7/1/01 thru 6/30/02
Doris Rodriquez	02-093, adopted 6/25/02	Term 7/1/02 thru 6/30/03
Olden Henson	03-117, adopted 7-15-03	Term 7/1/03 thru 6/30/04
Matt Jimenez	04-106, adopted 6-22-04	Term 7/1/04 thru 6/30/05
Matt Jimenez	05-089, adopted 6-28-05	Term 7/1/05 thru 6/30/06
Barbara Halliday	06-091, adopted 7-11-06	Term 7/1/06 thru 6/30/07
Bill Quirk	07-105, adopted 7/10/07	Term 7/1/07 thru 06/30/08
Kevin Dowling	08-109, adopted 7/8/08	Term 7/1/08 thru 06/30/09

