



CITY OF
HAYWARD
HEART OF THE BAY

**SPECIAL JOINT CITY COUNCIL
REDEVELOPMENT SUCCESSOR AGENCY
HOUSING AUTHORITY AGENDA
JUNE 23, 2015**

**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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CITY OF
HAYWARD
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CITY COUNCIL MEETING FOR JUNE 23, 2015
777 B STREET, HAYWARD, CA 94541
WWW.HAYWARD-CA.GOV

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 Legal Counsel
Pursuant to Government Code 54956.9
 - Anticipated Litigation
One Case
 5. Conference with Legal Counsel
Pursuant to Government Code 54956.9
 - Pending Litigation
City of Hayward v. Rabani, et al., Alameda County Superior Court No. HG13692337
 6. Public Employment
Pursuant to Government Code 54957
 - Performance Evaluation
City Manager
City Attorney
City Clerk
 7. Adjourn to Special Joint City Council/Redevelopment Successor Agency/Housing Authority Meeting
-

**SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT SUCCESSOR AGENCY/
HOUSING AUTHORITY MEETING
Council Chambers – 7:00 PM**

CALL TO ORDER Pledge of Allegiance Council Member Lamnin

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

PUBLIC COMMENTS

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.

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.)*

HAYWARD YOUTH COMMISSION

1. Appointments and Reappointments to the Hayward Youth Commission and Swearing-In Ceremony
[Staff Report](#)
[Attachment I Resolution](#)

CONSENT

2. Approval of Minutes of the City Council Meeting on June 2, 2015
[Draft Minutes](#)
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
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[Attachment II Revised Scope and Cost Breakdown](#)

June 23, 2015



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](#)
[Attachment I](#)
[Attachment II](#)
[Attachment III](#)
[Attachment IV](#)
[Attachment V](#)
[Attachment VI](#)

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](#)
[Attachment I](#)

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

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 (Report from Director of Development Services Rizk)

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[Attachment V Proposed Resolution Amendments to Master Fee Schedule](#)
[Attachment VI Draft PC Meeting Minutes](#)



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 (Report from Director of Utilities & Environmental Services Ameri)

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[Attachment II - Letter from the Association of Bay Area Governments dated May 11, 2015](#)

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10. Gann Appropriations Limit for FY 2016 (Report from Director of Finance Vesely)

[Staff Report](#)

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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 (Report from Director of Finance Vesely)

[Staff Report](#)

[Attachment I](#)

[Attachment I - Exhibit A](#)

[Attachment I - Exhibit B](#)

[Attachment II](#)

[Attachment II - Exhibit A](#)

[Attachment III](#)

[Attachment IV](#)

[Attachment V](#)

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 SPECIAL MEETING – 7:00 PM, Tuesday, June 30, 2015

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.*



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.

*****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, 4th 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. *****

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.

Please visit us on:



DATE: June 23, 2015

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Appointments and Reappointments to the Hayward Youth Commission

RECOMMENDATION

That the City Council adopts the attached resolution confirming the appointment of six new members to the Hayward Youth Commission, appointment of four Hayward Youth Commission alternates, and the reappointment of five continuing Hayward Youth Commissioners.

BACKGROUND

On May 28, 2015, following the annual recruitment process, representatives from the three local public agencies (City of Hayward, Hayward Area Recreation and Park District (HARD), and Hayward Unified School District (HUSD)) interviewed thirty-five applicants for the Hayward Youth Commission, recommended ten individuals to fill existing vacancies, and accepted five requests for reappointment of existing Commissioners. The agency representatives were: Council Members Francisco Zermeño and Sara Lamnin from the City; Directors Minane Jameson and Paul Hodges from HARD; and Trustee Lisa Brunner from HUSD.

As vacancies occur throughout the year, appointments will be made from the alternate list of four candidates that was established.

COMMISSIONER	STATUS	SUCCEEDS	TERM EXPIRES
New Appointments:			
Karen Andrade	New Appointment	Diego Castro	June 2017
Raveena Atwal	New Appointment	Muzamil Samimi	June 2017
Carolyn Eusebio	New Appointment	Joanna Gil	June 2016
Kiarra Evans	New Appointment	Jahlan Loché	June 2016
Elexix Mendoza-Pimentel	New Appointment	Diego Lopez	June 2016
Claudine Narayan	New Appointment	Marcus Smith	June 2016

COMMISSIONER	STATUS	TERM EXPIRES
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Reappointments:

Gerardo Barcenas	Reappointment	June 2017
Isyanelly Gonzalez	Reappointment	June 2017
Omkar Salpekar	Reappointment	June 2017
Vicky Tran	Reappointment	June 2017
Danielle West	Reappointment	June 2017

Alternate List:

Luis Diaz	Alternate	June 2016
Cristian Hernandez	Alternate	June 2016
Carla Lanuza	Alternate	June 2016
Samara Sanders	Alternate	June 2016

Prepared by: Avinta Madhukansh-Singh, Administrative Analyst I

Recommended by: Miriam Lens, City Clerk

Approved by:



Fran David, City Manager

Attachment:

Attachment I Resolution Appointing and Reappointing Members to the Hayward Youth Commission

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-

Introduced by Council Member _____

RESOLUTION APPOINTING AND REAPPOINTING
MEMBERS TO THE HAYWARD YOUTH COMMISSION

BE IT RESOLVED that the City Council of the City of Hayward confirms the following new appointments of the below-named persons as members of the Hayward Youth Commission, for the terms as designated:

COMMISSIONER	STATUS	SUCCEEDS	TERM EXPIRES
New Appointments:			
Karen Andrade	New Appointment	Diego Castro	June 2017
Raveena Atwal	New Appointment	Muzamil Samimi	June 2017
Carolyn Eusebio	New Appointment	Joanna Gil	June 2016
Kiarra Evans	New Appointment	Jahlan Loché	June 2016
Elexis Mendoza-Pimentel	New Appointment	Diego Lopez	June 2016
Claudine Narayan	New Appointment	Marcus Smith	June 2016

BE IT FURTHER RESOLVED, that the City Council of the City of Hayward hereby confirms the following reappointments of the below-named persons as members of the Hayward Youth Commission, for the terms as designated, and the list of alternatives:

COMMISSIONER	STATUS	TERM EXPIRES
Reappointments:		
Gerardo Barcenas	Reappointment	June 2017
Isyanelly Gonzalez	Reappointment	June 2017

Omkar Salpekar	Reappointment	June 2017
Vicky Tran	Reappointment	June 2017
Danielle West	Reappointment	June 2017

ALTERNATES:

COMMISSIONER	STATUS	TERM EXPIRES
Luis Diaz	Alternate	June 2016
Cristian Hernandez	Alternate	June 2016
Carla Lanuza	Alternate	June 2016
Samara Sanders	Alternate	June 2016

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



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, June 2, 2015, 7:00 p.m.**

The City Council meeting was called to order by Mayor Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Council Member Jones.

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Mendall, Jones, Peixoto, Lamnin,
Márquez
MAYOR Halliday
Absent: None

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Peixoto noted that Mr. Rich LaPlante had submitted a resignation letter from the Keep Hayward Clean and Green Task Force. There was Council consensus to express the City's appreciation for his commitment and dedication.

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced that the Council met in closed session regarding a conference with labor negotiators pursuant to Government Code 54957.6 regarding all groups; and noted there was no reportable action.

PRESENTATIONS

Mayor Halliday read a proclamation declaring June 2015 as Elder Abuse Awareness Month and June 15, 2015, as World Elder Abuse Awareness Day in the City of Hayward. Deputy District Attorney, Brigitte Lowe, accepted the proclamation on behalf of the District Attorney's Office and Director of the Division of Adult Protection of Alameda County, accepted the proclamation on behalf of Adult Protection of Alameda County.

Mayor Halliday read a Certificate of Commendation presented to Moreau Catholic High School Mock Trial Team and commended the Team for the accomplishments, outstanding spirit of dedication, enthusiasm and hard work. Student Aditi Kumar accepted the Certificate of Commendation on behalf of Moreau Catholic High School.

PUBLIC COMMENTS

Mr. Jim Drake, Hayward resident, spoke about the need for more Police officers to patrol all neighborhoods.

Mr. Kim Huggett, President of the Hayward Chamber of Commerce, announced the Downtown Hayward Street Parties on June 18, July 16 and August 20, 2015; and spoke about the 42nd Annual Hayward Chamber of Commerce Golf Tournament at Skywest Golf Course held on June 1, 2015.

CONSENT

Consent Item No. 4 was removed for separate vote because Council Member Lamnin had to recuse herself from voting on the item.

1. Approval of Minutes of the Special Joint City Council/Redevelopment Successor Agency Meeting on May 19, 2015

It was moved by Council/RSA Member Márquez, seconded by Council/RSA Member Lamnin, and carried unanimously, to approve the minutes of the Special Joint City Council/Redevelopment Successor Agency Meeting on May 19, 2015.

2. Adoption of Ordinance of the City of Hayward Levying Special Tax Within Community Facilities District No. 3 – South Hayward BART TOD Project

Staff report submitted by City Clerk Lens, dated June 2, 2015, was filed.

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

Ordinance 15-14, “Ordinance of the City of Hayward Levying Special Tax within Community Facilities District”

3. Industrial Boulevard Pavement Rehabilitation Project – Approval of Plans and Specifications, and Call for Bids

Staff report submitted by Assistant City Engineer Owusu, dated June 2, 2015, was filed.

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

Resolution 15-088, “Resolution Approving Plans and Specifications for the Industrial Boulevard Pavement Rehabilitation Project, Project No. 05265, and Call for Bids”

4. Hayward Promise Neighborhood Street Improvement Project – Approval of Plans and Specifications and Call for Bids

Staff report submitted by Assistant City Engineer Owusu, dated June 2, 2015, was filed.



**MINUTES OF THE CITY COUNCIL MEETING
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Tuesday, June 2, 2015, 7:00 p.m.**

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

Resolution 15-092, “Resolution Approving Plans and Specifications for the Community Development Block Grant for the Hayward Promise Neighborhood Street Improvement Project, Project No. B0001, and Call for Bids”

5. Resolution Designating Funding Match for Federal Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grant if Awarded

Staff report submitted by Administrative Analyst Stefanski, dated June 2, 2015, was filed.

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

Resolution 15-089, “Resolution Authorizing and Directing the City Manager to Commit Local Area Transportation Improvement Program (LATIP) Funding as the Local Funding Match for the Federal Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grant if Awarded”

6. 22470 Foothill Boulevard - Agreement Regarding Parking Covenant between the City and Dunn-Edwards Corporation for a Portion of Municipal Lot #6

Staff report submitted by Economic Development Manager Hinkle, dated June 2, 2015, was filed.

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

Resolution 15-090, “Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Dunn-Edwards Corporation Regarding Parking Covenants Relating to the City’s Municipal Parking Lot #6”

7. Terms and Conditions for Fire Department Mutual Aid Reimbursement

Staff report submitted by Administrative Analyst II Strojny, dated June 2, 2015, was filed.

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

Resolution 15-091, “Resolution Identifying the Terms and Conditions for the Fire Department Response Away from their Official Duty Station and Assignment to an Emergency Incident”

WORK SESSION

8. Proposed FY 2016 Operating Budget

Staff report submitted by Director of Finance Vesely, dated June 2, 2015, was filed.

Finance Director Vesely provided an overview of the FY 2016 General Fund Ten-Year Plan, which was included in the May 30, 2015 Council packet, but was not covered during the meeting.

Discussion ensued among Council Members and City staff regarding the proposed FY 2016 General Fund Ten-Year Plan related to: worker’s compensation liability contribution; transfer to Other Post-Employment Benefits (OPEB) Liability Trust Fund; General Fund reserves and impacts to bond rating and loans; PERS expenditures; projections for overtime and current vacancies; medical benefits; Maintenance and Utilities expense; healthcare costs; surplus (shortfall); the Cadillac Tax and its effect to the city; Real Property Transfer Tax; and projections for bargaining units.

Assistant City Manager McAdoo provided an overview of the updated Council Priorities and factors which were updated after Council input on May 26, 2015, and were distributed at the meeting.

Discussion ensued among Council Members and City staff related to the factors for the Council Priorities.

Council Members offered the following suggestions for the Green Priority: combine “Reduction of Green House Gas Emissions (GHG) Emissions” with “Community with Small Carbon Footprint”; move “Valued and Protected Open Space” from the Thriving Priority into the Green Priority; add “Diverse Economic Base”; and capture the proactive action to reduce gas emissions such as use of advanced and innovative technologies.

The following was suggested for Strong and Healthy Organization: consider replacing “Good Succession Planning” with “Effective Succession Planning.”

Council Members offered the following suggestions for the Thriving Priority: include “Youth” in the “Healthy, Educated, Literate & Employed Residents”; reword “Strong Business District and Industrial Sectors” with “Growing Economy Retail and Industrial Sectors”; consider including strong, healthy, and connected neighborhoods; consider including the ability to attract, retain and expand the local business community.



**MINUTES OF THE CITY COUNCIL MEETING
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Tuesday, June 2, 2015, 7:00 p.m.**

Council Members offered the following suggestions for the Safe Priority: consider utilizing technology as the means of improving public safety; remove the factor “Responsive Public Health and Welfare Services” and add “Public Health” to “Quality Fire & Medical Services.”

The following was suggested for the Clean Priority: include “Attractive” or “Visually Appealing” to either “Well-Maintained Streets & Buildings” or “Inviting Public Spaces.”

9. Recommended FY 2016-FY 2025 Capital Improvement Program

Staff report submitted by Administrative Analyst II Neklason, dated June 2, 2015, was filed.

Public Works-Engineering and Transportation Director Fakhrai provided a synopsis of the report.

Discussion ensued among Council Members and City staff related the FY 2016-FY 2025 Capital Improvement Program. Council Members commended staff for their valuable efforts with the various projects.

Council Members suggested consideration for the following: focus on parking lots near the proposed library in anticipation of potential demand for parking; entertain a mechanism to convey to all the public investment that the community is making; consider maximizing the expenditure of easement protection and landscape clearing at various locations; note that the project (07221) for interior painting for City facilities might be an opportunity for local hire; have consistency with funding allocations as documents for the new library are finalized; make more apparent to the public that the City is working in the best interest for the community; consider having murals in South Hayward and areas lacking public art; aggressively seek funding for undergrounding of utilities; and consider plans for improving roads in the Old Highlands neighborhood.

10. Recommended FY2016 and FY2017 Water and Sewer Service Rates and Connection Fees

Staff report submitted by Director of Utilities and Environmental Services Ameri, dated June 2, 2015, was filed.

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

Discussion ensued among Council Members and City staff regarding the FY2016 and FY2017 water and sewer service rates and connection fees.

The Council was generally in support of staff’s recommendations. Council Members offered the following suggestions: fund master plan improvements with minimum cost debt; consider a plan for water supply alternatives; inform renters, prior to the public hearing, about water rates so they have

an opportunity to speak with landlords and understand the rate changes; continue to educate the community and utilize social media to inform the public about Bay-Friendly landscaping and the various available services to reduce water use.

Mayor Halliday noted that residents had until July 21, 2015, to provide input about the proposed water and sewer rate changes. It was also noted that the City's website had a page, Drought Watch, dedicated to inform the public about the drought and available programs.

LEGISLATIVE BUSINESS

11. Establish a Poet Laureate Program and Appoint Bruce Roberts as Poet Laureate for the City of Hayward

Staff report submitted by Executive Assistant Kamai, dated June 2, 2015, was filed.

City Manager David and Mayor Halliday provided a brief synopsis of the staff report.

In response to Council Member Peixoto's inquiry related to the term of appointment, Mayor Halliday indicated there was a revised resolution that clarified the term of the appointment to be from June 2, 2015 through June 2, 2016.

There being no public comments Mayor Halliday opened and closed the public hearing at 10:15 p.m.

Mayor Halliday offered a motion per staff's recommendation. Council Members Peixoto and Zermeño seconded the motion.

Mayor Halliday noted that Council Member Mendall had left the meeting because his back was bothering him.

Mayor Halliday added the Council would designate Mr. Bruce Roberts as the First Poet Laureate for the City of Hayward at the next Council meeting,

It was moved by Mayor Halliday, seconded by Council Members Peixoto and Zermeño, and carried unanimously with Council Member Mendall absent, to adopt the following:

Resolution 15-093, "Resolution to Establish a Poet Laureate Program and Appoint Bruce Roberts as Poet Laureate for the City of Hayward"

CITY MANAGER'S COMMENTS

City Manager David announced the Community Engagement Open House on June 8, 2015 at City Hall Rotunda.



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
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Tuesday, June 2, 2015, 7:00 p.m.**

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño announced the Passeio do Vinho Downtown Hayward 2015 on July 18, 2015.

Mayor Halliday commended library staff for organizing the reception of the Homework Support Center on May 28, 2015.

Council Member Márquez congratulated graduating students and encouraged all to consider hosting events such as graduations at Hayward City Hall.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 10:22 p.m., in memory of Lee McKeown, a resident of Hayward and a local artist who specialized in intricately-carved ceramic pieces and stained glass sculptures, and whose artwork was exhibited at City Hall, Sun Gallery, and the Adobe Arts Center in Castro Valley. Mayor Halliday asked staff to work with Ms. McKeown's family to find a suitable place to plant a tree in her memory.

APPROVED:

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward

DATE: June 23, 2015
TO: Mayor and City Council
FROM: City Clerk
SUBJECT: 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

RECOMMENDATION

That the City Council adopts the Ordinance introduced on June 16, 2015.

BACKGROUND

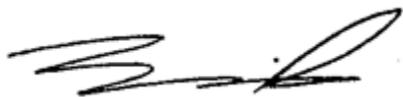
The Ordinance was introduced by Council Member Lamnin at the June 16, 2015, meeting of the City Council with the following vote:

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

The summary of the Ordinance was published in the Hayward Daily Review on Saturday, June 20, 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 6/20/15

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

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

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. 15-101 approving the text changes requested in Zoning Text Amendment Application No. 201502107.

Section 2. As reflected in attached Exhibit A, amend Hayward Municipal Code Chapter 10, Zoning Ordinance, to add a new Section 10-1.2950 et seq, Zoning Conformance Permit, to establish a new ministerial planning application and process for activities that are allowed as a matter of right, subject to fixed standards and objective measurements set forth in applicable sections of the municipal code.

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 immediately upon adoption.

Introduced at the special joint meeting of the Hayward City Council/Redevelopment Successor Agency/Housing Authority held June 16, 2015, the above-entitled Ordinance was introduced by Council Member Lamnin.

This Ordinance will be considered for adoption at a regular meeting of the Hayward City Council, to be held on June 23, 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: June 20, 2015
Miriam Lens, City Clerk
City of Hayward

DATE: June 23, 2015

TO: Mayor and City Council

FROM: Director of Development Services

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

RECOMMENDATION

That the City Council adopts the attached resolution (Attachment I), approving the Final Map for Tract No. 7620 – La Vista Development, and finding that it is in substantial conformance with the approved Vesting Tentative Tract Map No. 7620 and the conditions of approval thereof; and authorizing the City Manager to take other administrative actions and execute a Subdivision Agreement and such other documents as are appropriate to effectuate the required improvements for the development.

BACKGROUND

Tentative and final subdivision maps are required for all subdivisions creating five or more parcels. A tentative tract map is required to ensure that any proposed subdivision of land complies with the State Subdivision Map Act; the California Environmental Quality Act; the City Subdivision, Zoning, and Building regulations; the Hayward General Plan and Neighborhood Plans; and the requirements of the Public Works, Fire, and Police Departments. After the tentative map is approved, the developer submits the final map and improvement plans for review and approval by the City Engineer (and subsequent recordation of the final map) before proceeding with construction of improvements. The developer is required to file tentative and final maps so that the proposed 179 single-family dwelling unit lots can be sold individually, and the approximately 30 acres for a future public park can be created.

On July 19, 2005, relying on the Mitigated Negative Declaration prepared for the development applications, Council approved General Plan Amendment, Zone Change, Development Agreement, and Vesting Tentative Tract Map applications to change General Plan designations for portions of the site from Limited Open Space to Limited Medium Density Residential (8.7 to 12.0 dwelling units per net acre) and to Open Space – Parks and Recreation and amend the pre-zoning

designations for portions of the site from Agriculture (AB10A) to Planned Development (PD) and to Open Space/Parks and Recreation (OS), and to amend the Mission-Garin Area Special Design District (SD-5) provisions to accommodate 179 new single-family homes. The developer anticipates commencing grading associated with construction by June 2015 and completing construction sometime in 2020.

On September 6, 2014, the DeSilva Group submitted revised Precise Plan documents, preliminary Improvement Plans and the Final Map to the City for review and approval. Staff anticipates approving the Precise Plan in the near future as final details of architecture for the homes are resolved.

Project History - The La Vista project Vesting Tentative Map (VTM), Development Agreement (DA), General Plan Amendments (GPA), and rezoning were approved on July 19, 2005 and were to become effective upon annexation of the property from Alameda County into the City of Hayward. The Local Agency Formation Commission, or LAFCO, approved the annexation at their meeting of May 11, 2006 with a resolution dated May 22, 2006. The Development Agreement will expire on May 22, 2016. The current DA allows for a five year extension; however, no request has yet been received to extend the project DA.

Subsequent to the approval of the La Vista project, the 126-unit Garin Vista project, located on a 50.4 acre site in the same general area, but to the south of the La Vista project, was approved by the City of Hayward in February 2006.

After the Garin Vista project was approved, it was determined that the grading on the Garin Vista project would generate more material than what was originally anticipated. Through the grading permit approval process on both the La Vista and Garin Vista sites, it was determined that the La Vista park site could be raised in certain areas as much as 20 feet to accommodate the additional material generated by the Garin Vista project and still be in substantial conformance with the approved Vesting Tentative Tract Map.

After annexation to the City of Hayward was complete, the grading permits for both the La Vista and the Garin Vista projects were issued in July of 2006. Grading on both projects commenced in July 2006 and the grading work was scheduled to take place over a two year period. After the initial grading stage was complete in 2006, the site was winterized and no further grading was performed again until the spring of 2007.

After grading commenced in May 2007, a large landslide occurred on the Garin Vista project. A geotechnical investigation was prepared on the landslide and peer reviewed by the City of Hayward. It was determined that the landslide could be repaired but it would require some modifications to the grades as well as the layout of the Garin Vista project. The repair of the landslide area started in the fall of 2007. Modifications to the Garin Vista project were approved by the City in a letter to Garin Vista LLC dated April 22, 2008. The result of this modification included the necessity to haul material from the Garin Vista project to the La Vista project in order to facilitate the necessary repairs to the landslide.

It was anticipated that approximately 600,000 cubic yards (cubic yards) of material would be excavated from the landslide repair area on the Garin Vista site and hauled to the La Vista site to allow for the repair of the landslide. This material would then be replaced on the Garin Vista site once the remedial grading for the landslide had been completed. Additionally, it was determined that the modified Garin Vista project would generate another approximately 200,000 cubic yards of material that needed to be removed from the site. This material was to remain on the La Vista site in the park area.

In the fall of 2007, approximately 225,000 cubic yards of material was moved from the Garin Vista site to the La Vista site before the grading had to cease for the winter. Both sites were winterized and no further grading took place on either site until the spring of 2008.

Further work on the landslide repair commenced in the spring of 2008. As the work progressed, it became apparent that the landslide was larger than what was expected. The work continued under full time supervision of a geotechnical engineer, the city inspection team, and the City-hired peer reviewing geologist and geotechnical engineer. As the repair progressed, it became necessary to haul over 1,000,000 cubic yards of material to the La Vista project in order to prepare the site for the landslide repair. Some of that material was taken back to the Garin Vista project, but approximately 870,000 cubic yards of excess material still remains on the La Vista site. The landslide repairs were stopped in the fall of 2008 and no further grading work has been done on either site since that time.

At this time, the project geotechnical engineer is recommending that no material be placed back on the Garin Vista site, which is supported by the City's consultant geotechnical engineer. The 870,000 cubic yards of material on the La Vista site would prevent the site grading for the La Vista project from being completed, including creation of the eastern extension of Tennyson Road from Mission Boulevard. La Vista has identified an approved project in Fremont that needs approximately 500,000 cubic yards of material. A grading permit amendment was issued by the City for such off-haul, and off-haul activity has been occurring for the last several months. The approximately 370,000 cubic yards of material that will remain will be redistributed on site and approximately 250,000 cubic yards will be used to raise the elevation of the park, providing enhanced views from the park.

Project Water System Improvements – Project Water System Improvements – On May 26, 2015, Council approved Resolution No. 15.086, revising Conditions of Approval No. 58 and No. 120 related to project water system improvements. The revisions stipulate that the City will build the required new 0.75 million gallon water reservoir/tank and related pump station upgrades at the Garin Hills water system site associated with the La Vista development in order to provide the City with control over the design and construction of this critical infrastructure and to ensure that the improvements are constructed in a timely manner. City costs will be reimbursed through a fixed per-parcel fee of \$20,534 to be collected from the Developer prior to issuance of a building permit for each of the first 150 dwelling units. The agreement between the City and the Developer which governs this arrangement has been filed with the Alameda County Recorder's Office.

DISCUSSION

Final Map – The project is located on multiple parcels totaling 162-acre in the hills of eastern Hayward at the end of Tennyson Road, which was annexed to the City of Hayward effective May 22, 2006. The project site is located within the former La Vista quarry site, which is comprised of five different parcels that are primarily vacant. This subdivision includes 179 single-family lots and related public streets, a new 30-acre community park with detentions basins, and associated open space and trails. New homes would be located east of the Hayward earthquake fault trace and west of the reclaimed quarry slope that extends several hundred feet up to the boundary of Garin Regional Park. Project conditions of approval require formation of a geological hazard abatement district, or GHAD, which would provide for regular maintenance and inspections, repairs if necessary, and funds to pay for such activities related to the large reclaimed quarry slope. Formation of the GHAD will require future action by Council, anticipated for later this calendar year.

The subdivision improvement plans and Final Map were reviewed by the City Engineer and were found to be in substantial compliance with the vesting tentative map, and in conformance with the Subdivision Map Act and Hayward regulations. There have not been significant changes to the final map, compared to the vesting tentative tract map Council approved in July of 2005.

The City Council's approval of the Final Map shall not become effective until and unless the developer enters into a Subdivision Agreement and posts bonds with the City for the construction of improvements and other obligations required per conditions of approval of the vesting tentative tract map.

Environmental Review –The development of Tract 7620 was previously reviewed under a Mitigated Negative Declaration adopted for the development by the Hayward City Council via Resolution 05-098 on July 19, 2005. No additional environmental review is required for approval of the project Final Map.

ECONOMIC AND FISCAL IMPACTS

The final map approval is consistent with the approved project and the final map, by itself, will not have additional fiscal or economic impacts. The development will improve commerce, provide housing in the form of large detached, two-story homes, and employs construction workers. Proposed homes will range in size from 2,405 square feet to 3,324 square feet based upon current Precise Plan information.

PUBLIC CONTACT

A public hearing is not required for the filing of Final Map Tract 7620. Public hearings were already conducted for the Vesting Tentative Tract Map 7620 and related applications.

NEXT STEPS

Assuming the City Council approves the Final Map and adopts the attached resolution, the applicant will have the final map recorded and execute a Subdivision Agreement with the City, and will

commence the construction of improvements shown on the approved Improvement Plans, including the eastward extension of Tennyson Road and grading for the public park. The applicant anticipates the following tentative project schedule:

2015

- Start project infrastructure improvements in June 2015
- Complete all on-site grading by the end of 2015
- Complete Alquire Parkway extension & Bodega St. improvements by end of 2015

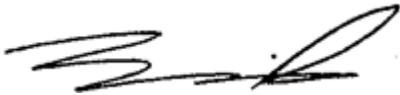
2016

- Model construction to start January 2016
- Complete the infrastructure for units south of Tennyson Road by March 2016
- Production units start in March 2016;
- Models open March 2016
- First occupancies in June 2016
- Complete all remaining infrastructure by the end of July 2016
- Complete Tennyson Road extension by the end of July 2016

Prepared by: Damon Golubics, Senior Planner

Recommended by: David Rizk, AICP, Development Services Director
Morad Fakhrai, Director of Public Works - Engineering and Transportation

Approved by:



Fran David, City Manager

Attachments:

- | | |
|----------------|---|
| Attachment I | Resolution Approving Final Map and Authorizing Execution of a Subdivision Agreement |
| Attachment II | Vicinity Map |
| Attachment III | Site Plan Tract 7620 |

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-

Introduced by Council Member _____

RESOLUTION APPROVING FINAL MAP FOR TRACT 7620 FOR
THE LA VISTA DEVELOPMENT AND AUTHORIZING THE CITY
MANAGER TO EXECUTE A SUBDIVISION AGREEMENT

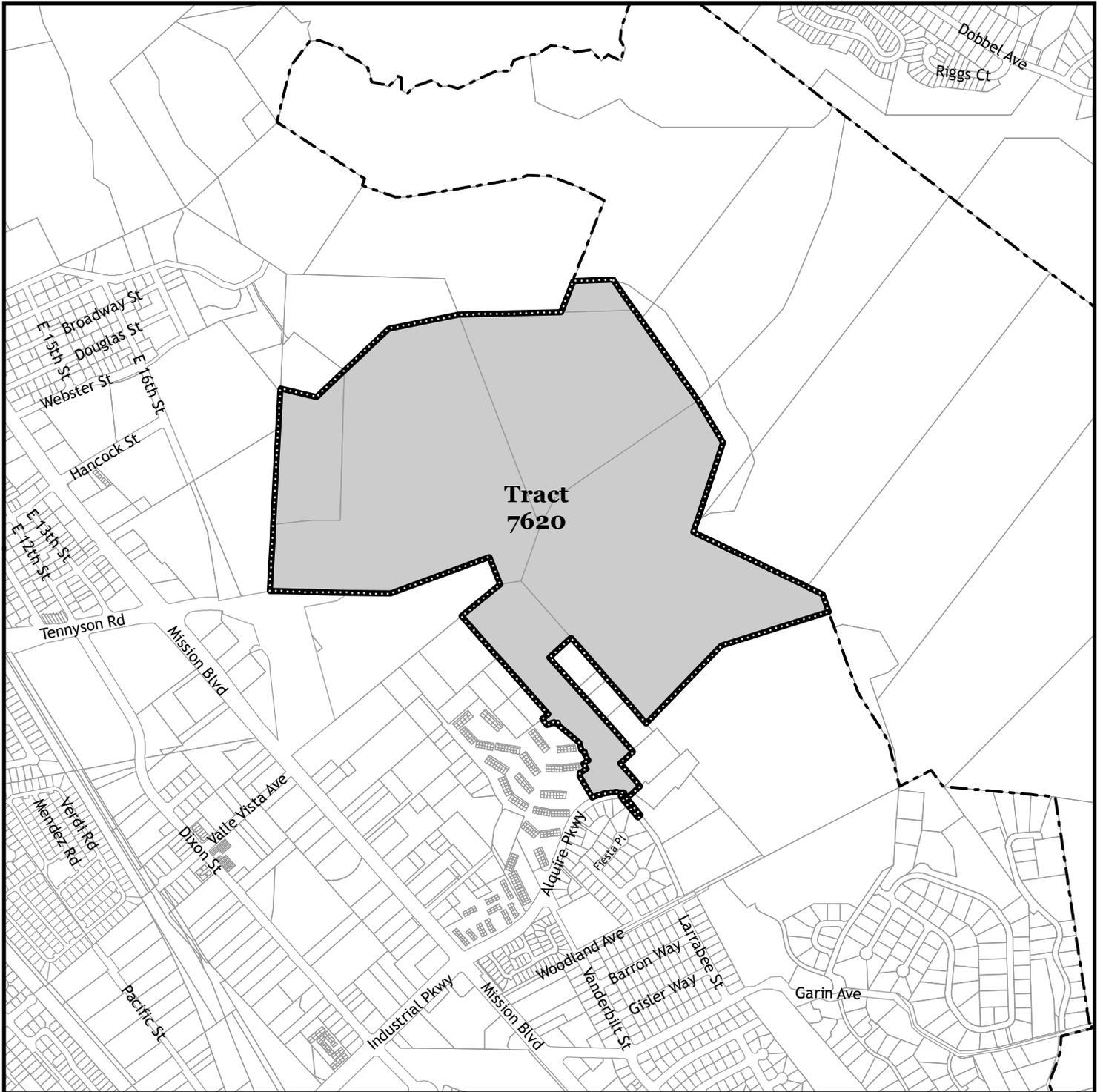
WHEREAS, Vesting Tentative Tract Map No. 7620, La Vista Development, was approved by the City Council on July 19, 2005, and the Final Map for Tract 7620 has been presented to the City Council of the City of Hayward for development of 179 single family dwelling units, located on five parcels totaling 162 acres located at 28816 Mission Boulevard in eastern Hayward, where annexation to the City of Hayward became effective May 26, 2006; and

WHEREAS, on May 26, 2015, the City Council approved revisions to Condition No. 58 that will allow the City to manage all aspects of the design and construction of the new Garin water storage reservoir and pump station upgrades that will provide service to the La Vista development, and approved the addition of Condition No. 120(h) that adds a per dwelling unit fee to reimburse the City for the construction of the new reservoir at Garin Hill and pump station upgrades at the Garin Hill Pump Station; and,

WHEREAS, the Director of Public Works reviewed the Final Map and found it to be in substantial compliance with the approved vesting tentative tract map, the Subdivision Map Act and the City of Hayward regulations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward does hereby find that the Final Map for Tract 7620 is in substantial compliance with the approved vesting tentative tract map and does hereby approve the Final Map, subject to the subdivider entering into an agreement for the construction of improvements and other obligations as required by the conditions of approval of the vesting tentative map for Tract 7620, and that the approval of the Final Map for Tract 7620 shall not be effective until and unless such agreement is entered into.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized for and on behalf of the City of Hayward to negotiate and execute a subdivision agreement in a form approved by the City Attorney.



Final Map 7620

Address:
28816 Mission Blvd

Applicant:
The DeSilva Group

Owner:
La Vista LP





Site Plan - Tract 7620

Address:
28816 Mission Boulevard

Applicant:
The DeSilva Group

Owner:
La Vista LP



DATE: June 23, 2015

TO: Mayor and City Council

FROM: Assistant City Manager

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

RECOMMENDATION

That the Council adopts the attached Resolution (Attachment I) authorizing the City Manager to negotiate and execute an Agreement for an amount not to exceed \$129,540 with Granicus. Inc.

BACKGROUND

The City has been using Laserfiche Agenda Manager for the creation of Council Agendas since 2009. Over the last six years, the system has become outdated and cumbersome to use.

In February, staff released a Request for Proposals (RFP) for Automated Agenda Management Systems. In total, the City received eight responses. The City Clerk, Assistant City Manager, former Director of Information Technology, and one of the IT Managers all reviewed and ranked the proposals. The top three ranked companies were invited to City Hall for an on-site demonstration to the City Clerk, Assistant City Manager, Director of Information Technology, and various City staff members. Following the completion of the comprehensive review process, staff ranked the top three candidates and unanimously selected Granicus as a finalist. Staff invited Granicus to return for a second demonstration for the City Manager and several other staff members. Following this, the City officially notified Granicus of their successful proposal.

DISCUSSION

The selection of Granicus is a direct result of their solutions functionality and easy to use interface. These solutions will simplify, streamline and provide significantly enhanced functionality in the agenda creation process. The software also provides a robust meeting management function with much easier interfaces for City users and the public.

Granicus is the largest provider of automated legislative and meeting management services in the country. Granicus services over 1,100 governmental entities including 239 in California, including Stockton, Mountain View, Walnut Creek, Riverside, Rialto, and Long Beach. Granicus Legistar, the

legislative management suite solution, has over thirty years of experience in governmental agenda/legislative management.

Granicus will provide several of their solutions under this contract, all of which relate to the creation, distribution, operation, production, and broadcast of every Council, Committee, and Board meeting for the City.

Legislative Management Suite (Legistar) - This solution provides complete automated agenda creation that includes the drafting, approving, and publishing of all agenda documents. Staff will primarily interact with this software. This piece will replace a majority of the components with our current Agenda Manager software.

Meeting Efficiency Suite - This solution includes iLegislate, which will allow Council Members to view and annotate meeting documents, watch archived meeting videos, and vote on agenda items—all from their iPads or other mobile computing platform. Additionally this suite will capture and publish meeting minutes. An overview of the iLegislate App can be found in Attachment II at the end of this report.

Government Transparency Suite - This solution will allow for the live streaming of all meetings as well as index and archive those videos. Additionally, this suite connects video streams with agendas and other supporting documents. This suite, in particular, will save significant amounts of staff time in the video production and broadcasting activities related to Council and Board meetings.

Given the current status of the council chambers technology upgrade, staff will move forward with the implementation of the Legislative Management Suite and Meeting Efficiency Suites first. Staff may also opt to include additional stationary voting devices or computers for Council Members at the dais as backup precaution. That decision will be made during the chambers technology upgrade implementation.

FISCAL IMPACT

The initial contract will remain in effect for three years. The Capital Improvement Program (CIP) budget has set aside \$100,000 for this project in fiscal year 2016. The total cost for the first year is \$61,140 (\$26,940 in upfront costs + \$34,200 in annual software costs). After the first year, the annual software cost is \$34,200. The CIP will be able to fully fund the first two years of this service, after which the annual costs will be included in the Information Technology Internal Service Fund operating budget and added to internal service charges to city departments. Staff will be re-evaluating current agreements with other entities that use the City's Council Chambers to identify additional funding streams for this service.

By bundling the three suites together, the annual software costs were discounted. A breakdown of the costs of this service can be found in Attachment II. While the City originally spent roughly \$20,000 to create the Agenda Manager portion of the Laserfiche electronic document management system, the City no longer pays an annual maintenance fee for Agenda Manager. However, the vendor has stopped updating the software and provides extremely limited technical support.

NEXT STEPS

The Council Technology Application Committee reviewed this item at their June 17, 2015 meeting and supported the purchase of this software solution.

If Council authorizes the City Manager to execute this contract, staff will execute the necessary documents. The system will be implemented during the upgrade of the City Council Chambers broadcast technology system. The intent is to go-live with the new systems on September 15, 2015, which is the first Council meeting after the recess. Staff will provide new system training for the Mayor, Councilmembers, and City Staff, prior to the September 15 meeting.

Prepared by: John Stefanski, Administrative Analyst

Recommended by: Kelly McAdoo, Assistant City Manager

Approved by:



Fran David, City Manager

Attachments:

Attachment I	Resolution
Attachment II	Granicus Revised Solution Scope and Cost

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH GRANICUS, INC IN AN AMOUNT NOT TO EXCEED \$129,540, FORAUTOMATED LEGISLATIVE AND MEETING MANAGEMENT SERVICES

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 an agreement with Granicus, Inc. in an amount not to exceed \$129,540, for the purchase and installation of automated legislative and meeting management solutions.

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



City of Hayward, CA Proposal with Votecast

PRESENTED BY: Lindsay Gabster, Granicus

PRESENTED TO: Hayward

DELIVERED ON: June 17, 2015

Pricing Breakdown for your Solution

Hardware			
Name	Qty	Unit (Upfront)	Total (Upfront)
Granicus SDI Encoding Appliance Hardware - Government Transparency Suite	1 Unit(s)	\$3,500.00	\$3,500.00
VoteCast Display CPU - Meeting Efficiency Suite	1 Unit(s)	\$980.00	\$980.00
Shipping - Large Item	1	\$125.00	\$125.00
Shipping - Medium Item	1	\$60.00	\$60.00
Total Hardware Upfront:			\$4,665.00

Software as a Service					
Name	Qty	Unit (Monthly)	Discounted Unit Price	% Discount	Total (Monthly)
Open Platform	1 Suite	\$0.00			\$0.00
Government Transparency Suite	1 Suite	\$750.00			\$750.00
Meeting Efficiency Suite	1 Suite	\$700.00			\$700.00
Legislative Management Suite	1 Suite	\$980.00	\$900.00	8.16%	\$900.00
VoteCast Standard Package (Tablet) - Meeting Efficiency Suite	1 Package	\$400.00			\$400.00
Granicus Encoding Appliance Software - Government Transparency Suite	1 Package	\$100.00			\$100.00
Total Software Monthly Cost:					\$2,850.00

Training			
Name	Qty	Unit (Upfront)	Total (Upfront)
Legislative Management Suite - Administrator Training Package	1 Day(s)	\$1,700.00	\$1,700.00
Training and Workflow Analysis - Meeting Efficiency Suite	1 Template(s)	\$1,700.00	\$1,700.00
Legislative Management - Approvers and Drafters Training Services	4 Hour(s)	\$212.50	\$850.00
Total Training Upfront:			\$9,350.00

Training			
Name	Qty	Unit (Upfront)	Total (Upfront)
Onsite Training Day - Legislative Management Suite	3 Day(s)	\$1,700.00	\$5,100.00
Total Training Upfront:			\$9,350.00

Professional Services					
Name	Qty	Unit (Upfront)	Discounted Unit Prices	% Discount	Total (Upfront)
Server Configuration - Meeting Efficiency Suite	1 Service(s)	\$1,650.00	\$1,200.00	27.27%	\$1,200.00
Templates Configuration - - Meeting Efficiency Suite	1 Template(s)	\$1,500.00	\$1,000.00	33.33%	\$1,000.00
Legislative Management - ATS Package Project Management	12 Hour(s)	\$212.50	\$150.00	29.41%	\$1,800.00
Legislative Management - Needs Analysis and Workflow Configuration Services	1 Day(s)	\$1,900.00			\$1,900.00
Deployment Services - Legislative Management Suite	4 Day(s)	\$1,700.00	\$1,000.00	41.18%	\$4,500.00
VoteCast Display Installation - Meeting Efficiency Suite	1 Service(s)	\$1,650.00			\$1,650.00
Encoding Appliance Hardware Configuration - Government Transparency Suite	1 Service(s)	\$875.00			\$875.00
Total Services Upfront:					\$12,925.00

Total Upfront Cost:	\$26,940.00
Total Monthly Cost:	\$2,850.00

Granicus® Open Platform

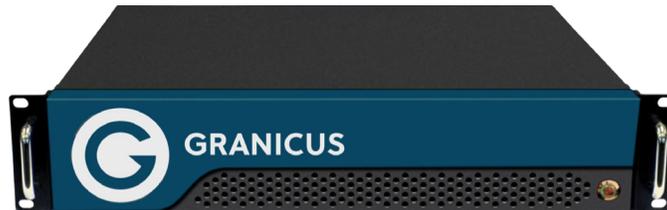
The Granicus® Open Platform is the cloud-based foundation for all Granicus applications. It allows government organizations to manage and store an unlimited amount government public meeting data. It is the core of our content management, administration and distribution tools and includes free access to our APIs and SDKs, helping you seamlessly connect your Granicus solution to systems in place. The Granicus Platform includes the ability to upload and publish content including videos and documents. [Click here \(http://www.granicus.com/Solutions/Granicus-Open-Platform.aspx\)](http://www.granicus.com/Solutions/Granicus-Open-Platform.aspx) for more information on the Granicus Open Platform.

- Unlimited content storage and distribution
- Open architecture and SDK
- Archived video editing and indexing
- Citizen web portal
- Live and on-demand streaming to mobile devices
- Create a paperless agenda environment with iLegislate® for the iPad

Granicus Encoding Appliance

The Granicus Encoding Appliance is designed and built for our platform and streaming protocols to provide government organizations with superior live and on-demand webcasting performance. The hardware is pre-configured and delivered ready to stream. Simply connect power, network and an audio/video source. Full appliance control is available through a web browser or locally installed client application.

- Provides live and on-demand streaming – online and via mobile devices
- Remote systems monitoring and Granicus maintenance updates
- Up to 2TB of local storage (approximately 2,000 hours of archive content)
- Facilitates internal streaming across your local area network (LAN) – up to 50 concurrent viewers
- Supports extraction and display of embedded closed captions to help maintain ADA compliancy
- Faster archive upload times, less video buffering
- H.264 video codec encoding
- HTML5 and Flash compatible streaming delivery

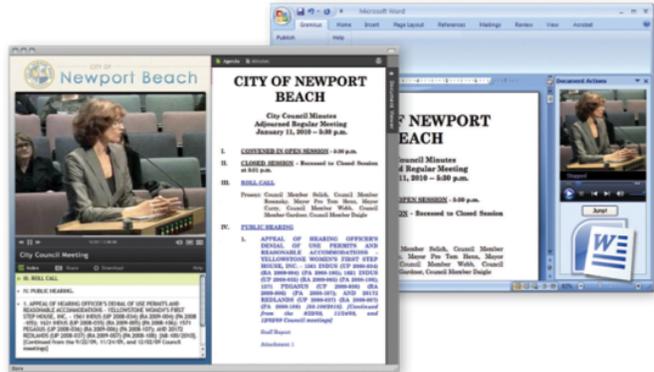


Granicus' hosted infrastructure supports the encoding appliance and offers unlimited bandwidth, storage and the highest security standards through a cloud-based platform. Our remote, proactive system monitoring guarantees faster response time, predicts problems before they arise, and helps reduce the cost of IT support and maintenance. The Granicus team works around-the-clock to ensure your applications are protected and operating smoothly. This ensures long-lasting success with our technologies while maximizing your solution's performance.

Meeting Efficiency Suite

The Meeting Efficiency Suite is a live meeting workflow solution that combines minutes with a meeting's recording. Capture and publish minutes, saving staff time and cutting administrative costs. Record roll-call, agenda items, speakers, motions, votes, and notes through a simple interface. After the meeting, finalize minutes quickly and easily in Microsoft Word™. Integrate VoteCast with iLegislate® to enable real-time meeting voting on the iPad. With VoteLog, allow the public to track legislation, ordinances, and even voting member records through your website. This Suite also allows you to seamlessly integrate with agenda solutions already in place. Click here for more information on the Meeting Efficiency Suite.

- Meeting preparation tools
- Live minutes automation
- Quick notes and text expansion
- Minutes editing and publishing
- Generate linked minutes
- Real-time meeting voting on the iPad



VoteCast for iLegislate (add-on)

Traditional methods of recording votes can be cumbersome for legislative staff, oftentimes slowing the pace of public meetings. As part of the Granicus Meeting Efficiency toolset, iLegislate® + VoteCast™ on iPad or Android device modernizes the voting process by eliminating the tedium of hand counting, paper voting, and the use of outdated standalone systems.

- Easy one-touch voting
- Real-time meeting synchronizing
- Paperless exploration of voting item details, text, and history
- Maintain perfect voting accuracy
- Track meeting progress as it occurs
- Request to speak functionality & management
- Review detailed snapshot of item status, speaker queue, motion, mover, seconder
- Instantly send vote tabulations to digital meeting minutes & public displays



Legislative Management Suite

The Legislative Management Suite offers a complete and automated agenda workflow solution. Create agenda items and assign them to the appropriate agenda, making agenda creation seamless. Item approvals are done automatically – approvers are notified when it's their turn to review. Seamlessly connect agenda data to an iPad or Android tablet device to review agendas and support documents, take notes and more through the iLegislate application. Capture all meeting actions after the meeting into the public record. Plus, you can organize and store electronic documents of any file format in one repository. All documents are automatically tagged and indexed, making search and retrieval easy. This Suite also allows you to track legislation from inception through approvals and actions taken. [Click here for more information on the Legislative Management Suite.](#)

- Agenda item drafting
- Electronic approval process
- Agenda packet generation and publication
- Organize, store and retrieve documents
- Continuous legislative workflow
- Track and search legislative data



iLegislate®

Granicus' paperless agenda application, iLegislate®, enables governments to review meeting agendas, supporting documents, and archived videos over iPad® or Android tablet. iLegislate is a free app that can be downloaded from iTunes or the Google Play Store, and works with any Granicus suite. Suite integrations increase data access and add functionality such as digital one-touch meeting voting.

[Click here \(http://www.granicus.com/Solutions/Government-Transparency-Suite/iLegislate.aspx\)](http://www.granicus.com/Solutions/Government-Transparency-Suite/iLegislate.aspx) for more information on iLegislate.

- Convenient access to meeting agendas and supporting documents
- Reduce paper consumption and move to a paperless environment
- Explore agendas and attachments offline and on-the-go
- Easily take notes and email agenda items
- View indexed, archived meeting videos
- Public opinion placed at elected officials' fingertips (with Citizen Participation integration)
- Real-time meeting voting (with Meeting Efficiency integration)



Professional Services

In order to ensure a successful implementation and user experience, Granicus provides professional services with each solution. Below is a list of the requisite professional services for your solution.

{{= if opportunity_products.include?("ProductCode", "SAS1000")}}

Open Platform	
Deployment	The Media Manager site will be enabled and all initial configuration done, readying it for use.
Design Services	All standard templates will be adjusted to meet look, feel, and functionality needs.
Self-Paced eLearning	Access to an online training course library, providing a self-paced learning environment with unlimited uses will be provided.

{{= end}} {{= if opportunity_products.include?("ProductCode", "SVC1024") or opportunity_products.include?("ProductCode", "SVC1023") or opportunity_products.include?("ProductCode", "SVC1022") or opportunity_products.include?("ProductCode", "SVC1021") or opportunity_products.include?("ProductCode", "SVC1025") or opportunity_products.include?("ProductCode", "SVC1026") or opportunity_products.include?("ProductCode", "SVC1034") or opportunity_products.include?("ProductCode", "SVC1087") or opportunity_products.include?("ProductCode", "HDW0087") or opportunity_products.include?("ProductCode", "HDW0081")}}

Government Transparency Suite	
Agenda Template	A template for agenda data presentation will be adjusted to utilize best practices and automated workflow for your solution.
Player Template	A template for the video player will be adjusted to optimize meeting presentation and information.
View Page Template	A template for the view page will be adjusted to integrate the look and feel of your existing website.
Agenda Parser Configuration	The agenda parser will be set up to import necessary data elements from agendas for system use.
Live Manager Installation	The Live Manager will be remotely enabled and all initial configuration done, readying it for use.
Encoding Appliance Installation	The Encoding Appliance will be shipped and remotely configured.
Web Training Series	Primary users will be provided live web-based training by a Granicus certified trainer. There are three training sessions: basic pre-meeting & meeting, basic post-meeting, and a go-live refresher immediately prior to launch.

{{= end}} {{= if opportunity_products.include?("ProductCode", "SVC1030") or opportunity_products.include?("ProductCode", "SVC1031") or opportunity_products.include?("ProductCode", "SVC1027")}}

Meeting Efficiency Suite	
Minutes Template	A template that defines the minutes' appearance and functionality will be adjusted to utilize best practices and automated workflows for your solution.
Minutes Workflow Configuration	The suite and the training approach will be adjusted based on information disclosed in a needs analysis teleconference.
Web Training	Primary users will be provided live web-based training by a Granicus certified trainer. There are six training sessions: basic pre-meeting & meeting, basic post-meeting, Meeting Efficiency pre-meeting & meeting, Meeting Efficiency post-meeting, and two refreshers around the Meeting Efficiency Suite go-live launch.

{{= end}} {{= if opportunity_products.include?("ProductCode", "SAS1013") or opportunity_products.include?("ProductCode", "SAS1014") or opportunity_products.include?("ProductCode", "SAS1015") }}

VoteCast	
Installation	The preconfigured VoteCast Station, VoteCast Display, and Public Display will be remotely installed.
Workflow Configuration	VoteCast system settings will be adjusted based on workflow analysis calls.
Meeting Server Configuration	The backend settings will be configured based on network and infrastructure review to meet optimal systems needs.
Onsite Training	Two days of in-person training for clerks and staff, hands-on training for primary voting members is provided. Onsite go-live support is provided if the training coincides with the go-live date.

{{= end}}

{{= if opportunity_products.include?("ProductCode", "SAS1004")}}

Citizen Participation Suite	
Remote Deployment	The system will be remotely enabled and adjusted as needed.
Web Training	Primary administrative users will be provided a live two hour web-based training session by a Granicus certified trainer. Additional online support resources are provided.
Use Consultancy Services	Prior to the public site launch, consultancy services will be provided to advise best practices and recommendations on use and implementation to maximize system efficacy.

{{= end}} {{= if opportunity_products.include?("ProductCode", "SVC1040") or
 opportunity_products.include?("ProductCode", "SVC1042") or opportunity_products.include?("ProductCode", "SVC1041")
 or opportunity_products.include?("ProductCode", "SAS4101")}}

Legislative Management Suite	
Project Management & Deployment	A collaborative series of workflow analysis calls and guided administrative data entry will be used to ready the system for use.
Onsite Training	In-person system training for up to 12 users will be provided onsite for 3 or 3.5 days, depending on installed components. For more than 12 users, we recommend the LMS Trainers course to create your own in-house trainer.

{{= end}}{{= if opportunity_products.include?("ProductCode", "SAS1010")}}

{{= end}}

Performance Accelerator	
Installation Services	The Performance Accelerator hardware will be shipped and remotely configured.

{{= end}}

Granicus Differentiators

- World's most experienced provider of government transparency, citizen participation, meeting efficiency, and legislative management solutions with:
 - Over 1,000 clients in all 50 states, at every level of government
 - Over 31 million government webcasts viewed
 - More than 265,350 government meetings online
- First fully integrated legislative workflow management system for local government
- Open API architecture and SDK allow for seamless integrations with systems already in place
- Certified integrations provide flexibility and choice of agenda workflow solutions
- Exclusive provider of the iLegislate iPad application that allows users to review agendas and supporting materials, bookmark and take notes on items, stream archived videos, and review community feedback
- Only government webcasting service to provide encoding, minutes annotation, transcription, and closed captioning services
- Truly unlimited storage and distribution for all meeting bodies and non-meeting content
- Indefinite retention schedules for all archived meeting and non-meeting content
- Only provider of both government webcasting and citizen engagement services
- 24/7/365 customer service and support
- 97% customer satisfaction rating, 98.5% client retention rating
- One of the 100 companies that matter most in online video by Streaming Media magazine
- Ranked 185 on Deloitte 500 fastest growing companies
- Ranked 419 on Inc 500 fastest growing companies
- Client Success stories are available here: <http://www.granicus.com/customers/case-studies/>

Proposal Terms and Conditions

- Sales tax may apply depending on your organization's tax status and the tax laws unique to your state, county and/or municipality

DATE: June 23, 2015

TO: City Council

FROM: Mayor

SUBJECT: 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

RECOMMENDATION

That the City Council adopts the attached Resolutions authorizing extensions to employment agreements between the City of Hayward and the City Manager, City Attorney, and City Clerk, (Council Appointed Officers) and authorizing the Mayor to execute those agreements on behalf of the Council.

BACKGROUND/DISCUSSION

The current employment agreements with the Council Appointed Officers will expire on June 30, 2015, unless renewed on or before that date. The performance of the individual Officers was recently reviewed. Based on these performance reviews, the Council has expressed a desire to extend the current terms of employment for all three Officers through June 30, 2016.

In entering into this extension, the City Manager, City Attorney and City Clerk all recognize the continued fiscal challenges the City is facing. To that end, they have all committed to continue sharing the costs of their benefits in the same manner that they have since FY 2013. Moreover, there has not been a salary adjustment for the Council Appointed Officers since FY 2007.

These contracts may be amended at any time by mutual agreement of the Council and the Council Appointed Officers. It is the intent of the Council to work with the Council Appointed Officers in reviewing any applicable market studies, compensation changes for unrepresented executive employees, or other relevant information in considering future contract amendments related to compensation and benefits.

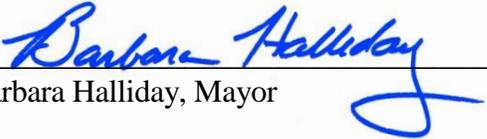
FISCAL IMPACT

The estimated General Fund savings of approximately \$76,554 achieved when the Council

Appointed Officers renegotiated their contracts in FY 2013 were structural and ongoing. These savings continue in FY 2016.

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

Approved by:


Barbara Halliday, Mayor

Attachments:

- Attachment I:** Resolution Approving the Extension and Modification of the City Manager’s Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council

- Attachment II:** Resolution Approving the Extension and Modification of the City Attorney’s Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council

- Attachment III:** Resolution Approving the Extension and Modification of the City Clerk’s Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council

- Attachment IV:** City Manager’s Employment Agreement

- Attachment V:** City Attorney’s Employment Agreement

- Attachment VI:** City Clerk’s Employment Agreement

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-

Introduced by Council Member _____

RESOLUTION APPROVING THE EXTENSION OF THE CITY MANAGER’S EMPLOYMENT AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNCIL

WHEREAS, the City of Hayward and the City Manager E. Frances David entered into an employment agreement on June 30 2014; and

WHEREAS, the employment agreement will expire on June 30, 2015 unless renewed by the parties on or before June 30, 2015; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby approves the extension of the City Manager’s employment agreement on file in the office of the City Clerk, and authorizes the Mayor to execute the agreement on behalf of the City Council.

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

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-

Introduced by Council Member _____

RESOLUTION APPROVING THE EXTENSION OF THE CITY ATTORNEY'S EMPLOYMENT AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNCIL

WHEREAS, the City of Hayward and the City Attorney Michael Lawson entered into an employment agreement on June 30, 2014; and

WHEREAS, the employment agreement will expire on June 30, 2015 unless renewed by the parties on or before June 30, 2015; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby approves the extension of the City Attorney's employment agreement on file in the office of the City Clerk, and authorizes the Mayor to execute the agreement on behalf of the City Council.

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

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-

Introduced by Council Member _____

RESOLUTION APPROVING THE EXTENSION OF THE CITY CLERK'S EMPLOYMENT AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNCIL

WHEREAS, the City of Hayward and the City Clerk Miriam Lens entered into an employment agreement on June 30, 2014; and

WHEREAS, the employment agreement will expire on June 30, 2015 unless renewed by the parties on or before June 30, 2015; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby approves the extension of the City Clerk's employment agreement on file in the office of the City Clerk, and authorizes the Mayor to execute the agreement on behalf of the City Council.

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

Hayward City Manager Employment Agreement: July 1, 2015 through June 30, 2016

Introduction

This Agreement, entered into for convenience purposes this 23rd day of June 2015, by and between the City of Hayward, a chartered California City and municipal corporation (hereinafter called "Employer"), and E. Frances David, (hereinafter called "Employee"), an individual, who has the education training and experience in local government management. The effective date of this Agreement is July 1, 2015.

Section 1 Term

Employee's current agreement with Employer shall remain in effect until June 30, 2015. The term of this Agreement is July 1, 2015, through June 30, 2016. Thereafter, this Agreement shall be renewed on or before its anniversary date for terms of one (1) year until terminated by either party or modified by mutual agreement as hereinafter provided. The anniversary date is every June 30.

Section 2 Duties and Authority

Employer agrees to employ Employee as City Manager to perform the functions and duties specified in Article VII sections 700 et seq. of the Hayward City Charter and such other lawful and appropriate duties and functions as directed by the City Council. Employee shall be a member in good standing of the International City/County Management Association (ICMA) and shall adhere to ICMA principles and tenets. Employee shall maintain current her ICMA Credentialed Manager standing for the term of employment. The Employer agrees to pay Employee's ICMA dues.

Section 3 Compensation

The Employer agrees to pay Employee an annual base salary of \$222,642.86. This salary is the same as Employee's base salary during Fiscal Year 2015. During the term of this Agreement, Employer agrees to pay Employee on the same schedule as other City of Hayward employees, which is currently bi-weekly.

Section 4 Health Disability Life Insurance and Other Benefits

Upon commencing employment, Employer agrees to provide and to pay the premiums for health, hospitalization, surgical, vision, dental, and comprehensive medical insurance for Employee and her dependents equal to that which is provided to the Executive members of the Unrepresented Management Employees of Employer.

Similarly, Employer agrees to obtain and to make required premium payments for short term and long term disability insurance coverage for Employee while this Agreement is in effect.

Employer shall also pay for term life insurance for Employee in an amount equal to Employee's gross annual salary (including all salary increases during the life of this Agreement) or Employer's maximum allowable amount of term life insurance coverage under Employer's contract with its insurer, if said amount is less than Employee's gross annual salary. Employee shall have the right to choose the beneficiary on such policies.

In addition to the benefits set forth herein, all actions taken by the City Council relating to benefits for the Executive members of the Unrepresented Management Employees shall be considered actions granting the same level of benefits to Employee, unless mutually agreed otherwise between Employer and Employee.

Employer provides employees with access to a deferred compensation plan. Employer will not provide an employer contribution to the deferred compensation plan.

Section 5 Vacation and Sick Leave

Upon commencing employment, Employee was credited with the existing sick and vacation leave hours of accrued leave as reflected in the existing City of Hayward account for Employee from her previous positions as Assistant City Manager and Acting City Manager. Employee shall continue to accrue sick and vacation leave on an annual basis at the rate specified in Employee's current agreement or at the rate afforded the Executive members of the Unrepresented Management Employees, whichever is higher, unless and until this Agreement is amended.

Employee shall be entitled to eighty (80) hours of administrative leave annually as provided in the Salary and Benefits Resolution for the Executive members of the Unrepresented Management Employees. Employee shall be entitled to take a total of thirty-five (35) work days combined leave (i.e., vacation and administrative leave) annually, and shall take no more than fifteen (15) work days of said leave at any one time, exclusive of holidays recognized by Employer, to which Employee shall also be entitled. Upon approval of the Council, leave may be extended beyond the fifteen (15) work day limit established above.

In the event of termination, either voluntarily or involuntarily, Employee shall be compensated for accrued sick and vacation time as of the date of termination as provided in the Salary and Benefits Resolution for the Executive members of the Unrepresented Management Employees.

Section 6 Automobile and Monthly Expense Allowance

Employee shall not be entitled to any additional compensation for the work-related use of her personal automobile related to the duties of City Manager; nor shall she be entitled to any cellular phone allowance. Employer agrees to provide Employee mileage reimbursement at the same level as provided for the Executive members of the Unrepresented Management Employees.

Section 7 Retirement

Employee shall be required to pay the Employee portion of the PERS contribution by paying eight percent (8%).

Section 8 Employee Savings Commitment

Effective the pay period including July 1, 2012, Employee shall contribute equivalent to the same percentage of employee cost savings as the Executive members of the Unrepresented Management Employees, unless and until this Agreement is amended. Furthermore, any employee cost savings achieved through increased employee contributions towards PERS retirement contributions or medical plan premiums shall be credited towards the overall percentage cost savings established for the Unrepresented Management Employees.

Section 9 Termination

Termination of this Agreement may occur under any of the following circumstances:

- A. If a majority of the governing body votes to terminate Employee at a duly authorized public meeting;
- B. If Employer, citizens, or Legislature acts to amend any provisions of the Charter, Ordinances, or appropriate enabling legislation pertaining to the role, powers, duties, authority, and responsibilities of Employee's position, and such amendment substantially changes the form of government, Employee shall have the right to declare that such amendment constitutes termination;
- C. If Employee resigns following an offer by Employer to accept resignation, whether such offer is formal or informal, then Employee may declare a termination as of the date of Employee's acceptance of such formal or informal offer;
- D. If either party fails to cure a breach of contract as declared by either Employer or Employee within a 30-day period after the declaration of such breach of contract, provided written notice of such breach of contract is provided in accordance with provisions of Section 17;
- E. If Employee is convicted of a felony or misdemeanor involving moral turpitude, or if it is established that Employee's performance constitutes malfeasance or gross dereliction of duty;
- F. If Employee fails or refuses to follow a direct, lawful order by Employer; and
- G. If Employee violates one or more tenets or ethical principles of ICMA.

Section 10 Severance

- A. Except as expressly provided herein, severance shall be paid to Employee when employment is terminated in Section 9. If Employee is terminated, Employer shall provide a minimum severance payment equal to ninety (90) days salary and benefits at the then-current rate of pay. This severance shall be paid in a lump sum unless otherwise agreed to by Employer and Employee. Severance does not include life insurance. Employee shall also be compensated for all accrued sick leave, vacation time, all paid holidays and executive leave as provided in the Salary and Benefit Resolution for the Executive employees of the Unrepresented Management Employees.
- B. If Employee is terminated under any of the circumstances set forth in items E, F, or G of the preceding Section 9, Employer is not obligated to pay severance.

Section 11 Resignation

In the event that Employee voluntarily resigns her position with Employer, Employee shall provide a minimum of ninety (90) days' notice unless the parties agree otherwise.

Section 12 Performance Evaluation

Employer will review the performance of the Employee in December 2015, and at least annually in each succeeding year thereafter. Performance reviews will include at least the identification of mutually agreed upon goals to be achieved by Employee in the ensuing year, as well as a review of compensation for the coming year.

Section 13 Hours of Work

It is recognized that Employee must devote a great deal of time outside the normal office hours on business for Employer, and to that end Employee shall be allowed to establish an appropriate work schedule.

Section 14 Outside Activities

The employment provided for by this Agreement shall be Employee's sole employment, unless otherwise agreed to by Employer prior to Employee engaging in any such other employment.

Section 15 Indemnification

Beyond that required under Federal, State or Local Law, Employer shall defend, save harmless and indemnify Employee against any tort, professional liability claim, or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as City Manager or resulting from the exercise of judgment or discretion in connection with the performance of program duties or responsibilities unless the act or omission involved willful or wanton conduct. Employer shall indemnify Employee against any and all losses, damages, judgments, interest, settlements, fines, court

costs, and other reasonable other costs and expenses of legal proceedings including attorneys' fees, and any liabilities incurred by, imposed upon, or suffered by such Employee in connection with or resulting from any claim, action, suit, or proceeding, actual, or threatened, arising out of or in connection with the performance of her duties. Any settlement of any claim must be made with prior approval of Employer in order for indemnification, as provided in this Section, to be available.

Section 16 Bonding

Employer shall bear the full cost of any fidelity or other bonds required of Employee under any law or ordinance.

Section 17 Other Terms and Conditions of Employment

Employer may set such other terms and conditions of employment, as it may determine from time to time, relating to the performance of Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the Hayward City Charter, or any other law.

Section 18 Notices

Notice pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service postage prepaid addressed as follows:

(1) EMPLOYER: Mayor of the City of Hayward
Hayward City Hall
777 B Street
Hayward California 94541

(2) EMPLOYEE: E. Frances David
Address on File

Alternatively, notice required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 18 General Provisions; Integration; Severability

This Agreement sets forth and establishes the entire understanding between Employer and Employee relating to the employment of the Employee by the Employer. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties by mutual written agreement may amend any provision of this Agreement during the life of the Agreement. Such amendments shall be incorporated into and made a part of this Agreement.

The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement or judicial modification of the invalid provision.

Dated June 23, 2015

Executed by:

Barbara Halliday
Mayor, City of Hayward

E. Frances David
Employee (City Manager)

ATTEST:

City Clerk of the City of Hayward

APPROVED AS TO FORM

City Attorney of the City of Hayward

City Attorney Employment Agreement: July 1, 2015 through June 30, 2016

Introduction

This Agreement, entered into for convenience purposes this 23rd day of June 2015, by and between the City of Hayward, a chartered California City and municipal corporation (hereinafter called "Employer"), and Michael Lawson, (hereinafter called "Employee"), an individual, who is licensed to practice law in the State of California, a member in good standing of the California Bar Association and possesses the extensive knowledge and training required to perform the duties of City Attorney. The effective date of this Agreement is July 1, 2015.

Section 1 Term

Employee's current agreement with Employer shall remain in effect until June 30, 2015. The term of this Agreement is July 1, 2015, through June 30, 2016. Thereafter, this Agreement shall be renewed on or before its anniversary date for terms of one (1) year until terminated by either party or modified by mutual agreement as hereinafter provided. The anniversary date is every June 30.

Section 2 Duties and Authority

Employer agrees to employ Employee as City Attorney to perform the functions and duties specified in Article VIII section 808 et seq. of the Hayward City Charter and such other lawful and appropriate duties and functions as directed by the City Council. Employee shall be licensed to practice law in the State of California for the duration of employment. The Employer agrees to pay Employee's cost of annual bar association membership.

Section 3 Compensation

The Employer agrees to pay Employee an annual base salary of \$185,103.20. This salary is the same as Employee's base salary during Fiscal Year 2015. During the term of this Agreement, Employer agrees to pay Employee in equal installments on the same schedule as other City of Hayward employees, which is currently bi-weekly.

Section 4 Health, Disability, Life Insurance and Other Benefits

Upon commencing employment, Employer agrees to provide and to pay the premiums for health, hospitalization, surgical, vision, dental and comprehensive medical insurance for Employee and his dependents equal to that which is provided to the Executive members of the Unrepresented Management Employees of Employer.

Similarly, Employer agrees to obtain short term and long term disability insurance coverage for Employee while this Agreement is in effect. Employer shall obtain term life insurance for Employee in an amount equal to Employee's gross annual salary (including all salary increases

during the life of this Agreement) or Employer's maximum allowable amount of term life insurance coverage under Employer's contract with its insurer, if said amount is less than Employee's gross annual salary. Employee shall have the right to choose the beneficiary on such policies.

In addition to the benefits set forth herein, all actions taken by the City Council relating to benefits for Executive members of the Unrepresented Management Employees shall be considered actions granting the same level of benefits to Employee, unless mutually agreed otherwise between Employer and Employee.

Employer agrees to pay the equivalent cost of the above stated benefits at the same benefit plan level as provided for the Executive members of the Unrepresented Management Employees.

Employee is not eligible for a vehicle allowance. Employer agrees to provide Employee mileage reimbursement at the same level as provided for the Executive members of the Unrepresented Management employees.

Employer provides employees with access to a deferred compensation plan. Employer will not provide an employer contribution to the deferred compensation plan.

Section 5 Vacation and Sick Leave

Employee shall continue to accrue sick and vacation leave on an annual basis at the rate specified in Employee's current agreement or at the rate afforded the Executive members of the Unrepresented Management Employees, whichever is higher, unless and until this Agreement is amended.

Employee shall be entitled to eighty (80) hours of administrative leave annually as provided in the Salary and Benefits Resolution for the Executive members of the Unrepresented Management Employees. Employee shall be entitled to accrue a total of thirty-five (35) days combined leave (i.e., vacation and administrative leave) annually, and shall take no more than fifteen (15) work days of vacation or administrative leave at any one time, exclusive of holidays recognized by Employer, to which Employee shall also be entitled. Upon approval of the Council, leave may be extended beyond the fifteen (15) work day limit established above.

In the event of termination, either voluntarily or involuntarily, employee shall be compensated for accrued sick and vacation time as of the date of termination as provided in the Salary and Benefits Resolution for the Executive members of the Unrepresented Management Employees.

Section 6 Retirement

Employee shall be required to pay the Employee portion of the PERS contribution by paying eight percent (8%).

Section 7 Employee Savings Commitment

Effective the pay period including July 1, 2012, Employee shall contribute equivalent to the same percentage of employee cost savings as the Executive members of the Unrepresented Management Employees, unless and until this Agreement is amended. Furthermore, any employee cost savings achieved through increased employee contributions towards PERS retirement contributions or medical plan premiums shall be credited towards the overall percentage cost savings established for the Unrepresented Management Employees.

Section 8 Termination

Termination of this Agreement may occur under any of the following circumstances:

- A. If a majority of the governing body votes to terminate Employee at a duly authorized public meeting;
- B. If Employer, citizens, or Legislature acts to amend any provisions of the Charter, Ordinances, or appropriate enabling legislation pertaining to the role, powers, duties, authority, and responsibilities of Employee's position, and such amendment substantially changes the form of government, Employee shall have the right to declare that such amendment constitutes termination;
- C. If Employee resigns following an offer by Employer to accept resignation, whether such offer is formal or informal, then Employee may declare a termination as of the date of Employee's acceptance of such formal or informal offer;
- D. If either party fails to cure a breach of contract as declared by either Employer or Employee within a 30-day period after the declaration of such breach of contract, provided written notice of such breach of contract is provided in accordance with provisions of Section 17;
- E. If Employee is convicted of a felony or misdemeanor involving moral turpitude, or if it is established that Employee's performance constitutes malfeasance or gross dereliction of duty;
- F. If Employee fails or refuses to follow a direct, lawful order by Employer

Section 9 Severance

- A. Except as expressly provided herein, severance shall be paid to Employee when employment is terminated in Section 8. If Employee is terminated, Employer shall provide a minimum severance payment equal to six (6) months salary and benefits at the then-current rate of pay. This severance shall be paid in a lump sum unless otherwise agreed to by Employer and Employee. Severance does not include life insurance. Employee shall also be compensated for all accrued sick leave, vacation time, all paid holidays and executive leave as provided in the Salary and Benefit Resolution for the Executive members of the Unrepresented Management Employees.
- B. If Employee is terminated under any of the circumstances set forth in items E, or F of the preceding Paragraph 8, Employer is not obligated to pay severance.

Section 10 Resignation

In the event that Employee voluntarily resigns his position with Employer, Employee shall provide a minimum of ninety (90) days' notice unless the parties agree otherwise.

Section 11 Performance Evaluation

Employer will review the performance of the Employee in March 2016, and at least annually in each succeeding year thereafter. Performance reviews will include at least the identification of mutually agreed upon goals to be achieved by Employee in the ensuing year, as well as a review of compensation for the coming year.

Section 12 Hours of Work

It is recognized that Employee must devote a great deal of time outside the normal office hours on business for Employer, and to that end Employee shall be allowed to establish an appropriate work schedule.

Section 13 Outside Activities

The employment provided for by this Agreement shall be Employee's sole employment, unless otherwise agreed to by Employer prior to Employee engaging in any such other employment.

Section 14 Indemnification

Beyond that required under Federal, State or Local Law, Employer shall defend, save harmless and indemnify Employee against any tort, professional liability claim, or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as City Attorney or resulting from the exercise of judgment or discretion in connection with the performance of program duties or responsibilities unless the act or omission involved willful or wanton conduct. Employer shall indemnify Employee against any and all losses, damages, judgments, interest, settlements, fines, court costs, and other reasonable other costs and expenses of legal proceedings including attorneys' fees, and any liabilities incurred by, imposed upon, or suffered by such Employee in connection with or resulting from any claim, action, suit, or proceeding, actual, or threatened, arising out of or in connection with the performance of her duties. Any settlement of any claim must be made with prior approval of Employer in order for indemnification, as provided in this Section, to be available.

Section 15 Bonding

Employer shall bear the full cost of any fidelity or other bonds required of Employee under any law or ordinance.

Section 16 Other Terms and Conditions of Employment

Employer may set such other terms and conditions of employment, as it may determine from time to time, relating to the performance of Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the Hayward City Charter, or any other law.

Section 17 Notices

Notice pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service postage prepaid addressed as follows:

- (1) EMPLOYER: Mayor of the City of Hayward
Hayward City Hall
777 B Street
Hayward California 94541

- (2) EMPLOYEE: Michael Lawson
Address on File

Alternatively, notice required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 18 General Provisions; Integration; Severability

This Agreement sets forth and establishes the entire understanding between Employer and Employee relating to the employment of the Employee by the Employer. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties by mutual written agreement may amend any provision of this Agreement during the life of the Agreement. Such amendments shall be incorporated into and made a part of this Agreement.

The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement or judicial modification of the invalid provision.

Dated:

Executed by:

Barbara Halliday
Mayor, City of Hayward

Michael Lawson
Employee (City Attorney)

APPROVED AS TO FORM:

ATTEST:

Assistant City Attorney

City Clerk of the City of Hayward

City Clerk Employment Agreement: July 1, 2015 through June 30, 2016

Introduction

This Agreement, entered into for convenience purposes this 23rd day of June 2015, by and between the City of Hayward, a chartered California City and municipal corporation (hereinafter called "Employer"), and Miriam Lens, (hereinafter called "Employee"), an individual, who has the education, training and experience in local government records management associated with City Clerk duties. The effective date of this Agreement is July 1, 2015.

Section 1 Term

Employee's current agreement with Employer shall remain in effect until June 30, 2015. The term of this Agreement is July 1, 2015, through June 30, 2016. Thereafter, this Agreement shall be renewed on or before its anniversary date for terms of one (1) year until terminated by either party or modified by mutual agreement as hereinafter provided. The anniversary date is every June 30.

Section 2 Duties and Authority

Employer agrees to employ Employee as City Clerk to perform the functions and duties specified in Article VIII section 800 et seq. of the Hayward City Charter and such other lawful and appropriate duties and functions as directed by the City Council. Employee shall be a Certified Municipal Clerk by the International Institute of Municipal Clerks (IICM) and Employee shall maintain current standing for the term of employment. Employee shall adhere to the IICM Code of Ethics. The Employer agrees to pay Employee's cost for certification.

Section 3 Compensation

The Employer agrees to pay Employee an annual base salary of \$114,067.20. This salary is the same as Employee's base salary during Fiscal Year 2015. During the term of this Agreement, Employer agrees to pay Employee in equal installments on the same schedule as other City of Hayward employees, which is currently bi-weekly.

Section 4 Health Disability Life Insurance and Other Benefits

Upon commencing employment, Employer agrees to provide and pay the premiums for health, hospitalization, surgical, vision, dental, and comprehensive medical insurance for Employee and her dependents equal to that which is provided to the Executive members of the Unrepresented Management Employees of Employer.

Similarly, Employer agrees to obtain short term and long term disability insurance coverage for Employee while this Agreement is in effect. Employer shall obtain term life insurance for Employee in an amount equal to Employee's gross annual salary (including all salary increases during the life of this Agreement) or Employer's maximum allowable amount of term life insurance coverage under Employer's contract with its insurer, if said amount is less than

Employee's gross annual salary. Employee shall have the right to choose the beneficiary on such policies.

In addition to the benefits set forth herein, all actions taken by the City Council relating to benefits for the Executive members of the Unrepresented Management Employees shall be considered actions granting the same level of benefits to Employee, unless mutually agreed otherwise between Employer and Employee.

Employer agrees to pay the equivalent cost of the above stated benefits at the same benefit plan level as provided for the Executive members of the Unrepresented Management Employees.

Employee is not eligible for a vehicle allowance. Employer agrees to provide Employee mileage reimbursement at the same level as provided for the Executive members of the Unrepresented Management employees.

Employer provides employees with access to a deferred compensation plan. Employer will not provide an employer contribution to the deferred compensation plan.

Section 5 Vacation and Sick Leave

Employee shall continue to accrue sick and vacation leave on an annual basis at the rate afforded the Executive members of the Unrepresented Management Employees, unless and until this Agreement is amended.

Employee shall be entitled to eighty (80) hours of administrative leave annually as provided in the Salary and Benefits Resolution for the Executive members of the Unrepresented Management Employees.

Employee shall take no more than fifteen (15) work days of vacation or administrative leave at any one time, exclusive of holidays recognized by Employer, to which Employee shall also be entitled. Upon approval of the Council, leave may be extended beyond the fifteen (15) work day limit established above.

In the event of termination, either voluntarily or involuntarily, Employee shall be compensated for accrued sick and vacation time as of the date of termination as provided in the Salary and Benefits Resolution for the Executive members of the Unrepresented Management Employees.

Section 6 Retirement

Employee shall be required to pay the Employee portion of the PERS contribution by paying eight percent (8%).

Section 7 Employee Savings Commitment

Effective the pay period including July 1, 2012, Employee shall contribute equivalent to the same percentage of employee cost savings as the Executive members of the Unrepresented Management Employees, unless and until this Agreement is amended. Furthermore, any employee cost savings achieved through increased employee contributions towards PERS

retirement contributions shall be credited towards the overall percentage cost savings established for the Unrepresented Management Employees.

Section 8 Termination

Termination of this Agreement may occur under any of the following circumstances:

- A. If a majority of the governing body votes to terminate Employee at a duly authorized public meeting;
- B. If Employer, citizens, or Legislature acts to amend any provisions of the Charter, Ordinances, or appropriate enabling legislation pertaining to the role, powers, duties, authority, and responsibilities of Employee's position, and such amendment substantially changes the form of government, Employee shall have the right to declare that such amendment constitutes termination;
- C. If Employee resigns following an offer by Employer to accept resignation, whether such offer is formal or informal, then Employee may declare a termination as of the date of Employee's acceptance of such formal or informal offer;
- D. If either party fails to cure a breach of contract as declared by either Employer or Employee within a 30-day period after the declaration of such breach of contract, provided written notice of such breach of contract is provided in accordance with provisions of Section 17;
- E. If Employee is convicted of a felony or misdemeanor involving moral turpitude, or if it is established that Employee's performance constitutes malfeasance or gross dereliction of duty;
- F. If Employee fails or refuses to follow a direct, lawful order by Employer

Section 9 Severance

- A. Except as expressly provided herein, severance shall be paid to Employee when employment is terminated in Section 8. If Employee is terminated, Employer shall provide a minimum severance payment equal to ninety (90) days salary and benefits at the then-current rate of pay. This severance shall be paid in a lump sum unless otherwise agreed to by Employer and Employee. Severance does not include life insurance. Employee shall also be compensated for all accrued sick leave, vacation time, all paid holidays and executive leave as provided in the Salary and Benefit Resolution for the Executive members of the Unrepresented Management Employees.
- B. If Employee is terminated under any of the circumstances set forth in items E, or F of the preceding Paragraph 8, Employer is not obligated to pay severance.

Section 10 Resignation

In the event that Employee voluntarily resigns her position with Employer, Employee shall provide a minimum of ninety (90) days' notice unless the parties agree otherwise.

Section 11 Performance Evaluation

Employer will review the performance of the Employee in February 2016, and at least annually in each succeeding year thereafter. Performance reviews will include at least the identification of mutually agreed upon goals to be achieved by Employee in the ensuing year, as well as a review of compensation for the coming year.

Section 12 Hours of Work

It is recognized that Employee must devote a great deal of time outside the normal office hours on business for Employer, and to that end Employee shall be allowed to establish an appropriate work schedule.

Section 13 Outside Activities

The employment provided for by this Agreement shall be Employee's sole employment, unless otherwise agreed to by Employer prior to Employee engaging in any such other employment.

Section 14 Indemnification

Beyond that required under Federal, State or Local Law, Employer shall defend, save harmless and indemnify Employee against any tort, professional liability claim, or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as City Clerk or resulting from the exercise of judgment or discretion in connection with the performance of program duties or responsibilities unless the act or omission involved willful or wanton conduct. Employer shall indemnify Employee against any and all losses, damages, judgments, interest, settlements, fines, court costs, and other reasonable other costs and expenses of legal proceedings including attorneys' fees, and any liabilities incurred by, imposed upon, or suffered by such Employee in connection with or resulting from any claim, action, suit, or proceeding, actual, or threatened, arising out of or in connection with the performance of her duties. Any settlement of any claim must be made with prior approval of Employer in order for indemnification, as provided in this Section, to be available.

Section 15 Bonding

Employer shall bear the full cost of any fidelity or other bonds required of Employee under any law or ordinance.

Section 16 Other Terms and Conditions of Employment

Employer may set such other terms and conditions of employment, as it may determine from time to time, relating to the performance of Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the Hayward City Charter, or any other law.

Section 17 Notices

Notice pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service postage prepaid addressed as follows:

- (1) EMPLOYER: Mayor of the City of Hayward
Hayward City Hall
777 B Street
Hayward California 94541

- (2) EMPLOYEE: Miriam Lens
Address on File

Alternatively, notice required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 18 General Provisions; Integration; Severability

This Agreement sets forth and establishes the entire understanding between Employer and Employee relating to the employment of the Employee by the Employer. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties by mutual written agreement may amend any provision of this Agreement during the life of the Agreement. Such amendments shall be incorporated into and made a part of this Agreement.

The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement or judicial modification of the invalid provision.

Dated June 23, 2015

Executed by:

Barbara Halliday
Mayor, City of Hayward

Miriam Lens
Employee (City Clerk)

APPROVED AS TO FORM

ATTEST:

City Attorney, City of Hayward

Deputy City Clerk, City of Hayward



Date: June 23, 2015

To: Mayor and City Council

From: Director of Finance

Subject: 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

RECOMMENDATION

That Council adopts the attached resolution authorizing the City Manager to negotiate and execute a contract with Kiet Thai for MUNIS system consultation services in an amount not to exceed \$96,000 for a period through June 30, 2016.

BACKGROUND

In September 2009, the City Council approved a Technology Strategic Plan that included the replacement of the City’s severely outdated financial system with a new, comprehensive Enterprise Resource Planning (ERP) system. In March 2012, Council authorized the City Manager to execute a contract with Tyler Technologies Inc. for the purchase and implementation of an ERP system called MUNIS, to replace the City’s existing financial system. The MUNIS ERP project implementation for the core financial systems began in June 2012; the core financial modules went live in July 2013, followed by the Business License module in August 2014, the Utility Billing module in September 2014, the Permit module in November 2014 and the Human Resources/Payroll module in January 2015.

As with any major system implementation, City staff continues to work on outstanding post go-live issues. The Revenue Division of the Finance Department is central to many of the MUNIS modules that the City now uses. While this has fostered an interdepartmental team approach to the various implementation challenges, City staff requires additional support assistance beyond the normal “help-desk” function that Tyler Technologies provides MUNIS users.

The City contracted with Kiet Thai on March 13, 2015 to assist City users with specific MUNIS implementation issues. As a former Tyler Technologies employee, Mr. Thai worked on the initial installation and implementation of Hayward’s MUNIS system. Mr. Thai has valuable experience, knowledge, and skills related to the MUNIS system. With his knowledge of the MUNIS system, he is an ideal training and trouble-shooting resource. In his capacity under the terms of the current contract agreement with the City, Mr. Thai has coordinated training to users in key City departments and is working on streamlining the use of all the various MUNIS modules.

DISCUSSION

The ERP project implementation is incredibly complex, touches on almost all aspects of City operations, and involves a large number of staff members from all City Departments. While the City does have system support on the MUNIS system from the original vendor Tyler, having an on-site consultant that provides immediate assistance has been invaluable. With an onsite contractor, the operational slowdown inherent in learning a new system has begun to improve.

The original contract for consultation services provided by Kiet Thai was authorized by the City Manager within her authorized signing authority and has now expired. Several City departments continue to discover issues in the post go-live phase of MUNIS and the demand for Kiet Thai's expertise has been greater than originally anticipated due primarily to the need for modification of functionalities to the new system. A new one-year contract will allow adequate time to work through the challenges presented by the new processes in MUNIS.

An alternative to a contract for consultation services with Kiet Thai would be to contract with Tyler Technologies for additional training and consulting services at their current rate of \$160.00 per hour. Mr. Thai's hourly rate is \$50.00 per hour. The ongoing support needs of the City are critical and hiring an on-site consultant to address implementation and data conversion issues is the most efficient and cost efficient method. While the City will continue to utilize Tyler support as specified in the procurement contract, on-site consultant assistance will allow the City to quickly troubleshoot problems and coordinate the various support tickets on file with Tyler. The scope of Mr. Thai's work with the City includes:

1. Provide training sessions to assist City staff (including Information Technology staff) with report running and hands-on process assistance for each functional area, including: General Billing, Accounts Receivable, General Ledger, Business Licenses, Permits, Utility Billing, and Tyler Cashiering.
2. Provide the City specific instructional manuals as needed for each functional area.
3. Assist the City with its customer database (Customer Database Management) and merge process.
4. Train City staff members on methods to produce critical reports and complete database queries for each functional area; as well as to efficiently establish their individual "dashboards" for easier data gathering and report preparation.
5. Work to further streamline and enhance the business license renewal process with the Revenue Division.
6. Assist with review and testing of a system modification to implement drought rates and allocation functionalities within the Utility Billing module.
7. Assist the Code Enforcement Division with reviewing and testing of program modifications within the Government Outreach Enforce and MUNIS programs designed to improve permitting processing and notifying of contractors of violations.
8. Assist staff with processes for billing, noticing, and collecting Rental Housing Inspection Program fees.
9. Assist the Accounting Division in various Accounts Receivable/Accounts Payable functions such as bill refund processing; payment reversals; and invoice generating, printing and voiding.

10. Assist in further improving the Tyler Cashiering functionality within multiple divisions of the City, including Revenue, Fire, Accounting, Building, and Planning.
11. Assist the Hayward Fire Department in the areas of creating a Hazardous Materials Dashboard, data conversion, inspection data entry, and assist implementing IVR Inspection Scheduling.
12. Improve online payments functionality to allow customers to pay for more items online on the Hayward Self Service (HSS) portal.
13. Assist the City with future software upgrades such as HSS, Tyler Cashiering, and MUNIS Version 11.5.

Mr. Thai will also continue to provide assistance to other departments with their own MUNIS issues and challenges to ensure MUNIS meets their business needs, and can provide end-user training and enhance/streamline their current processes. He is a good resource to assist departments in creating program manuals that can resolve any issues regarding current policy, guidelines, and procedures, involving MUNIS.

FISCAL IMPACT

The \$96,000 cost for this contract for consultation services will be funded through the ERP project budget within the Capital Improvement Program budget.

PUBLIC CONTACT

No public contact has occurred associated with this action.

NEXT STEPS

Upon Council approval of this resolution, the City Manager will execute the appropriate contract for consultation services.

Prepared by: Maria D. Walter, Revenue Manager

Recommended by: Tracy Vesely, Director of Finance

Approved by:



Fran David, City Manager

Attachment I: Resolution

HAYWARD CITY COUNCIL
RESOLUTION NO. 15-_____

Introduced by Council Member _____

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.

WHEREAS, the City contracted with Kiet Thai in an amount not to exceed \$24,000 for the period March 18 – June 17, 2015 for on-site MUNIS implementation consultant services; and

WHEREAS, to allow time for the completion and resolution of issues within MUNIS already in progress, staff recommends that Council approve a Resolution to execute a new contract for consultant services with Kiet Thai through the end of June 30, 2016, in an amount not to exceed \$96,000; and

WHEREAS, staff in several departments continue to discover issues in the post go-live phase of MUNIS, a one-year consultant services contract will allow adequate time to work through these challenges; and

WHEREAS, the demand for Kiet Thai’s expertise has been greater than originally anticipated, primarily due to the need for modification in functionalities to the new system; and

WHEREAS, the additional cost for such services will be funded through the existing ERP project budget.

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 an agreement with Kiet Thai in an amount not to exceed \$96,000 for MUNIS implementation consultant services for a period through June 30, 2016, 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



CITY OF
HAYWARD
HEART OF THE BAY

DATE: June 23, 2015

TO: Mayor and City Council

FROM: Director of Development Services

SUBJECT: 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

RECOMMENDATION

That City Council introduces the attached three ordinances to approve the proposed amendments to Hayward Municipal Code (HMC) Sections 10-7.100 et seq, *Sign Regulations* (Attachment I); to HMC 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 (Attachment II); and to HMC Sections 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 (Attachment III); and adopts the attached two resolutions adopting the related [Negative Declaration/Initial Study](#) and making findings to support the proposed text amendments (Attachment IV) and approving associated revisions to the Fiscal Year 2016 Master Fee Schedule (Attachment V).

SUMMARY

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

Specifically, the proposed revisions:

- include an easier to read format that incorporates charts, photos and drawings;

- create a sign corridor overlay district to enhance auto- and pedestrian-oriented experiences and business signage effectiveness on parcels fronting major street corridors and collectors;
- increase the permitted sign type and time allowed for temporary signs;
- add an amortization section that requires the removal of abandoned signs and nonconforming signs to conform within five years after adoption of the new sign regulations;
- incorporate the sign standards from the South Hayward Bart/Mission Boulevard and Mission Boulevard Corridor Form Based Codes so that all sign regulations are located in one place in the zoning regulations;
- eliminate repetition and internal conflicts within the regulations, where possible; and
- allow for expansion of the use of A-Frame signs in the Downtown.

BACKGROUND

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

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

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

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

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

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

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

May 28, 2015 Planning Commission Hearing - The [Planning Commission](#) held a public hearing to consider the proposed regulations. The Commission voted 6:0:1 to recommend that Council adopt the proposed regulations as recommended by staff. As the draft minutes (Attachment VI) reflect, the Commission was in support of the proposed amendments and spoke of the overall improvement to the legibility and format of the regulations and felt that the concerns raised in the prior Work Session and during Community outreach had been addressed. One member of the public spoke stating that he felt inflatable signs should be allowed on the roofs of buildings in situations where building configuration did not provide space on the ground on a property, and asked staff why this was not included as an option. Staff responded that roof signs are not permitted in Hayward, similar to most other researched cities, whether permanent or temporary.

DISCUSSION

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

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

The time limit for temporary signs is proposed to increase from fourteen days and two times per year to sixty days per calendar year with no limit to the number of times of display, but requiring the

periods and durations to be listed on the permit. Such changes will help new businesses become established and allow better promotion of special events at businesses.

Also, a new sign corridor overlay district is proposed that would include both auto- and pedestrian-oriented signage to enhance the corridors with attractive design. The boundaries of the proposed sign corridor include the Downtown core, all arterial roads, as well as commercial collector roads (see Figure 1 in Attachment 1). The proposed regulations include a provision to allow businesses within the overlay district, such as those in the Downtown where there is heavy pedestrian traffic, to have blade signs of a certain size that would not be counted in the overall sign allowance. Blade signs are currently permitted, but the sign area for those signs is counted in the maximum sign area allowed for each business, making it a less attractive option since it will result in less sign area for a wall sign or other more prominent signage. The maximum sign area would also be increased to allow businesses to have larger signs that would be more visible in the auto-oriented corridors, such as Mission Boulevard and Hesperian Boulevard.

The updated regulations also expand the current area permitted to use A-Frame signs to include the Downtown Entertainment Area (area between A and D Streets and between Second Street and Grand Street). Such expansion would allow all businesses within the downtown core, which experiences a higher level of pedestrian traffic, to have more visibility through this pedestrian-oriented signage. The sign areas for A-Frame signs will continue to not be counted towards the maximum sign area allowed for each establishment, providing continued benefit to businesses.

Because A-Frame signs are still a less expensive, effective alternative for businesses that may not have a large budget for signage, it is not anticipated that the demand for A-Frame signs will diminish, even with the aforementioned provision for blade signs. While the cities that staff surveyed concerning A-Frame sign regulations varied somewhat in sign size and days/hours allowed, the City's current A-Frame sign regulations are very similar to theirs. However, in 2014, twenty-eight percent of sign violations were for portable or A-frame signs. Due to this, staff has incorporated more specific guidelines to the sign regulations pertaining to A-frame or portable signs, including diagrams as to allowed location, number of signs, hours of display, design and dimensional standards, and a requirement for a reduced fee (\$50) encroachment permit to allow said signs to be located within the City right-of-way.

Through the encroachment permit, the City would be held harmless and the applicant would be accepting all liability for any damages that may result from the encroachment of the sign into the public right-of-way. Additionally, the encroachment permit would create a mechanism to record all permitted A-Frame signs in the City.

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

As stated above, the proposed update to the Sign Regulations includes the creation of a sign corridor overlay district created to reduce sign clutter and illegal signage along selected corridors and collector streets and enhance them with attractive design. Temporary promotional signage such as banners, wind feathers, air dancers and inflatable signs will be permitted in limited

numbers/frequency along corridors outside the Downtown core for specific uses, such as auto dealerships. Events, such as grand opening events, promotional business events and community events are considered temporary promotional events. Inflatable signs will be permitted to be used for temporary promotional or seasonal events only with the approval of a temporary sign permit. A \$200 deposit will be required, along with a \$100 application fee, as an incentive to help ensure timely removal of temporary signs. Once the applicant has proven that the temporary signage has been removed to the City's satisfaction and by the date specified on the permit, the \$200 deposit will be returned. The addition of an amortization section is also recommended to further aid in the removal of nonconforming and abandoned signage.

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

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

The updated regulations include charts, photos, and drawings to clarify the regulations and to better assist business owners in selecting appropriate signage for their industrial uses. Visual examples have been added throughout the draft sign regulations that would apply Citywide to effectively illustrate exempt, prohibited and permitted sign types.

Text Amendment Findings for Approval - In order for the Text Amendments to be approved, the following findings must be made. Attachment IV provides responses in support of the findings.

- A. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward.*
- B. The proposed change is in conformance with all applicable, officially adopted policies and plans.*
- C. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified.*
- D. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.*

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

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

ECONOMIC IMPACT

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

FISCAL IMPACT

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

PUBLIC CONTACT

On June 13, 2015, notice of the public hearing related to the proposed zoning text amendments was published in *The Daily Review*, and was posted at City Hall and the Hayward public libraries. No comments were received at the time that this staff report was completed.

Notices (2,345 total) of the May 28, 2015 Planning Commission public hearing, June 23, 2015 City Council public hearing, and availability of a Draft Negative Declaration were sent to all Downtown Business and property owners, all interested parties, including participants from the previous update in 1998, all automobile sales establishments with a current City of Hayward business licenses, all local homeowners associations, the Planning Commission, and the City Council. Also, notice of both Planning Commission and City Council hearings and availability of the Draft Negative Declaration was published in *The Daily Review* on May 16, 2015, and was posted at City Hall and the Hayward public libraries.

As discussed in the BACKGROUND section of this report, extensive outreach was conducted in preparation of the proposed draft regulations, including work sessions with the Planning Commission and City Council; meetings with local Boards and Commissions; and meetings with

and outreach through the Chamber of Commerce.

NEXT STEPS

Should the Council adopt the attached two resolutions and introduce the attached three ordinances, staff will bring back the ordinances for adoption at the next City Council meeting on June 30. Once Council adopts the ordinances, staff will ensure proper notification and summary of new regulations is sent to most involved parties, particularly downtown businesses and businesses along the corridor overlay district.

Prepared by: Linda Ajello, AICP, Senior Planner

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

Attachment I	Proposed Ordinance – Revisions to HMC Sections 10-7.100 et seq
Attachment II	Proposed Ordinance – Revisions to Sign-Related Regulations in the South Hayward BART/Mission Boulevard Form-Based Code (HMC Sections 10-24.284 et seq)
Attachment III	Proposed Ordinance – Revisions to Sign-Related Regulations in the Mission Boulevard Corridor Form-Based Code (HMC Sections 10-25.285 et seq)
Attachment IV	Proposed Resolution – CEQA and Zoning Text Amendments and Findings
Attachment V	Proposed Resolution – Revisions to the Master Fee Schedule
Attachment VI	Draft Minutes, May 28, 2015 Planning Commission Meeting

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"

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10-7.100 PURPOSE.

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

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

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

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

10-7.200 GENERAL REGULATIONS.

- (A) The following regulations shall apply to all signs in all districts within the City. No sign may be placed in any of the following areas:
 - (1) Within the public right-of-way (including planter strips, tree wells, sound walls, fences, and street medians), except for A-Frame and related signs allowed in the Downtown Entertainment District by Section 10-7.211(a), community identification signs and Open

House Directional Signs on sidewalks allowed by Section 10-7.300 (b)(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 which contains foreign alphabet characters must also include some English alphabet characters. Signs are not required to be translated in English as long as the sign contains English alphabet characters that comprise words relating to the business or organization it is representing.

10-7.201 Permits Required.

- (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.

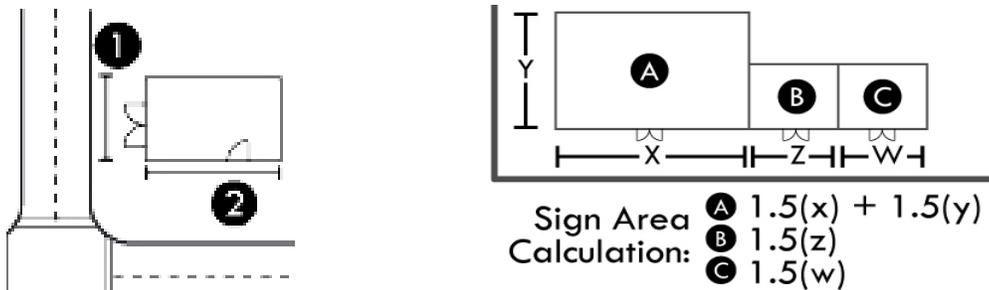
Each application for a sign permit, variance or Master Sign Program shall be accompanied by the applicable fees, which shall be established by the Master Fee Schedule.

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.

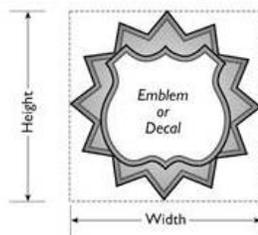
$$\text{Sign Area} = \text{Height} \times \text{Width}$$



- 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.

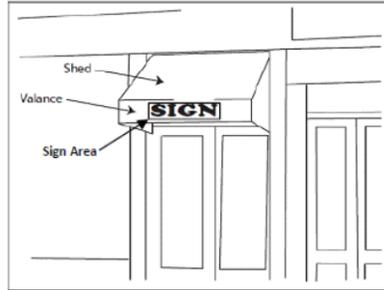


(c) *Double Faced Signs.*

- 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.

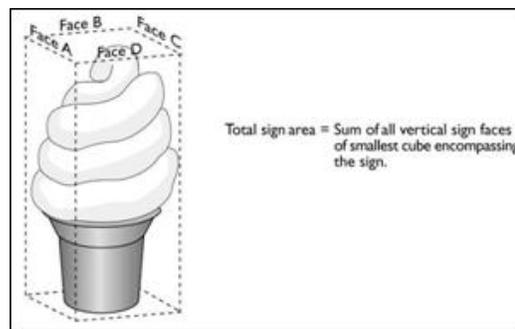
(d) *Awning Signs.*

- 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).

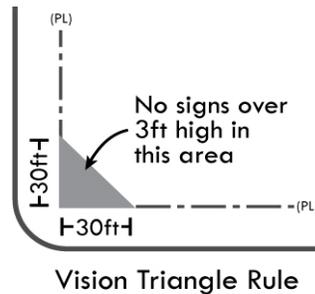
10-7.207 Reduction in Permitted Signage.

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.

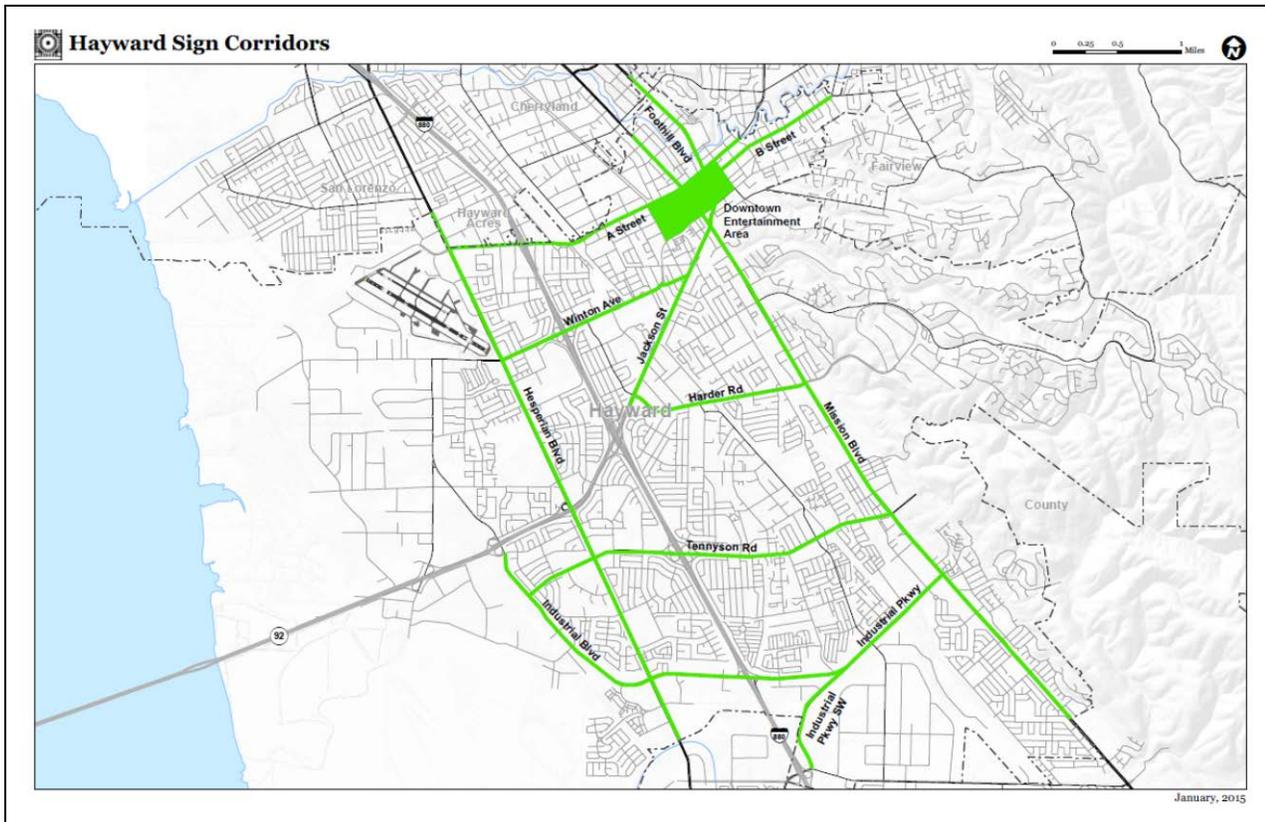


Blade Sign



A-Frame Sign

FIGURE 1 – SIGN CORRIDOR OVERLAY DISTRICT

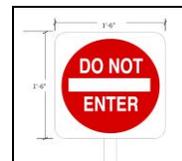


10-7.300 EXEMPT SIGNS.

- (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:

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

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

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

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

1. Signs shall be placed so that a minimum of four (4) feet remains clear on the sidewalk for pedestrians.
2. Signs shall not be located:
 - (a) In the street or a center median.
 - (b) In a publicly maintained landscaped area.
 - (c) In parks.
 - (d) In any bus stop zone.
 - (e) Where they may interfere with maneuvering vehicles, bicycles, pedestrians or where visibility of traffic or traffic signs would be hampered.
3. Signs shall not be illuminated, inflatable, have moving parts or be held by a human (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:

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

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

c) Freestanding and Monument Signs.

Maximum Number: See each Zoning District.

Maximum Area: See each Zoning District.

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

Setback: See each Zoning District.

Illumination: See each Zoning District.
Additional: Freeway-oriented sign may be 50 feet in height.
 Second sign permitted where a parcel or establishment has two or more street frontages or one street frontage exceeding 500 feet.
 Must be in accordance with a Master Sign Program, if applicable.
 Corner lots: freestanding or monument signs higher than 3 feet shall be subject to the Vision Triangle Rule as set forth in Article 9, the Hayward Traffic Code, for visibility requirements.

d) Human Signs.

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

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

e) 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:

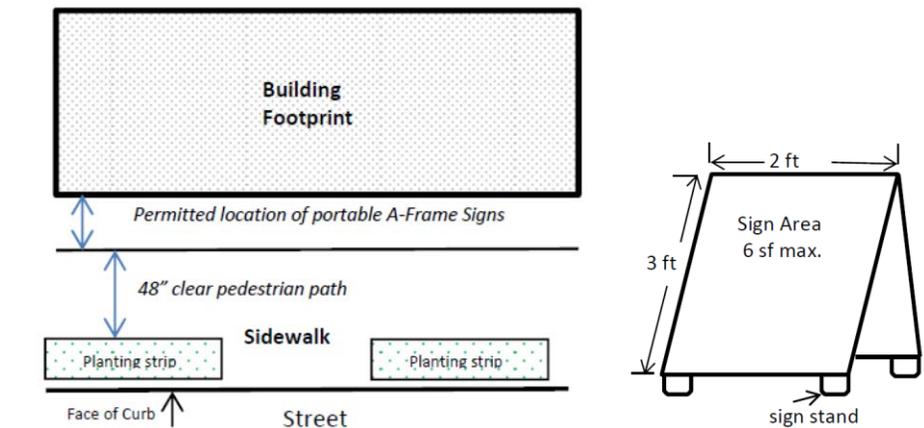
- (1) Commercial businesses with Freeway frontage on Highway 880 or State Route 92, west of Industrial Boulevard, and which provide food, fuel, or lodging; or
- (2) Major freeway oriented Commercial Centers of at least four (4) acres with an approved Master Sign Program on Highway 880 or State Route 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
Freestanding/Monument 	No.: 1 Height: 12 ft.	50 sq. ft. per face, 100 sq. ft. total	None.	See section 10-7.209 for lighting restrictions.	<ul style="list-style-type: none"> • 1 additional freestanding sign is permitted if more than one street frontage.
Wall	No.: 2 Height: Wall signage shall be no higher than building wall it is mounted on.	100 sq. ft. total	None.	See section 10-7.209 for lighting restrictions.	
Temporary Event/Grand Opening	60 calendar days per year.	50 sq. ft. per sign.	None.	Natural only	<ul style="list-style-type: none"> • See Section 10-7.600 for permit requirements and additional regulations. • Bunting, pennants and searchlights are permitted. Shall not be placed in City right-of-way.

(b) Freeway Oriented Signs

General					
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
Freestanding or monument	No.: 1 Height: 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"> • 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. • 1 sign allowed in Commercial, Commercial and Industrial Planned Developments and Industrial Zoning Districts, plus one

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

(c) Theater Signs

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

			t Services Director.	before final approval.	<ul style="list-style-type: none"> • Sign shall be compliant with architecture of theater. • Theater marquee signs are permitted over the public right-of-way clear of street trees and street lighting. A marquee shall allow for clear visibility of traffic signals and regulatory signs.
Display Cases 	No.: Minimum of 2 Height: N/A	36 sq. ft. each 240 sq. ft. max. total.	None.	See Sec. 10-7.209 for lighting restrictions.	<ul style="list-style-type: none"> • Display case areas not included in calculation for total permitted sign area.

(d) Drive-in Restaurants

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

<p>Wall</p> 	<p>No.: 3</p> <p>Height: 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"> • Applies to restaurants, coffee shops, pharmacies, cafes and banks.
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(e) Service stations

Sign Type Allowed	Max. No. / Height	Max. Area	Setback	Illumination	Additional Provisions
<p>General</p> 	<p>No.: 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"> • 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. • Signs on corner lots higher than 3 ft. are subject to the “Vision Triangle Rule” of 30 ft. set forth in Article 9 of the Hayward Traffic Code.
<p>Freestanding/ Monument</p> 	<p>No.: 1</p> <p>Height: 15 ft. unless it qualifies as a Freeway-oriented sign, then 50 ft.</p>	<p>30 sq. ft. per face.</p> <p>60 sq. ft. total.</p>	<p>12 ft. from all property lines.</p> <p>Setback may be reduced 1 ft. for every ft. the sign is lowered, 2 ft. min.</p> <p>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"> • Canopy logo areas are not included in total sign area calculation if less than 6 sq. ft. • Sign base shall be decorative stucco, brick, wood or similar material that matches the primary building and shall have landscaping around it. • See Section 10-7.501(c) – Freestanding and Monument Signs.
<p>Wall</p>	<p>No.: 2 max.</p> <p>Height: 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"> • See Section 10-7.501(j) – Wall Signs.

	letter size and 26-inch logo height.			restrictions.	
Wall/Canopy 	No.: 4 max. Height: 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"> • Canopy logo areas are not included in total sign area calculation if less than 6 sq. ft.

(f) Catering Truck

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

(g) Shopping Centers

GENERAL: Small Shopping Centers (<5 acres) and Large Shopping Centers (≥5 acres)					
<ul style="list-style-type: none"> • Individual tenant signs may not be included as part of the shopping center identification sign unless a Master Sign Program for the entire Center has been approved by the Development Services/Planning Director. • Individual tenant signs are then included as part of the allotted sign area and number of signs permitted for an individual establishment. • If a Master Sign Program exists, the Development Services/Planning Director may approve additional signs or sign area as needed to adequately direct the public to the Center. • Freestanding or monument sign setback shall allow for clear vehicular and pedestrian visibility. If obstructed visibility will result, the Development Services/Planning Director shall increase the setback. 					
Sign Type Allowed	Max. No. / Height	Max. Area	Setback	Illumination	Additional Provisions
Small Shopping Center Freestanding/ Monument	No.: 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"> • Unless otherwise stated in the Master Sign Program of a Small Shopping Center,

	<p>center per shopping center frontage. Height: 14 ft.</p>	<p>>1 establishment frontage.</p>		<p>restrictions.</p>	<p>24-inch max. letter size and 30-inch max logo height. <ul style="list-style-type: none"> Small Shopping Center signs on corner lots higher than 3 ft. are subject to the “Vision Triangle Rule”. </p>
<p>Small Shopping Center Wall</p> 	<p>No.: 1 per establishment. Height: No higher than the building wall on which it is mounted.</p>	<p>1.5 sq. ft. per linear foot of establishment frontage.</p>	<p>None.</p>	<p>See section 10-7.209 for lighting restrictions.</p>	<ul style="list-style-type: none"> Unless otherwise stated in a Master Sign Program, 24-inch max. letter size and 30-inch max. logo size. If a Master Sign Program exists, the Development Services Director may approve additional signs or sign area as needed to adequately direct the public to the Center.
<p>Large Shopping Center Freestanding/Monument</p> 	<p>No.: 1 to identify shopping center per shopping center frontage. Height: 14 ft.</p>	<p>200 sq. ft. per face. 300 sq. ft. if >1 establishment frontage.</p>	<p>10 ft. from property lines.</p>	<p>See section 10-7.209 for lighting restrictions.</p>	<ul style="list-style-type: none"> Signs on corner lots higher than 3 ft. are subject to the “Vision Triangle Rule” of 30 ft. If a Master Sign Program exists, the Development Services Director may approve additional signs or sign area as needed to adequately direct the public to the Center.
<p>Large Shopping Center Wall</p> 	<p>No.: 1 per establishment Height: No higher than the building wall on which it is mounted.</p>	<p>1.5 sq. ft. per linear foot of establishment frontage.</p>	<p>None.</p>	<p>See section 10-7.209 for lighting restrictions.</p>	<ul style="list-style-type: none"> Unless otherwise stated in a Master Sign Program, 24-inch max. letter size and 30-inch max. logo size. If a Master Sign Program exists, the Development Services Director may approve additional signs or sign area as needed to adequately direct the public to the Center.
<p>Regional Shopping Center</p> 	<p>Shall be reviewed on a site-specific basis for allowable signage. An approved Master Sign Program is required and all allowable signage shall meet the standards specified in Section 10-7.210. Master Sign Program.</p>				

10-7.503 SIGN REGULATIONS BY ZONING DISTRICT.

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

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

Sign Type Allowed	Max. No. / Height	Max. Area	Setback	Illumination	Additional Provisions
Permanent Subdivision Signs 	No.: 1 Height: 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"> • If subdivision is >25 lots or condos, 1 additional sign is permitted, not to exceed 30 sq. ft./face, 60 sq. ft. total. • Home Occupation signs are prohibited.
Residential Office, religious, educational, health care, day care center for fifteen (15) or more, cultural, recreational, or similar facility.	No.: 1 per establishment up to 5 acres. 2 if > 5 acres. Height: 6 ft. for monument signs.	20 sq. ft. per sign.	10 ft. from all property lines.	Natural or External.	<ul style="list-style-type: none"> • If freestanding/ monument sign, base shall be landscaped. 

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

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

<p>Religious, educational, health care, day care center for fifteen (15) or more children, cultural, recreational, or similar facility.</p>	<p>No.: 1 per street frontage up to 5 acres. 2 if > 5 acres. Height: 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"> • If freestanding/ monument sign, base shall be landscaped. 
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(c) All Commercial Districts - (Except CC-R, CC-C and CC-P), Including AT-AC, AT-C (Airport Commercial Zones)

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

Sign Type Allowed	Max. No. / Height	Max. Area	Setback	Illumination	Additional Provisions
<p>For Residential Uses: Same regulations as Multi-family Districts.</p>					
<p>For Non-Residential Uses:</p>					
<p>General (applies to all uses and sign types)</p>	<p>No.: 3 signs max. (1 freestanding or monument and up to 2 wall signs)</p>	<p>1.5 sq. ft. per lineal foot of establishment frontage: 25 sq. ft. min., 100 sq. ft. max.</p>	<p>Varies by use.</p>	<p>See section 10-7.209 for lighting restrictions.</p>	<ul style="list-style-type: none"> • Businesses with more than 1 frontage shall be allowed 50% more permitted sign area upon approval of the Development Services Director. • AT-AC, AT-C zones: Office or industrial complexes with ≥ 2 frontages can have an additional sign per approval of the Development Services Director. • If freestanding/ monument sign, base shall be landscaped. • Corner Lots: Freestanding or monument signs higher than 3 ft. are subject to the “Vision Triangle Rule” of 30 ft. (see Section 10-7.208(i)).
<p>Freestanding/ Monument (applies to all uses)</p> 	<p>No.: 1 per establishment Height: 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"> • See General Provisions above.

<p>General Wall/Canopy (applies to all uses)</p>	<p>No.: up to 2 Height: Not to exceed roofline of first story element (Section Definition – Wall Sign).</p>	<p>36 sq. ft. for frontages < 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"> • See General Provisions above. 
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<p>General Temporary (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>Recycling</p> 	<p>No.: 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"> • For a wheeled facility, side shall be measured from pavement to top of container. • Directional signs with no message (for traffic or if facility not visible from ROW) shall be approved by the Director.

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

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

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

For Non-Residential Uses:					
General Wall signs 	No.: 1 per establishment frontage. Height: 6 ft.	36 sq. ft. per face.	4 ft. from all property lines.	All types. See section 10-7.209 for lighting restrictions.	<ul style="list-style-type: none"> Office complex or directory sign: 1 per complex with 20 sq. ft. max per face, 40 sq. ft. max total. Base of freestanding monument signs shall be landscaped.
Theater Signs - See Section 10-502(c) "Theater Signs"					
Temporary Signs - See Section 10-7.600 "Temporary Signs."					

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

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

Sign Types Allowed	Total Max. No.	Max. Area	Illumination	Additional Provisions
General <ul style="list-style-type: none"> Awning Hanging Menu Board Overhang/Edge Projecting Theater Marquee Theater Displays Service Station Signs Sidewalk displays (A-Frame/T-Frame) Temporary Wall Window 	2 signs per frontage. 4 signs max per establishment unless otherwise approved by Development Services Director.	<p><u>CC-C & CC-P (Foothill and A):</u></p> 2 sq. ft. per linear footage of primary frontage. 30 percent of primary frontage for secondary frontage signs. <p><u>CC-C & CC-P (other than Foothill and A):</u></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"> See section 10-7.209 for lighting restrictions. External lighting is encouraged. Neon or day glow must be approved. Signs may be illuminated with directional spotlights or indirect lighting if the effect at night is not glaringly bright. 	<ul style="list-style-type: none"> No more than three colors, unless approved by Development Service Director. Monument signs prohibited except service stations, hotels and motels.
Prohibited Signs				
<ul style="list-style-type: none"> Monument (except service stations, hotels and motels) Animated, in the Marks Historic District Revolving Flashing Portable (except A- and T-Frame) Painted Wall Signs or signs that obscure the detail of building facades Awnings made of metal or which are translucent or which contain interior lighting for illumination 				

Sign Type	Height	Max. Area	Additional Provisions
<p>General Awning (ground floor only)</p> 	8 ft. min. vertical clearance from bottom of sign to top of finish grade.	20% of the total surface area of front awning skirt.	<ul style="list-style-type: none"> • Internal illumination of awning is prohibited. • Awning signs legally erected before July 22, 1986 shall be considered in conformance if they do not exceed the maximum allowable area by 25%. • Awnings shall be regularly cleaned and kept free of dust and visible defects.
<p>General Horizontal Hanging</p> 	8 ft. min. clearance from bottom of sign to top of finish grade.	8 sq. ft. total, 4 sq. ft. per face. Signs ≤ 6 sq. ft. are exempt from permitting.	<ul style="list-style-type: none"> • Hanging signs legally erected before July 22, 1986 shall be considered in conformance if they do not exceed the maximum allowable area by 25%.
<p>General Overhang/ Edge</p> 	Height: Shall not exceed 3 ft.	See 10-7.501.e general regulations above.	<ul style="list-style-type: none"> • Shall not be used in conjunction with wall signs.
<p>General Projecting</p> 	Height: No higher than cornice or parapet, whichever is lower. 8 ft. min. clearance from bottom of sign to top of finish grade.	40 sq. ft., 20 sq. ft. per face. Double face is counted as one sign.	<ul style="list-style-type: none"> • May project up to 3 ft. horizontally, 5 ft. at Foothill & A • In no case may sign come within 2.5 ft. of curb. • Signs shall be clear of street trees, traffic signals, street lighting, regulatory signs and architectural details.
<p>General Sidewalk Display (A-Frames/ T-Frames)</p> 	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"> • Max 1 per establishment. • Must be placed in front of establishment. • 4 ft. min passage way on sidewalk must be maintained. • Signs only permitted during business hours. • Sign shall not project within 2 feet of the curb interface with vehicles. • Also see Section 10-7.501(h)

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

(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
General <ul style="list-style-type: none"> • Awning • Hanging • Marquee • Monument • Overhang • Projecting • Temporary • Wall • Window • Signs of historical 	<p>2 signs per frontage.</p> <p>4 signs max per establishment unless otherwise approved by Development Services Director.</p> <p>Temporary window signs do not count toward the total.</p>	<p><u>Sign Corridor Overlay District (see Section 10-7.211):</u></p> <p>2 sq. ft. per linear footage of primary frontage.</p> <p>30 percent of primary frontage for secondary frontage signs.</p> <p><u>All other (outside of Sign Corridor Overlay District):</u></p> <p>1 sq. ft. per linear footage of primary frontage.</p>	<ul style="list-style-type: none"> • See section 10-7.209 for lighting restrictions. • External lighting is encouraged. • Neon or day glow must be approved. • Signs may be illuminated with directional spotlights or indirect 	<ul style="list-style-type: none"> • Only 1 frontage, which contains a public entrance, can be counted as Principle Frontage. All other building Frontages, which have exposure to pedestrian or vehicular traffic, are considered Secondary Frontages.

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>General Awning (ground floor only)</p> 	8 ft. min. vertical clearance from bottom of sign to top of finish grade.	See General Regulations above	<ul style="list-style-type: none"> • Internal illumination of awning is prohibited. • Awning signs legally erected before July 22, 1986 shall be considered in conformance if they do not exceed the maximum allowable area by 25%. • Awnings shall be regularly cleaned and kept free of dust and visible defects.
<p>General Hanging Horizontal</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"> • Suspended from a canopy, awning or marquee
<p>General Overhang/ Edge</p> 	<p>Height: Shall not exceed 3 ft.</p>	See General Regulations above	<ul style="list-style-type: none"> • Shall not be used in conjunction with wall signs.

<p>General Projecting</p> 	<p>Height: No higher than cornice or parapet, whichever is lower.</p> <p>8 ft. min. clearance from bottom of sign to top of finish grade.</p>	<p>40 sq. ft., 20 sq. ft. per face.</p> <p>Double face is counted as one sign.</p>	<ul style="list-style-type: none"> • Shall not project more than 3 ft. horizontally. • In no case may sign come within 2.5 ft. of curb. • Signs shall be clear of street trees, traffic signals, street lighting, regulatory signs and architectural details.
<p>General Wall</p> 	<p>No higher than cornice or parapet, whichever is lower.</p>	<p>See General Regulations above.</p>	<ul style="list-style-type: none"> • Wall signs may be painted on the wall or be made of metal, wood (except plywood), plastic, neon or vinyl. • Fluorescent material is prohibited.
<p>General Window (permanent)</p> 	<p>N/A</p>	<p>25% of total area of window.</p>	<ul style="list-style-type: none"> • Signs may include graphics painted on glass, vinyl letters applied to glass, a clear acrylic panel behind the window, or small neon window signs. Signs should be white or light in color.
<p>General Window (temporary)</p> 	<p>N/A</p>	<p>25% of total area of window, including permanent window signs.</p>	<ul style="list-style-type: none"> • Special sale window signs of either paper or paint.
<p>Auto Dealership Signs – See Section 10-7.502(a)</p>			
<p>Theater Signs - See Section 10-7.502(c)</p>			
<p>Drive-in Restaurant Signs – See Section 10-7.502(d)</p>			
<p>Service Station Signs – See Section 10-7.502(e)</p>			
<p>Temporary Signs – See Section 10-7600 “Temporary Signs”</p>			

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

Sign Type Allowed	Max. No./ Height	Max. Area	Setback	Illumination	Additional Provisions
General (applies to all)	No: 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"> Office or industrial complexes with ≥ 2 frontages or ≥ 2 street entrances can have additional signs per approval of the Development Services Director.
General Freestanding/ Monument 	No: 1 per 50 linear feet of establishment frontage. Height: 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"> Base of freestanding/ monument signs shall be landscaped.
General Wall 	No: 2-3 Height: 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"> Office or industrial complexes with ≥ 2 frontages or ≥ 2 street entrances can have additional signs per approval of the Development Services Director.
Changeable Copy/ Electronic Reader Board/Freeway Sign. 	No: 1 Height: 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"> Only permitted when designed as part of freeway-oriented business identification sign. Freeway Oriented Signs – See Section 10-7.502(b) Signs are subject to provisions of State Outdoor Advertising Act.
Drive-in Restaurant Signs - See Section 10-7.502(d)					
Service Station Signs - See Section 10-7.502(e)					
Temporary Signs - See Section 10-7.600 "Temporary Signs."					

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

(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.

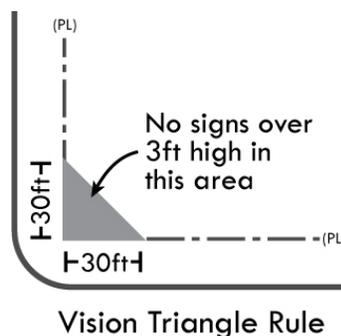
10. *Duration.*

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

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

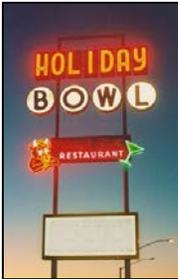
Individual letters mounted on an exposed electrical raceway instead of being mounted directly on a building wall building wall or with the raceway designed to be hidden by the design of the sign.

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 (≥ 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.

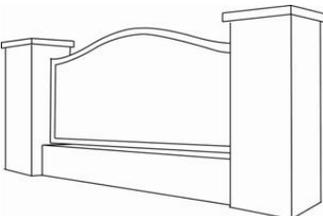


Marquee Sign.

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.

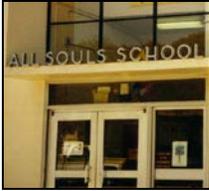
Any sign that is not appurtenant to the use of the property, a product sold, or the sale or lease of the property on which it is displayed or contains a message chosen by a person other than the person in control the property or structure where the sign is located, erected, or maintained. This definition 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.

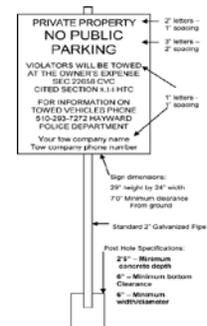
A sign which is displayed for less than sixty (60) calendar days per year. See also “Balloon,” “Banner,” “Pennants”, “Promotional Events and Grand Opening Signs,” “Special Event Sign,” and “Streamers.” See Section 10-7.600.

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

ORDINANCE NO. _____

ORDINANCE AMENDING SIGN-RELAED 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-____, 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 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

SEC.10-24.200 REGULATING PLAN AND TRANSECT ZONES

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

10-24.140 INTERFACE WITH OTHER REGULATORY REQUIREMENTS

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

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

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

10-24.220 CIVIC SPACES ZONE

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

b. General to CS Zone

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

10-24.285 SIGN STANDARDS

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

stabling devices. Attachments should be hidden from general view and in the least destructive manner possible. For masonry, attachments should be embedded into the mortar, not the brick or stone. All signs and murals painted on walls shall be covered with anti-graffiti coating.

h. Sign Area and Number

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

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

i. Sign Types

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

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

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

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

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

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

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

vii. Promotional Temporary Signs.

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

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

SEC.10-24.500 DEFINITIONS AND RULES OF INTERPRETATION

10-24.505 DEFINITION OF TERMS

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

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

ORDINANCE NO. _____

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-_____, 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.

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 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

SEC.10-25.200 REGULATING PLAN AND TRANSECT ZONES

10-25.205 PURPOSE

10-25.210 REGULATING PLAN

10-25.215 TRANSECT ZONES

10-25.220 CIVIC SPACE ZONE

10-25.225 BUILDING DISPOSITION

10-25.230 BUILDING CONFIGURATION

10-25.235 BUILDING FUNCTIONS

10-25.240 DENSITY STANDARDS

10-24.245 PARKING STANDARDS

TABLE A1 BICYCLE PARKING REQUIREMENT

TABLE A2 BICYCLE PARKING TYPES

10-25.250 ARCHITECTURAL STANDARDS

10-25.255 FENCE AND WALL STANDARDS

10-25.260 LANDSCAPE STANDARDS

10-25.265 VISITABILITY STANDARDS

10-25.270 SUSTAINABILITY STANDARDS

10-25.275 THOROUGHFARE STANDARDS & PLAN

10-25.280 SUBDIVISION STANDARDS

~~10-25.285 SIGN STANDARDS~~

10-25.290 TELECOMMUNICATION FACILITY STANDARDS

10-25.295 EMERGENCY SHELTER AND GROUP HOME STANDARDS

10-25.140 INTERFACE WITH OTHER REGULATORY REQUIREMENTS

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

i. Article 1 (Zoning Ordinance)

(1) Sections 10-1.200 through 10-1.2600 (Zoning Districts)

(2) Section 10-1.2735(i) (Private Street Criteria)

(3) Section 10-1.3300 (Variances)

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

iii. Article 3 (Subdivision Ordinance)

(1) Section 10-3.505 (Street Standards)

(2) Section 10-3.845 (Block Lengths)

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

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

10-25.220 CIVIC SPACES ZONE

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

~~10-25.285 SIGN STANDARDS~~

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

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

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

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

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

~~i. Sign Types [W]~~

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

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

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

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

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

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

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

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

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

vii. ~~Promotional Temporary Signs.~~

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

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

SEC.10-25.500 DEFINITIONS AND RULES OF INTERPRETATION

10-25.505 DEFINITION OF TERMS

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

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

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-

Introduced by Councilmember _____

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

WHEREAS, at the direction of the City Council, staff has prepared comprehensive text amendments to the City’s Sign Regulations (Sections 10-7.100 *et seq.* of the Hayward Municipal Code); sign-related provisions of the South Hayward Bart/Mission Boulevard Form-Based Code (Sections 10-24.140, 10-24.220, 10-24.285 and 10-24.505 of the Hayward Municipal Code) and the Mission Boulevard Corridor Form-Based Code (Sections 10-25.140, 10-25.220, 10-25.285 and 10-25.505 of the Hayward Municipal Code); and related amendments to the City’s Fiscal Year 2016 Master Fee Schedule, to offset costs to the City from the enforcement and administration of the proposed regulations (the “Project”); and

WHEREAS, a Negative Declaration and Initial Study have been prepared and circulated for public review and comment, in accordance with the California Environmental Quality Act (CEQA) and its Guidelines, which conclude that the proposed Project would not have a significant environmental impact; and

WHEREAS, the Planning Commission considered the Project at a public hearing held on May 28, 2015, and where the motion passed (6-0-1) that the City Council approve the Negative Declaration and the Project (Text Amendment Application No.201502144 ZTA); and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on June 23, 2015.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows:

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- A. The proposed Project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and a Negative Declaration and Initial Study have been prepared, which conclude that no significant environmental impacts will occur as a result of the Project.

AMENDMENTS TO THE MUNICIPAL CODE RELATED TO SIGN REGULATIONS (REFERRED TO AS THE “TEXT AMENDMENTS”)

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

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

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

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

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

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

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

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

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

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the Negative Declaration and the findings in support of Text Amendment Application No. 201502144 ZTA, subject to the adoption of the companion ordinances.

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:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO _____

Introduced by Council Member _____

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

WHEREAS, Section 15273 of the California Environmental Quality Act (CEQA) Guidelines states that CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies which the public agency finds are for the purposes of:

1. Meeting operating expenses, including employee wage rates and fringe benefits;
2. Purchasing or leasing supplies, equipment, or materials;
3. Meeting financial reserve needs and requirements;
4. Obtaining funds necessary for capital projects necessary to maintain service within existing service areas; or
5. Obtaining funds necessary to maintain intra-city transfers as are authorized by city Charter; and

WHEREAS, the City Council finds and determines that this action is exempt from CEQA based on the foregoing provisions.

WHEREAS, in November 2010, California voters approved Proposition 26, which amended Article XIII C of the State constitution regarding the adoption of fees and taxes. Proposition 26 seeks to assure that taxes, which must be approved by the voters, are not disguised as fees, which can be approved by legislative bodies, such as a city council. The proposed amendment to the Master Fee Schedule (MFS) is compliant.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby adopts certain changes in the Master Fee Schedule relating to fees and charges for the Planning Division in the Development Services Department, as reflected in Attachment A.

BE IT RESOLVED that this resolution shall become effective on the date that the last of the three companion ordinances (Ordinances No. 15- , No. 15- , and No. 15-) becomes effective.

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

Attachment A

B. Planning

22. Sign Permits

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

*Deposit to be refunded upon removal of temporary signage.

** Revocable Encroachment Permit also applies to Human Signs in public right-of-way)



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ABSTAIN: None

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

Senior Planner Ajello provided a synopsis of the staff report. She stated that there were modifications made to the Draft Sign Regulations after the publication of the Planning Commission agenda packet and noted that she had provided these revisions to the Planning Commission at the present meeting. The additional revisions made to the Draft Sign Regulations consisted of the following: correct formatting and typographical errors; a correction to the staff report regarding the amortization process regulations being revised from five years to three years; the addition of standards for inflatables as temporary signage under Section 10-7.501; and modifications to Section 10-7.711 Enforcement of Signs on Private Property and Section 10-7.712 Enforcement of Signs on Public Property.

Development Services Deputy Director Bristow noted for Commissioner Faria that enforcement of the sign regulations was typically complaint driven. She added that staff will conduct an initial survey and would notice businesses that they have to come into compliance.

Senior Planner Ajello clarified for Commissioner Schott that Section 10-7.300 of the Sign Regulations on Address Signs applied to new Single-family home developments and added that older subdivisions or tracts that don't have the illuminated addresses would not be impacted by the proposed regulations. She also noted that the internally illuminated cabinet signs through time would be amortized out in three years. Ms. Ajello indicated that the section of the Sign Regulations under Appendix: Definitions addressing Vehicle Sign, was intended to prohibit a business from using a vehicle with a billboard sign in the bed of the truck and parked in front of a business establishment for advertisement purposes; she stated that advertising on commercial vehicles had to be in conformance with the Department of Motor Vehicles code. She noted for Commissioner Schott that signs posted on telephone poles were not permitted.

Development Services Deputy Director Bristow added that although posting signs on telephone poles was illegal, political signs were permitted within a given timeframe. She elaborated that staff had done outreach to sign companies as a courtesy to notify them that such signs were illegal. Ms. Bristow noted that staff will do sweeps of various corridors as an enforcement measure and shared that such signs tended to be seasonal.

In response to Commissioner Enders' question about who the responsible party will be for the removal of abandoned signs if they are not removed within a six month period, Deputy Director Bristow indicated that after six months, it was always the property owner's responsibility and noted



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that the procedures outlined in Chapter 5, Article 7 referred to the Community Preservation Ordinance. She stated that if a complaint was received regarding an abandoned sign, staff would send a notice to the property owner giving them ten days to remove the sign; if the property owner does not remove the sign, then staff will abate the sign for them and send the owner a bill.

Senior Planner Ajello noted for Commissioner Enders that the human signs/hand-held signs were not permitted under the current code; however, she indicated that staff was proposing to allow this as temporary signage. She shared that the human signs/hand-held signs were typically used by developers to advertise new home developments at street corners mainly on weekends. Ms. Ajello exemplified that the provisions in the proposed regulations include the following: the temporary signage could not interfere with traffic; they cannot have bullhorns or produce loud noises that could create a traffic hazard; there would be limitations on where the signage would be permitted in the public right of way; would have to be a certain size which would make them consistent with the requirements of A-frame signs; and would be required to have a temporary sign permit and an encroachment permit. Commissioner Enders asked if the fees assessed for human signs/hand-held signs were per individual doing the advertising. Senior Planner Ajello responded that permits would be required per individual with a temporary sign as each location would require a separate permit; she noted that she would review the regulations to ensure that this was carefully addressed.

Commissioner Lavelle thanked staff for conducting a thorough review of the proposed regulations and shared that it was extremely helpful that the Planning Commission had a study session prior to the present meeting to offer input on the regulations. In regards to the A-frame signs, she expressed that she cared about the quality of these signs and asked staff about the regulations on the materials the signs were made of, the maintenance of signs, and adherence to the proposed regulations. Senior Planner Ajello indicated that the update for the A-frame signs consisted of the following: there was a maximum sign area; they have to be constructed of durable weather-proof materials; and the copy area was kept open in order to make the signs available to all parties including restaurants that utilize chalkboards or cork boards.

Deputy Director Bristow added that staff could enforce adherence to A-frame sign regulations that had signs that were dirty, deteriorated, and were not being maintained.

Commissioner Lavelle commented that some communities have attractive A-frame signs in place which really enhanced and drew customers into a business, noting that this style would be an improvement for Downtown Hayward. She stated that she had seen A-frame signs in the downtown being used for businesses advertising for smoking vapor cigarettes, low cost massages, and for nail shops, which were business supported in the community; however, she did not want the regulations to proliferate the advertisement of such businesses and preferred A-frame signs also being used for businesses like cupcake shops or jewelry stores in the downtown. She recommended that there be a better explanation under the fiscal impact section of the staff report regarding the \$50 fee proposed for a portable/A-frame sign revocable encroachment permit, adding that the purpose of the fee was also so that staff would have a record of who the owner of an A-frame sign was and so that the



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Code Enforcement staff could contact the owner if there were any complaints. Commissioner Lavelle was pleased that the regulations included inflatable signs as temporary signs that would be permitted, adding that this could assist in attracting customers to the auto and other businesses in the main corridors of Hayward. She did not support allowing inflatable signs on the roofs of businesses.

Commissioner Schott asked if individuals with human signs/hand-held signs would be required to carry a copy of the temporary sign permit on them. Senior Planner Ajello responded that this could be added to the provisions that individuals with hand-held signs carry the permit on their person; she stated that another solution would be for staff to have a list of temporary sign permits issued for a given period of time be distributed to the Hayward Police Department and the Code Enforcement Division. In response to Commissioner Schott's question about whether there was a limit on the going out of business and store closing signs, Ms. Ajello noted that businesses that were closing were required to have a temporary sign permit and confirmed that there was a limitation on the number of days such signs could be displayed.

In regards to the 28 complaints received predominantly for the A-frame signs, Chair McDermott asked if these were received from citizens and/or businesses. Deputy Director Bristow exemplified that the complaints received were from competing or neighboring businesses, from individuals with other abilities that bump into the signs, from PG&E and AT&T workers when it interferes with their work area, and a variety of other sources.

Chair McDermott expressed that she was impressed with the depth and scope of the proposal and commented that she had learned a lot about sign regulations, praising the inclusion of images. She was surprised that a few number of businesses participated in the review of the proposed regulations, given the broad based impact of the provisions. Senior Planner Ajello noted for Chair McDermott that staff and Hayward Chamber of Commerce President Huggett met with only one business owner, Mr. Ted Miller, at Mr. Miller's request. Chair McDermott pointed out that 738 notices were mailed out to businesses that were Chamber of Commerce members and underscored that the sign ordinance was significant to the City.

Senior Planner Ajello indicated for Commissioner Enders that Attachment VII of the agenda packet which was submitted by a member of the public, contained concerns about having easier to understand language in the regulations.

Director Rizk added that the images included in the regulations would also assist with explaining the language. In regards to conducting further outreach prior to the City Council public hearing on this item, Mr. Rizk commented that staff would explore how additional participation could be sought from interested parties, as there was fairly limited participation thus far.

Chair McDermott commented that although efforts to conduct outreach had been made, she was afraid that after the regulations are adopted, individuals impacted will be frustrated and may say that they were not aware of the revised regulations. Director Rizk stated staff will closely monitor the



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implementation of the regulations and if there were significant complaints received after its adoption, then staff could always consider revising the regulations at a later time.

Commissioner Enders asked staff if specific businesses in the downtown entertainment district that were out of compliance with the regulations had been contacted. Deputy Director Bristow indicated that staff had done this, in addition to ample outreach through social media. She highlighted that the opportunity to do more outreach to the community had expanded with the addition of a Public Information Officer position to the City. Ms. Bristow underscored that whenever there was a comprehensive modification to an ordinance or a program in the City, the Code Enforcement Division would make extra efforts to send notifications to the affected areas of the community. Chair McDermott suggested that when a future noticing is done regarding the proposed regulations, information be added to the notice detailing the various outreach opportunities the City had hosted, including the Work Session and Public Hearing meetings.

Chair McDermott opened the public hearing at 8:01 p.m.

Mr. Tad Miller, business owner of Liberty Tax in Hayward, referenced cabinet or can signs from Section 10-7.400 and asked staff if the regulations applied to lighted cabinets or the free standing signs. Senior Planner Ajello responded that the cabinet signs were often wall-mounted and/or free standing, noting that these signs no longer comply with current design standards and would now be codified through the proposed regulations. Mr. Miller commented that about 90% of the cabinet signs on buildings were contrary to the proposed regulations. Ms. Ajello stated that staff will have accurate data available on the types of signs in the City once the sign survey was completed. She also confirmed that costumed sign wavers were permitted under the regulations addressing temporary promotional signs. In regards to the regulations on inflatable characters, Mr. Miller raised the concern that his business did not have ground space available at his establishment to tether the inflatable character to the ground. He requested that a variance be allowed for businesses that do not have adequate ground space available and be allowed to secure inflatable characters on the rooftop, as his establishment had done in the past. Senior Planner Ajello indicated that the sign regulations as presently stated did not permit roof mounted signs, noting that this included the promotional signage. She added that if the Planning Commission desired, the body could make a recommendation to the City Council requesting that the sign regulations be modified for this purpose.

Mr. Kim Huggett, President of the Hayward Chamber of Commerce, reported that the Government Relations Council of the Chamber of Commerce held a meeting comprised of a panel of sixteen local businesses, noting that City staff members present at the meeting included Planning Manager Buizer and Senior Planner Ajello. He noted that the report from the Government Relations Council was reviewed by the Chamber of Commerce's Board of Directors. Mr. Huggett was pleased that a number of the comments suggested by the Chamber of Commerce had been reflected in the proposed sign regulations, pointing out that one of the concerns addressed was incorporating a \$200 refundable deposit for the temporary sign permit fee.



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Chair McDermott closed the public hearing at 8:06 p.m.

Commissioner Lavelle made a motion per staff recommendation and including the following revisions to the Draft Sign Regulations as proposed by staff: to correct the formatting and typographical errors; to modify the five year amortization process indicated in the staff report to three years; to add standards for inflatable signs as temporary signage under Section 10-7.501 General Regulations by Sign Type; to include modifications to the Enforcement Section under Section 10-7.711 Enforcement of Signs on Private Property and Section 10-7.712 Enforcement of Signs on Public Property.

In regards to inflatable signs, Commissioner Schott asked staff if it would be possible to tether this to a cement block for businesses that did not have adequate ground space available at their establishment. Senior Planner Ajello responded that proposed regulations require the bottom of the inflatable signs to be on the ground, she reiterated that these proposed regulations could be modified if the Planning Commission desired. Commissioner Schott expressed that he did not wish to modify the language of the proposed regulations. Ms. Ajello noted that other cities also had similar regulations requiring inflatable signs to be tethered to the ground.

Commissioner Parso seconded the motion.

AYES:	Commissioners Schott, Enders, Faria, Lavelle, Parso Chair McDermott
NOES:	None
ABSENT:	Loché
ABSTAIN:	None

COMMISSION REPORTS

3. Oral Report on Planning and Zoning Matters

Planning Manager Buizer shared that there were no items scheduled for the June 11, 2015 Planning Commission meeting; however, she did have a couple items scheduled for the June 25, 2015 Planning Commission meeting.

4. Commissioners' Announcements, Referrals

Commissioner Faria stated that she had observed individuals rummaging through unattended collection boxes at the Nations Giant Hamburgers restaurant on Jackson Street and Harder Road, and commented that people would layer themselves with clothes. She added that the unattended collection box located at the Smart & Final on Hesperian Boulevard had clothes strewn around the box in the parking lot which seemed to occur mostly on weekends. Planning Manager Buizer stated that the City Council has not adopted any regulations yet on unattended collection boxes

DATE: June 23, 2015

TO: Mayor and City Council

FROM: Director of Utilities & Environmental Services

SUBJECT: *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

RECOMMENDATION

On January 12, 2015, the Council Sustainability Committee directed staff to seek Council authorization to participate in and self-fund the PAYS[®] program. Staff recommends that:

1. That the City Council determines if it wishes to participate in the PAYS[®] program by self-funding the program; and if so,
2. That the City Council determines if it is inclined to use Water Fund monies to fund the program, including lighting retrofits; and if so,
3. That the City Council adopts the attached resolution (Attachment I):
 - a) authorizing the Green Hayward PAYS[®] program to be funded internally;
 - b) authorizing the City Manager to execute an extension to the agreement between the City and Bevilacqua Knight, Inc. (BK_i) to serve as the Certification Agent for Green Hayward PAYS[®] program; and
 - c) authorizing the City Manager to amend contracts with contractor and suppliers to provide products and installation services.

SUMMARY

This report presents proposed changes to the Green Hayward “Pay As You Save[®]” (PAYS[®]) pilot program. The program was approved by Council with the understanding that it would be funded by an outside bank. Due to unanticipated challenges associated with securing outside funding, (i.e. refusal of the bank to provide funding without a City guarantee of repayment), the Council Sustainability Committee has recommended that the program be modified to be internally funded.

BACKGROUND

General Plan Policies – Hayward’s General Plan, adopted on July 1, 2014, includes the following policies and implementation programs that support the PAYS[®] program:

Natural Resources Element, Policy 4.14: Energy Efficiency Retrofits – The City shall collaborate with regional entities and others to promote incentive programs for energy efficiency retrofits such as the Energy Upgrade California program for residential properties.

Natural Resources Element, Program 9: Financing Program for Residential Energy Efficiency Retrofits – The City shall work with regional agencies and organizations to develop a residential energy efficiency retrofit financing program for single-family and multi-family homes.

Public Facilities and Services, Policy 3.15: Water Conservation Programs – The City shall implement cost effective conservation strategies and programs that increase water use efficiency, including providing incentives for adoption of water efficiency measures. Water conservation strategies may include a combination of financial incentives, legislative actions, and public education.

Public Facilities and Services Program 2: Water Conservation Programs – The City shall regularly develop cost effective conservation programs that decrease water use.

Program Overview – The City was awarded a grant of technical support by the Regional Climate Protection Authority (RCPA) in May 2013. The RCPA hired BKi, a consulting firm with expertise in energy efficiency, water conservation, and building retrofit incentive programs, to help design Hayward’s PAYS[®] program. The Green Hayward PAYS[®] pilot program is designed to be an on-bill financing program that allows eligible multi-family property owners to install water and energy-saving measures with no up-front cost. Typical projects are likely to include replacements of toilets, showerheads and aerators and may also include retrofits to common area lighting and hot water distribution systems (pumps, etc.) for multi-family properties.

Participants repay program costs over ten years through a surcharge on their water bills, with their estimated water, sewer, and energy savings exceeding the surcharge. The surcharge on the customer’s bill will not exceed 80% of the customer’s estimated bill savings so that the customer will experience an immediate net reduction in their bill. Following a competitive process, a preferred contractor and suppliers were selected to perform the installations and supply water conservation products on behalf of the City. A goal of this pilot program is to serve 2,000 dwelling units. If implemented, Hayward would be the second city in California to have agreed to provide this financing program to its water customers.

The only other city to have implemented PAYS[®] is the Town of Windsor in Sonoma County. Windsor is an affluent community with a population of less than 27,000 and a median household income of about \$90,000. Windsor did so by transferring funds from a General Fund Capital Fund to its Water Fund in order to pay for the program’s water efficiency and lighting retrofit costs, which included a total of six multi-family properties.

Program Funding – On February 18, 2014¹, Council approved the establishment of the Green Hayward PAYS[®] program with the understanding that the program would be funded by private financing in the form of a bank loan. The Program Design for Green Hayward PAYS[®] envisioned a pilot program that would serve up to 2,000 multi-family dwelling units and that initial funding of \$1 million would be needed for these projects. During development of the Program Design in 2013, staff began discussions with New Resource Bank and reached preliminary terms for a guidance line of credit. Following a recommendation by the Sustainability Committee on January 29, 2014, the Program Design and authorization to proceed with the bank terms were approved by Council on February 18, 2014. On February 25, 2014, staff provided New Resource Bank with a signed expression of interest letter, which began the bank’s due diligence and formal credit underwriting process. In the spring of 2014, staff worked with New Resource Bank to prepare draft documents for the guidance line of credit.

During an internal review of the draft New Resource Bank documents, staff consulted with the City’s outside financial advisor and it was determined that the guidance line of credit would violate municipal debt limitations set forth in the California Constitution. Because the loan would not be secured, the Constitution would require voter approval prior to the City taking on such a loan. As noted in the January 12, 2015 report to the Sustainability Committee, the Association of Bay Area Governments (ABAG), the administrators of the BayREN program, are very interested in enabling cities and water districts to run successful PAYS[®] programs. ABAG staff, RCPA, and others are working directly with Jones Hall, a law firm that specializes in public finance, to find a way that cities can secure outside funding that is necessary to make PAYS[®] programs work. RCPA has indicated that there may be an effort to address the limitations of the State Constitution via state legislation in the future.

After several internal discussions to determine the best way to proceed, as well as discussions with RCPA and their consultants, staff continued to pursue other financing opportunities for the Green Hayward PAYS[®] program. As noted above, the Town of Windsor self-funded their program using internal general fund reserves and a loan guarantee from the Sonoma County Water Agency. Windsor is the only water agency out of 416 in California that has established a PAYS[®] program.

One option considered for Hayward’s program included the possibility of self-funding the program with an internal loan from the City’s Wastewater Operating Fund. As noted in the January 12, 2015 report to the Sustainability Committee², after careful consideration, staff determined it would not be prudent to commit \$1 million to the Green Hayward PAYS[®] program, given the ten-year customer repayment term, and the fact that operating fund balances are maintained so that the City has the capacity to handle nondiscretionary, unanticipated expenses and emergency repairs. While staff expressed a continued preference to pursue outside funding, the Committee directed staff to seek authorization from the full City Council to self-fund the pilot program in order to expedite implementation. The Committee advised that if the project continues beyond the initial pilot, then long term funding should be sought from the private sector.

¹ See Item 3 at <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2014/CCA14PDF/cca021814full.pdf>

² See Item 6 at <http://www.ci.hayward.ca.us/CITY-GOVERNMENT/COUNCIL-STANDING-COMMITTEES/COUNCIL-SUSTAINABILITY-COMMITTEE/2015/CSC-CCSC011215full.pdf>

DISCUSSION

If Council decides to fund the pilot program internally, the Water Improvement Capital Fund would be used. The Water Improvement Capital Fund's primary revenue is the Water Facilities Fee (also referred to as a "connection fee"), which is a fee that is assessed on new water service connections. The FY 2016 - 2025 Capital Improvement Program, also scheduled to be adopted on June 23, includes the Green Hayward PAYS[®] program as a placeholder project in this fund, budgeted for \$1,000,000 in FY 2016, with projected annual revenue shown to be approximately \$140,000 beginning in FY 2016 through FY 2026. The revenue reflects the funds that will be repaid by the participating customers through a surcharge on their water bills, and assumes a return of 6.95%, established as the Green Hayward PAYS[®] program activity charge, which matches the interest rate offered by New Resource Bank.

The customer surcharge related to the Green Hayward PAYS[®] program is not a property related fee subject to Proposition 218 since collection of the surcharge is dependent on the property owner or tenant's voluntary decision to utilize the services of the PAYS[®] program and is not merely an incident of property ownership. Additionally, the surcharge is not subject to Proposition 26 since participation in the program is voluntary and the participants enter into contractual arrangements with the City to pay the surcharge.

Certification Agent – Administration of the PAYS[®] program requires marketing, reviewing proposed projects to ensure cost-effectiveness, ensuring all purchase agreements and related forms are completed, performing pre- and post-installation inspections, and providing customer service by fielding all customer inquiries and resolving issues. The program was designed such that these tasks could be performed by City staff or by an outside Certification Agent. In March 2014, staff entered into a professional services agreement with BKi to serve as the Certification Agent for a limited term, including a not-to-exceed contract amount of \$24,500, to assess BKi's capabilities on a pilot basis. In April and May of 2014, BKi marketed the program and performed project screening services until it became apparent that private financing would not be secured.

If Council is inclined to approve the program, the agreement with BKi will need to be extended to June 30, 2016. Staff requests Council authorization to extend the agreement with a not-to-exceed amount of \$100,000. When the program launches, staff expects that monthly billing will average \$8,000 per month. The initial pilot, approved for up to 2,000 units, may be completed prior to June 2016. If the PAYS[®] program is extended beyond the pilot, then the City will assess staffing needs and may continue to have BKi serve as the Certification Agent.

Contractor & Suppliers – In February 2014, after Council initially approved the PAYS[®] program based on private funding, the City entered into contracts with the following companies:

- Bottom Line Utility Solutions (BLUS), to install basic, energy, and landscaping measures and to supply the products for basic and landscaping measures;
- Niagara Conservation to supply toilets and showerheads;
- HD Supply to supply anti-scald shower valves (not an energy efficiency or water conservation measure, but originally included as a safety feature); and
- Accurate WeatherSet to supply weather-based irrigation controllers.

Following are staff's recommended changes in the contracts with the program contractor and suppliers:

- Niagara Conservation's price for toilets has increased by 10% since their proposal was originally submitted to the City. Also, Niagara is no longer able to supply showerheads, so BLUS will supply showerheads at a price that is competitive with the firms that responded to the RFP. These changes will be reflected in an amended agreement with Niagara.
- HD Supply was to supply anti-scald shower valves; however the City's consultants have completed additional research, reviewing all the California water utilities that provide free 1.5 gallon-per-minute showerheads, and was not able to find any that provide or recommend use of a temperature-actuated-flow-reduction (TAFR) valve or comparable device. Staff recommends elimination of the TAFR from the program, which eliminates the need for a contract with HD Supply.
- Accurate WeatherSet was to supply weather-based irrigation controllers. New information has led staff to question Accurate WeatherSet's ability to reliably supply irrigation controllers in a timely manner. Staff recommends sourcing the controllers through BLUS. BLUS has significant experience installing weather-based irrigation controllers and will match the prices initially offered by Accurate WeatherSet.

The above changes will help with effective program implementation and will also reduce the number of contracts to be managed by staff from four to two.

ECONOMIC IMPACT

A Green Hayward PAYS[®] program would benefit residents and property owners who are able to take advantage of the opportunity to improve energy and water efficiency in their homes with no up-front costs and no increases in their overall utility bills. If or when BLUS needs additional staff to complete projects, they will first look to the local workforce. If the program continues beyond the initial pilot, local contractors may also benefit from the increased demand for efficiency measure installations.

FISCAL IMPACT

Development of the Green Hayward PAYS[®] program has been funded by a grant from the Regional Climate Protection Authority (RCPA), which received funding from the Bay Area Regional Energy Network (BayREN). Per direction from the Sustainability Committee, staff has identified and requested an expenditure of \$1,000,000 from the Water Improvement Capital Fund in the FY 2016 - 2025 Capital Improvement Program. The funds in this reserve are utilized for emergency replacements and contingencies. This funding would be used to cover the upfront costs associated with installing conservation and efficiency measures and will be paid back over time with a surcharge on each participating customer's water bill. The allocation and use of this amount would lower the FY 2016 reserves in this Capital Fund to just \$350,000, assuming that the anticipated annual repayment of \$142,000 is fully realized in the first year. The Fund will ultimately be paid back over ten years with a rate of return of 6.95%.

An administrative fee will be charged to each participating customer to cover the staff costs associated with managing the program and will provide a substantial portion of the funds to pay

costs associated with the agreement with BKi. The agreement will have a not-to-exceed amount of \$100,000. The BayREN grant will cover most of the costs associated with design of the PAYS[®] system for implementation.

The program is designed to utilize the City's toilet rebate program, but the project's proponents maintain that the rebates are not necessary for most projects to be considered cost effective and to meet the 80% rule. If the average participating dwelling unit has 1.5 toilets, the pilot program would replace 3,000 toilets, which would draw \$300,000 from the Water System Replacement Fund. Sufficient funds are available to cover this.

PUBLIC CONTACT

The Green Hayward PAYS[®] program has been discussed during public meetings of the City Council Sustainability Committee on July 10, 2013, October 2, 2013, January 29, 2014, and January 12, 2015. The program was presented to the City Council on October 15, 2013 and February 18, 2014. The contractor selected by the City, Bottom Line Utility Solutions, has marketed the program to owners of multi-family properties in Hayward and has reported that these initial contacts and site visits indicate strong interest in the program.

ABAG and StopWaste have submitted letters supporting Council's approval of the PAYS[®] program (see Attachments II and III).

NEXT STEPS

If Council adopts the attached resolution, staff will execute extensions to the agreements with BKi, BLUS and Niagara Conservation. Staff will then take steps to finalize loan documents and launch the program.

Staff will continue to investigate the possibility of outside funding for the program for future implementations.

Prepared by: Erik Pearson, AICP, Environmental Services Manager
Recommended by: Alex Ameri, Director of Utilities & Environmental Services

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Resolution
- Attachment II: Letter from the Association of Bay Area Governments dated May 11, 2015
- Attachment III: Letter from StopWaste dated May 13, 2015

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN EXTENSION TO THE PROFESSIONAL SERVICES AGREEMENT WITH BEVILACQUA KNIGHT, INC. (BKⁱ) TO PROVIDE CERTIFICATION AGENT SERVICES FOR THE GREEN HAYWARD PAYS[®] PROGRAM AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE CONTRACT AMENDMENTS WITH BOTTOM LINE UTILITY SOLUTIONS AND NIAGARA CONSERVATION

WHEREAS, the City of Hayward City Council approved the Green Hayward PAYS[®] (Pay As You Save) pilot program on February 18, 2014; and

WHEREAS, the Environmental Services Division does not currently have staff to administer the Green Hayward PAYS[®] program; and

WHEREAS, BKⁱ is well-qualified to serve as the Certification Agent for the Green Hayward PAYS[®] program.

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 an extension to the professional services agreement with Bevilacqua Knight, Inc. (BKⁱ) to provide certification agent services for the Green Hayward PAYS[®] program through June 30, 2016, in an amount not to exceed \$100,000, in a form to be approved by the City Attorney; and

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to execute, on behalf of the City of Hayward, amended contracts with Bottom Line Utility Solutions as the Certified Contractor and a Certified Supplier and with Niagara Conservation as a Certified Supplier to implement the Green Hayward PAYS program, in a form 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

ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



May 11, 2015

Hayward City Council
777 B Street
Hayward, CA 94541

Council:

On behalf of the Association of Bay Area Governments (“ABAG”)¹ and the San Francisco Bay Area Regional Energy Network (“BayREN”), I would like to thank the Hayward City Council, the City of Hayward, and its Utilities & Environmental Services staff for the leadership you have shown in developing the Green Hayward PAYS pilot. This program comes at a critical time for water conservation as the State’s drought pressures continue to worsen. The City’s commitment to Green Hayward PAYS has potential to further demonstrate a sustainable and scalable program model to help protect our water supply.

The Green Hayward PAYS pilot is poised to accomplish the established goals:

- ❖ Over 1,200 multifamily units at 6 multifamily properties in Hayward were pre-qualified for the pilot in initial outreach efforts.
- ❖ The eligible Green Hayward PAYS projects at these properties will save water, energy, and natural gas with plumbing, water heating, lighting, and irrigation upgrades.
- ❖ These projects could be implemented with immediate customer bill savings and no upfront customer co-payment, making it possible for these properties to make improvements that would otherwise require significant out-of-pocket cost.
- ❖ Similar projects at multifamily properties participating in Windsor Efficiency PAYS, another BayREN PAYS pilot, are helping Windsor residents achieve 33% water savings.

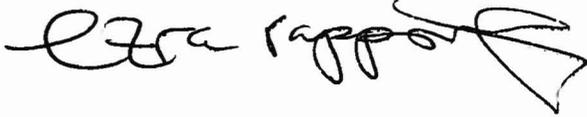
BayREN’s partnership with the City to pilot Green Hayward PAYS was initiated in the summer of 2013. As Green Hayward PAYS begins to deliver projects, BayREN hopes to continue this partnership and work with the City to evaluate program achievements. Working together to understand pilot water savings, energy savings, and financial performance will help BayREN and the City evolve the PAYS model to best serve the City and the larger Bay Area. Our vision is to create a model that enables third party capital to serve the full market potential for water and energy efficiency in the City of Hayward and other partner communities.

¹ ABAG is the Council of Governments for the nine counties and 101 cities and towns of the San Francisco Bay region.

BayREN is excited to help Hayward capitalize on the interest of this pilot by both contractors and multifamily property owners. We are also looking forward to helping Hayward multifamily residents save water and energy, and reduce greenhouse gas emissions.

Thank you again for your leadership.

Sincerely,

A handwritten signature in black ink, appearing to read "Ezra Rapport", with a stylized flourish at the end.

Ezra Rapport
Executive Director
Association of Bay Area Governments



May 13, 2015

StopWaste is the Alameda County Waste Management Authority, the Alameda County Source Reduction and Recycling Board, and the Energy Council operating as one public agency.

Mr. Erik Pearson
Environmental Services Manager
City of Hayward
777 B Street, Hayward CA 94541

Dear Mr. Pearson:

StopWaste: Energy Council would like to commend the City of Hayward and its Utilities & Environmental Services staff for paving the way for an innovative water and energy efficiency program and financing mechanism. We support the Green Hayward PAYS pilot and look forward to continuing our assistance to city staff as the city moves forward toward implementation.

The Green Hayward PAYS pilot addresses several critical issues of joint concern to the City of Hayward and to StopWaste: Energy Council:

Member Agencies:

Alameda County
Alameda
Albany
Berkeley
Dublin
Emeryville
Fremont
Hayward
Livermore
Newark
Oakland
Piedmont
Pleasanton
San Leandro
Union City
Castro Valley
Sanitary District
Oro Loma
Sanitary District

- **Water Conservation:** This pilot comes at a critical time for water conservation as the State's drought pressures continue to worsen. The PAYS model has the potential to deliver significant water savings; similar projects at multifamily properties participating in Windsor Efficiency PAYS have achieved 33% water savings.
- **Sustainable Landscaping:** As Hayward continues to develop and implement the PAYS program, landscaping measures can be incorporated and PAYS financing can be used to promote sustainable landscaping and lawn conversions. These measures support water conservation, GHG reduction and the use of local recycled compost and mulch.
- **Energy Efficiency and GHG Reduction:** By targeting hot water measures and energy-efficient updates, the Green Hayward PAYS pilot will save energy directly and through the embedded energy of water use, which will lower GHG reductions and help meet Hayward's climate action plan goals.
- **Residential Cost Savings:** These environmental benefits provide significant cost savings to Hayward residents, especially to the multifamily tenants in the pilot buildings.

The City's commitment to Green Hayward PAYS has potential to further a sustainable and scalable program model to help protect our water supply and address climate change. Hayward is positioning itself as a leader and helping to develop a model that we hope will become a regional standard.

Thank you again for your leadership.

Sincerely,

Wendy Sommer
Deputy Director

1537 Webster Street
Oakland, CA 94612

p 510-891-6500
f 510-893-2308
www.stopwaste.org

CC: Fran David, Hayward City Manager; Alex Ameri, Public Works Director; Greg Jones, Energy Council Board Member



DATE: June 23, 2015
TO: Mayor and City Council
FROM: Director of Finance
SUBJECT: Gann Appropriations Limit for FY 2016

RECOMMENDATION

That City Council adopts a resolution establishing an appropriations limit for Fiscal Year 2016.

BACKGROUND

State Proposition 4, commonly known as the Gann Initiative, was approved by California voters in November 1979. Proposition 4 created Article XIII B of the State Constitution, which places limits on the amount of revenue that can be spent by government agencies. This is referred to as the Gann Appropriation Limit, or Gann Limit.

A subsequent related State initiative, Proposition 111, was approved by the voters in June 1990 and provided new adjustment formulas to make the Gann Limit more responsive to local growth issues and to address concerns regarding the accountability of local governments in adopting their limits. Prior to each fiscal year, city councils must adopt by resolution the Gann Appropriation Limit for the city for the upcoming year. In addition, cities are required to conduct a review of their limits during annual financial audits.

The appropriations limitation imposed by Propositions 4 and 111 creates a restriction on the amount of revenue that can be appropriated in any fiscal year. The limit is based on actual appropriations during the 1978-79 fiscal year and is increased each year using population and inflation growth factors. Only revenues that are classified as "proceeds of taxes" are subject to the limit. The use of "non-tax proceeds" (user fees, rental income, franchise fees, Gas Tax revenue) is not restricted.

DISCUSSION

During any fiscal year, a city may not appropriate any proceeds of taxes it receives in excess of its established limit. Excess funds received in any year may be carried into the subsequent year for use if the city is below its limit for that year. Any excess funds remaining after the second year would be required to be returned to local taxpayers by reducing tax rates or fees. As an alternative, a majority of the voters may approve an "override" to increase the city's appropriation limit.

Senate Bill 1352 requires that 1) the governing body of each local jurisdiction shall, by a legislative action, establish its appropriations limit at a regularly scheduled or special meeting and that the documentation used in the determination of the appropriations limit

shall be made available to the public fifteen days before that meeting. Government Code Section 7910 requires that the City adopt its appropriations limit prior to the beginning of each fiscal year.

The Finance Department of the City of Hayward compiles the data and makes calculations incident to the determination of the XIII B appropriations limit. The amount of the Fiscal Year 2016 appropriations limit and the documentation substantiating this determination were available for review by the public in the Office of the City Clerk on or before June 8, 2015, at least fifteen days prior to adoption of the limit as required by statute.

FISCAL IMPACT

There are no present fiscal impacts related to establishing the limit for FY 2016. The amount of appropriations subject to the limit is the budgeted proceeds of taxes (e.g., all taxes levied; transfers from an enterprise fund to the extent those transfers exceed the cost of providing the services; discretionary state subventions; interest earned from the investment of proceeds of taxes, etc.), and the total of these budgeted revenues cannot exceed the total appropriations limit.

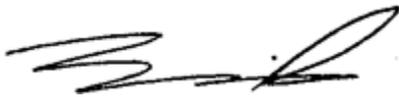
The City's actual appropriations in each fiscal year have been significantly below the limit, as they will be for Fiscal Year 2016. The table below summarizes the limit for FY 2016 and the preceding three years.

	Appropriations Limit	Appropriations Subject to Limit
FY 2013	238,086,253	74,542,885
FY 2014	253,404,723	83,291,710
FY 2015	256,614,221	87,400,385
FY 2016	269,880,304	103,998,849

Prepared by: Dustin Claussen, Deputy Director of Finance

Recommended by: Tracy Vesely, Director of Finance

Approved by:



Fran David, City Manager

Attachments: Attachment I: Resolution
Attachment II: Historical Information Regarding Appropriations Limit Calculation

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-

Introduced by Council Member _____

ADOPTION OF APPROPRIATIONS LIMIT FOR FISCAL YEAR 2016 PURSUANT TO ARTICLE XIII B OF THE CONSTITUTION OF THE STATE OF CALIFORNIA

WHEREAS, on November 6, 1979, the citizens of the State of California approved Proposition 4, which added Article XIII B to the Constitution of the State of California to place various limitations on the fiscal powers of State and local government; and

WHEREAS, Senate Bill 1352, Government Code Section 7900, et. seq. enacted by the California Legislature, provides for the implementation of Article XIII; and

WHEREAS, the City is required to establish its appropriations limit at a regularly scheduled meeting or noticed special meeting, and 15 days prior to such meeting, the documentation used in the determination of the appropriations limit shall be made available to the public; and

WHEREAS, the Gann Limit for FY 2016 is calculated at \$269,880,304 and the appropriations in FY 2016 subject to this limit total \$103,998,849; and

WHEREAS, the FY 2016 Gann Limit was calculated using the change in the cost of living based on the change in California per capita personal income, and the change in population based on the percentage change in population within Alameda County.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Hayward that at its meeting of June 23, 2015, Council will adopt a Resolution which establishes the appropriations limit for the 2016 Fiscal Year pursuant to Article XIII B of the Constitution of the State of California.

BE IT FURTHER RESOLVED that the documentation used in the determination of the appropriation limit for Fiscal Year 2016 was be made available for public review in the Office of the City Clerk of the City of Hayward on or before June 8, 2015, as required by statute.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

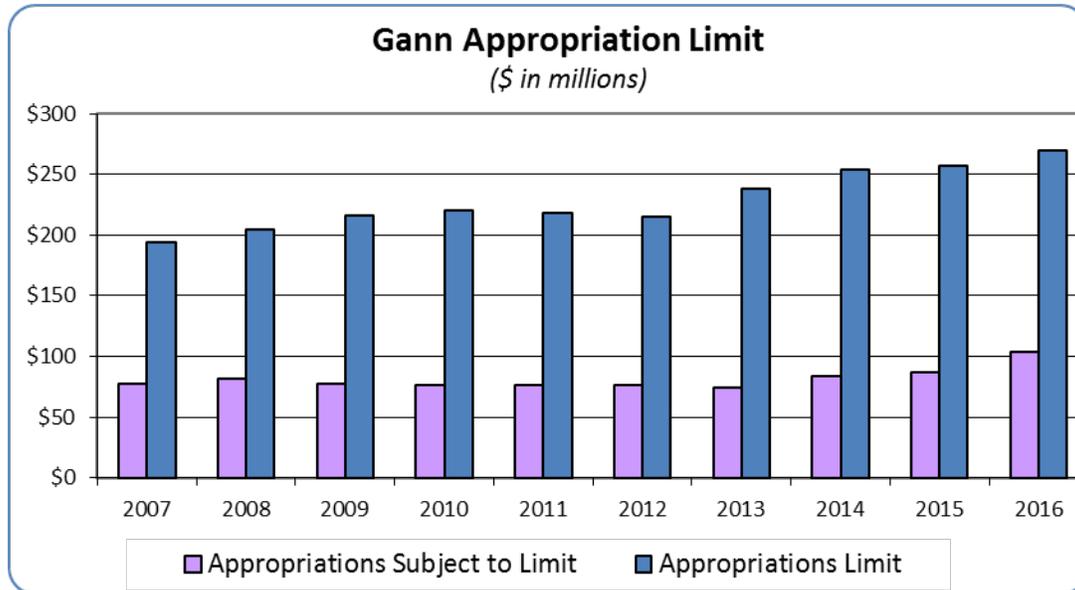
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



Gann Appropriation Limit

Fiscal Year	Population Factor	Inflation Factor	Total Adjustment Factor	Appropriations Limit	% Change	Appropriations Subject to Limit	% of Limit Appropriated
2007	0.7400	3.9600	1.047	\$193,526,595	11.4%	\$78,021,824	40.3%
2008	1.0700	4.4200	1.055	\$204,242,163	10.5%	\$82,136,688	40.2%
2009	0.0116	4.4500	1.019	\$216,147,439	11.7%	\$77,285,005	35.8%
2010	1.3000	0.6200	1.019	\$220,314,761	7.9%	\$76,355,082	34.7%
2011	1.4000	-2.5400	0.988	\$217,723,859	0.7%	\$75,558,103	34.7%
2012	1.3900	2.5100	1.039	\$226,291,051	2.7%	\$76,362,500	33.7%
2013	1.3900	3.7700	1.052	\$238,086,253	9.4%	\$74,542,885	31.3%
2014	1.2500	5.1200	1.064	\$253,404,723	12.0%	\$83,291,710	32.9%
2015	1.5000	-0.2300	1.267	\$256,614,221	1.3%	\$87,400,385	34.1%
2016	1.3000	3.8200	5.170	\$269,880,304	5.2%	\$103,998,849	38.5%

DATE: June 23, 2015

TO: Mayor and City Council
Redevelopment Successor Agency Board of Directors
Housing Authority Board of Directors

FROM: Director of Finance

SUBJECT: 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

RECOMMENDATION

That the City Council, Successor Redevelopment Agency Board of Directors, and the Housing Authority Board of Directors approve the FY 2016 Operating and Capital Improvement Program Budgets and appropriations for FY 2016 as presented and recommended by the City Manager; and adopt their respective attached resolutions:

1. Approving and Appropriating the FY 2016 Operating Budget;
2. Approving and Appropriating the FY 2016 Community Agency Budget;
3. Approving and Appropriating the FY 2016 Redevelopment Successor Agency Budget;
4. Approving and Appropriating the FY 2016 Housing Authority Budget; and
5. Approving and Appropriating the FY 2016 Capital Improvement Program (CIP) Budget.

BACKGROUND

City Council has been actively engaged in the FY 2016 budget process for the last several months. On April 7, 2015, Council held a work session on community agency funding, for Community Development Block Grant (CDBG), Social Services and Arts/Music funding; and subsequently adopted the CDBG funding allocations, as required by the U.S. Department of Housing and Urban Development (HUD), on April 21, 2015.

On May 26, 2015, the City Manager presented the Proposed FY 2016 Operating Budget to City Council. Since May 26, Council has held three budget work sessions (May 30, June 2, and June 9) to further discuss the proposed budget. These work sessions included a presentation of the proposed CIP budget, presentations on department/program budgets and operations, and a time for public input and Council discussion. In addition to the budget-focused work sessions, Council held a public hearing on the recommended budget on June 16 to receive further comments on the proposed budget, consider any changes to the proposed budget, and seek additional public input.

This report transmits to City Council the operating and CIP budgets for adoption as contained in the Proposed FY 2016 Operating Budget and the Proposed FY 2016 Capital Improvement Program Budget, and as amended herein.

DISCUSSION

The total Proposed FY 2016 Proposed Operating Budget is \$279 million – including a General Fund budget of \$142 million. The total FY 2016 Proposed Capital Improvement Program budget is \$193 million.

Balancing the Budget

The City of Hayward has long prided itself as a lean, efficient, and nimble organization, making the most of the resources entrusted to us. The prolonged recession has forced the organization to make hard choices about which services will be provided to the community, the method of delivery, and affordable levels of service.

The FY 2016 Operating Budget presents a balanced budget plan, with no use of the General Fund Reserve; however, the City must still resolve the remaining structural operating gap that reappears in FY 2017 and maintain a long-term funding plan for the City’s unfunded liabilities and capital needs. Absent significantly improved revenues, this may involve more difficult choices and sacrifices in the future.

Changes to the Proposed FY 2016 Operating Budget

Since the presentation of the Proposed FY 2016 Operating Budget on May 26, Staff has recommended several minor changes to the budget. There are no recommended changes to the proposed General Fund budget. All changes are in other revenue funds and result in a minor decrease in total funding \$.4 million. The decrease in other funds is largely related to a decrease in the City’s water purchase expense and the deletion of a temporary position erroneously included in the Proposed Budget.

Other Funds Expenditure Changes	Amount
Water Fund (Water Purchase expense decrease)	(200,000)
Wastewater Fund (elimination of erroneous temporary position)	(101,000)
Water & Wastewater Funds (reduction in transfer to Fleet Mgmt Replacement Fund)	(130,100)
Regional Inter-tie Fund (increase in expenditures with offsetting revenues)	26,500
Minor miscellaneous changes	6,000
Changes to Other Funds	(398,600)

1. Water Purchase Expense: This expense was previously reported as \$27,700,000 but has been corrected to \$27,500,000 as already reflected in the Water Fund 10-Year Forecast.
2. Wastewater Fund Salary & Benefits: Deletion of Salary & Benefits associated with a Temporary Operator-In-Training position which was erroneously included in the original Proposed Budget document.

3. Water & Wastewater Funds: The transfers to the Fleet Management Replacement Fund were reduced due to an adjustment in the fleet replacement schedule for these funds.
4. Regional Inter-tie Fund: Increase to maintenance expenditures associated with the Skywest Pump Station. All expenditures are offset by revenues received from SFPUC and EBDA.

As discussed in the May 30, 2015 budget work session, staff has deleted an erroneously included temporary position from the Utilities & Environmental Services Departmental budget. The total Citywide staffing for FY 2016 is 864.20 FTE – with 646.70 FTE in the General Fund and 217.50 FTE in all other funds.

Capital Improvement Program (CIP) FY 2016 – FY 2025

The City's capital improvement program budget has followed a similar review and public process as the operating budget. On May 13, the Council Budget & Finance Committee reviewed and discussed the proposed FY 2016 CIP budget; on May 14, the Planning Commission held a public hearing and found the document in conformance with the General Plan; and during the June 2 Council Budget Work Session, Council reviewed and discussed the FY 2016 CIP budget.

Significant changes made to CIP Funds since the June 2 Council Budget Work Session is as follows:

1. Fund 210 – Gas Tax - Transfer to General Fund increase from \$223,000 to \$723,000 to support balancing the FY2016 General Operating Budget. The funds will be used by Gas Tax eligible programs such as street maintenance.
2. Fund 201 – Gas Tax – Decreased FY 2016 Pavement Rehabilitation Project from \$1,650,000 to \$1,100,000 to allow for the increased transfer to the General Fund.
3. Fund 215 – Measure B (Local Transportation) – Increased Project 05199 from \$30,000 to \$255,000 to conduct scoping analysis for two Measure BB funded projects, 880/Winton Interchange and Tennyson Grade Separation. Alameda CTC will contribute \$100,000 and the City will use its Measure B/BB funds for this study.
4. Fund 460 – Transportation System Improvement – Corrected HSIP funding for new project Mission/Blanche & Huntwood/Grading Traffic Signal from \$792,000 to \$396,000.
5. Based on Council direction on June 16, 2015, an appropriation of \$100,000 has been included in the General Fund Capital Improvement Fund (Fund 405) to fund the 9/11 Memorial currently proposed on City property located on Mission Boulevard. The intent is that these funds will ultimately be repaid to the City through donations made to support the project.

The CIP for FY 2016 totals approximately \$193 million (including a \$2 million General Fund contribution and \$2.4 million Internal Service Fund contribution), with a total of about \$506 million budgeted through FY 2025.

A vast majority of the expenditures for FY 2016 are focused on four categories of projects: Measure C projects (\$73.9 million), sewer system projects (\$34.9 million), road and street projects (\$43.3 million), and water system projects (\$23.0 million). Another \$4.1 million is allocated towards projects associated with livable neighborhoods, which helps support Council’s priorities pertaining to improving the attractiveness and safety of neighborhoods and the City overall. The CIP also continues to be focused on the maintenance, security, and upkeep at many of the City’s government buildings, especially City Hall.

FISCAL IMPACT

Table 1 – Summary of Citywide Operating & CIP Budgets

City of Hayward Budget (in 1,000's)	FY 2016
City Funds	
General Fund	140,422
Measure C Fund	9,493
Special Revenue Funds (excluding Agency Funds)	8,844
Debt Service Funds (excluding Agency debt service)	11,349
Enterprise Funds	76,220
Internal Service Funds	28,184
	274,512
Agency Funds	
Hayward Successor Redevelopment Agency Operating Fund	4,700
Housing Authority Fund	122
	4,822
Total City Operating Budget	279,335
Total CIP Budget	193,193

PUBLIC CONTACT

The Proposed FY 2016 Operating Budget has been discussed by City Council over the last several months. On April 7, 2015, Council held a work session on community agency funding, for Community Development Block Grant (CDBG), Social Services and Arts/Music funding; and subsequently adopted the CDBG funding allocations, as required by the U.S. Department of Housing and Urban Development (HUD), on April 21, 2015. Social Services and Arts and Music are funded from the General Fund and are, therefore, adopted as part of the approval of the FY2016 General Fund budget.

On May 26, 2015, the City Manager presented the Proposed FY 2016 Operating Budget to City Council. Since May 26, Council has held three budget work sessions (May 30, June 2, and June 16) to further discuss the proposed budget. In addition, City Council held a public hearing on the FY 2016 proposed operating and CIP budgets on June 16, 2015, for which a public notice was

published in The Daily Review on June 6 and June 13, 2015 announcing the date, time, location, and subject matter of this public hearing.

A notice advising residents about the Planning Commission's public hearing (May 14) on the CIP was published in the *Daily Review* newspaper more than the requisite ten days in advance. Furthermore, staff members from Alameda County Transportation Commission (ACTC) were contacted in the event that any members from the organization's Measure B Citizen Watchdog Committee were interested in learning more about City projects funded through Measure B.

The FY 2016 Proposed Operating Budget is currently available for public review in the City Clerk's Office at City Hall, at the Main Library and the Weekes Branch, and on the City's website at:

http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/FINANCE/documents/2015/FY16_Proposed_Operating_Budget.pdf

A schedule of the FY 2016 Proposed Operating Budget work sessions is available for public information on the City's website at:

<http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/FINANCE/index.shtm?tab=1>

The FY 2016 Capital Improvement Program Budget is currently available for public review in the City Clerk's Office at City Hall, at the Main Library and the Weekes Branch, and on the City's website at: http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/PUBLIC-WORKS-ET/documents/2015/FY16-FY25_CIP.pdf

Prepared and Recommended by: Tracy Vesely, Director of Finance

Approved by:



Fran David, City Manager

Attachments:

- I. FY 2016 Operating Budget Resolution
- II. FY 2016 General Fund Community Agency Funding Resolution
- III. FY 2016 Successor Redevelopment Agency Budget Resolution
- IV. FY 2016 Housing Authority Budget Resolution
- V. FY 2016 Capital Improvement Program Budget Resolution
- VI. May 26, 2015: http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/FINANCE/documents/2015/FY16_Proposed_Operating_Budget.pdf

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-

Introduced by Council Member _____

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

WHEREAS, the City Manager has submitted to the City Council of the City of Hayward estimates of revenues from all sources and estimates of expenditures required for the proper conduct of the activities of the City of Hayward for fiscal year 2016 contained in those documents entitled "City of Hayward Proposed FY 2016 Operating Budget," with adjustments to the Proposed Budget as discussed at the June 16, 2015 Council Public Hearing and contained herein;

WHEREAS, three Council Work Sessions and a public hearing were held by the City Council of the City of Hayward, at which time all interested persons were afforded an opportunity to be heard on matters pertaining to the budget recommended by the City Manager.

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

1. That the budget presented by the City Manager in the document entitled "City of Hayward Proposed FY 2016 Operating Budget," with adjustments to the proposed budget as outlined in the June 23, 2015 budget report is hereby approved and adopted as the budget of the City of Hayward for FY 2016, with specific exception of General Fund Community Agency funding, which is separately addressed in Resolution No. 15-xxx. Copies of the budget documents and the staff reports presented by the City Manager are on file in the office of the City Clerk and are hereby referred to, incorporated herein, and made a part of this resolution as though set forth in full.
2. That except as may be otherwise provided, any and all expenditures relating to the objectives described in the budget are hereby approved and authorized and payments therefore may be made by the Director of Finance of the City of Hayward without further action of Council.
3. That for the purposes of determining whether the City Manager is authorized to execute a contract for a commodity or service pursuant to City Charter section 701 subsection 8, the City Manager shall have the authority to expend such funds and enter into and execute any and all contracts and documents necessary to carry out the priorities and service delivery outcomes of the Council's appropriations as set forth in this budget.
4. The City Manager shall have the authority to bind and prepay all coverage and to negotiate and execute all documents necessary to obtain the insurance, third party administration services,

loss fund stabilization and defense of claims budgeted for in the Liability Insurance Fund. In consultation with the City Attorney, the City Manager and/or City Attorney shall be authorized to represent the City on the board of the Exclusive Risk Management Authority of California and take any and all actions necessary or appropriate to advance the City’s interests in connection with risk management services and procuring of insurance coverage.

5. The Director of Finance is hereby authorized to transfer the amounts from one fund to another as indicated in Exhibit A at such time as he/she may determine, giving consideration to the intended purposes for which the transfers are made and available balances in each of the funds.
6. The amounts as reflected in Exhibit B are hereby appropriated for expenditure.
7. Any monies received during FY 2016 as a consequence of a grant application approved by the City Council are hereby appropriated for the purposes for which the grant has been approved. Such appropriation includes authorization for the City Manager to expend such monies and for the Director of Finance to make payments therefore in accordance with the terms and conditions and for the purposes of the grant.
8. The Director of Finance is directed to comply with GASB 31 (Unrealized investment gains and losses) and is authorized to make such entries as are required to the City’s financial records. In addition, the Director of Finance is authorized to make such changes to the budget as are required by GASB 31.
9. There are hereby appropriated the following amounts to the General Fund Reserve and Designation of Fund Balances, which the Director of Finance shall enter upon the records and reflect in the financial statement of the City:

General Fund - Fund Balance Designations	FY 2016
Unassigned	19,992
Total Designated Fund Balance	\$ 19,992
 Proposed Use of Fund Balance	 -
 Total Reserves & Designated	 \$ 19,992

In addition to the above specified amounts, the balances in each fund that are not otherwise appropriated are hereby appropriated to Contingency Reserves in those funds.

Expenditures from Reserves or Designated Fund Balances shall require the approval of the City Council.

10. The Director of Finance is hereby authorized and directed to distribute the above appropriations, transfers, and reserves to the various accounts of the City in accordance with generally accepted accounting principles and consistent with the purposes and objectives as outlined in the approved budget.

11. Any contract for professional services included in the annual budget that will cost more than \$25,000 shall be executed by the City Manager only upon approval of the contract by the City Council given at a meeting of the City Council.
12. The City Manager is hereby authorized to enter into a revolving loan Credit Agreement with Bank of the West, in a form which is satisfactory to the City Attorney.
13. That the City Council adopts the budget-related Financial Policies, as updated and approved by City Council as part of the FY 2016 budget process.

IN COUNCIL, HAYWARD, CALIFORNIA June 23, 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:

City Attorney of the City of Hayward

General Fund Transfers In

100-00-0000-00000-49100	232	Cost Allocation From Recycling Fund	(74,750)
100-00-0000-00000-49100	217	Cost Allocation From Paratransit Measure B Fund	(11,466)
100-00-0000-00000-49100	615	Cost Allocation From Stormwater Enterprise Fund	(93,074)
100-00-0000-00000-49100	610	Cost Allocation From Sewer Enterprise Fund	(431,287)
100-00-0000-00000-49100	605	Cost Allocation From Water Enterprise Fund	(849,441)
100-00-0000-00000-49100	620	Cost Allocation From Airport Enterprise Fund	(117,606)
100-00-0000-00000-49100	705	Cost Allocation From Workers Compensation Fund	(157,011)
100-00-0000-00000-49100	710	Cost Allocation From Liability Insurance Fund	(337,372)
100-00-0000-00000-49100	725	Cost Allocation From Facilities Fund	(111,433)
100-00-0000-00000-49100	730	Cost Allocation From Information Technology Fund	(135,664)
100-00-0000-00000-49100	735	Cost Allocation From Equipment Management Fund	(116,565)
100-00-0000-00000-49535	210	Transfer From Gas Tax Fund	(723,000)
100-00-0000-00000-49540	220	Transfer From Citizens Option for Public Safety (COPS) Grant	(184,000)
100-00-0000-00000-49540	220	Transfer-Byrnes Justice Assistance Grant	(47,864)
100-00-0000-00000-49545	810	Misc. Transfer From CFD #1 for Trustee Costs	(8,000)
100-00-0000-00000-49545	810	Misc. Transfer From CFD #2 for Police Services	(284,000)
100-00-0000-00000-49545	810	Misc. Transfer From CFD #3 for Police & Fire Services	(172,788)
Transfers In Total			(3,855,321)

General Fund Transfers Out

100-00-0000-00000-98115	405	Transfer To Capital Projects	243,000
100-00-0000-00000-98200	710	Liability Insurance Allocation	2,337,949
100-00-0000-00000-98115	460	Capital Transfer To Transportation Sys Improvement Fund	350,000
100-00-0000-00000-98115	731	Supplemental To Technology Replacement Fund	1,380,000
100-00-0000-00000-98100	720	OPEB Retiree Medical Liability	1,070,000
100-00-0000-00000-98110	300	D/S ABAG 2001-02 (ABAG 33)	90,394
100-00-0000-00000-98110	300	D/S City Hall Debt Service	2,624,175
100-00-0000-00000-98110	300	Transfer In D/S Fire Station #7 & Firehouse Clinic	452,854
100-00-0000-00000-98110	300	Miscellaneous Transfer To Debt Service Fund	1,665
100-00-0000-00000-98110	736	D/S 15 Streetlight Conversion #05188	276,262
Transfers Out Total			8,826,299

Measure C Fund

101-00-0000-00000-98110	406	D/S New Library & Education Center	6,600,000
Measure C Fund			6,600,000

Paratransit Fund

217-00-0000-00000-97100	100	Transfer Out Cost Allocation To General Fund	11,466
217-00-0000-00000-98200	710	Transfer Out To Liability Insurance	5,653
Paratransit Fund			17,119

Byrnes Justice Assist Grant Fund

220-00-0000-00000-98100	100	Transfer Out Byrnes Justice Assist G	47,864
Byrnes Justice Assist Grant Fund			47,864

Citizen's Option in for Public Safety Fund

220-00-0000-00000-98100	100	Transfer Out To General Fund for COPS Grant	184,000
Citizen's Opt in for Public Safety Fund			184,000

Community Development Block Grant Fund (CDBG)

225-00-0000-00000-98200	710	Transfer Out To Liability Insurance	6,277
Community Development Block Grant Fund (CDBG)			6,277

Recycling Fund

232-00-0000-00000-97100	100	Transfer Out Cost Allocation to General Fund	74,750
232-00-0000-00000-98200	710	Transfer Out Liability Insurance	8,480
Recycling Fund			83,230

Housing Authority Fund

245-00-0000-00000-49530	815	Transfer In From Hayward Redevelopment Successor Agency	(72,217)
Housing Authority Fund			(72,217)

Affordable Housing Fund

246-00-0000-00000-98200	710	Transfer Out To Liability Insurance	5,653
Affordable Housing Fund			5,653

Certificates of Participation Fund

300-00-0000-00000-49545	100	Transfer In D/S ABAG 2001-02 (ABAG 33)	(90,394)
300-00-0000-00000-49545	100	Transfer In D/S City Hall Debt Service	(2,624,175)
300-00-0000-00000-49545	100	Transfer In D/S Fire Station #7 & Firehouse Clinic	(452,854)
300-00-0000-00000-49545	100	Transfer In D/S 15 Streetlight Conversion #05188	(276,262)
300-00-0000-00000-49545	100	Transfer In Misc. Transfer From General Fund	(1,665)
Certificates of Participation			(3,445,350)

Water Maintenance & Operations Fund

605-00-0000-00000-49545	604	Transfer In D/S 04 Water Sys Transfer	(257,504)
605-00-0000-00000-49545	621	Transfer In Misc. Transfer From Airport	(171,994)
605-00-0000-00000-97100	100	Transfer Out Cost Allocation To General Fund	849,441
605-00-0000-00000-98200	710	Transfer Out To Liability Insurance	249,025
605-00-0000-00000-98115	603	Transfer Out Capital Reserves To Water	2,500,000
605-00-0000-00000-98115	731	Transfer Out to Information Technology Capital Fund	85,000
Water Maintenance & Operations Fund			3,253,968

Sewer Maintenance & Operations Fund

610-00-0000-00000-49545	611	Transfer In D/S07 Sewer Rev Refund Bonds	(366,482)
610-00-0000-00000-49545	612	Transfer In D/S CA SWRCB Loan/Sewer	(1,583,463)
610-00-0000-00000-97100	100	Transfer Out Cost Allocation to General Fund	431,287
610-00-0000-00000-98115	611	Transfer Out Capital Reserves to Sewer Replacement	4,000,000
610-00-0000-00000-98115	731	Transfer Out Capital Information Technology Capital Fund	51,000
610-00-0000-00000-98200	711	Transfer Out To Liability Insurance	292,791
610-00-0000-00000-98115	612	Transfer Out Connect Fee Tran To Sewer Improvement Fund	4,500,000
Sewer Maintenance & Operations Fund			7,325,133

Stormwater Maint. & Operations Fund

615-00-0000-00000-97100	100	Transfer Out Cost Allocation To General Fund	93,074
615-00-0000-00000-98200	710	Transfer Out To Liability Insurance	28,270
Stormwater Maint. & Operations Fund			121,344

Airport Operations Fund

620-00-0000-00000-97100	100	Transfer Out Cost Allocation To General Fund	117,606
620-00-0000-00000-98200	710	Transfer Out To Liability Insurance	53,815
620-00-0000-00000-98115	621	Transfer Out Cap Reserves To Airport Capital	600,000
620-00-0000-00000-98115	731	Transfer Out to Information Technology Capital Fund	17,000
620-00-0000-00000-98110	605	Transfer Out Miscellaneous Transfer to Water Maintenance	171,994
Airport Operations Fund			960,415

Workers' Compensation Fund

705-00-0000-00000-97100	100	Transfer Out Cost Allocation To General Fund	157,011
705-00-0000-00000-98200	710	Transfer Out To Liability Insurance	8,480
Workers' Compensation Fund			165,491

Risk Management Fund

710-00-0000-00000-49100	100	Transfer In Liability Insurance-General Fund	(2,337,949)
710-00-0000-00000-49100	230	Transfer In Liability Insurance-Recycling	(8,480)
710-00-0000-00000-49100	225	Transfer In Liability Insurance-Block Grant	(6,277)
710-00-0000-00000-49100	246	Transfer In Liability Insurance-Housing Mortg	(5,653)
710-00-0000-00000-49100	217	Transfer In Liability Insurance-Meas B2 PRTRNST	(5,653)
710-00-0000-00000-49100	615	Transfer In Liability Insurance-Stormwater	(28,270)
710-00-0000-00000-49100	610	Transfer In Liability Insurance-WWTP M & O	(292,791)
710-00-0000-00000-49100	605	Transfer In Liability Insurance-Water M & O	(249,025)
710-00-0000-00000-49100	620	Transfer In Liability Insurance-Airport	(53,815)
710-00-0000-00000-49100	705	Transfer In Liability Insurance-Workers Comp	(8,480)
710-00-0000-00000-49100	725	Transfer In Liability Insurance-Facilities FD	(29,173)
710-00-0000-00000-49100	730	Transfer In Liability Insurance-Tech Services FD	(54,037)
710-00-0000-00000-49100	735	Transfer In Liability Insurance-Equip Mgmt.	(39,908)
710-00-0000-00000-97100	100	Transfer Out Cost Allocation to General Fund	337,372
Risk Management Fund			(2,782,139)

Retiree Medical Fund

720-00-0000-00000-49530	100	Transfer In From General Fund - OPEB Liability	(1,070,000)
Retiree Medical Fund			(1,070,000)

Facilities Management Fund

725-00-0000-00000-97100	100	Transfer Out Cost Allocation To General Fund	111,433
725-00-0000-00000-98200	710	Transfer Out To Liability Insurance	29,173
725-00-0000-00000-98115	726	Transfer Out Capital Project Transfer Facilities Capital Fund	300,000
Facilities Management Fund			440,606

Information Technology Fund

730-00-0000-00000-97100	100	Transfer Out Cost Allocation To General Fund	135,664
730-00-0000-00000-98115	731	Transfer Out To IT Replacement Fund	605,984
730-00-0000-00000-98200	710	Transfer Out To Liability Insurance	54,037
Information Technology Fund			795,685

Fleet Management Fund

735-00-0000-00000-97100	100	Transfer Out Cost Allocation To General Fund	116,565
735-00-0000-00000-98200	710	Transfer Out To Liability Insurance	39,908
735-00-0000-00000-98115	736	Transfer Out Miscellaneous Transfer to Fleet Mgmt. Capital	1,185,000
Fleet Management Fund			1,341,473

Comm. Facility District Fund

810-00-0000-00000-98100	100	Transfer Out To General Fund for Trust Expenses CFD #1	8,000
810-00-0000-00000-98100	100	Transfer Out To General Fund for Police Services CFD #2	284,000
810-00-0000-00000-98100	100	Transfer Out To General Fund for Police&Fire Svcs CFD #3	172,788
Comm. Facility District Fund			464,788

Successor Agency-RDA of COH

815-00-0000-00000-98100	245	Transfer Out To Housing Authority	72,217
Successor Agency-RDA of COH			72,217

General Fund		
100		140,422,265
Measure C Fund		
101		9,492,514
Special Revenue Funds		
217	Paratransit Fund	1,599,413
220	Home Loan Fund	255,536
220	Byrne Justice Assistance	47,864
220	Citizen's Option for Public Safety	184,000
223	CDBG-Housing Rehab Loan Fund	175,000
225	Community Development Block Grant Fund	1,357,056
227	CDBG-Small Business Loan Fund	123,496
230	Recycling Donation Account	5,797
231	Used Oil Fund	40,000
232	Recycling/Measure D Fund	564,237
235	Neighborhood Svcs-Promise Grant	360,980
245	Housing Authority	122,265
246	Affordable Housing Fund	292,122
255	Park Dedication - Zone A	1,261,916
256	Park Dedication - Zone B	71,300
257	Park Dedication - Zone C	657,300
258	Park Dedication - Zone D	447,650
259	Park Dedication - Zone E	200,650
266	LLD Zone 1	9,350
267	LLD Zone 2	10,440
268	LLD Zone 3	112,652
269	LLD Zone 4	24,127
270	MD 1	104,335
271	MD 2	114,906
272	LLD Zone 5	8,916
273	LLD Zone 6	17,084
274	LLD Zone 7	191,088
275	LLD Zone 8	9,258
276	LLD Zone 9	5,110
277	LLD Zone 10	190,840
278	LLD Zone 12	52,683
279	LLD Zone 11	196,764
280	Downtown Bus Improvement	96,000
281	LLD Zone 13	50,032
295	So. Hayward B.A.R.T. JPA	6,345
	<i>Special Revenue Fund Total</i>	8,966,512
Enterprise Funds		
615	Stormwater	2,622,015
610	Wastewater	26,034,829
605	Water	44,273,951
620	Airport	3,179,308
606	Regional Intertie	110,000
	<i>Enterprise Fund Total</i>	76,220,103
Debt Service/Non-Departmental Funds		
300	Certificate of Participation	10,045,349
805/810	Special Assessment District	1,303,732
	<i>Debt Service Fund Total</i>	11,349,081

FY 2016 Fund Expenditure Appropriations - Operating Budget

ATTACHMENT I
EXHIBIT B

Internal Service Funds

705	Worker's Compensation	6,067,185
710	Risk Management	3,162,941
725	Facilities	3,830,616
730	Information Technology	6,535,838
735	Fleet	5,396,511
720	Employee Benefits	3,191,374
	<i>Internal Service Fund Total</i>	28,184,465

Hayward Redevelopment Successor Agency (HRSA)

815		4,699,647
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Total Appropriation Authority **279,334,587**

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-

Introduced by Council Member _____

RESOLUTION APPROVING AND APPROPRIATING THE
COMMUNITY AGENCY FUNDING RECOMMENDATIONS
FOR FISCAL YEAR 2016

BE IT RESOLVED that the City Council of the City of Hayward hereby approves and appropriates the Community Agency Funding recommendations for Fiscal Year 2016, as approved by City Council on April 21, 2015 and shown in Exhibit A, in a total amount not to exceed \$1,434,319 which is incorporated by reference herein.

BE IT FURTHER RESOLVED that except as may be otherwise provided, any and all expenditures relating to the objectives described in the Community Agency budget are hereby approved and authorized and payments therefore may be made by the Director of Finance of the City of Hayward without further action of Council.

IN COUNCIL, HAYWARD, CALIFORNIA June 23, 2015

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:
MAYOR:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

**COMMUNITY AGENCY FUNDING PROGRAM
GRANT ALLOCATIONS - FY 2016
Approved by City Council 4/21/2015
All Sources**

SUMMARY	
CATEGORY	AMOUNT*
CDBG grants to community agencies	\$ 253,500
Social Services grants	\$ 453,500
Arts & Music grants	\$ 81,955
Total grants to community agencies	\$ 788,955
CDBG - City operated programs	\$ 594,364
CDBG - HUD required fair housing activities	\$ 51,000
Total City-operated programs	\$ 645,364
GRAND TOTAL FY 2016 Allocations (All Sources)	\$ 1,434,319

CDBG - Community Agency Infrastructure and Services

LINE	Agency	Program Description	FY16 Allocation*
1	Abode Services	Permanent supportive housing placement	\$ 39,000
2	Community Child Care Council (4-Cs)	Child care provider training / business development	\$ 27,000
3	Day Labor Center (via Community Initiatives)	Job placement, job training, job creation	\$ 27,000
4	East Bay Community Recovery Project	Rehab facility repairs	\$ 42,000
5	Eden Area YMCA	ADA accessible commerical kitchen renovation	\$ 11,500
6	Eden Council for Hope and Opportunity (ECHO)	Fair housing audit, tenant/landlord counseling	\$ 51,000
7	FACES for the Future (via St. Rose)	Youth career training in health care	\$ 17,500
8	Hayward Area Recreation District	Memorial Park ADA access project	\$ 11,500
9	International Institute of the Bay Area	Immigrant legal services and education	\$ 10,000
10	St. Rose Hospital Foundation	ADA accessible emergency room entrance	\$ 17,000
11	TOTAL - CDBG Community Agency Infrastructure and Services		\$ 253,500
12	Total Amount Available for Grants		\$ 253,500

GENERAL FUND - SOCIAL SERVICES

Agency	Program Description	FY16 Allocation*
16 BOSS (via ACCFB)	Alameda County Community Food Bank - Food scholarship	\$ 4,000
17 Bridges of Faith (via ACCFB)	Alameda County Community Food Bank - Food scholarship	\$ 7,000
18 CALICO	School based food production and farming program	\$ 25,000
19 Centro Legal de la Raza	Tenant-landlord legal consultations	\$ 26,000
20 CRIL	Life skills support for disabled adults	\$ 21,000
21 East Bay Agency for Children	In-school youth mental health services	\$ 18,500
22 Eden I & R	2-1-1 referral service	\$ 50,000
23 Family Emergency Shelter (FESCO)	22 Bed Emergency shelter for Hayward Families	\$ 40,000
24 Family Violence Law Center	Legal advice/ rep. for domestic violence victims	\$ 60,000
25 Horizon Services	Lambda program for at risk LGBTQ youth	\$ 48,000
26 Legal Assistance for Seniors	Legal assistance to at risk Hayward Seniors	\$ 20,000
27 Magnolia Women (via ACCFB)	Alameda County Community Food Bank - Food scholarship	\$ 500
28 Ruby's Place	Domestic violence shelter serving Hayward	\$ 60,000
29 Salvation Army (via ACCFB)	Alameda County Community Food Bank - Food scholarship	\$ 1,600
30 SAVE/COPS	Safe Alternatives to Violence program coord.with HPD	\$ 24,000
31 South Hayward Parish Food Pantry (via ACCFB)	Alameda County Community Food Bank - Food scholarship	\$ 26,180
32 South Hayward Parish Food Pantry*	Purchase of food for food pantry	*Funded on line 31

* Approved by City Council on 4/21/2015

**COMMUNITY AGENCY FUNDING PROGRAM
GRANT ALLOCATIONS - FY 2016
Approved by City Council 4/21/2015
All Sources**

Agency	Program Description	FY16 Allocation*
33 Spectrum Community Services	Hot meals / dining sites for low income Hayward seniors	\$ 21,000
34 United Smith (via ACCFB)	Alameda County Community Food Bank - Food scholarship	\$ 720
35 TOTAL - SOCIAL SERVICES		\$ 453,500
36 Total Amount Available for Grants		\$ 453,500

GENERAL FUND - ARTS & MUSIC

Agency	Program Description	FY16 Allocation*
40 Hayward Arts Council (via HAHS)	Art education and gallery operations	\$ 18,134
41 Hayward Band & Orchestra Festival (via HAHS)	Student concerts	\$ 8,140
42 Hayward Municipal Band (via HAHS)	Summer concerts	\$ 16,165
43 Pacific Chamber Symphony (via HAHS)	Orchestral music school assemblies	\$ 5,693
44 Sun Gallery (via HAHS)	Art education and workshops	\$ 30,195
45 Youth Orchestra of So. Alameda Co. (via HAHS)	Orchestra workshops and concerts	\$ 3,628
46 TOTAL - ARTS & MUSIC		\$ 81,955
47 Total Amount Available for Grants		\$ 81,955

CDBG - HUD-Required Fair Housing and City-Operated Services

Program	Description	FY16 Allocation*
51 Housing Rehabilitation Program	Accessibility/health/safety repairs for low-income homeowners	\$ 344,496
52 Family Educ. Program (incl. Data Collection/Analysis subaward J.Bromstead \$59,895)	Literacy/academic support for low-income Hayward families	\$ 147,864
53 Economic Dev. Business Incentive Program	Technical assistance/infrastructure/expansion for small businesses	\$ 102,004
54 Eden Council for Hope and Opportunity (ECHO)	Fair housing audit, tenant/landlord counseling	\$ 51,000
55 TOTAL - CDBG HUD-Required Fair Housing and City-Operated Services		\$ 645,364
56 Total Amount Available for Programs		\$ 645,364

* Approved by City Council on 4/21/2015

HAYWARD HOUSING AUTHORITY

RESOLUTION NO. HA15-____

Introduced by Board Member _____

RESOLUTION CONFIRMING THE PROPOSED HAYWARD
HOUSING AUTHORITY BUDGET FOR FISCAL YEAR 2016

WHEREAS, the Executive Director has submitted to the Hayward Housing Authority Board of Directors estimates of revenues from all sources and estimates of expenditures required for the proper conduct of the activities of the Hayward Housing Authority for fiscal year 2016 contained in those documents entitled “Proposed FY 2016 Operating Budget;” and

WHEREAS, a public hearing was held by the Housing Authority Board of Directors, on June 16, 2015, at which time all interested persons were afforded an opportunity to be heard on matters pertaining to the budget recommended by the Executive Director; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Hayward Housing Authority as follows:

1. That the budget for FY2016 presented by the Executive Director in the document entitled Proposed FY 2016 Operating Budget is hereby accepted and confirmed as the budget of the Hayward Housing Authority for FY 2016. Copies of the budget documents and the staff reports presented by the Executive Director are on file in the office of the City Clerk and are hereby referred to, incorporated herein, and made a part of this resolution as though set forth in full.
2. The Director of Finance is directed to comply with GASB 31 (Unrealized investment gains and losses) and is authorized to make such entries as are required to the Housing Authority’s financial records. In addition, the Director of Finance is authorized to make such changes to the budget as are required by GASB 31.
3. Except as limited in paragraph 5 of this resolution, the Executive Director is authorized without further action from the Board to enter into a contract or agreement for any commodity or service included in the annual budget of the Housing Authority.
4. For the purposes of determining whether the Executive Director has the authority to execute a contract for a commodity or service pursuant to section 3 above, the Executive Director shall have the authority to expend such funds and enter into and execute any and all contracts and documents necessary to carry out the objectives of the Housing Authority’s appropriations as set forth in this budget.

REDEVELOPMENT SUCCESSOR AGENCY OF THE CITY OF HAYWARD

RESOLUTION NO. SRA- 15-

Introduced by Agency Member _____

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

WHEREAS, the City Manager has submitted to the Successor Agency of the Redevelopment Agency (the “Redevelopment Successor Agency”) of the City of Hayward estimates of revenue from all sources and estimates of expenditures required for the proper conduct of the activities of the Redevelopment Successor Agency of the City of Hayward for fiscal year 2016; and

WHEREAS, a public hearing was held by the Redevelopment Successor Agency of the City of Hayward, at which time all interested persons were afforded an opportunity to be heard on matters pertaining to the recommended budget.

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment Successor Agency of the City of Hayward that:

1. The budget presented by the Executive Director is hereby approved and adopted as the budget of the Redevelopment Successor Agency of the City of Hayward for FY 2016.
2. Any and all expenditures relating to the objectives described in the budget are hereby approved and authorized and payments therefore may be made by the Finance Director of the City of Hayward.
3. The Director of Finance is directed to comply with GASB 31 (Unrealized investment gains and losses) and is authorized to make such entries as are required to the Redevelopment Successor Agency’s financial records. In addition, the Director of Finance is authorized to make such changes to the budget as are required by GASB 31.

4. The following amounts are hereby estimated resources and appropriated expenditures:

Hayward Redevelopment Successor Agency (HRSA) Fund (815)	FY 2016
Revenue	
Property Tax (Tax Increment)	7,600,240
Interest Income	2,557
Principal	19,447
Successor Agency Administrative Allowance	250,000
School Impact Fee Reimbursement	326,906
Lease Payment - Cinema Place	50,000
Total Revenue	8,249,150
Operating Expenses	
Salary & Benefits	226,976
Charges to/from other programs	-
Supplies & Services	367,639
Maintenance & Utilities	23,884
Total Operating Expenses	618,499
HRSA Debt Service & Transfers Out	
HRSA Debt Service, 2004 TABS	3,372,325
HRSA Debt Service, 2006 TABS	636,606
HRSA Debt Service, misc charges	-
Transfer Out to Housing Authority	72,217
Total Debt Service & Transfers Out	4,081,148
Total Expenditures	4,699,647

5. Except as limited in paragraph 6 of this resolution, the Executive Director is authorized without further action from the Board to enter into a contract or agreement for any commodity or service included in the annual budget of the Redevelopment Successor Agency.
6. For the purposes of determining whether the Executive Director has the authority to execute a contract for a commodity or service pursuant to section 4 above, the Executive Director shall have the authority to expend such funds and enter into and execute any and all contracts and documents necessary to carry out the objectives of the Redevelopment Successor Agency's appropriations as set forth in this budget.
7. Any contract for professional services included in the annual budget that will cost more than \$25,000 shall be executed by the Executive Director only upon approval of the contract by the Redevelopment Successor Agency Board given at a meeting of the Redevelopment Successor Agency and upon final approval by the Oversight Board and Department of Finance.

HAYWARD, CALIFORNIA June 23, 2015

ADOPTED BY THE FOLLOWING VOTE:

AYES: BOARD MEMBERS:

CHAIR:

NOES: BOARD MEMBERS:

ABSTAIN: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

ATTEST:

Secretary of the Successor Redevelopment Agency
of the City of Hayward

APPROVED AS TO FORM:

General Counsel of the Successor Redevelopment Agency
of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-_____

Introduced by Council Member _____

RESOLUTION APPROVING CAPITAL IMPROVEMENT
PROJECTS FOR FISCAL YEAR 2016

WHEREAS, the City Manager has submitted to the City Council of the City of Hayward estimates of revenues from all sources and estimates of expenditures required for the proper conduct of the activities of the City of Hayward for Fiscal Year 2016 contained in the document entitled "Recommended Capital Improvement Program FY 2016-25"; and

WHEREAS, a public hearing was held by the City Council of the City of Hayward, at which time all interested persons were afforded an opportunity to be heard on matters pertaining to the Capital Improvement Program budget recommended by the City Manager; and

WHEREAS, by Resolution No. 15-xxx, dated June 23, 2015, the City Council adopted the budget and appropriated funds for operating expenses for Fiscal Year 2016.

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

1. That the Capital Improvement Projects for Fiscal Year 2016, as embodied in Recommended Capital Improvement Program FY 2016-25, are hereby adopted as the Capital Improvement Program for Fiscal Year 2016. Copies of the budget documents and the staff reports presented by the City Manager are on file in the office of the City Clerk and are hereby referred to, incorporated herein, and made a part of this resolution as though set forth in full.
2. That, except as may be otherwise provided, any and all expenditures relating to the objectives described in the Capital Improvement Program budget are hereby approved and authorized and payments therefore may be made by the Director of Finance without further action of Council.
3. That, for the purposes of determining whether the City Manager is authorized to execute a contract for a commodity or service pursuant to City Charter section 701 subsection 8, the City Manager shall have the authority to expend such funds and enter into and execute any and all contracts and documents necessary to carry out the objectives of the Council's appropriations as set forth in this Capital Improvement Program budget.

4. The following are hereby approved for expenditure:

I. CAPITAL PROJECTS EXPENDITURE APPROPRIATIONS

Fund	Amount
Gas Tax Fund (210)	4,270,000
Measure B Tax Fund (Local Transportation) (215)	4,560,000
Measure B Tax Fund (Pedestrian & Bicycle) (216)	1,310,000
Vehicle Registration Fee Fund (218)	850,000
Capital Projects (Governmental) Fund (405)	7,851,000
Measure C Fund (406)	73,900,000
Route 238 Corridor Improvement Fund (410)	5,260,000
Street System Improvements Fund (450)	19,990,000
Transportation System Improvement Fund (460)	1,035,000
Water Replacement Fund (603)	11,580,000
Water Improvement Fund (604)	14,549,000
Sewer Replacement Fund (611)	9,640,000
Sewer Improvement Fund (612)	27,543,000
Airport Capital Fund (621)	4,184,000
Facilities Capital Fund (726)	658,000
Information Technology Capital Fund (731)	3,039,000
Fleet Management Capital Fund (736)	2,182,000
Fleet Management Enterprise (737)	892,000
TOTAL: ALL CAPITAL FUNDS	193,293,000

5. The Director of Finance is hereby authorized to transfer the following amounts from one fund to another as indicated below at such time as she may determine, giving consideration to the intended purposes for which the transfers are made and available balances in each of the funds.

II. FUND TRANSFERS

FROM FUND	TO FUND	AMOUNT
General (100)	Capital Projects (Governmental) (405)	243,000
General (100)	Transportation System Improvement (460)	350,000
General (100)	Information Technology Capital (731)	1,380,000
General (100)	Fleet Management Capital (736)	1,460,527
Measure C (101)	Measure C Capital (406)	6,600,000
Gas Tax (210)	General (100)	723,000
Gas Tax (210)	Street System Improvements (450)	693,000
Police Capital (405)	Fleet Management Capital (736)	60,000
Route 238 (410)	Street System Improvements (450)	400,000
Water Improvement (604)	Water Replacement (603)	500,000
Water Operations (605)	Water Replacement (603)	2,500,000
Water Operations (605)	Information Technology Capital (731)	85,000
Water Operations (605)	Fleet Management Enterprise (737)	180,406
Sewer Operations (610)	Sewer Replacement (611)	4,000,000
Sewer Operations (610)	Sewer Improvement (612)	4,500,000
Sewer Operations (610)	Information Technology Capital (731)	51,000
Sewer Operations (610)	Fleet Management Enterprise (737)	215,418
Sewer Replacement (611)	Sewer Improvement (612)	270,000
Sewer Improvement (612)	Street System Improvements (450)	533,000
Stormwater Operations (615)	Fleet Management Enterprise (737)	84,650
Airport Operations (620)	Airport Capital (621)	600,000
Airport Operations (620)	Information Technology Capital (731)	17,000
Airport Operations (620)	Fleet Management Enterprise (737)	71,433
Facilities Operations (725)	Facilities Capital (726)	300,000
Facilities Operations (725)	Fleet Management Capital (736)	29,605
Information Technology Operations (730)	Information Technology Capital (731)	605,984
Information Technology Operations (730)	Fleet Management Capital (736)	9,868
Fleet Operations (735)	Fleet Management Capital (736)	800,000

In order to provide for completion of work on projects previously authorized but not completed as of June 30, 2015, in addition to the above appropriations for capital expenditures, appropriation balances remaining as of June 30, 2015, for capital projects previously authorized but uncompleted, are hereby appropriated for expenditure in fiscal year 2016.

6. Any monies received during fiscal year 2016 as a consequence of a grant application approved by the City Council are hereby appropriated for the purposes for which the grant has been approved. Such appropriation includes authorization for the City Manager to expend such monies and for the Finance Director to make payments therefore in accordance with the terms and conditions and for the purposes of the grant.

- 7. The Director of Finance is hereby authorized and directed to distribute the above appropriations to the various accounts of the City in accordance with generally accepted accounting practices and consistent with the purposes and objectives as outlined in the approved budget.
- 8. The budget for capital projects for fiscal year 2016, as contained in the document entitled " Recommended Capital Improvement Program FY 2016-25," is hereby approved.
- 9. Any contract for professional services included in the annual budget that will cost more than \$25,000 shall be executed by the City Manager only upon approval of the contract by the City Council given at a meeting of the City Council.

IN COUNCIL, HAYWARD, CALIFORNIA June 23, 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