

# **CITY OF HAYWARD**

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)



CITY OF  
**HAYWARD**  
HEART OF THE BAY

## **Agenda**

**Monday, February 3, 2020**

**4:00 PM**

**City Hall, Conference Room 2A**

**Council Economic Development Committee**

**CALL TO ORDER**

**ROLL CALL**

**PUBLIC COMMENTS:**

(The Public Comment section provides an opportunity to address the City Council Committee on items not listed on the agenda as well as items on the agenda. The Committee 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 Committee is prohibited by State law from discussing items not listed on the agenda, any comments on items not on the agenda will be taken under consideration without Committee discussion and may be referred to staff.)

**APPROVAL OF MINUTES**

1. [MIN 20-012](#) Approval of the Council Economic Development Committee December 2, 2019 Regular Meeting Minutes

**Attachments:** [Attachment I December 2, 2019 Draft Meeting Minutes](#)

**REPORTS/ACTION ITEMS**

2. [RPT 19-373](#) Conceptual Review of a Conditional Use Permit Application from Jiva Life for a Proposed Commercial Cannabis Retail Dispensary at 22701 Foothill Boulevard and 1055 "C" Street in Downtown Hayward

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Architectural Plans](#)

3. [RPT 20-013](#) Regulation of Sidewalk Vendors in Accordance with SB 946

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Current Code Related to Sidewalk Vending](#)

**FUTURE AGENDA ITEMS**

4. [RPT 20-015](#) Future Meeting Topics as of February 3, 2020

**Attachments:** [Attachment I Future Meeting Topics as of Feb. 3, 2020](#)

**COMMITTEE MEMBER/STAFF ANNOUNCEMENTS AND REFERRALS**

**ADJOURNMENT**



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

---

**File #:** MIN 20-012

---

**DATE:** February 3, 2020

**TO:** Council Economic Development Committee

**FROM:** Deputy City Manager

**SUBJECT**

Approval of the Council Economic Development Committee December 2, 2019 Regular Meeting Minutes

**RECOMMENDATION**

That the Committee reviews and approves the attached draft minutes.

**ATTACHMENTS**

Attachment I December 2, 2019 Draft Meeting Minutes





## **COUNCIL ECONOMIC DEVELOPMENT COMMITTEE**

### **MEETING MINUTES – December 2, 2019**

**CALL TO ORDER:** Mayor Halliday called the Regular meeting to order at 4:02 p.m.

#### **ATTENDANCE (September 2019-July 2020):**

Committee Member	Present 12/2/19	All Meetings Year to Date		Meetings Mandated By Resolution	
		Present	Absent	Present	Absent
Mayor Halliday (Chair)	✓	3	0	3	0
Council Member Mendall	✓	3	0	3	0
Council Member Salinas	✓	3	0	3	0

#### **OTHERS IN ATTENDANCE:**

Kelly McAdoo, City Manager; Jennifer Ott, Deputy City Manager; Laura Simpson, Director of Development Services; Paul Nguyen, Economic Development Manager; Sara Buizer, Planning Manager; Catherine Ralston, Economic Development Specialist; Edgar Maravilla, Associate Planner; Suzanne Philis, Senior Secretary; Kim Huggett, Chamber of Commerce; Paul Hodges, HARD; Chris Zaballos and Vince Vicari, D.R. Horton; Ed Bogue, Hayward resident

#### **PUBLIC COMMENTS**

Hayward Chamber of Commerce President and CEO Kim Huggett announced a Bio-Medical event happening Dec. 3<sup>rd</sup> at City Hall in conjunction with the Economic Development team; a free Alameda County Small Business Development Center workshop with the topic Business Finance on Dec. 11<sup>th</sup>; and the City's annual holiday event, Light Up the Season, on Saturday, Dec. 7<sup>th</sup> from 3:30-6:30pm at City Hall.

Hayward resident Ed Bogue commented that the existing hedge and landscaping along Calaroga would provide an easy-to-maintain screen between neighbors and the proposed building at 1000 Playa. Mayor Halliday asked him to please hold comments until they got to that item on the agenda.

#### **1. APPROVAL OF MINUTES OF REGULAR MEETING NOVEMBER 4, 2019**

A motion to approve minutes with one correction from the November 4, 2019 Regular Meeting was made by Council Member Salinas and seconded by Council Member Mendall. The motion was approved.

## **2. PRELIMINARY CONCEPT REVIEW FOR A PROPOSED MIXED-USE PROJECT AT 1000 LA PLAYA DRIVE**

Economic Development Manager Nguyen introduced the item noting the site was commonly referred to as the Burlington Coat Factory site. He then introduced Associate Planner Edgar Maravilla who gave a brief presentation before yielding the floor to D.R. Horton representatives Chris Zaballos and Vince Vicari. Mr. Vicari provided examples of similar Bay area developments completed by D.R. Horton and Mr. Zaballos spoke to the proposed project at the 5.4-acre site across from Southland Mall.

Council Member Mendall asked staff what restrictions related to the airport would impact the project. Planner Maravilla said the Airport Land Use Commission would need to evaluate the project and said the regulations related to the density of residential developments were subjective.

Council Member Mendall asked if the Planning Manager could overrule the Commission. Planning Manager Buizer confirmed that if the proposed development was in line with the City's General Plan she could overrule the Commission, but in this case, the density was higher and would require a General Plan amendment. Council Member Mendall asked if City Council could approve the amendment and eliminate the need for the Commission's review.

City Manager McAdoo asked if the City Council had the ability to overrule the determination of the Land Use Commission if they approved a General Plan amendment. Planning Manager Buizer said she would have to check with legal staff before giving a definitive answer.

Council Member Mendall said he asked because he was in favor of a taller, higher density development at this site as long as building heights didn't create any safety issues and were tiered closer to the existing single-family homes. He said he would also like to see more amenities including a larger commercial frontage along La Playa and pocket parks.

Council Member Mendall said he preferred stacked flats for mobility and accessibility reasons, but did not support tandem-parked garages for residential units because they were never used as such. Mr. Vicari said all four-story residential buildings without underground parking used tandem parking. Council Member Mendall said for 1- and 2-bedroom units tandem parking was acceptable, but not for 3- and 4-bedroom units. Mr. Vicari acknowledged tandem parking was an issue they frequently wrestled with.

In terms of long-term vision for Southland Mall and the area around it, Council Member Mendall said Commercial/Office uses would be ideal for the frontage with housing behind.

Council Member Salinas asked if neighbors had been consulted about what they'd like to see. City Manager McAdoo said no because this was the "first touch" with Council and noted when a formal project application was received neighbors would be contacted for feedback.

Mayor Halliday asked Mr. Bogue how he heard about the project. Mr. Bogue said he saw the item on the CEDC's agenda last week but hadn't had time to discuss the project with neighbors.

Council Member Salinas emphasized his desire to have neighbors contacted for feedback. He said once the City started letting go of commercial space to allow for residential development, they could never get that space back. He said he envisioned this area remaining commercial and would like to see an analysis of whether residential would provide the same benefit. He noted that Southland Mall had its good and bad days and malls everywhere were rethinking their futures. Council Member Salinas said he could imagine housing above the mall, but he didn't want to lose the commercial space it provided.

Council Member Salinas said he would support the proposed General Plan amendment because he wasn't afraid of housing or density and liked the idea of residents being able to walk to retail. He said he would not support a project that did not include on-site affordable housing and reminded everyone that there were students just across the street at Chabot looking for housing. Council Member Mendall asked if he would support studio units or smaller for students and Council Member Salinas said yes. He said would also like to see more food options near the mall.

Council Member Salinas said he wasn't sure what the long-range vision for the Mall should be but agreed it should be reconceptualized. He said some really great things had been done at malls in other cities, but recent interior improvements at Southland hadn't had the impact they had hoped for. He noted the exterior looked better, especially the activation of the side facing the freeway.

Council Member Salinas asked staff what they thought about the future of retail along major corridors and at sites like this. He asked what would happen if Council said no to this project and demanded Class A office space be built instead. Mr. Zaballos said most likely a church would go into the existing space.

Mayor Halliday noted that the City considered buying the theater property just around the corner on Hesperian but a church expressed interest in the property, said they would make improvements and that the church would bring people to area to shop and dine.

Mayor Halliday asked for more information about the 4-story concept. Mr. Vicari said that was not their intention, 4-story products were more expensive to produce, and noted they were proposing 2- and 3-story buildings at this site. He said the number of higher density developments was decreasing in the Bay area and only 25% of the development near Newpark Mall was 4-story. He noted the two 2-story units were stacked with tandem parking below and no elevators.

Mayor Halliday said the size and height of project proposed made more sense for the area which included some multi-family buildings, but mostly single-family homes.

Mayor Halliday shared Council Member Salinas' concern about losing commercial space, but noted it didn't really work there, that corner was the gateway to the neighborhood, and she wanted to keep the area walkable. She noted that La Playa was not a City street, that it was controlled by the Mall, but would hope that staff would take whatever action they could to keep La Playa as pedestrian-friendly as possible.

Mayor Halliday acknowledged requiring commercial space could be problematic but pointed out it didn't have to be retail. It could be a service that wouldn't require a lot of parking like child, elder or pet care.

Regarding the future of Southland Mall, Mayor Halliday said first staff needed to understand any restrictions that would impact plans and projects. She said analysis had been conducted and focused improvements had been made along Mission Boulevard, in the downtown, and along the Tennyson Corridor, next, she said, they needed to focus on Hesperian and the Mall was a huge part of that. She asked staff to prioritize the analysis of Hesperian because the Mall was changing and becoming more of an entertainment center with the new theater and bowling alley opening. She noted that there were three owners of Mall property so creating one vision might be difficult.

Mayor Halliday agreed the City needed more housing and agreed affordable housing should be kept on-site, preferably the same types of units offered for a lower price. She wasn't sure if housing fronting La Playa was a good idea especially since the City didn't own the road. She supported a General Plan amendment but wondered what impact that would have on the Airport Land Use Commission's determination.

Mr. Zaballos asked if building a community amenity along La Playa would make better sense than commercial space. Mayor Halliday said possibly a linear park but added that holding a community meeting for feedback from neighbors would be the best way to determine the best, most desired use for the space.

City Manager McAdoo said infill developers had expressed a desire to keep housing and commercial uses separate rather than stacked on top of each other. Council Member Salinas asked if she was proposing splitting the site in half with commercial along La Playa. City Manager McAdoo said not necessarily, but asked that Council remain flexible and to make ground floor retail an option not a requirement. She noted financing was easier to secure when the two uses were separate.

Mayor Halliday said the Calaroga frontage would be more conducive to housing.

Council Member Mendall he was extremely flexible on how the space got divided, his concern would be that the commercial wouldn't get built. He said he wouldn't support allowing the retail space to be developed later after the housing was complete. He also said that substituting a park for the commercial space would be a tough vote for him. He said moving the housing to the Calaroga side made sense but he wanted to keep the mixed use.

Council Member Mendall said he also forgot to mention that there should be a public art component to the development. Nothing huge, he said, just something that created a gateway into the neighborhood.

Mayor Halliday said La Playa wasn't a heavily used street, but pointed out that the site plan showed an entrance from La Playa and asked if D.R. Horton would need permission. Mr. Zaballos said there were existing easements but acknowledged he would need to do some more investigating.

Council Member Salinas added he was flexible about how commercial was included in the development.

Mayor Halliday encouraged Mr. Zaballos and Mr. Vicari to reach out to neighbors.

### **3. FUTURE MEETING TOPICS AS OF DECEMER 2, 2019**

Council Member Salinas asked if staff could provide more information about the concept of a community bank. City Manager McAdoo said about a year and a half ago the City of Oakland starting looking into a community bank and although that fell apart, a new group was formed to consider a regional bank made up of a number of public agencies. She said she, along with the City's Finance Director, had attended some of the meetings and had been monitoring Board communications. She said she was concerned about the substantial financial contribution that would be required to participate and noted undocumented individuals would not be allowed to open accounts which was why Hayward was initially interested. Council Member Salinas asked if credit unions allowed undocumented individuals to open accounts and was told not if the credit union was FDIC-insured.

City Manager McAdoo said she would continue to monitor the Board's discussions but noted it was very political and she didn't know who would be managing the money.

Economic Development Manager Specialist Nguyen said Darien Louie, formerly the Executive Director with the East Bay EDA, now a consultant for Alameda County, was also exploring a community bank by calling cities for feedback and concerns. He said when her report was available he could arrange to have her present her findings to the CEDC. In addition to concerns about financial risk and equity, Manager Nguyen also noted that only a limited number of public banks were allowed in California so larger, county-wide banks were more likely to be created.

City Manager McAdoo said if formulated in an effective way and with the proper controls put in place a bank could a positive thing for the community. She said a report would be going to the Budget & Finance Committee next year and could also be presented to the CEDC.

Council Member Mendall asked when minimum wage was going to Council and if it should come back to the CEDC first. City Manager McAdoo thought it was going straight to Council but deferred to Economic Development Manager Nguyen for an update. Manager Nguyen said staff was completing the last of the 14 community outreach meetings regarding minimum wage and would circle back with the City Manager in a week or so with the feedback and findings to determine next steps.

City Manager McAdoo said it might make sense to bring the topic back to the CEDC for further discussion, but noted there wasn't a January meeting currently scheduled. Manager Nguyen said a Special Meeting could be scheduled if necessary.

Council Member Salinas asked if long-time merchants could be contacted for feedback. They've been around for a long time, he said, and many haven't heard about the City's proposal to accelerate the State's timeline to raise minimum wage to \$15/hour by 2022. He said the feedback he's received had all been the same: too fast, why do it now, and why faster than the State. Manager Nguyen said staff would reach out to individual long-time business owners.

### **COMMITTEE MEMBER ANNOUNCEMENTS AND REFERRALS**

Economic Development Manager Nguyen said in addition to Light Up the Season, the Downtown Holiday Shopping Passport Program was back and promotional materials including a list of participating vendors and the passport template were live on the City's website and through social

media. Mayor Halliday said she'd already turned in two passports and had almost completed a third.

Manager Nguyen also mentioned the biomedical event happening the next day and the Grand Opening ribbon cutting for Bon Mange—one of the new retailers at the former Green Shutter site—on Friday, Dec. 6<sup>th</sup>. Mayor Halliday asked if the downtown was getting too many ice cream places and Manager Nguyen said according to developers these were the places that were growing. Retail spaces where people could have an experience and take a photo for social media, along with their fancy treats, were what people wanted. Having Bon Mange open downtown was a win, he said, and the story about the owner's hometown connection would be told at the opening.

Manager Nguyen also mentioned that AC Transit was holding an on-site hiring event on Dec. 14<sup>th</sup> with more than 50 operator and mechanic positions open. Mayor Halliday said they probably paid more than \$15/hour and City Manager McAdoo agreed and also noted workers received PERS retirement benefits.

**ADJOURNMENT:** The meeting was adjourned at 5:18 p.m.



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

---

**File #:** RPT 19-373

---

**DATE:** February 3, 2020

**TO:** Council Economic Development Committee

**FROM:** Deputy City Manager

**SUBJECT**

Conceptual Review of a Conditional Use Permit Application from Jiva Life for a Proposed Commercial Cannabis Retail Dispensary at 22701 Foothill Boulevard and 1055 "C" Street in Downtown Hayward

**RECOMMENDATION**

That the Council Economic Development Committee reviews the report and provides feedback on the proposed project to the applicant and City staff.

**SUMMARY**

Jiva Life, LLC ("Jiva Life") has submitted a Conditional Use Permit (CUP) application to operate a commercial cannabis retail and delivery business on two parcels located at 22701 Foothill Boulevard and 1055 "C" Street. The proposed retail dispensary would provide cannabis and cannabis-related products to members of the public that are of legal age (21 years and older) for medical and adult recreational use. Rajiv Pottabathni, principal and managing director of Jiva Life, will be present to discuss the proposal and answer questions from the committee.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Architectural Plans



**DATE:** February 3, 2020

**TO:** Council Economic Development Committee

**FROM:** Deputy City Manager

**SUBJECT:** Conceptual Review of a Conditional Use Permit Application from Jiva Life for a Proposed Commercial Cannabis Retail Dispensary at 22701 Foothill Boulevard and 1055 "C" Street in Downtown Hayward

## **RECOMMENDATION**

That the Council Economic Development Committee reviews the report and provides feedback on the proposed project to the applicant and City staff.

## **SUMMARY**

Jiva Life, LLC ("Jiva Life") has submitted a Conditional Use Permit (CUP) application to operate a commercial cannabis retail and delivery business on two parcels located at 22701 Foothill Boulevard and 1055 "C" Street. The proposed retail dispensary would provide cannabis and cannabis-related products to members of the public that are of legal age (21 years and older) for medical and adult recreational use. Rajiv Pottabathni, principal and managing director of Jiva Life, will be present to discuss the proposal and answer questions from the committee.

## **BACKGROUND**

On December 20, 2018, Jiva Life submitted a CUP application to operate a commercial cannabis retail and delivery business at 1223 "A" Street, also known as the Reptile Room building. Following the change of the overconcentration and buffer requirements from 1,000-feet to 500-feet in the Hayward Municipal Code, the applicant reconsidered the proposed location of their business. On September 27, 2019, the applicant formally withdrew their initial application from consideration with the Planning Division for their location at 1223 "A" Street. On September 30, 2019, Jiva Life submitted a new application to relocate their proposed location to the former Hayward Fishery/Art's Crab Shack located at the above-referenced site.

On October 8<sup>th</sup>, an initial Notice of Application Receipt for the project application was sent to 98 addresses including property owners, residents, and businesses within a 300-foot radius of the project site. As of date, Planning Division staff received correspondence from a business owner and resident with concerns and opposition to the project.



## DISCUSSION

General Plan and Zoning Ordinance. The 0.45-acre project site is within the Downtown Main Street (DT-MS) zoning district within the Downtown Hayward Specific Plan with a corresponding land use designation of City Center – Retail and Office Commercial (CC-ROC) in the Hayward 2040 General Plan. Commercial cannabis retail dispensaries require the review and approval of a CUP in the DT-MS zoning district. Pursuant to the City's Cannabis Land Use Ordinance, commercial retail dispensaries are required to be buffered a minimum of 500-feet from other commercial cannabis retail establishments and a minimum of 600-feet from sensitive land uses

The project site is located at the corner of "C" Street and Foothill Boulevard, where it will retain access from existing driveways to the site's parking lot. Surrounding land uses and development include the Municipal Lot #3 parking structure to the north, Portuguese Centennial Park to the east across the street, and miscellaneous commercial uses to the south and west of the project site.

Furthermore, the project site is also located 0.3 miles from All Saints Catholic Church (22870 2<sup>nd</sup> Street) and Bret Harte Middle School (1047 E Street), 0.2 miles from High Scores Arcade (1051 B Street) and Team Brewer Karate Fitness (22683 Main Street), and 0.1 miles from Kumon Math and Reading Center (22628 Foothill Boulevard) based on the existing road network. Parcels with sensitive land uses within 600-feet of the project site include the Kumon Center, High Scores Arcade, Team Brewer Karate, and Children's Park at Giuliani Plaza.

Pursuant to the HMC, the buffer may be reduced as part of a CUP approval if it is found that the public convenience and necessity will be served by an alternate distance requirement and that alternative measures to assure public health and safety are in place with respect to the proposed commercial cannabis business.

Project Description. The proposed commercial cannabis retail storefront and delivery operation will occupy the existing two-story, 4,500 square-foot structure that was constructed in 1910 and was formerly occupied by the Hayward Fishery and Art's Crab Shack. The project will primarily include the retail storefront operation, which will sell pre-packaged, pre-processed child-resistant cannabis and cannabis related products such as edibles, tinctures, flower, vaporizers, and CBD products. No on-site consumption of cannabis products is proposed. Proposed business hours for the retail storefront and delivery services are seven days a week, from 8 a.m. to 10 p.m. The establishment will be required to implement a security plan that includes the installation of a video surveillance and alarm system, secured storage and waste, secure entrances and exits, exterior lighting, hiring of security personnel, etc. The applicant anticipates hiring approximately 15 employees for the operation and that the dispensary will generate an estimated 301 transactions daily.

The applicant is proposing an interior tenant improvement within the building to create a customer art gallery, retail floor area, loading zone, and product storage area on the ground-floor; and storage rooms, a conference room, employee lounge area, and offices on the second floor. No exterior renovations beyond paint and signage are proposed. In

addition, the applicant is proposing to create 22 parking spaces. Project plans are included in this report as Attachment II.

Policy Direction. Staff is requesting that the CEDC provide policy feedback to City staff and the applicant on whether the proposed site is an appropriate location given its high visibility and prominence along an arterial street through Downtown Hayward (Foothill Boulevard) and its proximity to the sensitive land uses stated above. Based on the City's Economic Development Strategic Plan, the project site is within the Downtown Area key retail area; however, the site is not an identified catalyst site. The building has remained vacant since the closure of the Hayward Fishery in 2015. The CEDC may also share comments on the proposed operations, design, and other elements of the project to the applicant and staff. Staff believes that the proposed project should include significant exterior enhancements and investment into the facades of the two buildings on the site for a cohesive design and to create a pedestrian friendly, walkable environment for pedestrians and patrons alike.

## **NEXT STEPS**

At this time, the CUP application has been deemed "incomplete" and pending additional revisions from the project proponent. Following this meeting, the applicant will take into consideration any comments and feedback from the CEDC into their proposal prior to resubmitting their project plans and business proposal for review. At the point the project is deemed "complete," the application will be scheduled for public hearings with Planning Commission and City Council for review and disposition.

Prepared by: Marcus Martinez, Associate Planner

Recommended by: Jennifer Ott, Deputy City Manager

Approved by:



---

Kelly McAdoo, City Manager



# $\infty$ jiva

A **BOUTIQUE** COMMERCIAL  
**CANNABIS** BUSINESS **BRAND**

## OVERVIEW

### OBJECTIVE

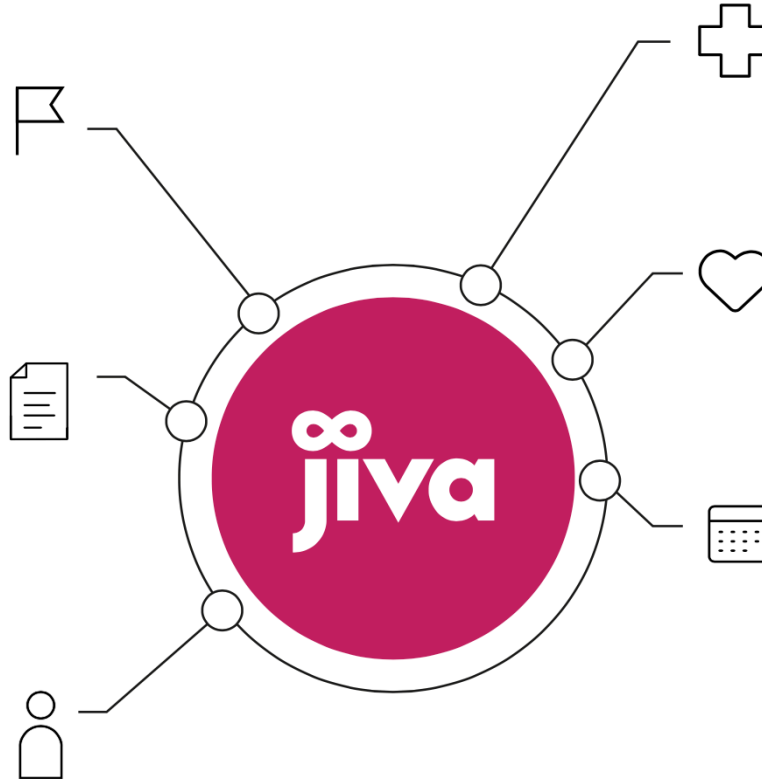
Strategically secure coveted **Commercial Cannabis Business ("CCB")** permits/licenses and stimulate growth through successful operations utilizing market research to allow for expansion and continued business development.

### FUNCTION

Jiva Inc., through its wholly owned subsidiary, Jiva Life LLC, submits comprehensive and proprietary proposals as screening applications in select California cities/counties conducting competitive merit-based processes for licensees to establish and operate retail storefronts for commercial cannabis sales.

### ETHOS

Elevate the CCB movement as a company founded on integrity, transparency and responsibility to customers and the community.



### MEDICAL IDENTITY

Establish an alternative and integrative medical first approach in a recreational marketplace by providing access to dedicated patient/customer care, consumption safety and therapeutic education.

### RECREATIONAL VISION

Curate an approachable enhanced retail experience ensuring customer satisfaction from "park to purchase" through exemplary service, seamless operational infrastructure, product value and brand selection.

### AGENDA

Implement a data driven methodology using advanced analytics to identify a market strategy for enhanced customer engagement. Jiva will catalyze a generative relationship and customer loyalty through consumer empowerment. Optimizing operations and effective management protocols enable Jiva's ability to function efficiently - demonstrating sustainable growth with reliability, utility and significance.

## CALIFORNIA ASSETS



### 4 Retail Permits / Licenses

within 3 of California's Largest Counties  
(Collective Estimated Population of ~4.2M)

### 4 Commercial Real Estate Property Leases

w/Extendable Terms & Purchase Options



#### City of Santa Rosa

42 Applicants,  
1 of 15 Retail  
Permits Awarded



#### City of Union City

13 Applicants,  
1 of 3 Retail  
Permits Awarded



#### City of Hayward

26 Applicants,  
1 of 3 Retail Permits  
Awarded



#### City of **San Bernardino**

18 Applicants,  
1 of 5 Retail Permits  
Awarded



#### City of San Francisco

Executed shareholder agreement securing an interest (\$1.55M Value) in the "Mirage" CCB brand including a retail location (SOMA District)

Equity Applicant Program<sup>1</sup> application is currently being processed by the SF Office of Cannabis.



#### City of Los Angeles

Applying as a Tier 1 Social-Equity Applicant. Social-Equity Applicant submitted Social Equity Program (SEP) Eligibility Verification Application on May 28, 2019.

DCR<sup>2</sup> will accept & process Phase 3 applications for retail Commercial Cannabis Activity commencing September 3, 2019.



#### City of Union City

As of July 9, 2019, Union City amended the cannabis ordinance to allow Jiva the ability to attain the 3 remaining licenses types for the following uses: Manufacturing, Distribution, and/or Cultivation to operate as a Micro-Business. Location procurement is underway and intent to apply and submit RFP for review is scheduled for October of 2019.



- **PROJECT:** Jiva Life LLC and/or Jiva HWD LLC (“Jiva”) is proud to announce that the City of Hayward is considering a resolution awarding Jiva an opportunity to obtain a CUP permit to operate a commercial cannabis business as a retail storefront with delivery services at 22701 Foothill Blvd & 1055 C Street.
- **GOOD NEIGHBOR APPROACH:** As a potential new neighbor, Jiva would like to extend an invitation to schedule a brief introductory and informational call and/or meet & greet to provide responses to any questions, comments, or suggestions you may have. The objective is to create an open line of communication with business owners and residents in the area to discuss the safety, security, and positive impact of our proposed business operations.
- **COMMITMENT:** Jiva will create a cannabis enterprise focused on integrity, community, and excellence in service. Jiva is strongly rooted in ethics, health, and safety. Jiva was assembled with a focus on creating a diverse and accomplished group of progressive professionals, which include experienced cannabis business operators and advisors that are healthcare professionals, attorneys, financial consultants, a to be determined dedicated community program coordinator, and local Hayward and/or Alameda County residents as general employees/staff.
- **CANNABIS MERIT:** Jiva’s detailed knowledge of State and local regulations as experienced operators with existing cannabis retail ventures in Los Angeles and the State of Washington will ensure we maintain and exceed all required compliance standards. Similarly, to the opportunity to operate in Hayward, Jiva has been awarded retail commercial cannabis business permits in Union City, Santa Rosa, San Francisco, & San Bernardino.
- **PRODUCT QUALITY:** Jiva will provide brand selection of quality lab tested medical & adult-use products, inclusive of cannabis-infused extracts, exceptional edibles & consumables, and award-winning flower strains.
- **GOAL:** Jiva’s industry experience, entrepreneurial vision, and community-driven spirit will allow our team to develop an unforgettable enhanced retail experience that will resonate with customers and the Hayward community.
- **COMMUNITY BENEFIT:** Our retail facility strives to enrich the community through strategic partnerships with established local organizations. Jiva will offer employment opportunities to Hayward residents and will contribute generous tax revenues for the City. Our community endeavors will be focused on engaging within the neighborhood through a combination of educational seminars, community outreach, and Jiva’s financial contributions towards Hayward non-profit associations.
- **OPEN HOUSE:** Jiva will host an “open-house” during our “soft-opening” phase for friends, family, local neighboring businesses/property owners, as well select members and residents of Hayward. An invitation for that event should be circulated in Q4 of 2020. This will be an opportunity for Jiva to meet community members personally and for us to give attendees insight to our business practices and operational standards.
- **TRANSPARENCY:** We look forward to your feedback and general input. Jiva graciously encourages transparency and communication to improve our operational standard or implement solutions to concerns if required.

### **PROJECT HISTORY**

January 12, 2018	The Commercial Cannabis Permit Application Was Submitted to the Office of the City Manager
July 06, 2018	Commercial Cannabis Permit City Staff Interview.
July 17, 2018	Public Hearing for Commercial Cannabis Permit Intent of Issuance, Granted by Hayward City Council
December 18, 2018	Development Permit Application Submitted for previous location
January 15, 2019	Adoption of LB-003 reducing overconcentration buffer to 500ft
June 2019	Provided notice of intent to potentially re-apply and submit a revised Development Permit Application for a new location
July 9, 2019	Introductory meeting with City of Hayward Project Planner
August 2019	Conducted due diligence on proposed new location, historical resource evaluation, and traffic memo
September 5, 2019	Contractually secured new proposed retail location
September 30, 2019	Development Permit Application Submitted for proposed new location

Based on our experiences within other municipalities where Jiva was awarded an opportunity to operate, we have identified a few general concepts that should be clarified:

**1. Accessibility & Maintaining Neighborhood Compatibility: Parking & Traffic**

Private dedicated parking lot (1055 C Street) that will include a handicap accessible space and a private bicycle rack. Additionally, we pride ourselves on providing efficient service and will keep the flow of ingress/egress with two driveways along Foothill Blvd and C street to provide efficient access during peak traffic times. Jiva will encourage customers to utilize the public parking lot directly across on C Street. Jiva's commercial cannabis business will not negatively impact surrounding businesses or neighbors.

**2. Enhanced Safety & Security**

Jiva's presence in the neighborhood will enhance the safety and security of the surrounding area. Our professional security team will be discrete and trained to proactively mitigate any issues; no loitering or trespassing will be tolerated. No consumption of products is allowed on-site, in the parking lot, or within the immediate line of sight of the proposed location. Jiva may additionally offer 24-hour security service for the site and the vicinity to create an additional level of safety for the immediate neighboring community. The project includes an elaborate 24-hour security camera and monitoring system which shall be shared with Hayward PD for feedback.

**3. Odor Control & Air Quality**

Our products will never be exposed to open air, in or around the facility per State law. All product inventory is received from authorized and licensed distributors by the State's Bureau of Cannabis Control. Intake of inventory will always arrive odor free, pre-packaged, and sealed (child resistant). All purchased products are kept in the same sealed packaging as it arrived and is additionally placed in discrete opaque sealed exit packaging. Therefore, there is no issue of air pollution or odors from cannabis products. Nonetheless, Jiva's Air Quality & Odor Control Plan has been certified by a licensed molecular filtration specialist ensuring that all mitigation controls are sufficient to effectively neutralize odors from all sources.



## PROJECT LOCATION (SATELLITE VIEW)





## EXISTING CONDITIONS



NORTHEAST ELEVATION



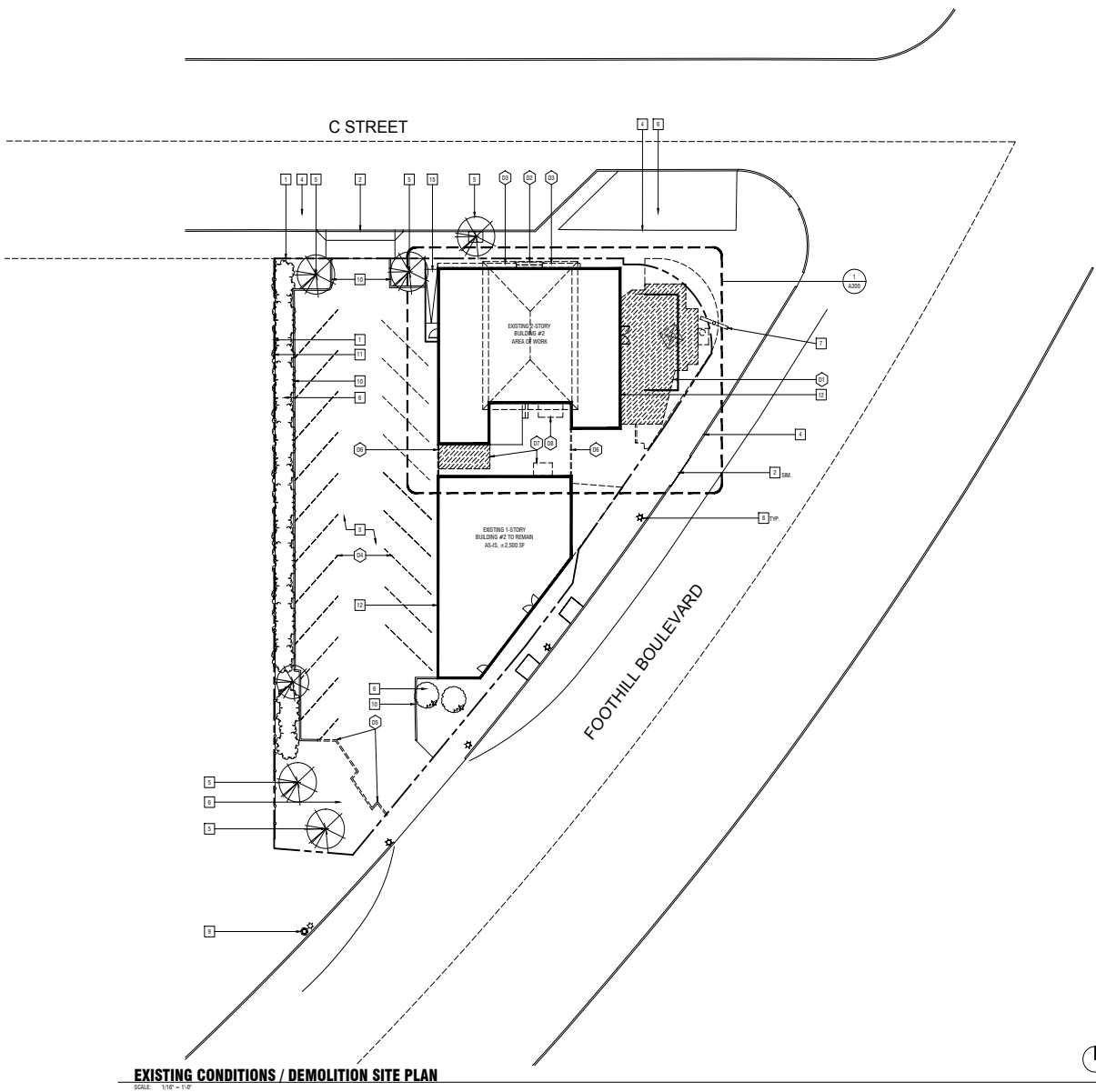
SOUTHEAST ELEVATION



NORTHWEST ELEVATION



SOUTHWEST ELEVATION



EXISTING CONDITIONS / DEMOLITION SITE PLAN  
SCALE: 1/8" = 1'-0"

**DEMOLITION KEY NOTES**

- THE DEMOLITION KEY NOTES THAT FOLLOW APPLY TO THE DRAWING(S) ON THIS SHEET ONLY.
- (1) REMOVE AND LEGALLY DISPOSE OF EXISTING COVERED PATIO IN ITS ENTIRETY (SHOWN SHADING), INCLUDING BUT NOT LIMITED TO FOUNDATION, WALL AND ROOF ASSEMBLIES (E.G., POSTS, DOORS, WINDOWS, ELECTRICAL, ETC.).
  - (2) REMOVE AND LEGALLY DISPOSE OF EXISTING CONCRETE STEPS
  - (3) REMOVE AND LEGALLY DISPOSE OF EXISTING CONCRETE STEPS
  - (4) REMOVE AND LEGALLY DISPOSE OF EXISTING PARKING STALL STRIPPING
  - (5) REMOVE AND LEGALLY DISPOSE OF EXISTING CONCRETE CURB TO ACCOMMODATE NEW WORK
  - (6) REMOVE AND LEGALLY DISPOSE OF EXISTING WOOD CHAIN-LINK FENCING
  - (7) REMOVE AND LEGALLY DISPOSE OF EXISTING STORAGE SHED
  - (8) REMOVE AND LEGALLY DISPOSE OF EXISTING AWNING ABOVE

**KEYED NOTES**

- (1) EXISTING PROPERTY LINE
- (2) EXISTING CONCRETE DRIVEWAY APPROACH TO REMAIN
- (3) EXISTING AC PAVEMENT TO REMAIN
- (4) EXISTING CONCRETE CURB, GUTTER & SIDEWALK IN PUBLIC RIGHT OF WAY
- (5) EXISTING TREE TO REMAIN
- (6) EXISTING LANDSCAPED AREA TO REMAIN, NO WORK
- (7) EXISTING MONUMENT SIGN TO REMAIN - REPAIR/REPLACE UNDER SSP PERMIT
- (8) INDICATES EXISTING STREET LAMP TO REMAIN
- (9) EXISTING FIRE HYDRANT TO REMAIN
- (10) EXISTING CONCRETE CURB
- (11) EXISTING FENCING TO REMAIN
- (12) INDICATES EXISTING BUILDING EXTERIOR WALL
- (13) EXISTING 1-STORY BUILDING TO REMAIN, NO WORK
- (14) AREA OF WORK AT EXISTING 2-STORY BUILDING
- (15) EXISTING CONCRETE RAMP AND LANDINGS
- (16)
- (17)
- (18)
- (19)
- (20)

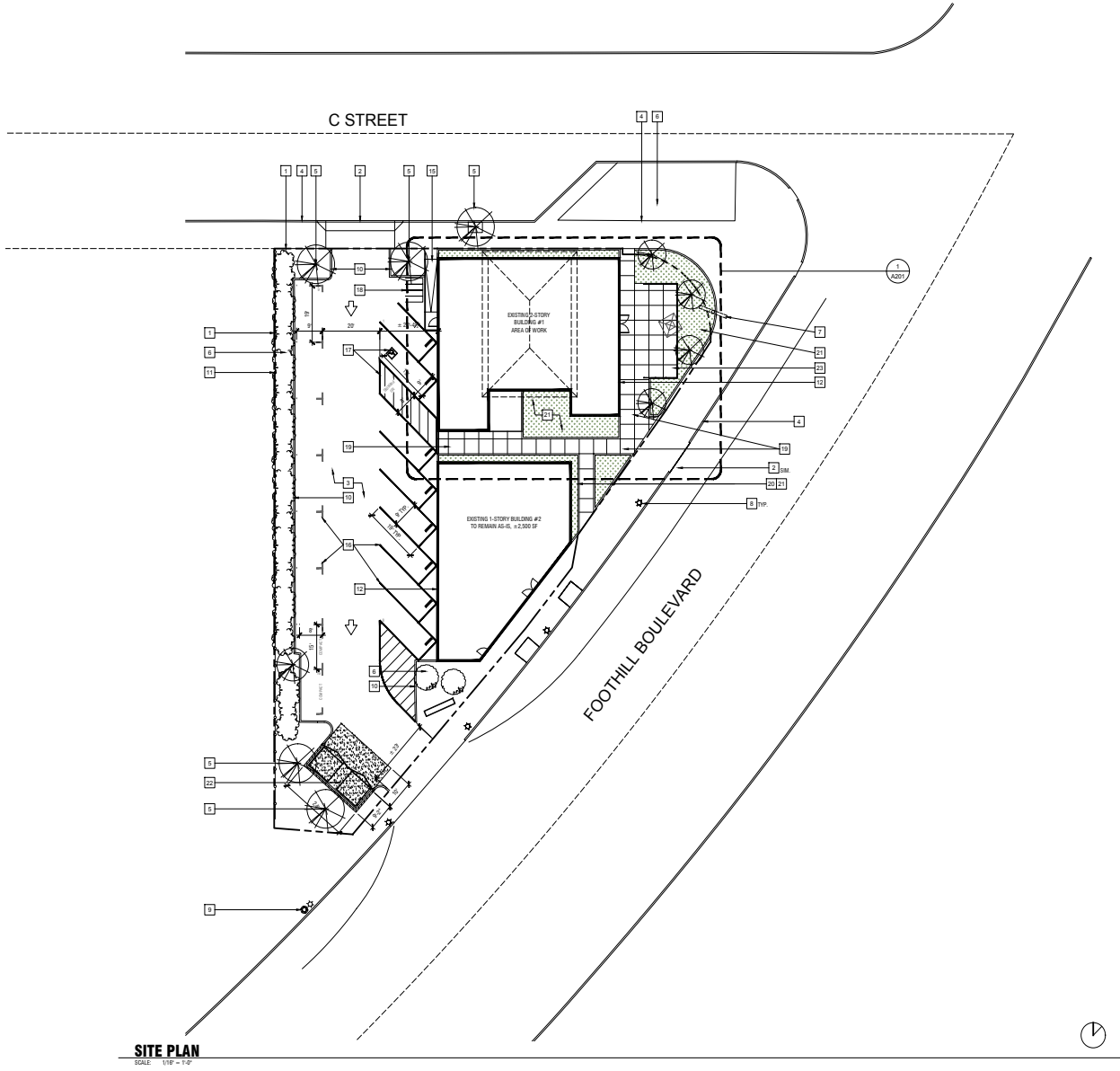
**MEDICAL RETAIL CANNABIS DISPENSARY T.I.**  
22701 FOOTHILL BLVD, HAYWARD, CALIFORNIA 94541  
APN: 428-0066-008-01 (CORNER PARCEL)

SUBMITTALS / REVISIONS

DRAWING TITLE: NO.

EXISTING CONDITIONS /  
DEMOLITION SITE PLAN

**A100**



**SITE PLAN**  
SCALE: 1/8" = 1'-0"

KEYED NOTES	
1	EXISTING PROPERTY LINE
2	EXISTING CONCRETE DRIVEWAY APPROACH TO REMAIN
3	EXISTING AC PAVEMENT TO REMAIN
4	EXISTING CONCRETE CURB, GUTTER & SIDEWALK IN PUBLIC RIGHT OF WAY
5	EXISTING TREES TO REMAIN
6	EXISTING LANDSCAPED AREA TO REMAIN, NO WORK
7	EXISTING MONUMENT SIGN TO REMAIN - REPLACESH UNDER DEP PERMIT
8	INDICATES EXISTING STREET LAMP TO REMAIN
9	EXISTING FIRE HYDRANT TO REMAIN
10	EXISTING CONCRETE CURB
11	EXISTING FENCING TO REMAIN
12	INDICATES EXISTING BUILDING EXTERIOR WALL
13	EXISTING 1-STORY BUILDING TO REMAIN, NO WORK
14	AREA OF WORK AT EXISTING 2-STORY BUILDING ROOF STRUCTURE SHOWN DASHED
15	EXISTING CONCRETE PUMP AND LANDING
16	NEW WHITE STALL STRIPING PER CITY STDS
17	NEW VAN ACCESSIBLE PARKING STALL & ACCESS AISLE PER CBC RIGHTS
18	NEW BIKE PARKING PER CITY STDS
19	NEW CONCRETE WALKWAY
20	NEW 6" CONCRETE CURB
21	INDICATES NEW LANDSCAPE AREA - SEE "CONCEPTUAL PLANNING PLAN"
22	NEW CRU TRASH ENCLOSURE PER CITY STDS
23	NEW OUTDOOR COURTYARD, 400 SF
24	NEW SMALL TREES IN GRID

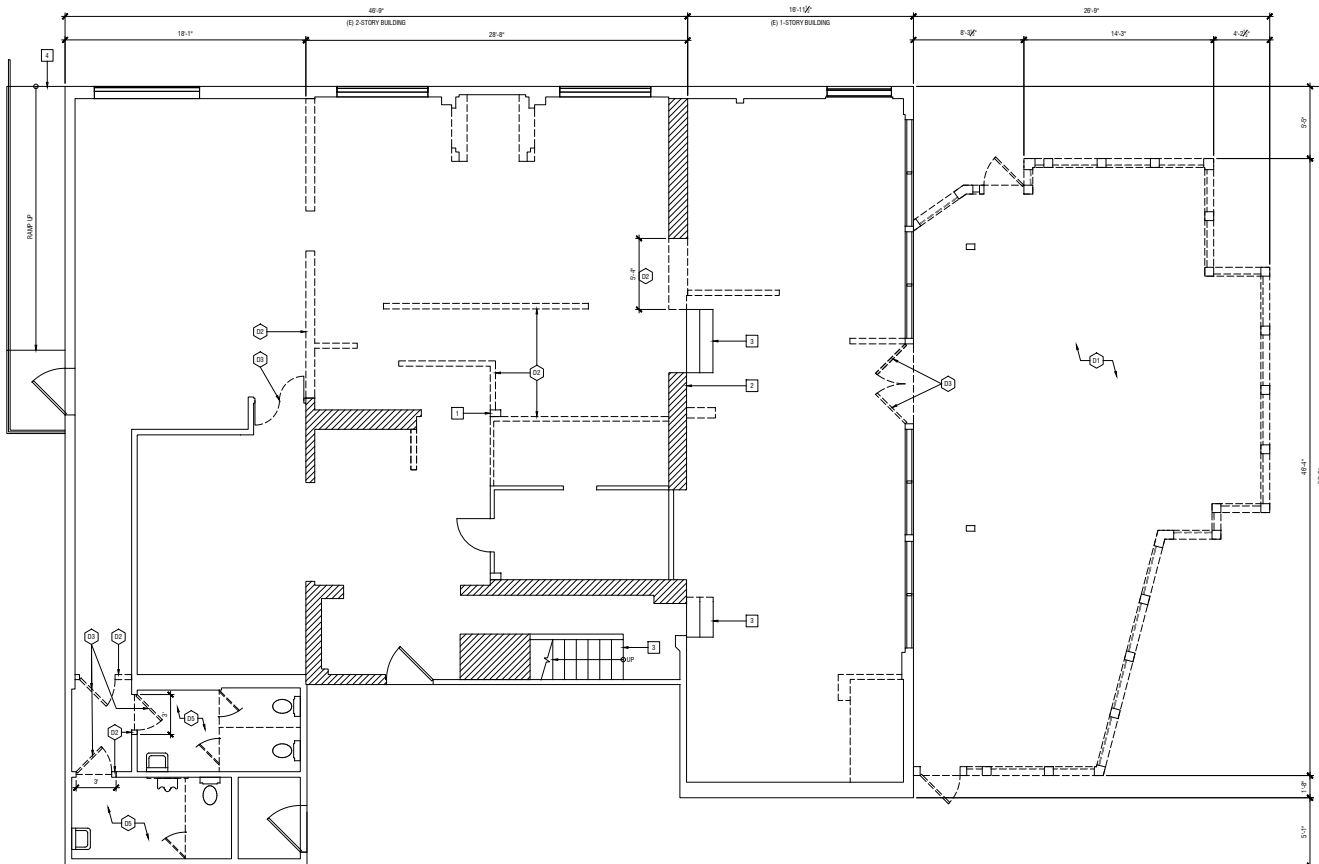
**MEDICAL RETAIL CANNABIS DISPENSARY T.I.**  
22701 FOOTHILL BLVD, HAYWARD, CALIFORNIA 94541  
APN: 425-0086-008-01 (CORNER PARCEL)

SUBMITTALS / REVISIONS


DRAWING TITLE: NO.

SITE PLAN

**A110**



**GROUND FLOOR PLAN - DEMOLITION**

SCALE: 1/4" = 1'-0"

### DEMOLITION KEY NOTES

THE DEMOLITION KEY NOTES THIS SHEET APPLY TO THE DEMOLITION ON THIS SHEET ONLY.

- (1) REMOVE AND LEGALLY DISPOSE OF EXISTING COVERED PATIO IN ITS ENTIRETY, INCLUDING BUT NOT LIMITED TO FOUNDATION, WALL AND ROOF ASSEMBLIES (I.E. POSTS, DOORS, WINDOWS, ELECTRICAL, ETC.).
- (2) REMOVE AND LEGALLY DISPOSE OF EXISTING INTERIOR WALL, OR PORTION OF WALL INDICATED, INCLUDING BUT NOT LIMITED TO GYP. BD., STUDS, ELECTRICAL, WIRING, DUCT AND TIE-IN TO ACCOMMODATE NEW WORK. PATCH AND PAINT ALL AREAS AFFECTED BY NEW WORK, TYPICAL AS SHOWN.
- (3) REMOVE AND LEGALLY DISPOSE OF EXISTING DOOR, DOOR FRAME, COMPARTMENT HARDWARE AND WALL ANCHORS TO ACCOMMODATE NEW WORK/DOOR. SEE DOOR SCHEDULE FOR ADDITIONAL INFORMATION.
- (4) REMOVE AND LEGALLY DISPOSE OF EXISTING EXTERIOR WINDOW INCLUDING BUT NOT LIMITED TO GLAZING, WINDOW FRAME AND WALL ANCHORS, TYPICAL AS SHOWN.
- (5) REMOVE AND LEGALLY DISPOSE OF TOILET PARTITIONS, PLUMBING FIXTURES AND ASSOCIATED PLUMBING IN THIS ROOM (I.E. SINK, WATER CLOSET, ETC.). ALL PIPING NOT BEING REUSED IS TO BE REMOVED AND CAPPED AT NEAREST SOURCE.

### KEYED NOTES

- (1) EXISTING STEEL COLUMN TO REMAIN
- (2) EXISTING MASONRY WALL TO REMAIN, TYPICAL AS SHOWN
- (3) EXISTING STAIRS TO REMAIN
- (4) EXISTING EXTERIOR LANDING AND RAMP TO REMAIN

### LEGEND

- EXISTING MASONRY WALL TO REMAIN INTACT.
- EXISTING WOOD STUD FRAMED WALL TO REMAIN INTACT
- EXISTING WALL TO BE REMOVED
- EXISTING DOOR AND/OR WINDOW TO REMAIN INTACT
- EXISTING DOOR AND/OR WINDOW TO BE DEMOLISHED
- NO WORK IN THIS AREA, U.S.D.

**MEDICAL RETAIL CANNABIS DISPENSARY T.I.**  
22701 FOOTHILL BLVD, HAYWARD, CALIFORNIA 94541

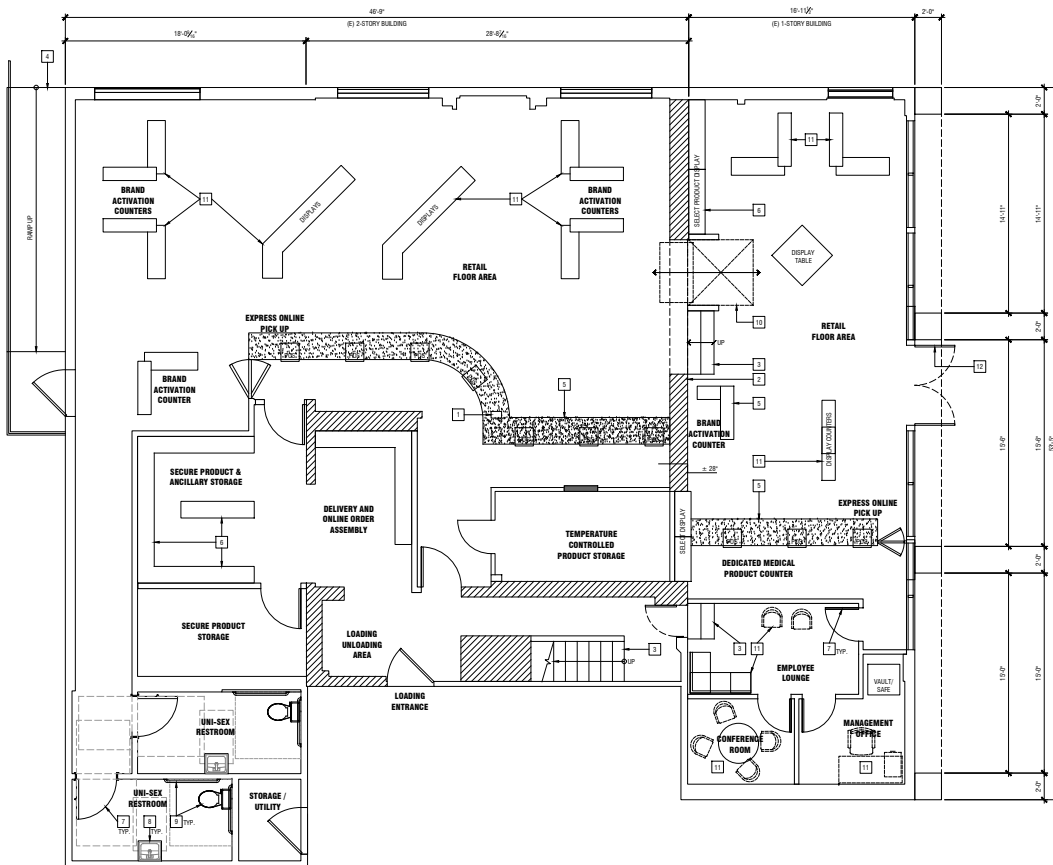
APN: 428-0086-088-01 (CORNER PARCEL)

SUBMITTALS / REVISIONS

DRAWING TITLE: NO.

DEMOLITION  
FIRST FLOOR PLAN

**A200**



**GROUND FLOOR PLAN - PROPOSED**  
SCALE: 1/8" = 1'-0"

### KEYED NOTES

- EXISTING STEEL COLUMN TO REMAIN
- EXISTING MASONRY WALL TO REMAIN, TYPICAL AS SHOWN
- EXISTING STAIRS TO REMAIN
- EXISTING EXTERIOR LANDING AND RAMP TO REMAIN
- NEW TRANSACTION COUNTER, TYPICAL AS SHOWN
- NEW WALLWORK
- NEW DOOR
- NEW WALL MOUNTED SINK
- NEW WATER CLOSET AND GRAB BARS BY CODE
- ACCESSIBILITY LIFT AS REQUIRED BY CODE
- FURNITURE SHOWN FOR REFERENCE ONLY
- NEW STOREFRONT DOORS & WINDOWS
- NEW WALL

### LEGEND

- EXISTING MASONRY WALL TO REMAIN INTACT
- EXISTING WOOD STUD FRAMED WALL TO REMAIN INTACT
- EXISTING WALL TO BE REMOVED
- EXISTING DOOR AND/OR WINDOW TO REMAIN INTACT
- EXISTING DOOR AND/OR WINDOW TO BE DEMOLISHED
- NO WORK IN THIS AREA, U.S.G.A.
- EXISTING WOOD STUD FRAMED WALL TO REMAIN INTACT
- NEW DOOR PER SCHEDULE
- NEW WINDOW PER SCHEDULE

**MEDICAL RETAIL CANNABIS DISPENSARY T.I.**  
22701 FOOTHILL BLVD, HAYWARD, CALIFORNIA 94541

APN: 428-0066-058-01 (CORNER PARCEL)

SUBMITTALS / REVISIONS

DRAWING TITLE/ NO.

GROUND FLOOR PLAN - PROPOSED

**A201**







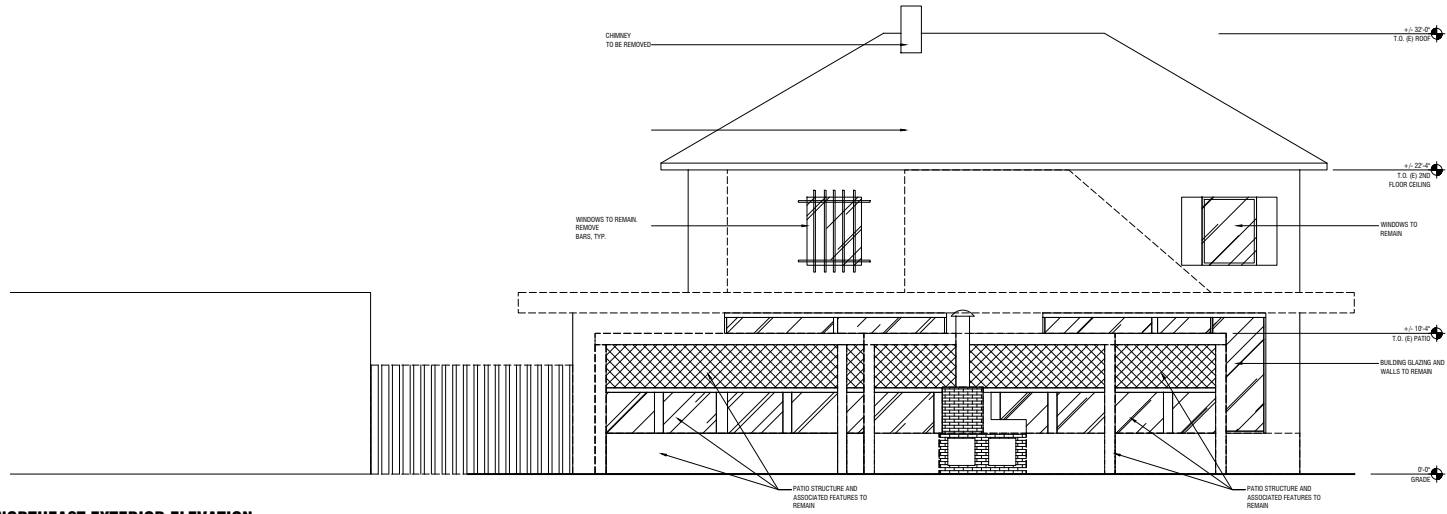






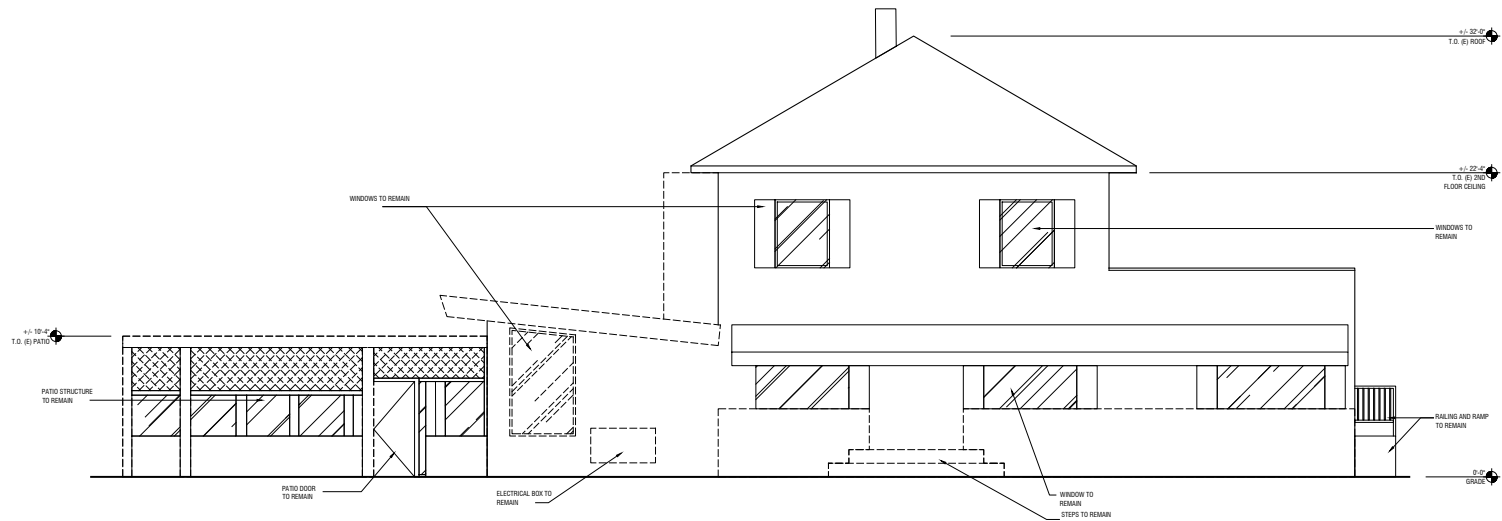






01 **NORTHEAST EXTERIOR ELEVATION**

SCALE: 1/4" = 1'-0"



02 **NORTHWEST EXTERIOR ELEVATION**

SCALE: 1/4" = 1'-0"

**MEDICAL RETAIL CANNABIS DISPENSARY T.I.**  
22701 FOOTHILL BLVD, HAYWARD, CALIFORNIA 94541

APN: 428-0086-008-01 (CORNER PARCEL)

SUBMITTALS / REVISIONS


DRAWING TITLE / NO.

EXISTING CONDITIONS / DEMOLITION  
EXTERIOR ELEVATIONS

**A301**





SCALE: 1/4" = 1'-0"



SCALE: 1/4" = 1'-0"

APN: 428-0066-058-01 (CORNER PARCEL)

SUBMITTALS / REVISIONS

DRAWING TITLE/ NO.

EXISTING CONDITIONS / DEMOLITION  
EXTERIOR ELEVATIONS

**A302**



01 **NORTHEAST EXTERIOR ELEVATION**

SCALE: 1/8" = 1'-0"



02 **NORTHWEST EXTERIOR ELEVATION**

SCALE: 1/8" = 1'-0"

**MEDICAL RETAIL CANNABIS DISPENSARY T.I.**  
22701 FOOTHILL BLVD, HAYWARD, CALIFORNIA 94541

APN: 428-0066-058-01 (CORNER PARCEL)

SUBMITTALS / REVISIONS

DRAWING TITLE/ NO.

EXTERIOR ELEVATIONS - PROPOSED

**A401**



01 **SOUTHEAST EXTERIOR ELEVATION**

SCALE: 1/4" = 1'-0"



02 **SOUTHWEST EXTERIOR ELEVATION**

SCALE: 1/4" = 1'-0"

**MEDICAL RETAIL CANNABIS DISPENSARY T.I.**  
22701 FOOTHILL BLVD., HAYWARD, CALIFORNIA 94541

APN: 428-0086-096-01 (CORNER PARCEL)

SUBMITTALS / REVISIONS

DRAWING TITLE: NO.

EXTERIOR ELEVATIONS - PROPOSED

**A402**





**MEDICAL RETAIL CANNABIS DISPENSARY T.I.**

22701 FOOTHILL BLVD, HAYWARD, CALIFORNIA 94541

APN: 428-0066-088-01 (CORNER PARCEL)

SUBMITTALS / REVISIONS


DRAWING TITLE/ NO.

PERSPECTIVE RENDERINGS

**A410**



**MEDICAL RETAIL CANNABIS DISPENSARY T.I.**

22701 FOOTHILL BLVD, HAYWARD, CALIFORNIA 94541

APN: 428-0066-058-01 (CORNER PARCEL)

SUBMITTALS / REVISIONS

DRAWING TITLE/ NO.

PERSPECTIVE RENDERINGS

**A411**













# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

---

**File #:** RPT 20-013

---

**DATE:** February 3, 2020

**TO:** Council Economic Development Committee

**FROM:** Development Services Director

**SUBJECT:** Regulation of Sidewalk Vendors in Accordance with SB 946

## RECOMMENDATION

That the Council Economic Development Committee reviews this report and provides direction to staff regarding the regulation of sidewalk vendors.

## SUMMARY

California Senate Bill 946 ("SB 946") establishes new laws associated with all sidewalk vendors and general provisions by which they can operate. Because the City currently imposes regulations on sidewalk vending activity that are not consistent with SB 946, the City must take steps to achieve compliance. Until City Council formally adopts sidewalk vending regulations that align with SB 946, the City may not regulate, cite, fine, or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with the statute.

## ATTACHMENTS

Attachment I	Staff Report
Attachment II	Current Code Related to Sidewalk Vending





**DATE:** February 3, 2020

**TO:** Council Economic Development Committee

**FROM:** Development Services Director

**SUBJECT:** Regulation of Sidewalk Vendors in Accordance with SB 946

## **RECOMMENDATION**

That the Council Economic Development Committee reviews this report and provides direction to staff regarding the regulation of sidewalk vendors.

## **SUMMARY**

California Senate Bill 946 ("SB 946") establishes new laws associated with all sidewalk vendors and general provisions by which they can operate. Because the City currently imposes regulations on sidewalk vending activity that are not consistent with SB 946, the City must take steps to achieve compliance. Until City Council formally adopts sidewalk vending regulations that align with SB 946, the City may not regulate, cite, fine, or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with the statute.

## **BACKGROUND**

In 2018, the State Legislature adopted SB 946 to decriminalize and limit local regulation of sidewalk vending. The bill was intended to promote entrepreneurship and economic empowerment among low income and marginalized communities and protect undocumented persons from criminal prosecution and subsequent deportations triggered by municipal code violations.<sup>1</sup>

On January 1, 2019, SB 946 became effective, as codified in Government Code sections 51036 through 51039. In August 2019, Development Services staff met with the City Attorney's Office to review the City's Municipal Code. Staff identified existing provisions of the Code that conflict with SB 946. (Attachment II)

---

<sup>1</sup> Shin & Summers, 2019, "The New Food Economy: Sidewalk Vending & Microenterprise Home Kitchens", paper presented to the League of California Cities Conference, Long Beach, 12 October, viewed December 2019, <https://www.cacities.org/Resources-Documents/Member-Engagement/Professional-Departments/City-Attorneys/Library/2019/2019-Annual-Conference/10-2019-AC;-Shin-Summers-New-Food-Economy-Sidewalk.aspx>

In December 2019, staff representing Development Services, the City Manager's Office, Public Works, Finance, Police, and the Hayward Area Recreation & Parks District met to discuss the implications of SB 946 and identify opportunities and issues for Council consideration moving forward.

## **DISCUSSION**

### The Purpose of SB 946

Many people — including people of color, women, and immigrants — have been historically excluded from the benefits of society, forcing them to find alternative ways to make a living in a parallel, or “informal,” economy. The workers of the informal economy, including sidewalk vendors, represent some of the most marginalized workers in the country. The nature of their employment status makes them more vulnerable to exploitation, and for undocumented immigrants, more vulnerable to deportation if a sidewalk vending violation is elevated into a deportation matter.

By decriminalizing and legitimizing sidewalk vending, SB 946 is intended to provide protection and legitimate, regularized economic opportunity for marginalized workers who are essentially small-scale entrepreneurs. The statute asserts that sidewalk vending: 1) contributes to a safe and dynamic public space, 2) increases access to desired goods, such as culturally significant food and merchandise, and 3) promotes the safety and welfare of the general public by encouraging local authorities to support and properly regulate sidewalk vending. The statute establishes parameters for local regulation of sidewalk vending, prohibits any enforcement or criminal penalties other than administrative fines, sets caps for those fines, and requires cities to develop an administrative process for vending violations that considers the vendor's ability to pay.

### Current State of Sidewalk Vending in Hayward

Sidewalk vending is common throughout Alameda County and in California generally. Officers in Hayward's Code Enforcement Division and Police Department (HPD) estimate that there are between 10 to 25 sidewalk vendors, mostly roaming, who work in Hayward on any given day. Sidewalk vendors generally set up near intersections with foot traffic, such as downtown or around schools, and are more active in summer. Data from Alameda County's Food Facilities and Vehicles Unit indicates that there are six (6) food vendors with official permits to operate in Hayward, including four (4) cooking carts and two (2) ice cream push carts.

Based on City staff observation, three (3) informal food vendor interviews, and review of vendor permit data, Hayward's sidewalk vendors are predominantly Hispanic and Asian. Interviewed vendors indicated they did not have food vending permits because there are too many requirements that are too difficult to meet. Vendors indicated they would be more likely to seek a permit if the process was simple, affordable, and provided a longer time period between renewals to stay current.

City Permit Center Staff report that people regularly inquire about how to obtain a sidewalk vending permit. However, Hayward's current regulations prohibit any person "to hawk, peddle, vend or sell any article, merchandise, edible foods of any kind, or any other thing of value from a hand cart or other vehicle moved by human power along or upon the streets of the City of Hayward."

Although sidewalk vending complaints are rare, HPD has received several recent public complaints regarding sidewalk vending, all reported by the same individual. The basis of these complaints appears to be animus toward sidewalk vending in general. Interviewed vendors reported that they do not experience much push back from the Hayward community in terms of sidewalk vending, except for occasional requests from police or business owners to move on to other locations. HPD confirmed that officers have not had the need to actively enforce the City's ban on sidewalk vending, and generally take a hands-off approach towards vendors, unless there is a violation of public safety or right-of-way regulations, such as queuing up in the street or crowding the sidewalk.

#### Sidewalk Vending Regulations After SB 946

SB 946 defines "sidewalk vendor" as a person who sells food or merchandise from any "non-motorized conveyance" upon "a public sidewalk or other pedestrian path." A sidewalk vendor can be roaming or stationary.

Sidewalk vending does not include food trucks or other persons who sell their wares from motor vehicles or on private property. SB 946 does not alter regulations regarding the accessibility of public right of ways, the sale of dangerous or counterfeit goods, or food safety laws, including state or county food permit requirements.

If the City wishes to continue to regulate sidewalk vending, it must do so in a manner consistent with SB 946. Essentially, the City may no longer prohibit sidewalk vendors although it may establish regulations related to the time, place, and manner of sidewalk vending if they are "directly related to objective health, safety or welfare concerns." For example, regulations might include limitations on hours of operation that are not unduly restrictive, requirements to maintain sanitary conditions, or requirements necessary to ensure compliance with federal Americans with Disabilities Act or other disability access standards. However, the City cannot regulate on the grounds of perceived community animus or concern for economic competition. SB 946 also permits some regulations related to residential zones, permitted temporary events and farmers markets, and public parks.

SB 946 also prohibits cities from criminalizing sidewalk vending violations. Instead, a violation is punishable only by an administrative fine, pursuant to an ability-to-pay determination.

#### Input from City and Agency Stakeholders

On December 12, 2019, staff met to discuss the potential implications of SB 946 and brainstorm ideas and issues for consideration when designing sidewalk vending regulations. Attendees included Laura Simpson (Development Services), Fred Kelley (Public Works -

Transportation), Forrest Nylander (Finance – Revenue), Paul Nguyen (City Manager’s Office - Economic Development), Erik Pearson (Public Works – Environmental Services), Jeff Krump (Public Works – Solid Wastes), Ryan Cantrell & Tommie Clayton (Police), Jacqui Diaz (HARD), Jeremy Lochirco (Development Services – Planning), and Molly Almeida (Development Services).

Overall feedback was that there is a high need for education and outreach both externally (to vendors, the public, local businesses, etc.) and internally (to City departments, schools, parks, etc.) to clarify sidewalk vending rules and provide clear direction regarding enforcement, perhaps in multiple languages. Depending on whether the City wishes to be more permissive, more regulatory, or more supportive of sidewalk vending, staff identified opportunities to offer incentives such as no- or reduced-cost licenses and permit fees and a range of regulations related to location, noise, hours, signs, smells, lights, insurance, and what items should not be sold from carts.

One of staff’s biggest open questions was around the issue of enforcement. Specifically, what is the enforcement priority, what enforcement options are available given the low deterrent effect inherent in SB 946’s mandated maximum fine amounts, and the most appropriate arm to address sidewalk vending violations (HPD, Code Enforcement, a new enforcement entity). Staff also identified a need to invite the Fire Department and Hayward Unified School District to participate in future discussions.

### Policy Options

There are two main approaches the City can take to adopt an enforceable sidewalk vending program that responds to the objective needs and circumstances of the City, and protects public health, safety, and welfare.

One approach is to adopt rules and regulations that, if followed, allow vendors to sell legally. The main benefit of this approach is that it avoids labor and administrative costs associated with city permitting.

The second and most common approach taken by cities who have updated their regulations to comply with SB 946, is to establish a permitting system. The benefits of this approach include the ability to collect adequate information about vending operations within the City’s limits, to facilitate contact between the City and vendors, and to collect fees that can be used to help cover the cost of program operations. Cities that have pursued this approach include Oakland, Glendale, Pasadena, Santa Monica, and Huntington Beach. (To date, Oakland is the only city in Alameda County that has passed a sidewalk vending ordinance in response to SB 946.)

Sidewalk vending helps activate the streetscape and contributes to the City’s culinary and cultural offerings. Because sidewalk vending involves a lower cost burden than operating a traditional brick and mortar store, it offers a lower cost of entry into the formal economy for small-scale entrepreneurs. However, sidewalk vending can also create challenges such as trash and blight problems, interference with sidewalk access for pedestrians or individuals with disabilities, and competition with other permitted economic activities such as park



concessions. Cities have a range of defensible regulations that can be adopted within SB 946's limits.

Staff wishes to clarify the policy approach the City desires to take regarding sidewalk vending, so we can develop regulations and implementation strategies that reflect the priorities, needs, and circumstances of the Hayward community. Specifically, CEDC member feedback is sought on the following questions:

- 1) Given the environment, nature of existing sidewalk vending, and implications of possible increases in future vending activities, what is the spirit of the sidewalk vending ordinance staff should craft? Should it be more permissive, more regulatory, or more supportive?
- 2) Should the City provide incentives for sidewalk vending or focus on regulation and enforcement?
- 3) How should we address the real or perceived issue of inequity between businesses if the City incentivizes sidewalk vending entrepreneurs? Is it fair to brick and mortar businesses?

#### **FISCAL IMPACT**

Unknown at this time. The fiscal impact of revised sidewalk vending legislation will mostly be associated with licensing, permitting and enforcement. If the Council directs preparation of a sidewalk vending regulatory program that includes permitting, staff will assess the appropriate fee structure to help defray the cost of staff's time to process sidewalk vending applications.

#### **STRATEGIC INITIATIVES**

Updated sidewalk vending regulations will support the Complete Communities Strategic Initiative. The purpose of the Complete Communities Strategic Initiative is to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work, and play. This item supports the following goals and objectives:

- Goal 1: Improve quality of life for residents, business owners, and community members in all hayward neighborhoods.
- Objective 3: Increase collaboration with businesses, non-profits and neighborhood groups on placemaking projects
- Objective 5: Actively value diversity and promote inclusive activities

This item is also in alignment with the 2040 General Plan, including the following goals and objectives:

Economic Development Goal 1: *A Diversified and Robust Economy*

ED-1.9 Culturally Diverse Businesses - The City shall encourage the development of specialty businesses that reflect the diverse ethnic and cultural groups of the Hayward community.

ED-1.11 Local-Serving Retail - The City shall encourage the establishment and expansion of commercial businesses that increase local spending within Hayward and provide needed goods and services to local residents and businesses.

Economic Development Goal 2: *Local Entrepreneurship*

ED-2.1 Assist Entrepreneurs - The City shall support and assist local entrepreneurs who are starting businesses within the Hayward community.

Community Health & Quality of Life Goal 5: *Safe and Cohesive Neighborhoods*

HQL-5.3 Eyes on the Street - The City shall promote urban design principles that support active use of public spaces in neighborhoods, commercial areas, and employment centers at all times of day. Active use of public spaces provides “eyes-on-the-street” to enhance public safety in these areas.

**PUBLIC CONTACT**

Staff has conducted three (3) informal interviews with sidewalk vendors and intends to seek additional feedback from vendors when possible. Staff has included representatives from HARD as members of the team responsible for developing a sidewalk vending ordinance and plans to seek input from other stakeholders including residents, local schools, business improvement district leaders, community groups, and the Hayward Chamber of Commerce.

**NEXT STEPS**

Staff will take into consideration any feedback from the CEDC regarding development of a sidewalk vending program. Staff will meet with the City Attorney to draft proposed regulations for sidewalk vending consistent with SB 946. Staff will also conduct outreach to stakeholders to share draft regulations, solicit input, and help identify and address any concerns.

*Prepared by:* Molly Almeida, Management Analyst

*Recommended by:* Laura Simpson, Development Services Director  
Paul Nguyen, Economic Development Manager

*Approved by:*



---

Kelly McAdoo, City Manager

Attachment II – Current Code Related to Sidewalk Vending

Hayward Municipal Code	Code Subject	Relevant Department	Issue	Current Language
<a href="#">SEC. 10-1.2735 (M) FOOD VENDOR PERMIT</a>	Zoning Regulation	Planning	Possibly compromised by SB946 (location, time, and manner restrictions)	<p>Special standards and conditions as set forth below are applicable to uses enumerated in this Section and listed in the individual districts. Departure or variation from these standards is permitted only when it can be established by the applicant that the intent and purpose of the district or the necessary findings for permit approval, as specified in this ordinance, are not compromised. Where warranted by ordinance regulations or to implement official City policy, standards of development may be required that exceed those listed in this Section.</p> <p>m. Food Vendor Permit.</p> <p>(1) Permit Required.</p> <p>a. No vending of food or food products shall be permitted unless a food vendor's permit has first been obtained.</p> <p>b. A separate food vendor's permit shall be obtained for each approved location.</p> <p>(2) <b>Permitted Locations.</b> Food Vendors are permitted as specified in Zoning Districts, subject to the permit requirements and standards set forth below. Permits for vendors who are operating at the date of adoption of this regulation, may be renewed pursuant to the provisions of this section.</p> <p>(3) Definitions. This section shall apply to any mobile unit (as defined below) designed or used for the vending of food or food products from a fixed or stationary location. This Section shall not apply to Catering Truck operations as defined in subsection (b) of this section.</p> <p>a. Approved Location - A site approved by the Planning Director from which a vendor operating from a mobile unit may sell his or her products.</p> <p>b. Mobile Unit - Any trailer, cart, wagon, conveyance or structure not permanently fixed to a permanent foundation and which may be moved under its own power, pushed or pulled by hand, towed by a motor vehicle or carried upon or in a motor vehicle or trailer.</p> <p>c. Vending - The business of selling or causing to be sold for cash or consideration of any of the following items: food or food products whether hot, cold, freshly prepared, or packaged, such as hot dogs, sandwiches, and burritos, to be consumed for a meal or snack. This definition includes an offer for sale. All items sold shall be capable of being consumed on site without preparation or cooking other than done by the vendor.</p> <p>d. Vending Equipment - Tools, umbrellas, and chair for vendor only. No accessory equipment for dining at the site is permitted. Food or food products, etc., related to vending and approved by the Planning Director.</p> <p>e. Vendor - A person who is in the business of vending or his or her employee(s).</p> <p>(4) Application.</p> <p>a. An application for food vendor's permit to vend food products shall be submitted to the Planning Director on a form provided for such purpose, accompanied by payment of the fee set by Resolution of the City Council.</p> <p>b. The application shall include the signature of the owner of the property upon which the applicant proposes to locate his or her mobile unit indicating the property owner's permission to use the site for the purpose set forth in the application.</p> <p>c. In addition to the completed application, the following information shall be submitted on a form acceptable to the Planning Director:</p> <p>i. Proposed location of a mobile unit plotted on a map drawn to a scale of one-inch equals 20 feet or larger, which indicates the distance to adjacent landscaping, parking stalls, buildings driveways, signs, fences, utility poles, transformers, hydrants, etc., located within 50 feet of the location of the proposed mobile unit.</p> <p>ii. Plans for provisions to collect and store litter and dispose of it.</p> <p>iii. Scaled drawing or manufacturers information indicating the size of the mobile unit and vending equipment the applicant proposes to use.</p> <p>iv. Location where vendor intends to park personal motor vehicle, location of customer parking spaces, and location where vendor intends to store overnight mobile unit.</p> <p>v. Description of the nature of the business and the goods to be sold.</p> <p>vi. Any other information deemed necessary by the Planning Director to adequately review the application, for example, photograph or rendering of mobile unit.</p> <p>(5) Standards. All applications for food vendor's permit shall comply with the following standards:</p> <p>a. Approved locations for food vending <b>shall not be located within 300 yards of any school.</b></p> <p>b. All mobile units shall be set back from the public street right-of-way or a private street or driveway. A food vendor shall not locate a mobile unit or vending equipment or merchandise offered for sale in such way as to block or impede or any way hamper pedestrian or vehicular movement or to cause a hazard to any pedestrian or vehicle.</p> <p>c. Mobile units and vending equipment shall be self-supporting and shall not be attached temporarily or permanently to trees, hydrants, utility poles or transformers, or other vertical structures or benches.</p> <p>d. All mobile units with ventilating equipment <b>shall be located 10 feet away from all buildings unless otherwise approved by the Planning Director.</b></p>

Attachment II – Current Code Related to Sidewalk Vending

Hayward Municipal Code	Code Subject	Relevant Department	Issue	Current Language
				<p>e. A food vendor shall not sell any food or food products between the hours of 7:00 p.m. and 7:00 a.m. unless otherwise authorized by the Planning Director.</p> <p>f. No food vendor shall use, play or employ any sound, outcry, amplifier, loudspeaker, radio or any other instrument or device for the production of sound where said sound exceeds the background noise levels for adjacent uses.</p> <p>g. A food vendor shall not store overnight any vending equipment or food products other than in a commissary approved by the Alameda County Department of Environmental Health Services.</p> <p>h. A food vendor shall not display any signs or similar devices unless approved by the Planning Director. Signs painted on a mobile unit shall be approved by the Planning Director, and any other sign or device(s), for example, flag, pennant, balloon, may be approved at the discretion of the Planning Director if he/she finds that such sign or device does not create a safety hazard or is not aesthetically detrimental or incompatible with surrounding uses.</p> <p>i. Any exterior lighting shall be approved by the Planning Director and shall not create a safety hazard and shall be shielded or deflected away from adjacent properties.</p> <p>j. A food vendor shall maintain his or her approved location in a clean and hazard-free condition. The vendor shall provide at least one 30-gallon garbage container with a swing top nearby the mobile unit for public use and shall pick up all litter generated from his or her operation within a radius of 100 feet of the approved location. A vendor shall empty the garbage container(s) daily, or more often if necessary; disposal of garbage or trash into public trash containers is prohibited.</p> <p>k. The food vendor at all times shall be in compliance with all regulations of the Health Officer of Alameda County regarding operation of this use and all other applicable rules and regulations.</p> <p>l. Location of a mobile unit and vending equipment shall not reduce the number of parking spaces below which are required for the permitted primary or conditional use.</p> <p>(6) Permit Issuance.</p> <p>a. A food vendor's permit shall be issued if the applicant satisfies the above standards and the Planning Director finds that said application complies with all pertinent regulations administered by these officials.</p> <p>b. A food vendor's permit is not transferable and shall be valid for one year from the date of issuance. The Planning Director shall renew said permit for additional periods of one year upon payment of 50 percent of the fee for a new permit if the Planning Director determines that the applicant is then in compliance with all conditions of his or her permit. Applications for renewal must be submitted 30 days prior to expiration of the current permit to qualify for renewal under the provisions of this Section.</p> <p>(7) Permit Revocation.</p> <p>a. A food vendor's permit shall be subject to revocation if the conditions of the permit or the regulations set forth or incorporated herein are violated.</p> <p>b. Before taking any action to revoke a permit, the Planning Director shall give notice to the permittee in writing of the proposed revocation, the reasons therefor, and the time and place the permittee will be given an opportunity to show cause to the Planning Director why the permit should not be revoked. The written notice may be served personally upon the permittee or mailed to the permittee at the address shown on the application at least 10 days prior to the date of the hearing. Upon conclusion of the hearing, the Planning Director may revoke the permit upon finding non-compliance with the conditions of the permit or the regulations herein.</p> <p>c. The Planning Director's decision revoking a permit may be appealed in writing to the Planning Commission stating the reasons why the Planning Director's decision was incorrect. The Planning Commission shall schedule a hearing within 30 days of said appeal, and its decision shall be final. Said appeals shall be filed in the Planning Division. (Amended by Ordinance 17-15 , adopted Nov. 28, 2017; amended by Ordinance 19-10 , adopted June 4, 2019)</p>

## Attachment II – Current Code Related to Sidewalk Vending

Hayward Municipal Code	Code Subject	Relevant Department	Issue	Current Language
<a href="#">SEC. 3-5.12 SIDEWALK OBSTRUCTION A PUBLIC NUISANCE</a>	Public Safety	PD	Possibly compromised by SB946 (may depend on sidewalk width)	SEC. 3-5.12 - SIDEWALK OBSTRUCTION A PUBLIC NUISANCE. Anything placed or permitted to remain upon any sidewalk or roadway, in violation of the provisions hereof, is hereby declared to be a public nuisance, and in addition to other remedies provided by law, the Chief of Police is hereby authorized and empowered to abate the same by removing the obstruction. (Renumbered by Ordinance No. 62-017 C.S., adopted February 13, 1962)
<a href="#">SEC. 8-1.00 (Business License Required)</a>	Business License Required	Finance; Code	Possibly compromised by SB946 (Information required to obtain license)	It shall be unlawful for any person, either for himself, or for any other person, to commence or carry on any trade, calling, profession or occupation, in this Article specified, in the City of Hayward, without first having procured a license from said City so to do or without complying with any and all regulations of such trade, calling, profession or occupation contained in this Code, and the carrying on of any trade, calling, profession or occupation mentioned in this Article without first having procured a license from said City to do so, or without complying with any and all regulations of such trade, calling, profession or occupation contained in this Code, shall constitute a separate violation of this Code for each and every day that such trade, calling, profession or occupation is so carried on.
<a href="#">SEC.6-2.01 HAND CART SALES PROHIBITED</a>	Business, Professions and Trade Regulations		Possibly compromised by SB946 (Regulation may be rendered obsolete).	It shall be unlawful for any person to hawk, peddle, vend or sell any article, merchandise, edible foods of any kind, or any other thing of value from a hand cart or other vehicle moved by human power along or upon the streets of the City of Hayward.
<a href="#">SEC. 8-1.02 - CRIMINAL PROSECUTION. BUSINESS LICENSE.</a>	Criminal Prosecution	PD	Possibly compromised by SB946 (criminal prosecution, ability to pay determination, and fines above the state-mandated maximum)	The conviction and punishment of any person for transacting any trade, calling, profession or occupation without a license shall not excuse or exempt such person from the <b>payment</b> of any license due or unpaid at the time of such conviction, and nothing herein shall prevent a <b>criminal prosecution</b> for any violation of the provisions of this Article.
<a href="#">SEC. 8-1.84 - PEDDLERS.</a>	Definition			For the purposes of this Section, a PEDDLER is defined to be a person not having a fixed place of business in the City, who travels from place to place, or has a stand upon any public street, alley or other public place, doorway of any room or building, or vacant lot or property, for the purpose of selling or offering to sell any goods, wares or merchandise in his possession.
<a href="#">SEC. 5-2.11 PERMIT REQUIRED</a>	Health & Sanitation	County Health		It shall be unlawful for any person to sell food, either cooked or uncooked, without first securing a permit as herein provided and paying a license fee as elsewhere provided in this Code.

## Attachment II – Current Code Related to Sidewalk Vending

Hayward Municipal Code	Code Subject	Relevant Department	Issue	Current Language
<a href="#"><u>SEC. 10-1.3510 - USES AND ACTIVITIES DEFINED.</u></a>	Definition			FOOD VENDOR. The vending of food or beverages from a movable cart-type stand or vehicle which is located on the same lot as a permitted use in a zone that allows for such operation, and subject to the standards and process set forth in HMC Section 10-2700, General Regulations.
<a href="#"><u>SEC. 3-5.13 USE OF SIDEWALK FOR OUTDOOR DINING, SALES, OR FOOD PREPERATION</u></a>	Public Safety	City Manager		<p>SEC. 3-5.13 - USE OF SIDEWALKS FOR OUTDOOR DINING, SALES, OR FOOD PREPARATION.</p> <p>The City Manager is hereby authorized to grant the temporary use of any sidewalk for the purpose of outdoor dining, sales, or food preparation at such locations and under such conditions he or she deems appropriate. At a minimum, the City Manager shall require that applicants be subject to substantially the following requirements:</p> <ol style="list-style-type: none"> <li>1.All portable tables, chairs, umbrellas, and trash receptacles are to be removed by 10:00 p.m. each evening and may not be replaced until 6:00 a.m.</li> <li>2.A minimum of four (4) feet of clearance in the sidewalk must be maintained at all times.</li> <li>3.Permittee shall not play music that is audible on the sidewalk, whether by permitting a live performance or by the use of a radio or a recording of any kind, without the prior written approval of the City Manager.</li> <li>4.At least one (1) portable trash receptacle shall be provided for use by permittee's customers at all times any table or chair is available for a customer's use.</li> <li>5.Permittee shall maintain the facilities in good repair and in a safe and sightly condition at permittee's expense and to the satisfaction of the City Manager.</li> <li>6.Permittee shall hold harmless, indemnify, and defend the City of Hayward and its officers, employees, and agents from any and all losses, claims, or judgments for damages to any person or property arising from the installation, maintenance, or presence of the facilities or out of the acts or omissions of permittee's lessees. Permittee shall obtain and maintain comprehensive general liability insurance covering any liability of permittee, permittee's lessees, the City of Hayward, and their officers, employees, and agents arising out of the use or occupation of the premises in an amount not less than one million dollars (\$1,000,000.00) or such higher amount as is determined by the City Manager in consultation with the City Attorney to be necessary to protect the City against foreseeable risks for bodily and personal injury liability and property damage arising from activities contemplated by this permit; permittee shall furnish the City with proof of such insurance coverage in a form and manner that is satisfactory in all respects to City Attorney.</li> <li>7.The permit shall be revocable on thirty (30) days' prior written notice to permittee from the City Manager, in which event permittee, at its own expense, shall remove all facilities described herein and shall restore the public right-of-way as nearly as practicable to its condition prior to installation.</li> <li>8.The permit shall be a grant of permission only and shall not obligate permittee to maintain such facilities at the location hereby approved. Permittee may at any time remove such facilities. Upon such removal, permittee shall restore the public right-of-way as nearly as practicable to its condition prior to installation.</li> <li>9.The revocable permit shall not be effective for any assignee of permittee until the City Manager has received notice of the assignment and satisfactory evidence of compliance with paragraph 6 above.</li> </ol> <p>(Added by Ordinance No. 94-04, Adopted February 8, 1994)</p>
<a href="#"><u>SEC. 4-10.04 - AGGRESSIVE SOLICITATION PROHIBITED.</u></a>				<p>No person shall solicit, ask, or beg in an aggressive manner in any public place. 'Aggressive manner' shall mean any of the following:</p> <ol style="list-style-type: none"> <li>(a) Approaching or speaking to a person, or following a person before, during, or after soliciting, asking, or begging, if that conduct is intended or is likely to cause a reasonable person to: <ol style="list-style-type: none"> <li>(1) Fear bodily harm to oneself or to another, damage to or loss of property, or</li> <li>(2) Otherwise be intimidated into giving money or other thing of value.</li> </ol> </li> <li>(b) Intentionally touching or causing physical contact with another person or an occupied vehicle without that person's consent in the course of soliciting, asking, or begging;</li> <li>(c) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid contact;</li> <li>(d) Using violent or threatening gestures toward a person solicited either before, during, or after soliciting, asking, or begging;</li> <li>(e) Persisting in closely following or approaching a person, after the person has been solicited and informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or any other thing of value to the solicitor; or</li> <li>(f) Using profane, offensive, or abusive language which is inherently likely to provoke an immediate violent reaction, either before, during, or after solicitation.</li> </ol>

Attachment II – Current Code Related to Sidewalk Vending

Hayward Municipal Code	Code Subject	Relevant Department	Issue	Current Language
<a href="#">SEC. 4-10.05 - ALL SOLICITATION PROHIBITED AT SPECIFIED LOCATIONS.</a>				<p>a)Banks and ATMs. No person shall solicit, ask, or beg within thirty (30) feet of any entrance or exit of any bank, savings and loan association, credit union, or check cashing business during its business hours or within thirty (30) feet of any automated teller machine during the time that it is available for customers' use; provided, however, that when an automated teller machine is located within an automated teller machine facility such distance shall be measured from the entrance or exit to the automated teller machine facility; further provided that no person shall solicit, ask, or beg within an automated teller machine facility where a reasonable person would or should know that he or she does not have the permission to do so from the owner or other person lawfully in possession of such facility. Nothing in this paragraph shall prohibit the lawful vending of goods and services within such areas.(1)Definitions. For purposes of this section:i.'Bank' means any member bank of the Federal Reserve System, and any bank, banking association, trust company, savings bank, or other banking institution organized or operated under the laws of the United States, and any bank the deposits of which are insured by the Federal Deposit Insurance Corporation.ii.'Savings and Loan Association' means any federal savings and loan association and any 'insured institution' as defined in Section 401 of the National Housing Act, as amended, and any federal credit union as defined in Section 2 of the Federal Credit Union Act.iii.'Credit Union' means any federal credit union and any state-chartered credit union the accounts of which are insured by the Administrator of the National Credit Union Administration.iv.'Check cashing business' means any person duly licensed as a check seller, bill payer, or prorated pursuant to Division 3 of the California Financial Code, commencing with section 12000.v.'Automated teller machine' shall mean any electronic information processing device which accepts or dispenses cash in connection with a credit, deposit, or convenience account.vi.'Automated teller machine facility' means the area comprised of one (1) or more automated teller machines, and any adjacent space which is made available to banking customers after regular banking hours.(2)Exemptions. The provisions of subsection (a) of this section shall not apply to any unenclosed automated teller machine located within any building, structure, or space whose primary purpose of function is unrelated to banking activities, including but not limited to supermarkets, airports, and school buildings, provided that such automated teller machine be available for use only during the regular hours of operation of the building, structure, or space in which such machine is located.(b)Motor Vehicles and Parking Lots.(1)Motor Vehicles. No person shall approach an operator or occupant of a motor vehicle for the purpose of soliciting, asking, or begging, while such vehicle is located in a public place.(2)Parking Lots. No person shall solicit, ask, or beg in any parking lot or parking structure any time after dark. 'After dark" means any time for one-half hour after sunset to one-half hour before sunrise.(3)Exemptions. Subsection (b) of this section shall not apply to any of the following:i.Solicitations related to business which is being conducted on the subject premises by the owner or lawful tenants;ii.Solicitations related to the lawful towing of a vehicle; oriii.Solicitations related to emergency repairs requested by the operator or other occupant of a vehicle.</p>



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

---

**File #:** RPT 20-015

---

**DATE:** February 3, 2020

**TO:** Council Economic Development Committee

**FROM:** Deputy City Manager

**SUBJECT**

Future Meeting Topics as of February 3, 2020

**RECOMMENDATION**

That the Committee reviews and comments on the attached Future Meeting Topics.

**ATTACHMENTS**

Attachment I Future Meeting Topics as of Feb. 3, 2020





**Council Economic Development Committee  
Future Meeting Topics as of February 3, 2020**

RESPONSIBLE STAFF	FUTURE MEETING AGENDA ITEMS	PRESENTATION DATE*
Economic Development	Report on how other cities (SF, Oakland, SJ) were developing shared workspace and incubators	2020
Economic Development	Economic Development Strategic Plan Update	2020
Economic Development	Workforce Development Update	2020
Economic Development	Impact of Cannabis Industry on Economic Development	2020
Economic Development	College-Town Connection Initiative Update	2020
City Manager's Office	Feasibility of a Community Bank	2020

\*Subject to change