

CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Monday, July 6, 2020

4:00 PM

Remote Participation

Council Economic Development Committee

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order No. 29-20 dated March 17, 2020, and Alameda County Health Officer Order No. 20-04 dated April 29, 2020, regarding the COVID-19 pandemic.

How to submit written Public Comment:

1. Send an email to Suzanne.philis@hayward-ca.gov by 1 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the Council Economic Development Committee and City staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda. <https://hayward.legistar.com/Calendar.aspx>

When submitting written comments, indicate in the email if you want your comment read into the record. Requests will be allowed provided the reading will not exceed three (3) minutes consistent with the time limit for speakers at Council Standing Committee meetings. Email comments will become part of the record of the Council Standing Committee meeting.

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS

Limited Only to Items on the Agenda and Submitted in Writing Prior to the Meeting

APPROVAL OF MINUTES

1. [MIN 20-066](#) Approval of the Council Economic Development Committee
June 1, 2020 Regular Meeting Minutes

Attachments: [Attachment I June 1, 2020 Draft Meeting Minutes](#)

REPORTS/ACTION ITEMS

2. Maple and Main Conditional Use Permit Amendment Proposal (Oral Report)
3. Alameda County Workforce Development Board - COVID-19 Labor Market Impacts and Rapid Response Programs Update (Oral Report)

4. [RPT 20-072](#) Business Districts Re-Opening Plan Update

Attachments: [Attachment I Staff Report](#)
[Attachment II Temporary Outdoor Dining Permit Standards and Application \(Final\)](#)

5. [RPT 20-071](#) Approval of 2020-2021 CEDC Regular Meeting Schedule

Attachments: [Attachment I 2020-2021 Regular Meeting Schedule](#)

FUTURE AGENDA ITEMS

6. [RPT 20-070](#) Future Meeting Topics as of July 6, 2020

Attachments: [Attachment I Future Meeting Topics as of July 6, 2020](#)

COMMITTEE MEMBER/STAFF ANNOUNCEMENTS AND REFERRALS

ADJOURNMENT



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
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File #: MIN 20-066

DATE: July 6, 2020

TO: Council Economic Development Committee

FROM: Deputy City Manager

SUBJECT

Approval of the Council Economic Development Committee June 1, 2020 Regular Meeting Minutes

RECOMMENDATION

That Committee members review and approve the attached minutes.

ATTACHMENTS

Attachment I June 1, 2020 Draft Meeting Minutes



COUNCIL ECONOMIC DEVELOPMENT COMMITTEE

MEETING MINUTES – June 1, 2020

CALL TO ORDER: Mayor Halliday called the Regular meeting to order at 4:04 p.m.

ATTENDANCE (September 2019-July 2020):

Committee Member	Present 6/1/2020	All Meetings Year to Date		Meetings Mandated By Resolution	
		Present	Absent	Present	Absent
Mayor Halliday (Chair)	✓	7	0	7	0
Council Member Mendall	✓	7	0	7	0
Council Member Salinas	✓	7	0	7	0

OTHERS IN ATTENDANCE:

Kelly McAdoo, City Manager; Laura Simpson, Director of Development Services, Paul Nguyen, Economic Development Manager; Sara Buizer, Planning Manager; Gary Nordahl, City Building Official; Leigha Schmidt, Senior Planner; Catherine Ralston, Economic Development Specialist; Suzanne Philis, Senior Secretary

PUBLIC COMMENTS

There were none

1. APPROVAL OF MINUTES OF REGULAR MEETING MAY 4, 2020

A motion to approve minutes from the May 4, 2020 Regular Meeting was made by Council Member Mendall and seconded by Council Member Salinas. The motion was approved.

2. INFORMATIONAL REPORT ADDRESSING EXTENDED TIMEFRAMES TO REESTABLISH NONCONFORMING USES DUE TO COVID-19 CRISIS

Senior Planner Schmidt gave the presentation noting the City Council had asked the Committee to review the item and provide direction to staff.

Council Member Mendall said he was concerned about making it easier for nonconforming uses to continue when the City in the long-term didn't want them. He cited as an example a warehouse use

proposed by Amazon on Depot Road. During those discussions it was proposed that Amazon would need a conditional use permit that would require them to contribute funding to the City to maintain roads. He asked if a warehouse use would be allowed without that condition if timelines were extended.

Senior Planner Schmidt explained that the way Amazon occupied the site would be classified as a Truck Terminal and would still be subject to a conditional use permit under both old and new regulations. Council Member Mendall asked what if a truck terminal left and Senior Planner Schmidt confirmed that another truck terminal use would be allowed within six months.

Council Member Mendall said regardless of the specific sites being discussed, he was more concerned with the principal of the extension and possibly creating a loophole if the City couldn't deny the use based on one of the four findings listed in the staff report. He said he wanted the City to maintain discretion and was uncomfortable with such a blanket proposal. On a case by case basis, he said he would be willing to make exceptions.

Director Simpson said staff was trying to accommodate the unusual situation created by the COVID-19 crisis and the hardship it created for the site on Weigman Road. She said she did understand his perspective and that it could set a precedent for the industrial zone.

Council Member Mendall asked what would happen if a vaccine for COVID wasn't developed for two to three years. The City would potentially be stuck with undesirable uses under this proposal, he said.

Council Member Salinas said he understand what Council Member Mendall was saying but had no opinion.

Mayor Halliday said when she initially read the report she was preoccupied with other impacts of the health crisis and thought it was a good solution, but Council Member Mendall brought up a good point. When the pandemic ends, she said, the use should conform to the new zoning regulations. She said she could only support the allowance if the condition clearly stated it was related to COVID.

City Manager McAdoo asked staff what the policy would look like to allow Council to make decisions on a case-by-case basis rather than as a blanket change.

Senior Planner Schmidt said yes, noting then it would look like the item that went to Council and generated this report. Council could approve it as an exception, she said.

Planning Manager Buizer said she understood the reservation with creating a blanket policy. She said to keep in mind that because they were talking about non-conforming uses, the policy would be applicable city-wide. She said each case could receive independent review and either Council could decide or the CEDC could make a recommendation to Council.

Director Simpson said to keep the interpretation narrow staff could bring each case to Council to make an interpretation.

Senior Planner Schmidt said Council would have to be careful about consistency, not seeming arbitrary, and not showing favoritism. She said Council would have to find a balance and that could get tricky.

City Manager McAdoo pointed out only one request for an extension has been received. She also was concerned about creating a blanket policy for only one case. She understood the concern about consistency and recommended projects come to the CEDC for review as the first step of the process.

Council Member Mendall recommended adding a condition that said staff had the discretion to deny the request.

Council Member Salinas asked how often this scenario come up and if this discussion was only related to the pandemic.

Council Member Mendall explained that normally an existing nonconforming use could be replaced by another within six months. Because of COVID the City was being asked to extend that timeframe.

Council Member Salinas asked if the question was whether the City should transition to the updated zoning codes and was told yes. With that he said he was OK with not granting the extension and requiring the project to go through the normal process.

Council Member Mendall said that was one answer but that he was open to finding a middle ground.

Director Simpson said the simplest solution was to stay with the code to avoid the appearance of inconsistency. She said when the question first came up they didn't know how long the shelter in place would last. Since it could last for quite some time, she said she was comfortable with recommending policy stay the same.

Mayor Halliday asked if the possibility of an extension had been discussed with the business owner. Senior Planner Schmidt said they were aware of the staff report and confirmed for the Mayor that they had never been told yes to the extension.

Mayor Halliday said the current policy didn't preclude them from leasing the building so she was OK with not granting the extension.

Council Member Mendall said when a project came to Council for approval, they would know the use and could approve it as non-conforming.

Major Halliday said she appreciated staff's attitude of trying to help people get through this crisis.

3. DEVELOPMENT PIPELINE UPDATE

Director of Development Services Simpson introduced the item noting the Building and Planning Divisions were the economic engine of the City by following the processes for plan review, permit review and construction as mandated by state law under building codes and permit streamlining. She said during this crisis, Building Inspectors continued to work in the field with PPE throughout the shelter and place, and Code Enforcement and Planning staff continued to keep projects moving forward by both coming in and working from home. She noted that while there was an initial slow down at the beginning of the COVID crisis, staff have remained productive. She also noted that she now had numbers for May 2020 and the news was positive with a spike of activity. She then gave a presentation that compared 2019 building permit activity and planning applications against 2020.

Council Member Mendall said he was afraid developers would head for the hills when the pandemic hit, but it didn't look like they would. He asked because he wondered if the City should change some policies to keep projects moving but that also didn't seem necessary. He realized everyone just needed to be patient and keep doing what they're doing. He thanked staff for keeping everything moving during this time.

Council Member Salinas said he was glad to see that there was still a lot of building going on up and down Mission Boulevard. He noted only one project seemed to be impacting traffic and that was the Campway project at Tennyson Road. He said he hoped Lincoln Landing was progressing as well noting he hadn't heard anything from neighbors. He noted that he was still hearing from folks wanting to move forward with projects. Council Member Salinas said the numbers presented gave him optimism.

Mayor Halliday agreed that the report was encouraging. She asked staff to talk about the new EnerGov program Development Services was exploring. Director Simpson said the contract was approved by Council last November with Tyler Technologies, the same company that produced the City financial software, MUNIS. EnerGov will allow online permitting and tracking, she said, and will merge with GIS mapping tools. Director Simpson noted having EnerGov available as a software solution would help in the future if there was another shelter in place order.

Mayor Halliday commented that smaller projects might be more difficult for staff because the applicants can't come in and may not have access to technology. She asked if just those projects could continue to come into City Hall for processing. Director Simpson said staff was still working on solutions to limit exposure and the number of workers in the building at the same time.

Council Member Mendall said the tables in the presentation were very helpful and asked that the numbers be included in the development update to Council. Director Simpson said she could send another update at the end of June.

4. FUTURE MEETING TOPICS AS OF JUNE 1, 2020

Council Member Salinas said he would like staff to start imagining what B Street and downtown restaurants would look like post-COVID. Mayor Halliday confirmed he wanted to add an item to the agenda and confirmed with staff that they were already working on plans as the shelter in place lifted. Council Member Salinas said downtown merchants were already reaching out to him for plans and ideas. Mayor Halliday asked that an item be put on the July agenda.

Council Member Mendall said that tied into his request at the last meeting for an item discussing the economic impacts of pandemic on local businesses. He said he wanted to have a conversation about that as soon as would be practical but acknowledged July may be too soon to know. Mayor Halliday said the impact of the COVID crisis could be an umbrella agenda item that could cover various updates. She said next steps were already being discussed but it was still too soon to open everything up.

Manager Nguyen said Specialist Ralston and Planning Manager Buizer were working with the Downtown Hayward Improvement Association Board and internal staff to produce a Downtown reopening report for the July meeting. The report would include best practices of other jurisdictions

around the county were doing as the SIP ends. He reassured members that staff would be in a better position to present in July.

Manager Nguyen also noted that representatives from the Alameda County Workforce Development Board would be giving a presentation on labor market conditions at the July CEDC meeting. The City receives a WARN notice, he said, whenever a business lays off more than 50 workers per State and Federal laws. He said the County tracks the information but so does Economic Development staff. To date 3,603 jobs have been lost, he said, and that was only for large businesses with more than 75 workers; staff didn't know yet the impact to small businesses.

Council Member Mendall said in the next six months he would like to get an idea of the impact to small businesses so Council could develop a strategy before the City received an application for the next big project. He noted Council had been pushing to protect commercial spaces but now he was wondering if that policy needed to change; commercial space in every development may not be practical, he said.

COMMITTEE MEMBER ANNOUNCEMENTS AND REFERRALS

There were none

ADJOURNMENT: The meeting was adjourned at 5:04 p.m.



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777 B Street
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File #: RPT 20-072

DATE: July 6, 2020

TO: Council Economic Development Committee

FROM: Deputy City Manager

SUBJECT

Business Districts Re-Opening Plan Update

RECOMMENDATION

That the Council Economic Development Committee receives the information on the Business Districts Re-opening Plan and provides feedback on the program.

SUMMARY

The business districts re-opening plan is an on-going process to assist businesses as they re-open from the extended closures due to the COVID-19 pandemic.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Outdoor Dining Permit Standards and Application



DATE: July 6, 2020

TO: Council Economic Development Committee

FROM: Deputy City Manager

SUBJECT: Business Districts Reopening Plan Update

RECOMMENDATION

That the Council Economic Development Committee receives the information on the Business Districts Re-opening Plan and provides feedback on the program.

SUMMARY

The business districts re-opening plan is an on-going process to assist businesses as they re-open from the extended closures due to the COVID-19 pandemic.

BACKGROUND

On March 17, 2020, Alameda County Health Department along with the other regional health offices issued a Shelter in Place order to help curb the impacts of the COVID-19 virus. At that time, all businesses deemed non-essential closed or significantly reduced their operations. Restaurants had to become take-out only, if they elected to continue operating at all. Most retailers were also forced to close unless they were essential, such as hardware stores, pharmacies and grocery stores.

On June 19, 2020, the Alameda County Health Department issued a revised Shelter in Place Order, which allows for all retail to reopen and restaurants to allow outdoor dining.

DISCUSSION

In the weeks leading up to the announcement by the County Health Department about the allowance of outdoor dining, staff began exploring options for accommodating expanded outdoor dining and retail options. Several cities and counties in and around the Bay Area were open before Alameda County, which allowed City staff to research programs and processes that were being utilized by other jurisdictions. Staff also worked with representatives from the Downtown Hayward Improvement Association (DHIA) and Chamber of Commerce to work with property owners and business owners to review ideas and options.

Expanded Dining – Sidewalk and Parking Areas

As many other cities have recently done, Hayward has created new outdoor dining regulations and a simplified process to allow restaurants to create expanded outdoor dining opportunities. For those businesses located in the downtown or in areas with no parking lots, restaurants are able to apply for a [Temporary Outdoor Dining Permit](#) to utilize the sidewalk area located in front of their business. This permit includes outdoor dining operating standards to temporarily allow local restaurants, eateries, and other food establishments to expand into open areas, parking spaces, and, if authorized, City-owned property (i.e. streets, City parking, sidewalks) to accommodate social distancing in a safe and organized manner.

Businesses wishing to create the outdoor dining area will need to submit a basic site plan showing the location of the area to be used, minimum accessibility standards (4' clearance), and proof of insurance when using the public right-of-way. In addition to City regulations, those businesses currently holding a permit to serve alcohol must also update their permit with ABC to allow alcohol sales in the expanded dining area.

Restaurants located in areas with private parking lots are also allowed to expand their dining area into the adjacent parking spaces near the business. They also must maintain proper access to the business and adjacent businesses, provide a barrier between the diners and vehicles in the parking lot, and utilize no more than 30% of the parking spaces. Canopies and umbrellas are permitted to provide shade and cover for patrons. Tents over 400 square feet must have a permit from the Fire Department. No outdoor cooking will be allowed in the outdoor dining areas.

The City is waiving fees customarily associated with the Zoning Conformance Permit and Encroachment Permit.

Expanded Dining – Closed Downtown Streets

The City, in partnership with the DHIA, is exploring a pilot program of closing B Street and Main Street to allow expanded outdoor dining for the restaurants. Prior to the opening of outdoor dining, a survey was sent to 89 downtown businesses seeking input regarding the possibility of a street closure to allow for outdoor dining on B Street. Of the surveys sent, only six responses were received and no restaurant on B Street responded to the survey. Interest from those that did respond were more interested in expanded dining on the sidewalk or parking spaces rather than a full street closure.

Since the allowance of outdoor dining, staff has begun to hear more interest from the B Street restaurants to move forward with a full street closure to allow expanded dining. The pilot program is proposed to close B Street and Main Street on a Saturday to make it a pedestrian corridor and allow those restaurants that front those two streets to use the street area for expanded dining. Following the event, staff will collect feedback from downtown businesses to determine the event's effectiveness and adjust as necessary in order to ensure the program

meets their needs. Staff will provide a verbal update at the July 6 CEDC meeting on this program.

ECONOMIC IMPACT

In order to assist the restaurant industry to re-open and provide adequate space required for their safe operations as quickly as possible, the fee for the permit for expanded outdoor dining is being waived for both the use of public and private areas. The hope is that the waiver of the fee will encourage more restaurants to provide outdoor dining and work to getting back up to full service and staffing.

FISCAL IMPACT

There is a cost associated with the staff time for reviewing the applications for the expanded outdoor dining. Those costs are not being covered at this time due to the proposed fee waiver associated with the permits. In addition, if a full street closure for expanded dining does occur, additional costs for staff time to set up traffic barricades, police patrols, and post-event clean up will also be incurred by various departments. There could also be a sales tax benefit to the City of assisting businesses to re-open their operations.

STRATEGIC ROADMAP

This agenda item is related to the COVID-19 crisis and does not relate to any of the six priorities outlined in the Council's Strategic Roadmap.

Prepared by: Catherine Ralston, Economic Development Specialist

Recommended by: Paul Nguyen, Economic Development Manager
Jennifer Off, Deputy City Manager

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', is written over a horizontal line.

Kelly McAdoo, City Manager



Temporary Outdoor Dining Permit during Shelter-in-Place Order

Permitting Standards and Requirements

City of Hayward - Development Services Department

BACKGROUND AND PURPOSE:

On June 12, 2020, the County of Alameda Public Health Department issued an [Press Release](#) to allow all retail, outdoor dining, limited religious services and outdoor museums to operate on June 19, 2020. In alignment with the state's guidance, indoor and outdoor retail and outdoor dining will be allowed at reduced capacity to ensure physical distancing and safety plans are in place. Residents and businesses are still strongly recommended to continue focusing primarily on pick-up and delivery options to limit lines and crowds. The outdoor dining operating standards temporarily allow local restaurants, eateries, and other food establishments to expand into open areas, parking spaces, and, if authorized, City-owned property (i.e. streets, City parking, sidewalks) to accommodate social distancing in a safe and organized manner.

A Temporary Outdoor Dining Permit is required prior to the use of private and/or public property for outdoor dining. Zoning Conformance Permit and Encroachment Permit fees will be waived. General questions can be directed to Planning Division at planning.division@hayward-ca.gov or by calling (510) 583-4216, Monday to Friday, 8 a.m. to 5 p.m. The use of City property, if requested, will be evaluated on a case-by-case basis and cannot be guaranteed. ***These regulations will be in place until October 31, 2020, unless otherwise stated, and the City of Hayward maintains the right to revoke permit for non-compliance.***

TEMPORARY OUTDOOR DINING OPERATING STANDARDS:

All businesses allowed to operate under the Health Officer Orders must complete the Site-Specific Protection Plan template (Order No. 20-14a Appendix A and C) found here: www.acphd.org/2019-ncov/covid-recovery.aspx (hyperlinked) and implement risk assessment and individual control measures, physical distancing, disinfecting and cleaning protocols, and employee training to prevent the spread of COVID-19.

Exemptions from Obtaining a Temporary Outdoor Dining Permit:

- If you already possess a signed agreement from the City of Hayward to use public property (i.e. some downtown Hayward businesses) to serve food outside your place of business and do not plan to serve beyond your immediate business frontage as indicated in the agreement, you do not need to apply for a temporary outdoor dining permit from the City.
- If the private property already includes a pre-approved designated area intended for outdoor dining/seating area (i.e. outdoor eating plaza, outdoor food court) at the time of its original development, you do not need to apply for a temporary outdoor dining permit from the City provided the site complies with social distancing requirements and County health standards.

General Standards Applicable to All Temporary Outdoor Dining Areas:

- ☐ Outdoor dining areas shall be a minimum dimension of six feet in each direction and shall not be located within 10-feet of a private or public driveway, or within 20-feet of a street intersection
- ☐ Dining furniture shall maintain social distancing from each other per the County Public Health Department.
- ☐ All walkways, paths of travel, and sidewalks shall maintain a minimum four (4) feet wide. Outdoor dining areas utilizing parking spaces shall be setback a minimum of four (4) feet from an abutting automobile parking space used to accommodate walking around the outdoor dining area.
- ☐ Outdoor dining barriers shall be between 30- and 48-inches in height, with the exception of landscaping elements (planter boxes) which may be taller. Visibility shall be maintained to the outdoor dining area.
- ☐ Outdoor dining area shall not utilize parking spaces required by the Americans with Disabilities Act (ADA).

Temporary Outdoor Dining Permit during COVID-19 Shelter-in-Place Order

Permitting Standards and Requirements (Continued)

General Standards Applicable to All Temporary Outdoor Dining Plans (Continued):

- ☐ Pedestrian, bicycle, and vehicular paths of travel shall not be obstructed. Outdoor dining area shall not be separated from the food establishment by drive aisles, streets, or driveways.
- ☐ Refuse bins shall be placed within close proximity of the outdoor dining area and shall include bins for three waste streams (trash, recycling and organics). Bins may be shared between adjacent outdoor dining areas.
- ☐ Temporary canopies are permitted; however, if a canopy is 400 square-feet or larger, Fire Department approval is required. Please contact the Fire Prevention Office at (510) 583-4900 prior to installation.
- ☐ Outdoor cooking and/or grilling is prohibited. All food, meals, etc. shall be prepared indoors.
- ☐ Electrical and utility cables that cross drive aisles or paths of travel shall be taped down to avoid tripping hazards.

Additional Standards Specific to Private Property:

- ☐ Cumulative outdoor dining areas within a private parking lot shall not exceed 30% of the parking spaces on the lot. Multiple restaurants within a shopping center with a shared parking lot may partner together to create a food court and picnic area.
- ☐ Open areas such as courtyards and landscaped areas may be used for outdoor dining provided that the area meets the minimum standards prescribed within this document and County Public Health requirements.

Additional Standards Specific to Public City-Owned Property:

- ☐ Shall not be located on a street with posted speed greater than 25 MPH. Shall not be at corners or within 10-feet of a driveway.
- ☐ If located within a municipal parking lot, cumulative outdoor dining areas shall not exceed 30% of the parking spaces on the lot. ADA parking spaces shall not be utilized.
- ☐ No permanent furniture shall be placed and/or installed within public right-of-way.

Other Considerations:

- Sale of Alcoholic Beverages Outdoors. If you already possess a current license from the Department of Alcoholic Beverage Control (ABC) to serve alcoholic beverages directly outside your place of business and do not plan to serve said beverages beyond your licensed premises, you do not need a temporary license to serve from the ABC. However, if you plan to serve alcoholic beverages beyond your licensed premises, then you will need to complete and submit a COVID-19 Temporary Catering Authorization Application (see attached).

Businesses shall not serve alcoholic beverages for on-site consumption beyond their authorized premise prior to obtaining approval from ABC. Once obtained, business owners shall forward a copy of their ABC permit to Senior Detective Gabrielle Wright (Police Department—Vice Unit) at gabrielle.wright@hayward-ca.gov or drop a copy off at the Hayward Police Department at 300 West Winton Avenue, Hayward CA.
- Amplified sound shall be limited; Outdoor dining areas shall still adhere to the City's Noise Ordinance Section 4-1.01 of Hayward Municipal Code.
- Temporary signage shall be required to adhere to [Section 10-7.600 of the Hayward Municipal Code](#).



Temporary Outdoor Dining Permit during Shelter-in-Place Order

Permit Application Form Instructions

City of Hayward - Development Services Department

HOW TO APPLY FOR A TEMPORARY OUTDOOR DINING PERMIT:

Complete and submit the required documents listed below via email to planning.division@hayward-ca.gov at least three (3) business days prior to your proposed activity date. Note: A typical e-mail only allows a total attachment size of 10 MB. If your documents are significant in size, consider uploading them to a server (OneDrive, Google Drive, DropBox, etc.) and provide a download link. For any questions, please contact the Planning Line at (510) 583-4216, Monday through Friday, 8 a.m. to 5 p.m. Please note that Hayward City Hall offices, located at 777 B Street Hayward CA 94541, are closed until the Shelter-in-Place Order is lifted.

Required Submittal Document Checklist:

- ☐ Temporary Outdoor Dining Permit Application
- ☐ Outdoor Dining Site Plan (See Below for Requirements)
- ☐ Barricade Inventory List and/or Photos - (e.g. planter boxes, barricades, fencing, high visibility traffic cones)
- ☐ Written Authorization from Private Property Owner (Shall be Signed and Dated)
- ☐ Completed Affidavit to Accept Terms and Operational Standards (See Page 5)
- ☐ Temporary ABC Permit for Expanded Area of Service of Alcoholic Beverages, if applicable

For Use of City of Hayward Property:

- ☐ Minimum \$1,000,000 (one-million dollar) liability insurance certificate and additional insurance endorsement with the City of Hayward listed as additionally insured. For businesses within the Downtown Hayward vicinity, applicants shall also list the "Downtown Hayward Improvement Association (DHIA)" as additionally insured.
- ☐ Completed Waiver of Liability and Indemnity Agreement
- ☐ Any additional information, as required, by the City of Hayward Public Works Department

Outdoor Dining Site Plan Requirements. Provide a site plan with the following information:

- ☐ Site Plan shall be drawn to scale (i.e. 1/4 inch = 1-foot). Show location of restaurant entrance;
- ☐ Location of all uses of private/public property and public rights-of-way (streets, sidewalks, medians);
- ☐ Location and dimensions of any canopies of structures to be used for the dining area(s);
- ☐ Location and dimensions of any barricades to be used to separate vehicular traffic from the proposed temporary outdoor dining location;
- ☐ Seating plan of all dining furniture to be used and distances from each other and waiting area;
- ☐ Identify paths of travel for pedestrian traffic to safely navigate to/from the outdoor dining area;
- ☐ Location of nearby landfill, recycle, and compost bins for use by patrons;
- ☐ Location of nearby parking, including standard and ADA spaces and dimensions from each other.



Temporary Outdoor Dining Permit during Shelter-in-Place Order
Permit Application Form
City of Hayward - Development Services Department

BUSINESS AND PROPERTY INFORMATION:

Business Name: _____ Mailing Address: _____

Company Owner/Contact: _____

Phone: _____ Email Address: _____

Property Owner Name/Contact: _____

Phone: _____ Email Address: _____

TEMPORARY OUTDOOR DINING INFORMATION:

Outdoor Dining Area Location (please select all that apply)

☐ Private Property ☐ City-Owned Public Property (e.g. on-street parking spaces, sidewalk)

Business Address: _____

**Each business location requires a separate Temporary Outdoor Dining Permit*

Business Phone: _____ Business Email: _____

Proposed Setup Date: _____ Proposed Start Date of Outdoor Dining: _____

Days of Outdoor Dining: _____ Hours of Outdoor Dining: _____

Are alcoholic beverages planned to be served outdoors? ____ YES ____ NO

If YES, please indicate the type of ABC License for the establishment: _____

Please list and describe all furniture that will be used for outdoor dining and where it will be located:

Bathroom Monitoring (if applicable)

Will portable toilets and hand-washing stations be provided? ____ YES ____ NO

Quantity of Regular Toilets _____ ADA Approved Toilets _____ Hand Washing Sinks _____

Disinfection will be performed by: _____ How often: _____

**If portable facilities will not be provided, provide plan to restroom facilities within immediate area of event.*

Other Items.

Where will waste bins for landfill, recycle, and compost be located? ____ INSIDE ____ OUTSIDE

Do you plan to utilize sound amplification? ____ YES ____ NO If YES, describe: _____

Who will be responsible for cleaning the outdoor dining area? _____



Temporary Outdoor Dining Permit during Shelter-in-Place Order Affidavit and Waiver of Liability and Indemnity Agreement City of Hayward - Development Services Department

AFFIDAVIT OF APPLICANT TO ACCEPT PERMIT TERMS AND OPERATIONAL STANDARDS

I certify that the information contained in the foregoing application is true and correct to the best of my knowledge and belief and that I have read, understand, and agree to abide by the rule and regulations governing the proposed special event. I understand that this application is made subject to the rules and regulations established by the City Council and/or the City Manager or the City Manager's designee. I agree to comply with all other requirements of the City, County, State, and Federal Governments, and any other applicable entity which may pertain to the use of the event venue and the conduct of the event. I agree to abide by these rules and further certify that I, on behalf of the Host Organization, am also authorized to commit that organization, and therefore agree to be financially responsible for any costs and fees that may be incurred by or on behalf of the event to the City of Hayward. I understand the City maintains the right to revoke said permit for non-compliance.

Name of Applicant: _____

Printed Name of Applicant: _____

Signature of Applicant: _____ Date: _____

Printed Name of Property Owner: _____

Signature of Property Owner: _____ Date: _____

PLEASE COMPLETE FOR USE OF CITY OF HAYWARD OWNED PROPERTY

WAIVER OF LIABILITY AND INDEMNITY AGREEMENT

In consideration of participation in this program and the use of the City's facilities and premises, and to the maximum extent permitted by law, THE UNDERSIGNED SHALL, at their own expense, indemnify and defend, and hold harmless the City of Hayward and its officers, officials, employees, agents and volunteers from and against any and all liability, loss, damage, fines, expenses and costs (including, without limitation, claims expenses, attorney's fees, costs and fees of litigation) of every nature, whether actual, alleged or threatened, arising out of or in connection with the participation of the undersigned and the undersigned employees, in the program.

In addition, the undersigned RELEASES, WAIVES, DISCHARGES, AND COVENANTS NOT TO SUE THE CITY OF HAYWARD, its officers, employees and agents ("the City") for any loss or damage, and any claim or demands therefore arising out of or in connection with the participation of the undersigned and the undersigned's employees, in the program, whether caused by the negligence of the City or otherwise, while the undersigned is in, upon, or about the premises or any facilities or equipment therein.

I have read and voluntarily sign this release and waiver of liability and indemnity agreement.

Name of Applicant: _____

Printed Name of Applicant: _____

Signature of Applicant: _____ Date: _____

CITY STAFF USE ONLY:

Application #	Date Filed:	Received By:
Routed to:	Maintenance Services	Transportation
		Engineering
Permit Valid Beginning:		

COVID-19 TEMPORARY CATERING AUTHORIZATION APPLICATION

Before completing this application, please review Form ABC-218 CV19 Instr. for important information regarding the COVID-19 Temporary Catering Authorization.

Instructions: Indicate the license number this temporary authorization will apply to in the appropriate box and then complete sections #1 and #2. Once complete, submit to the local ABC office with a non-refundable payment in the amount of \$100.00. Acceptable forms of payment are business/personal check, cashiers check or money order. You must also submit Form ABC-253 which clearly identifies where the area is in relation to the existing licensed premises. If you are entering into an agreement with another person/entity for meal service, you must also submit a copy of the agreement or contract which establishes the details of this business relationship. Incomplete or inaccurate applications may result in delay or denial of the application request. If approved, a COVID-19 Temporary Catering Authorization will be sent to you via the email address you provide below. If you do not have a valid email address, the authorization will be mailed to your premises.

LICENSE NUMBER

RECEIPT NUMBER (FOR ABC USE ONLY)

TOTAL FEE

SECTION 1 (Application Details And Licensee Acknowledgment)

1. LICENSEE NAME(S) (If an individual, first name, middle name, last name.)		2. CONTACT PERSON	3. CONTACT PHONE NUMBER
4. LICENSED PREMISES ADDRESS		5. EMAIL ADDRESS	
6. DESCRIPTION OF EXPANDED AREA (Adjacent suite, sidewalk, parking lot, etc.) You must also complete and submit Form ABC-253 which identifies where the expansion is in relation to the existing premises.			
7. DESCRIPTION OF HOW THE EXPANDED AREA WILL BE DELINEATED (Theater style stanchions and rope, temporary fencing, etc.)			
8. WILL THE EXPANDED AREA BE SHARED WITH ANY OTHER PERSON <input type="checkbox"/> Yes <input type="checkbox"/> No		9. ARE YOU CONTRACTING WITH ANOTHER PERSON FOR MEAL SERVICE (If yes, you must attach a copy of the agreement) <input type="checkbox"/> Yes <input type="checkbox"/> No	
10. DO YOU HAVE LEGAL AUTHORITY TO USE THE REQUESTED AREA <input type="checkbox"/> Yes <input type="checkbox"/> No		11. WHAT IS YOUR LEGAL AUTHORITY TO USE THE AREA (Valid lease, rental contract, city permit, etc.)	

IN COMPLETING THIS APPLICATION FOR A COVID-19 TEMPORARY CATERING AUTHORIZATION, I ACKNOWLEDGE ALL OF THE FOLLOWING:
Check all of the boxes below. Failure to acknowledge all of the below may result in delay or denial of the application

- ☐ The requested expansion and its intended operation is and must remain consistent with state and local health and safety directives. Additionally, I have forwarded a copy of this application request to the appropriate local law enforcement agency.
- ☐ This authorization is limited to service of those alcoholic beverages authorized by the applicant license type.
- ☐ If approved, the authorization will be limited to service of alcoholic beverages during times in which bona fide meals are being served in the expanded area, whether by us or another person/entity under agreement with us.
- ☐ Except as to any conditions that the Department has determined will not be enforced under other Notices of Regulatory Relief, any operating conditions in place for the existing licensed premises will apply to the temporarily expanded area.
- ☐ If the Department determines that operation of the temporarily expanded area is contrary to public health, safety, or welfare, new or additional operating conditions may be added to the authorization at the time of or after its issuance.
- ☐ If the temporarily expanded area is being shared with other ABC licensees, we will be held jointly responsible for any violations that may occur within the shared area.
- ☐ If approved, the authorization may be canceled by the Department for reasons including, but not limited to: 1) upon termination of the temporary program granting the issuance of this authorization; 2) for violations of any law, rule, ordinance, or directive pertaining to business activities conducted on the premises and expanded area; 3) for negatively impacting nearby residents; 4) upon objection by local law enforcement; 5) if in the discretion of the Department continuance of the permit will negatively impact the public health, safety, or welfare.

SECTION 2 (Licensee Declaration And Signature)

I declare under penalty of perjury that to the best of my knowledge these statements are true and correct.

LICENSEE SIGNATURE

DATE SIGNED

SECTION 3 (FOR ABC USE ONLY)

ABC-253 ATTACHED <input type="checkbox"/> Yes <input type="checkbox"/> No	MEAL PROVIDER CONTRACT REQUIRED <input type="checkbox"/> Yes, attached <input type="checkbox"/> No	IS MEAL PROVIDER A LICENSEE ALSO <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	APPLICATION APPROVED <input type="checkbox"/> Yes <input type="checkbox"/> No
APPROVAL /DENIAL BY (ABC Official Name)		ABC OFFICIAL SIGNATURE	DATE SIGNED

COVID-19 TEMPORARY CATERING AUTHORIZATION INFORMATION

Purpose of a COVID-19 Temporary Catering Authorization

The COVID-19 Temporary Catering Authorization is intended to assist qualified hospitality businesses with reopening in a manner that is consistent with local and state health and safety directives. This specifically includes temporarily expanding the licensed area of a qualified business to accommodate patrons while abiding by social distancing guidelines and directives.

Who May Obtain a COVID-19 Temporary Catering Authorization

Any licensee with on-sale retail privileges may qualify for a COVID-19 Temporary Catering Authorization. A Caterer's Permit (Type 58) is not required to qualify for this authorization. The COVID-19 Temporary Catering Authorization authorizes the on-site consumption of those alcoholic beverages for which the licensee has on-sale privileges; on property that is adjacent to the licensed premises, that is under the control of the licensee, and where bona fide meals are being served. For purposes of the COVID-19 Temporary Catering Authorization, bona fide meals may be prepared and served by the licensee or any other person or business under an agreement with the licensee.

A COVID-19 Temporary Catering Authorization will only be considered for those businesses located in counties which have loosened restrictions on "in-person dining". Applications submitted for counties which are not currently allowing this type of activity will be returned.

Acceptable Locations for a COVID-19 Temporary Catering Authorization

Qualified businesses may apply for a COVID-19 Temporary Catering Authorization that temporarily expands their existing licensed premises to include an area that is adjacent to the licensed premises, under the control of the licensee, and where bona fide meals are being served. If approved, the authorization will be limited to service of alcoholic beverages during times in which meals are being served in the expanded area, whether by the licensee or another person under agreement with the licensee. Adjacent areas under the control of the licensee include, but are not limited to:

- indoor areas that are accessible from within the licensed premises but not currently licensed;
- outdoor areas that are accessible from the licensed premises but not currently licensed;
- indoor and outdoor areas under the control of the licensee and one or more other businesses;
- parking lots;
- sidewalks and other public thoroughfares that are closed to public access during the period of service;
- other areas within close proximity to the licensed premises that are immediately accessible to the licensee, and that are secured by and under the control of the licensee, at the discretion of the Department.

In all areas approved under the COVID-19 Temporary Catering Authorization, the licensee may exercise only those privileges authorized by the licensee's license and shall comply with all provisions of the ABC Act pertaining to the conduct of on-sale premises. Violations of these provisions, as well as the terms and conditions of the COVID-19 Temporary Catering Authorization, may be grounds for suspension or revocation of the licensee's license, as though the violation occurred on the licensed premises. The COVID-19 Temporary Catering Authorization may be immediately canceled by the Department if any violations occur within the temporarily authorized area or within the permanently licensed premises.

If the temporarily authorized area is being utilized by one or more other licensees, all licensees sharing the area will be jointly responsible for compliance with all applicable laws and rules pertaining to their respective licenses and authorizations and for any violations that may occur within the shared common temporarily authorized area. If at any point a licensee wants to terminate its liability for a shared area, it must cancel its COVID-19 Temporary Catering Authorization.

How to Apply for a COVID-19 Temporary Catering Authorization

If you are a qualified business, you may apply for a COVID-19 Temporary Catering Authorization by submitting a completed COVID-19 Temporary Catering Authorization Application (Form ABC-218 CV19) to your nearest ABC office. You must also submit a Supplemental Diagram (Form ABC-253) which clearly identifies where the requested area is in relation to the existing licensed premises. If you are entering into an agreement with another person/entity for meal service, you must also submit a copy of the agreement or contract which establishes the details of this business relationship. The fee for a COVID-19 Temporary Catering Authorization is \$100.00. This fee is non-refundable regardless of whether the application is approved or denied.

Depending on the circumstances involving the temporary expansion you are requesting, the office accepting the application may also require that you submit additional forms. Each qualified licensed location may apply for only one COVID-19 Temporary Catering Authorization. However, a single authorization may include multiple adjacent areas under the licensee's control. Prior to submitting this application, it is your responsibility to:

- ensure you have legal authority to use the area(s) requested;
- ensure the temporary expansion request has the approval of applicable local agencies (i.e., zoning, law enforcement);
- ensure the temporary expansion request is being made in accordance with applicable city, county, and state guidelines regarding social distancing and the legality of your business being open for in-person service (This may vary by jurisdiction);
- ensure the temporary expansion request will not negatively impact the surrounding area (i.e., residences, nearby businesses).

Failure to do any of the above may result in denial of the application; or an immediate cancellation of the authorization if one has been issued and any of the above is subsequently determined to have not been met.

If your application for a COVID-19 Temporary Catering Authorization is approved, the approving office will send you a COVID-19 Temporary Catering Authorization via email. If you prefer, the authorization can be sent to you via U.S. mail as opposed to email. The authorization must be kept on-site along with the diagram of where the temporarily expanded area is in relation to the existing licensed premises (Form ABC-253). Pursuant to the Notice of Regulatory Relief which allows for the issuance of a COVID-19 Temporary Catering Authorization, businesses located in counties that have lifted restrictions on in-person dining may begin operating in the requested area(s) upon submission of a completed application and payment of the \$100 fee. However, please note that if the application is subsequently denied you will have to cease operation in the requested area(s) and will not be entitled to a refund. If your application for a COVID-19 Temporary Catering Authorization is denied, you will be notified of the denial along with the reason(s) which resulted in its denial.

If, after issuance of a COVID-19 Temporary Catering Authorization, you want to make changes to the temporarily authorized area(s) or add an additional area, you will need to complete and submit a new application and payment in the amount of \$100. If approved, the new authorization will replace the existing authorization on file.

Additional Information

If approved the COVID-19 Temporary Catering Authorization may be canceled as follows:

- for reasons indicated previously in this document;
- upon the termination of this COVID-19 Temporary Catering Authorization program;
- for any violation of the ABC Act, or for violation of applicable laws, rules, ordinances, and other directives pertaining to business activities conducted on the premises and expanded area;
- for disturbance of the quiet enjoyment of nearby residents;
- upon objection by local law enforcement;
- if operation of the temporarily authorized area is inconsistent with State or local public health directives, including social distancing directives or guidance;
- if in the discretion of the Department continuance of the COVID-19 Catering Authorization will negatively impact the public's health, safety, or welfare.

Canceled COVID-19 Temporary Catering Authorizations will not be refunded.

Alcohol Beverage Control (ABC)

COVID-19 Links

ABC Website

<https://www.abc.ca.gov/>

ABC COVID-19 Webpage with revised regulations

<https://www.abc.ca.gov/law-and-policy/coronavirus19/>

FAQ about COVID-19 Temporary Catering Authorization (Expansion)

<https://www.abc.ca.gov/law-and-policy/coronavirus19/frequently-asked-questions/>

COVID-19 Temporary Catering Authorization Application

<https://www.abc.ca.gov/wp-content/uploads/forms/ABC218CV19.pdf>



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: RPT 20-071

DATE: July 6, 2020

TO: Council Economic Development Committee

FROM: Deputy City Manager

SUBJECT

Approval of 2020-2021 CEDC Regular Meeting Schedule

RECOMMENDATION

That Committee members review and approve the 2020-2021 Regular Meeting Schedule

ATTACHMENTS

Attachment I 2020-2021 CEDC Regular Meeting Schedule



COUNCIL ECONOMIC DEVELOPMENT COMMITTEE 2021-2021 MEETING SCHEDULE

Meeting Location: CITY HALL
2ND FLOOR, CONFERENCE ROOM 2A
777 B STREET
HAYWARD, CALIFORNIA

Meeting Time: 4:00 P. M.

Meeting Dates: The Council Economic Development Committee meets on the first Monday of each month except where noted otherwise.

~~September 7, 2020~~ Cancelled

October 5, 2020

November 2, 2020

December 7, 2020

~~January 4, 2021~~ Cancelled

February 1, 2021

March 1, 2021

April 5, 2021

May 3, 2021

June 7, 2021

~~July 5, 2021~~ Cancelled



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: RPT 20-070

DATE: July 6, 2020

TO: Council Economic Development Committee

FROM: Deputy City Manager

SUBJECT

Future Meeting Topics as of July 6, 2020

RECOMMENDATION

That Committee members review and comment on the attached Future Meeting Topics

ATTACHMENTS

Attachment I Future Meeting Topics as of July 6, 2020



Council Economic Development Committee Future Meeting Topics as of July 6, 2020

RESPONSIBLE STAFF	FUTURE MEETING AGENDA ITEMS	PRESENTATION DATE*
Economic Development	Impact of COVID-19 on Downtown and B Street restaurants	2020
Economic Development	Plan Bay Area 2050 Update**	2020
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 Development	2020
City Manager's Office	Feasibility of a Community Bank	2020
Economic Development	Economic Impacts of COVID-19 Crisis and Recovery Efforts	2020

*Subject to change

**Update may be brought to City Council