



CITY OF HAYWARD AGENDA REPORT

AGENDA DATE 1/20/98

AGENDA ITEM 8

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: An Ordinance Adopting a Mitigated Negative Declaration for and Amending Hayward Municipal Code Section 10-1.4993, Part of the Zoning Ordinance; and Revising the Sign Regulations Contained in Hayward Municipal Code Chapter 10, Article 7

Recommendation:

Adopt an ordinance introduced by Council Member Jimenez at a meeting of the Hayward City Council on December 16, 1997, by the following vote:

AYES:	Council Members:	Jimenez, Hilson, Rodriquez, Henson, Ward
	Mayor:	Cooper
NOES:	Council Members:	Hulteen

Background:

At the January 13 meeting, Council Member Hilson used his Council Member's prerogative to continue this item for further discussion.

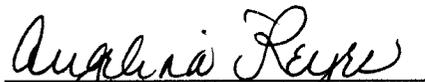
At introduction, Council expressed interest in modifying the draft ordinance in the following areas:

- ◆ changes to signs via scrolling device;
- ◆ wall signs, paintings and murals;
- ◆ quantity and frequency of promotional events;
- ◆ restrict real estate directional signs from median strips and on parkland; and
- ◆ electronic reader boards for non-public agencies.

Based on Council direction, staff is preparing amendments to address the first two areas and will present them to the Council for its consideration. The last three areas were the subject of much discussion at either the community meetings or before the Planning Commission when it considered the ordinance. Hence, staff proposes to initially process amendments related to these issues through the Commission before presenting them to the Council for its consideration.

This ordinance was published in the Hayward Daily Review on January 10, 1998. Adoption at this time is therefore appropriate.

Recommended by:



Angelina Reyes, City Clerk

Approved by:



Jesús Armas, City Manager

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

AN ORDINANCE ADOPTING A MITIGATED NEGATIVE DECLARATION FOR AND
AMENDING HAYWARD MUNICIPAL CODE SECTION 10-1.4993, PART OF THE
ZONING ORDINANCE; AND REVISING THE SIGN REGULATIONS CONTAINED IN
HAYWARD MUNICIPAL CODE CHAPTER 10, ARTICLE 7

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

Section 1. This ordinance amends various provisions of the Sign Regulations codified as Chapter 10, Article 7 of the Hayward Municipal Code (sometimes "HMC") and also amends section 10-1.4993, part of the Zoning Ordinance, by deleting provisions for signs in the Redevelopment Area and inserting such requirements into the Sign Regulations as HMC section 10-7.403, subdivisions (d) and (e). Based on its review of the Initial Study prepared for this ordinance, the City Council finds and determines that the Initial Study embodies the independent judgment of the City and that it is appropriate to adopt a mitigated negative declaration prepared for this ordinance, a copy of which is on file in the Planning Department.

Section 2. Chapter 10, Article 7 of the Hayward Municipal Code is amended to read in full as follows:

"ARTICLE 7
"SIGN REGULATIONS

SEC. 10-7.100 PURPOSE. The purpose of this article is to:

- (a) Implement the General Policies Plan through the regulation of sign size, location, design, and illumination which accomplish the following:

Improve the physical image of Hayward with more attractive signs.

Encourage economic development in the community.

Safeguard and enhance property values.

Recognize the commercial communication requirements of all sectors of the business community.

Protect public and private investment in buildings and open spaces.

Encourage sound signing practices as an aid to business and to inform the public.

Promote both renovation and proper maintenance of signs.

- (b) Preserve and improve the appearance of the City as a place in which to live and work in accordance with the City Design Guidelines.
- (c) Reduce visual clutter of signs of different sizes, shapes, and types through the coordination of the type, placement, and scale of signs within the different land uses, zones, and locations.
- (d) Prohibit or restrict distracting signs which may impede vehicular and pedestrian safety. Such signs include those that are blocking doors or windows, those that conflict with the City's Security Ordinance (Ord. No. 90-26 C.S.), those that could hamper firefighting or police surveillance activities, and those that obscure traffic signs or impair drivers' sight lines.
- (e) Promote the public health, safety, and general welfare.

The regulations in this article are in addition to those set forth in Chapter 9 of the Hayward Municipal Code (Building Regulations), and the Uniform Building Code. Should any regulations in this article be at variance with one another or the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing higher standards shall apply.

SEC. 10-7.200 DEFINITIONS.

SEC. 10-7.300 GENERAL REGULATIONS.

SEC. 10-7.301 PERMITS REQUIRED.

SEC. 10-7.302 PERMIT APPLICATIONS.

SEC. 10-7.303 FEES.

SEC. 10-7.304 DURATION OF PERMIT.

SEC. 10-7.305 CALCULATION OF SIGN AREA AND NUMBER PERMITTED.

SEC. 10-7.306 REDUCTION IN PERMITTED SIGNAGE.

SEC. 10-7.307 DESIGN.

SEC. 10-7.308 LIGHTING.

SEC. 10-7.309 MASTER SIGN PROGRAM.

- SEC. 10-7.401 REGULATIONS BY SIGN TYPE.
- SEC. 10-7.402 REGULATIONS BY USE.
- SEC. 10-7.403 SIGN REGULATIONS BY ZONING DISTRICT.
- SEC. 10-7.500 EXEMPT SIGNS.
- SEC. 10-7.600 SUBDIVISION DIRECTIONAL SIGN (OFF-SITE).
- SEC. 10-7.601 PROMOTIONAL EVENT AND GRAND OPENING SIGNS.
- SEC. 10-7.700 PROHIBITED SIGNS.
- SEC. 10-7.800 ADMINISTRATION, COMPLIANCE AND ENFORCEMENT.
- SEC. 10-7.801 ADMINISTRATIVE REFERRAL.
- SEC. 10-7.802 ADMINISTRATIVE MODIFICATIONS.
- SEC. 10-7.803 VARIANCES.
- SEC. 10-7.804 REVOCATION OF SIGN APPROVAL.
- SEC. 10-7.805 GROUNDS FOR REVOCATION.
- SEC. 10-7.806 HEARINGS - NOTICE.
- SEC. 10-7.807 APPEALS.
- SEC. 10-7.808 LEGAL NON-CONFORMING SIGNS.
- SEC. 10-7.809 SIGN MAINTENANCE.
- SEC. 10-7.810 REMOVAL OF CERTAIN SIGNS.
- SEC. 10-7.811 ENFORCEMENT - SIGNS ON PRIVATE PROPERTY.
- SEC. 10-7.812 ENFORCEMENT-SIGNS ON PUBLIC PROPERTY.
- SEC. 10-7.813 ENFORCEMENT - ON PREMISE SIGNS.
- SEC. 10-7. PROCEDURE NOT EXCLUSIVE: VIOLATION AN INFRACTION.

Section 3. Chapter 10, Article 1 of the Hayward Municipal Code is amended by revising section 10-1.4993 to delete regulations pertaining to the Redevelopment Area and relocating these into the Sign Regulations as HMC section 10-7.403, subdivisions (d) and (e). As amended, section 10-1.4993 shall read in full as follows:

SEC. 10-1.4993 SIGNS.

Section 4. SEVERANCE. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 5. In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the 16th day of December, 1997, by Council Member Jimenez.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on January 13, 1998, at 8:00 p.m., in Council Chambers, 777 B Street, Hayward, California. Copies of the full text of this ordinance are available for examination by the public in the Office of the City Clerk, 777 B Street, Hayward Public Main Library, 835 "C" Street, or the Weekes Branch Library, 27300 Patrick Avenue.

DATED: January 10, 1998

ANGELINA REYES
CITY CLERK OF THE
CITY OF HAYWARD

The Daily Review

116 W. Winton Ave., Hayward, CA 94544
(510) 293-2313

CLK JAN16'98 AM 8:20

LEGAL NO. 1132862

PUBLIC NOTICE

HAYWARD CITY COUNCIL
RESOLUTION NO. 97-187
Introduced by Council Member Ward

RESOLUTION DECLARING AN INTENTION TO VACATE PRIMROSE PLACE ROADWAY EASEMENT AND SETTING THE DATE AND TIME OF THE PUBLIC HEARING

WHEREAS, the City Council proposes to vacate its roadway easement in Primrose Place, reserving a public utility easement which has heretofore been dedicated for public purposes by deed, usage, or otherwise; and

WHEREAS, such proposal was heard by Council with a

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

1. That the City Council does hereby declare its intention to vacate its roadway easement in Executive Place, reserving a public utility easement along Trust Way frontage, but otherwise reverting title of Executive Place to the owner of the business park; and
2. That these vacation proceedings are conducted pursuant to Section 8320 et seq. of the California Streets and Highways Code; and
3. That reference is hereby made to the map on file in the office of the City Clerk for further particulars as to the proposed vacation and description of the area to be vacated; and
4. That Tuesday, January 20, 1998, at the hour of 8:00 p.m., in the Council Chambers at 777 B Street, Hayward, California, is hereby fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation; and
5. That copies of this resolution of intention shall be posted conspicuously along the lines of the subject easement or parts thereof proposed to be vacated at least two weeks before the date set for hearing, and be posted no more than 300 feet apart; but, in any event, at least three copies of this resolution of intention shall be posted; and
6. That a copy of this resolution of intention shall be published in The Daily Review, a newspaper of general circulation, once each week during two successive weeks prior to the hearing, pursuant to Streets and Highways Code section 8322(c)(1).

IN COUNCIL HAYWARD, CALIFORNIA
DECEMBER 9, 1997

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: Jiminez, Hilson, Rodriguez, Ward, Huiteen, Henson
MAYOR: Cooper
NOES: COUNCIL MEMBERS: None
ABSTAIN: COUNCIL MEMBERS: None
ABSENT: COUNCIL MEMBERS: None

ATTEST:
Angelina Reyes
City Clerk of the City of Hayward

APPROVED AS TO FORM:
M. O'Toole
City Attorney of the City of Hayward

The Daily Review, Legal No. 1132862
January 5, 12, 1998

PROOF OF PUBLICATION

Case No. _____

In the matter of

RESOLUTION NO. 97-187

JULIE A. CONNER

deposes and says that he/she was the Public Notice Advertising Clerk of THE DAILY REVIEW a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 224 933 AND 244 264) which is published and circulated in Eden Township in said county and state seven days a week.

That the RESOLUTION

of which the annexed is a printed copy, was published in every issue of THE DAILY REVIEW on the following dates.
JANUARY 5, 12, 1998

I certify (or declare) under the penalty of perjury that the foregoing is true and correct

Date JANUARY 12, 1998

at Hayward, California.


Public Notice Advertising Clerk

The Daily Review

116 W. Winton Ave., Hayward, CA 94544
(510) 293-2313

CLK JAN16'98 AM 10:26

LEGAL NO. 1131800

PUBLIC NOTICE

HAYWARD CITY COUNCIL

RESOLUTION NO. 97-203

Introduced by Council Member Hillson

RESOLUTION DECLARING AN INTENTION TO VACATE EXECUTIVE PLACE ROADWAY EASEMENT AND SETTING THE DATE AND TIME OF THE PUBLIC HEARING

WHEREAS, the City Council proposes to vacate its roadway easement in Executive Place, reserving a public utility easement along Trust Way frontage, but otherwise reverting title of Executive Place to the owner of the business park; and

WHEREAS, such proposal was referred by the Planning Commission on December 1, 1997, and referred to the City Council with a recommendation for approval;

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

1. That the City Council does hereby declare its intention to vacate its roadway easement in Executive Place, reserving a public utility easement along Trust Way frontage, but otherwise reverting title of Executive Place to the owner of the business park; and
2. That these vacation proceedings are conducted pursuant to Section 8320 et seq. of the California Streets and Highways Code; and
3. That reference is hereby made to the map on file in the office of the City Clerk for further particulars as to the proposed vacation and description of the area to be vacated; and
4. That Tuesday, January 20, 1998, at the hour of 8:00 p.m., in the Council Chambers at 777 B Street, Hayward, California, is hereby fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation; and
5. That copies of this resolution of intention shall be posted conspicuously along the lines of the subject easement or parts thereof proposed to be vacated at least two weeks before the date set for hearing, and be posted no more than 300 feet apart; but, in any event, at least three copies of this resolution of intention shall be posted; and
6. That a copy of this resolution of intention shall be published in The Daily Review, a newspaper of general circulation, once each week during two successive weeks prior to the hearing, pursuant to Streets and Highways Code section 8322(c)(1).

IN COUNCIL, HAYWARD, CALIFORNIA
DECEMBER 16, 1997

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: Jiminez, Hillson, Rodriguez, Ward, Hulteen, Henson
MAYOR: Cooper
NOES: COUNCIL MEMBERS: None
ABSTAIN: COUNCIL MEMBERS: None
ABSENT: COUNCIL MEMBERS: None

ATTEST:
/s/Angelina Reyes
City Clerk of the City of Hayward

APPROVED AS TO FORM:
/s/Michael O'Toole
City Attorney of the City of Hayward

The Daily Review, Legal No. 1131800
January 5, 12, 1998

PROOF OF PUBLICATION

Case No. _____

In the matter of

RESOLUTION NO. 97-203

JULIE A. CONNER

deposes and says that he/she was the Public Notice Advertising Clerk of THE DAILY REVIEW a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 224 933 AND 244 264) which is published and circulated in Eden Township in said county and state seven days a week.

That the RESOLUTION

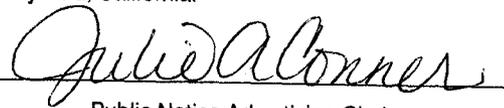
of which the annexed is a printed copy, was published in every issue of THE DAILY REVIEW on the following dates.

JANUARY 5, 12, 1998

I certify (or declare) under the penalty of perjury that the foregoing is true and correct

Date JANUARY 12, 1998

at Hayward, California.



Public Notice Advertising Clerk