

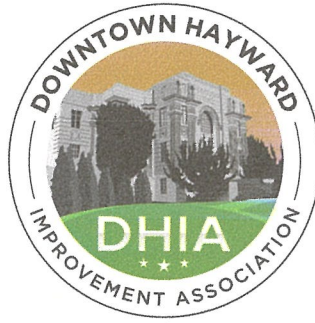


**Downtown Hayward Improvement Association  
Downtown Hayward Community Benefit District  
Land Use Committee Meeting  
Tuesday, June 18<sup>th</sup>, 2019, 11:00 a.m.  
City Hall – Conference Room 1 – E**

1. **Introductions – Bill Matheson**
2. **Public Comment**
3. **Approval of May 14<sup>th</sup>, 2019 Land Use Committee minutes**
4. **Updates:**
  - a. Dirty Birds Proposed Encroachment into Park – update
  - b. Timeline for demolition of Old City Hall
  - c. New developments in Downtown
  - d. Status of dispensary on B Street;
  - e. Vacant Building Ordinance (Phil Nichols/Code Enforcement)
5. **Converting B Street to two way, creation of a “B Street Task Force”;**
6. **Other**
7. **Next Meeting:** \_\_\_\_\_

**BROWN ACT:**

*Government Code 54950 (The Brown Act) requires that a brief description of each item to be transacted or discussed be posted at least 72 hours prior to a regular meeting. The Corporation posts all Board and Committee agendas at the meeting location designated for the Board meeting. Action may not be taken on items not identified as such and posted on the agenda. Meeting facilities may be accessible to persons with disabilities. If you require special assistance to participate in the meeting, notify Monica Montes of New City America at 888 356-2726.*



**Downtown Hayward Improvement Association  
Land Use Committee Meeting  
May 14<sup>th</sup>, 2019, 2:00 p.m.  
City Hall, Conference Room 1 – 3**

**Present:** Dinesh Shah, Sara Buizer, Bill Matheson, Catherine Ralston,

**Guests:** Fred Kelly/Public Works

**Staff:** Marco Li Mandri, Dominic Li Mandri/New City America,

**MINUTES:**

<i>Item</i>	<i>Discussion</i>	<i>Action Taken?</i>
<b>1. Introductions</b>	Bill called the meeting to order at 2:05. Introductions were made	<b>No action taken</b>
<b>2. Updates</b>	The following updates on Land Use related activities were given: <ol style="list-style-type: none"> <li>a. The Downtown Specific Plan was adopted on April 30<sup>th</sup> by the City Council;</li> <li>b. Dirty Birds encroachment: Still working thru the process with the City;</li> <li>c. Housing Task Force: Only City Council members will serve on this task force, contrary to what the Board had assumed;</li> <li>d. Old City Hall: No news on the status of the old City Hall at this point;</li> <li>e. Marco inquired about the lease agreement between the City and the County on the Veterans Building. The DHIA is very interested in working with the Veterans in that building to staff and beautify the building.</li> </ol>	

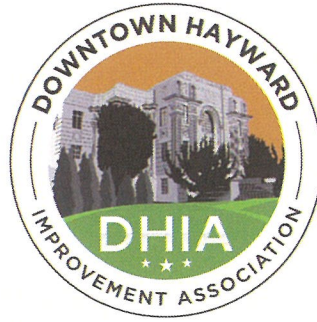
**DOWNTOWN HAYWARD IMPROVEMENT ASSOCIATION**

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<p><b>3. Development Standards</b></p>	<p>Sara gave an update on whether there were any design standards for amenities in downtown, particularly regarding new developments. There are no specific standards outside of the General Plan and Downtown Specific Plan. No standard pedestrian lighting, tree standards, street light frequency, trash receptacle, etc. Same with the width of sidewalks. Marco stated that if there is a new development from scratch, ensuring that there are design standards consistent in Downtown is important. Discussion followed.</p>	
<p><b>4. Development near BART station</b></p>	<p>Catherin stated that AB 293 requires BART to maximize development surrounding their stations. The Bill requires a minimum of 5 stories of development. The site at A and Montgomery can go to 11 stories. The Committee would like to see the maximum development around the BART station.</p>	<p><b>No action taken</b></p>
<p><b>5. Dispensary</b></p>	<p>Sara reported that the Planning Commission voted 6 to 0 to open the dispensary at Main and B Street. "Hayward Station" is to be owned by Pat Dodey, who also owns 8 other dispensaries.</p>	
<p><b>6. A Frame guidelines</b></p>	<p>Sara stated that she will send out the guidelines for the A Frame rules in Downtown</p>	
<p><b>Two-way streets in Downtown</b></p>	<p>Fred Kelly from Public Works was present to discuss the Downtown Specific Plan and new capital improvement projects in Downtown. The Specific Plan outlines short, medium- and long-term projects in Downtown. A, B, and C Streets, plus Foothill are target areas. The City will evaluate all streets from a circulation standpoint. Once they look at the concepts, they will hire an engineer to help determine costs for implementing the plan. The two-way traffic plan for B Street is considered a mid-term to long term capital improvement. Discussion followed on the timeline of the implementation. Any changes in the circulation of Downtown streets will entail a County grant or state funding.</p>	

<b>"A" Frame regulation</b>	Marco included an RFP for a web site company, ideally locally, who can put together a web site for the DHIA. He will request authorization from the Board to proceed at its May meeting.	<b>The RFP and timeline were approved and will be sent to the Board.</b>
<b>Next Meeting</b>	The next meeting of the DISI Committee will be held on Tuesday, June 18 <sup>th</sup> , at 11 a.m. at City Hall.	

**Minutes taken by Marco Li Mandri, Administrator**



June 11, 2019

Mr. Marcus Martinez, Development Services Department  
Sent via email: [Marcus.Martinez@hayward-ca.gov](mailto:Marcus.Martinez@hayward-ca.gov)

SUBJECT: Proposal for Encroachment Permit for Use of Newman Park

The Downtown Hayward Improvement Association is a public benefit, non-profit corporation under contract with the City of Hayward to administer and oversee the City Council approved Downtown Hayward Community Benefit District. We have various Committees that oversee all functions and aspects of the improvement of Downtown Hayward, including public space development and management. The City Manager's office has representation on this Board.

At its April 11<sup>th</sup>, 2019 Board meeting, the Board voted unanimously to endorse the encroachment into Newman Park by Dirty Bird Coffee shop and Bar, the building directly east of Newman Park. Our Board believed that the activation of this park, as well as the sidewalks in Downtown, is critical to demonstrate that Downtown Hayward seeks more restaurants, coffee shops, and evening eating establishments to bring new blood and activity to Downtown.

Just as what is planned for the Hayward Heritage Park on Mission and C Streets, this public space is best if used by the public. There will be private events held in the park (Farmers Markets, concerts, etc.), however all of these will be open to the public.

Similarly, when one encroaches on the publicly owned sidewalk, they are using that public space for their private use, as is done at Buffalo Bills and other restaurants up the street from Newman Park. We are confused as to why a public sidewalk may be encroached upon, but a public park cannot be?

We would be happy to meet with the Rotary to discuss this, however, as the entity designated by the City Council and City Manager to oversee the growth, improvement and development of Downtown, we see this proposed encroachment by Dirty Bird, on a limited scale, to be consistent with the image we are trying to promote throughout all of Downtown.

We are willing to meet and discuss anything we can do to facilitate this encroachment into Newman Park, especially since Dirty Bird has offered to maintain and clean the park during business hours. I can be reached at 888 356-2726 or through e-mail at [marco@newcityamerica.com](mailto:marco@newcityamerica.com), should you want to discuss this further.

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**DOWNTOWN HAYWARD IMPROVEMENT ASSOCIATION**

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Sincerely,



Marco Li Mandri  
Executive Director  
Downtown Hayward Improvement Association

Cc: DHIA Board of Directors  
Hayward Chamber of Commerce  
Dirty Bird

**From:** Marcus Martinez <[Marcus.Martinez@hayward-ca.gov](mailto:Marcus.Martinez@hayward-ca.gov)>  
**Date:** June 6, 2019 at 1:03:36 PM PDT  
**To:** The Dirty Bird LLC <[thedirtybirdlounge@yahoo.com](mailto:thedirtybirdlounge@yahoo.com)>  
**Subject:** RE: Site Plan Review Submission

Aric,

The concern is regarding the use of a park for private use (your business). The Hayward Rotary states that they want to ensure that projects within Newman Park are for the community at large benefit and for public use only. It is an understandable and justifiable concern that I believe warrants a bigger discussion prior to your submission to the City. Not that I can make promises now, but there may be a way to redesign your project to accommodate both sides and add some life (be it safe and appropriate) to the park.

In regards to the content of the quality of the plans, I cannot comment on the professionalism of your consultant; however, a new one may be a good idea to consider.

Do you have Sid's phone number by any chance? Or the contact information of other members of the Rotary?

Thanks,

**Marcus Martinez | Assistant Planner**  
Development Services Department  
City of Hayward  
P: (510) 583-4236  
E: [marcus.martinez@hayward-ca.gov](mailto:marcus.martinez@hayward-ca.gov)

agreements for all leasable space within the project. In the case of any conflict between the provisions of such a plan and any other provision herein, this article shall control.

(d) Modification to an Approved Master Sign Program.

- The Development Services Director or designee may approve minor modifications to an approved Master Sign Program with respect to colors, material, elevations, site plans, landscape plans, lighting and other physical changes.

(e) Alternative Master Sign Programs

- In the event that design guidelines are created for specific neighborhoods and areas, flexibility with Master Sign Programs within these areas can be granted per the discretion of the approving authority.

#### SEC. 10-7.211 - SIGN CORRIDOR OVERLAY DISTRICT.

The purpose of the Sign Corridor Overlay District is to enhance auto- and pedestrian-oriented experiences and business signage effectiveness on parcels fronting on major street corridors and collectors within the City and to reduce clutter and illegal signage and enhance them with attractive, well designed signs. This will be accomplished by allowing businesses within the Sign Overlay District to have an increased sign area allowance to improve visibility. The Sign Corridor Overlay District includes the properties within the Downtown Entertainment District and arterial and commercial collector roadways as identified in the General Plan, shown in Figure 1 on the following page.

- (a) Downtown Entertainment District. Businesses located within the Downtown Entertainment District shall be allowed one blade or shingle sign of 6 sq. ft. maximum per side and one portable "A-Frame" sign in addition to the maximum sign area allowed for the zoning district.
- (b) Major Street Corridors and Collectors. Businesses located within the Sign Corridor Overlay District along the major street corridors and collectors shall be permitted to have 2 square feet of sign area per linear foot of frontage with a maximum sign area of 200 square feet, which is above the maximum 1.5 square feet of area per linear foot and a maximum of 100 square feet normally permitted by zoning district, and one blade or shingle sign of 6 sq. ft. maximum per side, in addition to the maximum sign area allowed for the zoning district.



Blade Sign

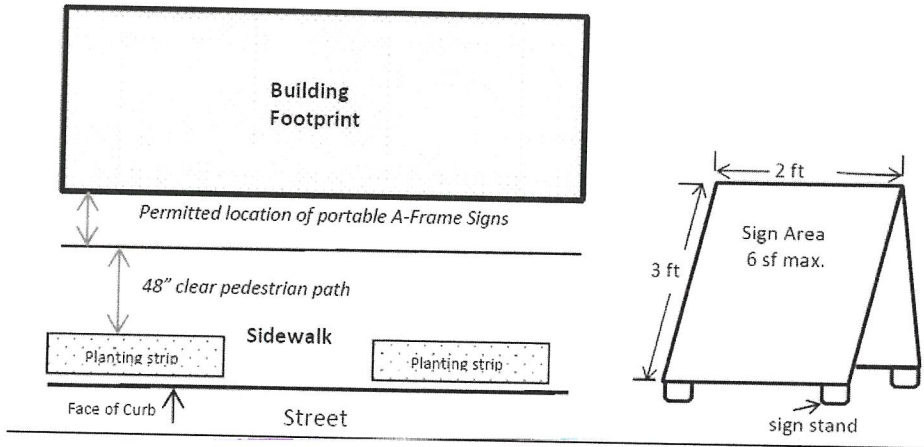


A-Frame Sign

- (5) Exception: Legal non-conforming pole signs that have not been determined to abandoned, dilapidated or unsafe or phased out by amortization or have been determined to be a sign that is of historic nature, is of a unique artistic design, or which represents a period of time or site that is of community importance, should be retained and preserved, as determined by the Development Services Director or designee.

h) **Portable or "A" Frame Signs.** Permitted within the Downtown Entertainment District - on B Street between Foothill and Watkins and on Main Street between A and C Streets only.

- (1) Limited to one per establishment:
  - a. Can only be located directly in front of the establishment with a 48" clear pedestrian pathway; and
  - b. Can only be displayed during business hours (see diagram below).



- (2) Shall not exceed 6 sq. ft. of sign area per side.
- (3) Shall not exceed 3 feet in height and 2 feet in width, up to a maximum height of 4 feet to accommodate sign stand.
- (4) Shall be constructed of durable, weather proof materials (i.e. plastic, metal, durable painted or stained hardwood).
- (5) Copy area (chalk board, painted, cork board, etc.): Sign message and/or graphics, whether permanent or changeable, shall be well-designed and relevant to the business in which it is serving.
- (6) Shall be kept clean and maintained in good working condition.

i) Projecting Signs (blade, shingle, hanging).

Maximum Number:	One per establishment; counts toward maximum number allowable per Zoning District. Blade signs are not permitted when they would block a permitted sign of an adjacent business.
Maximum Area:	See each Zoning District.
Maximum	Not applicable.



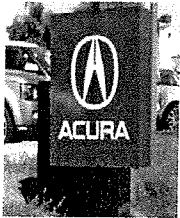
Height:	
Setback:	2½ feet from curb line, or per Zoning District, whichever is greater.
Illumination:	See each Zoning District.
Additional:	<p>(1) Allowed on establishment frontage.</p> <p>(2) Allowed only on first floor.</p> <p>(3) May not extend above top level of the wall upon which it is mounted.</p> <p>(4) Signs projecting two-thirds or more of the distance from property line shall be 12 feet above street grade; 8 feet if less.</p> <p>(5) Allowed in a parking lot or above a driveway if 15 feet above finished grade.</p>

j) Wall Signs.

- (1) Prohibited above top of roof or top level of wall, including parapet, nor beyond any vertical corner edge of a wall, marquee, canopy, or awning.
- (2) Walls signs proposed above the second floor of a building require Director of Development Services approval (see "Multi-Occupancy Buildings").
- (3) Painted wall signs require a sign permit and shall be removed after the business has vacated the premises for more than one month. All painted wall signs shall be applied by a licensed sign contractor or a sign artist.

SEC. 10-7.502 - SIGN REGULATIONS BY USE.

(a) Auto Dealerships.

Sign Type Allowed	Max. No./Height	Max. Area	Setback	Illumination	Additional Provisions
Freestanding/Monument 	No.: 1 Height: 12 ft.	50 sq. ft. per face, 100 sq. ft. total	None.	See section 10-7.209 for lighting restrictions.	<ul style="list-style-type: none"> <li>• 1 additional freestanding sign is permitted if more than one street frontage.</li> </ul>