

CITY OF HAYWARD

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



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Tuesday, June 13, 2017

7:00 PM

Council Chambers

City Council

Mayor Barbara Halliday
Mayor Pro Tempore Sara Lamnin
Council Member Francisco Zermeño
Council Member Marvin Peixoto
Council Member Al Mendall
Council Member Elisa Márquez
Council Member Mark Salinas

SPECIAL CITY COUNCIL MEETING**CALL TO ORDER Pledge of Allegiance: Mayor Halliday****ROLL CALL****CLOSED SESSION ANNOUNCEMENT****PRESENTATION**

Proclamation: Elder Abuse Awareness Month

PUBLIC COMMENTS

The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Information Items. The Council welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.

ACTION ITEMS

The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council Member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk any time before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.

CONSENT

1. [MIN 17-092](#) Minutes of the City Council Meeting on May 23, 2017
Attachments: [Attachment I Draft Minutes of 05/23/2017](#)

2. [CONS 17-327](#) Transportation Development Act Article 3 Funds FY 2018:
Wheelchair Ramps - Authorization to File Application
Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment II-a TDA Article 3 Project Application Form](#)
[Attachment II-b City of Hayward Findings](#)
[Attachment III Project Location Map](#)

3. [CONS 17-358](#) Execution of Cooperation Agreement for FYs 18-20 Between the City of Hayward and the County of Alameda to Participate in the Alameda County HOME Consortium

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)

PUBLIC HEARING

4. [PH 17-055](#) Public TEFRA Hearing as Required by the Internal Revenue Code of 1986, and Adoption of a Resolution Authorizing the Issuance of Bonds by the California Statewide Communities Development Authority for the Maple and Main Apartments (Report from Library and Community Services Director Reinhart)

Attachments: [Attachment I Staff Report](#)
[Attachment II TEFRA Resolution](#)
[Attachment III Abbreviations Used in the Report](#)

WORK SESSION

Work Session items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.

5. [WS 17-032](#) Review of Draft Strategic Initiatives Two-Year Action Plans: Complete Streets, Complete Communities, and Tennyson Corridor (Report from City Manager McAdoo)

Attachments: [Attachment I Staff Report](#)
[Attachment II Complete Streets Goals and Objectives](#)
[Attachment III Complete Streets Two-Year Action Plan](#)
[Attachment IV Complete Communities Goals and Objectives](#)
[Attachment V Complete Communities Two-Year Action Plan](#)
[Attachment VI Tennyson Corridor Goals and Objectives](#)
[Attachment VII Tennyson Corridor Two-Year Action Plan](#)

6. [WS 17-031](#) Proposed FY 2018 Operating Budget - Work Session 3 (Report from Finance Director Claussen)

Attachments: [Attachment I Staff Report](#)
[Attachment II Airport FAQ](#)
[Attachment III Financial Polices and Practices Update](#)

7. [WS 17-030](#) Capital Improvement Program FY 2018 - FY 2027 (Report from Director of Public Works Fakhrai) (Continued from June 6, 2017)

Attachments: [Attachment I Staff Report](#)
[Attachment II Response to Council Queries](#)

LEGISLATIVE BUSINESS

8. [LB 17-022](#) Introduction of Ordinance Updating Various Sections of the Hayward Municipal Code (Report from City Attorney Lawson and City Clerk Lens)

Attachments: [Attachment I Staff Report](#)
[Attachment II Draft Ordinance](#)
[Exhibit A Redlined Version of HMC Amendments](#)

CITY MANAGER'S COMMENTS

An oral report from the City Manager on upcoming activities, events, or other items of general interest to Council and the Public.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Oral reports from Council Members on their activities, referrals to staff, and suggestions for future agenda items.

ADJOURNMENT**NEXT MEETING, June 20, 2017, 7:00 PM****PUBLIC COMMENT RULES**

Any member of the public desiring to address the Council shall limit her/his address to three (3) minutes unless less or further time has been granted by the Presiding Officer or in accordance with the section under Public Hearings. The Presiding Officer has the discretion to shorten or lengthen the maximum time members may speak. Speakers will be asked for their name before speaking and are expected to honor the allotted time. Speaker Cards are available from the City Clerk at the meeting.

PLEASE TAKE NOTICE

That if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.

PLEASE TAKE FURTHER NOTICE

That the City Council adopted Resolution No. 87-181 C.S., which imposes the 90-day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

****Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. ****

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.

Assistance will be provided to those requiring language assistance. To ensure that interpreters are available at the meeting. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400.



CITY OF HAYWARD

Hayward City Hall
777 B Street
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File #: MIN 17-092

DATE: June 13, 2017

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Minutes of the City Council Meeting on May 23, 2017

RECOMMENDATION

That the City Council approves the minutes of the City Council meeting on May 23, 2017.

ATTACHMENTS

Attachment I Draft Minutes of May 23, 2017



MINUTES OF THE CITY COUNCIL MEETING OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 23, 2017, 7:00 p.m.

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

ROLL CALL

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

CLOSES SESSION

City Attorney Lawson announced the City Council convened in closed session regarding a conference with property negotiators pursuant to Government Code 54956.8, concerning City owned properties located at 24874 Mission Blvd., 24832 Mission Blvd., 24822 Mission Blvd., 24802 Mission Blvd., 24780 Mission Blvd., and 24744 Mission Blvd. City Attorney Lawson noted there was no reportable action.

PUBLIC COMMENTS

Mr. Manuel Solorio, Hayward resident, spoke about an alleged fraud committed by his sister and his interaction with the Hayward Police Department.

Mr. Ross Bausone, submitted a document for the record about the Hayward airport hangar rent, and asked the Council to reconsider the rent increase.

Mr. Jim Drake, Hayward resident, inquired about the status of replacing the Pine trees that were removed from the property along Santa Clara and Jackson streets.

Mr. Lloyd Emberland, retired United Airlines aircraft technician, referred to an article in the East Bay Times May 17 issue regarding housing and rent crisis, and referred to hangar rents.

Ms. Kate Turney, asked the Council to withdraw the ten percent increase on hangar rents and noted a three percent increase every two years would be reasonable.

Mr. Jerry Turney, provided documents for the record which included historical information about Hayward airport hangars.

Mr. S.J. Samiul (aka Citizen Sam), Hayward resident, spoke about getting a parking ticket at the parking garage, the Sikhs' event on June 4, 2017, at the San Lorenzo Library, a

citizenship class at the San Lorenzo Library, and spoke highly of the interim Police Chief Koller.

CONSENT

1. Minutes of the City Council Meeting on May 2, 2017 **MIN 17-077**
It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the City Council meeting on May 2, 2017.
2. New Garin Reservoir and Pump Station Improvements: Approve Addendum No. 1, Reject Bid Protest, Award of Construction Contract, and Appropriation of Funds **CONS 17-271**

Staff report submitted by Utilities and Environmental Services Director Ameri, dated May 23, 2017, was filed.

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

Resolution 17-059, "Resolution Approving Addendum No. 1, Rejecting the Bid Protest of Sierra Mountain Construction, Inc., and Awarding the Contract for the New Garin Reservoir and Pump Station Improvements Project, Project No. 07183, to Spiess Construction Co., Inc."

Resolution 17-060, "Resolution Amending Resolution 16-127, As Amended, the Budget Resolution for Capital Improvements Projects for Fiscal Year 2017, Relating to Appropriation of Funds from the Water System Improvement Fund (604) to the New Garin Reservoir and Pump Station Improvements Project, Project No. 07183"

Resolution 17-061, "Resolution Authorizing the City Manager to Execute an Amendment to Agreement Between the City of Hayward and La Vista, L.P., for Design and Construction of Water Storage Reservoir and Reimbursement of All Costs by La Vista, L.P."

3. Fire Station 6 and Fire Training Center Improvement Project: Amendment to Professional Services Agreement with RossDrulisCusenbery **CONS 17-274**

Staff report submitted by Public Works Director Fakhrai, dated May 23, 2017, was filed.

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



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Resolution 17-062, "Resolution Authorizing the City Manager to Negotiate and Execute an Amendment to the Professional Services Agreement with RossDrulisCusenberry Architecture Inc. for Additional Services Associated with the Fire Station 6 and Fire Training Center Improvement Project in an Amount Not-To-Exceed \$3,000,000"

4. Median Landscape Improvement Project (Industrial Parkway West - Hesperian Boulevard to I-880) - Approval of Plans and Specifications & Call for Bids **CONS 17-285**

Staff report submitted by Public Works Director Fakhrai, dated May 23, 2017, was filed.

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

Resolution 17-063, "Resolution Approving Plans and Specifications for the Median Landscape Improvement Project (Industrial Parkway West – Hesperian Boulevard to I-880) – Approval of Plans and Specifications & Call for Bids, Project No. 05263"

SPECIAL JOINT CITY COUNCIL/COMMUNITY SERVICES COMMISSION WORK SESSION

5. Joint Work Session with the Community Services Commission: Discussion of Goals and Areas of Focus for Community Agency Funding in Future Years (Report from Library & Community Services Director Reinhart) **WS 17-023**

Staff report submitted by Library and Community Services Director Reinhart, dated May 23, 2017, was filed.

The Community Services Commission (CSC) Funding Process Update Committee, comprised of Commissioners Ray Bonilla (CSC Chair) Antonio Isais (Committee Chair), Crystal Araujo and Todd Davis, joined the Council at the dais. CSC member Diane Fagalde (alternate) sat in the audience.

Library and Community Services Director Reinhart announced the report and introduced Community Services Manager Bailey who provided a synopsis of the Community Agency Funding process.

CSC Funding Process Update Committee members presented potential revisions to the Community Agency Funding process.

There being no public comments, Mayor Halliday opened and closed the public comments section.

The City Council commended the work done by the Community Services Commission and especially the effort undertaken by members of the CSC Funding Process Update Committee.

In response to the question should the Community Agency Funding process be aligned with Council's Strategic Initiatives, most Council members were in agreement, one member thought that the four Council's Priorities should be aligned with the process, another member thought the areas of need (homelessness, housing affordability, and food access) should be aligned with the process, and another member felt that the priorities and strategic initiatives should not govern the funding decision but should help during the evaluation process.

In response to the question about how the FY 2019 funding process should be aligned to maximize the strategic impact of the limited available resources, Council members suggested using best practices; staying focused on making impact; and having applicants present expected metrics, measure goals, and present outcomes/progress to the Council at the end of the year.

In response to the question of wanting the FY 2019 funding process to be undertaken using the recommended "hybrid model" and "targeted areas of need," Council members were in general agreement with the recommended "hybrid model" with one member preferring to be able to reprioritize and expressing preference for applications that deal with housing affordability and homelessness.

Additional suggestions included: conduct more research and present options for the application/funding process; deliver informational presentations during CSC meetings over the next year about best practices and other data that can be utilized to create future funding priorities; increase the awareness, transparency and accountability in the process; separate funding for Arts, Music and Culture; consider preference for larger grants with flexibility for smaller grants; invest in kids and cradle to career education experience.

Council members were in general agreement that homelessness, housing affordability, and food access were the recommended target categories and areas of need for potential funding recommendations and could use the recommended "hybrid model" for the first year.



MINUTES OF THE CITY COUNCIL MEETING OF THE CITY OF HAYWARD
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Tuesday, May 23, 2017, 7:00 p.m.

PUBLIC HEARING

6. Adoption of Three Resolutions to Approve Final Map 8356 (Stonebrae Village C), Amend the Stonebrae Design Guidelines, and Extend the Blue Rock Country Club Development Agreement for an Additional Five Years related to the Proposed Final Phase of the Stonebrae Development; and Introduction of an Ordinance to Amend the Project Development Agreement by Extending it an Additional Five Years. Stonebrae, L.P. (Applicant/Owner) (Report from Development Services Director Rizk) **PH 17-052**

Staff report submitted by Development Services Director Rizk, dated May 23, 2017, was filed.

Council Member Salinas disclosed he needed to recuse from discussing and voting on the item to avoid a conflict of interest due to his membership at Stonebrae Country Club. Council Member Salinas left the Council Chambers at 9:03 p.m.

Development Services Director Rizk announced the report and introduced Senior Planner Golubics who provided a synopsis of the report.

Mayor Halliday noted that City Manager McAdoo had left the Council Chambers to avoid a conflict of interest due to her membership at Stonebrae Country Club.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:13 p.m.

Council Member Zermeño offered a motion per the staff recommendation including the modification to the resolution and ordinance to indicate that the Assistant City Manager is authorized to execute a Subdivision Agreement and the Amendment to the Development Agreement.

Council Member Lamnin seconded the motion and recommended that staff have discussion with the project proponent about solar at Stonebrae Village C.

Council Member Mendall offered an amendment to the motion that would require the project proponent to offer solar as optional, and asked the project proponent, Mr. Steve Miller to comment. Mr. Mendall also disclosed having met with Mr. Miller to discuss the project.

Mr. Steve Miller, project proponent of the final phase of the Stonebrae Development, noted that the growth of green housing occurred during the tenure of the project and while the

project was exempt from the green requirements the Stonebrae builders complied with current green regulations.

Discussion ensued about the solar requirement for Stonebrae Village C.

Mr. Steve Miller accepted Council Member Mendall's amendment to offer home buyers an option to have installed solar photovoltaic systems for Stonebrae Village C.

Council Members Zermeño and Lamnin were amenable to the amendment offered by Council Member Mendall.

Mayor Halliday, Council Members Zermeño, Lamnin and Mendall spoke highly of the Stonebrae Development through its different phases.

It was moved by Council Member Zermeño, seconded by Council Member Lamnin, and carried with the following vote, to adopt the resolutions and introduce the ordinance with two amendments: 1) authorize the Assistant City Manager to execute and negotiate a Subdivision Agreement and execute the Amendment to Development Agreement; and 2) that the project proponent offer home buyers an option to have installed solar photovoltaic systems:

AYES: Council Members Zermeño, Márquez, Mendall,
Peixoto, Lamnin
MAYOR Halliday
NOES: None
ABSENT: Council Member Salinas
ABSTAINED: None

Resolution 17-064, "Resolution Approving Final Map for Tract 8356 and Authorizing the City Manager to Execute a Subdivision Agreement"

Resolution 17-065, "Resolution Amending the Stonebrae Design Guidelines Section 3.3 Product Type Table and Adding Table 3.3a Product Type Summary Table for Stonebrae Village C"

Resolution 17-066, "Resolution Authorizing Amendment of the Blue Rock Country Club Project Development Agreement by Extending Its Term an Additional Five Years to February 23, 2023"

Introduction of Ordinance 17-_, "An Ordinance Authorizing Execution of an Amendment to the Blue Rock Country Club Project Development Agreement by Extending Its Term an Additional Five Years to February 23, 2023"

Council Member Salinas and City Manager McAdoo returned to the Council Chambers at 9:28 p.m.



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7. Proposed Rezone of a Property from Business Park (BP) District and Regional Commercial (CR) District to Planned Development (PD) District to allow the construction of a light industrial/flex office space building for the Steelwave Industrial Park, located at 2580-2582 Industrial Boulevard, requiring an Addendum to a previously certified Mitigated Negative Declaration with a Mitigation Monitoring and Reporting Program. Michael Olson/Eden Shores Associates I LLC (Applicant/Owner) (Report from Development Services Director Rizk) **PH 17-047**

Staff report submitted by Development Services Director Rizk, dated May 23, 2017, was filed.

Development Services Director Rizk announced the report and introduced Senior Planner Schmidt who provided a synopsis of the report.

Mayor Halliday opened the public hearing at 9:37 p.m.

Mr. Michael Olson, Eden Shores Associates I LLC applicant, showed the renderings of the progress that has been made in the Eden Shores area.

Mr. Olson addressed questions related to the uses under the proposed Planned Development (PD) District which is light industrial/flex office space; and solar options.

Discussion ensued among Council Members and City staff regarding: the development agreement's requirement that retail building shells be built prior to the release of permits for residential units; potential tenants for Shea Properties; use the Eden Shores' synergy for other opportunity sites in the Industrial District; and zoning and regulations for cannabis.

Mayor Halliday closed the public hearing at 9:47 p.m.

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

Resolution 17-067, "Resolution Adopting an Addendum to a Previously Certified Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and Approving Zone Change Application No. 201604872 Pertaining to Construction of the Steelwave Industrial Business Park at 2580-2582 Industrial Boulevard"

Intro Ord 17-_, “An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property to Planned Development District in Connection with Zone Change Application No. 201604872 to Construct a New Light Industrial/Flex Office Space Building at 2580-2282 Industrial Boulevard”

8. Adoption of an Ordinance to Approve an Amendment to the City of Hayward Contract with the California Public Employees Retirement System (PERS) for Miscellaneous Members in Hayward Association of Management Employees (“HAME”), International Federation of Professional and Technical Engineers-Local 21 (“Local 21”), and the Unrepresented Employee Group (Report from Human Resources Director Collins) **PH 17-046**

Staff report submitted by Human Resources Director Collins, dated May 23, 2017, was filed.

Human Resources Director Collins provided a synopsis of the report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:51 p.m.

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

Ordinance 17-05, “An Ordinance Authorizing the Amendment of the Contract Between the City of Hayward and the Board of Administration of the California Public Employees’ Retirement System”

WORK SESSION

9. Proposed FY 2018 Operating Budget - Departmental Budget Presentations (Report from City Manager McAdoo) (Continued from May 20, 2017) **WS 17-024**

Staff report submitted by City Manager McAdoo, dated May 23, 2017, was filed.

City Manager McAdoo and Finance Director Claussen provided a synopsis of the cost drivers and options to close the FY 2018 budget gap.

Discussion ensued among Council Members and City staff about: the Actuary Required Contribution (ARC); California Public Employees Retirement System (PERS); Other Post-Employment Benefits (OPEB) Unfunded Actuarial Liability; the three recommended options for closing the budget gap; cost-sharing and equity adjustments; and Measure C vacancies.



MINUTES OF THE CITY COUNCIL MEETING OF THE CITY OF HAYWARD
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The City Council was in general agreement with the three options for closing the budget gap: 1) reduce General Fund allocation to Internal Service Funds; 2) Defer filing of vacant positions and adding new Library positions; and 3) Pre-payment of FY 2018 PERS ARC.

Council Members offered the following suggestions: one member was in support of deferring the OPEB ARC for next year; ask Management Partners/City staff to include an analysis of what is gained by doing cost sharing and equity adjustments; consider funding the OPEB; start a “shop Hayward program” and present it as a revenue option; consider options for reducing health care cost; have discussion about the General Fund allocation to Internal Services Fund at mid-year; attend PERS meetings and consider participating on the board; account the \$9.3 million of unfunded actuarial liability as long-term debt; and consider borrowing money at a low-interest rate to pre-pay a portion of PERS ARC.

There were no members from the public wishing to speak on the item.

LEGISLATIVE BUSINESS

10. Rescinding of Stage I Water Shortage Declaration, and Introduction of Ordinance Amending Hayward Municipal Code Chapter 11, Article 2, 11-2.00 and Chapter 11, Article 2, 11-2.47, Pertaining respectively to Definitions and the Wasteful Water Practices Prohibitions contained in the Hayward Municipal Water System Code (Report from Utilities & Environmental Services Director Ameri) **LB 17-020**

Staff report submitted by Utilities and Environmental Services
Director Ameri, dated May 23, 2017, was filed.

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

There being no public comments, Mayor Halliday opened and closed the public hearing at 10:53 p.m.

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

Resolution 17-068, “Resolution Rescinding the Stage 1 Water Shortage and Declaring that the Stage 1 Water Shortage Contingency Plan is No Longer in Effect”

Introduction of Ordinance 17-_, “An Ordinance Amending Chapter 11, Article 2, Sections 11-2.00 and 11-2.47 of the Hayward Municipal Code Establishing Prohibitions on Wasteful Water Practices”

CITY MANAGER’S COMMENTS

City Manager McAdoo reported on two events: 1) The Pioneers for Sustainable Communities event on May 18, 2017 hosted by California State University East Bay and City of Hayward; 2) Hayward’s 2017 Book-to-Action series culminated with a screening of the award-winning documentary *Tomorrow* on May 18, 2017 at Hayward City Hall.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

There were none.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 11:00 p.m., in memory of Mr. Nels Nelson and Mr. Sherman Balch.

Mr. Nels Nelson was a Hayward Rotarian for 60 years; earned a B.A. in History and M.A. in Political Science from UC Berkeley; taught at Hayward High School, San Lorenzo High School, and California State University, Hayward; was Principal of Sunset High School; was a member of Hayward Historical Society; was a member of the Hayward Dance Club; and was the author of a book.

Mr. Sherman Balch contributed to the community; developed industrial and commercial building space; was a member of the Hayward Area Recreation and Park District Foundation; was the co-chair of the Measure F1 Bond Campaign; was involved at St. Rose Hospital; and was a past recipient of the Hayward Chamber of Commerce Business of the Year Award.

Mayor Halliday asked staff to work with the Nelson and Balch families and find suitable places to plant trees in memory of Mr. Nels Nelson and Mr. Sherman Balch.

APPROVED:

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



CITY OF HAYWARD

Hayward City Hall
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File #: CONS 17-327

DATE: June 13, 2017

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Transportation Development Act Article 3 Funds FY 2018: Wheelchair Ramps - Authorization to File Application

RECOMMENDATION

That Council adopts the attached resolution (Attachment II):

- 1) Authorizing the filing of an application with the Metropolitan Transportation Commission (MTC) for Transportation Development Act (TDA) Article 3 funding in FY 2018 to construct wheelchair ramps at various locations in the City; and
- 2) Authorizing the City Manager to execute the agreement with MTC once funding is approved.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment II-a	TDA Article 3 Project Application Form
Attachment II-b	City of Hayward Findings
Attachment III	Project Location Map



DATE: June 13, 2017

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Transportation Development Act Article 3 Funds FY 2018: Wheelchair Ramps – Authorization to File Application

RECOMMENDATION

That Council adopts the attached resolution (Attachment II):

- 1) Authorizing the filing of an application with the Metropolitan Transportation Commission (MTC) for Transportation Development Act (TDA) Article 3 funding in FY 2018 to construct wheelchair ramps at various locations in the City; and
- 2) Authorizing the City Manager to execute the agreement with MTC once funding is approved.

BACKGROUND

Each year, TDA funds are made available to the cities in Alameda County for construction of bicycle paths, sidewalks, wheelchair ramps, and other pedestrian facilities. One of the conditions for MTC's approval of TDA funding is the submittal of a resolution by the governing body of the City authorizing the filing of an application for funds.

DISCUSSION

Consistent with past City practice and Council direction, staff plans to apply to MTC for the construction of wheelchair ramps at various locations for FY 2018 (see Attachment II-a). Various ramp locations were selected in accordance with the Curb Ramp Guidelines established in the City's Americans with Disabilities Act (ADA) Transition Plan. With these additional funds for FY 2018, the City can continue to upgrade existing accessible ramps to current standards or install new ramps at all the intersections in specific neighborhoods due to the success of the program in prior years. The proposed wheelchair ramp installations are in the Tennyson Road South and Winton Grove Thelma neighborhoods as shown in Attachment III. Fifty-five ramps will be installed to the latest ADA standards. For cost effectiveness, these ramp locations were chosen for their proximity to each other. Alameda County has provided a preliminary estimate of \$149,920 available in TDA Article 3 funds for the City of Hayward to construct the project. The TDA funds will be approved by MTC upon receipt of the City's final project application. The application materials were

submitted in May 2017 to the Alameda County Public Works Agency and the Alameda County Transportation Commission. The County Board of Supervisors is expected to review and approve all applications on June 23, 2017 and will submit the approved applications to MTC. Action by MTC is expected in August 2017, and the funds are anticipated to be available this fall.

FISCAL IMPACT

In the past, the City has supplemented TDA funds with Gas Tax funds, when needed; however, no match is required for this application. Thus, there is no impact to the City's General Fund or other funds.

SUSTAINABILITY FEATURES

Curb ramps will provide pedestrians (wheelchair users, users with baby strollers, etc.) convenient and safe access, thereby encouraging active modes of transportation and reducing vehicular trips and greenhouse gas emissions.

All material generated during demolition and construction will be sent to designated facilities for recycling. Recycled Portland Cement Concrete is specified for use as an aggregate base for any new concrete curb, gutter, ramps and sidewalk.

COMPLETE STREETS

This project is consistent with the City's Adopted Complete Streets Policy of providing safe and convenient access to all users of transportation facilities, in this case pedestrians and users with special needs.

PUBLIC CONTACT

Past installation of the ramps has been very well received by the public. The accessible ramp process stems from ongoing requests from the public to improve access to sidewalks for pedestrians with special needs.

Construction of accessible ramps will coincide with the City's sidewalk repair and rehabilitation projects scheduled for 2018. When a construction schedule is determined, property owners in the affected neighborhoods will be appropriately notified of the project schedule.

NEXT STEPS

Upon approval of the TDA funding and execution of the agreement with MTC, construction plans and specifications will be prepared for City Council's authorization to advertise for bids.

Prepared by: Abhishek Parikh, Senior Transportation Engineer

Recommended by: Morad Fakhrai, Director of Public Works

Approved by:



Kelly McAadoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 17-

Introduced by Council Member _____

RESOLUTION SUPPORTING SUBMISSION OF CLAIM TO THE METROPOLITAN TRANSPORTATION COMMISSION (MTC) FOR THE ALLOCATION OF FISCAL YEAR 2018 TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 PEDESTRIAN/BICYCLE PROJECT FUNDING FOR THE INSTALLATION OF WHEELCHAIR RAMPS

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 875, Revised, entitled "Transportation Development Act, Article 3, Pedestrian/Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of TDA Article 3 funding; and

WHEREAS, MTC Resolution No. 875, revised requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, per a recent revision to MTC's TDA Article 3 policies, the projects described in Attachment II-a have been reviewed by the Alameda County Transportation Commission's Bicycle and Pedestrian Advisory Committee prior to submitting the request to MTC; and

WHEREAS, the CITY OF HAYWARD desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Attachment II-a to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists.

NOW, THEREFORE, BE IT RESOLVED that the CITY OF HAYWARD declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code.

BE IT FURTHER RESOLVED, that there is no pending or threatening litigation that might adversely affect the project or projects described in Attachment II-a to this resolution, or that might impair the ability of the CITY OF HAYWARD to carry out the project.

BE IT FURTHER RESOLVED that the CITY OF HAYWARD attests to the accuracy of and approves the statements in Attachment II-b to this resolution.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute all related documents, including the acceptance and appropriation of such funds for the intended purpose.

BE IT FURTHER RESOLVED that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of Alameda County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2017

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

Resolution No. 17-

TDA Article 3 Project Application Form

Fiscal Year of this Claim: FY 18 Applicant: City of Hayward

Contact person: Abhishek Parikh

Mailing Address: 777 B Street, Hayward CA 94541

E-Mail Address: abhishek.parikh@hayward-ca.gov Telephone: 510-583-4791

Secondary Contact (in event primary not available) Mir Ali

E-Mail Address: Mir.ali@hayward-ca.gov Telephone: 510-583-4764

Short Title Description of Project: Installation of wheelchair ramps in the Tennyson Road S. and Winton Grove Thelma Neighborhood

Amount of claim: \$149,920

Functional Description of Project:
Installation of wheelchair ramps in the – Tennyson Road S. and Winton Grove Thelma area Neighborhood Neighborhoods in accordance with ADA requirements in order to provide greater mobility to disabled pedestrians, and to pedestrians using baby strollers and other wheeled carts.

Financial Plan:

List the project elements for which TDA funding is being requested (e.g., planning, environmental, engineering, right-of-way, construction, inspection, contingency, audit). Use the table below to show the project budget. Include prior and proposed future funding of the project. If the project is a segment of a larger project, include prior and proposed funding sources for the other segments.

Project Elements:

Funding Source	All Prior FYs	Application FY 18	Next FY	Following FYs	Totals
TDA Article 3	1,769,686	149,920	149,000	149,000	2,217,606
list all other sources:					
1.					
2.					
3.					
4.					
Totals	1,769,686	149,920	149,000	149,000	2,217,606

Project Eligibility:	YES?/NO?
A. Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated).	Yes
B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	Yes
C. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: http://www.dot.ca.gov).	n/a
D. Has the project been reviewed by a Bicycle Advisory Committee? (If "NO," provide an explanation).	n/a
E. Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction).	Yes
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) _____	Yes
G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: _____)	Yes

B. Yes, funding for installation of wheelchair ramps is an ongoing project.

D. No, since the project does not pertain to bicycles.

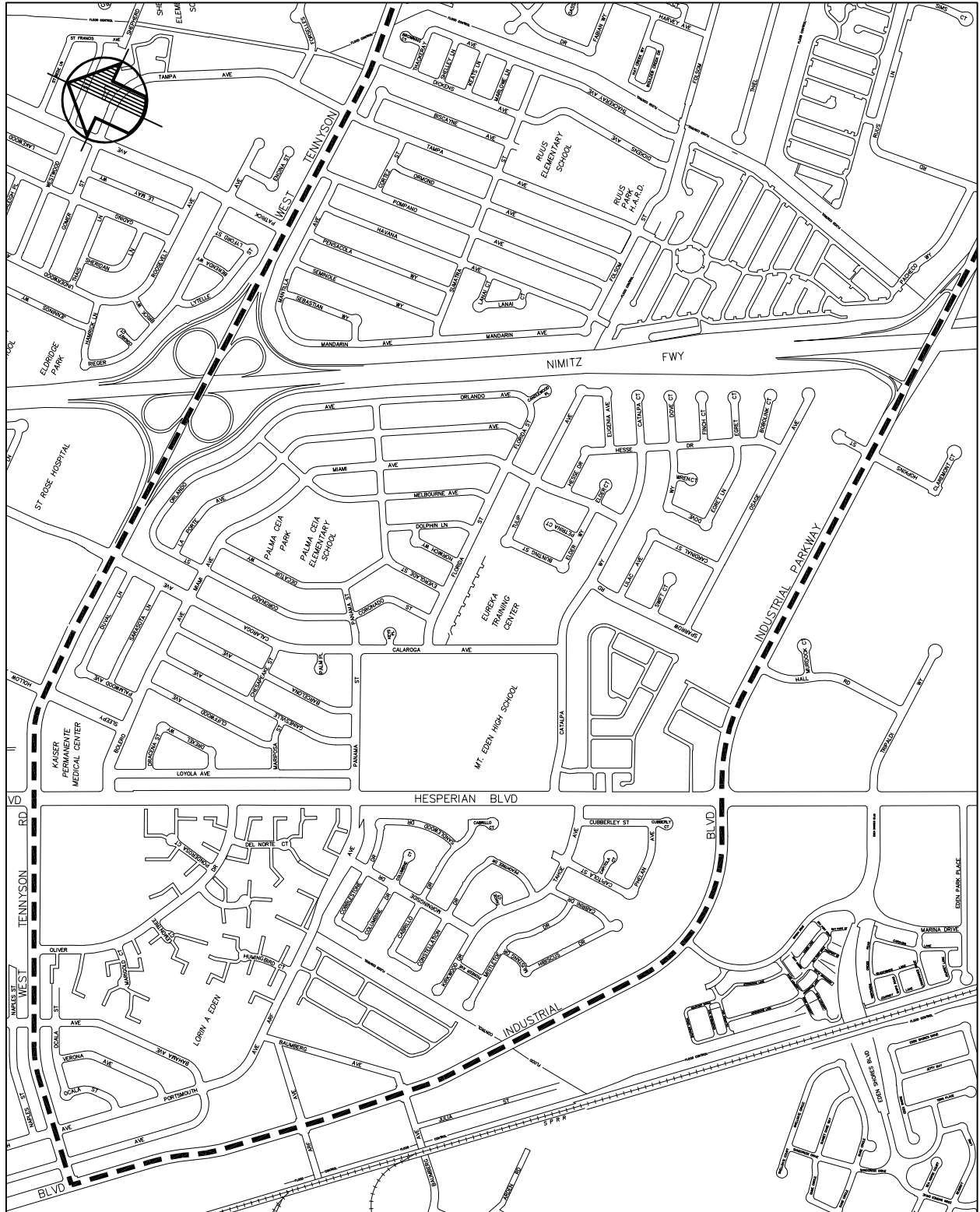
Resolution No. 17-_____

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2018
Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

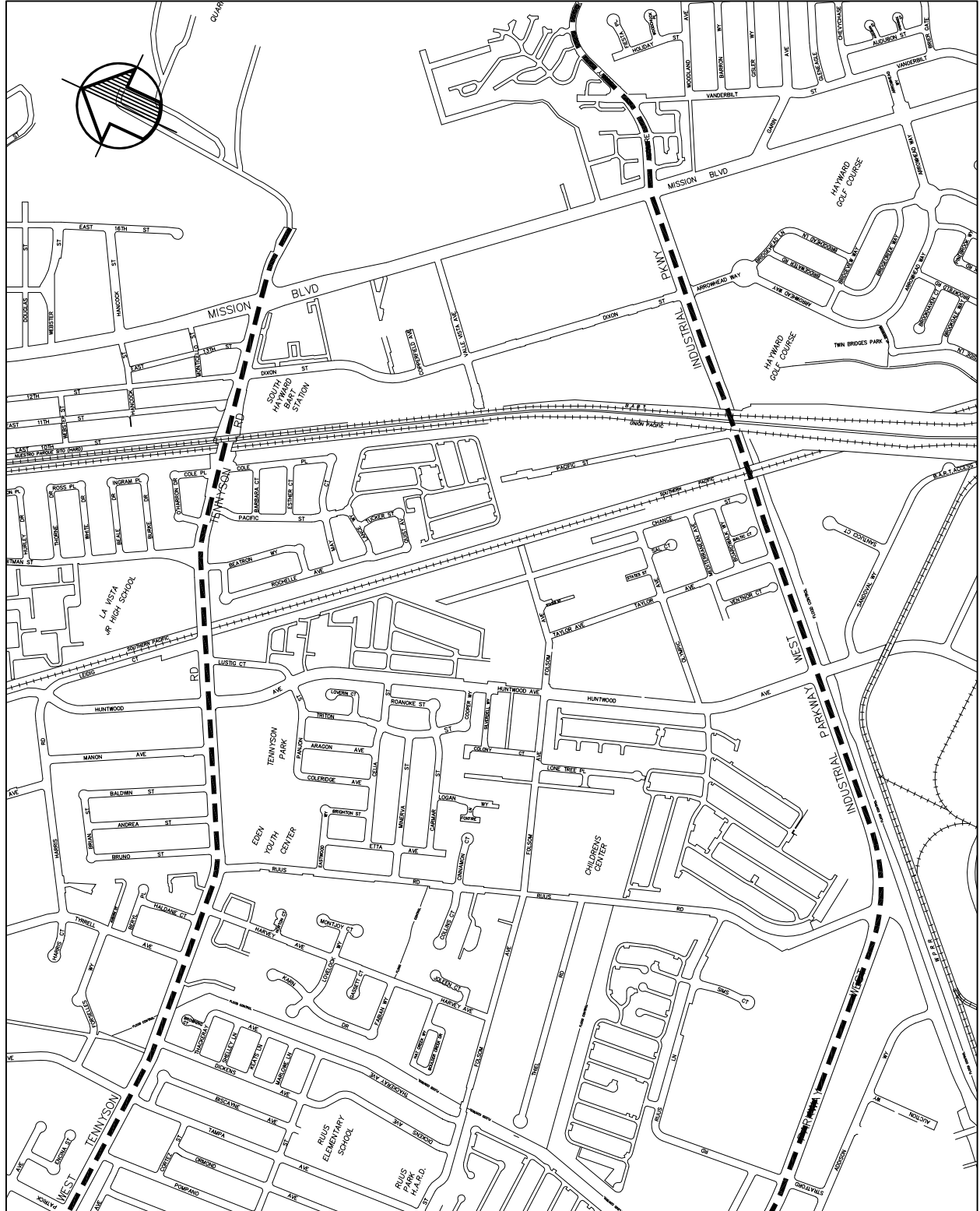
Findings

Page 1 of 1

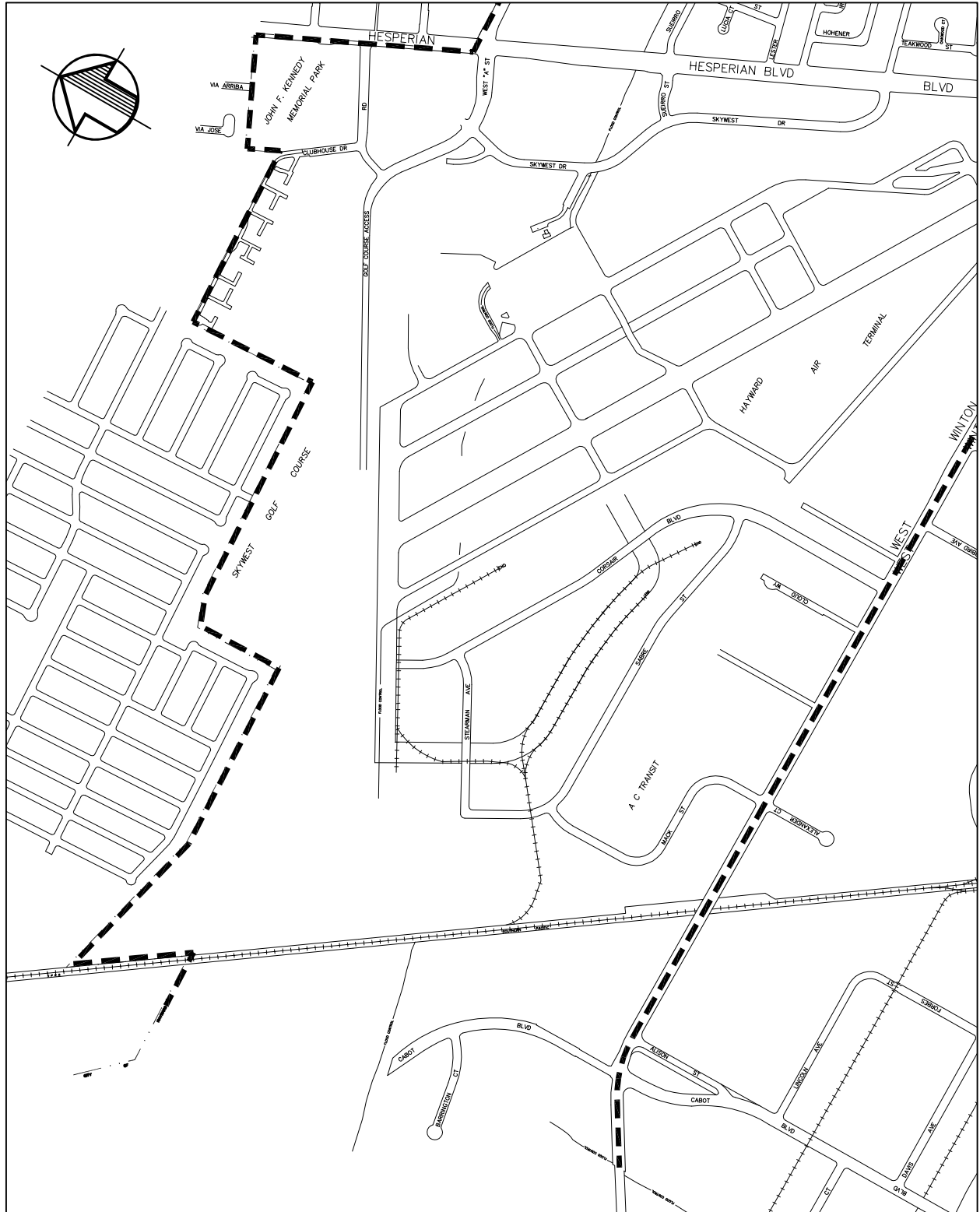
1. That the City of Hayward is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the City of Hayward legally impeded from undertaking the project(s) described in “Attachment I-a” of this resolution.
2. That the City of Hayward has committed adequate staffing resources to complete the project(s) described in Attachment I-a.
3. A review of the project(s) described in Attachment I-a has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment I-a have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in Attachment I-a comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment I-a, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Attachment I-a are for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the City of Hayward within the prior five fiscal years.
8. That the project(s) described in Attachment I-a is included in a locally approved bicycle, pedestrian, transit, multimodal, complete streets, or other relevant plan.
9. That any project described in Attachment I-a that is a bikeway meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project(s) described in Attachment I-a will be completed before the funds expire.
11. That the City of Hayward agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment I-a, for the benefit of and use by the public.



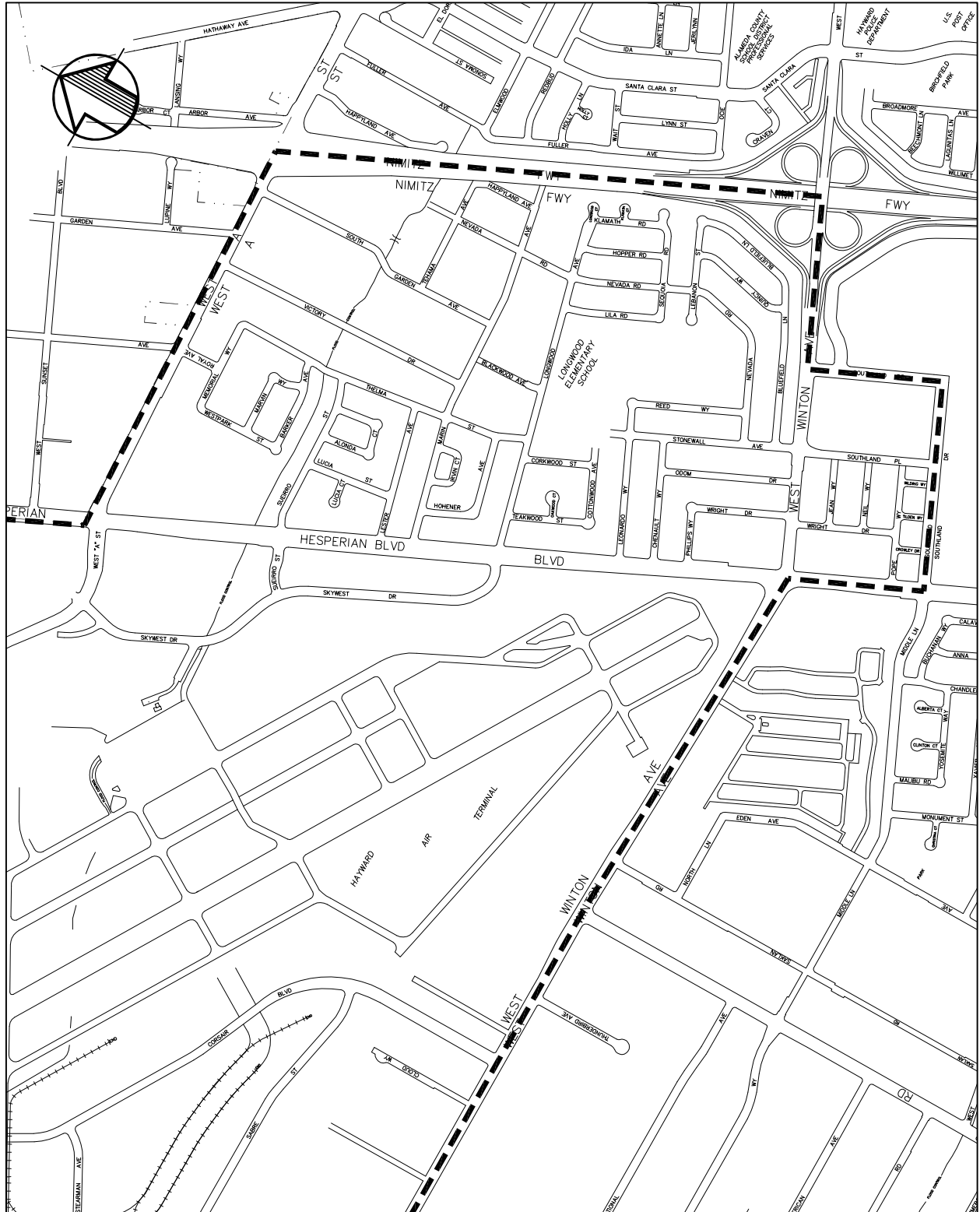
LOCATION MAP
WHEELCHAIR RAMPS FY18
DISTRICT NO. 6 - PROJECT NO. 05213



**LOCATION MAP
WHEELCHAIR RAMPS FY18
DISTRICT NO. 6 - PROJECT NO. 05213**



LOCATION MAP
WHEELCHAIR RAMPS FY18
DISTRICT NO. 9 - PROJECT NO. 05213



**LOCATION MAP
WHEELCHAIR RAMPS FY18
DISTRICT NO. 9 - PROJECT NO. 05213**



CITY OF HAYWARD

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

File #: CONS 17-358

DATE: June 13, 2017

TO: Mayor and City Council

FROM: Director of Library and Community Services

SUBJECT

Execution of Cooperation Agreement for FYs 18-20 Between the City of Hayward and the County of Alameda to Participate in the Alameda County HOME Consortium

RECOMMENDATION

That the City Council:

- 1) Adopts the attached resolution (Attachment I) authorizing the City Manager to execute the Cooperation Agreement (the Agreement) and all other implementing documents to enable the City of Hayward to participate in the Alameda County HOME Consortium.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution Authorizing Execution of the HOME Consortium Cooperation Agreement



DATE: June 13, 2017

TO: Mayor and City Council

FROM: Director of Library and Community Services

SUBJECT: Execution of Cooperation Agreement for FYs 18-20 Between the City of Hayward and the County of Alameda to Participate in the Alameda County HOME Consortium

RECOMMENDATION

That the City Council:

- 1) Adopts the attached resolution (Attachment II) authorizing the City Manager to execute the Cooperation Agreement (the Agreement) and all other implementing documents to enable the City of Hayward to participate in the Alameda County HOME Consortium.

BACKGROUND

Since 1991, the City of Hayward has been part of the Alameda County HOME Consortium (the Consortium), which includes Unincorporated Alameda County and the cities of Alameda, Fremont, Livermore, Pleasanton, San Leandro, and Union City. Hayward's participation in the Consortium has assured the City a total allocation of approximately \$11.4 million of federal HOME Investment Partnership funds since FY 1992.

HOME funds must be used for HOME-eligible housing assistance activities, including acquiring, rehabilitating, and constructing housing affordable to low-income households, as well as providing homebuyer and tenant-based rental assistance. HOME program regulations require that 100% of HOME funds be used to assist households with incomes at or below eighty percent (80%) of the area median income (AMI) adjusted for household size. The current Alameda County eighty percent of AMI income limit for a family of four is \$75,150.

DISCUSSION

The City's participation in the Consortium assures the City an annual allocation of HOME funds and alleviates the administrative burden of the funds. As the representative of the

Consortium, the County of Alameda acts as the lead member for administrative and federal reporting purposes and coordinates the production of the Consolidated Annual Performance and Evaluation Report (CAPER) required by the Department of Housing and Urban Development (HUD). Several other reporting activities are also carried out in a joint effort by the participating jurisdictions.

The overall objective of the program is to provide high-quality, sustainable affordable housing. In previous years, HOME funds were used to help finance the construction of the Glenn Berry and Sara Conner Court Apartments, the rehabilitation of Huntwood Commons and Tennyson Gardens Apartments, the acquisition and rehabilitation of Leidig Court Apartments, and the acquisition of Cypress Glen Apartments. Most recent HOME funding commitments include a \$775,000 loan for the Weinreb Place (aka Hayward Senior Housing II) affordable senior complex completed early in 2015, and a \$900,000 loan for the Alta Mira Affordable Family and Senior Apartments (aka the South Hayward BART affordable housing project) which opened in the fall of 2016. For almost nine years, funds have also been set aside to pay for rental subsidies for participants of Project Independence, a program that provides services and rental subsidies to emancipated youth (youth from 18 to 24 who have aged out of the foster care system).

Staff recommends that the City Council approve the continued participation in the Alameda County HOME Consortium for the next three federal fiscal years – October 1, 2017 through September 30, 2020. Future individual project funding commitments will come to the Council for approval.

ECONOMIC IMPACT

By making sure that its residents have access to decent, safe and sanitary housing, the City helps prevent homelessness and housing crises. These conditions are not only damaging to the physical, mental, and economic health of individuals and families, but have serious costs to the community as well. The costs to the community include the costs of providing emergency housing, mental health crisis services, emergency medical care, etc. Therefore, providing for affordable housing opportunities is an important part of an overall strategy to prevent homelessness and a goal of the City's Housing Element. Despite recent significant reductions by the federal government¹, HOME funding continues to be critical to further this goal to the extent that it must be used to acquire, rehabilitate, and construct affordable housing. This is especially important given the reduction or elimination of other sources of funding for affordable housing such as Redevelopment.

FISCAL IMPACT

Hayward's participation in the Consortium allows the City to receive an annual allocation of HOME program funds from HUD. The City's FY 2017 (federal fiscal year October 1st, 2016 to

¹ During the first part of the 2000's, Hayward's annual allocations averaged approximately \$550,000. Towards the later part of the 2000's, that average was almost \$500,000. Starting in 2010, the City's annual allocations have been reduced to about half that amount, as illustrated by the 2017 allocation noted in the Fiscal Impact section of this report.

September 30, 2017) allocation for project implementation is \$266,894. Ten percent (approximately \$27,000 in FY 2017) of the total allocation may be used to fund administrative expenses associated with the HOME program. Of the funds that may be used for administrative costs, 50% or approximately \$13,500 are retained by the County. The County acts as the lead administrative agency for the Consortium, providing administration and reporting on its behalf. The remainder of the HOME administrative fund allocation is used by the City to pay for a portion of the costs associated with the City's administration of ongoing and implementation of new HOME program activities.

SUSTAINABILITY FEATURES

To be competitive for the major sources of funding, affordable housing development proposals must be located near transit and include energy-efficient and sustainable features that exceed the applicable standards. These two are major criteria in the Low-Income Housing Tax Credit Program, for example.

The requirement to include energy-efficient and sustainable features is intended to guarantee that affordable developments are financially viable for the long term. Energy-related savings are essential to achieve that long-term viability – besides guaranteeing that the housing expenses of tenants are low or minimal.

Additionally, as housing becomes increasingly unaffordable, many households are forced to move out of their communities and, as they move farther away, they have to spend a larger part of their incomes on transportation while adding further pressure to the already congested system of roads and freeways. Thus, the requirement to be located near transit helps reduce traffic congestion and frees up income of very low and extremely low income households to pay for other expenses such as education, childcare, and food. Therefore, to the extent that HOME and other local moneys will help Hayward affordable housing projects or program proposals compete for and/or leverage other sources of funding, this would help: a) reduce area traffic impacts, and b) achieve other local sustainability goals.

PUBLIC CONTACT

This is a standard three-year Agreement, purely administrative in nature, allowing the City to participate in the Alameda County HOME Consortium. This contract does not commit any funding to projects. Neither HUD nor the County requires a public hearing or other public contact for this Agreement. Therefore, this Council resolution comprises the first and only required public contact for this Agreement.

NEXT STEPS

Project-related funds will be used for HOME-eligible housing-assistance activities. Future commitments and appropriation of those funds for such activities will require Council approval. Staff will later return to Council to recommend the allocation of HOME funds to eligible housing projects or programs when they are identified. No projects or programs have been identified for this Agreement term.

Upon execution by the City Manager, the Agreement will be sent to the County for execution. The County will forward the signed Agreement to HUD's headquarters.

Prepared by: Omar Cortez, Housing Development Specialist

Recommended by: Sean Reinhart, Director of Library and Community Services

Approved by:

A handwritten signature in black ink, appearing to read 'Kelly McAdoo', written in a cursive style.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 17-

Introduced by Council Member _____

A RESOLUTION AUTHORIZING THE CONTINUED PARTICIPATION OF THE CITY OF HAYWARD IN THE ALAMEDA COUNTY HOME CONSORTIUM FOR HOME FUNDS AND AUTHORIZING EXECUTION OF THE NECESSARY DOCUMENTS TO MAINTAIN THE ELIGIBILITY OF THE CONSORTIUM FOR HOME PROGRAM FUNDS IN ACCORDANCE WITH THE NATIONAL AFFORDABLE HOUSING ACT OF 1990.

WHEREAS, the Congress of the United States has enacted the Cranston-Gonzalez National Affordable Housing Act of 1990 and Federal regulations have been adopted pursuant thereto, hereinafter called the "Act"; and

WHEREAS, Title II of the Act creates the HOME Investment Partnership Program hereinafter called "HOME," that provides funds to participating jurisdictions for acquisition, rehabilitation, new construction of affordable housing, homebuyer and tenant-based rental assistance; and

WHEREAS, the Act allows local governments to form consortia for the purpose of receiving and administering HOME funds and carrying out purposes of the Act; and

WHEREAS, the cities of Alameda, Fremont, Hayward, Livermore, Pleasanton, San Leandro and Union City have expressed their interest in joining with the Alameda County Urban County (consisting of the cities of Albany, Dublin, Emeryville, Newark, Piedmont, and the unincorporated County) to continue in the Alameda County HOME Consortium for federal fiscal years 2018, 2019 and 2020;

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

Section 1. The above recitals are true and correct.

Section 2. The City Council of the City of Hayward hereby authorizes the continued participation of the City of Hayward in the Alameda County HOME Consortium.

Section 3. The City Council of the City of Hayward hereby authorizes the City Manager to execute the necessary documents to maintain the eligibility of the Consortium for HOME program funds in accordance with the National Affordable Housing Act of 1990.

Section 4. This resolution shall take effect immediately upon its adoption.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2017

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

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

File #: PH 17-055

DATE: June 13, 2017

TO: Mayor and City Council

FROM: Library and Community Services Director

SUBJECT

Public TEFRA Hearing as Required by the Internal Revenue Code of 1986, and Adoption of a Resolution Authorizing the Issuance of Bonds by the California Statewide Communities Development Authority for the Maple and Main Apartments

RECOMMENDATION

That Council:

1. Conducts a public hearing to consider the issuance Tax-Exempt Multifamily Housing Revenue Bonds by the California Statewide Communities Development Authority (the "Authority") to assist in the financing of the Maple and Main Apartments.
2. Adopts the attached resolution approving the issuance by the Authority of Tax-Exempt Multifamily Housing Revenue Bonds for purposes of Section 147 (f) of the Internal Revenue Code of 1986.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Abbreviations Used in the Report



DATE: June 13, 2017

TO: Mayor and City Council

FROM: Library and Community Services Director

SUBJECT: Public TEFRA Hearing as Required by the Internal Revenue Code of 1986, and adoption of a Resolution Authorizing the Issuance of Bonds by the California Statewide Communities Development CSCDA for the Maple and Main Apartments

RECOMMENDATION

That Council:

1. Conducts a public hearing to consider the issuance Tax-Exempt Multifamily Housing Revenue Bonds by the California Statewide Communities Development Authority ("CSCDA") to assist in the financing of the Maple and Main Apartments.
2. Adopts the attached resolution approving the issuance by CSCDA of Tax-Exempt Multifamily Housing Revenue Bonds for purposes of Section 147 (f) of the Internal Revenue Code of 1986.

BACKGROUND

The Maple and Main Apartments is a 240-unit mixed-income multifamily rental housing development located at 22330 Main Street, Hayward, California (the "Project"). The Project, located on 3.93-acre site generally bounded by A Street, Main Street, McKeever Avenue and Maple Court (the "Site"), is part of a larger redevelopment effort of the Site by the owner, Bay Area Property Developers, LLC (the "Developer"). In addition to the apartments, the redevelopment of the Site will also include 5,500 square feet of ground floor retail space along Main Street. Plans also include comprehensive façade and interior upgrades to 48,000 square feet of an existing office building. The City Council approved the discretionary approvals for the redevelopment of the Site and Project on February 7, 2017.

The City has adopted an Affordable Housing Ordinance that requires residential development projects of twenty or more units to mitigate their impact on the need for affordable housing in Hayward by contributing to the production of homes that are affordable to extremely low-, very low-, and moderate-income households (the "AHO", Hayward Municipal Code Article 17). To comply with the AHO, the Developer offered and agreed to construct forty-eight units

(20% of the total units in the Project) to be affordable and rented to very low-income households - households earning 50% of the Area Media Income (AMI) or less¹. As required by the AHO and the Project financing sources, the Developer will record long-term deed restrictions on the forty-eight units to ensure that they remain affordable to income-eligible households for fifty-five years. The financing for the Project includes Low Income Housing Tax Credits (LIHTCs) and Tax-Exempt Multifamily Housing Revenue Bonds (“Bonds”).

DISCUSSION

CSCDA was created in 1988, under California’s Joint Exercise of Powers Act, to enable local government and eligible private entities access to low-cost, tax-exempt financing for projects that provide a tangible public benefit, contribute to social and economic growth and improve the overall quality of life in local communities throughout California. CSCDA is comprised of more than 500 members, including the City of Hayward. CSCDA has issued more than \$57 billion through 1,500+ financings since 1988 and consistently ranks in the top ten of more than 3,000 nationwide public issuers of tax-exempt debt, as measured by annual issuance amount.

Main & Maple Apartments, L.P., (the “Borrower”), the ownership partnership newly created so the Developer is able to obtain the tax credits, pursuant to the LIHTC program, has requested that CSCDA serve as the municipal issuer of the Bonds in an aggregate principal amount not to exceed \$110,000,000. The proceeds of the Bonds will be used to make a loan to the Borrower, to enable the Borrower to finance the acquisition, construction, and development of the Project, as defined above.

To issue the Bonds, the Borrower and CSCDA need to submit an application for an allocation of the State’s ceiling of private activity bonds to the California Debt Limit Allocation Committee (CDLAC). CSCDA and the Borrower filed the application with CDLAC on this date, June 13, 2017. CDLAC’s rules also require that the jurisdiction in which the bond-financed project is located adopt a resolution approving the issuance of the bonds by the issuing entity (CSCDA in this case) to comply with the Tax Equities and Fiscal Responsibility Act of 1982 (TEFRA).

Another requirement of tax-exempt bond financing is that the City must conduct a public hearing (the “TEFRA Hearing”) to provide the members of the community an opportunity to comment on the use of tax-exempt bonds to finance the Project. The TEFRA Hearing must be noticed in a newspaper of general circulation two weeks before the hearing. Following the TEFRA Hearing, the “applicable elected representatives” of the jurisdiction where a project to be financed with “private activity bonds” is located, must adopt the resolution approving the issuance of such bonds by the issuing entity. The City Council is being asked to hold such public hearing which was noticed in the Daily Review on May 26.

¹ The current Alameda County 50% of AMI income limit for a family of four is \$48,750.

ECONOMIC IMPACT

To assess the potential economic benefits of the redevelopment of the Site, the Developer commissioned a study which was conducted by The Concord Group and completed in November 2016 (the “Study”). One of the key findings of the Study² states that the new 240 housing units and the projected population of 440 residents is estimated to contribute more than \$1.9 million annually to Hayward retail establishments, generating \$19,000 in retail sales tax revenue. The Study also estimated new property tax revenues of more than \$270,000 annually once the redevelopment of the Site is completed.

The inclusion of 20% of the total number of homes as affordable in the Project will also help the City alleviate the local housing affordability crisis by providing forty-eight permanent homes restricted for occupancy by very low-income households intermingled with the market-rate units, thereby promoting socio-economic integration.

The creation of this mixed-income housing project will also help the City achieve several of its Housing Element (“HE”) goals and objectives, by facilitating the creation of transit-oriented, sustainable and close-to-services housing for families (objectives 3.2, 3.3, and 3.4 of the HE, respectively), while also helping the City meet its Regional Housing Needs Allocation (RHNA) affordable production targets.

Last but not least, the creation of the affordable units could present funding opportunities for the City through State programs that reward the creation or substantial rehabilitation of affordable housing such as the State Department of Housing and Community Development Department’s Housing-Related Parks program, through which the City was recently awarded approximately \$1.1 million.

FISCAL IMPACT

The Bonds will be issued by the Authority – not the City. As a consequence, the Bonds will not constitute an indebtedness or obligation of the City. The faith and credit or any taxing power of the City will not be pledged to the payment of the principal or interest on the Bonds and the City will not be liable or obligated to pay the principal or interest on the Bonds. The Bonds will be special, limited obligations of the Borrower payable solely from the loan repayments made by the Borrower. Finally, the Borrower will reimburse the City for all costs in connection with this TEFRA Hearing, including staff time required for the preparation of this report.

SUSTAINABILITY FEATURES

As approved by the Planning Commission and the City Council, the redevelopment of the Site and Project are subject to the 2016 California Building Standards Code (California Code of

² For a more detailed list of the Study findings, see the Economic Benefits section of the staff report for the Planning Commission meeting held on December 15, 2016. The report may be found by clicking the following link:

[CITY OF HAYWARD - File #: PH 16-115](#)

Regulations, Title 24, the “Code”) that became effective on January 1, 2017 and which will have higher energy efficiency standards than the current 2013 codes. The residential building will be GreenPoint rated. A related condition of approval requires that such rating exceeds the requirements of the Code in the areas of energy efficiency, water conservation, air quality, and materials preservation. A more detailed list of the sustainability features of the Project is included in the staff report referred to in footnote 1.

PUBLIC CONTACT

The extensive public outreach that led to the approval by Council of the Project and redevelopment of the Site included:

- Mailing of notices of receipt of the use permit application to property owners, businesses, and tenants within a 300-foot radius of the Site.
- Meetings with members of the Prospect Hill Neighborhood Association.
- Mailing of a Notice of Intent to Adopt a Mitigated Negative Declaration to interested parties and all property owners within a 300-foot radius of the Site.
- Publication in the Daily Review on November 11, 2016 of the Planning Commission Public Hearing for approval of the Project and redevelopment of the Site’s Conditional Use Permit and Site Plan Review.
- Public Hearing for approval of the Site’s Conditional Use Permit and Site Plan Review held by the Planning Commission on December 15, 2016.
- Denial of the Hayward Area Planning Association’s appeal of the Planning Commission’s approval on December 15, 2016 and approval of the Project and redevelopment of the Site by the City Council on February 7, 2017.

In addition to the above public outreach process, notice of this public hearing was published by the Developer in the Daily Review on May 26, as required by TEFRA.

NEXT STEPS

If Council holds the TEFRA hearing and approves the adoption of the attached resolution, no other Council action will be required for the Borrower to both receive the allocation of the State’s ceiling of private activity bonds from CDLAC (if the application is successful) and issue the Bonds.

Prepared by: Omar Cortez, Housing Development Specialist

Recommended by: Sean Reinhart, Library and Community Services Director

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY OF MULTIFAMILY HOUSING REVENUE BONDS FOR THE MAPLE & MAIN APARTMENTS

WHEREAS, the California Statewide Communities Development Authority (the "Authority") is authorized pursuant to the provisions of California Government Code Section 6500 et seq. and the terms of an Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the "Agreement"), among certain local agencies throughout the State of California, including the City of Hayward (the "City"), to issue revenue bonds in accordance with Chapter 7 of Part 5 of Division 31 of the California Health and Safety Code for the purpose of financing multifamily rental housing projects; and

WHEREAS, Hayward Maple & Main Apartments, L.P. (the "Borrower") or related entities, has requested that the Authority adopt a plan of financing providing for the issuance of multifamily housing revenue bonds (the "Bonds") in one or more series issued from time to time, including bonds issued to refund such revenue bonds in one or more series from time to time, and at no time to exceed \$110,000,000 in outstanding aggregate principal amount, to finance the acquisition, construction and development of a 240-unit multifamily rental housing project located at 22330 Main Street, Hayward, California, generally known as Maple & Main Apartments (the "Project") and operated by Alliance Residential; and

WHEREAS, the Bonds or a portion thereof will be "private activity bonds" for purposes of the Internal Revenue Code of 1986 (the "Code"); and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, private activity bonds are required to be approved by the "applicable elected representative" of the governmental units on whose behalf such bonds are expected to be issued and by a governmental unit having jurisdiction over the entire area in which any facility financed by such bonds is to be located, after a public hearing held following reasonable public notice; and

WHEREAS, the members of this City Council (this "City Council") are the applicable elected representatives of the City of Hayward (the "City"); and

WHEREAS, there has been published, at least 14 days prior to the date hereof, in a newspaper of general circulation within the City, a notice that a public hearing regarding the Bonds would be held on a date specified in such notice; and

WHEREAS, such public hearing was conducted on such date, at which time an opportunity was provided to interested parties to present arguments both for and against the issuance of the Bonds; and

WHEREAS, the Authority is also requesting that the City Council approve the issuance of any refunding bonds hereafter issued by the Authority for the purpose of refinancing the Bonds which financed

the Project (the “Refunding Bonds”), but only in such cases where federal tax laws would not require additional consideration or approval by the City Council; and

WHEREAS, it is intended that this resolution shall constitute the approval of the issuance of the Bonds required by Section 147(f) of the Code and Section 9 of the Agreement;

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

Section 1. The above recitals are true and correct.

Section 2. The City Council hereby approves the issuance of the Bonds and the Refunding Bonds by the Authority. It is the purpose and intent of the City Council that this resolution constitute approval of the Bonds for the purposes of (a) Section 147(f) of the Code and (b) Section 9 of the Agreement.

Section 3. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing approved hereby.

Section 4. This resolution shall take effect immediately upon its passage.

IN COUNCIL, HAYWARD, CALIFORNIA, June 13, 2017.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

Abbreviations Used in the Report

AHO:	Affordable Housing Ordinance (Hayward Municipal Code Article 17)
AMI:	Area Median Income
Bonds:	Tax-Exempt Multifamily Housing Revenue Bonds
Borrower:	Main & Maple Apartments, L.P., the limited partner created pursuant to the LIHTC program for the Project to be able to receive the LIHTCs
CDLAC:	California Debt Limit Allocation Committee
The Code:	2016 California Building Standards Code (California Code of Regulations, Title 24)
CSCDA:	California Statewide Communities Development Authority
Developer:	Bay Area Property Developers, LLC
HE:	2015-2023 Housing Element of the City of Hayward
LIHTC or tax credits:	Low Income Housing Tax Credits
Project:	The Maple and Main Apartments, a 240-unit mixed-income multifamily rental housing development located at 22330 Main Street
RHNA:	Regional Housing Needs Allocation
Site:	3.93-acre site generally bounded by A Street, Main Street, McKeever Avenue and Maple Court where the Project is located
Study:	Study conducted by The Concord Group and commissioned by the Developer to assess the potential economic benefits of the redevelopment of the Site
TEFRA:	Tax Equities and Fiscal Responsibility Act of 1982
TEFRA Hearing:	Public hearing to solicit input from the community regarding issuance of Bonds. This hearing is necessary to comply with the Tax Equities and Fiscal Responsibility Act of 1982



CITY OF HAYWARD

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

File #: WS 17-032

DATE: June 13, 2017

TO: Mayor and City Council

FROM: City Manager

SUBJECT

Review of Draft Strategic Initiative Two-Year Action Plans: Complete Streets, Complete Communities, and Tennyson Corridor

RECOMMENDATION

That Council reviews and provides feedback on the draft Strategic Initiatives Two-Year Action Plans for Complete Streets, Complete Communities, and the Tennyson Corridor

ATTACHMENTS

- Attachment I Staff Report
- Attachment II Complete Streets Goals and Objectives
- Attachment III Complete Streets Two-Year Action Plan
- Attachment IV Complete Communities Goals and Objectives
- Attachment V Complete Communities Two-Year Action Plan
- Attachment VI Tennyson Corridor Goals and Objectives
- Attachment VII Tennyson Corridor Two-Year Action Plan



DATE: June 13, 2017

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Review Draft Strategic Initiative Two-Year Action Plans: Complete Streets, Complete Communities, and Tennyson Corridor

RECOMMENDATION

That Council reviews and provides feedback on the draft Strategic Initiatives Two-Year Action Plans for Complete Streets, Complete Communities, and the Tennyson Corridor.

SUMMARY

The City Council has four guiding priorities that guide City action: Safe, Clean, Green, and Thrive. These overarching priorities emphasize the City Council's vision for the Hayward community and have done so for several years.

In November 2016, the City Council held a Council priority setting retreat where they identified three strategic initiatives for the next two years: Complete Streets, Complete Communities and Tennyson Corridor. These strategic initiatives will help the Council, the community, and staff identify clear actions towards the accomplishment of the Council's priorities. In March 2017, the City Manager established three interdepartmental strategy teams representing most, if not all, City departments to develop two-year action plans to further advance these strategic initiatives.

The two-year action plans detail each strategic initiative's goals, objectives, and performance measures. Status updates will be routinely presented to the Council on a biannual basis and to the City Management Team on a quarterly basis, affording the City Council and Management Team to track progress and identify any issues hindering the implementation of these plans.

BACKGROUND

At the November 2016 City Council retreat with the City Manager, several members of the City's Executive Team, and the Novak Consulting Group, goals and priorities for the upcoming year were established. While the retreat provided an opportunity to identify new initiatives, it also allowed Council to align and reprioritize existing initiatives within the framework of guiding priorities previously identified: to make Hayward a Safe, Clean, Green and Thriving community. The three strategic initiatives are: Complete Streets/Traffic Safety; Complete Communities (including affordable housing); and the Tennyson Corridor.

Complete Streets

Over the years, Council has taken several actions to develop policy that ensures the City builds streets that are safe, convenient for travel, regardless of age or ability and that accommodate motorists, pedestrians, bicyclists, and public transportation riders. The [Hayward 2040 General Plan](#) includes Goal Mobility-3, to provide Complete Streets, designed to balance the diverse needs of users of the public right-of-way. Per the General Plan, careful planning and coordinated development of complete streets infrastructure can provide long-term cost savings for the City by reducing road construction, repair and maintenance costs, expanding the tax base, improving public health by encouraging active lifestyles, ensuring roadway safety for all modes of transportation, providing economic benefits to property owners and businesses, and decreasing pollution through the reduced reliance on single occupancy vehicles for transportation.

On March 19, 2013, the City Council adopted Resolution No. 13-027, supporting a city-wide Complete Streets Policy to support design and development of a comprehensive, integrated transportation network to allow for safe, convenient travel along and across streets for all users.

On February 28, 2017, the City Council held a [work session](#) to provide further direction on the Complete Streets initiative and to discuss the Central Alameda County Complete Streets Implementation Project. At that meeting, the Council directed staff to prioritize safety and adopt programs that would encourage people to consider alternative modes of transportation.

On April 26, 2017, the Council Infrastructure Committee reviewed and provided feedback on the draft Complete Streets two-year action plan.

Complete Communities

On [February 28, 2017](#), the Council held a work session to discuss the Complete Communities strategic initiative and provided staff further direction related to this initiative. The minutes from that work session reflect Council's comments on the Complete Communities Initiative:

“Incentivize the inclusion of affordable housing in developments; require inclusionary housing in developments; there was some reservation about accessory dwelling units for single-family houses; place more emphasis on growth through education opportunities and aging in place; leverage emerging development opportunities that stimulate completing community components; create balanced developments that have housing, recreation use, commercial use, affordable housing, and attractive elements among others; create tools to encourage mixed-use developments; consider increasing the affordable housing in-lieu fee; have a commercial requirement for housing developments and for smaller developments; consider an economic development in-lieu fee that could be used to subsidize needed services; require a public art component for housing developments; require contributions toward

shuttles in certain areas; require rental properties to have unbundling parking; consider open space requirements; restrict services that are not healthy for the neighborhoods; minimize housing displacement and encourage home ownership; ensure that all neighborhoods are given fair and equal attention; update the Zoning Ordinance and Subdivision Ordinance to help achieve complete communities; and build a sense of completeness in older neighborhoods.”

In addition, the Council held a work session on [January 31, 2017](#) to discuss a variety of policy issues related to affordable housing. Staff has taken many of the comments from Council during that work session and created the housing subsection of the Complete Communities action plan.

In an effort to identify community-focused goals, actions and policies that could meet City Council’s directive and assist in making the City of Hayward a complete community, staff reviewed the implementation strategies of the adopted General Plan, which provide a fairly significant number of programs to support the Initiative. The [Hayward 2040 General Plan](#), adopted in July 2014, is the City’s overarching planning document and provides a blueprint for growth and development by setting citywide land use policy. The General Plan outlines goals, policies and implementation programs that are aligned with the Community Vision for the City, which states:

“Hayward will be a distinct and desirable community known for its central Bay Area location, vibrant Downtown, sustainable neighborhoods, excellent schools, robust economy, and its growing reputation as a great college town. With a variety of clean, safe, and green neighborhoods, and an accessible network of parks and natural open space, Hayward will be home to one of the most diverse, inclusive, educated, and healthy populations in the Bay Area. It will be a destination for life-long learning, entertainment, arts and culture, recreation, and commerce. It will be a community that values diversity, social equity, transparent and responsive governance, civic engagement, and volunteerism. Hayward will be a thriving and promising community that individuals, families, students, and businesses proudly call home.”

The vision for the future of Hayward is in pure essence the definition of a Complete Community. While the General Plan offers up a 25-year timeline to achieve that Vision, the Draft Complete Communities Strategic Initiative Action Plan tries to focus on what items can specifically be accomplished within the next two years.

Tennyson Corridor

On [April 11, 2017](#), the City Council received an initial report on the Tennyson Corridor and provided comments. The overarching themes of Councilmember comments were pedestrian and cyclist safety, community appearance, and placemaking. In addition, several Councilmembers discussed resident services and the need to closely collaborate with Tennyson’s numerous non-profit and religious organizations. Finally, most Councilmembers expressed a desire to create a “concept plan” for the Corridor at some point in the near future.

On June 5, 2017, staff presented the draft two-year action plan to the Council Economic Development Committee.

DISCUSSION

Each of the strategic initiative two-year action plans identifies goals and objectives to be completed over the next two years and identifies specific performance measures to gauge the successful implementation of the plans. The draft plans were developed by the Complete Streets Interdepartmental Strategy Team, Complete Communities Interdepartmental Strategy Team, and the Tennyson Corridor Interdepartmental Strategy Team, each comprised of staff members and Executive Coaches, representing most, if not all, City departments.

Complete Streets Strategic Initiative

The overarching purpose of this Complete Streets strategic initiative two-year action plan is to build streets that are safe, comfortable, and convenient for travel for everyone, regardless of age or ability, including motorists, pedestrians, bicyclists, and public transportation riders.

The three goals identified in the Complete Streets strategic initiative two-year action plan are:

1. prioritizing safety for all modes of travel;
2. providing complete streets that balance the diverse needs of users of the public right-of-way; and
3. maintaining sufficient funding to provide for existing and future transportation facility and service needs.

For Goal 1, “prioritize safety for all modes of travel,” three objectives have been identified: These include the following:

- Objective 1: Reduce number of fatal and non-fatal traffic accidents in the City through engineering evaluation of major intersections and corridors.
- Objective 2: Reduce speeding and aggressive driving behavior through the 4 E’s - Education, Enforcement, Empowerment and Engineering.
- Objective 3: Ensure that roadway construction and retrofit programs and projects include complete streets elements.

Four performance measures are identified to ensure the goal is met. These include:

1. Reduction in average speed at specific locations measured annually
2. Completion of Tennyson Road Feasibility Study
3. Completing of Hayward Blvd Traffic Calming and Safety Concept Plan
4. Completion of a Complete Streets Inventory Baseline

The two-year action plan provides further detail related to the proposed action steps staff will take to meet these goals and objectives. Staff proposes to complete various studies that range from identifying existing safety issues, developing tools to address safety issues, and

developing conceptual projects with complete streets elements for subsequent implementation in the future as funding becomes available.

The studies described in the two-year action plan will identify and develop individual projects that may range from small projects like intersection improvements to large projects such as corridor improvements. As these projects get funded and implemented, their performance will be measured against additional performance measures including percentage reduction in fatal and non-fatal accidents to evaluate if the overall goal of prioritizing safety for all modes of travel and associated objectives identified in the Action Plan have been met.

For Goal 2, “provide complete streets that balance the diverse needs of users of the public right-of-way,” the following objective has been identified:

Objective 1: Increase walking, biking, transit usage, carpooling and other sustainable modes of transportation by designing and retrofitting streets to accommodate all modes.

Six performance measures associated with this Complete Streets strategic goal are identified as follows:

1. Report number of complete streets improvements:
 - a) Miles of new or replaced sidewalks
 - b) Miles of new bike lanes
 - c) Number of new or enhanced crosswalks
 - d) Number of new curb ramps
 - e) Number of new or upgraded streetlights
 - f) Miles of repaired or repaved roadways

Goal 2 focuses on planning, developing, and implementing a complete street network that meets the needs for all users. The tasks proposed to achieve this goal are generally oriented towards developing long term visioning documents that will guide the implementation of capital projects and help achieve the objectives identified above. Other tasks that focus on policy, staff training as well as existing CIP programs that fund improvements for complete streets elements have also been proposed.

For example, modal priority and multi-modal level of service (LOS) policies will help inform long term planning documents like Bicycle and Pedestrian Masterplans. These planning documents will identify priority corridors for such facilities and direct resources towards implementation of such projects.

For Goal 3, to “maintain sufficient funding to provide for existing and future transportation facility and service needs, including the operation and maintenance of the transportation system,” two objectives are identified as follows:

- Objective 1: Establish a sustainable funding mechanism and dedicated funding source to build a complete streets network.
- Objective 2: Develop and implement best practices related to ongoing maintenance of complete streets facilities.

The performance measure identified to monitor success in achieving this goal is:

1. Percentage of funding provided by grants

Goal 3 identifies the need for developing a funding plan and a maintenance plan, both of which would require significant financial and staff resources. Staff recommends a series of tasks to identify dedicated and competitive (grants) funding sources for complete street projects. Additionally, to meet the objective of the first two goals, it is critically important to develop a maintenance plan and budget for the increased maintenance costs of complete streets projects.

Complete Communities Strategic Initiative

The overarching purpose of the Complete Communities strategic initiative two-year action plan 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 for all.

The three goals identified in the Complete Communities two-year action plan are:

1. Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods;
2. Provide a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources; and
3. Develop a regulatory toolkit for policy makers.

For Goal 1 (Improve Quality of Life), the team identified the following five objectives:

- Objective 1: Increase neighborhood safety and cohesion
- Objective 2: Foster a sense of place and support neighborhood pride
- Objective 3: Increase collaboration with businesses, non-profits and neighborhood groups on placemaking projects
- Objective 4: Create resilient and sustainable neighborhoods
- Objective 5: Actively value diversity and promote inclusive activities

Additionally, there are four performance measures associated with this goal:

1. Percentage change in concentration and distribution of neighborhood/business participation (GIS Heat Mapped)
2. Percentage change in Homework Support centers and Literacy Program participation/improvement
3. Percentage change in clients served through Community Agency Funding process

4. Percentage change of employees answering positively to the Employee Engagement Survey question “My workplace prioritizes equitable and socially just principals and policies” and “The organization understands and appreciates differences among employees

The two-year action plan provides further detail related to the proposed action steps staff will take to meet these goals and objectives. Staff proposes to maintain and enhance existing City efforts and programs that aim at creating a safe environment as well as a sense of place throughout the City including maintaining programs such as Neighborhood Watch, Coffee with a Cop, National Night Out as well as supporting neighborhood events. Other efforts include the creation of new policies such as a Public Art Ordinance to assist with placemaking and an update to the Comprehensive Emergency Response Plan and adoption of the Soft-Story Ordinance to address neighborhood and housing resiliency.

For Goal 2 (Housing), the team identified the following four objectives:

- Objective 1: Centralize and expand housing services
- Objective 2: Facilitate the development of diverse housing types that serve the needs of all populations
- Objective 3: Conserve and improve the existing housing stock
- Objective 4: Increase supply of affordable, safe, and resilient housing in Hayward

There are three performance measures associated with this goal, which include the following:

1. Annual increase in affordable housing units created in conformance with the RHNA
2. Percentage change in eligible housing units assisted through Housing Division programs
3. Percentage of new housing developments with inclusionary units

Goal 2 focuses on improving the mix of housing stock that meets the needs for all members of the community. A primary task proposed to achieve this goal is the creation of a centralized Housing Division that can focus its efforts on maintaining existing housing stock and minimizing displacement while seeking funding opportunities to expand those options. Other tasks focus on policy development such as regulations for Accessory Dwelling Units and updating the Affordable Housing Ordinance.

For Goal 3 (Regulatory Toolkit), the team identified three objectives:

- Objective 1: Update, streamline, and modernize zoning and codes
- Objective 2: Identify and design appropriate in-lieu fees to provide community amenities
- Objective 3: Develop and refine other regulatory tools

There are four performance measures associated with this goal, which include the following:

1. Percentage change of eligible projects that implement the Complete Communities checklist

2. Percentage change of eligible properties submitting ADU permit applications
3. Percentage change of investment/tenancy resulting from new allowable land uses
4. Percentage change improvement in permit turnaround times

Goal 3 identifies the need to update and modernize the City's existing regulations, including the Industrial District Regulations, the Downtown Plan, the Zoning Ordinance, and the Form-Based Codes, as well as to complete nexus studies to determine the appropriate fee schedule, all of which would require significant financial and staff resources. As these projects get funded and developed, their implementation will be measured against the identified performance measures to evaluate if the goals and objectives identified in the Action Plan have been met.

Tennyson Corridor Strategic Initiative

The overarching purpose of the Tennyson Corridor two-year action plan is to develop an attractive, cohesive, thriving Tennyson Corridor through thoughtful engagement of residents, businesses, and community partnerships.

The five goals identified in the Tennyson Corridor two-year action plan are:

1. Create a community vision plan for the Tennyson Corridor and catalyst sites to serve as a foundation for long-term planning and policies;
2. Increase pedestrian and bicyclist safety;
3. Improve community appearance;
4. Foster a cohesive sense of place; and
5. Increase community resiliency.

For Goal 1 (create a community vision for the Corridor), three objectives have been identified. These are:

Objective 1: Work to understand community needs and desires for the Corridor

Objective 2: Identify funding options for future Tennyson Corridor planning, improvements, and infrastructure

Objective 3: Lead the development and construction of a new South Hayward Family Center in coordination with community stakeholders

The following performance measures are associated with this goal:

1. Depth and breadth of community stakeholder participation in visioning process, including:
 - a. Percent of residents and businesses reached in door-to-door outreach
 - b. Attendance at in-person community visioning sessions
 - c. Response rates for electronic/mailed outreach (e.g., surveys)
 - d. Demographics of participants in comparison to demographics of Tennyson Corridor (e.g., primary language, race/ethnicity, age, business owners/residents/other community stakeholders)

2. Percent of Councilmembers who vote to approve the Vision Plan (target = unanimous)

At the April 11th work session, Council expressed a desire to see a “concept plan.” Staff is calling this a “vision plan” for clarity. Staff is proposing to spend the next two years conducting one-on-one stakeholder interviews and a series of community visioning sessions to create a shared vision for the Corridor that will guide planning and policy efforts going forward. Staff will work through existing groups and coalitions to convene community-wide meetings and focus groups throughout the visioning process, including the South Hayward Collaborative, the Tennyson Corridor Committee, Glad Tidings, South Hayward Parish, the Hayward Unified School District, the Hayward Area Recreation District, and other key stakeholders/organizations in this area.

The City has taken the lead on the development and construction of a new South Hayward Family Center, in close coordination with multiple organizations. The coalition has already completed a market feasibility study for the Center. Staff is currently identifying next steps, including future management and ownership of the parcels, ongoing roles of each governing partner in the project, and the formal structure of the partnership moving forward.

For Goal 2 (increase pedestrian and bicyclist safety), four objectives have been identified. These are:

- Objective 1: Enhance protected bike and pedestrian ways
- Objective 2: Increase bicycle safety education
- Objective 3: Collaborate with community members to improve public safety
- Objective 4: Improve safety through increased lighting

The following performance measures are associated with this goal:

1. Conduct annual survey of community members to understand changing attitudes about the Tennyson Corridor and capture performance including:
 - a. Percent of community members who report that they feel safe walking and/or biking along Tennyson
2. Change in number of accidents involving pedestrians or cyclists
3. The Team will report back on the accomplishments of actions, pilot projects and lean innovation experiments, including: (targets will be created in late 2017 after the establishment of baselines)
 - a. Number of neighborhood alert groups
 - b. Business participation in pilot projects, such as lighting incentives
 - c. Usage of infrastructure improvements such as: pop-up bike lane, adopt-a-crosswalk, and temporary bike racks

Staff is currently working on a Tennyson Road Complete Streets Feasibility Study, which will include comprehensive design elements to increase pedestrian and bicyclist safety. However, the Corridor will not likely see improvements from this study for several years. In the interim, staff plans to install green paint along bike paths at conflict areas and increase lighting along the section of Tennyson adjacent to BART. In addition, staff will be pursuing several low-cost

efforts to strengthen the connection between community members and law enforcement, increase bicycle safety education, and improve bike and pedestrian visibility. Finally, staff will be instituting regular meetings with Caltrans and Union Pacific Railroad to discuss the City's desired safety updates to their crossings.

For Goal 3 (improve community appearance), three objectives have been identified. These are:

- Objective 1: Enhance landscaping
- Objective 2: Decrease dumping and litter
- Objective 3: Decrease blight

The following performance measures are associated with this goal:

1. Team will report back on the accomplishments of actions, pilot projects and lean innovation experiments, including: (targets will be created in late 2017 after the establishment of baselines)
 - a. Business participation in pilot projects, such as landscape instillations
 - b. Number of trees planted
 - c. Number of public trashcans
2. Conduct annual survey of community members to understand changing attitudes about the Tennyson Corridor and capture performance including:
 - a. Percent of community members who report that the appearance of the Tennyson Corridor has improved from two years prior

As with Goal 2, the Tennyson Road Complete Streets Feasibility Study will address streetscape appearance, but those improvements will not happen for several years. In the interim, staff plans to conduct property owner education on code violations and focus on high impact properties like bus stops, Union Pacific railroad and the intersection of Hesperian and Tennyson. In addition, staff proposes adding a Downtown Streets Crew to focus on litter hotspots and using data and evidence driven approaches to address illegal dumping. Staff will also develop a façade improvement program for Tennyson businesses to bring before to Council. Finally, staff will direct FY18 landscaping funds to update high-need sections of the Corridor and will complete a pilot pavement-to-garden installation.

For Goal 4 (foster a cohesive sense of place), four objectives have been identified. These include the following:

- Objective 1: Identify possible locations and a cohesive theme for public art along the corridor
- Objective 2: Increase City sponsored events and projects in the Tennyson Community
- Objective 3: Explore using branding and signage to identify the corridor
- Objective 4: Explore innovative placemaking opportunities along the corridor

The following performance measures are associated with this goal:

1. Team will report back on the accomplishments of actions, pilot projects and lean innovation experiments, including: (targets will be created in late 2017 after the establishment of baselines)
 - a. Number of public art features
2. Conduct annual survey of community members to understand changing attitudes about the Tennyson Corridor and capture performance including:
 - a. Percent of community members who report that the Tennyson Corridor is headed in the right direction
 - b. Percent of community members who report that they feel the City is paying attention to their neighborhood

Staff is currently in the preliminary stages of a Public Art & Innovation Master Plan, which will include a section dedicated to the Tennyson Corridor. The Plan will compile community input to create a cohesive theme and vision for public art along the Corridor, including possible locations for murals and other art. In a parallel effort, staff will compile community input on possible neighborhood branding that reflects the Tennyson's unique character, including gateway markers and wayfinding signs. This branding will be communicated to developers to incorporate into new projects. Staff will also launch City-sponsored events in the Corridor to increase community exposure to local businesses. Possible events include a Cesar Chavez day, a farmer's market, and small community arts events. Finally, staff will seek outside technical assistance to identify and pilot other placemaking projects with neighborhood partners.

For Goal 5 (increase community resiliency), six objectives have been identified: These are:

- Objective 1: Increase awareness of and access to City Services
- Objective 2: Increase the number of residents with medical and dental access
- Objective 3: Increase resident emergency preparedness
- Objective 4: Increase access to effective public transit
- Objective 5: Facilitate economic development and growth opportunities within the Corridor
- Objective 6: Reduce resident utility bills through increased efficiency

The following performance measures are associated with this goal:

1. Change in demand for medical and dental services at Firehouse Clinic
2. Change in participation in CERT/NERT classes and programs
3. Percent reduction in time for Alameda County Transit buses to navigate Tennyson Corridor
4. Team will report back on the accomplishments of actions, pilot projects and lean innovation experiments including: (targets will be created in late 2017 after the establishment of baselines)
 - a. Mobile City Hall interactions/problems resolved

In 2016, staff tested a Mobile City Hall program and found it was successful at increasing resident awareness of City services when placed at school sites. Staff proposes launching the City's first Mobile City Hall at Tennyson Corridor schools. Additionally, staff plans to increase outreach for specific programs that focus on resiliency and mobility, such as medical services

at the Fire House Clinic, CERT and NERT programs, the Brace and Bolt program, utility efficiency programs, and the paratransit program. In addition, staff will be installing GPS based traffic signal preemption for Alameda County Transit buses that travel down the Corridor, reducing travel time via public transportation.

FISCAL AND ECONOMIC IMPACTS

The fiscal impact of these two-year action plans cannot be accurately projected at this time. The plans are likely to impact staff workload prioritization, may require additional staff or other resources, and cause the potential need for consultants to complete some tasks identified in the plan. The fiscal impact of the implementation will vary depending on the scope of the projects and the expected completion timelines. Based on the direction of Council, the fiscal impact may include one-time costs (i.e. construction, studies, or analysis) and ongoing operational costs (maintenance and existing programs). Staff plans to return to Council in September with additional analysis of the fiscal impacts once the Council has provided feedback on the plans and the interdepartmental teams have an opportunity to further scope out the work of the action plans.

NEXT STEPS

Staff requests that the Council provide feedback on the proposed two-year action plans. Following this, staff will make appropriate changes and reintroduce the action plans for Council adoption alongside the City's Fiscal Year 2018 Operating and Capital Improvement Budgets during the June 20, 2017 City Council meeting.

Prepared by:

Complete Streets Strategy Team:

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Jose Banuelos, Sergeant
Ramona Portillo, Code Enforcement Inspector
Ramona Thomas, Economic Development Specialist
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Jeremy Lochirco, Principal Planner
Alexandrea Sepulveda, Permit Technician
Brienne Elizarrey, Acting Graphics & Communications Technician
Linda Shale, Senior Secretary

Recommended by: Maria A. Hurtado, Assistant City Manager
Morad Fakhrai, Public Works Director
David Rizk, Development Services Director
Stacey Bristow, Deputy Development Services Director
Garrett Contreras, Fire Chief
Sean Reinhart, Library & Community Services Director

Approved by:



Kelly McAdoo, City Manager



CITY COUNCIL STRATEGIC Initiative 2017-2019

Complete Streets

PURPOSE

To Build streets that are safe, comfortable, and convenient for travel for everyone, regardless of age or ability, including motorists, pedestrians, bicyclists, and public transportation riders.



GOAL 1

Prioritize safety for all modes of travel

OBJECTIVES

- ⇒ Reduce number of fatal and non-fatal traffic accidents in the City through engineering evaluation of major intersections and corridors
- ⇒ Reduce speeding and aggressive driving behavior through 4 E's i.e. Education, Enforcement, Empowerment and Engineering
- ⇒ Ensure that roadway construction and retrofit programs and projects include complete streets elements.

PERFORMANCE MEASURES

- Reduction in average speed at specific locations measured annually
- Completion of Tennyson Road Feasibility Study
- Completion of Hayward Blvd Traffic Calming and Safety Concept Plan
- Completion of a Complete Streets Inventory Base-line

GOAL 2

Provide Complete Streets that balance the diverse needs of users of the public right-of-way

OBJECTIVES

- ⇒ Increase walking, biking, transit usage, carpooling and other sustainable modes of transportation by designing and retrofitting streets to accommodate all modes.

PERFORMANCE MEASURES

- (All measures report on the number of complete streets improvements)
- Miles of new or replaced sidewalk
 - Miles of new bike lanes
 - Number of new or enhanced crosswalks
 - Number of new curb ramps
 - Number of new or upgraded streetlights
 - Miles of repaired or repaved roadways

GOAL 3

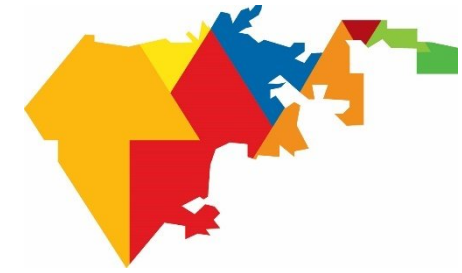
Maintain sufficient funding to provide for existing and future transportation facility and service needs, including the operation and maintenance of the transportation system

OBJECTIVES

- ⇒ Establish a sustainable funding mechanism and dedicated funding source to build complete streets network.
- ⇒ Establish a maintenance plan for complete streets projects

PERFORMANCE MEASURES

- Percentage of funding provided by grants






Purpose: To build streets that are safe, comfortable, and convenient for travel for everyone, regardless of age or ability, including motorists, pedestrians, bicyclists, and public transportation riders.

GOAL	OBJECTIVE	ACTION/TASK	LEAD STAFF	Policy Reference	DUE DATE	STATUS	COMMENT
1. Prioritize safety for all modes of travel.	1.a. Reduce number of fatal and non-fatal traffic accidents in the City through engineering evaluation of major intersections and corridors	1.a.i Complete Citywide Intersection Study	Sr. Transportation Engineer	General Plan Goal Mobility (M)-3; Complete Streets; GP Goal M-4, Local Circulation	June 2019		Intersection Study will follow the development of Bike and Pedestrian Master Plan and adoption of Multi-Modal LOS policy.
	1.b. Reduce speeding and aggressive driving behavior through 4 E's i.e. Education, Enforcement, Empowerment and Engineering	1.b.i Complete Neighborhood Traffic Calming Study	Transportation Manager	GP Goal M-3, Complete Streets; GP Goal M-4, Local Circulation	December 2017		This should be close to completion. Council updated once in a work-session setting.
		1.b.ii Incorporate design standards and best practices in complete streets roadway design and update standard details	Sr. Transportation Engineer/Sr. Civil Engineer	GP Goal M-3, Complete Streets	June 2019		This needs to be scoped out to understand schedule and cost impact.
	1.c Ensure that roadway construction and retrofit programs and projects include complete streets elements.	1.c.i Tennyson Road Complete Streets Feasibility Study.	Sr. Transportation Engineer	GP Goal M-3, Complete Streets; GP Goal M-4, Local Circulation	December 2018		Aligns with the Tennyson Corridor Strategic Initiative. Develop a concept plan for Tennyson Road and apply for local, regional, and federal grant in Fall 2018.
		1.c.ii Hayward Blvd Traffic Calming and Safety Project.	Transportation Manager	GP Goal M-3, Complete Streets; GP Goal M-4, Local Circulation	December 2018		Develop a concept plan for Hayward Blvd and apply for local, regional, and federal grant in Fall 2018.

GOAL	OBJECTIVE	ACTION/ TASK	LEAD STAFF	Policy Reference	DUE DATE	STATUS	COMMENT
<p>2. Provide complete streets that balance the diverse needs of users of the public right-of-way.</p>	<p>2.a Increase walking, biking, transit usage, carpooling and other sustainable modes of transportation by designing and retrofitting streets to accommodate all modes.</p>	<p>2.a.i Continue implementation of existing repair and rehabilitation programs:</p> <ul style="list-style-type: none"> • Sidewalk Repair Program • Pavement Rehab Program • Wheelchair Ramp Program 	<p>Sr. Civil Engineer</p>	<p>GP Goal M-5, Pedestrian Facilities</p>	<p>Ongoing</p>		<p>Number of complete street elements are added, improved, or repaired under these programs including sidewalks, curb ramps, bike lanes and crosswalks.</p>
		<p>2.a.ii Implement Main Street Complete Street Project</p>	<p>Sr. Civil Engineer</p>	<p>GP Goal M-3, Complete Streets; GP Goal M-4, Local Circulation</p>	<p>June 2019</p>		<p>Alameda CTC awarded a \$1.675 million grant towards the construction of this project.</p>
		<p>2.a.iii Mission Blvd Phase 2&3 Corridor Improvements</p>	<p>Sr. Civil Engineer</p>	<p>GP Goal M-3, Complete Streets; GP Goal M-4, Local Circulation</p>	<p>June 2019</p>		<p>Phase 2 will go to construction in summer 2017 and Phase 3 will go to construction in January 2018. Project will add bike lanes, curb ramps, median landscaping, and streetlights. Sidewalk, crosswalk, bus stops will be added or enhanced.</p>
		<p>2.a.iv Develop Modal Priorities for Arterial and Major Collector Streets. Use work done as part of Central County Complete Street Project as a base and refine and update per community and Council feedback and priorities.</p>	<p>Sr. Transportation Engineer</p>	<p>GP Goal Health and Quality of Life (HQL)-2, Active Living; GP Goal M-1, Multimodal Systems; GP Goal M-3, Complete Streets; GP Goal M-5, Pedestrian Facilities; GP Goal M-6, Bikeways; GP Goal M-7, Public Transit</p>	<p>December 2018</p>		<p>Will be developed as part of Citywide Multimodal Plan</p>
		<p>2.a.v Develop a Multi-Modal Level of Service Standard.</p>	<p>Sr. Transportation Engineer</p>	<p>GP Goal M-1, Multimodal Systems; GP Goal HQL-2, Active Living</p>	<p>December 2018</p>		<p>Will be developed as part of Citywide Multimodal Plan</p>

GOAL	OBJECTIVE	ACTION/ TASK	LEAD STAFF	Policy Reference	DUE DATE	STATUS	COMMENT
		2.a.vi Develop a Bicycle and Pedestrian Master Plan and Safe Routes to School Plan	Transportation Manager	GP Goal Natural Resources (NR)-2, Air Quality and Greenhouse Gas Reduction; GP HQL-2, Active Living; GP Goal HQL-11, Trails and Open Space; GP Goal M-3, Complete Streets; GP Goal M-5, Pedestrian Facilities; GP Goal M-6, Bikeways; GP Goal M-7, Public Transit	March 2019		Will create a pedestrian masterplan and update the bicycle masterplan.
		2.a.vii Complete Shuttle Feasibility Study and implement a first mile/last mile connector service to serve areas underserved by existing transit services.	Sr. Transportation Engineer	GP Goal M-7, Public Transit; GP Goal M-8, Transportation Demand Management	December 2017		Study substantially completed. Will be presented to Council in July.
		2.a.viii Downtown Specific Plan.	Sr. Planner; Transportation Manager	GP Goal Land Use (LU) Goal 1 Growth and Sustainable Development; GP Goal M-3, Complete Streets; GP Goal M-5, Pedestrian Facilities; GP Goal M-6, Bikeways; GP Goal M-7, Public Transit	December 2018		Aligns with the Complete Communities Strategic Initiative. DTSP will contain a robust complete streets component.
		2.a.ix Continue staff training to ensure that all new development and redevelopment projects incorporate complete streets elements.	PW & DS Departments	GP Goal M-3, Complete Streets	Ongoing		This is an ongoing task to refine processes and train staff internally.

GOAL	OBJECTIVE	ACTION/TASK	LEAD STAFF	Policy Reference	DUE DATE	STATUS	COMMENT
3. Maintain sufficient funding to provide for existing and future transportation facility and service needs, including the operation and maintenance of the transportation system.	3.a Establish a sustainable funding mechanism and dedicated funding source to build complete streets network.	3.a.i Determine feasibility of Traffic Impact Fee as a permanent revenue source for development/retrofit of complete streets.	Sr. Transportation Engineer & Transportation Manager	GP Goal M-12, Funding	June 2019		Need to complete the City-wide Intersection Improvement and Multimodal LOS studies before moving forward with this task.
		3.a.ii Identify priority corridors throughout the City and develop projects consistent with City's long-term vision and goal. Such projects have a higher likelihood of being funded through grants.	Sr. Transportation Engineer	GP Goal M-12, Funding	June 2018		This will be done as part of developing modal priority in the Citywide Multimodal Plan & Citywide Intersection Improvement Study. Similar projects include Task 1.4.a, Tennyson Road Complete Streets Feasibility Plan.
		3.a.iii Pursue regional, state and federal grant opportunities related to complete streets implementation.	Sr. Transportation Engineer	GP Goal M-12, Funding	Ongoing		Staff apply for grants every year. Proposed Traffic Impact Fees could be set aside that could provide matching funds for grants.
		3.a.iv Evaluate how complete streets projects can be incorporated into the CIP on a prioritized basis.	Transportation Manager & Public Work – Management Analyst	GP Goal M-12, Funding	Ongoing		All roadway projects will incorporate elements of Complete Streets Policy
	3.b Establish a maintenance plan for complete streets projects	3.b.i Develop and implement best practices related to ongoing maintenance of facilities.	Streets Maintenance Manager	Goal Public Facilities and Services (PFS)-1, General Public Facilities and Services	June 2019		

-  On Schedule and Within Budget
-  Behind Schedule or exceeding Budget
-  Stopped – No Progress

COMPLETE STREETS STRATEGIC INITIATIVE PERFORMANCE MEASURES

Goal 1

1. Reduction in average speed at specific locations measured annually
2. Completion of Tennyson Road Feasibility Study
3. Completion of Hayward Blvd Traffic Calming and Safety Concept Plan
4. Completion of a Complete Streets Inventory Baseline

Goal 2 (All measures report on the number of complete streets improvements)

1. Miles of new or replaced sidewalk
2. Miles of new bike lanes
3. Number of new or enhanced crosswalks
4. Number of new curb ramps
5. Number of new or upgraded streetlights
6. Miles of repaired or repaved roadways

Goal 3

1. Percentage of funding provided by grants



Complete Communities

PURPOSE

The purpose of the Complete Communities strategy 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 for all.



GOAL 1

Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods.

OBJECTIVES

- ⇒ 1 Increase neighborhood safety and cohesion
- ⇒ 2 Foster a sense of place and support neighborhood pride
- ⇒ 3 Increase collaboration with businesses, non-profits and neighborhood groups on placemaking projects
- ⇒ 4 Create resilient and sustainable neighborhoods
- ⇒ 5 Actively value diversity and promote inclusive activities

PERFORMANCE MEASURES

- Percentage change in concentration & distribution of neighborhood/business participation (GIS Heat Mapped)
- Percentage change in Homework Support Centers and Literacy Program participation/improvement
- Percentage change in clients served through Community Agency Funding process
- Percentage change of employees employee engagement survey question "My workplace prioritizes equitable and socially just principals and policies"

GOAL 2

Provide a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources.

OBJECTIVES

- ⇒ 1 Centralize and expand housing services
- ⇒ 2 Facilitate the development of diverse housing types that serve the needs of all populations
- ⇒ 3 Conserve and improve the existing housing stock
- ⇒ 4 Increase supply of affordable, safe and resilient housing in Hayward

PERFORMANCE MEASURES

- Annual increase in affordable housing units created in conformance with RHNA
- Percentage change in eligible housing units assisted through Housing Division programs
- Percentage change of new housing developments with inclusionary units

GOAL 3

Develop a Regulatory Toolkit for Policy Makers.

OBJECTIVES

- ⇒ 1 Update, streamline, and modernize zoning & codes
- ⇒ 2 Identify and design appropriate in-lieu fees to provide community amenities
- ⇒ 3 Develop and refine other regulatory tools

PERFORMANCE MEASURES

- Percentage change of eligible projects that implement the Complete Communities checklist
- Percentage change of eligible properties submitting ADU permit applications
- Percentage change of Investment/tenancy resulting from new allowable land uses
- Percentage change improvement in permit turnaround times



Purpose: The purpose of the Complete Communities strategy 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 for all.

GOALS	OBJECTIVES	ACTION / TASK	LEAD STAFF	POLICY	DUE DATE	STATUS	COMMENT	
QUALITY OF LIFE								
1. Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods	1.a. Increase neighborhood safety and cohesion	1.a.1. Support community-based public safety programs.	1.a.1.a. Support and improve National Night Out; Coffee with a Cop; Hayward E.Y.E.S.	Crime Prevention Specialist Hayward PD	Consistent with GP GOAL CS1 – HQL5	September 2017 & 2018		
		1.a.2. Create opportunities for outreach and education.	1.a.2.a. Support and expand Homework Support Centers and Literacy Program	LCS Director Ed. Services Mgr LCS	Consistent with GP GOAL ED2 –	September 2017 & 2018		
		1.a.3. Strengthen neighborhood connections.	1.a.3.a. Support and expand Neighborhood Watch; NIXLE, Next Door App	Crime Prevention Specialist Hayward PD	Consistent with GP GOAL CS1 – HQL5	September 2017 & 2018		
	1.b. Foster a sense of place and support neighborhood pride.	1.b.1. Work with neighborhood groups to promote and award Neighborhood Improvement Grants for placemaking projects to create neighborhood identity opportunities.	1.b.1.a. Revise requirements and application process for Neighborhood Improvement Grants to reflect Complete Communities priorities, promote program, and award grants annually.	CMO Assistant to the City Manager	Consistent with GP GOAL HQL1; PFS7	June 2018		NEW: Aligns with Tennyson Corridor and Complete Streets Strategy Teams
			1.b.2. Increase the availability of accessible and inclusive public spaces.	1.b.2.a. Incorporate Complete Communities checklist for new development.	Development Services Director	Consistent with GP GOAL HQL1	March 2018	
		1.b.2.b. explore expansion of a second farmer’s market location		Economic Development Specialist	Consistent with GP GOAL HQL1-5-9	December 2018		New: Aligns with Tennyson Corridor Strategy Team
	1.c. Increase collaboration with businesses, non-profits and neighborhood groups on placemaking projects.	1.c.1. Identify existing partnerships for collaboration with local faith-based and non-profit organizations.	1.c.1.a. Expend federal CDBG allocation through Community Agency Funding process	Community Services Manager	Consistent with GP GOAL ED1-5; HQL1-9	September 2017 & 2018		
			1.c.1.b Continue to support and expand partnerships with local nonprofits	Community Services Manager	Consistent with GP GOAL ED1-5; HQL1-9	September 2017 & 2018		
		1.c.2. Create opportunities for businesses to engage locally, and work to engage with local small businesses	1.c.2.a. Façade Improvements Program	Econ Dev Manager	Consistent with GP GOAL ED5	June 2019		



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GOALS	OBJECTIVES	ACTION / TASK	LEAD STAFF	POLICY	DUE DATE	STATUS	COMMENT	
		1.c.3. Explore ways to facilitate public art.	1.c.3.a. Create Public Arts Ordinance	Development Services Director	Consistent with GP GOAL ED 4-5; HQL 1-2-9	March 2019		New: This process will take more than two years. However, a work plan, working group, and community outreach will be implemented within this timeline.
			1.c.3.b. Explore Potential - Arts in-Lieu Fee to support public art.	Development Services Director	Consistent with GP GOAL ED4-5; HQL1-2-9	March 2019		
		1.c.4 Facilitate economic development and growth opportunities within communities	1.c.4.a Adopt, finalize and implement Business Incentive Program	Econ Dev Manager	Consistent with GP GOAL ED1-3	December 2017		
			1.c.4.b Develop business accelerator	Community Services Manager Econ Dev Manager	Consistent with GP GOAL ED1-2-3	June 2018		
	1.d. Create resilient and sustainable neighborhoods.	1.d.1. Increase City & neighborhood capacity to respond to emergencies	1.d.1.a. Begin update to Comprehensive Emergency Response Plan	CMO Management Analyst	Consistent with GP GOAL HAZ1; CS5	June 2019		New: This process will take more than two years. However, a work plan, working group, and community outreach will be implemented within this timeline.
			1.d.1.b. Establish neighborhood Community Emergency Response Teams (CERT)	Deputy Chief, Special Operations Hayward FD	Consistent with GP GOAL CS5	March 2018		
		1.d.2. Provide opportunities for residents to increase their environmental sustainability	1.d.2.a Promote sustainability initiatives including water conservation, waste diversion, greenhouse gas emissions	Environmental Services	Consistent with GP GOAL HQL7	March & September 2018 March & September 2019		
	1.e. Actively value diversity and promote inclusive activities.	1.e.1. Sponsor, support, and host events that celebrate and value Hayward's diversity.	1.e.1.a. Continue to fund and provide staff support to events celebrating the heritage of Hayward residents	CMO, City Council, Management Analyst	Consistent with GP GOAL HQL1-7-9	December 2018		



Purpose: The purpose of the Complete Communities strategy 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 for all.

GOALS	OBJECTIVES	ACTION / TASK	LEAD STAFF	POLICY	DUE DATE	STATUS	COMMENT	
		1.e.2. Adopt and implement the Anti-Discrimination Action Plan (ADAP)	1.e.2.a Introduce pro-equity practices aligned with ADAP in the major functions of city government	CMO	Consistent with GP GOAL HQL1-7-9	March 2019		New: The process to develop a systemic approach to the introduction of equity and social justice goals aligned with ADAP will take more than two years. However, a work plan, working group, and community outreach will be implemented within this timeline.
			1.e.2.b. Initiate training to promote effective and accountable leadership for advancing equity and social justice through ADAP	CMO HR Director	Consistent with GP GOAL HQL1-7-9	June 2019		
		1.e.3. Equity and social justice values guide department operations, programs and service delivery	1.e.3.a Develop policy guidance that includes equity and social justice values.	CMO HR Director	Consistent with GP GOAL HQL1-7-9	June 2019		New: Operationalize ADAP goals throughout the organization
			1.e.3.b Improve staff and leadership proficiencies in delivering services that respond to changing demographics	CMO HR Director	Consistent with GP GOAL HQL1-7-9	June 2019		New: Determine how the City can integrate the principals of "fair and just" in the delivery of City services
HOUSING								
2. Provide a mix of housing stock for all Hayward residents and community members,	2.a. Centralize and expand housing services.	2.a.1 Create a centralized City division to address and promote equal housing opportunities for all people	2.a.1.a. Create a Housing Division	LCS Director	Consistent with GP GOALH1-2-4-5-6 – HQL5-6	Dec 2017		New: Creation of new Division devoted to housing related issues



Purpose: The purpose of the Complete Communities strategy 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 for all.

GOALS	OBJECTIVES	ACTION / TASK	LEAD STAFF	POLICY	DUE DATE	STATUS	COMMENT
including the expansion of affordable housing opportunities and resources.							
		2.a.1.b. Identify current housing conditions via housing study, including conducting empathy work	Development Services Director Housing Division Manager	Consistent with GP GOALH1 – HQL5-6	June 2018		
		2.a.1.c. Explore funding mechanism for seismic retrofit for rental properties	Management Analyst, CMO Housing Development Specialist	Consistent with GP GOAL HAZ1-2; H4; CS5	March 2018		New: Apply for various sources of funding (Hazard Mitigation Grant Program, CPSE, etc.)
		2.a.1.d. Continue to monitor the city's affordable housing assets	Housing Division Manager Housing Development Specialist	Ongoing: Consistent with GP GOALH1	June 2018		
	2.b. Facilitate the development of diverse housing types that serve the needs of all populations.	2.b.1 Oversee the development of housing affordable to low and moderate income households	2.b.1.a. Adopt ADU ordinance policy /procedures	Planning Manager Community Services Manager	Ongoing: Consistent with GP GOALH1	December 2017	
			2.b.1.b. Identify development projects to receive first round A1 funding.	Housing Development Specialist	Ongoing: Consistent with GP GOALH1	December 2017	
			2.b.1.c. Address the housing needs of special populations and extremely low-income households.	Community Services Manager	Ongoing: Consistent with GP GOALH1 – HQL5-6	March 2018	



Purpose: The purpose of the Complete Communities strategy 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 for all.

GOALS	OBJECTIVES	ACTION / TASK	LEAD STAFF	POLICY	DUE DATE	STATUS	COMMENT
	2.c. Conserve and improve the existing housing stock.	2.c.1 Achieve an adequate supply of decent, safe and affordable housing.	2.c.1.a. Report accomplishments of Housing Rehabilitation Program (CDBG)	Housing Division Manager	Consistent with GP GOALH1	September 2018 & 2019	
			2.c.1.b Increase the number of eligible properties assisted with seismic retrofitting	Management Analyst CMO Housing Division Manager	Consistent with GP GOALH1	June 2018 & 2019	
	2.d. Increase supply of affordable, safe and resilient housing in Hayward	2.d.1 Identify adequate sites to encourage the development of a variety of housing for all income levels	2.d.1.a. Review/update affordable housing ordinance (including fee assessment)	CAO	Consistent with GP GOALH1-2-3 – HQL5-6	September 2017	
				Housing Division Manager			
				Housing Development Specialist			
2.d.2. Explore measures to prevent housing displacement	2.d.2.a. Review and revise Affirmatively Affirming Fair Housing Process	2.d.2.b. Review and revise as necessary Rent Stabilization Ordinance	Housing Division Manager	Consistent with GP GOALH1-2-4-5-6 – HQL5-6	March 2018		
			CAO				
			Development Services Director				
	Community Services Manager						
			CMO	Consistent with GP GOALH1-2-4-5-6 – HQL5-6	June 2018		
		CAO					
		Housing Division Manager					
		2.d.2.c. Strengthen renter protections and rights, beginning with empathy work	CAO	Consistent with GP GOALH1-2-4-5-6 – HQL5-6	September 2018		
			Housing Division Manager				
			Development Services Director				






Purpose: The purpose of the Complete Communities strategy 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 for all.

GOALS	OBJECTIVES	ACTION / TASK	LEAD STAFF	POLICY	DUE DATE	STATUS	COMMENT
		2.d.3 Mitigate any constraints to housing production and affordability	2.d.3.a. Bring back Soft Story Seismic Program ordinance for Council adoption	CMO Management Analyst	Ongoing: Consistent with GP GOALH4-5-6 – HQL5-6	March 2018	
			2.d.3.b. Analyze Rental Inspection Program (IPMC /17920.3)	Code Enforcement Manager Housing Division Manager	Ongoing; Consistent with GP GOALH1-5-6 – HQL5-6	September 2018	
			2.d.3.c. Evaluate CPTED for comprehensive safety improvements	Crime Prevention Specialist Housing Division Manager	Ongoing: Consistent with GP GOALH1-2-4-5-6 – HQL5-6	June 2018	
			2.d.3.d. Analyze of home safety programs (Weed Abatement PR)	Fire Marshal Code Enforcement Manager	Ongoing: Consistent with GP GOALH1-2-4-5-6 – HQL5-6	June 2018	
Regulatory Toolkit							
3. Develop a Regulatory Toolkit for Policy Makers.	3.a Update, streamline, and modernize zoning & codes	3.a.1 Industrial Zoning Update	3.a.1.a Work with consultant to complete update of industrial zoning update	Senior Planner	Ongoing: Consistent with GP GOAL LU6	June 2018	
		3.a.2. Develop Shoreline Master Plan	3.a.2.a Identify funding source & consultant	Senior Planner HASPA TAC	Ongoing: Consistent with GP GOAL LU4	June 2019	
		3.a.3. Refine Downtown Specific Plan	3.a.3.a Bring to Planning Commission and City Council	Senior Planner	Ongoing: Consistent with GP GOAL LU8	June 2018	
		3.a.4. Revise and update Form-Based Code	3.a.4.a Conduct research and compile a comprehensive list of items to be revised	Planning Manager	Consistent with GP GOAL LU1	December 2017	
			3.a.4.b Revise Draft Codes showing revisions and share with public and policy makers	Planning Manager	Consistent with GP GOAL LU1	September 2018	



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GOALS	OBJECTIVES	ACTION / TASK	LEAD STAFF	POLICY	DUE DATE	STATUS	COMMENT	
		3.a.4.c Conduct Planning Commission and City Council Public Hearings for Adoption of Revised Codes	Planning Manager	Consistent with GP GOAL LU1	March 2019	On Schedule and Within Budget		
	3.a.5 Unified Development Code / Performance Based Zoning	3.a.5.a Undertake an RFP process for development of a comprehensive Unified Code 3.a.5.b Complete community engagement efforts	Planning Manager	Consistent with GP GOAL LU1	December 2017	On Schedule and Within Budget		
			Planning Manager	Consistent with GP GOAL LU1	March 2018	On Schedule and Within Budget		
	3.b. Identify and Design Appropriate In-Lieu Fees to Provide Community Amenities	3.b.1 Review Park In-Lieu Fees	3.b.1.a Develop a study, complete community outreach, and provide recommendations to City Council	Planning Manager Landscape Architect HARD staff	Consistent with GP GOAL LU 1-3-4-9	March 2019	On Schedule and Within Budget	
			3.b.2 Review Commercial In-Lieu Fees	3.b.2a. Develop a study, complete community outreach, and provide recommendations to City Council	Econ Dev Manager	Consistent with GP GOAL ED6 – LU1	June 2019	On Schedule and Within Budget
	3.c. Develop and refine other regulatory tools	3.c.1 Assess the Viability of developing a Vacant Building Ordinance	3.c.1.a Develop a study, complete community outreach, and provide recommendations to City Council	Code Enforcement Manager	Consistent with GP GOAL ED6 – LU1	March 2018	On Schedule and Within Budget	
			3.c.2. Update and Amend Vice statutes in Municipal Code	3.c.2.a. Introduce Cannabis ordinance bring to Council to put forth standards aligned with state requirements	Principal Planner HPD, CMO, CAO	Consistent with GP GOAL CS1-2; ED12-3	September 2017	On Schedule and Within Budget
				3.c.2.b Review Alcohol Standards ordinance.	CAO, CMO Planning Manager HPD Command Staff	Ongoing: Consistent with GP GOAL CS1-2; ED12-3	December 2018	On Schedule and Within Budget
			3.c.2.c Process Consistency - work to establish clear procedures and process for permit applications	Principal Planner, Supervising Plan Checker/Expeditor	Ongoing: Consistent with GP GOAL ED1-6	September 2018	On Schedule and Within Budget	

 On Schedule and Within Budget
 Behind Schedule or exceeding Budget
 Behind Schedule or exceeding Budget



Purpose: The purpose of the Complete Communities strategy 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 for all.

Complete Communities Strategy

Performance Measures

PM1. Concentration and distribution of neighborhood/business participation (GIS heat map) for following goals and tasks:

- a) NextDoor/Nixle/Neighborhood watch
- b) National Night Out/Coffee with a Cop/ Hayward E.Y.E.S/ CERT
- c) Business Incentive Program /Façade Improvement Program/ Business Incubator
- d) Neighborhood events
- e) Affordable housing
- f) Location of various public amenities (parks, art, placemaking projects, Neighborhood Improvement Grants, etc.)
- g) Percentage of retail vacancy rates

First reporting period will set baseline; subsequent reporting periods will include both a map with concentration/distribution and a map identifying areas of growth and contraction over previous reporting periods.

PM2. Annual report detailing projects assisted through Community Agency Funding process;

- a) Percentage of unduplicated eligible low-income clients served;
- b) Percentage of funds expended in priority objectives (Housing, Services, Econ Dev, Infrastructure)

PM3. Percentage of eligible projects that implement the Complete Communities checklist



Purpose: The purpose of the Complete Communities strategy 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 for all.

PM4. Percentage of employees answering positively to (strongly agree or agree) the Employee Engagement Survey question, “My workplace prioritizes equitable and socially just principles and policies” and “The organization understands and appreciates differences among employees (for example, gender, race, religion, age, nationality, etc.)”

PM5. Annual report detailing housing units assisted through Housing Division programs;

- a) Percentage of eligible units assisted through Housing Rehabilitation Program;
- b) Percentage of eligible buildings in the process of/have completed seismic retrofits
- c) Percentage of eligible low-income households / businesses assisted
- d) Annual increase in affordable housing units created in conformance with RHNA

PM6. Percentage of new housing developments with inclusionary units

PM7. Level of investment/tenancy resulting from new allowable land uses

PM8. Percentage of eligible properties submitting ADU permit applications

PM9. Permit turnaround times

H Tennyson Corridor

CITY COUNCIL STRATEGIC PRIORITIES 2017-2019

PURPOSE

To develop an attractive, **cohesive**, thriving Tennyson Corridor through thoughtful engagement of residents, businesses and community partnerships.



GOAL 1

Work with the community to create a vision plan for the Tennyson Corridor & catalyst sites to serve as a foundation for long-term planning and policies

OBJECTIVES

- ⇒ Work to understand community needs and desires for the Corridor
- ⇒ Identify funding options for future Corridor planning, improvements & infrastructure
- ⇒ Lead development & construction of South Hayward Family Center

PERFORMANCE MEASURES

- Depth & breadth of community stakeholder participation in visioning process.
- Percent of Councilmembers who vote to approve Vision Plan

GOAL 2

Increase Pedestrian and Cyclist Safety

OBJECTIVES

- ⇒ Enhance bike and pedestrian ways
- ⇒ Increase bicycle safety education
- ⇒ Collaborate with community members to improve public safety
- ⇒ Improve safety through Increased lighting

PERFORMANCE MEASURES

- Annual survey of community to understand changing attitude about Corridor
- Change in number of accidents involving pedestrians or cyclists
- Quantitative and qualitative performance results of pilot project

GOAL 3

Improve Community Appearance

OBJECTIVES

- ⇒ Enhance landscaping
- ⇒ Decrease dumping and litter
- ⇒ Decrease blight

PERFORMANCE MEASURES

- Quantitative and qualitative performance results of pilot project
- Annual survey of community to understand changes in attitude regarding appearance of Tennyson Corridor



Tennyson Corridor

PURPOSE

To develop an attractive, **cohesive**, thriving Tennyson Corridor through thoughtful engagement of residents, businesses and community partnerships.



GOAL 4

Foster a Cohesive Sense of Place

OBJECTIVES

- ⇒ Identify possible locations & a cohesive theme for public art along the Corridor
- ⇒ Increase City sponsored events and projects in the Tennyson Community
- ⇒ Explore using branding and signage to identify Corridor
- ⇒ Explore innovative placemaking opportunities

PERFORMANCE MEASURES

- Quantitative and qualitative performance results of pilot project
- Annual survey of community to understand changes in attitude regarding change of direction of Corridor as well as a feeling the City is paying attention to their neighborhood

GOAL 5

Increase Community Resiliency

OBJECTIVES

- ⇒ Increase awareness of and access to City services
- ⇒ Increase # of residents with medical & dental service access
- ⇒ Increase resident emergency preparedness
- ⇒ Increase access to effective public transit
- ⇒ Facilitate economic development & Growth within Corridor
- ⇒ Reduce resident utility bills through efficiency

PERFORMANCE MEASURES

- Change in demand for services at Firehouse Clinic
- Change in participation in CERT/NERT classes & Programs
- Percent reduction in time for AC Transit buses to navigate Tennyson Corridor
- Quantitative & qualitative performance results of pilot project



Purpose: To develop an attractive, cohesive, thriving Tennyson Corridor through thoughtful engagement of residents, businesses and community partnerships.

GOAL	OBJECTIVE	ACTION/TASK	LEAD STAFF	POLICY REFERENCE	DUE DATE	STATUS	COMMENT
1. Work with the community to create a community vision plan for the Tennyson Corridor and catalyst sites to serve as a foundation for long-term planning and policies	1.a. Work to understand community needs and desires for the Corridor	1.a.1. Conduct empathy interviews with key stakeholders and a diverse set of community members to prepare for visioning sessions <ul style="list-style-type: none"> Create initial list of stakeholders and set up one-on-one meetings Launch empathy interviews to identify long range goals and objectives for the corridor Create on-line survey to solicit feedback 	Planning Division, CMO, Lean Innovation Team	CS-1.1 CS-1.7 CS-5.2 LU-1.4 LU-4 LU-4.1 LU-4.2 CS-5.2 HQL-5.1	Jun 2018		
		1.a.2. Host community visioning sessions <ul style="list-style-type: none"> Design visioning process based on insight from empathy interviews Host multiple visioning exercises/charrette-type activities with stakeholders at central meeting locations along the Corridor 	Planning Division, CMO, Lean Innovation Team		Dec 2018		Utilize existing groups along the Corridor to serve as liaisons and conveners, such as the South Hayward Collaborative, the Tennyson Corridor Committee, Glad Tidings, HUSD parent groups, and HARD
		1.a.3. Ensure active stakeholder involvement in the creation of the Tennyson Road Complete Streets Feasibility Study <ul style="list-style-type: none"> Set a goal for community involvement Connect any relevant staff or consultants with stakeholders and coordinate appropriate outreach methods 	Sr. Transportation Engineer	M-3.2 M-3.3 M-3.10	Dec 2018		Aligns with Complete Streets Strategic Initiative (1.c.i) Utilize existing groups along the Corridor to serve as liaisons and conveners.
	1.b. Identify funding options for future Tennyson Corridor planning, improvements, and infrastructure	1.b.1. City will collaborate with HARD on the utilization of F1 funding in the Tennyson Corridor	Planning Division	HQL-10.17 HQL-11.6 HQL-12.4	Dec 2017		
		1.b.2. Research and make recommendations regarding the implementation of an Enhanced Infrastructure Financing District	CMO Analyst, E&T Analyst	M-12 M-12.3 M-12.4	Jun 2018		
		1.b.3. Research and make recommendations regarding assessment of Traffic Impact Fees for new development projects	Associate Transportation Engineer/Senior Planner	M-12 M-12.3 M-12.4	Jun 2018		Aligns with Complete Streets Strategic Initiative (3.a.i)

GOAL	OBJECTIVE	ACTION/TASK	LEAD STAFF	POLICY REFERENCE	DUE DATE	STATUS	COMMENT
		1.b.4. Research planning grants to conduct a "Specific Plan Light" planning process for the Tennyson Corridor <ul style="list-style-type: none"> Work with regional partners to identify future planning grants Identify local funding match for new Plan 	Deputy Director of Development Services/Planning Division	M-8.7 M-12 M-12.1 M-12.2 M-12.3 M-12.4	Jun 2019		
	1.c. Lead the development and construction of a new South Hayward Family Center (SHFC) in coordination with community stakeholders	1.c.1 Coordinate and participate in taskforce meetings comprised of community partners	Director of Library & Community Services	HQL 12.1-12.6, 12.8	Dec 2017		
		1.c.2 Coordinate and participate in governance group meetings comprised of community partners	Director of Library & Community Services	HQL 12.1 HQL-12.6 HQL-12.8	Dec 2017		
		1.c.3 Support the governance group to select facility operator(s) from among RFP respondents	Director of Library & Community Services	HQL 12.1 HQL-12.6 HQL-12.8	Dec 2017		
		1.c.4 Support the governance group the architectural design selection and procurement methods	Director of Library & Community Services	HQL 12.1 HQL-12.6 HQL-12.8	Dec 2017		
		1.c.5 Support the governance group in their capital funding development of the SHFC	Director of Library & Community Services	HQL 12.1 HQL-12.6 HQL-12.8	Dec 2017		
		1.c.6 Construction phase	Director of Library & Community Services	HQL 12.1 HQL-12.6 HQL-12.8	June 2018		
		1.c.7 Project Close-Out	Director of Library & Community Services	HQL 12.1 HQL-12.6 HQL-12.8	Dec 2020		
2. Increase Pedestrian and Bicyclist Safety	2.a. Enhance protected bike and pedestrian ways	2.a.1. Support and expand collaboration with Caltrans and AMTRAK to update crossings to increase safety <ul style="list-style-type: none"> Create a list of desired safety features Schedule regular check-ins with City Staff, Caltrans and Amtrak regarding high conflict crossings Collaborate with partners to ensure that cyclist and pedestrian safety is represented in ways such as including bike lanes 	Transportation Manager	M-1.1,M-1.6 M-2.3 M-2.4 M-3.1 M-3.10 M-5.6 M-5.7 M-7.2 M-7.6	Dec 2017		Aligns with Complete Streets Strategic Initiative (1.c.i)

GOAL	OBJECTIVE	ACTION/ TASK	LEAD STAFF	POLICY REFERENCE	DUE DATE	STATUS	COMMENT
		2.a.2. Identify and pilot possible pedestrian and bike path improvements in coordination with development of the Complete Streets Feasibility Plan <ul style="list-style-type: none"> • Pop-up bike lanes • Adopt-A-Crosswalk Program • Bike rack installations 	Transportation Division, Streets Manager, Environmental Services Manager, UES Management Analyst	M-1, M-1.1 M-1.2, M-1.6 M-3, M-3.1 M-3.2, M-3.3 M-3.10, M-3.12 M-5, M5.1 M-5.2, M-5.6 M-6.2, M-6.3 M-9, M-9.1	Jun 2018		Aligns with Complete Streets Strategic Initiative (1.c.i)
		2.a.3. Add green paint on bike paths in conflict areas <ul style="list-style-type: none"> • Utilize existing data to determine the sections of bike path with the greatest need • Schedule upgrades to identified bike paths 	Streets Manager	M-6.2 M-6.3 M-3	Jun 2018		Aligns with Complete Streets Strategic Initiative (2.a.i)
	2.b. Increase bicycle safety education	2.b.1 Partner with Bike East Bay and HUSD to provide classes and safety equipment <ul style="list-style-type: none"> • Collaborate with Bike East Bay's "Eden Area" representative to expand their presence to currently scheduled City events such as the Summer Reading Fair, Words for Lunch • Collaborate with local wholesalers and BEB to develop a bike light giveaway and installation program 	Environmental Services Manager	M-1.8 M-6.6	Dec 2017		
	2.c. Collaborate with community members to improve public safety	2.c.1. Grow participation in the Hayward EYES program <ul style="list-style-type: none"> • Community outreach to private property owners to increase education and participation in the program 	Crime Prevention Specialist	CS-2.1 CS 11.1	Sep 2017 and 2018		Aligns with Complete Communities Strategic Initiative (1.a.1)
	2.c.2. Expand the Coffee with a Cop, Neighborhood Alert, and other engagement models to support community based public safety programs <ul style="list-style-type: none"> • Increase outreach for Neighborhood Alert • Identify new locations for Coffee with Cops with higher community turn out, including schools and churches • Research holding a National Night Out Event • Support and improve resident use of Next Door • Explore and pilot new opportunities for positive interactions between public safety and the community 	Crime Prevention Specialist, L&CS Management Analyst	CS 1.1 CS 1.2	Sep 2017 and 2018		Aligns with Complete Communities Strategic Initiative (1.a.1 and 1.a.3)	

GOAL	OBJECTIVE	ACTION/TASK	LEAD STAFF	POLICY REFERENCE	DUE DATE	STATUS	COMMENT
		2.c.3. Work with BART police to expand on-site patrols at the South Hayward BART station and adjacent streets <ul style="list-style-type: none"> Schedule regular check-ins with BART PD Support and improve existing relationships with BART PD and HPD/COH Maintenance Dept Identify and funding/MOU/or other resources necessary to increase patrolling by BART PD 	HPD Staff Sergeant	CS 2.10	Jun 2018		
		2.c.4. Explore the need for increased HPD bike patrol along Tennyson <ul style="list-style-type: none"> Analyze outcomes of currently existing bike patrol officers (crime stats pre-post officer posting) Analyze gaps in service to the Tennyson Corridor that could be solved using additional patrol officers Explore funding mechanisms for additional bike patrol or community policing officers in Tennyson Corridor 	Crime Analysis Unit	CS-2.2 CS-2.1 CS-2.3	Jun 2019		
	2.d. Improve safety through increased lighting	2.d.1. Create Lighting Incentive Program <ul style="list-style-type: none"> Research incentive programs in other jurisdictions for private property owners to upgrade lighting Identify rebates and funding opportunities for the lighting program (PG&E, East Bay Community Energy, etc) Identify 3 pilot locations for test lighting incentive program 	Economic Development Specialist, UES Management Analyst	CS-1.10 LU-4.4	Dec 2018		
		2.d.2. Install additional light poles in South Hayward BART JPA area to improve visibility on pedestrian walkways near public transit	South Hayward BART JPA				Aligns with Complete Streets Strategic Initiative (2.a.i)
3. Improve Community Appearance	3.a. Enhance landscaping	3.a.1. Update existing landscaping along the Corridor <ul style="list-style-type: none"> Shift focus of FY 18 landscaping to Tennyson Corridor Install two weather based irrigation controllers on Corridor for irrigation needs in Fall of 201 	Landscape Maintenance Manager	LU-4.11	Jun 2018		
		3.a.2. Partner with Stopwaste and KHCG to apply for grant money to host at least one Pavement-to-Garden event <ul style="list-style-type: none"> Identify stakeholder partners for pilot site Design and implement pilot site Based on lessons learned, design pavement-to-garden program to prepare for grant applications Map possible future sites along Tennyson 	UES Management Analyst	PFS-5.4 LU-4.11	Dec 2017		Survey area for site opportunities FY 18

GOAL	OBJECTIVE	ACTION/ TASK	LEAD STAFF	POLICY REFERENCE	DUE DATE	STATUS	COMMENT
	3.b. Decrease dumping and litter	3.b.1. Use data and evidence driven approaches to address illegal dumping <ul style="list-style-type: none"> Complete analysis of illegal dumping and bulky pickup maps using GIS Conduct empathy interviews with multi-family housing stakeholders Test program design changes, including possible rewards, in collaboration with landlords, tenants, and Waste Management Bring recommended changes to Council 	Maintenance Services, Code Enforcement, CMO Management Analyst, Solid Waste Manager	PFS-7.2 ED-5.4	Jun 2018		
		3.b.2 Expand the Downtown Streets Team program to the Tennyson Corridor <ul style="list-style-type: none"> Negotiate a pilot expansion of the Downtown Streets to the Tennyson Corridor Annual reporting on accomplishments related to: assistance provided to participants, litter picked up, housing assistance to participants 	L&CS Management Analyst	ED-5.4	Dec 2017		Can utilize additional CDBG Program Income that was not originally part of the FY 18 budget
		3.b.3. Partner with KHCG to hold targeted cleanup events as needed	Maintenance Services Director	NR-18 NR-6.8	Dec 2017		
		3.b.4. Run Litterati competition in partnership with Tennyson schools <ul style="list-style-type: none"> Continue to build on the partnership with Tennyson High School to grow this annual competition to pick-up trash and increase anti-littering education Expand to neighborhood middle schools 	UES Management Analyst	ED-5.4 NR-18 NR-6.8	Jun 2018		
		3.b.5. Audit of pedestrian trash cans <ul style="list-style-type: none"> Update the public trash can map along Tennyson Coordinate with WMAC and AC Transit to ensure adequate trash service Identify "hot spots" using data and update trash can locations as needed 	Solid Waste Manager, UES Management Analyst	PFS-7.8 M-5.5 NR-6.8	Jun 2018		




GOAL	OBJECTIVE	ACTION/ TASK	LEAD STAFF	POLICY REFERENCE	DUE DATE	STATUS	COMMENT
	3.c. Decrease blight	3.c.1. Support Code Enforcement to identify gaps in code compliance along the Corridor and work with property owners to abate violations <ul style="list-style-type: none"> • Assist Code Enforcement to develop a corridor improvement program event • Develop educational outreach (letters, mailers, media) before beginning enforcement efforts • Develop a research method to identify existing landscape & sign requirements for businesses that may be out of compliance 	Code Enforcement Division	HQL-5.6	June 2018 and 2019		Focus on high impact parcels, such as bus stops, intersection at Hesperian and Union Pacific Railroad
		3.c.2. Target the Housing Rehabilitation Program to homes along the Corridor <ul style="list-style-type: none"> • Identify current housing conditions via housing stock study • Hold educational meetings for members of the community and COH Codes Enforcement Staff regarding the program • Targeted marketing and HEART team work in the Tennyson Corridor • Development of multi-lingual informational materials and applications regarding the Housing Rehab Program 	Community Services Manager	H-1.1 through H-1.5 H-6.3	Jun 2018		Measure A1 funds can be utilized for rehabilitation
		3.c.3. Develop a façade improvement program for businesses <ul style="list-style-type: none"> • Design incentives to existing and new service/retail businesses to approve building appearances • Develop outreach campaign to Corridor business and property owners for improvements rebates • Develop application process for Corridor property owners and business tenants 	Economic Development Manager	SR1.D SR1.C ED-5.4	Jun 2019		Aligns with Complete Communities Strategic Initiative (1.c.2)

GOAL	OBJECTIVE	ACTION/ TASK	LEAD STAFF	POLICY REFERENCE	DUE DATE	STATUS	COMMENT
4. Foster a Cohesive Sense of Place	4.a. Identify possible locations and a cohesive theme for public art along the corridor	4.a.1. Public Art & Innovation Master Plan <ul style="list-style-type: none"> Continue expanding the mural program Identify potential locations for murals through Master Art Plan guidelines Create a cohesive public art theme along the Corridor as part of the Master Art Plan Work with local artists on the implementation of the Master Art Plan Work with HUSD to involve students in the mural program 	Deputy Director of Development Services	ED-5.3 ED-5.4 HQL 5.1	Jun 2019		Aligns with Complete Communities Strategic Initiative (1.c.3) Complete Communities is responsible for the timeline of the Master Art Plan
	4.b. Increase City sponsored events and projects in the Tennyson Community	4.b.1. Facilitate a Cesar Chavez Day event <ul style="list-style-type: none"> Identify appropriate timeline for event Identify stakeholder and local business partners, including HUSD Collaborate with Hayward Chamber to develop an event timeline Identify sponsor organization 	Economic Development Specialist	EDSP – BM3	Jun 2018		Aligns with Complete Communities Strategic Initiative (1.e.1)
		4.b.2. Support and develop sustainable neighborhood based funding for small projects <ul style="list-style-type: none"> Assist residents in applying for Neighborhood Improvement Program microgrants Support community-based fundraising events 	Assistant to the City Manager, Community Services Division	GP HQL -5.5 HQL 5.1	Jun 2018		Aligns with Complete Communities Strategic Initiative (1.b.1)
		4.b.3. Explore possibility of a second Hayward farmer’s market location along the Tennyson Corridor <ul style="list-style-type: none"> Utilize HEART teams to determine need and potential locations for a Farmer’s Market Collaborate with partner organizations to host Farmers Market Assist in the acquiring any necessary permitting for partner groups 	Economic Development Specialist	GP HQL – 5.2 HQL -5.1 HQP 3.4	Dec 2018		Aligns with Complete Communities Strategic Initiative (1.b.2.b)
	4c. Explore using branding and signage to identify the corridor	4.c.1 Conduct empathy work and pilot experiments to determine community interest in and feasibility of neighborhood branding, gateway markers, and/or wayfinding signage <ul style="list-style-type: none"> Reach out to business owners, residents, schools, and other community members to learn about their needs Identify possible appropriate branding and signage opportunities Pilot promising projects and get feedback 	Communications and Media Relations Division, Economic Development Division	GP HQL -5.5	Dec 2017		Get HEART list from Stacey Bristow and ask to utilize the teams for survey and empathy work Prioritize creating neighborhood branding so this can be communicated to developers as new projects are built

GOAL	OBJECTIVE	ACTION/TASK	LEAD STAFF	POLICY REFERENCE	DUE DATE	STATUS	COMMENT
		<ul style="list-style-type: none"> Bring recommendations to community members and Council for final input and to collaboratively identify funding sources 					
		4.c.2 Work to rename a street (possibly Leidig Ct) to Cesar Chavez Street <ul style="list-style-type: none"> Empathy work and community meetings with residents and business owners in the area Staff report to Council on potential name change. If approved, Development Services would apply for change of name and support additional outreach 	PWET Surveyor	GP HQL 5.1	Jun 2019		
	4.d. Explore innovative placemaking opportunities along the corridor	4.d.1. Identify and pilot placemaking projects in coordination with visioning efforts outlined in Objective 1.a. <ul style="list-style-type: none"> Conduct empathy work and visioning exercises to understand community needs and desires Explore partnerships to tap into innovative placemaking ideas and solutions (e.g., Urban Land Institute Technical Assistance Panels) Conduct pilots/lean experiments Identify appropriate placemaking projects and work with community members to secure funding for permanent installation 5.a.1 Pilot "Mobile City Hall" at schools	Planning Division	LU-4.4 LU-4.11 M-5.5	Jun 2019		
5. Increase Community Resiliency	5.a. Increase awareness of and access to City Services	5.a.1. Pilot "Mobile City Hall" at schools <ul style="list-style-type: none"> Reconvene the lean innovation team Conduct experiments and additional empathy work to test assumptions and refine solution Design the outreach program based on lessons learned Make recommendations, request resources and launch program 	Mobile City Hall Lean Innovation Team	GP HQL 9.1 – 9.3 PFS 1 PFS 2.1	Jun 2018		
	5.b. Increase the number of residents with medical and dental service access	5.b.1. Firehouse clinic expanding to include dental services	Fire Chief	CS-1.14 CS-1.15 CS-4.1 HQL 4.4 HQL 4.1 HQL1.2	Dec 2017		
		5.b.2. Expand advertisement of Firehouse Clinic and education of resources for residents	Fire PIO/Communicati	CS-1.14 CS-1.15 CS-4.1	Dec 2017		New logo and postcards are in the works. PBS to film piece on the clinic and Brianne will make sure we have the footage

GOAL	OBJECTIVE	ACTION/ TASK	LEAD STAFF	POLICY REFERENCE	DUE DATE	STATUS	COMMENT
			ons & Media Relations Division	HQL 4.4 HQL 4.1 HQL1.2			
	5.c. Increase resident emergency preparedness	5.c.1. Increase opportunities to be become CERT/NERT certified <ul style="list-style-type: none"> • Increase CERT trainings held in Spanish language • Establish a Neighborhood Emergency Response Team (NERT) program in which community based CERT certified individuals will train their neighbors • Determine the need/feasibility of CERT trainings in additional languages 	CERT Coordinator	CS-5.4	Mar 2018		Aligns with Complete Communities Strategic Initiative (1.d.1.b)
		5.c.2. Support and expand outreach regarding CodeRED notification system and Nixle <ul style="list-style-type: none"> • Informational campaign and community outreach regarding programs • Increase the number of residents who are signed up for CodeRED and Nixle alerts 	Fire PIO/HPD PIO/Communications & Media Relations Division	CS 5.11	Dec 2017		
		5.c.3. Expansion of the City's Brace and Bolt Program <ul style="list-style-type: none"> • Targeted outreach to homeowners in special populations and extremely low-income households • Explore funding mechanisms to expand the Brace and Bolt program, from CDBG funded home-owner based program, to allow for seismic retrofits for rental properties 	CMO Management Analyst & L&CS Management Analyst	HAZ-2.9	Jun 2018		
	5.d. Increase access to effective public transit	5.d.1. Install GPS based traffic Signal Preemption for AC Transit buses <ul style="list-style-type: none"> • Develop and execute agreement with Alameda County Transit for the cost recovery associated with installation • Installation of GPS based preemption devices • Review and report out data regarding reduction in traffic wait times and ridership 	Transportation Manager	HQL 4.2 M 7.2	Dec 2017		Working with AC Transit on cost recovery
		5.d.2. Coordinate with local service providers and transit agencies to promote the City's Paratransit Program <ul style="list-style-type: none"> • Analysis in service gaps in the Corridor based upon currently existing Paratransit client database • Develop taxi service marketing campaign and materials in multiple languages • Public outreach using the HEART team 	Community Services Manager/Paratransit Coordinator	HQL 6.7 HQL 4.2 M7.2 M 7.12	Jun 2018		

GOAL	OBJECTIVE	ACTION/TASK	LEAD STAFF	POLICY REFERENCE	DUE DATE	STATUS	COMMENT
	5.e. Facilitate economic development and growth opportunities within the Corridor	5.e.1 Adopt, finalize, and implement Business Incentive Program	Economic Dev Manager	ED1-3	Dec 2017	On Schedule and Within Budget	Aligns with Complete Communities Strategic Initiative (1.c.4.a)
		5.e.2 Develop business accelerator	Economic Dev Manager Community Services Manager	ED1-3	Jun 2018	On Schedule and Within Budget	Complete Communities is responsible for the timeline of these economic development programs
	5.f. Reduce resident utility bills through efficiency	5.e.1. Pilot utilities "class" for multifamily property owners <ul style="list-style-type: none"> • Work with Stopwaste to create pilot curriculum • Identify ten property owners for pilot class • Host the class, which will teach ways to achieve utility savings for water, sewer, energy and garbage, including bill analysis, coaching, and tours • If effective, expand pilot to reach more property owners 	UES Management Analyst	NR-4	Mar 2018	On Schedule and Within Budget	Aligns with Complete Communities Strategic Initiative (1.d.2)
		5.e.2 Target outreach for the PAYS, CYES, Water Rebate, Grid Alternative and Sun Shares programs to residents and property managers along Tennyson <ul style="list-style-type: none"> • Map target blocks with service providers and collect baseline utility usage • Conduct marketing campaigns • Track program participation and utility savings to measure impact 	UES Management Analyst	NR-4	Mar and Sep 2018 and 2019	On Schedule and Within Budget	Aligns with Complete Communities Strategic Initiative (1.d.2)

-  On Schedule and Within Budget
-  Behind Schedule or exceeding Budget
-  Stopped – No Progress

Tennyson Corridor Strategy
Performance Measures
(Select 5-10 Performance Measures for Each Strategy)

1. Depth and breadth of community stakeholder participation in visioning process, including:
 - a. Percent of residents and businesses reached in door-to-door outreach
 - b. Attendance at in-person community visioning sessions
 - c. Response rates for electronic/mailed outreach (e.g., surveys)
 - d. Demographics of participants in comparison to demographics of Tennyson Corridor (e.g., primary language, race/ethnicity, age, business owners/residents/other community stakeholders)
2. Percent of Councilmembers who vote to approve the Vision Plan (target = unanimous)
3. Percent reduction in time for Alameda County Transit buses to navigate Tennyson Corridor
4. Change in number of accidents involving pedestrians or cyclists
5. Change in demand for medical and dental services at Firehouse Clinic
6. Change in participation in CERT/NERT classes and programs
7. Conduct annual survey of community members to understand changing attitudes about the Tennyson Corridor and capture performance, including:
 - a. Percent of community members who report that the appearance of the Tennyson Corridor has improved from two years prior
 - b. Percent of community members who report that the Tennyson Corridor is headed in the right direction
 - c. Percent of community members who report that they feel the City is paying attention to their neighborhood
 - d. Percent of community members who report that they feel safe walking and/or biking along Tennyson
8. Additionally, the team will report back on the quantitative and qualitative accomplishments of actions, pilot projects, and lean innovation experiments, including:
(note: staff will determine targets for the below deliverables in late 2017 after establishing baseline data)
 - a. Number of neighborhood alert groups
 - b. Number of trees planted
 - c. Number of public art features
 - d. Number of public trashcans
 - e. Business participation in pilot projects, such as lighting incentives
 - f. Usage of infrastructure improvements such as: pop-up bike lane, adopt-a-crosswalk, and temporary bike racks
 - g. Mobile City Hall interactions/problems resolved



CITY OF HAYWARD

Hayward City Hall
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Hayward, CA 94541
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File #: WS 17-031

DATE: June 13, 2017

TO: Mayor and City Council

FROM: Director of Finance

SUBJECT

Proposed FY 2018 Operating Budget - Work Session 3

RECOMMENDATION

That the Council provides comments on the FY 2018 Operating Budget and reviews the information in this report on follow-up items from the Saturday, May 20, 2017 and Tuesday, May 23, 2017 budget work sessions.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Airport FAQ
Attachment III	Financial Policies and Practices Update



DATE: June 13, 2017
TO: Mayor and City Council
FROM: Director of Finance
SUBJECT: Proposed FY 2018 Operating Budget – Work Session 3

RECOMMENDATION

That the Council provides comments on the FY 2018 Operating Budget and reviews the information in this report on follow-up items from the Saturday, May 20, 2017 and Tuesday, May 23, 2017 budget work sessions.

BACKGROUND

The City commenced the FY 2018 budget development process with the City Council in early February. Both the Council Budget & Finance Committee and the full City Council have held several budget-related meetings as part of this development process.

On May 20, 2017, the Council held a special budget work session to review the FY 2018 Proposed Operating Budget. The special budget work session included Department presentations, and Council discussion on department budgets and related operating issues. On May 23, 2017, the Council continued the special budget work session at its regular City Council meeting to discuss one-time strategies to close the FY 2018 Operating Budget gap. The Council held a work session on June 6, discussed the Airport Hanger Fees, and continued the other discussion items. This report presents all of the items again for Council's reference.

DISCUSSION

The work session scheduled for tonight will be Council's third budget work session regarding the FY 2018 Operating Budget. The budget work session this evening will include further discussion regarding Library and Community Services staffing, Airport Hanger Fees, and Passport Program.

Proposed Library and Community Services Staffing:

Council has been presented with information regarding staffing options at the new 21st Century Library and Learning Center on multiple occasions over the course of the fiscal year. Most recently in work session items, Review of 21st Century Library and Community Learning Center Staffing Considerations, on May 2, 2017 and again on May 20, 2017 during the FY 2018 Operating Budget Saturday Work Session. During these discussions Council identified some

key areas for staff to evaluate as the new 21st Century Library and Learning Center progresses towards its grand opening in February/March 2018. These key areas include: expanding services to allow the Library to open on Sundays; remaining open later into the evening on nights that correspond with key “study times” with some of the City’s educational institutions; to consider an increased use of volunteers to provide services at the facility; and last, but certainly not least, to limit the impact to the General Fund as it relates to new positions adhering to the status quo goal the City Manager identified as a priority in the Budget Message section of the Proposed FY 2018 Operating Budget.

As discussed in the May 2nd staff report, it is possible to operate the new 21st Century Library and Learning Center without additions to current staffing; this approach, however does not address challenges that could arise from the likelihood of a significant increase in annual visits from the current 400,000 per year to a projected 1.2 million in the first year of operation at the new facility. For this reason, staff proposed an increase of 4.3 FTEs for Council’s consideration.

Discussion

The main library has had the same hours of operation with no substantive changes for the past 20+ years. Keeping the library facility open and available to the public is the core library function which has been maintained through the extraordinary efforts of library staff through challenges such as staffing reductions and service demand increases that have occurred over the years. The main library is open to the public six days a week, Monday through Saturday, for a total of 48 hours of operation per week. The library is open from 11:00 a.m. to 8:00 p.m. on Mondays, Tuesdays and Wednesdays (nine hours per day); and from 10:00 a.m. to 5:00 p.m. on Thursdays, Fridays, and Saturdays (seven hours per day).

The optimal number of daily hours for the library to operate and allow for public access is between seven to nine hours per day. This number of hours is optimal for three fundamental reasons:

1. It offers provision of a reasonably wide window of opportunity for the public to access library services on a given day, including morning, afternoon, and occasional evening hours.
2. The operating window does not exceed the length of one full-time staff shift (eight hours plus one hour meal break).
3. It maximizes the amount of library operating hours the City can offer to the community with limited resources. This is achieved by focusing and aligning staff “shifts” with the library’s open hours to the greatest possible extent.

Options and recommendations:

Considering all the above, as well as the discussions in the May 2nd and May 20th work sessions, there are several options the Council can consider at this time.

Option One - No additions to library staffing in FY 2018. This option causes no fiscal impact to the General Fund in FY 2018 other than previously projected growth in net staffing expense

that will be incurred regardless. As mentioned in previously discussions, the new library can be operated with existing staffing levels. However, this may cause impacts on existing staff due to the anticipated increase in library visits that may occur during the first year the new library is open.

Option Two – Addition of 1.0 FTE Librarian position. Council may consider the implementation of a modest increase to library staffing to address the needs that will be created by new services offered at the new 21st Century Library and Learning Center, that are not currently offered which would consist of a Librarian (1.0 FTE).

Option Three – Addition of 4.3 FTE staff positions as proposed in the FY 2018 Operating Budget. The option included in the Proposed FY 2018 Operating Budget would add 4.3 FTE front-line library staff effective at the time the new library opens in 2018. It is this option that would comfortably address the initial projected spike in service demand. If the Council selects this option, staff could potentially redirect these staff to implement Sunday operating hours in FY 2019 depending on actual service demands. This option, combined with some small increases to supplies and services, would have a projected increase of \$203,399 in General Fund expenditures in FY 2018, and covers only the second half of the fiscal year. In future years, this cost would be for the full fiscal year should the staffing level be maintained.

Staff recommends deferring implementation of Sunday hours at the new 21st Century Library and Learning Center until July 2018 or later, after the new library has been open and operating for a period of time so staff can better understand service demand increases before implementing Sunday operating hours. This will also allow staff and the Council more time to evaluate options for addressing the structural deficit in the operating budget before adding additional services for the public.

Next Steps

Immediately upon the new 21st Century Library and Learning Center opening in the Winter of 2018, staff plans to look to some key indicators to be able to quantify ongoing service needs and identify appropriate service levels at the new facility. Among the measures staff plans to use are:

- A comparison of customer wait times at the main library today vs. wait times at the new 21st Century Library and Learning Center
- Customer surveys to identify the most desired operating times, including those currently offered and not offered
- Number of visits - trends and increases
- Times of heaviest and least use
- Services requiring additional resources to function optimally
- Services being offered that may not be desired or utilized
- More accurate projection of possible new revenue streams

Airport Hanger Fees: (This item was discussed at the June 6, 2017 Council Meeting and was not continued to the June 13, 2017 meeting)

On May 2, 2017, the Council adopted the FY 2018 Master Fee Schedule. This update to the Master Fee Schedule included rent increases for hangars, offices, and storage areas owned and operated by the Hayward Executive Airport. The increases are part of a regular schedule of rental rate setting at the airport. Beginning in 1999 the City, and more specifically the Hayward Executive Airport began the practice of adjusting rates every two years using either a factor, 75% of the Bay Area Consumer Price Index (CPI) or based on the results of a market rate study conducted by an independent aviation expert. The practice has been a study is conducted every 4th year. In year's when an independent study is conducted comparing rental rates at the Hayward Executive Airport with those of other similar and comparable airports in the Bay Area and across the country.

In accordance with the established precedence, 2017 was the year rates at the airport were to be established based on a study. To that end the City engaged Aviation Management Consulting Group an independent aviation consultant to conduct a rent study for rental rates at the Hayward Executive Airport. This study included a comparison to multiple local general aviation airports and other comparable airports. The study results indicated that many of the rates charged by the City at the Hayward Executive Airport were far below the rates charged at comparable airports and "below market". The study revealed that the City was in some cases 51% below market and would support an increases of up to that amount for these specific fees.. An increase of that magnitude was considered unbearable by staff upon review and recommended a phased in approach to bring these fees to market 10% a year per year until market rate was achieved. For instance, the study recommended that rates for a Standard T-hangar be increased by a total of 51%, but staff proposed to limit that increase to 10% per year over a number of years until the rates charged at the Airport reached market rates as calculated in the study. This 10% change in rent for a Standard T-hangar is an increase of \$34 per month or \$408 annually. On May 2, 2017, Council approved staff recommendation to limit all rent increases to not to exceed 10% in FY 2018, in an attempt to limit the financial impact on airport tenants. Rents , in some instances, were not increased at all and others varied in percentage, up to, but not exceeding 10% in FY 2018.

Prior to the May 2, 2017 meeting with the full Council staff presented the proposed FY 2018 rental rates at a regularly scheduled Council Airport Committee (CAC) meeting on April 13, 2017 to allow for tenant input and gain an understanding of possible impacts to renters. Staff also made a presentation to a group of impacted renters at a well-attended tenant meeting on April 17, 2017 where they received feedback on the rental increase. At the May 2, 2017, meeting of the City Council, a handful of airport tenants provided comments, including some which questioned the validity of the study and rate increases. To provide further clarification based on feedback received at the various meetings, staff prepared a detailed response in Attachment II and made this information available to the public in a variety of ways. For instance, it has been suggested that the 2002 Hayward Executive Master Plan stipulates that rental rate increases be capped at 3%. In fact the 2002 Hayward Executive Master Plan only makes financial assumptions for planning purposes. It is not a policy document that

prescribes the amount of future rental increases. Meaning, essentially, that this document is not relevant to this discussion.

Staff is not recommending changes to the rates adopted in the FY 2018 Master Fee Schedule at this time. However, staff does support the notion of yet another study to ensure that rates established are in fact truly “market rates”. Accordingly, in the fall of 2017, staff will engage a separate independent third-party consultant or appraiser to review and verify that assumptions used, airports selected for comparison, and the results provided in the market value study completed by Aviation Management Consulting Group are accurate. Also, as indicated at previous meetings with Council, staff will collect information to be able to report to Council the effects of the rental rate increase, including the impact to hangar waiting lists and vacancy rates.

Passport Program:

The City Clerk’s Office became a U.S. passport acceptance facility in 2008. Since December 2016, the requests for U.S. passports has increased beyond what current resources can absorb. During the May 20, 2017 budget work session, the City Clerk proposed the elimination of the Passport Program because the office could not handle the added demand. The Council requested that the City Clerk and the City Manager’s office meet to determine how the Passport program could be retained.

Three options are presented for Council consideration.

OPTION 1: ELIMINATE PASSPORT PROGRAM:

This option was presented at the May 20, 2018 budget workshop but is no longer being considered, after a more detailed review of current resources and receiving Council’s feedback in which a desire was expressed to maintain the program in some capacity.

OPTION 2: CONTINUE PASSPORT SERVICES IN THE CITY CLERK’S OFFICE WITH EXISTING RESOURCES:

Continue the passport service with existing staffing, providing the same level of service as was provided in 2016, prior to the increase demand. Retaining the passport program at the 2016 service level will not impact core services or overall service delivery. This will allow staff to determine whether the service demand subsides over time, providing staff the ability to monitor over this coming fiscal year. Staff will continue to engage interns to assist with the provision of passport services, as well as, explore software solutions to allow for online appointments to meet added demand.

OPTION 3: TRANSFER THE PASSPORT SERVICE FROM THE CITY CLERK’S OFFICE TO THE LIBRARY:

The library could become a certified passport acceptance facility and the passport service could be transferred and managed with existing Library staff now and new Library staff in the new Library. This would allow the Passport Program to continue and handle increase demand without adding additional resources. This option has no to minimal impact to the General Fund.

OPTION 4: OFFER THE PASSPORT PROGRAM IN BOTH THE CITY CLERK'S OFFICE AND THE NEW LIBRARY:

The passport program would continue in the City Clerk's office with existing staff, providing the level of service as was provided in 2016. The Library could become a certified passport acceptance facility and assist with handling any increase in demand, as well as, allow for Saturday appointments. The Passport Program could be managed with existing Library staff now and new Library staff in the new Library. This option has no impact to the General Fund.

Proposed Changes to the Financial Policies in the Supplemental section of the Operating Budget:

The Financial Policies included in the "Supplemental" section of the FY 2018 Operating Budget that will be brought to Council for adoption on June 20, 2017 has been updated to include changes that will bring the City in compliance with SB 1029 (codified in California Government Code section 8855), which required revisions to the City's Debt Issuance and Management Policy and the addition of a Debt Disclosure Policy. Included in Attachment III is a red lined version of the updated policy.

NEXT STEPS

The City Council will hold an additional work session (if necessary) on June 13, 2017; and the Public Hearing on the FY 2018 Operating and CIP Budgets is scheduled for June 20, 2017.

Prepared by: Nicole Gonzales, Budget Officer
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Sean Reinhart, Director of Library and Community Services
Morad Fakhrai, Director of Public Works
Miriam Lens, City Clerk
Maria Hurtado, Assistant City Manager
Dustin Claussen, Director of Finance

Recommended by: Dustin Claussen, Director of Finance

Approved by:



Kelly McAdoo, City Manager

FREQUENTLY ASKED QUESTIONS (FAQ)

Some airport hangar tenants have commented regarding the rent increase for various types of hangars, offices, and storage areas of the Hayward airport that City Council approved as part of the City's Master Fee Schedule on May 2, 2017. Staff would like to take this opportunity to respond to some of the questions and comments that were received, and to dispel any misunderstandings.

- What is the airport policy regarding rent increases?
As outlined in the Master Fee Schedule approved annually by City Council, since 1999 it has been the policy to adjust airport rent every two years by 75% of the local Consumer Price Index (CPI), and to adjust it every other two years based on the results of a market rent study performed by an independent aviation consultant. The study compares Hayward's rental rates with other similar airports in the Bay Area and across the country. The objective is to be as close to market rate as possible without exceeding it. This assures that tenants will not be charged far in excess of market rate, and that Hayward will be using rental rates that are commensurate with other, similar airports.
- What is the credibility of the aviation consulting company that did the work?
The consultant, Aviation Management Consulting Group of Centennial, Colorado, has been in business since 1988. They are one of just two firms in the country with significant experience in airport rent studies, and the only one with a sole concentration on general aviation airports. They maintain an extensive database of airport statistics and use proprietary algorithms in their work to provide meaningful results. In this case, they independently identified comparable airports based on criteria such as runway length, historic activity levels, and total based aircraft. City staff has no role in determining the outcome or the recommendations made in the report. The latest study found that Hayward airport's rental rates are, in most cases, significantly below market rate.
- This rent increase hurts the based tenants and should not be implemented.
A common concern of airport tenants is the escalating cost of aircraft ownership, including rental increases. Airport staff shares this concern. However, Hayward Executive Airport is established as an Enterprise fund, which means the airport is financially independent. The airport depends on cost containment and the revenue generated to cover the costs associated with daily operation. Consistent with the direction from City Council, the Federal Aviation Administration (FAA) also requires all airport owners to make their airport as financially self-sustaining as possible. Accordingly, Hayward airport is run much like a commercial business, with the objective of operating in the black. Periodic rent increases, among other measures, are a normal and customary way to help achieve that objective.
- How will the revenue generated by this rent increase be used?
The revenue generated will help operate and improve the airport. For instance, the City's Capital Improvement Program (CIP) budget details the upcoming projects designed to enhance safety and capacity at the airport. Some of the projects are eligible for grants from the FAA and Caltrans. But projects in revenue-generating areas, such as the paved alleyways between T-

hangars, are not eligible for those funds and must be completely funded by the airport. There are multiple unfunded projects that are not listed in the CIP budget, such as pavement rehabilitation of taxilanes and taxiways, perimeter fencing, LED conversion of taxiway and runway edge lighting and directional signs, T-hangar restroom remodeling, and construction of a new air traffic control tower. These projects conservatively total an estimated \$10 million. Other uses for the revenue include the purchase of daily supplies and services.

- Commercial tenants are not paying their fair share in rent.
Rent for individual T-hangar tenants and commercial tenants is very different. Ground rent is just one of the costs paid by commercial tenants. They are also required to fully fund their facility's construction costs – often in the millions of dollars – in addition to annual utility and maintenance costs. This levels the playing field since individual hangar tenants are not responsible for any of these additional costs.
- The corporate jets based at Hayward take a disproportionate toll on airport pavement and drive up maintenance costs.
There are currently 36 jets at the airport, just 8% of all based aircraft. This is important because frequency of operation is a key factor in pavement wear and tear. In addition, the U.S. Army Corps of Engineers built the airport to accommodate a variety of military aircraft. Over the years, those included the C-118 (Gross Weight 97,200 lbs.) and the Lockheed C-130 Hercules (Gross Weight 155,000 lbs.). Today, based jets range from 6,000 to 98,000 lbs. Gross Weight, but the average jet at HWD is approximately 30,000 lbs. So, the airport runways are more than able to accommodate jet traffic without undue pavement wear and expense.
- Years ago, City officials promised that proceeds from the development of non-aeronautical parcels on airport property would be used to subsidize T-hangar rent.
City staff reviewed Council and Council Airport Committee (CAC) staff reports for the past fifteen years and recently spoke with the staff in charge of the airport at the time. No written reference to such a binding agreement could be found, and the former employees confirmed there was no promise of subsidized rent.
- Are rent increases prohibited under the latest Airport Master Plan or as part of a binding agreement?
The Airport Master Plan (AMP) makes recommendations for future development of the airport. The AMP relies on various operational projections and financial assumptions to help determine future infrastructure needs, but it's not a financial blueprint for daily airport operations, and it's not relevant to this discussion. City staff reviewed the AMP and other documents and found no record of a binding agreement prohibiting discretionary rent increases. All rental rate increases proposed by staff are subject to review and approval by the City Council.
- Can the airport operating fund balance or real estate fund be used to reduce the cost of hangar rental?
Based on customary accounting practices, the airport operating fund balance is maintained in reserve to cover the ordinary costs of operation, should it be necessary. The current fund balance is adequate for approximately six to nine months of operation. The proceeds of the airport real estate fund are intended for urgent projects or emergency needs, and use of this fund must be authorized by City Council.

- What are the next steps and staff plans to increase revenue generated at the airport?
To reduce the financial burden to our tenants, staff will phase in the current rent increase over time. Staff will also engage a professional and experienced third-party consultant or appraiser to review and verify the original assumptions used, the airports selected for comparison, and the results provided in the current fair market value study. In addition, the airport is increasing revenue through renegotiation of existing commercial leases and aggressive marketing of vacant parcels for new development.

Debt Issuance and Management Policy

The City of Hayward has developed a comprehensive debt management policy. The following parameters are to be considered before debt issuance:

1. The purposes for which debt may be issued shall be approved by City Council.
2. Legal debt limitations or limitations established by policy, including limitations on the pledge of the issuer's general credit, shall be calculated.
 - The City is bound by a provision in state law limiting indebtedness for California cities to 15% of the assessed value of all real and personal property of the city. This statutory limitation applies to bonded indebtedness of the City payable from the proceeds of taxes levied on property.
3. Debt may be issued to finance the construction, acquisition, and rehabilitation of capital improvements and facilities, equipment, and land to be owned and/or operated by the City. Long-term debt financings are appropriate when any of the following conditions exist:
 - The project to be financed is necessary to provide basic municipal services;
 - The project to be financed will provide benefit to constituents over a duration of more than one year;
 - The total long-term debt financing would not impose an unreasonable burden on the City and its taxpayers/ratepayers, as applicable; or
 - The debt is used to refinance outstanding debt to produce an economic savings or to realize other benefits of a debt restructuring.
4. Types of debt permitted to be issued are:
 - short-term and long-term debt
 - general obligation and revenue debt
 - capital and variable rate debt
 - lease-backed debt, such as certificates of participation
 - special obligation debt such as assessment district debt
 - pension obligation bonds
 - conduit issues
 - State Revolving Loan Funds and Pools
 - inter-fund borrowing
 - taxable and non-taxable debt
5. Prior to the issuance of any debt, the funding source for the debt service is identified and designated. The level of debt to which the City obligates itself is managed within available resources and represents a minimal cost to general taxpayers.
6. Except in extreme conditions as defined by Council, the issuance of new debt should not in and by itself jeopardize or lower the City's bond ratings.
7. To the extent possible, the City plans the issuance of new debt to occur when resources are made available by the retirement of an existing obligation. By managing the timing of new debt, current City operations are not affected.
8. Authorized methods of sale shall be considered on a case by case basis, including competitive sale, negotiated sale, and private placement.
9. Method of selecting outside finance professionals shall be consistent with the City's procurement practices.

10. Compliance with federal tax law provisions, such as arbitrage requirements.

To be an effective management tool, the parameters of the debt issuance and management must be compatible with the City's goals pertaining to the capital improvement program and budget, the long-term financial plans, and the operating budget. Debt parameters should strike an appropriate balance between establishing limits on the debt program and providing sufficient flexibility to respond to unforeseen circumstances and new opportunities. In addition to complying with the terms of this Debt Policy, compliance with any other applicable policies regarding initial bond disclosure, continuing disclosure, post-issuance compliance, and investment of bond proceeds. Without limiting the foregoing, the City will periodically review the requirements of and will remain in compliance with the Federal securities law, including any continuing disclosure undertakings entered into by the City in accordance with Securities and Exchange Commission Rule 15c2-12; Any federal tax compliance requirements, including, without limitation, arbitrage and rebate compliance; The City's investment policies as they relate to the use and investment of bond proceeds; Government Code section 8855(k) and the annual reporting requirements therein.

Proceeds of debt will be held either (a) by a third-party trustee or fiscal agent, which will disburse such proceeds to or upon the order of the City upon the submission of one or more written requisitions by the Assistant City Manager of the City (or his or her written designee), or (b) by the City, to be held and accounted for in a separate fund or account, the expenditure of which will be carefully documented by the City. It is the responsibility of the Director of Finance to monitor and ensure that the proceeds of all debt issuances will be directed to the intended use.

Debt Disclosure Policy

The City of Hayward intends to comply with all applicable federal and state securities laws. The following policy is establishing disclosure requirements for new debt issuance and continuing disclosure for ongoing debts. The Director of Finance will ensure compliance with any initial and periodic reporting requirements under state and federal law, including, but not limited to, filings required by the California Debt and Investment Advisory Commission pursuant to California Government Code section 8855.

Disclosure Requirements for New Debt Issuance

1. The Director of Finance will act as the City's Disclosure Coordinator and shall review any Official Statement prepared in connection with any debt issuance by the City to ensure there are no misstatements or omissions of material information in any sections that contain descriptions of information prepared by the City.
2. In connection with this review of the Official Statement, the Disclosure Coordinator shall consult with third parties, including outside professionals assisting the City, and all members of City staff, to the extent that the Disclosure Coordinator concludes they should be consulted so that the Official Statement will include all "material" information (as defined for purposes of federal securities law).
3. As part of the review process, the Disclosure Coordinator shall submit all Official Statements to the City Council for approval through a formal staff report.
4. The approval of an Official Statement by the City Council shall not be approved as a consent item. The City Council shall undertake such review following consultation with

the Disclosure Coordinator, to fulfill the City Council's responsibilities under applicable federal and state securities laws. In this regard, the Disclosure Coordinator shall consult with the City's disclosure counsel to the extent the Disclosure Coordinator considers appropriate.

Continuing Disclosure Requirements for Ongoing Debts

1. Under the continuing disclosure undertakings that the City has entered into in connection with its debt offerings, the City is required each year to file annual reports with the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") system. Such annual reports are required to include updated financial and operating information, the City's audited financial statements and file notices of certain events in EMMA.
2. The Disclosure Coordinator is responsible for establishing a system by which:
 - the City will make the annual filings required by its continuing disclosure undertakings on a complete and timely basis, and
 - the City will file notices of enumerated events on a timely basis.

When the City makes statements or releases information relating to its finances to the public that are reasonably expected to reach investors and the trading markets, the City is obligated to ensure that such statements and information are complete, true, and accurate in all material respects.

The Disclosure Coordinator shall ensure that the members of the City staff involved in the initial or continuing disclosure process and the City Council are properly trained to understand and perform their responsibilities. This training and understanding shall include Disclosure Procedures, the City's disclosure obligations under applicable federal and state securities laws and the disclosure responsibilities and potential liabilities of members of the City's staff and members of the City Council.



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
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File #: WS 17-030

DATE: June 13, 2017

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Capital Improvement Program FY 2018 - FY 2027 (Report from Director of Public Works Fakhrai)
(Continued from June 6)

RECOMMENDATION

That Council reviews and comments on the attached Recommended Capital Improvement Program (CIP) for Fiscal Year 2018 through Fiscal Year 2027.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Responses to Council Queries



DATE: June 13, 2017

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT Capital Improvement Program FY 2018 – FY 2027

RECOMMENDATION

That Council reviews and comments on the attached Recommended Capital Improvement Program (CIP) for Fiscal Year 2018 through Fiscal Year 2027.

BACKGROUND

The City of Hayward's Capital Improvement Program (CIP) is a planning document for the upcoming ten-year period that supports the City Council's priorities of Safe, Clean, Green, and Thrive, and the Complete Streets Policy. This planning document includes budget recommendations that contain revenue and expenditure estimates for capital projects. Projects include infrastructure (street construction and improvements, sewer and water systems upgrades, and storm drains), seismic retrofitting of public facilities, constructing public buildings, airport projects, information technology improvements, replacement of major equipment, and other miscellaneous projects.

The CIP development process is comprehensive and includes review by several committees/commissions. The CIP process begins with preparation of project cost estimates by staff who then submit capital project funding requests for evaluation by an internal capital projects review committee. The recommended Ten-Year CIP is compiled and presented to the Planning Commission for conformance with the General Plan, the Council Budget and Finance Committee as in previous years, and this year to the Council Infrastructure Committee for review and input, with a final review by Council at a work session. The public had the opportunity to provide comments at each of these meetings as well as at the final public hearing in June. Finally, the capital spending plan for the upcoming year is adopted by Council via resolution.

DISCUSSION & FISCAL IMPACT

The draft recommended FY 2018 – FY 2027 CIP is available for review at www.hayward-ca.gov/2018CIP and currently contains approximately \$122 million of projects for FY2018, an estimated \$493 million for the next ten years, and an additional \$401 million in unfunded needs. The CIP continues to focus on many projects related to improving the City's

infrastructure, such as improvements to fire stations, construction of the 21st Century Library and Community Center, sidewalks, streets, water, sanitary sewer facilities, and the Hayward Executive Airport. In addition, a strong emphasis continues towards the goal of upgrading the City's overall appearance, including murals and landscaping.

Note: Since the distribution of this staff report on June 1, 2017, the CIP totals have changed slightly. The details are noted in this report .

Road and Street Projects - FY 2017 Update:

The 880/92 Reliever Route, Phase 1 project is substantially complete. The project was designed to provide better access to and from the industrial area north of State Route 92 and west of Interstate 880, and relieve congestion on I-880 and SR-92 and major arterial streets. The total project cost is approximately \$32,050,000.

Pavement Rehabilitation FY 2016, is nearing completion with an estimated \$18,905,000 spent to rehabilitate thirty-seven lane-miles of streets and another sixty-nine lane-miles of preventative maintenance. This project was the largest paving project in City history and was primarily funded through Measure C (local sales tax approved by Hayward voters) and a combination of Measures B and BB (county sales tax measures), Gas Tax, and Vehicle Registration Fees (VRF). The project raised the City's Pavement Condition Index (PCI) from sixty-six (66) to seventy (70). While this is a significant achievement, at the current funding levels, pavement conditions for City streets will certainly deteriorate in upcoming years without additional annual funding allocations.

Road and Street Projects – FY 2018:

Road and street projects comprise 35% (\$45,299,000) of the FY 2018 CIP total. Those projects include pavement rehabilitation, curb and gutter repair, and major roadway improvements.

Pavement rehabilitation is primarily funded through Measures B (Fund 215) and BB (Fund 212), Gas Tax (Fund 210), VRF (Fund 218), Streets Improvement (Fund 450), and grants such as Local Area Transportation Improvement Program (LATIP). These funds are non-discretionary (i.e. they must be spent on street related projects). This year, a reimplemention of Rule 20A funding for underground conversion of existing overhead utilities is helping complete the Mission Boulevard Corridor Improvements. Due to the recent passage of the Road Repair and Accountability Act (SB1), an additional \$1.1 million will be received in FY18 and approximately \$2.7 million to \$3 million each year thereafter. Roadway improvement funding in each area for FY 2018 is as follows:

- | | |
|---|---------------|
| • Measure B – Local Transportation (215) | \$2,268,000 |
| • Measure BB – Local Transportation (212) | \$17,109,000* |
| • Gas Tax – (210) | \$1,500,000 |
| • VRF – (218) | \$875,000 |
| • Street System Improvement (450) | \$2,328,000** |

- LATIP – Mission Blvd. Corridor Improvements (410) \$20,840,000
- Rule 20A – Mission Blvd. Corridor Improvements (410) \$2,400,000

* \$15,200,000 designated for Mission Boulevard Phases 2 & 3 Corridor Improvements
 ** \$1,975,000 Provided by a One Bay Area Grant

A key project to be undertaken in FY 2018 is Mission Boulevard Corridor Improvements Phases 2 (Industrial Parkway to southern City limits) & 3 (A Street to northern City limits) Design and Construction. The total project cost is \$45,800,000. Among the myriad items included with this work are the installation of landscaping in existing medians, installation of sidewalks, extension of greenways, and the installation of pedestrian path lighting and bike paths along Mission Boulevard. New landscaping and undergrounding of overhead utilities, among other improvements, will improve the visual appearance of the Mission Boulevard corridor. In addition, this project responds to both City's initiatives to be "clean and green" and includes complete streets components. Funding for this project will be provided using LATIP and Measure BB monies.

Another key project is Pavement Rehabilitation – FY17 & FY18 (\$12,150,000), which includes an estimated ten lane-miles of preventative maintenance and twenty lane-miles of pavement rehabilitation. Streets to be paved in this project are currently being finalized.

Note: Since the distribution of this staff report on June 1, 2017 the Main Street Complete Street Project was moved from Fund 212 – Measure B (Page 26) to Fund 450 – Street Systems Improvement (Page 96), reducing the Fund 212 -Measure B Local Transportation total above from \$17,459,000 to \$17,109,000. The Street System Improvement Fund total has also been added above.

Pavement Management Program and Street Rehabilitation Selection:

Street selection for pavement rehabilitation each year is conducted using several criteria. First, the Pavement Management Program (PMP) evaluates current and predicts future roadway conditions, and provides a logical and efficient method of identifying street rehabilitation needs and determining implementation. Staff also refers to the Metropolitan Transportation Commission's (MTC) guidelines, Maintenance Services staff's reports on streets needing repair, especially after a severe rainy season, and public requests for street rehabilitation. The PMP is updated every two years and is a prerequisite for certain funding sources. The industry standard practice recommended by MTC is a minimum of 15% of funding to be spent on preventive maintenance and a maximum of 85% on pavement rehabilitation. Hayward exceeds this standard with a minimum of 20% spent on preventive maintenance and 80% on pavement rehabilitation. Additionally, in 2014, Council approved the Economic Development Strategic Plan, which recommended additional improvements be made to streets in the Industrial area. Approximately 15% to 20% of the overall paving budget is allocated to improvements in that area.

Building Projects:

21st Century Library and Community Learning Center and Plaza and Heritage Plaza Arboretum (Measure C Fund 406; project budget: \$65,680,000) – Work has begun on the internal wall framing and electrical, communication, HVAC, utilities, and fire sprinkler systems. Work is approximately 46% complete with an expected building completion date of March 2018. The project schedule has been impacted by the need to dispose of contaminated soil and by the higher than normal rain days during this very wet winter.

Fire Stations Nos. 1-5 Improvements (Measure C Fund 406; project budget: \$10,830,000) – Design was completed and construction began on the improvements to Fire Stations Nos. 1-5 in FY 2017. Improvements include rehabilitation and modernization, updated infrastructure, improved livability, improvements for quicker response time, and a reduced environmental footprint at each location.

New Fire Station 6 and Fire Training Center (Measure C Fund 406) – The needs assessment study demonstrated the need to renovate Fire Station No. 6; however, the cost to renovate would be near the cost of constructing a new Fire Station No. 6 incorporated with the new Fire Training Center.

The new fire training center will replace and expand on the existing fire training academy adjacent to Fire Station No. 6. The needs assessment report summarized the conditions of all existing buildings and facilities and determined them to be in poor condition, substandard, and some are not in compliance with current code requirements.

Two options for the Fire Training Center are presented in the Recommended CIP. The first is for Phase 1 improvements only with a cost of \$31,325,000. Phase 1 consists of a new two-story Fire Station 6, including an annex with lobby, administration offices and classrooms, a four-story burn building, a two-story Victorian style burn building, a supplies building, an apparatus storage and service building, a driver's training course, and roadway/utility improvements. Council recently directed staff to move forward with the design of the full build out.

The second option is a full build out of the Fire Training Center for a total cost of \$48,900,000. The full build out consists of the Phase 1 improvements plus an aircraft hangar training structure, flash over fire training simulator, outdoor classroom building, Urban Search and Rescue (USAR) training structure, and an elevated BART training center. Staff is working to identify approximately \$20,000,000 or more of additional funding, which may be provided by partnering agencies. \$22,900,000 would be allocated from Measure C funds and the remaining required funding, if any, could be obtained through alternative financing.

Livable Neighborhoods:

An area of Council priority includes livable neighborhoods. Livable neighborhoods include street lighting, mural art, pedestrian traffic signal improvements, landscaping, traffic calming, the Pedestrian and Bicycle Master Plan, and the evaluation, design, and

construction/improvement of sidewalks and wheelchair ramps throughout the City. Funding is through Gas Tax (Fund 210), Measures B and BB (Pedestrian and Bicycle Funds 213 and 216), and Street System Improvements (Fund 450).

In FY 2017, new sidewalks were installed on Hayward Boulevard and Donald Avenue with a cost of approximately \$1,100,000. Design has begun and construction will begin in FY 2018 for new sidewalks along sections of Walpert Street from Mission Boulevard to 2nd Street. The project is expected to cost approximately \$800,000. Districts 6 (Tennyson Road South neighborhood) and 9 (Winton, Grove, and Thelma neighborhoods) will be targeted for sidewalk rehabilitation and wheelchair ramp improvements in FY 2018.

Currently, new sidewalks are selected by prioritizing safe and accessible pathways to schools and through requests from residents. The requests are evaluated based on distance to schools, existing pedestrian routes, and pedestrian volume to determine the priorities for new sidewalks. However, with the completion of the upcoming Bicycle and Pedestrian Master Plan, a more comprehensive work plan will guide selection of these improvements.

Note: Since the distribution of this staff report on June 1, 2017, \$25,000 per year for the mural project has been added to FY 19 – FY 27 (Page 4, Page 57).

Comprehensive Transportation Plans:

City-Wide Intersection Improvement Study – This study will evaluate and prioritize needed safety and pedestrian improvements at major intersections throughout the City. It will also provide order of magnitude cost estimates for each identified project. Lastly, staff will finalize the development of a comprehensive set of programs and policies to address neighborhood traffic calming concerns.

Transit Connector (Shuttle) Feasibility Study – Staff was successful in applying for and obtaining two grants that provided funding to determine the feasibility of and demand for a shuttle service from underserved transit sectors in the east/west Industrial areas and the Cannery area developments to the Downtown/BART station. The study is currently being finalized and is expected to be presented to Council either summer or fall of 2017.

Downtown Parking Study – Staff will finalize this effort to evaluate comprehensive short and long-term parking strategies for the Downtown area. Parking management, residential and business parking permits, and enforcement strategies will be among the policies submitted to Council for review and approval. The study report is currently being finalized and will be presented to Council during fall 2017.

Neighborhood Traffic Calming Plan (NTCP) - The NTCP will provide a well-defined toolbox to effectively utilize the most appropriate solutions combined with flexible policies to better address neighborhood traffic calming concerns.

City-wide Bicycle and Pedestrian Masterplan – Staff will undertake an update to the 2007 Bicycle Plan, which will also address pedestrian accessibility. This effort will begin in the

Downtown area as part of the Downtown Specific Plan process; then, utilizing that analysis as a catalyst to develop a citywide plan.

Utilities & Environmental Services:

Capital projects for Utilities & Environmental Services (U&ES) include improvement and replacement projects to ensure that the water and sewer infrastructure needed to deliver critical utilities services is reliable, efficient, and appropriately sized to meet the current and future needs of the community. Many projects are developed with a focus on sustainability, including water conservation, energy efficiency, resource conservation and recycling, renewable energy, and stormwater runoff quality and protection. Given the nature of water and wastewater projects, staff must be prepared to address changing priorities on short notice.

Water Systems:

The City-wide water meter replacement and Advanced Metering Infrastructure (AMI) conversion project is underway and is expected to be completed by the end of FY 2019. This project will provide the City and its water customers with hourly consumption data, which will enable improved leak detection and provide the City with a sophisticated tool to analyze water usage data and trends.

Water systems projects that address long-term adequacy and reliability remain fundamental priorities in the CIP. Options for retrofit or replacement of the Maitland and East and West Highland 250-foot reservoirs will be further evaluated in the coming years to assess the potential damage that could be caused by a future seismic event. The Garin, South Walpert, and Treeview Reservoirs will also be inspected in FY 2018 and FY 2019. If rehabilitation and/or recoating is necessary, the reservoirs will be taken out of service and rehabilitated appropriately.

Over the next ten years, an annual project will be implemented to replace existing cast iron pipes that are either reaching the end of their practical useful life as evidenced by the frequency of the main and service connection breaks and leaks, or they are hydraulically undersized. Asbestos cement water pipeline replacements at various locations will also occur over the next five years. There is a total of 300 miles of asbestos cement and cast iron pipes in the City's water distribution system. U&ES will be systematically replacing an average of four to six miles of cast iron and asbestos cement water pipelines annually, which represents approximately 2% of the existing 300 miles in the water distribution system.

A new 0.75 million-gallon water tank, pump system, and backup generator at the Garin Reservoir site will be completed in FY 2018. A second water tank will accommodate water demands and fire flow for future developments. The new pump system will also double the capacity of the existing pump station. As this reservoir will supply water to serve future developments at LaVista and potentially the Ersted property, a developer cost reimbursement arrangement for the project has been implemented.

Sewer Systems:

The Sewer Collection System will undergo several pipeline improvements in the next few years consistent with the Master Plan update for the Sewer Collection System completed in 2015.. These improvements are planned to either replace pipelines that are showing signs of age and require frequent maintenance and repair, or to upsize undersized mains to increase their conveyance capacity to handle current demand flows. These projects include areas of the City such as Cypress Avenue, Soto Road, Tyrell Avenue, Tennyson Road, and Harder Road. These are in addition to systematic sewer main replacement projects that do not have specific project locations at the time the funding is requested, to address age, condition, or hydraulic capacity.

Water Pollution Control Facility:

Noteworthy, near-term WPCF projects potentially include the replacement of an existing trickling filter that is past its useful life and does not meet current seismic standards, the renovation or construction of a new Administration Building, and construction of the new Operations Building. The new or renovated WPCF Administration Building and Operations Building will be designed to accommodate facility needs of the wastewater staff. A new, one megawatt solar project (which would be in addition to the existing one megawatt solar installation) at the WPCF is scheduled for design in FY 2018. The WPCF will also begin to study the feasibility of near shore discharge of tertiary treated wastewater in FY 2018 and prepare an associated facilities plan.

Recycled Water:

To make more efficient use of potable water, the City is currently designing a recycled water storage and distribution system to deliver the excess tertiary-treated recycled water to sites near the WPCF for use in landscape irrigation and suitable industrial processes. This project would cost nearly \$20 million and would take advantage of low interest State loan funding specifically for recycled water projects. This project is predicated on the City's ability to enter into an agreement with Calpine to utilize excess treated water from Russell City Energy Center's (RCEC's) recycled water facility (RWF). If not successful, there will be a need for the City to develop its own RWF.

Groundwater:

Although Hayward has not relied on groundwater for day-to-day water supplies since the early 1960s, the City has a long groundwater use history, relying entirely on groundwater for water supplies for over a century until an agreement was signed with the San Francisco Public Utilities Commission (SFPUC) in 1962 to supply all City water needs. The 2014 Sustainable Groundwater Management Act (SGMA) requires, for the first time, comprehensive and sustainable management of California's groundwater resources. SGMA provides a framework for sustainable management of groundwater at the local level through formation of

Groundwater Sustainability Agencies (GSAs) and implementation of Groundwater Sustainability Plans (GSPs). The City of Hayward overlies a portion of the East Bay Plain Groundwater Basin and applied to become the GSA for this part of the Basin in March 2017. It is anticipated that the Department of Water Resources will designate the City as a GSA by the end of June 2017. Staff will then begin preparation of a GSP, which must be completed by January 2022.

Airport:

The Hayward Executive Airport is a self-supporting, general aviation reliever airport encompassing 521 acres. The primary function of the Airport is to relieve air carrier airports of general aviation traffic in the San Francisco Bay Area. Pavement Rehabilitation was completed on Runways 28L/10R in FY 2017 as well as completion of a new access road and perimeter road repair. New electrical services were extended to the south side of the airport. A key project in FY 2018 will be development of an Airport Infrastructure Improvement plan. This two-part study will evaluate the condition of structures at the airport owned and operated by the City, including nineteen hangar buildings and the control tower building. After the evaluation, a forecast will be made of future aviation demand, including the anticipated type and number of based aircraft. The study will conclude with a determination of the best and highest use of current airport assets, and whether those structures should be maintained, renovated, or replaced. If replacement is indicated, the study will offer suggestions for future development based on the demand forecast. Projects will be added to the CIP based on the findings in the plan and available funding. Other major upcoming projects at the airport include:

Taxiway Alpha and Foxtrot Pavement Rehabilitation (FY18 & FY19)	\$1,075,000
Sulphur Creek Mitigation Design (FY18) and construction (FY19)	\$2,500,000*

*2,193,000 will be reimbursed from FAA Funding

Internal Service Funds:

Internal Service Funds, primarily funded by the General Fund, are used to finance and account for goods and/or services provided by one City department to another, on a cost reimbursement basis. This year, the City Manager and Finance Director have put forth several one-time budget balancing measures to address the proposed FY 2018 operating budget deficit. Reductions to the FY 2018 allocations to the Internal Service Funds is one of the measures recommended. The figures below do not reflect any proposed reductions, which will be finalized in the adopted CIP based on any Council action with budget adoption.

Facilities:

The Facilities Fund (726) is utilized to address the improvements and upkeep necessary for many of the City's older buildings, such as the Police Department and various fire stations. Facilities Management is primarily responsible for ensuring that the City of Hayward has working environments which are clean, safe, attractive, and comfortable. A vigorous maintenance program protects the physical assets and preserves taxpayers' investments in

public buildings, minimizes energy consumption, and prevents delays in delivery of public services. FY 2018 projects include:

Flooring Replacement at City Hall	\$140,000
Fire Alarm/Smoke Detector Replacement	\$50,000

Note: Since the distribution of this staff report on June 1, 2017, the following reductions and increased in Fund 726 - Facilities Management Capital (Page 243) were made:

Project	FY 2017	FY 2018	FY 2019	FY 2020	Comment
07201 – HVAC Replacement	(\$10,000)				
07202 – Flooring Replacement		(\$1,000)			
07203 – Roof Repair/Replacement		(51,000)			
07209 – Emergency Generator Replacement		(10,000)			
07210 – Window Covering Replacement				(50,000)	
07218 – Animal Control Facility	(30,000)	30,000			
07220 – City Hall Furniture Replacement	(53,000)	53,000			
07222 – City Facility Update	(38,000)	20,000	30,000		
07223 – City Hall Moat		(10,000)			
TBD – HPD City Facility Update		(25,000)			Moved to Unfunded List
NEW – City Center Parking Garage Fence		50,000			Additional new project
NEW – City Hall Card Access Upgrade		(20,000)			
NEW – Workspace Reconfiguration/Remodel		(123,000)			HPD Remodel moved to Unfunded List

Information Technology:

The Information Technology Capital Fund (731) addresses the City’s aging information technology infrastructure and the unmet technology needs throughout the City. In FY 2017, in addition to ongoing technology upgrade projects, the Council Chambers underwent a major upgrade and a pilot project was completed that investigated the viability of public security cameras. Projects for FY 2018 include:

Highspeed Hayward (Fiber Optic Grant Program)	\$3,382,000*
Computer Aided Dispatch (CAD) Enterprise Upgrade	\$400,000
Network Server Replacement Project	\$262,000
Network Infrastructure Replacement	\$588,000

* \$2,745,000 provided by an EDA Grant

Successful implementation of projects within this fund are wholly dependent on the assessment of Information Technology charges on supported departments, and possible transfers from the General Fund.

Fleet:

Fleet has two funds: one for General Fund vehicles and one for Enterprise vehicles. FY 2018 expenditures are as follows:

General Fund:

Fire Department Vehicles	\$845,000
Police Department Vehicles	\$1,050,000
Other General Fund Vehicles	\$1,199,000

Enterprise Fund:

Sewer Division	\$44,000
Water Division	\$51,000
Stormwater Division	\$400,000
Airport	\$150,000

Staff is committed to ensuring that the City’s fleet of vehicles reflects Council’s “green” priority. To that end, staff has thoroughly evaluated and is incorporating (where possible) the use of “green” technology into vehicle purchases. Furthermore, staff has been critically assessing the needed amount of fleet vehicles, reducing vehicles, and determining which vehicles are non-essential and thus have been or can be removed from the City’s fleet and not replaced. The primary identified funding source is internal service charges.

Note: Since the distribution of this staff report on June 1, 2017, the following changes have been made to Fleet Fund 736 (General Fund/ISF Page 279):

Project	FY 2018	Comment
07301 – Equipment – Fire Dept.	(813,000)	
07302 – Equipment - Misc	(1,199,000)	
07303 – Equipment – Police Dept.	(1,050,000)	
NEW - Police/Fire Command Center	(686,000)	Moved to Unfunded List
NEW – Emergency Response Vehicle	(270,000)	Moved to Unfunded List

Note: Since the distribution of this staff report on June 1, 2017, the following changes have been made to Fleet Fund 737 (Vehicle and Equipment Acquisition Page 283):

Project	FY 2018	Comment
07351 – Vehicle Replacement Needs – Stormwater	111,000	

Changes Not Previously Noted in the Sections Above

Fund/Section	Project	Change/Comment
CIP Transmittal		Changes made to totals to reflect all applicable changes in the CIP document.
General Fund/ISF Transfer Summary 736- Fleet Mgmt Capital- ISF (Page 8)		FY18 Transfer decreased from \$2,500,000 to \$845,000. Various changes made to FY19-FY27.
General Fund/ISF Transfer Summary 737- Fleet Mgmt Capital- GF (Page 8)		Transfer decreased from \$286,000 to \$0
405 – Capital Projects (Page 57)	06904 – Community Satisfaction Survey	\$40,000 added every other year beginning in FY 2019
405 – Capital Projects (Page 57)	NEW – Employee Engagement Survey	\$35,000 added every other year beginning in FY 2020
Capital Project by Category Summary and Detail (Pages 2 and 289)	NEW – Main Street Complete Street	Added to Road & Street Projects on Summary and Detail. Inadvertantly not included in June 1 Recommended CIP. Total project cost \$2,225,000.
Capital Project by Category Summary Detail (Pages 2 and 289)	NEW – Pavement Rehabilitation – Winton Ave West	Inadvertantly not included. Added to Road & Street Projects on Summary and Detail. Inadvertantly not included in June 1 Recommended CIP. Total project cost \$1,978,000.

Identified and Unfunded Capital Needs:

The last section of the CIP is Identified and Unfunded Capital Needs. As funding becomes available, some projects on this list move to funded areas. For example, in FY 2016, due to the passage of Measure C and Measure BB, improvements to Fire Stations 1-6, Fire Training Center, the construction of the 21st Century Library and Community Learning Center, and \$1 million per year for paving improvements were moved from the unfunded list to funded projects.

As previously stated, primarily due to the passage of both sales tax measures mentioned above, the amount of the projects contained in this section has been reduced considerably from over \$510 million in FY 2015 to approximately \$400 million in FY 2018. While the approval of Measure C allowed the City to address many critical facility needs (i.e. the new Library and upgrades to Fire Stations), the single most expensive unfunded capital need is the

replacement of the City's Police Building (recently estimated at \$130,000,000). This aging and outdated facility houses the City's 911 dispatch center for the Police and Fire Departments as well as the City's jail. The facility does not meet current seismic standards or the operational needs of a modern policing agency.

Costs in this section are generally broken down into the following categories:

Technology Services:	\$1,250,000
Fleet:	\$1,307,000
Facilities and Equipment:	\$139,525,000
Street and Transportation:	<u>\$259,142,000</u>
Total	<u>\$401,233,000</u>

It is important to reiterate that this list identifies critical needs that have, as of now, no identified funding sources. The number of projects will continue to grow over time as will the amounts needed to fund these extremely important upgrades/repairs to infrastructure and equipment.

Considering the ongoing structural deficit in the General Fund, staff has re-doubled its efforts to dedicate as many financial and staff-related resources as possible towards projects deemed as most critical to both the community and Council.

Note: Since the distribution of this staff report on June 1, 2017, the projects moved to the unfunded list as noted in the Fleet section have increased the total unfunded Fleet projects above by \$956,000 (Page 297).

The total unfunded projects for Facilities and Equipment above has increased by \$25,000 (Page 297).

SUSTAINABILITY FEATURES

The action taken for this agenda report will not result in a physical development, purchase or service, or a new policy or legislation. Any physical work will depend upon a future Council action. Sustainability features for individual CIP projects are listed in each staff report.

PUBLIC CONTACT

A notice advising residents about the Planning Commission's public hearing on the CIP was published in the paper the requisite ten days in advance. The agenda for the Council work session on the CIP is posted in City Hall as well as the Library. A printed copy of the Recommended CIP is made available online, at the Public Works' office, at the City Clerk's office, and at the Main Library. Individual projects receive Council approval and public input as appropriate.

NEXT STEPS

Once the Council has completed the review of the Recommended CIP and offered comments during this work session, appropriate changes will be included in the Proposed CIP. The Council public hearing and adoption of the CIP budget is currently scheduled for June 20, 2017.

Prepared by: Karyn Neklason, Management Analyst II

Recommended by: Morad Fakhrai, Director of Public Works

Approved by:




Kelly McAdoo, City Manager



Memorandum

DATE: June 5, 2017

TO: Mayor and City Council

FROM: Kelly McAdoo, City Manager 

SUBJECT: Item 14: Capital Improvement Program FY 2018 - FY 2027 - Responses to Council Queries

For your information, attached please find answers to questions received from Council related to the Capital Improvement Program FY 2018 - FY 2027 in preparation for tomorrow night's work session.

Attachment I: Responses to Council Queries re: Capital Improvement Program FY 2018 - 2027

**Capital Improvement Program
June 6, 2017**

Attachment I: Responses to Council Queries re:
Capital Improvement Program FY 2018 - 2027

#	Questions / Comments	Response
1	Regarding the escalation of costs for both the Fire Training Center (\$30 million in previous discussions, now up to \$48.9) and the Police station (\$90 million to \$130), what options do we have to set a price cap for these? Ex: \$30 million and \$80 million, respectively.	City Council may choose to direct staff to set a maximum cost for these projects. The changes to these cost projections included in the CIP are mostly related to the change as they have been previously presented to Council, not because of significant increases in scope. If cost limits are established today and the projects do not commence in the relatively near future, the projects are subject to further cost increases. Creating cost limits today will likely limit/change the scope of each projects and limit their ability to meet identified needs.
2	Will the intersection study include vehicle miles traveled considerations?	<p>Hayward's Intersection Improvement Study will evaluate approximately 100 signalized and un-signalized intersections throughout the City furthering the efforts to develop strategies that will improve efficiencies and reduce accidents. It will identify intersections with the greatest need for improvements and recommend strategies to fund the proposed improvements after prioritizing.</p> <p>Vehicle Miles Traveled (VMT) will soon replace Level Of Service (LOS) as a measure under CEQA to evaluate transportation and development related impacts. As soon as regulations have been adopted by the state, the City will revise its policies to align with the new legislation (SB743). This is, however, separate and distinct from the Intersection Improvement Study.</p>
3	Is the comprehensive zoning update a CIP project?	No, it may be added in FY18 (or future years) as an amendment to the CIP; however, at this time accurate project cost estimates have not been identified. Staff is treating this as a high priority and has been working to identify the appropriate partners to engage for the work and identify accurate cost estimates. It is anticipated that this information will be brought back to Council for further direction in Fall of 2017.
4	Thank you for including the traffic calming proposals. Regarding proposed traffic calming for Hayward Blvd, can an evaluation of a left	Yes, access to and from properties along Hayward Blvd. will be part of the overall analysis. It's too early into the process to know the feasibility

**Capital Improvement Program
June 6, 2017**

Attachment I: Responses to Council Queries re:
Capital Improvement Program FY 2018 - 2027

#	Questions / Comments	Response
	turn option for people who need to turn into University Hills when heading downhill be evaluated? Currently residents and visitors have no legal option to enter the complex if they are heading west, nor any legal U-turn option. University Hills is the condo complex adjacent to the university just off Hayward Blvd.	of such an option, but we do know it will be a challenge due to the extreme slope and curvature of the roadway. Staff will work with the consultant to identify possible options to address this need.
5	On the Main Street Complete Streets project (page 35), will adding street parking be evaluated?	Yes, street parking will be evaluated as will adding bike lanes and wider sidewalks.
6	<p>On page 58 some projects that may to be ongoing are not listed with ongoing/periodic funding. Would you please clarify?</p> <ul style="list-style-type: none"> a. Biannual satisfaction survey b. General plan update c. Mural program d. Disaster Preparedness exercise e. Employee Engagement 	<p>a. This is an error. This is in fact an on-going program. The CIP will be adjusted accordingly.</p> <p>b. Page 58 of the CIP shows expenditures related to the 2040 General Plan Update project - total shown of \$1.612M. No further expenses are anticipated. Page 59 shows revenues and payback to the General Fund using Planning revenues. Staff anticipates that the General Fund “borrow” to pay for the General Plan Update project will be paid back by end of next fiscal year.</p> <p>c. This is an error. This is an on-going program. The CIP will be adjusted to reflect this when brought back for adoption.</p> <p>d. Funding has been identified for current year expenditures including training exercises; however, what has not been captured are expenses related to the identified critical need for funding of an Emergency Manager (1.0 FTE). Due to the status quo budget, this position remains vacant following the retirement of the Battalion Chief who was acting in this capacity for the City as an over-hired position.</p> <p>e. This is an error. This is on-going work that staff plans to continue in future fiscal years. The CIP will be adjusted to reflect this when brought back for adoption.</p>
7	Similarly, does an item need to be added for Census preparations?	No, The Census is funded, prepared and administered solely by the United States Census Bureau. City staff will assist with this efforts but these costs will be absorbed within existing budgets and workloads.
8	Why is there an annual fee for traffic signal preemption?	This is the ongoing maintenance and upgrade of preemptive system for emergency response vehicles. The cost to buy emergency traffic preemption for all intersections in the city was quoted at \$2.3 million. The

**Capital Improvement Program
June 6, 2017**

Attachment I: Responses to Council Queries re:
Capital Improvement Program FY 2018 - 2027

#	Questions / Comments	Response
		previous funding amount would have installed 10 intersection a year for 12 years. The City has entered a Hardware as a Service (HaaS) agreement which will allow for the entire system to be installed at one time, and payments for services will be made over the next ten years.
9	Page 133, is this \$169k project for a new Bay Friendly Water Conservation/Demonstration Garden?	The Bay Friendly Water Conservation/Demonstration Garden project (CIP Project No. 07050) is an existing project, which has been moved from FY 2017 to FY 2018. The project pushed out one year to allow time for thoughtful design of a cost-effective project, as well as coordination with the Utilities & Environmental Services and Maintenance Service Departments. Furthermore, in view of the recently completed project located at the southern portion of the grassy area behind City Hall, staff will re-evaluate the need for this project and if the need is confirmed, an appropriate location for it.
10	For the \$100k annual Workspace Reconfiguration/Remodel project (page 254), it would seem that there is enough balance in the Facilities reserve to cover this project, at least for the first couple years, rather than a new transfer from the general fund (page 242)	<p>The Facilities CIP has been modified due to the reduction in allocation from the General Fund. In the final version of the CIP which will be presented for adoption, this change will be included and the \$123k project will be eliminated. The General Fund transfer to cover these costs will be eliminated from the CIP as will an additional \$166k to further assist reducing the GF budget deficit.</p> <p>Neither of these changes were made in time for inclusion in the Proposed CIP being presented on June 6th, but will be reflected in the version presented for adoption on June 20, 2017.</p>
11	In the proposed design of the recycled water distribution system, is Calpine a customer as well as a provider of recycled water?	The Recycled Water Storage and Distribution System project (CIP Project No. 07507) anticipates purchasing surplus tertiary treated recycled water from Russell City Energy Corporation's (RCEC) Recycled Water Facility and distributing it to approximately 40 customers in the industrial area. RCEC currently receives secondary treated effluent from the City's Water Pollution Control Facility. The secondary treated

**Capital Improvement Program
June 6, 2017**

Attachment I: Responses to Council Queries re:
Capital Improvement Program FY 2018 - 2027

#	Questions / Comments	Response
		effluent currently produced at City's WPCF has limited use and is not authorized for general irrigation and industrial uses.



CITY OF HAYWARD

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

File #: LB 17-022

DATE: June 13, 2017

TO: Mayor and City Council

FROM: City Attorney and City Clerk

SUBJECT

Introduction of Ordinance Updating Various Sections of the Hayward Municipal Code

RECOMMENDATION

That the Council introduces an ordinance updating various sections of the Hayward Municipal Code, incorporating recommendations by City staff based on a comprehensive legal review performed by the Municipal Code Corporation ("MuniCode").

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Draft Ordinance
Exhibit A	Redlined version of HMC amendments



DATE: June 13, 2017

TO: Mayor and City Council

FROM: City Attorney and City Clerk

SUBJECT: Introduction of Ordinance Updating Various Sections of the Hayward Municipal Code

RECOMMENDATION

That the Council introduces an ordinance updating various sections of the Hayward Municipal Code, incorporating recommendations by City staff based on a comprehensive legal review performed by the Municipal Code Corporation (“MuniCode”).

SUMMARY

On May 16, 2016, the City of Hayward entered into an agreement with MuniCode to conduct a comprehensive legal review of Hayward’s Municipal Code in order to determine compliance with State law and recent court decisions. On January 20, 2017, MuniCode provided its recommendations based on its legal review, which City staff has reviewed.

This report recommends that the City Council introduces an ordinance updating various sections of the Hayward Municipal Code to remain current with State law.

BACKGROUND

The Municipal Code Corporation is a company involved in publishing legal documents, including original codification, recodification, or republication of municipal legislation (i.e. Codes of Ordinances, Land Use Codes, and Charters), and the updating and supplementation of municipal legislation through various print and electronic formats.

On May 16, 2016, the City of Hayward entered into an agreement with MuniCode to codify the Hayward Municipal Code into a searchable database and to conduct a comprehensive legal review of the Hayward Municipal Code, as updated through Ordinance No. 16-122 (Establishing Building Code – adopted 12/13/2016). The last comprehensive update of the Hayward Municipal Code was performed in 1999 and it was to amend the Zoning Code, which is Chapter 10, Article 1 of the Code.

The comprehensive legal analysis was performed by an attorney from MuniCode’s Code Department, which consists of 12 in-house attorneys, the great majority of whom have well over two decades of experience in government law and legal publishing. During the legal

analysis, the attorney assigned to the City's project examined each Chapter, Article, Section, and line of the Code, as well as any recently enacted ordinances not yet codified, and identified conflicts or inconsistencies within the code, including a comparison to current California Statutes.

At the conclusion of the legal analysis, MuniCode provided the City with a memorandum which included recommendations as to any problematic findings. The memorandum shows the MuniCode attorney's recommendations, which the City could implement by adopting an ordinance.

On January 20, 2017, MuniCode provided its recommended updates to Hayward's Municipal Code.

DISCUSSION

As part of MuniCode's comprehensive legal review, the Hayward Municipal Code was researched for the following purposes: (1) Identification of conflicts, inconsistencies and obsolete provisions in connection with the California statutes, through the most recent legislative session; (2) Identification of internally obsolete, conflicting or obsolete provisions; and (3) Identification of certain potentially unconstitutional provisions.

As provided above, MuniCode provides its recommendations after a staff attorney has reviewed local legislation compared to state statutes, court decisions, and constitutional principles. The legal analysis points out any inconsistencies between the City's legislation and the statutes or case law, and gives guidance regarding how the City can cure any defects found in the local legislation. Specifically, the report describes the text at issue, the language recommended to replace the text at issue, and the legal or codification reason that necessitates making the proposed textual change.

MuniCode provided its recommendations on January 20, 2017, at which point, City staff from various departments (i.e. City Manager's Office, City Attorney's Office, Development Services, Police, Public Works) were engaged by the City Clerk's office, and subsequently provided their input and comments. It is important to note that most of MuniCode's recommended changes represent cosmetic updates, and do not substantially alter the City's code.

After a review of MuniCode's recommendations, City staff recommends revisions to the sections of the Hayward Municipal Code as outlined in Exhibit A of Attachment II.

When the sections of the Hayward Municipal Code are approved by the City Council, the City Clerk's office will work with MuniCode to update the Code accordingly.

ECONOMIC IMPACT

None.

FISCAL IMPACT

The agreement with MuniCode to perform a comprehensive legal review of the Hayward Municipal Code amounted to \$6,545.

PUBLIC CONTACT

Public contact was not conducted regarding this update as it concerned a legal review of the Municipal Code. If introduced, the City Clerk will publish a legal notice of the introduction of the ordinance prior to its adoption.

NEXT STEPS

If introduced on June 13, the City Council will consider adoption of the ordinance on June 20, 2017. The ordinance would become effective thirty days after adoption.

Prepared by: Raymond R. Rollan, Deputy City Attorney

Recommended by: Michael S. Lawson, City Attorney
Miriam Lens, City Clerk

Approved by:



Kelly McAdoo, City Manager

ORDINANCE NO. 17-

AN ORDINANCE AMENDING CERTAIN HAYWARD MUNICIPAL CODE SECTIONS OF CHAPTER 1, CHAPTER 2, CHAPTER 3, CHAPTER 4, CHAPTER 5, CHAPTER 6, CHAPTER 7, CHAPTER 8, CHAPTER 9, CHAPTER 10, AND CHAPTER 11

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

Section 1. Provisions.

The following sections of the Hayward Municipal Code are hereby amended by deleting and/or adding language and the amendments are provided in their entirety as Exhibit A.

Chapter 1- General Provisions

Article 2- Definitions

Article 4- Procedures for Claims & Actions for Money or Damages

§ 1-4.00- Definitions

Chapter 2- Government & Administration

Article 1- City Council

§ 2-1.10 - Compensation for Members of the City Council

Article 6- Hayward Executive Airport Code- Hayward Executive Airport Code. Rules and Regulations

§ 2-6.42(b)- Airport Operations Area (AOA)

§ 2-6.128 - Operative Date

Article 9- Business Enterprise Preference System

§ 2-9.07- Periodic Review

Chapter 3- Public Safety

Article 1- Fire Prevention

§ 3-1.00 (Definitions) through 3-1.09 (Rubbish Defined)

Article 5- Dangerous Structures (Swimming Pools)

§ 3-5.53- Time for Compliance

Article 8- Hazardous Materials Storage

§ 3-8.72- Report to the State Water Resources Control Board.

Chapter 4- Public Welfare, Morals & Conduct

Article 1- Public Nuisances

Abandoned Vehicle Abatement Part

§ 4-1.34- Notice

Weed, Rubbish & Litter Abatement Part
§ 4-1.58- Abatement Notice
Article 3- Card Club and Bingo Regulations
Bingo Games For Charity Part
§ 4-3.51- Definitions (“bingo”).
§ 4-3.52- Organizations Eligible for City Permit
§ 4-3.67- Profits—Separate Fund or Account.
Article 5- Minors
§ 4-5.15- Minors Prohibited in Pool Rooms.

Chapter 5- Sanitation & Health

Article 2- Food Regulations
§ 5-2.00 (Definitions), 5-2.01 (Health Officer), & 5-2.02 (Health Department)
Article 3- Mobile Home Regulations
§ 5-3.102 (Alter) through 5-3.171 (Travel Trailer)
Article 4- Food Regulations
§ 5-4.10- County of Alameda Ordinance No. 73-68 Entitled "An Ordinance to Regulate the Construction, Repair, Reconstruction, Destruction or Abandonment of Wells Within the Boundaries of the County of Alameda", Adoption by Reference.
Article 5- Food Regulations
§ 5-5.10- (Definitions), 5-5.11 (Advertising Matter), & 5-5.12- (Newspaper).

Chapter 6- Businesses, Professions & Trades

Article 3- Pawnbrokers, Secondhand Dealers & Auctioneers
§ 6-3.27- Pawnbrokers. Receipt Books Required
Article 10- Massage Permit Ordinance
§ 6-10.02- Definitions (“Massage therapist”)
§ 6-10.21- Applicability To Existing Businesses
Article 11-Permit Requirements For Firearms Dealers
§ 6-11.05- Conditions of Approval, 6-11.11- Grounds for Permit Denial

Chapter 7- Public Works

Article 2- Streets
Disturbance of Streets
§ 7-2.00 (Definitions) through 7-2.04 (Major project)
Street Trees
§ 7-2.51 (Definitions) through 7-2.52 (Public Street Defined).

Chapter 8- Finance, Revenue & Taxation

Article 3- Uniform Sales & Use Tax
§ 8-3.70- Exclusions & Exemptions
Article 4- Transient Occupancy Tax

§ 8-4.40- Records.
Article 12- Downtown Hayward Business Improvement Area
§ 8-12.00- Authority.
Article 18- Utility Users Tax
§ 8-18.180- Records

Chapter 9- Building Regulations

Article 5- Residential Rental Inspection
General Responsibilities
§ 9-5.311- Enforcement: Report to Franchise Tax Board.

Chapter 10- Planning, Zoning & Subdivisions

Article 1- Zoning Ordinance
§ 10-1.2915(h)- Nonconforming Uses.
§ 10-1.3510- Uses & Activities Defined ("Group Home").
Article 3- Subdivision Ordinance
§ 10-3.010- Purpose
Definitions
§ 10-3.115- Maps
§ 10-3.130- Public Utility Easement (PUE)
General Responsibilities
§ 10-3.150(e)- Advisory Agency/Approval Authority, § 10-3.165(e)- Planning Director, & § 10-3.497- Merger of Contiguous Parcels Under Common Ownership
Tentative Maps
§ 10-3.210- Information to be Submitted
§ 10-3.230- Preliminary Meeting
§ 10-3.245- Public Hearings
Parcel Maps
§ 10-3.275- Statements, Documents and Other Data to Accompany Parcel Map
Final Maps
§ 10-3.320- Statements, Documents and Other Data to Accompany Final Map
Public Improvements
§ 10-3.332- Security for Installation of Improvements
Mobilehome Park Conversions
§ 10-3.850- Findings, Intent & Applicable Law
§ 10-3.895(a)- Avoidance of Economic Displacement.
§ 10-3.915(b)- Tenant Notification.
Article 8- Grading & Clearing
§ 10-8.02(o)- Definitions.
Article 9- Development Agreements
§ 10-9.06- Notice.

Article 10- Maintenance Districts

§ 10-10.35- Notice Form

Article 26- Mobile Home Park Closure or Change of Use

§ 10-26.106- Relocation Assistance

Chapter 11- Public Utilities

Article 5- Stormwater Management & Urban Runoff Control -

Alameda Countywide NPDES Municipal Stormwater Permit- Order R2-2003-0021\NPDES Permit No. CAS0029831.

Section 2. Severance.

Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid or beyond 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 the remainder of the ordinance, absent the excised portion, can be reasonably interpreted to give effect to intentions of the City Council.

Section 3. Effective Date.

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 ____ day of ____, 2017, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the ____ day of ____, 2017, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

Exhibit A: Redlined Version of Hayward Municipal Code Amendments

Chapter 1- General Provisions: Article 2- Definitions

Ch. 1- General Provisions

Art. 2- Definitions.

SEC. 1-2.00 - WORDS AND PHRASES.

Words and phrases used in this Code and not specifically defined shall be construed according to the context and approved usage of the language.

SEC. 1-2.01 - CERTAIN WORDS AND PHRASES DEFINED.

For the purpose of this Code, certain words and phrases are defined and certain provisions shall be construed as in this Article set out, unless it shall be apparent from their context that a different meaning is intended or unless a different meaning is specifically defined elsewhere in this Code.

SEC. 1-2.02 - CITY.

The word "City" means the area within the territorial limits of the City of Hayward and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional provision or any law.

SEC. 1-2.03 - COUNCIL.

The word "Council" means the City Council of the City of Hayward.

SEC. 1-2.04 - CITY MANAGER.

The word "City Manager" means the City Manager of the City of Hayward; further provided, that the use of the title of any officer or to any office shall refer to such officer or office of the City of Hayward.

SEC. 1-2.05 - PERSON.

The word "person" means any individual, business, company, corporation, both public and private, association, political or governmental subdivision or unit, or other group acting as a unit or entity.

SEC. 1-2.06 - OATH.

The word "oath" shall also include affirmation.

SEC. 1-2.07 - WORDS IN PRESENT TENSE.

Words in the present tense shall include the future; words in the singular shall include the plural and vice versa, any gender shall include the other genders.

SEC. 1-2.08 - MINOR.

The word "minor" shall mean any person under the age of eighteen (18) years.

SEC. 1-2.09 – RULES OF CONSTRUCTION.

Generally. All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the city council may be fully carried out. In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general

welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than another more general provision imposed by the Code or other law, the provision imposing the greater restriction or regulation shall be controlling.

California Codes. Any reference to the codified statutes of the state including but not limited to Business and Professions Code, Civil Code, Code of Civil Procedure, Commercial Code, Corporations Code, Education Code, Elections Code, Evidence Code, Family Code, Financial Code, Fish and Game Code, Food and Agricultural Code, Government Code, Harbors and Navigation Code, Health and Safety Code, Insurance Code, Labor Code, Military and Veterans Code, Penal Code, Probate Code, Public Contract Code, Public Resources Code, Public Utilities Code, Revenue and Taxation Code, Streets and Highways Code, Unemployment Insurance Code, Vehicle Code, Water Code, or Welfare and Institutions Code are to such codes as adopted and now or hereafter amended. Any reference to a state law or state act by title is to such law or act as amended.

Computation of time. The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a holiday and then it is also excluded.

Conjunctions. In a provision involving two or more items, conditions, provisions or events, which items, conditions, provisions or events are connected by the conjunction "and," "or" or "either . . . or," the conjunction shall be interpreted as follows, except that in appropriate cases the terms "or" and "and" are interchangeable:

(1) "And" indicates that all the connected terms, conditions, provisions or events apply.

(2) "Or" indicates that the connected terms, conditions, provisions or events apply singly or in any combination.

(3) "Either . . . or" indicates that the connected terms, conditions, provisions or events apply singly but not in combination.

Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Officers, departments, etc. Officers, departments, boards, commissions and employees referred to shall mean officers, departments, boards, commissions and employees of the City of Hayward, California, unless the context clearly indicates otherwise.

Signature or subscription by mark. Includes a mark when the signer or subscriber cannot write, such signer's or subscriber' s name being written near the mark by a witness who writes his own name near the signer' s or subscriber' s name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

Week. A week consists of seven consecutive days.

SEC. 1-2.10 – AMENDMENTS TO CODE.

(a) Each ~~bill~~ ordinance which proposes an ordinance to repeal, amend or add to any portion of this code and each ~~bill~~ ordinance which proposes an ordinance of a general and permanent nature suitable for inclusion in this code, though constituting new subject matter not therein contained, shall be drafted so as to specify the specific section numbers, subsections, etc., of this code which are to be repealed or

amended and, with respect to additions and to new subject matter, so as to provide appropriate chapter, article, section, etc., numbers therefor and each amendment of and addition to this code shall be set out in full and appropriate chapter and article headings and section catchlines shall be included.

(b) Upon the adoption of an ordinance to repeal, amend or add to any portion of this Code or to include new subject matter in this Code, the city clerk shall separate the several chapters, articles, sections, etc., of such ordinance and enter them in their proper places in each file copy of this Code and shall remove therefrom any portion so repealed or amended and in the margin of each insertion in the file copies of this Code he shall note and initial the date of passage, effective date and number of the amending or repealing ordinance.

(c) Items removed from the file copies of this Code pursuant to subsection (b) of this section shall be maintained by the city clerk in a reasonably accessible manner.

SEC. 1-2.11 – SUPPLEMENTATION OF CODE.

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the city. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the city council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code during that period. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier, meaning the person, agency or organization authorized to prepare the supplement, may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate section headings and titles for sections and other subdivisions of the Code printed in the supplement and make changes in section headings, titles for sections and headings for other subdivisions of the Code;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the term "this ordinance" or terms of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ through _____." The inserted section numbers will indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code; and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

SEC. 1-2.12 – ALTERING CODE.

It shall be unlawful for any person in the city to change or amend by additions or deletions, any part or portion of this Code or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever except pursuant to ordinance or other official act of the city council which will cause the law of the city to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1.16.010 of this Title.

SEC. 1-2.13 – RATES, CHARGES, OR FEES ESTABLISHED.

(a) Unless otherwise provided for, all rates, charges, or fees necessary for the administration and enforcement of the provisions of this Code shall be as currently established or as hereafter adopted by motion, resolution or ordinance of the city council, from time to time. Any rates, charges, or fees established by the city pursuant to the regulations or requirements established herein may be changed from time to time by the city council, and such changes shall both be considered an amendment to this Code.

(b) Whenever any provision of this Code provides that a rate, charge, or fee shall be established by the city council, from time to time, and the amount of such rate, charge, or fee is not expressed in this Code in any dollar amount, then the amount of such rate, charge, or fee shall be the most recent and latest amount established, set or fixed by the city council by ordinance, resolution or motion.

SEC. 1-2.14 – CERTAIN ORDINANCES NOT AFFECTED BY CODE.

(a) Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

(1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code;

(2) Any ordinance or resolution promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness;

(3) Any contract or obligation assumed by the city;

(4) Any ordinance or resolution fixing the salary of any city officer or employee, unless superseded;

(5) Any right of franchise granted by the city to any person, firm, or corporation;

(6) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, closing, opening, widening, paving, widening, vacating, etc., any street or public way in the city;

(7) Any ordinance or resolution establishing and prescribing the street grades of any street in the city;

(8) Any appropriation ordinance;

(9) Any ordinance or resolution which, by its own terms, is effective for a stated or limited term;

(10) Any ordinance or resolution providing for local improvements and assessing taxes therefor.

(11) Any ordinance or resolution describing or altering the boundaries of the city or annexing property to the city;

(12) The administrative ordinances or resolutions of the city not in conflict or inconsistent with the provisions of this Code;

(13) Any ordinance levying or imposing taxes not included in this Code;

(14) Any ordinance or regulation prescribing traffic regulations for specific locations concerning through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones, not in conflict or inconsistent with this Code;

(15) Any ordinance or resolution of agreement with another political subdivision;

(16) Any specific rezoning ordinance or amendments thereto;

(17) Any ordinance or resolution dedicating or accepting any specific subdivision plat;

(18) Any ordinance or resolution that creates and/or continues a governmental funding mechanism for potential future projects and programs under the Alternative Voluntary Redevelopment Program as established in accordance with California legislature townbills AB 1X26 and AB1X27; and

(19) Any other ordinance or resolution, or part thereof, which is not of a general and permanent nature; or which is referred to elsewhere in this Code as continuing in effect.

(b) Nor shall the repeal of any such ordinance or resolution be construed to revive any ordinance, resolution or part thereof that has been repealed or superseded by a subsequent ordinance or resolution which is repealed or superseded by this chapter. All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

(Amended by Ordinance No. 72-023 C.S., adopted May 23, 1972.)

Chapter 1- General Provisions: Article 4 - Procedures for Claims & Actions for Money or Damages

SEC. 1-4.00 - DEFINITIONS.

Except as the provision or context otherwise requires, words and phrases used in this article shall have the same meaning as they do in the **Government Claims Act** ~~California Governmental Liability and Claims Act~~, being Division 3.6 (commencing with Section 810) of Title 1 of the California Government Code, but shall otherwise be defined by the provisions of Article 2 of Chapter 1 of this code.

Chapter 2- Government & Administration: Article 1 - City Council - § 2-1.10 - Compensation for Members of the City Council

SEC. 2-1.10 - COMPENSATION FOR MEMBERS OF THE CITY COUNCIL.

Note— (Amended by Ordinance 01-12, adopted September 25, 2001)

- (a) Each Council Member shall receive compensation for services rendered in an official capacity, ~~an annual salary in the sum of twenty five thousand dollars (\$25,000.00)~~ **a fee established by the city council from time to time.**
- (b) The Council of the City of Hayward does ordain as follows: The Mayor shall receive as compensation for services rendered in an official capacity, ~~an annual salary in the sum of forty thousand dollars (\$40,000.00)~~ **a fee established by the city council from time to time.**
- (c) From and after the fiscal year beginning July 1, 2003 and for each fiscal year thereafter, the compensation for the Mayor and each Council Member shall be increased by an amount equivalent to the percent increase in the "Consumer Price Index San Francisco-Oakland Metropolitan Area - All Items", published by the Bureau of Labor Statistics, United States Department of Labor, for the twelve-month period ending June of each fiscal year.

However, in no event shall any such increase be greater than five percent (5%).
- (d) In addition, the Mayor and members of Council shall receive reimbursement for Council authorized travel and expenses while on official City duty.
- (e) Each Council Member and the Mayor shall also receive deferred compensation benefits under the City of Hayward's Deferred Compensation Plan for employees. The rate of compensation received under this plan by the Mayor and each Council Member shall be the same as that received by Unrepresented Management employees, as amended from time to time.

(Amended by Ordinance 02-05, adopted May 14, 2002)

Chapter 2- Government & Administration: Article 6- Hayward Executive Airport Code- Hayward Executive Airport Code. Rules and Regulations - § 2-6.42(b)- Airport Operations Area (AOA)

SEC. 2-6.42 - AIRPORT OPERATIONS AREA (AOA).

The Airport Operations Area (AOA) shall include the Aircraft Movement Area (see Sec. 2-6.43), non-Aircraft Movement Areas, Aprons, loading ramps, safety areas, and all portions of the Airport designed and used for landing, taking off or surface maneuvering of Aircraft. The AOA shall encompass both the Aircraft Movement Area and non-Aircraft Movement Areas. The AOA includes the runways, taxiways, ramps, aprons, helipads or hovering routes and tie-down areas or any adjacent areas.

- a. The Airport Manager may restrict Vehicles to a certain portion(s) or segment(s) of the AOA. Such restrictions shall prohibit Vehicle operators outside designated areas.
- b. **Use of radio-controlled model airplanes, Unmanned Aerial Vehicles ("drones"), or cars is not permitted on the AOA.** ~~Use of radio-controlled model airplanes or cars is not permitted on the AOA.~~
- c. Use of go-carts, roller blades and skate boards is not permitted on the AOA unless permission is received from the Airport Manager.
- d. Manually controlled gates that provide access to the AOA shall be kept closed and locked at all times except when actually in use.
- e. When automatic gates are used, Vehicle Operators must stop the Vehicle and allow the gate to fully close before proceeding. The Vehicle Operator must also ensure that no other Vehicles or persons gain access to the Airport while the gate is in the process of closing and/or not fully closed.
 - (1) If the Vehicle Operator cannot prevent such access, the Vehicle Operator must immediately notify the Airport Manager.
- f. Commercial Ground Transportation on the Non-Aircraft Movement Area.
 - (1) Only those rental car companies that have received authorization from the City may conduct business on the Airport.
 - (2) Escorted taxicabs, Limousines or hotel buses may deliver customers and/or baggage to a non-Aircraft Movement Area or may pickup customers and/or baggage from a non-Aircraft Movement Area (in any area designated for such purposes by the Airport Manager) if specifically requested to do so by an Operator or Lessee.
- g. Vehicles, motorcycles, boats, jet skis, snowmobiles, dune buggies, race cars, recreational vehicles, trailers, etc., may not be permanently parked or stored anywhere on the AOA (unless specifically approved by the Airport Manager) and shall be subject to all applicable provisions of Sec. 2-6.18 of the Code.

Chapter 2- Government & Administration: Article 6- Hayward Executive Airport Code- Hayward Executive Airport Code. Aircraft Noise and Restrictions.- § 2-6.128 - Operative Date

~~SEC. 2-6.128 - OPERATIVE DATE.~~

~~Sections 2-6.119 through 2-6.127 of this Article shall not be enforced until six (6) months after their adoption. This transition period is provided to permit education of the aviation community about the existence of these noise restrictions as well as alternative noise restrictions which were considered and rejected, to provide reasonable notification to the owners and operators of aircraft which are presumptively incapable of complying with such noise restrictions, and to permit compliance with the noise restrictions by allowing a reasonable time for transition to quieter models of aircraft or modification of existing equipment.~~

(Amended by Ordinance 07-23, adopted December 18, 2007)

Chapter 2- Government & Administration: Article 9- Business Enterprise Preference System - § 2-9.07-
Periodic Review

SEC. 2-9.07 - PERIODIC REVIEW.

~~This article shall be reviewed by the City Council to determine whether termination or any revision is appropriate by December 31, 1996.~~ **This article or any revision** shall be periodically reviewed at least every three (3) years thereafter.

Ch. 3- Public Safety: Article 1- Fire Prevention - § 3-1.00 (Definitions) through 3-1.09 (Rubbish Defined)

SEC. 3-1.00 - DEFINITIONS.

For the purposes of this Article, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from the context that a different meaning is intended.

~~SEC. 3-1.01 - BONFIRE DEFINED.~~

Bonfire shall mean any open fire not contained in a Type 1, 2 or 3 incinerator.

~~SEC. 3-1.02 - FIRE ZONE ONE DEFINED.~~

Fire Zone One shall mean that fire zone of the City described as Zone One pursuant to the Building Code of the City of Hayward.

~~SEC. 3-1.03 - FIRE ZONE TWO DEFINED.~~

Fire Zone Two shall mean that fire zone of the City described as Zone Two pursuant to the Building Code of the City of Hayward.

~~SEC. 3-1.04 - GARBAGE DEFINED.~~

Garbage shall mean animal or vegetable waste, provided that dried weeds, grass and garden and lawn trimmings shall be considered as rubbish.

~~SEC. 3-1.05 - TYPE 1 INCINERATOR DEFINED.~~

Type 1 Incinerator shall mean an enclosed incinerator as described in the Building Code of the City of Hayward.

~~SEC. 3-1.06 - TYPE 2 INCINERATOR DEFINED.~~

Type 2 Incinerator shall mean a metal or masonry incinerator which is entirely closed, has a chimney extending at least thirty (30) inches above the fire door, and is equipped with a clean-out door, fire door and spark arrester.

~~SEC. 3-1.07 - TYPE 3 INCINERATOR DEFINED.~~

Type 3 Incinerator shall mean a metal or masonry incinerator, barbecue pit or other structure designed, intended or useful for burning rubbish, entirely enclosed, and equipped with a removable cover. No hole or opening in the top or sides shall exceed one-half (1/2) inch in diameter or square dimension.

~~SEC. 3-1.08 - OPEN FIRE DEFINED.~~

Open Fire shall mean any fire located outside a building for the purpose of burning the contents thereof.

~~SEC. 3-1.09 - RUBBISH DEFINED.~~

Rubbish shall mean any combustible material or substance, other than garbage.

Ch. 3- Public Safety: Article 5- Dangerous Structures (Swimming Pools) - § 3-5.53- Time for Compliance

SEC. 3-5.53 - TIME FOR COMPLIANCE.

~~The fencing required by these regulations shall be installed around all existing pools or bodies of water within ninety (90) days from and after the effective date of these regulations.~~ No pool or other body of water, the construction of which is completed after the effective date of these regulations, shall be filled with water until the fencing required by the provisions hereof has been provided.

Ch. 3- Public Safety: Article 8- Hazardous Materials Storage. Part XIII Miscellaneous. § 3-8.72- Report to the State Water Resources Control Board.

SEC. 3-8.72 - REPORT TO THE STATE WATER RESOURCES CONTROL BOARD.

The City will require its permit applicants and permittees to fill out, in addition to forms required for City's own purposes under this Article, standardized forms based on the application form and annual report form prepared by the State Water Resources Control Board as specified by California Health and Safety Code Section ~~25283.2~~ **25286**, and City will forward these forms to the State Water Resources Control Board.

However, where any of the information required on such standardized forms is claimed by the permit applicant or permittee to be a trade secret, the permit applicant or permittee shall leave that portion of the form submitted to City blank, except to indicate the words trade secret, and the permit applicant or permittee shall thereafter, within ten (10) days of submitting the incomplete form to City, submit the completed form including the trade secret information directly to the State Water Resources Control Board. City shall have no obligation to protect as a trade secret any information which is furnished to it for forwarding to the State Water Resources Control Board on these standardized forms.

Ch. 4- Public Welfare, Morals & Conduct: Article 1- Abandoned Vehicle Abatement Part - § 4-1.34- Notice

SEC. 4-1.34 - NOTICE.

A ten-day notice of intention to abate and remove the vehicle or parts thereof as a public nuisance shall be mailed by registered or certified mail to the owner of the property on which the vehicle is located and to the owner of the vehicle itself, unless the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof. The notices of intention shall be in the form as established by the City Council, from time to time. The notice of intention is not required for removal of a vehicle or part thereof that is inoperable due to the absence of a motor, transmission, or wheels and incapable of being towed, is valued at less than two hundred dollars (\$200) by a person specified in Vehicle Code §22855, and is determined by the City Council to be a public nuisance presenting an immediate threat to public health or safety, provided that the property owner has signed a release authorizing removal and waiving further interest in the vehicle or part thereof.

~~A ten-day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be mailed by registered or certified mail to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notices of intention shall be in substantially the following forms:~~

~~NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE~~

~~(Name and address of owner of the land)~~

~~As owner shown on the last equalized assessment roll of the land located at (address), you are hereby notified that the undersigned pursuant to Sec. 4 1.33 of the City of Hayward Municipal Code has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled or inoperative vehicle registered to , license number , which constitutes a public nuisance pursuant to the provisions of Article 1 of Chapter 4 of the City of Hayward Municipal Code.~~

~~You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within ten (10) days from the date of mailing of this notice, and upon your failure to do so the same will be abated and removed by the City and the costs thereof, together with administrative costs, assessed to you as owner of the land on which said vehicle (or said parts of a vehicle) is located.~~

~~As owner of the land on which said vehicle (or said parts of a vehicle) is located, you are hereby notified that you may, within ten (10) days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the Enforcement Officer within such 10 day period, the Enforcement Officer shall have the authority to abate and remove said vehicle (or said parts of a vehicle) as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn written statement within such 10-day period denying responsibility for the presence of said vehicle (or said parts of a vehicle) on said land, with your reasons for denial, and such statement shall be construed as a request for hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.~~

~~Notice Mailed _____ (date)~~

~~(Enforcement Officer)~~

~~NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE~~

~~(Name and address of last registered and/or legal owner of record of vehicle—notice should be given to both if different)~~

~~As last registered (and/or legal) owner of record of (description of vehicle - make, model, license, etc.), you are hereby notified that the undersigned pursuant to Sec. 4-1.33 of the City of Hayward Municipal Code has determined that said vehicle (or parts of a vehicle) exists as an abandoned, wrecked, dismantled or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of Article 1 of Chapter 4 of the City of Hayward Municipal Code.~~

~~You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within ten (10) days from the date of mailing of this notice.~~

~~As registered (and/or legal) owner of record of said vehicle (or said parts of a vehicle), you are hereby notified that you may, within ten (10) days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the Enforcement Officer within such 10-day period, the Enforcement Officer shall have the authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing.~~

~~Notice Mailed _____ (date)~~

~~(Enforcement Officer)~~

Ch. 4- Public Welfare, Morals & Conduct: Article 1- Public Nuisances. Weed, Rubbish & Litter Abatement
Part - § 4-1.58- Abatement Notice

SEC. 4-1.58 - ABATEMENT NOTICE.

The enforcement officer shall cause the responsible person to be notified of a violation of this ordinance and shall direct the responsible person to abate the violation or appear before the enforcement officer to show cause why the violation should not be abated by the City at the property owner's expense.

The notice shall be **in a form proscribed by the City Council**, substantially in the following form:

~~NOTICE TO REMOVE WEEDS, RUBBISH, AND LITTER~~

~~(Name and address of person notified)~~

~~As owner, agent, lessee or other person occupying or having charge or control of the building, lot or premises at _____, you are hereby notified that the undersigned has determined that there exists upon or adjoining said premises the following condition contrary to the provisions of Section 4-1.57: (subsection number and description of condition)~~

~~You are hereby notified that by _____, you must abate the above condition(s) to the satisfaction of the undersigned or request an administrative hearing to show cause, if any you have why said condition should not be abated by the City and the expenses thereof charged to your property and if not paid thereafter made a lien upon the real property described above. Abatement is to be accomplished in the following manner:~~

~~Dated: _____ By _____~~

Ch. 4- Public Welfare, Morals & Conduct: Article 3- Card Club & Bingo Regulations - Bingo Games For Charity Part - § 4-3.51- Definitions (“bingo”)

SEC. 4-3.51 - DEFINITIONS.

Whenever in these regulations the following terms are used they shall have the meanings respectively ascribed to them in this section.

"Bingo" **has the meaning set forth in California Penal Code § 326.5(o) as it now exists or may hereafter be amended.** ~~is a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random.~~

Ch. 4- Public Welfare, Morals & Conduct: Article 3- Card Club & Bingo Regulations - Bingo Games For Charity Part - § 4-3.52- Organizations Eligible for City Permit

SEC. 4-3.52 - ORGANIZATIONS ELIGIBLE FOR CITY PERMIT.

Bingo may be conducted by organizations which have obtained an exemption from the payment of the bank and corporation tax by State Revenue Code Sections 23701(a), 23701(b), 23701(d), 23701(e), 23701(f), 23701(g), ~~and~~ 23701(1), 23701(k), and 23701(w). Said organizations are of the following types:

Labor, agricultural, or horticultural

Fraternal beneficiary societies, orders, or associations operating under a lodge system

Religious, charitable, scientific, literary, educational and humanitarian

Business leagues, chambers of commerce, real estate boards, and boards of trade

Civic leagues, social welfare and employee organizations

Nonprofit pleasure and recreation clubs

Bingo may also be conducted by mobile home park associations and senior citizen organizations.

Ch. 4- Public Welfare, Morals & Conduct: Article 3- Card Club & Bingo Regulations - Bingo Games For Charity Part - § 4-3.67- Profits—Separate Fund or Account.

SEC. 4-3.67 - PROFITS—SEPARATE FUND OR ACCOUNT.

The proceeds of bingo games shall be used only for charitable purposes.

With respect to organizations granted tax exempt status under the provisions of State Revenue Code Section 23701(d) all profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account.

With respect to other organizations authorized to conduct bingo games, all proceeds shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such proceeds, however, may be used for prizes. **A portion of such proceeds, not to exceed 20 percent of the proceeds before the deduction for prizes, or two thousand dollars (\$2,000) per month, whichever is less, may be used for the rental of property and for overhead, including the purchase of bingo equipment, administrative expenses, security equipment, and security personnel.** ~~A portion of such proceeds not to exceed ten percent (10%) after the deduction for prizes, or five hundred dollars (\$500.00) per month, whichever is less, may also be used for rental of property, overhead and administrative expenses.~~

The permittee shall keep full and accurate records of the income and expenses received and disbursed in connection with its operation, conduct, promotion, supervision and any other phase of bingo games which are authorized by these regulations. The City, by and through its authorized officers, shall have the right to examine and audit such records at any reasonable time and permittee shall fully cooperate with the City by making such records available.

(Amended by Ordinance No. 77-039 C.S., adopted August 23, 1977.)

Ch. 4- Public Welfare, Morals & Conduct: Article 5- Minors - § 4-5.15- Minors Prohibited in Pool Rooms

~~SEC. 4-5.15- MINORS PROHIBITED IN POOL ROOMS.~~

~~It shall be unlawful for any minor, unless accompanied by a parent or legal guardian, to enter or remain in any public pool room or billiard room.~~

~~It shall be unlawful for any person having charge of or conducting a public pool room or billiard room, to permit any minor, unless accompanied by a parent or legal guardian, to enter or remain in any public pool room or billiard room.~~

(Amended by Ordinance 72-023 C.S., adopted May 23, 1972)

Ch. 5- Sanitation & Health: Article 2- Food Regulations - § 5-2.00 (Definitions), 5-2.01 (Health Officer), & 5-2.02 (Health Department)

SEC. 5-2.00 - DEFINITIONS.

For the purposes of this Article, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from their context that a different meaning is intended.

~~SEC. 5-2.01 - HEALTH OFFICER.~~

Health Officer means the Health Officer of the County of Alameda.

~~SEC. 5-2.02 - HEALTH DEPARTMENT.~~

Health Department means the Health Department of the County of Alameda.

Ch. 5- Sanitation & Health: Article 3- Mobile Home Regulations - § 5-3.102 (Alter) through 5-3.171 (Travel Trailer)

SEC. 5-3.100 - DEFINITIONS.

For the purposes of this Article, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from their context that a different meaning is intended.

~~SEC. 5-3.102 - ALTER.~~

Alter shall mean any change, addition or modification in construction or occupancy.

~~SEC. 5-3.103 - AWNING.~~

Awning shall mean any shade structure of approved material, installed, erected or used adjoining or adjacent to a mobile home, and which is completely open on at least one (1) side. A side may be interpreted to be an "end". Awning does not include a window awning. Awning does not mean cabana.

~~SEC. 5-3.110 - BUILDING.~~

Building shall mean any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. Building includes public baths and toilets, cabanas and laundry rooms, community or recreation structures or other permanent or portable enclosures constructed for the exclusive use of occupants of a mobile home park.

~~SEC. 5-3.115 - CABANA.~~

Cabana shall mean any portable or demountable building, enclosed on at least three (3) sides, erected, constructed or placed on any mobile home site within six (6) feet adjacent to a mobile home and used for human habitation. Cabana does not include awning.

~~SEC. 5-3.116 - CARPORT.~~

Carport shall mean an awning or shade structure under which an automobile is to be stored.

~~SEC. 5-3.120 - EXISTING PARKS.~~

Existing parks shall mean trailer parks or mobile home parks presently established in areas annexed by the City of Hayward after the effective date of this Article.

~~SEC. 5-3.125 - FREE STANDING.~~

Free standing shall mean a structure sufficiently strong to withstand loads and forces as specified in the Building Code of the City of Hayward.

~~SEC. 5-3.130 - MOBILE HOME.~~

Mobile home shall mean an "independent" trailer coach of any length and excludes "dependent" trailer coach and "camp car".

~~SEC. 5-3.131 - MOBILE HOME PARK.~~

Mobile home park shall mean any lot or parcel of land designed for, used or intended to be used for the parking and occupancy of two (2) or more mobile homes for dwelling or sleeping purposes.

~~SEC. 5-3.132 MOBILE HOME SITE.~~

Mobile home site shall mean that portion of a mobile home park designated and designed for the use or occupancy of a mobile home, and includes any area thereon that is set aside or used for automobile parking, carport, storage cabinet, awning, cabana, or other structure, but not including park roadways, sidewalks, or central service, recreation or parking areas.

~~SEC. 5-3.140 NUISANCE.~~

Nuisances includes any of the following.

- a. Any public nuisance known at common law or in equity jurisprudence.
- b. Whatever is dangerous to human life or detrimental to health.
- c. The overcrowding of any room or mobile home to a degree which will limit the cubic footage of available air space to less than 300 cu. ft. per person for permanent or semi-permanent occupancy.
- d. Insufficient ventilation or illumination of any room or mobile home.
- e. Inadequate or insanitary sewage or plumbing facilities.
- f. Whatever renders air, food or drink unwholesome, or detrimental to the health of human beings.

~~SEC. 5-3.150 PARK ROADWAY.~~

Park roadway shall mean any passageway inside a mobile home park intended for the use of automobiles and for transporting mobile homes, except areas on or within approved mobile home sites.

~~SEC. 5-3.151 PARK SEWER COLLECTOR SYSTEM.~~

Park sewer collector system shall mean that part of the mobile home park sanitary sewer system which collects sewage from the park sewer service line and conveys sewage to the park sewer outfall.

~~SEC. 5-3.152 PARK SEWER OUTFALL.~~

Park sewer outfall shall mean that part of the mobile home park sanitary sewer system which is connected to the public sanitary sewer main either in a public street or in a public easement.

~~SEC. 5-3.153 PARK SEWER SERVICE LINE.~~

Park sewer service line shall mean that part of the mobile home park sanitary sewer system which conveys the sewage from the mobile home sites to the park sewer collector system.

~~SEC. 5-3.154 PARK WATER SERVICE LINE.~~

Park water service line shall mean that part of the mobile home park water system extending from the park water main to a mobile home site or to a service building, and includes connections, devices and appurtenances.

~~SEC. 5-3.155 PARK WATER SYSTEM.~~

Park water system shall mean all of the water supply piping from the main public supply to, but not including, the park water service line.

~~SEC. 5-3.160 SERVICE BUILDING.~~

Service building means any structure providing public facilities including, but not limited to the following: bathing, toilet, laundry, recreation.

~~SEC. 5-3.170 - TRAILER COACH.~~

Trailer coach shall mean any camp car, trailer or other vehicle, with or without motive power, designated and constructed to travel on the public thoroughfares at the maximum allowable speed limit and in accordance with the provisions of the State Vehicle Code and designed or used for human habitation.

Camp Car shall mean any self-propelled vehicle provided with living or sleeping quarters.

Dependent shall refer to a trailer coach which is not equipped with all of the following.. a toilet for sewage disposal, a sink and a bath or shower.

Independent shall refer to a trailer coach which is equipped with a toilet for sewage disposal, a sink and a bath or shower.

~~SEC. 5-3.171 - TRAVEL TRAILER.~~

Travel trailer shall mean a "dependent" trailer coach or a "camp car".

Ch. 5- Sanitation & Health: Article 4- Food Regulations -§ 5-4.10- County of Alameda Ordinance No. 73-68 Entitled "An Ordinance to Regulate the Construction, Repair, Reconstruction, Destruction or Abandonment of Wells Within the Boundaries of the County of Alameda", Adoption by Reference.

SEC. 5-4.10 COUNTY OF ALAMEDA ORDINANCE NO. 73-68 ENTITLED "AN ORDINANCE TO REGULATE THE CONSTRUCTION, REPAIR, RECONSTRUCTION, DESTRUCTION OR ABANDONMENT OF WELLS WITHIN THE BOUNDARIES OF THE COUNTY OF ALAMEDA", ADOPTION BY REFERENCE.

The well standards regulations of the County of Alameda adopted by Ordinance No. 73-68 on the 17th day of July, 1973 and entitled, "~~An Ordinance to Regulate the Construction, Repair, Reconstruction, Destruction or Abandonment of Wells Within the Boundaries of the County of Alameda~~" as ~~Sec.5-4.10, Alameda County Code of Ordinances, Title 6 – Health and Safety / Chapter 6.88, Water Wells (Ref.: https://www.municode.com/library/ca/alameda_county/codes/code_of_ordinances?nodeId=TIT6HESA_CH6.88WAVE)~~, as amended by Alameda County Ordinance No. O-2015-20, Section 1,4-21-15 (Ref.: Ord. No. O-2015-20, § 1, 4-21-15) is hereby adopted as the well standards ordinance of the City of Hayward regulating the construction, repair, reconstruction, destruction or abandonment of wells within the City of Hayward.

Three printed copies of such Alameda County regulations (primary code) and three (3) printed copies of Chapter II of the Department of Water Resources Bulletin No. 74, "Water Well Standards: State of California" and Appendixes E, F and G a part thereof, together with the supplemental standards of Department of Water Resources Bulletin No. 74-2, "Water Well Standards: Alameda County" and Department of Water Resources Bulletin No. 74-1, "Cathodic Protection Wells Standards: State of California" (secondary code), are on file in the office of the City Clerk, to which reference is hereby made for further particulars.

Ch. 5- Sanitation & Health: Article 5 - Food Regulations -§ 5-5.10- (Definitions), 5-5.11 (Advertising Matter), & 5-5.12- (Newspaper).

SEC. 5-5.10 - DEFINITIONS.

For purpose of this Article, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from the context that a different meaning is intended.

~~SEC. 5-5.11 - ADVERTISING MATTER.~~

"Advertising Matter" shall mean any printed or written matter, including handbills and signs, or otherwise reproduced original or copies of any matter or literature except a newspaper as defined in this Article.

(Amended 84-026 C.S., adopted October 2, 1984.)

~~SEC. 5-5.12 - NEWSPAPER.~~

"Newspaper" shall mean any printed matter of general circulation published for the dissemination of local or telegraphic news and intelligence of a general character.

Ch. 6- Businesses, Professions & Trades: Article 3 - Pawnbrokers, Secondhand Dealers & Auctioneers - § 6-3.27- Pawnbrokers. Receipt Books Required

~~SEC. 6-3.27 - PAWNBROKERS. RECEIPT BOOKS REQUIRED.~~

~~Any person managing, maintaining or conducting the business of a Pawnbroker in the City of Hayward shall keep or cause to be kept, at the store or place of business, receipt books as hereinafter described. Such books shall be kept in addition to the record of transactions required by Section 6-3.22 of this Article, and shall consist of duplicate sheets of not less than four by seven (4 × 7) inches in size and bearing consecutive numbers, one (1) of each of said duplicate pages shall be perforated as to enable its removal. One (1) of the aforesaid books shall be kept for the recording of, and the receipting for, sales, and there shall be printed at the top of the perforated sheet, in colored type not less than three-eighths (3/8) of an inch in height, the following words: "This is a pledge and not a sale." The perforated sheet, which shall be the duplicate, shall, after being filled out as herein provided, be delivered to the person with whom the transaction is made. The original thereof shall be kept by the Pawnbroker for a period of at least two (2) years next following the date of the transaction, and shall, during such time, be available at all times during business hours for inspection by the Police Department.~~

Ch. 6- Businesses, Professions & Trades: Article 10 – Massage Permit Ordinance - § 6-10.02- Definitions
 ("Massage therapist")

SEC. 6-10.02 - DEFINITIONS.

For the purpose of this Article, certain words and phrases shall be construed herein as set forth in this section, unless it is apparent from the context that a different meaning is intended:

- a. 'Acupuncture.' Whereas acupuncture is described as the stimulation of a certain point or points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain diseases or dysfunctions of the body and includes the techniques of electro acupuncture, cupping, and moxibustion; 'Acupressure' is based on a theory similar to acupuncture except that it stimulates acupuncture points by the application of pressure rather than needling.
- b. 'Adult-oriented merchandise.' Any sexually-oriented implements, paraphernalia, or novelty items, such as but not limited to: condoms and sexually-oriented items that are designed or marketed primarily for the stimulation of human genital organs.
- c. 'Applicant.' In the case of a massage establishment permit, means an individual, or if not an individual, the general partner, chief executive officer, chief advisor, or other person responsible for the ownership and operation of the massage establishment, who applies to obtain a permit under this Article. In the case of a massage therapist permit, "applicant" means an individual who applies for a permit under this Article.
- d. 'CAMTC.' California Massage Therapy Council.
- e. 'Chief of Police.' The Chief of Police of the City of Hayward or his or her designee.
- f. 'Employee.' Includes any owner, partner, operator, manager, supervisor or worker, (whether part-time, full-time, temporary, permanent, or independent contractor) whether paid or not, who renders personal services of any nature in the operation of a massage establishment.
- g. 'Massage.' The scientific manipulation of the soft tissues. For purposes of this definition, the terms "massage", "massage therapy", and "bodywork" shall have the same meaning.
- h. 'Massage establishment.' A fixed location where massage is performed for compensation, excluding those locations where massage is only provided on an out-call basis.
- i. 'Massage practitioner.' A person who is certified by the California Massage Therapy Council pursuant to CA Business and Professions Code Section 4604.2 and who administers massage for compensation.
- ij. 'Massage therapist.' A person who is certified by the California Massage Therapy Council under CA Business and Professions Code Section 4604 and who administers massage for compensation. ~~Any person who provides massage therapy services to another person for compensation.~~ For purposes of this definition, "Massage therapist", "Massage Technician", and "Masseuse" shall have the same meaning.
- j.k. 'Managing employee.' Any employee of a massage establishment who has been designated by the massage establishment permittee to manage the business.

- kl.** 'Out-call massage therapy.' A massage therapy performed or administered for money or other consideration by a licensed massage practitioner at a location other than a licensed massage establishment.
- lm.** 'Permit.' The permit to engage in the business of massage therapy as required by this Article.
- mn.** 'Permittee.' Any person possessing a permit required and issued under this Article, or any owner or operator of the permitted establishment.
- no.** 'Person.' Any individual, co-partnership, firm, association, joint stock company, corporation, joint venture, or combination of individuals of whatever form or character.
- op.** 'Sexual or Genital Part.' Sexual and genital parts shall include the genitals, pubic area, anus, perineum of any person and the breasts of any female.

Ch. 6- Businesses, Professions & Trades: Article 10 – Massage Permit Ordinance - § 6-10.21- Applicability To Existing Businesses

SEC. 6-10.21 - APPLICABILITY TO EXISTING BUSINESSES.

- a. ~~All persons currently holding a valid massage establishment permit shall have six (6) months following the enactment of this Ordinance in which to comply with the requirements of this Article. Except as provided in section 6-10.24b., if a permittee does not attain compliance with this Article within the prescribed time limits, the Chief of Police shall immediately suspend or revoke the permittee's permit(s).~~
- b. ~~The Chief of Police may issue a provisional permit to any massage establishment, for a period not to exceed six (6) months, if the applicant is able to show that substantial compliance with the requirements of this Article has been met and that the remaining compliance can be achieved within the period of the provisional permit. This six-month provisional permit shall not be renewed.~~
- e. Any business that holds itself out as a massage establishment in any way will be subject to the provisions of this Ordinance.

Ch. 6- Businesses, Professions & Trades: Article 11 -Permit Requirements For Firearms Dealers – § 6-11.05-CONDITIONS OF APPROVAL and § 6-11.11-GROUNDS FOR PERMIT DENIAL.

SEC. 6-11.05 - CONDITIONS OF APPROVAL.

In addition to other requirements and conditions of this article, a permit is subject to the following conditions, the breach of any of which is sufficient cause for revocation of the permit by the Chief of Police:

- (a) The business shall be carried on only in the building located at the street address shown on the permit. This requirement, however, does not prohibit the permittee from participating in a gun show or event which is authorized by federal and state law upon compliance with federal and state law;
- (b) The permit, or a certified copy of it, shall be displayed on the premises and at gun shows where it can be easily seen;
- (c) The applicant shall not permit any person under eighteen (18) years of age to enter or remain within the premises without being accompanied by the parent or other adult legally responsible for the minor child where the firearms and/or ammunition sales activity is the primary business performed at the site;
- (d) The permittee shall not deliver a firearm to a purchaser earlier than is allowed by applicable state and federal law;
- (e) The permittee shall not deliver a firearm to another purchaser, lessee, or other transferee unless the firearm is unloaded and securely wrapped or unloaded in a locked container;
- (f) The permittee shall not deliver a firearm to a purchaser, lessee, or other transferee under the age of eighteen (18) years, or a firearm capable of being concealed upon the person to another person under the age of twenty-one (21) years. Clear evidence of the identity and age of the purchaser shall be required before delivery of a firearm to a purchaser, lessee, or other transferee. Evidence of identity may include, but is not limited to, a motor vehicle operator's license, a state identification card, an armed forces identification card, an employee identification card containing the bearer's signature and photograph, or similar documentation which provides the permittee or seller reasonable assurance of the identity and age of the purchaser;
- (g) The permittee shall not sell, lease or otherwise transfer a firearm to a person whom the permittee or seller has reason to believe is within any of the classes prohibited by **California** Penal Code sections ~~12021 or 12021.4~~ **29900, et seq.**, or Welfare and Institutions Code section 8100 or 8103;
- (h) No firearm or imitation of one, or placard advertising its sale or other transfer, shall be displayed in any part of the premises where it can readily be seen from the outside;
- (i) The permittee shall not sell, lease, or otherwise transfer a firearm without also selling or otherwise providing with each such firearm a trigger lock or similar device that is designed to prevent the unintentional discharge of the firearm;
- (j) The permittee shall properly and promptly process firearms transactions as required by Penal Code section 12082;
- (k) The permittee shall keep a register of sales as required by Penal Code sections 12073 and 12077;
- (l) The permittee shall post conspicuously within the licensed premises all charges and fees required by Penal Code section 12071(b)(11) and the following warning in block letters not less than one (1) inch in height:

IF YOU LEAVE A LOADED FIREARM WHERE A CHILD OBTAINS AND IMPROPERLY USES IT, YOU MAY BE FINED OR SENT TO PRISON

- (m) No firearm capable of being concealed on the person shall be delivered to a purchaser or transferee, unless that person presents to the permittee or seller a current basic firearm safety certificate, unless otherwise exempted by state law;
- (n) The permittee shall offer to provide to the purchaser or transferee of a firearm a copy of the pamphlet described in Penal Code section 12080 and may add the cost of the pamphlet, if any, to the sales price of the firearm;
- (o) The permittee shall report to the police department the loss or theft of a firearm and/or ammunition that is merchandise of the permittee, a firearm that the permittee takes possession of pursuant to Penal Code section 12082, or a firearm and/or ammunition kept at the permittee's place of business, within 48 hours of discovery.

SEC. 6-11.11. - GROUNDS FOR PERMIT DENIAL.

The Chief of Police shall deny the issuance or renewal of a permit when one (1) or more of the following conditions are met:

- (a) The applicant is under twenty-one (21) years of age;
- (b) The applicant is not licensed as required by federal, state, and local law;
- (c) The applicant has had a firearms permit or license previously revoked or denied for good cause within the immediately preceding two (2) years;
- (d) The applicant has made a false or misleading statement of a material fact or omission of a material fact in the application for a permit. If a permit is denied on the ground, the applicant is prohibited from reapplying for a permit for a period of two (2) years;
- (e) The applicant has been convicted of:
 - (1) An offense which disqualifies the applicant from owning or possessing a firearm under federal, state and local law, including, but not limited to, the offenses listed in **California** Penal Code section ~~12021~~ **29900, et seq.**;
 - (2) An offense relating to the manufacture, sale, possession, use, or registration of a firearm or dangerous or deadly weapon;
 - (3) An offense involving the use of force or violence upon the person of another;
 - (4) An offense involving theft, fraud, dishonesty, or deceit;
 - (5) An offense involving the manufacture, sale, possession, use of a controlled substance as defined by the state Health and Safety Code, as it now reads or may hereafter be amended to read;
- (f) The applicant is within a class of persons defined in the Welfare and Institutions Code sections 8100 or 8103;
- (g) The applicant is currently, or has been within the past two (2) years, an unlawful user of a controlled substance as defined by the Health and Safety Code as that definition now reads or may hereafter be amended to read;

- (h) The operation of the business as proposed would not comply with federal, state, and local law;

Ch. 7- Public Works s: Art. 2- Streets - Disturbance of Streets - § 7-2.00 (Definitions) through 7-2.04 (Major project)

SEC. 7-2.00 - DEFINITIONS.

For the purposes of this Article, certain words and phrases are defined and certain provisions are to be construed as herein set out, unless it shall be apparent from the context that a different meaning is intended.

~~SEC. 7-2.01 - STREET CUT.~~

Street cut shall mean the action of or the result of opening, tearing up, excavating, repairing, installing, adding to, removing, or otherwise altering any portion of any public roadway, street, thoroughfare, sidewalk, curb, gutter, or driveway, or any other such facility existing within a public right-of-way area for any purpose whatsoever.

~~SEC. 7-2.02 - EMERGENCY STREET CUT.~~

Emergency street cut shall mean any street cut which must be made to repair a defective or broken underground facility, the condition of which facility constitutes an evident and immediate hazard to life, health, or property, and it is impractical to secure a permit before work is commenced.

~~SEC. 7-2.03 - UNDERGROUND FACILITY.~~

Underground facility shall mean any pipe, conduit, tile, or other material installed within and below the surface of any public roadway, street, sidewalk, thoroughfare, or other place.

~~SEC. 7-2.04 - MAJOR PROJECT.~~

Major project shall mean the installation or replacement of any underground facility other than a service from an existing main to a single user.

Ch. 7- Public Works s: Art. 2- Street Trees - § 7-2.51 (Definitions) through 7-2.52 (Public Street Defined).

SEC. 7-2.51 - DEFINITIONS.

For the purposes hereof, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from their context that a different meaning is intended.

~~SEC. 7-2.52 - PUBLIC STREET DEFINED.~~

The words "public street" shall include every way set apart for public travel or use in the City of Hayward, including the entire planting strip, sidewalk area, easements and rights-of-way.

Ch. 8- Finance, Revenue & Taxation: Art. 3- Uniform Sales & Use Tax - § 8-3.70- Exclusions & Exemptions

~~SEC. 8-3.70 – EXCLUSIONS AND EXEMPTIONS.~~

~~There shall be the following exclusions and exemptions from the measure of tax.~~

- ~~(a) The amount subject to tax shall not include any sales of use tax imposed by the State of California upon a retailer or consumer.~~
- ~~(b) The storage, use, or other consumption of tangible personal property, the gross receipts from the sale of which have been subject to tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city, in this state shall be exempt from the tax due under this ordinance.~~
- ~~(c) There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.~~
- ~~(d) In addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued Pursuant to the laws of this state, the United States, or any foreign government is exempted from the use tax.~~

(Former Sec. 8-3.70 repealed and replaced by Ordinance No. 83-032 C.S., adopted December 13, 1983, effective January 1, 1984)

Ch. 8- Finance, Revenue & Taxation: Art. 4- Transient Occupancy Tax - § 8-4.40- Records.

SEC. 8-4.40 - RECORDS.

It shall be the duty of every operator liable for the collection and payment to the City of any tax imposed by this Article to keep and preserve, for a period of ~~three (3)~~ **four (4)** years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the City, which records the Tax and License Administrator shall have the right to inspect at all reasonable times.

Ch. 8- Finance, Revenue & Taxation Art. 12- Downtown Hayward Business Improvement Area - § 8-12.00- Authority.

SEC. 8-12.00 - AUTHORITY.

This Article is adopted pursuant to the authority of the "Parking and Business Improvement Area Law of 1989 ~~1979~~," being Section 36500 et seq. of the Streets and Highways Code of the State of California.

Ch. 8- Finance, Revenue & Taxation Art. 18- Utility Users Tax - § 8-18.180- Records

SEC. 8-18.180 - RECORDS.

- (a) It shall be the duty of every person required to collect and/or remit to the City any tax imposed by this Article to keep and preserve, for a period of at least ~~three (3)~~ **four (4)** years, all records as may be necessary to determine the amount of such tax as he/she may have been liable for the collection of and remittance to the Tax Administrator, which records the Tax Administrator shall have the right to inspect at a reasonable time.
- (b) The City, through the City Council, may issue an administrative subpoena to compel a person to deliver, to the Tax Administrator, copies of all records deemed necessary by the Tax Administrator to establish compliance with this Article, including the delivery of records in a common electronic format on readily available media if such records are kept electronically by the persons in the usual and ordinary course of business. As an alternative to delivering the subpoenaed records to the Tax Administrator on or before the due date provided in the administrative subpoena, such person may provide access to such records outside the City on or before the due date, provided that such person shall reimburse the City for all reasonable travel expenses incurred by the City to inspect those records, including travel, meals, lodging and similar expenses, but excluding the normal salary or hourly wages of those persons designated by the City to conduct the inspection.
- (c) The Tax Administrator is authorized to execute a non-disclosure agreement approved by the City Attorney to protect the confidentiality of customer information pursuant to California Revenue and Tax Code Section 7284.6 and 7284.7.
- (d) If a service supplier uses a billing agent or billing aggregator to bill, collect, and/or remit the tax, the service supplier shall: i) provide to the Tax Administrator the name, address and telephone number of each billing agent and billing aggregator currently authorized by the service supplier to bill, collect, and/or remit the tax to the City; and, ii) upon request of the Tax Administrator, deliver, or effect the delivery of, any information or records in the possession of such billing agent or billing aggregator that, in the opinion of the Tax Administrator, is necessary to verify the proper application, calculation, collection and/or remittance of such tax to the City.
- (e) If any person subject to record-keeping under this Section unreasonably denies the Tax Administrator access to such records, or fails to produce the information requested in an administrative subpoena within the time specified, then the Tax Administrator may impose a penalty of five hundred dollars (\$500.00) on such person for each day following: i) the initial date that the person refuses to provide such access; or, ii) the due date for production of records as set forth in the administrative subpoena. This penalty shall be in addition to any other penalty imposed under this Article.

Ch. 9- Building Regulations Art. 5- Residential Rental Inspection - General Responsibilities - § 9-5.311-
Enforcement: Report to Franchise Tax Board.

SEC. 9-5.311 - ENFORCEMENT: REPORT TO FRANCHISE TAX BOARD.

The Enforcement Official shall take appropriate action to cause the correction, repair, or abatement of violations that are found as a result of any inspection required by this code. In addition to employing the applicable enforcement measures that are or may hereafter be provided by law, including but not limited to the enforcement provisions of the following codes: California Code of Regulations, State Housing Code, California Health and Safety Code, California Building, Plumbing, Mechanical or Electrical Codes, Uniform Code for the Abatement of Dangerous Buildings, International Property Maintenance Code or provisions of the Hayward Municipal Code. The Enforcement Official shall also comply with the provisions of sections 17299.9(c) and 24436.5(c) of the Revenue and Taxation Code of the State of California.

Ch. 10- Planning, Zoning & Subdivisions Art. 1- Zoning Ordinance - § 10-1.2915(h)- Nonconforming Uses.;

SEC. 10-1.2915 - NONCONFORMING USES.

A nonconforming use is one which lawfully existed prior to the effective date of this Ordinance, but which is no longer permitted in the land use district in which it is located. The continuance of a legal nonconforming use is subject to the following:

- a. Change of ownership, tenancy, or management of a nonconforming use shall not affect its legal nonconforming status, provided that the use and intensity of use, as determined by the Planning Director, does not change.
- b. If a nonconforming use is discontinued for a period of six or more consecutive calendar months, it shall lose its legal nonconforming status, and the continued use of the property shall be required to conform with the provisions of this Ordinance.
- c. Additional development of any property on which a legal nonconforming use exists shall require that all new uses conform to the provisions of this Ordinance.
- d. If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed.
- e. No nonconforming use may be established or replaced by another nonconforming use, nor any nonconforming use be expanded or changed, except as provided in subsections "f" through "h" below.
- f. A nonconforming use of a portion of a nonconforming commercial or industrial center or complex may be established or replaced by another similar nonconforming use when the Planning Director finds:
 - (1) That the nonconforming use is similar to or less intensive than the ones originally allowed in the center or complex;
 - (2) That the nonconforming use will not adversely affect or be materially detrimental to adjoining properties; and
 - (3) That the use of the entire center or complex has not been vacant or discontinued for a period of six or more calendar months.
- g. Notwithstanding all provisions in this subsection a legal nonconforming new car auto dealership facility on Mission Boulevard between Highland/Sycamore and Harder Road shall be allowed to apply for Site Plan Review for minor exterior alterations, improvements, or expansions of less than 10 percent of the building area of an existing facility as long as all minimum development standards, to the extent possible, are met, subject to review and approval by the Planning Director.
- h. ~~Any legal residential use in the Baumberg area in existence as of June 6, 1995, formerly zoned as part of a Limited Industrial Zoning District, which became a nonconforming use due to the reclassification of area on June 6, 1995, may be lawfully reconstructed as a residential use for a period of twenty years from June 6, 1995, if such residential use is damaged or destroyed by fire or other catastrophe, as long as that the building footprint of the replacement residence does not exceed that of the residential structure in existence as of June 6, 1995.~~

Ch. 10- Planning, Zoning & Subdivisions Art. 1- Zoning Ordinance - § 10-1.3510- Uses & Activities Defined (“Group Home”).

GROUP HOME. The use of any single-family residence or other dwelling unit for a group residence where residents pay a fee or other consideration to the Group Home operator in return for residential accommodations. A Group Home includes a boarding home, a rooming house, as well as a group residence for the elderly, or mentally or physically disabled or handicapped persons, or other persons in need of care and supervision. Each dwelling unit so used shall be considered a single Group Home. The term Group Home includes both licensed and unlicensed Group Homes.

- a. Licensed Group Home. A licensed Group Home is any residential facility subject to State licensing requirements pursuant to the California Health and Safety Code (HSC), implementing State regulations, and amendments thereto. Any Group Home which is subject to State licensing requirements shall be treated as an unlicensed Group Home if the facility's license has expired or such license has been suspended, revoked or terminated. Group Homes subject to State licensing requirements include the following:
 - (1) Residential facilities providing non-medical residential care, specifically, any residential Community Care Facility (HSC section 1502), a Residential Care Facility for the Elderly (HSC section 1569.2) and a alcoholism or drug abuse recovery or treatment facility (HSC section ~~11834.11~~ **11834.02**).
 - (2) The following types of Health Facilities (HSC section 1250, specifically, a Congregate Living Health Facility (HSC section 1250 (i)), an Intermediate Care Facility/Developmentally Disabled Habilitative (HSC section 1250 (e), an Intermediate Care Facility/Developmentally Disabled (HSC section 1250(g)), and an Intermediate Care Facility/Developmentally Disabled-Nursing (HSC section 1250(h)).

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.010 – PURPOSE.

The purpose of this article is as follows:

- a. To provide policies, standards, and procedures to regulate and control the design and improvement of all subdivisions.
- b. To ensure that all proposed subdivisions, together with the provisions for their design and improvement, are consistent with and implement the procedures, policies, and programs of the General Plan and all applicable Specific Plans and Neighborhood Plans, and other City adopted plans and policies.
- c. To regulate design of subdivisions to complement existing development, existing and planned street capacity, roadways, school capacity, public facilities and utilities, open space, and physical features.
- d. To provide lots and dwelling units of sufficient size and appropriate design for the purposes for which they are to be used.
- e. To provide streets of adequate capacity and design for the traffic that will utilize them, and to insure maximum safety for pedestrians, bicyclists, and vehicles.
- f. To provide adequate access to each building site.
- g. To provide ~~sidewalks and, where needed, pedestrian ways, biking paths, and equestrian and hiking trails~~ complete streets for the safety, convenience, and enjoyment of the residents of new developments.
- h. To provide adequate systems of water supply, sanitary sewage disposal, storm drainage, street lighting, and other utilities needed for the public health, safety and convenience.
- i. To provide adequate sites for public facilities, e.g., schools and parks, needed to serve the residents of new developments.
- j. To prevent land which is actually or potentially dangerous by reason of flood hazard, inundation, proximity to excessive noise, inadequate access, inadequate water supply or fire protection, insufficient sewerage facilities, hazardous geological conditions, or critical soil conditions from being subdivided for any use or in any manner tending to create an increased detriment to the public health, safety or welfare.
- k. To regulate the subdivision of land to provide for orderly development in a manner that will promote the public health, safety, convenience, and general welfare.

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.115 - MAPS.

- a. Final Map. Subject to the provisions of this article and the Subdivision Map Act, a final map is a map that delineates the division of land into five or more parcels, five or more condominiums as defined in section 783 of the Civil Code, a community apartment project containing five or more parcels, or the conversion of a dwelling into condominium, community apartment, or a stock cooperative containing five or more dwelling units.
- b. Parcel Map. A map delineating a division of land, where said division can be done by parcel map as provided for by the Subdivision Map Act.
- c. Tentative Map - ~~Final Map. It is also commonly referred to as a tentative map or a tentative tract map.~~ A tentative map ~~or tentative tract map~~ is a map made for the purpose of showing the design and improvement of a proposed ~~major~~ subdivision and the existing conditions in and around the proposed subdivision. A tentative map is required for all subdivisions creating five or more parcels, as codified in Subdivision Map Act Section 66426 or its successor.
- d. ~~Tentative Map - Parcel Map. It is also commonly referred to as a tentative parcel map. A tentative parcel map is a map made for the purpose of showing the design and improvement of a proposed minor subdivision and the existing conditions in and around the proposed subdivision.~~
- ed. Vesting Tentative Map. A vesting tentative map ~~(c) or (d)~~ is a map that meets the requirements of the Subdivision Map Act Section 66452 or its successor. The vesting tentative map must have printed conspicuously on its face the words 'Vesting Tentative Map' when filed to obtain the rights conferred by Chapter 4.5 of the Subdivision Map Act.

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.130 - PUBLIC UTILITY EASEMENT (PUE).

~~The easement indicated on a map which may or may not be offered for dedication and acceptance by the City of Hayward and intended primarily for the installation of water and other utilities, including utilities owned and operated by public utility companies.~~ A PUE shall be dedicated for any and all public utility facilities including poles, wires, conduits, gas, water, sewer mains and all appurtenances there to as directed by the Director of Public Works.

Ch. 10- Planning, Zoning & Subdivisions Art. 3- Subdivision Ordinance General Responsibilities - § 10-3.150(e)- Advisory Agency/Approval Authority, § 10-3.165(e)- Planning Director, & § 10-3.497- Merger of Contiguous Parcels Under Common Ownership

Section 10-3.150(e)

- e. Certificate of Merger. The Planning Director, or his or her designee, shall have the authority to approve or deny the application for a Certificate of Merger authorized by Section 10-3.499 of this Subdivision Ordinance, in accordance with the provisions of Subdivision Map Act Section 66499.20.3/4.

Section 10-3.165(e)

- e. The Planning Director, or his or her designee, shall administer the provisions of the Subdivision Map Act Section ~~66499.20.3/4~~ 66499.20.3 and is authorized by Section 10-3.499 of this Article to approve and issue Certificates of Merger.

SEC. 10-3.497 - MERGER OF CONTIGUOUS PARCELS UNDER COMMON OWNERSHIP.

Pursuant to the authority provided by section ~~66499.20-3/4~~ 66499.20.3 of the Subdivision Map Act a merger of contiguous parcels under common ownership may be accomplished by the recordation of a Certificate of Merger where the following conditions are met:

- a. The result of the merger is to eliminate a common property line of at least 10 feet in length between two or more parcels; and
- b. There are no easements held by a governmental agency or public or private utility on the parcels to be merged or all agencies or utilities owning an easement on the parcels to be merged have indicated in writing either that they have no objection to the merger or that they will have no objection to the merger if the easement they own is vacated or relocated.

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.210 - INFORMATION TO BE SUBMITTED.

- a. Tentative Map—Final Map. The following information shall appear on a tentative map for a final map.
 - (1) A tract number issued by the County Recorder of Alameda County.
 - (2) The names, addresses and telephone numbers of the record owners, subdividers and the civil engineer or land surveyor who prepared the map.
 - (3) Boundaries of the subdivision with sufficient information to locate the property. Existing contour lines at intervals of not more than one foot where the slope of the natural ground is 1 percent or less; two-foot intervals where the slope is greater than 1 percent, but less than 50 percent; and ten-foot intervals where the slope is greater than 50 percent. The limits of all grading and the proposed grading slopes shall be indicated. Contours shall extend beyond the tract boundaries to show drainage or other conditions on surrounding property which may affect the subdivision.
 - (4) The location, width, and names of all existing streets or other public rights-of-way in or adjacent to the tract.
 - (5) Existing buildings on or around the property, distances between structures to be retained, and notations of structures to be removed.
 - (6) Railroad rights-of-way, easements, or other important features such as political subdivision lines, rancho lines, water courses, or other physical features.
 - (7) The approximate location and general description of any trees that would be governed by the City tree preservation regulations (Article 15, Chapter 10, Hayward Municipal Code).
 - (8) Existing storm and sanitary sewers, culverts, or other underground structures and wells within the boundaries of the tract and immediately adjacent thereto. Pipe sizes, grades, and locations shall be shown.
 - (9) True north point, dimensional and graphic, scale, and date.
 - (10) The layout, numbers, and approximate dimensions of the proposed lots.
 - (11) The locations, widths, and approximate grades and elevations of all proposed streets.
 - (12) The location and width of all proposed easements for all utility purposes.
 - (13) Size, slope, and location of proposed sanitary sewer, storm drain, and water main facilities.

~~(14) Proposed names for all streets.~~

(15~~14~~) Statement of existing and proposed zoning and the use of the property.

(16~~15~~) A certificate on the map signed by the owners agreeing to the filing of said map and agreeing to comply with the provisions of these subdivision regulations and the State Map Act as they apply to the processing and approval of said map.

- b. Tentative Map—Parcel Map. The same information as listed hereinabove in section a. shall appear on a tentative map for a parcel map except where such information is waived in writing by the Planning Director.
- c. Vesting Tentative Map. The same information as listed hereinabove in sections a. or b. shall appear on a vesting tentative map.

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.230 - ~~PRELIMINARY MEETING~~ **INTERAGENCY REVIEW.**

The Planning Director shall transmit copies of the tentative map and other related necessary data to known interested organizations, and other public or private agencies which may be affected by the proposed subdivision. ~~Transmittal shall include notification of the time, date, and place of a preliminary meeting with the subdivider to discuss any responses received and other recommendations with the parties involved. A notice of the meeting shall be mailed to all property owners and occupants of all buildings within the proposed subdivision and to all property owners within 300 feet of the property and occupants of all buildings abutting the property which is proposed to be subdivided.~~

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.245 - PUBLIC HEARINGS.

The Advisory Agency and/or the City Council shall hold a public hearing when considering any tentative map, or a parcel map where tentative map was waived. At least 10 days before the public hearing, a notice of the hearing shall be (1) published in a newspaper of general circulation in the City of Hayward, and (2) mailed to all property owners and occupants of all buildings within the proposed subdivision and to all property owners within 300 feet of the property and occupants of all buildings abutting the property which is proposed to be subdivided.

The Planning Director may give such other notice that he or she deems necessary or advisable. ~~The subdivider shall furnish to the City a list of the names and mailing addresses of all property owners and occupants within the prescribed area on forms provided by the City or on forms otherwise acceptable to the Planning Director. The list shall be accompanied by typewritten labels for each different owner or occupant within the above described area, with one set of labels provided for all official hearings and subdivision conferences.~~

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.275 - STATEMENTS, DOCUMENTS AND OTHER DATA TO ACCOMPANY PARCEL MAP.

The parcel map shall substantially conform to the tentative map as approved, or conditionally approved, by the Advisory Agency/Approval Authority, and shall contain, or be accompanied by, such additional information as may be required by the City Engineer, including:

- a. All required survey data and information.
- b. All parcels with dimensions, boundaries, and courses clearly shown and defined with each parcel identified by number.
- c. The location and width of streets, alleys, pedestrian ways, and other easements and portions thereof dedicated or offered for dedication to the City, including the recording references on easements that are existing of record.
- d. All limitations on rights of access to and from the streets from lots and other parcels of land.
- e. A guarantee of title or letter from a title company certifying that the signatures of all persons whose consent is necessary to pass a clear title to the land being subdivided, and all acknowledgments thereto appear and are correctly shown on the certificates, and said certificates are correctly shown on the parcel map, both as to consents for making thereof and the affidavit of dedication.
- f. If a field survey is made, the engineer or surveyor shall furnish the City Engineer boundary closure sheets **calculations**.
- g. Plans, specifications, and applicable permits for the construction and installation of improvements that have been approved by the City Engineer and on which security has been posted to guarantee the installation of said improvements. Alternatively, if approved by the City Engineer, an agreement for the construction and installation of improvements at a later date.
- h. Any city or district boundary line crossing or contiguous to the subdivision shall be clearly designated to determine its relative location to all parcels.
- i. Adjacent subdivisions or ownerships of record.

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.320 - STATEMENTS, DOCUMENTS AND OTHER DATA TO ACCOMPANY FINAL MAP.

The following statements, documents or other data, and as many additional copies thereof as may be required by the City Engineer, shall accompany the final map:

- a. The names, addresses and telephone numbers of the subdivider and persons preparing the final map.
- b. A guaranty of title or letter from a title company certifying that the signatures of all persons whose consent is necessary to pass a clear title to the land being subdivided, and all acknowledgments thereto appear and are correctly shown on the certificates, and said certificates are correctly shown on the final map both as to consents for making thereof and the affidavit of dedication.
- c. Closure sheets ~~calculations~~ for lots, boundary lines, streets, easements and monument lines as required by the City Engineer.

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.332 - SECURITY FOR INSTALLATION OF IMPROVEMENTS.

If an agreement to install public improvements, and/or private improvements which have been offered for dedication to the City and rejected, is entered into as provided above, it shall be secured by security in the amount of 100 percent of the estimated total cost of the improvements to guarantee faithful performance of the agreement and to guarantee and warrant the public improvements for a period of one year following the completion and acceptance thereof against any defective work or labor done or defective materials used or furnished, and by security in the additional amount of 50 percent of the estimated total cost of the improvements to guarantee payment of persons supplying labor, materials, or equipment for the installation of such public improvements.

Improvement cost is the total cost of construction and installation of improvements, including the related grading, erosion control, and geotechnical work, **a contingency amount as required by the City Engineer** as well as reasonable expenses and fees, including attorney's fees incurred by the City in enforcing the obligation secured.

The form and content of security instruments shall be as specified by and satisfactory to the City and shall otherwise conform to the requirements of Chapter 5 of the Subdivision Map Act. Approved security shall have been submitted prior to the City approval of the final map. Security shall be one or a combination of the following at the option of and subject to the approval of the City, to wit:

- a. A bond or bonds by one or more duly authorized corporate sureties;
- b. A deposit, either with the City or a responsible escrow agent or trust company, at the option of the City, of money or negotiable bonds of the kind approved for securing deposits of public monies;
- c. An instrument of credit from one or more financial institutions subject to regulation by the City and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment; or
- d. A lien upon the property to be divided, created by contract between the owner and the City, if the City finds that it would not be in the public interest to require the installation of the required improvement sooner than two years after the recordation of the map, in which case the contract or security interest shall be recorded with the

Ch. 10- Planning, Zoning & Subdivisions § 10-3.850- Findings, Intent & Applicable Law**SEC. 10-3.850 - FINDINGS, INTENT AND APPLICABLE LAW.**

A majority of mobilehome residents in the City of Hayward have significant personal and social ties to the community and virtually all mobilehome owners have made a substantial financial investment in their mobilehomes. Mobilehome owners in the City of Hayward elected to make this financial investment in part to secure certain social as well as economic benefits they enjoy in close, secure physical surroundings. A significant proportion of mobilehome residents are senior citizens, many of whom live on limited or fixed incomes. In addition, the cost and risk of potential damage in moving mobilehomes is great, as is the cost of preparing a new site and meeting the code requirements for reinstalling a mobilehome. Unlike other residents of the City of Hayward who rent their dwelling units or even those who own their own homes, mobilehome owners cannot relocate easily within the City of Hayward or Alameda County because of the scarcity of vacant mobilehome sites and/or cost of relocation. It is necessary that the provisions of the Conversion Provisions be applied to mobilehome park subdivisions so that the potential adverse effects of a change in the form of ownership or use are prevented or minimized.

A unique risk to a significant segment of the City's residents is therefore presented when a mobilehome park is converted from a park owned by a single entity in which sites are rented into a form of ownership in which individual sites may be owned. Furthermore, the protection offered by City of Hayward Ordinance No. 89-057 C.S., as amended through Ordinance No. 05-02, Mobilehome Space Rent Stabilization Ordinance, is likely to be lost by a significant number of mobilehome park residents who are unable to afford to buy their mobilehome spaces.

The State Legislature has provided a basis for protecting mobilehome owners in the enactment of Government Code Sections 66426, 66427, 66427.4, 66427.5 and 66428.1, as well as the **Manufactured Housing Act of 1980** ~~Mobilehome Parks Act~~ located in the Health and Safety Code Section 18000 et seq., and the Mobilehome Residency Law (MRL) found in the Civil Code Section 798 et seq. These legislative sections are the bases for all mobilehome and mobilehome park regulations within the State of California and are the bases for the conversion provisions that follow.

These provisions (the "Conversion Provisions") address the need for standards and procedures pertaining to mobilehome park conversions to resident ownership pursuant to Government Code Sections 66427.5 and 66428.1 only. The Conversion Provisions do not apply to a change in use or cessation of use of property as a mobilehome park.

In addition, the Conversion Provisions are intended to implement state laws regarding the conversion of mobilehome parks to resident ownership; ensure that conversions to resident ownership are bona fide resident conversions in accordance with state law; maintain consistency with the housing goals and policies of the City's general plan and zoning code; ensure that park residents receive appropriate and timely information to assist them in fully understanding their rights and obligations under the statute; and ensure the public health and safety in converted parks.

Ch. 10- Planning, Zoning & Subdivisions § 10-3.895(a)- Avoidance of Economic Displacement.

SEC. 10-3.895 - AVOIDANCE OF ECONOMIC DISPLACEMENT.

The subdivider shall avoid any economic displacement of any nonpurchasing resident by the following:

- a. Non-Lower Income Households. As to nonpurchasing residents who are not lower income households, as defined in Section ~~58079.5~~ **50079.5** of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent to market levels, in equal annual increases over a four-year period, as defined in an appraisal conducted in accordance with nationally recognized professional appraisal standards.
- b. Lower Income Households. As to nonpurchasing residents who are lower income households, as defined in Section 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent by an amount equal to the average monthly increase in rent in the four years immediately preceding the conversion, except that in no event shall the monthly rent be increased by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period.

Ch. 10- Planning, Zoning & Subdivisions § 10-3.915(b)- Tenant Notification.

SEC. 10-3.915 - TENANT NOTIFICATION.

The following tenant notifications are required:

- a. If the application for conversion is approved, the subdivider shall give each resident household written notice of its exclusive right to contract for the purchase of the unit of space it occupies at the same or more favorable terms and conditions than those on which such unit of space shall be initially offered to the general public. The right shall run for a period of not less than ninety days from the issuance of the subdivision public report ("white paper") pursuant to California Business and Professions Code Section 11018.2, unless the subdivider received prior written notice of the resident's intention not to exercise such right.
- b. If the application for conversion is approved, the subdivider shall give each resident household written notice of its right to continue residency as a tenant in the park as required by Government Code Section ~~66417.5(a)~~ **66427.5(a)**.

Ch. 10- Planning, Zoning & Subdivisions Art. 8- Grading & Clearing - § 10-8.02(o)- Definitions.

Section 10-8.02(o)

- (o) Soils Engineer or Geotechnical Engineer. A civil engineer, or soils engineer registered by the State of California to engage in the practice of civil engineering, who is experienced in and is engaged in the practice of soils engineering. (No person may use the title "Soil Engineer," "Soils Engineer," or "Geotechnical Engineer," unless he or she is currently authorized to do so by the California State Board of Registration of Professional Engineers and Land Surveyors.) ~~Business & Professions Code section E736.1.~~

Ch. 10- Planning, Zoning & Subdivisions Art. 9- Development Agreements -§ 10-9.06- Notice.

SEC. 10-9.06 - NOTICE.

- (a) The time and manner of giving notice for the Planning Commission and City Council hearings on the proposed development agreement shall be as prescribed in Government Code Sections 65854, ~~65854.5~~ and 65856.
- (b) The notice of the hearing on the development agreement shall contain:
 - (1) The time and place of the hearing.
 - (2) A general explanation of the matter to be considered, including a general description of the area to be affected; and
 - (3) Other information required by law or which the planning director considers necessary or desirable.

Ch. 10- Planning, Zoning & Subdivisions Art. 10- Maintenance Districts - § 10-10.35- Notice Form

SEC. 10-10.35 - NOTICE FORM.

The form of notice, depending on the particular situation, shall be substantially as follows:

(a) Published Notice.

_____ NOTICE OF HEARING ON MAINTENANCE DISTRICT

NOTICE IS HEREBY GIVEN that the Director of Public Works has caused to be prepared and filed with the City Clerk a report, in writing, which provides the basis for the benefit assessment for the following type(s) of maintenance and operation to be borne by all lots or parcels of property within existing district, or proposed maintenance District No. _____ more particularly described in Exhibit "A" attached and incorporated by reference. The report sets forth the amounts to be provided in the budget for maintenance and operation, a description of each lot or parcel of property in the maintenance district by assessor's parcel number or address, and the amount of assessment to be levied for the fiscal year ~~20 19~~ _____ through ~~20 19~~ _____ against each lot or parcel of property. The report is available for public inspection in the office of the City Clerk.

Any interested owner objecting to (only items with X are subject to objection at this hearing):

_____ establishment of the district;

_____ boundaries of the district;

_____ fairness of the benefit formula(ae);

_____ boundaries of the zones of benefit;

_____ the amount of the assessment on any lot or parcel of property;

_____ if applicable, reservation by City of right to elect whether to proceed each year by either negotiated or bid contract or contracts or combination of both instead of bid contract or contracts only;

_____ additional improvements;

may file with the City Clerk at or before the hour fixed for hearing a written and signed protest, describing the lot or parcel of property by assessor's parcel number or address and stating the grounds of protest, and may appear and be heard at the hearing.

The report will be heard by the Council at its meeting on the day of ~~20 19~~ _____ , at the hour of _____ o'clock _____ .m. in the Council Chambers, 22300 Foothill Boulevard, Hayward, California 94541, at which time Council will examine the report and hear protests.

Notice prior to the final determination of the district shall indicate that the formation of the district, the boundaries of the district, the benefit formula(ae) and the amount of assessment and reservation of the right to elect each year at the time the budget and assessment are adopted

and confirmed by bid or negotiated contract(s) or combination thereof for operation and maintenance of the improvements, are subject to objection. In subsequent years, only the amount of assessment or changes in the formula(ae) are subject to objection and the notice shall so indicate.

- (b) Mailed Notice. The form of mailed notice shall be substantially the same as that of published notice, but shall also contain a description of the lot or parcel of property by assessor's parcel number or address and the amount of the proposed assessment against the property as set forth in the report. If applicable, the notice shall contain a statement that the City Council intends to reserve the right to elect to award contract(s) for maintaining and operating the public improvements, the costs of which are to be assessed in whole or in part upon the district by either negotiated or bid contract(s) or combination thereof, in each of the years during which the district continues in existence. The election to proceed by negotiated or bid contract(s) or combination thereof shall be made each year at the time the budget and assessment are adopted for the year in question and not at the time the right to elect is reserved.

Affidavits or certifications of publication and mailing shall be filed with the City Clerk.

Ch. 10- Planning, Zoning & Subdivisions Art. 26--Mobile Home Park Closure or Change of Use - § 10-26.106- Relocation Assistance

SEC. 10-26.106 - RELOCATION ASSISTANCE.

Under Government Code Sections 65863.7 and ~~66427.4~~ ~~66426.4~~, the applicant shall provide relocation assistance to mitigate any adverse impacts of a mobile home park conversion on displaced residents and mobile home owners in a manner that does not exceed the reasonable cost of relocation. This section establishes minimum relocation assistance for residents and mobile home owners. The applicant and any person eligible for relocation assistance may agree to other mutually satisfactory relocation assistance.

More text to code...

Ch. 11- Public Utilities - Art. 5- Stormwater Management & Urban Runoff Control - Alameda Countywide NPDES Municipal Stormwater Permit- ~~Order R2-2003-0021\NPDES Permit No. CA0029831~~ **CAS612008**.

Note: Attachment A (Alameda Countywide NPDES Municipal Stormwater Permit) is being deleted as it is outdated, a link referencing the current permit will be included in the revised Hayward Municipal Code as this document is 350 pages in length.

SEC. 11-5 - STORMWATER MANAGEMENT AND URBAN RUNOFF CONTROL [L71](#)

This article shall be known as the "City of Hayward Stormwater Management and Urban Runoff Control Ordinance" and may be so cited.

SEC. 11-5.12 - PURPOSE AND INTENT.

The purpose of this article is to ensure the future health, safety, and general welfare of the residents of the City by:

- (a) eliminating non-stormwater discharges to the municipal separate storm sewer;
- (b) controlling the discharge to municipal separate storm sewers from spills, dumping, or disposal of materials other than storm water; and
- (c) reducing pollutants in storm water discharges to the maximum extent practicable.

The intent of this ordinance is to protect and enhance the water quality of watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Clean Water Act.

SEC. 11-5.13 - DEFINITIONS.

- (a) Any terms defined in the federal Clean Water Act, and acts amendatory thereof or supplementary thereto, or defined in the regulations for the stormwater discharge permitting program issued by the Environmental Protection Agency on November 16, 1990 (as may from time to time be amended) as used in this article shall have the same meaning as in that statute or those regulations. Specifically, the definitions of the following terms included in that statute or those regulations are hereby incorporated by reference, as now applicable or as may hereafter be amended: administrator, discharge of a pollutant, illicit discharge, navigable waters, point source, pollutants, pollution, publicly owned treatment works, and stormwater. These terms are presently defined as follows:
 - (1) Administrator: The Administrator of the United States Environmental Protection Agency.
 - (2) ~~Development Project: "Development Project," as used in this Article, refers to both Group 1 and Group 2 projects as defined in NPDES Permit No. CA0029831 and any amendment or revision thereto, or reissuance thereof. However, the City has the authority to expand this definition, when deemed appropriate, to include any development project.~~
 - (32) Discharge of a Pollutant: (a) Any addition of any pollutant to navigable waters from any point source, or (b) Any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.
 - (43) Illicit Discharge: Any discharge to the City storm sewer system that is not composed entirely of stormwater except **exempt** discharges pursuant to **the** a NPDES permit ~~and discharges resulting from fire fighting activities.~~

- (54) Navigable Waters: All navigable waters of the United States; tributaries of navigable waters of the United States; interstate waters; intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in inter-state commerce; and intrastate lakes, rivers, and streams which are utilized for industrial purposes by industries in interstate commerce.
- (65) Point Source: Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
- (76) Pollutants: Dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharge into water.
- (87) Pollution: The man-made or man induced alteration of the chemical, physical, biological, and radiological integrity of water.
- (98) Publicly Owned Treatment Works (POTW): Any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of liquid nature which is owned by a state or municipality. This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.
- (9) Regulated Project: "Regulated Project," as used in this Article, refers to projects as defined in NPDES Permit No. CAS612008 and any amendment or revision thereto, or reissuance thereof. However, the City has the authority to expand this definition, when deemed appropriate, to include any development or redevelopment project.
- (10) Significant Redevelopment Project: "Significant Redevelopment Project," as used in this Article, refers to both ~~Group 1 and Group 2~~ projects as defined in NPDES Permit No. ~~CAS612008~~ ~~CA0029831~~ and any amendment or revision thereto, or reissuance thereof. However, the City has the authority to expand this definition, when deemed appropriate, to include any redevelopment project.
- (11) Stormwater: Stormwater runoff, snow melt runoff, and surface runoff and drainage.
- (b) When used in this article, the following words shall have the meanings ascribed to them in this section:
- (1) Authorized Enforcement Official: Individuals designated by the City Manager.
 - (2) Best Management Practices (BMPs): Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
 - (3) City: The City of Hayward.
 - (4) Municipal Storm Sewer System: Includes but is not limited to those facilities within the City by which stormwater may be conveyed to waters of the United States, including any roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, which is not part of a Publicly Owned Treatment Works.

- (5) Non-Stormwater Discharge: Any discharge of a pollutant that is not entirely composed of stormwater.
- (6) Premises: Any building, lot parcel, real estate, or land or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.
- (7) Watercourse: Watercourse is defined as a river, stream, creek, watercourse, waterway, or channel, including any property over which the City of Hayward has an easement for drainage purposes duly recorded in the Office of the County Recorder of the County of Alameda.

SEC. 11-5.14 - RESPONSIBILITY FOR ADMINISTRATION.

This article shall be administered by the Director of ~~Public Works~~ **Utilities and Environmental Services**. Where storm drain facilities or watercourses have been accepted for maintenance by the Alameda County Flood Control and Water Conservation District or other public agency legally responsible for certain watercourses, then the responsibility for enforcing the provisions of this article may be assigned by contract executed by the City and such agency to those public agencies over those watercourses for which they have accepted maintenance.

SEC. 11-5.15 - CONSTRUCTION AND APPLICATION.

This article shall be construed to assure consistency with the requirements of the federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and NPDES Permit No. ~~CA0029831~~ **CAS612008** and any amendment or revision thereto, or reissuance thereof.

SEC. 11-5.17 - INVERSE CONDEMNATION.

The provisions of this article shall not operate to deprive any landowner of substantially all of the value of his or her property or otherwise constitute an unconstitutional taking of property without compensation. If application of this article to a specific project would create a taking of property then, pursuant to this section the City Council may allow additional land uses, but only to the extent necessary to avoid a taking. Such uses shall be consistent with and carry out the purposes of this article as stated in section 11-5.12 above.

DISCHARGE REGULATIONS AND REQUIREMENTS

SEC. 11-5.19 - DISCHARGE OF POLLUTANTS.

The discharge of non-stormwater discharges to the City storm sewer system is prohibited. Prohibited discharges include, but are not limited to polluted cooling water, chlorinated or chloraminated swimming pool water, hazardous or toxic chemicals, grease, animal wastes, detergents, solvents, pesticides, herbicides, fertilizers, and dirt. All discharges of material other than stormwater must be in compliance with a NPDES Permit issued for the discharge other than NPDES Permit No. ~~CA0029831~~ **CAS612008**. Exceptions to this prohibition are set forth in subsections (a) and (b) below.

- (a) NPDES permitted non-stormwater discharges and discharges which are not sources of pollutants to waters of the state (as described in 40 C.F.R. 122.26(d)(2)(iv)(B)(1)) provided that the discharger is in full compliance with all requirements of the permit and other applicable laws or regulations.

Discharges from the following activities will not be considered a source of pollutants to waters of the United States when properly managed in a manner satisfactory to the Director of **Utilities and**

Environmental Services ~~Public Works~~: water line flushing or other discharges from potable water sources, landscape irrigation, lawn watering, irrigation water, diverted stream flows, rising ground waters, infiltration to separate storm drains, uncontaminated pumped ground water, foundation and footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential car washings, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, or flows from ~~fire fighting~~ **firefighting**.

Allowable discharges shall not cause any impairment in the beneficial uses or quality of water of the state as defined in the California Water Code or any special requirements of the Regional Water Quality Control Board, San Francisco Bay Region, or injure or interfere with the operation of any watercourses within the State.

SEC. 11-5.20 - DISCHARGE IN VIOLATION OF PERMIT.

Any discharge that would result in or contribute to a violation of NPDES Permit No. **CAS612008** ~~CA0029834~~, attached to this article as Attachment A, and any amendment or revision thereto, or reissuance thereof, either separately considered or when combined with other discharges, is prohibited. The person causing or responsible for the discharge shall be liable for the discharge, and shall defend, indemnify, and hold the City harmless in any administrative or judicial enforcement action relating to such discharge.

SEC. 11-5.21 - ILLICIT DISCHARGE AND ILLICIT CONNECTIONS.

The establishment, use, maintenance, or continuation of an illicit drainage connection to the City storm sewer system, and the commencement or continuation of any illicit discharges to the City storm sewer system is prohibited. This prohibition is expressly retroactive and applies to connections made in the past, regardless of whether made under a permit or other authorization or whether permissible under the law or practices applicable or in effect at the time of the connection.

SEC. 11-5.22 - REDUCTION OF POLLUTANTS IN STORMWATER.

Any person engaged in activities which will or may result in pollutants entering the City storm sewer system shall undertake all practicable measures to reduce such pollutants. Examples of activities that might result in pollutants entering the City storm sewer system include littering and ownership or use of facilities which may be a source of pollutants such as but not limited to parking lots, gasoline stations, industrial facilities, commercial facilities, and stores fronting City streets. The following are minimal requirements applicable to such persons:

- (a) Littering Prohibited. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left, or maintained, any 'refuse,' 'rubbish,' 'garbage,' or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit, or other drainage structures, business place, or upon any public or private lot of land in the City, so that the same might be or become a pollutant. Nor shall any person throw or deposit litter in any fountain, pond, lake, stream, or any other body of water in a park or elsewhere within the City. The occupant or tenant, or in the absence of occupant or tenant, the owner, lessee, or proprietor, of any real property in the City of Hayward that abuts a paved sidewalk shall maintain said sidewalk free of dirt or litter to the maximum extent practicable. Sweepings from said sidewalk shall not be swept or otherwise made or allowed to go into the gutter or roadway, but shall be disposed of in receptacles maintained on said real property as required for the disposal of garbage.

- (b) Standard of Maintenance for Parking Lots and Similar Structures. Persons owning or operating a parking lot, a gasoline station, or a similar structure or uses shall clean the property as frequently and thoroughly as practicable in a manner that does not result in discharge of pollutants to the City storm sewer system.
- (c) Outdoor Storage of Materials.
 - (1) Proper Outdoor Storage of Materials Required. All applicable materials stored outdoors at a commercial or industrial establishment shall be managed in a manner that minimizes the discharge of pollutants to stormwater. Establishments covered by the General Industrial NPDES Permit promulgated by the California Regional Water Quality Control Board, San Francisco Bay Region for stormwater discharges associated with industrial activities, excluding construction activities, shall address this requirement in applicable provisions of their Stormwater Pollution Prevention Plans (SWPPPs).
 - (2) Protection Against Accidental Discharge. Each property owner, its administrators, lessees/tenants, or successors, or any other persons in possession or control of the property who store applicable materials outdoors at a commercial or industrial establishment shall provide protection against the accidental discharge of prohibited materials to the City's storm sewer system or watercourse. Such protection may include, but is not limited to, secondary containment systems or any equivalent protective measures. Any secondary containment system that includes the permanent modification of a building or site, or the addition of a building or structure, shall be submitted to the City's Planning Division and Building Division for approval in accordance with applicable codes. All facilities necessary to prevent the accidental discharge of prohibited materials to the City's storm sewer system or watercourse shall be provided and maintained at the property owner's or operator's expense.
 - (3) Report of Accidental Discharge to the Storm Drain. The property owner, its administrators, successors, or any other persons shall notify the City of any accidental discharge to the City's storm sewer system or watercourse as described in Section 11-5.26 of this Code.
 - (4) Posted Notice. A notice advising employees of the requirements of Section 11-5.26 and the telephone number to call in case of such an accidental discharge shall be permanently posted in a conspicuous place on the premises of each commercial or industrial establishment.

SEC. 11-5.23 - WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or such person's lessee or tenant, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles which would pollute, contaminate, or significantly retard the flow of water through the watercourse; shall maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse; and shall not remove healthy bank vegetation beyond that actually necessary for its maintenance nor remove healthy bank vegetation in a manner so as to increase the vulnerability of the watercourse to erosion.

No person shall commit or cause to be committed any of the following acts, unless a written permit has first been obtained from the Director of Public Works:

- (a) Discharge into or connect any pipe or channel to a watercourse;

- (b) Modify the natural flow of water in a watercourse;
- (c) Carry out development within a watercourse setback;
- (d) Deposit in, plant in, or remove any material from a watercourse including its banks, except as required for necessary maintenance;
- (e) Construct, alter, enlarge, connect to, change, or remove any structure in a watercourse; or
- (f) Place any loose or unconsolidated material along the side of or within a watercourse or so close to the side as to cause a diversion of the flow, or to cause a probability of such material being carried away by stormwaters passing through such watercourse.

INSPECTION AND ENFORCEMENT

SEC. 11-5.24 - AUTHORITY TO INSPECT.

Whenever necessary to make an inspection to enforce any of the provisions of this article, or whenever an Authorized Enforcement Official has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a violation of the provisions of this article, the official may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the official by this article; provided that (1) if such building or premises be occupied, he or she shall first present proper credentials and request entry; and (2) if such building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.

Any such request for entry shall state that the property owner or occupant has the right to refuse entry and that in the event such entry is refused inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the owner or occupant refuses entry after such request has been made, the official is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

Routine or area inspections shall be based upon such reasonable selection processes as may be deemed necessary by the Authorized Enforcement Official to carry out the objectives of this article, including but not limited to random sampling and/or sampling in areas with evidence of stormwater contamination, illicit discharges, discharge of non-stormwater to the stormwater system, or similar factors.

SEC. 11-5.25 - AUTHORITY TO SAMPLE AND ESTABLISH SAMPLING DEVICES.

An Authorized Enforcement Official shall have the right to establish on any property such devices as are necessary to conduct sampling or metering operations. During all inspections as provided in this article, the official may take any samples deemed necessary to aid in the pursuit of the inquiry or in the recordation of the activities on site.

SEC. 11-5.26 - NOTIFICATION OF SPILLS.

As soon as any person in charge of a facility, or responsible for emergency response for a facility, has knowledge of any confirmed or unconfirmed release of materials, pollutants, or waste which may result in pollutants or non-stormwater discharges entering the City storm sewer system or watercourse, such person shall take all necessary steps to ensure the discovery and containment and clean up of such release and shall notify the City of the occurrence by telephoning an Authorized Enforcement Official.

SEC. 11-5.31 - CONCEALMENT.

Causing, permitting, aiding, abetting, or concealing a violation of any provision of this article shall constitute a violation of such provision.

SEC. 11-5.32 - ACTS POTENTIALLY RESULTING IN VIOLATION OF FEDERAL CLEAN WATER ACT OR STATE LAW.

Any person who violates any provision of this article, or any provision of any permit issued pursuant to this article, or who discharges waste or wastewater which causes pollution, or who violates any cease and desist order, prohibition, or effluent limitation, may also be in violation of the federal Clean Water Act and state law, including the Porter-Cologne Act, and may be subject to the sanctions of those laws including civil and criminal penalty. Any enforcement action authorized under this article shall also include notice to the violator of such potential liability.

SEC. 11-5.33 - VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the penalties provided herein, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to the public health, safety, and welfare and is declared and deemed a public nuisance, and may be summarily abated or restored by any Authorized Enforcement Official and civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the City Attorney.

The cost of such abatement and restriction shall be borne by the owner of the property and the cost thereof shall be a lien upon and against the property and such lien shall continue in existence until the same shall be paid. If the lien is not satisfied by the owner of the property within three (3) months after the completion by the Authorized Enforcement Official of the removal of the nuisance and the restoration of the property to its original condition, the property may be sold in satisfaction thereof in a like manner as other real property is sold under execution.

If any violation of this article constitutes a seasonal and recurrent nuisance, the City Council shall so declare. Thereafter such seasonal and recurrent nuisance shall be abated every year without the necessity of any further hearing.

SEC. 11-5.34 - CIVIL ACTIONS.

In addition to any other remedies provided in this article, any violation of this article may be enforced by civil action brought by the City. In any such action, the City may seek, and the Court shall grant, as appropriate, the following remedies:

- (a) A temporary or permanent injunction;
- (b) Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation and for the reasonable costs of preparing and bringing legal action under this article;
- (c) Costs incurred in removing, correcting, or terminating the adverse effects resulting from the violation; and
- (d) Compensatory damages for loss or destruction to water quality, wild-life, fish, and aquatic life.

Any assessments ordered under subsection (d) shall be paid to the City to be used exclusively for costs associated with monitoring and establishing stormwater discharge pollution control systems and implementing or enforcing the provisions of this article

SEC. 11-5.35 - ADMINISTRATIVE ENFORCEMENT POWERS.

In addition to the other enforcement powers and remedies established by this article, any Authorized Enforcement Official has the authority to utilize the administrative remedies set forth below.

- (a) Cease and Desist Orders. When an Authorized Enforcement Official finds that a discharge has taken place or is likely to take place in violation of this article, the official may issue an order to cease and desist such discharge, or practice, or operation likely to cause such discharge and direct that those persons not complying shall: (1) comply with the requirement; (2) comply with a time schedule for compliance; and (3) take appropriate remedial or preventive action to prevent the violation from recurring.
- (b) Notice to Clean. Whenever an Authorized Enforcement Official finds any oil, earth, dirt, grass, weeds, dead trees, tin cans, rubbish, refuse, waste, or any other material of any kind, in or upon the sidewalk abutting or adjoining any parcel of land or upon any parcel of land or grounds which may result in an increase in pollutants entering the City storm sewer system or a non-stormwater discharge to the City storm sewer system, he or she shall give notice to remove such oil, earth, dirt, grass, weeds, dead trees, tin cans, rubbish, refuse, waste, or other material, in any manner that he or she may reasonably provide.

SEC. 11-5.36 - REMEDIES NOT EXCLUSIVE.

Remedies under this article are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

COORDINATION WITH OTHER PROGRAMS

SEC. 11-5.37 - COORDINATION WITH HAZARDOUS MATERIALS INVENTORY AND RESPONSE PROGRAM.

The first revisions of the business plan for any facility subject to the City's hazardous materials inventory and response program shall include a program for compliance with this article, including the prohibitions on non-stormwater discharges and illicit discharges, and the requirements to reduce stormwater pollutants to the maximum extent practicable.

SEC. 11-5.38 - STORMWATER TREATMENT MEASURES REQUIRED.

- (a) All ~~Development~~ **Regulated** Projects shall include Stormwater Treatment Measures to reduce water quality impacts of urban runoff from the entire project site for the life of the project. Such measures shall be in accordance with the guidelines contained in the City of Hayward's Site Design Standards and Guidance, including but not limited to flow duration and volume control requirements. All **Regulated Projects** ~~development projects~~ shall also abide by the rules set forth in the NPDES municipal stormwater discharge permit issue to the City by the California Regional Water Quality Control Board, San Francisco Bay Region. Furthermore, all ~~Group 1 and Group 2 development projects~~, as well as other development projects deemed appropriate by the City, are required to apply the City of Hayward's Source Control Measures List to each respective project.
- (b) All Significant Redevelopment Projects shall include Stormwater Treatment Measures to reduce water quality impacts of urban runoff for the life of the project.
 - (1) Significant Redevelopment Projects that result in an increase of, or replacement of, more than fifty percent (50%) of the impervious surface of a previously existing development shall include Stormwater Treatment Measures sufficient to reduce water quality impacts of urban runoff from the entire site for the life of the project.

- (2) Significant Redevelopment Projects that result in an increase of, or replacement of, fifty percent (50%) or less of the impervious surface of a previously existing development shall include Stormwater Treatment Measures sufficient to reduce water quality impacts of urban runoff from the increased or replaced portion of the site for the life of the project.
- (c) Stormwater Treatment Measures must be incorporated into all applicable plan documents. All plan documents and construction activities are subject to inspection and approval by the City.
- (d) No final building or occupancy permit shall be issued without the written certification of the ~~Public Works~~ Director of Utilities and Environmental Services or his or her designee that the requirements of this article have been satisfied. Such certification shall be in the form prescribed by the City and shall not be issued without payment of all applicable fees, if any, which may be imposed for administration of this article.

SEC. 11-5.39 - INSPECTION AND MAINTENANCE OF STORMWATER TREATMENT MEASURES.

- (a) The property owner, its administrators, successors, or any other persons in possession or control of the property, including any homeowners association, shall take all necessary actions to ensure that Stormwater Treatment Measures or other required measures are properly maintained so that they continue to operate as originally designed and approved, for the life of the development. The ~~Public Works~~ Director of Utilities and Environmental Services may require verification of proper maintenance be submitted to the City. Any property owner required by this article to construct, install, operate or maintain Stormwater Treatment Measures or other measures shall record a document evidencing the permanent maintenance requirement and binding all successors in interest to the maintenance obligation.
- (b) Upon transferring ownership of the property, any property owner required by this article to construct, install, operate, or maintain Stormwater Treatment Measures or other measures shall **notify the City in writing of the transfer of ownership and** provide the new owners with a current copy of this Chapter, and inform the new owners in writing of their obligation to properly operate and maintain the Stormwater Treatment Measures.
- (c) It shall be unlawful to alter, modify, change, or remove any Stormwater Treatment Measures or other measures without first obtaining from the ~~Public Works~~ Director of Utilities and Environmental Services or his or her designee written certification that the requirements of this article have been satisfied.

SEC. 11-5.40 - BEST MANAGEMENT PRACTICES DURING CONSTRUCTION.

Any construction contractor performing work in the City shall adhere to the City of Hayward's Site Design Standards and Guidance as it relates to construction Best Management Practices (BMPs).

SEC. 11-5.41 - COMPLIANCE WITH BEST MANAGEMENT PRACTICES.

Where best management practices guidelines or requirements have been adopted by any federal, State of California, regional, and/or City agency, for any activity, operation, or facility which may cause or contribute to stormwater pollution or contamination, illicit discharges, and/or discharge of non-stormwater to the stormwater system, every person undertaking such activity or operation, or owning or operating such facility, shall comply with such guidelines or requirements.

SEC. 11-5.42 - AUTHORITY TO ENFORCE INDUSTRIAL STORMWATER PERMITS.

The City of Hayward shall have the authority to enforce the permit requirements of any individual, group, or general stormwater discharge permit issued to any industrial facility by the United States Environmental Protection Agency, State of California Water Resources Control Board, or the San Francisco Bay Regional Water Quality Control Board to the extent that such authority is delegated to the City by the issuing agency of government.

SEC. 11-5.43 - AUTHORITY TO ENFORCE CONSTRUCTION STORMWATER PERMITS.

The City of Hayward shall have the authority to enforce the permit requirements of any individual, group, or general stormwater discharge permit issued to any construction activity by the Environmental Protection Agency, the State of California Water Resources Control Board, or the San Francisco Bay Regional Water Quality Control Board to the extent that such authority is delegated to the City by the issuing agency of government.

FUNDING PROVISIONS

SEC. 11-5.50 - CITY OF HAYWARD STORMWATER SYSTEM UTILITY FUND.

The City of Hayward Stormwater System Utility Fund (hereinafter "Fund") is hereby established to provide funding for the Stormwater Management and Urban Runoff Control Program. The Fund may be expended for the following:

- (a) All activities and resultant expenses required under the Alameda Countywide Clean Water Program;
- (b) All activities and resultant expenses required by the NPDES permit which authorizes and regulates discharge from the City of Hayward stormwater collection and conveyance system;
- (c) All activities and resultant expenses associated with the maintenance and operation of the stormwater collection and conveyance system;
- (d) Capital expenses associated with the repair, replacement, and capital improvement of the stormwater collection and conveyance system;
- (e) All expenses associated with the maintenance, operation, and capital requirements of any stormwater treatment system which may be prospectively required by state or federal law;
- (f) All expenses for any activities directly related to any of the foregoing.

SEC. 11-5.51 - FUNDING PROVISION—DEFINITIONS.

- (a) Land use category: That category of land use assigned to a parcel of real property as shown on the most current official assessment roll of the Alameda County Assessor.
- (b) Parcel: A unit of real property in one ownership as shown on the most current official assessment roll of the Alameda County Assessor; parcel size means the area of such a unit, measure in acres, as determined from records maintained by Alameda County or the City of Hayward.
- (c) Runoff factor: The indicator of stormwater generation of a parcel and is based on the average ratio of impervious area to total parcel area for a category of land use.

SEC. 11-5.52 - REVENUE SOURCE.

The City of Hayward Stormwater System Utility Fund shall derive revenue from the following sources:

- (a) Reimbursements and subventions made available through the Alameda Countywide Clean Water Program;
- (b) Reimbursements and subventions made available by any other governmental entity for the purpose of supporting any of the activities of the City of Hayward Stormwater Management and Urban Runoff Control Program;
- (c) Any other funds the City Council directs be allocated to the Stormwater System Utility Fund from money available to it, including but not limited to, money in its General Fund; and
- (d) Service charges assessed by the City of Hayward in accordance with the provisions of this article.

SEC. 11-5.53 - ESTABLISHMENT OF SERVICE CHARGE.

Every person or entity owning real property within the City of Hayward, or owning property not within the incorporated City limits but discharging stormwater to a collection and conveyance system owned and operated by the City of Hayward, shall pay a service charge calculated in accordance with the provisions of this article as set forth from time to time by resolution of the City Council.

SEC. 11-5.54 - CALCULATION OF SERVICE CHARGES.

Service charges shall be calculated in a manner which distributes, as equitably as possible, stormwater system costs to users of the system proportionate to the benefit received. In consideration of the fact that stormwater runoff and consequent stormwater system loading is directly related to the physical size and impervious surface area of any parcel of land, those factors shall be utilized in the calculation of service charges. For the purpose of this section, impervious surface area shall be represented by the runoff factor established for parcels on the basis of use and as otherwise determined by the Alameda County Flood Control and Water Conservation District. In addition, other factors which disproportionately affect stormwater system costs and which are attributable to any user or class of users may be utilized in the setting of rates for that user or class of users.

SEC. 11-5.55 - COLLECTION; INTEREST AND PENALTIES.

The City Manager is authorized to have the charges imposed by this article collected by the County of Alameda in conjunction with the County's collection of property tax revenues for the City of Hayward. In the event that the County of Alameda collects the charges imposed by this article, the imposition of penalties, additional fees, and interest upon owners who fail to remit any charge imposed by this article or who fail to remit any delinquent remittance under this ordinance shall be subject to and governed by the rules, regulations, and procedures utilized by the County of Alameda in its collection of property taxes and charges for the City of Hayward, and in its collection of this additional charge for the City of Hayward.

Every penalty imposed and such interest as accrues under the provisions of this article shall become a part of the charges herein required to be paid.

SEC. 11-5.56 - DELINQUENT CHARGES REMEDIES.

- (a) Delinquent charges are hereby made a lien upon the real property served by the stormwater system;
- (b) The amount of any charge, penalty, and interest imposed under the provisions of this article shall be deemed a debt to the City.