

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, December 6, 2016

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

3. [CONS 16-729](#) Adoption of Ordinance Authorizing Participation in Alameda County's Community Choice Aggregation Program
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Summary of Ordinance](#)
4. [CONS 16-730](#) Approval of the Preliminary Engineer's Report, Setting the Date for the Public Hearing, and Ordering the Mailing of Ballots and Associated Waiver for the Formation of Benefit Zone No. 15 of the Consolidated Landscaping and Lighting District 96-1 for the Cadence Development in the South Hayward BART Area
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Preliminary Engineer's Report](#)
5. [CONS 16-739](#) Resignation of Isyanelly Gonzalez from the Hayward Youth Commission and Appointment of Kobe Shelby to fulfill Ms. Gonzalez's unexpired term
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Resignation Letter](#)
6. [CONS 16-743](#) Resolution Acknowledging Receipt of Canvass of the Special Municipal Election Held November 8, 2016, and Declaring the Results Thereof
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution Election](#)
 [Exhibit A Election Results](#)

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.

7. [WS 16-071](#) Review of the Hayward Promise Neighborhood Initiative (Report from Library and Community Services Director Reinhart)

Attachments: [Attachment I Staff Report](#)
[Attachment II CSUEB Presentation - Hayward Promise Neighborhood](#)
[Attachment III City of Hayward HPN Budget](#)

LEGISLATIVE BUSINESS

8. [LB 16-109](#) Adoption of the California Code of Regulations 2016 edition of Title 24, including the 2016 Building, Fire, Plumbing, Mechanical, Electrical, Energy and Green Building Codes; and Related Amendments, Including to the Hayward Municipal Code (Report from Development Services Director Rizk and Fire Chief Contreras)

Attachments: [Attachment I 2016 Codes Staff Report](#)
[Attachment II 2016 Building Codes Resolution](#)
[Attachment III 2016 Building Code Ordinance](#)
[Attachment IV 2016 Fire Code Resolution](#)
[Attachment V 2016 Fire Code Ordinance](#)

9. [LB 16-108](#) Zero Net Energy Goal for Municipal Facilities (Report from Director of Utilities & Environmental Services Ameri)

Attachments: [Attachment I Staff Report](#)
[Attachment II Draft Resolution](#)
[Attachment III List of Potential Renewable Energy Facilities](#)

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 SPECIAL MEETING – December 13, 2016, 7:00 PM****PUBLIC COMMENT RULES**

The Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens or organization. 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 16-107

DATE: December 6, 2016

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Minutes of the Special City Council Meeting on November 5, 2016

RECOMMENDATION

That the City Council approves the minutes of the Special City Council meeting on November 5, 2016.

ATTACHMENTS

Attachment I Draft Minutes of November 5, 2016



**MINUTES OF THE SPECIAL CITY COUNCIL MEETING/CITY COUNCIL RETREAT
OF THE CITY OF HAYWARD
Council Chambers
Conference Room 2A, Hayward, CA 94541
Saturday, November 5, 2016, 9:00 a.m.**

The Special City Council Meeting/City Council Retreat was called to order by Mayor Halliday at approximately 9:00 a.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

PUBLIC COMMENTS

Council Member Lamnin reported on her attendance at an event for the Community Multimedia Academy at Tennyson High School where students had the opportunity to express concerns and the teacher expressed interest for a summer youth employment program.

Council Member Zermeño gauged Council's interest for discussion related to an ordinance for banning the use of drones similar to the ordinance enacted in San Diego. There was no Council consensus.

Council Márquez reported that some cars were damaged between Mission Boulevard and Main Street on Thursday night.

COUNCIL RETREAT

1. Facilitated Council Discussion to Strengthen Council Joint Governance and Improve Operational Processes and Procedures

Ms. Julia Novak of the Novak Consulting Group facilitated the Council retreat. City Manager McAdoo, City Attorney Lawson, City Clerk Lens, Library and Community Services Director Reinhart, Utilities and Environmental Services Director Ameri, Human Resources Director Collins, Acting Finance Director Claussen and Acting Police Chief Koller attended the special meeting.

Retreat Purpose:

Council members and executive staff in attendance introduced themselves and expressed their expectations for the retreat. Council members took turns sharing their perspectives on what they believe to be true about the future of Hayward. As a group, Council members and executive staff reflected on what they heard said about the future of the City which included the following: importance of community; importance of kids, youth and seniors; affordability of housing; safety and freedom; land development and creating safe

communities; Hayward pride and sense of belonging; service – people want to be part of the solution and want to work with others who share beliefs; value in diversity and importance of education; collaboration leverage; inclusiveness; today's decision will shape the future; new ways to communicate; importance of sustainability; history in Hayward shapes the future; and importance of continued outreach and listening.

Individual Agendas and Priorities:

City Manager McAdoo began the discussion of the Council priorities (Safe, Clean, Green and Thrive) using the analogy of an iceberg where only 10% of the iceberg can be seen above the water line and this represents the Council projects and initiatives; and the other 90% which is below the water makes up the day-to-day work of the organization.

Council members shared their top three priorities for the coming year. Certain Council members restated the importance of items on the City Manager's Work Plan (a copy of which was included in the Memo that was distributed to the City Council and was entitled City Manager's Performance Objectives), and others identified new initiatives for the group to consider embracing as shared priorities. The areas that Council members expanded upon during the discussion of priorities involved: strengthening community relationships and community policing; development processes; lean innovation; inclusiveness of community in processes; diversity (include workforce development and increasing candidate pools); identifying strategies for closing budget deficit in FY2017 and working to present balanced budget for FY2018; economic development; and General Plan (implementation plan progress/status; Climate Action Plan.) New initiatives were aligned with the guiding principles of Safe, Clean, Green and Thrive. The following are the collective priorities of the City Council: 1) Safe: complete streets, traffic safety, getting people out of cars and slowing drivers down; 2) Thrive: develop policies to achieve greater leverage for the City to encourage "Complete Communities"-make land use decisions that make the City of Hayward a fun place to live, work, and play by requesting amenities, parks, retail and recreation opportunities; 3) Thrive: preserve and create more affordable housing; and 4) Thrive: Vista Park-establish a policy goal that would encourage concentrated entertainment opportunities for youth and families (Tennyson Corridor).

It was noted that the four new initiatives that the Council agreed to add to the 2016-2017 Work Plan will be further fleshed out by staff and a workplan will be brought back to the Council for its consideration.

Review of Council Handbook:

The Council offered the following suggestions for the *City Council* section of the Handbook: adapt language to meet the new election schedule on page 2; identify what is required to set an expectation for ongoing professional development for Council; enforce the five-minute time limit on Council speaking; add benefits that are currently not included on page 4; amend the compensation for Council on page 4; consider having the City pay for events where the City Council is expected to participate, e.g., Volunteer Dinner.



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The Council offered the following suggestions for the *Policy Regarding City Council Expression* section of the Handbook: there needs to be commitment to follow the section of the Handbook; and add the legislative policy that is being drafted as it relates to State and Federal issues.

The Council offered the following suggestions for the *Meetings* section of the Handbook: add public comments at work sessions after staff presentation is made; note where meeting agenda is posted; remove the five-minute limit for groups and keep it at three-minute limit and give the Chair discretion for reducing it.

The Council offered the following suggestions for *Addressing the Council* section of the Handbook: time limitations might need to be adjusted on Page 31.

The Council offered the following suggestions for the *Motion* section of the Handbook: remove the sentence that indicates that “substitute motion” is acceptable; and work out issues with technology or enforce workaround.

The Council offered the following comment for the *Council Committees* section of the Handbook: reference on page 40 regarding two-year term is related to elections and Council changes and not trying to limit members to two-year terms.

The Council offered the following suggestions for the *Boards and Commissions* section of the Handbook: update language for the Personnel Commission; discuss the role of the Community Services Commission; consider an Art Committee; reflect other changes that were made recently to Boards and Commissions.

Council Members and members of the executive staff offered closing remarks of appreciation.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 1:35 p.m., to a closed session.

APPROVED:

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



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File #: MIN 16-108

DATE: December 6, 2016

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Minutes of the Special Joint City Council/Planning Commission Meeting on November 15, 2016

RECOMMENDATION

That the City Council approves the minutes of the Special Joint City Council/Planning Commission Meeting on November 15, 2016.

ATTACHMENTS

Attachment I Draft Minutes of November 15, 2016



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/PLANNING COMMISSION
MEETING OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, November 15, 2016, 7:00 p.m.**

The Special Joint City Council/Planning Commission meeting was called to order by Mayor Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Council Member Mendall.

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Márquez, Mendall, Lammin, Peixoto, Salinas
CHAIR Halliday
Absent: None

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Mayor Halliday noted that she had received a request to move Legislative Business Item No. 17 up on the agenda. There was Council consensus to move the item.

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced the Council convened in closed session regarding three items: 1) conference with property negotiators pursuant to Government Code 54956.8 related to State owned parcels along Route 238 Bypass Alignment; 2) conference with legal counsel pursuant to Government Code 54956.9 regarding Greer v. City of Hayward, et al., U.S. District Court, N.D. CA., 3-15-CV-02307-WHO; and 3) conference with legal counsel pursuant to Government Code 54956.9 regarding anticipated litigation. There was no reportable action related to Items 1 and 3. Related to Item No. 2, the Council unanimously agreed, moved by Council Member Peixoto and seconded by Council Member Salinas, to give direction to staff.

PRESENTATIONS

Library and Community Services Director Reinhart and President of Friends of the Hayward Library, Judy Harrison, spoke about the fundraising efforts for the 21st Century Library and Community Services. Hayward Rotary Club Foundation through its Vice-President, Debby De Angelis, presented to the Friends of the Hayward Library a check in the amount of \$100,000 for the 21st Century Library Collection of Books and Media. Fremont Bank Foundation through its Vice-President, Brian Hughes, presented to the Friends of the Hayward Library a check in the amount of \$100,000 for the 21st Century Library Collection of Books and Media. Mayor Halliday thanked all for the efforts to build the 21st Century Library and Community Services.

Mayor Halliday presented a Certificate of Commendation to the Youth and Family Services Bureau (YFSB) of the Hayward Police Department on its 40th Anniversary celebrating the commitment and dedication to serving the Hayward community. Acting Police Chief, Mark

Koller, and Administrator of YFSB, Dr. Emily Young, accepted the certificate on behalf of the Hayward Police Department.

Mayor Halliday noted that public comments for Work Session items would be heard after staff's presentation of each item. Mayor Halliday noted that formal adoption of the change would be included in the adoption of the Council Member Handbook at a future Council meeting.

There was Council consensus to move Legislative Business Item No. 17 before the Work Session calendar.

PUBLIC COMMENTS

Ms. Debra Israel, Hayward Unified School District (HUSD) employee, shared information about the HUSD AmeriCorps program.

The following speakers, some via Council Member Zermeño serving as a Spanish-English interpreter, expressed concerns about: the excessive increase in rent and advocated for rent control and education of current regulations; violence in their neighborhoods and concerns for the well-being of their children and advocated for crime prevention programs; minimum wage and urged the Council to pursue increasing the minimum wage in Hayward; water quality in schools; and the alleged Council involvement in HUSD matters and urged the Council to focus on matters that pertain to its jurisdiction.

Ms. Kristine Jaramillo

Ms. Eloisa Correa, also submitted a letter

Ms. Rosario Balderas (submitted a card but did not speak)

Ms. Reyna Martinez

Ms. Ofilia Beas

Ms. Graciela

Ms. Araceli Orozco

Ms. Miriam Tepo

Mr. Edwardo Orozco

Ms. Elena Lepe

Ms. Liliana Mendoza

Mr. Gabriel Altamirano

Ms. Rhina Zepeda

City Attorney Lawson noted the City had a Rent Control program and encouraged the speakers to meet with him and his Spanish speaking staff to address their concerns.

Ms. Lisa Brunner, HUSD Board Member, spoke about the results of the November 8, 2016 election and the Council Members' involvement with the HUSD election.

Mr. Luis Reynoso, HUSD Board Member, spoke about the Hayward Police Chief being placed on administrative leave and the increase in crime rate; and asked the Council to focus on reducing crime.



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Mr. Al Parso, Hayward resident, announced the 5th Annual SantaCon Hayward event, benefiting the Hayward Animal Shelter, on December 3, 2016.

Mr. Kim Huggett, Hayward Chamber of Commerce President, announced two events: the reception at the Hayward Area Historical Society where the Business Person, Firefighter, Educator and Police Officer of the Year would be announced on November 16, 2016; and the Light Up the Season event in Downtown on December 3, 2016.

Mr. Renee Rettig, Manager of the Book Shop, spoke about the Downtown's Holiday Passport program and invited all to participate from November 25 to December 3, 2016.

Council Member Márquez reassured Hayward residents that Hayward continued to be a safe and inclusive community.

City Manager McAdoo noted there were two minor typographical corrections in Attachments II and III of Consent Item No. 3.

Consent Item No. 12 was pulled to allow public comment.

CONSENT

1. Minutes of the City Council Meeting on October 18, 2016 **MIN 16-104**

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the City Council Meeting on October 18, 2016.

2. Minutes of the Special Joint City Council/Hayward Redevelopment Successor Agency Meeting on October 25, 2016 **MIN 16-105**

It was moved by Council/HRSA Member Mendall, seconded by Council/HRSA Member Márquez, and carried unanimously, to approve the minutes of the Special Joint City Council/Hayward Redevelopment Successor Agency Meeting on October 25, 2016.

3. Adoption of Resolutions Amending the Side Letter Agreements between the City of Hayward and the International Association of Firefighters, AFL-CIO, Local 1909, and the City of Hayward and the Hayward Police Officers Association, HPOA, that Clarify the Employee Paid-Employer Share Contribution Amounts for Public Employee Pension Reform Act ("PEPRA") Employees **CONS 16-660**

Staff report submitted by Human Resources Director Collins, dated November 15, 2016, was filed.

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to adopt the following with correction of a minor typographical error in the resolutions:

Resolution 16-196, "Resolution Authorizing Amending the Side Letter Agreements Between the City of Hayward and the Hayward Police Officers Association, HPOA that Clarifies the Employee Paid-Employer Share Contribution Amounts for Public Employee Pension Reform Act ("PEPRA") Employees"

Resolution 16-197, "Resolution Authorizing Amending the Side Letter Agreements Between the City of Hayward and the Hayward Firefighters Bargaining Unit, Local 1909 that Clarifies the Employee Paid-Employer Share Contribution Amounts for Public Employee Pension Reform Act ("PEPRA") Employees"

4. Approval to Initiate the Formation and Annexation of the Amcal Property (Cadence Development) Located Across Dixon Street from the South Hayward BART Station to Benefit Zone No. 15 of the Consolidated Landscaping and Lighting District 96-1 **CONS 16-671**

Staff report submitted by Development Services Director Rizk, dated November 15, 2016, was filed.

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

Resolution 16-198, "Resolution of the City Council of the City of Hayward Initiating Proceedings for the Formation of Benefit Zone No. 15 of the City of Hayward Landscape and Lighting Assessment District No. 96-1 for the Cadence Property"

5. Adoption of a Resolution to Amend the Side Letter Agreement between the City of Hayward and the International Federation of Professional and Technical Engineers ("Local 21") to Eliminate the \$125 Contribution Rate to the Voluntary Employee Beneficiary Association ("VEBA") Plan **CONS 16-688**

Staff report submitted by Human Resources Director Collins, dated November 15, 2016, was filed.

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

Resolution 16-199, "Resolution Authorizing an Amended Side Letter Agreement Between the City of Hayward and International Federation of Professional and Technical



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Engineers, Local 21, (“Local 21”) to Eliminate the \$125 Employee Contribution Rate Per Pay Period to the VEBA Plan for Employees Who Are Within Two (2) Years of Normal Retirement Age”

6. Adoption of a Resolution Establishing the City Contribution for Active and Retiree Medical Premiums Set by the California Public Employee Retirement System (CalPERS) for Calendar Year 2017 Pursuant to California Government Code Section 22892 of the Public Employees Medical and Hospital Care Act **CONS 16-689**

Staff report submitted by Human Resources Director Collins, dated November 15, 2016, was filed.

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

Resolution 16-200, “Resolution Agreeing to Meet the Minimum Employer Contribution Toward Medical Cost as Set by California Public Employees Retirement System One Hundred Twenty-Eight Dollars (\$128) Per Month for Calendar Year 2017”

7. Resolution Authorizing the City Manager to Negotiate and Execute a New Ground Lease with Byculla Homes, Inc. for Lease of a Parcel of Land at Hayward Executive Airport **CONS 16-699**

Staff report submitted by Public Works Director Fakhrai, dated November 15, 2016, was filed.

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

Resolution 16-201, “Resolution Authorizing the City Manager to Negotiate and Execute a Ground Lease Between the City of Hayward and Byculla Homes, Inc.”

8. Resolution Authorizing the City Manager to Negotiate and Execute a New Ground Lease Agreement with Air Plaza, LLC. for Lease of a Parcel of Land at Hayward Executive Airport **CONS 16-701**

Staff report submitted by Public Works Director Fakhrai, dated November 15, 2016, was filed.

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

Resolution 16-202, "Resolution Authorizing the City Manager to Negotiate and Execute a Ground Lease Between the City of Hayward and Hayward Airport Plaza, LLC"

9. Professional Services Agreement with CDM Smith, Inc. for Downtown Parking Study **CONS 16-703**

Staff report submitted by Public Works Director Fakhrai, dated November 15, 2016, was filed.

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

Resolution 16-203, "Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with CDM Smith Inc. for Additional Services Associated with the City of Hayward Comprehensive Parking Analysis"

10. Approval of a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with the Alameda County Probation Department for Delinquency Prevention Network Services Provided by the Youth and Family Services Bureau of the Hayward Police Department **CONS 16-706**

Staff report submitted by Acting Police Chief Koller, dated November 15, 2016, was filed.

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

Resolution 16-204, "Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with the Alameda County Probation Department for Delinquency Prevention Network Services Provided by the Youth and Family Services Bureau of the Hayward Police Department"

11. Mission Boulevard/Blanche Street and Gading Road/Huntwood Way Intersections Safety Improvements: Award of Contract **CONS 16-711**

Staff report submitted by Public Works Director Fakhrai, dated November 15, 2016, was filed.

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



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Resolution 16-205, "Resolution Awarding the Construction Contract to Ray's Electric"

Resolution 16-206, "Resolution Amending Resolution 15-116, As Amended, the Budget Resolution for Capital Improvement Projects for Fiscal Year 2016, Relating to an Appropriation of Funds from the Transportation System Improvement Fund (Fund 460) to the Mission Boulevard/Blanche Street and Gading Road/Huntwood Way Intersections Safety Improvements Project, Project 05708"

12. Resolution Urging the Bay Area Air Quality Management District to Enact Rule 12-16, Community-Worker Alternative **CONS 16-714**

Staff report submitted by Management Analyst Stefanski, dated November 15, 2016, was filed.

Mr. Frank Burton, Hayward resident, urged the City Council to approve the proposed resolution.

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

Resolution 16-210, "Resolution: Urging the Bay Area Air Quality Management District to Enact Rule 12-16, Community-Worker Alternative"

13. Fire Stations 1-6 and Fire Training Center Improvement Project - Amendment to Professional Services Agreement with Kitchell, Purchase Order Approval for Sole Source Item and Appropriation of Funds **CONS 16-720**

Staff report submitted by Public Works Director Fakhrai, dated November 15, 2016, was filed.

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

Resolution 16-207, "Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with Kitchell for Additional Services Associated with the Fire Stations 1-6 and Fire Training Center Improvement Project"

Resolution 16-208, “Resolution Approving Purchase Orders for GPS-Based Emergency Vehicle Preemption System Associated with the Fire Stations 1-6 and Fire Training Improvement Project”

Resolution 16-209, “Resolution Authorizing the Amendment of Resolution 15-116 for Capital Improvement Projects for Fiscal Year 2016, Relating to an Appropriation of Funds from Measure C Fund (Fund 101) for the Fire Stations 1-6 and Fire Training Center Improvements – Design, Project No. 07474”

There was Council consensus to hear Legislative Business No. 17 prior to the Work Session section of the agenda.

JOINT CITY COUNCIL/PLANNING COMMISSION WORK SESSION

Planning Commission Members Julius Willis Jr., Daniel Goldstein, Al Parso-York, Brian Schott, Diane McDermott, Mariellen Faria, and Chair Heather Enders attended the meeting.

14. Downtown Specific Plan - Project Overview, Update and Discussion (Report from Development Services Director Rizk) **WS 16-068**

Staff report submitted by Development Services Director Rizk, dated November 15, 2016, was filed.

Development Services Director Rizk announced the report and introduced Ms. Lisa Wise with Lisa Wise Consulting, Inc., who provided a synopsis of the Downtown Specific Plan.

Mayor Halliday opened public comments at 9:32 p.m.

Ms. Lisa Brunner, Hayward resident, urged support for safe bike lanes; and suggested that the Council consider reverting A Street back to a two-way street to mitigate traffic and encourage a pedestrian friendly environment.

Mr. Sid Hamadeh, Eko Coffee business owner, noted that identifying the appropriate staff and pooling the right stakeholders was key in the implementation of the Downtown Specific Plan.

Mayor Halliday closed the public comments at 9:39 p.m.

Discussion ensued among Planning Commission Members and Ms. Lisa Wise regarding: Opticos Design and the five-day charrette and General Plan implementation fees.

Planning Commission and City Council members offered the following related to key issues facing Downtown: traffic partners are not optimal; not enough parking space; traffic speed is dangerous particularly on Foothill and Mission Boulevards; there are concerns with pedestrian and bike safety; the Loop needs to be addressed; concerns with height of proposed developments; and increase in crime.



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Planning Commission and City Council members concurred with the strengths in Downtown and offered the following: build upon historical and cultural resources to understand the City's roots and use resources such as the Hayward Historical Society and the Japanese Garden; and utilize the thriving Art community.

Planning Commission and City Council members agreed with the opportunities for improvement and offered the following: have more youth and family entertainment and activities; have affordable housing within developments to create a more inclusive and cohesive community; have Class A office space to create a strong retail presence; encourage more sustainable modes of transportation such as bikes to get to public transportation; restore parking spaces and address traffic light timing; create an entertainment district that is accessible and with buffers for those who live nearby; include Mission Boulevard on the Plan; have rental bikes and incorporate space in community parks where bikes can be locked; hold business owners of empty lots accountable and address eyesores; convert B and C Streets into two-way streets and revert A Street back a two-way street; have more commercial office space; have hotel and banquet facilities; build on business successes and consider leveraging resources and incentives for businesses wishing to expand; partner with educational institutions to offer administrative offices in Downtown; create a vibrant Downtown; improve signage and lighting; increase sidewalk seating; have an art gallery; bring stores that compliment Southland Mall; pursue a convention center; consider alluring commuters that travel on the Corridor to use public transportation; and consider the idea of closing B and Main streets on Sundays to test if it increases walkability.

Planning Commission and City Council members offered the following recommendations for next steps: consider morning and evening workshops and design charrettes and consider offering childcare during the workshops; ensure other means of participation such as online survey; reach out to the community that does not use social media and those with limited English usage; focus on Downtown businesses and what they envision for the Plan; engage the community by soliciting input and going door to door; hold events that include the northern as well as southern districts; involve the Hayward Youth Commission for input related to youth entertainment/activities; engage educational institutions such as California State University and Chabot College; have the implementation plan ready to be executed; and during the implementation phase of the Plan consider recommendations to get a hotel, commercial office space and entertainment usage.

WORK SESSION

There was Council consensus to postpone Work Session No. 15 to November 29, 2016, and to allow public comments on the item.

15. Review of Affordable Housing Resources and Strategies in Hayward (Report from Library and Community Services Director Reinhart) **WS 16-065**

Staff report submitted by Library and Community Services Director Reinhart, dated November 15, 2016, was filed.

Mayor Halliday opened the public comments section at 10:46 p.m.

Mr. Didacus Ramos, Hayward resident, noted that affordable housing and addressing the homeless issues were different matters. Mr. Ramos added that affordable housing needs to be integrated with the rest of the community.

Mr. Jon Meyers, current Caltrans Route 238 tenant, spoke in favor of reinstating the First-Time Homebuyer Down Payment Assistance Program and asked Council to consider giving low-income residents the opportunity to purchase homes.

Ms. Andrea Osgood, Director of Development for Eden Housing, asked the Council to consider the neighborhoods that the Council was interested in pursuing doing more work, the type of work (new or rehabilitation) and product type.

Ms. Natalie Monk, with Habitat for Humanity, spoke about the Sequoia Grove project by Habitat and asked Council for its preference for the project.

Mayor Halliday closed the public comments section at 10:58 p.m.

Council Member Lamnin suggested that the City Manager poll the Council about the path forward for the Sequoia Grove project. Ms. Lamnin also requested that demographic information be included in the staff report when it returns to the Council.

16. Review of Conceptual Project Plan for Former Caltrans Route 238 Parcels in the Dixon/Valle Vista Area (Report from City Manager McAdoo) **WS 16-067**

Staff report submitted by City Manager McAdoo, dated November 15, 2016, was filed.

City Manager McAdoo announced the report and introduced Vice President of Land Acquisition, Scott Roylance, and Landscape Architect, Michael Schrock, with William Lyon Homes, Inc. Mr. Schrock showed visual renderings of the project called Sohay.

There were no public comments on the item.

Discussion ensued among Council Members, City staff, Michael Schrock, Scott Roylance and Lauri Fehlbert with William Lyon Homes.

The City Council was in general agreement with the conceptual look of the proposed project for the Dixon/Valle Vista area. Council Members offered the following suggestions: when looking for partners, consider a bank for the area; consider adding a second story on the retail; engage the City's poet laureate, Bruce Roberts, for outdoor words and Hayward centric stage; address potential parking issue; address a grocery store in the part of the



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/PLANNING COMMISSION
MEETING OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, November 15, 2016, 7:00 p.m.**

town; solicit feedback about the project name; add the video of the proposed project to the City's website; related to the building elevations, provide more information about textures and materials; do not lose sight of commercial space and potential for economic development in that area of town; and have more catalysts for complete communities.

LEGISLATIVE BUSINESS

17. Approval of Citywide Community Workforce Agreement (Report from City Manager McAdoo) **LB 16-106**

Staff report submitted by City Manager McAdoo, dated November 15, 2016, was filed.

City Manager McAdoo provided a synopsis of the staff report.

Discussion ensued among Council Members and City staff regarding: the local hire provisions in the Community Workforce Agreement (CWA); and the addition of staff position for CWA implementation and workforce development.

Mayor Halliday opened the public hearing at 8:44 p.m.

Ms. Mia Rivas, Hayward resident, spoke in support of the local hire provision in the proposed CWA.

Mr. Andreas Cluver, Secretary-Treasurer of the Building and Construction Trades Council of Alameda County, spoke in support of the CWA; and addressed prevailing wage and community outreach.

Mr. Stanley Smith, Hayward resident and Business Manager of Sprinkler Fitters Local 483, spoke about the Apprenticeship Program and community outreach; and urged Council's support of the proposed CWA.

Mr. Edward Americano, Hayward resident and carpenter, spoke in support of the proposed CWA.

Mr. Obray Van Buren, United Association Local Union 342 representative, expressed support for the proposed CWA and its local hiring provision.

Ms. Lisa Brunner, HUSD Board Member, spoke in support of the proposed CWA; and urged residents to contact the Hayward Adult School and the Eden Area ROP to learn more about apprenticeship programs.

Mr. Brian Schott, Hayward resident and business owner, suggested that staff partner with HUSD and consider sharing the cost of a position that would oversee the implementation of the CWA and the implementation of Measure L; and urged support for local businesses.

Mayor Halliday closed the public hearing at 9:05 p.m.

Council Member Zermeño expressed support for the proposed CWA and was amenable to the suggestion offered by Mr. Schott. Council Member Zermeño offered a motion to approve staff's recommendation.

Council Member Mendall seconded the motion noting support for the proposed CWA.

Council Member Salinas expressed support the proposed CWA and its local hiring provisions.

Council Member Lamnin expressed support for the proposed CWA.

Council Member Peixoto spoke in support of the motion and highlighted his support for the apprenticeship program.

Council Member Márquez expressed support for the motion noting the proposed CWA would create jobs.

Mayor Halliday expressed support for the proposed CWS and agreed with the suggestion offered by Mr. Schott.

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

Resolution 16-211, "Resolution Authorizing the Execution of a Community Workforce Agreement with the Alameda County Building Trades Council and Authorizing the Addition of a Staff Position for Monitoring/Implementation of the Agreement and Other Workforce Development Activities"

18. East Bay Community Energy - Introduction of Ordinance to Join Joint Powers Authority (Report from Utilities & Environmental Services Director Ameri) **LB 16-105**

The item was continued to November 29, 2016.

CITY MANAGER'S COMMENTS

City Manager McAdoo noted that City Hall would be closed from November 21 to November 25, 2016, due to the business/holiday closure, emergency services would be operational, and the libraries would be closed November 24 and 25, 2016. Ms. McAdoo also noted that the new Assistant City Manager, Maria Hurtado, would start working on November 28, 2016.



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/PLANNING COMMISSION
MEETING OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, November 15, 2016, 7:00 p.m.**

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño announced the Keep Hayward Clean and Green Task Force clean-up event on November 19, 2016, at Mt. Eden High School.

Council Member Salinas addressed the comments made during the Public Comments section and noted the City had ordinances and policies in place, and welcomed residents to contact Council members and they would be able to connect them with City staff.

Council Member Márquez asked the City Manager to consider discussion to address language needs in the community and consider having interpreters for Council meetings when needed. Ms. Márquez also announced a community gathering with Latino business owners on November 30, 2016, at the Pancho Villa Event Center.

Mayor Halliday reported on her attendance at a civic engagement workshop at City Hall on November 10, 2016, for the Hayward Promise Neighborhood.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 11:40 p.m., in memory of Felisa Guzman, Retired Sergeant Don Divine, and Jaime (Jimmy) Fanuncio.

Ms. Felisa Guzman was a longtime volunteer of the Salvation Army.

Hayward Police Department Retired Sergeant Don Divine served the City for 30 years and was a longtime Hayward resident.

Jaime (Jimmy) Fanuncio was employed with the City of Hayward's Public Works Department for over 38 years. Jimmy Fanuncio was a Civil Engineer and was knowledgeable in the field of civil engineering and had worked on development projects such as Stonebrae, Cannery, Costco; and he was well liked by his peers.

Mayor Halliday asked staff to work with the three families to plant trees in memory of Felisa Guzman, Don Divine, and Jaime (Jimmy) Fanuncio.

APPROVED:

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



CITY OF HAYWARD

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

File #: CONS 16-729

DATE: December 6, 2016

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Adoption of Ordinance Authorizing Participation in Alameda County's Community Choice Aggregation Program

RECOMMENDATION

That the Council adopts the Ordinance introduced on November 29, 2016.

ATTACHMENTS

Attachment I Staff Report

Attachment II Summary of Ordinance Published on 12/02/2016



DATE: December 6, 2016
TO: Mayor and City Council
FROM: City Clerk
SUBJECT

Adoption of Ordinance Authorizing Participation in Alameda County's Community Choice Aggregation Program

RECOMMENDATION

That the Council adopts the Ordinance introduced on November 29, 2016.

BACKGROUND

The Ordinance was introduced by Council Member Mendall at the November 29, 2016, meeting of the City Council with the following vote:

AYES: Council Members: Zermeño, Márquez, Mendall, Peixoto, Lammin, Salinas
Mayor Halliday
NOES: None
ABSENT: None
ABSTAIN: None

The summary of the Ordinance was published in the Hayward Daily Review on Friday, December 2, 2016. Adoption at this time is therefore appropriate.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:

Kelly McAdoo, City Manager

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

AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
HAYWARD AUTHORIZING PARTICIPATION IN ALAMEDA COUNTY'S
COMMUNITY CHOICE AGGREGATION PROGRAM

SECTION I.

WHEREAS, the County of Alameda ("County") has been actively investigating options to provide electricity supply services to constituents within the County with the intent of achieving greater local involvement over the provision of electricity supply services, competitive electric rates, the development of local renewable energy projects, reduced greenhouse gas emissions, and the wider implementation of energy conservation and efficiency projects and programs.

WHEREAS, Assembly Bill 117, codified as Public Utilities Code Section 366.2 (the "Act"), authorizes any California city or county whose governing body so elects, to combine the electricity load of its residents and businesses in a community wide electricity aggregation program known as Community Choice Aggregation ("CCA").

WHEREAS, the Act allows a CCA program to be carried out under a joint powers agreement entered into by entities that each have capacity to implement a CCA program individually. The joint power agreement structure reduces the risks of implementing a CCA program by immunizing the financial assets of participants. To this end, since 2014, the County has been evaluating a potential CCA program for the County and the cities within Alameda County.

WHEREAS, the County Board of Supervisors voted unanimously in June of 2014 to allocate funding to explore the creation of a CCA Program and directed County staff to undertake the steps necessary to evaluate its feasibility. To assist in the evaluation of the CCA program within Alameda County, the County established a Steering Committee, in 2015, that has met monthly, advising the Board of Supervisors on the possibility of creating a CCA Program.

WHEREAS, the Technical Feasibility Study completed in June of 2016 shows that implementing a Community Choice Aggregation program would likely provide multiple benefits to the citizens of Alameda County, including the following:

1. Providing customers a choice of power providers;
2. Increasing local control over energy rates and other energy-related matters;
3. Providing electric rates that are competitive with those provided by the incumbent utility;
4. Reducing greenhouse gas emissions arising from electricity use;
5. Increasing local and regional renewable generation capacity;
6. Increasing energy conservation and efficiency projects and programs;
7. Increasing regional energy self-sufficiency; and

8. Encouraging local economic and employment benefits through energy conservation and efficiency projects.

WHEREAS, representatives from the County and Alameda County cities have developed the East Bay Community Energy Authority Joint Powers Agreement (“Joint Powers Agreement”) (attached hereto as Exhibit A). The Joint Powers Agreement creates the East Bay Community Energy Authority (“Authority”), which will govern and operate the CCA program. The County and the Alameda County cities that elect to participate in the CCA Program shall do so by approving the execution of the Joint Powers Agreement and adopting an ordinance electing to implement a CCA Program, as required by Public Utilities Code Section 366.2(c)(12).

WHEREAS, the Authority will enter into agreements with electric power suppliers and other service providers and, based upon those agreements, the Authority plans to provide electrical power to residents and businesses at rates that are competitive with those of the incumbent utility. Upon the California Public Utilities Commission approving the implementation plan prepared by the Authority, the Authority can provide service to customers within its member jurisdictions. Under Public Utilities Code Section 366.2, customers have the right to opt-out of a CCA program and continue to receive service from the incumbent utility. Customers who wish to continue to receive service from the incumbent utility will be able to do so at any time.

SECTION II.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Based upon all of the above, the City Council of the City of Hayward hereby elects to participate in the Community Choice Aggregation program called the East Bay Community Energy Authority.

SECTION III.

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 the special meeting of the Hayward City Council held November 29, 2016, the above-entitled Ordinance was introduced by Council Member Mendall.

This Ordinance will be considered for adoption at the special meeting of the Hayward City Council, to be held on December 6, 2016, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: December 2, 2016
Miriam Lens, City Clerk
City of Hayward



CITY OF HAYWARD

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

File #: CONS 16-730

DATE: December 6, 2016

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Approval of the Preliminary Engineer's Report, Setting the Date for the Public Hearing, and Ordering the Mailing of Ballots and Associated Waiver for the Formation of Benefit Zone No. 15 of the Consolidated Landscaping and Lighting District 96-1 for the Cadence Development in the South Hayward BART Area

RECOMMENDATION

That the City Council adopts the attached Resolution (Attachment II), which would approve the Preliminary Engineer's Report (Attachment III), set the date for the Public Hearing, and order the mailing of Ballots and Associated Waiver for the formation of Benefit Zone No. 15 of Consolidated Landscaping and Lighting District 96-1 for the Cadence property.

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution
Attachment III Preliminary Engineer's Report



DATE: December 6, 2016

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Approval of the Preliminary Engineer's Report, setting the date for the Public Hearing, and Ordering the mailing of Ballots and Associated Waiver for the formation of Benefit Zone No. 15 of the Consolidated Landscaping and Lighting District 96-1 for the Cadence Development in the South Hayward BART area

RECOMMENDATION

That the City Council adopts the attached Resolution (Attachment II), which would approve the Preliminary Engineer's Report (Attachment III), set the date for the Public Hearing, and order the mailing of Ballots and Associated Waiver for the formation of Benefit Zone No. 15 of Consolidated Landscaping and Lighting District 96-1 for the Cadence property.

SUMMARY

As required by the conditions of approval and related Owner Participation Agreement, a landscape lighting and assessment district, or park maintenance district, is required to be formed to fund the maintenance of the public park being developed associated with the Cadence Development located across Dixon Street, east of the South Hayward BART station site. This action is the second step associated with such formation.

BACKGROUND

The Landscaping and Lighting Act of 1972 (Streets and Highways §22500) is a flexible tool used by local government agencies to form Landscaping and Lighting Districts for the purpose of financing the costs and expenses of operating, maintaining and servicing landscaping (including parks) and lighting improvements in public areas.

In 1996, six (6) separate Landscaping and Lighting Districts, Benefit Zones 1-6, were consolidated into one district, Consolidated Landscaping and Lighting District No. 96-1 (the District), by the adoption of Resolution No. 96-63. In subsequent years, Benefit Zones 7-14 were individually created and annexed into the District, including Benefit Zone No. 14 that was annexed to the District in June of this year.

The City Council approved a master plan, including a General Plan Amendment and Rezone, for the South Hayward BART station area in March of 2009, and approved a subsequent amendment, including rephrasing of the master plan, in 2011. A Precise Plan was approved for the master development by the Planning Commission in 2012. Also, an Owner Participation Agreement (OPA) and several other agreements were executed between the City of Hayward, Eden Housing, BART, and the original project developers in 2012. Section 5.17 of that OPA requires that a Park Maintenance District, or new zone to the City's Landscape Lighting and Assessment District, be formed prior to issuance of a certificate of occupancy for the AMCAL Multi-Housing (market rate) development. Staff expects a certificate of occupancy to be requested with final inspections in February of next year.

The City approved the park improvement plans on September 25, 2014 and the park construction is currently underway and is anticipated to be complete by February 2017.

On October 7, 2016, SCI Consulting Group (Consultant) was hired to assist the City of Hayward with the formation and/or annexation of benefit zones to the District.

The Cadence Property, developed by AMCAL Multi-Housing (AMCAL) under the previously referenced Owner Participation Agreement (OPA), consists of a 206-unit rental complex (constructed on the property owned by AMCAL) and a public park (constructed on property owned by the City). The Conditions of Approval for the South Hayward BART TOD Project (Planned Development District No. PL-2008-0547 PD), modified by the City, including but not limited to technical revisions made in response to the rephrasing and minor modification of the South Hayward BART TOD Project issued on June 8, 2011, and pursuant to Resolution No. 11-140 adopted on July 26, 2011, required the construction of specified park improvements on a city owned parcel and the adoption of a landscape lighting and assessment district, or park maintenance district, to pay for the maintenance of the park. The formation and annexation of the Cadence property into Benefit Zone No. 15 of the District is proposed to provide funding for the maintenance and improvements to the public park serving the development and public, including landscaping, irrigation and lighting facilities in compliance with the Conditions of Approval and in satisfaction of Section 5.17 of the OPA.

DISCUSSION

The attached resolution, if adopted, would preliminarily approve the Engineer's Report, set January 17, 2017 as the date for the public hearing, and order the mailing of the ballots and waiver. Noteworthy is that the total assessment and rates as shown in the seventh item in the resolution for the fiscal year 2018 assessment is \$238.88 per Single Family Equivalent (SFE). The cost escalator mechanism describing the changes in the maximum assessment rate, calculated in accordance with the Bay Area consumer price index (CPI), is contained in item ten in the resolution.

ECONOMIC IMPACT

Funding generated by the assessments will ensure sufficient maintenance of the park, enhancing the quality of life within the area and increasing the value of the development.

FISCAL IMPACT

There is no fiscal impact to the City's General Fund from this recommendation because expenditures related to maintenance of the public park are to be paid for by the District Benefit Zone No. 15 fund account.

SUSTAINABILITY FEATURES

There are no sustainability features associated with this action, which is essentially an action to establish funding source for maintenance of a public park.

PUBLIC CONTACT

A meeting with the property owner was held on October 12, 2016 to discuss the timing and scheduling of the formation of Benefit Zone No. 15. At the meeting, staff was available to explain the Benefit Zone's responsibilities and the property owner was given the opportunity to ask questions regarding the timing of the formation. On November 15, 2016, City Council adopted a resolution to initiate proceedings for the formation of Benefit Zone No. 15.

Should City Council approve the attached resolution, a Proposition 218 ballot and a related waiver will be mailed to the property owner and a Public Hearing would be held on January 17, 2017, where the property owner will have an opportunity to raise concerns about the assessments.

NEXT STEPS

Assuming the City Council adopts the attached resolution, it will preliminarily approve the Engineer's Report and initiate the balloting procedures required by Proposition 218. Ballots will be mailed on December 7, 2016 to all property owners within the proposed annexation. A Waiver of the 45 Day Balloting Period required by law will also be sent on December 7, 2016 (the balloting period may be waived if there is only one property owner).

If the property owner elects to proceed with the Waiver, which is expected, this will remove the need for the 45 day balloting period and allow the City Council to consider final approval of the Engineer's Report and a Resolution to Levy Assessments at a Public Hearing on the next available City Council meeting agenda, anticipated for January 17, 2017.

A noticed Public Hearing is anticipated to be held on January 17, 2017. At that time, the property owner will have an opportunity to raise concerns about assessments. Following the conclusion of the public input portion of that public hearing, the City Council will order the close of the balloting and commence tabulation of the results. After tabulation of the ballots is completed, the Council may consider a Resolution to Levy the Assessments for fiscal year 2018, provided a majority protest does not exist.

Prepared by: Allen Baquilar, PE, Development Review Engineer

Recommended by: David Rizk, AICP, Development Services Director

Approved by:

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

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-__

Introduced by Council Member _____

RESOLUTION INITIATING PROCEEDINGS, PROVIDING INTENTION TO LEVY ASSESSMENTS, PRELIMINARILY APPROVING ENGINEER'S REPORT, AND PROVIDING FOR NOTICE OF HEARING FOR THE FORMATION OF BENEFIT ZONE NO. 15 OF THE CITY OF HAYWARD LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 96-1 FOR THE CADENCE PROPERTY

WHEREAS, the City of Hayward provides for the maintenance and improvement of street lighting, parks, and setback landscaping, through the City's Landscaping and Lighting Assessment District No. 96-1 ("District"); and

WHEREAS, these maintenance services and improvements provide direct and special benefits to properties in the District; and

WHEREAS, the formation of new Benefit Zone No. 15 of the existing City of Hayward Landscaping and Lighting Assessment District 96-1, was a condition of development approval for the project known as Cadence (the "Assessment Area"); and

WHEREAS, this proposed benefit zone formation would provide direct and special benefits to the Assessment Area by providing for the maintenance and improvement to the Public Park; including landscaping, irrigation, and lighting facilities; and

WHEREAS, the procedures for the proposed formation will provide owners of the Assessment Area with the opportunity to submit ballots for the proposed formation and assessment of levies that would fund the maintenance for services and improvements.

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

1. The City Council hereby proposes the formation of a landscaping and lighting district pursuant to the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500 thereof) ("the Act").
2. The purpose of the landscaping and lighting district shall be to install, maintain and service those improvements described in Section 3 below.
3. Within Zone No. 15 of the District, the proposed improvements are generally described as the servicing, operations and maintenance of turf and play areas, landscaping, ground cover, shrubs and trees, irrigation systems, drainage systems, lighting, fencing, signage, sidewalks, curbs and gutters, fencing, masonry walls and

soil retaining components, play structure and exercise equipment, benches, trash cans and all other park facilities, as applicable, for property owned or maintained by the City of Hayward. Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of said improvements, including repair, removal, or replacement of all or part of any improvement; providing for the life, growth, health and beauty of landscaping; and cleaning, sandblasting and painting of walls and other improvements to remove or cover graffiti. Servicing means the furnishing of electric current or energy for the operation or lighting of any improvements, and water for irrigation of any landscaping or the maintenance of any other improvements.

4. SCI Consulting Group is hereby designated as Engineer of Work for purposes of these proceedings and was ordered to prepare an Engineer's Report in accordance with Article 4 of Chapter 1 of the Act and Article XIII D of the California Constitution.
5. The Engineer's Report has been made, filed with the City Clerk and duly considered by the Council and is hereby deemed sufficient and preliminarily approved. The Report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to the foregoing resolution.
6. The Assessment Area consists of the lots and parcels shown on the assessment diagram of the Report, on file with the City of Hayward, and reference is hereby made to such diagram for further particulars.
7. The amounts due for improvements and expenses incidental thereto, to be paid by the formation of the Cadence property into Benefit Zone No. 15 of the City of Hayward Landscaping and Lighting Assessment District 96-1 for the FY 2017-18, are fully detailed in the Engineer's Report for the City of Hayward. Reference is hereby made to said report for further regarding said formation. The maximum FY 2018 assessment rate is \$238.88 per Single Family Equivalent (SFE).
8. The public hearing for the Assessment District Benefit Zone formation shall be held before this Council in the City Council Chambers of the City of Hayward, 777 B Street, Hayward, California, 94541 on January 17, 2017, at the hour of 7:00 PM for the purpose of allowing public testimony regarding the proposed formation and for the City's final action upon the proposed formation for Property.
9. The City Clerk is hereby authorized and directed to cause Notice of the hearing ordered under Section 5 hereof to be given in accordance with law by mailing, postage prepaid, in the United States mail, and such Notice shall be deemed to have been given when so deposited in the mail. The mailed Notice shall be given to all property owners within the new Benefit Zone in the Assessment District by such mailing by name to those persons whose names and addresses appear on the last equalized secured property tax assessment roll of the County of Alameda, or in the case of any public entity, the representative of such public entity at the address thereof known to the Clerk. The Notice shall include, but not be limited to, the total

amount of assessment proposed to be levied in the new Benefit Zone for the Assessment District, the assessments proposed for the owner's particular parcel(s) and the duration thereof, the reason for the assessments and the basis upon which the amount of the assessments was calculated. Each Notice shall also contain an assessment ballot, a summary of the procedures applicable to the completion, return and tabulation of assessment ballots, and a statement that the existence of a majority protest will result in the assessment not being imposed. Since the property owner in the proposed new Benefit Zone area will have unanimously waived the right to a 45-day balloting period, the Notice herein described shall be mailed before the date of the public hearing.

10. The assessments are proposed to be levied annually. If the proposed assessments are approved and confirmed by the City Council, the assessments may increase in future years by an amount equal to the annual change in the Consumer Price Index for All Urban Consumers in the San Francisco Bay Area, not to exceed 3% (three percent) per year without a further vote or balloting process. In each subsequent year in which the assessments will be levied, an updated Engineer's Report, including a proposed budget and assessment rate, shall be prepared. The updated Engineer's Report shall be considered by the City Council at a noticed public hearing. The updated Engineer's Report shall serve as the basis for the continuation of the assessments.

IN COUNCIL, HAYWARD, CALIFORNIA December 6, 2016

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

FORMATION OF BENEFIT ZONE 15

LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT No. 96-1 FOR THE CADENCE PROPERTY

PRELIMINARY ENGINEER'S REPORT

NOVEMBER 2016

PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972
AND ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

ENGINEER OF WORK:
SCIConsultingGroup
4745 MANGELS BLVD.
FAIRFIELD, CALIFORNIA 94534
PHONE 707.430.4300
FAX 707.426.4319
WWW.SCI-CG.COM

CITY OF HAYWARD

CITY COUNCIL

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

CLERK OF THE COUNCIL

Miriam Lens

CITY MANAGER

Kelly McAdoo

CITY ATTORNEY

Michael Lawson

ENGINEER OF WORK

SCI Consulting Group

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INTRODUCTION

OVERVIEW

On May 7, 1996, the City of Hayward ("City") formed the Consolidated Landscaping and Lighting Assessment District No. 96-1 ("District") by consolidating six separate Landscape and Lighting Assessment Districts into six separate zones of benefit within the new District. In subsequent years, eight additional benefit zones (Benefit Zone No. 7 – No. 14) have been created and annexed into the District, creating fourteen separate zones of benefit.

The formation of the Cadence ("Cadence" or the "Assessment Area") properties as Benefit Zone No. 15 in the District is proposed to provide funding for the maintenance and improvements to the Cadence Public Park; including landscaping, irrigation and lighting facilities ("Improvements") to specially benefit the properties in the Assessment Area. Cadence is a multi-family residential development that will consist of 206 units on a 4.5-acre site that is located east of the South Hayward Bart Station, adjacent to Dixon Street, Mission Boulevard and Buckwheat Court.

This formation, described in this Engineer's Report, results from agreements or conditions of development approval between the City of Hayward and the property owner, AMCAL. The City and property owner agreed on maintenance and Improvements of the Public Park in order to improve the utility of these properties through increased access and proximity to the amenities, improved views, extension of desirable outdoor space and other special benefits. Moreover, the City would not approve this development without a reliable funding source for the maintenance of these Improvements.

This Engineer's Report ("Report") was prepared to establish the budget for the services that would be funded by the proposed 2017-18 assessments and to determine the benefits received from the maintenance and Improvements by the Cadence property and the method of assessment apportionment to lots and parcels. This Report and the proposed assessments have been made pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (the "Act") and Article XIID of the California Constitution (the "Article").

Following submittal of this Report to the City of Hayward City Council (the "Council") for preliminary approval, the Council may, by Resolution, call for an assessment ballot proceeding and Public Hearing on the proposed establishment of assessments for the maintenance of Improvements.

If the Council approves such Resolution, a notice of assessment and assessment ballot will be mailed to property owners within the Assessment Area. Such notice would include a description of the proposed assessments as well as an explanation of the method of voting on the assessments. Each notice would also include a ballot on which the property owner

could mark his or her approval or disapproval of the proposed assessments, and a postage prepaid envelope in which to return the ballot.

After the ballots are mailed to property owners in the Assessment Area, a minimum 45-day time period must be provided for the return of the assessment ballots, unless a petition is signed to waive the balloting period. Following the ballot period, a public hearing must be held for the purpose of allowing public testimony regarding the proposed assessments. This hearing is scheduled for January 17, 2017 at 7:00 p.m. At this hearing, the public will have the opportunity to speak on this issue and the returned ballots will be tabulated.

If it is determined at the public hearing that the assessment ballots submitted in opposition to the proposed assessments do not exceed the assessment ballots submitted in favor of the assessments (weighted by the proportional financial obligation of the property for which ballots are submitted), the Council may take action to form the Assessment Area, authorize the formation, and approve the levy of the assessments for fiscal year 2018. If the assessments are so confirmed and approved, the levies would be submitted to the County Auditor/Controller in August 2017 for inclusion on the property tax roll for Fiscal Year 2017-18.

AGREEMENT WITH THE PROPERTY OWNER

Pursuant to the Owners Participation Agreement for the Cadence Development, the Developer is responsible for the maintenance Cadence Public Park in perpetuity or for the life of the agreement. Each year the Developer is required to submit a Park Maintenance Plan consisting of a budget for maintenance costs for the upcoming year, the maintenance activities to be performed and the reimbursement schedule and process for maintenance costs incurred pursuant to the Park Maintenance Plan. The formation of the Cadence property to Benefit Zone No. 15 of the Landscaping and Lighting Assessment District No. 96-1 is required and is the mechanism for the City Council to approve the Park Maintenance Plan annually as part of the annual review process. The Assessment District formation ensures adequate funding is available for the maintenance of the Park should the Developer default, not meet the maintenance standards, or in the event that the property is sold and the City assumes maintenance of the park.

LEGISLATIVE ANALYSIS

PROPOSITION 218

Many of the Assessment Districts in the City of Hayward were formed prior to the passage of Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996, and is now Article XIIC and XIID of the California Constitution. (Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property.) Although these assessments are consistent with Proposition 218, the California judiciary has generally referred to pre-Proposition 218 assessments as “grandfathered assessments” and held them to a lower standard than post Proposition 218 assessments.

Other Assessment Districts that were formed after Proposition 218, including those for Benefit Zone No. 15, are consistent with the approval procedures and requirements imposed by Proposition 218.

SILICON VALLEY TAXPAYERS ASSOCIATION, INC. V SANTA CLARA COUNTY OPEN SPACE AUTHORITY

In July of 2008, the California Supreme Court issued its ruling on the Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority (“SVTA vs. SCCOSA”). This ruling is the most significant legal document in further legally clarifying Proposition 218. Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special, not general, benefit
- The services and/or improvements funded by assessments must be clearly defined
- Special benefits are directly received by and provide a direct advantage to property in the Assessment Area

This Engineer’s Report and the assessments are consistent with the SVTA vs. SCCOSA decision and with the requirements of Article XIIC and XIID of the California Constitution based on the following factors:

1. The assessment revenue derived from real property in the Assessment Area is extended only for specifically identified Improvements and/or maintenance and servicing of those Improvements in the Assessment Area that confer special benefits to property in that Assessment Area.
2. The use of the Assessment Area ensures that the Improvements constructed and maintained with assessment proceeds are located in close proximity to the real property subject to the assessment, and that such Improvements provide a direct advantage to the property in the Assessment Area.
3. Due to their proximity to the assessed parcels, the Improvements and maintenance thereof financed with assessment revenues in the Assessment Area benefit the properties in the Assessment Area in a manner different in kind from the benefit that other parcels of real property in the City derive from such Improvements, and the benefits conferred on such property in Assessment Area are more extensive and direct than a general increase in property values.
4. The assessments paid in the Assessment Area are proportional to the special benefit that each parcel within the Assessment Area receives from such Improvements and the maintenance thereof because of the following:
 - a. The Engineer’s Report specifically identifies the permanent public Improvements that the assessments will finance;
 - b. The costs of such Improvements are estimated and calculated; and

- c. Such improvement and maintenance costs in the Assessment Area are allocated to each property within the Assessment Area based upon the estimated special benefits received from the Improvements.

DAHMS V. DOWNTOWN POMONA PROPERTY

On June 8, 2009, the 4th District Court of Appeals amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court denied review. Hence Dahms is good law and binding precedent for assessments. In Dahms the Court upheld an assessment that was 100% special benefit (i.e. 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

BONANDER V. TOWN OF TIBURON

On December 31, 2009, the 1st District Court of Appeals overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of the Town of Tiburon. The Court invalidated the assessments on the grounds that the assessments had been apportioned to assessed property based in part on relative costs within sub-areas of the assessment district instead of proportional special benefits.

BEUTZ V. COUNTY OF RIVERSIDE

On May 26, 2010 the 4th District Court of Appeals issued a decision on the Steven Beutz v. County of Riverside (“Beutz”) appeal. This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services were not explicitly calculated, quantified and separated from the special benefits.

GOLDEN HILL NEIGHBORHOOD ASSOCIATION V. CITY OF SAN DIEGO

On September 22, 2011, the San Diego Court of Appeals issued a decision on the Golden Hill Neighborhood Association v. City of San Diego appeal. This decision overturned an assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The court described two primary reasons for its decision. First, like in Beutz, the court found the general benefits associated with services were not explicitly calculated, quantified and separated from the special benefits. Second, the court found that the City of San Diego had failed to record the basis for the assessment on its own parcels.

COMPLIANCE WITH CURRENT LAW

This Engineer’s Report is consistent with the requirements of Article XIII C and XIII D of the California Constitution and with the SVTA decision because the Improvements to be funded are clearly defined; the Improvements are directly available to and will directly benefit property in the Assessment Area; and the Improvements provide a direct advantage to property in the Assessment Area that would not be received in absence of the assessments.

This Engineer's Report is consistent with *Beutz, Dahms and Greater Golden Hill* because the Improvements will directly benefit property in the Assessment Area and the general benefits have been explicitly calculated and quantified and excluded from the assessments. The Engineer's Report is consistent with *Bonander* because the assessments have been apportioned based on the overall cost of the Improvements and proportional special benefit to each property.

PLANS & SPECIFICATIONS

INTRODUCTION

The work and Improvements proposed to be undertaken by the City of Hayward and the formation and annexation of the Cadence property to Benefit Zone No. 15 of Landscaping and Lighting Assessment District No. 96-1 and the costs thereof paid from the levy of the annual assessments, will provide special benefit to Assessor Parcels within the Assessment Area as defined in the Method of Assessment herein. Consistent with the Landscaping and Lighting Act of 1972, (the "Act") the work and Improvements are generally described as follows:

Installation, maintenance and servicing of public Improvements, may include, but are not limited to, turf and play areas, landscaping, ground cover, shrubs and trees, irrigation systems, drainage systems, lighting, fencing, signage, sidewalks, curbs and gutters, fencing, masonry walls and soil retaining components, play structure and exercise equipment, benches, trash cans and all other park facilities, graffiti removal and repainting, and labor, materials, supplies, utilities and equipment, as applicable, for the property within the Assessment Area that is owned or maintained by the City of Hayward (the "Improvements"). Any plans and specifications for these Improvements will be filed with the Park Superintendent of the City of Hayward and are incorporated herein by reference.

As applied herein, "Installation" means the construction of park improvements, including but not limited to, land preparation (such as grading, leveling, cutting and filling), sod, landscaping, irrigation systems, sidewalks, drainage, lights, playground and exercise equipment and benches.

"Maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of any improvement, including repair, removal or replacement of all or any part of any improvement; providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury; the removal of trimmings, rubbish, debris, and other solid waste, and the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

"Servicing" means the furnishing of electric current, or energy, gas or other illuminating agent for any public lighting facilities or for the lighting or operation of any other Improvements; or water for the irrigation of any landscaping, or the maintenance of any other Improvements.

DESCRIPTION OF IMPROVEMENTS

Improvements include all work associated to maintain Improvements, landscaping, irrigation and lighting in the Public Park. Such landscaping consists of the care for groundcover, shrubs, trees, weed abatement in planted areas, upkeep and servicing of the irrigation system, and utility costs to service the landscaping. Additionally, to maintain play structure

and exercise equipment, signs, benches, trash receptacles, and all other amenities within the Public Park. Maintenance also includes graffiti removal, renovations and replacements.

SUMMARY FIGURE OF COSTS

The budget depicted in Figures 1, 2, 3 and 4, on the following pages reflects estimated costs for Fiscal Year 2018. As shown on Figure 4, total 2017-18 maintenance costs for the Cadence formation are anticipated to total **\$49,210** equating to **\$238.88** per single family equivalent.

FIGURE 1 – 2018 ANNUAL BUDGETED LANDSCAPING COSTS

Task	Quantity	Units	Annual Maintenance Rate	Annual Maintenance Costs	Annual Replacement Rate	Annual Replacement Costs	Total Costs	Replacement Years	Unit Replacement Costs
Landscaping									
Grass Area (Sod)	4,495	sqft	\$0.75	\$3,371.25	\$0.06	\$266.70	\$3,637.95	15	0.89
Landscaped Area	13,596	sqft	\$0.50	\$6,798.00	\$0.05	\$679.80	\$7,477.80	15	\$0.75
Trees	46	each	\$75.00	\$3,450.00	\$14.00	\$644.00	\$4,094.00	25	\$350.00
Chipping	1	ls	\$1,000.00	\$1,000.00	\$0.00	\$0.00	\$1,000.00	0	\$0.00
Soil	1	ls	\$1,000.00	\$1,000.00	\$0.00	\$0.00	\$1,000.00	0	\$0.00
Irrigation System	1	ls	\$2,000.00	\$2,000.00	\$2,555.95	\$2,555.95	\$4,555.95	20	\$51,119.00
Sub Totals:				\$17,619.25		\$4,146.45	\$21,765.70		
Total Annual Costs:							\$21,765.70		

FIGURE 2 – 2018 ANNUAL BUDGETED HARDSCAPE COSTS

Task	Quantity	Units	Annual Maintenance Rate	Annual Maintenance Costs	Annual Replacement Rate	Annual Replacement Costs	Total Costs	Replacement Years	Unit Replacement Costs
Paving & Lights									
Concrete Walkway	3,874	sqft	\$0.05	\$193.70	\$0.02	\$77.48	\$271.18	50	\$1.00
Paving	3,349	sqft	\$0.05	\$167.45	\$0.02	\$66.98	\$234.43	50	\$1.00
Rubberized Play Surface	1400	sqft	\$0.05	\$70.00	\$1.25	\$1,750.00	\$1,820.00	10	\$12.50
Park Lights (includes power)	28	each	\$180.00	\$5,040.00	\$0.00	\$0.00	\$5,040.00	25	\$500.00
Park Improvements									
Picnic Tables	4	each	\$50.00	\$200.00	\$65.67	\$262.67	\$462.67	15	\$985.00
On-grade Benches	6	each	\$50.00	\$300.00	\$56.67	\$340.00	\$640.00	15	\$850.00
Trash Cans	15	each	\$25.00	\$375.00	\$7.50	\$112.50	\$487.50	10	\$75.00
Park Signs	2	each	\$50.00	\$100.00	\$16.67	\$33.33	\$133.33	15	\$250.00
Play Structure	1	ls	\$100.00	\$100.00	\$1,466.67	\$1,466.67	\$1,566.67	15	\$22,000.00
Play Equipment	1	ls	\$1,000.00	\$1,000.00	\$1,013.33	\$1,013.33	\$2,013.33	15	\$15,200.00
Graffiti Removal	1	ls	\$1,000.00	\$1,000.00	\$0.00	\$0.00	\$1,000.00		
Subtotals				\$8,546.15		\$5,122.96	\$13,669.11		
Total Annual Costs:							\$13,669.11		

FIGURE 3 – 2018 ANNUAL BUDGETED MANAGEMENT OTHER COSTS

Task	Quantity	Units	Annual Rate	Annual Costs	Total Costs
Utilities and Administration					
Water	742	HCF	\$6.00	\$4,452.22	\$4,452.22
District Management	1	ls	\$5,000.00	\$5,000.00	\$5,000.00
Engineer's Report	1	ls	\$3,500.00	\$3,500.00	\$3,500.00
Subtotals				\$12,952.22	\$12,952.22
Total Annual Costs:					\$12,952.22

FISCAL YEAR 2018 ESTIMATE OF COST AND BUDGET

FIGURE 4 – 2018 COST ESTIMATE

City of Hayward - Cadence Landscaping and Lighting District No. 96-01, Benefit Zone No. 15 Estimate of cost Fiscal Year 2017-18				
				<i>Total Budget</i>
Total Costs				
Total Annual Landscaping Costs (From Table 1)				\$21,766
Total Annual Hardscape and Other Costs (From Table 2)				\$13,669
Total Annual Management Costs (From Table 3)				\$12,952
County Collection Fee (1.7%)				<u>\$823</u>
Total Maintenance and Servicing and Related Expenditures				\$49,210
Total Maintenance and Servicing and Related Expenditures and Incidentals				
(Net Amount to be Assessed: Annual Costs - Existing Funds)				\$49,210
Budget Allocation to Property				
	Number of Units	Total SFE Units	Assessment per SFE	Total Assessment
	206	206	\$238.88	\$49,210

METHOD OF ASSESSMENT APPORTIONMENT

METHOD OF APPORTIONMENT

This section of the Engineer's Report includes an explanation of the benefits to be derived from the installation, maintenance and servicing of Improvements and landscaping for the Assessment Area and the methodology used to apportion the total assessment to the properties within the Assessment Area.

The method used for apportioning the assessment is based upon the relative special benefits to be derived by the properties in the Assessment Area over and above general benefits conferred on real property or to the public at large. The assessment is apportioned to lots and parcels in proportion to the relative cost of the special benefits from the Improvements. Special benefit is calculated for each parcel in the Assessment Area using the following process:

1. Identification of all benefit factors derived from the Improvements
2. Calculation of the proportion of these benefits that are general
3. Determination of the relative special benefit per property type
4. Calculation of the specific assessment for each individual parcel based upon special vs. general benefit; location, property type, property characteristics, improvements on property and other supporting attributes

The Assessment Area parcels proposed for annexation to Benefit Zone No. 15 of the Landscaping and Lighting Assessment District No. 96-1 consist of all Assessor Parcels within the boundaries as defined by the Assessment Diagram included within this Report and the Assessor Parcel Numbers listed within the included Assessment Roll. The method used for apportioning the assessments is based upon the proportional special benefits to be derived by the Assessment Area properties in Benefit Zone No. 15, over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two-step process: the first step is to identify the types of special benefit arising from the Improvements, and the second step is to allocate the assessments to property based on the estimated relative special benefit for each type of property.

DISCUSSION OF BENEFIT

In summary, the assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. With reference to the requirements for assessments, Section 22573 of the Landscaping and Lighting Act of 1972 states:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the Improvements."

Proposition 218, as codified in Article XIID of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

In this case, the recent the SVTA v. SCCOSA decision provides enhanced clarity to the definition of special benefits to properties from similar public improvements in three distinct areas:

- Proximity
- Expanded or improved access
- Views

The SVTA v. SCCOSA decision also clarifies that a special benefit is a service or improvement that provides a direct advantage to a parcel, and that indirect or derivative advantages resulting from the overall public benefits from a service or improvement are general benefits. The SVTA v. SCCOSA decision also provides specific guidance that park improvements are a direct advantage and special benefit to property that is proximate to a park that is improved by an assessment:

The characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement (e.g. proximity to a park) or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g. general enhancement of the district's property values).

Proximity, improved access and views, in addition to the other special benefits listed herein further strengthen the basis of these assessments.

The following benefit categories summarize the types of special benefit to residential and other lots and parcels resulting from installation, maintenance and servicing of landscaping, irrigation, sidewalks, signs, lights and other park improvements to be provided with the assessment proceeds. These categories of special benefit are derived from the statutes passed by the California Legislature and studies which describe the types of special benefit received by property from maintenance and improvements such as those proposed by the City of Hayward for the formation and annexation of Benefit Zone No. 15 of the Landscaping and Lighting Assessment District No. 96-1. These types of special benefit are summarized as follows:

- A. Improved access to landscaped areas and other permanent public improvements such as the Public Park and perimeter landscaping.
- B. Proximity to improved landscaped areas and other permanent public improvements
- C. Improved Views.
- D. Extension of a property's outdoor areas and Landscaped Areas for properties within close proximity to the Improvements.
- E. Creation of individual lots for residential use that, in absence of the assessments, would not have been created.

The above benefit factors, when applied to property in the Assessment Area, specifically increase the utility and usefulness of the property within the Assessment Area. For example, the assessments will provide funding to improve and maintain the Public Park and the landscaping within the park. Such improved and well-maintained park amenities and landscaping enhances the overall quality, desirability, utility and safety of the properties.

GENERAL VERSUS SPECIAL BENEFIT

Article XIID, Section 4(a) of the California Constitution requires any local agency proposing to increase or impose a benefit assessment to “separate the general benefits from the special benefits conferred on a parcel.” The rationale for separating special and general benefits is to ensure that property owners subject to the benefit assessment are not paying for general benefits. Property may be assessed to fund improvements to the extent of the special benefits conferred by the Improvements; but general benefits are not assessable. Accordingly, a separate estimate of the special and general benefit is given in this section.

Article XIID never defines the term “general benefit.” The definition of special benefit in Section 2(i) includes the statement that general enhancement of property value does not constitute special benefit. General benefit may be described as “an indirect, derivative advantage” resulting from the improvements. One infers from Article XIID that all benefit is either general or special.

In other words:

Total Benefit	=	General Benefit	+	Special Benefit
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There is no widely-accepted or statutory formula for quantifying the amount of any general benefit that is identified.

In this Report, the general benefit is first identified, generously estimated, and then budgeted so that it is funded, as required by Proposition 218, by sources other than the Cadence Assessment.

The starting point for evaluating general and special benefits is the current, baseline level of service, which is funded primarily by the City. The proposed Assessment will fund Improvements “over and above” this general, baseline level and the general benefits estimated in this section are over and above the baseline.

A formula to estimate the general benefit is listed below:

General Benefit	=	Benefit to Real Property Outside the Assessment District	+	Benefit to Real Property Inside the Assessment District that is Indirect and Derivative	+	Benefit to the Public at Large
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Special benefit, on the other hand, is defined in the California constitution as “a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large.” A special benefit is conferred to a property if the property “receives a direct advantage from the improvement (e.g., proximity to setback landscaping).” In this proposed formation, as noted, properties in the Assessment Area have close and unique proximity, views of and access to the Improvements, and uniquely improved utility and desirability from the Improvements, and other properties and the public at large do not receive such benefits because they do not have proximity, access to or views of the Improvements. Therefore, the overwhelming proportion of the benefits conferred to property is special, and only minimal general benefit is conferred on property outside the Assessment Area or to the public at large.

In the 2010 *Beutz* case, the 4th Appellate Court rejected an assessment for parks in large part because the general benefits were not calculated and quantified. In its decision, the 4th Appellate Court suggests that the use of parks in an assessment district by people who live outside of the district likely is a general benefit. This Engineer’s Report includes a specific, quantified calculation of general benefits, as described below, that is based in part on such use by people outside of the Assessment Area. Moreover, the proportionality of the Assessments to the special benefits conferred on each parcel, based in large part on proximity, is established as well. Therefore, the Assessments and this Engineer’s Report are consistent with the *Beutz* decision.

CALCULATING GENERAL BENEFIT AND SPECIAL BENEFIT PAID FROM OTHER FUNDS

In this section, the general benefit not paid from the assessment, which must be paid from other funds, are conservatively estimated and described, and then budgeted so that it is funded by sources other than this Assessment.

BENEFIT TO PROPERTY OUTSIDE THE PROPOSED ASSESSMENT AREA

In summary, real property located within the boundaries of the Assessment Area distinctly and directly benefit from closer proximity, access and views of the Improvements funded by the Assessments, the creation of developable parcels, and from the extension of usable land area provided by the assessments. The Improvements are specifically designed to serve local properties in the Assessment Area, not other properties nor the public at large. The Assessment Area has been narrowly drawn to include those parcels that receive a direct advantage from the Improvements. The public at large and other properties outside the Assessment Area receive only limited benefits from the Improvements because they do not have proximity, good access or views of the Improvements. These are special benefits to property in the Assessment Area in much the same way that sewer and water facilities, sidewalks and paved streets enhance the utility and desirability of specific proximate properties and make them more functional to use, safer and easier to access.

Properties within the proposed Assessment Area receive almost all of the special benefits from the Improvements, because properties in the Assessment Area enjoy unique and close proximity and access to the Improvements that are enjoyed less by other properties or the public at large. The Public Park and landscaping Improvements are specifically designed to benefit the properties in the Assessment Area.

Furthermore, there are multiple, proximate parks and other improvements outside of the Assessment Area, funded by other sources, that provide most of the park and landscaping benefits to nearby parcels that are outside of the Assessment Area.

For example:

- The large Tennyson Park on W Tennyson Rd and Huntwood Ave is 0.8 miles away from the Assessment Area and provides a wide variety of park improvements at a higher service level than the Public Park.
- The small Valle Vista Park on Valle Vista Avenue is only 0.2 miles away from the Assessment Area. While this park provides similar improvements, it also has a higher level of accessibility than the Public Park.
- Currently under construction, the new La Vista Park is just 0.3 miles east of the Assessment Area and provides a wide variety of park Improvements at a higher service level than the Public Park.

In other words, the Public Park and landscaping Improvements maintained by the proposed Assessments specially benefit the properties within the Assessment Area but other nearby improvements primarily benefit other proximate properties.

Nonetheless, there are certain properties that are outside the boundaries of the Assessment Area that may benefit from the improvements of the Public Park. This includes a 151-unit, low income and senior apartment development directly adjacent to the Assessment Area as well as 30 condo-units along Mariners Court. A total of 181 proximate units have been

identified that receive some special benefit from the proposed improvements including improved views, proximity and/or access, but most units do not receive extension of outdoor space and none receive special benefit of parcel creation. Since these adjacent units only receive 3 of the 5 major special benefits, a 60% factor is applied.

TOTAL GENERAL BENEFIT TO PROPERTIES OUTSIDE OF THE DISTRICT = 28.1%

Assumptions:

181 parcels outside and adjacent to the District

206 units in the Assessment Area

Calculation

General Benefit to Property outside the Improvement District=

$(181/(181+206)) * 60\% = 28.1\%$

Although it can reasonably be argued that Improvements inside, but near the Assessment Area Boundaries are offset by similar park and recreational improvements provided outside, we use the more generous approach of finding that 28.1% of the Improvements may be of benefit to property outside of the Assessment Area.

BENEFIT TO PROPERTY INSIDE THE DISTRICT THAT IS INDIRECT AND DERIVATIVE

The “indirect and derivative” benefit to property within the District is particularly difficult to calculate. A solid argument can be presented that all benefit within the Assessment District is special, because the Improvements are clearly “over and above” and “particular and distinct” when compared with the baseline level of service and the unique proximity, access and views of the Improvements enjoyed by benefiting properties in the Districts.

Nevertheless, the SVTA decision indicates there may be general benefit “conferred on real property located in the district.” A measure of the general benefits to property within the District is the percentage of land area within the District that is publicly owned, open to the public, and used for regional purposes such as major roads, rail lines, hospitals, and other regional facilities because such properties, while physically within the District, are used for regional purposes and could provide indirect benefits to the public at large. In this case, essentially 0% of the land area is used for such regional purposes.

BENEFIT TO THE PUBLIC AT LARGE

The general benefit to the public at large can be estimated by the proportionate amount of time that the Assessment Area’s park and recreational facilities are used and enjoyed by individuals who are not residents, employees, customers or property owners in the Assessment Area. Based on surveys and research conducted by SCI, in which visitors to similar parks; at various times of the day, evening, and week; were asked to look at a District map and to identify whether they lived or worked within the park’s District, less than 5% of the use of similar parks and recreation areas is by the public at large. When people outside the Assessment Area use parks, they diminish the availability of parks for people within the

Assessment Area. Therefore, another 5% of general benefits are allocated for people within the Assessment Area. Combining these two elements of general benefit, we find that 10% of the benefits from the Improvements are general benefits to the public at large.

TOTAL GENERAL BENEFITS TO BE FINANCIALLY CONTRIBUTED FROM OTHER FUNDS IS 38.1%

Using a sum of these three measures of general benefit, we find that approximately 38.1% of the benefits conferred by the Improvements may be general in nature and should be funded by sources other than the Assessments.

General Benefit Paid From Other Funds =

$$\begin{aligned} & 28.1\% \text{ (Outside the district)} \\ + & 0.0\% \text{ (Inside the district - indirect and derivative)} \\ + & 10.0\% \text{ (Public at Large)} \\ = & 38.1\% \text{ (Total General Benefit and Special Benefit paid from other funds)} \end{aligned}$$

Although this analysis finds that 38.1% of the Assessment may provide general benefits and special benefit that would need to be paid from funds other than the assessment, the Assessment Engineer establishes a requirement for a minimum contribution from sources other than the Assessments rounded up to 40.0%. This additional allocation above the measure of general benefits will serve to provide additional coverage for any other general benefits.

SOURCE OF FINANCIAL CONTRIBUTIONS FROM OTHER FUNDS TO SATISFY THE 40% REQUIREMENT

The general benefit contribution is paid in part from other “in-kind” contributions from the City in the form of infrastructure critical to the continued maintenance of the Assessment Area Improvements, as described below. Also, general benefit contributions come from the “annuity” value of the improvements that were constructed by the developer.

The City of Hayward owns, maintains, rehabilitates and replaces the curb and gutter along the border of the Assessment Area. This curb and gutter serves to support, contain, retain, manage irrigation flow and growth, and provide a boundary for the Improvements. The contribution from the City of Hayward toward general benefit from the maintenance, rehabilitation, and replacement of the curb and gutter is conservatively estimated to be 10%, based upon the relative cost to construct and maintain this critical local infrastructure. In others words, if the Assessment Area were required to construct and maintain the local curb and gutter, the budget would increase by at least 10%.

The City of Hayward owns and maintains a storm drainage system along the border of the Assessment Area. This system serves to prevent flooding and associated damage to the Improvements, and manage urban runoff including local pollutants loading from the Improvements. The contribution from the City of Hayward toward general benefit from the

maintenance, rehabilitation, and replacement of the local storm drainage system is conservatively estimated to be 10%, based upon the relative cost to construct and maintain this critical local infrastructure. In others words, if the Assessment Area were required to construct and maintain the local storm drainage system, the budget would increase by at least 10%.

The City of Hayward owns and maintains local public streets throughout the Assessment Area. These public streets provide access to the Improvements for its enjoyment as well as efficient maintenance. The contribution from the City of Hayward toward general benefit from the maintenance, rehabilitation, and replacement of the local public streets is conservatively estimated to be 10%, based upon the relative cost to construct and maintain this critical local infrastructure. In others words, if the Assessment Area were required to construct and maintain the local public streets, the budget would increase by at least 10%.

The value of the initial Improvements constructed by the Developer can be quantified and monetized as an annuity to be amortized. Since the initial Improvements were performed and paid for by non-assessment funds, this “annuity” can be used to offset general benefit costs, and is conservatively estimated to contribute 20%. In others words, if the Assessment Area were required to construct all the Improvements, the annual budget would increase by at least 20%.

Source of Financial Contributions from Other Funds to Satisfy 40% Requirement

10.0% (Curb and gutter)
+ 10.0% (Storm drainage system)
+ 10.0% (Public roads)
+ 20.0% (Amortized value of initial construction)

= 50.0% (Total General Benefit paid from other funds)

In other words, the formation requires 40% contribution to offset the general benefits conferred by the Improvements, and there is a 50% contribution from City of Hayward supporting local infrastructure, along with the amortized value of initial construction. This 50% contribution more than satisfies the general benefit requirements.

ZONES OF BENEFIT

The boundaries of the Assessment Area have been carefully drawn to only include the properties in Assessment Area that are proximate to the proposed Improvements and that would materially benefit from the Improvements. Certain other properties surrounding and outside the Assessment Area were excluded from the proposed Assessment Area because these properties are generally less proximate to the Improvements and/or they do not enjoy the same access.

Within the Assessment Area, zones of benefit are not justified or needed because the Improvements are provided relatively evenly across the entire area and for the one residential parcel. The multi-family residential structure has limited access points so the proximity to the improvements is relatively uniform for all units. If the parcel is sub-divided in the future, an analysis of potential zones of benefit may be appropriate. At this time, as a single parcel development, zones of benefit are not justified.

ASSESSMENT APPORTIONMENT

The assessments are apportioned among all lots and parcels within the Assessment Area on the basis of Single Family Equivalent (SFE). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. For the purposes of this Engineer's Report, all properties are designated an SFE value, which is each property's relative benefit in relation to a single family home on one parcel. The "benchmark" property is the single family detached dwelling which is equal to one Single Family Equivalent benefit factor.

The Cadence property is a multi-family residential development project consisting of 206 units. Each unit receives similar benefit from the proposed improvements. Therefore, the Engineer has determined that the appropriate method of apportionment of the benefits derived by all residential parcels is on an equivalent dwelling unit basis.

RESIDENTIAL PROPERTIES

All improved residential properties that represent a single residential dwelling units are assigned 1.0 SFE.

VACANT RESIDENTIAL

It is the Engineer's determination that approximately 30% of the benefit from the Improvements flows to the underlying land, and approximately 70% of the benefit flows to the improvements made to each parcel. Therefore, vacant residential land is assigned 0.30 SFE per parcel, until the parcel is improved.

OTHER PROPERTIES

There are no other property uses (other than vacant and residential) planned for the Assessment Area. If properties are developed in the future with other property uses, (i.e. commercial, agriculture, etc.), the engineer will individually calculate the associated special benefit for those properties at that time.

INITIATION OF ASSESSMENT ON PARCELS

Full benefit units will be assigned to all mapped and unmapped properties in the Assessment Area after the Improvements are installed, and costs are incurred by the Assessment Area.

ASSESSMENT

WHEREAS, the City Council of the City of Hayward, County of Alameda, California, pursuant to the provisions of the Landscaping and Lighting Act of 1972 and Article XIID of the California Constitution (collectively “the Act”), adopted its Resolution Initiating Proceedings for the formation and annexation of Cadence property to Benefit Zone No. 15 of the Landscaping and Lighting Assessment District No. 96-1;

WHEREAS, said Resolution directed the undersigned Engineer of Work to prepare and file a report presenting an estimate of costs, a diagram for the Assessment Area and an assessment of the estimated costs of the improvements upon all assessable parcels within the Assessment Area, to which Resolution and the description of said proposed improvements therein contained, reference is hereby made for further particulars;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Act and the order of the City Council of the City of Hayward, hereby make the following assessments to cover the portion of the estimated cost of Improvements, and the costs and expenses incidental thereto to be paid by the Assessment Area.

WHEREAS, the undersigned Engineer of Work has prepared and filed a report presenting an estimate of costs, a diagram for the Assessment Area and an assessment of the estimated costs of the improvements upon all assessable parcels within the Assessment Area;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Act and the order of the City Council of the City of Hayward, County of Alameda, California, hereby make the following assessment to cover the portion of the estimated cost of the Improvements, and the costs and expenses incidental thereto to be paid by the Assessment Area.

The amount to be paid for Improvements and expenses incidental thereto, that are to be paid by the formation of Benefit Zone No. 15 of the Landscaping and Lighting Assessment District No. 96-1, for the Fiscal Year 2018, are detailed below.

FIGURE 5 – SUMMARY COST ESTIMATE FOR BENEFIT ZONE NO. 15 FOR FISCAL YEAR 2018

Budget Item	Cost
Total Annual Costs	\$48,387
Incidentals	\$823
Total Budget	\$49,210

As required by the Act, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of said Cadence Assessment Area. The distinctive number of each parcel or lot of land in said property proposed for formation into existing Landscaping and Lighting Assessment District No. 96-1, is its Assessor Parcel Number appearing on the Assessment Roll.

And I do hereby assess and apportion said net amount of the cost and expenses of the Improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within said Cadence Assessment Area, in accordance with the special benefits to be received by each parcel or lot from the improvements, and more particularly set forth in the Cost Estimate and Method of Assessment hereto attached and by reference made a part hereof.

The assessments are made upon the parcels or lots of land within Cadence Assessment Area, in proportion to the special benefits to be received by the parcels or lots of land, from the Improvements.

The assessments are subject to an annual adjustment tied to the Consumer Price Index for the San Francisco Bay Area as of December of each succeeding year, with the maximum annual adjustment not to exceed 3%. In the event that the annual change in the CPI exceeds 3%, any percentage change in excess of 3% can be cumulatively reserved and can be added to the annual change in the CPI for years in which the CPI change is less than 3%.

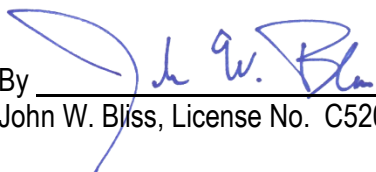
Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Alameda for the fiscal year 2018. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of the County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2018 for each parcel or lot of land within said Landscaping and Lighting Assessment District No. 96-1.

Dated: November 17, 2016

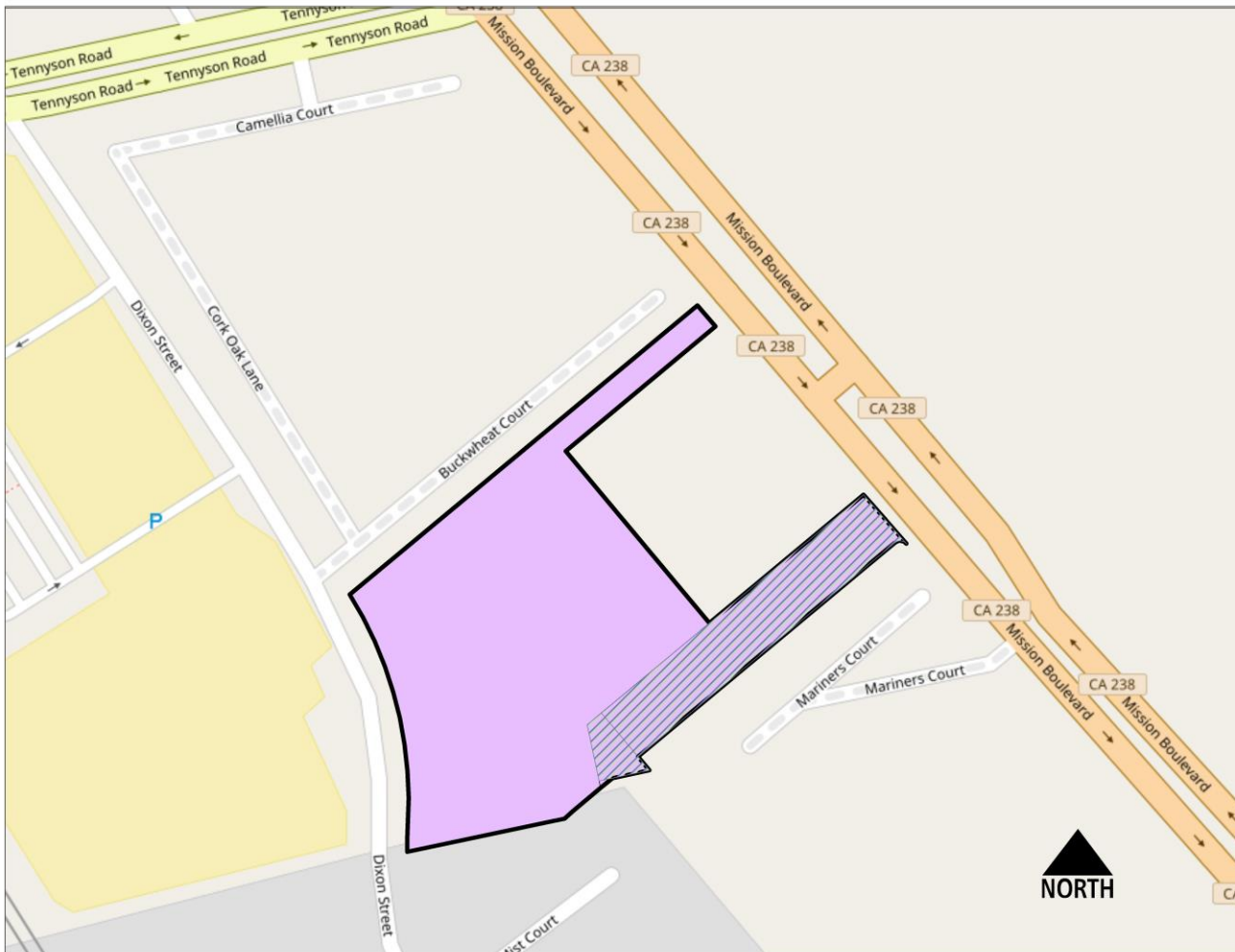


Engineer of Work

By 
John W. Bliss, License No. C52091

ASSESSMENT DIAGRAM

The boundaries of the Cadence Assessment Area proposed to be included in Benefit Zone No. 15 of Landscaping and Lighting Assessment District No. 96-1 is displayed on the following Assessment Diagram.



Note: REFERENCE IS HEREBY MADE TO THE MAPS AND DEEDS OF RECORD IN THE OFFICE OF THE ASSESSOR OF THE COUNTY OF ALAMEDA FOR A DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF ANY PARCELS SHOWN HEREIN.

SCI Consulting Group
4745 Mangels Boulevard
Fairfield, CA 94534

FILED IN THE OFFICE OF THE CLERK OF THE COUNCIL,
CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA,
THIS ____ DAY OF _____, 2017.

CLERK OF THE COUNCIL, CITY OF HAYWARD

RECORDED IN THE OFFICE OF THE CLERK OF THE COUNCIL,
CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA,
THIS ____ DAY OF _____, 2017.

CLERK OF THE COUNCIL, CITY OF HAYWARD

AN ASSESSMENT WAS CONFIRMED AND LEVIED BY THE
CITY COUNCIL, CITY OF HAYWARD, COUNTY OF SOLANO,
CALIFORNIA, ON THE LOTS, PIECES AND PARCELS OF
LAND ON THIS ASSESSMENT DIAGRAM ON THE ____
DAY OF _____, 2017 FOR FISCAL YEAR 2017-18 AND
SAID ASSESSMENT DIAGRAM AND THE ASSESSMENT ROLL
FOR SAID FISCAL YEAR WERE FILED IN THE OFFICE OF
THE COUNTY AUDITOR OF THE COUNTY OF ALAMEDA ON
THE ____ DAY OF _____, 2017.

REFERENCE IS HEREBY MADE TO SAID RECORDED
ASSESSMENT ROLL FOR THE EXACT AMOUNT OF
EACH ASSESSMENT LEVIED AGAINST EACH
PARCEL OF LAND.

CLERK OF THE COUNCIL, CITY OF HAYWARD

-  Benefit Zone No.15
-  Public Park

CITY OF HAYWARD
LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT 96-1
BENEFIT ZONE NO. 15
ASSESSMENT DIAGRAM

ASSESSMENT ROLL

An Assessment Roll (a listing of all parcels assessed within the Assessment Area and the amount of the assessment) is shown below.

Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference made part of this Report. These records shall govern for all details concerning the description of the lots or parcels.

Parcel	Owner	Developed Property Assessment
078C-0441-001-23	City of Hayward	\$0.00
078C-0441-001-32	City of Hayward	\$0.00
078C-0801-001-00	AMCAL HAYWARD LLC	\$49,209.62
	Totals	\$49,209.62

Note: The assessments listed above indicate amounts *at buildout* and are based on the developed property rate of \$238.88 per Single Family Equivalent (SFE).

This is the maximum, proposed rates that shall be levied for all proposed or actual dwelling units on improved and unimproved property in the Assessment District. Such assessments shall be levied for all proposed or actual dwelling units and unimproved property in the Assessment Districts, as increased annually by the CPI adjustment.



CITY OF HAYWARD

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

File #: CONS 16-739

DATE: December 6, 2016

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Resignation of Isyanelly Gonzalez from the Hayward Youth Commission and Appointment of Kobe Shelby to fulfill Ms. Gonzalez's unexpired term

RECOMMENDATION

That the City Council accepts the resignation of Ms. Isyanelly Gonzalez from the Hayward Youth Commission and adopts a resolution appointing Mr. Kobe Shelby to fulfill Ms. Gonzalez's unexpired term.

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution
Attachment III Resignation Letter



DATE: December 6, 2016
TO: Mayor and City Council
FROM: City Clerk
SUBJECT

Resignation of Ms. Isyanelly Gonzalez from the Hayward Youth Commission and Appointment of Mr. Kobe Shelby to Fulfill Ms. Gonzalez's Unexpired Term

RECOMMENDATION

That the City Council accepts the resignation of Ms. Isyanelly Gonzalez from the Hayward Youth Commission and adopts a resolution appointing Mr. Kobe Shelby to fulfill Ms. Gonzalez's unexpired term.

BACKGROUND

Ms. Gonzalez was appointed to the Hayward Youth Commission on June 25, 2013. Her resignation became effective per her resignation letter (Attachment III). Mr. Shelby will be selected from the Hayward Youth Commission Alternate List to fill Ms. Gonzalez's term, which will expire June 30, 2017.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Council Member _____

RESOLUTION ACCEPTING THE RESIGNATION OF ISYANELLY GONZALEZ FROM THE HAYWARD YOUTH COMMISSION AND APPOINTING KOBE SHELBY TO FULFILL ISYANELLY GONZALEZ'S TERM

WHEREAS, Ms. Isyanelly Gonzalez was appointed to the Hayward Youth Commission on June 25, 2013,

WHEREAS, the City Council hereby accepts the resignation of Isyanelly Gonzalez from the Hayward Youth Commission; and commends her for her civic service to the City,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Mr. Kobe Shelby will be selected from the Hayward Youth Commission Alternate List to fill Ms. Isyanelly Gonzalez's term, which will expire June 30, 2017.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2016.

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

-----Original Message-----

From: Isyanelli Gonzalez

Sent: Thursday, November 10, 2016 1:59 PM

To: Miriam Lens <Miriam.Lens@hayward-ca.gov>

Subject: Hayward youth commission

Hello

I would like to let the Hayward youth commission advisors and the city council that I am no longer going to be able to attend the youth commission due to other commitments such as school and work.

Thank you



CITY OF HAYWARD

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

File #: CONS 16-743

DATE: December 6, 2016

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Resolution Acknowledging Receipt of Canvass of the Special Municipal Election Held November 8, 2016, and Declaring the Results Thereof

RECOMMENDATION

That the City Council adopts the resolution acknowledging receipt of the Official Canvass of the Special Municipal Election held November 8, 2016, for Measure EE - Cannabis Transaction and Use Tax.

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution
Attachment III Exhibit A



DATE: December 6, 2016
TO: Mayor and City Council
FROM: City Clerk
SUBJECT

Resolution Acknowledging Receipt of Canvass of the Special Municipal Election Held November 8, 2016, and Declaring the Results Thereof.

RECOMMENDATION

That the City Council adopts the resolution acknowledging receipt of the Official Canvass of the Special Municipal Election held November 8, 2016, for Measure EE - Cannabis Transaction and Use Tax.

BACKGROUND AND DISCUSSION

In accordance with the provisions of California Elections Code Section 10260 and directed by [City Resolution 16-154](#) of the City Council, the Alameda County Registrar of Voters, Tim Dupuis, has completed the official canvass of returns of the Special Municipal Election, which was consolidated with the Statewide Presidential Election. The Certificate of Election Results and a copy of the Official Canvass are included as Exhibit A of the Resolution.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION No. 16-

Introduced by Council Member _____

RESOLUTION ACKNOWLEDGING RECEIPT OF CANVASS
BY THE CITY CLERK OF THE SPECIAL MUNICIPAL
ELECTION HELD NOVEMBER 8, 2016, AND DECLARING THE
RESULTS THEREOF

WHEREAS, on November 8, 2016, a Special Municipal Election was duly held pursuant to law in the City of Hayward; and

WHEREAS, by Resolution No. 16-154 the canvass of the returns of the General Municipal Election was authorized to be made by the Alameda County Registrar of Voters; and

WHEREAS, the City Clerk has canvassed the returns and has certified the results thereof to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Council does hereby acknowledge receipt from the City Clerk of her certification of the canvass and hereby declares the results of the canvass as follows:

1. The total number of ballots cast in the General Municipal Election was 48,684 ballots.
2. At said election Measure EE, a ballot measure relating to the Cannabis Transaction and Use Tax, was voted on and approved by the electorate. Votes in favor of the Measure totaled 26,729. Votes opposed to the Measure totaled 17,357, as set forth in the certification of the Alameda County Registrar of Voters, attached hereto as Exhibit A.
3. The City Clerk is hereby authorized and directed to enter a copy of this resolution with appropriate other entries upon the minutes of this City Council as a statement of the results of the election.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2016

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



REGISTRAR OF VOTERS

ALAMEDA COUNTY • CALIFORNIA

EXHIBIT A

TIM DUPUIS
REGISTRAR OF VOTERS

CYNTHIA CORNEJO
DEPUTY REGISTRAR OF VOTERS

November 23, 2016

Miriam Lens, City Clerk
City of Hayward
777 B Street
Hayward, CA 94541

Dear Ms. Lens:

Enclosed is the Certificate of Election Results and a copy of the Official Canvass for the City of Hayward at the General Election held on Tuesday, November 8, 2016.

If you have any questions, please contact me at (510) 272-6933.

Sincerely,

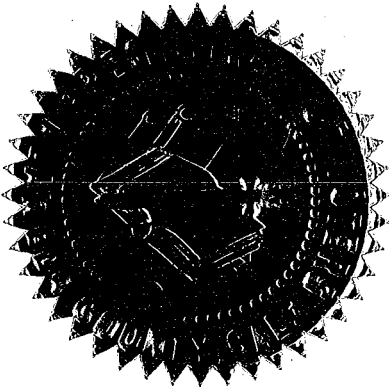
Tim Dupuis
Registrar of Voters
Alameda County

Enclosures

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of Hayward** at the General Election held on Tuesday, **November 8, 2016**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for and against **Measure EE**.

I hereby set my hand and my official seal this **23rd** day of **November 2016**.



A handwritten signature in black ink, appearing to read "Tim Dupuis", written over a horizontal line.

TIM DUPUIS
Registrar of Voters
Alameda County
State of California

**ALAMEDA COUNTY Statement of Vote
GENERAL ELECTION**

NON-PARTISAN MEASURE EE - CITY OF HAYWARD

	Registration	Ballots Cast	Turnout (%)		MEASURE EE - CITY OF HAYWARD													
					YES	NO	Under Vote	Over Vote										
420500 - Vote by Mail Reporting	1196	455	38.04		260	144	43	0										
420500 - Election Day Reporting	1196	283	23.66		139	110	34	0										
420600 - Vote by Mail Reporting	1441	710	49.27		420	250	38	0										
420600 - Election Day Reporting	1441	316	21.93		173	95	48	0										
420700 - Vote by Mail Reporting	970	442	45.57		236	173	30	1										
420700 - Election Day Reporting	970	253	26.08		135	92	26	0										
420900 - Vote by Mail Reporting	740	312	42.16		168	126	14	0										
420900 - Election Day Reporting	740	210	28.38		103	74	29	0										
421000 - Vote by Mail Reporting	544	238	43.75		140	76	17	0										
421000 - Election Day Reporting	544	141	25.92		76	52	11	0										
421100 - Vote by Mail Reporting	1075	441	41.02		249	161	27	0										
421100 - Election Day Reporting	1075	260	24.19		133	98	29	0										
421200 - Vote by Mail Reporting	756	324	42.86		206	99	13	0										
421200 - Election Day Reporting	756	225	29.76		128	77	19	0										
421300 - Vote by Mail Reporting	868	380	43.78		212	142	23	1										
421300 - Election Day Reporting	868	247	28.46		127	84	37	0										
421400 - Vote by Mail Reporting	1369	543	39.66		299	206	33	1										
421400 - Election Day Reporting	1369	390	28.49		190	149	51	0										
421510 - Vote by Mail Reporting	1126	446	39.61		257	157	25	0										
421510 - Election Day Reporting	1126	279	24.78		138	116	25	0										
421700 - Vote by Mail Reporting	1623	746	45.96		406	279	50	1										
421700 - Election Day Reporting	1623	368	22.67		178	150	40	1										
421900 - Vote by Mail Reporting	1492	492	32.98		254	193	34	0										
421900 - Election Day Reporting	1492	385	25.80		183	148	52	0										
422000 - Vote by Mail Reporting	1198	573	47.83		335	201	31	0										
422000 - Election Day Reporting	1198	324	27.05		169	116	39	0										
422100 - Vote by Mail Reporting	1341	651	48.55		392	214	37	0										
422100 - Election Day Reporting	1341	367	27.37		183	129	53	0										
422300 - Vote by Mail Reporting	1580	657	41.58		384	226	42	0										
422300 - Election Day Reporting	1580	415	26.27		209	153	51	0										
422600 - Vote by Mail Reporting	1780	700	39.33		387	264	35	0										
422600 - Election Day Reporting	1780	489	27.47		244	169	74	0										
422700 - Vote by Mail Reporting	1276	575	45.06		294	234	37	0										
422700 - Election Day Reporting	1276	295	23.12		149	116	31	0										
422810 - Vote by Mail Reporting	1058	444	41.97		230	175	31	0										
422810 - Election Day Reporting	1058	287	27.13		151	84	47	1										
422900 - Vote by Mail Reporting	1270	567	44.65		322	198	42	0										
422900 - Election Day Reporting	1270	333	26.22		169	121	43	0										
422910 - Vote by Mail Reporting	1619	692	42.74		371	257	44	0										
422910 - Election Day Reporting	1619	403	24.89		214	127	60	1										
422920 - Vote by Mail Reporting	1130	518	45.84		317	131	55	1										
422920 - Election Day Reporting	1130	317	28.05		166	103	47	0										
423000 - Vote by Mail Reporting	1042	413	39.64		222	164	21	0										
423000 - Election Day Reporting	1042	238	22.84		128	89	22	0										
423100 - Vote by Mail Reporting	1023	462	45.16		257	170	27	0										
423100 - Election Day Reporting	1023	246	24.05		138	85	22	0										
423400 - Vote by Mail Reporting	877	346	39.45		211	107	26	0										
423400 - Election Day Reporting	877	217	24.74		112	74	30	0										
423500 - Vote by Mail Reporting	654	325	49.69		175	131	15	0										
423500 - Election Day Reporting	654	141	21.56		70	57	15	0										
423600 - Vote by Mail Reporting	700	340	48.57		187	117	27	0										
423600 - Election Day Reporting	700	194	27.71		87	74	33	0										
423610 - Vote by Mail Reporting	1664	730	43.87		417	255	46	1										
423610 - Election Day Reporting	1664	449	26.98		199	182	68	1										
423710 - Vote by Mail Reporting	1108	509	45.94		275	188	38	0										
423710 - Election Day Reporting	1108	265	23.92		151	84	32	0										
424000 - Vote by Mail Reporting	1513	664	43.89		379	251	23	0										
424000 - Election Day Reporting	1513	424	28.02		217	160	37	0										
424100 - Vote by Mail Reporting	753	347	46.08		208	114	18	0										

**ALAMEDA COUNTY Statement of Vote
GENERAL ELECTION**

NON-PARTISAN MEASURE EE - CITY OF HAYWARD

	Registration	Ballots Cast	Turnout (%)	MEASURE EE - CITY OF HAYWARD	YES	NO	Under Vote	Over Vote										
424100 - Election Day Reporting	753	200	26.56		107	67	25	0										
424300 - Vote by Mail Reporting	1584	661	41.73		382	235	35	0										
424300 - Election Day Reporting	1584	479	30.24		220	199	58	0										
424400 - Vote by Mail Reporting	1245	542	43.53		307	201	27	0										
424400 - Election Day Reporting	1245	397	31.89		195	157	45	0										
430170 - Vote by Mail Reporting	1446	597	41.29		356	205	31	0										
430170 - Election Day Reporting	1446	376	26.00		200	131	43	1										
430400 - Vote by Mail Reporting	473	192	40.59		106	76	8	0										
430400 - Election Day Reporting	473	131	27.70		72	42	17	0										
430600 - Vote by Mail Reporting	1377	552	40.09		328	187	35	0										
430600 - Election Day Reporting	1377	380	27.60		203	129	48	0										
430700 - Vote by Mail Reporting	806	376	46.65		207	142	21	0										
430700 - Election Day Reporting	806	198	24.57		98	74	26	0										
430900 - Vote by Mail Reporting	852	366	42.96		206	130	22	0										
430900 - Election Day Reporting	852	211	24.77		100	79	31	0										
431100 - Vote by Mail Reporting	1271	554	43.59		301	213	31	1										
431100 - Election Day Reporting	1271	318	25.02		157	106	54	0										
431800 - Vote by Mail Reporting	1370	589	42.99		333	213	29	0										
431800 - Election Day Reporting	1370	342	24.96		166	131	45	0										
432010 - Vote by Mail Reporting	1677	777	46.33		503	214	46	0										
432010 - Election Day Reporting	1677	402	23.97		200	146	54	0										
432110 - Vote by Mail Reporting	1513	645	42.63		364	240	27	1										
432110 - Election Day Reporting	1513	341	22.54		179	129	35	0										
432200 - Vote by Mail Reporting	1147	471	41.06		269	169	31	0										
432200 - Election Day Reporting	1147	280	24.41		144	102	33	1										
432300 - Vote by Mail Reporting	1505	637	42.33		367	217	44	1										
432300 - Election Day Reporting	1505	375	24.92		194	130	48	0										
432400 - Vote by Mail Reporting	1382	608	43.99		349	236	15	1										
432400 - Election Day Reporting	1382	276	19.97		145	94	37	0										
432600 - Vote by Mail Reporting	858	349	40.68		176	142	25	0										
432600 - Election Day Reporting	858	258	30.07		140	86	32	0										
432700 - Vote by Mail Reporting	1557	762	48.94		455	250	45	0										
432700 - Election Day Reporting	1557	316	20.30		154	130	32	0										
432810 - Vote by Mail Reporting	967	361	37.33		193	138	23	0										
432810 - Election Day Reporting	967	203	20.99		110	69	24	0										
432900 - Vote by Mail Reporting	1124	513	45.64		303	177	28	1										
432900 - Election Day Reporting	1124	299	26.60		146	114	39	0										
433100 - Vote by Mail Reporting	1266	462	36.49		282	145	31	0										
433100 - Election Day Reporting	1266	410	32.39		211	147	51	0										
433200 - Vote by Mail Reporting	880	335	38.07		201	112	14	0										
433200 - Election Day Reporting	880	249	28.30		115	104	29	0										
433400 - Vote by Mail Reporting	1246	660	52.97		409	201	38	0										
433400 - Election Day Reporting	1246	334	26.81		184	124	27	0										
433500 - Vote by Mail Reporting	1514	415	27.41		256	119	29	1										
433500 - Election Day Reporting	1514	349	23.05		163	129	55	0										
433610 - Vote by Mail Reporting	1335	715	53.56		405	262	39	0										
433610 - Election Day Reporting	1335	372	27.87		208	128	34	0										
433700 - Vote by Mail Reporting	1385	682	49.24		407	230	37	0										
433700 - Election Day Reporting	1385	366	26.43		178	136	51	0										
433900 - Vote by Mail Reporting	461	228	49.46		123	90	13	0										
433900 - Election Day Reporting	461	150	32.54		91	52	6	0										
9420010 - Vote by Mail Reporting	0	0	0.00		0	0	0	0										
9420010 - Election Day Reporting	0	0	0.00		0	0	0	0										
9420020 - Vote by Mail Reporting	0	0	0.00		0	0	0	0										
9420020 - Election Day Reporting	0	0	0.00		0	0	0	0										
9420030 - Vote by Mail Reporting	115	72	62.61		39	30	2	0										
9420030 - Election Day Reporting	115	3	2.61		2	1	0	0										
9420040 - Vote by Mail Reporting	112	76	67.86		46	24	3	0										
9420040 - Election Day Reporting	112	7	6.25		2	2	3	0										

**ALAMEDA COUNTY Statement of Vote
GENERAL ELECTION**

NON-PARTISAN MEASURE EE - CITY OF HAYWARD

	Registration	Ballots Cast	Turnout (%)	MEASURE EE - CITY OF HAYWARD	YES	NO	Under Vote	Over Vote										
9420050 - Vote by Mail Reporting	206	137	66.50		78	43	13	0										
9420050 - Election Day Reporting	206	11	5.34		3	4	4	0										
9420200 - Vote by Mail Reporting	328	182	55.49		91	74	14	0										
9420200 - Election Day Reporting	328	24	7.32		7	7	10	0										
9420210 - Vote by Mail Reporting	250	142	56.80		81	52	8	0										
9420210 - Election Day Reporting	250	15	6.00		6	5	4	0										
9420220 - Vote by Mail Reporting	16	12	75.00		7	3	1	0										
9420220 - Election Day Reporting	16	0	0.00		0	0	0	0										
9420230 - Vote by Mail Reporting	374	210	56.15		122	71	13	0										
9420230 - Election Day Reporting	374	24	6.42		7	8	9	0										
9420240 - Vote by Mail Reporting	0	0	0.00		0	0	0	0										
9420240 - Election Day Reporting	0	0	0.00		0	0	0	0										
9420250 - Vote by Mail Reporting	379	240	63.32		112	107	17	0										
9420250 - Election Day Reporting	379	7	1.85		2	2	3	0										
9420300 - Vote by Mail Reporting	188	133	70.74		82	37	13	0										
9420300 - Election Day Reporting	188	7	3.72		1	0	6	0										
9420310 - Vote by Mail Reporting	49	29	59.18		10	14	2	0										
9420310 - Election Day Reporting	49	6	12.24		3	1	2	0										
9420320 - Vote by Mail Reporting	1	1	100.00		0	0	1	0										
9420320 - Election Day Reporting	1	0	0.00		0	0	0	0										
9420510 - Vote by Mail Reporting	0	0	0.00		0	0	0	0										
9420510 - Election Day Reporting	0	0	0.00		0	0	0	0										
9420610 - Vote by Mail Reporting	3	3	100.00		3	0	0	0										
9420610 - Election Day Reporting	3	0	0.00		0	0	0	0										
9420800 - Vote by Mail Reporting	337	212	62.91		103	95	9	0										
9420800 - Election Day Reporting	337	23	6.82		8	9	6	0										
9422930 - Vote by Mail Reporting	318	220	69.18		139	63	13	1										
9422930 - Election Day Reporting	318	6	1.89		1	0	5	0										
9422940 - Vote by Mail Reporting	0	0	0.00		0	0	0	0										
9422940 - Election Day Reporting	0	0	0.00		0	0	0	0										
9422950 - Vote by Mail Reporting	0	0	0.00		0	0	0	0										
9422950 - Election Day Reporting	0	0	0.00		0	0	0	0										
9423620 - Vote by Mail Reporting	0	0	0.00		0	0	0	0										
9423620 - Election Day Reporting	0	0	0.00		0	0	0	0										
9423700 - Vote by Mail Reporting	0	0	0.00		0	0	0	0										
9423700 - Election Day Reporting	0	0	0.00		0	0	0	0										
9423800 - Vote by Mail Reporting	4	2	50.00		1	1	0	0										
9423800 - Election Day Reporting	4	0	0.00		0	0	0	0										
9423810 - Vote by Mail Reporting	0	0	0.00		0	0	0	0										
9423810 - Election Day Reporting	0	0	0.00		0	0	0	0										
9423820 - Vote by Mail Reporting	0	0	0.00		0	0	0	0										
9423820 - Election Day Reporting	0	0	0.00		0	0	0	0										
9424200 - Vote by Mail Reporting	71	52	73.24		23	23	3	0										
9424200 - Election Day Reporting	71	0	0.00		0	0	0	0										
9430010 - Vote by Mail Reporting	0	0	0.00		0	0	0	0										
9430010 - Election Day Reporting	0	0	0.00		0	0	0	0										
9430020 - Vote by Mail Reporting	0	0	0.00		0	0	0	0										
9430020 - Election Day Reporting	0	0	0.00		0	0	0	0										
9430110 - Vote by Mail Reporting	0	0	0.00		0	0	0	0										
9430110 - Election Day Reporting	0	0	0.00		0	0	0	0										
9430120 - Vote by Mail Reporting	0	0	0.00		0	0	0	0										
9430120 - Election Day Reporting	0	0	0.00		0	0	0	0										
9430130 - Vote by Mail Reporting	0	0	0.00		0	0	0	0										
9430130 - Election Day Reporting	0	0	0.00		0	0	0	0										
9430140 - Vote by Mail Reporting	0	0	0.00		0	0	0	0										
9430140 - Election Day Reporting	0	0	0.00		0	0	0	0										
9430150 - Vote by Mail Reporting	0	0	0.00		0	0	0	0										
9430150 - Election Day Reporting	0	0	0.00		0	0	0	0										
9430160 - Vote by Mail Reporting	9	5	55.56		1	4	0	0										

**ALAMEDA COUNTY Statement of Vote
GENERAL ELECTION**

NON-PARTISAN MEASURE EE - CITY OF HAYWARD

	Registration	Ballots Cast	Turnout (%)	MEASURE EE - CITY OF HAYWARD		Under Vote	Over Vote										
				YES	NO												
9430160 - Election Day Reporting	9	1	11.11	1	0	0	0										
9430410 - Vote by Mail Reporting	7	6	85.71	3	3	0	0										
9430410 - Election Day Reporting	7	0	0.00	0	0	0	0										
9430420 - Vote by Mail Reporting	1	0	0.00	0	0	0	0										
9430420 - Election Day Reporting	1	0	0.00	0	0	0	0										
9430500 - Vote by Mail Reporting	2	1	50.00	1	0	0	0										
9430500 - Election Day Reporting	2	0	0.00	0	0	0	0										
9430510 - Vote by Mail Reporting	62	37	59.68	19	16	2	0										
9430510 - Election Day Reporting	62	5	8.06	3	2	0	0										
9430710 - Vote by Mail Reporting	73	46	63.01	21	18	5	0										
9430710 - Election Day Reporting	73	1	1.37	1	0	0	0										
9430720 - Vote by Mail Reporting	166	129	77.71	68	48	11	0										
9430720 - Election Day Reporting	166	5	3.01	1	0	4	0										
9430800 - Vote by Mail Reporting	475	343	72.21	193	120	24	0										
9430800 - Election Day Reporting	475	16	3.37	6	4	6	0										
9430820 - Vote by Mail Reporting	0	0	0.00	0	0	0	0										
9430820 - Election Day Reporting	0	0	0.00	0	0	0	0										
9431110 - Vote by Mail Reporting	11	9	81.82	6	3	0	0										
9431110 - Election Day Reporting	11	0	0.00	0	0	0	0										
9431120 - Vote by Mail Reporting	6	1	16.67	0	0	1	0										
9431120 - Election Day Reporting	6	0	0.00	0	0	0	0										
9431200 - Vote by Mail Reporting	10	3	30.00	2	1	0	0										
9431200 - Election Day Reporting	10	0	0.00	0	0	0	0										
9431210 - Vote by Mail Reporting	39	26	66.67	14	7	4	0										
9431210 - Election Day Reporting	39	3	7.69	1	0	2	0										
9431300 - Vote by Mail Reporting	106	73	68.87	29	34	9	0										
9431300 - Election Day Reporting	106	1	0.94	0	0	1	0										
9431310 - Vote by Mail Reporting	105	77	73.33	53	21	3	0										
9431310 - Election Day Reporting	105	4	3.81	0	2	2	0										
9431400 - Vote by Mail Reporting	227	156	68.72	82	57	15	0										
9431400 - Election Day Reporting	227	8	3.52	2	0	6	0										
9431500 - Vote by Mail Reporting	129	94	72.87	53	35	7	0										
9431500 - Election Day Reporting	129	2	1.55	0	0	2	0										
9431610 - Vote by Mail Reporting	37	32	86.49	24	5	3	0										
9431610 - Election Day Reporting	37	3	8.11	1	0	2	0										
9431620 - Vote by Mail Reporting	19	17	89.47	10	6	1	0										
9431620 - Election Day Reporting	19	0	0.00	0	0	0	0										
9431700 - Vote by Mail Reporting	174	122	70.11	66	50	3	0										
9431700 - Election Day Reporting	174	3	1.72	2	0	1	0										
9431900 - Vote by Mail Reporting	194	143	73.71	98	39	4	0										
9431900 - Election Day Reporting	194	13	6.70	5	3	5	0										
9432910 - Vote by Mail Reporting	50	38	76.00	26	5	5	0										
9432910 - Election Day Reporting	50	4	8.00	3	0	1	0										
9433620 - Vote by Mail Reporting	340	255	75.00	180	58	11	0										
9433620 - Election Day Reporting	340	25	7.35	14	7	3	0										
9433630 - Vote by Mail Reporting	282	232	82.27	152	74	5	0										
9433630 - Election Day Reporting	282	8	2.84	3	4	1	0										
9438120 - Vote by Mail Reporting	13	11	84.62	7	3	1	0										
9438120 - Election Day Reporting	13	0	0.00	0	0	0	0										
9438140 - Vote by Mail Reporting	2	2	100.00	2	0	0	0										
9438140 - Election Day Reporting	2	0	0.00	0	0	0	0										
9438500 - Vote by Mail Reporting	7	4	57.14	0	4	0	0										
9438500 - Election Day Reporting	7	0	0.00	0	0	0	0										
Vote by Mail Reporting Totals	70324	31676	45.04	18105	11193	1892	13										
Election Day Reporting Totals	70324	17008	24.19	8624	6164	2172	6										
District Totals - Absentee																	

**ALAMEDA COUNTY Statement of Vote
GENERAL ELECTION**

NON-PARTISAN MEASURE EE - CITY OF HAYWARD

	Registration	Ballots Cast	Turnout (%)	MEASURE EE - CITY OF HAYWARD YES	NO	Under Vote	Over Vote								
District Grand Totals															
15th Congressional District	70324	48684	69.23	26729	17357	4064	19								
10th State Senatorial District	70324	48684	69.23	26729	17357	4064	19								
20th Assembly District	70324	48684	69.23	26729	17357	4064	19								
2nd Dist, Board of Equalization	70324	48684	69.23	26729	17357	4064	19								
2nd Supervisorial District	70324	48684	69.23	26729	17357	4064	19								
ALAMEDA	70324	48684	69.23	26729	17357	4064	19								
City of Hayward	70324	48684	69.23	26729	17357	4064	19								
Grand Totals	70324	48684	69.23	26729	17357	4064	19								



CITY OF HAYWARD

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

File #: WS 16-071

DATE: December 6, 2016

TO: Mayor and City Council

FROM: Director of Library and Community Services

SUBJECT

Review of the Hayward Promise Neighborhood Initiative

RECOMMENDATION

That Council reviews and comments on this report.

ATTACHMENTS

Attachment I Staff Report

Attachment II Presentation (CSUEB) - Hayward Promise Neighborhood

Attachment III City of Hayward HPN Budget



DATE: December 6, 2016

TO: Mayor and City Council

FROM: Director of Library and Community Services

SUBJECT: Review of the Hayward Promise Neighborhood Initiative

RECOMMENDATION

That Council reviews and comments on this report.

SUMMARY

The Hayward Promise Neighborhood (HPN) Initiative is nearing the end of its fifth and final calendar year of grant funding and is now transitioning into a post-grant phase. Grant-funded activities were focused within Hayward's Jackson Triangle neighborhood bounded by Jackson Street, Whitman Road, and Harder Road. The lead agency and primary recipient of HPN grant funding is California State University, East Bay. Major sub-recipient grant partners include Hayward Unified School District, Chabot College, and the City of Hayward, among others.

This report provides a review of the City of Hayward's specific HPN-funded activities of the last five years, and a review of the City of Hayward's plan to continue delivery of its specific HPN-related services in the post grant period, including after school academic support services, healthy food access programs, the school/community garden at Tennyson High School, community outreach through the Neighborhood Empowerment Network, and related activities.

Accompanying this report will be a presentation at the December 6, 2016 City Council meeting about the overall status of the HPN initiative presented by representatives from lead agency California State University, East Bay.

BACKGROUND

Background of the Hayward Promise Neighborhood Initiative

The Hayward Promise Neighborhood (HPN) initiative was created in 2011 with the award of a five-year, \$25 million Promise Neighborhood grant from the U.S. Department of Education to lead agency California State University, East Bay (Cal State). The HPN initiative focused on "cradle to career" education services to students and families in Hayward's Jackson Triangle neighborhood.

Cal State was the primary recipient of HPN grant funds, and spent a total of approximately \$5 million of the grant funds over the five-year grant term. Cal State's expense were primarily for grant administration but also on some services such as community outreach.

Cal State distributed the remaining approximately \$20 million of the grant as sub-awards to multiple sub-recipient partners to deliver services for the initiative. Major sub-recipient partners included Hayward Unified School District, Chabot College, and City of Hayward. The City of Hayward received a relatively small portion of the overall grant funds, approximately \$288,000 per year on average over the five-year grant term, or 5.7% of the total grant.

Background of the U.S. Department of Education Promise Neighborhood Initiative

The Promise Neighborhoods Initiative (PNI) was established in 2009 under the federal legislative authority of the Fund for the Improvement of Education Program. President Obama's vision for PNI was to make it possible for all children and youth who are growing up in "Promise Neighborhoods" to have access to great schools and strong systems of family and community support.

The intent of PNI was to create a system of support that prepares students to attain an excellent education and successfully transition to college and other post-secondary education and training opportunities leading to successful careers. The goal of PNI was to significantly improve the educational, social and developmental outcomes of children and youth who are living in economically and socially distressed communities, and to transform those communities by:

1. Identifying and increasing the capacity of key community institutions that are focused on achieving positive educational and developmental results for children and youth throughout an entire low-income neighborhood;
2. Building a complete continuum of "cradle-to-career" solutions of both educational programs and family and community supports, with great schools at the center;
3. Integrating programs and breaking down public and community agency "silos" so that solutions are implemented effectively and efficiently across agencies;
4. Developing the local infrastructure of education, health and social service delivery systems, and the resources needed to sustain and scale-up beyond the initial neighborhood, proven effective strategies across the broader community and region; and
5. Learning from a vigorous evaluation of the program about the overall impact of the Promise Neighborhoods Initiative and about the relationship between particular strategies used in these neighborhoods and student educational outcomes.

More information about the Hayward Promise Neighborhood initiative's background and foundation can be found in the City Council staff report of May 13, 2014, [Update on the City's Efforts Related to the Hayward Promise Neighborhood Initiative](#)¹.

DISCUSSION

Review of City of Hayward HPN Activities

Although the City's share of the overall HPN grant funding has been relatively modest (approximately 5.7% of the total grant award), the City has successfully delivered several impactful solutions over the course of the five-year HPN grant term. Summary reviews of the City of Hayward's specific activities in relation to the HPN initiative are provided in this section.

1. 21st Century Learning Centers / Homework Support Centers

The City operates six 21st Century Learning Centers (also known as Homework Support Centers or HSC) under the auspices of HPN. The Centers are located at Harder Elementary, Park Elementary, Cesar Chavez Middle School, Winton Middle School, Tennyson High School, and Hayward High School. The Centers deliver free, quality, small group tutoring services to support K-12th grade students with their academic needs. All Centers are open four days per week, two hours per day after school.

Tutors are recruited from Cal State and Chabot Community College MESA, STEM, and English programs. All tutors complete Tutoring and Literacy Training provided by City of Hayward Library personnel. Bilingual tutoring services are available at all Centers. In addition to onsite services, students and tutors also receive online access to the live 1:1 academic tutoring service, Tutor.com, accessible from any internet-connected device seven days a week between the hours of 1:00 p.m. - 10:00 p.m.

The City's 21st Century Learning Centers operate as a high impact solution. Through targeted school site outreach, trained staff, and innovative partnerships with key school site personnel, enrollment numbers continue to increase and exceed enrollment targets.

In the current academic year 2016-17, a total of 1,248 non-duplicated students are registered and use the 21st Century Learning Centers at the six HPN school site locations. Data show a general trend of steadily increasing frequency of student use. Student, parent, and school site staff feedback indicate that students gain academic benefit from services. Students attending the Centers on a regular basis achieve higher homework completion rates and parents report improved satisfaction with their child's ability to complete homework assignments.

¹ URL: <https://hayward.legistar.com/MeetingDetail.aspx?ID=454181&GUID=0245ED08-C96E-4292-8495-1178EF4290F5&Options=info&Search=>

Harder Elementary	Park Elementary
<ul style="list-style-type: none"> • 178 students registered for the HSC • 121/178 students attended HSC 1 or more times • 77/178 students attended HSC 20 or more times • HSC offered 122 sessions • 193 new Hayward Public Library cards were issued to students • 54/65 students improved by 5% on second comparative mathematics assessment (average 1st test score: 40%; average 2nd comparative test score: 62%) • 50/55 students improved by 5% on second comparative reading assessment (average 1st test score: 42%; average 2nd comparative test score: 68%) • 4,957 non-duplicated homework assignments were completed during the AY 	<ul style="list-style-type: none"> • 172 students registered for the HSC • 155/172 students attended HSC 1 or more times • 78/172 students attended HSC 20 or more times • HSC offered 127 sessions • 219 new Hayward Public Library cards were issued to students • 60/66 students improved by 5% on second comparative mathematics assessment (average 1st test score: 41%; average 2nd comparative test score: 87%) • 53/55 students improved by 5% on second comparative reading assessment (average 1st test score: 46%; average 2nd comparative test score: 82%) • 4,792 non-duplicated homework assignments were completed during the AY
Cesar Chavez Middle	Winton Middle
<ul style="list-style-type: none"> • 165 students registered for the HSC • 138/165 students attended HSC 1 or more times • 35/165 students attended HSC 20 or more times • HSC offered 111 sessions • 68 new Hayward Public Library cards were issued to students • 15/27 students improved by 5% on second comparative mathematics assessment (average 1st test score: 36%; average 2nd comparative test score: 65%) • 13/28 students improved by 5% on second comparative reading assessment (average 1st test score: 36%; average 2nd comparative test score: 62%) • 2,086 non-duplicated homework assignments were completed during the AY 	<ul style="list-style-type: none"> • 210 students registered for the HSC • 204/210 students attended HSC 1 or more times • 60/210 students attended HSC 20 or more times • HSC offered 129 sessions • 33 new Hayward Public Library cards were issued to students • 40/60 students improved by 5% on second comparative mathematics assessment (average 1st test score: 26%; average 2nd comparative test score: 45%) • 37/60 students improved by 5% on second comparative reading assessment (average 1st test score: 32%; average 2nd comparative test score: 52%) • 3,004 non-duplicated homework assignments were completed during the AY
Tennyson High	Hayward High
<ul style="list-style-type: none"> • 324 students registered for the HSC • 320/324 students attended HSC 1 or more times • 43/324 students attended HSC 20 or more times • HSC offered 126 sessions • 6 new Hayward Public Library cards were issued to students 	<ul style="list-style-type: none"> • 319 students registered for the HSC • 310/319 students attended HSC 1 or more times • 24/319 students attended HSC 20 or more times • HSC offered 119 sessions • 84 new Hayward Public Library cards were issued to students

<ul style="list-style-type: none"> • 2,549 non-duplicated homework assignments were completed during the AY 	<ul style="list-style-type: none"> • 1,943 non-duplicated homework assignments were completed during the AY
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HPN partner network meetings have positively contributed to the impactful collaboration between the City, HUSD, Chabot, and Cal State. Network meetings and agenda planning meetings between these key organizations have prompted pertinent discussion around alignment of services and best practices, and most importantly, collaborative sustainability. This solution is a great highlight of how organizations have come together, to align services, and provide not only funding, but resource development and training opportunities for mentors and tutors. Chabot and Cal State instructors from Service Learning Courses fully support the 21st Century Learning Center’s mission, and recruit students from their classes to participate as tutors/mentors in programming. The City works closely with Chabot to collaboratively apply for funding to support volunteer stipends for Chabot students who participate as tutors in the 21st Century Learning Centers.

The 21st Century Learning Centers continue to service students enrolled in Chabot’s GRIP program. The COH entered into a contractual agreement with Chabot, to train Chabot student mentors participating in the GRIP and 21st Century Learning Centers as mentors. Interns are recruited and trained by the City. This is an example of two key community partners’ successful alignment of services.

Cal State, Chabot, and the City partnered to recruit students to participate in the Science and Mathematics Teacher Initiative, funded by Cal State, and fulfilled the requirements of the grant. Due to the fulfillment and success of the grant initiative, the grant award was increased to \$11,500 for academic school year 2015-2016; and an additional \$20,000 in grant funding was leveraged in collaboration with Chabot College to expand the Chabot Talent Search Initiative, recruiting talented Chabot students to offer tutoring services in the City’s middle and high school 21st Century Learning Centers.

2. Access to 21st Century Learning Tools

21st Century Learning Centers at Harder Elementary, Park Elementary, Cesar Chavez Middle School, Winton Middle School, Tennyson High School, and Hayward High School offer access to 21st century learning tools including netbooks (compact laptop computers), wireless internet access, and online resources such as Tutor.com. The City provides a total sixteen netbooks for student usage/homework assistance in the centers at Harder and Park. Students have access to the internet, Microsoft Office, IXL, and reading programs used within classroom, which align with Common Core Standards.

Harder HSC Netbooks	Park HSC Netbooks
<ul style="list-style-type: none"> • 8 netbooks available for student usage • 100 non-duplicated students utilized netbooks • 1,057 computer log-ins 	<ul style="list-style-type: none"> • 8 netbooks available for student usage • 117 non-duplicated students utilized netbooks • 1,419 computer log-ins

Cesar Chavez HSC Netbooks	Winton HSC Netbooks
<ul style="list-style-type: none"> • 5 netbooks available for student usage • 55 non-duplicated students utilized netbooks • 287 computer log-ins 	<ul style="list-style-type: none"> • 5 netbooks available for student usage • 139 non-duplicated students utilized netbooks • 597 computer log-ins
Tennyson HSC Netbooks	Hayward High HSC Netbooks
<ul style="list-style-type: none"> • 5 netbooks available for student usage • 83 non-duplicated student utilized netbooks • 258 computer log-ins 	<ul style="list-style-type: none"> • 5 netbooks available for student usage • 67 non-duplicated student utilized netbooks • 128 computer log-ins

The City also provides library book vending machines at Harder Elementary and Park Elementary. The machines operate much like standard vending machines, except instead of candy and chips, they dispense library books; and instead of inserting money, children scan their library card. Students, parents, and school site staff have access to Hayward Public Library materials. Hayward Public Library materials can be returned on-site, at book-drops. The materials in the vending machines are in both English and Spanish and align with Common Core Standards as well as encourage a life-long love of reading among students.

The City offers eighteen Chromebooks (compact laptop computers) for parent/family check-out at Harder and Park Elementary. Parents have access to free Wi-Fi at the school sites, as well as bilingual Chromebook Training Classes. Chromebook Training Classes are designed to educate parents on how to use Chrome software, as well as encourage parents to continue to check-out computers at home. Parents are also encouraged to apply for the Comcast Internet Essentials Program, which provides low-cost internet access at home (\$9.95 a month).

The City redesigned the Parent Chromebook curriculum, to attract a more diverse population of parents to participate in the program. Three 21st Century Learning Center Site Supervisors have been trained to lead beginner and intermediate level Chromebook classes at Harder and Park Elementary for the first quarter of 2016. Parent Outreach Center Coordinators are working closely with the Site Supervisors to recruit parents to enroll in the Chromebook classes. Site Supervisors focus their outreach efforts to walking the student drop-off areas at Harder and Park before school hours. Outreach is done in English and in Spanish.

The solution went from a medium impact solution to a high impact solution over the last six months. Enrollment numbers continue to increase and parents are regularly attending the Chromebook classes. Parents report feeling more confident utilizing Chrome. This solution supports the transition of student usage of Chrome at HUSD school sites.

3. Access to Healthy Meals

The City’s partnership with HUSD’s Food Services Department continues to expand and strengthen. HUSD data suggests that students are in need of access to well-balanced meals.

The integration of Food Services into the 21st Century Learning Centers has proven successful and extremely beneficial to students attending after-school programming. The partnership has also grown beyond the 21st Century Learning Centers. The City operates academic summer enrichment programming, and Food Services continues to provide meals to students attending programming. Summer enrichment programming includes Summer Learning Camps at both City Library locations, servicing over 200 students, as well as summer reading programming at three local parks, servicing over 800 non-duplicated students. The partnership is invaluable.

Harder Meals	Park Meals
<ul style="list-style-type: none"> • 70 non-duplicated students received meals • 927 individual meals were consumed 	<ul style="list-style-type: none"> • 90 non-duplicated students received meals • 1,300 individual meals were consumed
Cesar Chavez Meals	Winton Meals
<ul style="list-style-type: none"> • 95 non-duplicated students received meals • 834 individual meals were consumed 	<ul style="list-style-type: none"> • 154 non-duplicated students received meals • 1,232 individual meals were consumed
Tennyson Meals	Hayward High Meals
<ul style="list-style-type: none"> • 234 non-duplicated students received meals • 1,808 individual meals were consumed 	<ul style="list-style-type: none"> • 152 non-duplicated students received meals • 785 individual meals were consumed

4. Community Garden/Project EAT

The Tennyson High School urban farm is currently operated by the Alameda County Office of Education (Project EAT) with the support of HUSD and the City. In addition to HPN funding, the City of Hayward provided matching funds (CDBG) toward this existing project to install an accessible ramp from the parking area to the farm, and to install a community garden on the site which now has forty gardening plots available to neighborhood residents.

5. Improved Transportation

Principals at Harder and Park Elementary worked with their teachers to identify Jackson Triangle families who lack transportation to get to work and access services. The City purchased 100/\$50 pre-loaded adult Clipper Cards and 476/\$10.50 pre-loaded youth AC Transit cards, which were distributed to the identified families. The City also worked with the AC Transit Customer Relations Department to set up informational/educational classes on how to use the cards and how to read bus and BART schedules.

6. Community Services Officer

The Community Services Officer is a uniformed representative of the Police Department that works daily in the Jackson Triangle to build relationships with the community and foster a safe environment. The officer issues citations, conducts traffic, and works hand-in-hand with neighborhood watch groups and crime prevention specialists. The position is fully-funded by the Neighborhood Promise grant.

Hayward police officers are assigned as school resource officers (SROs) to act as liaisons between the Hayward Unified School District (HUSD) and the Hayward Police Department. SROs serve at middle and high schools and enforce truancy laws. They work with the Police Department's Youth and Family Services Bureau to provide counseling and crisis intervention for students in need of such services. SROs also recently began recruiting local businesses to help enforce truancy laws by refusing to serve students during school hours.

7. Code Enforcement Inspector

When residents report code violations or maintenance needs in the Jackson Triangle, the City's Code Enforcement Inspectors respond. The City has successfully reduced blight and rental housing violations in the community. In 2014, a sixth inspector was hired and funded by the Promise Neighborhood grant to exclusively handle reports in the Jackson Triangle, significantly increasing the City's capacity to improve safety and environmental conditions in the neighborhood.

8. Neighborhood Partnership/Neighborhood Health and Empowerment Network

The City's Assistant to the City Manager (David Korth) is responsible for leading HPN's Neighborhood Health and Empowerment Network (NHEN) and bringing partners together to improve the learning and living environment of HPN students. They work to coordinate neighborhood events (such as fairs and fun runs) and engage the community in HPN's efforts. The City has also hired muralists to engage local youth in an anti-graffiti campaign. The HPN grant funded the painting of seven mural projects at four area middle and high schools.

9. Additional Solutions

The City also helped to implement three additional solutions, in coordination with community partners:

- St. Rose Hospital - FACES Program: The FACES program is designed to introduce HPN youth to professions in health care by creating experiential learning opportunities in a clinical setting. It matches interested students with mentors in the health care field, offers academic tutoring in math and science, and guides participants through the college application process. It also offers case management services for those participants that need psycho-social support.
- Service Learning and Innovative Civic Engagement – SLICE: The Eden Youth & Family Center provides HPN youth with artistic outlets for expressing their opinions about issues that affect the Jackson Triangle community. The Center teaches spoken word, videography, and photography to thirty HPN high school students.

Continuation of services in the post-grant phase

The City will continue to operate 21st Century Learning Centers at HPN school site locations for the remainder of the 2016-17 academic year. In each of the past four years, the City has partnered with HUSD to operate after-school Homework Support Centers at additional schools outside the HPN area. In the current Academic Year, HUSD is providing \$100,000 in funding to the City for the operations of six additional centers. The City matches this contribution with approximately \$140,000 in Community Development Block Grant (CDBG) funding approved by Council. Discussions with HUSD staff regarding cost share for HPN locations for the 2017-18 academic year are currently underway. Computer and book vending machines will continue to be available at HPN school site locations, thru the 21st Century Learning Centers.

The Community Services Officer (CSO) and Code Enforcement Officer services previously funded by HPN will be absorbed into the City operations after the grant ends. The City provided CSO and Code Enforcement services before the grant began and those services will continue to be provided after the grant ends; however, specific grant-funded positions will not be maintained. The HPN Neighborhood should experience minimal or no difference in these services after the grant ends.

Both the Service Learning and Innovative Civic Engagement (SLICE) and FACES for the Future projects will be continued by sub-contractors (Lunchbox International in collaboration with HUSD and St. Rose Hospital in collaboration with Eden Area Regional Occupational Program) during the course of the HPN project, but will only continue to do so to the degree that they are able to obtain funding from other sources after December 31, 2016.

The City continues sustainability planning conversations with the HPN collaborative around common agenda, strategic and accountable partnerships, shared measurement systems, mutually reinforcing activities, continuous communication, and coordination and leadership capacity. The Assistant to the City Manager will continue to host Neighborhood Health and Empowerment Network meetings, and the City's Education Services Manager will continue to serve as a key member of the Cradle to Career Educational Reform Network, moving forward. City staff will continue to strategically apply for funding with partner organizations to support City program efforts, and will continue to participate in any regional, statewide, or national efforts as they become available.

The key partners have engaged over the last few months around more specific funding continuation discussions. The Mayor and City Manager have been engaged in these discussions along with the Cal State President, Chabot College President, HUSD Superintendent, and other key partner chief executives. There is an anticipation that another round of HPN grant funding may open for applications in the summer of 2017 with funding available beginning in January of 2018. The City's HPN solutions will continue as outlined in this report with some reductions after the initial five-year grant ends in December 2016.

The City will partner with the other agencies on the next grant application, if this materializes, and will determine which services will be contained in the next iteration of the HPN grant application. However, there will be a potential for a one year gap in grant funding for the

program as the partners prepare for the next grant application. Many partners have indicated a willingness to continue many of the HPN programs during this gap year.

There is also a gap in funding for the overall program administration and coordination, data collection, and community outreach provided by HPN program staff housed at Cal State. This overall program administration and coordination has played a key role in the successful implementation of the first five years of the grant and it will be critical to demonstrate that this administrative infrastructure remains in place during the next grant application period. While Cal State staff are exploring other foundation and grant funding options to help fund this administrative infrastructure during the gap year, there may need to be an ask from the partner agencies for some of this funding. For the City, this could result in an ask of between \$90,000 - \$170,000 and this would be presented more formally to the Council as a mid-year budget request if the Council generally indicates support for this funding during tonight's work session. Staff will present more specifics about this potential funding ask during the staff presentation at the work session.

A budget detail is included in Attachment II for more information on how the City's share of the HPN grant funding was apportioned in support of the City-operated Solutions outlined in this report. The attachment includes a list of the in-kind contributions that the City makes to meet the 1:1 match requirement for the grant funds.

FISCAL IMPACT

As a sub-recipient of HPN grant funds, the City of Hayward received \$288,423 of HPN funds per year on average over the five-year grant term to implement the above described HPN activities for which it was responsible. This equates to approximately 5.7% of the total HPN five-year grant award received and administered by lead agency Cal State.

Because the programs and services the City provided for the HPN initiative were funded by the sub-recipient grant from U.S. Department of Education through Cal State, the HPN program had no direct impact to the General Fund. There was an indirect impact in the form of in-kind contributions, primarily in staff time and effort, to deliver and administer the services.

NEXT STEPS

HPN grant funding will expire at the end of Calendar Year 2016. The City has completed the fifth and final year of its participation in the five-year HPN grant project. At this time, there is no additional funding available from the U.S. Department of Education for the HPN initiative. There are possibilities for additional federal grant funding to be made available in future years, but it is as of yet uncertain what, if any, funding will actually become available.

The City of Hayward, under the guidance and direction of Council, has taken positive steps over the past two years to sustain and expand key City-operated HPN services beyond the post-grant phase, including the 21st Century Learning Centers, Access to 21st Century Learning

Tools, Healthy Food Access, Community Garden/Project EAT, Neighborhood Empowerment Network, and related activities.

The lead agency, California State University, East Bay, has been working to revise the mission and vision of the HPN collaborative, continue resident engagement, grow organizational leadership and capacity, sustain strategic and accountable partnerships, continue and improve a shared measurement system, and continue communication among community partner organizations in the post-grant phase.

Should Council direct that the City continue to maintain partnership and involvement in Cal State-directed HPN collaborative activities during the post-grant phase, staff will continue to meet with Cal State and HPN partner agencies to coordinate efforts, identify and evaluate options for sustainability, and assess the value of the HPN model of programs and activities to the community of Hayward; and will return to Council with any recommendations or opportunities that may arise.

Prepared by: Lindsey Vien, Education Services Manager
David Korth, Assistant to the City Manager

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

Approved by:



Kelly McAdoo, City Manager

HAYWARD PROMISE NEIGHBORHOOD

Keeping the Promise – December 6, 2016

This Is Hayward Promise Neighborhood

1. Alameda County Food Bank – Mobile Pantry
2. Alameda County Public Health Nursing
3. Chabot College
4. City of Hayward
5. California State University, East Bay
6. Eden Area Regional Occupational Program
7. First 5 of Alameda County
8. 4 Cs of Alameda County
9. Hatchuel Tabernik Associates – Data Partner
10. Hayward Unified School District and Adult Education
11. La Familia Counseling Center
12. Super Stars Literacy
13. Tiburcio Vasquez Health Center

What makes this work distinctive?

- Collective Impact
- Common agenda
- Strategic and accountable partnerships
- Shared measurement systems
- Mutually reinforcing activities
- Continuous communication
- Coordination and leadership capacity

Data Highlights

- **5% increase** from 2013 to 2016 of children who have a medical home.
- **18% increase** from 2014 to 2016 of children who are kindergarten ready.
- **95%** of students in 6th through 9th grades attend school regularly.
- **300** families accessed the most recent Fresh Food For Families at Eden Greenway Park.
- **120% increase** in the number of residents who are aware of and or participated in HPN programs and services from 2013 through 2016.

Every Child Deserves a Promise Neighborhood

- Conditions to sustain and scale the work of Hayward Promise Neighborhood
 - Partners committed to mission and vision
 - Resident Civic Engagement
 - Organizational and leadership capacity
 - Opportunities to participate in regional, statewide and national efforts

Every Child Deserves a Promise Neighborhood

“Unity and continued support from HPN makes us all stronger as individuals and as a community.”

HAYWARD PROMISE NEIGHBORHOOD GRANT AND MATCH BUDGET CY2014-CY2016

CY 2015(YEAR 4) BUDGET
November 28, 2016

ATTACHMENT III

INTERNAL WORKING DRAFT

Budget Mtg: COH and CSUEB

	GRANT AWARD (Cash award)					Total Grant (5-Year)	City of Hayward Match Commitment					Total Match (5-Year)
	Year 1 CY 2012	Year 2 CY 2013	Year 3 CY 2014	Year 4 CY 2015	Year 5 CY 2016		Year 1 CY 2012	Year 2 CY 2013	Year 3 CY 2014	Year 4 CY 2015	Year 5 CY 2016	
1. Personnel (Salaries)												
Elected Official: Mayor							\$ 412	\$ 412	\$ 412	\$ 412	\$ 412	\$ 2,062
IT: Technology Services Director							\$ 4,606	\$ 6,141	\$ 7,676	\$ 7,676	\$ 7,676	\$ 26,098
IT: Network Systems Specialist							\$ 8,658	\$ 17,316	\$ 17,316	\$ 17,316	\$ 17,316	\$ 64,936
HH: Library and Community Services Dir.							\$ 16,896	\$ 16,896	\$ 16,659	\$ 16,896	\$ 16,896	\$ 84,245
HH: Supervising Librarian							\$ 8,321	\$ 16,642	\$ 33,284	\$ 33,284	\$ 41,606	\$ 133,137
HH: Librarian I							\$ 3,258	\$ 6,516	\$ 13,032	\$ 13,032	\$ 16,290	\$ 52,129
HH: Senior Library Page							\$ 19,927	\$ 19,927	\$ 19,927	\$ 19,927	\$ 19,927	\$ 79,708
ST: Crime Prevention Specialist - Northern District	\$ 1,341					\$ 1,341	\$ 1,341	\$ -	\$ -	\$ -	\$ -	\$ 1,341
ST: Crime Analyst	\$ 1,666					\$ 1,666	\$ 1,617	\$ 1,666	\$ 1,716	\$ 1,767	\$ 1,820	\$ 8,585
ST: Community Services Officer (CSO) - B - Northern Dist.	\$ 67,284	\$ 68,640	\$ 68,640	\$ 68,640	\$ 72,775	\$ 277,339						
ST: Code Enforcement Inspector (CPI)		\$ 69,428	\$ 69,428	\$ 69,428	\$ 52,142	\$ 190,998						
ST: Neighborhood Partnership Manager (Supervises Code Enforcement Officer)							\$ 8,994	\$ 9,263	\$ 10,122	\$ 10,426	\$ 10,738	\$ 49,543
NP: Neighborhood Services Manager	\$ 8,278	\$ 4,326	\$ -	\$ -	\$ -	\$ 12,604	\$ 17,086	\$ 17,086	\$ 17,086	\$ 17,086	\$ 17,086	\$ 85,431
ST: HPD Chief							\$ 2,950	\$ 2,979	\$ 3,009	\$ 3,039	\$ 3,071	\$ 15,048
ST: Captain							\$ 3,199	\$ 3,295	\$ 3,393	\$ 3,495	\$ 3,600	\$ 16,982
ST: Lt. - Northern District Commander							\$ 21,812	\$ 22,466	\$ 23,140	\$ 23,834	\$ 24,035	\$ 115,287
ST: YFSB Admin.												
ST: Police Officer - Northern District							\$ 5,264	\$ 5,422	\$ 5,585	\$ 5,753	\$ 5,925	\$ 27,950
ST: Community Services Officer A - Northern Dist.							\$ 1,960	\$ 2,019	\$ 2,079	\$ 2,141	\$ 2,206	\$ 10,404
Subtotal Personnel	\$ -	\$ 78,568	\$ 142,394	\$ 138,068	\$ 124,917	\$ 483,947	\$ 91,770	\$ 139,194	\$ 172,901	\$ 176,087	\$ 192,934	\$ 770,824
2. Personnel (Benefits)												
IT: Technology Services Director								\$ 1,658	\$ 2,211	\$ 2,763	\$ 2,763	\$ 9,395
IT: Network Systems Specialist								\$ 4,069	\$ 8,139	\$ 8,139	\$ 10,173	\$ 30,520
HH: Library and Community Services Dir.							\$ 6,075	\$ 6,075	\$ 5,989	\$ 6,075	\$ 6,075	\$ 30,289
HH: Homework Center Site Supervisors - Contractual												
HH: Supervising Librarian							\$ 2,876	\$ 5,751	\$ 11,502	\$ 11,502	\$ 11,502	\$ 43,133
HH: Librarian I							\$ 1,156	\$ 2,312	\$ 4,623	\$ 4,623	\$ 5,779	\$ 18,492
HH: Senior Library Page								\$ 6,974	\$ 6,974	\$ 6,974	\$ 6,974	\$ 27,898
ST: Crime Prevention Specialist - Northern District	\$ 1,382					\$ 1,382						
ST: Crime Analyst	\$ 893					\$ 893	\$ 867	\$ 893	\$ 920	\$ 947	\$ 976	\$ 4,603
ST: Community Services Officer (CSO) - B - Northern Dist.	\$ 51,342	\$ 27,982	\$ 27,982	\$ 27,982	\$ 28,130	\$ 135,436						
ST: Code Enforcement Inspector (CPI)		\$ 33,351	\$ 33,251	\$ 33,251	\$ 2,400	\$ 69,002						
ST: Neighborhood Partnership Manager (Supervises Code Enforcement Officer)							\$ 4,587	\$ 4,724	\$ 4,866	\$ 5,012	\$ 5,163	\$ 24,352
NP: Neighborhood Services Manager	\$ 3,956	\$ 1,978				\$ 5,934	\$ 1,978	\$ 1,978	\$ 1,978	\$ 1,978	\$ 1,978	\$ 9,899
ST: HPD Chief							\$ 758	\$ 781	\$ 805	\$ 829	\$ 854	\$ 4,027
ST: Captain							\$ 2,590	\$ 2,668	\$ 2,748	\$ 2,831	\$ 2,915	\$ 13,752
ST: Lt. - Northern District Commander							\$ 15,395	\$ 15,856	\$ 16,332	\$ 16,822	\$ 16,822	\$ 81,227
ST: Police Officer - Northern District							\$ 4,097	\$ 4,220	\$ 4,347	\$ 4,477	\$ 4,611	\$ 21,752
ST: Community Services Officer A - Northern Dist.							\$ 1,495	\$ 1,540	\$ 1,586	\$ 1,634	\$ 1,683	\$ 7,939
Subtotal Fringe Benefits	\$ -	\$ 57,573	\$ 63,311	\$ 61,233	\$ 30,530	\$ 212,647	\$ 41,873	\$ 59,500	\$ 73,020	\$ 74,606	\$ 78,268	\$ 327,268
3. Travel												
Travel / Training: Sub-total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4. Equipment												
IT: Wireless Controller for up to 12 APs (one per site)	\$ 6,600					\$ 6,600						
IT: Ethernet Transceiver(one per site)	\$ 480					\$ 480						
IT: 802.11a/g/n Fixed Auto AP	\$ 780					\$ 780						
IT: Ethernet Wifi Router w/ 1000 foot range (one per site)	\$ 1,290					\$ 1,290						
IT: IP Services License (one per site)	\$ 90					\$ 90						
IT: Time-Warner Cable 25 Mbps data utility (annual per site)	\$ 2,400					\$ 2,400						
HH: Brodart library book vending machine, installed	\$ 43,550					\$ 43,550						
HH: Brodart maintenance & support contract	\$ 5,400					\$ 5,400						
HH: Indoor book return bin	\$ 1,900					\$ 1,900						
HH: (54) Netbook PCs + MS Office @ \$500/ea	\$ 15,000	\$ 27,000				\$ 42,000						
HH: (25) CIPA software installs @ \$25/ea	\$ 1,350					\$ 1,350						
HH: Computer accessories		\$ 2,050										
HH: (10) Mobile computer printers @ \$30/ea		\$ 300										
HH: (1) Notebook PC storage cabinet	\$ 1,800					\$ 1,800						
Subtotal Equipment	\$ -	\$ 80,640	\$ 29,350	\$ -	\$ -	\$ 109,990	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5. Supplies												
NP: Neighborhood Engagement Mtgs/Events (incl. NHEN mtgs):		\$ 1,000	\$ 2,000			\$ 3,000						\$ -
NP: Outreach / Promotions / Advertisements	\$ 1,000	\$ 2,000	\$ 2,000			\$ 5,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 4,000
NP: Printing Costs / Signage	\$ 500	\$ 4,500	\$ 8,200			\$ 13,200	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 2,000
HH: (400) Books @ \$12.50 ea.	\$ 10,000					\$ 10,000	\$ 10,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 70,000
HH/NP: 21st Learning Ctr & Office supplies	\$ 1,140	\$ 1,266	\$ 2,910			\$ 5,316	\$ 1,000	\$ 1,500	\$ 2,000	\$ 2,000	\$ 2,000	\$ 6,500
Subtotal Supplies	\$ -	\$ 12,640	\$ 8,766	\$ 15,110	\$ -	\$ 36,516	\$ -	\$ 12,500	\$ 23,000	\$ 23,500	\$ 23,500	\$ 82,500
6. Contractual Services												
HH: Homework Center Site Supervisors - Contractual	\$ 21,000	\$ 75,500	\$ 95,692	\$ 167,365	\$ 359,557	\$ 359,557						
NP: Translation Services:	\$ 720	\$ 720	\$ 2,000	\$ 500	\$ 3,940	\$ 3,940	\$ 720	\$ 720	\$ 720	\$ 720	\$ 720	\$ 3,600
NP: Childcare Services During Neighborhood Meetings	\$ 540	\$ 540	\$ 2,000	\$ 3,080	\$ 3,080	\$ 3,080	\$ 540	\$ 540	\$ 540	\$ 540	\$ 540	\$ 2,700
NP: Parent/Student Civic Engagement Transportation Services	\$ 10,000		\$ 2,000	\$ 5,000	\$ 12,000	\$ 12,000						\$ -
NP: Neighborhood Improvement (Health / Safety / Community) Projects - 2015			\$ 15,000	\$ 5,000	\$ 20,000	\$ 20,000						\$ -
EP: Service Learning and Innovative Civic Engagement (SLICE)		\$ 20,000	\$ 20,000	\$ 18,500	\$ 58,500	\$ 58,500		\$ 20,400	\$ 20,400	\$ 20,400	\$ 20,400	\$ 40,800
EP: St. Rose Hospital - FACES of the Future			\$ 25,000	\$ 18,500	\$ 43,500	\$ 43,500			\$ 10,848	\$ 10,848	\$ 10,848	\$ 10,848
NP: Anti Graffiti Art Project	\$ 50,000		\$ -	\$ -	\$ 50,000	\$ 50,000						\$ -
CG: Community/Schools Garden Strategy	\$ 20,000	\$ 10,000	\$ 10,000	\$ 8,500	\$ 48,500	\$ 48,500						\$ -
Staff Training / Eval. Analytics:												
Subtotal Supplies and Services	\$ -	\$ 102,260	\$ 106,760	\$ 171,692	\$ 218,365	\$ 599,077	\$ 1,260	\$ 1,260	\$ 21,660	\$ 32,508	\$ 1,260	\$ 57,948
8. Other												
HH: Volunteer Tutors								\$ 40,000	\$ 60,000	\$ 80,000	\$ 120,000	\$ 300,000
Subtotal Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40,000	\$ 60,000	\$ 80,000	\$ 120,000	\$ 300,000
GRAND TOTAL	\$ -	\$ 331,681	\$ 350,581	\$ 386,103	\$ 373,812	\$ 1,442,177	\$ 134,903	\$ 252,455	\$ 350,581	\$ 386,701	\$ 415,963	\$ 1,538,540

W/ 10% Reductor Total Allocation to COH



CITY OF HAYWARD

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

File #: LB 16-109

DATE: December 6, 2016

TO: Mayor and City Council

FROM: Development Services Director and Fire Chief

SUBJECT

Adoption of the California Code of Regulations 2016 edition of Title 24, including the 2016 Building, Fire, Plumbing, Mechanical, Electrical, Energy and Green Building Codes; and Related Amendments, Including to the Hayward Municipal Code

RECOMMENDATION

That the City Council introduces the attached ordinances and adopts the attached resolutions.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	2016 Building Code Resolution
Attachment III	2016 Building Code Ordinance
Attachment IV	2016 Fire Codes Resolution
Attachment V	2016 Fire Codes Ordinance



DATE: December 6, 2016

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Adoption of the California Code of Regulations 2016 edition of Title 24, including the 2016 Building, Fire, Plumbing, Mechanical, Electrical, Energy and Green Building Codes; and Related Amendments, Including to the Hayward Municipal Code

RECOMMENDATION

That the City Council adopts the attached resolutions and introduces the attached ordinances.

SUMMARY

Every three years, all of the codes that regulate construction in California (Title 24 of the California Code of Regulations) are comprehensively updated by the State. Jurisdictions throughout California adopt the State codes to serve as local codes, sometimes with amendments to the State codes, as Hayward has done historically. The 2016 State codes will be in effect throughout California on January 1, 2017, whether local jurisdictions adopt them or not.

This report and attached resolutions and ordinances recommend that the City Council adopts the State Codes with some amendments, and also codifies the Building Codes to become part of Chapter 9 (Building Regulations) of the Hayward Municipal Code, which they have not been previously. Doing so will allow the code regulations to be more accessible and usable by the public.

BACKGROUND

Title 24 is a comprehensive series of regulations that governs all aspects of construction. This set of codes covers everything from fire safety to green building and energy efficiency. State law requires that all communities enforce these building standards in their entirety. The enforcement of these regulations is accomplished through a combination of plan review and onsite field inspections. The Building Division of the Development Services Department is responsible for enforcing the majority of Title 24 in Hayward. The Hayward Fire Department is specifically responsible for enforcing Part 9 of Title 24, which is the California Fire Code. Title 24 covers five broad topics:

- LIFE SAFETY (earthquake and fire safety through the Building Code and Fire Code)
- CONSTRUCTION QUALITY and SANITATION (core system functioning - through the Plumbing Code, Electrical Code and Mechanical Code)
- CIVIL RIGHTS (disabled access provisions through the Building Code)
- ENERGY CONSERVATION (through the Energy Code)
- GREEN BUILDING (through the California Green Building Standards Code, or 'CalGreen')

Building staff provided a brief [summary](#) of the energy efficiency and green building components of the new Building Code to the Council Sustainability Committee on November 14, 2016.

DISCUSSION

Most jurisdictions undergo a code adoption process every three years to formally incorporate the California Building Code and Fire Code into their municipal regulations. This local adoption process is not mandatory since state law automatically requires all jurisdictions in California to enforce the current version of Title 24 on the effective date. However, if the local jurisdiction chooses to modify the state codes in any way, this must be done through an ordinance. There are specific guidelines for this local adoption process in state law. The modifications proposed by any local jurisdiction must meet the following criteria:

- Local code amendments must not be less restrictive than the state codes.
- Technical modifications must have reasonable findings based on climatic, geologic or topographical conditions that impose particular constraints within the jurisdiction.
- Findings related to local conditions must be submitted to the California Building Standards Commission for recordation.
- Changes to the administrative sections of the code (non-technical components) do not require findings. Examples include policies related to refunds or plan review expiration.

Building Code (Attachments II and III)

As part of this code cycle, staff is recommending making several changes to the administrative section of the Building Code and making three technical changes/amendments based on the City's seismic zone. To view these changes and a brief explanation of the rationale, please see the second page of Attachment III (2016 Building Code Ordinance) for a summary. For the full rationale, please see Attachment II (2016 Building Code Resolution).

Another aspect of the code adoption process is to check existing ordinances against the new codes and remove any outdated or redundant regulations. As part of this exercise, staff is recommending deleting outdated and/or conflicting sections in the Municipal Code, which will eliminate confusion. The problem of overlapping regulations mainly occurs because certain regulations were adopted before the Building Code ultimately addressed the same topic. As staff is recommending that the Building Code become part of the Municipal Code, staff is recommending this “clean-up” of the Municipal Code at this time. Specifically, staff recommends removing the following article in the Municipal Code:

- **Moved Buildings: Chapter 9, Article 2** -- The entire ordinance is disconnected from the State Building Code adoption process and has become outdated (created in 1964 and not updated since). The California Building Code covers all of the issues associated with moved buildings under a modern set of regulations.

Removing Chapter 9, Article 2 results in a vacancy in the Municipal Code which could be filled with the new Building Code. Currently, Chapter 9, Article 1 of the Municipal Code addresses “Building Along Watercourses.” Due to the importance of the Building Code, however, staff recommends that it be codified as Chapter 9, Article 1. The current Chapter 9, Article 1 would be re-codified as Chapter 9, Article 2, thereby filling the vacancy created by the removal of the current Chapter 9, Article 2.

Fire Code (Attachments IV and V)

Staff is recommending that City Council adopts the 2016 California Fire Code with local amendments that the Fire Chief proposes in an effort to further strengthen the 2016 Hayward Fire Ordinance. This includes adopting previously adopted amendments, such as designating a Hazardous Fire Area in the Hayward Hills, east of Mission Boulevard and south of D Street; and amendments to clarify construction method requirements within the Hazardous Fire Area and the Photovoltaic (“Solar”) System Installation Guidelines. Additional amendments include a continuation of the prohibition of flammable and combustible liquids in aboveground storage tanks, with minor exceptions; and the inclusion into the code of currently implemented standards of secondary containment to capture potential releases of hazardous materials if a primary container were to fail. The Fire Code will be incorporated into the City’s Municipal Code as Chapter 3, Article 14 in an effort to make the Fire Code more accessible to the public.

Environmental Review: The recommended actions are exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15378(b)(1) of the CEQA guidelines, which is an exemption for legislative action as required by the state. In this case, the adoption of the state building codes is mandated as discussed above.

ECONOMIC IMPACT

The economic impact of the 2016 Building Codes will be primarily focused on new homes. The 2016 Energy Code requirements for residential buildings represent the biggest code

change with a cost impact to developers. The California Energy Commission estimates that the new 2016 standards will increase the construction costs of a home by an average of \$2,700. The same study notes that over a thirty-year period, the cost of these enhanced energy efficiency features will yield an average savings of \$7,400 to the homeowner. While these added costs will be absorbed over the life of a conventional loan, the initial price of a new (more energy-efficient home) will be slightly higher under these new standards.

The remainder of the Building Code and Fire Code updates outside of the energy regulations are incremental in nature and do not represent any substantial changes that will have an economic impact.

FISCAL IMPACT

With the increase in efficiency moving towards zero net energy standards (ZNE), enforcement of the new codes will have an impact on staff. Additional training is required and projects will take longer to complete during the plan review and inspection stages. Staff does not foresee an immediate substantial fiscal impact from adopting the new codes, but over the course of the code cycle, staffing may need to be adjusted (internally and/or through consulting services) to maintain our present review timelines. There also may be a need to increase the training budget as staff learns and implements these new standards.

SUSTAINABILITY FEATURES

In terms of green building and energy efficiency, the new codes represent a significant leap forward in order to reach California's target of zero net energy (ZNE) for all new residential buildings in 2020 and all new commercial buildings in 2030. This code cycle is the final update to the Energy Code before all new homes in California must be ZNE, or produce all of the energy they consume on site.

Given that in three years with the next code cycle, all new residential structures in California will need to perform at ZNE standards, the major changes in this code cycle are focused on the energy efficiency of homes. The Energy Code applies to new buildings, remodels, repairs and additions to existing buildings.

Homes have four focal points for conservation in the Energy Code:

- Insulation (this includes walls, roofs, floors, attics and windows)
- Water Heating
- Heating and Cooling Systems (Furnaces and air conditioners)
- Lighting

The major efficiency increases relate to wall insulation, lighting and water heating. Most homes built starting in 2017 will utilize on-demand or "tankless" water heaters, which are approximately 30% more efficient than conventional storage tank water heaters. New homes will also include thicker walls with both internal and external insulation. Finally, new homes

will not be allowed to use any incandescent lighting as part of this new code cycle. All installed fixtures will be either compact fluorescent or LED.

To learn more about the sustainability features of the new codes and zero net energy, please see the [staff report on this specific topic](#) prepared for the Council Sustainability Committee on November 14, 2016.

PUBLIC OUTREACH

Staff has directly contacted all developers with active projects that are nearing submittal to notify them of the upcoming code changes. Staff will also include notifications on the City's website and provide useful links for developers and homeowners to learn about the new codes.

NEXT STEPS

If the City Council agrees with the proposed changes to the California Building Code and the California Fire Code and adopts the attached resolutions and introduces the attached ordinances, the ordinances will be adopted on December 13 and the new 2016 codes with amendments will be in effect on January 1, 2017.

Once the 2016 Building Code Ordinance and the 2016 Fire Code Ordinance are adopted, City staff and the City Clerk's Office will work with the Municipal Code publishers to reformat any of the new ordinances with the goal of remaining consistent with other parts of the Municipal Code.

Prepared by: Steve Osborne, Acting Building Official and Miles Massone, Fire Marshal

Recommended by: David Rizk, Development Services Director, and Garrett Contreras, Fire Chief

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-__

Introduced by Council Member _____

RESOLUTION FINDING AND DETERMINING THE NEED FOR CHANGES OR MODIFICATIONS TO THE 2016 CALIFORNIA BUILDING CODE

WHEREAS, section 17958 of the California Health and Safety Code requires the adoption by the City of Hayward of regulations imposing the same requirements of certain uniform industry codes as specified in Health and Safety Code section 17922 and the California Housing and Community Development Commission regulations promulgated thereunder; and

WHEREAS, Health and Safety Code section 17958.5 permits a city to make such changes or modifications to the uniform industry codes as are deemed reasonably necessary because of local conditions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, pursuant to the requirements of Health and Safety Code section 17958.7, does hereby find and determine the need to adopt changes or modifications to the following sections of the 2016 California Building Code by reason of local climatic, geological, and topographical conditions:

ADMINISTRATIVE CHANGES

In accordance with Health and Safety Code section 18909(c), local ordinances necessary to carryout procedures by a city relating to administrative processes for enforcing building standards, and that do not establish building standards, may be enacted without meeting the requirements of the state laws governing amendments to Title 24.

STRUCTURAL CHANGES

CODE REFERENCE:

2016 CBC 1705.3 Concrete construction. Revise section 1705.3 Exception as follows: Special inspections and tests of concrete construction shall be performed in accordance with this section and Table 1705.3.

Exception: Special inspections and tests shall not be required for: 1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength, f'c, no greater than 2,500 pound per square inch (psi) (17.2 Mpa).

ISSUES:

The proposed amendment modifies the type of exceptions from requiring special inspection for isolated spread concrete footings of buildings three stories or less above grade plane.

RATIONALE:

Results from studies after the 1994 Northridge earthquake indicated that a lot of the damages were attributed to lack of quality control during construction. The proposed amendment improves quality control during construction and therefore needs to be incorporated into the Code. Revise CBC Section 1705.3 exception No. 1 to allow special inspection not to be required for isolated spread footing where the structural design of the footing is based on a specified compressive strength, f_c , no greater than 2,500 psi. This proposed amendment is a continuation of an amendment adopted during the previous code adoption cycle.

CODE REFERENCE:

2016 CBC 1905.1.7 ACI 318, section 14.1.4. Delete ACI 318, Section 14.1.4, and replace with the following:

14.1.4 - Plain concrete in structures assigned to Seismic Design Category C, D, E or F.

14.1.4.1 - Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

(a) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

Exception: In detached one- and two-family dwellings three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.

(b) Plain concrete footing supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

Exception: In detached one- and two-family dwellings three stories or less in height and constructed with stud bearing walls, plain concrete footings with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross-sectional area of the footing.

ISSUES:

Revise section 1905.1.7. ACI 318 section 14.1.4 that allows the use of plain concrete in residential structures assigned to Seismic Design Category C, D, E or F.

RATIONALE:

The proposed amendment addresses the problem of poor performance of plain or under-reinforced concrete footings during a seismic event. This amendment reflects the recommendations by the Structural Engineers Association of Southern California (SEAOSC) and the Los Angeles City Joint Task Force that investigated the poor performance of plain and under-reinforced concrete footings observed in 1994 Northridge earthquake.

CODE REFERENCES:

2016 CRC Table R602.10.3(3)

ISSUES:

Add a new footnote “f” to the end of the table to read:

f. In Seismic Design Categories D₀, D₁, and D₂, Method GB is not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structures.

Add the “f” footnote notation in the title of Table R602.10.3(3) to read:

TABLE R602.10.3(3)^f

R602.10.4.4 Limits on methods GB and PCP. Add a new subsection R602.10.4.4, to read:

In Seismic Design Categories D₀, D₁, and D₂, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D₀, D₁, and D₂, the use of Method PCP is limited to one-story single family dwellings and accessory structures.”

RATIONALE:

The proposed amendment addresses the problem of poor performance of gypsum wallboard and Portland cement plaster as wall bracing materials in high seismic areas. This amendment reflects the recommendations by the Structural Engineers Association of Southern California (SEAOSC) and the Los Angeles City Joint Task Force that investigated the poor performance of these bracing materials that were observed in 1994 Northridge earthquake.

BE IT FURTHER RESOLVED that the aforementioned amendments to the 2016 California Building Code, are based on local climatic, geological, or topographical conditions. The "Findings of Facts" contained herein addresses present local conditions which either singularly or in combination cause the aforementioned amendments to be adopted.

1. CLIMATIC
Not applicable to proposed amendments.

2. TOPOGRAPHICAL
Not applicable to proposed amendments.

3. GEOLOGICAL
Seismic Activity: The City of Hayward is located in a zone of high seismic activity. A major seismic event may make roads impassable with damage so widespread that resources would not be available to meet all the anticipated needs. Buildings in this area need to be designed to ensure the maximum life safety of occupants and to minimize economic loss as the region struggles to overcome the devastation that would follow after such a seismic event.
Conclusion: Local geological conditions have a definite impact upon buildings in Hayward. Therefore, it is found to be reasonably necessary that the 2016 California Building Code be changed or modified to mitigate the effects of the above conditions.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause a copy of this resolution, together with the modifications or changes to the 2016 California Building Code, to be filed with the California Department of Housing and Community Development.

IN COUNCIL, HAYWARD, CALIFORNIA December 6, 2016.

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

ORDINANCE NO. 16-__

AN ORDINANCE ESTABLISHING A BUILDING CODE FOR THE CITY OF HAYWARD; REGULATING THE CONSTRUCTION, ALTERATION, REPAIR, AND MAINTENANCE OF STRUCTURES; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; REPEALING ORDINANCES NO. 13-21, 13-22, 13-23, 15-08, 15-16, 16-01; CHAPTER 10, ARTICLE 23; CHAPTER 9, ARTICLE 2, AND ALL AMENDMENTS THERETO

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

Section 1. In accordance with state law, effective January 1, 2017, Ordinances No. 13-21, 13-22, 13-23, 15-08, 15-16, 16-01; Chapter 9, Article 2; and all amendments thereto, is hereby repealed and in substitution thereof a new Building Code for the City of Hayward is hereby enacted as Chapter 9, Article 1, to read as follows:

BUILDING CODE
OF THE CITY OF HAYWARD

SECTION 1.00

2016 CALIFORNIA BUILDING CODES, ADOPTION BY REFERENCE.

The 2016 California Building Code (Part 2 of C.C.R. Title 24, based on the 2015 International Building Code), the 2016 California Residential Code (Part 2.5 of C.C.R. Title 24 based on the 2015 International Residential Code), the 2016 California Electrical Code (Part 3 of C.C.R. Title 24 based on the 2014 National Electrical Code), The 2016 California Mechanical Code (Part 4 of C.C.R. Title 24 based on the 2015 Uniform Mechanical Code), the 2016 California Plumbing Code (Part 5 of C.C.R. Title 24 based on the 2015 Uniform Plumbing Code), the 2016 California Energy Code (Part 6 of C.C.R. Title 24), the 2016 California Historical Building Code (Part 8 of C.C.R. Title 24), the 2016 California Existing Building Code (Part 10 of C.C.R. Title 24 based on the 2015 International Existing Building Code), the 2016 California Green Building Standards Code (Part 11 of C.C.R. Title 24), published by the International Code Council, as amended by the State of California pursuant to Health and Safety Code section 17922, and as further modified by the amendments, additions, and deletions as set forth hereinafter, is hereby adopted by reference as the Building Code of the City of Hayward.

A printed copy of such 2016 California Building Codes together with the State and local amendments thereto, is on file in the office of the City Building Official, to which reference is hereby made for further particulars.

SECTION 2.00
SUMMARY OF LOCAL AMENDMENTS

CA BUILDING CODE SECTION	Added to Code	Code Change	Deleted from Code	Notes / Justification
101.1 Title		X		Defines name of jurisdiction
101.2.1 Appendices		X		Specifies adopted appendices
103.1		X		Defines name of enforcement agency
105.1.1			X	Removes option for annual permits
105.1.2			X	Item is removed since it is related to previous item
105.3.2		X		Adds clarification to the expiration policy of applications in plan review
105.5.1 Completion Permits	X			Defines process for "completion permits" -- projects where inspections have been performed but the permit has expired
105.5.2 Completion Permit Fees	X			Establishes fee calculation formula for "completion permits"
105.3.1.1 Expedited Residential Solar Permitting	X			Establishes a requirement to expedite residential solar applications that meet specific criteria as mandated by AB 2188
109.2 Permit Fees		X		Makes reference to the Master Fee Schedule adopted by Council
109.4.1 Investigation Fees for Work Completed Without Permits		X		Clarifies policy for charging additional fees for work conducted without permits
109.6 Refunds		X		Establishes a refund process and percentage of money to be returned
111.3 Temporary Occupancy		X		Provides clarification on local policy related to "temporary certificate of occupancy"
CBC Ch. 4	N/A	N/A	N/A	See Hayward 2016 Fire Code Ordinance for changes

				related to Ch. 4
CBC Ch. 9				See Hayward 2016 Fire Code Ordinance for changes related to Ch. 9
1705.3 Concrete Construction		X		This amendment improves quality control during construction by modifying the type of exception from requiring special inspection for isolated spread concrete footings of buildings 3 stories or less. Coordinated Regionally with other local jurisdictions. Findings submitted to Building Standards Commission based on geological conditions.
1905.1.7, ACI 318 Section 14.1.4		X		This amendment addresses the problem of poor performance of plain or under-reinforced concrete footings during a seismic event. Coordinated Regionally with other local jurisdictions. Findings submitted to Building Standards Commission based on geological conditions.
Table R602.10.3(3)		X		This amendment addresses the problem of poor performance of gypsum wallboard and Portland cement plaster as wall bracing materials in high seismic areas. Coordinated Regionally with other local jurisdictions. Findings submitted to Building Standards Commission based on geological conditions.

SECTION 3.00
LOCAL AMENDMENTS TO THE CA BUILDING CODE BY CHAPTER

CALIFORNIA BUILDING CODE CHAPTER 1: SCOPE AND ADMINISTRATION LOCAL
AMENDMENTS

The administrative local amendments in this chapter shall also apply to the corresponding requirements in the administration chapters of the California Mechanical Code, The California Plumbing Code and the California Electrical Code.

101.1 Title. This section is revised to read as follows:

These regulations shall be known as the Building Code of the City of Hayward. The provisions contained herein are adopted, and together with the local amendments, are referred to hereafter as “these regulations” or “these building standards” or “this code.”

101.2.1 Appendices. This section is revised to read as follows:

Wherever in this code reference is made to an appendix chapter, the provisions of the said appendix shall not apply unless specifically adopted by this code. The following appendix chapters are adopted:

1. California Building Code Appendix I: Patio Covers
2. California Plumbing Code Appendix A: Rules for Sizing the Water Supply System
3. California Plumbing Code Appendix B: Notes on Combination Waste and Vent Systems
4. California Plumbing Code Appendix C: Alternate Plumbing Systems

103.1 Creation of enforcement agency. This section is revised to read as follows:

The Building Division of the Development Services Department is hereby created and the official in charge thereof shall be known as the building official.

105.1.1 Annual permit. This section is hereby deleted.

105.1.2 Annual permit records. This section is hereby deleted.

105.3.2 Time limitation of application. This section is revised to read as follows:

An application for a permit for any proposed work submitted through the plan review process shall be deemed to have been abandoned 365 days after the date of filing if the plans are not approved. This timeline includes the responses to correction lists. Once the plans are approved, but the building permit has not yet been issued, the application for the permit shall be valid for an additional 180 days. The building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each when an application has expired. The extension shall be requested in writing and justifiable cause demonstrated.

105.5.1 Completion permits. A new section, 105.5.1 is added as follows:

In the event that an initial or a renewed permit expires before the work is complete, the completion of the work shall require the issuance of a “completion” permit and the payment of an additional permit fee; moreover, the building official shall have the authority to require the resubmittal of plans, a new plan review, and/or the updating or reassessment of the valuation of the incomplete work. This completion permit will require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance and that all work be completed prior to the expiration date; no further extensions or renewals shall be allowed. The completion permit fee shall be established as indicated in Section 105.5.2 and in accordance with the schedule of previously completed and inspected work.

Notwithstanding the above, in the event that a permittee fails to complete the work and to obtain a completion permit within 1 year following the expiration of an initial or a renewal permit, the work may not be completed pending the issuance of a new permit. The building official shall have the authority to require the resubmittal of some or all of the plans and specifications, a partial or complete plan review, the payment of additional review and filing fees, and that all work conform to the laws, regulations, rules, and ordinances in effect at the time of the latest permit application.

105.5.2 Fees for completion permits. A new section, 105.5.2 is added as follows:

Fees for completion permits as described in Section 105.5.1 shall be based upon the percentage of work that has passed inspection prior to the expiration of the renewed permit. If either valuation or fees have changed since the original permit was issued, the fees or the valuation shall be updated to the new fees or valuations in effect at the time the completion permit is issued. The percentages to be charged will remain the same.

This schedule is intended to apply to conventional wood frame building construction. In the event that the work is not conventional wood frame construction, or does not constitute a complete building, or is a type of structure other than a building, the building official shall determine the fee based upon the number of the inspections remaining to be performed.

Completed Inspections	% of Updated Valuation
None	60
Foundation	55
Under-floor	50
Shear Wall	40
Rough Frame	30
Lath or Gypsum Board	20
All, except Final	10

105.3.1.1 Expedited Residential Solar Permitting. A new section is added to read as follows:

The City of Hayward Building Division shall maintain expedited permitting and inspection services for small residential rooftop solar systems as required by AB 2188. This legislation is codified in Subsection (a) of Section 65850.5 of the California Government Code.

The following criteria must be met by the applicant to qualify for the expedited permitting process:

1. The installation must be on a one or two family dwelling.
2. The solar energy system shall not be larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
3. The submittal documents shall demonstrate compliance with all applicable codes and shall be legible. The design for the solar system shall include adequate details and/or calculations to confirm minimum code compliance for wind loads, dead loads and roof structure support, electrical system safety and plumbing systems for solar thermal.

The Building Division of the City of Hayward will provide the following services for qualified projects:

1. Checklist: A comprehensive checklist will be maintained on the City of Hayward website that covers the minimum code requirements. If a project submitted for review does not meet the minimum code items noted in the checklist, the applicant will be given a written list of comments specifying the required corrections.
2. Expedited plan review: Expedited plan review shall mean $\frac{1}{2}$ of the normal plan review period for a project. The Building Division will make every effort to issue qualified residential solar permits on the same day as the application if staffing is available to complete the review.
3. Single Inspection: The Building Division and the Fire Prevention Office will coordinate to avoid separate inspection scheduling for small residential solar permits. The Fire Marshall or the Building Official may require additional inspections if the work inspected initially did not meet minimum code compliance.

109.2 Schedule of permit fees. This section is amended to read as follows:

Fees shall be as set forth in a fee schedule adopted, for this purpose, by resolution of the City Council. The said schedule shall establish, but not be limited to, fees for permit issuance and inspections and regular plan reviews. The fees for the plan checking and permit issuance of related items shall also be included in the said fee schedule.

109.4.1 Investigation fees for work without a permit. New Section 109.4.1 is added as follows:

Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, the building official shall perform an investigation prior to the issuance of the permit authorizing the work. An investigation fee shall be charged to offset the cost of the said investigation shall be established. This fee shall be in addition to any other regular plan review or permit fee, and shall be collected whether or not a permit is then or subsequently issued. The amount of the investigation fee shall be assessed by the building official in accordance with the schedule described in Section 109.2 and based upon the circumstances and extent of the violation, but in no case shall be less than the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

109.6 Refunds. This section is revised to read as follows:

The building official shall not authorize refunding of any fee paid to the Building Division except on written application filed by the original permittee.

The building official may authorize refunding of any fee paid under this code that was erroneously paid or collected.

The building official may authorize the refunding of a maximum of 60% of the initial permit fee paid to the building official when no work has been done under an unexpired permit issued in accordance with this code. If no work has been done and an issued permit has expired, the building official may authorize refunding of not more than 30% of the said permit fee, provided that the request for refund is submitted within 1 year following the permit expiration; after 1 year beyond the permit expiration date, no refund of the permit fee shall be authorized.

The building official may authorize the refunding of a maximum of 60% of the plan review fee paid to the building official if no plan review comments have been issued by the building official prior to the receipt of the request for refund. No refund of this fee shall be authorized following the issuance of the initial plan review comments by the building official.

111.3 Temporary occupancy. Two new paragraphs are added at the end of Section 111.3 as follows:

If the building official finds that no substantial hazard will result from occupancy or use of any building or structure, or portion thereof, before the same is completed, he/she may authorize such a temporary occupancy or use pending the completion of the entire

building or structure.

The building official, in authorizing temporary occupancy or use, may impose any reasonable conditions that may be necessary to protect life, health, and property and may include a time limit on such occupancy or use. In the event that any such condition is violated, the building official may revoke a temporary occupancy or use. Failure to comply with conditions of said temporary occupancy may result in penalties and/or revocation of permit.

**CALIFORNIA BUILDING CODE CHAPTER 4: SPECIAL DETAILED REQUIREMENTS
BASED ON USE AND OCCUPANCY LOCAL AMENDMENTS**

See Hayward Fire Code Ordinance for Amendments

**CALIFORNIA BUILDING CODE CHAPTER 9: FIRE PROTECTION SYSTEMS LOCAL
AMENDMENTS**

See Fire Hayward Code Ordinance for Amendments

**CALIFORNIA BUILDING CODE CHAPTER 17: STRUCTURAL TESTS AND SPECIAL
INSPECTIONS LOCAL AMENDMENTS**

1705.3 Concrete construction. Revise section 1705.3 Exception as follows:
Special inspections and tests of concrete construction shall be performed in accordance with this section and Table 1705.3.

Exception: Special inspections and tests shall not be required for: 1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength, f'_c , no greater than 2,500 pound per square inch (psi) (17.2 Mpa).

CALIFORNIA BUILDING CODE CHAPTER 19: CONCRETE LOCAL AMENDMENTS

Revise section 1905.1.7. ACI 318 section 14.1.4 that allows the use of plain concrete in residential structures assigned to Seismic Design Category C, D, E or F.

1905.1.7 ACI 318, section 14.1.4. Delete ACI 318, Section 14.1.4, and replace with the following:

14.1.4 - Plain concrete in structures assigned to Seismic Design Category C, D, E or F.

14.1.4.1 - Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

(a) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

Exception: In detached one- and two-family dwellings three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.

(b) Plain concrete footing supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

Exception: In detached one- and two-family dwellings three stories or less in height and constructed with stud bearing walls, plain concrete footings with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross-sectional area of the footing.

CALIFORNIA RESIDENTIAL CODE CHAPTER 6: WALL CONSTRUCTION LOCAL AMENDMENTS

Table R602.10.3(3) Add a new footnote “f” to the end of the table to read:

f. In Seismic Design Categories D₀, D₁, and D₂, Method GB is not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structures.

Add the “f” footnote notation in the title of Table R602.10.3(3) to read:

TABLE R602.10.3(3)^f

R602.10.4.4 Limits on methods GB and PCP. Add a new subsection R602.10.4.4, to read:

In Seismic Design Categories D₀, D₁, and D₂, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this section to be placed on the opposite side of the studs from other types of

braced wall panel sheathing. In Seismic Design Categories D₀, D₁, and D₂, the use of Method PCP is limited to one-story single family dwellings and accessory structures.”

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of December, 2016, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the ____ day of December, 2016, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ATTEST: 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

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-_____

Introduced by Council Member _____

RESOLUTION FINDING AND DETERMINING THE NEED FOR
CHANGES OR MODIFICATION TO THE CALIFORNIA FIRE
CODE, 2016 EDITION

WHEREAS, California Health and Safety Code sections 13143.2 and 13143.5 permit a city to make such changes or modifications as deemed reasonably necessary because of local conditions to be made in specified uniform industry codes; and

WHEREAS, it is necessary that the City's Fire Code be revised to conform with parallel provisions in the City's Building Code as well as to address specialized needs presented by local conditions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward does hereby find and determine as follows:

1. In connection with the adoption by reference of the California Fire Code, 2016 Edition, the City needs to adopt changes or modifications to the following sections of the California Fire Code, 2016 Edition, by reason of local conditions: 1, 2, 3, 4, 5, 6, 7, 8, 104.10, 104.10.1, 104.12, 105.2.2, 105.8, 108.1, 202, 503.1.4, 507.5.1, 603.4, 605.11 through 605.11.6, 901.4.2, 901.4.5, 903.2, 903.2.19, 903.2.20, 903.3.1.1, 903.4.2, 905.1, 905.3, 905.4, 1413.1, 2703.1.5, 2905.3, 3401.4.1, 3403.1.4, 3404.1.1, 3406.2, 3406.2.8, 4901.3, 4902, 4905.2, 4905.2.1, 4905.2.2, 4905.2.3, 4906, 4907, APPENDIX B Section B105.1 and B 105.2, APPENDIX C TABLE C105.1, 9, 10, 11, 12, 13, and 14.

2. The amendments to the California Fire Code, 2016 Edition (published by the International Code Council) have been recognized by the City of Hayward to address the fire problems, concerns, and future directions by which this City can establish and maintain an environment which will afford an acceptable level of fire and life safety protection to its citizens and guests.

3. The "Findings of Facts" contained herein addresses present local conditions which either singularly or in combination cause the aforesaid amendments to be adopted. The following local conditions have an adverse effect on the prevention and control of major loss fires, thereby making it necessary to adopt the above changes or modifications in the California Fire Code in order to provide a reasonable degree of fire and life safety in this community.

CLIMATIC

- (a) Precipitation: Precipitation ranges from 15 to 24 inches per year with an average of approximately 17.58 inches per year. 95 percent falls during the months of October through April, and five percent from May through September.
- (b) Relative Humidity: Humidity during May through November ranges from 20 to 40 percent going as low as 10 percent on an average of 10 days during this period. During December through April, the humidity ranges from 41 to 68 percent.
- (c) Temperatures: High temperatures have been recorded in the low 100's F. Average summer highs are in the 73 F. range with an average annual maximum temperature of 66 F.
- (d) Winds: Prevailing winds are from the west, northwest (WNW). However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 14 to 23 miles-per-hour range, gusting to 25 to 35 miles-per-hour. Forty miles-per-hour winds are experienced occasionally, and higher have been registered. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days, creating extremely dry conditions.
- (e) Summary: These local climatic conditions effect the acceleration, intensity, and size of fires in the community. Times of little or no rainfall, of low humidity, and high temperatures create extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires and fires involving buildings. During wildland and wood shake and shingle roof fires, winds can carry sparks and burning brands to other roofs, thus spreading the fire and causing conflagrations. In building fires, winds can literally force fire back into buildings and can create a blowtorch effect, in addition to preventing "natural" ventilation and cross-ventilation efforts.

GEOLOGICAL AND TOPOGRAPHIC

- (a) Vegetation: Dry grass and brush are common in the hills and open-space areas adjacent to built-up locations during six to eight months of each year. Many of these areas frequently experience wildland fires which threaten nearby buildings, particularly those with wood roofs or sidings.
- (b) Hills, Creeks, Canals, Freeways, Railways, Housing Tracts, Large Buildings, Building Complexes, and the Airport: All of these surface features, both natural and man-made, have a major adverse effect upon the road and street

layout in the City including major traffic routes. These conditions limit the number, and cause indirect routing of major arterial streets for normal traffic as well as emergency vehicle response.

- (c) Terrain: Areas with buildings include level, sloping, and rolling terrain. This terrain is not dissimilar to terrain in other locations which have experienced major conflagrations.
- (d) Roads and Streets: As noted above, the limited number, and the indirect routing of roads and streets in the City create heavy, slow traffic conditions and excessively long travel routes from point to point.
- (e) Population: The current and rapidly growing population in the City creates two fire protection problems:
 - (1) The more people, the more emergency incidents requiring Fire Department response. The greater the frequency of alarms, the greater the chance there will be simultaneous emergency incidents requiring Fire Department response. This results in longer response times and/or fewer fire companies to respond to any emergency within the City; and
 - (2) The more people, the more traffic congestion during a greater part of the day. Such traffic congestion not only slows Fire Department response but often restricts access to fire scenes.
- (f) Buildings, Landscaping, and Clearances: Many building complexes are of designs which greatly limit the approach to and accessibility by Fire Department resources. Many houses and other buildings with wood roofs or sidings are close together, and fire will readily spread from one to another by both radiation and convection of flying brands.
- (g) Summary: Essentially, the above local geological and topographical conditions present fire frequency, magnitude, exposures, and accessibility problems and have a negative impact upon the response capability of the Fire Department. The quantity of Fire Department resources that can arrive within an effective time is limited. The time in which they can respond is extended due to lengthy travel distances and traffic congestion.

4. CONCLUSION. Local climatic, geological, and topographic conditions have a definite impact upon the frequency, spread, acceleration, intensity and size of fire involving buildings in Hayward. Furthermore, they have an adverse impact upon the number of Fire Department resources which can be brought to bear upon such fires within an

ORDINANCE NO. 16-____

AN ORDINANCE ESTABLISHING A FIRE PREVENTION CODE FOR THE CITY OF HAYWARD; ADOPTING THE CALIFORNIA FIRE CODE, 2016 EDITION, PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; PROVIDING FOR PENALTIES FOR VIOLATION, AND REPEALING ORDINANCE NO. 13-20, AS AMENDED, AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH

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

Section 1. Effective January 1, 2017, Ordinance No. 13-20, and all amendments thereto, is hereby repealed and in substitution thereof a new fire code for the City of Hayward is hereby enacted as Chapter 3, Article 14, to read as follows:

SEC. 1. FIRE PREVENTION CODE OF THE CITY OF HAYWARD, ADOPTION OF CALIFORNIA FIRE CODE. The City Council of the City of Hayward for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, hereby adopts that certain code and standards known as the 2016 California Fire Code and based on the International Fire Code being particularly the 2015 edition thereof and the whole thereof (including Appendices Chapter 4, B, C, D, E, F, G, H, I, J, K) save and except such portions as are hereunder deleted, modified, or amended as set forth hereinafter, as the Fire Code of the City of Hayward. A copy of each said California Fire Code is on file in the office of the City Clerk, to which reference is hereby made for further particulars.

Said code is adopted by reference pursuant to Section 50022.2 et seq. of the Government Code of the State of California, and the same is hereby adopted and incorporated as fully as if set out at length herein and, from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Hayward except as otherwise noted herein.

SEC. 2. ESTABLISHMENT AND DUTIES OF THE FIRE PREVENTION OFFICE.

- 2.1 The California Fire Code shall be enforced by the Fire Prevention Bureau and the Operations Division in the Fire Department of the City of Hayward.
- 2.2 The chief officer in charge of the Fire Prevention Bureau shall be appointed by the Fire Chief.

- 2.3 The Chief of the Fire Department shall recommend to the City Manager the employment of technical personnel responsible for code enforcement. The Chief of the Fire Department may also detail such members of the Fire Department as inspectors as shall from time to time be necessary.

SEC. 3. DEFINITIONS.

- 3.1 Whenever the word "jurisdiction" is used in the California Fire Code, it shall be held to mean the City of Hayward.
- 3.2 Whenever the term "Corporation Counsel" is used in the California Fire Code, it shall be held to mean the City Attorney of the City of Hayward.
- 3.3 Whenever the term "Fire Code Official" or "Fire Marshal" is used, it shall be held to mean the Chief Officer in charge of the Fire Prevention Bureau for the Fire Department or his or her designated representative.

SEC. 4. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN ABOVEGROUND TANKS IS TO BE PROHIBITED.

- 4.1 The storage and use of flammable or combustible liquids (including flammable cryogenic liquids) in aboveground tanks is prohibited, within the city limits of Hayward unless approved by the Fire Chief upon a finding that such an approval would minimize a danger to the health, safety, and welfare of the population of Hayward or to neighboring properties.
- 4.2 New bulk plants for flammable or combustible liquids are prohibited within the city limits of Hayward unless approved by the Fire Chief upon a finding that such an approval would minimize a danger to the health, safety, and welfare of the population of Hayward or to neighboring properties.

SEC. 5. ESTABLISHMENT OF LIMITS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED. The limits referred to in Section 6104.2 of the California Fire Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: Within the city limits of Hayward, unless approved by the Fire Chief upon a finding that such an approval would minimize the danger to the health, safety, and welfare of the population of Hayward or to neighboring properties.

SEC. 6. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED. The storage and use of explosives and blasting agents is prohibited within the city limits of Hayward, unless approved by the Fire Chief upon

a finding that such an approval would minimize the danger to the health, safety, and welfare of the population of Hayward or to neighboring properties.

SEC. 7. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH THE STORAGE OF COMPRESSED NATURAL GAS IS TO BE PROHIBITED. The storage of compressed natural gas is prohibited within the city limits of Hayward, unless approved by the Fire Chief upon a finding that such an approval would minimize the danger to the health, safety, and welfare of the population of Hayward or to neighboring properties.

SEC. 8. AMENDMENTS MADE IN THE CALIFORNIA FIRE CODE. The California Fire Code is amended in the following respects, with the reference numbers being taken from the California Fire Code, including deletions, additions and text changes.

GENERAL
CHAPTER 1 – SCOPE AND ADMINISTRATION
DIVISION II ADMINISTRATION

SECTION 104 - GENERAL AUTHORITY AND RESPONSIBILITIES

104.10 FIRE INVESTIGATIONS. Amend section to read:

104.10 FIRE INVESTIGATIONS. The Fire Department shall investigate promptly the cause, origin, and circumstances of each and every fire occurring in the jurisdiction involving loss of life or injury to person or destruction or damage to property and, if it appears that such fire is of suspicious origin, the department shall then initiate efforts for the immediate collection of all physical evidence relating to the cause of the fire.

The Fire Chief is authorized to investigate the cause, origin, and circumstances of unauthorized releases of hazardous materials.

104.10.1 ASSISTANCE FROM OTHER AGENCY. Amend subsection to read:

104.10.1 ASSISTANCE FROM OTHER AGENCY. The Police Department shall assist the Fire Department in its investigations whenever requested to do so, unless otherwise directed by the Chief of Police.

Add new Section 104.12 to read:

104.12 FIRE PROTECTION. The Fire Chief shall designate the type and number of fire appliances to be installed and maintained in and upon all buildings and premises in the jurisdiction. This shall be done according to the relative severity of probable fire, including the rapidity with which it may spread. Such appliances shall be of a type suitable for the probable class of fire associated with such buildings or premises and shall have approval of the Fire Chief.

SECTION 105 - PERMITS.

105.2.2 INSPECTION AUTHORIZED Amend section to read:

105.2.2 INSPECTION AUTHORIZED. Before a permit is issued, the Fire Chief or his or her designated representative is authorized to inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces, or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Department, joint approval shall be obtained from all departments concerned.

105.8 PERMIT FEES. Add new subsection 105.8 to read:

105.8 PERMIT FEES. The City Council of the City of Hayward may, if it so desires establish by resolution, permit fees in connection with any permits required or authorized to be issued by the Fire Chief or any other authorized representative of the Fire Department.

SECTION 108 - BOARD OF APPEALS.

108.1 BOARD OF APPEALS ESTABLISHED Amend section to read:

108.1. BOARD OF APPEALS ESTABLISHED. In order to determine the suitability of alternate materials and type of construction, there shall be and hereby is created an appropriate board consisting of five members who are qualified by experience and training to pass judgment upon pertinent matters. The Fire Chief shall be an ex-officio member and shall act as secretary of the board. The Fire Appeal Board shall be appointed by the City Manager and shall hold office at his or her pleasure. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Fire Chief, with a duplicate copy to the appellant, and may recommend to the executive body such new legislation as is consistent therewith.

CHAPTER 2 – DEFINITIONS

SECTION 202 - GENERAL DEFINITIONS.

HIGH-RISE BUILDING. Add a paragraph to read:

The Fire Chief may determine that a building is a “high-rise structure” based on site/building configuration and the lack of viable exterior access to the upper floors for firefighting, rescue operations and where firefighters must place almost complete reliance on the building’s life safety features, fire protection systems and components of building construction.

CHAPTER 5 - FIRE SERVICE FEATURES

SECTION 503 - FIRE APPARATUS ACCESS ROADS.

503.1 WHERE REQUIRED. Add new subsection 503.1.4 to read:

503.1.4 FIRE LANES. Where necessary to maintain adequate emergency vehicle approaches to buildings or fire apparatus access roads, the Fire Chief may establish designated "Fire Lanes."

1. Restrictions and requirements as specified in the California Vehicle Code sections 22500.1 and 22658 shall apply to fire lanes established by this section.

SECTION 503 - FIRE APPARATUS ACCESS ROADS

Add new subsection 503.6.1 to read:

503.6.1 KEY SWITCHES. A key switch shall be provided and mounted on a stationary place on the outside of the security gate. The key switch shall be mounted on a permanently affixed monument three (3) to five (5) feet above ground.

SECTION 505 – PREMISES IDENTIFICATION

505.1 ADDRESS IDENTIFICATION. Amend section to read:

505.1 ADDRESS IDENTIFICATION. New and existing buildings shall have approved address numbers, building numbers or approved building identification plate in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the Fire Department, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6) high with a minimum stroke width of 0.5 inch (12.7 mm) and installed on the front of the dwelling (R-3, R-3.1 and R-4) in a location so as to be visible from the street. Otherwise, a minimum 6-inch address shall be installed in a location approved by the Fire Department. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

SECTION 507 - FIRE PROTECTION WATER SUPPLIES.

507.5 FIRE HYDRANT SYSTEMS.

507.5.1 WHERE REQUIRED. Amend subsection to read:

507.5.1 WHERE REQUIRED. Fire hydrant systems and fire hydrants shall be in accordance with Section 507.5. Hydrants shall be of the type approved in the City of Hayward and

have not less than a six-inch connection with the mains. A shutoff valve shall be installed in the hydrant connection, a minimum distance of five feet from the hydrant. Hydrants should be tested annually for proper functioning in accordance with the requirements of the authority having jurisdiction or upon request of the Fire Chief.

Hydrants shall be placed at least 40 feet from the buildings to be protected. Where it is not feasible to place them at that distance, they may be in closer proximity in locations approved by the Fire Chief.

CHAPTER 6 – BUILDING SERVICES AND SYSTEMS

SECTION 603 FUEL FIRED APPLIANCES.

603.4 PORTABLE UNVENTED HEATERS. Amend section to read:

603.4. PORTABLE UNVENTED HEATERS. The use of listed portable unvented oil-burning heating appliances shall be limited to supplemental heating in Group U Occupancies.

EXCEPTION: When approved by the Fire Chief, portable unvented oil-burning heating appliances may be used in any occupancy during construction when such use is necessary for the construction and the use does not represent a hazard to life or property.

SECTION 605 ELECTRICAL EQUIPMENT, WIRING AND HAZARDS

605.11 SOLAR PHOTOVOLTAIC POWER SYSTEMS.

605.11.1.2 MARKING CONTENT. Amend section to read:

605.11.1.2 MARKING CONTENT. Marking content shall be provided in accordance with Section 605.11.1.2.1 and 605.11.1.2.2.

605.11.1.2.1 MARKING AND LABELING OF DISCONNECTING MEANS. Each photovoltaic system disconnecting means shall be permanently labeled to identify it as a photovoltaic system disconnect. A warning sign shall be placed adjacent to the power disconnect in a location clearly visible from the location where the power disconnect is operated. The marking shall contain the words:

WARNING: ELECTRIC SHOCK HAZARD.
DO NOT TOUCH TERMINAL.
TERMINALS ON BOTH THE LINE AND LOAD SIDES MAY BE ENERGIZED IN THE OPEN
POSITION.

605.11.1.2.2 MARKING OF DC CONDUIT, RACEWAYS, ENCLOSURES AND CABLE

ASSEMBLIES. The marking shall contain the words:

WARNING: PHOTOVOLTAIC POWER SOURCE.

Add new subsections 605.11.5 through 605.11.5.2 to read:

605.11.5 PHOTOVOLTAIC SYSTEM DISCONNECTING MEANS. Photovoltaic system disconnecting means shall be provided in the locations described in Section 605.11.5.1 through 605.11.5.2.

605.11.5.1 MAIN SERVICE DISCONNECTS. A main service disconnect shall be provided to disconnect all conductors in a building or other structures from the photovoltaic system conductors. The power disconnect shall be installed at a readily accessible location on the outside of a building or structure.

605.11.5.2 ROOF DC POWER DISCONNECTS. A roof power disconnect shall be provided in proximity of the photovoltaic array to de-energize the DC circuits from the array to the mains service disconnect and inverter. Power disconnects on the one- and two- family residential roof shall be located within 3 feet of the photovoltaic array along roof access and pathways and located together when possible. Power disconnects on roof other than the one- and two- family residential shall be located as close as practically possible to the photovoltaic array and installed along the center line axis pathways when possible.

Add new subsection 605.11.6 to read:

605.11.6 NON-HABITABLE BUILDINGS OR STRUCTURES. Detached Group U non-habitable structures, such as parking shade structures, carports, solar trellises, and similar type structures shall comply with Section 605.11 through 605.11.3.

CHAPTER – 9 FIRE PROTECTION SYSTEMS

SECTION 901 - GENERAL.

901.4 INSTALLATION.

Add new subsection 901.4.7 to read:

901.4.7 FIRE SPRINKLER CONTRACTORS. All design and on-site installation work for automatic sprinkler systems shall be done by people whose qualifications satisfy applicable State of California requirements and whose expertise in the field is demonstrable through documentation of their appropriate education, experience, or license to the Fire Chief's satisfaction.

SECTION 903 - AUTOMATIC SPRINKLER SYSTEMS.

903.2 WHERE REQUIRED. Amend 903.2 to read

903.2 WHERE REQUIRED. An automatic sprinkler system shall be installed in all new construction, regardless of occupancy classification, where the total floor area is 5,000 square feet (465 m²) or more (area separation walls may not be used in lieu of a sprinkler system except when buildings are separated by fire wall constructed in accordance with Section 706 FIRE WALLS of the 2016 California Building Code), building height exceeds two stories, or floor heights exceed 15 feet (4,572 mm) from the lowest level of Fire Department access and locations described in Section 903.2.1 through 903.2.21. In cases where multiple requirements may apply, the most restrictive requirement shall prevail. Floor areas of mezzanines shall be included in calculating the total floor area to be used in determining automatic fire-extinguishing requirements.

903.3 INSTALLATION REQUIREMENTS

Add new subsection 903.2.8.2 to read:

903.2.8.2 GROUP R-3 TOWNHOUSE OR R-2 MULTI-FAMILY RESIDENTIAL. In buildings with 3 or more Group R-3 dwelling units, the automatic fire sprinkler systems shall be installed in accordance with Section 903.3.1.1.

903.3.1.2 NFPA 13R SPRINKLER SYSTEM. Deleted.

903.3.1.2.1 BALCONIES AND DECKS. Deleted.

903.3.1.3 NFPA 13D SPRINKLER SYSTEMS. Amend 903.3.1.3 to read:

903.3.1.3 NFPA 13D SPRINKLER SYSTEMS. Automatic sprinkler systems installed in one- and two-family dwellings (R-3) and R-3.1 shall be permitted to be installed throughout in accordance with NFPA 13D. Multipurpose sprinkler systems shall be permitted provided the systems are installed in accordance with NFPA 13D and City of Hayward Standard Details. Sprinkler systems in Group R-3.1 facilities shall be installed in accordance with this section, Section 903.2.8 and NFPA 13D with modifications listed in Section 903.3.1.3.1.

903.3.1.3.1 MODIFIED NFPA 13D SPRINKLER SYSTEMS.

When a modified NFPA 13D system is required, the system shall be installed to meet the following requirements.

1. Complete sprinkler coverage shall be provided in attics, garages, decks, porches, foyers and crawl spaces 3 feet or higher or having storage.

2. For sprinkler systems in buildings with R-3.1 use, sprinkler coverage shall be provided in bathrooms and closets.
3. An interior audible alarm device shall be installed within the dwelling in a location so as to be heard throughout the home. The device shall activate upon any water flow activity in the fire sprinkler system.
4. Provide a minimum of two replacement sprinklers for emergency replacement along with an appropriate wrench for changing sprinkler heads.
5. Control valve shall be secured with a chain and breakaway lock.

Add new subsection 903.2.20 to read:

903.2.20 EXISTING BUILDINGS. An automatic sprinkler system shall be installed in an existing building when cumulative additions, repairs, or alterations are made to the building and such additions, repairs, or alterations meet any of the following conditions:

1. Additions, repairs, or alterations are valued at 50 percent or more of the current assessed value of the building. (Value is based only on the structure involved. If owner disputes valuation, an appraisal can be performed at the owner's expense, by an appraiser acceptable to the Fire Chief.)
2. Any addition or additions to the original building which will add 10 percent or more to the total floor area of the existing building and the resulting floor area is 5,000 square feet (465 m²). The floor area shall be calculated in accordance with Section 903.2.
3. Additions, repairs, or alterations that will result in a change in occupancy or use and with the resulting floor area is 5,000 square feet (465 m²) or more and shall comply with the most current CBC and CFC edition. The floor area shall be calculated in accordance with Section 903.2.
4. Accumulative area of alteration, addition or repair is 5,000 square feet (465 m²) or more. The floor area shall be calculated in accordance with Section 903.2. Building owners are to be held responsible.
5. Extensive remodeling in existing one- and two-family dwellings and townhouses, where roofs/ceilings are reconstructed or altered, and new sprinkler systems can be installed without inconvenience upon the Fire Chief's determination.

Add new subsection 903.2.21 to read:

903.2.20.1 EXISTING BUILDINGS IN HAYWARD DOWNTOWN CORE AREA. Alternative design in lieu of fire sprinkler systems in Hayward's Downtown Core Area shall be permitted when it satisfies all provisions established by the Hayward Fire Department.

1. The Hayward Downtown Core is bounded by A St., Foothill Blvd., D St., and Grand St. and includes a four- block strip along the south side of D St. and a two-block area west of Grand St.
2. The alternative design option is only available to a renovation, improvement, or redevelopment project on an existing building used as Group A, B, E, F, M, R and S.
3. The alternative design is not applicable to newly constructed projects.
4. The project shall satisfy all provisions listed in the supplemental document - Alternative Design in Lieu of Fire Sprinkler Systems in Hayward's Downtown Core.

Add new subsection 903.2.21 to read:

903.2.21 HILLSIDE DESIGN AND URBAN/WILDLAND INTERFACE. Developments located in the hillside urban/wildland interface zone identified in Section 4901.3 of the ordinance shall be fully sprinkler per NFPA 13. Single family residence fire sprinkler system shall be installed in accordance with NFPA 13D with modifications listed in Section 903.3.1.3.1.

903.3.1.1 NFPA 13 SPRINKLER SYSTEMS. Add to the end of this section to read:

"When automatic sprinkler systems are required in buildings of undetermined use, they shall be designed and installed to have a sprinkler density of 0.33 GPM for 3,750 square feet with a maximum coverage of 100 square feet per head. Use is considered undetermined if not classified at time permit is issued. Where subsequent use requires a system with greater capability, the system shall be reinforced to the required code in order to obtain clearance for the new use."

903.3.5 WATER SUPPLY. Amend 903.3.5 to read:

903.3.5 WATER SUPPLY. Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. Water supplies for automatic sprinkler systems shall be connected to the city water main. The potable water supply shall be protected against backflow in accordance with Health and Safety Code, Section 13114.7 and the City of Hayward installation standards.

Add new subsections 903.3.5.3 to 903.3.5.4.2 to read:

903.3.5.3 FIRE SERVICE CONNECTIONS. Each fire service shall have installed therein a detector check valve of such pattern and design in accordance with City of Hayward Standard Details.

903.3.5.3.1 FIRE SERVICE MAINS SUPPLYING HYDRANTS. Pipe smaller than six inches in diameter shall not be installed as private fire service main supplying hydrants.

903.3.5.3.2 FIRE SERVICE MAINS NOT SUPPLYING HYDRANTS. For a fire service main that does not supply hydrants, diameter smaller than 6 inches shall be permitted to be used when all the following conditions are met:

- It supplies fire suppression systems only, including automatic fire suppression systems, water spray fixed systems, foam systems and standpipe systems; and
- Hydraulic calculations shall show that the main is able to supply the total demand at the appropriate pressure.

903.3.5.3.3 COMMERCIAL OR INDUSTRIAL OR MULTI-FAMILY RESIDENTIAL BUILDINGS. When an application is made for commercial or industrial/multi-family residential fire service connections, such fire service installation shall be not less than four inches in diameter. Fire service line smaller than four inches in diameter shall be permitted when all the following conditions are met:

- A fire service main is dedicated to supplying a single automatic fire sprinkler system in one building; and
- Hydraulic calculations shall show that the fire service line is able to supply the demand at the appropriate pressure for automatic fire sprinkler systems.

903.3.5.3.4 ONE- AND TWO- FAMILY RESIDENTIAL BUILDINGS. When an application is made for one- and two- family residential fire service connection serving residential fire sprinkler systems installed in accordance with NFPA 13D including modified NFPA 13D, such fire service installation shall not be less than one inch in diameter. For an application utilizing existing underground water line, a minimum $\frac{3}{4}$ inch in diameter shall be permitted.

903.3.5.4 WATER FLOW TEST DATA. Water flow test data applied in automatic fire sprinkler system design shall be less than five years old. Adjustments shall be made to the flow test results in order to take into account daily and seasonal fluctuations and uncertainties of overall water supply.

903.3.5.4.1 SAFETY MARGIN. A safety margin of 10% or 10 PSI may be used as a guideline. The projections prepared by the water utility shall be used when they are available.

Add new subsections 903.3.9 to 903.3.9.2 to read:

903.3.9 POST INDICATOR VALVES. One dedicated post indicator valve shall be provided for each sprinkler system water supply.

903.3.9.1 CONTROL INDICATOR VALVES. Use of control indicator valves which are parts of a backflow preventer assembly in lieu of the dedicated post indicator valve shall be allowed, subject to the approval of the Fire Department, when all of the following conditions are met:

1. The city water main is the only source of water supply to the fire service line.
2. The underground fire service line serves the wet fire sprinkler system(s) for only one (1) building.
3. The control valves of the backflow preventers are indicator valves, such as OS&Y valves.
4. A backflow preventer has at least one indicator valve not less than 40 feet away from the building, except in the following circumstances:
 - For buildings less than 40 feet in height, a backflow preventer with at least one indicator valve shall be permitted to be installed closer than 40 feet, but at least as far from the building as the height of the wall facing the backflow preventer.
 - For buildings located in the Hayward Downtown Area, a backflow preventer with at least one indicator valve shall be permitted to be installed closer than 40 feet, but shall be at the farthest possible location from the building.
5. The backflow preventer is located no farther than 150 feet away from the building, measured by underground fire service line. The backflow preventer shall be located in a way to avoid confusion in the field.

903.3.9.2 OTHER TYPE POST INDICATOR VALVES. The following valves controlling fire service water supply shall also be allowed in lieu of the dedicated post indicator valves.

1. An approved wall-type post indicator valve; or
2. Control valves installed in a fire-rated room accessible from the exterior.

903.4.1 MONITORING. Amend 903.4.1 to read:

903.4.1 MONITORING. Alarm, supervisory and trouble signals shall be distinctly different from one another and shall be automatically transmitted to an approved central supervising

station and shall sound an audible signal at a constantly attended location in accordance with Section 903.4.2. This system shall have a supervised alarm and local alarm signaling capability.

903.4.2 - ALARMS. Add new subsection 903.4.2.1 and 903.4.2.2 to this section to read:

903.4.2.1 COMMERCIAL OR INDUSTRIAL BUILDINGS. At least one interior audible alarm device shall be installed within each tenant space of the building at a constantly attended location in the building and shall be placed in a location so as to be heard throughout the constantly attended areas in accordance with NFPA 72. The device shall activate upon any water flow activity in the fire sprinkler system.

903.4.2.2 ONE- AND TWO- AND MULTI-FAMILY RESIDENTIAL BUILDINGS. At least one interior audible alarm device shall be installed within the dwelling units in a location so as to be heard throughout the home with bedroom doors closed. The device shall activate upon any water flow activity in the fire sprinkler system.

SECTION 904 – ALTERNATIVE AUTOMATIC FIRE-EXTINGUISHING SYSTEMS

904.3.5 MONITORING. Amend 904.3.5 to read:

904.3.5 MONITORING. Where a building fire alarm system or fire sprinkler monitoring system is installed, automatic fire-extinguishing systems shall be monitored by the building fire alarm system or the fire sprinkler monitoring system in accordance with NFPA 72. This system shall have a supervised alarm and local alarm signaling capability. Central station monitoring is required, which shall be done by an approved and/or listed central station monitoring company.

SECTION 905 - STANDPIPES

905.1 GENERAL. Add sentence to the end of this section to read: “Buildings three stories or more in height shall have an approved standpipe system.”

905.3 REQUIRED INSTALLATIONS. Amend to substitute any reference to “4 Stories” with “3 Stories.”

905.4 LOCATION OF CLASS I STANDPIPE HOSE CONNECTIONS. Add new number 6 to read:

6. DUAL OUTLETS. All Class I standpipe outlets located as required in Section 905.3 shall have added outlets located in enclosed corridors adjacent to enclosed stairway access doors at each level of every required stairway.

CHAPTER 33 – FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION

SECTION 3301 - GENERAL.

3313 STANDPIPES. Amend subsection 3313.1 to read:

3313.1 WHERE REQUIRED. Every building three stories or more in height shall be provided with not less than one standpipe for use during construction. Such standpipe shall be provided with Fire Department hose connections at accessible locations adjacent to usable stairs and the standpipe outlets shall be located adjacent to such usable stairs. Such standpipe systems shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.

In each floor there shall be provided a 2 ½-inch (64 mm) valve outlet for Fire Department use. Where construction height requires installation of a Class I standpipe, fire pumps and water main connections shall be provided to serve the standpipe.

CHAPTER 49 – WILDLAND-URBAN INTERFACE FIRE AREA

Add new subsection 4901.3 to read:

4901.3 WHERE REQUIRED. Development in the area east of Mission Boulevard from the south side of D Street to the city limits south to Union City shall be constructed in accordance with this chapter.

SECTION 4902 - DEFINITIONS

Amend “WILDLAND-URBAN INTERFACE FIRE AREA” definition to read:

“WILDLAND-URBAN INTERFACE FIRE AREA” is land designated which is covered with grass, grain, brush or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion. Such areas are designated by the Fire Chief on a map maintained in the office of the Fire Chief. The “WILDLAND-URBAN INTERFACE FIRE AREA” has been defined as:

"The areas east of Mission Boulevard Blvd. from the south side of D Street to the city limits south to Union City."

SECTION 4905.2. Amend Section 4905.2 to read:

4905.2 CONSTRUCTION METHODS AND REQUIREMENTS WITHIN ESTABLISHED LIMITS. Within the limits established by Section 4901.3, construction methods intended to mitigate wildfire exposure shall comply with the wildfire protection building

construction requirements described in Section 4905.2.1, 4905.2.2 and 4905.2.3. In cases where multiple requirements may apply, the most restrictive requirement shall prevail.

Add new subsection 4905.2.1 to read:

4905.2.1 The building construction shall comply with the requirements contained in the California Building Standards Code including the following:

1. California Building Code Chapter 7A,
2. California Residential Code Section R327,
3. California Reference Standards Code Chapter 12-7A

Add new subsection 4905.2.2

4905.2.2 The building constructed shall comply with the following requirements:

1. Within ten feet of a structure, construct fences with an open wire mesh or non-combustible material to prevent fire from spreading to the structure.
2. Design roofs shall comply with a 'Class A' non-combustible roof rating as outlined in the California Building Code. (Do not use wood shake or treated wood shake roofs.)
3. Provide spark arrestors with 1/4" metal mesh screens on all chimneys. Homeowners should inspect spark arrestors every year to ensure mesh screen integrity.
4. Additions to existing decks are subject to review by the Fire Marshal and may be required to meet building construction and fire protection standards.
6. Restrict outdoor storage of firewood, kindling, or compost material within 30 feet of any structure, unless the material is stored in an approved bin or enclosure.
7. Locate chimney at least ten feet away from existing tree canopies.
8. Enclose all roof eaves.

Add new subsection 4905.2.3 to read:

4905.2.3 In addition, the building construction shall comply with other City standards and regulations including but not limited to the Zoning Ordinance, Subdivision Ordinance, Building Ordinance, Fire Code Ordinances, Grading Ordinance, Tree Preservation Ordinance, and Water Efficient Landscape Ordinance.

SECTION 4906. Amend Section 4906 to read:

SECTION 4906 - CITY OF HAYWARD HILLSIDE DESIGN AND URBAN/WILDLAND INTERFACE GUIDELINES. As adopted by Resolution No. 93-037.

CHAPTER 50 – HAZARDOUS MATERIALS - GENERAL PROVISIONS

SECTION 5003 - GENERAL REQUIREMENTS.

Add new subsection 2703.1.5 to read:

SECTION 5003.1.5 - PROHIBITED LOCATION. – Hazardous materials are not allowed below grade plane in buildings.

SECTION 5004.2.2 – SECONDARY CONTAINMENT FOR HAZARDOUS MATERIALS LIQUIDS AND SOLIDS. Where required by Table 5004.2.2, buildings, rooms or areas used for the storage of hazardous materials liquids or solids shall be provided with secondary containment in accordance with this section when the capacity of an individual vessel or aggregate capacity of multiple vessels equals or exceeds 55 gallons. Additionally, the Fire Chief or his designee may require secondary containment at quantities less than 55 gallons or as specified in Chapter 50 in order to protect life safety, emergency responders, or the environment.

CHAPTER 52 – COMBUSTIBLE FIBERS

SECTION 5205 - BALED STORAGE.

Add new subsection 5205.3 to read:

5205.3 FIRE PROTECTION. Baled storage under any roof or overhang shall be protected by an approved automatic sprinkler system.

CHAPTER 57 – FLAMMABLE AND COMBUSTIBLE LIQUIDS

SECTION 5701 - GENERAL.

5701.4 PERMITS.

Add new subsection 5701.4.1 to read:

5701.4.1 PLANS. Plans shall be submitted with each application for a permit to store more than 60 gallons of flammable and combustible liquids in drums or tanks. The plans shall indicate the methods of storage, quantities to be stored, distances from buildings and property lines, access ways, fire-protection facilities, and provisions for drainage and runoff. Storage shall be in accordance with approved plans.

SECTION 5703 - GENERAL REQUIREMENTS.

Add new subsection 5703.1.4 to read:

SECTION 5703.1.4 - PROHIBITED LOCATION. Flammable and combustible liquids are not allowed below grade plane in buildings.

SECTION 5704 - STORAGE.

Add new subsection 5704.1.1 to read:

5704.1.1 APPLICABILITY. Storage and use of flammable and combustible liquids in aboveground tanks over 60 gallons is prohibited within the city limits of Hayward unless approved by the Fire Chief upon a finding that such approval would minimize the danger to the health, safety, and welfare of the population of Hayward or to neighboring properties. When allowed, storage and use of flammable and combustible liquids in containers, cylinders, and tanks shall be in accordance with sections 5701 and 5704. For permits see Section 105.1 and 5701.4.

EXCEPTION: Allowance shall be granted in the industrial area of Hayward for stationary, monitored, and double-walled aboveground flammable and combustible liquid storage tanks as follows:

- a. Emergency power diesel generator tanks that do not exceed an aggregate site capacity of 5500 gallons. Tanks shall meet Underwriter Laboratory UL142 standard when manufactured as part of an emergency power generator package (generator belly tank) or Underwriter Laboratory UL2085 standard when tanks are separate from the generator package. Interstitial space shall be electronically monitored.
- b. Gasoline and diesel fueling tanks that meet the Underwriter Laboratory UL2085 standard and do not exceed a site capacity of 550 gallons. Interstitial space shall be electronically monitored.

- c. Combustible IIIB liquid storage tanks that do not exceed a site capacity of 5500 gallons. Tanks shall meet the Underwriter Laboratory UL142 standard.
- d. Hydraulic oil tanks for elevators that meet California Division of Industrial Safety standards.

For motor-vehicle-fuel-dispensing stations, see Chapter 23.

SECTION 5706 - SPECIAL OPERATIONS.

5706.2 STORAGE AND DISPENSING OF FLAMMABLE AND COMBUSTIBLE LIQUIDS ON FARMS AND CONSTRUCTION SITES.

5706.2 Amend the subsection to read:

5706.2 STORAGE AND DISPENSING OF FLAMMABLE AND COMBUSTIBLE LIQUIDS ON FARMS AND CONSTRUCTION SITES.

The storage of Class I, flammable and Class II or III combustible liquids in aboveground tanks is prohibited within the city limits of Hayward unless approved by the Fire Chief upon a finding that such approval would minimize danger to the health, safety, and welfare of the population of Hayward or to neighboring properties. When allowed, permanent and temporary storage and dispensing of Class I, flammable and Class II and III combustible liquids for private use on farms and rural areas and at construction sites, earth-moving projects, gravel pits or burrow pits shall be in accordance with Sections 5706.2.1 through 5706.2.8.1. For permits see section 105.1 and 5701.4.

EXCEPTION: Storage and use of fuel-oil in containers connected with oil-burning equipment regulated by Section 603 and the California Mechanical Code.

5706.2.8 DISPENSING FROM TANK VEHICLES.

5706.2.8. Amend number 2 to read:

2. The dispensing hose does not exceed 50 feet (15,240 mm) in length.

Add item 9 and 10 to read:

9. Vapor-recovery systems are provided in accordance with Section 2306.7.9.

10. Tank vehicles shall not be permitted to serve as portable or temporary storage tanks.

APPENDIX B
FIRE-FLOW REQUIREMENTS FOR BUILDINGS

SECTION B105 - FIRE-FLOW REQUIREMENTS FOR BUILDINGS. Amend subsections B105.1 and B105.2 to read:

B105.1 ONE- AND TWO-FAMILY DWELLINGS. The minimum fire-flow requirements for one- and two-family dwellings shall be 1,500 gallons per minute, at 20 PSI.

EXCEPTION: Fire-flow may be reduced 50 percent when the building is provided with approved automatic sprinkler system. The resulting fire flow shall not be less than 1,500 gallons per minute at 20 PSI.

B105.2 BUILDINGS OTHER THAN ONE- AND TWO-FAMILY DWELLINGS. The fire-flow for buildings other than one-and two-family dwellings shall not be less than specified in Table No. B105.1.

EXCEPTION: A reduction in required fire-flow of up to 50 percent, as approved by the Fire Chief, is allowed when the building is provided with an approved automatic sprinkler system. The resulting fire-flow shall not be less than 1,500 gallons per minute at 20 PSI. (5,677.5 L/min.).

APPENDIX C
FIRE HYDRANT LOCATIONS AND DISTRIBUTION

TABLE C105.1 amended to read:

TABLE C105.1
NUMBER AND DISTRIBUTION OF FIRE HYDRANTS

FIRE FLOW REQUIREMENT (GPM) ¹	MINIMUM NUMBER OF HYDRANTS	DISTRICT	AVERAGE SPACING BETWEEN HYDRANTS (FEET) ^{2, 3, 4}	MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT ⁵	HYDRANT TYPE
1,750 or less	1	Low Density Residential	400	225	Modified Steamer
		Median Density	400	200	Double Steamer
		Others	300	180	Double Steamer
2,000	2	Low Density Residential	400	225	Modified Steamer
		Median Density	400	200	Double Steamer
		Others	300	180	Double Steamer
2,500	3	Low Density Residential	400	225	Modified Steamer
		Median Density	400	200	Double Steamer
		Others	300	180	Double Steamer
3,500	4	Low Density Residential	400	225	Modified Steamer
		Median Density	400	200	Double Steamer
		Others	300	180	Double Steamer
4,500	5	All	300	180	Double Steamer
5,500	6	All	300	150	Double Steamer
6,500	7	All	250	150	Double Steamer
7,500 or more	8	All	250	120	Double Steamer

1. Measured at 20 PSI residual pressure.
2. Reduce by 100 feet for dead-end streets or roadways.

3. Where streets are provided with median dividers or arterial streets are provided with four or more traffic lanes, hydrants spacing shall average 500 feet on each side.
4. Where new water mains are extended along streets, where hydrants are not needed for protection of structures or similar fire problems, fire hydrants should be provided at not less than 1,000-foot spacing to provide for transportation hazards.
5. Reduce by 50 feet for dead-end streets or roadways.

APPENDIX D
FIRE APPARATUS ACCESS ROADS

SECTION D103 MINIMUM SPECIFICATIONS

D103.1 ACCESS ROAD WIDTH WITH A HYDRANT. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders

Delete “MINIMUM CLEARANCE AROUND A FIRE HYDRANT” in Figure D103.1.

D103.3 TURNING RADIUS. Amend Section D 103.3 to read:

D103.3 TURNING RADIUS. The minimum inside turning radius shall be 17 feet. The minimum outside turning radius shall be 45 feet.

SECTION D105 AERIAL FIRE APPARATUS ACCESS ROADS

SEC. 9. APPEALS.

Whenever the Fire Chief shall disapprove an application or refuse to grant a permit or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the City Manager.

SEC. 10. FEES. Fees may be established by resolution of the City Council for permits required by the code, and the fee required for any permit shall accompany the application for such permit. Unless the permit specifies otherwise, the permit shall be issued for a one-year period.

SEC. 11. PENALTIES.

- 11.1 Any person who shall violate any of the provisions of this code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council of the City of Hayward or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a criminal offense and subject to the penalties set forth in the Hayward Municipal Code, Chapter 1, Article 3, Section 1-3.00 et. seq.
- 11.2 The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions or to prohibit the use of any other criminal or civil remedy.

SEC. 12. REPEAL OF CONFLICTING ORDINANCES. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the California Fire Code as adopted and amended herein are hereby repealed.

SEC. 13. VALIDITY. The City Council of the City of Hayward hereby declares that should any section, paragraph, sentence, or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the City Council of the City of Hayward that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

SEC. 14. DATE OF EFFECT. This ordinance shall take effect and be in force from and after its approval as required by law.

Section 2. 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 December 2016, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the __ day of December 2016, 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



CITY OF HAYWARD

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

File #: LB 16-108

DATE: December 6, 2016

TO: Mayor and City Council

FROM: Director of Utilities & Environmental Services

SUBJECT

Zero Net Energy Goal for Municipal Facilities

RECOMMENDATION

That Council reviews this report and adopts the attached resolution establishing a goal of achieving cumulative Zero Net Energy (ZNE) for municipal facilities by 2025.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Draft Resolution
Attachment III	List of Potential Renewable Energy Facilities



DATE: December 6, 2016

TO: Mayor and City Council

FROM: Director of Utilities and Environmental Services

SUBJECT

Zero Net Energy Goal for Municipal Facilities

RECOMMENDATION

That Council reviews this report and adopts the attached resolution establishing a goal of achieving cumulative Zero Net Energy (ZNE) for municipal facilities by 2025.

SUMMARY

To meet the Council adopted goals for reducing greenhouse gas (GHG) emissions related to municipal facilities, all energy used by buildings and facilities will need to come from renewable sources by 2050. The City is already producing about half of its energy needs from renewable energy and the Council Sustainability Committee recommends establishing a goal of achieving cumulative Zero Net Energy (ZNE) for the City's portfolio of facilities by 2025.

BACKGROUND

ZNE Policy for New and Retrofitted City Buildings – On September 10, 2015, the Council Sustainability Committee considered a [report](#) and recommended a ZNE policy. On May 17, 2016, the City Council adopted a [resolution](#) requiring that any new or significant retrofits of City buildings that begin design after January 1, 2017 be constructed as ZNE buildings.

Council Sustainability Committee – On July 11, 2016, staff presented a [report](#) to the Council Sustainability Committee about City-wide renewable energy use and a timeline for achieving cumulative ZNE for City facilities. Staff showed that the City has the potential to install sufficient renewable energy on City facilities to meet or offset all of its electricity and natural gas use. The Committee recommended that Council adopt a goal of achieving cumulative municipal ZNE by 2025 and also made the following comments:

- The Committee asked if staff intends to switch existing gas appliances to electric appliances, noting that it would be costly. Staff indicated that appliances may be

changed to electric when they reach their life expectancy. However, in the near term, the City may offset the emissions from natural gas use with additional PV.

- The Committee asked staff to consider prioritizing the various projects and phase in groups of projects that were most cost effective.
- While more expensive than roof-mounted solar photovoltaic (PV) panels, carport-mounted PVs serve dual purposes because carports would also protect cars from the elements.
- The Committee asked staff to include information about the City's current spending on electricity and natural gas and potential cost savings in the report to Council.

General Plan – Hayward's General Plan includes the following policies related to renewable energy.

Policy NR-4.4 Energy Resource Conservation in Public Buildings – The City shall continue to require all public facilities and services to incorporate energy and resource conservation standards and practices.

Policy NR-4.10 Public Renewable Energy Generation – The City shall ensure that all new City-owned facilities are built with renewable energy, as appropriate to their functions, and shall install renewable energy systems at existing City facilities where feasible.

Policy NR-4.11 Green Building Standards – The City shall require newly constructed or renovated public and private buildings and structures to meet energy efficiency design and operations standards with the intent of meeting or exceeding the State's zero net energy goals by 2020.

California Building Code – The state building code, CalGreen, is updated every three years and requires higher levels of energy efficiency with each cycle. Starting in 2020, CalGreen will require single-family homes to be ZNE and starting in 2030, all new commercial buildings will be required to be ZNE.

DISCUSSION

Hayward has been producing renewable electricity for decades. Current renewable energy facilities include the combined heat and power at the Water Pollution Control Facility (WPCF) (operating since 1982 and replaced in 2015), solar PV on the roof of the animal shelter/landscape building on Barnes Court (2005), solar PV at the WPCF (2010), solar PV at the Utilities Center (2012), and solar PV at the corporation yard (2012). These facilities in total produce more than 12 million kWh annually, or approximately half of the electricity consumed at all City facilities. Ultimately, all of the energy needs of all City facilities will need to be met by renewable energy in order to meet the City's long term GHG reduction goals.

In 2015, the City purchased approximately 9.4 million kWh of electricity at a cost of \$2,237,943, for facilities including buildings, traffic signals, streetlights, and water/wastewater pumping. This 9.4 million kWh is the amount that would need to be reduced by energy efficiency and/or generated from new renewable sources in order to "zero out" the City's electricity use. In addition, in 2015, the City spent approximately \$154,837 on

approximately 157,000 therms of natural gas per year, mostly for space and water heating, which is equivalent to roughly 4.6 million kWh. To generate enough electricity to achieve ZNE, approximately 14 million kWh would need to be generated or offset.

With funding from the Bay Area Regional Energy Network (BayREN), staff at StopWaste facilitated a study by DNV-GL to consider Hayward's potential to install renewable energy to meet its total energy needs. The study focused on answering the following questions:

- Is it feasible to achieve cumulative municipal ZNE by 2025? Can we do it sooner?
- Are City staff's solar potential estimates reasonable?
- Will achieving ZNE be cost effective?
- Which PG&E rate tariff will be most beneficial to the City?
- How can we address natural gas use?

Offsetting Electricity Use – Staff recommends setting a goal of 2025 for the year by which electricity production on City facilities would be equal to or greater than the demand by City facilities. The provision of solar PV should be seriously considered and implemented at each and every new building and substantial retrofit or rehab project. In addition, to achieve the goal, consideration should be given to implementing stand-alone PV projects such as installing canopies with PV panels at municipal parking lots throughout the City and on rooftops of existing City-owned buildings.

Attachment III lists the facilities identified where renewables could be installed. If all potential sites were installed, approximately 15 million kWh could be generated annually. Actual generation will depend on technologies available at the time of installation – such as panel efficiency, panels per square foot, and tracking versus fixed systems. The estimate of 15 million kWh per year includes the installation of a second cogeneration engine at the WPCF. This would require a significant increase in biogas production compared to current production, which would require an increase in FOG (fats oils and grease) import or other feedstock. Also, additional gas conditioning equipment would need to be installed. These challenges are significant and expensive, and may take several years to address.)

The consultant's report noted that energy efficiency is much more cost-effective than installation of renewable energy facilities. Of the approximately 9.4 million kWh that needs to be offset, approximately 0.8 million kWh could be addressed by retrofitting existing facilities with LED lighting and installing other energy efficiency improvements. It is possible that the 8.6 million kWh of electricity production can be achieved without the second cogeneration engine. DNV-GL estimates that installing solar to address the remaining 8.6 million kWh will cost approximately \$15 million.

Following is a list of the renewable energy facilities that DNV-GL recommends as the highest priority based on financial return, size of system, and visibility.

High Payback	Project Cost
Police Station - LED + Solar (ZNE Potential)	\$1,117,046
Fire Station 5 - LED + Solar (ZNE Potential)	\$42,441
Fire Station 1 - LED + Solar (ZNE Potential)	\$240,573

Base Load Opportunity	Project Cost
City Hall	\$176,483

Large Renewable Opportunity	Project Cost
WTCP Phase II	\$3,564,000
May Road (Adjacent to Treeview Reservoir)	\$926,640

Options for Offsetting Natural Gas Use – While 8.6 million kWh of electricity can be offset with new renewable energy facilities, the City also uses natural gas equivalent to approximately 4.4 million kWh of electrical energy. DNV-GL has identified some options for addressing natural gas use, which are listed below in order of staff’s preferred approach.

Option	Work Entailed	Pros	Cons
1. Offset with Renewable Electricity	Install additional renewable electricity generation to offset gas energy use.	Similar to ZNE electricity approach	Does not provide full payback
2. Electrify Municipal Buildings	Replace gas space heating, water heating, cooking, etc. with electric equivalent.	Fixes long-term emissions issues	Invasive retrofit process
3. Create Biogas Vehicle Fueling Station	Install a biogas fueling station for municipal vehicles next to the WPCF.	Highly marketable and assists with transport emissions work	Requires fuel switching for municipal fleet. Does not eliminate use of natural gas.
4. Install Storage Tanks and Truck Biogas	Install storage tanks at each facility that uses gas and truck biogas to sites for use in gas appliances.	Minimally invasive and directly renewable	Requires fuel truck and tank purchases

The above options will continue to be evaluated by DNV-GL and City staff to determine the most cost-effective solutions. It should be noted that there are other factors that may need to be considered such as end-users preferences. For example, the current retrofit of Fire Stations No. 2 through 6 includes installation of gas ranges and ovens, since like many homeowners, staff prefer cooking with natural gas.

Renewable Energy Self-Generation Bill Credit Transfer (RES-BCT) Tariff – Following completion of the WPCF cogeneration facility in December of 2014, the City switched the facility’s electric service from Pacific Gas and Electric’s (PG&E) net metering tariff to the Renewable Energy Self-Generation Bill Credit Transfer (RES-BCT) tariff. Due to the size of the cogeneration and solar facilities (more than two mega-watts), net energy metering (NEM), which is limited to

one megawatt, was no longer applicable. The RES-BCT tariff allows local governments with one or more eligible renewable generating facilities to export energy to the grid and receive generation credits (in dollars) to other “benefitting accounts” at other City facilities. The program allows up to five megawatts of renewable generation per generating account. The solar array and cogeneration facility at the WPCF qualify as renewable generating facilities. Benefitting accounts include three reservoirs with associated booster pump stations, two sewer lift stations, City Hall, and several other smaller accounts.

The California Public Utilities Commission (CPUC) created the RES-BCT tariff system to allow local governments to generate electricity at one account and transfer any available credits to other accounts owned by the same local government in order to provide incentives for creating and using renewable energy. The CPUC mandated that 250 MW be set aside for RES-BCT tariffs, of which PG&E’s share is 105.25 MW. As of mid-2016, PG&E had 47 MW either interconnected or in process. Based on the last two years of growth in participation in the RES-BCT tariff, it is possible that PG&E will reach its cap sometime in 2019. For this reason, DNV-GL recommends that the City install all renewable energy that will be RES-BCT generating accounts over the next three years to ensure the credit can be utilized by Hayward.

Following are some important considerations regarding the RES-BCT tariff:

- Benefitting accounts must be those facilities that always consume more energy than they generate (even if a solar array is part of the facility).
- RES-BCT only offsets the generation charge – not transmission and other charges.
- PG&E will likely reach its limit for RES-BCT tariffs in 2019.
- NEM sites cannot receive RES-BCT credits.
- RES-BCT cannot be used to offset natural gas usage.
- East Bay Community Energy will likely honor RES-BCT and may offer a better tariff.

Net Energy Metering (NEM) Tariff - NEM allows consumers with solar systems to “sell” electricity back to the grid when they are overproducing (during the middle of the day) and use this as a credit to offset the electricity that they purchase from the grid when they are under-producing or inactive (at night). Any surplus credit is rolled over to the following billing period. If a NEM customer has produced surplus power at the end of a twelve month billing period, PG&E gives the customer a Net Surplus Compensation check, which is based on a rate set by the CPUC (currently between \$0.03 and \$0.04 per kilowatt-hour).

Following are some important considerations regarding the NEM tariff:

- Solar systems installed under the NEM tariff can be sized no larger than the electricity load of the host site. In other words, the NEM tariff cannot be used to offset energy used at other sites.
- The existing NEM rate structure offsets both generation and transmission charges.
- While there was a cap on the total NEM authorized under the previous tariff, there is no longer a cap under the successor NEM tariff, which is currently in effect. However, the CPUC will revisit this tariff in 2019, at which point the rate structure may change.

- East Bay Community Energy will likely honor NEM and may even offer a better tariff.

DNV-GL made the following recommendations regarding the use of PG&E tariffs:

1. The City should prioritize the locations where RES-BCT will be used due to the fact that the program may reach its cap in two to three years:
 - Sites where energy production has the potential to greatly exceed demand (such as the WPCF) should be flagged as the RES-BCT generating facilities.
 - Sites where solar systems cannot not meet the energy demand (due to lack of space or shade) should be placed on the RES-BCT tariff as benefiting accounts rather than on the NEM tariff. Benefiting accounts can have solar systems as long as those systems do not exceed the demand of the site.
2. NEM can be used in cases where the solar production will closely match site demand.

ECONOMIC IMPACT

The City's investments in renewable energy will have little impact on the local economy, but may be constructed by local businesses and may create some new local jobs.

FISCAL IMPACT

The City's investments in renewable energy would require upfront investment, but would yield long term cost savings. Hayward currently spends approximately \$2.3 million per year on electricity and natural gas. The new renewable energy facilities necessary to achieve ZNE by 2025 are estimated to cost approximately \$17 million and would likely have payback periods of 10 to 21 years. These investments are estimated to have a return on investment of 5 to 10%.

Approximately 500 MW new renewable energy facilities are identified in the approved Capital Improvement Program and funding for these projects has been identified. Funding for the remaining power is yet to be identified, but may come from a combination of enterprise funds and the General Fund.

SUSTAINABILITY FEATURES

The municipal ZNE goal is consistent with General Plan policies NR-4.4 (Energy Resource Conservation in Public Buildings), NR-4.10 (Public Renewable Energy Generation), and NR-4.11 (Green Building Standards). In addition, if the goal is achieved, the City and the community will benefit from the following sustainability features:

Energy: Electricity/natural gas/other fossil fuels.

Achieving a municipal ZNE goal would reduce the City's reliance on fossil fuels and would provide energy from clean and renewable sources.

Air: Air emissions of pollutants.

Achieving a municipal ZNE goal would reduce pollutants and make significant progress toward meeting the City's municipal greenhouse gas emissions reduction goals.

NEXT STEPS

If approved, this Council policy will be adhered to and followed for any municipal projects designed henceforth. Meanwhile, upon Council's approval of the attached resolution, staff will prioritize installation of renewable energy facilities with those that are the most cost-effective and for which funding has been identified in the Capital Improvement Program. Staff will identify potential funding sources for additional projects to be included in upcoming CIPs for Council approval.

Prepared by: Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Utilities and Environmental Services

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Council Member _____

RESOLUTION ESTABLISHING ZERO NET ENERGY GOAL

WHEREAS, the City of Hayward City Council adopted a Climate Action Plan with goals to reduce municipal greenhouse gas emissions by 20 percent below 2005 baseline levels by 2020, and strive to reduce community emissions by 61.7 percent and 82.5 percent by 2040 and 2050 respectively; and

WHEREAS, the City of Hayward's General Plan includes policy NR-4.10, Public Renewable Energy Generation, which states "The City shall ensure that all new City-owned facilities are built with renewable energy, as appropriate to their functions, and shall install renewable energy systems at existing facilities where feasible."; and

WHEREAS, the City of Hayward's General Plan includes policy NR-4.11, Green Building Standards, which states "The City shall require newly constructed or renovated public and private buildings and structures to meet energy efficiency design and operations standards with the intent of meeting or exceeding the State's zero net energy goals by 2020."

WHEREAS, the City of Hayward City Council adopted Resolution 16-082 to require all new buildings and major renovations beginning design after January 1, 2017 be constructed as Zero Net Energy facilities; and

WHEREAS, the City of Hayward already produces more than half the electricity it uses and has the potential to generate enough electricity to offset all its electricity and natural gas needs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that renewable energy facilities shall be constructed or installed on City property to achieve zero net energy (ZNE) for electricity and natural gas use on a portfolio-wide basis by 2025.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2016

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

Potential Renewable Energy Facilities

Description	Address	Original Measure ments	Updated Measure ments		kW	kWh/year	Cost	2014 Usage (kWh)*	2015 Usage (kWh)*
Police Station	300 West Winton Avenue	23,000	50,463		299	598,000	\$1,022,580	1,007,304	929,718
Muni Lot (A, B, Main, Mission)	22550 Mission	10,000	11,268		130	260,000	\$444,600		
Muni Lot (Foothill, A, Main, B) - access from A St.	1025 A St.	12,500	12,876		163	325,000	\$555,750		
Muni Lot (Foothill, A, Main, B) - access from B St.	1042 B, & 5 more APNs	20,000	17,225		260	520,000	\$889,200		
Muni Lot (B, C, Foothill, 2nd)	Foothill & B	16,000	18,000		208	416,000	\$711,360		
Muni Lot (Maple Ct. & A St.)	22456 Maple Ct. (north half)	16,750	21,000		218	435,500	\$744,705		
Muni Lot (Foothill, Russell, 2nd, A)	Foothill & A	12,000	16,000		156	312,000	\$533,520		
Cinema Parking Structure	22695 Foothill	10,100	25,928		131	262,600	\$449,046	25,850	68,126
Barnes Ct. bldg (add more on roof)	16 Barnes Ct.	7,000	7,000		91	182,000	\$311,220		
Barnes Ct. (carport to replace tent at rear of site)	16 Barnes Ct.	4,500	7,000		59	117,000	\$200,070		
Fleet Bldg.	24505 Soto Road	2,600	6,000		34	67,600	\$115,596		80,950
Fire Station 1 (assuming carport - roof doesn't look good)	22700 Main Street	5,400	8,901		70	140,400	\$240,084	139,600	141,457
Fire Station 2	360 West Harder Rd	1,000	1,000		13	26,000	\$44,460	30,520	35,732
Fire Station 3	31982 Medinah St	550	843		7.2	14,300	\$24,453	30,230	33,066
Fire Station 4	27836 Loyola Ave	650	1,130		8.5	16,900	\$28,899	35,044	36,413
Fire Station 5	28595 Hayward Blvd	880	795		11.4	22,880	\$39,125	34,978	40,810
Fire Station 6	1401 West Winton Ave	1,500	2,483		19.5	39,000	\$66,690	83,544	120,938
Fire Station 7	28270 Huntwood Ave	2,000	3,685		26.0	52,000	\$88,920	95,583	
Fire Station 8	25862 Five Canyons Parkway				-	-	\$0	21,040	
Fire Station 9	24912 Second St	600	900		7.8	15,600	\$26,676	30,760	30,373
Weekes Library	27300 Patrick Avenue				-	-	\$0	90,080	
City Hall	777 B St.	4,190	4,497		54	108,940	\$186,287	1,238,080	1,191,355
Watkins Street Parking Structure (2nd half)	Watkins & B	14,600	39,881		189.8	379,600	\$649,116	16,392	
2nd CoGen engine at WPCF	3700 Enterprise Way				-	7,000,000	\$8,000,000		
Phase 2 Solar PV at WPCF	3700 Enterprise Way				1,000	2,300,000	\$3,420,000		2,300,000
Hesperian Pump Station - roofed canopy	28471 Hesperian Bl	11,000	11,000		143	286,000	\$489,060	197,729	169,160
Walpert pump reservoir/station	1241 Walpert St.	7,500	5,900		98	195,000	\$333,450	261	262
500 Reservoir	1910 Highland Blvd	4,700	5,800		61	122,200	\$208,962	765,893	796,462
750 Reservoir	26633 Parkside Dr	7,500	9,800		98	195,000	\$333,450	736,977	740,618
1000 Reservoir	3466 La Mesa Drive	1,200	3,500		16	31,200	\$53,352	272,871	456,309
1285 Reservoir	28750 Fairview Ave	2,600	4,000		34	67,600	\$115,596		290,520
May Road (adjacent to Treeview Reservoir)	087-0040-004-04	20,000	20,000		260	520,000	\$889,200		
Garin Reservoir	083-0464-024-00	6,800	7,250		88	176,800	\$302,328		
Emergency Well E (Old Well 9)	28251 Industrial Bl	1,300	2,500		17	33,800	\$57,798		
Mohrland Emergency Well	24927 Mohr Dr	5,300	7,200		69	137,800	\$235,638		
Totals:		233,720	333,825		8,393	15,376,720	\$21,811,191		