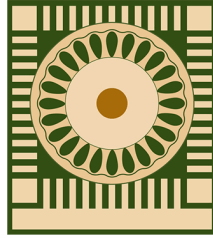


CITY OF HAYWARD

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



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Tuesday, January 22, 2019

7:00 PM

Council Chambers

City Council

CITY COUNCIL MEETING**CALL TO ORDER Pledge of Allegiance: Council Member Lamnin****ROLL CALL****CLOSED SESSION ANNOUNCEMENT****PUBLIC COMMENTS**

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

ACTION ITEMS

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

CONSENT

1. [CONS 19-025](#) Fire Station 6 and Fire Training Center Project - Sole Source Justification and Procurement of Temporary Fire Station Housing Structures

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

2. [CONS 19-030](#) Mission Boulevard Corridor Improvements Phase 2: Amendment to Professional Services Agreement

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

3. [CONS 19-035](#) Approval of Addition of Counseling Supervisor Position and Two (2) Lead Program Assistants in the Youth and Family Services Bureau of the Hayward Police Department

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

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.

4. [WS 19-004](#) Mission Boulevard Corridor and South Hayward BART/Mission Boulevard Form-Based Code Updates Work Session (Report from Development Services Director Simpson)

Attachments: [Attachment I Staff Report](#)
 [Attachment II FBC Boundary Map](#)
 [Attachment III FBC Stakeholder Interview Summary](#)

5. [WS 19-001](#) Update to General Fund Long-Term Outlook (Report from Finance Director Claussen)

Attachments: [Attachment I Staff Report](#)
 [Attachment II General Fund Long Range Model Update](#)
 [Attachment III Updated Assumptions](#)

LEGISLATIVE BUSINESS

6. [LB 19-007](#) Approval of a Resolution to Extend Resolution 18-027, Declaring a Shelter Crisis in the City of Hayward Until June 30, 2021, and to Authorize the City Manager to Take Emergency Actions to Implement a Hayward Housing Navigation Center on City-Owned Property, and Approval of a Resolution to Authorize the City Manager to Appropriate and Expend up to \$3 Million in State and Local Funding for the Hayward Navigation Center (Report from City Manager McAdoo)

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution to Extend Resolution 18-207](#)
[Attachment III Resolution to Appropriate Funds](#)
[Attachment IV Photos of Berkeley Pathways STAIRS Project](#)
[Attachment V Request for Information](#)

PUBLIC HEARING

7. [PH 19-005](#) Adoption of a Resolution of Intention to Introduce an Ordinance Approving an Amendment to the Contract between the City of Hayward and the California Public Employees Retirement System (CalPERS) for Miscellaneous Members in SEIU Local 1021 (Report from Human Resources Director Collins)

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III Ordinance](#)
[Attachment IV Sample Amendment](#)

INFORMATION ITEMS

Information items are presented as general information for Council and the public, and are not presented for discussion. Should Council wish to discuss or take action on any of the "information" items, they will direct the City Manager to bring them back at the next Council agenda as an Action Item.

8. [RPT 19-215](#) Standardizing Conditions of Approval Update

Attachments: [Attachment I Staff Report](#)
[Attachment II Planning Standard COA Site Plan Review](#)

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, January 29, 2019, 7:00 PM****PUBLIC COMMENT RULES**

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

PLEASE TAKE NOTICE

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

PLEASE TAKE FURTHER NOTICE

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

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

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

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



CITY OF HAYWARD

Hayward City Hall
777 B Street
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File #: CONS 19-025

DATE: January 22, 2019

TO: Mayor and City Council

FROM: Interim Director of Public Works

SUBJECT

Fire Station 6 and Fire Training Center Project - Sole Source Justification and Procurement of Temporary Fire Station Housing Structures

RECOMMENDATION

That the Council adopts the attached Resolutions (Attachments II and III):

- 1) Approving the use of certain sole source products in the plans and specifications for the Fire Station 6 and Fire Training Center Project; and
- 2) Authorizing the City Manager to execute a rental agreement with Design Space Modular Buildings in an amount not-to-exceed \$175,000.

SUMMARY

The design of Fire Station 6 and the Fire Training Center includes specific products that are essential for the project. The project is currently in the design phase, which includes preparation of the specifications. The specifications will include provisions to allow sole sourcing of a specific brand of bi-fold apparatus bay doors, station alerting system, and a fire training simulator system. During the bidding and procurement, these products cannot be substituted with other brands. Staff anticipates that the design will be completed in early 2019 with the request for approval of plans and specifications by the Council in the spring of 2019.

Prior to the start of construction, the existing buildings at Fire Station 6 and the Fire Training Center will need to be demolished. In preparation for the demotion of the existing structures, procurement for the rental of two modular buildings will be necessary for the housing of fire station personnel during the demolition and construction of the project.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Resolution - Sole Source



DATE: January 22, 2019

TO: Mayor and City Council

FROM: Interim Director of Public Works

SUBJECT: Fire Station 6 and Fire Training Center Project – Sole Source Justification and Procurement of Temporary Fire Station Housing Structures

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SUMMARY

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Prior to the start of construction, the existing buildings at Fire Station 6 and the Fire Training Center will need to be demolished. In preparation for the demotion of the existing structures, procurement for the rental of two modular buildings will be necessary for the housing of fire station personnel during the demolition and construction of the project.

BACKGROUND

On June 3, 2014, voters approved Measure C which authorized the City to increase the sales tax rate by one-half cent for twenty years for, among other things, the restoration and maintenance of City services and facilities, including firefighting/emergency medical services. Based on the facility needs assessment report completed on October 10, 2014 by Ross Drulis Cusenbery (RDC) for Fire Stations 1-6 and the Fire Training Center, substantial upgrades were needed for these aging facilities. Fire Stations 1-5 required renovation and were separated from

Fire Station 6 and the Fire Training Center since the latter facilities will be reconstructed and expanded. The Fire Stations 1-5 project is completed. The Fire Station 6 and the Fire Training Center Project is currently in the construction document preparation phase. Fire Station 6 and the Fire Training Center are located on West Winton and primarily serve the industrial area. The Aircraft Rescue and Fire Fighting (ARFF) unit is also housed at Fire Station 6, which is adjacent to the Hayward Executive Airport. The Fire Training Center consists of a collection of structures and training facilities assembled over the past forty years. The antiquated and generally dilapidated facilities consist of four main buildings: a four-story training tower; a classroom building; a burn building; and a storage building. The facility also includes a fire apparatus driver training course, inclined training surface, and an engine water test flow. The facilities provide firefighting survival, rescue and training as well as continuing training and education for new recruits, department personnel, and fire science colleges.

On May 26, 2015, Council authorized the City Manager to negotiate and execute an agreement with RDC for design services for Fire Station 1-6 and the Fire Training Center Project. In April 2016, staff and the consultant team visited the Fort Worth Public Safety Complex designed by Tommy Abercrombie Planning and Design, one of RDC's consultant teams. One of the key observations was the importance of a layout designed to allow multiple groups to use the facility simultaneously. The proposed Fire Training Center will serve the ever-growing training needs of the fire department, and potentially other agencies that travel long distances to other locations for training that is not currently available in the Bay Area. The proposed layout of the City's new Fire Station 6 and Fire Training Center will allow multiple classes to be conducted while maintaining the day-to-day operations of Fire Station 6 and the ARFF unit.

Since June of 2016, staff from Chabot-Las Positas Community College District (District) and the City have met to explore partnership in the Fire Training Center. Both the City and the District recognize the mutual benefits of expanding the Fire Training Center to be a joint center with dedicated classroom spaces, offices and shared use of the training grounds. On October 24, 2017, the District's Board of Trustees passed a motion directing staff to return with a proposed Memorandum of Understanding (MOU) with the City. On July 24, 2018, Council authorized the City Manager to negotiate and execute the MOU with the District to establish the basis for a ground lease, design, and construction of the Fire Training Center. The District will contribute up to \$20 million for the design, construction and furnishing of the District's Facilities at the Fire Training Center.

The design of Fire Station 6 and Fire Training Center includes the following:

Fire Station #6 (Building 1) / Classroom Building (Building 2)

Two stories, 20,643 square feet (SF) including:

- 2-company fire station with 3.5 Apparatus Bays
- Classrooms
- Administrative offices
- Emergency Operations Center (EOC)
- Storage, restrooms, and utility support spaces
- Emergency power generator and automatic transfer switch
- Roof-mounted photovoltaic system

Burn Building (Building 3)

Three stories, 4,732 SF including:

- Residential-style Class A burn building
- Multi-family space configuration with walk-out basement and accessible attic
- Roof-top training space with "cut-able" roof area
- Walls and floors to be lined with fire liner and fire brick at training scenario locations

Storage Building (Building 4)

Single story, 1,160 SF including:

- Residential-style storage building for Class A combustible materials

Apparatus Building (Building 5)

Single story, 8,268 SF including:

- Vehicle training/storage area in 4 Apparatus Bays for 8 Vehicles for department emergency and training vehicles
- "Dirty" classroom
- Central Lobby with 911 Memorial
- Protective Clothing decontamination room
- Integrated hazardous material training prop
- Turn out locker rooms, multi-accommodation restrooms with showers
- Workshop
- Utility support spaces
- Kitchenette/Breakroom
- Roof-mounted photovoltaic system

Training Tower (Building 6)

Four stories, 11,513 SF including:

- Mixed use-style Class B burn building
- Open multi-tenant commercial training space
- Multi-family residential space configuration with enclosed garage and covered carport
- Roof-top training space with "cut-able" roof area
- Multi-story stair towers, exterior stairs, covered balconies, open balconies, and exterior rappelling platform
- Server/data rooms with interconnected training control system
- LPG piped throughout building to training scenario locations

Hangar Building (Building 7)

Single story, 1,512 SF including:

- Open-sided roof shade structure with 1 Apparatus Bays
- Underground fire truck pump test pit
- Apparatus wash-down/maintenance bay with drain(s)
- Roof-mounted photovoltaic system

Outdoor Classroom Building (Building 8)

Single story, 1,600 SF including:

- Open-sided (three sides) covered classroom/break area
- Single-occupancy restrooms
- Storage
- Roof-mounted photovoltaic system

Urban Search and Rescue/Bay Area Rapid Transit (BART) Training Structure (Building 9)

Three stories, 13,715 SF including:

- Confined space, shoring, breaching, and bracing training structure
- Elevated passenger platform with three-sided glass enclosure and bench
- Elevated light-rail track with functional safety training components (BART train to be owner supplied)

Entry Canopy (Building 10)

Single story, 1,333 SF including:

- Open-sided roof shade structure over entry gate
- Roof-mounted photovoltaic system

Parking Lot (Area 11)

- Ninety-two spaces
- Bio-Retention Areas

DISCUSSION

The design team has completed the 90% construction documents, which include the plans and specifications. These bid documents specify materials, products, and services that will be used in the construction of the aforementioned buildings. Typically, product brands are specified so the materials, products, and services function as intended by the design. The Public Contract Code prohibits “calling for a designated material, product, thing, or service by specific brand or trade name unless the specification is followed by the words “or equal.” This ensures competitive bidding and potentially lower cost to taxpayers. The Public Contract Code Section 3400(c) allows a particular material, product, thing, or service to be designated by specific brand or trade name for the following purpose(s):

- (1) In order that a field test or experiment may be made to determine the product’s suitability for future use.
- (2) In order to match other products in use on a particular public improvement either completed or in the course of completion.
- (3) In order to obtain a necessary item that is only available from one source.
- (4) In order to respond to an emergency declared by a local agency.

The majority of the materials, products, and services specified for this project include specific brands and follow by the “or equal” clause; however, there are three products that will be specified with specific brands only without the “or equal” clause since these are essential to the project. The following items will be sole sourced so that brands other than the ones specified below will not be considered:

Four-Fold Metal Apparatus Bay Doors

The four-fold apparatus bay doors are essential components to Fire Station #6 (Building 1)

for quicker response time, lower maintenance, and better safety. Four-fold doors open in about half the time it takes conventional overhead doors to open. This is due to the efficiency of the high-speed operators, the components, and the horizontal movement during opening and closing. Four-fold doors require less maintenance since they do not have coils and cables like conventional overhead doors that require regular maintenance. Finally, since these doors open horizontally, the moment the door is opened, there is a clear view of the driveway for a safe and quick exit.

The four-fold doors manufactured by Door Engineering and Manufacturing, LLC., meet natural disaster and seismic requirements and are the only product that can provide the required motor design and mounting for emergency operations. This product was previously accepted and installed in Fire Stations #1 through #5 as part of the Fire Station 1-5 Improvement project, and also in the new state of the art Fire Station #7. The same manufacturer will be specified for the Fire Station 6 and Fire Training Center Project. The goal of the Fire Department is to make the four-fold doors by Door Engineering and Manufacturing a standard for the apparatus egress doors. Doing so will provide consistency of these four-fold doors throughout the Department. Station personnel have been trained in the use of these doors at the other fire stations. Additionally, using the same doors will help with efficiency with maintenance as inventory for parts will be kept at a minimum and training is focused on one manufacturer.

Fire Station Alerting System

The current fire station alerting system at all fire stations is a custom designed and built system by McKinney Associates. Since Fire Station 6 will be demolished and constructed from the ground up, this is a good opportunity to change the station alerting system and in future phases, update all fire stations. The station alerting system must be integrated to a Computer-Aided Dispatch (CAD) system to communicate with dispatchers, firefighters, first responders, police officers, and command staff.

One such station alerting system is Locution Systems, Inc., which is compatible with New World CAD that both the Fire and Police Departments are currently using. Other products that were researched would have to completely build a program to enable the system to become compatible with New World CAD. Together with Locution Systems, Inc., the system will reduce the response times for emergency responders by enabling fire crews to be dispatched to the address of a known emergency simultaneously as information is being received by Hayward Dispatchers. The project will specify the use of Locution Systems, Inc., to match the existing CAD system.

Fire Training Props/Simulator System

The Training Tower (Building 6) is designed to simulate fires in various rooms for firefighting training inside a building. There are also designated areas outside that will be equipped with props for experience in firefighting with car, dumpster, and plane fires. Training props are used to provide realism so that firefighters get first hand experience in real world settings. The project will specify Fireblast Global as the provider of training props system to match the existing props manufactured by Fireblast Global that will be used at the Fire Training Center and that Chabot-Las Positas Community College District currently uses.

The Fireblast Global system provides a centralized control system at each location (building and/or site) as opposed to having a separate control system at each individual fire prop. This system would require less maintenance and would allow for future growth to accommodate the fire department's training needs.

Procurement of Modular Buildings

As part of the overall project, the existing Fire Station 6, four-story training tower, classroom building, burn building, and storage building will be demolished and replaced with new structures as described in the previous section. Fire Station 6 will remain in operation during the demolition and construction of the project with a temporary fire station located between the existing Fire Station 6 on the California National Guard parking lot. An agreement between the City and California Military Department secures the use and terms of the parking lot for the temporary fire station. Access to and from the temporary fire station will be the recently constructed Tuskegee Airmen Drive.

The temporary fire station will require rental of two temporary modular structures to house the fire station personnel. Request for proposals were sent to four vendors on December 5, 2018. On December 13, 2018, one proposal was received. Design Space Modular buildings of Dixon, California submitted the proposal in the amount of \$150,231 for the 22-month term. The other three vendors who did not submit proposals were either not interested, non-responsive, or did not have available structures. Staff finds Design Space Modular Buildings responsive and recommends that Council authorize the City Manager to execute a rental agreement with Design Space Modular Buildings in an amount not-to-exceed \$175,000; \$150,231 for the base rental plus an additional \$24,769 for contingencies, in the event that a longer rental period is necessary.

FISCAL IMPACT

The costs associated with the contract discussed above have been included in the project in the City's FY 2019- 2028 CIP program. There is no additional fiscal impact related to approving the sole source items outlined in this report or the contract with Design Space Modular Buildings.

STRATEGIC INITIATIVES

This agenda item pertains to sole source justification of products and does not directly relate to the Council's Strategic Initiatives.

PUBLIC CONTACT

As part of the CEQA requirements, the Initial Study and Mitigated Negative Declaration were posted for public review and a public hearing was brought before the Planning Commission on October 25, 2018.

NEXT STEPS

If approved by Council, staff will include sole sourcing of the aforementioned product in the

bid documents.

Prepared by: Kathy Garcia, Deputy Director of Public Works

Recommended by: Alex Ameri, Interim Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read "K. McAdoo". The signature is fluid and cursive, with a large initial "K" and a stylized "M" and "A".

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH DESIGN SPACE MODULAR BUILDINGS FOR THE RENTAL OF TEMPORARY HOUSING STRUCTURES FOR THE FIRE STATION 6 AND FIRE TRAINING CENTER PROJECT

WHEREAS, the City of Hayward intends to keep Fire Station 6 operational during the demolition and construction of the new Fire Station 6 and Fire Training Center; and

WHEREAS, the City of Hayward intends to house fire station personnel temporary modular structures; and

WHEREAS, the City of Hayward intends to rent the temporary modular structures from Design Space Modular Buildings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized to execute, on behalf of the City of Hayward, a rental agreement with Design Space Modular Buildings in an amount not-to-exceed \$175,000 for the Fire Station 6 and Fire Training Center Project.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

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

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION APPROVING THE USE OF CERTAIN SOLE SOURCE PRODUCTS
IN THE PLANS AND SPECIFICATIONS FOR THE FIRE STATION 6 AND FIRE
TRAINING CENTER PROJECT

WHEREAS, the Public Contract Code Section 3400 (c) allows a particular material, product, thing, or service to be designated by specific brand or trade name in order to match other products in use on a particular public improvement either completed or in the course of completion; and

WHEREAS, the City of Hayward intends to sole source Four-Fold Metal Apparatus Bay Doors manufactured by Door Engineering and Manufacturing, LLC; and

WHEREAS, Four-Fold Metal Apparatus Bay Doors manufactured by Door Engineering and Manufacturing, LLC were previously installed in Fire Stations #1 through #5 as part of the Fire Station 1-5 Improvement project, and also in the new state of the art Fire Station #7; and

WHEREAS, fire station personnel have been trained in the use of these doors at the other fire stations and using the same doors will help with efficiency with maintenance as inventory for parts will be kept at a minimum and training is focused to one manufacturer; and

WHEREAS, the City of Hayward intends to sole source Fire Station Alerting System manufactured by Locution Systems, Inc.; and

WHEREAS, the station alerting system must be integrated to a Computer-Aided Dispatch (CAD) system to communicate with dispatchers, firefighters, first responders, police officers, and command staff; and

WHEREAS, the station alerting system manufactured by Locution Systems, Inc. is compatible with New World CAD that both the Fire and Police Departments are currently using, while other companies would have to completely build a program to enable the system to become compatible with New World CAD; and

WHEREAS, the City of Hayward intends to sole source Fire Training Props/Simulator System manufactured by Fireblast Global; and

WHEREAS, the City and Chabot-Las Positas Community College District are partnering on the Fire Training Center Project; and

WHEREAS, the Fireblast Global training props system matches the existing props system manufactured by Fireblast Global that Chabot-Las Positas Community College District currently uses for its fire training program; and

WHEREAS, the before-mentioned products are essential to the project to match with existing products; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward hereby approves the sole sourcing of the before-mentioned products in the plans and specifications and no other brands or manufacturers will be considered for the Fire Station 6 and Fire Training Center Project.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

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

File #: CONS 19-030

DATE: January 22, 2019

TO: Mayor and City Council

FROM: Interim Director of Public Works

SUBJECT

Mission Boulevard Corridor Improvements Phase 2: Amendment to Professional Services Agreement

RECOMMENDATION

That Council adopts the attached resolution (Attachment II) authorizing the City Manager to execute an Amendment to the Professional Services Agreement with Owen Poole for a total contract amount not-to-exceed \$76,224.22.

SUMMARY

The City entered into an agreement with Owen Poole providing right-of-way services for the acquisition of right-of-way related to the undergrounding of overhead utilities for the Mission Boulevard Corridor Improvements Phase 2 project. Owen Poole completed the scope of work and expended the total fee amount of the agreement. Due to construction changes, additional right-of-way services amounting to \$2,224.22 were required. Amendment to the original professional services agreement is necessary to complete the right-of-way acquisition for the project.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



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TO: Mayor and City Council

FROM: Interim Director of Public Works

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BACKGROUND

On November 27, 2007, Council approved Phase 1 of the Route 238 Corridor Improvement Project, which covered roadway and street improvements on Mission Boulevard (from A Street to Industrial Parkway) and Foothill Boulevard (from Mission Boulevard to Apple Avenue). Construction of the Phase 1 project was completed in January 2014.

Phase 2 is a continuation of the Phase 1 project that will improve Mission Boulevard from Industrial Parkway to the south City limit near Blanche Street. On September 19, 2017, Council approved the plans and specifications for the Mission Boulevard Corridor Improvements Phase 2 Project and called for bids to be received on October 31, 2017. Addenda Nos. 1 through 5 revised portions of the drawings and specifications and revised the bid opening date to December 5, 2017. On January 16, 2018, Council awarded the construction contract to DeSilva Gates Construction.

The improvements to Mission Boulevard in Phase 2 include the undergrounding of overhead utilities. This required right-of-way acquisition for utility equipment outside of the City's right-of-way. On March 21, 2018, the City Manager executed a professional services agreement with Owen Poole in the amount not-to-exceed \$74,000 for real estate services for the acquisition of public utility easements (PUE), and for securing access for a temporary construction easement (TCE) necessary for the undergrounding of the overhead utilities.

DISCUSSION

The Mission Boulevard Phase 2 project was designed to improve multi-modal access on this major north-south arterial roadway, and the scope of work include the following:

- Repair or reconstruct existing sidewalks, curbs and gutters, median islands, valley gutters, and driveways that are in poor condition or deficient
- Add new curb, gutter, and sidewalk in sections with missing sidewalk
- Remove existing trees in poor health or adversely impacted by the improvements
- Add new street trees near the back of sidewalks
- Add new storm drain inlets to improve drainage
- Rehabilitate existing pavement using Cold In-place Recycling (CIR) and a new pavement overlay
- Upgrade intersections to comply with the latest Americans with Disabilities Act (ADA) accessibility standards
- Upgrade existing traffic signals to include Adaptive Traffic Management System technology, which will improve signal timing by adapting to the traffic conditions in real time. This upgrade also includes intersections on portions of Jackson Street.
- Add new signage and modifications to bus stops
- Add new fiber optic lines within the project limits, including a link to Fire Station #3 and spare conduits for future fiber optic lines
- Add new dimmable LED street lighting
- Add new protected bike lanes, including buffered divider planter strips
- Add new landscaping in the median islands and divider planter strips
- Add a new traffic signal at the Mission Boulevard/Rousseau Street and a full traffic signal at Mission Boulevard/Blanche Street. The HAWK signal (pedestrian only activated) was recently installed at Mission Boulevard and Blanche Street to provide safe pedestrian crossing prior to the start of the school year. The Phase 2 project

will make further improvement by using most of the HAWK signal equipment and converting it to a full signalized intersection.

- Add new gateway entry features at Blanche Street
- Add new metal fence along existing residential wood fence on the west side
- Replacement of Fairway Park signs
- Update of Corrine Street entry wall
- Replacement of irrigation system on the east side greenway park
- Replacement of irrigation on the west side along the golf course
- Underground existing overhead utility lines

The undergrounding of existing overhead utility lines involves coordination with utility companies for placement of new vaults and equipment. Prior to construction, contractors need temporary construction easements (TCE) to work in the space outside of the City's right-of-way to install these vaults and equipment. Similarly, acquisition of public utility easements (PUE) is needed for the final placement of vaults and equipment as they encroach onto private property. Ideally, the acquisition of right-of-way is finalized during design; however, final design of undergrounding was not completed by PG&E until months after the award of the construction contract so acquisition of right-of-way started during construction.

In September, Owen Poole completed the PUEs and TCEs but due to additional changes during construction, additional PUEs were required resulting in additional right-of-way work by Owen Poole in the amount of \$2,224.22. Since including this additional amount would cause the total contract amount to exceed the \$75,000 threshold that can be approved by the City Manager, an amendment to the original agreement requires Council approval. Amendment No. 1 increases the total agreement amount from \$74,000 to \$76,224.22.

STRATEGIC INITIATIVES

This agenda item pertains to the professional services agreement with Owen Poole and does not directly relate to the Council's Strategic Initiatives.

FISCAL IMPACT

The Adopted FY19 CIP includes a total of \$32.5 million for the design and construction of the Mission Boulevard Corridor Improvements Phase 2 project in the Route 238 Corridor Improvement Fund. Additionally, there are adequate funds in the project for Owen Poole to provide the additional right-of-way services in the amount of \$2,224.22.

NEXT STEPS

If approved by Council, the City Manager will execute the amendment to the Professional Services Agreement with Owen Poole.

Prepared by: Kathy Garcia, Deputy Director of Public Works

Recommended by: Alex Ameri, Interim Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read "K. McAdoo". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH OWEN POOLE FOR ADDITIONAL SERVICES ASSOCIATED WITH THE MISSION BOULEVARD CORRIDOR IMPROVEMENTS PHASE 2 PROJECT

WHEREAS, the aforesaid parties have entered into that certain Agreement dated the 21st day of March 2018, entitled "Agreement for Services of Real Estate Services between the City of Hayward and Owen Poole", and

WHEREAS, the City and the Consultant desire to amend the Agreement in certain respects.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to execute, on behalf of the City of Hayward, an amendment to the agreement with Owen Poole for additional services in the amount of \$2,224.22, resulting in a total contract amount not-to-exceed \$76,224.22 associated with the Mission Boulevard Corridor Improvements Phase 2 Project, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

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

File #: CONS 19-035

DATE: January 22, 2019

TO: Mayor and City Council

FROM: Chief of Police

SUBJECT

Approval of Addition of Counseling Supervisor Position and Two (2) Lead Program Assistants in the Youth and Family Services Bureau of the Hayward Police Department

RECOMMENDATION

That Council considers authorizing the City Manager to appropriate awarded contract funds and add a Counseling Supervisor and two (2) Lead Program Assistant positions to the Youth and Family Services Bureau to provide the services included in contracts the City has been awarded.

SUMMARY

The Youth and Family Services Bureau of the Hayward Police Department has an immediate, operational need for an additional Counseling Supervisor position and two (2) Lead Program Assistant positions in order to sufficiently provide services to meet contracted obligations under agreements with the Alameda County Probation Department and the Alameda County Health Care Services Agency through the Medical Administrative Activities (MAA) Program. Funding from these sources will provide all funding necessary to cover the cost of the new positions. Given these positions are funded by contracts awarded to the City, should funding end or change, the City will not be obligated to maintain the positions. Adding the Counseling Supervisor position (1.0 FTE) would greatly improve the overall efficiency and productivity of the YFSB Counseling Unit. The addition is vital to ensuring compliance with the City's contract with the Alameda County Probation Department for the current fiscal year (FY 2019). Adding the Lead Program Assistant Positions (2.0 FTE) is necessary to provide the Diversion, Life Skills, and Restorative Justice services proposed in the City's successful application for additional Probation Department funding. It is the expectation of the Probation Department that services will begin immediately following contract negotiation and during the current fiscal year (FY 2019). The Lead Program Assistant position additions are requested contingent on successful contract execution.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution

File #: CONS 19-035



DATE: January 22, 2019

TO: Mayor and City Council

FROM: Chief of Police

SUBJECT: Approval of Addition of Counseling Supervisor Position and Two (2) Lead Program Assistants in the Youth and Family Services Bureau of the Hayward Police Department

RECOMMENDATION

That Council considers authorizing the City Manager to appropriate awarded contract funds and add a Counseling Supervisor and two (2) Lead Program Assistant positions to the Youth and Family Services Bureau to provide the services included in contracts the City has been awarded.

SUMMARY

The Youth and Family Services Bureau of the Hayward Police Department has an immediate, operational need for an additional Counseling Supervisor position and two (2) Lead Program Assistant positions in order to sufficiently provide services to meet contracted obligations under agreements with the Alameda County Probation Department and the Alameda County Health Care Services Agency through the Medi-Cal Administrative Activities (MAA) Program. Funding from these sources will provide all funding necessary to cover the cost of the new positions. Given these positions are funded by contracts awarded to the City, should funding end or change, the City will not be obligated to maintain the positions. Adding the Counseling Supervisor position (1.0 FTE) would greatly improve the overall efficiency and productivity of the YFSB Counseling Unit. The addition is vital to ensuring compliance with the City's contract with the Alameda County Probation Department for the current fiscal year (FY 2019). Adding the Lead Program Assistant Positions (2.0 FTE) is necessary to provide the Diversion, Life Skills, and Restorative Justice services proposed in the City's successful application for additional Probation Department funding. It is the expectation of the Probation Department that services will begin immediately following contract negotiation and during the current fiscal year (FY 2019). The Lead Program Assistant position additions are requested contingent on successful contract execution.

BACKGROUND

The City's Youth and Family Services Bureau (YFSB) has long been a leader among Police Departments in addressing the root causes underlying youth criminal behavior by providing services and supports to families in need. Over the past several years, YFSB has done its best to be a responsible member of the City team and contribute to the overall budget deficit

solution. In 2011, one of two Counseling Supervisor positions was eliminated, creating significant savings for the City. At that time, the decision was made to eliminate a supervisor rather than reduce direct service staff, in order to minimize the impact to the community and not eliminate any of the direct YFSB services offered. Out of sheer necessity, workload from this supervisor position was redistributed among remaining line-level staff.

Since the time the second supervisor position was eliminated, the demands of the YFSB Programming have had a steady and significant increase. With new opportunities to serve the community, have come the addition of new programs, staff and funding streams. The duties of the Counseling Supervisor have grown in volume and complexity, with the scope of responsibility and span of control also expanding. Still, there are gaps in the services YFSB is able to offer. The Bureau has sought outside funding to be able to close these gaps and provide the best possible service to the Hayward community; however, the workload has reached a level that has become unmanageable and unsustainable for one Counseling Supervisor with the current staffing structure. Moreover, the existing line-level staff do not have the capacity to take on any additional responsibilities, despite the existence of available funding to close ongoing service gaps.

To fund all three requested positions, two separate contracts for service from Alameda County have been awarded. For more than 30 years, YFSB has received funding from the Alameda County Probation Department to provide Delinquency Prevention Network (DPN) Youth Service Center services (DPN-YSC). In past fiscal years, the City has been allocated approximately \$370,000 annually. In December 2017, the City participated in a competitive bid process to maintain this funding and applied for an increase in monies. The City's application included a proposed increase in Counseling Supervisor time dedicated to the DPN program rather than increase direct service staff. The proposal allocated 1.0 FTE Counseling Supervisor to the program, which currently includes five (5) of the nine (9) YFSB Family Counselors.

In April 2018, the City was notified of the County's intent to award funding and a successful contract negotiation followed. The City was awarded \$500,000 annually for three years, an annual increase of \$130,000 over previous funding levels. The City executed a 3-year contract with the Probation Department, with the option to extend two additional years.

Also, in April 2018, the Alameda County Probation Department released a second Request for Proposal (RFP) for new Delinquency Prevention Network (DPN) Local Service Center services (DPN-LSC). In response, the City submitted a proposal for \$237,500 annually to provide Diversion, Life Skills, and Restorative Justice services to 115 youth involved in the justice system or at high risk for involvement. The proposed services are closely aligned with those already provided by the City's YFSB and this additional funding will offer an opportunity to enhance the City's existing services and close identified gaps in services offered to the Hayward community.

On November 20, 2018, the City received a Notice of Intent to Award funding. On December 18, 2018, the Alameda County Board of Supervisors approved the award, pending successful

contract negotiations. The contract is intended to be for three years, with the option to extend an additional two years.

For both the DPN Youth Service Center and Local Service Center programs, staff anticipates that Probation will release new RFPs at the end of the contract period, and that the City will again apply for ongoing funding. Should funding for some reason be discontinued, staff is fully aware that the City is under no obligation to maintain these positions with the General Fund.

DISCUSSION

The new funding awarded by the Probation Department provides the opportunity to strengthen the City's Youth and Family Services Bureau (YFSB) through filling identified service gaps and ensuring a staffing structure that is sustainable to meet the needs of the community, as well as fulfil the City's obligations to funders.

As discussed above, the existing Counseling Supervisor is working well beyond the capacity of one person. Moreover, the Delinquency Prevention Network (DPN) Youth Service Center contract includes a 1.0 FTE Counseling Supervisor being dedicated exclusively to that program, which is only one of the three programs for which the current 1.0 FTE Counseling Supervisor is responsible. To address this issue in the short term, an acting Counseling Supervisor has been added in YFSB; however, this is only a short-term solution and a second Supervisor position is urgently needed. Towards this end, staff is requesting this position addition be added.

The Lead Program Assistant positions are requested to fill gaps in the services YFSB is able to offer. Traditionally, the Bureau has done its work through Master and Doctoral level mental health counselors. This has been an effective way to address many of the challenges facing Hayward families, as mental health services are often one of the primary needs. However, it has become evident that services beyond mental health support are necessary to adequately serve our community. Increasingly, staff are seeing the need for case management, life skills training, gang prevention workshops, and other services. Towards that end, the City's application to the Probation Department proposed the implementation of an integrated continuum of services all designed to achieve one goal: prevent youth involvement in the justice system.

Through careful assessment and program placement, the Lead Program Assistants would connect a minimum of 115 new Hayward youth annually to the right YFSB program(s) to best serve them. Services would be provided to youth both in and out of custody and at different levels of intensity based on the needs each is presenting. Life Skills would mostly be provided as an early intervention for youth who are not yet justice involved and who would benefit from extra support learning skills to address challenges and make positive choices. Diversion services would be provided to youth who have had their first contact with law enforcement and have either received a NTA or a citation for marijuana use. Finally, at the more intense end of the spectrum, Restorative Justice services would be provided to youth in-custody at Juvenile Hall and Camp Sweeney. Across the spectrum of services, the evidence-based WhyTry curriculum would be utilized to foster the learning of skills. An important component

of all services would be Service Coordination and Case Management, connecting youth and families to the services and opportunities they need to be successful.

Since all of the services that would be offered under the new funding from Probation can be competently provided by a Bachelor degree level service provider, the City would be able to increase YFSB's capacity to serve the community at a lower cost than if the program was expanding mental health services. This also ensures that the skills, education, and capabilities of our current mental health counselors are appropriately utilized. Staff is requesting that the position additions be made, as it is the expectation of the Probation Department that services will begin immediately upon successful negotiation of contracts. The existing YFSB staff does not have the capacity to assume additional contract deliverables without the addition of new positions and the services would underutilize their specialized training and education as mental health counselors.

ECONOMIC IMPACT

The proposed positions will support the Youth and Family Service Bureau's overarching strategy to reduce and prevent juvenile involvement in the justice system by providing services that encourage success and increase access to positive opportunities and support. Keeping youth out of the juvenile justice system contributes to the overall safety and well-being of Hayward families, which in turn has a positive economic impact. Improving family functioning and facilitating school success supports youth and families to lead productive and healthy lives which can only strengthen our local economy and improve every aspect of it. Further, the Hayward Police Department's progressive approach to serving the community by providing services like those offered by YFSB contributes to positive police-community relationships and the overall strength of our City.

FISCAL IMPACT

The current cost of a Counseling Supervisor including salary and benefits is estimated at \$191,771 (top step) annually. The current cost of two Lead Program Assistants including salary and benefits is estimated at a combined total of \$243,314 (third step) annually. Funding to offset these costs will come from the increase in the allocation from the County Probation Department and through the Medi-Cal Administrative Activities (MAA) reimbursement. Under the MAA program, the City is able to claim reimbursement for a portion of actual expenses for time spent providing services that support the Medical program. As mentioned above, these revenues will offset the increase in costs associated with these positions with no net impact to the General Fund. These positions are contingent on contract funding; if that funding is changed or ends, the City will not be obligated to continue to fund these positions.

STRATEGIC INITIATIVES

This agenda item supports the Complete Communities Strategic Initiative. The purpose of the Complete Communities initiative is to create and support structures, services and amenities to provide inclusive and equitable access with the goal of becoming a thriving

and promising place to live, work and play for all. This item supports the following goal and objectives:

Goal 1: Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods.

Objective 1: Increase neighborhood safety and cohesion

Objective 4: Create resilient and sustainable neighborhoods

NEXT STEPS

If the Council authorizes this action, (1) staff shall appropriate funds and the positions will be included in the FY 2019 Mid-Year Budget Review process and (2) staff will begin recruitment for qualified candidates to fill the Counseling Supervisor and Lead Program Assistant positions.

Prepared by: Emily Young, Youth and Family Services Bureau Administrator

Recommended by: Mark Koller, Chief of Police

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

APPROVAL OF ADDITION OF COUNSELING SUPERVISOR POSITION AND TWO (2) LEAD PROGRAM ASSISTANTS IN THE YOUTH AND FAMILY SERVICES BUREAU OF THE HAYWARD POLICE DEPARTMENT

WHEREAS, the Hayward Police Department’s Youth and Family Services Bureau has a long-standing history of providing behavioral health and delinquency prevention services to youth and families in the City of Hayward; and

WHEREAS, an additional Counseling Supervisor position is required to maintain the current level and quality of services provided; and

WHEREAS, Restorative Justice, Life Skills, and Diversion services are needed programs to successfully do this work; and

WHEREAS, two Lead Program Assistants are needed to implement these programs; and

WHEREAS, the Alameda County Probation Department has awarded funding for these positions to the City of Hayward;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized to accept funding from the Probation Department, appropriate it to the City budget and add an additional Counseling Supervisor position and two Lead Program Assistant positions to the Youth and Family Services Bureau.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

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

File #: WS 19-004

DATE: January 22, 2019

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Mission Boulevard Corridor and South Hayward BART/Mission Boulevard Form-Based Code Updates Work Session

RECOMMENDATION

That the Council provides feedback and direction on the updates to the Mission Boulevard Corridor and the South Hayward BART/Mission Boulevard Form Based Codes.

SUMMARY

This is a work session to obtain feedback and direction from the City Council on the future updates to the City's two form-based codes: the Mission Boulevard Corridor; and South Hayward BART/Mission Boulevard Form Based Codes (FBC). The goal of this project is to take both form-based codes and adapt each code into clear and understandable regulatory sections that intuitively make sense to residents, developers, and City staff.

The updated Codes will continue to regulate development to ensure high-quality public spaces defined by a variety of building types and uses including housing, retail, and office space. The updated Codes may modify the regulating plan, building form standards, street standards (plan and section), land use regulations, and other elements needed to implement the principles of urbanism, planning, and practical growth management consistent with the community vision established in the *Hayward 2040 General Plan*.

ATTACHMENTS

- Attachment I Staff Report
- Attachment II Form Based Code Boundary Maps
- Attachment III Stakeholder Interview Results

File #: WS 19-004



DATE: January 22, 2019

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Mission Boulevard Corridor and South Hayward BART/Mission Boulevard Form-Based Code Updates Work Session

RECOMMENDATION

That the Council provides feedback and direction on the updates to the Mission Boulevard Corridor and the South Hayward BART/Mission Boulevard Form Based Codes.

SUMMARY

This is a work session to obtain feedback and direction from the City Council on the future updates to the City's two form-based codes: the Mission Boulevard Corridor¹; and South Hayward BART/Mission Boulevard² Form Based Codes (FBC). The goal of this project is to take both form-based codes and adapt each code into clear and understandable regulatory sections that intuitively make sense to residents, developers, and City staff.

The updated Codes will continue to regulate development to ensure high-quality public spaces defined by a variety of building types and uses including housing, retail, and office space. The updated Codes may modify the regulating plan, building form standards, street standards (plan and section), land use regulations, and other elements needed to implement the principles of urbanism, planning, and practical growth management consistent with the community vision established in the Hayward 2040 General Plan.

BACKGROUND

In September 2011, the City Council adopted the South Hayward BART/Mission Boulevard Form Based Code and certified the Environmental Impact Report and related Mitigation and Monitoring Reporting Program for a total area of approximately 240 acres from Harder Road to Garin Avenue on parcels to the east and west of Mission Boulevard.

¹ Mission Boulevard Corridor Form-Based Code:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART25SHAMIBOCOFSECO

² South Hayward BART/Mission Boulevard Form-Based Code:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART24SOHABAMIBOFSECO

In October 2013, the City Council adopted the Mission Boulevard Corridor Specific Plan and Form-Based Code and certified the Environmental Impact Report with Mitigation Monitoring and Reporting Program for a total area of approximately 240 acres from areas east and west along Mission Boulevard in two separate segments. The northern segment spans along Mission Boulevard from the northern City boundary south to A Street, and the southern segment extends along Mission Boulevard from Jackson Street south to Harder Road. A map of the two FBC planning areas is included as Attachment II.

Since adoption of the FBCs, there have been few revisions or modifications to the Codes and similar to any zoning ordinance, specific plan, or general plan, regular updates and/or amendments are required to reflect new policies, development standards, and land uses. As part of the approved FY2018 budget, the Development Services-Planning Division established a goal of revising and updating the City's two form-based codes and has earmarked the funds to initiate this project. The project requires a thorough review of each Code to remove inconsistencies, update policies and land uses, and streamline the development review process in an effort to make the Codes easier to understand and administer.

On April 9, 2018, the City issued a Request for Proposals (RFP) to update the Mission Boulevard Corridor and South Hayward BART-Mission Boulevard Form Based Codes. On May 22, 2018, the City Council adopted Resolution No. 18-085, which authorized the City Manager to execute an agreement with Lisa Wise Consulting, Inc. (LWC) for the preparation of a comprehensive update to the two Codes. Since May 2018, LWC has been meeting with City staff, conducting public outreach with key stakeholders, and evaluating the existing FBCs to identify issues related to Code administration and implementation.

Stakeholder Interviews: On December 10-11, 2018, LWC conducted numerous stakeholder interviews with staff representing public agencies, transit providers, neighborhood associations, community stakeholders, developers, design professionals, and city departments. Several similar opinions emerged among interviewees regarding issues with the current form-based codes. While the interviewees may ultimately differ on the exact recommended changes, there was clear agreement that the Codes need to be reorganized and simplified to make them easier to use and understand. Following is a list of common themes from the interviews:

1. Complexity. The Codes are too complex and hard to interpret, and the document format and layout is difficult to navigate.
2. Development Standards. The Codes should focus development standards on key elements of building form. The two FBC are overly prescriptive in some instances, such as roof pitch and building articulation, and offer too many options in other instances.
3. Parking Supply. A balance should be struck between providing parking to ensure accessibility and limiting parking to encourage and support transit use and the development of vibrant, walkable, and mixed-use areas. Parking management and enforcement could help alleviate parking problems in the project area and adjacent neighborhoods.

4. **Ground Floor Uses.** The Codes should ensure activity at the ground floor along street frontages. However, restricting the ground floor area to “retail” uses is onerous and likely not viable. Active ground floor uses could include a variety of restaurant, entertainment, and service uses, and in some areas residential and community uses, all of which contribute to a 24-hour street presence and ‘eyes on the street’.
5. **Thoroughfares.** Connectivity is important but the thoroughfare standards in the FBCs are overly prescriptive, do not reflect Complete Street best practices and other City standards for the design of accessways/pathways and in some cases, render new development infeasible.
6. **Flexibility.** The Codes should incorporate flexibility to address irregular lot sizes, unique site conditions, or specific issues while still ensuring the intent of the regulation is satisfied. This process can replace warrants/exceptions, which often has a negative connotation, with a new streamlined and simplified process that encourages creativity in design.

A complete summary of comments received from the Stakeholder Interviews is included as Attachment III.

DISCUSSION

The two Form-Based Codes are designed to be used as a set of guidelines for property owners and the development community to understand the vision that the community has established for development along the Mission Boulevard corridor and near the South Hayward BART Station. The Codes were to provide a framework and a systematic checklist for the City as it plans its investments in capital projects and evaluates the design of new building projects. The Codes are intended to improve the quality of design proposals that the City receives and the value of the City's cumulative investments in the public realm.

Although both FBCs established a framework for new development along the Corridor, the downturn in the local and national economy between 2008-2012 limited the number of new development applications along the Corridor. Over the past several years, the amount of development activity has increased, and the Planning Division has experienced a rise in the number of new, large-scale planning applications within the Code Area and, in the process, determined that inconsistencies within and between the adopted Codes and the City's Zoning Ordinance have resulted in significant warrants and exceptions granted for projects and inconsistent development patterns along the Corridor. The main objectives of the FBC updates are the following:

- Be consistent with and help implement the Hayward 2040 General Plan³ and Economic Development Strategic Plan⁴;
- Promote high quality design through clear and effective regulations;
- Use clear and consistent terms and definitions;
- Establish a clear development review and permitting process to increase efficiency and predictability;
- Be consistent with State and Federal law; and
- Be clear, concise, and easy to use and understand.

Although both FBCs are generally consistent with the Hayward 2040 General Plan and seek to carry out many of the General Plan goals and policies, the Codes differ from the existing and traditional zoning in that it emphasizes urban design and provides more flexibility for uses (or functions), encouraging (not requiring) mixed use.

In an effort to assist LWC with the updates, staff is requesting specific feedback from Council on the following:

- Does the Council have general comments on the Form Based Codes that the Consultant should consider moving forward?
- Are there specific land uses that should or should not be allowed in the FBC areas?
- Is there anything, in particular, that is working well or not working well related to development standards or the process for granting exceptions and warrants?
- Are any of the “common themes” identified in the Stakeholder Interviews expected or were there any surprises?

ECONOMIC IMPACT

Staff anticipates that the updates to the Mission Boulevard Corridor and the South Hayward BART/Mission Boulevard FBCs will help foster new development along the Mission Boulevard corridor, creating positive economic benefits resulting in new businesses and residential units bringing additional sales tax and property taxes to the City. The updated Codes will create a more efficient and effective zoning tool that is easier to understand and administer. Having updated FBCs will further clarify the community vision along the Corridor and help streamline the development review process, which is critical for residents, developers, and tenants interested in investing in Hayward.

FISCAL IMPACT

The FBC update is funded through the City’s General Fund and was included as a part of the work plan for the Planning Division of Development Services for FY2017/18 at a cost of

³ Hayward 2040 General Plan:
<https://www.hayward2040generalplan.com/>

⁴ Economic Development Strategic Plan:
<https://www.hayward-ca.gov/your-government/documents/economic-development-strategic-plan>

\$160,000. The cost of this work is included in the Department's FY2019 Operating Budget and will have no additional impact on the General Fund.

Once updated, the City may see additional General Fund revenues through implementation of the FBCs with new construction projects and building permits fees, including increases in sales and property taxes.

STRATEGIC INITIATIVES

This agenda item supports the Complete Communities Strategic Initiative. The purpose of the Complete Communities Strategic Initiative is to create and support structured services and amenities to provide inclusive and equitable access for all with the goal of becoming a thriving and promising place to live, work and play. This item supports the following goal and objective:

Goal 3: Develop a Regulatory Toolkit for Policy Makers.

Objective 3: Update, streamline, and modernize zoning codes.

NEXT STEPS

Following the City Council work session, LWC will incorporate any comments received and update the FBCs. Staff anticipates the draft of the updated FBCs will be released later this Spring 2019 with public hearings on the draft in Summer 2019. Following completion of environmental analysis, the updated FBCs will be forwarded to the Planning Commission for review and recommendation and to the City Council for adoption.

Prepared by: Jeremy Lochirco, Principal Planner

Recommended by: Laura Simpson, Development Services Director



Approved by:



Kelly McAdoo, City Manager



Form-Based Code Boundaries

-  Mission Boulevard
-  South Hayward BART





MEMO

To: City of Hayward

From: Lisa Wise Consulting, Inc.

Date: December 17, 2018

Subject: City of Hayward Form Based Code Update-Stakeholder Interview Summary

Introduction

As part of the Hayward Form Based Code Update (Project), Lisa Wise Consulting (LWC) conducted interviews with a cross-section of “code-users”—people who have used the Mission Boulevard Corridor Form Based Code and South Hayward BART/Mission Boulevard Form Based Code (Form Based Codes) in Hayward or otherwise have knowledge of development in Hayward or of development regulation.

On December 10th and December 11th, LWC conducted ten interviews with 20 representatives, including City staff, design professionals, developers, neighborhood representatives, regional agencies, and the City Manager’s office.

The purpose of the interviews was to gain an understanding of an “insider’s” or “user” perspective of issues with the Form Based Codes, elements of the Form Based Codes that are working well, and opportunities for improvement. Interviews were conducted by senior staff from LWC. No staff members were present during the interviews to encourage candid responses.

Each interview began with an overview of the Project and purpose of the interviews. Then LWC asked open ended questions in conversational manner. No two interviews were alike, as individuals had unique experiences using the Form Based Codes and perspectives on opportunities for improvement.



Common Themes

Several similar opinions emerged among interviewees regarding issues with the current Form-Based Codes. While the interviewees may ultimately differ on the exact recommended changes, there was clear agreement that the Codes need to be reorganized and simplified to make them easier to use and understand. Following is a list of common themes from the interviews.

1. **Complexity.** The codes are too complex and hard to interpret, and the documents are difficult to navigate.
2. **Development Standards.** Focus development standards on key elements of form. The Form Based Codes are overly prescriptive in some instances, such as roof pitch and building articulation, and offer too many options in other instances.
3. **Parking Supply.** A balance should be struck between providing parking to ensure accessibility and limiting parking to encourage and support transit use and the development of vibrant, walkable, mixed-use areas. Parking management and enforcement could help alleviate parking problems in the project area and adjacent neighborhoods.
4. **Ground Floor Uses.** Ensure activity at the ground floor along street frontages. However, restricting the ground floor to retail uses is onerous and likely not viable. Active ground floor uses could include a variety of restaurant, entertainment, and service uses, and in some areas residential and community uses, all which contribute to a 24-hour street presence and 'eyes on the street'.
5. **Thoroughfares.** Connectivity is important but the thoroughfare standards in the Form Based Codes are overly prescriptive, do not reflect best practices and other City standards for the design of accessways, and in some cases, render new development infeasible.
6. **Flexibility.** Flexibility should be incorporated to address irregular lot sizes, unique site conditions, or specific issues while still ensuring the intent of the regulation is satisfied. This process can replace warrants/exceptions, which have a negative connotation, and help streamline the process while encouraging creativity in design.



Summary of Comments

A list of the comments received, organized by topic, follow.

Parking and Parking Management

One of the two most frequently discussed topics was parking and parking management, with stakeholders representing a range of perspectives on the parking regulations in the Form Based Codes and the supply of parking along Mission Boulevard. Comments include:

- There is too much/not enough parking along Mission Boulevard
- Increasing parking requirements is not consistent with intent for walkable corridor, increased transit use, or more density
- New projects do not supply enough parking for proposed residents and units w/o enough parking are difficult to sell/rent
- Parking maximums are a problem in certain cases, especially if not close to alternatives, such as transit
- New projects can't/are expected to solve existing parking problems in older neighborhoods
- Parking is expensive and high parking requirements make projects infeasible to build
- We should create space for people not for cars
- The main concern is 'spillover parking' into neighborhoods where street parking is unregulated
- Parking management, through parking permits, metered parking, or similar mechanisms can reduce strain of new development on existing areas
- Parking cannot be solved by the Form Based Codes alone, need management and transportation demand management strategies

Allowed Land Uses

The other topic most frequently mentioned by stakeholders was the type of uses that should or shouldn't be allowed within the Form Based Code area. While many uses were discussed, key feedback pertained to non-residential uses and the requirement for (and feasibility of) ground floor retail uses in parts of the project area. Comments include:

- It is unrealistic to expect ground floor retail along the entire Mission Boulevard corridor, there is not a market for this much retail space



- The requirement for ground floor retail should include other commercial uses
- One challenge to development is the requirement for commercial ground floor space
- Residential uses on the ground floor contribute to vibrancy, sometimes more so than offices or other non-residential uses
- Desire for more commercial uses in general, specifically higher end hotels, stores, and grocery stores
- Residential and general commercial and service are better than vacant storefronts
- Bars with appropriate controls and more residential add to 'eyes on the street' or 'natural surveillance' (part of CPTED)
- Mixed-uses are OK if residents understand noise potential, or are not near quieter neighborhoods

Development Standards

Stakeholders provided input on the development standards of the Form Based Codes, including height, density, architectural standards, roof pitch, ground floor dimensions, and others. This item is related to uses, as it considers standards for ground floor uses. Comments include:

- Concept of layer 1, layer 2, and layer 3 is difficult to understand and implement. It doesn't make sense on lots without frontage along Mission Boulevard
- Lot width maximums are too restrictive, walkability can be regulated through block length instead
- Articulation requirements perpetuate single-family aesthetic, rather than accommodating larger building types
- Glazing requirements are too low/too high
- Regulating building materials is/is not appropriate
- Roof pitch regulations are challenging, making construction more difficult
- Frontage requirements are difficult to meet for internal streets
- Ground floor non-residential should have minimum dimensions to ensure viability (suggestions included range of ground floor depth and minimum height)
- Buildings are too tall and restrict scenic views from adjacent neighborhoods
- Minimum open space requirement is/is not appropriate. There is a benefit to regulating by percent of lot, allowing more units w/o increasing open space



Thoroughfares and Connectivity

Unlike other topics where the stakeholders represented a range of views, most stakeholders deemed the thoroughfare standards problematic for one reason or another. However; most stakeholders supported alternative methods for improving connectivity for pedestrians and bicycles, especially routes to/from transit stops. Comments include:

- Thoroughfare requirements render properties undevelopable due to the placement and/or the need for an easement or land dedication
- New thoroughfares are badly placed and cut through properties
- Intent of thoroughfares can be achieved through pedestrian paths or non-vehicular routes
- Standards are not consistent with City complete streets policy
- Many projects receive warrants and/or map amendments to remove, relocate, or change the thoroughfare requirement
- Slip lanes do not make sense and are not aligned with intent of the project area. We should not be expanding right of ways, but rather increasing area for pedestrians
- Wide thoroughfares increase speed and accommodate cut through traffic
- Consider dedicating lanes to stormwater infrastructure or transit instead
- Add findings to ensure project improves/promotes connectivity without strict street design requirements or placement across parcels

Entitlement and Administration

Stakeholders discussed the various stages in the entitlement process, from initial submission, through the review process, and finally project approval. Comments include:

- Codes will not be perfect, need a good staff to interpret, apply, and enforce
- Should not have a custom, negotiated process for each project- need predictability
- Important to allow staff flexibility to modify standards as appropriate, it helps get projects entitled without going to Commission or Council
- More flexibility/modification at the staff level- they know more about development and it is more cost effective/streamlined than working through design committees or council
- Code should provide clear intent and method for deviation from standard while meeting objectives



- Lack of interdepartmental coordination through entitlement, creating conflicts in conditions of approval or working through problems
- Code should be flexible to apply to different contexts, conditions, and changes over time
- City should be required to follow codes as written, without exceptions to developers
- Warrants are perceived as negative, as though the developer is breaking the rules when the project aligns with City requests

Miscellaneous

Other topics discussed, in no particular order, include:

- Transit- preferred transit amenities, connections to transit, indicators of transit accessible development
- Community Character- existing character, historic context, design
- Safety- Crime Prevention through Environmental Design (CPTED) and crime
- Projects- projects approved, under construction, or pending approval
- Incentives- reduced parking or open space requirements, reduced fees
- Graphics- improved graphics, clarity of images/diagrams
- Complexity- ease of use of the codes
- Opportunity sites- areas for potential catalyst development
- Sustainability- elements of sustainable development



CITY OF HAYWARD

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

File #: WS 19-001

DATE: January 22, 2019

TO: Mayor and City Council

FROM: Director of Finance

SUBJECT

Update to General Fund Long-Term Outlook

RECOMMENDATION

That the City Council receives an update and provides comments on the City's General Fund Long Range Financial Model.

SUMMARY

This report provides an update of the City's General Fund Long Range Financial Model (Financial Forecast Model). Staff presented the Financial Forecast Model to the Council Budget and Finance Committee on December 5, 2018. Staff requests that the Council reviews and provides feedback on the Financial Forecast Model update. This update includes the latest revenue and expenditure projections and shows the impact to the City's long-term financial outlook.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	General Fund Long Range Financial Model - Update
Attachment II	Updated Revenue & Expenditure Assumptions



DATE: January 22, 2019
TO: Mayor and City Council
FROM: Director of Finance
SUBJECT: Update to General Fund Long-Term Outlook

RECOMMENDATION

That the City Council receives an update and provides comments on the City's General Fund Long Range Financial Model.

SUMMARY

This report provides an update of the City's General Fund Long Range Financial Model (Financial Forecast Model). Staff presented the Financial Forecast Model to the Council Budget and Finance Committee on December 5, 2018¹. Staff requests that the Council reviews and provides feedback on the Financial Forecast Model update. This update includes the latest revenue and expenditure projections and shows the impact to the City's long-term financial outlook.

BACKGROUND

For several years, the City utilized a General Fund Ten-Year Plan Model previously developed in-house as a tool to understand the long-range financial implications of policy decisions. In early 2017, the City engaged Management Partners to develop a more comprehensive and agile financial model, which was presented to Council during a special work session in October 2017². That October presentation included a demonstration of the capabilities of the Financial Forecast Model, as well as Council participation in discussing a variety of hypothetical scenarios to illustrate the long-term fiscal implications. This Financial Forecast Model was again used to simulate the long-term financial forecast using the latest revenue and expenditure figures.

¹ City of Hayward Council Budget and Finance Committee on December 5, 2018

<https://hayward.legistar.com/LegislationDetail.aspx?ID=3768163&GUID=35E31915-3481-4A06-BF0F-DB27DB5A1862>

² City of Hayward City Council Meeting on October 17, 2017

<https://hayward.legistar.com/MeetingDetail.aspx?ID=568550&GUID=6855A6D8-73F8-422D-8F2B-D5E1FE091927&Options=info&Search=>

DISCUSSION

The proposed FY 2019 Operating Budget projected the use of \$5.5 million from the General Fund reserve to present a balanced budget. Implementation of one-time expenditure reduction and cost saving measures reduced the projected use of General Fund reserve by \$2.5 million. At the time of budget adoption, the Financial Forecast Model projected the City's General Fund reserve levels would fall below the City's 20% policy level to 11.4% in FY 2020, and depletion of the City's General Fund reserve by FY 2022. Table 1 provides a summary of the previous FY 2019 Operating Budget General Fund projected fund balance through FY 2023, for background.

TABLE 1: FY 2019 GENERAL FUND FIVE-YEAR FORECAST ENDING FUND BALANCE PROJECTIONS
(JULY 2018 PROJECTIONS)

GENERAL FUND FORECAST - FY 2019					
ADOPTED in thousands	FY 2019 Year 1	FY 2020 Year 2	FY 2021 Year 3	FY 2022 Year 4	FY 2023 Year 5
Revenues	\$159,748	\$162,798	\$166,525	\$172,813	\$179,454
Expenditures	162,790	170,074	179,193	188,805	194,780
Net Change in Reserve - Surplus / (Shortfall)	(3,042)	(7,276)	(12,668)	(15,991)	(15,326)
Beginning Balance	\$29,713	\$26,670	\$19,394	\$6,726	(\$9,265)
Net Change in Reserve - Surplus / (Shortfall)	(3,042)	(7,276)	(12,668)	(15,991)	(15,326)
Ending Balance	\$26,670	\$19,394	\$6,726	(\$9,265)	(\$24,591)
Target to maintain 20% GF Reserves in Operating Expenses	\$32,558	\$34,015	\$35,839	\$37,761	\$38,956
General Fund Reserve Level as % of Total Expenses	16.4%	11.4%	3.8%	-4.9%	-12.6%
Amount Above or (Below) Target 20%	(\$5,888)	(\$14,621)	(\$29,113)	(\$47,026)	(\$63,547)
Percentage Above or (Below) Target 20%	(18.1%)	(43.0%)	(81.2%)	(124.5%)	(163.1%)

Projected Impacts of Recent Changes to Financial Forecast

In October 2017, City Council held a Fiscal Sustainability work session, where staff unveiled the updated Financial Forecast Model, and Council discussed various options in four categories to address the City's structural budget deficit, which included (1) revenue generating options, (2) cost shifting options, (3) expenditure control options, and (4) changes in provision of services that Council could implement to assist in closing the City's long-term structural budget gap. During that discussion, Council directed staff to primarily focus on one of the revenue generating options (placing a measure on the ballot to increase the City's Real Property Transfer Tax (RPTT)) and on continuing to partner with employees on cost sharing opportunities. On July 17, 2018, Council approved a resolution calling for a municipal

election for an increase to the RPTT ³. In November 2018, Hayward voters passed Measure T from its original rate of \$4.50 per \$1,000 of property value to \$8.50 per \$1,000 of property value. The RPTT is expected to generate an additional \$7.2 million annually, for total annual General Fund revenue of approximately \$15 million.

In addition to the successful passage of Measure T this fall, the Council adopted labor agreements with all employee labor groups resulting in equitable benefits and cost savings for both the City and employees.

Table 2 below provides an update to the General Fund Five-Year Forecast that includes the impacts of adopted employee labor agreements and the increase in projected RPTT revenue, as well as, the latest projected revenue and expenditure calculations.

TABLE 2: DECEMBER 2018 UPDATED GENERAL FUND FIVE-YEAR PROJECTIONS

GENERAL FUND FORECAST - UPDATED in thousands	FY 2019 Year 1	FY 2020 Year 2	FY 2021 Year 3	FY 2022 Year 4	FY 2023 Year 5
Revenues	\$164,357	\$169,796	\$173,160	\$179,325	\$185,446
Expenditures	163,805	168,098	178,634	188,298	194,336
Net Change in Reserve - Surplus / (Shortfall)	552	1,698	(5,474)	(8,974)	(8,890)
Beginning Balance	\$32,385	\$32,937	\$34,635	\$29,161	\$20,187
Net Change in Reserve - Surplus / (Shortfall)	552	1,698	(5,474)	(8,974)	(8,890)
Ending Balance	\$32,937	\$34,635	\$29,161	\$20,187	\$11,297
Target to maintain 20% GF Reserves in Operating Expenses	\$32,761	\$33,620	\$35,727	\$37,660	\$38,867
General Fund Reserve Level as % of Total Expenses	20.1%	20.6%	16.3%	10.7%	5.8%
Amount Above or (Below) Target 20%	\$176	\$1,015	(\$6,566)	(\$17,472)	(\$27,570)
Percentage Above or (Below) Target 20%	0.5%	3.0%	(18.4%)	(46.4%)	(70.9%)

Long-Term Financial Outlook

The updated Financial Forecast Model (Attachment II) provides a view of the City's long-term outlook. A continued challenge is rising CalPERS rates and unfunded accrued liabilities that have a significant impact on the projected expenditures in future years.

Attachment III highlights key revenue and expenditure assumptions included in this updated Financial Forecast Model. For example, revenue projections in this updated five-year forecast include the additional \$7.2 million RPTT revenue anticipated with the passage of Measure T.

³ City of Hayward City Council Meeting on July 17, 2018

<https://hayward.legistar.com/LegislationDetail.aspx?ID=3553050&GUID=5504B467-533C-4C23-9243-448F969C92EB&Options=&Search=>

The sales tax projections include a contraction in two fiscal years, one for the known departure of a top tax payer and the other for a recession scenario. The change for this revenue source ranges -2.2% to 4.4% in the fiscal years presented. For years after FY 2023, sales tax is calculated at 2.5% growth annually for subsequent years. The Cannabis Tax revenue is projected at \$750K in FY 2019, \$1M in FY 2020, \$1.25M in FY 2021 and 2% growth in subsequent years. Property tax projections include an assumed recession in 2020. Annual growth ranges from 0.03% in the projected recession year to 5.25%. Please note that the projected property tax revenue does not include increases to property tax expected from future developments. As City Council is aware, in an effort to address the challenges surrounding affordable housing and homelessness, on October 2, 2018, the City Council authorized the appropriation and allocation of \$28.6 million of the City's Affordable Housing Funds.⁴ In addition, the development of the former Route 238 CalTrans properties will also result in additional property tax revenues. These policy decisions are expected to have a positive impact on the property tax revenue projections moving forward. Staff does plan to adjust the expected property tax revenue from future developments when the timing of these property transactions and value of the properties become clearer. It is expected that these future developments will increase the property tax revenue projections significantly.

Please also note that these revenue projections do not include one-time revenue, such as expected proceeds from future 238 property sales or the prior period Utility Users Tax payments, both of which are being held in separate accounts.

Staff is currently updating the City's cost allocation plan and completing a Fleet Utilization study to analyze the need for equipment and vehicles currently owned and maintained by the City. These two efforts are expected to reduce expenses slightly.

Proposed strategies and updates to the Financial Forecast Model will be provided to Council on an ongoing basis for their continued policy leadership in helping to ensure fiscal sustainability for the City while ensuring the highest level of service availability to the Hayward community.

⁴ City of Hayward City Council Meeting on October 2, 2018

<https://hayward.legistar.com/LegislationDetail.aspx?ID=3690553&GUID=0F826B7B-CA03-44E1-AB73-06C8790A7D69&Options=&Search=>

Unfunded liabilities

TABLE 3: SUMMARY OF BENEFIT LIABILITIES (IN MILLIONS)

(in millions)	Actuarial Valuation Date	Accrued Liability	Value of Assets	Funded Ratio	Unfunded Liability (1)	Unfunded Ratio
CalPERS Police Safety Plan	6/30/2017	\$ 374.86	\$ 229.86	61.3%	\$ 145.00	38.7%
CalPERS Fire Safety Plan	6/30/2017	\$ 288.16	\$ 179.08	62.1%	\$ 109.07	37.9%
CalPERS Miscellaneous Plan	6/30/2017	\$ 440.24	\$ 290.12	65.9%	\$ 149.95	34.1%
Total Cal PERS		\$ 1,103.26	\$ 699.06	63.1%	\$ 404.02	36.9%
OPEB - Retiree Medical Police Officers	6/30/2017	\$ 33.64	\$ 2.02	6.0%	\$ 31.62	94.0%
OPEB - Retiree Medical Fightfighters	6/30/2017	\$ 15.24	\$ 0.92	6.0%	\$ 14.32	94.0%
OPEB - Retiree Medical Miscellaneous	6/30/2017	\$ 20.21	\$ 1.21	6.0%	\$ 19.00	94.0%
Total OPEB-Retiree Medical		\$ 69.09	\$ 4.15	6.0%	\$ 64.94	94.0%
Workers' Compensation	6/30/2017	\$ 16.64	\$ 8.63	51.9%	\$ 8.01	48.1%
Accrued Leave Payouts (1)	6/30/2017	7.89	0	0.0%	\$ 7.89	100%
TOTAL		\$ 1,196.87	\$ 711.84	59.5%	\$ 484.85	40.5%

As shown in Table 3 above, the City still has significant unfunded benefit liabilities that need to be addressed. The CalPERS retirement total unfunded accrued liability (UAL) is \$404 million, or 63.1% funded status. The City also faces challenges in funding its Other Post-Employment Benefits (OPEB) liabilities. According to the most recent actuarial report (for plan year 2017), the City's unfunded OPEB liability is \$64.9 million, or 6% funded status.

To address these challenges, staff is exploring ways to reduce the UAL to ultimately improve the City's balance sheet, decrease long-term payments, and increase benefit security for current and former employees. The options being explored are: 1) additional discretionary payments through a loan from an enterprise fund or from one-time revenues; 2) establishing a Section 115 Irrevocable Pension Trust; or 3) participation in CalPERS "Fresh Start" - re-amortizing the current UAL over a shorter period of time. On September 19, 2018, staff presented these options to the Council Budget and Finance Committee and will present to Council recommendations at a future date. For purposes of this discussion, staff did not include any potential savings as a result of the three funding options listed above until these are presented to Council and one is selected.

ECONOMIC IMPACT

There is no economic impact associated with this report as it is informational only.

FISCAL IMPACT

There is no fiscal impact associated with this report; however, staff will continue to refine and update the General Fund Long Range Financial Model as economic factors change.

PUBLIC CONTACT

The agenda for this item was posted in compliance with the California Brown Act.

NEXT STEPS

Staff will continue to update the Financial Forecast Model and provide regular updates to the Council as other strategies and options to help reduce the City's structural deficit are identified.

Prepared by: Nicole Gonzales, Budget Officer

Recommended by: Dustin Claussen, Director of Finance

Approved by:

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

Kelly McAdoo, City Manager

GENERAL FUND LONG RANGE FINANCIAL MODEL - UPDATE

SUMMARY FORECAST (\$ in Thousands)	Revised Budget 2013-14	Actual 2013-14	Revised Budget 2014-15	Actual 2014-15	Revised Budget 2015-16	Actual 2015-16	Revised Budget 2016-17	Actual 2016-17	Adopted Budget 2017-18	Est. Actual 2017-18	Adopted Budget 2018-19	Adjusted Budget 2018-19	Projected 2019-20	Projected 2020-21	Projected 2021-22	Projected 2022-23	Projected 2023-24	Projected 2024-25	Projected 2025-26	Projected 2026-27	
Property Tax	\$40,710	\$38,971	\$40,830	\$42,128	\$43,573	\$44,159	\$47,734	\$47,196	\$48,912	\$51,236	\$53,267	\$53,267	\$55,904	\$56,068	\$58,988	\$62,058	\$65,237	\$67,825	\$69,944	\$72,683	
Sales Tax	30,500	31,019	31,719	31,058	33,275	33,059	33,401	34,839	32,609	33,389	34,067	34,067	32,113	34,329	35,837	37,416	38,501	39,622	40,780	39,916	
UUT	15,000	15,762	15,750	15,681	22,494	22,041	19,620	20,754	17,663	17,488	19,000	18,000	18,135	18,566	19,007	19,458	19,847	20,244	20,649	20,804	
Real Property Transfer Tax	5,000	4,879	5,269	5,710	7,000	7,849	7,154	8,350	7,154	9,168	7,369	12,978	15,784	15,705	15,626	15,548	15,237	14,932	14,634	13,609	
Transient Occupancy Tax	1,700	1,918	1,957	2,033	1,996	2,591	2,036	2,560	2,077	2,808	2,077	2,077	2,015	2,369	2,736	2,832	2,888	2,946	3,005	2,915	
Cannabis Revenue	-	-	-	-	-	-	-	-	-	-	750	750	1,000	1,250	1,275	1,301	1,327	1,353	1,380	1,408	
Other Taxes/Franchises	14,627	14,062	13,592	14,915	14,211	14,531	14,618	6,264	14,203	5,783	15,735	15,735	15,782	16,135	16,496	16,867	17,171	17,482	17,799	17,861	
Permits & Fees	8,696	10,299	9,381	9,939	10,105	12,218	11,787	14,917	12,689	9,141	9,081	9,081	8,961	9,259	9,567	9,884	10,108	10,337	10,571	10,440	
Other Revenue	13,601	13,641	13,322	13,914	15,702	17,578	15,091	23,682	13,779	29,388	18,401	18,402	20,102	19,479	19,793	20,082	20,378	20,672	21,039	21,454	
Transfer In-Measure C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Total Revenues	129,834	130,551	131,820	135,378	148,356	154,026	151,441	158,561	149,087	158,401	159,748	164,357	169,796	173,160	179,325	185,446	190,694	195,414	199,801	201,089	
Salaries/Wages	63,760	63,649	66,343	63,732	67,035	67,543	69,169	70,003	74,243	71,681	77,953	77,893	78,448	81,571	83,535	85,547	87,798	89,765	91,777	93,834	
Overtime	5,615	7,831	7,279	6,973	7,299	8,592	5,716	9,254	5,566	10,370	3,320	3,320	3,400	3,477	3,555	3,636	3,718	3,801	3,887	3,975	
Retirement	16,014	14,736	18,265	18,008	21,222	20,675	23,687	23,021	23,600	23,366	28,147	28,147	30,951	34,863	37,940	40,499	42,250	43,737	44,710	45,707	
Health/Other Benefits	13,018	11,468	13,296	12,241	14,017	12,196	14,418	12,437	14,581	12,341	14,280	14,280	15,025	15,854	16,711	17,617	18,578	19,589	20,658	21,790	
Retiree Medical	2,345	4,327	2,242	4,308	2,810	2,810	2,846	2,847	3,794	2,794	5,020	5,020	5,879	7,838	9,798	10,197	10,615	10,976	11,336	11,759	
Workers Comp	4,975	5,585	5,013	5,324	5,224	5,732	6,340	6,284	5,903	6,207	6,599	6,599	6,646	6,910	7,077	7,247	7,438	7,605	7,775	7,949	
Interdept Charges	(5,315)	(5,120)	(5,179)	(3,731)	(5,019)	(4,450)	(4,513)	(4,015)	(4,602)	(5,155)	(4,361)	(4,361)	(4,466)	(4,567)	(4,670)	(4,775)	(4,883)	(4,993)	(5,105)	(5,221)	
Vacancy Savings	-	-	-	-	-	-	-	-	(1,931)	-	(3,439)	(3,439)	(1,960)	(2,046)	(2,101)	(2,158)	(2,223)	(2,282)	(2,343)	(2,407)	
Subtotal Personnel	100,412	102,476	107,258	106,855	112,587	113,098	117,663	119,831	121,154	121,604	127,519	127,459	133,922	143,900	151,846	157,809	163,291	168,199	172,695	177,386	
Supplies & Services	9,007	8,502	12,273	10,767	11,574	9,559	12,618	10,113	9,269	11,050	10,084	11,158	10,285	10,491	10,701	10,915	11,133	11,356	11,583	11,815	
Internal Service Fees	9,409	9,677	11,515	11,553	13,336	13,336	14,413	14,413	11,863	11,863	15,504	15,504	15,814	16,131	16,453	16,782	17,118	17,460	17,809	18,166	
Debt Service	2,809	2,809	3,302	3,302	3,445	3,476	3,568	3,640	3,283	3,348	2,930	2,930	3,417	3,417	3,417	3,417	3,417	3,417	3,418	3,419	
Capital Outlay/Projects	5,353	5,489	2,294	1,925	4,191	2,598	2,029	1,768	5,643	2,983	3,254	3,254	1,285	1,260	2,385	1,853	1,990	1,674	1,755	1,601	
Economic Development	-	-	-	350	-	1,106	350	827	350	1,350	550	550	350	350	350	350	350	350	350	350	350
Insurance	2,621	2,621	2,385	2,385	2,385	2,338	4,389	4,389	350	2,907	2,950	2,950	3,024	3,085	3,147	3,209	3,274	3,339	3,406	3,474	
Additions/(Reductions)	-	-	-	-	-	6,023	-	3,977	-	-	-	-	-	-	-	-	-	-	-	-	
Subtotal O&M	29,199	29,098	31,769	30,281	34,931	38,436	37,367	39,126	30,408	33,501	35,272	36,346	34,176	34,733	36,453	36,527	37,282	37,596	38,321	38,824	
Total Expense	129,612	131,574	139,027	137,136	147,519	151,534	155,030	158,957	151,562	155,105	162,790	163,805	168,098	178,634	188,298	194,336	200,573	205,795	211,016	216,210	
Chng in Res-Surplus/(Shortfall)	222	(1,023)	(7,207)	(1,758)	837	2,492	(3,589)	(396)	(2,475)	3,296	(3,042)	552	1,698	(5,474)	(8,974)	(8,890)	(9,879)	(10,381)	(11,215)	(15,121)	
UUT Set-asides/Adjustments	-	-	-	-	-	(6,023)	-	(3,977)	-	-	-	-	-	-	-	-	-	-	-	-	
Beginning Balance	-	28,115	-	33,420	-	31,684	-	30,829	29,679	29,679	29,713	32,385	32,937	34,635	29,161	20,187	11,297	1,418	(8,963)	(20,178)	
CAFR Adjustments	-	-	-	-	-	-	-	3,223	-	(590)	-	-	-	-	-	-	-	-	-	-	
Ending Balance	-	27,092	-	31,662	-	28,153	-	29,679	27,204	32,385	26,671	32,937	34,635	29,161	20,187	11,297	1,418	(8,963)	(20,178)	(35,299)	
Balance as % of Total Expense	-	20.6%	-	23.1%	-	18.6%	-	18.7%	-	20.9%	16.4%	20.1%	20.6%	16.3%	10.7%	5.8%	0.7%	-4.4%	-9.6%	-16.3%	
Balance at 20% of Expenses	-	26,315	-	27,427	-	30,307	-	31,791	-	31,021	32,558	32,761	33,620	35,727	37,660	38,867	40,115	41,159	42,203	43,242	
Amt Above or (Below) 20%	-	777	-	4,235	-	(2,154)	-	(2,112)	-	1,364	(5,888)	176	1,016	(6,566)	(17,473)	(27,570)	(38,696)	(50,122)	(62,382)	(78,541)	

GENERAL FUND LONG RANGE MODEL REVENUE & EXPENDITURE ASSUMPTIONS

REVENUE ASSUMPTIONS

- **Property Tax** – Projections based on information provided by HdL Coren & Cone. Projections includes an assumed recession in 2020. Annual growth ranges from 0.03% in the projected recession year to 5.25%. For context the City saw an increase of 6.35% in assessed valuation in FY 2017. Unsecured Property Tax – 1% annual growth, these taxes are not tied to property and therefore market value is not a factor. Projections also include RPTTF (RDA Redistribution of funds).
- **Sales Tax** – Projections based on information provided by MuniServices. The sales tax shows contraction in 2 fiscal years, one for the known departure of a top tax payer and the other for a recession scenario ranging from -2.1% in FY 2020, 4.35% in FY 2021, 4.37% in FY 2022, 4.38% in FY 2023. With an assumption of 2.5% growth annually for years information not provided.
- **Utility Users Tax (UUT)** - 2.0% growth annually.
- **Cannabis Tax Revenue** – Projected at \$750K in FY 2019, \$1M in FY 2020, \$1.25M in FY 2021 and 2% growth in subsequent years.
- **Other Taxes** - 2.0% growth annually.
- **RPTT** – New voter-passed rate increased to \$8.50 per \$1000 property value.
- **Franchise Fees** - 2.0% growth annually.
- **Construction Related Permits/Fees** - 2.0% growth annually.
- **Public Safety Fees/Services and Residential Rental Inspections** - 2.0% growth annually.
- **Licenses & Permits** - 3.0% growth annually.
- **Fairview Fire Protection District**- 2.0% growth annually.
- **Intergovernmental Revenue** - 2.0% growth annually.
- **Fines & Forfeitures** -2.0% growth annually.
- **Parking Citations-In House** - 2.0% growth annually.
- **Interest and Rental** - 2.0% growth annually.
- **Does not include use of one-time funds** (e.g. proceeds from 238 sales, UUT prior period receipts)

EXPENDITURE ASSUMPTIONS

NOTE: The Model as presented assumes no increase in budgeted FTE.

- **Salary Increases** – Based on negotiated contracts through FY 2021 for Miscellaneous groups and FY 2024 for Police & Fire. All salary increases in subsequent years are projected at 2% annually.
- **Merit/Turnover Rate** – Ranges from .25% to 1.42% in FY2019 and FY2020, with .25% annual growth in out years.
- **PERS Employer Contribution** - Projections based on actuarial. Misc. Plan ranges from 27.14% to 35.54%. Fire Plan ranges from 45.21% to 60.96%. Police Plan ranges from 50.27% to 65.25%.
- **PERS Cost Share; Employee Contributions towards Employer Rate** – Clerical/Maintenance bargaining units – 4.5% through FY2020, and an increase to 5% in FY2021. Public Safety bargaining units – 6.0%. HAME/Local 21/Unrep-Non-Exempt/Unrep-Exempt/Mayor & City Council – 3.0%. Unrep Dept. Heads/Appointed – 5.0%.
- **Medical** – 6.0% annual growth.
- **Dental** - 2.0% annual growth.
- **Vision** - 3.0% growth every three years.
- **Works Compensation** – 2.5% annual growth.
- **Medicare** – 2.0% annual growth.
- **Retiree Medical*** – Misc & Fire Plans – 0% growth due to fixed cap. Police Plan – 6.0% annual growth, additional contributions to ARC of \$2M in FY2019, \$2.6M in FY2020, \$4.4M in FY2021, \$6.2M in FY2022, and \$6.4M in FY2023, fully funding the ARC in \$6.4M.
- **Maintenance & Utilities** – 2.0% annual growth.
- **Services & Supplies** – 2.0% annual growth.
- **Internal Service Fees** – 2.0% annual growth.

* The City's Police & Fire groups agreed through negotiations to voluntarily contribute 1% towards funding the retiree medical ARC beginning in FY 2019.



CITY OF HAYWARD

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

File #: LB 19-007

DATE: January 22, 2019

TO: Mayor and City Council

FROM: City Manager

SUBJECT

Approval of a Resolution to Extend Resolution 18-027, Declaring a Shelter Crisis in the City of Hayward Until June 30, 2021, and to Authorize the City Manager to Take Emergency Actions to Implement a Hayward Housing Navigation Center on City-Owned Property, and Approval of a Resolution to Authorize the City Manager to Appropriate and Expend up to \$3 Million in State and Local Funding for the Hayward Navigation Center

RECOMMENDATION

That the City Council takes emergency actions to implement a Hayward Housing Navigation Center on City-owned property at the corner of Depot and Whitesell Roads to address the homeless shelter crisis in the City of Hayward by approving: (1) a Resolution to extend Resolution No. 18-207, Declaring an Emergency Homeless Shelter Crisis in the City of Hayward and to authorize the City Manager to take emergency actions to implement a Hayward Navigation Center (Attachment II); and (2) a Resolution authorizing the appropriation of up to \$3 Million in state and local funding for the Hayward Housing Navigation Center (Attachment III).

SUMMARY

The City of Hayward is experiencing a homeless shelter emergency. According to the 2017 Point-in-Time Count, there are 397 homeless individuals in Hayward, of whom 79% (313) are unsheltered. There are two homeless shelters in Hayward for families and women with children, leaving a serious need for shelters for homeless individuals. As a result, staff recommends the City Council take emergency actions to implement a Hayward Housing Navigation Center for approximately 45 individuals on the currently vacant City-owned parcel at the corner of Depot and Whitesell Roads (Site), including authorizing the appropriation of up to \$3 million in State and local funding for one-time start-up costs (approximately \$500,000) and one year of operational funding (approximately \$2.5 million). The proposed Hayward Housing Navigation Center is modeled after the successful City of Berkeley Pathways STAIR Center that opened in June 2018 and has placed 45 individuals in housing since opening.

The Hayward Housing Navigation Center would be operated by a social services agency with experience serving homeless populations under contract with the City and would include three highly integrated

File #: LB 19-007

components: (1) targeted outreach services to existing homeless encampments in Hayward primarily for placement of individuals at the Center; (2) short-term housing in a low-barrier shelter environment in modular buildings placed on the Site; and (3) intensive case management and housing placement services for existing and former residents of the Center.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution to Extend Resolution 18-207
Attachment III	Resolution to Appropriate Funds
Attachment IV	Photos of Berkeley Pathways STAIRS Project
Attachment V	Request for Information



DATE: January 22, 2019

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Approval of a Resolution to Extend Resolution 18-027, Declaring a Shelter Crisis in the City of Hayward Until June 30, 2021, and to Authorize the City Manager to Take Emergency Actions to Implement a Hayward Housing Navigation Center on City-Owned Property, and Approval of a Resolution to Authorize the City Manager to Appropriate and Expend up to \$3 Million in State and Local Funding for the Hayward Navigation Center

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SUMMARY

The City of Hayward is experiencing a homeless shelter emergency. According to the 2017 Point-in-Time Count, there are 397 homeless individuals in Hayward, of whom 79% (313) are unsheltered. There are two homeless shelters in Hayward for families and women with children, leaving a serious need for shelters for homeless individuals. As a result, staff recommends the City Council take emergency actions to implement a Hayward Housing Navigation Center for approximately 45 individuals on the currently vacant City-owned parcel at the corner of Depot and Whitesell Roads (Site), including authorizing the appropriation of up to \$3 million in State and local funding for one-time start-up costs (approximately \$500,000) and one year of operational funding (approximately \$2.5 million). The proposed Hayward Housing Navigation Center is modeled after the successful City of Berkeley Pathways STAIR Center that opened in June 2018 and has placed 45 individuals in housing since opening.

The Hayward Housing Navigation Center would be operated by a social services agency with experience serving homeless populations under contract with the City and would include three highly integrated components: (1) targeted outreach services to existing homeless encampments in Hayward primarily for placement of individuals at the Center; (2) short-term

housing in a low-barrier shelter environment in modular buildings placed on the Site; and (3) intensive case management and housing placement services for existing and former residents of the Center.

BACKGROUND

The City of Hayward is experiencing a homeless shelter emergency. According to the 2017 Point-in-Time Count, there are 397 homeless individuals in Hayward, of whom 79% (313) are unsheltered. There are two homeless shelters in Hayward for families and women with children, leaving a serious need for shelters for homeless individuals.

In June 2018, the State approved \$500 million in one-time Homeless Emergency Aid Program (HEAP) funding to assist local jurisdictions in addressing their homeless challenges. As required by the State to receive HEAP funding, the City of Hayward adopted Resolution No. 18-207 declaring an emergency homeless shelter crisis on October 2, 2018. In December 2018, Alameda County recommended specific HEAP funding allocations to the State for the cities within its jurisdictions, including \$1.7 million for Hayward. The State is expected to approve the County's recommended allocation by the end of February. HEAP requires cities to contractually obligate 50 percent of the funds by January 1, 2020 and completely expend the funds by June 30, 2021. In light of the homeless shelter crisis being faced by Hayward and HEAP's timeliness requirements, City staff is recommending implementing as swiftly as possible a Hayward Housing Navigation Center to address the needs of homeless individuals in Hayward.

DISCUSSION

City staff proposes to establish its first housing navigation center to address the emergency homeless crisis occurring in the City. Modeled after the successful City of Berkeley Pathways STAIR Center, the Hayward Housing Navigation Center will include active outreach, short-term housing, intensive case management, and housing placement services targeted at homeless individuals living in the City's encampments. A special City Council meeting was held on January 7, 2019, in which Hayward Councilmembers toured the Berkeley STAIR Center with a representative from BACS, the operator of the Berkeley STAIR Center, Berkeley Councilmember Sophie Hahn, the Chief of Staff from Berkeley's Mayor's Office, Berkeley's City Manager, and Berkeley staff. The Berkeley STAIR Center serves as a successful model by placing 45 individuals in permanent housing since opening in June 2018. Pictures of the Berkeley STAIR Center are provided in Attachment IV. The following provides a more detailed summary of the proposed Hayward Housing Navigation Center.

Project Description

Although the exact scope of work will be customized for Hayward based on feedback from the selected operator and the Hayward community, the current proposal, modeled after Berkeley's STAIR Center, would include the following three components under a contract with a nonprofit social service agency with demonstrated experience with housing navigation

centers:

- Outreach - One to two outreach social workers targeting the homeless encampments in Hayward;
- Short-Term Housing Shelter – A short-term housing shelter for approximately 45 individuals located at the Site, including:
 - 45 beds in two ADA-accessible modular units for individuals (no families) to stay for up to six months;
 - On-site ADA accessible showers, bathrooms, laundry facilities, storage containers, community room, office and kitchen;
 - Outdoor gathering spaces and landscaping;
 - One meal a day for all residents; and
 - 24-hour resident access and onsite management staff.
- Housing Placement and Case Management – intensive case management and housing placement services for individuals staying at the Center, including:
 - Three case managers/housing placement specialists providing services during an individual’s stay and up to 9 months after housing placement; and
 - Flexible funds, including potential monthly housing subsidies for up to nine (9) months after placement.

Proposed Site

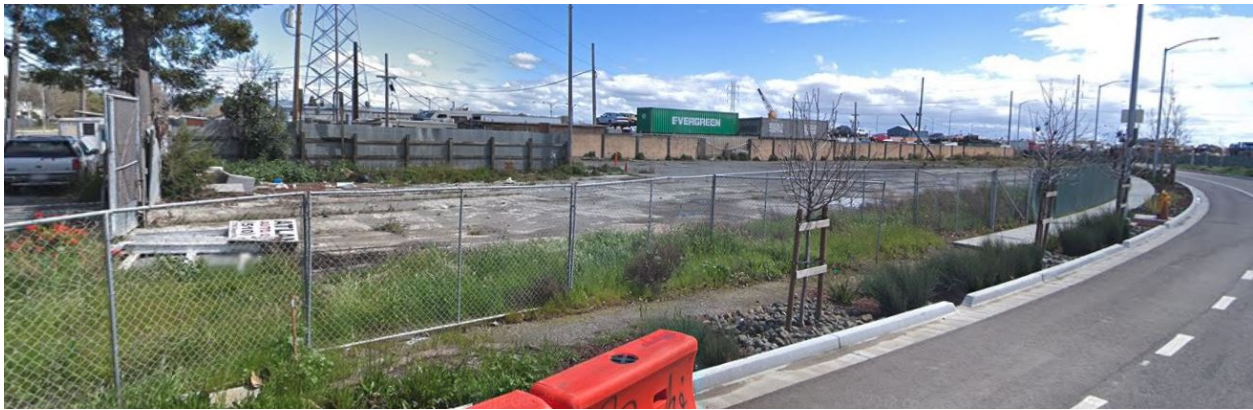
The proposed site for the Hayward Housing Navigation Center is a 0.75-acre City-owned property at the corner of Depot and Whitesell Roads (Site). The location criteria used for establishing the Center included: (a) a vacant City owned property or right-of-way for ease of control and use; (b) a location in an area away from existing residential neighborhoods or high investment development to minimize opposition and to allow proof of concept; (c) proximity to utilities to minimize costs and expedite implementation; and (d) proximity to transit and amenities to enhance the individuals’ living experience. As demonstrated below, the Site meets all four of these criteria:

- Vacant City-Owned Property: The Site is a City-owned vacant remnant parcel with no other intended City purpose at this time. Other City parcels were considered along Enterprise Avenue and among the 238 properties, but not preferred due to their larger size and potential for future utility and/or development uses. Parcels owned by other entities were considered, but not preferred at this time due to the time constraints and potential cost of coordinating with another agency or property owner.
- Distance from Residential and High Value Development: The Site was selected because it was not adjacent to any existing residential neighborhoods that may have concerns about the Center being located nearby. Additionally, other vacant parcels,

such as the former 238 properties, were considered, but not preferred due to the need to sell and develop these parcels within the next several years. This would inhibit the City's ability to maintain the Center longer term, if it is successful and funding for additional years is secured.

- Proximity to Utilities: The Site is within close proximity to electrical, water and wastewater utilities and existing sidewalks and bike lanes, although utility connections, a short sidewalk extension, and on-site improvements will be required.
- Proximity to Transit and Amenities: The Site is across the street from AC Transit Line 86 bus stop for access to 30-minute peak hour bus service to the Hayward and South Hayward BART Stations. There are minimal amenities for residents at this location, which may require that the operator provide some transportation options and services to residents. This will be discussed with the selected operator as part of the preparation of a detailed scope of work tailored to Hayward's specific location and needs.

The following provides an image of the Site from Whitesell Road looking east:



Sources and Uses of Funds

City staff have estimated the potential sources and uses of funds for the proposed Hayward Housing Navigation Center based on available and eligible State and local funding sources and cost estimates from Public Works, Maintenance Services, and Utilities and the City of Berkeley's operating STAIR Center.

The total uses of funds for start-up costs and a single year of operations are currently estimated at up to \$3 million, including approximately \$500,000 in upfront one-time costs for fencing, a sidewalk extension, landscaping, and utility connections, and annual operational expenditures of \$2.5 million for all expenses related to staffing for outreach, 24-hour on-site property management, and housing navigation and case management, as well as utilities, modular leases, food, and flexible funds for housing placement. Given that a

substantial portion of the annual operating costs are associated with staffing, after the first pilot year, future operations are scalable based on available funds.

The proposed sources of funds include the \$1.7 million in HEAP funding, which is expected to be approved by the State by the end of February, and \$1.3 million from the sale proceeds from the former 238 properties Parcels 1 and 10 to William Lyon Homes. The Utilities and Environmental Services Department has also agreed to absorb the cost of approximately \$125,000 in utility connection fees that are not part of the \$3 million cost estimate. Additionally, the City will be applying for Prop 47 funds that, if successful, could result in \$500,000 in additional funds to pay for operational costs, reducing the City's share of funding to \$800,000. If awarded Prop 47 funds, staff would return to Council for authorization and appropriation of these funds. City staff is recommending that the Council approve a resolution authorizing the appropriation of up to \$3 million for the one-year operation of the Hayward Housing Navigation Center upon confirmation from the State that Hayward's \$1.7 million HEAP allocation has been finalized (Attachment III).

Staff will be working diligently with the selected operator to be as cost-efficient as possible in developing the detailed budget, as well as exploring potential sustainable funding sources, such as lobbying the State for the continuation of HEAP funding as an annual source of funds, private fund-raising, and a vacant parcel tax measure designated for homeless services similar to the recently passed Oakland tax measure.

Emergency Implementation Action Items

Given the emergency shelter crisis Hayward is facing, City staff recommends that the Council approve an extension of Resolution No. 18-207 Declaring a Homeless Shelter Crisis, and providing the City Manager with the authority to enter into contracts solely for the Navigation Center above her existing signing authority, but within the overall \$3 million budget for the Navigation Center; and pursuant to its police powers, suspend all land use and zoning regulations (not health and safety regulations) and waive bid and purchasing requirements in order to expedite the implementation of the Hayward Housing Navigation Center (Attachment II). This is similar to Berkeley's approach to implementing the STAIR Center. These emergency action items will allow staff to implement the Center swiftly and to begin providing much-needed shelter to Hayward's homeless as quickly as possible.

Coordination and Outreach

The proposed recommendation is the result of significant coordination among an inter-departmental team of staff to help design and implement this project. The team is comprised of staff from Maintenance Services, Police, Utility and Environmental Services, Public Works, Development Services, the City Attorney's Office, Information Technology, Animal Services, Fire, and the City Manager's Office.

As part of the exploration of this project in Hayward, City staff spoke with nonprofit homeless service providers to discuss the benefits and potential challenges in implementing this project at the proposed Site. Service providers were supportive of this project in Hayward at the

proposed location. Staff plans to continue conversations with service providers and will additionally explore conducting empathy work with individuals experiencing homelessness.

All tenants within 500 feet of the proposed navigation center have been notified and given an opportunity to meet with staff to discuss the project further and personal phone calls were made to the businesses operating directly adjacent to the Site. A notice was mailed to all tenants on January 11, 2019. Additional outreach will be performed once a service operator has been selected, including a community meeting for neighbors of the site and interested parties.

FISCAL IMPACT

The anticipated start-up costs are estimated at \$500,000 and one year of operations is estimated at \$2.5 million, totaling up to \$3 million for the first single year of operation. The City of Hayward's application to the County of Alameda for HEAP funds was approved by the County in the amount of \$1,776,339. Additionally, the sale proceeds of the former 238 properties Parcels 1 and 10 to William Lyon Homes can provide an additional \$1.3 million. Appropriation of these two available funding sources will cover the total estimated cost of the first year of operation. Additionally, staff is pursuing alternative funding sources to offset reliance on the appropriation of the parcel sales proceeds. While under normal circumstances, staff would not recommend a new program with only one year of identified funding, due to the emergency nature of the homeless crisis and the minimal "sunk" costs associated with the program, staff proposes making this recommendation.

Funding Source	Amount
Hayward's HEAP Award	\$1,776,339
Sale Proceeds from 238 Parcels 1 & 10	<u>\$1,300,000</u>
Total Cost - Not to Exceed	<u>\$3,076,339</u>

STRATEGIC INITIATIVES

This agenda item supports the Complete Communities Strategic Initiative. The purpose of the Complete Communities initiative is to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work and play for all. This item supports the following goal and objective:

Goal 1: Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods.

Objective: Create resilient and sustainable neighborhoods.

NEXT STEPS

Staff will continue meeting with the internal working group to finalize design and begin focusing on implementation. Staff will post a Request for Information for service providers with experience operating homeless programs, particularly transitional housing services as well as housing navigation (Attachment V).

Alameda County anticipates receiving HEAP funds from the State before the end of February. Upon receipt of funds, the County will work with cities to execute contracts and distribute funding allocations. HEAP requires cities to contractually obligate 50 percent of the funds by January 1, 2020 and completely expend the funds by June 30, 2021. Staff will be moving swiftly to ensure these milestones are met.

Prepared and Recommended by: Jennifer Ott, Deputy City Manager

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Councilmember _____

RESOLUTION TO EXTEND RESOLUTION 18-207, DECLARING A SHELTER CRISIS IN THE CITY OF HAYWARD UNTIL JUNE 30, 2021, AND AUTHORIZING THE CITY MANAGER TO TAKE EMERGENCY ACTIONS TO IMPLEMENT A HAYWARD HOUSING NAVIGATION CENTER ON CITY-OWNED PROPERTY

WHEREAS, the City of Hayward is experiencing a housing emergency and the Council unanimously passed Resolution No. 18-207, declaring that a Shelter Crisis, pursuant to Government Code § 8698.2, exists in the City of Hayward; and

WHEREAS, according to the 2017 Everyone Home Point-in-Time homeless count, there are 397 homeless individuals in Hayward, of whom 79% (313) are unsheltered; and

WHEREAS, there are only two homeless shelters in Hayward for families and women with children, which results in the current number of homeless individuals in Hayward far outpacing the number of existing shelter beds, transitional housing or permanent supportive housing units available; and

WHEREAS, unauthorized homelessness encampments are increasing across parts of Hayward within the public right of way, thus exposing homeless individuals to traffic, hazards, crime, risk of death and injury, exposure to weather, lack of adequate sanitation and debris services, and other conditions that are detrimental to their health and safety; and

WHEREAS, in June 2018, the State approved \$500 million in one-time Homeless Emergency Aid Program (HEAP) funding to assist local jurisdictions in addressing their homeless challenges; and

WHEREAS, in December 2018, Alameda County recommended specific HEAP funding allocations to the State for the cities within its jurisdictions, including \$1.7 million for Hayward; and

WHEREAS, the shelter crisis is not unique to Hayward, but is evident throughout the Bay Area, California and the United States, causing other municipalities such as Berkeley, Los Angeles, Portland, Oregon, and Seattle, Washington to also take more immediate actions to address these conditions; and

WHEREAS, given the extent of the shelter crisis, the City Council of the City of Hayward finds that more immediate and expeditious efforts are necessary to develop additional shelter solutions that are safe and meet basic habitability standards and that flexibility and broad-based approaches are essential to increase capacity; and

WHEREAS, California Government Code Section 8698, et seq., allows the governing body of a city to declare a shelter crisis when a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety; and

WHEREAS, California Government Code Section 8698.1 provides that, upon a declaration of a shelter crisis, the provisions of any state or local regulatory statute, regulation or Resolution prescribing standards of housing, health, or safety, as applied to public facilities, shall be suspended to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis; and

WHEREAS, California Government Code Section 8698.2 provides that, upon a declaration of a shelter crisis, a city may allow persons unable to obtain housing to occupy designated public facilities (including facilities leased by the city) during the duration of the crisis.

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution, the City of Hayward may make and enforce all local police, sanitary, or other regulations and ordinances using its police powers.

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

1. Finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Resolution; and
2. This Resolution shall remain in place until June 30, 2021; and
3. Finds that a significant number of persons in Hayward are without the ability to obtain shelter, and that this situation has resulted in a threat to the health and safety of these persons, for the reasons set forth above. The Council therefore hereby declares a shelter crisis in the City of Hayward under the authority set forth in Government Code Section 8698, et seq. and its police power; and
4. Authorizes the City Manager or her designee to allow persons unable to obtain housing to occupy designated City facilities or facilities leased by the City as shelters during the period of this crisis; and
5. Authorizes for the term of this Resolution, no planning, zoning, building, or other permit requirements for the interim establishment of shelters for the homeless shall be required to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. At the City Manager's discretion and with approval by the City Council, interim municipal health and safety provisions and land use controls may be applied to facilities ensuring minimum public health and safety standards. These interim standards shall only apply to additional public facilities open to the homeless.

6. The City Council hereby waives all purchasing and bid requirements for the installation of facilities and services that are directly related to providing temporary shelter for the homeless. At the City Manager's discretion, the waiver of purchasing and bid requirements may apply to leased assets/equipment and other services that will be provided within or to support temporary shelter facilities. services that are directly related to providing temporary shelter for the homeless. The total amount for any and all contracts entered into by the City Manager for the implementation of the Hayward Navigation Center shall not exceed three million (\$3,000,000).
7. Authorizes homeless housing projects that apply the authority provided for under this resolution shall be reviewed and approved by the City Council prior to implementation, and shall include detailed plans for the project and the standards and requirements being applied to the facility and its operation; and
8. Finds that if this Resolution is inconsistent with any other provisions of the Hayward Municipal Code, this Resolution shall apply. This Resolution suspends contrary regulations in the Hayward Municipal Code or requirements of the General Plan or implementing regulations; and
9. Recognizes that this Resolution is enacted pursuant to the City of Hayward's general police powers, and Article XI, Section 7 of the California Constitution, as well as the other provisions of state and local law otherwise cited herein; and
10. Severability. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Resolution and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROPRIATE UP TO \$3 MILLION FOR THE ONE-YEAR OPERATION OF THE HAYWARD HOUSING NAVIGATION CENTER

WHEREAS, the State of California made available \$500 million in one-time Homeless Emergency Aid Program funds, of which \$16,192,049 was awarded to the County of Alameda to be dispersed to cities within the County; and

WHEREAS, the Alameda County Board of Supervisors approved the City of Hayward's application for \$1,776,339 in Homeless Emergency Aid Program funds; and

WHEREAS, the sale proceeds of the former 238 properties Parcels 1 and 10 to William Lyon Homes resulted in \$1,300,000 in available funds;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward authorizes the City Manager to accept and appropriate up to \$3,076,339 for the one-year operation of the Hayward Housing Navigation Center.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

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



1. Pathways STAIR Center Entrance



2. Length of STAIR Center (1 city block)



3. Common area at entrance of STAIR center



4. Storage unit



5. Rest/common area



6. Community restrooms



7. Sleeping bungalow



8. Rest/common area



9. Sleeping bungalow and community bungalow



10. Above ground community garden (1 of 2)



11. Above ground community garden (2 of 2)



12. Rest/common area in garden



13. Provisions for dog owners



Office of the City Manger
Community Services Division

Request for Information: Hayward Navigation Center Staffing and Operations

Introduction. The City of Hayward is seeking information from nonprofit social service providers who may be interested in staffing and operating a Housing Navigation Center project to serve unsheltered residents and encampment dwellers in Hayward. More information can be found below and at the following link <https://hayward.legistar.com/Calendar.aspx> under January 22, 2019 City Council agenda. If your organization has experience providing emergency shelter and navigation services for persons experiencing homelessness and may have the capacity to execute a 12-month contract to staff and operate this project, please provide the following information as soon as possible, **and no later than 5:00pm on Wednesday, February 6**, to Jessica Lobedan, Management Analyst, at jessica.lobedan@hayward-ca.gov.

Program Model. The Hayward Housing Navigation Center is modeled closely after the Berkeley STAIR Center and would provide temporary (up to 6 months) respite for individuals invited to the program directly from encampments in Hayward. Program participants will be offered emergency shelter services (including one meal a day) as well as case management to link them to benefits, employment, and (wherever possible) permanent housing placement. The program will be based out of a series of modular buildings on a City-owned parcel located at the corner of Depot and Whitesell Roads in the industrial area of Hayward. It will include sanitation and hygiene services.

Timeline. The City of Hayward has identified funding for one year of staffing and operating expenses of a Housing Navigation Center. Pursuant to Hayward's shelter emergency re-authorization passed on January 22, 2018, the City Manager has been granted authority to sole source a contract of up to 12 months in duration for organizations that can staff and operate the Hayward Housing Navigation Center project as quickly as possible.

Questions. We are interested in gauging interest in this project among Bay Area social service providers. If you believe your agency has the expertise and capacity to pursue this opportunity at this time, please respond to the following:

1. Your organization's name, address, contact name and contact information.
2. A brief overview of your organization's experience providing emergency shelter, case management services, and housing placement for persons experiencing homelessness, including:
 - The name, location, target population, and bed capacity at any project(s) you operate;
 - The staffing pattern, including # FTEs and roles, at the project(s); and
 - The staffing/operations budget for the project(s).

Office of the City Manager
Community Services Division

3. A brief description of a staffing pattern that would support operations for a 45-bed shelter program with one meal a day that offers case management focused on benefits/employment linkages, services linkages, and housing exits modeled after the Berkeley STAIR Center.
4. A rough estimate of the staffing and operating costs for this 45-bed program in Hayward at the proposed site.
5. A schedule outlining how quickly your organization would be able to fully staff this program and begin operating the program, if awarded the contract.

Correspondence. Please return this information no later than 5:00pm on Wednesday, February 6th, to Jessica Lobedan, Project Manager, at jessica.lobedan@hayward-ca.gov.

City staff are always available to discuss service ideas and answer questions about this project. Feel free to contact:

- Jessica Lobedan, Project Manager at (510) 583 – 4201 or jessica.lobedan@hayward-ca.gov.

Thanks for your participation!

Office of the City Manager
Community Services Division

777 B Street, Hayward, CA 94541-5007
Tel: 510/583-4250 Fax: 510/583-3650 TDD: 510/247-3340



CITY OF HAYWARD

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

File #: PH 19-005

DATE: January 22, 2019

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT

Adoption of a Resolution of Intention to Introduce an Ordinance Approving an Amendment to the Contract between the City of Hayward and the California Public Employees Retirement System (CalPERS) for Miscellaneous Members in SEIU Local 1021

RECOMMENDATION

That the City Council adopts the Resolution of Intention to approve an amendment to the City of Hayward's contract with CalPERS and authorizes the City Manager to execute the contract, and also introduces an Ordinance to approve the contract amendment.

SUMMARY

The City contracts with CalPERS for retirement benefits. In accordance with Government Code Section 20516, CalPERS requires a new contract amendment each time the employer cost share amount is amended. Under the memoranda of understanding (MOU) between the City of Hayward and the Service Employees International Union Local 1021 Maintenance and Clerical ("SEIU") for the period of July 1, 2018 through June 30, 2021, members will continue to contribute 4.5% towards the City's cost of PERS and will increase this contribution to 5% effective FY 2021 (July 1, 2020). Upon approval of the contract amendment, SEIU member contributions toward the employer rate will be credited to each member's account as a normal contribution effective the first pay period following the effective date of the increased contribution. The Ordinance will go into effect 30 days after adoption but the contribution will begin consistent with the terms of the MOU.

ATTACHMENTS

- Attachment I Staff Report
- Attachment II Resolution Authorizing Intention to Approve Amendment to the Contract between the City and CalPERS
- Attachment III Ordinance Authorizing and Amendment to the Contract between the City and CalPERS
- Attachment IV Exhibit to the Ordinance - Sample Amendment to CalPERS Contract

File #: PH 19-005



DATE: January 22, 2019

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT: Adoption of a Resolution of Intention to Introduce an Ordinance Approving an Amendment to the Contract between the City of Hayward and the California Public Employees Retirement System (CalPERS) for Miscellaneous Members in SEIU Local 1021.

RECOMMENDATION

That the City Council adopts the Resolution of Intention to approve an amendment to the City of Hayward's contract with CalPERS and authorizes the City Manager to execute the contract, and also introduces an Ordinance to approve the contract amendment.

SUMMARY

The City contracts with CalPERS for retirement benefits. In accordance with Government Code Section 20516, CalPERS requires a new contract amendment each time the employer cost share amount is amended. Under the memoranda of understanding (MOU) between the City of Hayward and the Service Employees International Union Local 1021 Maintenance and Clerical ("SEIU") for the period of July 1, 2018 through June 30, 2021, members will continue to contribute 4.5% towards the City's cost of PERS and will increase this contribution to 5% effective FY 2021 (July 1, 2020). Upon approval of the contract amendment, SEIU member contributions toward the employer rate will be credited to each member's account as a normal contribution effective the first pay period following the effective date of the increased contribution. The Ordinance will go into effect 30 days after adoption but the contribution will begin consistent with the terms of the MOU.

BACKGROUND AND DISCUSSION

Under the terms of SEIU's previously negotiated agreement (FY 2016 through FY 2018), SEIU elected to make an additional contribution of 4.5% toward the employer share of CalPERS costs, phased in over the contract period, in lieu of paying towards medical insurance premiums. SEIU further agreed that the additional contributions would be made pursuant to Government Code Section 20516 (f), which allows the contributions to be made without contract amendment. Under 20516(f), the amount of the City's employer contribution paid by bargaining unit members is not credited to the members' individual CalPERS accounts.

On June 26, 2018, the City Council adopted Resolution 18-126 approving the memoranda of understanding between the City of Hayward and the Services Employees International Union Local 1021 Maintenance and Clerical units (“SEIU”) for the period of July 1, 2018 through June 30, 2021. Under the terms of the successor agreement, employee cost sharing continues and is increased by an additional half percent (.5%) in FY 2021. All members will continue to pay the current employee contribution of 8% for classic members and 6.25% for PEPRAs members, in addition to a total of 4.5% of the employer’s share for a total of 12.5% contribution for classic members and a total of 10.75% for PEPRAs members in FY 2019. In FY 2021, the contribution toward the employer share will increase to 5%, in addition to the employee share of 8% for classic members (hired prior to January 1, 2013) and 6.25% for PEPRAs members (hired on or after January 1, 2013). The City currently contributes 28.444% towards CalPERS costs for FY 2019, which is projected to increase in FY 2020 to 31.512% for the employer share. The cost sharing contributions offset a portion of this cost.

In addition to the change in the amount of the contribution, SEIU negotiated that the contributions be reflected in the individual member accounts, consistent with how other City bargaining units report their contributions. In order to implement these changes, CalPERS requires that the existing contract be amended. The Resolution authorizes staff to work with CalPERS to amend the miscellaneous contract to incorporate the cost sharing provision for SEIU. The proposed Ordinance approves the amendment and authorizes staff to execute the contract effective April 1, 2019.

FISCAL IMPACT

The cost sharing provisions are part of an overall negotiated agreement between the City and SEIU. Additional cost sharing results in an approximate savings of \$62,000 over the contract period when compared to the budget model for the same period.

STRATEGIC INITIATIVES

This agenda item is a routine operational item and does not relate to one of the Council’s Strategic Initiatives.

NEXT STEPS

Human Resources staff will work with SEIU and Finance Department staff to complete the contract amendment process. The final reading and adoption of the Ordinance will be presented during a Public Hearing on February 19, 2019. If approved, the Ordinance will take effect on March 21, 2019. The contract amendment will be effective April 1, 2019. The additional contributions will go into effect on July 1, 2020.

Prepared by: Ali Adams, Human Resources Analyst II

Recommended by: Nina S. Collins, Director of Human Resources

Approved by:

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

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION AUTHORIZING INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION, CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM AND THE CITY OF HAYWARD

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change: To provide Section 20516 (Employees Sharing Additional Cost) of 4.5% for local miscellaneous members in the Service Employees International Union Local 1021, Clerical and Related Unit and the Service Employees International Union Local 1021, Maintenance and Operations Unit.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

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. 19-

AN ORDINANCE AUTHORIZING THE AMENDMENT OF THE CONTRACT BETWEEN THE CITY OF HAYWARD AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

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

Section 1. Provisions.

1. That an amendment between the City Council of the City of Hayward and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit, and by such reference made a part hereof as though herein set out in full.
2. The City Manager of the City of Hayward is hereby authorized, empowered, and directed to execute said amendment for and on behalf of the City of Hayward.

Section 2. Severance. Should any part of this ordinance be declared by a final decision of a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 3. Effective Date. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of ____, 2019, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the ____ day of ____, 2019, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



EXHIBIT

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Hayward

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective October 1, 1950, and witnessed August 7, 1950, and as amended effective January 16, 1952, January 1, 1956, April 1, 1959, January 1, 1960, November 1, 1962, April 1, 1965, December 1, 1969, July 1, 1973, July 16, 1973, June 1, 1978, April 23, 1979, January 12, 1981, March 9, 1981, July 11, 1986, October 10, 1988, June 21, 1991, June 19, 1992, March 8, 1996, January 1, 2001, April 1, 2001, July 1, 2001, August 26, 2002, May 23, 2008, July 4, 2011, February 24, 2014, July 27, 2015, June 27, 2016, February 20, 2017 and June 26, 2017 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 16 are hereby stricken from said contract as executed effective June 26, 2017, and hereby replaced by the following paragraphs numbered 1 through 16 inclusive:
 1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for classic local miscellaneous members, age 62 for new local miscellaneous members, age 50 for classic local safety members and age 57 for new local safety members.

2. Public Agency shall participate in the Public Employees' Retirement System from and after October 1, 1950 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Fire Fighters (herein referred to as local safety members);
 - b. Local Police Officers (herein referred to as local safety members);
 - c. Employees other than local safety members (herein referred to as local miscellaneous members).

5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
 - a. **PERSONS EMPLOYED AFTER JANUARY 16, 1952 AS CROSSING GUARDS; AND**
 - b. **PERSONS EMPLOYED AFTER JANUARY 30, 1959 AS PART-TIME LIFEGUARDS AND PART-TIME LIBRARY AIDES.**
6. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members in employment before and not on or after August 26, 2002 shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after January 5, 1956, the effective date of Social Security coverage, and prior to December 30, 1980, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
7. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members in employment on or after August 26, 2002 shall be determined in accordance with Section 21354.4 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1956, the effective date of Social Security coverage, and prior to December 30, 1980, termination of Social Security, for members whose service has been included in Federal Social Security (2.5% at age 55 Full and Modified).
8. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Full).
9. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local safety member shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
10. The percentage of final compensation to be provided for each year of credited prior and current service as a new local safety member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2% at age 57 Full).
11. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 21573 (Third Level of 1959 Survivor Benefits) for local safety members only.

- b. Sections 21624 and 21626 (Post-Retirement Survivor Allowance) for local safety members only.
- c. Section 20042 (One-Year Final Compensation) for classic members only.
- d. Section 21635 (Post-Retirement Survivor Allowance to Continue After Remarriage) for local safety members only.
- e. Section 21024 (Military Service Credit as Public Service).
- f. Section 21027 (Military Service Credit for Retired Persons).
- g. Section 21551 (Continuation of Pre-Retirement Death Benefits After Remarriage of Survivor).
- h. Section 21022 (Public Service Credit for Periods of Lay-Off) for local miscellaneous members only.
- i. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local miscellaneous members only.
- j. Section 20903 (Two Years Additional Service Credit).
- k. Section 20965 (Credit for Unused Sick Leave) for local fire members only.
- l. Section 21547.7 (Alternate Death Benefit for Local Fire Members Credited with 20 or More Years of Service).
- m. Section 20516 (Employees Sharing Cost of Additional Benefits):

Section 21362.2 (3% @ 50) effective January 1, 2001 and Section 20042 (One-Year Final Compensation) effective January 12, 1981 for classic local fire members. The employee cost sharing contribution is not to exceed 15.607%. The maximum employee cost sharing contribution is the normal cost plus the increase in the accrued liability due to the benefit improvement amortized over 20 years. In no event shall the employee cost sharing contribution attributable to the unfunded liability remain in effect beyond June 30 preceding the 20th anniversary of the effective date of the additional benefits. Therefore, after June 30, 2020, in any given contribution year, the maximum employee cost sharing contribution cannot exceed 5.986%.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

Section 21362.2 (3% @ 50) effective July 1, 2001 and Section 20042 (One-Year Final Compensation) effective April 23, 1979 for classic local police members. The employee cost sharing contribution is not to exceed 13.882%. The maximum employee cost sharing contribution is the normal cost plus the increase in the accrued liability due to the benefit improvement amortized over 20 years. In no event shall the employee cost sharing contribution attributable to the unfunded liability remain in effect beyond June 30 preceding the 20th anniversary of the effective date of the additional benefits. Therefore, after June 30, 2021, in any given contribution year, the maximum employee cost sharing contribution cannot exceed 5.505%.

n. Section 20516 (Employees Sharing Additional Cost):

From and after February 24, 2014, 3.75% for new local fire members.

From and after July 27, 2015, 2.25% for new local police members.

From and after February 20, 2017, 5.25% for new local fire members in the International Association of Firefighters Local 1909.

From and after February 20, 2017, 3% for new local police members in the Hayward Police Officers' Association.

From and after June 26, 2017, 3% for local miscellaneous members in the Hayward Association of Management Employees Group, International Federation of Professional and Technical Engineers Local 21, Unrepresented Group, Management, Human Resources, and City Attorneys and City Managers Group.

From June 26, 2017 and until the effective date of this amendment to contract, 3% for local miscellaneous members in the Unrepresented Executive Group and Council Appointed Employees Group.

From and after the effective date of this amendment to contract, 5% for local miscellaneous members in the Unrepresented Executive Group and Council Appointed Employees Group.

The portion of the employer's contribution that the member agrees to contribute from his or her compensation, over and above the member's normal contribution ("Cost Sharing Percentage"), shall not exceed the Employer Normal Cost Rate, as that rate is defined in the CalPERS Actuarial Valuation for the relevant fiscal year. If the Cost Sharing Percentage will exceed the relevant Employer Normal Cost Rate, the Cost Sharing Percentage shall automatically be reduced to an amount equal to, and not to exceed, the Employer Normal Cost Rate for the relevant fiscal year.

12. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on June 1, 1978. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
13. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
14. Public Agency shall also contribute to said Retirement System as follows:
A187
 - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local safety members.
 - b. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members.
 - c. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
 - d. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
15. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

16. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF HAYWARD

BY _____
ARNITA PAIGE, CHIEF
PENSION CONTRACTS AND PREFUNDING
PROGRAMS DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk



CITY OF HAYWARD

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

File #: RPT 19-215

DATE: January 22, 2019

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Standardizing Conditions of Approval Update

RECOMMENDATION

This agenda item is informational only and no action by the City Council is required.

SUMMARY

The Development Services Department - Planning Division has been leading the effort to evaluate and update standard conditions of approval for development projects as part of ongoing process improvements related to the City's development review process.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Planning Standard COA Site Plan Review



DATE: January 22, 2019
TO: Mayor and City Council
FROM: Development Services Director
SUBJECT: Standardizing Conditions of Approval Update

RECOMMENDATION

This agenda item is informational only and no action by the City Council is required.

SUMMARY

The Development Services Department - Planning Division has been leading the effort to evaluate and update standard conditions of approval for development projects as part of ongoing process improvements related to the City's development review process.

BACKGROUND

In early 2018, Development Services staff started to re-evaluate the development review process and work collaboratively with other City departments to develop a set of standardized conditions of approval that apply to planning projects. The main objectives of this effort were to: 1) update the existing conditions with consistent language and format that is clear and concise; 2) revise the conditions to incorporate any timelines and project milestones to reflect adopted policies and to communicate City expectations; 3) evaluate the existing development review process and identify process improvements; and 4) expand inter-departmental communication.

Council Economic Development Committee: As a part of stakeholder outreach, staff presented several draft conditions to the Council Economic Development Committee (CEDC) on October 29, 2018 that specifically relate to the phasing of commercial space as part of mixed-use projects and the provision of affordable housing for residential projects. The feedback provided by the CEDC and from the developers allowed staff to refine certain conditions to be clear and concise to meet community expectations.

DISCUSSION

Starting in the August 2018, the Planning Division conducted face-to-face interviews with staff from eight (8) different divisions to evaluate the development review process to standardize conditions of approval. While the initial goal was to meet or exceed the objectives

listed above, Development Services staff identified new opportunities for improvement that could expedite and streamline the overall development review process, as well as update the conditions to reflect Council directives related to the construction and timing of project components, such as frontage improvements, project amenities, public open space, etc.

While the majority of conditions of approval are “project-specific” and will vary by project, many conditions are “standard” and reflect adopted policies and regulations to mitigate public nuisances, minimize liability, and reduce environmental impacts. Upon review, there are several conditions that are overly broad and do not incorporate a timeline or provide a reasonable expectation for compliance. Staff has been revising many of these conditions to reflect current adopted policy and better incorporate timelines for compliance. In addition, some conditions have been added and/or revised to address new policy and Council directives, including but not limited to, HOA responsibilities, mailboxes for multi-family projects, and the delivery of affordable housing and commercial space for mixed-use and planned development projects. As an example, staff has included some of the updated and revised conditions for Site Plan Review from the Planning Division (Attachment II). While this list does not include “project specific” conditions, it does provide a snapshot of the kind of conditions that would be applicable for the most common type of planning application processed by the Planning Division.

To help streamline the overall development review process, the Planning Division has also created a development review template and uploaded this template onto Sharepoint to allow each department a seamless and integrated way to electronically incorporate project comments and add conditions of approval in real time. This new format allows departmental staff the ability to better share requirements with other staff and provides a more structured framework to help identify the essential application requirements from the more general list of project comments and conditions. The new electronic template also improves overall staff efficiencies and reduces the amount of paper used by reducing the number of hardcopy materials required. The Planning Division launched this new development review template last November and is currently interviewing department staff to solicit feedback to gauge overall efficiencies and effectiveness.

Public Outreach: As a standard practice for project entitlement within the Planning Division, staff provides applicants with the draft conditions of approval prior to any decision or public hearing in an effort to manage expectations, address questions or inconsistencies, and provide a more proactive dialogue with applicants including next steps.

STRATEGIC INITIATIVES

This agenda item supports the Complete Communities Strategic Initiative. The purpose of the Complete Communities Strategic Initiative is to create and support structured services and amenities to provide inclusive and equitable access for all with the goal of becoming a thriving and promising place to live, work and play. This item supports the following goal and objective:

Goal 1: Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods.

Objective 2: Foster a sense of place and support neighborhood pride.

Objective 4: Create resilient and sustainable neighborhoods

Objective 5: Actively value diversity and promote inclusive activities

Goal 2: Provide a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources.

Objective 2: Facilitate the development of diverse housing types that serve the needs of all populations

Objective 4: Increase supply of affordable, safe and resilient housing in Hayward

ECONOMIC IMPACT

There are no identified economic impacts associated with the development of standard conditions of approval.

FISCAL IMPACT

There may be a fiscal impact related to specific projects as a result of these modified conditions of approval but the development of standard conditions of approval will not have a fiscal impact.

NEXT STEPS

Development Services staff will continue to collaborate with other City departments to revise and update the conditions of approval on a more frequent basis. The City Council and Planning Commission will have an opportunity to review and amend these conditions when project applications are forwarded for consideration.

Prepared by: Jeremy Lochirco, Principal Planner

Recommended by: Laura Simpson, Development Services Director

Approved by:



Kelly McAdoo, City Manager

Planning Standard COA

Site Plan Review

GENERAL

- The developer shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
- Site Plan is approved subject to the Architectural, Civil and Landscape plans date stamped (date), respectively, except as modified by the conditions listed below. Any proposal for alterations to the conditionally approved site plan and/ or design that does not require a variance to any zoning ordinance standard shall be subject to approval by the Development Services Director or his/her designee, prior to implementation. Alterations requiring a variance shall be subject to review and approval by the Planning Commission.
- The permittee, property owner or designated representative shall allow the City's staff to access the property for site inspection(s) to confirm all approved conditions have been completed and are being maintained in compliance with all adopted city, state and federal laws.
- Failure to comply with any of the conditions set forth in this approval, or as subsequently amended in writing by the City, may result in failure to obtain a building final and/or a Certificate of Occupancy until full compliance is reached. The City's requirement for full compliance may require minor corrections and/ or complete demolition of a non-compliant improvement regardless of costs incurred where the project does not comply with design requirements and approvals that the applicant agreed to when permits were filed to construct the project.
- All outstanding fees owed to the City, including permit charges and staff time spent processing or associated with the development review of this application shall be paid in full prior to any consideration of a request for approval extensions and/or the issuance of a building permit.
- If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit. Violations of any approved land use conditions or requirements will result in further enforcement action by the Code Enforcement Division. Enforcement includes, but is not limited to, fines, fees/penalties, special assessment, liens, or any other legal remedy required to achieve compliance including the City of Hayward instituting a revocation hearing before the Planning Commission.

- A copy of these conditions of approval shall be scanned and included on a separate, full-sized sheet(s) in the building permit plan check set.
- The Planning Director or designee may revoke this permit for failure to comply with, or complete all, conditions of approval or improvements indicated on the approved plans.
- (If applicable) The owner shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, landscaping, driveways, and parking areas. The premises shall be kept clean and weed-free.
- The applicant shall be responsible for graffiti-free maintenance of the property and shall remove any graffiti within 48 hours of occurrence or City notification.
- The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work.

MAILBOXES/ADDRESSES

- (Residential Only) Mailboxes shall be installed in accordance with Post Office policy and include locking mechanisms to minimize opportunities for theft. Approved address numbers shall be at least four inches in height on a contrasting background. Font strokes shall be of sufficient width such that they are legible to the public from the street fronting the property.
- Property addresses will be assigned by the Development Services Department prior to issuance of a building permit.

LIGHTING

- Lighting within the parking area(s) shall be provided and be maintained at a minimum of one foot-candle. Exterior lighting and parking lot lighting shall be provided in accordance with the Security Standards Ordinance (No. 90-26 C.S.) and be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way. Such lighting shall also be designed such that it is decorative and in keeping with the design of the development.
- Plans submitted for building permit shall include a photometric site lighting plan that includes fixtures, mounting heights, light wattage and that demonstrates adequate site lighting without excessive glare, off-site impacts or "hot spots." All lighting shall be reviewed and approved by the City Engineer, Planning Division and Hayward Police Department prior to Building Permit issuance.

- All lighting fixtures shall incorporate a shield to allow for downward illumination. No spillover lighting to adjacent properties is permitted and all exterior lighting on walls, patios or balconies shall be recessed/shielded to minimize visual impacts.

COLORS AND MATERIALS

- The building colors and materials shown on the building permit plans shall match those shown on the color/material exhibit and renderings date stamped (Date). Any revision to the approved colors and materials shall be reviewed and approved by the Planning Division prior to the issuance of a building permit.
- All vents gutters, downspouts, flashings, electrical conduits, etc. shall be painted to match the color of the adjacent material unless specifically designed as an architectural element.

SCREENING OF MECHANICAL EQUIPMENT

- All exterior and rooftop mechanical equipment shall be screened or located away from public view. Mechanical and rooftop equipment shall include, but is not limited to, electrical panels, pull boxes, air conditioning units, gas meters, and swimming pool equipment. All rooftop screening and mechanical equipment shall be shown on the project plans and be subject to final review and approval by City staff prior to the issuance of an occupancy permit. All screening shall be compatible with respect to forms and materials used on the building.
- Any above-ground structures that may be required to provide utilities for the project shall be compatible as to location, form, design, exterior materials, and noise generation. The applicant shall obtain staff approval prior to issuance of any permits.

SIGNS

- No signs are approved with this project. Any signs placed on-site or off-site shall be reviewed and approved by the Planning Division and a separate Sign Permit application shall be required, consistent with Hayward Municipal Code Sign Ordinance requirements.
- Applicant shall submit an application for a Master Sign Program in accordance with Hayward Municipal Code (HMC) Section 10-7.210, prior to the installation of any signage for the commercial development.

TRASH ENCLOSURE DESIGN

- (For Commercial and Multi-Family Residential) All trash enclosures must adhere to all the basic design guidelines provided in Section 3 of the City's Standard Design Requirements for Collection & Storage of Trash, Recyclables and Organics for Commercial (Business) and Multi -Family Projects. All trash enclosures shall be adequately screened from view, utilizing a decorative wood or masonry wall or

combination thereof and incorporate a roof, and doors which are compatible with the design of the primary building on site. The building permit submittal shall include a detailed set of plans that show the design details of the enclosures, including the location of all bins and label each bin with the capacity (ex: three cubic yards, four cubic yards, etc.) as well as the type of waste trash, recyclables, organics).

- (Hot Water/Grease Interceptor)

IMPACT FEES

- The project is subject to the Affordable Housing Ordinance (Chapter 10, Article 17 of the Hayward Municipal Code). Pursuant to section 10-17.205, the applicant may comply with the requirements of the AHO by paying an affordable housing fee, or by providing affordable units on-site or off-site. Alternatively, the applicant may propose additional means of compliance not listed in the AHO that would mitigate the affordable housing impact of the proposed project.

This development is subject to the requirements of the Property Developers – Obligations for Parks and Recreation set forth in HMC Chapter 10, Article 16. Per HMC Section 10-16.10, the applicant shall pay in lieu fees for each residential unit. The in-lieu fees shall be those that are in effect at the time of building permit issuance. (DS)

ENVIRONMENTAL MITIGATION

- If human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction or excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be retained to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.
- The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
 - o In conformance with Section 4-1.03-4 of the City's Municipal Code, construction activities between 7:00 a.m. and 7:00 p.m. Monday through Saturday or between 10:00 a.m. and 6:00 p.m. on Sundays or holidays, unless other construction hours are permitted by the City Engineer or Chief Building Official, shall not include any individual equipment that produces a noise level exceeding 83 dB measured at 25 feet, nor shall activities produce a noise level outside the project property lines in excess of 86 dB. During all other hours, noise shall not exceed the limits defined in Municipal Code Section 4-1.03.1 (70 dB daytime or 60 dB nighttime, measured at residential property lines).
 - o Grading and construction equipment shall be properly muffled;
 - o Unnecessary idling of grading and construction equipment is prohibited;

- o Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
- o Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise.
- o Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.
- o The developer shall post the property with signs that shall indicate the names and phone number of individuals who may be contacted, including those of staff at the Bay Area Air Quality Management District, when occupants of adjacent residences find that construction is creating excessive dust or odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and residents with this information prior to commencement of construction.
- o Daily clean-up of trash and debris shall occur on project street frontages, and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
- o Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
- o Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
- o The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
- o All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
- o Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- o Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- o Sweep public streets daily if visible soil material is carried onto adjacent public streets;
- o Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- o Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- o Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
- o No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
- o Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the

rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;

- o Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
- o Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "Building Maintenance/Remodeling" flyer for more information;
- o Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
- o The developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.

EXPIRATION

- In accordance with Hayward Municipal Code (HMC) Section 10- 1. 3055, approval of this Site Plan Review is void 36 months after the effective date of approval unless:
 - a. Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official or his/ her designee. If a building permit is issued for construction of improvements authorized by this approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on this approval; or
 - b. A time extension of the approval has been granted by the Development Services Director or his/her designee, which requires that a request for an extension of this approval must be submitted in writing to the Planning Division at least 15 days prior to the expiration date of this approval.

IF THE PROPOSED PROJECT INVOLVES DEMOLITION OF EXISTING STRUCTURES

- a. The property owner shall demolish any vacant structures within 60 days of their being made vacant.
- b. The property owner shall be responsible for securing and clearing any vacant structure(s) prior to demolition and commencement of construction activities.
- c. Prior to, during and following demolition of vacant structures, the property owner shall be responsible for securing and maintaining the site in accordance with HMC Chapter 4,

Article 1, Public Nuisances; HMC Chapter 5, Article 7, Community Preservation and Improvement Ordinance; and the California Building Code, among other applicable regulations.

PROJECT PHASING, PLANNED DEVELOPMENT AND MIXED-USE COA

- For the mixed-use development, the commercial/retail component of the project shall be under vertical construction before the issuance of a certificate of occupancy for the first residential unit and shall be completed prior to the issuance of a certificate of occupancy for the last residential unit, unless otherwise approved as part of a project's phasing plan.
- For mixed-use projects that propose to construct multiple buildings over multiple phases, the applicant shall construct at least 50% of the commercial/retail component of the project as part of the initial first phase of construction and shall incorporate the remainder of the commercial/retail component as part of or prior to the issuance of the building permit for the last phase, unless otherwise approved as part of the project phasing plan. All other public and site improvements tied to the commercial/retail use, including parking, lighting, etc. shall be completed prior to the issuance of the certificate of occupancy for the proposed commercial/retail use.
- For Planned Development projects, each phase of development shall provide a proportional share of total planned common open space, facilities, and services so that it may be self-contained in the event of default or failure to complete the total development according to phasing schedule.
- For Planned Development projects, the applicant shall provide any community benefit, functional facilities and/or project amenities within the first phase of project development to adequately offset the exception to the development regulations that would normally be required, unless specifically approved or deferred by the City Council as part of a project's phasing schedule.

AFFORDABLE HOUSING COA

If the Applicant Proposes Payment of Affordable Housing Fee:

- This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in HMC Chapter 10, Article 17. As indicated in the application for residential development and Pursuant to HMC Section 10-17.205(a), the Applicant shall comply with the affordable housing requirements by paying the affordable housing in-lieu fee. Applicant shall pay the applicable affordable housing in-lieu fees as set by resolution in effect at the time of payment. Pursuant to HMC Section 10-17.410, the developer shall pay the affordable housing in-lieu fees either prior to issuance of building permits, prior to approval of a final inspection, or issuance of an occupancy permit. No final inspect will be approved and no occupancy permit will be issued for

any dwelling unit unless all the required affordable housing in-lieu fees have been paid in full.

If the project is providing the Units, they have four options, which need to be identified as part of application submittal. Depending on which option is chosen, the following condition of approval will apply:

General COA For Any Project Providing Units:

- This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in HMC Chapter 10, Article 17. As a condition of approval, the Applicant shall comply with the affordable housing requirements as reflected in the attached Affordable Housing Plan, included as Exhibit (X), and detailed per Section 10-17.510 Affordable Housing Plan. No building permits will be issued for any market-rate units in the Project until permits for all affordable units have been obtained or will be obtained simultaneously, unless the Affordable Units are to be constructed in phases pursuant to a phasing plan approved by City Council.
- In addition to the Affordable Housing Plan and pursuant to HMC Section 10-17.515 and Section 10-17.525, the developer shall also enter into and record against the property an Affordable Housing Agreement (AHA) that shall include all elements set forth in the ordinance and the Affordable Housing Plan prior to the approval of a final map or issuance of the first building permit, whichever occurs first. Additional rental or resale restrictions, deeds of trust, option agreements and/or other documents acceptable to the City Manager or designee shall be recorded. [if applicable (for off-site development only): The AHA must simultaneously be recorded against the project site and the property where the off-site units are to be developed].

Providing the On-Site Affordable Units:

- This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in HMC Chapter 10, Article 17. Pursuant to HMC Section 10-17.205(b), the Applicant may comply with the affordable housing requirements by including on-site affordable units. According to the proposed Affordable Housing Plan, [Percentage of affordable Units] of the units on the project site would be set aside for affordable housing [and the applicant will pay the affordable housing in-lieu fee for the fractional unit]. Specifically, [number of deed restricted units] [rental or for sale] units shall be deed restricted per table below:

	Number of Units	Income level	Square Footage
Studio		[Very Low-Income Low-income Moderate]	
One-bedroom			
Two-bedroom			

Three-bedroom			
Four-bedroom			

- Pursuant to HMC Section 10-17.515 and Section 10-17.525, the developer shall enter into and record against the property an Affordable Housing Agreement (AHA) that shall include all elements set forth in the ordinance prior to the approval of a final map or issuance of the first building permit, whichever occurs first. Additional rental or resale restrictions, deeds of trust, option agreements and/or other documents acceptable to the City Manager or designee shall be recorded.

Providing Off-Site Affordable Units:

- This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in HMC Chapter 10, Article 17. Pursuant to HMC Section 10-17.205(c), the Applicant may construct affordable units not physically contiguous to the development (off-site) if approved by the Decision-Making Body. According to the proposed Affordable Housing Plan, the applicant will deed restrict [number of deed restricted units] [rental or for sale] units as affordable units on a project located at [Address of project with affordable units] which represents [Percentage of affordable Units] of the units on the project site. Specifically, the units shall be deed restricted per table below:

	Number of Units	Income level	Square Footage
Studio		[Very Low-Income Low-income Moderate]	
One-bedroom			
Two-bedroom			
Three-bedroom			
Four-bedroom			

- Pursuant to HMC Section 10-17.225, the schedule for completion of the off-site Affordable Units shall be concurrent with completion of the related market-rate units. According to the proposed Affordable Housing Plan, the units [will or will not] be comparable to the units on the project site [If units are not comparable, it should be noted how applicant will compensate for the difference. Will they provide more units, larger units, or deeper affordability?]
- Pursuant to HMC Section 10-17.515 and Section 10-17.525, the developer shall enter into and record against the property an Affordable Housing Agreement (AHA) that shall include all elements set forth in the ordinance prior to the approval of a final map or issuance of the first building permit, whichever occurs first. Additional rental or resale restrictions, deeds of trust, option agreements and/or other documents acceptable to

the City Manager or designee shall be recorded. The AHA must simultaneously be recorded against the project site and the property where the off-site units are to be developed.

Proposing An Alternate Plan

- This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in HMC Chapter 10, Article 17. Pursuant to HMC Section 10-17.205(d), the Applicant may propose alternatives not listed in the ordinance if approved by the Decision-Making Body. According to the proposed Affordable Housing Plan, [Percentage of affordable Units] of the units on the project site would be set aside for affordable housing. Specifically, [number of deed restricted units] [rental or for sale] units would be deed restricted per table below:

	Number of Units	Income level	Square Footage
Studio		[Very Low-Income Low-income Moderate]	
One-bedroom			
Two-bedroom			
Three-bedroom			
Four-bedroom			

- Pursuant to HMC Section 10-17.515 and Section 10-17.525, the developer shall enter into and record against the property an Affordable Housing Agreement (AHA) that shall include all elements set forth in the ordinance prior to the approval of a final map or issuance of the first building permit, whichever occurs first. Additional rental or resale restrictions, deeds of trust, option agreements and/or other documents acceptable to the City Manager or designee shall be recorded.

Providing Rental Units in an Ownership Residential Project

- This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in HMC Chapter 10, Article 17. Pursuant to HMC Section 10-17.205(e), the Applicant may comply with the affordable housing requirements by including rental units consistent with HMC Section 10-17.215. According to the proposed Affordable Housing Plan, [Percentage of affordable Units] of the units on the project site would be set aside for affordable housing [and the applicant will pay the affordable housing in-lieu fee for the fractional unit]. Specifically, [number of deed restricted units] rental units shall be deed restricted per table below:

	Number of Units	Income level	Square Footage
Studio		[Very Low-Income Low-income	

		Moderate]	
One-bedroom			
Two-bedroom			
Three-bedroom			
Four-bedroom			

- Pursuant to HMC Section 10-17.515 and Section 10-17.525, the developer shall enter into and record against the property an Affordable Housing Agreement (AHA) that shall include all elements set forth in the ordinance prior to the approval of a final map or issuance of the first building permit, whichever occurs first. Additional rental or resale restrictions, deeds of trust, option agreements and/or other documents acceptable to the City Manager or designee may also be recorded.